

Oireachtas COVID-19 Queries for answer by 11 May 2020

Question

5.030 To ask the Minister for Justice and Equality to outline what measures are being taken to ensure that all students in Direct Provision have access to wifi, computer and printing facilities to ensure their continued engagement with education during the Covid-19 closure of schools; and to make a statement on the matter.

--Mick Barry TD

Answer

Minister of State Stanton:

I can assure the Deputy that my officials and I share your concern that those who avail of our Direct Provision services would be given all the support possible at this difficult time.

To address some of your specific concerns, it is firstly the case that all international protection accommodation centres in my Department are contractually obliged to have Wi-Fi available to residents. Indeed my officials have been undertaking a review of access across all centres in order to ensure that signal strength is adequate.

TVs are also provided in all bedrooms. This enables children to access educational programmes such as the RTE Home School Hub, which is an additional support for parents and primary school pupils. Pupils are able to watch, download and engage with curriculum-based content, project work, and fun activities to keep them entertained and learning. This broadcast is a supplement to the ongoing learning being provided by teachers.

I should also say that during the COVID-19 crisis, the responsibility for the provision of education rests with the schools in which the children are currently enrolled. Children who reside in Direct Provision accommodation centres are in the care of their parents and guardians. Similar to all other parents, they are responsible for ensuring that their children are engaging with education at this current time. The Department of Education and Skills (DES) and TUSLA Education Support Service (TESS) are supporting the schools and parents at this time. The International Protection Accommodation Service (IPAS) of my Department is liaising with these services to ensure that the most vulnerable children, including those who are due to sit the State examinations are identified and supported. A communication pathway for schools, parents and centre managers in relation to education issues has been put in place. TESS Education Welfare Officers (EWOs) will identify children and families who may need assistance, liaising with schools and sourcing additional services/resources where necessary.

I understand that existing supports for groups under-represented in higher level education and at risk groups in further education and training, will be maintained and re-oriented as part of the response to Covid-19 by the Department of Education and Skills. These groups include learners in Direct Provision settings. A working-group on mitigating educational disadvantage is consulting with stakeholders in the further and higher education sectors on how best to ensure continuity of learning for individuals most at risk of being impacted by the pandemic.

The Department of Education and Skills is also supporting a pilot initiative, under which Cisco and IBM are providing support directly to schools to operate the WebEx platform. This facilitates schools, with no alternative capability, with a collaborative platform to enable them engage with their students and staff. Officials in that Department are also liaising with the Department of Communications, Climate Action and Environment to engage on the issues of barriers to connectivity impacting access to remote learning across all parts of the education and training system.

In the Further Education and Training (FET) sector, Education and Training Boards ETBs are using all of the technology that is available to them to ensure that learners can continue their studies and stay engaged with education. If a learner does not have access to broadband or ICT equipment, ETB practitioners are keeping in touch with learners in various other ways, including by phone, or by having learning packs delivered to FET learners in adult literacy and English language programmes each week.

I can also inform you that my Department has developed a Strategic Framework for Engagement on Child and Family Issues in the context of school closures and social distancing requirements put in place during the COVID-19 crisis. The International Protection Accommodation Service (IPAS) and Child and Family Welfare Team has developed this framework to support families living in our centres. In preparing the framework, outreach has taken place with key stakeholders including centre managers, TUSLA, the Department of Children and Youth Affairs, the Department of Education and Skills, the Department of Rural and Community Development, the HSE, the Children's Rights Alliance, One Family and UNHCR. We will continue to work closely with these and other partners. The framework encompasses three broad themes under which actions will be rolled out: child and family welfare, identifying education requirements, and the general provision of activities for children.

More broadly, since the announcement that schools would close and the extension of that closure, the Department of Education and Skills has written to school management and asked schools to put in place arrangements to continue the delivery of education to students.

A series of guidance notes to support schools in how to effectively support and engage with their students continues to be compiled by that Department to address challenges in providing programmes of continued learning in the current context. The guidelines aim to address parental feedback about a lack of engagement by some schools, especially at primary level, while the most recently published guidelines relate to disadvantage and children with special educational needs.

The Department of Education and Skills has also worked with the National Parents Council - Primary on a survey of parents to ascertain their views on school closures. The survey includes a focus on wellbeing. The nature of that work has primarily shifted to a model based on digital and remote teaching. That Department is aware of many schools that have used e-platforms to enable their teachers to provide work to students, particularly to students in examination classes, and to enable students to complete tasks and tests for assessment.

My colleague, the Minister for Education and Skills, has recently announced €50m in ICT funding for schools. This includes €40m for the ICT annual grant to eligible schools which provides for schools to buy equipment for use by students and teachers in developing digital technology approaches to teaching and learning. A further €10m in the form of top-up funding is being made available now to all primary and post-primary schools to assist schools further in the purchase of devices for students and teachers to support continuity of learning during the current school closures due to COVID-19. A total of €7million additional funding will be provided in the post-primary sector and €3m in the primary sector. DEIS schools will be allocated an additional 10% relative to non-DEIS schools to support their students to engage with online learning and educational resources.

Schools have been asked to use this funding to address situations where students are disadvantaged in their engagement with the schools remote teaching and learning due to lack of access to digital devices. The devices will remain the property of the schools and loaned to the student to assist them in their studies. A circular to schools providing the details governing the funding for the grant and the top-up funding has recently issued.

I hope that this information will reassure you that while the Department of Education and Skills is doing everything possible to maintain our children's education at this difficult time, my Department is striving to ensure that those children who reside in Direct Provision are catered for too.

Question

5.065 Will a human rights impact assessment of the COVID-19 emergency powers be undertaken to help identify which communities have been hit hardest by the disease and also identify communities which may have been unduly impacted by the restrictions and the new garda powers?

--Cian O'Callaghan TD

Answer

Minister Flanagan:

The queries raised by the Deputy relate to legislation introduced by the Minister for Health.

In terms of the health impacts and public health restrictions in place to control the spread of Covid-19, I would refer the Deputy to the Department of Health as well as to the material published on the website gov.ie and in particular to the webpage <https://www.gov.ie/en/news/7e0924-latest-updates-on-covid-19-coronavirus/>

In relation to Garda powers, I would first note that An Garda Síochána is conducting operations in support of public health restrictions on movement and gatherings, in the context of the Covid-19 pandemic. A range of steps are being taken to ensure that the temporary powers provided for in that context are applied in an appropriate, proportionate and human rights compliant manner.

The Garda Commissioner has confirmed that An Garda Síochána has adopted a graduated policing response to this issue, based on its tradition of policing by consent. Policy is that Garda members engage, educate and encourage members of the public to comply and only as a last resort, resort to enforcement powers under these regulations.

In the interests of transparency, public confidence and to ensure the new Garda powers in this regard are implemented in a proportionate and human rights compliant manner, I requested the Commissioner to compile and publish a record of any use of these powers. For the same reasons I further requested the Policing Authority to assess and report regularly on the use of these regulations by An Garda Síochána.

The Deputy may be interested to note that the second Policing Authority report on the exercise of these powers, provided to me on 7 May 2020, finds that An Garda Síochána are continuing to act in a sensitive and proportionate manner and to use the powers under the Health Regulations only sparingly. It may also be noted that the Authority specifically welcomed the Commissioner's emphasis on the importance of the Garda Decision-Making Model, which has at its centre Human Rights and the Code of Ethics and also identified clear evidence of the consistent application of the law and of policy throughout the country by Gardáí in all circumstances.

For the convenience of Deputies and the public, information on the use by An Garda Síochána of these powers and associated monitoring by the Policing Authority is available on my Department's website, at the following link: http://www.justice.ie/en/JELR/Pages/Use_of_Covid-19_related_powers_by_An_Garda_S%C3%ADoch%C3%A1na

Although not relating directly to the regulations, the Deputy may also be interested to know that, consistent with a human rights approach to this emergency, my Department has considered and prioritised the needs and rights of groups who may be particularly vulnerable in the context of Covid-19.

For example, it is clear that Covid-19 provides unique challenges to custodial institutions including our prisons and Covid-19 in a prison setting would present significant challenges for prison management in terms of controlling the spread of the virus amongst staff and prisoners, and the provision of

appropriate medical treatment to affected persons and the maintenance of staffing levels. A significant amount of work has been carried out by the Irish Prison Service in this regard, informed and guided by the advice received from the National Public Health Emergency Team (NPHE), and consistent with the prison specific guidance for the management of Covid-19 issued by the World Health Organisation (WHO) on 15 March 2020. Some of the measures taken to date include:

- Granting of temporary release to low-risk prisoners, following a case-by-case assessment, to reduce overcrowding and allow for an effective infection control regime, including physical distancing, to the greatest extent possible.
- Restrictions on access to prisons, in particular suspension of family visits with effect from 28 March.
- Introduction of a basic health check, including taking of temperatures, for all persons entering prisons from 29 March and quarantining for up to 14 days of all prisoners newly committed to prison.
- All prisoners aged 70 years or more or those that are deemed medically vulnerable are being "cocooned".
- To reduce risk of cross-contamination, certain activities such as work and training, have been curtailed to reduce cross-prison movements and interactions, and the prison schools have been closed.

While these important measures are in place to safeguard the physical wellbeing of staff, prisoners and their families, steps are also being taken to maintain good communication with prisoners and staff; and to allow prisoners to maintain human contact during these difficult times including through an electronic video visit system.

It is also the case that, since the beginning of the Covid-19 pandemic, my Department and the HSE have worked closely together to support the health and welfare of asylum seekers and refugees availing of the State's accommodation services. Together, we have put in place a range of measures in all of the Department's Accommodation Centres to address any cases of Covid-19 if or when they arise. This includes provision for self-isolation facilities in Centres and a number of offsite self-isolation Centres around the State. The additional 850 beds procured in recent weeks also means that we have reduced overall numbers of residents in some centres to further support social and physical distancing. We have cocooned all residents considered to be especially vulnerable at this time based on age or identified medical illness. In partnership with the HSE and Safetynet, we have also put in place a national clinical telephone service to provide public health advice to support centre staff. This service will also be used to advise, support and work with those locations where vulnerable groups are present in respect of the implementation of Covid-19 guidelines and measures.

Another group of particular concern in the context of this pandemic are victims of domestic abuse. In recognition of the added fear and risk of domestic abuse which some people face, in the context of the current Covid-19 restrictions, my Department has developed an inter-agency plan to address domestic abuse, including increased funding to frontline services. An Garda Síochána also continues to prioritise domestic abuse during this time and arrangements have been made to ensure that the civil and criminal justice system can continue to give priority to domestic abuse. Added to this, my Department is leading a public awareness campaign in response to the threat of domestic abuse during the Covid-19. I am particularly pleased that this campaign is being conducted as a partnership between my Department and services and supports in the community and voluntary sector. Additional information on the supports and services available may be found on the website www.stillhere.ie

Question

5.090 To ask the minister for justice given the confirmation today that sharing a bedroom with non-family members makes social distancing impossible, what steps he will take to immediately facilitate social distancing for asylum seekers in Direct Provision.

--Patrick Costello TD

5.338 To ask the Minister for Justice and Equality whether arrangements have been made to ensure that no asylum seeker has to share a bedroom with a stranger during the Covid-19 pandemic to reduce the risk of cross infection from Covid-19; the steps taken to minimise the risk of Covid-19 in all direct provision centres and to deal with any outbreaks in asylum centres; and if he will make a statement on the matter.

--Éamon Ó Cuív TD

Answer

Minister of State Stanton:

The direction from the HSE National Social Inclusion Office is that during the COVID crisis non-family members sharing a room in Direct Provision centres are considered to be a household. As such, they should implement social distancing measures from other households, i.e. residents in other rooms, and self-isolate if displaying symptoms or if directed by the HSE. In such instances, we provide facilities for self-isolation both on and off-site.

We are carefully following the guidelines for our centres that have been published by the HSE's Health Protection Surveillance Centre. These are publicly available at: <https://www.hpsc.ie/a-z/respiratory/coronavirus/novelcoronavirus/guidance/vulnerablegroupsguidance/COVID-19-Guidance-for-vulnerable-groups-settings.pdf>.

That guidance exists precisely because it is recognised that congregated settings such as Direct Provision centres present specific challenges in this pandemic.

We are doing everything that we can to protect the health and welfare of our residents and centre staff as well as that of the wider community. We are working closely with the HSE in doing so, and while the HSE advice has evolved over time, we have been assured by both it and the Office of the Chief Medical Officer that our approach is appropriate.

Shared bedrooms and communal living space are provided in numerous settings. Similar arrangements apply in homeless and disability services and, indeed, in private rented accommodation.

In all matters related to the COVID-19 pandemic, my Department works collaboratively with the HSE to implement their public health advice. In partnership with the HSE and Safetynet, my Department has put in place a national clinical telephone service to provide public health advice to support centre staff. It is also being used to advise, support and work with locations where vulnerable groups are present relating to the implementation of COVID-19 guidelines and measures.

The established procedure across all centres where a person is suspected of having the virus or is confirmed as having the virus, is that, where advised by Public Health, they are moved to a dedicated offsite self-isolation facility. Supports are available for the duration of their period of isolation until such time as the HSE considers that they can safely return to their centre. We have opened four dedicated self-isolation facilities (with capacity for 299 people) in Dublin, Cork, Limerick and Dundalk. Residents in these facilities have their own bedroom and their own bathroom.

Since the start of the year over 1,550 permanent and temporary Direct Provision bed spaces have been procured, including the dedicated new centres opened in Rosslare Harbour, Caherciveen and Tullamore.

We have relocated over 600 residents to support social and physical distancing in centres and cocooning measures for the most vulnerable. By doing this, we have ensured that no more than three single people are sharing a room in any centre. We intend to continue this policy when the crisis is over.

The vast majority of the rooms in the new accommodation being used to support social and physical distancing are twin rooms accommodating two people. If any person is being accommodated in these locations based on an identified vulnerability (age or medical condition), they have their own bedroom and their own bathroom to facilitate their cocooning.

We have cocooned all residents over the age of 65 and anyone advised to the Department as having a serious medical illness.

We are communicating directly with centre managers and residents via regular newsletters, which can also be found on our website www.accommodationcentres.ie. The newsletters have provided practical information on implementing social and physical distancing at this time and promoted shared learning and best practice across our network of centres. Residents have also been made aware of the need for good hand hygiene and coughing/sneezing etiquette. Information and posters have been distributed to all centres and translations of public health information have also been provided. With Ramadan underway, we have also prepared and circulated information for centre managers and residents with practical supports on observing Ramadan during the current COVID restrictions.

During this time, centre managers have also been advised to increase the standard and frequency of cleaning throughout the centres, paying particular attention to communal areas. A regular supply of hand sanitiser for all centres is in place and this is distributed to centres as needed.

My Department, the HSE and centre managers will continue to work closely together during this time to protect the health and safety of all residents and staff as a priority.

Question

5.142 To ask the Minister for Justice if he proposes to review the situation with commercial rents in view of the difficulties experienced by retailers closed due to corona virus and who are now unable to pay rent and if he will make a statement on the matter.

--Aindrias Moynihan TD

Answer

Minister Flanagan:

The Government has introduced a broad range of measures and supports to respond to the needs of business experiencing difficulties due to the COVID-19 pandemic. In particular I am strongly supportive of the efforts being made by the Minister for Business, Enterprise and Innovation to assist businesses.

Where commercial rents are concerned, this area of the law is very complex and characterized by a multiplicity of contractual arrangements which reflect the diversity of the landlord and tenant relationship in the commercial sphere. I urge all parties to commercial leases to show forbearance and understanding during this very difficult time.

Question

5.114 To ask the Minister for Justice and Equality to outline what provisions have been put in place in the prison system to protect prisoners from the Covid-19 virus; and if he will make a statement on the matter.

--Jim O'Callaghan TD

Answer

Minister Flanagan:

As the Deputy will appreciate, an outbreak of Covid-19 in a prison setting would present significant challenges for prison management in terms of controlling the spread of the virus amongst staff and prisoners, the provision of appropriate medical treatment to affected persons and the maintenance of staffing levels.

Recognising these challenges, the Director General of the Irish Prison Service at an early stage established an Emergency Response Planning Team ("ERPT") consisting of senior staff with skills and experience in areas including operational; healthcare; and infection control. The Emergency Response Planning Team was tasked with identifying and issuing instruction for any necessary actions with the aim of:

- Blocking the spread of Covid-19 into a prison setting;
- Early detection of any possible case of Covid-19 in a prisoner or staff member; and
- Prevention of the spread of Covid-19, should a case be confirmed.

A significant amount of work has been carried out by the Irish Prison Service (IPS) to address this challenge, informed and guided by the advice received from the National Public Health Emergency Team (NPHET), and consistent with the prison specific guidance for the management of Covid-19 issued by the World Health Organisation (WHO) on 15 March 2020. Measures have been introduced across the prison estate as a whole in that regard.

In the first instance, I approved a number of actions to reduce the number of prisoners in our prisons in March this year to support a more effective infection control regime. This included the granting of temporary release to low risk prisoners, who were assessed on a case-by-case basis.

Restrictions on access to prisons were introduced by the IPS in a phased manner. Restrictions were placed on family visits to prisons, culminating in the suspension of visits with effect from 28 March 2020. It is important to say however that the Irish Prison Service has introduced an electronic video visit system, to allow prisoners to maintain contact with their families.

In line with WHO guidance and following consultation with the NPHET, I am informed that the IPS has introduced a basic health check, including taking of temperatures, for all person entering prisons, including staff, from 29 March.

I understand that all prisoners newly committed to prison are being quarantined for up to 14 days, in order to reduce the risk that a new committal who might be incubating the virus could spread Covid-19 to the general prison population.

The IPS is also taking a proactive approach to ensure the early detection of any possible case of Covid-19. I am informed that any prisoner who advises staff that they are experiencing symptoms of Covid-19 is immediately assessed by prison healthcare staff who, following the guidance provided by NPET, the HSE and public health authorities, arrange for the prisoner to be isolated and tested, if they meet specific criteria. Any prisoner who has shown symptoms of Covid-19 or has had contact with another person who has been tested for Covid-19 and is awaiting results is isolated from the prison population for up to 14 days.

I am further advised that the IPS has opened a specific unit in Cloverhill to allow for the isolation of any confirmed case. This unit is currently being used to accommodate symptomatic prisoners who are suspected of having Covid-19. Prisoners continue to be isolated in this unit until cleared from isolation through the Covid-19 testing process. Staff working in this unit wear appropriate Personal Protective Equipment (PPE) to ensure their health and safety.

All prisoners aged 70 years or more or those that are deemed medically vulnerable are being "cocooned", so as to minimise all interactions with other prisoners or staff and to ensure their health and safety. This approach is in line with Government advice to members of the public. The IPS continue to provide services to prisoners who are cocooning, tailored as appropriate with regard to the restrictions in place.

Prison Education Centres are currently closed and some workshops are unavailable. However I understand that prisoners are being provided with educational materials and access to library books, on request, including those who they are cocooned.

I am further informed that Contact Tracing Teams have been established in each prison, for the purposes of tracing contacts of either prisoners or prison staff who are suspected or confirmed as having Covid-19. Since March 2020, 158 IPS staff have been trained to conduct this type of contact tracing. I am informed by the IPS that all data that the Local Contact Tracing Teams collect is forwarded to the Irish Prison Service National Infection Control Team and disseminated to public health authorities. Any staff member who has been identified as a close contact of a confirmed or suspected case is removed from active duty pending the outcome of the Covid-19 test.

Due to the contingency measures introduced, the ongoing dedicated work of IPS staff as well as the cooperation and understanding of the prisoners themselves, I understand that there has yet been no confirmed prisoner case of Covid-19 within the Irish prison system.

While these important measures are in place to safeguard the physical wellbeing of staff and prisoners, I understand that the IPS is at the same time taking steps to maintain good communication with prisoners and staff; and to allow prisoners to maintain human contact during these difficult times.

Two prisoner newsletters are published weekly, on a collaborative basis between the IPS, the Education and Training Board and the Irish Red Cross. Tailored regular communications with regular Covid-19 information leaflets for prisoners (developed by the prison Red Cross Prisoner Volunteers) and Covid-19 information newsletters for staff are being distributed to raise awareness of the particular risks the virus poses in a prison environment and to provide accessible updates on the necessary actions being taken. The weekly "Living In Cell" newsletter is focused towards prisoners who are isolated, quarantined and cocooned and has included features on psychological resources for coping with anxiety, stress and other mental health symptoms relating to Covid-19. This material has been peer reviewed by Irish Red Cross volunteers.

I am also informed that the IPS has introduced a range of measures aimed at assisting prisoners during the current pandemic, including:

- the introduction of video visits in all locations, to allow prisoners to continue to have visual contact with their families. This facility also includes the introduction of a helpline to assist families with any technical issues they experience in connecting to the video calls.
- The introduction of in-cell telephones for prisoners restricted due to isolation, cocooning or quarantine, to ensure contact with important prison services.
- The introduction of tele-psychology to provide support to prisoners. These are typically 20 minute telephone sessions and are designed to support prisoners with their psychological well-being.
- The introduction of in-cell information channels in a number of locations including Limerick, Mountjoy and Midlands Prison, providing information and support to prisoners through the TV channels. Work is progressing on introducing this to all locations.

- The introduction of electronic payments to allow families to continue to support person in prison with lodgements for use in prison tuckshops.
- With effect from 8 May, a new An Post Billpay card to allow families to utilise Post Offices throughout the country to lodge money to prisoner accounts. I understand that over 900 locations will take payment throughout Ireland.

Finally, I also understand that the IPS is providing information packs to prisoners on the Covid-19 restrictions in the community, in order to support prisoners being released at this time.

Question

5.116 To ask the Minister for Justice and Equality to outline what procedures are in place if and when a prisoner in the Irish prison system presents with Covid-19 symptoms; and if he will make a statement on the matter.

--Jim O'Callaghan TD

Answer

Minister Flanagan:

As the Deputy will appreciate, Covid-19 provides unique challenges to custodial institutions, including our prisons. Covid-19 in a prison setting would present significant challenges for prison management in terms of controlling the spread of the virus amongst staff and prisoners, the provision of appropriate medical treatment to affected persons and the maintenance of staffing levels.

Recognising these challenges, the Director General of the Irish Prison Service at an early stage established an Emergency Response Planning Team ("ERPT") consisting of senior staff with skills and experience in areas including operational; healthcare; and infection control. The ERPT was tasked with identifying and issuing instruction for any necessary actions with the aim of:

- Blocking the spread of Covid-19 into a prison setting;
- Early detection of any possible case of Covid-19 in a prisoner or staff member; and
- Prevention of the spread of Covid-19, should a case be confirmed.

A significant amount of work has been carried out, informed and guided by the advice received from the National Public Health Emergency Team (NPHET), and consistent with the prison specific guidance for the management of Covid-19 issued by the World Health Organisation (WHO) on 15 March 2020.

In relation to the matters raised by the Deputy, the Irish Prison Service (IPS) has provided assurances that it is taking a highly proactive approach to ensure the early detection of any possible case of Covid-19 in the prisoner population.

I am informed that any prisoner who advises staff that they are experiencing symptoms of Covid-19 is immediately assessed by prison healthcare staff who, following the guidance provided by the NPHET and the HSE and public health authorities, arrange for the prisoner to be isolated. I am further informed that any prisoner who has had contact with another person who has been tested for Covid-19 and is awaiting results is also isolated from the prison population for up to 14 days.

In addition, all prisoners newly committed to prison are placed in quarantine for 14 days before being transferred into general population. This measure is in place to reduce the risk that a new committal who might be incubating the virus could spread Covid-19 to the general prison population.

I am advised that, as a result of these measures, should a prisoner test positive for Covid-19, it is likely that the prisoner would have already being in isolation for some time, have had minimal contact with other prisoners and staff and the risk of spreading the virus should be greatly reduced.

As a result of the contingency measures introduced, the ongoing dedicated work of the IPS staff, and also with the cooperation and understanding of the prisoners themselves, I understand that there remains no confirmed case of Covid-19 amongst the prisoner population within the Irish Prison Service as of 8 May 2020.

In the event of a confirmed case of Covid-19 in the prisoner population, the IPS plan would be to isolate the prisoner and the prison medical team, including prison nurses and doctor, would provide a primary care service in the appropriate Personal Protective Equipment (PPE). I am further advised by the Irish Prison Service that, in the event that a prisoner's medical condition required a transfer to an

acute hospital, arrangements would be made to facilitate such a transfer in consultation with the hospital authorities.

As the Deputy may be aware, the Irish Prison Service has established a dedicated isolation unit in Cloverhill Prison to allow for the isolation of any confirmed or highly probable case which may arise. I am advised that this unit is being used to accommodate symptomatic prisoners who are suspected of having Covid-19. I am further advised that prisoners continue to be isolated in this unit until cleared from isolation through the Covid-19 testing process. Staff working in this unit wear appropriate PPE to ensure their health and safety.

I am informed that the Irish Prison Service continue to provide services to prisoners who are cocooning, tailored as appropriate with regard to the restrictions in place for the prisoners safety.

Prison Education Centres are currently closed and some workshops are unavailable. However I understand that prisoners are being provided with educational materials and access to library books, on request, while they are cocooned.

I further understand that prisoners cocooning continue to have access to a wide range of services and facilities within the prison including phone calls, psychology supports, tuck shop, chaplaincy services and television.

I believe the innovative actions taken in relation to contact tracing have been crucial to maintaining prison health. The Irish Prison Service has established contact tracing teams in each prison, for the purposes of tracing contacts of either prisoners or prison staff who are suspected or confirmed as having Covid-19. Since March 2020, 158 IPS staff have been trained to conduct this type of contact tracing. I am informed by the IPS that all data that the Local Contact Tracing Teams collect is forwarded to the Irish Prison Service National Infection Control Team and disseminated to public health authorities. In this way, I am advised that the IPS is able to swiftly identify the close contacts of possible or confirmed Covid-19 cases and ensure that they are isolated or, in the case of Irish Prison Service staff, that they are removed from work, thus reducing the potential for infection to spread.

Question

5.117 To ask the Minister for Justice and Equality to outline what facilities are in place for a prisoner who tests positive for Covid-19; and if he will make a statement on the matter.

--Jim O'Callaghan TD

Answer

Minister Flanagan:

As the Deputy will appreciate, Covid-19 provides unique challenges to custodial institutions, including our prisons. Covid-19 in a prison setting would present significant challenges for prison management in terms of controlling the spread of the virus amongst staff and prisoners, the provision of appropriate medical treatment to affected persons and the maintenance of staffing levels.

Recognising these challenges, the Director General of the Irish Prison Service at an early stage established an Emergency Response Planning Team ("ERPT") consisting of senior staff with skills and experience in areas including operational; healthcare; and infection control. The ERPT was tasked with identifying and issuing instruction for any necessary actions with the aim of:

- Blocking the spread of Covid-19 into a prison setting;
- Early detection of any possible case of Covid-19 in a prisoner or staff member; and
- Prevention of the spread of Covid-19, should a case be confirmed.

A significant amount of work has been carried out, informed and guided by the advice received from the National Public Health Emergency Team (NPHET), and consistent with the prison specific guidance for the management of Covid-19 issued by the World Health Organisation (WHO) on 15 March 2020.

In relation to the matters raised by the Deputy, I am informed by the Irish Prison Service that it is taking a highly proactive approach to ensure the early detection of any possible case of Covid-19 in the prisoner population.

I am informed that any prisoner who advises staff that they are experiencing symptoms of Covid-19 is immediately assessed by prison healthcare staff who, following the guidance provided by the NPHET and the HSE and public health authorities, arrange for the prisoner to be isolated. I am further informed that any prisoner who has had contact with another person who has been tested for Covid-19 and is awaiting results is also isolated from the prison population for up to 14 days.

In addition, all prisoners newly committed to prison are placed in quarantine for 14 days before being transferred into general population. This measure is in place to reduce the risk that a new committal who might be incubating the virus could spread Covid-19 to the general prison population.

I am advised that, as a result of these measures, should a prisoner test positive for Covid-19, it is likely that the prisoner would have already being in isolation for some time, have had minimal contact with other prisoners and staff and the risk of spreading the virus should be greatly reduced.

As a result of the contingency measures introduced, the ongoing dedicated work of the Irish Prison Service Staff, and also with the cooperation and understanding of the prisoners themselves, I understand that there remains no confirmed case of Covid-19 amongst the prisoner population within the Irish Prison Service as of 8 May 2020.

I am informed by the Irish Prison Service that in the event of a confirmed case of Covid-19 in the prisoner population, its plan would be to isolate the prisoner and that the prison medical team, including prison nurses and doctor, would provide a primary care service in the appropriate Personal Protective Equipment (PPE). I am further advised by the Irish Prison Service that, in the event that a

prisoner's medical condition required a transfer to an acute hospital, arrangements would be made to facilitate such a transfer in consultation with the hospital authorities.

As the Deputy may be aware, the Irish Prison Service has established a dedicated isolation unit in Cloverhill Prison to allow for the isolation of any confirmed or highly probable case which may arise. I am advised that this unit is being used to accommodate symptomatic prisoners who are suspected of having Covid-19. I am further advised that prisoners continue to be isolated in this unit until cleared from isolation through the Covid-19 testing process. Staff working in this unit wear appropriate PPE to ensure their health and safety.

I am informed that the Irish Prison Service continue to provide services to prisoners who are cocooning, tailored as appropriate with regard to the restrictions in place for the prisoners safety.

Prison Education Centres are currently closed and some workshops are unavailable. However I understand that prisoners are being provided with educational materials and access to library books, on request, while they are cocooned.

I further understand that prisoners cocooning continue to have access to a wide range of services and facilities within the prison including phone calls, psychology supports, tuck shop, chaplaincy services and television.

I believe the innovative actions taken in relation to contact tracing have been crucial to maintaining prison health. The Irish Prison Service has established contact tracing teams in each prison, for the purposes of tracing contacts of either prisoners or prison staff who are suspected or confirmed as having Covid-19. Since March 2020, 158 IPS staff have been trained to conduct this type of contact tracing. I am informed by the IPS that all data that the Local Contact Tracing Teams collect is forwarded to the Irish Prison Service National Infection Control Team and disseminated to public health authorities. In this way, I am advised that the IPS is able to swiftly identify the close contacts of possible or confirmed Covid-19 cases and ensure that they are isolated or, in the case of Irish Prison Service staff, that they are removed from work, thus reducing the potential for infection to spread.

Question

5.118 To ask the Minister for Justice and Equality to outline what procedures are in place to ensure that Prison Officers and other prison staff who come in contact with prisoners are screened to ensure they are not carrying the Covid-19 virus into the prison; and if he will make a statement on the matter.

--Jim O'Callaghan TD

Answer

Minister Flanagan:

As the Deputy will appreciate, Covid-19 provides unique challenges to custodial institutions, including our prisons. Covid-19 in a prison setting would present significant challenges for prison management in terms of controlling the spread of the virus amongst staff and prisoners, the provision of appropriate medical treatment to affected persons and the maintenance of staffing levels.

Recognising these challenges, the Director General of the Irish Prison Service at an early stage established an Emergency Response Planning Team ("ERPT") consisting of senior staff with skills and experience in areas including operational; healthcare; and infection control. The ERPT was tasked with identifying and issuing instruction for any necessary actions with the aim of:

- Blocking the spread of Covid-19 into a prison setting;
- Early detection of any possible case of Covid-19 in a prisoner or staff member; and
- Prevention of the spread of Covid-19, should a case be confirmed.

A significant amount of work has been carried out, informed and guided by the advice received from the National Public Health Emergency Team (NPHET), and consistent with the prison specific guidance for the management of Covid-19 issued by the World Health Organisation (WHO) on 15 March 2020. Measures adopted included temporary release of low risk prisoners in order to reduce the number of prisoners in custody, greater physical distancing, cocooning of vulnerable prisoners, quarantining of new committals and restrictions on access to prisons, including suspension of family visits. It is important to say that in parallel with these steps, the IPS has introduced an electronic video visit system, to allow prisoners to maintain contact with their families.

The Deputy enquired specifically in relation to screening of prison staff. I understand that the level of engagement shown by prison staff has been instrumental in ensuring that the Irish Prison Service is as prepared as possible for the challenges posed by Covid-19. In line with WHO guidance and following consultation with the NPHET, I am informed that the Irish Prison Service has introduced a basic health check, including taking of temperatures for all persons, including staff, entering prisons from 29 March.

Irish Prison Service staff have also contributed to the success of new protocols for physical distancing which have been introduced in all prisons to limit the potential for infection, including closure of staff gyms and limitations on staff rest areas.

In order to prevent cross-contamination in our prisons, some further restrictions have also been put in place for prisoners and staff within our prisons. Certain activities, such as work and training, have been curtailed to reduce cross-prison movements and interactions, and the prison schools have been closed. I am further advised by the Irish Prison Service that every effort is made to ensure that prison staff remain in the areas that they are specifically assigned for duty.

A number of Irish Prison Service staff have also upskilled as part of wider measures to prevent the spread of Covid-19 in prisons. I am informed by the Irish Prison Service that Contact Tracing Teams have been established in each prison, for the purposes of tracing contacts of either prisoners or prison staff who are suspected or confirmed as having Covid-19. Since March 2020, 158 IPS staff have been

trained to conduct this type of contact tracing. I am informed by the IPS that all data that the Local Contact Tracing Teams collect is forwarded to the Irish Prison Service National Infection Control Team and disseminated to public health authorities. In this way, I am advised that the IPS is able to swiftly identify the close contacts of possible or confirmed Covid-19 cases and ensure that they are isolated. Finally, I am informed that any staff member who has been identified as a close contact of a confirmed or suspected case is removed from active duty pending the outcome of the Covid-19 test.

Question

5.119 To ask the Minister for Justice and Equality to outline the number of prisoners who have been released from prison to free up space in the prison system in light of the Covid-19 pandemic and whether any of these prisoners have come to Garda attention or been returned to prison since their release; and if he will make a statement on the matter.

--Jim O'Callaghan TD

Answer

Minister Flanagan:

As the Deputy will appreciate, Covid-19 provides unique challenges to custodial institutions, including our prisons. Covid-19 in a prison setting would present significant challenges for prison management in terms of controlling the spread of the virus amongst staff and prisoners, and the provision of appropriate medical treatment to affected persons and the maintenance of staffing levels.

A significant amount of work has been carried out by the Irish Prison Service to address this challenge, informed and guided by the advice received from the National Public Health Emergency Team (NPHE), and consistent with the prison specific guidance for the management of Covid-19 issued by the World Health Organisation (WHO) on 15 March 2020.

As the Deputy is aware, I approved a number of actions to reduce overcrowding in our prisons in March this year. Measures adopted include granting of temporary release of low risk prisoners in order to reduce the number of prisoners in custody, greater physical distancing, cocooning of vulnerable prisoners, quarantining of new committals and restrictions on access to prisons, including suspension of family visits. It is important to say that in parallel with these steps, the Irish Prison Service has introduced an electronic video visit system, to allow prisoners to maintain contact with their families.

The Deputy enquired specifically in relation to the temporary releases in the context of the Covid-19 pandemic, granted with the aim of achieving a reduction of the number of people in custody in our prisons sufficiently to allow for an effective infection control regime to the greatest extent possible.

The approach adopted included, in the first instance, consideration of the granting of temporary release to low risk prisoners who were serving sentences of less than 12 months for non-violent offences. Subsequently, suitable prisoners who had less than 6 months to serve were also granted temporary release from some prisons.

All prisoners granted temporary release were assessed on a case-by-case basis. The primary factor in the consideration of any prisoner for early release remains public safety and risks assessed included any convictions for domestic abuse, such as breach of barring orders which present significant risks at the present time.

Before a final determination is made with regard to temporary release, a number of additional factors are taken into account including:

- the nature and gravity of the offence to which the sentence being served by the person relates;
- the sentence concerned and any recommendation made by the Court in relation to the sentence imposed;
- the person's previous criminal record;
- the risk that the person might commit an offence during any period of temporary release;
- the risk of the person failing to comply with any of the conditions of temporary release;
- any other available information from Probation Service, An Garda Síochána etc.

I understand that since 10 March 2020, a total of 572 prisoners have been granted full or reviewable temporary release. I further understand that there has been a very low rate of return to prison for these persons, with 8 (i.e. just over 1%) having been returned to custody as of 5 May 2020.

Question

5.120 To ask the Minister for Justice and Equality whether he or officials within his Department have been in contact with the Department of Health in relation to the proposal to carry out a Human Rights Impact Assessment of the increased garda powers prior to any extension on the 5th May 2020; and if he will make a statement on the matter.

--Jim O'Callaghan TD

Answer

Minister Flanagan:

The queries raised by the Deputy relate to primary and secondary legislation introduced by the Minister for Health.

The Garda powers referred to were provided for under section 31A of the Health Act 1947, as inserted by the Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020 and brought temporarily into effect through subsequent regulations – the Health Act, 1947 (Section 31A – Temporary Restrictions)(Covid-19) Regulations 2020. There was consultation between senior officials in my Department and the Department of Health in relation to this legislation, and, having been drafted by the Attorney General's Office, the regulations were signed by the Minister for Health following consultation with me as Minister for Justice and Equality as well as the Minister for Finance and for Public Expenditure and Reform.

It will be appreciated that section 42 of the Irish Human Rights and Equality Commission Act 2014 requires all public sector bodies to have regard to the need to protect human rights in their daily work. This includes Departments and agencies in the context of Covid-19. As the Deputies will appreciate, all the work of the Attorney General's Office is underpinned by the Constitution and the European Convention on Human Rights.

The additional powers provided for members of An Garda Síochána are necessary, were provided for by law, and are explicitly in the interests of protection of public health and the rights of others. It is also notable that the powers are temporary in nature.

A range of actions are being taken to ensure that the policing of these public health restrictions is carried out in an appropriate, proportionate and human rights compliant manner. The Garda Commissioner and his senior team have implemented a carefully graduated policing response, based on its strong tradition of policing by consent. Garda members engage, explain and encourage members of the public to comply and, only as a last resort, make use of their enforcement powers under these regulations. I understand that the Garda operational guidelines for the current operation are grounded in the organisation's human rights obligations and code of ethics.

In addition, as Minister I have taken a number of specific actions in the interests of transparency and in order to maintain public trust and confidence:

- I requested the Commissioner to compile and publish a record of the use of powers under the Regulations and he is doing so on a weekly basis.
- I also requested the Policing Authority to engage with the Commissioner to independently assess and report regularly on the use of these regulations. The Authority is consulting with the Irish Human Rights and Equality Commission (IHREC) and other relevant bodies such as NGOs operating in this area including the Irish Council for Civil Liberties.
- I have made this information on the use by An Garda Síochána of these powers and associated monitoring by the Policing Authority publicly available on my Department's website, at the following link: http://www.justice.ie/en/JELR/Pages/Use_of_Covid-19_related_powers_by_An_Garda_S%C3%ADoch%C3%A1na

The Policing Authority provided its second report on the exercise of these powers on 7 May 2020 and will continue to prepare further reports on a fortnightly basis. The report finds that An Garda Síochána are continuing to act in a sensitive and proportionate manner and to use the powers under the health regulations only sparingly. It may also be noted that the Authority specifically welcomed the Commissioner's emphasis on the importance of the Garda Decision-Making Model, which has at its centre human rights and the code of ethics and also identified clear evidence of the consistent application of the law and of policy throughout the country by Gardaí in all circumstances.

Deputies will also have noted that the Policing Authority continues to conduct its regular meetings in public with the Garda Commissioner, the most recent of which was streamed online on 29 April. This engagement and oversight will help inform the Authority's reporting on this issue and provide further reassurance to the public about the manner in which Gardaí are carrying out their functions during this period.

Although not related directly to the Regulations, the Deputy may also be interested to note that, in so far as concerns matters within my remit and consistent with a human rights approach to this emergency, my Department has proactively considered the rights of those who may be in a particularly vulnerable situation in the context of Covid-19 and taken steps to prioritise their needs. For example:

- A very significant range of measures have been taken by the Irish Prison Service to safeguard the wellbeing of prisoners, informed and guided by advice from the National Public Health Emergency Team (NPHET) and consistent with prison-specific guidance for the management of Covid-19 issued by the World Health Organisation and the Council of Europe. Measures adopted include a reduction in the number of prisoners through use of temporary release in order to facilitate greater physical distancing and infection control regimes; cocooning of vulnerable prisoners; quarantine of new committals; basic health checks on all entrants, including staff, restrictions on access to prisons (including suspension of family visits) with parallel steps to ensure psychological wellbeing and ongoing family contact through an electronic video visit system and other innovations including the introduction of tele-psychology services.
- My Department and the HSE have also been working together very closely to support the health and welfare of asylum seekers and refugees availing of the State's accommodation services. Measures adopted include cocooning of vulnerable residents, procurement of an additional 850 beds to facilitate a reduction in resident numbers in support of greater physical distancing; provision for self-isolation facilities; and, in partnership with the HSE and Safetynet establishment of a national criminal telephone service to provide public health advice to support centre staff.
- In recognition of the added risk of domestic abuse which some people face at this time, my Department has led development of an inter-agency plan to address domestic abuse in the context of the Covid-19 crisis. This includes the provision of additional funding to frontline services, to ensure that supports and services remain available to victims and other measures to ensure that the civil and criminal justice system can continue to give priority to domestic abuse. A public awareness campaign has also been launched, in partnership with other State agencies and the community and voluntary sector, to publicise the support which is still available. More information is available at www.stillhere.ie
- While An Garda Síochána has been very active to support the public health restrictions in place, it is continuing with its enforcement of the criminal law to support the most vulnerable in our society. This includes not only an ongoing focus on community policing, but also continued priority for those who are at increased risk of domestic abuse at this time through a targeted operation (Operation Faoisimh).

Question

5.121 To ask the Minister for Justice and Equality whether he or officials within his Department were contacted by An Garda Síochána prior to the decision to purchase spit hoods; and if he will make a statement on the matter.

--Jim O'Callaghan TD

Answer

Minister Flanagan:

I have been informed that Garda management keep under continuous review the forms of additional Personal Protective Equipment (PPE) which could be deployed to safeguard operational Gardaí in the context of the Covid-19 pandemic. It is in this context that anti-spit guards were introduced to provide an additional tactical option to be considered by Gardaí.

I am informed by the Garda authorities that from 8 April until 2 May 2020 inclusive, there were 52 incidents of spitting and/or coughing at members of An Garda Síochána. This is an egregious act at any time, but is especially serious during the course of this pandemic. In that time, members of An Garda Síochána had to use anti-spit guards 28 times.

The Garda Commissioner has indicated that, in line with the Garda Decision Making Model, anti-spit guards are a measure of last resort as frontline Gardaí must consider all available options and take into account the individual circumstance of the case, including the age of the subject.

I understand that Garda policy in relation to the use of anti-spit guards will be reviewed by An Garda Síochána in September. As the Deputy may be aware, the Policing Authority has also discussed the question of anti-spit guards with the Commissioner during the course of its monthly meetings, the most recent of which took place on 29 April.

My officials engage regularly with the Garda Commissioner and his senior team to discuss a broad range of issues. While the Commissioner is responsible for the administration and management of An Garda Síochána, including the distribution of resources and deployment of equipment he did inform officials of this measure in the course of those regular engagements. With the exception of less-lethal weapons, in which case special requirements arise, there is in general no requirement for the Commissioner to seek sanction for the introduction of new equipment.

Question

5.122 To ask the Minister for Justice and Equality whether his officials were contacted by An Garda Síochána prior to the direction from Garda HQ to members of An Garda Síochána not to arrest anyone from Northern Ireland for suspected breaches of the Covid-19 regulations; and if he will make a statement on the matter.

--Jim O'Callaghan TD

Answer

Minister Flanagan:

The query raised by the Deputy relates to enforcement action by An Garda Síochána using powers provided for in primary and secondary legislation introduced by the Minister for Health.

The Garda powers referred to were provided for under section 31A of the Health Act 1947, as inserted by the Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020 and brought temporarily into effect through subsequent regulations – the Health Act, 1947 (Section 31A – Temporary Restrictions)(Covid-19) Regulations 2020. There was consultation between senior officials in my Department with An Garda Síochána and the Department of Health in the development of this legislation. Further, having been drafted by the Attorney General's Office, the regulations were signed by the Minister for Health following consultation with me as Minister for Justice and Equality as well as the Minister for Finance and for Public Expenditure and Reform.

As the Deputy will appreciate, I and my officials are regularly in contact with the Commissioner and his senior management team. This has included ongoing contact between senior officials and senior Garda management on practical aspects of Garda powers of enforcement of the regulations. I have spoken with the Commissioner regularly since the Covid-19 public health regulations came into effect; my Department's senior officials are in daily contact with the Commissioner and Deputy Commissioners in this regard; and the An Garda Síochána also participates at a senior level in a weekly tele-meeting with all the criminal justice agencies. I have continued to receive briefings from An Garda Síochána on a broad range of issues in relation to policing and security; and normal interactions between my officials and An Garda Síochána continue regarding issues such as resourcing, governance and performance of its functions.

It was always understood that the Regulations, insofar as they relate to the restrictions on movement from ones residence, could not be applied to restrict the movement of persons residing in Northern Ireland.

However, it is also important to note that An Garda Síochána and the PSNI have established excellent and unprecedented levels of cooperation. The Garda Commissioner and PSNI Chief Constable are in regular contact and this ongoing close cooperation interaction has been a key element of policing the current Covid crisis. There has been extensive cooperation to deliver the many coordinated checkpoints which have been in place at key locations along the border. Joint checkpoints were also in place during the recent May bank holiday weekends in each jurisdiction. These actions and initiatives are being highlighted on social media, to assist in developing public awareness that Gardaí and the PSNI are working together closely to ensure compliance with public health restrictions on both sides of the border.

There has been good political cooperation in this field too. I had a productive call in recent weeks with the Northern Ireland Minister for Justice Naomi Long and we have taken joint action to call public attention to the police enforcement action on both sides of the border and urge the public to continue to respect public health restrictions.

To date, I understand that there has been a very high level of compliance with the public health restrictions in force. For the convenience of Deputies and the public, information on the use by An Garda Síochána of these powers and associated monitoring by the Policing Authority is available on my Department's website, at the following link: http://www.justice.ie/en/JELR/Pages/Use_of_Covid-19_related_powers_by_An_Garda_S%C3%ADoch%C3%A1na

Question

5.124 To ask the Minister for Justice and Equality whether he has met with the Garda Commissioner since the introduction of the increased powers to An Garda Síochána afforded by the Covid-19 regulations; and if he will make a statement on the matter.

--Jim O'Callaghan TD

Answer

Minister Flanagan:

I met the Commissioner on 27 March to discuss the increased restrictions which came into effect that evening, as well as the ongoing Garda operation and the necessary powers which were then being drafted. Since that time, as the Deputy is aware, most business has been conducted through phone or video calls and I have spoken with the Garda Commissioner regularly since the Covid-19 public health regulations came into effect. My Department's senior officials are also in daily contact with the Commissioner and Deputy Commissioners in this regard and the Gardai also participate at a senior level in a weekly tele-meeting with all the criminal justice agencies.

The Deputy will be aware that, when the Health regulations were made, I asked the Commissioner to compile and publish data in relation to the Garda enforcement operation and I welcome the fact that he is doing so on a weekly basis. In addition the Policing Authority is also engaging regularly with the Commissioner and his senior team and is reporting to me fortnightly. The latest of their reports was published on Friday 8 May.

I have also continued to receive briefings from An Garda Síochána on a broad range of issues in relation to policing and security and normal interactions between my officials and An Garda Síochána continue regarding issues such as resourcing, governance and performance of its functions.

For the convenience of Deputies and the public, information on the use by An Garda Síochána of these powers and associated monitoring by the Policing Authority is available on my Department's website, at the following link: http://www.justice.ie/en/JELR/Pages/Use_of_Covid-19_related_powers_by_An_Garda_S%C3%ADoch%C3%A1na

Question

5.125 To ask the Minister for Justice and Equality whether the contingency plans prepared by the HSE for each direct provision centre will be published; and if he will make a statement on the matter.

--Jim O'Callaghan TD

5.126 To ask the Minister for Justice and Equality whether guidelines have been provided to private contractors involved in the operation of direct provision centres in relation to providing self-isolation facilities and cocooning facilities and whether those guidelines will be published; and if he will make a statement on the matter.

--Jim O'Callaghan TD

Answer

Minister of State Stanton:

I propose to answer 5.125 and 5.126 together.

We are carefully following the guidelines for our centres that have been published by the HSE's Health Protection Surveillance Centre. These are publicly available at: <https://www.hpsc.ie/a-z/respiratory/coronavirus/novelcoronavirus/guidance/vulnerablegroupsguidance/COVID-19-Guidance-for-vulnerable-groups-settings.pdf>.

That guidance exists precisely because it is recognised that congregated settings such as Direct Provision centres present specific challenges in this pandemic. All centre managers have been made aware of these guidelines and are ensuring their implementation.

We are doing everything that we can to protect the health and welfare of our residents and centre staff as well as that of the wider community. We are working closely with the HSE in doing so, and while the HSE advice has evolved over time, we have been assured by both it and the Office of the Chief Medical Officer that our approach is appropriate.

The direction from the HSE National Social Inclusion Office is that during the COVID crisis non-family members sharing a room in Direct Provision centres are considered to be a household. As such, they should implement social distancing measures from other households, i.e. residents in other rooms, and self-isolate if displaying symptoms or if directed by the HSE. In such instances, we provide facilities for self-isolation both on and off-site.

In all matters related to the COVID-19 pandemic, my Department works collaboratively with the HSE to implement their public health advice. In partnership with the HSE and Safetynet, my Department has put in place a national clinical telephone service to provide public health advice to support centre staff. It is also being used to advise, support and work with locations where vulnerable groups are present relating to the implementation of COVID-19 guidelines and measures.

My Department asked all accommodation centres including emergency centres to complete contingency plans for COVID-19. These plans are being actively reviewed by the Department to promote shared learning and best practice across centres. The nine HSE Community Healthcare Organisations (CHO) regions have assessed all centres where people are living in congregated settings to establish their state of readiness and have offered appropriate advice to assist. I should clarify that the contingency plans are not HSE developed plans but rather have been developed in light of advice received from the HSE. It is not envisaged that plans will be published as they are under continual review as circumstances evolve during this unprecedented pandemic.

The established procedure across all centres where a person is suspected of having the virus or is confirmed as having the virus, is that, where advised by Public Health, they are moved to a dedicated offsite self-isolation facility. Supports are available for the duration of their period of isolation until such time as the HSE considers that they can safely return to their centre. We have opened four dedicated self-isolation facilities (with capacity for 299 people) in Dublin, Cork, Limerick and Dundalk. Residents in these facilities have their own bedroom and their own bathroom.

Since the start of the year over 1,550 permanent and temporary Direct Provision bed spaces have been procured, including the dedicated new centres opened in Rosslare Harbour, Caherciveen and Tullamore.

We have relocated over 600 residents to support social and physical distancing in centres and cocooning measures for the most vulnerable. By doing this, we have ensured that no more than three single people are sharing a room in any centre. We intend to continue this policy when the crisis is over.

The vast majority of the rooms in the new accommodation being used to support social and physical distancing are twin rooms accommodating two people. If any person is being accommodated in these locations based on an identified vulnerability (age or medical condition), they have their own bedroom and their own bathroom to facilitate their cocooning.

We have cocooned all residents over the age of 65 and anyone advised to the Department as having a serious medical illness.

We are communicating directly with centre managers and residents via regular newsletters, which can also be found on our website www.accommodationcentres.ie. The newsletters have provided practical information on implementing social and physical distancing at this time and promoted shared learning and best practice across our network of centres. Residents have also been made aware of the need for good hand hygiene and coughing/sneezing etiquette. Information and posters have been distributed to all centres and translations of public health information have also been provided. With Ramadan underway, we have also prepared and circulated information for centre managers and residents with practical supports on observing Ramadan during the current COVID restrictions.

During this time, centre managers have also been advised to increase the standard and frequency of cleaning throughout the centres, paying particular attention to communal areas. A regular supply of hand sanitiser for all centres is in place and this is distributed to centres as needed.

My Department, the HSE and centre managers will continue to work closely together during this time to protect the health and safety of all residents and staff as a priority.

Question

5.127 To ask the Minister for Justice and Equality whether it is expected the remote hearings introduced by the Supreme Court will be extended to other divisions of the Court; and if he will make a statement on the matter.

--Jim O'Callaghan TD

Answer

Minister Flanagan:

Pilot remote courts commenced in the Supreme Court and the Court of Appeal at the start of the current term with the first substantive courts sitting on a pilot basis on the week commencing 20 April 2020. During the first full week of operation, 20 courts sessions were held remotely. This included callover lists, preliminary hearings and substantive court hearings. In addition, a number of remote hearings were held in the Supreme Court and most extensively in the Court of Appeal for both criminal and civil matters.

The use of video conferencing (in between prisons and courts) has dramatically increased to facilitate defendants in custody appearing in court via video conference for bail and remand hearings. In April 2020 there were 5080 video conference calls between courts and prisons, representing an increase of 400% on the number of such calls in April 2019.

Many of these video calls would involve multiple cases so the number of cases and defendants dealt with in this manner would be far greater than the number of calls. This used existing courts ICT infrastructure. Reducing the need for prisoners to travel to and from prisons to courts mitigated the risks associated with the spread of COVID -19 in the prison population.

Building upon the experience obtained from these initial pilots, remote courts have since been held in the High Court, the Circuit Court and the District Court. 47 courts have now been held remotely. The Courts Service is working with the Judiciary to see how the use of remote courts can be expanded in a phased manner over the coming weeks. I would draw the Deputy's attention to the statements issued by the Presidents of the courts on 8 May 2020 setting out measures to extend courts services over the coming period. The statements are available at https://beta.courts.ie/latest_news.

The business of the courts is of fundamental importance and therefore I welcome the development of remote hearings as a way of delivering continuity of access to justice during the current public health emergency.

Question

5.128 To ask the Minister for Justice and Equality whether he is satisfied that conducting hearings entirely remotely is consistent with the constitutional obligation to administer justice in public; and if he will make a statement on the matter.

--Jim O'Callaghan TD

Answer

Minister Flanagan:

Under the provisions of the Courts Service Act 1998, management of the courts is the responsibility of the Courts Service, which is independent in exercising its functions. The administration of justice is a matter for the judiciary.

In order to be of assistance to the Deputy, I have made enquiries with the Courts Service and can advise that the remote hearings are held in a physical courtroom and it is open for any person to attend to observe the court in session, subject to compliance with the restrictions introduced to combat the spread of COVID-19 including social distancing rules.

Given the importance of their role in the reporting of proceedings, arrangements have also been put in place with members of the media to permit them access the remote courtroom by video conference.

Question

5.129 To ask the Minister for Justice and Equality to detail what level of engagement he and officials within his Department have had with the Courts Service with a view to putting in place mechanisms to allow court hearings proceed during the Covid-19 pandemic; and if he will make a statement on the matter.

--Jim O'Callaghan TD

Answer

Minister Flanagan:

Under the provisions of the Courts Service Act 1998, management of the courts is the responsibility of the Courts Service, which is independent in exercising its functions. Maintaining access to justice and the courts system has been a key priority in the Department's response to the ongoing Covid-19 pandemic and there has been a substantial level of engagement between my officials and senior officials of the Courts Service. A close collaborative framework also exists between the Courts Service and the many agencies under the remit of my Department, including the Irish Prison Service, the Office of the Director of Public Prosecutions, the Legal Aid Board, the Insolvency Service of Ireland, and An Garda Síochána, in order to manage the challenges of progressing cases in the current crisis.

This engagement with the Courts Service includes:

- Twice weekly, multi-agency telephone conference meetings with the Court Service and senior department officials to review latest and anticipated developments such as adaptive working technologies and coordinated communications, and to support and coordinate collaboration between all agencies in dealing with the impact of the crisis.
- The continued development and implementation of contingency and business continuity plans.
- Regular engagement not just on Covid-19 related measures but also on current operational issues and on strategic issues such as the modernisation of the courts system.
- Daily contacts with officials by email/telephone in regard to any issues or queries arising
- Establishment of working groups within the Department to ensure the maintenance of access to justice, including representatives from Courts Service and other relevant agencies such as the Legal Aid Board
- Regular engagement between the Probation Service and Courts Service regarding on-going service delivery requirements.

The Courts have continued to deal with emergency applications throughout this public health crisis and are moving cautiously and in innovative ways to increase their capacity to administer justice in these highly challenging circumstances:

The High Court has continued to hear proceedings such as: Bail, Habeus Corpus, Wardship, injunctions & their enforcement and urgent judicial reviews, and Central Criminal Court (Custody Matters). In his statement on Friday 8 May, the President of the High Court said that it will be possible to expand both the type and number of cases to be heard from Monday 18 May 2020, and that the High Court will sit throughout the Whit recess / vacation. He pointed out that three courts will be available for remote virtual hearings daily. Seven other courts in the Four Courts complex will be available for physical hearings daily. He also noted that until further notice it will not be possible to hear cases which involve oral testimony.

In the Circuit Court, the Circuit Criminal Court is continuing to deal with custody matters, urgent family law matters, and personal insolvency matters.

The District Court has continued to hear custody matters and new offences, applications for ex-parte domestic violence applications, and applications by Tusla to take children into care. In his statement on Friday 8 May, the President of the District Court announced that parties with non-urgent cases are not required to attend court at this time. The District Court will continue to hear urgent matters in all District Court Districts throughout the country as before, and will resume hearings of certain other urgent matters. Urgent matters are now extended to include more areas in Criminal, Family, and Child Care Law.

Other adaptive measures being taken by the courts include video-link appearances from prisons for persons currently in custody; judgements being issued online; avoiding the need for legal practitioners to attend Court (all jurisdictions); on-line training and e-manuals for staff; and e-meetings.

Pilot remote courts commenced in the Supreme Court and the Court of Appeal at the start of the current term with the first substantive courts sitting on a pilot basis on the week commencing 20 April 2020. Building upon the experience obtained from these initial pilots, remote courts have since been held in the High Court, the Circuit Court and the District Court.

In his statement on Friday 8 May, the Chief Justice has indicated that more use of virtual courts and the extended use of safe physical courts, with organised physical distance, will allow for an increased number of cases to be heard to in the coming weeks.

The CEO of the Courts Service also announced that the Courts Service has appointed a full time Health & Safety Officer and is reviewing the proposed measures to ensure that courts are compliant with all necessary legislation and public health advice. The Courts Service has established a consultative user group to ensure that court users are involved in informing their decisions, as they increase their workload, while ensuring continuing compliance with public health advice.

The business of the courts is of fundamental importance and therefore I welcome the commitment, flexibility and innovation demonstrated by all involved towards delivering continuity of access to justice during the current public health emergency.

Question

5.147 To ask the Minister for Justice if he has any plans to carry out a human rights impact assessment of the COVID-19 emergency powers?

--John Lahart TD

Answer

Minister Flanagan:

The queries raised by the Deputy relate to primary and secondary legislation introduced by the Minister for Health.

The Garda powers referred to were provided for under section 31A of the Health Act 1947, as inserted by the Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020 and brought temporarily into effect through subsequent regulations – the Health Act, 1947 (Section 31A – Temporary Restrictions)(Covid-19) Regulations 2020. There was consultation between senior officials in my Department and the Department of Health in relation to this legislation, and, having been drafted by the Attorney General's Office, the regulations were signed by the Minister for Health following consultation with me as Minister for Justice and Equality as well as the Minister for Finance and for Public Expenditure and Reform.

It will be appreciated that section 42 of the Irish Human Rights and Equality Commission Act 2014 requires all public sector bodies to have regard to the need to protect human rights in their daily work. This includes Departments and agencies in the context of Covid-19. As the Deputies will appreciate, all the work of the Attorney General's Office is underpinned by the Constitution and the European Convention on Human Rights.

The additional powers provided for members of An Garda Síochána are necessary, were provided for by law, and are explicitly in the interests of protection of public health and the rights of others. It is also notable that the powers are temporary in nature.

A range of actions are being taken to ensure that the policing of these public health restrictions is carried out in an appropriate, proportionate and human rights compliant manner. The Garda Commissioner and his senior team have implemented a carefully graduated policing response, based on its strong tradition of policing by consent. Garda members engage, explain and encourage members of the public to comply and, only as a last resort, make use of their enforcement powers under these regulations. I understand that the Garda operational guidelines for the current operation are grounded in the organisation's human rights obligations and code of ethics.

In addition, as Minister I have taken a number of specific actions in the interests of transparency and in order to maintain public trust and confidence:

- I requested the Commissioner to compile and publish a record of the use of powers under the Regulations and he is doing so on a weekly basis.
- I also requested the Policing Authority to engage with the Commissioner to independently assess and report regularly on the use of these regulations. The Authority is consulting with the Irish Human Rights and Equality Commission (IHREC) and other relevant bodies such as NGOs operating in this area including the Irish Council for Civil Liberties.
- I have made this information on the use by An Garda Síochána of these powers and associated monitoring by the Policing Authority publicly available on my Department's website, at the following link: http://www.justice.ie/en/JELR/Pages/Use_of_Covid-19_related_powers_by_An_Garda_S%C3%A0och%C3%A1na

The Policing Authority provided its second report on the exercise of these powers on 7 May 2020 and will continue to prepare further reports on a fortnightly basis. The report finds that An Garda Síochána are continuing to act in a sensitive and proportionate manner and to use the powers under the health regulations only sparingly. It may also be noted that the Authority specifically welcomed the Commissioner's emphasis on the importance of the Garda Decision-Making Model, which has at its centre human rights and the code of ethics and also identified clear evidence of the consistent application of the law and of policy throughout the country by Gardaí in all circumstances.

Deputies will also have noted that the Policing Authority continues to conduct its regular meetings in public with the Garda Commissioner, the most recent of which was streamed online on 29 April. This engagement and oversight will help inform the Authority's reporting on this issue and provide further reassurance to the public about the manner in which Gardaí are carrying out their functions during this period.

Although not related directly to the Regulations, the Deputy may also be interested to note that, in so far as concerns matters within my remit and consistent with a human rights approach to this emergency, my Department has proactively considered the rights of those who may be in a particularly vulnerable situation in the context of Covid-19 and taken steps to prioritise their needs. For example:

- A very significant range of measures have been taken by the Irish Prison Service to safeguard the wellbeing of prisoners, informed and guided by advice from the National Public Health Emergency Team (NPHET) and consistent with prison-specific guidance for the management of Covid-19 issued by the World Health Organisation and the Council of Europe. Measures adopted include a reduction in the number of prisoners through use of temporary release in order to facilitate greater physical distancing and infection control regimes; cocooning of vulnerable prisoners; quarantine of new committals; basic health checks on all entrants, including staff, restrictions on access to prisons (including suspension of family visits) with parallel steps to ensure psychological wellbeing and ongoing family contact through an electronic video visit system and other innovations including the introduction of tele-psychology services.
- My Department and the HSE have also been working together very closely to support the health and welfare of asylum seekers and refugees availing of the State's accommodation services. Measures adopted include cocooning of vulnerable residents, procurement of an additional 850 beds to facilitate a reduction in resident numbers in support of greater physical distancing; provision for self-isolation facilities; and, in partnership with the HSE and Safetynet establishment of a national criminal telephone service to provide public health advice to support centre staff.
- In recognition of the added risk of domestic abuse which some people face at this time, my Department has led development of an inter-agency plan to address domestic abuse in the context of the Covid-19 crisis. This includes the provision of additional funding to frontline services, to ensure that supports and services remain available to victims and other measures to ensure that the civil and criminal justice system can continue to give priority to domestic abuse. A public awareness campaign has also been launched, in partnership with other State agencies and the community and voluntary sector, to publicise the support which is still available. More information is available at www.stillhere.ie
- While An Garda Síochána has been very active to support the public health restrictions in place, it is continuing with its enforcement of the criminal law to support the most vulnerable in our society. This includes not only an ongoing focus on community policing, but also continued priority for those who are at increased risk of domestic abuse at this time through a targeted operation (Operation Faóisimh).

Question

5.194 - Dear Minister Flanagan, I wish to bring to your attention some correspondence below I have received regarding direct provision in the context of Covid19. I would ask that you examine the matters raised in the correspondence and provide a response to these concerns. (Details Supplied)

--Jack Chambers TD

Answer

Minister of State Stanton:

Deputy, I am pleased to have this opportunity to provide you and your constituent with an update on the full range of measures that we and the HSE are taking to support residents in Direct Provision accommodation at this time.

We are doing everything that we can to protect the health and welfare of our residents and centre staff as well as that of the wider community. We are working closely with the HSE in doing so, and while the HSE advice has evolved over time, we have been assured by both it and the Office of the Chief Medical Officer that our approach is appropriate.

The direction from the HSE National Social Inclusion Office is that during the COVID crisis non-family members sharing a room in Direct Provision centres are considered to be a household. As such, they should implement social distancing measures from other households, i.e. residents in other rooms, and self-isolate if displaying symptoms or if directed by the HSE. In such instances, we provide facilities for self-isolation both on and off-site.

We are carefully following the guidelines for our centres that have been published by the HSE's Health Protection Surveillance Centre. These are publicly available at: <https://www.hpsc.ie/a-z/respiratory/coronavirus/novelcoronavirus/guidance/vulnerablegroupsguidance/COVID-19-Guidance-for-vulnerable-groups-settings.pdf>.

That guidance exists precisely because it is recognised that congregated settings such as Direct Provision centres present specific challenges in this pandemic.

In all matters related to the COVID-19 pandemic, my Department works collaboratively with the HSE to implement their public health advice. In partnership with the HSE and Safetynet, my Department has put in place a national clinical telephone service to provide public health advice to support centre staff. It is also being used to advise, support and work with locations where vulnerable groups are present relating to the implementation of COVID-19 guidelines and measures.

The established procedure across all centres where a person is suspected of having the virus or is confirmed as having the virus, is that, where advised by Public Health, they are moved to a dedicated offsite self-isolation facility. Supports are available for the duration of their period of isolation until such time as the HSE considers that they can safely return to their centre. We have opened four dedicated self-isolation facilities (with capacity for 299 people) in Dublin, Cork, Limerick and Dundalk. Residents in these facilities have their own bedroom and their own bathroom.

Since the start of the year over 1,550 permanent and temporary Direct Provision bed spaces have been procured, including the dedicated new centres opened in Rosslare Harbour, Caherciveen and Tullamore.

We have relocated over 600 residents to support social and physical distancing in centres and cocooning measures for the most vulnerable. By doing this, we have ensured that no more than three single people are sharing a room in any centre. We intend to continue this policy when the crisis is over.

The vast majority of the rooms in the new accommodation being used to support social and physical distancing are twin rooms accommodating two people. If any person is being accommodated in these locations based on an identified vulnerability (age or medical condition), they have their own bedroom and their own bathroom to facilitate their cocooning.

We have cocooned all residents over the age of 65 and anyone advised to the Department as having a serious medical illness.

We are communicating directly with centre managers and residents via regular newsletters, which can also be found on our website www.accommodationcentres.ie. The newsletters have provided practical information on implementing social and physical distancing at this time and promoted shared learning and best practice across our network of centres. Residents have also been made aware of the need for good hand hygiene and coughing/sneezing etiquette. Information and posters have been distributed to all centres and translations of public health information have also been provided. With Ramadan underway, we have also prepared and circulated information for centre managers and residents with practical supports on observing Ramadan during the current COVID restrictions.

During this time, centre managers have also been advised to increase the standard and frequency of cleaning throughout the centres, paying particular attention to communal areas. A regular supply of hand sanitiser for all centres is in place and this is distributed to centres as needed.

With regard to the specific complaint made in the correspondence regarding a family living in a named centre, I can inform the Deputy that my officials have investigated the matter and they are satisfied that the allegation is completely untrue.

We take any complaints from residents very seriously and all residents are made fully aware of their ability to contact my Department at any time, in confidence. Where the resident considers that their complaint has not been resolved to their satisfaction, they can contact the Office of the Ombudsman or the Ombudsman for Children, as appropriate.

My Department, the HSE and centre managers will continue to work closely together during this time to protect the health and safety of all residents and staff as a priority.

I note that the person in correspondence with the Deputy indicates they have resided in a Direct Provision Centre for some time. It should be noted that on average, an application for international protection currently takes around 16 months to be processed by the International Protection Office. At that stage, an applicant will receive either a positive or a negative recommendation on their application. A person who receives a negative recommendation may choose to appeal that decision to the International Protection Appeals Tribunal or may apply to bring judicial review proceedings in the Courts. This would extend the period of time that they spend in the international protection process and consequently the length of time that person spends in their Direct Provision accommodation.

Question

5.213 To ask the Minister for Justice and Equality to detail what additional supports have been put in place for victims of domestic violence during the Covid-19 pandemic; and if he will make a statement on the matter.

--Jim O'Callaghan TD

5.215 To ask the Minister for Justice and Equality whether his Department has provided any emergency funding to domestic violence service providers to ensure they can adequately respond during the Covid-19 pandemic; and if he will make a statement on the matter.

--Jim O'Callaghan TD

5.627 To ask the Minister for Justice and Equality if additional measures with resources have been put in place to tackle the rise of incidents of domestic violence during the Covid-19 crisis and with social and travel restrictions in place

--Martin Browne TD

Answer

Minister Flanagan:

I propose to answer 5.213, 5.215 and 5.627 together.

I can reassure the Deputy that combatting domestic abuse is a priority for me and my Department. It is also an important aspect of the National Strategy for Women and Girls and the Second National Strategy on Domestic, Sexual and Gender-based Violence.

I am conscious too of the added fear and risk of domestic abuse which some people face, in the context of the current Covid-19 restrictions on movement and gatherings. In recognition of this, my Department has developed an inter-agency plan to address domestic abuse during this period. We are also leading a public awareness campaign on domestic abuse during the Covid-19 crisis, in partnership with victim support services in the community and voluntary sector. I can also assure the Deputy that An Garda Síochána continue to attach the highest priority to domestic abuse incidents.

The Deputy requested information in particular on funding. Primary responsibility for funding frontline services including refuges for victims of domestic abuse rests with Tusla. Tusla has statutory responsibility for the care and protection of victims of domestic, sexual or gender based violence, and is providing €25.3 million in funding for these services in 2020. Further detail in that regard can be obtained from the Department of Children and Youth Affairs.

Insofar as my Department is concerned, and in addition to the funding already allocated for 2020, I can confirm that my Department has to date provided an additional €285,000 to date to organisations in the sector, to support and extend the existing services they offer during this period of the Covid-19 crisis.

The additional funding provided to date in this way consists of the following:

- Women's Aid: €63,000 for additional resources to extend the Support and Referral Service and the High Risk Support project;
- Rape Crisis Centre Network Ireland: €50,000 to support the work of local centres in relation to the provision of a confidential, data compliant service, and to manage information flows on advice and guidance to and from front line trauma support workers;
- Ruhama: €14,000 for additional support packs for women seeking to exit prostitution;

- Men's Development Network: up to €39,340 for an extension of the Male Advice line, extra telephone support for the Men Ending Domestic Violence programme, and to deliver a promotional campaign; and
- Safe Ireland: €36,000 for additional personnel capacity and communicating with their service users.
- Move Ireland: €33,000 for additional helpline and counselling support for perpetrators.
- Rape Crisis Centre Forum: €50,000 for local awareness-raising campaigns and for development of a package of revised service processes, standards and procedures, including adaptations to new ways of working arising from current circumstances.

The Deputy may also be interested to hear of the range of actions which have been taken in recent times to ensure that domestic abuse remains a priority and that all State and community and voluntary sector supports remain fully available to victims during the Covid-19 crisis.

The goal of these actions is to ensure that support services remain fully available to victims of domestic, sexual and gender-based violence and that they continue to receive the highest priority from the civil and criminal justice system in this period.

- An Garda Síochána has established 'Operation Faoiseamh', a proactive initiative designed to ensure victims of domestic abuse are supported and protected throughout this period. Under the initiative, domestic abuse incidents will continue to receive the highest priority response from Gardaí. In addition, Gardaí are making calls to victims who have reported domestic abuse in the past.
- The Legal Aid Board is giving priority to domestic violence and childcare cases, with every centre maintaining a phone line or email address for victims seeking supports. A Helpline has also been set up to ensure that persons experiencing domestic violence issues get prompt legal advice and legal representation in court where needed.
- The Courts Service is giving priority to domestic violence and childcare cases, with every District continuing to have a Court open to hear applications for protection orders, interim barring orders and emergency barring orders.
- Tusla has put a range of practical supports in place including in relation to funding, identification of additional accommodation capacity, and provision of additional ICT resources.

As well as these added supports and services, I and my colleague Minister of State David Stanton have launched a public awareness campaign, involving TV and radio advertisements as well as social and other media, to carry a message to victims of domestic abuse that services are still available despite COVID-19. The campaign will similarly alert perpetrators to the fact that domestic abuse will continue to receive the highest priority from the civil and criminal justice system throughout this crisis.

This public awareness campaign is being conducted in partnership by State services and community and voluntary organisations in the sector. Further information on the organisations involved in this initiative as well as services and supports for victims is available on a new website www.stillhere.ie.

Question

5.217 To ask the Minister for Justice and Equality what steps his Department is taking to deal with the fact that many separated/divorced parents are failing to comply with Court Orders in relation to maintenance payments and/or access orders during the Covid-19 pandemic; and if he will make a statement on the matter

--Jim O'Callaghan TD

Answer

Minister Flanagan:

The Deputy will appreciate that setting the terms of court orders and related proceedings are matters proper to the judiciary. Neither I nor my Department are involved in such matters.

In the current exceptional circumstances, while court offices are still open, they are only open for essential business, and by appointment only. The Judiciary and the Courts Service have advised that the District Court will continue to hear urgent matters in all District Court Districts throughout the country as before, and will resume hearings of certain other urgent matters. Urgent matters are now extended to include additional areas in Criminal, Family, and Child Care Law. In the area of Family Law the President of the District Court announced 8 May changes for matters which can be dealt with. These include the following:

- Applications and hearings for breach of maintenance or access that have occurred during the emergency period or applications and hearings for temporary guardianship orders.
- Remote call-overs and hearings may be conducted in some courts.
- Consent orders that do not require the hearing of evidence may be applied for by email by the applicant's solicitor exhibiting consent in writing from the respondent's solicitor. Following consideration by an assigned Judge orders will issue from the Court Office as appropriate without the need for the parties or their legal representatives to attend court.

According to the Practice Direction of the President of the District Court, a case which does not come into the defined urgent category can be treated as urgent if a good case can be made, and this will be decided, by the Court, on a case by case basis. The full details of the statement from the President of the District Court can be found on the website of the Courts Service at:
<https://beta.courts.ie/news/president-district-court-family-law-statement>.

I appreciate the concerns that the public health emergency is causing for many families in relation to court orders for matters such as access, maintenance and guardianship. I believe it is important to point out first and foremost however that court orders in relation to access remain in place. Everyone should understand that the restrictions brought in to tackle Covid-19 do not stop them being implemented, and should not be used as an excuse by either party. In particular, the Regulations made by the Minister for Health, which came into effect on Wednesday 8 April, recognise the right of a parent, guardian, or person having a right of access to a child to leave their home in order to give effect to arrangements for access by that person or for another parent, guardian or person having such right of access.

Clearly, however, during this time there may be instances where it is impossible for couples to adhere strictly to the terms of an Order, and the President of the District Court recently clarified that parents could come to mutually agreed arrangements for alternative contact, which could involve phone calls, or skype etc., such agreement being noted by email or text message.

It is also important to note that if parties cannot agree on an alternative arrangement, mediation services are still available and should be used. The Family Mediation Service of the Legal Aid Board is offering free telephone mediation and conflict coaching. More details about this service can be found

at www.legalaidboard.ie, while other free parent support services which provide help and advice are available from www.onefamily.ie and www.treoir.ie

With regard to maintenance and prior to the President of the District Court's statement 8 May, the Department of Employment Affairs and Social Protection agreed to revise social welfare payments upwards for a 12 week period for recipients who were no longer receiving maintenance from the other parent for their child because they have lost their job due to Covid-19.

I hope this information is of some help to families and I would like to emphasise that I am appealing to everyone to remember at all times that the welfare of the child is paramount.

Question

5.221 To ask the Tánaiste and Minister for Foreign Affairs and Trade what steps have been taken at EU level to protect migrants & asylum seekers from an outbreak of Covid-19; including those living in over-crowded reception centres; and if he will make a statement on the matter

--Seán Haughey TD

Answer

Minister Flanagan:

As the Deputy will appreciate, it is the responsibility of each individual Member State of the EU to address the challenges in their own state regarding the impacts of Covid-19 on persons resident in their state, including applicants for International Protection and other migrants. In order to support Member States and to help protect migrants and asylum seekers during the Covid-19 pandemic, the European Commission has prepared a formal guidance document called 'Guidance on the implementation of relevant EU provisions in the area of asylum and return procedures and on resettlement' with the support of the European Asylum Support Office (EASO) and the European Border and Coast Guard Agency (Frontex). This was formally adopted by Member States on 16 April and it illustrates how to ensure continuity of procedures as much as possible while fully ensuring the protection of people's health, given the healthcare measures introduced by Member States.

The Commission advices are that in order to prevent and contain the spread of Covid-19, public health measures such as medical screening, social distancing, quarantine and isolation should be applied as necessary for third-country nationals, including applicants for international protection, resettled persons or third-country nationals illegally staying in the Union provided that these measures are reasonable, proportionate and non-discriminatory.

In line with the EU Commission guidance I can assure the Deputy that my Department continues to follow HSE and Public Health guidelines in relation to measures taken to prevent the spread of Covid-19 within our Direct Provision accommodation system and our international protection system generally. We will continue to follow the Commission's guidance as regards asylum measures in the context of the pandemic as appropriate to Ireland. For example, Ireland continues to accept new asylum applications as normal as per the EU advices.

As regards our Direct Provision system, together with the HSE, we have put in place a range of measures in all of the Department's Accommodation Centres to address any cases of Covid-19 if or when they arise. This includes provision for self-isolation facilities in Centres and a number of offsite self-isolation centres around the State. In all matters related to the Covid-19 pandemic, we work collaboratively with the HSE to implement their public health advice.

We are carefully following the guidelines for our centres that have been published by the HSE's Health Protection Surveillance Centre. These are publicly available at: <https://www.hpsc.ie/a-z/respiratory/coronavirus/novelcoronavirus/guidance/vulnerablegroupsguidance/COVID-19-Guidance-for-vulnerable-groups-settings.pdf>.

That guidance exists precisely because it is recognised that congregated settings such as Direct Provision centres present specific challenges in this pandemic.

In partnership with the HSE and Safetynet, my Department has put in place a national clinical telephone service to provide public health advice to support centre staff. It is also being used to advise, support and work with locations where vulnerable groups are present relating to the implementation of COVID-19 guidelines and measures.

The established procedure across all centres where a person is suspected of having the virus or is confirmed as having the virus, is that, where advised by Public Health, they are moved to a dedicated offsite self-isolation facility. Supports are available for the duration of their period of isolation until such time as the HSE considers that they can safely return to their centre. We have opened four dedicated self-isolation facilities (with capacity for 299 people) in Dublin, Cork, Limerick and Dundalk. Residents in these facilities have their own bedroom and their own bathroom.

Since the start of the year over 1,550 permanent and temporary Direct Provision bed spaces have been procured, including the dedicated new centres opened in Rosslare Harbour, Caherciveen and Tullamore.

We have relocated over 600 residents to support social and physical distancing in centres and cocooning measures for the most vulnerable. By doing this, we have ensured that no more than three single people are sharing a room in any centre. We intend to continue this policy when the crisis is over.

The vast majority of the rooms in the new accommodation being used to support social and physical distancing are twin rooms accommodating two people. If any person is being accommodated in these locations based on an identified vulnerability (age or medical condition), they have their own bedroom and their own bathroom to facilitate their cocooning.

We have cocooned all residents over the age of 65 and anyone advised to the Department as having a serious medical illness.

In addition to the formal guidance provided by the EU Commission, the European Asylum Support Office (EASO), will continue to assess how the Covid-19 pandemic affects asylum services within Member States. The EASO will provide support and advice as necessary to all Member States (including Ireland) including the ongoing provision of training and professional development through their Training and Professional Development Centre.

The European Communities (Reception Conditions) Regulations 2018 transposed the EU Reception Conditions Directive into Irish law. Under the whole-of-Government approach, a number of Government Departments and agencies work closely together to ensure the necessary supports and services are provided to our residents. You can be assured, in these unprecedented times, that my Department will, in conjunction with all other responsible Departments and Agencies, continue to provide such services to the best of our abilities in line with the provisions of the Directive.

Question

5.285 To ask the Minister for Justice & Equality to clarify what support is being provided during the Covid-19 crisis for Gardaí who are single parents, and if the Minister will make a statement on the matter.

--Colm Burke TD

Answer

Minister Flanagan:

As the Deputy is aware, An Garda Síochána is carrying out extensive operations in support of public health guidelines and restrictions which are in place to prevent or reduce the spread of Covid-19 in the community. I am conscious of and appreciate the important contribution being made by Garda members and other frontline services during this pandemic, including the tremendous impact which Garda community engagement activities are having for those who are vulnerable at this time.

In relation to the question raised by the Deputy, it is important to note that the Commissioner is by law responsible for the administration and management of An Garda Síochána, including the deployment of personnel.

I am informed by the Garda authorities that An Garda Síochána operates on the basis of the principles outlined in the guidance on working arrangements across the public service, produced by the Department of Public Expenditure and Reform.

As the Deputy may be aware, An Garda Síochána has, as part of its operational response to Covid-19, introduced a new roster. I am informed that this temporary roster provides for a more regular pattern of attendance than previously, which is of considerable benefit in arranging childcare. I am further informed that it has also been agreed between Garda management and staff representatives associations that arrangements may be made at local level to meet specific individual needs where that is agreeable to all parties.

Question

5.308 To ask the Minister for Justice and Equality the number of people who were in direct provision on the 1st of January 2020 and who had been granted leave to remain and had remained in direct provision because of the lack of available housing in the country; the number of those who have since left direct provision due to the extra availability of housing due to Covid-19; and if he will make a statement on the matter.

--Éamon Ó Cuív TD

Answer

Minister of State Stanton:

As the Deputy will be aware, residents who have been granted an international protection status (refugee status or subsidiary protection status) or a permission to remain have the same access to mainstream housing supports and services as Irish and EEA nationals. There are currently 1,021 residents in our accommodation centres with status or permission to remain in the State. An equivalent figure for 1 January, 2020 is not available but I can say that the figure for the beginning of December, 2019 was 819. This means that over 1,000 people continue to be provided with accommodation, food and all ancillary services while also having full labour market access and full access to social welfare supports etc.

My Department supports residents of accommodation centres who have been granted an International Protection status or permission to remain in the State to move out of the accommodation centres and into more permanent accommodation in the community. My Department has a specific team who work in collaboration with DePaul Ireland, the Jesuit Refugee Service, the Peter McVerry Trust, officials in the Department of Housing, Planning and Local Government, and the City and County Managers Association to collectively support these residents to access housing options. My Department has also provided funding to the Peter McVerry Trust and DePaul Ireland as part of this process.

Through these efforts, 837 people moved from accommodation centres into the wider community in 2019. From January 1, 2020 to the end of March 2020, a total of 291 people with status or permission to remain have transitioned out of accommodation centres. Of these, 199 people moved with the assistance of the services and supports outlined above. Provisional figures to the end of April indicate that a further 83 people moved into accommodation in the community with 65 being assisted by the services mentioned.

My Department works with our partners and stakeholders collectively to identify and allocate accommodation for those who need it and have a permission status. Whether such accommodation has been provided arising from extra housing availability within the system as a result of the Covid-19 pandemic cannot be determined by my Department.

Question

5.339 To ask the Minister for Justice and Equality the number of Covid-19 cases detected to date amongst residents in Direct Provision Centres; the number of centres that these occurred in; whether all the residents of such centres were subsequently tested for Covid-19; and if he will make a statement on the matter.

--Éamon Ó Cuív TD

5.371 To Clarify the number of covid-19 cases, clusters and deaths that originated in both direct provision centers and emergency accommodation for asylum seekers/ refugees.

--Brid Smith TD

Answer

Minister of State Stanton:

I propose to answer 5.339 and 5.371 together.

As the Deputy will appreciate, the COVID-19 pandemic is a public health crisis, the response to which is being led by HSE Public Health, as is appropriate. My Department and management across our network of accommodation centres (both permanent and temporary) are working closely with the HSE to implement their public health advice.

With regard to medical information such as testing, test results and the release of data relating to same, the Deputy will appreciate that these are matters for the HSE in a public health context. Both the HSE and my Department are committed to protecting the medical confidentiality of our residents.

I can confirm that, in line with our agreed policy with the HSE, any centre resident with a positive COVID-19 result has been transferred to an offsite self-isolation facility where they are cared for until such time as the HSE considers that they can safely return to their centre. The offsite facilities are supported by a non-profit (Section 39) organisation and healthcare staff.

My Department and I will continue to work hard with local management, health agencies, and NGOs to provide every support possible to our residents at this difficult time.

Question

5.392 To ask the Minister for Justice if he will provide details on how many Public Health Locator Forms have been submitted to his Department by date received in tabular form and if he will make a statement on the matter

--Louise O'Reilly TD

5.393 To ask the Minister for Justice how many spot checks by telephone have been made since April 3rd 2020 on foot of the 'Travel Considerations' document considered by NPHET and Co-authored by his department and if he will make a statement on the matter

--Louise O'Reilly TD

5.394 To ask the Minister for Justice how many staff members by grade and WTE are employed to work as part of the Border Management Unit and are specifically engaged in the collation of and spot check / follow up by telephone from April 3rd 2020 to present on foot of the 'Travel Considerations' document considered by NPHET and Co-authored by his department and if he will make a statement on the matter

--Louise O'Reilly TD

5.395 To ask the Minister for Justice how many follow up actions were conducted by his Department since April 3rd 2020 on foot of the 'Travel Considerations' document considered by NPHET and Co-authored by his department and if he will make a statement on the matter

--Louise O'Reilly TD

5.396 To ask the Minister for Justice how many follow up actions were conducted by his Department since April 3rd 2020 on foot of the 'Travel Considerations' document considered by NPHET and Co-authored by his department and if he will specify the nature and location of these follow-ups and if he will make a statement on the matter

--Louise O'Reilly TD

Answer

Minister Flanagan:

I propose to answer 5.392, 5.393, 5.394, 5.395 and 5.396 together.

Covid 19 is a global pandemic, of very serious scale and consequences and thus far, compliance with restrictions has been very high, and the Government is asking everyone to continue to cooperate fully with the public health advice and requirements

I can inform the Deputy that In the interest of public health, the Government is requesting that operators of aircraft ensure that all persons entering the state are aware of the requirement to complete an Irish public health passenger locator form on arrival into Ireland. Passengers arriving by plane or ferry are requested to self-isolate for 14 days. They are provided with an information leaflet explaining the request and with a form to complete setting out their contact details and where they will self-isolate..

Forms Received	364	301	239	301	203	134	170	264	In Progress
Exempt	335	246	217	246	176	110	133	238	
Calls Made	26	51	20	55	27	19	37	26	

Other Ports	25/04/2020 - 30/04/2020
Forms Received	492
Exempt	369
Calls Made	86

Additionally, I can advise the Deputy that the Border Management Unit, operates 24/7 on a split roster over two terminals in Dublin Airport, comprising of eight teams working a 12 hour shift. The current staffing numbers are as follows:

- 1 Assistant Principal Officer
- 2 Higher Executive Officers (Immigration Control Manager)
- 18 Executive Officers (Immigration Control Supervisors)
- 128 Clerical Officers (Immigration Control Officers)

In response to the COVID-19 pandemic, the Border Management Unit has adapted its working arrangements to support the Public Health Service. Since the introduction of the Passenger Locator Form, every member of the Unit has been involved in the collection of the forms and in carrying out necessary follow-up phone checks to ensure passengers are self-isolating as requested on entry to the State.

Question

5.426 To ask the Minister for Justice and Equality whether he is aware of the significant number of Covid19 cases identified in the Temple direct provision centre in Athlone and can he act to ensure i) proper provision of meals to isolating residents ii) the movement of people self-isolating to single room accommodation and iii) the immediate movement of families and children to own-door accommodation and will he make a statement on the matter?

--Roderic O'Gorman TD

Answer

Minister of State Stanton:

I can inform the Deputy that, as of 6 May 2020, the Temple Accommodation Centre has 54 residents onsite, which is well below its contracted capacity of 125 residents.

In all matters related to the COVID-19 pandemic, my Department works collaboratively with the HSE to implement their public health advice. In partnership with the HSE and Safetynet, my Department has put in place a national clinical telephone service to provide public health advice to support centre staff. It is also being used to advise, support and work with locations where vulnerable groups are present relating to the implementation of COVID-19 guidelines and measures.

The established procedure across all centres (including Temple Accommodation Centre) where a person is suspected of having the virus or is confirmed as having the virus, is that, where advised by Public Health, they are moved to a dedicated offsite self-isolation facility. Supports are available for the duration of their period of isolation until such time as the HSE considers that they can safely return to their centre. We have opened four dedicated self-isolation facilities (with capacity for 299 people) in Dublin, Cork, Limerick and Dundalk. Residents in these facilities have their own bedroom and their own bathroom.

Since the start of the year over 1,550 permanent and temporary Direct Provision bed spaces have been procured, including the dedicated new centres opened in Rosslare Harbour, Caherciveen and Tullamore.

We are doing everything that we can to protect the health and welfare of our residents and centre staff as well as that of the wider community. We are working closely with the HSE in doing so, and while the HSE advice has evolved over time, we have been assured by both it and the Office of the Chief Medical Officer that our approach is appropriate.

Shared bedrooms and communal living space are provided in numerous settings. Similar arrangements apply in homeless and disability services and, indeed, in private rented accommodation.

The direction from the HSE National Social Inclusion Office is that during the COVID crisis non-family members sharing a room in Direct Provision centres are considered to be a household. As such, they should implement social distancing measures from other households, i.e. residents in other rooms, and self-isolate if displaying symptoms or if directed by the HSE. In such instances, we provide facilities for self-isolation both on and off-site.

We are carefully following the guidelines for our centres that have been published by the HSE's Health Protection Surveillance Centre. These are publicly available at: <https://www.hpsc.ie/a-z/respiratory/coronavirus/novelcoronavirus/guidance/vulnerablegroupsguidance/COVID-19-Guidance-for-vulnerable-groups-settings.pdf>.

That guidance exists precisely because it is recognised that congregated settings such as Direct Provision centres present specific challenges in this pandemic.

We have relocated over 600 residents to support social and physical distancing in centres and cocooning measures for the most vulnerable. By doing this, we have ensured that no more than three single people are sharing a room in any centre. We intend to continue this policy when the crisis is over. We have cocooned all residents over the age of 65 and anyone advised to the Department as having a serious medical illness.

We are communicating directly with centre managers and residents via regular newsletters, which can also be found on our website www.accommodationcentres.ie. The newsletters have provided practical information on implementing social and physical distancing at this time and promoted shared learning and best practice across our network of centres. Residents have also been made aware of the need for good hand hygiene and coughing/sneezing etiquette. Information and posters have been distributed to all centres and translations of public health information have also been provided. With Ramadan underway, we have also prepared and circulated information for centre managers and residents with practical supports on observing Ramadan during the current COVID restrictions.

During this time, centre managers have also been advised to increase the standard and frequency of cleaning throughout the centres, paying particular attention to communal areas. A regular supply of hand sanitiser for all centres is in place and this is distributed to centres as needed.

Specific arrangements have been put in place in the Temple Accommodation Centre to support social and physical distancing when using the laundry room or the communal kitchen. No more than two people are currently allowed to access the laundry room at the same time and the eight separate cooking stations can only be used by one person at a time. While meals are delivered to any person self-isolating or cocooning onsite, I can advise the Deputy that there are no such persons presently in the Temple Accommodation Centre.

We have approximately 7,700 residents living in our accommodation centres, of whom approximately 1,500 residents are living in own-door accommodation. While all own door accommodation is fully utilised at this time, it is our practice to prioritise families for such accommodation when it becomes available.

Question

5.461 To ask the Minister for Justice how the extension of the 2km limit to 5km limit for travel during the Covid Pandemic will be enforced/monitored and if he will make a statement on the matter.

--Aindrias Moynihan TD

Answer

Minister Flanagan:

The Deputy refers to the use of powers which have been provided for members of An Garda Síochána under section 31A of the Health Act 1947, as inserted by the Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020. These powers have been brought temporarily into effect through subsequent regulations signed by the Minister for Health – the Health Act, 1947 (Section 31A – Temporary Restrictions)(Covid-19) Regulations 2020).

First, it is important to say that the purpose of these temporary powers is to support public health restrictions and in that way, prevent or reduce spread of the Covid-19 virus in the community and in this way to contribute to the protection of public health during this pandemic. Second, the Garda Commissioner has confirmed that An Garda Síochána has adopted a graduated policing response to this issue, based on its tradition of policing by consent. The policy is that Garda members engage, educate and encourage members of the public to comply and only as a final option, resort to enforcement powers under these regulations. Use of the powers provided for in the Act and further detailed in the Regulations are therefore considered only where an individual, despite warnings, does not adhere to the guidelines.

The Deputy will appreciate that the Commissioner is by law responsible for the management and control of An Garda Síochána and that he is independent in the exercise of his functions.

I understand that An Garda Síochána put a National Policing Plan in place on introduction of these restrictions, including high-visibility checkpoints, proactive patrols and foot beats, as well as crime detection and prevention patrols and community engagement patrols with the elderly and vulnerable. I am further informed that Gardaí are also ensuring compliance and providing social distancing advices at public amenities and other places where people gather.

While the public health guidelines have been amended to allow exercise within 5km of a person's residence rather than 2km, I am informed that the National Policing Plan combined with the Graduated Policing Response continue to be implemented by An Garda Síochána.

Finally and as the Deputy may be aware, in the interests of transparency and public confidence, I requested the Commissioner to compile and publish a record of any use of these powers. For the same reasons I further requested the Policing Authority to assess and report regularly on the use of these regulations by An Garda Síochána. For the convenience of Deputies and the public, information on the use by An Garda Síochána of these powers and associated monitoring by the Policing Authority is available on my Department's website, at the following link:

http://www.justice.ie/en/JELR/Pages/Use_of_Covid-19_related_powers_by_An_Garda_S%C3%ADoch%C3%A1na.

Question

5.538 To ask the Minister has he received a report into the dispersing by the Guards of Debenham workers right to protest with physical distancing and if he has not will the Minister seek a report?

--Joan Collins TD

Answer

Minister Flanagan:

The Deputy will appreciate that the direction and control of An Garda Síochána is by law a matter for the Garda Commissioner.

It would not be appropriate for me, as Minister, to comment in depth on any particular incident. However I understand from the Garda authorities that the incident referred to by the Deputy passed off very peacefully, that Garda enforcement powers were not required to be used, and that no further action is anticipated by Gardaí in relation to the incident.

More generally, it is important to recognise that the rights to assembly and association are not unlimited and that limitations in the interests of protection of public health and life may be required in the context of the Covid-19 pandemic. As such, the Deputy will appreciate that, at the direction of the health authorities, restrictions on non-essential physical gatherings are required in the context of the current pandemic.

It is also important to acknowledge that at all times there remains scope for civil society to debate, demonstrate and protest online.

I also want to emphasise that a range of steps are being taken to ensure that the public health restrictions which are currently in place are applied in an appropriate, proportionate and human rights compliant manner.

In particular, additional powers were provided for An Garda Síochána in recent legislation and regulations by the Department of Health, in support of the public health restrictions on movement and gatherings. These powers were provided for by law, are necessary and explicitly in the interests of protection of public health and the rights of others. It is also notable that these powers are temporary in nature: the Act contains a sunset clause, whereby the additional powers provided for continue in operation until 9 November 2020, unless a resolution passed by both Houses of the Oireachtas provides for their continuation.

The Commissioner has confirmed that An Garda Síochána has adopted a graduated policing response to this issue, based on its tradition of policing by consent. Policy is that Garda members engage, educate and encourage members of the public to comply and only as a last resort, resort to enforcement powers under these regulations.

In the interests of transparency, public confidence and to ensure the new Garda powers in this regard are implemented in a proportionate and human rights compliant manner, I requested the Commissioner to compile and publish a record of any use of these powers. For the same reasons I further requested the Policing Authority to assess and report regularly on the use of these regulations by An Garda Síochána.

The Deputy may be interested to note that the second Policing Authority report on the exercise of these powers, provided to me on 7 May 2020 finds that An Garda Síochána are continuing to act in a sensitive and proportionate manner and to use the powers under the Health Regulations only sparingly. It may also be noted that the Authority specifically welcomed the Commissioner's emphasis on the importance of the Garda Decision-Making Model, which has at its centre Human Rights and

the Code of Ethics and also identified clear evidence of the consistent application of the law and of policy throughout the country by Gardaí in all circumstances.

For the convenience of Deputies and the public, information on the use by An Garda Síochána of these powers and associated monitoring by the Policing Authority is available on my Department's website, at the following link: http://www.justice.ie/en/JELR/Pages/Use_of_Covid-19_related_powers_by_An_Garda_S%C3%ADoch%C3%A1na

Question

5.622 To ask the Minister for Justice and Equality the number of gardaí who have been infected with Covid-19.

--Martin Kenny TD

Answer

Minister Flanagan:

The Deputy will be aware that the Department of Health is gathering and publishing data on the nationwide incidence and distribution of Covid-19 infections. My Department is not therefore in a position to provide further information on that data. Information on Covid-19 in Ireland, including the latest public health guidance and statistics, is published on the Government's COVID 19 webpage <https://www.gov.ie/en/campaigns/c36c85-covid-19-coronavirus/>

Question

5.623 To ask the Minister for Justice and Equality what measures have been taken in garda stations throughout the state to prevent the spread of Covid-19 among members of the Garda Síochána and members of the public in attendance or in custody at garda stations

--Martin Kenny TD

Answer

Minister Flanagan:

As the Deputy is aware, An Garda Síochána is supporting the public health guidelines and restrictions to prevent or reduce spread of the Covid-19 virus in the community and in that way to protect public health during this pandemic.

The Commissioner is by law responsible for the administration and management of An Garda Síochána, including the distribution of resources and equipment. Further and in general, maintenance and development of Garda accommodation is a matter for An Garda Síochána with the assistance of the Office of Public Works (OPW). As Minister I have no role in these matters.

I am informed by the Garda Commissioner that, based on the priority identified by Divisional Officers, An Garda Síochána has coordinated the supply and installation of protective screens in certain public-facing areas of Garda Stations such as the public office counter, prisoner processing areas and interview rooms.

I am informed that these works were carried out on behalf of An Garda Síochána by the OPW in order to mitigate the risks around the transmission of COVID 19 between Garda personnel and members of the public.

I am further informed that Garda management has also identified a range of alternative accommodation including educational institutions, local community facilities and so on, which are available to Garda management across the country in order to assist in protecting members and staff against COVID 19. I understand that the rationale is that certain Garda members and staff may be based temporarily at these locations, with a view to allowing units to be broken up into smaller numbers and in this way mitigating the risk of an entire unit being unavailable if there were a need for self-isolation procedures.

I understand that these facilities, where in use, are acting as a facility supplementary to the local Garda Station, to ensure compliance with social distancing guidelines, minimising the concentration of personnel in a particular location. This contributes to the protection of Garda members and staff and to the organisational resilience of An Garda Síochána.

The Deputy may also be interested to note that Garda guidance in relation to the use of Personal Protective Equipment (PPE) is based on public health advice and is kept under review. I have been informed by the Garda authorities that An Garda Síochána provide all Garda Divisions and Specialist Units with PPE on a weekly basis from central stores, for distribution to each station in order to ensure that Garda members and staff have adequate supplies to meet operational requirements.

Question

5.624 To ask the Minister for Justice and Equality what PPE has been provided to gardaí working during the Covid-19 pandemic.

--Martin Kenny TD

Answer

Minister Flanagan:

As the Deputy is aware, An Garda Síochána is supporting the public health guidelines and restrictions which are in place to prevent or reduce spread of the Covid-19 virus in the community and in that way An Garda Síochána is working to protect public health during this pandemic.

The Commissioner is by law responsible for the administration and management of An Garda Síochána, including the distribution of resources and deployment of equipment. The Commissioner also has responsibility for the safety, health and welfare of Garda members.

I am informed that An Garda Síochána provides all Garda Divisions and Specialist Units with PPE on a weekly basis from central stores. I understand that PPE supplies are then distributed by each Division to all Garda Stations under their aegis, to ensure that Garda members and staff have adequate supplies available to meet operational requirements. I understand that a Divisional Inspector is responsible for the distribution of PPE in each Division and stocks are replenished on request.

I am informed that the following is a list of the types of PPE supplies distributed on a weekly basis:

- Hand Sanitiser
- Disposable Gloves
- Face Masks
- Goggles
- Visors/Face Shields
- Disposable Anti-Bacterial Wipes & Sprays
- White Suits/Shoe Covers
- Gowns
- Plastic Aprons
- Signage

In terms of volume, I understand that to date, approximately 2 million pairs of disposable gloves, over 200,000 face masks and 50,000 litres of hand sanitiser in refillable plastic bottles have been distributed.

I am informed by An Garda Síochána that its guidelines for use by frontline Gardaí of personal protective equipment (PPE), including gloves and facemasks, are informed by a dynamic risk-based approach and in accordance with HSE/public health guidance.

On that point, it may be recalled that, in accordance with HSE guidance, the use of disposable facemasks is not currently recommended as a routine protective measure in non-healthcare settings. In line with the risk-based approach, while gloves and masks are available to Garda members on patrol and checkpoint duties, they are used in scenarios where exposure risk is heightened. A number of designated vehicles are also assigned to each Garda Division, to respond to incidents in which suspected or confirmed cases of Covid19 are a factor. I am informed that members deployed to these vehicles have access to full PPE necessary to ensure an appropriate response to such incidents and that they are deployed by Garda management as required.

The Commissioner has informed me that An Garda Síochána's guidelines are kept under review based on public health advice.

Finally, I understand that An Garda Síochána is working closely with other Government agencies including the Health Service Executive (HSE), Irish Prison Service, Enterprise Ireland, OGP, IDA and community based organisations to ensure the supply chain is maintained and that frontline Garda members are provided with the appropriate equipment to enable them to carry out their duties with confidence in this challenging period.

Question

5.625 To ask the Minister for Justice and Equality to explain why gardaí servicing road checkpoints are not wearing any PPE even though they are speaking to people in vehicles at a distance of less than two metres

--Martin Kenny TD

Answer

Minister Flanagan:

As the Deputy is aware, An Garda Síochána is supporting the public health guidelines and restrictions which are in place to prevent or reduce spread of the Covid-19 virus in the community and in that way An Garda Síochána is working to protect public health during this pandemic.

The Commissioner is by law responsible for the administration and management of An Garda Síochána, including the distribution of resources and deployment of equipment. The Commissioner also has responsibility for the safety, health and welfare of Garda members.

I am informed by An Garda Síochána that its guidelines for use by frontline Gardaí of personal protective equipment (PPE), including gloves and facemasks, are informed by a dynamic risk-based approach and in accordance with HSE/public health guidance.

The Commissioner has advised me that all Garda personnel, including those on patrol and on checkpoint duties, have been instructed to implement social distancing in their approaches to members of the public, to reduce the need to handle documents where practicable, and to engage in frequent hand hygiene using alcohol-based hand sanitisers and to wash their hands with soap and water on return to the station.

I am further informed that, in accordance with HSE guidance, the use of disposable facemasks is not currently recommended as a routine protective measure in non-healthcare settings. I understand that gloves and masks are available to Garda members on patrol and checkpoint duties, but are to be used in scenarios where exposure risk is heightened.

In line with their risk-based approach, a number of designated vehicles are assigned to each Garda Division, to respond to incidents in which suspected or confirmed cases of Covid19 are a factor. I am informed that members deployed to these vehicles have access to full PPE necessary to ensure an appropriate response to such incidents and that they are deployed by Garda management as required.

Finally, the Commissioner has informed me that An Garda Síochána's guidelines are kept under review based on public health advice.

Question

5.626 To ask the Minister for Justice and Equality what social distancing guidelines or regulations have been given to gardaí in their workplaces, garda stations or courts

--Martin Kenny TD

Answer

Minister Flanagan:

As the Deputy is aware, An Garda Síochána is supporting the public health guidelines and restrictions to prevent or reduce spread of the Covid-19 virus in the community and in that way to protect public health during this pandemic.

The Commissioner is by law responsible for the administration and management of An Garda Síochána, including the distribution of resources and equipment and the deployment of personnel. Further and in general, maintenance and development of Garda accommodation is a matter for An Garda Síochána with the assistance of the Office of Public Works (OPW). As Minister I have no role in these matters.

In relation to Garda stations and facilities, I am informed by the Garda Commissioner that based on the priority identified by Divisional Officers, An Garda Síochána has coordinated the supply and installation of protective screens in certain public facing areas of Garda Stations such as the public office counter, prisoner processing areas and interview rooms. These works were carried out through the offices of the OPW, on behalf of An Garda Síochána, and were undertaken to mitigate the risks around the transmission of COVID-19 between Garda personnel and members of the public.

I am further informed that Garda management has also identified a range of alternative accommodation including educational institutions, local community facilities and so on, which are available to Garda management across the country in order to assist in protecting members and staff against COVID 19. I understand that the rationale is that certain Garda members and staff may be based temporarily at these locations, with a view to allowing units to be broken up into smaller numbers and in this way mitigating the risk of an entire unit being unavailable if there were a need for self-isolation procedures. I understand that these facilities, where in use, are acting as a facility supplementary to the local Garda Station, to ensure compliance with social distancing guidelines, minimising the concentration of personnel in a particular location. This contributes to the protection of Garda members and staff and to the organisational resilience of An Garda Síochána.

The Deputy may also be interested to note that Garda guidance in relation to the use of Personal Protective Equipment (PPE), including gloves and facemasks, is informed by a dynamic risk-based approach and in accordance with HSE/public health advice. I have been informed by the Garda authorities that An Garda Síochána provide all Garda Divisions and Specialist Units with PPE on a weekly basis from central stores, for distribution to each station in order to ensure that Garda members and staff have adequate supplies to meet operational requirements.

The Commissioner has advised me that all Garda personnel, including those on patrol and on checkpoint duties, have been instructed to implement social distancing in their approaches to members of the public, to reduce the need to handle documents where practicable, and to engage in frequent hand hygiene using alcohol-based hand sanitisers and to wash their hands with soap and water on return to the station.

I am further informed that, in accordance with HSE guidance, the use of disposable facemasks is not currently recommended as a routine protective measure in non-healthcare settings. I understand that gloves and masks are available to Garda members on patrol and checkpoint duties, but are to be used

in scenarios where exposure risk is heightened. In line with the risk-based approach, while gloves and masks are available to Garda members on patrol and checkpoint duties, they are used in scenarios where exposure risk is heightened. A number of designated vehicles are also assigned to each Garda Division, to respond to incidents in which suspected or confirmed cases of Covid-19 are a factor. I am informed that members deployed to these vehicles have access to full PPE necessary to ensure an appropriate response to such incidents and that they are deployed by Garda management as required.

The Commissioner has informed me that An Garda Síochána's guidelines are kept under review based on public health advice.

With regard to the position at Courts, I am informed by the Courts Service that it has been working with members of the Judiciary and other stakeholders about the COVID-19 related changes in health and safety arrangements in place in the Criminal Courts of Justice and that these consultations have continued to explore additional measures as issues arise. I understand that the judiciary and Courts Service have established special measures for the conduct of business at this time as well as measures to significantly scale back the numbers of cases coming before the courts, while preserving access to justice. Steps have been taken to encourage social distancing through both Judicial practice directions and practices or changes introduced by the Courts Service. The measures include:

- No requirements for bailed defendants to appear;
- Block adjournment of lists introduced with dates emailed to solicitors and posted in various places in the Criminal Court of Justice;
- The custody list produced and posted outside the courtrooms;
- One solicitor at a time being dealt with in courtrooms;
- The jury assembly area open and available to be used as a waiting area;
- Judges sitting earlier to hear informations/requests for warrants;
- Sittings at 2.30pm and 4.30pm in addition to the morning sitting to prevent the build-up of cases for the evening Court;
- Floor markers to indicate the required distance while queuing for Court and the Bail office;
- Jury minders manning each Courtroom door to monitor numbers going in with a runner to call parties when required, and calling members of An Garda Síochána to court from the jury room waiting area as required;
- The PA system reminding users of the need to socially distance while conducting business in the Criminal Court of Justice;
- Hand sanitisers available: multiple wall-mounted units at various points in the Great Hall and jury assembly area; units also beside the cafe, outside the Public Office and outside the Bar Council Office;
- Additional cleaning of touch points carried out daily.

In addition, steps have been taken to use videolink and other technologies to the greatest extent possible.

Question

5.628 To ask the Minister for Justice if he has met with Safe Ireland during this Covid-19 crisis or is planning to meet the organisation/or take any meaningful action to enable victims of domestic violence to remove themselves from their abusers

--Violet-Anne Wynne TD

Answer

Minister Flanagan:

I would like to assure the Deputy that combatting domestic abuse is an important aspect of the National Strategy for Women and Girls and the Second National Strategy on Domestic, Sexual and Gender-based Violence and a priority for me and my Department.

I am conscious of the added fear and risk of domestic abuse which some people face, in the context of the current Covid-19 related restrictions. In recognition of this, my Department has developed an inter-agency plan to address domestic abuse during this period. We are also leading a public awareness campaign on domestic abuse during the Covid-19 crisis, in partnership with frontline services including in the community and voluntary sector. My officials have been in regular contact with relevant organisations, including Safe Ireland, in that regard. I can also assure the Deputy that An Garda Síochána continue to attach the highest priority to domestic abuse incidents, including through a specific operation (Operation Faoiseamh).

Primary responsibility for funding frontline services including refuges for victims of domestic abuse rests with Tusla. Tusla has statutory responsibility for the care and protection of victims of domestic, sexual or gender based violence, and is providing €25.3 million in funding for these services in 2020. Further detail in that regard can be obtained from the Department of Children and Youth Affairs.

Insofar as my Department is concerned and in addition to the funding already allocated for 2020, I can confirm that my Department has to date provided €285,000 in additional funding to organisations in the sector to support and extend the services they offer in the context of the Covid-19 pandemic. I can confirm that as part of this total, Safe Ireland have been allocated €36,000 for additional personnel capacity and communicating with their service users.

More generally, a wide range of actions have been taken to ensure that domestic abuse remains a priority, that supports remain fully available to victims during the Covid-19 crisis, and that they continue to receive the highest priority from the civil and criminal justice system in this period.

- An Garda Síochána has established 'Operation Faoiseamh', a proactive initiative designed to ensure victims of domestic abuse are supported and protected throughout this period. Under the initiative, domestic abuse incidents will continue to receive the highest priority response from Gardaí. In addition, Gardaí are making calls to victims who have reported domestic abuse in the past.
- The Legal Aid Board is giving priority to domestic abuse and childcare cases, with every centre maintaining a phone line or email address for victims seeking supports. A Helpline has also been set up to ensure that persons experiencing domestic abuse issues get prompt legal advice and legal representation in court where needed.
- The Courts Service is giving priority to domestic abuse and childcare cases, with every District continuing to have a Court open to hear applications for protection orders, interim barring orders and emergency barring orders.
- Tusla has put a range of practical supports in place including in relation to funding, identification of additional accommodation capacity, and provision of additional ICT resources.

These actions are in addition to the public awareness campaign referred to. This campaign, involving TV and radio advertisements as well as social and other media, is designed to carry a message to victims of domestic abuse that services are still available despite COVID-19. The campaign will similarly alert perpetrators to the fact that domestic abuse will continue to receive the highest priority from the civil and criminal justice system throughout this crisis. This campaign is being conducted in partnership by State services and community and voluntary organisations in the sector, including Safe Ireland. Further information on the organisations involved in this initiative as well as services and supports for victims is available on a new website www.stillhere.ie.

Question

5.629 To ask the Minister for Justice if he is aware of any plans to lift the restriction on sittings of the family courts for emergency cases in view of the hardship and negative impact the suspensions is having children and parents during the COVID-19 Pandemic.

--Seán Crowe TD

Answer

Minister Flanagan:

The Deputy will appreciate that setting the terms of court orders and related proceedings are matters proper to the judiciary. Neither I nor my Department are involved in such matters.

In the current exceptional circumstances, while court offices are still open, they are only open for essential business, and by appointment only. The Judiciary and the Courts Service have advised that the District Court will continue to hear urgent matters in all District Court Districts throughout the country as before, and will resume hearings of certain other urgent matters. Urgent matters are now extended to include additional areas in Criminal, Family, and Child Care Law. In the area of Family Law the President of the District Court announced 8 May changes for matters which can be dealt with. These include the following:

- Applications and hearings for breach of maintenance or access that have occurred during the emergency period or applications and hearings for temporary guardianship orders.
- Remote call-overs and hearings may be conducted in some courts.
- Consent orders that do not require the hearing of evidence may be applied for by email by the applicant's solicitor exhibiting consent in writing from the respondent's solicitor. Following consideration by an assigned Judge orders will issue from the Court Office as appropriate without the need for the parties or their legal representatives to attend court.

According to the Practice Direction of the President of the District Court, a case which does not come into the defined urgent category can be treated as urgent if a good case can be made, and this will be decided, by the Court, on a case by case basis. The full details of the statement from the President of the District Court can be found on the website of the Courts Service at: <https://beta.courts.ie/news/president-district-court-family-law-statement>.

I appreciate the concerns that the public health emergency is causing for many families in relation to court orders for matters such as access, maintenance and guardianship. I believe it is important to point out first and foremost however that court orders in relation to access remain in place. Everyone should understand that the restrictions brought in to tackle Covid-19 do not stop them being implemented, and should not be used as an excuse by either party. In particular, the Regulations made by the Minister for Health, which came into effect on Wednesday 8 April, recognise the right of a parent, guardian, or person having a right of access to a child to leave their home in order to give effect to arrangements for access by that person or for another parent, guardian or person having such right of access.

Clearly, however, during this time there may be instances where it is impossible for couples to adhere strictly to the terms of an Order, and the President of the District Court recently clarified that parents could come to mutually agreed arrangements for alternative contact, which could involve phone calls, or skype etc., such agreement being noted by email or text message.

It is also important to note that if parties cannot agree on an alternative arrangement, mediation services are still available and should be used. The Family Mediation Service of the Legal Aid Board is offering free telephone mediation and conflict coaching. More details about this service can be found

at www.legalaidboard.ie, while other free parent support services which provide help and advice are available from www.onefamily.ie and www.treoir.ie

With regard to maintenance and prior to the President of the District Court's statement 8 May, the Department of Employment Affairs and Social Protection agreed to revise social welfare payments upwards for a 12 week period for recipients who were no longer receiving maintenance from the other parent for their child because they have lost their job due to Covid-19.

I hope this information is of some help to families and I would like to emphasise that I am appealing to everyone to remember at all times that the welfare of the child is paramount.

Question

5.323 To ask the Minister: To clarify in relation to the Direct Provision centre in Cahirciveen,(formerly Skellig Hotel)

The total number of confirmed cases of Covid 19,?

The total number of suspected cases of Covid 19 ?

The arrangements to date for residents confirmed or suspected of having the virus; have they been moved from this centre, do they have access to medical attention and who is monitoring their health condition?

What medical facilities and personal are on site at the centre?

What arrangements are in place for the cleaning of rooms which housed suspected and confirmed cases of Covid 19?

Which firm or agency is responsible for carrying out this cleaning?

Are all residents now able to access their own toilet and shower facilities or are there still cases of residents sharing these with other residents who are non family members

Will the minister arrange the transfer to Dublin of those residents who wish to return to centres there?

Is the Minister aware of the practice of locking residents into the centres grounds, who took the decision to do this, was the department made aware of this, and will he instruct managers and supervisors to ceases this action immediately?

Does the centre have the capacity to allow residents cook their own food in a safe manner

--Bríd Smith TD

5.380 To ask the Minister for Justice and Equality if he can confirm whether there has been a major outbreak of Covid19 in the Skellig Star Hotel Direct Provision centre in Cahersiveen in Co.Kerry and if measures are being taken to thin out the number of residents there and is the Minister satisfied that all appropriate measures are being taken to deal with this outbreak and will he make a statement on the matter? --Roderic O'Gorman TD

Answer

Minister of State Stanton:

I propose to answer 5.323 and 5.380 together.

As the Deputy will appreciate, this is a public health situation, the response to which is being led by HSE Public Health, as is appropriate. My Department and centre management are working closely with the HSE to implement their public health advice.

Testing of residents and staff has been completed in Caherciveen by HSE Public Health.

With regard to medical information such as test results and the release of data relating to same, the Deputy will appreciate that these are matters for the HSE in a public health context. We can confirm that, in line with our agreed policy with the HSE, anyone with a positive COVID-19 result has been transferred to an offsite self-isolation facility where they are cared for until such time as the HSE considers that they can safely return to their centre. The offsite facilities are supported by a non-profit (Section 39) organisation and healthcare staff.

When a resident is transferred to offsite self-isolation facilities, measures are in place to ensure transportation vehicles are fully deep cleaned before and after each transfer is undertaken, and all HSE infection control standards are fully implemented. These transfers are complex and are carefully planned and effected.

The HSE has confirmed to the Department that there should be no movement into or out of the centre at this time, unless directed by public health. Residents have been asked by the HSE to remain in the centre while they continue to monitor the situation.

We know that the current restrictions are difficult for residents but the purpose of this HSE guidance is to protect the health of residents, staff and the wider community. We are working closely with the HSE and centre management to provide additional supports for residents during this time. There is a HSE Community Development Worker onsite at the centre 5 days a week to monitor the health of residents. This person is supported by a wider healthcare team. Additional outdoor space has been opened up with some seating provided and, next week, exercise equipment will be set up in the outdoor area for residents' use. Arrangements have also been made to ensure that any items residents require can be ordered from local shops and delivered to the centre.

There are currently 71 residents onsite in the centre, which has capacity for 150 residents and 56 bedrooms. Residents are a mix of single people and small sized families. All single residents have been offered their own bedroom and all bedrooms in the centre are ensuite. Some have declined this offer and have indicated that they wish to self-isolate with their roommate as a family unit. We continue to encourage these residents to accept the offer of their own room at this time.

No one is being prevented from leaving the centre. Centre management has confirmed that the main entrance door is on a thumb lock and residents have access to leave freely if they wish to do so. They have been recommended to self-isolate in the centre by HSE - as would be the case for any person where a member of the household has experienced Covid-19.

Guidance has been provided by the HSE to centre management on the enhanced cleaning arrangements required at this time. This applies to bedrooms, corridors, staircases, the dining room, kitchen, laundry room, lift, public toilets and reception and public areas. We are advised that this is being strictly adhered to by centre management and staff.

The centre is currently catered with three meals and snacks being provided to residents daily. The service provider plans to introduce independent living arrangements with cooking facilities for residents in the near future.

My Department and I will continue to work hard with local management, health agencies, and NGOs to provide every support possible to residents at this difficult time.

Question

5.709 - To ask the Minister for Justice and Equality whether he is considering any amendments to personal insolvency legislation to deal with the fallout from the Covid-19 outbreak and if he will make a statement on the matter.

--Michael McGrath TD

Answer

Minister Flanagan:

My Department is currently engaged in preparatory work for two sets of legislative changes which are relevant to the Deputy's question.

Firstly, my officials are considering certain specific formal or procedural statutory requirements which may be difficult or impracticable to comply with due to COVID-19 restrictions, including a small number of requirements under the Personal Insolvency Acts. Subject to Government formation and to reconstitution of both Houses of the Oireachtas, the intention is to bring forward for Government approval, a short urgent Bill, in order to make any necessary amendments as soon as possible.

Secondly, as the Deputy is aware, my officials are already working to complete the major statutory review of the Personal Insolvency Acts, following the earlier public consultation already held, and now, in addition, to ensure that this review will also take full account of the latest developments and particularly, the significant economic effects of the Covid-19 outbreak.

I expect the review report to be finalised by September, following further consultations with the Department of Finance, as required by s. 141 of the Acts, and with the Office of the Attorney General. That timetable, as the Deputy will appreciate, is of course subject to the legislative priorities that will be decided in the new Programme for Government.

Question

To ask the Minister for the Justice & Equality what measures, including income supports, have been put in place to ensure that sex trafficked women, prostituted and sexually exploited persons, trapped in a trade which places them in immediate danger are not forgotten by Government during the Covid-19 crisis?

--Duncan Smith TD

Answer

Minister Flanagan:

I am very conscious of the added difficulties which the current Covid-19 context may involve for trafficked persons and of the increased vulnerability they must feel.

In recognition of this, my Department has recently provided additional funding to Ruhama, to continue to deliver the vital services that they provide.

I would also note that the domestic abuse public awareness campaign which my Department is currently running, in partnership with frontline services, includes widespread publicity of the contact details for rape crisis services nationwide. Further information is available at the website www.stillhere.ie

The Government is fully committed to addressing human trafficking in all forms under Irish and EU legislation and the principal international conventions. The Second National Action Plan to Prevent and Combat Human Trafficking involves a victim-centred and human rights based approach, with the ultimate aims of preventing human trafficking, ensuring an effective criminal justice response and delivery of supports to victims.

In that regard, my Department provides funding to several non-governmental organisations to support their work to provide support to victims of trafficking.

Action is also being taken, as part of the Action Plan, to raise public awareness in Ireland and help members of the public identify the signs of human trafficking. More information is available on <http://www.blueblindfold.gov.ie>, a website maintained by my Department.

In addition an Garda Síochána continues to commit significant resources to the investigation of human trafficking and organised prostitution, and to supporting vulnerable victims including those who have been victims of trafficking. A specialised Garda Unit, the Human Trafficking Investigation and Co-ordination Unit (HTICU), has been established to coordinate delivery of national strategy.

Question

5.617 - To ask the Minister for Housing if he considers that the Covid-19 crisis has provided further evidence that the Direct Provision approach in Ireland run by private owners of B&Bs/Hotel accommodation is not fit for purpose and those running these centres are in many cases not best equipped to deal with situations of people who are traumatised following war, persecution and other such type experiences and are left in congregated settings with limited supports

--Violet-Anne Wynne TD

5.616 - To ask the Minister for Housing why local communities are stepping in to provide care for persons in direct provision; who have accommodation maintenance problems such as leaking pipes; no doors on ensuite bathrooms and who upon complaining are instead moved from these Direct Provision Centres --Violet-Anne Wynne TD

Answer

Minister of State Stanton:

I propose to answer 5.617 and 5.616 together.

In the first instance, I am happy to advise the Deputy that Minister Flanagan and I have asked an expert group chaired by Dr. Catherine Day to establish best practice in other European States in the provision of services, including accommodation to international protection applicants and to look at longer term trends and solutions, and this work is advancing at pace. Secondly, an Interdepartmental Group chaired by my Department, has been established to ensure that all Departments are proactively delivering on their responsibilities. The Group is reviewing the management of applicants for international protection and considering the short-to-medium term options which could be implemented to improve the system.

As the Deputy may be aware, the Direct Provision system was established twenty years ago because many of the people claiming asylum in Ireland at the time were in danger of falling into homelessness. Since then, more than 65,000 vulnerable people have been assisted by the system. Direct Provision is a whole-of-Government approach to supports and services for applicants, which means that several Government Departments and Agencies work closely together. Any credible alternative put forward must be capable of providing immediate access to food, shelter and medical care, for people who arrive spontaneously to claim protection, as the current system does.

It is simply not true to suggest that residents in Direct Provision accommodation centres are left without supports. While a person's asylum application is being assessed, all food, accommodation, utilities, etc. is offered free of charge. Residents have access to healthcare and education. A personal weekly allowance is also paid to each resident including the children. The system is completely voluntary and residents can choose not to accept the offer or to leave whenever they like.

Significant improvements have been made to the Direct Provision system since its introduction, particularly following the publication in June 2015 of the Justice McMahon Report. Residents have access to the services of the Ombudsman and the Ombudsman for Children. Importantly, each accommodation centre also has a 'Friends of the Centre' Group. This initiative brings together residents, community and voluntary groups to increase integration opportunities and to provide support for residents by local communities. National Standards for accommodation centres were published last August. These Standards were developed in cooperation with UNHCR Ireland and NGOs and can be viewed on our website (www.justice.ie). Access to the labour market, which was introduced in June 2018, has also provided an important integration opportunity for eligible

applicants and a chance for residents to become economically independent. The permission allows the holder to enter employment or to become self-employed.

I can also inform the Deputy that there is a wide variety of accommodation within the current Direct Provision system, ranging from own-door self-catering accommodation to shared accommodation in communal settings. Families and couples are accommodated together. Family members will only share accommodation with other members of their own family. Single people of the same gender may be required to share bedrooms in some centres. Cooking, dining and laundry facilities are generally provided in a communal setting except for own-door accommodation. Over half of all residents now have access to cooking facilities.

Where a resident has a complaint on any matter, including repair work to their room, or requires information they should first seek to engage with the manager of their accommodation centre. It is also open to residents to make a formal complaint to the IPAS directly on any matter that has not been resolved by the management. We take complaints from residents very seriously and all residents are made fully aware of their ability to contact the Department at any time, in confidence, and they have been provided with the appropriate contact details to do so. In addition complaints may be made directly to the Offices of the Ombudsman or the Ombudsman for Children, as appropriate.

Transfers are never implemented as a sanction against a resident as a result of complaint. Any transfers that take place from one location to another are a normal part of the Department's commitment to move residents to the most appropriate accommodation centre as soon as places become available. Families are prioritised for these transfers especially where own-door accommodation becomes available.

It is important to acknowledge that Centre managers and their staff are providing necessary care and support to their residents during the COVID-19 crisis. This is an unprecedented pandemic, which has posed particular challenges across all congregated settings, not just Direct Provision settings. I believe it is unfair to single out one group of essential workers for such criticism at this time.

Since the beginning of the COVID-19 pandemic, my Department and the HSE have worked closely together to support the health and welfare of asylum seekers and refugees availing of the State's accommodation services.

We are carefully following the guidelines for our centres that have been published by the HSE's Health Protection Surveillance Centre. These are publicly available at: <https://www.hpsc.ie/a-z/respiratory/coronavirus/novelcoronavirus/guidance/vulnerablegroupsguidance/COVID-19-Guidance-for-vulnerable-groups-settings.pdf>.

That guidance exists precisely because it is recognised that congregated settings such as Direct Provision centres present specific challenges in this pandemic.

In all matters related to the COVID-19 pandemic, my Department works collaboratively with the HSE to implement their public health advice. In partnership with the HSE and Safetynet, my Department has put in place a national clinical telephone service to provide public health advice to support centre staff. It is also being used to advise, support and work with locations where vulnerable groups are present relating to the implementation of COVID-19 guidelines and measures.

The established procedure across all centres where a person is suspected of having the virus or is confirmed as having the virus, is that, where advised by Public Health, they are moved to a dedicated offsite self-isolation facility. Supports are available for the duration of their period of isolation until such time as the HSE considers that they can safely return to their centre. We have opened four dedicated self-isolation facilities (with capacity for 299 people) in Dublin, Cork, Limerick and Dundalk. Residents in these facilities have their own bedroom and their own bathroom.

Since the start of the year over 1,550 permanent and temporary Direct Provision bed spaces have been procured, including the dedicated new centres opened in Rosslare Harbour, Caherciveen and

Tullamore.

We have relocated over 600 residents to support social and physical distancing in centres and cocooning measures for the most vulnerable. By doing this, we have ensured that no more than three single people are sharing a room in any centre. We intend to continue this policy when the crisis is over.

The vast majority of the rooms in the new accommodation being used to support social and physical distancing are twin rooms accommodating two people. If any person is being accommodated in these locations based on an identified vulnerability (age or medical condition), they have their own bedroom and their own bathroom to facilitate their cocooning.

We have cocooned all residents over the age of 65 and anyone advised to the Department as having a serious medical illness.

We are communicating directly with centre managers and residents via regular newsletters, which can also be found on our website www.accommodationcentres.ie. The newsletters have provided practical information on implementing social and physical distancing at this time and promoted shared learning and best practice across our network of centres. Residents have also been made aware of the need for good hand hygiene and coughing/sneezing etiquette. Information and posters have been distributed to all centres and translations of public health information have also been provided. With Ramadan underway, we have also prepared and circulated information for centre managers and residents with practical supports on observing Ramadan during the current COVID restrictions.

During this time, centre managers have also been advised to increase the standard and frequency of cleaning throughout the centres, paying particular attention to communal areas. A regular supply of hand sanitiser for all centres is in place and this is distributed to centres as needed.

My Department, the HSE and centre managers will continue to work closely together during this time to protect the health and safety of all residents and staff as a priority.