
Statement in response to queries from The Detail

The Minister for Children and Youth Affairs has secured additional funding for Tusla, the Child and Family Agency for 2017. This funding is intended to support the development of Tusla and to significantly expand its cohort of social workers and social care workers. Over 2016 and 2017, some €75 million in additional funding has been secured for Tusla, with an Exchequer funded budget of €713 million in 2017.

Tusla is currently implementing a three-year development plan which includes provision for extra staffing to meet critical service concerns such as addressing children awaiting the allocation of a social worker. The Government has provided significant additional resources to Tusla. During 2016, Tusla has been active in developing its capacity to recruit and retain staff across its multi-disciplinary organisation and this will continue throughout 2017 with a particular focus on areas of highest need. The additional funding of €37 million which has been secured for Tusla in 2017 will provide increased resources to meet identified risks and service demands.

There have been a number of significant reports in the area of child abuse and the implications for the care system. *An examination of recommendations from inquiries into events in families and their interactions with State services, and their impact on policy and practice*, published in 2013, found that the majority of the recommendations have been either acted on to a greater or lesser extent, and often the context of the original report has been overtaken by a reforming child care sector.

The Minister for Children and Youth Affairs also has powers to establish stand-alone reviews or investigations. The Minister recently exercised her powers under the Health Act 2007 to direct HIQA to examine Tusla's policies and procedures for the handling of historical/retrospective allegations. In short, there is a robust framework of standards and regulations that hold service providers to account and help drive improvements for the benefit of families and children who need them.

The level of assurance being provided from the standards driven environment is an impetus for change. Tusla was established to meet and take on the challenge of reforming and consolidating a national child welfare and protection service. The child protection delivery, inspection and oversight regime is based on legislation, in particular, the Health Act 2007, the Child Care Regulations 1995, and the Child and Family Agency Act 2013. The statutorily independent Health Information and Quality Authority regularly inspects Tusla's services and publishes its inspection reports on its website.

The Minister for Children and Youth Affairs has a strong reform agenda for the reform of the legislation and the ongoing reforms being implemented by Tusla. The Minister has committed to a full review of the underpinning Child Care Act, is progressing the Bill to reform Guardians ad Litem and is putting in place the resources necessary to commence mandatory reporting under Children First. The Minister is moving forward with the support of her Government colleagues and will continue to advocate for children's welfare and their protection.

Response to individual Questions

1. Can the Minister for Children comment on the significant variation across both jurisdictions in the number of children at risk of abuse or neglect?

Response: The Minister does not intend to comment on this aspect as the child protection system in Northern Ireland is framed in a different legislative environment, with regulations and administrative arrangements which are not directly comparable to this jurisdiction.

2. Does the Minister for Children accept that the number of children on the child protection register in Ireland is lower than might be expected? Has the Minister any plans to investigate the low substantiation rate?

Response: At the end of December 2016 there were 25,034 cases open to child protection social workers in Tusla. Of these, 1,272 cases were listed as active on the Child Protection Notification System and 6,258 children were in care. The remaining 17,504 open cases (70%) were being actively worked by child protection social workers.

Child protection work by Tusla is not limited to children on the Child Protection Notification System. For a case to be listed as active on the Child Protection Notification System there must be evidence of persistent problems that impair the health and wellbeing of the child. A child protection conference will determine if this threshold has been reached for approving a specific child protection plan. Work by social workers to protect the child and support the family is ongoing during and after this process. The Department of Children and Youth Affairs has commissioned a short report to look at an aggregate profile of children who present on the Child Protection Notification System to inform future policy in this area.

HIQA has inspected all 17 Tusla administrative areas and has a rolling annual programme of inspections of child welfare and protection services, foster care and residential care. As part of their inspections, HIQA looks at the application of the child protection thresholds. HIQA has not reported an issue with the current set of thresholds to the Minister, which is within its remit.

3. Can the Minister for Children comment on the significant difference in the number of social workers employed in child and family services across both jurisdictions? Does the Minister accept that Tusla requires more social workers over and above its current complement? What provisions has the Minister and her Department made to address the shortfall in social work staff in Tusla? What assurances can the Minister give that children at risk are not falling through the cracks because of resource issues?

Response: In 2015, the Minister for Children and Youth Affairs secured significant additional funding for Tusla to engage in a three year comprehensive expansion of

its cohort of social workers, social care workers and business support staff. This recruitment programme is in its second year and funding has been committed to Tusla to enable it to meet its targets for 2017.

Tusla and the Department of Children are participating in the development of a National Integrated Strategic Framework for Health Workforce Planning, led by Department of Health and in collaboration with Government Departments and agencies.

The Steering Group coming out of this work expects to produce and submit to the Minister for Health recommendations on the establishment of a governance and operational framework to guide the development of health workforce planning for Ireland in June 2017. The framework will embed stakeholders such as the Department of Education, Higher Education Authority and Higher Education Institutes into future workforce planning decisions to ensure appropriate supply of all healthcare workers, including social workers. The analysis of appropriate supply of social workers will consider the supply across all sectors not just in child and family support.

Regarding social work, Tusla has set an end of 2017 target of 1,520 social worker whole time equivalents (WTE). Recruitment of social workers will continue to be difficult for the coming years as there are around 250 social work graduates annually and there is strong competition for this limited pool of new social workers. Tusla is actively recruiting and has expanded its 2017 graduate recruitment drive to the UK and Northern Ireland.

In addition to social worker recruitment, Tusla is recruiting social care workers and business support staff. This will act to relieve some pressures being experienced by social work teams. Tusla employs well qualified and graduate social care workers across a range of its functions, including as part of child protection teams, foster care services, staffing residential care facilities, as well as work in early intervention and family support.

Tusla is actively considering a number of retention and support arrangements, including business support, senior practitioner roles, and an increase in the number of family support workers.

In relation to assurances regarding children at risk, please see responses regarding the monitoring and inspection of services, and the progress of the Children First Act 2015 below.

4. Can the Minister comment on the following

During 2016 there were 20 children, deemed at risk and registered on the child protection register, without an allocated social worker.

Response: It should be noted that the figure referred to is a cumulative one where a child at the time of reported was not allocated a social worker, and most of these children have subsequently been allocated a social worker. At the end of December 2016, other than one child visiting from another jurisdiction, one child had not been

allocated a social worker. As an interim measure, the protection plan for the child was being implemented under the supervision of the area's senior management team by a social care worker.

A child who is at risk of abuse but is assessed as having the possibility of remaining with their family may be the subject of a child protection plan, as agreed and monitored by a child protection conference. While this plan is in place, the child is not in care and can often continue to live at home. Contrary to any public perception, the main reason for being listed as active on the CPNS relates to neglect rather than physical or sexual abuse. The threshold for significant harm is reached when the problems affecting the child and family are persistent and there is an impairment to the health, development or well-being of the child, where there is an ongoing risk, whether this is physical, mental or both. In some cases this is the result of an incident or it may result from a pattern of behaviour, particularly in the case of neglect. When a child is protected and the child protection plan is no longer required, the social worker will continue to work with the family to address the ongoing identified needs.

If the social worker for the child identify significant ongoing risk, a child protection plan is prepared and this is reviewed a child protection conference, which will involve the social worker, the family and child, as well as related professionals. If it is determined that a child protection plan is approved, only then is a child placed on the Child Protection Notification System. A child protection plan is reviewed as often as required by the child protection committee. If a plan shows sufficient progress, the child may be listed as inactive on the CPNS and the social work intervention would continue. If the plan fails to progress, the option of other interventions or of receiving the child into care are often the next steps. At any time, actions needed for a child to be received into care may be taken where the social worker has formed a view that this is in the child's best interest.

In December 2016 there were 5,413 open cases (child protection or children in care) without an allocated social worker. This is one in five or 22% of all open cases. Tusla had a target to get the number of unallocated cases down below 2,700 by the year end – the actual number achieved is double that target.

Response: Tusla is engaged in a three year programme to recruit sufficient social workers, social care workers and business support staff to address the number of children who need a service who do not have an allocated social worker. Significant funding has been provided to Tusla to support this work.

On average, since 2014, Tusla has had 27,000 open cases, decreasing from some 30,000 open cases to 25,000 approx. An open case is where a social work service has been identified as being needed.

Since establishment, Tusla has reduced the number of cases that do not have an allocated social worker from over 9,000 cases, or 32% of open cases. As of December 2016, this stood at 5,413 cases awaiting the allocation of a social worker, or 22% of all open cases. There has been decrease in the number of cases awaiting allocation of 44% in this time.

2017 is the second year of the three year plan to reduce the number of unallocated cases. Funding is in place for the recruitment of social workers and other members of the multi-disciplinary team to further reduce the number of unallocated cases. However, the recruitment environment for social workers is challenging.

While additional resources are being put in place to address unallocated cases, it is important to note that cases are monitored and managed by the duty social work team under the supervision of the principal social worker. Where appropriate, the duty team may conduct visits or other checks to inform the prioritisation of the case, which is reviewed periodically. Cases are subject to on-going reviews and where appropriate, the level and nature of support being provided will change depending on the needs of the child.

Between 2014 and 2016 more than 1,600 child protection referrals were not recorded as screened or subject to a preliminary enquiry by Tusla. 10 out of 17 service areas recorded a 100% screening rate, with 'unscreened' referrals confined to seven service areas (Midlands, Cavan/ Monaghan, Kerry, Carlow/ Kilkenny/ South Tipperary, Waterford/ Wexford, Donegal, and Sligo/Leitrim/West Cavan).

Response: All referrals are screened initially to determine if it is relevant to the child welfare and protection team. A referral received in a Tusla office may relate to issues other than child protection, including bereavement counselling, parental disputes, mental health or problems in school. Screening can result in the person being redirected to the relevant service. There can, also, be several referrals received about the same issue.

Tusla has advised, however, that some areas continue to include referrals that are not related to child protection in their returns of child protection referral data. These referrals do not proceed to preliminary enquiry.

The Review of Adequacy 2014 report notes that Tusla/HSE officers (designated and non-designated) account for around 23% of all referrals, An Garda Síochána accounts for 20%, and schools represent 12% of referrers, with parents/guardians at 10% approx.

Referrals of a child welfare or protection nature have preliminary enquiries made about them. Approximately 60% of referrals to Tusla are of a child welfare concern with the remaining 40% related to child protection concerns.

Tusla's policy is to refer child welfare referrals to relevant family and community support services. At any stage, if a determination is made that there is abuse, whether physical, emotional, sexual or neglect, from which there is an ongoing risk of significant harm, the child protection pathway is followed. In a minority of cases this may lead to the child being placed on the Child Protection Notification System (CPNS) or the child being received into care.

Following assessment, about 50% of all referrals do not meet the threshold for a child protection social work service. Many of these are welfare matters that are addressed by family and community based interventions, often through Family

Resource Centres funded by Tusla, or through the developing network of Children and Young Persons Committees. Other referrals may be directed to services provided by other State bodies, for example CAMHS, adult mental health or counselling services.

5. Can the Minister outline what steps have been taken since March 2015 to address the concerns of the UN Committee? (adequate resources, address the needs of children at risk in a timely manner, and implement long-term programmes to address the root causes of violence and abuse).

Response: Since its formation Tusla has seen a steady increase in the resources to support its activities. In 2017, Tusla Exchequer funding for capital and current is some €713 million.

The table below details the funding allocations made available to the Agency over the period 2014 to 2017 for current (pay/non-pay) only:

Current						
			2014	2015	2016 *	2017
			€'000	€'000	€'000	€'000
Funding Allocation			602,283	631,015	662,482	699,335
Increase in budget				28,732	31,467	36,853
% Increase in budget				5%	5%	6%

The additional funding is enable the recruitment of additional core social work, social care worker and business support staff. The funding has also secured the ongoing development of standard business procedures, the Tusla’s out of hours service and the development of the National Child Care Information System, for which €4 million funding has been approved. The NCCIS has been piloted and is expected to be rolled out to all 17 areas by the end of 2018.

6. Can the Minister confirm when ‘mandatory reporting’, as set out under the Children First Act, will commence? Last year the Department signalled there were “ongoing concerns regarding readiness” to roll out mandatory reporting – have these concerns been addressed? What additional funding and resources has the Department made available to Tusla in 2017 to prepare for ‘mandatory reporting’ and an anticipated increase in child protection referrals?

Response: It is intended to commence the remaining provisions of the Children First Act 2015 by the end of 2017. To date, the sections referring to the general provisions of the Act, section 28 on corporal punishment, and the sections relating to the establishment of the Children First Interdepartmental Implementation Group have been commenced.

There are significant obligations on mandatory reporters and work is underway to ensure that information and training modules, in an e-training format as well as other resource materials, are in place before commencement. Further, Tusla is in dialogue with the Department in its preparations for the commencement of the Act to enable the supports to be in place for mandatory reporters and for Tusla to receive mandatory reports.

The Department continues to work closely with the statutory interdepartmental group to put in place supports for those who will acquire legal obligations under the Act.

7. What assurances can Minister Zappone give that the lessons of past failings have been learnt?

Response: There have been a number of significant reports in the area of child abuse and the implications for the care system. An examination of recommendations from inquiries into events in families and their interactions with State services, and their impact on policy and practice, commissioned by DCYA and the Irish Research Council in 2013. The report was prepared by Dr. Helen Buckley and Dr. Caroline O’Nolan of the School of Social Work and Social Policy Department, Trinity College Dublin. It found that the majority of the recommendations have been either addressed or implemented, or have been overtaken by developments in the child care sector. The report also highlighted that it may be helpful for future reports to take fuller account of the changing environment of the sector to make their findings more influential in terms of improving child protection practices.

8. What assurances can the Minister give that child protection standards and practices are being implemented consistently across Tusla and in a timely manner? What assurances can the Minister give that children at risk of abuse and neglect are adequately protected and safeguarded?

- a. **Response:** Since the introduction of the Child Care Act 1991, the Government has established a strong system of service delivery, inspection and oversight for the child care sector. This regime is based on legislation and, in particular, the Child Care Regulations 1995. The inspection of Tusla, the Child and Family Agency is under the remit of the statutorily independent Health Information and Quality Authority. HIQA regularly publishes its inspection reports on its website.

HIQA has inspected all 17 Tusla administrative areas and has a rolling annual programme of inspections of child welfare and protection services, foster care and residential care. As part of their inspections, HIQA looks at the application of the child protection thresholds. HIQA has not reported an issue with the current set of thresholds to the Minister, which is within its remit. HIQA reviews individual cases as part of its inspections and, where necessary, will escalate the application of the threshold in a particular case to be checked by Tusla management. Where such cases arise, they are normally resolved during the inspection period.

The Minister for Children and Youth Affairs also has powers to establish stand-alone reviews or investigations, for example under the Child and Family Agency Act 2013. The Minister recently exercised her powers under the Health Act 2007 to direct HIQA to examine Tusla's policies and procedures for the handling of historical/retrospective allegations. In short, there is a robust framework of standards and regulations that hold service providers to account and help drive improvements to service delivery to the benefit of families and children.

Further clarification

Tusla funding for roll-out of mandatory reporting.

As stated in the earlier material provided, Tusla's budget allocation in 2017 is €713 million, which includes an increase of €37 million over the 2016 budget allocation. The increase in funding for 2017 will allow Tusla to continue prioritising a number of areas of work, including enhancing Tusla's capacity to respond to policy and legislative requirements in the area of Children First. In addition to this significant increase an additional amount of €4.2m was provided for legislative developments in 2017, which includes the Children First Act 2015.

As full commencement of the provision relating to mandated reporting will only commence in December 2017 the issue of full year costs does not arise in 2017. It is expected that any additional resource requirements for Tusla, including for the roll out of mandated reporting, will be dealt with in the context of 2018 budget discussions.

Has the Department asked Tusla to address this anomaly in the reporting of child protection referrals? Can the Department say what actions are being taken to address such reporting inconsistencies?

The Department would note that more than one referral may be received about a child and consequently this activity indicator will not have a one to one relationship with the number of cases that are on hand in a social work department. The referrals data is an important indicator of the volume of referrals being received and of the activity expected to be reported in a social work department.

Tusla has indicated that the number of referrals that were subsequently determined not to require a preliminary enquiry is addressed through Tusla's quality assurance processes. All referrals which require a preliminary enquiry receive one. Tusla has advised that this issue will be addressed fully in the roll out of the National Child Care Information System, which as previously indicated is the subject of substantial investment.