



IASW

Irish Association of
Social Workers

**Irish Association of Social Workers
Government Submission for
Department of the Taoiseach in
Respect of Crisis in Family &
Residential Care Placements**

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Interest Group

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This paper was based on the views of a range of stakeholders working with and on behalf of children in care, including but not limited to members of the Irish Association of Social Workers.

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Introduction

“Fabricated’ pre-employment staff checks”, “bedbugs and risk of self-harm and peer-to-peer abuse”, and “companies paid €58 million to run unregulated accommodation for children in care last year”, are shocking headlines that we have become accustomed to reading in recent months. They focus on the provision of State care through “Special Emergency Arrangements” (SEAs). At best they are tailored individual care for children whose needs cannot be met within the available fostering and residential care services, at worst they are unregulated, ad hoc arrangements that do not serve the needs of the children they purport to care for, and indeed have been shown to put them actively at risk of harm.

Either way, they are a symptom of wider deficits in the provision of Child Welfare and Protection services across the board: a lack of social workers and social care staff to support parents to keep them at home, a lack of foster and residential placements to support children when they do come into State care.

This summer, Prime Time Investigates exposed what Tusla personnel and those involved in Child Care cases before the Courts knew for some time before, that there are insufficient placements for the number of children that need to be placed in State Care, and that there is insufficient oversight of the category of residential placements known as SEAs.

In response to this situation, the Irish Association of Social Workers convened a Round Table discussion inviting all of the stakeholders working in this area, including EPIC (Empowering Young People In Care), IFCA (the Irish Foster Care Association), Tusla, HSE, Irish universities, members of the Judiciary amongst others.

Participants agreed to the need for a government wide approach to children’s rights and wellbeing, based on researched data and evidence. In summary, children in Ireland have the right to receive adequate care and protection especially those in the care of the State.

Background

Under the Child Care Act 1991, the State has the legal right to remove children from their parents’ care when it is determined that a child is at significant risk of harm. When that happens, the child goes to live in alternative care, either to the care of relatives, general foster carers or residential care placements. Foster care and residential care can be provided through both the public and private sector.

In recent times, due to a shortage of both foster placement and residential placements, the use of SEAs has developed. These placements are situated in rented

accommodation such as holiday homes, short term rental accommodation, and at times, in hotel rooms. These are setup and staffed through private agencies.

Although SEAs were never meant to be a long-term solution, they have now become a common feature of care provision and questions have been repeatedly asked about regulation, oversight, qualifications and Garda vetting of staff, and, at times, the safety and welfare of the children they were set up to care for.

Both fostering and residential placements are subject to regulation and inspection against independently established quality standards, however, currently this is not the case with SEAs.

Tusla is working to improve the current crisis: looking to address staff shortages, the lack of foster placements and the insufficiency of regulated state and private residential places. These efforts are described in documents such as the People and Change Strategy 2022-25, the Tusla Therapeutic Service Plan 2022-25, Tusla Parenting Support 2022-27, the Strategic Plan for Foster Care Services for Children and Young People 2022-25, the Strategic Plan for Residential Care Services for Children and Young People 2022-25 and the Tusla Corporate Plan 2024-26. Notwithstanding these strategies, Tusla continues to struggle with a shortage of social workers, social care workers, foster carers and residential placements.

The IASW Round Table Discussion looked at five crucial aspects of the work around caring for children in State care, examining how to:

1. Recruit and support carers
2. Recruit and support social care and social work staff including residential staff
3. Ensure child centred focus and responsibility sharing of state services to support children in care
4. Ensure immediate safety and oversight of Special Emergency Arrangements (SEAs)
5. Ensure long term sustainable model of residential/specialist care/support services for children with additional needs including trauma, disability and mental health.

“The lack of suitable care placements is having a domino effect that risks collapsing the care system. The knock-on effects of a lack of appropriate placements are compounding existing difficulties for children and staff and so we fear the system has begun to unravel.” Dr Maria Corbett, CEO of the Child Law Project (Irish Legal News, 8 July 2024)

1. Recruit and Support Carers

The consensus at the Roundtable discussion convened by IASW was that applications to become foster carers and the availability of foster placements have declined in recent years. Some believed that this might be to do with societal changes such as economic commitments, housing issues, decline in religious observation (previously fostering was seen by some as an expression of faith), and the later age that people are having children. Some participants felt that fostering is portrayed negatively at times, but that this could be mitigated by supports such as improved pay, access to pensions and other welfare benefits, specific training and peer support. More efficient access to services for children such as Speech and Language Therapy, psychology, Occupational Therapy, Child and Adolescent Mental Health Service, disability services, were also identified as being supportive to foster placements.

Although Tusla are attempting to address some of these issues through the development of strategic approaches, all agreed that they remain unresolved and cannot be resolved by any single organisation or State Agency.

Participants considered additional strategies to improve the perception as well as retain and grow the numbers of foster carers in Ireland, including:

Independent advocacy for foster carers, adequately resourced post-fostering support service, improving financial support, providing respite care, increased support and ease of access to support services for children in care, working towards permanence in placements and mediation between carers and parents.

It was agreed that research focusing on foster carers alongside an examination of learning from other countries who have moved towards the use of professional fostering would be helpful.

In September 2023 the Irish examiner reported that of 850 Tusla vacancies 350 were social work roles and 244 were social care positions.

2. Recruit and Support Social Care And Social Work Staff Including Residential Staff

The Round Table also examined issues surrounding recruitment and support of social care and social work staff including residential staff. There was widespread support for increasing the salary for Child Protection and Welfare social work and social care work. This would acknowledge the statutory responsibilities attached to acting *in loco parentis* as well as the risk held by statutory social workers for the most vulnerable children in the country. Consideration was also given to paying a weighting allowance for Tusla staff working in Dublin because of the increased accommodation and general living costs. There was also discussion of increasing pathways into social work and social care courses through universities and within Tusla, including apprenticeships, the need for paid training placements, sponsorship, improving the media narrative about the role as well as addressing issues underlying recruitment of Irish social workers to posts away from Ireland.

There was discussion about staff retention, which mostly focused on non-pay related benefits including increased support such as well-being initiatives, having protected time for training, offering flexible working hours, as well as improved training on key areas such as forensic interviewing skills, trauma informed approach as well as measures to improve interagency state agency cooperation.

ARTICLE 42A states that “The State recognises and affirms the natural and imprescriptible rights of all children and shall, as far as practicable, by its laws protect and vindicate those rights.”

3. Ensure child centred focus and responsibility sharing of state services to support children in care

It was noted by at least one group that, although invited, the Department of Children, Equality, Disability, Integration and Youth, as well as HSE services did not attend the forum. A point made by many at the Roundtable was the concern regarding access to services; including Child and Adolescent Mental Health Service, Children’s Disability Network Team, Primary Care, and Disability Services. Many felt children in care should receive these services where they are placed and should be prioritised for service. A number of groups noted that the Tusla/HSE Joint Protocol was not consistently implemented across the country and that this resulted in children not being provided with coherent services in a timely manner. It was agreed

that an inter departmental working group was required as a matter of urgency to ensure shared understanding and responsibility across government for children in care, joined up working and service provision to children in the care of the State.

Additional observations made by the forum included:

- reviewing the court system – noting the impact of ongoing Interim Care Orders on children’s sense of stability and security within their foster placements
- providing more educational supports for children in care such as increased access to Special Need Assistants, particularly for children who have had school moves as a result of care proceedings and placement breakdown
- development of more forums to provide children with the opportunity to voice their experience and views
- learning from other countries’ experiences as to how they managed when faced with insufficient numbers of foster carers and approved residential placements
- increased access to housing for young people leaving care
- researching outcomes for children upon leaving care
- Developing and enhancing shared understanding and increased cooperation through shared office space by different agencies

According to the Tusla Hub, at any moment in time approximately 1 in 20 young people in care are placed in residential services

4. Ensure immediate safety and oversight of Special Emergency Arrangements (SEAs)

In 2018, the Health Information and Quality Authority (HIQA) developed national standards for children in residential centres. More recently SEAs have become an increasing feature of the provision of care for these children. As already outlined, concerns regarding registration inspection and vetting of staff as well as additional child welfare concerns have been raised in relation to these arrangements.

There was agreement that in order to increase capacity, there was a need for increased funding for *not for profit* organisations that provide residential care, examination and resolution of blocks to *not for profit* organisations providing additional services for care of children with high and complex needs who are currently in SEAs, supporting EPIC to work nationally, inspection of new SEAs by Tusla inspectors and/or residential unit management prior to opening, and weekly contact from inspectors, an insistence and verification of appropriate qualifications and Garda Clearance for staff in these units.

The Round Table emphasised the need for HIQA to assume responsibility for inspection of SEAs and voluntary/for profit residential services as a matter of urgency.

Others called for the immediate abolition of SEAs.

In terms of learning more about the area, there were calls for learning from other countries and what they have done that has worked, involving universities in gathering data or on research that has been conducted in other countries on how they have addressed similar gaps in provision. EPIC noted that they were conducting research on care experiences of separated children and will seek to share this research as widely as possible.

An estimated 200 children with complex needs require residential placements, yet cuts and staffing issues mean there are now just 12 special care beds available (Irish Times 27 March 2024)

5. Ensure long term sustainable model of residential/specialist care/support services for children with additional needs including trauma, disability and mental health.

Recommendations were made by the group for increased on-site therapeutic support including: mental health services and disability services, access to local services rather than referral back to their area/county of origin, establishing fora to facilitate young people with such high needs to voice their experiences, researching outcomes, learning from placement breakdown, increasing educational supports, children having dedicated workers who follow them across services, and learning from other countries. The need for high support and step-down facilities were emphasised as part of the continuum of care provision and would ensure that some young people would not require Special Care / could be discharged from Special Care more quickly.

Conclusion

This paper is focused on children's need for adequate services to ensure their safety and wellbeing, rather than focusing on perceived or actual failings of any government agency or department, or any non-government agency.

The use of unregulated SEAs is a symptom of other challenges within the Irish child care sector. They are being used because no other approved foster carer or registered placement is available. There has been a reduction in the number of

people coming forward to foster children for a number of reasons including societal changes, a negative portrayal of fostering in the media, and often a negative narrative from foster carers who have had poor experiences of fostering themselves.

Fostering is the heart of the Irish care system, it is much better for the children that can manage it, to grow up in a family environment which supports them to heal and gives them a positive model they can bring into later life if, and when, they become parents themselves.

Staffing issues have become increasingly prevalent in Tusla and in the care professions in general in recent years. People are leaving for jobs without Statutory responsibility for child protection, that offer the same pay and more regular hours.

Ensuring child centred focus and responsibility sharing of state services to support children in care should be at the core of our work, but too often a scarcity of resources has agencies acting defensively and waiting for others to take responsibility for the children we all need to care for. Some cross-agency forums are in place, but anecdotally they are struggling to meet with sufficient regularity. Cross-discipline Therapeutic Hubs are being established in a number of sites around the country and while very welcome, they cannot meet the needs of children in care by themselves. Whole agencies need to work together consistently to meet the State's responsibility to the children in its care.

The Round Table agreed on the need for a long term sustainable model of residential/specialist care/support services for children with additional needs including trauma, disability and mental health.

Recommendations

1. The unregulated nature of SEAs cannot continue. The existing Inspectorate within Tusla should continue with regular inspections until HIQA assumes responsibility for them. In the interim HIQA should be tasked to design minimum quality standards against which SEAs should be inspected. Tusla should continue to centrally collate and update Garda Clearance and qualification verification of staff in these units.
2. Improve the supports offered to foster carers and the children in their care, and bring these changes to public awareness through the media. These supports can be done through increased foster payments to reflect the around-the-clock nature of the role, and pension contributions. Easy access to supports for the children in their care has benefits for not just the children, but the success and longevity of the placements. These supports are only improved with multi-agency cooperation, which is an ongoing issue for many

years. The Child and Family Agency strategies on foster and residential care are not making sufficient progress to meet the demand – they need more support from other state bodies in particular the HSE to address the crisis.

3. Pay and work conditions have been found to be significant factors for staff in a number of surveys within Tusla itself. The thorny issue of a diversity of incomes being offered to generically trained social workers can be tackled through involvement of Universities, the Child and Family Agency, the Irish Association of Social Workers, and Forsa, the union that represents the most workers in the area of child protection services. Tusla staff who remain have also cited supportive area management as a reason that they remain in the agency. This is a low cost, high impact approach that can reap rewards when used effectively.
4. A real drive needs to be made at a government level to support services and agencies to work together. As one attendee at the meeting stated, “We need every one talking together: Disability, Health, Justice, Children, Education, Housing, the Universities, EPIC, IFCA, Community Services and more.” While an inter-department working group has been established and it is hoped to move this in the future to a statutory footing, it is currently operating on an administrative level. A statutory mandate for this cooperation must be a priority.

Longer term solutions to this crisis will only be achieved through co-operation amongst all of the agencies, sectors and stakeholders who have a role to play to ensure the safe care of children in Irish State Care.

If it takes a village to raise a child, it takes a nation to raise its children.



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