

**Expert Assurance Group to Oversee and Advise on the Implementation of the
Recommendations of the HIQA Statutory Investigation into Tusla's Management of Referrals**

1st Quarterly Report of the Minister for Children and Youth Affairs

December 2018

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1. Introduction and Background - the HIQA statutory investigation

The establishment by the Minister for Children and Youth Affairs of the Expert Assurance Group (EAG) is in response to recommendation 4 contained in the "Report of the investigation into the management of child sexual abuse against adults of concern by the Child and Family Agency (Tusla) upon the direction of the Minister for Children and Youth Affairs.", as published by the Health Information and Quality Authority (HIQA). For our purposes here this report will be referred to as the "HIQA Report".

In early 2017, there were reports in the public domain about the handling by the Tusla Cavan/Monaghan office of an historical allegation relating to Garda Sergeant Maurice McCabe. Ultimately, this led to Tusla being included in the terms of reference of the Disclosures Tribunal. The Minister for Children and Youth Affairs ('the Minister') had a concern about the possibility of there being a systemic issue with the handling of such referrals by Tusla, the Child and Family Agency ('Tusla').

Under powers in the Health Act 2007, the Minister directed HIQA to undertake the statutory investigation into the management by Tusla of child sexual abuse allegations that involved adults of concern, with particular reference to what are known as retrospective or historical cases. The investigation was to consider:

- Current risk to children;
- Fair procedure and due process for persons against whom allegations are made;
- Bilateral engagements with An Garda Síochána, including monitoring or co-ordination of efforts;
- An assessment of the number and mix of skilled and experienced staff involved and if this is sufficient for the purpose;
- If allegations were being managed in a timely manner and an indication of reasons where they were not;
- The management and control of information and data, as received and generated by Tusla.

The investigation was carried out independently by HIQA and the investigation team visited 6 Tusla areas and the Sexual Abuse Regional Team in the Dublin North East Region. Cavan/Monaghan was one of the areas visited. The Minister directed that HIQA was not to interfere with matters before the Disclosures Tribunal. The Minister also made HIQA aware that she had been informed the Ombudsman's office was considering some complaints relating to the handling of retrospective allegations by Tusla. In addition, the Data Protection Commissioners were conducting its own investigation of Tusla's data protection governance. These matters have since been concluded.

The Minister for Children and Youth Affairs has accepted the recommendations contained in the HIQA Report, as published on 14 June 2018, in particular the establishment of an expert quality assurance and oversight group to support and advise on the implementation of the HIQA Report's recommendations.

2. Chronology - Establishment of Expert Assurance Group

The chronology of events leading to the establishment of the Expert Assurance Group was as follows:

- January 2017: The Minister for Children and Youth Affairs is made aware of the incorrect allegations of child sexual abuse (CSA) against Garda Sergeant Maurice McCabe, and a request for information is made to Tusla. The Minister is briefed by Tusla.

- February 2017: The terms of reference for a Tribunal of Inquiry are approved by a resolution of Dáil Éireann and Seanad Éireann on 16 February 2017:
 - Under the Tribunals of Inquiry (Evidence) Act 1921, the Chair of Tribunal is appointed by the Minister for Justice and Equality on 17 February 2017.
 - Tusla is named in four modules. There are two main modules that involve Tusla practice. The remainder concern Gardaí or interactions with Gardaí or the media.
- March 2017: Minister Zappone formally directs HIQA to carry out a statutory investigation under the Health Act 2007, asking key questions on the handling of referrals:
 - If there were systemic issues within Tusla?
 - Did Tusla effectively and safely manage all referrals involving child sexual abuse and adults of concern, in particular retrospective referrals?
- December 2017: On the recommendation of HIQA's Board, preliminary findings of the investigation team were shared with the Minister and with Tusla:
 - HIQA raised a number of individual cases for the attention of Tusla.
 - Tusla provided a response to the preliminary findings and cases to HIQA.
 - This was the only occasion that findings were discussed before the full report.
- February 2018: the Report on the Garda Inspectorate follow up review to the 2012 "Responding to Child Sexual Abuse", December 2017, was published:
 - A number of recommendations relate An Garda Síochána and Tusla.
 - A separate implementation group for the Garda Inspectorate review was established.
- June 2018: Report of the HIQA statutory investigation submitted to the Minister on 7 June:
 - The HIQA Board approved the report with minor amendments on 7 June 2018.
 - After this approval, the HIQA CEO briefed the Minister on the report on 7 June 2018.
 - The report was published on 14 June 2018.
 - The Minister agrees the terms of reference for the Expert Assurance Group (EAG) on 23 June 2018.
 - The Minister appoints the Expert Assurance Group Chair on 29 June 2018.

3. Recommendations in the Report of the HIQA statutory investigation

The recommendations from the report are as follows:

Recommendation 1

The Child and Family Agency (Tusla) should:

- A. review all of the findings of this investigation, including the identified non-compliances with the National Standards for the Protection and Welfare of Children as set out in this investigation report;
- B. review these findings as they relate to all other child protection and welfare referrals, which follow the same referral pathway as all child sexual abuse referrals ;
- C. review all of the recommendations made by the Investigation Team throughout this report;
- D. publish an Action Plan on its website outlining in clear language and with clear timelines the measures it proposes to take to implement the actions identified in the recommendations A to C above. This Action Plan should include a named person or persons with responsibility and accountability in Tusla for implementing these recommendations and actions;

- E. ensure it continually reviews and updates this Action Plan and that updates on progress being made against these recommendations and actions are included in its annual report.

Recommendation 2

- As a matter of urgency, Tusla and the Department of Children and Youth Affairs should seek the assistance of the higher education and training establishments to create formal career-path mechanisms for students and graduates to support current and future workforce needs in Tusla, with the aim of providing a sustainable child protection and welfare service.
- In the interim, Tusla and the Department of Children and Youth Affairs should review the current operational arrangements in Tusla to identify efficiencies and improvements in workflow. This should include a review of the existing social worker, social care worker and support staff skill-mix, and the development of a workforce strategy.

Recommendation 3

- The Department of Children and Youth Affairs, with the assistance of the Health Information and Quality Authority (HIQA), should undertake an international review of best practice in the regulation of children's social services in order to inform the development of a regulatory framework for these services in Ireland. This is with the view to providing independent assurance to the public that the State's child protection and welfare services are safe and effective.

Recommendation 4

- The Department of Children and Youth Affairs should establish an expert quality assurance and oversight group to support and advise Tusla and the Department on the implementation of the recommendations of this investigation report and Tusla's Child Protection and Welfare Strategy and Corporate Plan. The Department of Children and Youth Affairs should provide regular updates on its website to inform the public of the progress being made.

Other recommendations and findings

In addition to the recommendations, the EAG has noted that separate from but linked to the recommendations, the HIQA Report sets out three areas in need of urgent attention:

- Screening and Preliminary Enquiry: practice inconsistencies that meant not all children at potential or actual risk were assessed and protected in a timely manner;
- Safety Planning: practice inconsistencies meant some children were adequately safeguarded whereas others were not. Plans that were in place were not always re-evaluated and updated;
- Management of Retrospective Cases: the current policy did not include a standardised approach for staff, resulting in variations in practice and delays.

Also, the HIQA Report includes a range of recommendations and findings directed at Tusla, which are distributed throughout the report. A summary of those findings is given in the concluding chapter of the report. Further, the report outlines a number of recommendations with respect to improving Tusla's practice:

- a) put in place a uniform waiting-list management system to review and monitor all referrals awaiting allocation to a named social worker;
- b) review and adopt the draft National Procedures for Determining an Outcome to Allegations of Retrospective and Extrafamilial Abuse Cases and Protecting Children at Potential Risk of

- Harm, and its accompanying draft practice guidance, and ensure its implementation across Tusla;
- c) develop standard approaches to support the implementation of the above policy and procedures for managing retrospective referrals of allegations of abuse, to include prioritisation levels and timelines for assessments;
 - d) put in place strong and effective assurance arrangements to ensure that staff are educated and trained in applying this guidance and ensure that routine quality assurance controls are in place to measure its effectiveness;
 - e) support the Sexual Abuse Regional Team (SART) in the Dublin North East Region and other dedicated service-area-based teams to quickly and effectively complete risk assessments and, where appropriate, put in place the required protective measures to ensure children's safety;
 - f) review and ensure its current processes for case-record identification and closing cases are safe and effective;
 - g) ensure all persons who are the subject of an allegation of abuse are informed in a timely manner that an allegation has been made against them.

4. Membership of the Expert Assurance Group

The Expert Assurance Group was established with the appointment by the Minister of the chair of the group, Dr Moling Ryan, on 29 June 2018 and the full membership on 23 August 2018. The first meeting of the full group was on 30 August 2018.

On 30 August, the EAG adopted its terms of reference. It was agreed that the secretariat would be provided by the Department of Children and Youth Affairs ('the Department'). The EAG agreed that it may from time to time invite persons to attend meetings as needed or where specialist knowledge has been identified as needed for the EAG to complete its work.

The membership of the EAG encompasses a wide range of relevant expertise and is as follows:

- Governance: Dr. Moling Ryan (Chair) - retired public servant, currently interim Director of IMMA;
- Child Protection: Dr. Helen Buckley, retired lecturer, Fellow Emeritus at the School of Social Work and Social Policy, Trinity College, Dublin;
- Human Resources: Gerry Verschoyle, retired, former Head of HR Services at An Post
- Legal: Dr. Conor O'Mahony, Lecturer in Law, University College, Cork;
- Member of HIQA expert advisory group on the preparation of its report: Mr Andrew Lowe, Director of Social Work for Scottish borders Council (retired), public policy consultant;
- Social Work: Michele Clarke, Chief Social Worker, Department of Children and Youth Affairs.

Mr Andrew Lowe, in addition to having been a member of the advisory group for the statutory investigation, was also involved in the preparation of the governance review for HIQA that was included as part of the published report of HIQA's statutory investigation.

5. Terms of Reference for the EAG

The Minister approved the terms of reference on 23 July 2018 and the EAG formally adopted these at its meeting on 30 August. The role of the EAG is outlined in the terms of reference as being to:

- a. Review the recommendations contained in the report of the HIQA Statutory Investigation;
- b. Consider the Action Plan prepared by Tusla in accordance with recommendation one of the HIQA Statutory Investigation;
- c. Evaluate the work planned by Tusla under the Child Protection and Welfare Strategy and its Corporate Plan in the context of the Action Plan;
- d. Take into account the report of the Garda Síochána Inspectorate “Responding to Child Sexual Abuse” and other relevant reports;
- e. Provide support and advice to Tusla, and to the Department as considered necessary, on the plans to implement the recommendations of the investigation report;
- f. Review the progress achieved on implementation in order to assure the Department and Tusla of the effective and timely realisation of the Action Plan.

6. Matters arising from the Terms of Reference

The EAG has been asked by the Minister for Children and Youth Affairs to advise on the likely timeframe for its work. The EAG considers that the group was likely to have a time limited role, and will revert to the Minister with further views before the end of Q1 2019.

In preparing the terms of reference, consideration was given to the possibility of other relevant reports informing the work of the EAG. One such work is the Garda Inspectorate Report “Responding to Child Sexual Abuse – a Follow-up Review, December 2017” which was published formally in February 2018 by the Minister for Justice and Equality. This is referred to specifically in the terms of reference of the EAG.

The EAG further agreed at an early stage that the Third Interim Report of the Disclosures Tribunal, which was published in October 2018, should also be part of its consideration.

The Chair of the EAG has met with the Tusla Board to update and receive feedback on the establishment of the EAG on 21 September 2018. It is intended to meet with the Board from time to time for feedback on their views of progress, challenges and achievements. The EAG chair is to meet the Tusla Board again on 17 December to hear their views on progress to date on the Tusla Action Plan, and to provide feedback to the Board on this Quarterly Report.

The EAG has been tasked to provide a Quarterly Report to the Minister and to the Tusla Board. The meeting scheduled for 30 November 2018 is deemed to be the end of the first three months for the work of the EAG. This report is the first Quarterly Report for the Minister and the Board of Tusla, and covers the period up to and including 30 November 2018.

7. Tusla Governance: Performance Framework and Statement

Under the Child and Family Agency Act, the Minister sets the high level goals in a three year Performance Framework under section 41. The Minister gives annual direction as part of the Performance Statement under section 44 of the Act, and this statement includes a formal note to Tusla of the financial allocation for that year. It is noted that, in the 2018 - 2020 Performance Framework, a key priority relevant to the work of the EAG is the operation of fully functioning and performing Child Welfare and Protection Services.

The principles set out in the Performance Statement are relevant when considering progress with respect to Tusla's Action Plan. In summary, these principles are:

1. Child-centred policies, procedures and provision and the best interests of children;
2. Quality and timely services meeting high standards for performance and access;

3. Effective management and governance at all levels for effective and efficient services;
4. Transparency, accountability and consistency in all aspects of Tusla's operations;
5. Proactive, proportionate and progressive - promoting the welfare of children and families;
6. Coordinated and collaborative - internally, with the Department and with external agencies;
7. Communications with the public, stakeholders, and the Department;
8. Public service values and professionalism in all aspects of operations.

8. Meetings of the Expert Assurance Group

The Expert Group has met four times: 30 August; 28 September; 24 October and 30 November 2018. It is planned that there will be one more meeting before the end of the year.

During this first quarter, the EAG focused in the first instance on the detailed recommendations contained in the HIQA Report and on the Tusla Action Plan with a view to addressing the recommendations in the report. Governance is seen as the critical underpinning for all aspects of Tusla operations, and it was agreed to examine this issue early in the sequence of meetings. To date, the following themes have been discussed by the EAG:

- Establishment of the EAG and working arrangements;
- Development of Tusla's Action Plan;
- Governance;
- Performance Management and Accountability;
- Inter-agency working.

At each meeting the EAG has met and received presentations from Tusla's Executive, led at the meetings by the CEO at the first meeting and the interim CEO subsequently.

Overview of the EAG Meetings from 30 August to 30 November 2018

1st meeting - 30 August 2018

- a) The terms of reference were adopted.
- b) The reports under consideration referred to in the terms of reference were noted.
- c) The recommendations in the HIQA Report were reviewed.
- d) The EAG discussed its role with respect to that of the Tusla Board.
- e) The EAG felt that a certain productive lifespan for the Group could be expected, and this would be reviewed by the EAG in early 2019.
- f) The Tusla Executive outlined the thematic approach that was being undertaken. It was noted that there were risks and challenges to the approach, notably recruitment and resources.
- g) The EAG confirmed to Tusla that its core function is to advise and to provide oversight on the HIQA Report's recommendations to the Minister, the Department and Tusla's Board.

2nd Meeting - 28 September 2018

- a) The Chair updated the EAG on his meeting with the Tusla Board on 21 September, noting that the role of the EAG was discussed.
- b) The Tusla Action Plan had been approved by the Tusla Board. The EAG agreed that there was a dependence on staff recruitment, development and investment across the plan.
- c) A delegation from HIQA, led by its CEO, presented the findings of the report to the EAG. The investigation approach looked at systems and standards only. HIQA noted that the use of Tusla's workforce as originally requested by the Minister was outside of its competency to address.

- d) The EAG sought HIQA's views on the report's findings on retrospective cases, including the legal context. HIQA indicated that further analysis on the subject would have been beneficial to the overall report, describing this as a missed opportunity and noting that the legal framework needed clarity.
- e) Tusla outlined the governance arrangements it proposed to use to monitor and evaluate the progress of the actions under each theme. Their Action Plan was framed using the HIQA Report's findings and recommendations.
- f) It was recalled that the HIQA Report examined a very important area of Tusla's services. There was also a wider context in which this took place, including early intervention, foster and residential services, and Partnership, Prevention and Family Supports (PPFS).
- g) The current legal framework for managing retrospective cases had been highlighted by Tusla as a constraint and it took the view that legislative change was needed.
- h) The EAG commented that inter-agency working was not fully in the control of Tusla, and asked that a clear assessment of interactions with external agencies be provided.
- i) Tusla agreed that comparable and consistent policies, procedures, standards and practice across all administrative areas were of long term benefit to children and families.
- j) The EAG asked to be kept informed on challenges arising in the implementation of the actions and the steps Tusla would then take to re-prioritise or amend actions as a result.

3rd Meeting - 24 October 2018

- a) The format of the meetings was agreed. As part of a thematic approach, this meeting considered governance arrangements.
- b) The Department provided an update on a presentation on the workforce plan being prepared by Tusla.
- c) Budget 2019 included an increase to Tusla's budget.
- d) The themes from the Third Interim Report of the Disclosures Tribunal were discussed.
- e) The management of retrospective cases could be challenging, particularly in cases where there was no identified child involved. Judicial reviews gave guidance on due process for the person who is the subject of an allegation, as these tended to be the types of cases submitted for review.
- f) There was a short overview of the governance arrangements between the Department and Tusla, with reference to the Child and Family Agency Act 2013.
- g) Tusla's Director for Transformation and Policy led a presentation on the introduction of Signs of Safety. The focus of the presentation was on how the implementation supported and improved local governance, accountability, management of referrals, improved assessments that would support early and detailed safety planning, and the forums for shared learning.

4th Meeting - 30 November 2018

- a) Tusla provided the first progress update on the Action Plan as submitted to its Board. Tusla noted that actions were being streamlined where possible. Tusla's Board was reported as emphasising to the Executive the need for early implementation of the actions.
- b) The EAG noted that 2 out of 6 actions due for Q3 were marked completed. The EAG was satisfied that the delay in the remaining actions was reasonable:
 - i. A change to the text on the revised retrospective and extrafamilial policy and procedure had been agreed with the Department, adding to the time needed for the related actions.
 - ii. The EAG was informed that there was a change in the approach to risk registers, action 8.2, and this had added value to its implementation.
- c) Tusla had completed the baseline audits for the implementation of Signs of Safety.
- d) Tusla acknowledged that progress was required in delivering the business supports to areas, and indicated this was being addressed in the workforce strategy.

- e) Three areas had been identified for support in recruitment and retention under Theme 6.
- f) It was noted that there was some evidence of performance being managed within Tusla. The EAG was emphatic that a single organisation-wide performance management system had to be in place at the earliest possible point.
- g) Tusla reported that the data protection review of the information sharing protocols with An Garda Síochána had been positive, and the way was clear for implementation in 2019.
- h) Tusla described the liaison structures with An Garda Síochána as positive, useful and were considered by Tusla as a model for other inter-agency working.
- i) No social workers had been assigned to local Garda protective services units to date.
- j) An audit of the joint An Garda Síochána/Tusla working protocol was expected to be completed in Q1 2019 and Tusla will update the EAG on the findings.
- k) The EAG pressed Tusla to accelerate the timelines for the actions where possible, particularly in the areas identified in the HIQA Report as needing urgent attention.
- l) The Chair advised that it was planned to meet with Tusla's Board at its next meeting on 17 December 2018.
- m) The Department advised the EAG that a draft workforce strategy had been received for Departmental comment. The EAG noted this and agreed to consider the strategy once it had been presented to the Tusla Board.
- n) It was agreed to consider the following in the next sequence of meetings: governance, workforce strategy, management of retrospective cases, referrals management and prioritisation of unallocated cases, and risk management.

9. Progress update on the recommendation of the HIQA Report

There are four recommendations in the HIQA Report of its statutory investigation. The Minister for Children and Youth Affairs has accepted the recommendations of the HIQA Report.

Recommendation 1 - Tusla Action Plan

The Action Plan from Tusla has been approved by its Board and, following minor amendments, was placed on the Tusla website in November 2018. The Action Plan is constructed around 9 themes, and the actions are assigned to named managers for oversight. The themes are directly linked to the findings of the HIQA statutory investigation, and these are as follows:

- 1) Improve the management of child protection and welfare referrals in accordance with Children First to ensure harm is identified and responded to in a timely manner. This includes a reduction in cases awaiting allocation to a social worker.
- 2) Define and implement a new process for safety planning across the agency to support the management of risk for children and families.
- 3) Improve the processes and structures for the management of retrospective cases of abuse to ensure a consistent and effective national approach.
- 4) Tusla will develop robust systems and processes to support effective interagency working to strengthen the management of child protection and welfare referrals.
- 5) Implement safe and effective data and information management systems to support case work and compliance with best practice.
- 6) Ensure Tusla's workforce has the appropriate skill mix, administrative supports and structures to support frontline staff deliver safe and effective service.
- 7) Improve governance, management and oversight systems across the agency to optimise performance, identify and manage risk and ensure effective case supervision is in place.

- 8) Strengthen the organisational risk management system to support effective and consistent risk management practices and service improvement.
- 9) Develop and implement collaborative systems to embed and share learning to support quality improvement and risk management.

Tusla provided the EAG with updates from each of the themes which addressed these three key concerns highlighted in the HIQA Report:

a. Screening and Initial Assessment: The EAG notes that Tusla introduced the child protection methodology, Signs of Safety on 5 February 2018. The initial screening and assessment of referrals is now rolled out in all 17 Tusla areas. The new model is also designed to support a more robust process for prioritisation on the unallocated cases.

b. Safety Planning: Tusla has identified three key actions under the safety planning theme. These include defining process for child welfare and protection referrals planning in line with Signs of Safety; and implementing the new safety planning process for both child protection and welfare cases. The actions will be developed and implemented over the course of 2019.

c. Management of Retrospective Cases: There are 5 key actions under the theme of improving the management of retrospective case. The actions include: publishing the new policy and procedure; an new national oversight group to ensure a consistent approach; implementation of a new standard business process; develop a module for National Child Care Information System (NCCIS) aligned with the new process; put in place a new prioritisation system; establish specialist teams to build expertise and manage cases more effectively.

The revised policy and procedure gives clear guidance on fair procedures and sets out a standard approach to the management of retrospective allegations.

These are expected to be completed by mid-2019, with the development of a new module on the NCCIS following the implementation of new standard business processes.

Recommendation 2

Recommendation 2 is in two parts that can be summarised as an educational pathway for social workers and an operational review which includes a workforce strategy.

Educational Pathways: the Department and Tusla continue to participate in the work of the National Strategic Framework for Health and Social Care Workforce Planning. A subgroup, comprising the Departments of Health, Children and Youth Affairs, Education and Skills, Tusla, the Higher Education Authority, and the Health Service Executive, has been formed to engage with the third level institutions on how supply can be influenced across the health and social care disciplines (this includes social work, social care work etc.). A workshop with stakeholders has taken place, with participants from: the Department of Health, HSE, Department of Education, Department of Children, TUSLA, Education and Training Board Ireland (ETBI), ETBs, SOLAS, the HEA, the Technological HEA, the Irish Universities Association, and Maynooth University.

Participants in the workshop concluded that:

- Continued engagement with representatives from the health and social and education sectors is required to progress the development of engagement structures.
- A follow up workshop will be held in the immediate future to progress, as a matter of priority, the establishment of structures for engagement

Operational Review: Workforce Plan

Tusla is currently developing a Multi-Annual Strategic Workforce Plan to identify the future composition of Tusla's workforce for 2019 and beyond. Under the Workforce Plan there needs to be significant engagement with discipline and service leads to determine the optimum service delivery model, bearing in mind the resources and skills available in the market.

This process requires significant data analysis, including the following:

- Current headcount and profile of Tusla's workforce;
- Current and future supply and demand for provision of services;
- Recruitment data, vacancies, leave cover and staff leaving/exit data;
- Supply data, education providers, graduates, placement needs, national and international supply.

Recommendation 3

HIQA recommended that the Department of Children and Youth Affairs, with HIQA's assistance, should review international best practice in the regulation of children's social services. The EAG notes that there did not appear to be direct findings in the HIQA Report on the regulatory framework under which HIQA and Tusla operate.

The Department has initiated an international review of best practice in the regulation of children's services. This review comprises an examination of literature and research relating to regulation both in Ireland and internationally. Further to this, consultations are underway with leading experts within this area of work from a number of jurisdictions.

A roundtable discussion was held with a number of organisations with an understanding of regulatory frameworks in an Irish context in the Department on 23 October. This meeting was attended by representatives from: HIQA; CORU; Early Years Inspectorate, Tusla; Children's Service Regulation, Tusla; Registration and Inspection Services, Tusla; Department of Health and the Mental Health Commission.

In early October, an international survey was sent to Irish Embassies in 24 EU and non EU countries to garner an insight into the inspection of children's social services in other countries. The Department of Foreign Affairs and Trade assisted the Department with dissemination of the survey. Results from the survey are still being received and will be compiled in due course.

HIQA has advised the Department that it plans to design a new inspection programme to promote improvement in child protection and welfare services. HIQA intends to establish an independent external advisory group to advise and support this. The Department has agreed to be part of this group.

Recommendation 4

The setting up of the EAG addresses the requirements of recommendation 4.

10. Concluding comments and matters for consideration

The EAG appreciates the openness and commitment from Tusla senior management to participate fully with the meetings and oversight of its Action Plan, which is an additional reporting structure in managing its delivery.

The EAG is grateful for the assistance and support provided to it by the secretariat, particularly in assisting the EAG in its review of the reports of the statutory investigation and the recent Third Interim Report of the Disclosures Tribunal.

In respect of measures to address governance at local and regional level, the EAG does not consider that sufficient progress has been made at this stage. The HIQA Report is emphatic that effective governance at all levels in the organisation is fundamental to the effectiveness and sustainability of the reforms being undertaken. The EAG is aware that these actions are at an early point in its progress and will give further consideration to governance in the New Year.

In respect of the management of retrospective cases, the EAG notes the establishment of dedicated retrospective abuse social work teams in each region is ongoing, and Tusla advised that most or all are to be in place in the near future. The EAG welcomes the evidence of improved structures strengthening its close working relationship through the An Garda Síochána/Tusla joint working protocol and the roll out of Garda Protective Services Units.

The Department informed the EAG that it had met with Tusla to discuss the finalisation of the new retrospective and extrafamilial policy, and that a minor improvement to the text was agreed. The EAG accepts the Department's view that this will delay the publication of the new policy. In the interim, the EAG has urged Tusla to complete the establishment of specialist teams in each region and take steps to provide advice and support pending the implementation of the revised policy and procedure.

The EAG considers that a formal organisation-wide performance management system is essential. While it may be a separate system within an organisation, it underpins a performance and accountability system, and feedback from metrics in the area of performance and accountability serve to enhance performance management. It was noted that there is an overall performance and accountability framework to be developed, and performance management is a feature of this. It is recommended that Tusla prioritises the establishment of an organisation-wide performance management system.

The need for an effective workforce strategy that meets the immediate as well as long term goals for the organisation cannot be overstated. It is well documented that Tusla has not been able to recruit the number of social workers to meet its needs, and is unlikely to be able to do so in the immediate term. The EAG expects that the workforce strategy, and its implementation, will provide insight into how Tusla will adapt to these labour market conditions in a manner that will deliver effective services to children. The EAG will consider the forthcoming workforce strategy in the New Year following its submission to the Board.

The EAG is satisfied that there is a strong framework in place for close working relationships and liaison with An Garda Síochána. It is not yet evident to the EAG how consistent these structures are across all administrative areas, but the EAG noted that Tusla spoke positively about interagency working arrangements with An Garda Síochána. Tusla is to carry out audits on its joint working arrangements and the EAG will discuss the findings with Tusla in 2019.

For any demand led service, there is a potential constraint in resource allocation and this can lead to a reprioritisation of business plan objectives during the fiscal year. Tusla's Action Plan may require revision from time to time for this and other operational reasons. The EAG will keep any proposed changes or alternate approaches under review and advise the Minister and the Department of its views accordingly. The EAG urges Tusla to take every available opportunity to reduce the timeline of the actions and implement the related reforms as early as possible.

With respect to a regulatory framework, it is understood that HIQA raised regulation as an issue at an appearance before the Joint Oireachtas Committee on Children and Youth Affairs. It is considered

appropriate that the literature review and survey under recommendation 3 is taking place to facilitate a discussion with the national regulator, HIQA, on the regulatory framework set out under its establishing legislation of the Health Act 2007.

In addition to the resignation of the CEO, it is understood that the Chair of the Tusla Board is to step down in the near future. It is important that senior management is supported by the Department during this time of transition to a new leadership at Executive and Board level.

The EAG notes that Tusla's formation comes from the merging of a number of different organisational structures. The culture of this new organisation must embrace its policies and corporate strategies to create a coherent whole which is more than its practices and systems. Embedding culture relies on constant and consistent action, and the transition to new leadership needs to take this into account.

Social work is varied and rewarding, and extends beyond the subject matter of the HIQA Report. At the sharp end with families in crisis, social work is challenging and not for the risk averse. Neglect and emotional abuse, which are the majority of child protection referrals, differ from child sexual abuse cases in how children are helped. There are a significant number of children and families who are helped by Tusla staff every day.

It remains apparent that there are significant improvements to be made across the systems employed to deliver on Tusla's core objectives. The continuous focus on deficit erodes confidence in the system and the morale of those we have asked to act on our behalf to protect and care for children. The overall goal remains for there to be a supportive, community based, co-ordinated and evidence informed service that strives for good outcomes for children and families. The EAG asks that Tusla prepare for inclusion in a report to the Minister during 2019 a series of short case studies of successful actions and of suitably anonymised examples where Tusla has helped children, young persons and their families.

The EAG welcomes the inclusion in the 2019 Performance Statement of the implementation of Tusla's Action Plan with respect to the HIQA statutory investigation, and the additional information requested with respect to the findings of the Disclosures Tribunal. The commitment of additional funding is essential to underpin the change management underway in Tusla, and the EAG notes the funding increase announced for Tusla as part of Budget 2019. The EAG appreciates the support and direction the Minister has given to the Group and will seek to provide fair comment and, where appropriate, assurance as the reforms that are underway in child welfare and protection services progress to the end of 2018 and into 2019.

Moling Ryan

Dr Moling Ryan

Chair, Expert Assurance Group

14 December 2018