

Update on the implementation of previous recommendations made by the Committee of Public Accounts relating to Tusla following the Committee's engagement of 19 October 2017

- [Committee of Public Accounts \(32nd Dáil\) - Periodic Report No. 1, September 2017 – October 2017](#)
- [Minute of the Minister for Finance and Public Expenditure and Reform, July 2018](#)

	Recommendations from the Committee of Public Accounts	Minute of the Minister for Public Expenditure and Reform	Update on progress of implementing the Committee's recommendations as at October 2021
1.	The Committee recommends that Tusla ensure all arrangements are in place to meet the target of securing service level agreements for 100% of grant funded agencies by Q1 2018.	<p>The Minister for Finance and Public Expenditure and Reform is informed by the Department of Children and Youth Affairs that it accepts this recommendation and that steps are being taken to ensure that arrangements are in place to secure service level agreements for 100% of grant funded agencies in 2018.</p> <p>The Performance Statement provided by the Minister for Children and Youth Affairs to Tusla under Section 44 of the Child and Family Agency Act, 2013 makes specific reference to findings of the C&AG regarding inadequate monitoring and oversight of grants. In that statement Tusla are required to provide regular updates on progress in respect of initiatives being developed to address financial governance weaknesses.</p> <p>The Minister is further informed by the Department of Children and Youth Affairs that Tusla provides funding to over 980 agencies with individual grant amounts ranging from in excess of €7m per annum to less than €1,000 per annum.</p> <p>Tusla has established a Compliance Unit to</p>	<ul style="list-style-type: none"> • Tusla provided €181.7m to funded organisations in 2020. • The funding provides a range of services and programmes linked to the full spectrum of responsibility of Tusla. • 660 entities, organisations or parts of organisations (for different streams of funding) received this funding. • Tusla applies improved governance of this funding and has built this up in recent years. This continues to be strengthened. The activities include. <p>Internal Audits</p> <p>Annual Assurance Statements from Boards of organisations.</p> <p>Dedicated Finance Assurance</p>

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		<p>provide additional assurance through a process of compliance statements and reviews of published financial statements. This unit is concentrating on the largest grant recipients following a risk based strategy. Additionally, a Commissioning Unit has been established which will be working with service managers in 2018 to ensure that contracts are signed with all Agencies.</p>	<p>Reviews.</p> <p>Introduction of increasingly robust Service Agreements starting with the organisations in receipt of greatest levels of funding.</p> <p>Regular engagements with organisations involved in service provision to obtain evidence of delivery on commitments.</p> <p>Further engagement where SLA or contracts are not yet signed at any point of the year.</p> <ul style="list-style-type: none"> Tusla is satisfied that sufficient maturing time has now been allowed both for internal Tusla local managers and funded organisations to adjust to new governance requirements. 2022 will see enforcement at a more significant level and no payments will be permitted to an organisation without signed contract or SLA. The due date for signing is end February with escalation thereafter to end June. At this point the Agency will

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			<p>achieve the closest possible status of 100% of funding comprehended by service agreements.</p>
2.	<p>The Committee recommends that Tusla addresses current weaknesses in its systems to ensure that all of its procurement complies with relevant Department of Public Expenditure and Reform (DPER) policies.</p>	<p>The Minister for Finance and Public Expenditure and Reform is informed by the Department of Children and Youth Affairs that it accepts this recommendation.</p> <p>The Minister is further informed by that Department that the Performance Statement provided by the Minister for Children and Youth Affairs to Tusla under Section 44 of the Child and Family Agency Act, 2013 makes specific reference to findings of the C&AG regarding non-compliance with procurement rules. In that statement Tusla are required to provide regular updates on progress in respect of initiatives being developed to address financial governance weaknesses.</p> <p>The Minister is also informed by that Department that Tusla has already undertaken a number of actions to assist in compliance on procurement, including:</p> <ul style="list-style-type: none"> ▪ <i>Establishment of Procurement Support within the Agency</i> The Agency has established a small procurement function to support the 	<p>Tusla has put in place measures to improve compliance with procurement regulations. Previous correspondence to PAC has detailed these actions against known weaknesses. The Agency reported 6.3 m non-compliance in 2020 an improvement on the 7.1m in 2019. The 2020 position represents a weakness of just under 3% of our commercial purchases of 228m.</p> <p>In 2020 a further 0.9m emergency expenditure in Covid 19 requirements was necessary outside of procurement processes.</p> <p>Procurement activity in 2020 and 2021 has focused on large volume expenditure and risks including in areas where the Agency felt it appropriate to go beyond the standards specified in procurement regulations. These were in both Legal Services and Private residential Care</p>

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		<p>management and monitoring of contracts. This function works with both the HSE/Health Business Services and the Office of Government Procurement on procurement related matters and will provide guidance and assistance to Managers and Budget Holders to support compliance with Procurement requirements.</p> <ul style="list-style-type: none"> ▪ <i>Development of a Procurement Plan for the Agency</i> The Agency has developed a three year procurement plan in conjunction with HSE's Procurement Service to identify the key procurement requirements of the Agency. This will assist with planning and evaluation of Tusla's requirements and will facilitate timely and appropriate procurement, good governance and value for money. ▪ <i>Training</i> A Procurement training programme is being implemented for Managers, Budget Holders and relevant staff who have responsibility for non-pay expenditure. This will reaffirm compliance requirements with procurement rules and associated financial regulations. ▪ <i>Communication and Data access</i> The Agency issues regular 	<p>provision.</p> <p>Lower value services such as light, heat and other requirements were also procured in 2020 and 2021 with yet to be completed procurement processes necessary in security, cleaning, transport, translation, and archiving services. Local factors are relevant here such as shared buildings with HSE.</p> <p>Tusla has utilised HSE procurement and OGP services in procurement whilst attempting to further build in house capacity. These services understandably had limited availability to Tusla in the context of Covid-19.</p> <p>Tusla is attempting to increase in house capability from 2 to 5 expert procurement staff however there is a difficulty recruiting this expertise.</p> <p>In the context of a significant budget Tusla is satisfied at progress in achieving compliance with appropriate steps in place to reduce weaknesses.</p>

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		<p>communication updates to all staff on procurement requirements. All relevant staff now have access to procurement information on the Agency's Finance Hub which is updated on a regular basis.</p> <p>The Minister is informed that Tusla will prioritise its procurement and ICT resources to those parts of the procurement process that have the greatest risk from a compliance and value for money perspective.</p>	
3. & 4.	<p>3. The Committee recommends that, in order to improve interagency cooperation in the area of child protection, Tusla establishes a clear timeline for the implementation of its action plan for the recommendations of Dr Shannon's report on the "Audit of Processes and Procedures adopted by members of An Garda Síochána in initiating the provisions of Section 12 of The Child Care Act 1991".</p> <p>4. Dr Shannon's report highlighted a number of matters to be addressed by An Garda Síochána. The Committee recommends An Garda Síochána, with support from Tusla, ensures that the relevant recommendations are implemented in a timely manner.</p>	<p>The Minister for Finance and Public Expenditure and Reform is informed by the Department of Children and Youth Affairs that it accepts these recommendations.</p> <p>The Minister is further informed by that Department that the Minister for Children and Youth Affairs has taken a lead role in relation to data sharing and maintaining momentum between An Garda Síochána (AGS) and Tusla.</p> <p>Tusla and AGS are currently in the process of agreeing an MOU on information sharing and data protection. The objective of the MOU is to provide absolute clarity and consistency on the purpose, policy, procedures and record management of information shared between Tusla and AGS.</p> <p>The Children First Joint Working Protocol for An Garda Síochána/Tusla was published earlier this year to reflect the provisions in the</p>	<p>The joint protocol sets out the formal processes for An Garda Síochána and Tusla to enhance interagency working and to ensure that there is regular and fluid communication and co-operation. Specific forums are in place at national and local level which ensures any operational obstacles arising can be addressed and this includes where necessary reflections on Section 12. Tusla recently published its own research on Section 12 activity and the learnings were shared with and responded to by An Garda Síochána and Dr. Shannon.</p> <p>There are many operational tasks between Tusla and An Garda Síochána with effective engagements daily. The</p>

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		<p>Children First Act 2015. This protocol covers respective responsibilities in key areas including:</p> <ul style="list-style-type: none"> ▪ Notifications of suspected abuse between both agencies ▪ Role and function of each agency ▪ Confidentiality and information sharing ▪ On-going case management liaison ▪ Liaison management structures and meetings 	<p>nature of the work of both Agencies does result in complexity arising and the means are in place to respond to this and correct deficits where identified.</p> <p>The CEO of Tusla at the invitation of GSOC has also commenced discussions on having protocols between the two organisations as GSOC can also encounter child welfare concerns in their work.</p>

Update on the implementation of previous recommendations made by the Committee of Public Accounts relating to TUSLA following the Committee's engagement of 13 June 2019

- [Committee of Public Accounts \(32nd Dáil\) - Periodic Report No. 7, April 2019 – June 2019](#)
- [Minute of the Minister for Finance and Public Expenditure and Reform, June 2020](#)

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1.	It is unacceptable that 6,000 children had not been allocated a social worker by Tusla even though the Department surrendered €58.7m to the Exchequer in 2017. The Committee recommends that the Department of Children and Youth Affairs works with Tusla to ensure that all children requiring a	<p>The Minister for Finance & Public Expenditure and Reform is informed by the Department of Children and Youth Affairs that it accepts this recommendation.</p> <p>The Minister is informed by the Department of Children and Youth Affairs, that it is important to note that Tusla's issue in the recruitment of social workers was not related to availability of</p>	<p>Tusla is satisfied that there is no link at this time between availability of funding and the allocation of assigned social workers to cases.</p> <p>Where an assigned social worker cannot be made to a Child Protection or Child in Care</p>

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<p>social worker are allocated one and that gaps in the system are eliminated, especially where funding has been provided.</p>	<p>additional funding. In fact, Tusla's challenge is in recruiting social workers, where there is a shortage of personnel both in Ireland and internationally. In addition, the money returned to the Exchequer in 2017 was not related to Tusla, but mainly to Early Years schemes, where it was extremely difficult to predict uptake of expanded schemes late in that year. There are approximately 215 social worker graduates annually, a rate that is insufficient to meet demand across all adult and child services.</p> <p>Due to the complex nature of child welfare and protection work and case load volumes, retention of social workers is also a challenge. Tusla has increased its cohort of employed social workers by 139 whole time equivalents over the last number of years and also uses agency social workers where necessary to ensure all vulnerable children receive a service. In addition to this, Tusla is investing in IT supports and recruiting business support staff to carry out administrative functions associated with social work activity. This frees up social workers to concentrate on core professional services.</p> <p>Tusla has also developed a workforce strategy which, in addition to setting out recruitment strategies, also targets supports to front line staff to include resilience training and health and wellbeing measures to improve retention</p>	<p>case there are mechanisms in place for ongoing oversight. These include review by Team Leader, utilisation of Social Care Worker supports and case maintenance through duty and intake teams.</p>

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		<p>rates. The Department is also working with the education sector to consider how best to increase the number of social work graduate places over the coming years.</p> <p>In relation to children requiring a social worker, progress is being made. At the end of August 2019 just over 5,000 open cases with Tusla did not have an allocated social worker. This represents a 21% (1,365) reduction in unallocated cases from 31 December 2018. It should also be noted, that the absence of an allocated social worker does not mean a child at risk is not receiving appropriate social work services.</p> <p>The majority of the unspent monies in 2017 related to the Early Learning and School Age Childcare allocations. Numbers enrolling under the ECCE scheme were lower than originally planned for. In 2017, improvements were made to the scheme, and provision was made for a potential 100% take-up rate. In the event, the actual take-up rate was 94%. The shortfall in ECCE enrolments also led to a lower than anticipated engagement in AIM programme for children with special needs by pre-school providers and parents. Further savings arose on other schemes due to lower than expected uptake during 2017.</p> <p>As the Early Learning and School Age Childcare programme year commences each September and can often have fluid</p>	

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		movement of children between schemes, it is often very late in the financial year before the Department can fully determine what, if any, savings might arise. The under-spending of the magnitude that occurred in 2017 has not been repeated in subsequent years.	
2.	It is not clear that contracts with private agencies to provide residential and foster care services are appropriately managed. These contracts provided services for 260 children at a cost of €100m in 2017 and many of the contracts were in place prior to Tusla's establishment. The Committee recommends that Tusla reviews all contracts with private agencies for the provision of residential and foster care services.	<p>The Minister for Finance & Public Expenditure and Reform is informed by the Department of Children and Youth Affairs that it accepts this recommendation.</p> <p>The Minister is informed by the Department of Children and Youth Affairs, that Tusla made considerable efforts to minimise costs during 2017 in an environment of increasing challenge to provide these services. In response to the recommendation, Tusla has confirmed that two separate review processes have been established in respect of foster care and residential care. The outcome of these procurement review processes will put in place new contract arrangements for these services.</p>	<p>More than 90% of children in care are placed in foster care. Ireland's residential care numbers are relatively low in comparison to other jurisdictions.</p> <p>Tusla has continued to build on oversight of services provided by third parties. Private provision has seen an increase with €115m spent in 2020 in respect of 368 placements. This includes €20m on specialist disability interventions.</p> <p>In 2020 the Department of Public Expenditure completed a spending review of Tusla associated residential care and this is publicly available. There was relatively small difference 5% in cost between public and private. Tusla has completed a procurement in respect of private residential provision not only for cost control but also quality assurance.</p> <p>The CEO and the Board are targeting a</p>

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			<p>revised strategy for residential care for the end of 2021 to address the concerning level of dependence on private care within the residential aspect of the work of the Agency.</p> <p>Tusla expended 23.7m on private foster care provision in 2020 for 471 placements. A separate procurement process is currently being pursued for this service.</p>