

An Roinn Leanaí, Comhionannais,
Míchumais, Lánpháirtíochta agus Óige
Department of Children, Equality,
Disability, Integration and Youth



22 July 2022

Ref: S0930 PAC33

Mr. Sam Keenan
Committee Secretariat
Committee of Public Accounts
Leinster House
Dublin 2

Dear Mr. Keenan

I refer to your letter dated 8 July 2022 outlining a number of issues raised by members of the Committee of Public Accounts in the course of its meeting on Thursday 2 June, 2022.

I have set out in the following pages the issues raised by Committee members along with this Department's response to each matter.

I trust that the additional information provided addresses the issues raised by Committee members. I am of course happy to elaborate further if necessary.

Yours sincerely

Kevin McCarthy
Secretary General

Designated Public Official under the Regulation of Lobbying Act 2015



1. A note on the Department's relationship with mental health services, including the following:

- **Expenditure on mental health services, particularly in the context of the Traveller and Roma communities, and**
- **The key performance indicators and outcomes in that regard (pgs. 16-17).**

It should be noted that expenditure on mental health services including that for the Traveller and Roma Communities is a matter for the Department of Health.

I am informed that the National Traveller Health Action Plan for Travellers is due to be published in September this year.

The Department of Children, Equality, Disability, Integration and Youth provides funding to Traveller organisations for the continued provision of services such as Traveller Mediation Service and Traveller Counselling Services. €397,100 has been provided to these services in 2022 with a further €180,000 being provided under Dormant Account funding. The Traveller Counselling service works from a culturally inclusive framework, which respects Traveller culture, identity, values and norms and works from a perspective of culture centred counselling and psychotherapy.

2. The Department's expenditure on investing in Tusla's IT systems and IT security, following the cyberattack on the HSE in 2021 (pgs. 17-18).

The Department is committed to ensuring that Tusla, the Child and Family Agency has the required resources to invest in developing and maintaining its own, independent and secure ICT Systems and robust security and data management processes.

For 2022, Tusla's total core allocation (current and capital budgets) is over €898m. This represents a 47% increase over its allocation in 2014 (€609m), the Agency's first year.

On its establishment in 2014, Tusla inherited a diverse range of information systems, many of which were manual or paper-based. Over the past number of years, Tusla has made progress in replacing and improving existing systems to address and minimise the occurrence of administrative errors and data breaches.

Tusla's budget has increased every year since its establishment, with significant additional investment in recent budgets. This investment has supported the development and implementation of Tusla's ICT and Data Management Strategies since 2017, and the continued development of an independent ICT unit within the Agency.

For 2022, the Department has provided Tusla with additional budget to increase investment in its ICT team and systems. For 2022, Tusla is focussing on National Child Care



Information System, continued migration of staff to Tusla networks, and Cyber Security Programmes.

The table below shows total Tusla ICT expenditure in recent years since its establishment.

Year	Amount (€m)
2014	3.1
2015	4.1
2016	4.0
2017	7.1
2018	10.8
2019	9.4
2020	13.6
2021	14.7
2022	18.0

The following table provides a high level breakdown of investment in ICT for this year (2022):

Item	2022 Budget €m
Case Management Systems	2.30
Security	5.00
Migration (project capital costs)	4.27
Migration (annual recurring costs)*	0.50
Other	5.93
Total	18.00

*telecoms + software licensing

3. Confirmation as to whether Tusla identified cybersecurity on its risk register and/or risk assessment system (pg. 18).

Tusla reliance on HSE systems and lack of its own independent and fit-for-purpose ICT infrastructure, systems and data management processes, has been identified in Tusla's Corporate Risk Register since 2015.

Since then, Tusla has worked to establish an independent ICT Unit within the agency and has developed ICT and Data Management Strategies to mitigate risks in these areas. Tusla has increased staffing and investment in this area since 2017 in line with these strategies.

Tusla's Data Management Strategy 2019-2022 includes a programme to migrate Tusla ICT systems away from the HSE network, to Tusla's own dedicated infrastructure. Following the



HSE cyber-attack in 2021, Tusla expedited this existing programme. At the end of June just under 4,000 staff have been migrated from the HSE network, and all remaining staff are scheduled to be migrated by the end of 2022.

4. A note outlining the extent of the two fines Tusla received for breaching data protection rules, and any other such issues or fines pending for the agency (pgs. 18-19).

Tusla is a large, complex organisation, providing a broad range of services for children, young people and families. As a result it deals with very sensitive data, and a large volume of contacts in relation to this data (several hundred thousand interactions annually).

Personal data, particularly where vulnerable children and families are concerned, should always be protected.

Tusla has been the subject of three inquiries, which the Data Protection Commission conducted pursuant to Section 110 of the Data Protection Act 2018. The Data Protection Commission imposed four administrative fines outlined below.

Inquiry	Description	Fine #	Figure	Date of Decision
IN-18-11-4	An inquiry concerning 71 personal data breaches	1 & 2	€85,000	12 August, 2020
IN-19-10-1	An inquiry concerning 3 personal data breaches	3	€75,000	7 April, 2020
IN-19-12-8	An inquiry concerning 1 personal data breach	4	€40,000	21 May, 2020

Tusla has fully engaged with the Data Protection Commission, and has established a working group that is managing the actions arising from these inquiries. A detailed project plan is being followed and a programme manager has been assigned to oversee that all assigned actions are completed.



The Data Protection Commission has not commenced any other such inquiries. Tusla co-operates proactively with the Commission, per Article 31 of the General Data Protection Regulation.

A number of measures have been introduced and progressed in Tusla's 2021 and 2022 Business Plans, to improve the Agency's systems and compliance with data protection requirements. These include increased controls and governance for Data Sharing Agreements, and targeted data protection training for staff in high risk data processing.

5. The total staff number in the Oberstown Children Detention Campus to serve 46 children at any one time (pg. 19).

At the end of Q2 2022, there were 244 WTE staff working in Oberstown Children Detention Campus. 176 of these staff provided front-line care to the young people detained.

6. Whether any research has been undertaken on the Oberstown campus, and if so, a copy of same to be provided to the Committee (pg. 20).

A four-year research project in Oberstown commenced on 01 September 2020. The research is examining the lives, experiences, and outcomes of young people who are detained at Oberstown Children Detention Campus. It is a participatory study and the anonymised results of same are expected in late 2024.

7. A note on the uptake of the education, training and other supports for those who are on licence in the Oberstown campus, and the educational outcomes in that regard (pg. 22).

Education and training in Oberstown are provided for all young people on remand or detention orders. This is the responsibility of the Department of Education which oversees a curriculum that includes both primary and secondary level courses, remedial literacy and numeracy based on an Individual Educational Plan (IEP). A wide range of vocational and Quality and Qualifications Ireland (QQI) accredited awards are also facilitated through the Oberstown Education Facility. Career Guidance as well as horticultural and barista training have also been made possible through the Dormant Accounts Fund.

(It should be noted "on licence" refers to those individuals who are no longer serving a sentence but are subject to certain restrictions such as probation. There are no young people on licence in Oberstown. Once a young person's sentence is concluded, they are released and they do not participate in on-Campus education or training.)

8. Capital expenditure in 2019 on the Oberstown campus (pg. 22).



Capital projects in Oberstown during 2019 included the resurfacing of the emergency fire track, the IT capital development of a Case Management System, the demolition of an obsolete building as well as a number of minor capital works. Expenditure on these projects in 2019 amounted to approximately €750,000.

9. A note on the three ‘Other claims’ listed in note 6.2 ‘Compensation and legal costs’ in the 2020 Appropriation Account for Vote 40 (pg. 24).

There are three “Other” claims listed which together total €9,000. The largest of these is valued at €7,865. This first ‘Other claim’ is relating to Oberstown, this was a settlement in relation to a case of unfair dismissal of a former member of staff.

The remaining two claims pertain to International Protection Procurement Service (IPPS) and are legal costs, these costs were incurred in regard to public liability claims in international protection accommodation centres.

10. A note on the Department’s intervention programmes for children and young people, including the associated funding for 2021, and whether the programmes are back on track (pg. 25).

Subhead B8 provides for dormant account funding for intervention programmes for children and young people. In 2021 the overall B08 allocation was €10m. The outturn for 2021 is €9.4m – an underspend of €0.6m, mainly due to the impact of Covid 19 restrictions on in-person events reducing the number of projects taking place. The overall budget for 2022 is €12.008m. This is an increase of €2m, reflecting available budget from DCRD, the projects identified within DCEDIY.

The largest areas receiving funding are

- What Works €2.2m
- Youth Employability €2m
- Family Resource Centres €1m
- Big Brother/Big Sister (BBBS) €0.9m
- Aftercare Unaccompanied Minors €0.8m
- Educational *Champions* €0.75m

11. The nature of the vacancies that have arisen in the Department following the transfer to it of the child disability network teams (pg. 26)



In line with the Transfer of Functions protocols, staffing levels aligned to the areas of responsibility planned to move will transfer. While not all members of the teams responsible for certain disability related functions currently in the Department of Health will transfer to this Department, staffing overall will not be reduced. Any vacancy that arises in a particular area of responsibility will be considered in the context of the strategic workforce plan of this Department.

12. Any correspondence between the Department and Tusla, or with other Government Departments or agencies, in relation to recommendations for respite care (pgs. 28-29).

The Health Service Executive (HSE) provides access to a range of specialist services and supports for children with a disability, including those with an intellectual disability assessed in the moderate, severe or profound range. In addition to these specialised services, the HSE may also provide these individuals with residential services, respite and home supports, day support services, rehabilitative training, personal assistant services, and technical aids and appliances.

It is recognised that some individuals with mild disabilities may have complex needs that require joint working between different HSE services, or with other Government Agencies, including the Child and Family Agency (CFA). It is recognised that a collaborative approach is key to achieving a positive outcome which meets the needs of the child and family in these instances.

In March of 2017 the Disabilities Protocol Group signed off on a 'Joint Protocol for Interagency Collaboration between the Health Service Executive and the Child and Family Agency to Promote the Best Interests of Families.' This protocol established clear expectations as to joint working by both agencies to promote best outcomes for children known to either or both Agencies.

A national workshop was held in February 2020 to review the implementation of this protocol and to address any issues arising. The workshop was attended by representatives of both agencies, both the Department of Health and the (then) Department of Children and Youth Affairs, and by the Office of the Ombudsman. This followed an initial series of workshops that had been held in 2018 and 2019 across all HSE Community Healthcare Organisations (CHOs) and CFA Regions/Areas.

In December of 2020 the HSE and CFA subsequently agreed a revised Joint Protocol, which describes how the agencies will work together to provide a person-centred pathway to meet the needs of children with a complex disability and their families. It defines complex disability as children with a moderate-to-severe or enduring physical, sensory, mental



health or intellectual impairment. However, some children with both a mild intellectual disability and co-morbid presentations may also be assessed as having a complex disability.

The Protocol also outlines a number of principles guiding the provision of care to these individuals by the two agencies. This includes a principle of Prioritisation, which states that children in state care will access HSE services and other medical treatment in the same way as other children, the degree to which identified needs are complex will determine prioritisation (relative to other children needing these services), and that an in-care status must be an additional vulnerability factor that needs to be considered relative to children not in care.

The Protocol operates directly between the CFA and the HSE, and sets out a structured referral pathway and escalation process between those two agencies for unresolved issues with regard to the operation of the Protocol. This process begins with joint working at a local level, followed by sequential escalation to the Area Joint Working group, HSE Chief Officer & CFA Regional Service Director Level (in exceptional cases), and finally the relevant HSE National Heads of Operations and CFA's National Director of Services (again in exceptional circumstances).

Officials from the Department of Children, Equality, Disability, Integration and Youth liaise with CFA officials on a regular basis, which provides an opportunity to discuss any operational issues regarding the Protocol where they may arise.

13. A detailed note on the provision of food in facilities currently housing displaced Ukrainian people, including the following:

- **The requirements set out in the Department's contract with regard to the provision of food,**
- **The weekly and/or monthly menu,**
- **What consideration was given to issues of diet, culture, religion, and length of stay,**
- **Whether the food is fresh or frozen, and was the purchase of microwaves or other appliances required, and**
- **The cost per person of food provision (pgs. 33-35).**

The following describes the Department's contractual requirements on food:

Full board is a standard contractual requirement for Hotels engaged to accommodate Beneficiaries of Temporary Protection. This entails providing breakfast, lunch and dinner at set times, or, if the setting does not allow serving everyone at once, staggered times. Additionally, nutritional snacks, fruit and bottled water should be made available throughout the day. The Provider is contractually obliged to take into account the Residents' dietary and cultural requirements in the provision of food.



For self-catering accommodation, the standard requirement is for the Provider to provide food vouchers (€10 per person per day) or sufficient groceries for three meals a day for the first two weeks of a Resident's stay (guide price of approx. €10 per person per day). The expectation is that after a fortnight, the contractor no longer has to provide food as social protection payments will have become available to the Resident. On occasion, some Residents have encountered difficulties with obtaining their social protection payments. Where the Provider contacts us, we agree to extend the provision of groceries or vouchers until the matter is resolved. In regards to the provision of microwaves and other appliances, all facilities are provided with a fully functional kitchen.

14. The number of actions completed by the end of the 2017-2021 National Traveller and Roma Inclusion Strategy, and the expenditure over the course of the strategy (pgs. 36-37).

Under National Traveller and Roma Inclusion Strategy (NTRIS), 24 actions are complete with the remaining actions either ongoing or on track. The NTRIS Steering Committee continue to meet and their input will be pivotal to the consultation on the development of the successor strategy. Departments and Agencies also continue to report on progress on NTRIS actions.

Funding is provided across a range of Government Departments to support and address the specific needs of Travellers and Roma.

The Department of Children, Equality, Disability, Integration and Youth plays an important coordination role and provides funding to support a range of activities linked to NTRIS as well as providing core funding to a number of Traveller organisations. From 2017 to 2022, a total of €24.45m has been allocated to this work with a further €3.5m allocated from Dormant Account funding.

15. A detailed breakdown of the number of childcare places in the State for children under three years of age, and the associated percentage of overall childcare capacity (pg. 40).

Overall, the level of supply of early learning and childcare places is broadly in line with demand with evidence of some undersupply in some areas and for some age groups – this remains under review.

Pobal has completed the new data collection for 2022, as part of the Annual Early Years Sector Profile Survey. This will allow for updated information on capacity among early learning and childcare services to be established and will be available in the coming weeks.



(NOTE the maximum number of places and the number of vacant places are based on survey data that has not been extrapolated)

Table 1 Capacity and Vacant Places April/May 2022

Capacity and Vacant Places April/May 2022						
	Max capacity	Vacant places	Max capacity	Vacant places	Max capacity	Vacant places
	children < 1		Children aged 1-2		Children aged 2 - 3	
Waterford	71	21	325	10	678	79
Cork City	67	15	336	36	679	90
Dublin City	429	58	1582	95	2594	263
DLR	249	23	772	37	1303	72
Galway	224	26	811	44	1440	191
Kerry	85	28	417	24	742	65
Kildare	113	13	513	20	1003	113
Laois	42	8	271	27	508	54
Leitrim	15	0	51	0	154	23
Limerick	165	23	573	47	998	134
Louth	45	1	268	13	698	91
Mayo	31	2	169	2	476	61
Meath	90	12	408	48	936	119
Monaghan	84	5	271	5	464	11
Offaly	28	6	89	2	283	48
Roscommon	33	3	190	15	226	38
Sligo	36	3	263	8	395	21
South Dublin	184	30	818	68	1712	192
Carlow	34	0	128	0	264	21
Cavan	59	13	237	17	493	44
Clare	93	6	311	13	500	36
Cork County	211	12	855	3	1812	304
Donegal	125	8	438	34	877	105
Fingal	232	37	931	61	1719	145
Kilkenny	31	2	295	23	482	46
Longford	38	6	145	7	264	41
Wicklow	93	16	275	4	672	82
Tipperary	121	35	488	61	914	165
Westmeath	63	27	254	24	580	110
Wexford	92	11	334	15	818	171
Total	3183	450	12818	763	24684	2935



*This data is extracted from the City/County Childcare Committee (CCC) nationwide survey of capacity in early learning and childcare services in April. This data was further matched with the Early Years Sector Profile Survey data collected in May.

Table 2 Vacancy Rate by Age Range National (April/May 2022)

(NOTE the maximum number of places and the number of vacant places are based on survey data that has not been extrapolated)

	National			
	Max Capacity	% of overall childcare capacity	Vacant Places	Vacancy Rate
Children < 1	3,183	1%	450	14.1%
Children aged 1-2	12,818	6%	763	6.0%
Children aged 2-3	24,684	11%	2,935	11.9%
ECCE children	142,815	65%	19,077	13.4%
SAC children	37,823	17%	6,288	16.6%
Total	221,323	100%	29,513	13.3%

*This data is extracted from the City/County Childcare Committee (CCC) nationwide survey of capacity in early learning and childcare services in April. This data was further matched with the Early Years Sector Profile Survey data collected in May.

16. The most recent statistics for childcare waiting lists, including the waiting list for children under three years of age (pgs. 40 and 42).

Table 3 Number of children on waiting lists ELC/SAC places by age extracted from Early Years Pabal Sector Profile data 2021.

	Waiting List
Up to 1 year (0-12 months)	1,960
1 year+ to 2 years (13-24 months)	3,580
2 years+ to 3 years (25-36 months)	4,454
3 years+ to 4 years (37-48 months)	5,450
4 years+ to 5 years (49-60 months) Non-school going	2,819
4 years+ to 5 years (49-60 months) School going	992



5 years+ to 6 years (61-72 months) Non-school going	352
5 years+ to 6 years (61-72 months) School going	1,133
6 years+ to 8 years (73-96 months)	803
8 years+	761
Total	22,304

*** Pobal note that “the number of children on waiting lists is an indication of demand, however, as parents often place their child/children on multiple lists, this figure cannot be used to measure actual demand”.**

Table 4 Number of children on waiting lists by service type extracted from Early Years Pobal Sector Profile data 2021.

	Waiting List
Full day care	7,471
Part-time care	5,140
Sessional a.m.	5,339
Sessional p.m.	1,076
SAC (after school) in term only	2,539
Breakfast club	343
Drop-in	16
Total	21,924

*** Pobal note that “the number of children on waiting lists is an indication of demand, however, as parents often place their child/children on multiple lists, this figure cannot be used to measure actual demand”.**

17. A note outlining what parents of children under one year of age should do if they cannot find childcare places (pgs. 41 and 42).

Before the onset of Covid-19, national data indicated that, on the whole, supply of early learning and childcare places was meeting demand, with evidence of undersupply for young children.

Lower demand for early learning and childcare owing to Covid-19 gave rise to unprecedented vacancy rates in 2020 and 2021, with data from June 2021 revealing an overall vacancy rate of 21% and vacancy rates for children under 1 and children aged 1-2 years of 20% and 10% respectively.

Preliminary analysis of the data captured by City and County Childcare Committees (CCC) and Pobal over April and May of this year reveal a drop in vacancy rates across the country



– with the national vacancy rate now averaging at 13% and the vacancy rates for children under 1 and children aged 1-2 years 14% and 6% respectively.

The network of 30 CCC across the country are in a position to match children and families to services operating with vacant places. CCC are also proactively engaging with early learning and childcare services to explore the potential for services in increase capacity where there is evidence of undersupply.

Currently, there is no specific data on the number of early learning and childcare providers that have reopened baby rooms. In addition, there is no requirement for providers to offer places to children under 2. Recent data from the Annual Early Years Sector Profile reveal just 15% of all services cater for children under 1, while 27% of services cater for children aged 1-2.

A range of steps are being taken by my Department to address issues of under supply. Some €70m has been allocated for early learning and childcare under the National Development Plan, the majority of which has been earmarked for new places. Work is underway to update the 2001 Planning Guidelines for Early Learning and Childcare Services, in collaboration with the Department of Housing, Planning and Local Government. The new Core Funding Scheme, to roll out in September, will provide funding for services aligned to costs of delivery. This means higher levels of funding will be available to services that cater for younger children where costs of delivery are higher. I am hopefully this new approach to funding will encourage services to operate baby and toddler rooms, where demand exists.

Parents currently experiencing difficulty in relation to their early learning and childcare needs should contact their local City/County Childcare Committee (CCC) for assistance. Contact details for CCCs may be found on www.myccc.ie.

18. A note on the recruitment and retention of staff at Tusla (pgs. 48-49)

The need to increase the number of social workers employed by Tusla is an ongoing concern for the Department. Table 1 below illustrates the scale of the difficulties Tusla have encountered in retaining existing social worker levels.

The primary policy for addressing this concern at present, is the commitment by Tusla to offer a social work position to every social work student who graduated in 2022. A recruitment drive was initiated in April 2022 and according to the most recently available figures, this campaign has resulted in the recruitment of an additional 48 social work graduates who are in the process of *on-boarding* for permanent contracts. This commitment and associated recruitment efforts should, however, be seen in the broader context of an acute shortage of social worker graduates and ongoing efforts to address that shortage.



While the Department of Children, Equality, Disability, Integration and Youth does not have a national remit with regard to education, policies, regulations or workforce planning governing social workers' employment in Ireland it has actively engaged with Tusla and other stakeholders with regard to addressing issues relating to the supply, recruitment and retention of social workers. Foremost among these efforts was the establishment of the Social Work Education Group (SWEAG), which was established in 2019 for the purposes of increasing the supply of social work graduates and featured representatives from a range of key stakeholders including Higher Education Institutes (HEI), the HSE, Tusla and the Probation Service. SWEAG activities included:

- the inclusion of social workers on the Department of Enterprise Trade and Employment's Critical Skills Employment Permit list;
- the provision of seed funding intended to support the HEIs to put in place structures that streamline the placement process for social worker graduates; and,
- the circulation of a questionnaire to HEI academic coordinators responsible for social work courses regarding the barriers to increasing the number of social worker graduates.

Based on the findings of the questionnaire, the Department, Tusla and the Department of Further and Higher Education, Research, Innovation and Science are reviewing a draft list of proposed joint actions to be finalised shortly.

In addition to efforts to increase the supply of social work graduates, Tusla recently launched the Tusla People Strategy 2022-24, which includes a range of actions focused on staff retention. In particular the strategy commits Tusla to:

creating department/region specific retention plans that take into account workload and role grade and focus on highest rates of turnover and vacancies;

designing and implementing a structured corporate induction process that engages proactively with new starters and settle quickly into their new roles;

designing and implementing the New Starter Buddy Programme to provide additional support for new starters and help them build their network in and understanding of the Agency;

designing and implementing department *on-boarding* programmes that are tailored to the needs and environment of each Tusla department:

Specifically with respect to social workers the strategy commits to:
developing new career pathways for social workers and other staff grades in short supply or where turnover is high including rotational placements.

Table 1: Data relating to the retention of social workers as per Tusla's monthly Employment Monitoring Reports

Category of Data	Date
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Tusla Social Worker Data	Dec-20	Dec-21	Apr-22
Social Worker Full Time Equivalent	1,669	1,669	1,640
Year to Date Social Worker Starters¹	308	184	42
Year to Date Social Worker Leavers (not incl retirements)¹	157	167	82
¹ Year to date figures refer to January-December 2020, January-December 2021 and January-April 2022			