

# DÁIL ÉIREANN

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## AN COISTE UM CHUNTAIS PHOIBLÍ

## COMMITTEE OF PUBLIC ACCOUNTS

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*Déardaoin, 21 Deireadh Fómhair 2021*

*Thursday, 21 October 2021*

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The Committee met at 9.30 a.m.

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### MEMBERS PRESENT:

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|-----------------------|--------------------------|
| Deputy Colm Burke,    | Deputy Paul McAuliffe,   |
| Deputy Matt Carthy,   | Deputy Imelda Munster,   |
| Deputy Cormac Devlin, | Deputy Catherine Murphy, |
| Deputy Alan Dillon,   | Deputy Verona Murphy,    |

DEPUTY BRIAN STANLEY IN THE CHAIR.

**Mr. Seamus McCarthy** (*An tArd Reachtaire Cuntas agus Ciste*) called and examined.

## **2020 Annual Report of the Comptroller and Auditor General**

### **Tusla, the Child and Family Agency - Financial Statements 2020**

**Mr. Bernard Gloster** (*Chief Executive, Tusla*) called and examined.

**Chairman:** No apologies have been received. This morning, we will engage with witnesses from Tusla, the Child and Family Agency, regarding its 2020 financial statements. After lunch, the committee will consider correspondence and other business of the committee. We are joined remotely from within the precincts of Leinster House by the following officials from Tusla: Mr. Bernard Gloster, chief executive; Ms Kate Duggan, director of services and integration; Mr. Pat Smyth, director of finance; and Ms Niamh Doody, business manager.

Before we start, I will explain some limitations to parliamentary privilege and the practice of the House as regards references witnesses may make to other persons in their evidence. As witnesses are within the precincts of Leinster House, they are protected by absolute privilege in respect of the presentations they make to the committee. This means they have an absolute defence against any defamation action or anything they say at the meeting. However, they are expected not to abuse this privilege and it is my duty as Chairman to ensure it is not abused. Therefore, if their statements are potentially defamatory regarding an identifiable person or entity, they will be directed to discontinue their remarks and it is imperative they do so.

Members are also reminded of the long-standing parliamentary practice that they should not comment on, criticise or make charges against any person outside the Houses or an official either by name or in such a way as to make him or her identifiable. I now invite the Comptroller and Auditor General to make his opening statement.

**Mr. Seamus McCarthy:** The Child and Family Agency, also known as Tusla, was established in 2014. Its primary responsibility is to safeguard and improve the welfare of children. Prior to 2014, most of the agency's functions were undertaken by the HSE. Staff, assets and systems were transferred from the HSE to Tusla on its establishment, but the agency still relies on the HSE for support with certain functions, including procurement and ICT systems.

The agency's financial statements for 2020 record total income of around €870 million, almost all of which comes from the Vote for Children, Equality, Disability, Integration and Youth. This includes €17 million provided to support the agency's capital investment. The agency's expenditure in 2020 was €858 million. Around one-third of the expenditure related to staff costs. The agency employed around 4,600 whole-time equivalent staff at the end of 2020.

Most of the remaining expenditure in 2020 comprised direct payments or grant funding for the provision of services to support children and families. This included €119 million spent on foster care and aftercare allowances; €142 million spent on independent placement provision, including residential care; and €182 million paid as grants to organisations delivering a wide range of child and family services. The agency incurred expenditure amounting to around €30

million on guardian *ad litem* costs and legal fees. The agency's office and administration expenses were €36 million.

I issued a clear audit opinion in respect of the agency's financial statements for 2020, which I certified on 30 June 2021. However, I drew attention to two matters disclosed by the agency in its statement on internal control. First, the agency acknowledges that in excess of €6 million was spent on goods and services where the relevant public procurement rules were not complied with. Second, as members are aware, the HSE suffered a ransomware cyberattack on its ICT systems in May 2021 resulting in the shutdown of all its ICT systems, including those supporting Tusla's operations. In the statement on internal control, the agency outlines its plans to migrate its ICT systems away from the HSE network, except in respect of the HSE's integrated financial management system, IFMS, that is under development. While the disruption to the agency's operations was significant, it happened after the period of account and does not impact the financial statements for 2020.

**Chairman:** I now invite Mr. Gloster to make his opening statement.

**Mr. Bernard Gloster:** I thank the Chairman and the committee for the invitation to appear before them today. I am joined as supporting witnesses by my colleagues, Mr. Pat Smyth, director of finance, and Ms. Kate Duggan, national director of services and integration and deputy CEO. I have, as requested, provided the members with a short briefing document as an appendix to my opening statement and so I will confine my remarks here to some key themes.

The agency received referrals to its child protection and welfare service in 2020 at just below 70,000. It is important to note that in the early stages of the Covid-19 response, we saw a concerning decrease. I am satisfied this concern was proactively addressed and referral rates recovered. Those children of specific levels of concern requiring a continuing social work service for a period were either at home - just over 15,000 - or in State care - 5,882 - at December 2020.

Not all referrals to the agency involve an abuse concern and many are welfare-based. Some 22,300 of these children received a family support service in 2020 while 2,943 young adults received an aftercare service, including additional supports to reflect the context of the pandemic. This is an area for further development.

The agency focused almost exclusively throughout the first months of the pandemic in ensuring the provision of domestic and sexual violence response services, child protection services and children in care supports. In our specialist services separate to those above, 2020 saw key activity and statutory duties fulfilled in several ways. Members will be aware of the repeated commentary on the ability of the agency to recruit staff and fill approved posts over recent years. Tusla had developed an increasing dependence on temporary agency staffing. A programme to convert these to Tusla employment took place in 2020 resulting in a reduction to a more appropriate level and a decrease in spend on agency staffing of €19.5 million, which is continuing thus far to a saving of approximately €4 million annually. This has been maintained in 2021. Our focus then shifted to improved graduate recruitment.

I also again note that concern for staff safety and welfare remains a priority in the context of understanding the staffing of the agency. Within the workforce, social work recruitment and retention remains a serious challenge. Generating supply is one area of activity. The agency participates in the Department-led social work education group and, separately, the chair of the agency and I have engaged with the Minister for Further and Higher Education, Research, Innovation and Science on this issue. Increased supply and retention efforts alone will not deal

with this issue, and there is a critical need to examine the utilisation of multidisciplinary teams for child protection and welfare work. That noted, Tusla at the end of 2020 was effectively at full employment of its funded workforce, representing a substantial improvement on previous years.

Tusla is subject to regulatory oversight from several sources, including HIQA, the Data Protection Commissioner, the Health and Safety Authority, the Ombudsman, the Ombudsman for Children, the Information Commissioner and the Comptroller and Auditor General. Progress is being made in respect of the various functions that lead to more improved compliance, but there can be no doubting that challenges remain. In respect of care and protection services, we have seen significant improvements in many HIQA reports while also remaining clear that some individual services or parts of them are found to be non-compliant, and this is concerning.

The agency concluded the year 2020 in a stable position financially through one-off adjustment and relative to the projected deficits cumulating from activity of previous years. The target of the agency was to achieve a stable position coming into 2021, and thanks to the intervention of the Minister and the Department, this was achieved. I am concerned regarding the long-term challenges for some of our funded organisations in the community and voluntary sector. Efforts are continuing to mitigate those challenges to the greatest extent possible. These organisations, many of them service providers, are critical to the effectiveness of the agency. We did make some progress in 2020 and 2021 for this sector on a once-off basis. However, the long-term solution to the challenge is beyond the scope of Tusla.

Eighteen out of the past 24 months during which I have been CEO of the agency have been characterised by two major events: Covid-19, and the cyberattack on HSE systems in May of this year. The impact of both is still evident and well documented. I am pleased to report to this committee that, notwithstanding these major disruptions, the board and the executive of the agency have remained focused on two key activities. The first is the continuity of critical services to children and families throughout those events. Tusla, as the State child protection agency, was identified by Government at the start of the pandemic and in the cyberattack as one of the key essential front-line services to be maintained. Our response capability to each crisis was of a very high standard.

The second is the continuity of major changes and reforms within the agency. These are in response to fundamental challenges. On commencing my role, I agreed with the board that these were our priority and remain so. I am pleased to report significant progress in key areas of change in the organisation. At the end of this month, Tusla will have completed a major part of the reform of governance of the agency through the recruitment of a revised executive management team and six new defined regions, each with its own chief officer. Through empowering local regions, we will see an even greater focus on need, better integration and improved performance management with appropriate accountability. The board and I recognise that many challenges and issues remain to be addressed. Be they in the context of history or current-day service provision, it is fair to say we have challenges. I have no doubt some of those will be reported and commented on in the future. Equally, there is substantial evidence to show we have made, and continue to make, progress on many fronts, with excellent work being done by some 5,000 staff every day. Consistency and continuous improvement are central for the coming years.

I thank the Chair and am happy to take questions from members.

**Chairman:** I thank Mr. Gloster. The first speaker today is Deputy Verona Murphy. She

has 15 minutes and there are ten minutes for everyone else after that. I ask for members' co-operation with that to make sure everyone gets in.

**Deputy Verona Murphy:** I thank the witnesses for attending. Note 6 in the financial statement relating to employment states there has been a significant increase in new contracts with 408 staff taken on by the agency. It was a conversion project -----

**Mr. Bernard Gloster:** That is correct.

**Deputy Verona Murphy:** -----and I see there is a €20 million difference. Was any cost associated with the conversion other than the basic pay? Where would that be found in the financial statements?

**Mr. Bernard Gloster:** The reduction of €19 million in expenditure is down from more than €30 million in the previous year's agency spend. The saving I pointed to of €4 million annually is the saving after the converted staff are paid.

**Deputy Verona Murphy:** Was there any cost associated?

**Mr. Bernard Gloster:** There was a cost in buying out the compliance files of each staff member with the agencies. I will ask the director of finance to give the specifics on that.

**Mr. Pat Smyth:** As the CEO said, there was a cost in buying out the contract. It was approximately one to two months' agency cost and came to around €700 per case. That is netted off against the savings of about €4 million. It was once-off.

**Deputy Verona Murphy:** Where would I find it in the financial statements?

**Mr. Pat Smyth:** It is in the administrative expenses. It is not called out separately within the accounts.

**Deputy Verona Murphy:** Okay. It was roughly €700 per employee so in or around €300,000.

**Mr. Pat Smyth:** Yes.

**Deputy Verona Murphy:** There is significant non-compliance with procurement. It is also stated that it was down €900,000 from last year. It related to Covid expenditure. What exactly was that expenditure? Can it be detailed?

**Mr. Pat Smyth:** It can. We can give a written response but I will give the Deputy an overview. The same as every agency in the State at the time, we faced a challenge in getting face masks, goggles, surgical gloves, cleaning materials, etc., to ensure staff and clients were safe. As the Comptroller and Auditor General pointed out, we use the same system as the HSE and tend to use the same suppliers. The same approach was taken by us and the same suppliers supplied the same products at similar prices as to the HSE. That was the type of material. We had to take some emergency measures in terms of residential homes to ensure screens, etc., were erected at various points, as well as in places where staff were continuing to work. The €900,000-----

**Deputy Verona Murphy:** If that is added back, the agency is in the same position it was last year. If we did not have Covid, there is still the same level of non-compliant procurement. What is Tusla doing about that? It has been ongoing for several years. It is detailed here that it

has risen, rather than gone down. Whatever measures are in place are not working.

**Mr. Pat Smyth:** Tusla's focus has always been on trying to ensure we have the major expenditures in the agency covered. We have heavy expenditures around legal contracts, for instance. That is a €12 million contract we procured in 2021. It landed across all legal services. We have put in place a major contract around private residential services, which is around €90 million per annum, that was completed across 2020 and 2021. We have a major procurement under way around private foster care, which is due to be completed before the end of the year. Our resources tend to be focused on those major procurements and through the past year and a half, that is what we have had to do.

We have had, and still have, plans in place to address that non-compliance in areas focused on lots of local services. We have approximately 300 locations across the country in Tusla. Cleaning, security, office supplies, etc., fall to those local areas. In many cases, people are compliant and the figure is under €25,000 in many cases. When we consolidate that for the agency, those contracts add up to more than €25,000. We have been trying to address that and have had difficulty, part of which has been that we do not have automated systems to prevent people purchasing when they cross those type of contracts. It is a very manual system we have had to operate with. That is part of our agenda in terms of-----

**Deputy Verona Murphy:** That is a very long-winded response for something that does not seem to add up to much. Non-compliance has increased by €3 million in four or five years. What accountability is there? Where is the agency when it comes to accountability for non-compliance?

**Mr. Pat Smyth:** The accountability is we are very clear about identifying where that non-compliance is. Tusla does a full audit every year of where the non-compliance is. We know where the expenditure has fallen and why it has happened. As I said, in many cases that is down to-----

**Deputy Verona Murphy:** What is the agency doing about that? That appears to be where the problem is. Tusla might be identifying it but it does not seem to be rectified.

**Mr. Pat Smyth:** One of the major changes we are engaged in is creating a more localised structure. Part of the solution not just to this but to many issues we have regarding centralised versus local accountability is in developing that structure out to local areas. That is part of our overall strategic change. In terms of what we are doing on a day-to-day basis-----

**Deputy Verona Murphy:** I might be misunderstanding. Mr. Smyth refers to localised accountability. Procurement is his department, not that of the people he provides the service to. Am I understanding him correctly? Is he saying some of the contracts are too small and under €25,000 but when consolidated they-----

**Mr. Bernard Gloster:** I think I can assist the Deputy. I point her to the update I gave the committee in response to the previous recommendations it made in 2017 and 2019. The €6.3 million reported that the Comptroller and Auditor General referred to is down a small amount from the €7.1 million in 2019. It is €6.3 million non-compliance out of a commercial spend activity of €228 million. In public service terms, that is a significant progression-----

**Deputy Verona Murphy:** I do not mean to be rude but the issue is non-compliance is rising, even though every year the issue is raised by the committee. If one were to add back the €900,000 now excused by Covid regulations, non-compliance is up on last year, rather than

down. We are the Committee of Public Accounts. It is about value for money and being accountable to the taxpayer for money spent. I have not had an answer to the question on how Tusla is dealing with it. If it is rising, Tusla is clearly not dealing with it.

**Mr. Bernard Gloster:** The budget and the spend is rising. That is part of it. What we are doing and what I have done in the past 12 months-----

**Deputy Verona Murphy:** Sorry, that statement-----

**Mr. Bernard Gloster:** We did not have a procurement function. We now have two people specialist in procurement function. I have increased that provision to five people but at the moment we have a difficulty in securing that expertise.

**Deputy Verona Murphy:** If Tusla now has someone working as a procurement officer and we are seeing a rise in non-compliance, I would be very concerned. Mr. Gloster said that as the agency has more money to deal with, it is therefore almost a given that the non-compliance would rise. I cannot understand that. We are talking about accountability.

**Mr. Bernard Gloster:** To be fair, that is not what I said. I said that the volume of expenditure we have has risen and the volume of non-compliance is not rising against that. It is 3% of the total volume of commercial spend.

**Deputy Verona Murphy:** I misheard. I am sorry about that.

**Mr. Pat Smyth:** On the measures that are being taken, clearly the conversion of agency staff was one measure that was very deliberately taken, which seriously reduced the amount of non-compliance in terms of agency function at a huge cost saving. The cost saving there was around €4 million so it was a very evident piece. The other measures I talked about, such as procurement contracts that have been engaged in for 2020 and 2021, relate to very serious expenditures. In terms of legal expenditure I would point to the leading-edge approach-----

**Deputy Verona Murphy:** Let us talk about legal expenditure because I was looking at the State Claims Agency having settled claims. There is quite a large bill for claims. It is up around €60 million. In 2020, the State Claims Agency paid out €6 million but that is not accounted for in Tusla's expenditure. It is not attributed to Tusla at all. It is attributed to the State Claims Agency.

**Mr. Pat Smyth:** I will just give a brief overview of that.

**Deputy Verona Murphy:** I am just asking the question. That €6 million is not-----

**Mr. Pat Smyth:** The €62 million that is called out within that is the State Claims Agency's assessment of the liability. It is not an amount that is paid.

**Deputy Verona Murphy:** It is an amount that was paid.

**Chairman:** The claims were settled-----

**Deputy Verona Murphy:** Yes, and that is the amount. Some €6 million is the amount for which claims were settled in 2020. That is not in Tusla's income and expenditure report. It is showing a surplus of €10.8 million but if that figure was accounted for, would the surplus be down to €4 million?

**Mr. Pat Smyth:** The settlement of claims from the State Claims Agency-----

**Deputy Verona Murphy:** It is a binary, “Yes” or “No” question.

**Mr. Pat Smyth:** -----is usually done with an allocation from the State Claims Agency so no, it would not change our expenditure because we would have had an extra allocation. We have never had that and that is not the process that is used in terms of the allocation. That liability is on the State Claims Agency’s books.

**Deputy Verona Murphy:** Yes, but it is attributed to Tusla. It may be on the State Claims Agency’s books but it is still-----

**Mr. Pat Smyth:** Yes.

**Deputy Verona Murphy:** Okay. It is an extra €6 million.

**Mr. Bernard Gloster:** It is important to point out-----

**Deputy Verona Murphy:** I only have three minutes left.

**Mr. Bernard Gloster:** -----that it is attributed to the claims against Tusla and Tusla carries within that any historical claims associated with the childcare services prior to the establishment of the agency and, in some cases, prior to the establishment of the HSE, from the former health board system. The claims are categorised against the agency that currently holds the brief but the profiles would not necessarily-----

**Deputy Verona Murphy:** I thank Mr. Gloster for that clarity but Tusla has been in existence since 2014. I cannot say I would excuse the procurement improvement in non-compliance in the same way at all. There are a significant number of localised agencies that Tusla deals with in relation to one thing or another and several service providers and bodies provide health and personal social services on its behalf. Mr. Gloster himself has said there is a control weakness and that it has been actively addressed. On that basis, is Tusla solely reliant on the HSE for the internal audit function, or does it have the capacity to carry out its own internal audits? I would like a binary answer, please - “Yes” or “No”.

**Mr. Bernard Gloster:** The internal audit function is provided exclusively by the HSE to Tusla and there is an external partner engaged by Tusla to make that more robust.

**Deputy Verona Murphy:** How many entities are currently on the agency’s strict improvement programme?

**Mr. Pat Smyth:** I can answer that.

**Deputy Verona Murphy:** I would like a figure, please.

**Mr. Pat Smyth:** That number is less than five at the moment.

**Deputy Verona Murphy:** Less than five out of how many?

**Mr. Pat Smyth:** Some 660.

**Deputy Verona Murphy:** How many reviews did the compliance unit in Tusla deal with?

**Mr. Pat Smyth:** The compliance unit reviews all of those agencies at one stage through the year. We have carried out close to 100 internal audits across all those agencies over the last five years. There are about 2,000 recommendations that have been progressed across all those agen-



cies. Obviously when an internal audit is called out, some of the measures that are picked up are transferred to other agencies to ensure that weakness is checked in those agencies as well.

**Deputy Verona Murphy:** Thank you. I am just out of time so-----

**Mr. Pat Smyth:** We get assurance statements from all those agencies, from their chairs and CEOs.

**Deputy Verona Murphy:** How many financial statements is the compliance unit waiting on?

**Mr. Pat Smyth:** I do not know how many for 2020 but that would be a relatively small number. Where we have issues receiving that, we impact on funding so we can get that information from them-----

**Deputy Verona Murphy:** I ask Mr. Smyth to come back in writing with that answer.

**Deputy Alan Dillon:** I welcome the witnesses. Tusla was established back in 2014 under the Child and Family Agency Act 2013. Prior to this, the majority of the agency's functions were undertaken by the HSE. Why is Tusla still so reliant on the HSE to provide the various services, more than seven years after its establishment?

**Mr. Bernard Gloster:** There is a very straightforward answer to that. When the agency was established in 2014, the view of the Departments involved in its establishment was that it should try to achieve the best possible use of shared services and that has been pursued across the public service over many years. That was the starting point. In 2014, we were also in the middle of a very significant financial constraint in the macroeconomy that would not have allowed for the elaborate building of completely separate functions.

**Deputy Alan Dillon:** Are there plans to migrate any of Tusla's current services away from the HSE?

**Mr. Bernard Gloster:** Yes.

**Deputy Alan Dillon:** Deputy Verona Murphy talked about-----

**Mr. Bernard Gloster:** We have commenced the creation of our own estates function so we are reducing our reliance on the HSE in that regard. That is a continuous process but it is reducing. We have our own estates staff and we are building that function. We have commenced our own procurement function, as I pointed out to Deputy Murphy. We are in the middle of a major ICT migration, post cyberattack, to a Tusla IRL system which is more or less completely independent. We would still be dependent on the HSE for two things, and it makes perfect sense that we would be, as part of the overall ICT system. We are expediting that and are a year ahead of time because of the impact of the cyberattack. We continue to be dependent on the HSE for the internal audit function. I suspect that will continue through 2022 but it certainly would be a desire of the board to establish our own internal audit function in the long term.

**Deputy Alan Dillon:** Mr. Gloster mentioned three things - the ICT system, procurement, and the internal audit system.

**Mr. Bernard Gloster:** And the estates.

**Deputy Alan Dillon:** And the estates. With regard to payroll and general banking arrange-

ments-----

**Mr. Bernard Gloster:** I said that when the ICT system migrates we will be left with two dependencies on the HSE. One of those is the SAP system, which drives HR and payroll. It makes perfect sense to continue to operate that the way it is. Due to the size of the agency's payroll, developing its own complete payroll system would not make any economic sense whatsoever.

**Deputy Alan Dillon:** Can Mr. Gloster give us some understanding or detail as regards the total budget for these projects that are based on the ICT project?

**Mr. Bernard Gloster:** We are in the middle of what we are calling Tusla IRL, which is a complete conversion to our own system. That featured as part of our plans at the time of the cyberattack. It was our long-term plan but we brought it forward. I have estimated a risk cost associated with that of between €7.5 million and €8 million. I still believe that will hold through, but we will not really know the full cost of that until the middle of 2022, when we complete it. After that, we will have two dependencies on HSE ICT, one of which is the national childcare information system. We hope to move to the next generation of that system in 2022. When we do, it will be built in Tusla, and we will be left with the SAP system for driving payroll and HR. Currently, the indicated cost of the Tusla IRL system is €8 million, and this year a cost of around €500,000 went into recovery in the first few weeks following the cyberattack.

**Deputy Alan Dillon:** Mr. Gloster mentioned the cyberattack. I will focus on it briefly. Does Tusla understand the full extent of the impact of the ransomware attack on its systems? Will Mr. Gloster to provide us with an understanding of the risks associated with any sensitive or personal data becoming available as a result?

**Mr. Bernard Gloster:** I am on the public record as saying Covid-19 was a very extreme event globally and across society. However, the impact on direct service provision of the cyberattack was much more sharp and severe. I have not hidden the fact it brought us to our knees. That is the reality of the situation we found ourselves in. Inasmuch as we have certainty of recovery and continued recovery of systems, there are still some levels of disruption, but most of the systems are back. Inasmuch as we have certainty, we have the same certainty as the HSE. We must remain open to the possibility there is a risk of data exfiltration that could yet emerge. So far, the assessments have not indicated that is the case, but I must say we are a long way from being able to be definitive about that. The HSE is conducting an extensive analysis in relation to assessing the damage to servers and whether there is evidence of exfiltration on those servers, and we are fully party to that. So far, there is no such evidence, but we must remain open to that possibility.

**Deputy Alan Dillon:** Has there been a cost in terms of the ICT hardware and software systems that have been affected and the replacement of laptops? How many systems are currently at risk?

**Mr. Bernard Gloster:** The cost in respect of hardware and the replacement of laptops is included in the €8 million I referred to. One of the things that is contributing to a delay in the Tusla IRL project is the problem with the supply chain of laptops globally. Various component parts are presenting a difficulty in terms of demand and supply. However, the cost of that is included in the €8 million.

In relation to data systems, most of our systems are back up and running. Ironically, it is the

basics of the connectivity of email in some parts of the country that is presenting as problematic. The national childcare information system, which is our biggest database and continues to be hosted on the HSE system, is very significant in its sensitivity and the data it holds. We have no evidence of exfiltration from that, but it was severely damaged by the encryption of the attackers, the immediate shutdown that was done by the HSE on the morning of 14 May, and the attempt to rebuild. We had to use the backups of the system to rebuild the database from there, because the one we were operating on up to 14 May was so badly damaged it was rendered unusable.

**Deputy Alan Dillon:** I thank Mr. Gloster for that update. The next area I want to focus on pertains to statutory foster care and aftercare allowances. In 2020, €119 million was spent in that area. Will Mr. Gloster provide us with an indication of the average spend on statutory foster care allowances in 2020?

**Mr. Bernard Gloster:** I will do that quickly. Note 7 in the accounts breaks that spend down. It shows we spent €88 million on statutory foster care allowances. The statutory foster care allowance rates are €325 for a child under the age of 12 and €352 for a child from the ages of 12 to 18. Aftercare allowances are provided for a large range of young people aged 18 to 22, and we spent €24 million on those allowances in 2020. The aftercare allowances can range up to €300 per child.

**Deputy Alan Dillon:** How are these rates determined by Tusla?

**Mr. Bernard Gloster:** The statutory rates of €325 and €352 per child were set around 2010, and they are the rates we operate on. The rates of the aftercare allowance were agreed after Tusla was established.

**Deputy Alan Dillon:** Are the rates set on a national basis or are there different rates for regional areas?

**Mr. Bernard Gloster:** It is a national rate. A national policy is set around it. Different factors may be involved in local areas where there are different levels of the rate. To be clear, the statutory foster care rates are the same nationally. There may be variations in terms of the aftercare.

**Deputy Alan Dillon:** Will Mr. Gloster provide us with some details on the aftercare allowance rates, and why they might vary?

**Mr. Bernard Gloster:** It concerns the support arrangements that may be in place. For example, young people who are in full-time education and are in receipt of SUSI grants would be in a different position from those who are in supported lodgings or have other arrangements. I might defer to my colleague to provide more detail on the types of different care arrangements, but that is basically the difference that occurs. Different circumstances will dictate the aftercare arrangements, but the rates for foster care arrangements for children up to the age of 18 are the same nationally.

**Deputy Paul McAuliffe:** I thank Mr. Gloster and the other witnesses for joining us today. Often at the Committee of Public Accounts we concentrate on the procurement elements of Tusla's budget, whereas often staffing represents the most significant level of spending. In Tusla's line of business, it is also the area that has the greatest impact in terms of service delivery. I am not sure if Mr. Gloster is familiar with the Montague report, entitled Ballymun - A Brighter Future, which Dublin City Council published. The report focused quite a bit on the

impact of the drugs industry on the community in Ballymun. It mentioned the engagement of Tusla in that area. It pointed out that north Dublin city, which of course includes Cabra, Finglas and other areas, has the highest number of children in care in the country. While it also has one of the highest allocations of staffing, there are a huge number of vacancies. Perhaps Mr. Gloster can provide us with detail on filling those vacancies and the costs of doing so, and explain why the posts are so consistently vacant. I will ask more questions after that.

**Mr. Bernard Gloster:** I will come back to the Deputy on the issue of global HR, but as he has asked a question relating very specifically to north Dublin, I might ask Ms Duggan, the national director of services, to respond to that first.

**Ms Kate Duggan:** We are very familiar with the Montague report. Our area manager in Dublin north city, Joy McGlynn, has been part of the inter-agency approach to that report in terms of its findings and recommendations. As the Deputy has rightly pointed out, Dublin north city is one of the areas where we are significantly challenged in the profile of children and families who require our support and the profile of children and young people who touch off our system in terms of either family support or the care system. The Deputy has also pointed out that Dublin north city has the highest number of children in care. It also has the highest number of community and voluntary services within that region. One of the areas we look at and focus on in Dublin north city is how to work much more collaboratively and work in partnership with our community and voluntary partners to respond to the need that is there.

Dublin north city, like the rest of the country, is challenged in terms of our ability to allocate an adequate number of social workers. At the moment, the agency has a headcount of approximately 1,770 social workers. However, we have a number of vacancies and that is compounded by the approximately 70 staff who are on maternity leave and, in the context of Covid-19, for health and safety reasons, those staff are often working away from the front line from the beginning of their pregnancy. Therefore, we are challenged our allocation of social workers across the country.

We are taking a number of actions. We have already spoken about the agency conversion programme that has happened. We are facilitating a number of student placements and our CEO is engaging with the Department of Further and Higher Education, Research, Innovation and Science in looking to increase the number of student placements. We offered a permanent contract to every new graduate who was qualifying from the universities this year. So far, out of 184 places in the universities, 130 individuals have expressed an interest in coming to work for Tusla. After qualification and interview, that has translated into securing 99 additional social workers for the whole of the country, whereas 89 social workers left the agency between January and July this year. Therefore, we are significantly challenged in our ability to allocate social workers. In 2021, out of additional Government funding of approximately €7 million, we allocated 65 new social work posts across the country, but the challenge remains. The solution is around working with partner agencies and diversifying our workforce. The Deputy talked about drugs and substance abuse issues and issues such as domestic violence in Dublin north city, and we are looking to diversify our workforce to meet that response.

**Deputy Paul McAuliffe:** Ms Duggan has touched on two of the points in the report. I am delighted to hear Tusla is more than familiar with the report and is participating in the inter-agency response. I know it is something the Taoiseach's office is also involved in. Regarding the two issues she touched on, recruitment is one element but retention is another. In Dublin north city, 4% of cases are allocated within the 40 days whereas the national average for Tusla is 22%. There is something else going on in Dublin north city and it is obviously to do with

the difficulty of the work for many social workers and the retention issue. The report points out that the appointment of more senior social workers would be one way of responding to that, giving people more responsibility, obviously, but also perhaps keeping them in post for longer. I wonder if that is something Tusla has had an opportunity to consider.

**Mr. Bernard Gloster:** That is a very fair observation. There are myriad reasons it is difficult to retain staff. We have invested a lot of energy this year in understanding fully the people who leave us with less than two years' service and the people who leave with less than five years' service, because it is in that band of years that the retention problem is. People who leave after five years tend to leave for probably more understandable reasons.

I would point to a couple of factors. First, pre-Covid, in Dublin city, in particular, it was difficult to attract social workers to come and stay. There are some very good social workers in Dublin and we are delighted they are with us. However, it is difficult to attract new social workers to come and stay given the cost of living and many different reasons, so that was one factor.

The other factor is there has been an increase among social work employers across the country in their demand for social workers. This year, 184 people came off the courses in Ireland and 144 of them had registered with CORU by September, which means 40 are probably thinking about travel or something like that and 144 are available. I could use every one of those and I did offer a job to every one of those who wanted a job. However, my colleagues in the health service are recruiting social workers, the Probation Service recruits social workers, the section 38 agencies across the disability sector recruit social workers, and so on. Social work has now become part of the multidisciplinary team in every health and social care context and that is a challenge for us.

There is no doubt that statutory child protection is considered to be one of the most hard-end areas of work to do. While that is not to undervalue the work of anybody else, it is considered to be one of the hardest areas of social work to do. I have said many times, including in my opening statement, that I think we have to move to a new model of multidisciplinary teams because there are lots of other disciplines and professions that could contribute.

**Deputy Paul McAuliffe:** I am conscious of time. Mr. Gloster has brought me to the point I was going to follow on to with Ms Duggan, which is the idea of multidisciplinary teams. While there are recruitment issues, I would come back to the issue of the senior social workers, and the report talks about 15 senior social workers in that area. I do not expect the witnesses to give me a commitment today but it might be something they consider and I will come back to them on this.

On the issue of diversifying, I would make two comments. Youth workers, in particular those involved in school completion programmes, the family support agencies and family support centres, are a huge asset and should form part of that. I was at an amazing event yesterday for Valerie O'Carroll, the manager of the Ballymun Family Resource Centre who retired yesterday, a woman with a tireless commitment to Ballymun and a tireless commitment to social justice. We hope her replacement will be just as good. Having those people on the ground supports the social workers who are in place. Sometimes, people in the school completion programmes and the family support centres feel like the Cinderella of Tusla and they do not feel they get the priority and resources they deserve.

**Mr. Bernard Gloster:** I assure the Deputy that this year, for the first year in many, the school completion programmes got an increase. I am certainly extremely committed to this

and, as I mentioned in my opening statement, I believe the community and voluntary sector is the bedrock of communities such as Dublin north city. That is why I said I am concerned about the sustainability of some of the services. I have been out to Ballymun and Finglas and to some of the after-school clubs, and I know the Minister has been out there as well. Our service in Dublin relies critically on those and certainly, within what is in our range to give, we are very focused on building those supports, not just leaving them, as the Deputy said, to be somewhat taken for granted.

**Deputy Paul McAuliffe:** I acknowledge the support which Tusla has given locally and I acknowledge the family support centres are funded from a staffing perspective. Perhaps Tusla might join me in putting as much pressure as possible on the Minister to also provide a capital programme for those family support centres because there is no point in funding the staff if they do not have a facility or premises. In Finglas, certainly, we have had to put it together from multiple different pots, including Tusla, but there should be a dedicated capital programme. I am out of time. I thank the witnesses for their time.

**Deputy Sean Sherlock:** I welcome Mr. Gloster and his team to the committee. An article appeared on Monday, 27 September, in the *Irish Examiner* where Mr. Gloster spoke at length in respect of private provision of residential care. The article stated:

Mr Gloster said that many private care placements were working well but added: “The bigger risk of that level of dependency on private care is private operators can leave the market; they can leave quickly, they can sell on; company structures can become very complex, and the reality is that if you have a private provider in a house with four young people, if that private provider left the market, the State has only one option and that is for us to take over that provision there”.

Is there a shift in policy in Tusla such that it is going to wind down private care providers? Is that a signalling of a policy shift? What is the real-time position in respect of that? The witnesses might bear in mind that I have ten minutes and there are four questions I would like to ask.

**Mr. Bernard Gloster:** It is not a signalling of a policy shift to wind down private provision. In that interview, as in many others, I pointed to the fact that social care services in Ireland - in private nursing homes for the elderly, in the disability sector and in other areas - all have private provision. There are some very good providers so I do not want to make this about disparaging any type of provision. The point I was making in that article is very simply this: more than 60% of children in residential care are now dependent on private provision and that is far too significant a dependency for a sector that is populated by companies and organisations that can exit the market any time they choose to do so, or where other circumstances arise. It is the level of dependency rather than the existence of the dependency. The policy direction in Tusla is to come up with a plan, by the end of this year, to redress that balance and create more public provision. That will take several years to achieve. There is no doubt that we have reached the lowest number we will have in terms of children in residential care. That number will probably increase slightly.

**Deputy Sean Sherlock:** I have a couple of questions following on from that. As I understand it, there is an entity called Positive Care, which is on Tusla’s list of private providers. A cursory look at the information for this organisation shows that it runs 13 or 14 houses. Based on the ratios of staff to children, I conclude that there could be anything between 30 and 60 children being cared for across those services. What does the future look like for an entity like

Positive Care and why does such an organisation exist in the first instance? It seems obvious that Tusla is not able to meet the provision it is required to deliver. I am not trying to use loaded language here but such entities would not exist if Tusla, objectively speaking, were doing its job and making provision for those places within its own system.

**Mr. Bernard Gloster:** If we were starting from a greenfield site in 2014, prior to my time, that would be the case and the Deputy's observation would be closer to being accurate. However, we have to look at the context from which residential care provision came. The extent of the growth of private provision is partly because the public sector, during more scarce times, did not invest in keeping public capacity at the level that was needed. That is the first aspect. The second point is that there has always been provision outside of the direct State provision. There has been voluntary sector provision by NGOs, many of which had their origins in the religious orders that provided residential care in the past. A large number of those organisations are no longer operating. There are still some NGOs providing a service but part of that need was filled by the private sector. When a State agency like Tusla is considering spending money on a service that it is not going to provide itself, EU procurement rules and all sorts of other rules, as we discussed, dictate that private providers are eligible to apply for that work. There is a history and context to this.

**Deputy Sean Sherlock:** I acknowledge that and I appreciate Mr. Gloster's response. Tusla providers are inspected by HIQA but Tusla inspects the private providers on its list.

**Mr. Bernard Gloster:** Yes, it is one of the greatest contradictions.

**Deputy Sean Sherlock:** At what stage does Mr. Gloster anticipate there will be a change in that regime such that the private providers are inspected by HIQA?

**Mr. Bernard Gloster:** I met yesterday with the CEO and chief inspector of HIQA, with whom I have quarterly meetings. This issue remains on the agenda of those meetings, as it does in my engagements with the Department and the Minister. I am told that consideration is being actively given to amending the legislative provision to allow for that change, after which there would have to be a consideration of transfer of resource from Tusla to HIQA to allow the latter to undertake the inspections. The same applied when the HSE allowed HIQA to take over inspections of private nursing homes in 2009.

As to when I envisage that transfer happening, I do not have a definitive timeline. It is not within my gift. I have been very clear that we do the inspections as well as we can and we do the monitoring very well. We try to keep abreast of all the different providers to ensure the best level of safety. I have repeatedly said that it is a fundamental contradiction of governance in the most basic terms that I am statutorily responsible for providing residential care for children - I am a provider and purchaser - but for half of that system, I am the regulator. That does not make for good governance.

**Deputy Sean Sherlock:** I appreciate the frankness of that response. It is about as frank as one can get. I hope the regime will change to reflect it.

Historically, the Comptroller and Auditor General has reported significantly on the cost of the guardian *ad litem* service. We are all mindful that the Child and Family Agency is about providing care for children and ensuring, in a court hearing or any judicial process, that the voice of the child is heard. I am concerned about the costs of the guardian *ad litem* service. We had gone some way towards legislating for change in that area during the lifetime of the previ-

ous Dáil. What is the Child and Family Agency's understanding of the status of the draft heads of a Bill to make changes to the guardian *ad litem* service and what engagement has it had with the Department in that respect?

**Mr. Bernard Gloster:** We are engaged with the Department on it. Legislation to put matters on a statutory footing is something I would welcome. It would put the service at a step remove from Tusla, which would be appropriate. The Deputy is correct in his point about the cost of the service. Approximately half, if not slightly more, of the total legal spend in the agency goes on guardian *ad litem* services and associated legal costs. It is a very significant cost in any one year and we do not have control over it. We have some control over the fees, and the agency made an effort to bring some balance in that regard a few years ago. There was a lot of activity on the legislation prior to the Covid crisis and in the previous Dáil. The pandemic has impacted that, as has the legislative programme of the Department of Children, Equality, Disability, Integration and Youth. To be fair to the Secretary General of that Department, for whom I do not want to speak, it has had a very heavy programme, with the measures to do with information on tracing and other legislative demands. Activity has resumed now on the legislation and I hope to see its passage through the Houses as soon as possible.

**Deputy Sean Sherlock:** Mr. Gloster said in his opening statement: "The agency received referrals to its child protection and welfare service in 2020 at just below 70,000. It is important to note that in the early stages of the Covid-19 response, we saw a concerning decrease." Have all of those 70,000 referrals been expedited? Is Tusla on time and ahead of the curve in terms of all referrals that come to it in respect of any child or family?

**Mr. Bernard Gloster:** I ask my colleague, Ms Duggan, to address that question from an operational perspective.

**Ms Kate Duggan:** As the CEO indicated, the figure of 70,000 is an average referral rate that we would see in any year. The challenge for us is to respond to those referrals as quickly as we can, particularly in terms of the level of priority we give to them as they come in. What we hear from our HIQA inspections is that, at times, those referrals are not responded to in as timely a way as we would want to see happening consistently across the country.

A significant part of our reform programme, which has commenced, is around practice reform, which ultimately involves ensuring that when a referral is made to our services, our front door, which includes our social work, the diverse workforce and parts of our service such as the Tusla education support service, which was referred to earlier, can respond to it in the right way and at the right time. To reassure the Deputy, our high-priority and child protection referrals are responded to as a matter of priority. It is when we have particular referrals in regard to a low-harm situation or where a support role is required that there may be more of a delay in responding.

**Deputy Imelda Munster:** I want to ask Mr. Gloster about funding. He has stated publicly that his organisation needs between €80 million and €100 million. I understand the additional funding it has been provided with in budget 2022 amounts to €61 million. How will that affect Tusla's ability to provide its services?

**Mr. Bernard Gloster:** Last year, in the 2020 bid for 2021, we put forward an estimated provision, for both the existing level of service and new developments we desired to pursue, which ran just short of €100 million, if I am not mistaken. Out of that, we got some €67 million coming in this year, which gave us a lot to work from, a good deal of stability and enabled us



to reduce our historical deficit. We have been able to remain in that position coming into the recently announced 2022 budget. As all public service bodies do, we listed the various things we would like to do and their estimated cost. While the initial estimate ran at approximately €80 million, or whatever it was, we finished up with €40.5 million. We also have a capital allocation of approximately €17.5 million. From the point of view of a success of estimates in terms of what we ask for and what we get, I am quite happy we have done reasonably well to build on what we can.

**Deputy Imelda Munster:** I am curious. Mr. Gloster said it was between €80 million and €100 million. Given that Tusla's caseload has increased by 23% on 2019, how will it affect service provision on the ground?

**Mr. Bernard Gloster:** We did not get the full amount of what we wanted across the Estimate profile. I will take two or three significant ones figures. A little while ago we talked about building additional public residential care capacity. I will be able to do some of this in 2022 but I will not be able to do as much as I would have wanted. This will slow down the pace at which we get to address the imbalance of private provision.

We indicated a need to bring the community and voluntary sector to a more sustainable level of certainty in future. The cost of this was approximately €10 million or €11 million at the time we were doing the Estimate. We will be able to do less of this. We will be able to do something towards their sustainability but we will not be able to do all we would have wanted to do.

**Deputy Imelda Munster:** I thank Mr. Gloster. He said earlier in response to other Deputies that his plan is to cut back on private providers. What he has just said is the budget allocation has pushed this back even further again. He will not be able to achieve what he wants. We do not want to be here this time next year with Mr. Gloster telling us Tusla had to put it back. It is clear from what he just said it will put a halt to it. Tusla will not achieve what it had hoped to achieve.

**Mr. Bernard Gloster:** It will reduce the pace at which we get there.

**Deputy Imelda Munster:** It is not going to happen as fast as Mr. Gloster would have preferred.

**Mr. Bernard Gloster:** Yes.

**Deputy Imelda Munster:** Am I correct in saying that?

**Mr. Bernard Gloster:** That is correct.

**Deputy Imelda Munster:** A short while ago, Mr. Gloster spoke about Tusla having to carry out inspections of private providers. He said it did its best in carrying out these inspections. Does Mr. Gloster have any idea what percentage Tusla is able to inspect in any given year?

**Mr. Bernard Gloster:** I do not have it at my fingertips. I will certainly have it for the Deputy before we finish.

**Deputy Imelda Munster:** It is clearly putting Tusla under further strain. It is inspected by HIQA and it has to inspect private providers.

**Mr. Bernard Gloster:** Yes.

**Deputy Imelda Munster:** Mr. Gloster does not have the figures and that is fair enough. What struck me when he said it was that surely in real terms the lack of ability to carry out this as thoroughly as Tusla would wish very much poses a real risk to children or families. I am speaking about real terms insofar as Tusla is limited in the number of inspections it can carry out on those providing care in the private sector. It does pose risk. Mr. Gloster would agree with this.

**Mr. Bernard Gloster:** Operating any regulatory regime poses levels of risk. We have a team that does these inspections and it is separate to the team that places the children. We try to keep a good standard of governance. This is what I meant by stating doing the best we can with that.

**Deputy Imelda Munster:** How many are on the team?

**Mr. Bernard Gloster:** The full function of the children services regulation team, which covers all of our crèches and preschool inspection as well as alternative care and private inspection, has in excess of 100 full-time equivalents. The number specifically on residential is smaller than that. Predominantly it is crèches.

The point I was making earlier, not to put too fine a point on it, is that the bottom line is I should not be inspecting them. I can do as many inspections as I want, and I have very good staff who do so, but from the point of view of governance I should not be buying the service-----

**Deputy Imelda Munster:** I accept that entirely and in fact it is quite shocking. My point is if schools, crèches and private providers of care are counted, Tusla does not have the ability-----

**Mr. Bernard Gloster:** I can give the Deputy figures for so far this year. There are 146 alternative care centres on the register of our inspection team and 116 inspections have been undertaken. This represents quite a good-----

**Deputy Imelda Munster:** Year on year is there this level of inspection?

**Mr. Bernard Gloster:** I think that is a fairly consistent figure.

**Deputy Imelda Munster:** With regard to carrying out audits of the 660 community, charitable and voluntary organisations, earlier Mr. Gloster said Tusla carried out 100 audits over five years. On average this is 20 a year. Mr. Gloster said fewer than five had been placed on the strict improvement programme. Were any deemed not suitable to receive further funding?

**Mr. Pat Smyth:** Over the years, we have had to take measures to cease funding some agencies. In terms of the exact numbers we will come back to the Deputy. I do not have to hand exactly what the numbers are. There are agencies we have ceased dealing with. The question is as much service governance as it is financial governance. It may not be strictly-----

**Deputy Imelda Munster:** Could we get the details on those over the past five years?

**Mr. Pat Smyth:** Yes.

**Deputy Imelda Munster:** It is the HSE that carries out the audits. Who dictates how many are carried out in a given year? How is it determined which organisations are audited? How often are they audited?

**Mr. Pat Smyth:** There is quite a comprehensive risk analysis done in advance of each year

to assess what agencies may be higher risk. This is down to external assessments we do on an agency's published accounts or other issues that may have turned up in the press or issues that may have turned up from review meetings we have had with agencies. The audit and risk committee oversees the audit plan each year. In terms of a plan of what we audit, the agencies that might be suggested for audit would include those that have been risk assessed. General audit samples are also done to make sure within it there is a representative sample.

To clarify the number because I did not have the figures to hand, we did 82 audits between 2016 and 2020 on the funded agencies.

**Deputy Imelda Munster:** That is less than I thought. That is an average of less than 20 a year. As we stand today, has Tusla received all of the 2019 and 2020 financial statements from these organisations?

**Mr. Pat Smyth:** We do have them for 2019 because we have a system that captures all of the published information from the agencies. We get the school completion programmes separately. For 2020 there are some agencies from which we are still looking for some of the accounts. We tend to capture the information from the published accounts. Even if an agency had not provided them, we get it from the Companies Registration Office or the-----

**Deputy Imelda Munster:** Are there sanctions for an agency that does not provide them?

**Mr. Pat Smyth:** Yes, absolutely. This is a feature we have got a little bit more in hand in recent years. We have put in place processes to ensure all agencies have contracts and signed service level agreements. In 2022 we will pursue this much more strictly than we were able to do in 2021.

**Deputy Imelda Munster:** With regard to the statements Tusla has not received this year for 2019 and 2020, will there be sanctions against those?

**Mr. Pat Smyth:** Yes.

**Deputy Imelda Munster:** Could we have a detailed list of those?

**Mr. Pat Smyth:** We can do that.

**Deputy Cormac Devlin:** I thank Mr. Gloster and his team for being with us this morning. In his opening statement Mr. Gloster said he had been *in situ* with Tusla for 24 months. I congratulate him on that, but I can imagine it has been a tumultuous 24 months, particularly for Tusla and all of the staff in the organisation with the work they do. We acknowledge that.

Recently I asked two parliamentary questions about the number of front-line social workers in Dublin. There were 506 whole-time equivalents in December 2020. This fell by eight to 498 in June of this year. Taking into consideration what my colleague Deputy McAuliffe referred to about Dublin north city, the parliamentary questions also confirmed Tusla was in the process of recruiting 181 social workers in Dublin to the end of August, and 102 posts were listed as recruitment complete, 48 of those posts accepted, 31 were posts in progress, and I am not sure what happened to the remaining 23. Will Mr. Gloster confirm how many front-line social workers there are across the five Dublin Tusla areas currently, having recruited 102? Have the people in those 102 posts started?

**Mr. Bernard Gloster:** I do not have the individual area figures at my fingertips. As I said earlier, we offered every graduate a job, and 99 have accepted positions with us. They are being

taken on board at the moment. It now just depends on their registration date being completed with CORU. Some of them have already started.

**Deputy Cormac Devlin:** Is that for the current year?

**Mr. Bernard Gloster:** They are all on the way. In recruitment processes, unfortunately, by the time we get from interview to offer, some candidates will have changed their minds and some of them will have withdrawn.

**Deputy Cormac Devlin:** I presume this is probably what happened with the 23 who are listed here. Would I be right in saying there are 600 social workers now *in situ* in post across Dublin or has that figure changed?

**Mr. Bernard Gloster:** To be fair to the Deputy, I do not want to mislead him, so in the coming days I will give an exact breakdown in writing of the Tusla areas and the social workers they have. The point was made by Ms Duggan that we also have social workers who are on the payroll but we have a high volume of maternity leave. When we add this to the vacancies, I have no doubt this is having an impact in Dublin. Equally, of the new posts we have funding for this year, which is in excess of 100 jobs, the majority of those posts were assigned to Dublin mid-Leinster and Dublin north-east. This covers the Dublin city areas referred to by the Deputy.

**Deputy Cormac Devlin:** Those figures would be good to have, including the breakdown by area. Some of the figures were supplied to me in response to a parliamentary question recently, just about two weeks ago, so I have that. I also note from the figures that, as of December 2020, there were 1,169 staff members.

**Mr. Bernard Gloster:** That is full-time equivalents.

**Deputy Cormac Devlin:** Yes, and there were also 34 from agency. I might get to that later on in the second round questions because I am very limited for time.

Mr. Gloster mentioned the 99 new recruits, which is very welcome. Based on a significant proportion of the staff working as front-line social workers, does Mr. Gloster feel there is adequate supervision and training, given that more than the 20% of the social workers are new starts? It would be a relatively high level of untrained staff. I am aware they have been academically trained, but in going into an organisation such as Tusla initially, is adequate supervision and training given to those new recruits?

**Mr. Bernard Gloster:** The problem is “adequate” is probably a value judgement. To be fair to the Irish Association of Social Workers and others, there is good supervision given. The pressure, the demands, and the volume of the work does interfere with that and interferes with the availability of the time we might desirably want to give to that. Our chief social worker and his team are working on and have built additional measures to try to enhance supports, especially for people in the first two years of employment. It is a continuously improving piece. To be fair to young social workers or their supervisors, I would not want to say that by any means we could be complacent about it.

**Deputy Cormac Devlin:** Of course. I appreciate what Mr. Gloster said earlier about those who leave the organisation in under two years or under five years. Given the area in which some are working, be it the volume or types of caseloads, I appreciate this is going to be a challenge for some of them.

I turn to more operational matters. In the accounts there is a cost of €34 million for administration, payroll and so on. Are social workers provided with mobile phones if they are working for the organisation?

**Mr. Bernard Gloster:** Yes.

**Deputy Cormac Devlin:** I ask that because there are reports that front-line and duty social workers are not giving out their mobile numbers to individuals, or indeed email addresses. It is very hard, even for Members of the Oireachtas, to engage with the organisation. There is one email address and that is it. Will this be reviewed under Mr. Gloster's tenure as CEO?

**Mr. Bernard Gloster:** I am certainly anxious to look at that. I recall that some months ago a social media post or mainstream media made reference to that issue of social workers not giving email addresses. I did go looking to try to establish what was behind that and I genuinely could not land on it. Every staff member of Tusla has an email address and every staff member who deals with the public would be obliged to provide that email address to the people they are dealing with so they can contact them and communicate with them. There may be a small number of situations in which, for personal safety and security reasons, that may not be possible.

With regard to the mobile phone numbers, the mobile phone numbers and the contact numbers for the duty teams are all available on the website in terms of the landline. The mobile numbers are more for emergency work and for work between the worker and the office. They do give their mobile numbers to service users with whom they may be dealing, and the aftercare workers give their number to the young adults they work with. It is not the case, however, that we could have every Tusla child protection social worker's mobile phone number generally available in the public domain. The demand would be significant. I refer back to my opening statement also. It is important to say I have increasing evidence to be seriously concerned for the safety and welfare of my staff in certain contexts.

**Deputy Cormac Devlin:** On that latter point, I can absolutely appreciate that. I do not want to demean it by any stretch of the imagination. Given some of the extremely challenging areas and situations in which Tusla staff are working, I absolutely can appreciate why the mobile phone numbers would not be readily available. I am talking about general run-of-the-mill cases. Are business cards provided to staff?

**Mr. Bernard Gloster:** I do not think so, but it is a very good idea. I will talk to the staff and some of the people around the ways we have of communicating with groups who use our services. If that is helpful, then I have no difficulty with that.

**Deputy Cormac Devlin:** I thank Mr. Gloster for that. It would be helpful for us as a committee if Mr. Gloster would send us a note after this engagement today on the procedure around staff engaging with service users and how readily contactable they are.

**Mr. Bernard Gloster:** I will, of course.

**Deputy Cormac Devlin:** Mr. Gloster will appreciate the people who are engaged with the organisation want to be able to engage, and if Tusla is ringing them, they would like to be able to call back the individuals who are dealing with them. I thank Mr. Gloster for that.

In my last minute, will Mr. Gloster confirm if Tusla carries out quantitative and qualitative research on the outcomes of cases, particularly across various socioeconomic areas and communities, to ensure the quality of treatment of all children? Is that being done at present?

**Mr. Bernard Gloster:** In our three-year plan for 2021 to 2023, the corporate plan, building an outcomes framework is a very high priority. I had a fairly lengthy meeting yesterday with the group that developed the draft approach to that. As I am sure the Deputy knows, outcomes is a longitudinal issue. It was a recommendation going back as far as the Ryan report, if I am not mistaken, in respect of children in care. It is something I am hoping to get further down the road with over the course of 2022.

**Deputy Cormac Devlin:** Has that started?

**Mr. Bernard Gloster:** There are individual pockets of research that go on in the agency into different matters. In fairness, I would not be giving the Deputy a straight line if I were to say to him that was outcomes focused. It is not, in terms of what it should be.

**Deputy Cormac Devlin:** I ask Mr. Gloster to furnish any information he has on that to the committee.

**Deputy Catherine Murphy:** I welcome the witnesses. I had to step out for a few minutes; the bilocation thing does not really work very well. I apologise if I go over some of the same ground.

Mr. Gloster talked about the number of social workers and other staff on maternity leave. How many people are out sick as opposed to on maternity leave? Maternity leave is very different and is not an illness. Does Tusla categorise the reasons? There have been reports in the past of caseloads, fatigue and things like that. Is that a factor?

**Mr. Bernard Gloster:** Absenteeism rates in Tusla run at about 4.5% to 6.5% of the workforce. One of the things we do is we try to separate out our residential care staff absenteeism from the rest of the workforce to get a better understanding because residential care has a particularly high absence rate. That is to do with things like the stress levels the Deputy talked about but also very high incidence of assault and assault-related injury. In relation to social workers, we do not measure the specific causes because a lot of people when they are certified as sick may choose to say it is work related or they may choose not to, so it is difficult. I would have no doubt in agreeing with the Deputy that it is a factor.

**Deputy Catherine Murphy:** In his opening statement, Mr. Gloster pointed to some long-term challenges for some of the funded organisations. He said the factor that has created a stable position was a one-off, but it is not an ongoing position. I ask him to give a short explanation of some of those challenges. I ask him to provide us with a note listing the 660 organisations by category.

**Mr. Bernard Gloster:** Yes, of course. We gave the community and voluntary organisations a 5% once-off increase this year to support them. The Minister, to be fair, was very supportive in obtaining that. Similarly, in the domestic violence sector, which is part of our funded sector, we did some additional interventions. What I mean about sustainability fundamentally is this. I do not think it will be any surprise to the Deputy. A lot of agencies would have experienced retraction, cutbacks and reductions in different lines of funding during the economic crisis. Some of those would have had that restored or had levels of recovery and others would not have. Particularly for the agencies that are actually providing services to children and families with staff on the ground, their ability to pay staff at the rates that they can attract them is more compromised because of their financial position since the economic downturn.

**Mr. Pat Smyth:** I might add that page 45 contains a breakdown of all the types of agencies

and the following pages have the names of those agencies within those groups. That may help as well.

**Deputy Catherine Murphy:** I thank Mr. Smyth for that.

This is something we see here routinely. We have in this country a very fragmented approach to service delivery. If we are to move to a rights-based approach to the provision of services, we need to have control over those services. Most of us who deal with the public will be aware of how threadbare the services are in some cases and it is a challenge. In his opening statement, Mr. Gloster spoke about reforms in an agency that was set up in 2014. Were some of these things not anticipated from the outset, given the way Tusla was set up? Why are we into a reform process so soon after the setting up of an organisation?

**Mr. Bernard Gloster:** To be fair, my predecessors would have had their priorities to respond to at the time of setting up. There were lots of different competing priorities, I guess. One of the things they did was they inherited a structure from the HSE which the HSE has long since abandoned. In addition to that, the nature and type of crisis and work that arises in the course of an agency like Tusla added to the very significant events leading to the 2018 HIQA report, the Charleton tribunal and so on. The agency became very centralised, very heavily dependent on the centre, to the point where there was no significant level of local autonomy and local authority, and all that goes with that. The reform of the structure I pointed to is about correcting that imbalance. That is just one part of many changes. I will not draw the Deputy into the detail of all the others, but that is what it is about.

**Deputy Catherine Murphy:** I have only about four minutes and I have a few more questions to ask. We are all aware of the cyberattack. Some of Tusla's IT systems are under development at the moment. What is the time and cost associated? Are any Tusla systems still on Windows 7? Did the risk register identify weakness and the potential of a cyberattack?

**Mr. Bernard Gloster:** The corporate risk register before the cyberattack identified the risk level because of our dependency on the wider HSE platform and the history of that platform. That is the first thing. The second thing is that the major part of the correction is moving the majority of ICT to being hosted on Tusla's own platform, which is called Tusla IRL. The indicated cost of that between now and the middle of next year is about €8 million. That is entirely separate from the development of the next phase of the national childcare information system for which I do not have a cost yet, but that will come in 2022. As we develop more capacity and more things, we will have more costs every year.

In relation to Windows 7, Tusla has worked exceptionally hard in the years since 2017. We started with two or three ICT staff in 2017; I think we now have close to 65, moving to 100. We have the most modern versions of laptops. We have the most modern versions of connectivity that we can have through mobile phones, but because of our dependency on some parts of the HSE network we still may be dealing with older legacy systems. By the time we get everyone over to Tusla, we will have everybody on Microsoft 365, which is one of the latest versions.

**Deputy Catherine Murphy:** In 2020, there were two external investigations. According to a reply to a parliamentary question I asked, the cost was €12,000. Is there an update on that in respect of 2021?

**Mr. Bernard Gloster:** Regarding external investigations, I am not sure of the particular parliamentary question the Deputy is referring to, but I certainly will check it. Two external

investigations would sound extremely low, in fact. In fairness, I would just need to check the provenance of the answer against the question that was asked. I will come back to the Deputy on the 2021 figure.

**Deputy Catherine Murphy:** Obviously, we will all put 2020 down as a very exceptional year.

**Mr. Bernard Gloster:** Perhaps Covid deferred a lot of it.

**Deputy Catherine Murphy:** Over the years, what would external investigations typically involve? Why would there be an external investigation?

**Mr. Bernard Gloster:** Most of the demand for external investigation is because when people make a specific type of complaint, if it is of a serious level or when it is a complex HR matter or a protected disclosure, the level of confidence, as I am sure the Deputy knows, that people express in organisations to investigate or conduct investigations themselves is a feature of the narrative of the last number of years. The agency would, therefore, make a decision from time to time to move to an external investigation to give the greatest level of assurance possible and to give the greatest level of fairness as possible, indeed. My preference is to try to come back to inhouse capacity as much as possible. I have this month just established a new special investigations unit with two legally trained people who, from January, will take over a significant portion of that. There will still be some external requirement in terms of complaints at a certain level but I would hope to reduce that. External investigation covers everything from HR and protected disclosures to serious complaints from members of the public.

*Sitting suspended at 11.02 a.m. and resumed at 11.14 a.m.*

**Deputy Colm Burke:** I thank Mr. Gloster for his presentation and the information we have received. I may have missed some of the meeting because I was in the Dáil Chamber so I apologise if I go back over issues that have been discussed.

I wish to talk about social workers and the demand on the system at the moment from various different areas of the Government agencies. Regarding the recruitment of workers in this area, what level of co-operation or connectivity has there been with third-level colleges on this issue? Is there a need for third-level colleges to expand the number of places in this area?

I have questions on colleges and the role of placement. I mean where students are assigned a placement as part of their three or four-year course. Has Tusla the capacity to take people in on placement? Has work been done on the issue?

**Mr. Bernard Gloster:** I thank the Deputy. Yes, we have engagement with the universities at a number of levels. Our chief social worker and his team are engaged with them at a developmental level. The Department has a social work education group, which has the education sector on it also, and we are on that. As I said in my opening statement, I have had engagement along with my chair with the Minister for Further and Higher Education, Research, Innovation and Science. So they are all of the pieces to try and move it on. To come to the core of the question, there were 184 graduates available from eight courses in Ireland this year and so far we are looking at a position where 144 registered with CORU. That is what is available to Ireland and that is certainly the amount of available positions. The need beyond Tusla exceeds that.

We did take some steps in recent years to try out different initiatives. We did do a one-round scholarship programme with Maynooth University, which started a course. We certainly got a



reasonable yield out of that. They are now continuing as a provider themselves. We would look to sponsorship across the university sector in the future but it is something that we would have to get into more detailed planning about in terms of the cost and the return for it.

Again the chief social worker, who has a significant developmental role in social work practice in the agency, and his team, have put huge work into the provision of placements. We have a high number of placement supervisors across our social work workforce. We take a significant number of students. Usually, half the students in training will come to Tusla for a placement either in the first or second year of their masters programme and then they go to other providers in disability services, mental health services and so on. We, therefore, have very good placement capacity. I have indicated to the Minister for Further and Higher Education, Research, Innovation and Science that we could absorb another 50 placements if the colleges had those places in place to expand the supply.

**Deputy Colm Burke:** In terms of the colleges, a number has been mentioned. Many different agencies need people with a social work qualification. Have the universities set out a reason they are not increasing the number of places available?

**Mr. Bernard Gloster:** No, I have not seen a collective or specific reason. For example, Sligo Institute of Technology, which traditionally was not a provider of social work training, set up a social work programme because they found that a number of their graduates from their social care programme wanted to go on and convert to social work, as well as others. It is those types of initiatives for the future rather than just expecting the traditional courses to expand because there is demand in universities for expansion of lots of different programmes from social work to nursing and right across the spectrum of health and social services. I think it is in the bigger mix of the university piece. I do not think they are against creating places.

**Deputy Colm Burke:** We have all come across people who are very good in youth work and a whole lot of other areas who do not have a qualification. We should open up opportunities for them to go back. What level of engagement has occurred with the universities on that issue?

**Mr. Bernard Gloster:** The universities, to be fair to them, offer different programmes. Some of them are at undergraduate level and others are at masters level. People can come in with different backgrounds rather than just straight from school. The programme structure has changed over the years. As I say, it is probably quite innovative because-----

**Deputy Colm Burke:** Is there room for further expansion in that area?

**Mr. Bernard Gloster:** Completely. I would like to see the other institutes, or technological universities as some of them are now, following Sligo's lead. We have an equal demand for social care workers and I would not like to see all of them becoming social workers either because we have to keep a spread across both. The Deputy is correct that there is a vast array of people out there who would be suitable for this work.

**Deputy Colm Burke:** Regarding people leaving Tusla, are exit interviews and surveys carried out to allow people to outline the reasons they are leaving? Is information available in that regard?

**Mr. Bernard Gloster:** If the Deputy does not mind, I will send that information to him after the meeting. Again, if I isolate it down, I would be misleading and it would take too long to go through all the categories. Again, our HR team and our other people nationally have done a lot of analysis of why people leave.

**Deputy Colm Burke:** That would be helpful. I was involved in a project in Cork for many years that focused on young people who had dropped out of school. We reviewed the programme of training we were providing because An Garda Síochána referred many of the young people we worked with to us. We reviewed the people who had gone through the programme in earlier years to see how they had fared since. It involved looking at their employment and accommodation situation, etc. It was a good review. Has Tusla undertaken a review, say, five years after people have left foster care or residential care, to find out where they are, what they are doing and what levels of support they require? Has Tusla undertaken such a review to see if there might be a need to amend the system in place?

**Mr. Bernard Gloster:** We are developing the outcomes framework that I referred to earlier to get an accurate longitudinal picture of that. That will take some time. Individual pockets of work have been done. Where we capture many of our care leavers and how they do after turning 18 is in the period up to 21 or 23 years with those who remain involved with the after-care system and are being supported by it. That is about 3,000 people. We see significant numbers going on to third level education. For some, that is neither a suitable nor desirable option. We have now started to provide alternative pathways for things like apprenticeships. We have developed partnerships with the construction industry and other providers to create lots of different pathways for people. With the development of after-care workers, we are now staying in touch with people longer so we are able to see how a lot of people are doing, certainly into their early 20s.

**Deputy Colm Burke:** Is it variable?

**Mr. Bernard Gloster:** The outcomes are variable. It is important to say that.

**Deputy Colm Burke:** In our project, we found that roughly 70% of the young people we were dealing with had gone on to full-time employment. Their family history would not have been great as regards employment, so that was a positive outcome. Regarding this research, should additional funding be provided to enable detailed research to be carried out?

**Mr. Bernard Gloster:** Yes, and to be fair to the Minister and the Department, I can categorically say that they are genuinely behind this. I do not see funding as being a significant obstacle.

**Deputy Colm Burke:** Could there be more co-operation with our third level institutions as regards assisting in that research?

**Mr. Bernard Gloster:** It is a longitudinal study that will have to follow children over a number of years through the child and care system and on into early adulthood. It is like The Irish Longitudinal Study on Ageing, TILDA, which was done with older people. There will be a role for more than one academic partner and that will have to be done through a tender-type process. I think there will be lots of contributions from the academic and practice sectors.

**Deputy Colm Burke:** I thank Mr Gloster.

**Chairman:** I will let Deputy Burke back in during the second round.

**Deputy Matt Carthy:** I thank the witnesses for being here. Regarding the foster care programme, how many children are in foster care placements now?

**Mr. Bernard Gloster:** We have a child-in-care population of between 5,800 and 5,900, of

whom just over 91% or 92% are in foster care.

**Deputy Matt Carthy:** It is approximately 5,300 or thereabouts.

**Mr. Bernard Gloster:** Yes. That is correct.

**Deputy Matt Carthy:** How many of those children are fostered directly through Tusla and how many through private companies?

**Mr. Bernard Gloster:** The concern about dependency is not as high in fostering. I ask Ms Duggan to provide the detail on that.

**Ms Kate Duggan:** On private placements, 13% of our children in care are in private placement.

**Deputy Matt Carthy:** Okay. Regarding foster care-----

**Ms Kate Duggan:** Regarding those children in foster care, approximately 65% of them, or 3,764 children, are with general foster carers and about 1,482 are with relative foster carers.

**Deputy Matt Carthy:** Of the figures that Ms Duggan provided, I take it the latter are all done directly through Tusla?

**Ms Kate Duggan:** Yes, 480 children are in foster care services provided by our private providers.

**Deputy Matt Carthy:** For foster carers, that is, the families who take in these children, what is the difference between being employed directly by Tusla and private care providers? Is there any difference regarding the remuneration or expenses they receive? Is there any difference in the practical realities for these foster carers?

**Ms Kate Duggan:** We align our payments to foster carers with the standard rates of €325 per child for those aged under 12 and €352 for children aged 12 to 18. The foster families of the children who are in care are also entitled to receive child benefit and the foster children would be entitled to a medical card.

**Deputy Matt Carthy:** It is the same.

**Ms Kate Duggan:** Yes, it is the same.

**Mr. Bernard Gloster:** It is the same rate.

**Deputy Matt Carthy:** Is the cost to Tusla the same?

**Mr. Bernard Gloster:** No.

**Ms Kate Duggan:** No. The director of finance can provide the exact details of the costs, but we pay a fee to the private foster care agency.

**Deputy Matt Carthy:** What would that mark-up be?

**Mr. Bernard Gloster:** Regarding the private foster care agency, and the difference in this regard, private companies are not allowed to pay foster parents a different capitation rate. They are allowed, however, to develop their own different support mechanisms. The level and type of supports they can provide to families, because they might have smaller numbers and smaller

groups, is much more significant. That is what is reflected in the associated costs. The overall cost of private foster care is about €22 million or €23 million each year.

**Deputy Matt Carthy:** The cost is €23 million.

**Mr. Bernard Gloster:** About that, yes.

**Deputy Matt Carthy:** What does that amount of money reflect in respect of a mark-up?

**Mr. Pat Smyth:** I will take this question. The cost of a placement through a private foster care provider is about €1,000 a week. As Ms Duggan pointed out, the basic rate of funding in respect of the foster care allowance is between €325 and €352. On the costings we have done, there is a comparative cost when we add in the cost of staff. We must compare it in terms of the private organisations providing staff in the areas of social care, legal services, etc. We are looking at an approximate comparative cost of about €800 *vis-à-vis* the agency cost that we are paying of about €1,000. Therefore, there is a mark-up of about €200 in that regard.

**Deputy Matt Carthy:** Essentially, therefore, these private companies are receiving an additional €200 per child in costs.

**Mr. Pat Smyth:** Yes. To clarify, as the CEO said, private foster companies have been in existence since before the agency was set up. In many cases, they were there because we could not source foster carers in particular areas. The challenge is that once a foster child enters care, the agency is very reluctant to move that child, certainly on the basis of cost. A child might be moved on the basis of care, but not on the basis of cost.

**Deputy Matt Carthy:** I appreciate that as regards people in existing care scenarios. Does the agency ever make contact directly with those placements, or the families who are engaged in the placements, to see whether they would be happy to move from a private care operation under Tusla's auspices?

**Ms Kate Duggan:** Is the Deputy asking whether they make contact directly with the children or with the agency?

**Deputy Matt Carthy:** Does the agency make contact with the parents, to use that term, to see whether they would move from a private scenario?

**Mr. Bernard Gloster:** The same general principles and rules would apply in that, if you engage someone to provide a service, you would not then try to attract their resources or staff away from them. It is open to foster carers with private companies to apply to register as general foster carers with Tusla, as indeed it is open to general foster carers with Tusla to register with private providers. All of the families are approved through the Tusla approvals panel system, regardless of who they are with. We would not be trying actively to encourage people away into direct public service.

**Deputy Matt Carthy:** I am just trying to get to the crux of why a private company would be able to source host families whom Tusla could not source directly.

**Mr. Bernard Gloster:** There are a variety of reasons. They can and sometimes do offer what might be perceived to be, or in some cases might actually be, a more intensive level of support to the family at the time of the placement. That is one view. After that there are personal reasons for why people would do it.

**Deputy Matt Carthy:** Personal reasons do not explain it. I do not understand the scenario because in the reality of the situation it should not make any difference to the families concerned.

**Mr. Bernard Gloster:** I will certainly see if there is information available on the rationale for why people do and do not choose that. To be perfectly honest, some of the people I have met in foster care would say they believe Tusla has a reputation or Tusla would not support them as well if they were direct foster carers with Tusla. Whether that is a real experience or is perceived or they have heard it somewhere, I am sure that informs part of their thinking. I have met people, albeit a very small number, who have left Tusla foster care provision and would say the level of support they get is better from the private provider. That is what people experience.

**Deputy Matt Carthy:** Mr. Gloster referred to there being very few. How many have moved from operating directly with Tusla to a private agency over the past three years?

**Mr. Bernard Gloster:** I am personally aware of less than a handful, maybe three or four, although there could be some I would not necessarily know about. I will certainly try to establish that for the Deputy to see if there is a pattern. I am not aware of there being any significant pattern.

**Deputy Matt Carthy:** Tusla gave a number of 13%, which represents 480. That is growing. In 2014, for example, 6% of foster carers were private.

**Mr. Bernard Gloster:** The number Ms Duggan gave was the total private placements percentages, including residential and foster care, so it would not be 13%.

**Deputy Matt Carthy:** Okay, but 480 is the number of foster carers. Is that number correct?

**Mr. Bernard Gloster:** Yes.

**Deputy Matt Carthy:** How does that absolute number of 480 compare with, say, five years ago?

**Mr. Pat Smyth:** I can give some statistics on that. Back in 2017, which is the latest year I have here, we had 430.

**Deputy Matt Carthy:** It is increasing.

**Mr. Pat Smyth:** It has increased, yes.

**Deputy Matt Carthy:** Does Tusla plan to review the services that are being provided, even for no other reason than efficiency? We have determined there is an additional cost of €23 million for private care. Does Tusla plan to carry out an efficiency review to ensure those families who are operating directly with Tusla have an improved experience to encourage others to go down that route as opposed to the private agency route?

**Mr. Bernard Gloster:** Yes. That is what we endeavour to do through supporting the Irish Foster Care Association. Last winter, or for 12 months from November 2019, we opened our out-of-hours social work service to include support to foster carers, which they had long sought and did not have before. We do make attempts to improve that experience to see if we can retain as many foster carers as possible and, indeed, if we can recruit more.

**Chairman:** If members want to come in for a second round of questions, they should put

up their hands and I will take them in order. I have a few questions for Mr. Gloster. Deputy Colm Burke asked about the figures and the reasons social workers leave the service. I ask Mr. Gloster to supply them to the committee clerk.

**Mr. Bernard Gloster:** Just to give an indicator of that and not have the committee waiting, in the first seven months of this year a total of 186 employees left the agency. The stated reasons we obtained from them at the time they were leaving was 45 left for personal reasons, 32 for new job opportunities, and 28 were going to another health or personal social service agency. All other reasons such as end of training, family reasons, further education, going abroad and so on accounted for 45. Of that 186, 89 were social workers.

**Chairman:** I ask Mr. Gloster to provide us with a table on that. We would very much appreciate it.

**Mr. Bernard Gloster:** We will, of course, do that.

**Chairman:** On outsourcing, I know Mr. Gloster would say publicly that Tusla wants to bring as much of it in house as possible. Obviously that makes economic sense and I also presume from a management point of view it is more difficult when dealing with a multiple number of outside agencies. We all accept a certain number of them are necessary and I can see the amount spent on them decreased from €32 million in 2019 to €19.5 million last year. According to the table in the briefing provided, for which I thank the witnesses, there are 55 social workers still employed by outside agencies that Tusla is using. That has increased from 34 whole-time equivalents in 2020. As of August this year it is 55. What kind of difficulties does that cause with cases? I am thinking about continuity in terms of a social worker being familiar with a particular family. When dealing with an agency, anyone could turn up. What kind of difficulties does that cause for Tusla in operational terms?

**Mr. Bernard Gloster:** The change to 55 from December to now is still within the maximum 250 agency staff I set for the agency after the conversion. We have never breached that figure of 250. In fact, we are staying at an average of around 210 or 211. I certainly do not intend to let that get out of control. The slight growth there is because agencies were able to give us available staff who wanted to work for a short-term period in a particular way or in a particular setting. The reason we had to increase that was because of what Ms Duggan mentioned regarding the significant impact of maternity leave, Covid during maternity leave and staff leaving. If you put all of that together, there is some pressure. While I would rather have maximum in-house provision when it comes to getting social workers for children, we will take them in whatever way we can most expeditiously get them.

The Chairman is 100% correct about the impact on services. Agency workers are very good but temporary agency staffing in a function like social work, except for the shortest period of time, does cause a level of disruption to continuity. The difficulty with that fundamentally, and children would often articulate this, is that children have to get used to somebody new again. They have to tell their story again and build that relationship again. That is the nature of the impact of turnover in a profession like social work. Like a lot of professions in the past decade, turnover is now a significant feature of it. It would be foolish to say there is not an impact.

**Chairman:** I take it that it would impact on the standard of service provided. I hear this from constituents sometimes. They say a different social worker shows up and they speak about starting again, as has been mentioned. From a management point of view in a local area, this must create challenges in trying to maintain a level of care.

**Mr. Bernard Gloster:** It does. What I would say is that the constant tension for us as an organisation, and the management tension, is that we have cases waiting to have a social worker allocated. We have a gap and we have a social worker who happens to be available for a period of time. This certainly is a better service than no service. In terms of continuity of care in what is a relationship-based profession, there is no doubt it has an impact. I agree fully with the Chair on this.

**Chairman:** It is an area that needs to be prioritised. Earlier, Mr. Gloster mentioned he is in contact with third-level institutions. I presume he has made the case directly to the Minister, Deputy Harris, that Tusla needs more social workers.

**Mr. Bernard Gloster:** Yes.

**Chairman:** With regard to social workers, I know Mr. Gloster will send us a table. What is the biggest single reason they move from Tusla?

**Mr. Bernard Gloster:** Of the social workers who left us between January and July 2021 almost ten went on career break. People take career breaks now and it is a modern day feature of working life. More than 20 went to new job opportunities. They saw other work as more attractive. Approximately 12 or 13 went to other health agencies. More than 21 reported personal reasons. There were also reasons such as end of contract, end of training, family reasons, further education, going abroad and no job satisfaction.

**Chairman:** Is there a category for work stress or stress-related issues?

**Mr. Bernard Gloster:** Work stress is not listed. To be fair, for many people moving on and seeking employment elsewhere, this would be something they retain quite personally to themselves. The Chair will see in the table when I send it to him that five people told us they were leaving because they had no job satisfaction.

**Chairman:** With regard to notifications, in 2020 there were 774. I want to deal with this in the context of availability of social workers. In 2019 there were 403. What is the number of children awaiting social work services or social worker provision? In other words, how many are on the books who do not have a social worker?

**Mr. Bernard Gloster:** I am not sure which notifications the Chair is referring to in the two numbers he has given. It does not affect it because the question he is asking is about children waiting for an allocated social worker. I will let Ms Duggan give the detail on this.

**Ms Kate Duggan:** At present, 88% of our children in care have an allocated social worker. This means 12% of our children in care do not have an allocated social worker. They are active on duty so they are reviewed by a social care worker. They are seen for assessment. Home visits are undertaken. In terms of a requirement with the regulations to have a named dedicated social worker, they do not have that.

**Chairman:** When Ms Duggan says 12%, what number does this represent? How many hundred?

**Ms Kate Duggan:** It is 12% of our open cases, of which there are approximately 20,000.

**Chairman:** Okay. We are looking at one eighth of this, which is more than 2,000.

**Ms Kate Duggan:** Yes, throughout the country. It is very important that we highlight that

somebody not having an allocated social worker does not mean they are not being provided with a service. We also have a large majority of children, young people and families who are accessing our family support services. They do not require the intervention of a social worker child protection response. What they are receiving are family supports and early intervention services.

**Chairman:** It is quite a high number at 2,500.

**Mr. Bernard Gloster:** To give the specific number for this, if we do not take it back to the children in care, in August this year approximately 550 children out of 5,850 were awaiting allocation of a dedicated or specific social worker. As Ms Duggan said, they all have a mechanism for reviewing and monitoring. This is just children in care. As Ms Duggan said, the number is much higher when we go to all of our social work cases in terms of children at home.

**Chairman:** There are 2,500 under Tusla's umbrella at present who do not have a social worker allocated. With regard to the ratio of children per social worker, what is the recommended ratio for services? What should it be?

**Mr. Bernard Gloster:** There are various recommended categories depending on the type of work that social workers do.

**Chairman:** Is there an overall figure? I know there are various categories but what is the general accepted figure? There is a figure for occupancy of hospital beds and it is supposed to be approximately 80%. In general, what is-----

**Mr. Bernard Gloster:** If I could, I will send it later. I would want to separate children in care, child protection work and family support work. It is quite complex and different. There are various definitions of case management and caseloads. I will certainly send it to the Chair.

**Chairman:** I have a question for Ms Duggan. My understanding is that the ratio at present, despite Tusla's best efforts, stands at approximately 65 children per social worker. Is this correct?

**Ms Kate Duggan:** I would have said 60 to 65 for one social worker.

**Chairman:** Should it be half of this? I am picturing a social worker with 60 to 65 children. Each case is difficult, problematic and challenging. It is a fairly hefty workload. Are we speaking about half this number?

**Ms Kate Duggan:** Yes, if we are looking at an average across all of our services but the ratio is certainly different between child protection or children in care and the complexity they present with versus social workers working in the community with our family support services.

**Chairman:** At present, we have 1,170 social workers. Are we saying that in an ideal world Tusla needs another 1,170 social workers?

**Ms Kate Duggan:** There are several things we need to be very careful about. It is certainly that if we are looking at the services we provide just through a social work lens. Obviously we need an increased number of social workers to meet our statutory obligations. We recognise this. What we also recognise, and one of the Deputies raised it earlier, is that some of the responses the children, families and young people require from us is not a social work response. What we are looking at now is diversifying our workforce. We have added an additional 120 front-line posts in the service in 2021 to meet increased demand. We will be looking to add the



same number of posts again for front-line supports. These front-line supports are in domestic and sexual gender-based violence services, family support, early intervention and our therapeutic services. We certainly have recognised this and we are very grateful to the Minister and his Department for increased funding for therapeutic services this year.

**Chairman:** I understand Tusla is trying to provide this range of services to deal with various needs. If we are at 60-----

**Ms Kate Duggan:** Certainly comparatively, when we compare Ireland to the rest of Europe in terms of ratios of social workers, we are certainly behind what our counterparts in Northern Ireland, the UK and Scotland have. We can make data available to the Chair on this if he needs to see it.

**Chairman:** I would appreciate that. We have about half of what we need. The witnesses may not have the exact information today. What level of shortage of social workers is there in the midlands? Is it more acute in the midlands?

**Ms Kate Duggan:** I do not have the figures to hand but I will get them to the Chair. Earlier, Mr. Gloster referenced that in 2021 we allocated an additional 65 social workers. They certainly went into the Dublin and midlands areas. These were recognised as the areas where we needed them and where vacancies were more difficult to fill. I can certainly get the information to the Chair on the existing number of social workers and the vacancies that are there. It comes back to what Mr. Gloster said about new graduates this year. We secured funding for 99 graduates this year and they are going to the areas of highest need. A number of them are going to Dublin south-west, Kildare-west Wicklow, Louth and Meath, to Dublin south-central and to the midlands.

**Chairman:** Are they going to Laois-Offaly?

**Ms Kate Duggan:** Yes. There is a post going to Laois-Offaly. I can give a breakdown of the regions of Laois-Offaly.

**Deputy Verona Murphy:** I thank the witnesses. I want to come back in on foster carers. I heard the breakdown regarding private foster care provision versus that provided by Tusla. If a foster carer has a child with special needs or autism, is respite and support provided to the family providing foster care?

**Ms Kate Duggan:** Yes, there is. In fact, in 2021 we made amendments to our respite protocol. Prior to that, where a foster child went on respite, the allowance to the foster carer ceased, and that has now been changed so that when a foster child goes on respite, the foster carer continues to receive the allowance. Where a foster child has specific needs that require additional support, we have a mechanism to provide enhanced payments to those foster carers for the specific needs of the children.

**Deputy Verona Murphy:** I received a report from a family. The family was providing foster care for ten years and, despite asking, they have never been provided with respite. They are at the point of giving up due to their own health suffering. Is that common?

**Ms Kate Duggan:** Two issues arise there. One is respite for the foster carers and the other relates to respite for the child. I do not know the specific case concerning the child presenting with autism. A specific type of respite placement may be provided by the Health Service Executive. If Deputy Murphy could give me the detail of the particular case she has outlined, I

will follow through on it. We are working on a joint protocol with the HSE. It involves working much more collaboratively where we have children in care who have complex needs or disabilities.

**Deputy Verona Murphy:** Would Ms Duggan mind detailing the new protocol in writing to the committee?

**Ms Kate Duggan:** Yes.

**Deputy Verona Murphy:** Are respite services available through Tusla? Is a respite service available in Wexford for children who are fostered through Tusla or are there just general service providers in the private sector?

**Ms Kate Duggan:** No. I will have to come back to the Deputy on the detail.

**Mr. Bernard Gloster:** The term “respite” is broad. I heard the case described by Deputy Murphy. Respite for children with disabilities is a provision made directly by the HSE. We seek that on behalf of children in State care as part of the protocol to which Ms Duggan referred. As we know, there are significant demands on the respite services of the HSE.

In the absence of respite services, we continue to try to provide as much support as we can to foster carers. We do have respite foster care, but it is not predominantly-----

**Deputy Verona Murphy:** Is there a respite residency available in Wexford?

**Mr. Bernard Gloster:** Respite foster care is generally available where the families can be recruited. I will have to check what volume of that might be available in Wexford.

**Deputy Verona Murphy:** My information is there is none available in Wexford and the family has been offered no respite for ten years. They are now being offered respite, but it is in Enniskerry. The concern is that it is a long way for an autistic child to be removed for respite and for a family to have to travel in the event a difficulty arises. I appreciate everything cannot be solved on the one day. Is it the case that Tusla depends on the HSE to provide respite facilities?

**Mr. Bernard Gloster:** For those with disabilities. There are other types of respite we provide ourselves within the foster care system where foster families may need a break or a child in residential care may need respite with a foster family.

**Deputy Verona Murphy:** I have a very short time. I have one quick question. I am concerned as to whether a family providing foster care is receiving more support. If there is €200 of a disparity, that does not seem like a lot of money for a private provider to be able to give more support for the care provided. This family has a visit four times a year from a social worker, generally four different social workers, which they refer to as a box-ticking exercise, but they have received no response to requests for support. I will communicate with Ms Duggan on the case directly.

**Ms Kate Duggan:** Just to confirm to Deputy Murphy, we do not have a Tusla respite centre in Wexford. Our respite is through our respite foster carers. As the CEO referenced, at particular points in time we may not have respite foster carers available to us in certain parts of the country.

**Deputy Verona Murphy:** So there is a disparity in the level of service being provided

across the country. I do not say that is the fault of Tusla; I am establishing the fact. Is that the case?

**Mr. Bernard Gloster:** Yes, there is a variation in service provision across the country in every dimension of personal social services, including all that Tusla does.

**Deputy Verona Murphy:** I thank Mr. Gloster.

**Deputy Catherine Murphy:** Could I ask very quickly about the number and full cost of protected disclosures the agency has dealt with since it was founded? How many have been upheld in full or in part? If all of the information is not available today, will Mr. Gloster provide it to the committee in a note?

**Mr. Bernard Gloster:** I will provide it to the committee in a note because it is quite a detailed question and I want to make sure I answer it comprehensively. Information is available on the number since the agency was founded. Not only that, I will send the committee information on the agency's policy and approach to it.

I have revised the policy and procedure for the management of protected disclosures. That will go live in January. The existing policy is quite robust and it is very good but we did need to update it in line with guidance from the Department of Public Expenditure and Reform and other learnings we have. We have a small number of complex protected disclosures ongoing at any one time.

**Deputy Catherine Murphy:** I thank Mr. Gloster. A good foster care placement can make all the difference for a child. Mr. Gloster indicated that for the 12 to 18 years category, €350 is provided per week. That is fine, but what happens when the child reaches 18 and, for example, is still in education? What is the follow-through there? That could be a cliff edge for a household that would be doing a great job but which would not have the financial wherewithal. How is that dealt with?

**Mr. Bernard Gloster:** That is dealt with predominantly in two ways. One is the aftercare allowance Mr. Smyth outlined earlier, which is a significant allowance to the young person. If the young person is staying on with the foster carer, which some often choose to do, some of that would contribute to the upkeep of his or her care. In very exceptional circumstances, we will make provision directly to the foster carers if the young person needs that support and wants to avail of it. During Covid-19, for example, I made a decision to extend the process for any child who was due to leave the foster care or aftercare system so that child could continue with the support he or she had for as long as he or she wanted. That proved to be very successful. There are supports there.

**Deputy Catherine Murphy:** Okay. The Comptroller and Auditor General refers to control weakness on the monitoring and oversight of service providers. Will Mr. Gloster expand a little on what the weaknesses might be?

**Mr. Bernard Gloster:** I think the Comptroller and Auditor General is referring to the funded sector. Perhaps Mr. Smyth could indicate if that is correct.

**Mr. Pat Smyth:** The point I think the Deputy is making relates to the statement on internal control where we have a list of weaknesses within that. We called those out. The statement on internal control is our own document where we identify our own weaknesses. We have had an improving position in terms of governance over the moneys that are paid to funded agen-

cies that work with us. That is very much a work in progress because it is something that the Comptroller and Auditor General called out for special mention in the past. The controls have improved significantly to a point where we now have robust controls engaged with those agencies. They are not perfect, though, or at a level where we believe we can stand our efforts down. As such, we continue to mention the weaknesses as something that the agency needs to address.

**Deputy Catherine Murphy:** Has the Garda or the Policing Authority engaged with Tusla regarding the cancellation of 999 calls?

**Mr. Bernard Gloster:** I do not want to speak for the Garda Commissioner, but I understand that the predominant focus of the Garda in respect of work that is associated with Tusla is on the domestic violence element. My understanding is that the Garda will deal directly with the callers. Where the Garda would need to deal with the service provider, all domestic and sexual violence services are provided by the 60 organisations that we fund and I presume that Garda would deal with them if it needed to, but I believe individual contacts are being made with the caller, not with ourselves. The Garda is aware that, because of our other working mechanisms, it could bring us in if, out of any work like an analysis of the 999 calls, it encountered a situation that it felt was relevant for us to be involved with or aware of.

**Deputy Matt Carthy:** I seek clarification on the issue of foster care provided by private companies. Does Tusla have an objective of reducing the reliance on private companies for providing foster care?

**Mr. Bernard Gloster:** Yes. If the Deputy looks at the residential care context, which I dealt with with Deputy Sherlock, the balance has gone over 50% dependency. That is far too significant for us and is the piece that I want to correct. It is not an all-or-nothing situation, though, as the private sector has a role to play. The dependency rate in foster care is not anywhere near that level, so we do not have the same concern, but we have some concern. I will be trying to find ways of developing our own fostering capacity in the public sector in order to maintain the number of children in publicly provided care at more than 90%. Internationally, we are a leader in that regard. We will be watching the situation. It is the growth rate of private provision of residential care that is the concern, not its existence.

**Deputy Matt Carthy:** Yes. Based on the figures we were given, the reliance on private companies has increased by more than 10% since 2017. If Tusla's objective is to reduce that level of reliance, then it is not achieving its objective.

**Mr. Bernard Gloster:** I suppose it is an objective that we have been focusing on only this year. Coming off the back of a pandemic, we perhaps had other priorities with our carers. Leaving aside the issue of private providers for the moment, and many of them are very good, my more fundamental concern is that Ireland be able to maintain 90% of fostering in State care or the alternative care system, in which respect we are an international leader. I can see that becoming increasingly difficult, though. Society is changing, as are families' wishes and circumstances, and our ability to attract foster carers is reducing.

**Deputy Matt Carthy:** I accept that, but on the basis of what the witnesses have told me today, I infer that the experience for the child is not different if he or she deals with a foster carer directly appointed by Tusla or with someone who has come through an agency. In terms of financial remuneration, the conditions in which the family operate are the same. The only difference is the additional cost of employing a private provider, which is primarily the concern of this committee.

**Mr. Bernard Gloster:** Not to mislead the Deputy on that, but while the circumstances of the child should not be and are not different, the support, be it actual, perceived or otherwise, for the foster carers is different. People have pointed that out to us.

**Ms Kate Duggan:** It is important to mention that we have reviewed this matter over the past 12 months and identified two significant issues, the first of which is the capacity of private providers in terms of their marketing expertise and expertise in the use of social media platforms to attract new foster carers. We have identified and are in the process of recruiting expertise in that space to increase our ability to recruit foster carers. Second, we have identified the need to put additional supports into each of our new six regions in 2022. There will be an additional liaison worker going into each region to support Tusla foster carers in terms of responding to families in a more timely and integrated way, meeting them and helping them deal with the challenges they face, particularly around sustaining foster care places.

**Deputy Matt Carthy:** I apologise for cutting across Ms Duggan, but I am running out of time and there is a further question I want to ask. Will the witnesses outline the role of Tusla in monitoring the private companies' work? How does Tusla ensure that they are doing everything according to the same rules, regulations and standards as apply to Tusla's own carers? Can the witnesses quantify the cost of that work? When the cost of that monitoring and, for want of a better term, regulatory work is coupled with the additional cost of €23 million and so on, do the witnesses not agree that the money would be better invested in Tusla's own services directly so as to ensure that every family that engages in the foster care scheme has a positive experience?

**Mr. Pat Smyth:** I expect that the extra cost is not arising from monitoring the companies, but from us engaging with the child. The only difference in costs relates to the various procurement arrangements with those companies.

**Deputy Matt Carthy:** I presume that Tusla has some mechanism in place to monitor the companies and how they are operating.

**Ms Kate Duggan:** We do, and we have a guidance document and policy in that respect. I take the Deputy's point. The staff Tusla uses internally are not additional and do not comprise a separate unit. Rather, there is a cohort of staff in each region who engage with the private providers in respect of their service-level agreements.

**Deputy Alan Dillon:** Organisations that wish to join the family resource centre, FRC, programme are asked in the first instance to contact Tusla. There is one such organisation in Erris, County Mayo. What are Mr. Gloster's plans to expand the programme and establish new funding schemes under it in the immediate future?

**Mr. Bernard Gloster:** A great deal of good work is done in the FRC programme. No different from what we discussed with Deputy Verona Murphy, the variations across the country are vast and wide. Some family resource centres have different points of focus in the work they do. There is nothing wrong with that because they are responding to local needs. The work of centres also crosses age ranges, so they do not just deal with children. Their relevance is across a wider spectrum.

I do not have a fundamental objection to growing the programme, but I equally do not have a single-preference policy position of pursuing only that option. In terms of their work with Tusla, what family resource centres provide to children and families is also provided by many other family support-like organisations that we fund and that are not in the FRC programme. I

am more focused on the development of family support services as part of what we do in each area, including Erris, than just on the family resource centres. If a family resource centre started under the programme tomorrow, we would fund some core costs, for example, for a manager and an administrator, and perhaps some programme costs. That of itself will not substantially increase the volume of services in an area at the very start, as it also depends on the level of service that we can develop. I have received representations in respect of the Erris issue. It is a difficult one to determine because there are obviously different views.

**Deputy Alan Dillon:** On the needs analysis and assessment in respect of local responsiveness to an area that has been neglected in terms of services and requires them urgently, how does Tusla prioritise what projects get selected over others? The region, which covers a vast number of communities, is in urgent need. Basically, they are looking for resources from Castlebar, which is more than 50 miles and an hour away.

**Mr. Bernard Gloster:** I know that the area manager in County Mayo did put-----

**Deputy Alan Dillon:** What is being done to address this in the immediate future? Is there a strategy around the FRC programme, how it can be enhanced and how it can be ensured that it is reasonably balanced and that communities in desperate need of services are looked after?

**Mr. Bernard Gloster:** As I said, when we look at the FRC programme, we do not just look at it in isolation and ask who has one and who does not. We look at the context of the full resource we are funding in any one area. In some areas it could be another organisation that is not in the FRC programme but doing quite similar, if not the same, work. We also look at the volume of our own staff in that area. This year we drew a line across what services are in place, and determined that what exists, exists. We now have to look at how we can bring everyone up to the same level. We have just discussed Dublin and the dearth of social work services there. In County Mayo, there is an excellent child protection, welfare and children in care service, which has been judged repeatedly so by HIQA, and there are some very good aspects. However, we must try to support the area manager there, and indeed, those on the western, southeastern and southern seaboard, to develop more family support services. If the best solution happens to be an FRC programme, we are not closed to the idea. However, we are not pursuing a specific initiative singly focused on family resource centres. We are focusing on the broader definition of family support services.

I told one of the Deputy's constituency colleagues last year that I would love to see the local authority in Mayo and other organisations coming together where they have interests in areas of disadvantage, and perhaps create a centre of a type. I would be very happy for us to fund, support and seek additional funding to put family support staff and services into such a centre. If it happens to end up being a family resource centre or something else, that is secondary, in my view, to the point of getting services into the area.

**Chairman:** I wish to focus for a moment on the number of cases received last year. As I understand it, there were 774 notifications received in 2020 in respect of the early years services. That figure was up from 403 in 2019. What was the main driver of that increase? What happened there? It is significant that the number of notifications almost doubled in a year. I refer to crèches and childcare facilities.

**Mr. Bernard Gloster:** On the crèche situation in relation to children services regulation, there are 4,140 providers registered with us. So far this year, we have done approximately 1,800 inspections. Last year, I believe we did a similar number of inspections, which is less

than what we were doing before Covid. Obviously, many of the services were closed last year during the pandemic. There are 53 new providers this year. Perhaps they are the notifications to which the Chair has referred. According to the most up-to-date figures, 53 new providers have registered with us this year. We have also been notified of 122 closures of providers across the system. Separately, there are school age providers, who mind children of school age and after-school and so on, and the number of them is increasing. That is the level and type of activity. I hope I have answered the Chair's question.

**Chairman:** No, that response concerns the level of activity. I am asking about the 774 notifications of complaints of incidents in 2020. That increased from 403 in 2019. The number of such complaints almost doubled in 2020 in comparison to 2019 from 403 to 774. What is the main driver of that? What happened there? What caused that?

**Mr. Bernard Gloster:** The number of concerns that parents have expressed to us this year is 90. Those 90 concerns triggered 17 inspections. The Chair may recall that during the previous Dáil, I met the Joint Oireachtas Committee on Children and Youth Affairs. I believe Deputy Sherlock was a member of that committee. When I met that committee, I committed to developing and increasing the opportunities for parents to be more fully informed about inspection activity and for them to participate in it, effectively. We have done that incrementally over the past 18 months. Covid distorted it because centres were closed. We are starting to see an increase in notifications, complaints and issues. That is probably because we have a better reporting system. It is not necessarily indicative of the service deteriorating in any particular way.

**Chairman:** I will move to claims against Tusla. There were 460 claims against Tusla in the most recent five-year period. As I understand it, 152 claims were made in 2019, representing the highest number of claims in that period. The average for the five-period was 75 claims per year. Why was the number of claims made in 2019 so high?

**Mr. Bernard Gloster:** I might refer to Mr. Smyth, who can speak to the State Claims Agency figure in terms of the attribution. I am not sure, and I do not want to mislead the Chair, if the claim count in 2019 is instant from an incident in previous years that happened to come to fruition in 2019. I would need to check that. The general feature of damages claims against the agency, apart from what we might refer to as public liability slips, trips and falls material, is that they fall into the categories of cases where people pursue a claim because they have either been abused or mistreated by some aspect of the public services or some aspect that the public services have oversight for, or cases of staff who have been assaulted or significantly impacted on by work-related events. They are two of the significant categories of claims. Many of the abuse claims tend to relate to historical events, which may only emerge in subsequent years. Perhaps Mr. Smyth can add to the response to the question relating to claims made in 2019.

**Mr. Pat Smyth:** I do not have anything specific on that other than what Mr. Gloster has just said. The ongoing challenge for us, which we pointed to earlier, is that staff in residential services encounter assault and other issues that are uncommon in other work environments. A number of claims result from that. There are also historical claims, which go back quite a number of years and are still being dealt with by the State Claims Agency. The agency gathers a lot of data, which can be provided in quarterly breakdowns of the types of claims. That information is publicly available and we are quite happy to share that with the committee.

**Chairman:** I understand that €16.4 million was spent on legal fees in 2020, which is fairly significant. Are any steps being taken to reduce that figure? When Tusla procures legal assistance and representation, does it go through a full procurement process?

**Mr. Pat Smyth:** That is an important question, and one that the Comptroller and Auditor General has looked at extensively in the past. The total legal bill for 2020 was more than €30 million. Mr. Gloster pointed out earlier that around half of that relates to guardians *ad litem* and the associated guardian *ad litem* costs. In respect of our own costs, we have a full procurement process. In real terms, when we go through that procurement is quite an extensive process. We are just finalising the current round of that. Those procurement agreements last between three and four years and are fixed-price agreements which do not really expand as work expands. It is effectively for the work for Tusla in particular regions. Obviously, there are exceptions, but that is tightly managed and is a process on which we have done significant work over the past seven years to make sure it is there. There is a lot of control around that expenditure.

**Mr. Bernard Gloster:** I will come back on the Chair's earlier piece about the notifications in the early years sector to ensure I give him comprehensive answers and information. I suspect part of the figure to which he is referring may also include the regulatory requirement where service providers would have had to notify incidents of Covid-19 when they reopened. That is possibly part of the explanation of the figure the Chair mentioned.

**Chairman:** I thank Mr. Gloster for the clarification.

**Deputy Catherine Murphy:** The last time I looked at youth spending, it was pretty static. It can be a useful way of spending resources, in terms of being proactive rather than reactive. Diversionary programmes can be included in that. It appeared to be very patchy around the country, where new services were not developed. Does Tusla have a capacity review of youth services or is it looking at what the needs for youth services are around the country? These services can be a very good use of funding. We get a lot from them for very little. Spending on youth services was very static and there appeared to be a postcode lottery. Without additional funding coming in, it did not look as though there was any prospect of new services being provided where there have been demographic shifts.

**Mr. Bernard Gloster:** I suspect the changes and variation across the country is in part due to some of the youth organisations that receive funding from Tusla participating in specific Tusla programmes. Foróige does some of our engagement programmes with young people and so on. If I am not mistaken, the predominant programme of youth funding for the youth sector is done outside of Tusla. It is a Department-led construct and the two would need to be put together to get the full picture. I am certainly happy to come back to the Deputy with further detail. As to the Deputy's point, no more than what I said earlier about people who could become very effective in the child protection, child welfare and family support systems in multi-disciplinary teams, I include the youth sector in that. It plays a critical role in communities and keeping young people much safer than they would otherwise be.

**Deputy Verona Murphy:** The witnesses may not be able to answer my question, but they may let us have the information. What is the rate of attrition among current foster carers on an annual basis?

**Mr. Bernard Gloster:** We will certainly attempt to do that. What tends to happen with many foster carers is they come into foster caring, are approved and assessed and work for a number of years. They may provide short-term placements, but those providing long-term placements may just reach a particular point in life where they feel they have done that and they maintain connections with the young people they had, but do not take new placements. I will certainly see if we can get the Deputy some accurate information on that.



**Chairman:** With regard to cases passed or not passed on to the Garda, in September 2019, Sligo-Leitrim-west Cavan had the highest percentage of notifications not passed on. It reached 56% of notifications not referred on. There was a figure for Cork around the same time of 29%. What action has been taken to address that and what percentage of cases are not being passed on at present?

**Mr. Bernard Gloster:** In May 2020, a significant event widely reported in the media was reported to me, in respect of our Kerry services and notifications to the Garda. When a social work service does not make a timely notification to the Garda, it might be that it is working the case in great detail and is waiting to tidy up some information, but the Kerry situation was indicative of a significant problem. I was not assured that we could satisfy ourselves by just responding to the Kerry incident, so we did a national self-assessment audit with our 17 area managers. We arrived at a position where the best estimate we had was approximately 12% to 13% of what legitimately should be notified to the Garda as suspected abuse was not being or had not been notified on time. We have put in place significant correction and audit measures to check that is now more effective. Of course, there will always be individual incidents and slips, given the number of notifications we make to the Garda and the number we receive. Apart from the corrective action taken on the Kerry situation, there is also a disciplinary action by way of an investigation, which is just about to come to conclusion.

**Chairman:** I thank the witnesses for attending and their staff for assisting in preparing for the meeting. I also thank the Comptroller and Auditor General and his staff for their assistance in preparing for today's meeting. Is it agreed to request the clerk to seek any follow-up information and carry out any agreed actions arising out of today's meeting? Agreed. Is it also agreed to note and publish the opening statements and the briefings provided for the meeting? Agreed. We will suspend until 1.30 p.m., when we will resume to deal with correspondence and other business.

*The witnesses withdrew.*

*Sitting suspended at 12.28 p.m. and resumed at 1.30 p.m.*

### **Business of Committee**

**Chairman:** The business before us is the minutes, accounts and financial statements, correspondence, work programme and any other business. At the end we will briefly go into private session to deal with one or two small items.

First is the minutes of our meeting of 14 October, which have been circulated to members. Are the minutes agreed to? Agreed. As usual, the minutes will be published on the committee's webpage.

The next item is accounts and financial statements. Some 12 sets of accounts and financial statements were laid before the Dáil between 11 and 15 October. I ask the Comptroller and Auditor General, Mr. McCarthy, to address these before opening the meeting to the floor for members.

**Mr. Seamus McCarthy:** I thank the Chairman. I will quickly run down through the accounts.

The first is the Insurance Compensation Fund for 2020. It is a clear audit opinion and I draw attention to chapter 14 of the report on the accounts of the public services 2020, which examines the controls over the assessment and collection of the Insurance Compensation Fund levy.

Nos. 2 and 3 are related. The first is the Broadcasting Authority of Ireland, for which there is a clear audit opinion. Related to that is the Broadcasting Fund, which is a separate account but is managed by the Broadcasting Authority of Ireland and again there is a clear audit opinion for that fund.

No. 4 is TG4 for 2020. I draw attention to a case of significant non-compliant procurement in that case. This related to an ICT contract to develop a system for use by TG4 but it was not competitively procured.

No. 5 is the Social Insurance Fund and it is quite a significant account. I can see that there is a typo there. The turnover of the fund should be €14.8 billion not €14.8 million. There is a clear audit opinion on this but I draw attention to two chapters from the report and the accounts of the public services. Chapter 9 deals with regularity of payments and chapter 11 takes a deeper look at the pandemic unemployment payment scheme, the bulk of which was charged to the Social Insurance Fund.

Nos. 6 and 7 are related. These are the Hepatitis C and HIV Compensation Tribunal special account and the Hepatitis C and HIV compensation reparation fund. There is a clear audit opinion in both cases there.

No. 8 is the Sustainable Energy Authority of Ireland, which gets a clear audit opinion.

No. 9 is the Crawford Art Gallery Cork Limited, which gets a clear audit opinion.

No.10 is the Environmental Protection Agency, which received a clear audit opinion.

No. 11 is the Heritage Fund for which there is a clear audit opinion.

No. 12 is the National Standards Authority of Ireland, NSAI. I gave it a clear audit opinion but I draw attention to the recognition of a deferred pension funding asset on the basis that this asset will be payable. The NSAI raises almost all of its funding from charges to service users and does not draw on the State but, as I said, it is accounting on the basis that the asset will be payable by the State in the future.

**Chairman:** Regarding the Insurance Compensation Fund, the Comptroller and Auditor General referred to chapter 14 of the report on the accounts of the public services 2020, which examines the controls over the assessment and collection of the Insurance Compensation Fund levy. Will he explain that fund and who runs the show there? What is the issue at stake?

**Mr. Seamus McCarthy:** The fund is managed and accounted by the Central Bank of Ireland. The collection is managed by the Revenue Commissioners on behalf of the Central Bank. The moneys in the fund are used in the first instance at the direction of the High Court where there is potential for a default in insurance compensation. The levy is at a rate of 2%, is charged on all relevant insurances on business in Ireland and is payable into the fund to meet the compensation. To meet the compensation in the first place, a loan was issued from the Exchequer. I think the figure was about €1 billion in total. As the levy proceeds are collected, they are being used to pay back the Exchequer.

**Chairman:** With regard to the levy, one part, if not all, of it is the collapse of Quinn Insur-

ance.

**Mr. Seamus McCarthy:** At this stage, it is most of it.

**Chairman:** Regarding AXA, which was formerly known as PMPA, are we out of that now or are we still paying for the financial problems in that company?

**Mr. Seamus McCarthy:** I think that was all redeemed or completed back in the 1990s.

**Deputy Catherine Murphy:** Do we know what is left in terms of the loan that was raised? Is there interest on that? What is the estimate regarding how many years before that would be fully paid back?

**Mr. Seamus McCarthy:** The total amount that was lent from the Exchequer was €1 billion. It is difficult to say but maybe after about seven years, we are down to €600 million. From memory, I think the amount collected is about €100 million, so assuming there are no other funds to be met, we are probably looking at another five or six years at least before the full Exchequer refund is made.

**Deputy Colm Burke:** For clarification, is this fund related to where there is a car accident and the car owner or driver is not insured or is that a different fund?

**Mr. Seamus McCarthy:** That is a different fund.

**Deputy Catherine Murphy:** Is the Social Insurance Fund included in our work programme?

**Mr. Seamus McCarthy:** I think it is. It is scheduled to be dealt with when the Vote for Social Protection is in. That is traditionally the way it is done in this committee.

**Chairman:** How significant is non-compliance relating to procurement in TG4?

**Mr. Seamus McCarthy:** The overall contract value is around €911,000 but it is to be paid over three years. I am drawing attention to it in the year in which the contract was put in place. I probably would not be drawing attention to it again.

**Chairman:** Is everyone happy? Can we note the accounts and statements? Is that agreed? Agreed. As usual, the listing of accounts and financial statements will be published as part of the minutes.

One item of correspondence has been flagged under correspondence from Accounting Officers and-or Ministers and follow-up to meetings of the Committee of Public Accounts. No. 834 B is correspondence from Mr. Ray Mitchell, assistant national director, HSE, dated 18 October 2021, providing information requested by the committee regarding mental health facilities in Cork. While this was received after the cut-off for this week's correspondence, and the clerk raised this with me, it has been added for today's meeting because, as pointed out by Deputy Hourigan, it is a time-sensitive matter, particularly with regard to the proposed closure of the Owenacurra centre. Essentially, the HSE's position is that there are a range of unacceptable deficiencies and issues with the premises and it states that investment of significant funding into the building would still not bring it up to an acceptable accommodation standard for residents. On that basis, the decision was taken to close the centre. I do not know if Deputy Hourigan is with us. I do not think she is. Do any other members wish to speak on that?

**Deputy Colm Burke:** The Oireachtas Committee on Health is also dealing with this matter. I do not think that committee has seen the correspondence we received so I think it should be made available to it. Should both committees be dealing with this? Should a decision be taken about which committee should focus on it rather than two committees dealing with it?

**Chairman:** I have just been informed that Deputy Hourigan is on that committee.

**Deputy Colm Burke:** I am also a member of that committee.

**Chairman:** That is helpful.

**Deputy Colm Burke:** There is a proposal that there would be a visit to the centre, and that proposal will come up in a meeting next Tuesday. It would be helpful if the correspondence we received was made available to the Committee on Health.

**Deputy Matt Carthy:** Notwithstanding the point made by Deputy Burke, I am just becoming aware of this issue. Deputy Buckley raised it with me in recent days. The report we have here is quite concerning. It appears to me the problem is as a result of a historical lack of investment. Time and again we see services are depleted to such an extent that the HSE then tells us they must be removed because they are in such a poor state. It is quite concerning. Obviously, we have a different role from that of the Oireachtas Committee on Health because our job is to look at public expenditure and whether there is value for money. In line with Deputy Burke's proposal, I suggest we forward the correspondence to the members of the Oireachtas Committee on Health to make sure they have it and possibly request that committee to indicate whether it is planning to pursue this issue and whether it sees a role for us that would help it in its deliberations. I agree we do not want to duplicate work but we have an obligation to ensure this issue is investigated fully by the Oireachtas.

**Deputy Colm Burke:** A delegation from the Oireachtas Committee on Health will visit the centre. I came across a very similar situation in another part of the country. There were 27 residents in that facility. Nine people died during a two-week period because of Covid and because there were six people per room. I am not talking about the Owenacurra centre in Midleton. It was a geriatric psychiatric facility. Nine people died in a two-week period. That facility is undergoing refurbishment. All of the inpatients had to be moved out for a period of more than 12 months because of extensive renovation work that is needed. My understanding is that the renovation work is going ahead in that facility.

**Chairman:** It is proposed to note and publish the correspondence. We will also forward it to the health committee and include the question from Deputy Carthy as to whether, in that committee's opinion, this committee is required to examine the matter further. Is that agreed? Agreed.

The next business is the work programme. The Dáil is not scheduled to sit next week. That brings us to 4 November, when we are planning to engage with RTÉ on its receipt of Exchequer funding, which is now the responsibility of the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media. A representative from the Department will be in attendance.

When we agreed our work programme to the end of the year last week, I mentioned that we might need to reschedule some engagements depending on availability. The secretariat received a response from the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media to advise that it is scheduled for oral parliamentary questions on 11 November, which is the date on which we wanted departmental officials to attend. Representatives of the Department

of Transport were scheduled for 25 November but have agreed to swap with the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media on 11 November. The secretariat has requested that the officials from the Department of Transport make available to the committee the information we have requested on MetroLink, BusConnects, the DART and the strategic rail fleet review no later than 5 November, to ensure we have it before the meeting on 11 November. I note that there is information flagged up regarding the search and rescue service, which is included in the invitation to the meeting.

Accordingly, the schedule, which is reflected in the work programme circulated for today's meeting, is revised as follows: 4 November, Exchequer funding of RTÉ; 11 November, Department of Transport; 18 November, Department of Enterprise, Trade and Employment; 25 November, Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media; 2 December, Office of the Revenue Commissioners; 9 December, Department of Social Protection; and 16 December, Department of Health. At our meeting last week, we agreed to revisit the work programme for the new year in late November or early December. I suggest that we do so at the end of November rather than letting it go on too long. The list of engagements to the end of the year has been circulated. Does any member wish to raise any other matter relating to the work programme? As no matters have been raised, that concludes our consideration of the work programme.

Finally, under any other business, I note that we have work to do on a number of reports, which we will discuss in private session. Do members want to raise any other issues? As there are no other matters to discuss, we will, as agreed, go into private session, after which we will adjourn until 4 November, when we will engage with representatives of RTÉ on Exchequer funding.

*The committee went into private session at 1.54 p.m. and adjourned at 2.49 p.m. until 9.30 a.m. on Thursday, 4 November 2021.*