



The Irish Foster Care Association's response to HIQA's
Public Consultation on the Draft Standards for Children's
Social Services

Irish Foster Care Association

Abstract

This submission by the Irish Foster Care Association forms IFCA's contribution to the public consultation on the Draft National Standards for Children's Social Services
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1. Introduction

The Irish Foster Care Association is the National Organisation that supports foster care families and the wider foster community in Ireland. We advance and promote best practice through support, advocacy, learning and research.

IFCA is a membership organisation of which members are foster care families, both relative and general, social work and social care workers, academics, and those with an interest in foster care.

IFCA wishes to inform and influence the development of Draft National Standards for Children's Social Services as proposed by HIQA during this public consultation process.

IFCA is deeply concerned of the proposal to abolish the National Standards for Foster Care (2003) as proposed in the Draft Standards for Children's Social Services and seeks for their retention. The National Standards for Foster Care (2003) offer a framework for the regulation and inspection of foster care services as provided by Tusla and Private Fostering Agencies. They set out measurable standards required for the recruitment and selection of foster carers, matching foster carers with children who are placed in foster care, vetting of foster carers, and the support for and continued training of foster carers. Most importantly, the National Standards for Foster Care (2003) regulates for the establishment of Tusla Foster Care Committees which oversees the approval of foster carers, foster care reviews and the removal of foster carers from the foster care panel of approved foster carers amongst other responsibilities.

The National Standards for Foster Care (2003) identify very specific requirements for children, some of which are retained in the Draft Standards for Children's Social Services. The Standards for Foster Care make explicit requirements for children's health and education, requiring that all children in care have access to a medical card, (11.5), and have prioritised access to medical services, (11.8). Standard 12 is explicit in the requirement of Tusla, Schools, parents and foster carers to ensure that the educational needs of children in care are met

and to support them to reach their full potential. It is necessary for such explicit health and education requirements for children in care to be retained.

The replacement of the National Standards for Foster Care (2003) with the proposed Draft National Standards for Children's Social Services, omits the largest population of Children's Social Services, Foster Care from the Draft Standards. Specific requirements of the National Standards for Foster Care as outlined above are omitted from the Draft National Standards for Children's Social Services.

HIQA has stated that it is developing Overarching National Standards for the Care and Support of Children using Health and Social Care Services¹, which will be aligned to sit above the Draft Standards for Children's Social Services. It states that development of overarching standards allow for the creation of a framework which more detailed standards or guidance can sit under.

IFCA questions the rationale for development of overarching National Standards and frameworks as proposed by HIQA following on from the Draft Standards for Children's Social Services. IFCA believes that over-arching standards cannot regulate distinct service requirements such as Foster Care, Residential Care, Special Care and Child Welfare and Protection, as each has a distinct purpose, role, and responsibility for children who encounter such services.

We believe that subsuming the National Standards for Foster Care (2003) which serve 91% of children who are in the care of the State, (which is foster care), into overarching Standards will dilute their importance, in particular, for accountability and support for foster care and foster care services. This objective has the potential to diminish the core role of foster care for children and foster care families, which for a child in care is, "growing up in a family environment".

We believe that the National Standards for Foster Care have been robust in the support, monitoring and inspection of foster care services since their inception and serve to highlight positive practices as well as highlighting areas for improvement. The National Standards for Foster Care (2003) should be retained or redeveloped distinctly for foster care, to enhance

¹ HIQA Draft Standards for Children's Social Services. Public Consultation

and build on the current National Standards for Foster Care (2003), which has served foster care services, children in foster care and foster care families well.

A review of the National Standards for Foster Care (2003) should be developed in consultation with key stakeholders prior to the signing into law of the Draft Standards for Children's Social Services.

What is essential for all services for children who are supported or cared for by the State, is that they have defined outcomes, are measurable, subject to inspection and have frameworks for improvement.

2. Legislative Context

The placement of children in care is legislated for in the Child Care Act 1991², The Child Care (Placement of Children in Foster Care) Regulations 1995³, and the Child Care (Placement of Children with Relatives) Regulations 1995⁴, as amended. The National Standards for Foster Care, 2003⁵, are based on relevant legislation, regulation, guidance, and best practice, derived from evidenced best practice and research, for the placement of children in foster care and are subject to regulation and inspection by HIQA⁶. The Irish Government ratified the UN Convention on the Rights of the Child, in 1991⁷ which underpins children's rights. The rights of children were further strengthened in the Irish Constitution with the insertion of Article 42a⁸.

Other subsequent government policy, the *National Children's Strategy* (2000)⁹, *Brighter Outcomes Better Futures* (2011)¹⁰, the *National Policy Framework for Children and Young*

² The Child Care Act (1991) Department of Health

³ The Child Care (Placement of Children in Foster Care) Regulations 1995, Department of Health and Children.

⁴ The Child Care (Placement of Children with Relatives) Regulations 1995, Department of Health and Children.

⁵ The National Standards for Foster Care (2003), Department of Health and Children.

⁶ The National Standards for Foster Care (2003)

⁷ The UN Convention on the Rights of the Child

⁸ Irish Constitution

⁹ National Children's Strategy (2000) Department of Children and Youth Affairs, DCYA.

¹⁰ Brighter Outcomes Better Futures (2014) Department of Children and Youth Affairs.

People (2014/2020)¹¹, the *National Consultation Policy* (2015)¹², and the *National Youth Strategy* (2015)¹³, informs national objectives and outcomes for all children in Ireland.

3. Draft National Standards for Children's Social Services

IFCA acknowledges the importance of and welcomes the development of Draft National Standards for Children's Social Services to promote and uphold the rights of children who are at risk or who are in the care of the State. The Draft Standards promotes the rights of children to be heard and be involved in services which are delivered to them.

We reiterate the importance of the retention of the National Standards for Foster Care (2003) to promote the rights of children in foster care and those foster families who care them. The Draft National Standards for Children's Social Services reference, Service Providers, Staff, families and "*those caring for me*". There is no mention of foster carers in the draft document.

The omission of foster care and foster care families in the Draft Standards does not recognise that that the majority of children, (91%), who are placed in the care of the State, are living and growing up in foster care families.

4. Foster Care

Ireland is unique as the majority of children who are in the care of the State grow up experiencing family life through foster care. Foster Care is the backbone of care for children who are in the care of the State in Ireland. This is testament to the value of the importance of family in our society and this is reflected in our legislation.

¹¹ The National Policy Framework for Children and Young People (2014), Department of Children and Youth Affairs.

¹² National Consultation Policy (2015) Department of Children and Youth Affairs.

¹³ National Youth Strategy (2015) (DCYA).

Foster care involves a constellation of individuals who are responsible for the care of a child who is in the care of the State and must be viewed from a systems perspective. This system around the child includes Tusla, social workers for both the child and the foster carer, the foster care family, their children and extended family, the child's family and extended family, schools, community and other services which support the child. This system, or Care Team for the child are central to the success of his/her placement in foster care. Of central importance is the foster care family who cares for the child all day, every day. They are the pulse of what is happening for the child. They share knowledge and information with other members of the child's Care Team, which is integral to care planning for the child's individual needs and supports. Critical to the support of the child is the need to support those caring for him/her. The absence of this key person, the foster carer, and their support needs, from the Draft Standards for Children's Social Services, omits the central role and importance of foster care and foster carers in the lives of the thousands of children who are placed in foster care.

A child comes into the care of the State when it is assessed that they are at risk and require care and or protection. Children are received into care, in either a voluntary or court ordered capacity. At the end of November 2020, there were 5,883 children in the care of the State, of whom, 91% were placed in foster care: 65% or 3,833 living with general foster carers and 26% or 1517, living with approved relative foster carers. Only 7% or 416 children were placed in residential care of whom 4% were placed in special care¹⁴ There are 4,500 foster care families in Ireland. Therefore, foster care is the predominant type of care for children who are in the care of the State. Foster care families offer warm caring family life to children, tending to their physical, social, emotional, and other needs which are underpinned by the stability of family life. Foster carers play a significant role in advocating for the rights of children for whom they care.

The foster care family supports children in foster care within a family home environment of which its value which cannot be underestimated. The children of foster carers also develop lasting relationships with foster children whilst in foster care and beyond the age of 18 years, none of which is reflected in the Draft Standards.

¹⁴ Tusla Quarterly Performance and Activity Data (Q3 2020).

Foster care families invest in their relationship with their foster children and in the development in the child's emotional well-being. They support foster children to reach their full potential in their education, health and most importantly in supporting the child's contact with their family of origin.

They play a front-line advocate role for foster children, advocating for their health and educational needs and additional supports which have been unidentified in many instances. Foster carers champion the rights of foster children.

Predominantly, foster carers "parent" foster children, as they do their own, and do not view that the role which they play as being, "*people caring for me*" as defined in the Draft Standards. They play a significant role in the child's life whilst the child is in foster care and beyond.

The Draft National Standards for Children's Social Services does not give mention to foster care, nor gives recognition to the importance and value of foster care and those foster families caring for the majority of children who are in the care of the State.

5. TUSLA (Child and Family Agency)

Tusla, (Child and Family Agency) has the statutory responsibility to approve foster carers and place children with them. The National Standards for Foster Care (2003) makes provision for Tusla to contract other agencies to provide foster care on its behalf. The National Standards for foster care also require Tusla to ensure that foster care placements are adequately supported and that children in foster care have an allocated social worker.

The process of becoming a foster carer is rigorous and is governed by the Procedures and Guidelines for Foster Care Committees (2017)¹⁵ (as required by the National Standards for Foster Care, 2003,) and which outlines the assessment process of prospective foster carers which are conducted by social workers. Foster Care Committees are convened by Tusla and they approve foster care applicants. Reports on the review of foster carers,

¹⁵ Tusla Guidelines and Procedures for Foster Care Committees (2017).

recommendations to remove a foster carer from the fostering panel, the outcomes of investigations of allegations made against foster carers, as well as placement breakdown which are also adjudicated at the local foster care committee. Therefore, the role of the foster care committee is central to foster care. The requirements for foster care committees are outlined in detail in Standard 23 of the National Standards for Foster Care (2003).

6. The National Standards for Foster Care (2003)

The National Standards for Foster Care sets out a range of standards to be attained for:

- The child (Section 1)
- The foster carer (Section 2)
- Tusla (formally Health Board, Section 3)

6.1 Section 1 of the National Standards for Foster Care set clearly defined requirements for children in care which are measurable and subject to inspection include;

1. Positive Sense of Identity
2. Family and Friends
3. Children's Rights
4. Valuing Diversity
5. Child and Family Social Worker
6. Assessment of Children and Young People
7. Care Planning and Reviews
8. Matching carers with children and young people
9. A safe and positive environment
10. Safeguarding and Child Protection
11. Health and Development
12. Education
13. Preparation to leaving care and adult life

6.2 Section 2 of the National Standards for Foster Care (2003) sets out the requirements for Foster Carers

1. Assessment and Approval of Foster Carers (relative and non-relative)
2. Supervision and support
3. Training
4. Reviews of Foster Carers

6.3 Section 3 of the National Standards for Foster Care (2003) sets out the requirements of Health Boards (now Tusla)

1. Effective Policies
2. Management and monitoring of foster care services
3. Training and Qualifications
4. Recruitment and retention of an appropriate range of foster carers
5. Special foster Care
6. The foster care committee
7. Placement of children through non-statutory agencies
8. Representations and Complaints

7. Draft National Standards for Children's Social Services (2021)

7.1 The Draft National Standards for Children's Social Services (Draft Standards) attempt to subsume 4 sets of National Standards for Children's Social Services; namely;

- The National Standards for Foster Care (2003)
- National Standards for the Protection and Welfare of Children (2012)
- National Standards for Special Care Units (2014)
- The National Standards for Children's Residential Services

In doing so, the Draft Standards seek to promote and uphold the rights of children which is welcome. The emphasis of staff, service providers and services in the Draft National Standards for Children's Social Services, completely negate the importance of the role of foster care in children's lives and the role which foster care families play.

7.2 The Draft National Standards for Children’s Social Services have been developed under an overarching set of principles.

- A human rights approach
- Safety and wellbeing
- Responsiveness
- Accountability

7.3 The Draft Standards further develop these over-arching principles into distinct standards which are explicitly stated and with a stated outcome.

Analysis of the Draft Standards against the National Standards for foster care (2003), incorporates 11 of the Standards which are deemed of importance. These include;

National Standards for Foster Care (2003)	Draft National Standards for Children’s Social Services
Section 1:2 Family and Friends	Standard 2:4
Section 1:3 Children’s Rights	Standard 1:1 Standard 1:2 Standard 4:1 Standard 4:2
Section 1:6 Assessment of Children and Young People	Standard 4:4
Section 1:7 Care Planning and Review	Standard 2:3
Section 1:9 Safe and Positive Environment	Standard 2:1 Standard 3:1
Section 1:10 Safe Care and Protection	Standard 2:1
Section 1:13 Preparation for Leaving Care and adult life	
Section 3:1 Effective Policies	Standard 4.1 Standard 4:2

Section 3:2 Management and Monitoring of services	Standard 4.5
Section3: Training and Qualifications	Standard 3:1 Standard 3.3 Standard 4:3
Section3: Representations and Complaints	Standard 1:3 Standard 4:5

What is omitted from the Draft National Standards in respect of foster care comparative to the National Standards for Foster Care (2003) and which are essential are.

Section 1

8. Matching carers with children and young people

Section 2

1. Assessment and Approval of Foster Carers (relative and non-relative)
2. Supervision and support of foster carers
3. Training for foster carers
4. Reviews of foster carers

Section 3

4. Recruitment and retention of an appropriate range of foster carer
5. Special Foster Care
6. Foster Care Committee
7. Placement of children through non-statutory agencies

8. Accountability

The provision of services for children who require welfare and protection by the State are required to have clearly defined outcomes which are measurable and subject to inspection and improvement.

The protection and welfare of children is paramount and requires oversight and accountability by those responsible for the oversight and delivery of services for children.

Services for children who are in the care of the State require high levels of regulation to ensure that children receive services to meet their needs, and which are accountable.

The Draft National Standards for Children's Social Services are predominantly aspirational and open to interpretation without clear measurement tools for inspection. The proposal to abolish the current National Standards for Children's Social Services by the replacement of the Draft Standards services will serve to dilute many of the excellent measurable standards which are inherent in the four sets of Standards.

The absence of many of the current Standards for Foster Care, as outlined in this submission in the Draft Standards, offers no clarification as to the recruitment and retention of foster carers and social workers. Specifically, section 18 of the National Standards for Foster Care (2003) stipulates the requirement for effective policies to govern foster care, many of which are omitted from the Draft Standards.

Standard 4.2 of the Draft National Standards for Children's Social Services refers to the inclusion of compliance with national standards and policies. The replacement of existing National Standards by the Draft Standards will require the development of new national standards if this standard is to be complied with.

It is not clear from the Draft Standards how they will be measured and inspected by HIQA

9. Conclusion

The Draft National Standards for Children's Social Services outline high-level Standards for Children's Social Services which are located within the children's rights paradigm.

The protection, welfare and rights of children are paramount. Standards are required for services who are responsible for, or deliver, services for children who require welfare and protection, and particularly children who are in the care of the State.

Standards must have clearly defined outcomes which are measurable and subject to inspection, and which require accountability from those providing such services to children.

The majority of children who are in the care of the State are placed with foster care families. Children in foster care continue to experience family life and where possible, maintain contact with their family. Foster carers play a significant role in the lives of children in foster

care through supporting them, giving love and emotional support and advocating for them to receive services for them to ensure that their identified and unidentified needs are met. They are champions for foster children.

The Draft National Standards for Children's Social Services do not reflect the significant role played by foster care in the lives of thousands of children growing up with foster care families.

The Irish Foster Care Association calls for the retention or enhancement of the National Standards for Foster Care (2003) to regulate foster care services which is the predominant type of care for children in the Irish State.

We disagree with the proposal to abolish the National Standards for Foster Care as proposed in the Draft National Standards for Children's Social Services.

We seek to be assured that the National Standards for Foster Care (2003) remain in place and sit alongside the Draft National Standards for Children's Social Services (2021), (as has been our consistent position throughout the process of the development of the Draft National Standards for Children's Services), and not be abolished as proposed.

We propose a review of the National Standards for Foster Care (2003) to build upon and enhance the current standards to be agreed by key stakeholders.

IFCA welcomes the development of a distinct set of Standards for children which promotes and upholds their rights in their care and protection, which we view as progressive and reinforcing their rights under the Irish Constitution.

Distinct Standards, which addresses services specific for children's needs are essential for their welfare and protection. Service specific Standards should be clear in outcomes, measurable, subject to inspection, accountable, and always striving for improvement based on evidenced research.

The retention and/or enhancement of the National Standards for Foster Care (2003) will ensure that the excellent standards which inform foster care reinforce and compliment the proposed Draft National Standards for Children's Services.

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