

## 24. Children in alternative care

At the end of May 2022, there were 5,860 children in care, 90% of whom were in general or relative foster care.<sup>219</sup> 14% of children in care were in private foster and residential care placements.<sup>220</sup> 88% of children in care had an allocated social worker and 97% had a care plan.<sup>221</sup>

The OCO has a range of concerns about provision for children in care arising from our examination and investigation of complaints. In addition to the issues that we highlighted in our July 2020 report to inform the Committee's preparation of an LOIPR for Ireland, we are concerned about:

- a lack of trauma-informed therapeutic support for children in care;<sup>222</sup>
- inadequate provision of appropriate supports for children with disabilities in care;<sup>223</sup>
- provision for adolescents who engage in risk taking behaviours and require additional supports;<sup>224</sup>
- an increase in the number of children under 12 placed in residential care;
- a lack of data on the number of children being cared for in informal kinship care arrangements and inadequate State supports and appropriate oversight for these arrangements; and
- the extent of the State's reliance on private providers of alternative care,<sup>225</sup> although we acknowledge Tusla's commitment to reduce its reliance on private providers.<sup>226</sup>

We are particularly concerned by a rapid increase in young people, including children under 12, being placed in wholly inappropriate settings, including hotels, holiday homes and Bed and Breakfast accommodation. We consider there to be a crisis in Ireland's care for older teenagers, which requires an inter-departmental response as a matter of priority.

We also remain concerned about the use of voluntary care, which amounted to 47% of admissions to care as well as 78% of admissions to care of separated children in 2020.<sup>227</sup> The OCO is of the view that, among other things, the current review of the 1991 Act has the potential to provide legislative clarity around the use of voluntary care.<sup>228</sup>

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<sup>219</sup> Tusla (2022), [Monthly service performance and activity report: May 2022](#), pp. 16.

<sup>220</sup> Ibid., p. 17.

<sup>221</sup> Ibid., p. 18.

<sup>222</sup> Ombudsman for Children's Office (2022), [Resilience Tested: Ombudsman for Children's Office Annual Report 2021](#), pp. 30-33.

<sup>223</sup> Ombudsman for Children's Office (2018), [Molly's Case: How Tusla and the HSE provided and coordinated supports for a child with a disability in the care of the State](#); Ombudsman for Children's Office (2020), [Jack's\\* Case: How the HSE and Tusla, the Child and Family Agency, provided for and managed the care of a child with profound disabilities](#).

<sup>224</sup> See: Ombudsman for Children's Office, [annual reports](#); Ombudsman for Children's Office (2018), [Department of Children and Youth Affairs: Review of the Child Care Act 1991 - Submission by the Ombudsman for Children's Office](#).

<sup>225</sup> Department of Children, Equality, Disability, Integration and Youth (2020), [Spending Review 2020: Tusla Residential Care Costs](#).

<sup>226</sup> Tusla (2022), [Strategic Plan for Residential Care Services or Children and Young People 2022-2025](#).

<sup>227</sup> Tusla (2021), [Annual Review on the Adequacy of Child Care and Family Support Services Available 2020](#), p. 64 and p. 105.

<sup>228</sup> Ombudsman for Children's Office (2020), [Observations by the Ombudsman for Children's Office to the Review of the Child Care Act 1991 – July 2020 Consultation Paper](#); Ombudsman for Children's Office (2018), [Department of Children and Youth Affairs: Review of the Child Care Act 1991 - Submission by the Ombudsman for Children's Office](#).

## **Recommendations**

### **The State should:**

- **implement an immediate inter-departmental response to allocate adequate human, technical and financial resources to:**
  - **ensure adequate placements for children in care, especially at-risk older teenagers; and**
  - **ensure implementation of individual needs assessments, appropriate care planning and review, and adequate record keeping;**
- **complete its review of the Child Care Act 1991 and ensure that corresponding amendments to the Act are aligned with children’s rights;**
- **implement a clear government policy on the rights of children living in informal kinship care; and**
- **implement measures to reduce its reliance on private providers of alternative care.**

## **25. Children in care outside the State**

The OCO is of the view that the State should develop its special care services further in order to remove the need for placing children in care outside the jurisdiction.<sup>229</sup> The Committee also made this recommendation in its Concluding Observations in 2016.<sup>230</sup>

There were 10 children in out of State care placements at the end of March 2022.<sup>231</sup> Children placed in residential care abroad are deemed to have specific needs that cannot be met by existing services in Ireland. The services they require are highly specialised, such as specialist secure forensic mental health services and therapeutic residential services addressing specific needs identified in the child’s care plan.

Decisions to place children abroad are taken in light of their assessed needs and best interests. Nonetheless, it is undesirable that children requiring specialised care are not provided for in this jurisdiction, not least because of the impact of being at such a remove from their designated social workers, families and communities. At present, there is little information available on the impact of placements abroad on the children concerned and their families or on the selection and monitoring of these placements and facilities.

## **Recommendations**

### **The State should:**

- **develop its special care services so that children requiring specialised care do not need to be placed in care outside the State;**
- **ensure that placements outside the State are appropriately monitored to ensure they meet children's needs and uphold their rights; and**

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<sup>229</sup> Ombudsman for Children’s Office (2015), *Report of the Ombudsman for Children to the UN Committee on the Rights of the Child on the occasion of the examination of Ireland’s consolidated Third and Fourth Report to the Committee*, p. 26.

<sup>230</sup> UN Committee on the Rights of the Child (2016), *Concluding observations on the combined third and fourth periodic reports of Ireland*, CRC/C/IRL/CO/3-4, para. 44.

<sup>231</sup> Tusla (2022), *Quarterly Service Performance and Activity Report: Quarter 1 2022*, p. 32.