

Statement on the examination and proposed investigation of
HSE Homelessness Service provision to children who are
homeless and accommodated under Section 5 of the Child
Care Act and those in the Care of the HSE accessing
homeless services.

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Ombudsman for Children

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Ombudsman for Children's Office

Millennium House, 52 – 56 Great Strand Street, Dublin 1, Ireland

Introduction

Ombudsman for Children - Statutory role and remit

1.1 The Ombudsman for Children's Office provides an independent and impartial complaints handling service. The investigatory functions and powers of the Office are set out in Sections 8-16 of the Ombudsman for Children Act 2002. This provides that the Office may investigate the administrative actions of a public body, school or voluntary hospital where, having carried out a preliminary examination, it appears that the action has or may have adversely affected a child and where those actions come within the ambit of Sections 8 (b) or 9 (1) (ii) of the 2002 Act (as referred to in para 2.5 under).

1.2 The Office can receive complaints directly from children or any adult on their behalf. The Ombudsman for Children may also initiate an investigation of her own volition where it appears to her, having regard to all the circumstances, that an investigation is warranted.

Part 2 Background

2.1 Over the past number of years the Office has received and examined complaints on an individual basis in which issues were raised regarding homeless service provision for children by the HSE. This includes children already in the care of the State (voluntary care or on a Care Order) who were accessing homelessness services following placement breakdown and those accommodated under Section 5 of the Child Care Act 1991 (deemed to be homeless, but not in the care of the HSE). Section 5 of the Child Care Act states that:

Where it appears to a health board that a child in its area is homeless, the board shall enquire into the child's circumstances, and if the board is satisfied that there is no accommodation available to him which he can reasonably occupy, then, unless the child is received into the care of the board under the provisions of this Act, the board shall take such steps as are reasonable to make available suitable accommodation for him.

2.2 The complaints referred were submitted by children directly or by professionals involved with them through EPIC (formerly IAYPIC) and social work professionals. Whilst the Office addressed the issues raised in regard to the specific cases referred, examination and review of the cases highlighted a number of key concerns regarding homeless services in general (see paragraphs 2.4 and 2.7 below).

2.3 In addition it appeared that there was insufficient and unclear data available regarding youth homelessness and children accessing such services. For example in the HSE Review of Adequacy Report 2008¹, it is stated that 234² children appeared homeless. Referrals to the Crisis Intervention Service³ was 3051⁴ representing 351 boys and 367 girls. There were a range of referral outcomes for these children including provision of emergency foster care, emergency night shelter, residential placement, returned home or to original placement. Of concern in relation to the referrals/contacts, 58 did not accept the service provided, 28 failed to return to placement, 31 were put out of placement, 13 were missing from placement, 71 left before service was provided, 42 walked out of placement, 17 were not placed as beds were full and 11 were not placed as they were barred from all Out of Hours beds⁵.

2.4 This Office previously highlighted concerns regarding homelessness and children needing crisis intervention services in it's 2009 Annual Report which had arisen through complaints received and included:

- children availing of out of hours services for extended periods of time either continuously or intermittently;
- difficulties in accessing placements because of waiting lists or unavailability, resulting in continuing provision through out of hours services;
- restriction of access to out of hours accommodation for some children, with one young person only allowed admission after 11.30pm;
- that some children did not have an allocated social worker whilst accessing the out of hours service and;
- children accessing homelessness services but not formally in the care of the HSE were not able to benefit from the "through care" model of care in that they were not subject to regulation, care plans or aftercare provision.

¹ The most recent publicly available information at the time that the issues were being considered by this Office in 2011 and prior to our intervention. Review of adequacy reports for 2009 and 2010 have recently been published (June 2012) and are referenced later.

² Review of Adequacy for Services for Children and Families 2008, Table 18 Number of Children who appeared to be homeless

³ A service available to children in Kildare, Wicklow and Dublin which provides an out of hours social work service, a range of residential services for emergency and medium term placements, and a day support service

⁴ Ibid Table 32 Referrals by age and gender 2008. Referrals can relate to the same child who has been referred on a number of occasions and thus represents numbers of contacts.

⁵ Ibid Table 35

Ombudsman for Children's Office intervention

2.5 The Office previously responded to issues raised, such as those outlined above, on a case by cases basis. Given the pattern of concerns arising across the cases relating to homeless service provision, a decision was made that it required an examination of these issues on a national and systemic basis. Consequently on 9th March 2011 the Ombudsman for Children's Office initiated a preliminary examination on a national and systemic basis into the HSE's provision of services to children who are homeless, out of home, or in crisis situations, including both those in the care of the State (voluntary or full care order) and those being accommodated under Section 5 of the Child Care Act, 1991.

2.6 The preliminary examination was conducted on an own volition basis, under Section 10(1) (a) (ii) of the Ombudsman for Children Act, which provides that the Ombudsman for Children may investigate an action where it appears to her, having regard to all the circumstances that an investigation is warranted. A preliminary examination is carried out in the first instance in order to determine whether to proceed with an investigation.

2.7 The main issues identified by this Office at that time, based on information obtained through examination and investigation of individual complaints related to the following:

- The appropriateness and level of services for children who may be or wish to be accommodated under the provisions of Section 5 of the Child Care Act 1991 including;
 - the length of time that some of these children may be accessing Crisis Intervention Services;
 - the supports and services generally available to these children;
 - the availability of, in particular, an allocated social worker;
 - care planning;
 - the availability of after care provision; and
 - access to mental health/other support services.
 - Issues have particularly been raised regarding the length of time that children may be accommodated under Section 5 and the level of supports that may be provided by the HSE once they reach 18 years of age.
- The appropriateness and level of services for children who are in the care of the HSE (voluntary or full care order) and are accessing Crisis Intervention Services. Concerns arising include;
 - the length of time that some of these children may be accessing such services in the absence of other placements;

- the limited access to the Out of Hours services that may exist in cases, with some children being precluded from accessing some services at all or have restricted access to same (for instance being unable to access the accommodation until after 11pm at night); and
- the daily supports and services available to these children when in Out of Hours accommodation.

2.8 A detailed response was received from the HSE on the 11th April 2011 which included a number of supporting documents, as set out at Appendix 1.

2.9 Having considered the response from the HSE, the Office formed the view that the matter required investigation and wrote to the HSE on the 27th May 2011 setting out that it proposed to investigate the matter. The key issues identified as requiring investigation were:

- The range of accommodation services available nationally for children who are homeless, out of home or in crisis situations, including what, if any, evaluation has taken place by the HSE in relation to the extent services provided are matched to the needs of the children requiring those services.
- Accessibility of services nationally; the processes required to access these services including accessibility during out of hours and timeliness of provision.
- The policy guidance available on service provision in homelessness hotels/Crisis Intervention Services both locally and nationally in relation to: referral procedures and placement criteria (including age criteria); admission and discharge policies (including guidance or rules around use of different types of accommodation particularly B&B); and any guidance on limited/restricted access.
- The availability of data in relation to the number of children being accommodated under Section 5 of the Child Care Act including: the placements provided; the length of time these children may be accessing emergency accommodation; the services and supports provided to these children; and the after care provision made available.
- The appropriateness and level of services provided to children in the Care of the HSE (voluntary care or under a Care Order), who are in emergency accommodation or Crisis Intervention Services including; the lack of data in relation to the length of time that these children may be accessing and; the supports provided to these children whilst accessing such services.
- The availability of information in relation to the outcomes for children where homelessness or Crisis Intervention Services referrals were made, in particular issues regarding; the number of referrals where children were barred from

emergency accommodation provided through the Out of Hours Service; the number that were not placed as beds were full; and the alternative services provided in such situations.

- National and local HSE management and governance of homelessness/Crisis Intervention Services and review mechanisms in place to consider children accommodated through these services.

2.10 A further response was received from the HSE dated 21st June 2011 which detailed a number of actions planned or ongoing in relation to this area. In view of this, the Office decided to seek a meeting with the HSE, in order to assist in determining whether to proceed with an investigation.

2.11 The Office held a meeting with the HSE on 26th July 2011. Given the action that was being taken by the HSE at that time, a decision was made to hold open the matter of investigating at that stage and to seek a further meeting with the HSE for an update regarding progress on the actions and measures being taken. The Office met with the HSE on 29th November 2011 and a further meeting was held on 17th April 2012. Further documentation was also provided by the HSE, on request from this Office.

2.12 In summary the key steps taken or currently being progressed by the HSE include;

- A National Manager for Youth Homelessness has been appointed in December 2010;
- This manager chairs the National Youth Homelessness Forum whose purpose is to take a lead on review of practice and policy nationally in this area;
- The Forum is in place since 2011 and includes representatives from the HSE. HSE advised that a number of other agencies have been invited to participate including Youth Justice, Focus Ireland, An Garda Síochána.
- A national audit of Section 5 was carried out in 2011, based on a recommendation in the Ryan Implementation plan. As a result a policy directive regarding the use of Section 5 has been developed and became operational by end of April 2012. A copy has been provided to this Office.
- The policy includes a new national directive on the use of B&B which states that it shall not be used for children and young person under the age of 18 years
- An audit of the use of Supported Lodgings has taken place and a draft policy developed dated May 2012.

- HSE advise that each young person will now be subject to a comprehensive assessment on presentation, as this is the key to determining the appropriate provision for each child presenting as homeless in order to ascertain their circumstances and need for supports.
- A national aftercare policy has been introduced and an aftercare implementation plan regarding provision of aftercare services is being drafted. This was due to be completed by April/May 2012 and is currently under consideration by the senior management team.
- HSE has established 2 pilot Out of Hours Social Work services, which are being reviewed with completion due for Q1 2012 and a decision then to be made regarding future provision. As of July 2012 a copy of the outcome of the review has not been provided to this Office;
- Improved data collection is to be addressed through:
 - the National Child Care Information System which is in the process of being developed and expected to be completed by early 2013⁶;
 - As part of the HSE National Service Plan for 2011, new performance indicators were introduced which will provide data in early 2012 on the number of children accessing youth homelessness units;
 - The HSE is also collecting data on the use of Section 5 through quarterly returns.
- HSE advised that they are planning to work with An Garda Síochána to improve response times to children presenting for services out of hours.
- HSE initiated a review of capacity of Alternative Care services in 2011. No further information has been provided in regards to the outcome of this review.

2.13 Section 7 of the 2002 Act places a positive obligation on the Ombudsman for Children to consult with children and to highlight issues relating to their rights and welfare that are of concern to children themselves. In accordance with this provision, in August 2011 the Office made a decision to carry out a consultation with children and young people regarding their experiences of accessing homelessness services. The consultation took place between September and December 2011, with the aim to hear directly from children about their experiences of using out of hours crisis intervention and emergency accommodation services and on the basis of these experiences, to hear their perspectives on what, if any, improvements might be made in the interests of children who need to access these services

⁶ Further information on the NCCIS is available in the Review of the Implementation of Recommendations made on foot of Children First investigation.

in the future. A report outlining the outcome of this consultation was published in April 2012 and included recommendations for improvements from participating young people and is available at <http://www.oco.ie/issues/current-issues/homeless-children.html>.

Part 3 Analysis

The following is an outline of the key issues and areas of concern addressed through the information provided since initiation of the examination of this matter through documentation and meetings held with HSE representatives.

Data collection:

3.1 HSE has acknowledged that there was a lack of data and consistent data available in relation to children accessing homeless services and accommodated under Section 5. In some areas the data provided reflects the child's placement/accommodation situation rather than the child's status and circumstances. Information on the HSE website notes that, in some cases children presenting may be categorised as "welfare" as opposed to "homeless". It is also noted that the metrics did not capture the outcomes once a young person contacted a service. Data regarding the number of children who appear homeless is not available in the 2009 and 2010 Review of Adequacy Reports. It is noted that the data collection method (Youth Homeless Contact Forms) "cannot be relied upon as indicator of homelessness" and that this does not adequately distinguish between the numbers of children who present and the number of occasions they present as a form is completed on each presentation.⁷ It is clear that there has been insufficient data collection to provide clear and reliable information regarding the numbers of children who present as "homeless".

3.2 The HSE has taken steps to collate data on the use of Section 5 and has also included in the National Service Plan 2011 a number of key performance indicators on children and homelessness specifically:

- the number of children placed in youth homeless centres/units for more than 4 consecutive nights (or more than 10 separate nights over a year) and;
- the number and percentage of children in care placed in specified youth homeless centres or units.

3.3 HSE provided details of the data for the period 1st October to 31st December 2011 in regard to the use of Section 5 which gathered data on how many children were

⁷ Review of Adequacy for HSE Children and Families Services 2009 pp50. Review of Adequacy for HSE Children and families Services 2010 pp pp70

accommodated on this basis across the 4 HSE regions for a) children aged 15 years and younger, b) children aged 16 years, c) children aged 17 years and d) children aged 17 years or younger (all on the last day of the reporting period). Information obtained relates to;

- the numbers accommodated under Section 5;
- how many were accommodated for less than 1 month;
- for 1-6 months;
- for greater than 6 months; and
- how many children were subject to a new Section 5 during the reporting period.

3.4 In total for that period there were 21 children aged 17 years or younger accommodated under Section 5, with further details as follows:

- 4 for less than 1 month,
- 8 for between 1-6 months and
- 9 for more than 6 months.

The data gathered provides a break down for all 4 HSE regions. Of the 21 cases referred to above, Dublin Mid Leinster has no children accommodated through Section 5, Dublin North East had 2, HSE West had 1 and HSE South had 18. The 3 children from Dublin North East and HSE West were aged 17, with 2 accommodated for less than one month and 1 for between 1-6 months. Figures for HSE South indicate that there was:

- 1 child aged 15 years or younger (accommodated for less than 1 month),
- 6 children aged 16 on the last day of the reporting period (which included 1 for less than 1 month, 2 for a period of 1-6 and 3 for greater than 6 months),
- 11 children aged 17 on the last day of the reporting period (which included 5 for 1-6 months and 6 for greater than 6 months).

The children accommodated under Section 5 were predominantly from the North and South Lee area (5 and 10 respectively). In terms of children (aged 17 or under) subject to a new Section 5 during this period, there were 5.

3.5 Data was also provided for the use of Section 5 during the period January to March 2012. In total there were 20 children aged 17 years or younger who were accommodated under Section 5 for that period (though data appears to be missing for 23 areas – Louth and Mayo), with details as follows:

- 3 for less than 1 month,
- 8 for between 1-6 months and
- 9 for more than 6 months.

The children accommodated under Section 5 were from HSE South (17) and HSE West (3) areas. Of note there was 1 child aged 16 years on the last day of the reporting period currently on a Section 5, who was on a Section 5 for greater than 6 months. The other young people were aged 17. In term of children subject to a new Section 5 during that period, there were 2.

3.6 HSE provided information on the National Service Plan Performance Indicators for the period January to December 2011 as follows:

- 131 children placed in homeless centres/units for more than 4 consecutive nights (or more than 10 separate nights over a year). 99 in HSE Dublin North East and 32 in HSE South.
- 9 children in care were placed in a specified homeless centre (on last day of the reporting period). This represents 0.1% of children in care.

The information provided notes that there are no youth homeless centres in Dublin Mid Leinster and HSE West. Dublin North East notes that there is one service providing an emergency place of safety (Lefroy) and other services being mainstream residential units.

3.7 It is positive that HSE has taken action to improve data collection and have advised that it will be reviewed by the National Youth Homelessness Forum. This should ensure more consistent data gathering and oversight/monitoring of this sector.

3.8 The HSE is also in the process of developing a National Child Care Information System which will assist in the collection of consistent data across social work services.

Children accommodated through Section 5 of the Child Care Act:

3.9 HSE has taken a number of steps in relation to the use of Section 5 including:

- An audit was undertaken and completed in June 2011, a copy of which was provided to this Office. HSE acknowledged a number of concerns arising from this, and advised that while Section 5 is not used at all in some local health offices, where it is used HSE found its use inappropriate. It showed more extensive use than expected with different interpretations and approaches to this group of children. Consistent data was not easily available due to the different approaches to recording of such situations for example in some areas these children are recorded by placement rather than their status/circumstance such as being homeless.

- Arising from this, a policy on the use of Section 5 has been completed which was approved in March 2012 and due to become operational by the end of April 2012. This addresses:
 - Children under 16 years should be categorised as child protection and welfare concern and referred to the appropriate children and family service for an assessment. If this determines that they cannot be returned home then they should be taken into care under the relevant section of the Child Care Act 1991.
 - Bed and Breakfast accommodation shall not be used as accommodation for children and young person's under the age of 18 years.
 - The purpose of Section 5 is set out and a procedure for responding which includes: assessment to be carried out and factors to be considered; allocation of a key worker and their role in regard to further assessment and support; development of a placement plan for the young person which will identify the needs of the young person, attempts to return home and timeframe for them to move to suitable long term accommodation and; arrangements for review of the plan (within 2 weeks of initial placement, monthly for the next 3 months and 3 monthly thereafter).
 - It also addresses types of accommodation and sets out that emergency accommodation should be at the point of entry only in a crisis from which the young person should be transferred to an appropriate accommodation option. The range of accommodation for children who are unable to return home may include: residential centres; supported lodgings; semi-independent living arrangements and transitional housing.
 - Ongoing support should be delivered and implemented for every young person supported under Section 5 on turning 18 and should continue up to the age of 21 years or where the young person is involved in a course of education until this is completed. The policy sets out that the ongoing supports and assistance should be available as appropriate to each young person's individual needs and circumstances.
- A policy on supported lodgings has also been developed and a copy dated May 2012 was provided to this Office. The policy sets out what supported lodgings provides, that this is to be used for children aged 16 and above and specifies the proposed expectations of supported lodgings carers and the assessment framework, which includes Garda vetting. HSE noted their view that all areas should have this form of provision for homeless youth.

- Quarterly data returns from each of the 4 regions as set out in paragraph 3.3. This data is reviewed by the Forum.

3.10 Key concerns arising through this Office's complaints and investigations function related to the length of time that children were being accommodated under Section 5, the lack of data available in this regard and the level of supports provided to such children with a particular concern that there was a different level of support provided than for those in the care of the HSE. For example some children did not have an allocated social worker and no specific care planning process or designated support systems put in place. The HSE policy addresses a number of these issues with a clear assessment required of the child's needs, requirement for an allocated key worker and also a placement plan with regular reviews. A review of the policy is to take place in 6 months time.

3.11 Whilst HSE initially advised that there was a plan to preclude extended use of Section 5, this is not specified in the policy. At a meeting HSE advised that consideration was given to this and a decision taken not to include this following discussion with professionals in which it was agreed that setting a limit on how long Section 5 could be used, may not be the most appropriate response in individual cases. However, HSE are of the view that Section 5 should be a short term option in most cases and should not be used for children under 16.

3.12 It is positive that the policy guidance on Section 5 specifically addresses the assessment of each child's needs, the requirement for an allocated key worker and placement plans with review processes. However, this Office remains concerned about the potential for children to be accommodated under Section 5 for extended periods of time. Indeed the data collected for the last quarter of 2011 and first quarter of 2012 raises concern about the use of Section 5 for extended periods in some HSE areas, with a number of children accommodated for more than 6 months. It is unclear as to the reasons why the provisions of Section 4 or 18 of the Child Care Act have not been used in such situations.

3.13 In Section 5 audit report it is stated that the quality of service provided is what matters and not the length of time. The report also references a practitioner who was of the view that restricting the use of Section 5 would be a retrograde step, given the services developed in the Cork area and states that each child accommodated has a dedicated social worker, is accommodated in one of the emergency hostels, is assessed and has a care plan. Another area welcomed a policy which would restrict prolonged use of Section 5. From the information provided by the HSE it appears that the Cork area has a particular dedicated team to provide support to children out of home as well as a range of

accommodation⁸. Notwithstanding that there is a specific service available in one area for homeless youth and the development of a policy to address provision to be made to children accommodated through Section 5, there is no statutory obligation on the HSE in relation to supervision, visitation, care planning and reviews for such children as is required under the Child Care Regulations for children who are formally in the care of the HSE. This raises concern about potential equity of access to supports for such children on a national basis.

3.14 This also raises concern about access to an aftercare support package including financial support for such children. Of note the HSE national policy and procedure for leaving and aftercare services sets out the eligibility criteria as:

- where a young person has been in the statutory care of the HSE for a minimum period of 12 consecutive months on their 16th birthday;
- where a young person has been in the statutory care of the HSE after their 16th birthday, they must be in care for a minimum period of 12 consecutive months prior to their 18th birthday.

3.15 Whilst the policy on Section 5 contains a requirement that an ongoing support should be delivered once a young person has turned 18 and should continue up to 21 years, HSE advised that the proposed financial package for the aftercare implementation plan⁹ does not include provision for such children but supports such as advice and linking children with appropriate services will be made available based on individual need. On seeking clarification from the HSE, this Office understands that this does not however preclude the HSE from providing financial support to such children which will be for each area to determine. However, it remains of concern that in light of the eligibility criteria in the aftercare policy, children accommodated under Section 5 for extended periods may not receive the same level of aftercare supports that they would be otherwise entitled to if they were formally in the care of the HSE.

3.16 This Office is of the view that Section 5 as envisaged in the Child Care Act 1991 was seen as an emergency measure and not as an extended process in substitute of other care mechanisms available through that Act. This Office remains concerned that children

⁸ There is a dedicated team who provide services to children out of home called Liberty House and a range of emergency hostel accommodation.

⁹ A copy of the implementation plan has not been provided to this Office at the time of writing as it is in the process of being agreed within the HSE.

accommodated under Section 5 for extended periods of time can be disadvantaged by their status in comparison to what they would be entitled to if in the care of the HSE.

Supported Lodgings

3.17 HSE advise that the policy on Supported lodgings (May 2012) is to be read in conjunction with the Foster Care Committee (FCC) policy, procedures and best practice guidance documents. The Supported Lodgings policy sets out that *supported lodgings should only be considered for children, aged 16 and above who are deemed, through a thorough assessment process capable of living independently without a full range of supports. Children under 16 are not to be accommodated in supported lodgings.* Of note some of the other documentation within the policy, namely the letter to GP's and guidance for persons providing a reference, refer to the age of 15 years, as does the FCC document. This creates potential for confusion and varied application of the policy.

3.18 It is also noted that the policy on Section 5 refers to supported lodgings as a possible accommodation option, whereas the policy on Supported Lodgings and the Foster Care Committee document (referenced at 3.17 above) make no explicit reference to children who may be accommodated under Section 5 and refer to each young person in Supported Lodgings will be in the care of the Health Service Executive.

Accessibility

3.19 HSE advised that emergency accommodation for children under 12 years is through foster care and not hostel accommodation. Access to placements out of hours in the Dublin, Kildare and Wicklow region is through the Crisis Intervention Service (CIS) and for the rest of the country through the Emergency Place of Safety Services (EPSS) which is provided by Five Rivers. This became operational in June 2009 and is accessed through An Garda Síochána. HSE advised that in terms of CIS, there are 3 points of access – children can go straight to the service, present at their social work office who will contact CIS or through Garda stations who then contact the relevant services.

3.20 A key concern for this Office related to the length of time that children may be waiting before being provided with emergency accommodation. HSE advised that An Garda Síochána has raised concern regarding the length of time children may be in a Garda station whilst awaiting a response from the HSE/CIS. HSE indicate that this is more likely to arise in the Dublin region given the volume of referrals and the wide area that CIS covers.

3.21 HSE advised that EPSS gather data on numbers of referrals and accommodation provided but not on waiting times for provision of a response. There is also no data available on waiting times for Crisis Intervention Services.

3.22 HSE clarified that it is not necessary in all situations for a young person to repeatedly attend a Garda station as multiple nights can be agreed by Lefroy/Nightlight (emergency accommodation directly although there are situations where a child would be required to re-refer themselves to the service. During the investigation of this matter the Office received further information from Lefroy/Nightlight accommodation regarding changes to direct access and opening times. It was advised that from 16th April 2012, Nightlight will open at 5pm rather than 8pm. In terms of access, where a young person is in need of emergency accommodation, this should be made in the first instance through the Crisis Intervention Service (CIS). New referrals will no longer have to access via a Garda station if they have been referred by CIS. Children can directly access the service between 5pm and 11pm where CIS social work team will meet with the young person and complete the referral. After those hours, a young person must refer via a Garda station and be collected by the Out of Hours service. This applies to all children whether they are new referrals or access regularly. A young person who has been discharged from a residential unit will need to refer through a Garda station for at least one night. If there are safety concerns the young person may need to access through a Garda station for a longer period.

3.23 It is positive that steps are being taken to improve accessibility to emergency accommodation through Lefroy/Nightlight. HSE also advised that they are planning to work with An Garda Síochána to improve response times though no further detail was provided in this regard. Nonetheless, this Office remains concerned about the appropriateness and suitability of Garda stations as an access point for emergency out of hours services for young homeless people.

3.24 It is notable that the young people who participated in the consultation (referenced at paragraph 2.13) raised concern about having to access service through A Garda station and also the length of time spent there waiting for a service. In particular they noted that some young people may not seek support if required to go through a Garda station and that others found this experience frightening and humiliating as they see An Garda Síochána as associated with criminal behaviour. The young people identified a number of acceptable alternatives to this practice.

3.25 HSE has been piloting an out-of-hours service in the Cork and Donegal region which was to be reviewed in Q1 2012. At a meeting in April, HSE advised that the data had not been returned but would be available shortly. There are different methods of accessing services – in one area the social work service is accessed through the G.P. and in the other through direct call.

Children in care placed on in out of hours/crisis intervention services accommodation

3.26 A further concern identified by this Office related to placement of children in care in emergency hostel accommodation following placement breakdown including the length of time that these children may be accessing this type of accommodation and the supports provided to them during this time. HSE advised that CIS is not a placing service and that accommodation provided through this service is emergency and on a short term basis only. CIS collect data on the number of children and bed nights in order to identify repeat referrals and consider with the local areas what else may be required.

3.27 Data is now being collated through the National Service Plan Key Performance Indicators as referenced at paragraph 3.6, which indicates that there were 9 children in care being accommodated through youth homeless centres/units. 8 of these were in the HSE Dublin North East area. The information provided notes that the units where children are placed are not homeless youth centres, with one emergency place of safety and others being mainstream residential units. Whilst data is now being gathered in this regard, it is noted that this relates to the number of children in care on the last day of the reporting period and so does not capture the number of children in care who have been accommodated throughout the year in youth homeless centres/units or gather data on the length of time that they are accommodated through such services.

3.28 HSE advised that the Inspection and Monitoring officers work with placement committees to ask that these children are prioritised. These officers get all incident reports for children in care including those in CIS accommodation. HSE advised that planning meetings are convened as soon as possible in their area of origin. HSE acknowledged that these are often vulnerable children with high needs. It was advised that individual cases are the responsibility of the Regional Directors of Operations (for the region concerned) to ensure appropriate placement provision for their needs. The National Office can be contacted where there are cases of particular concern.

3.29 A Review of Alternative Care Capacity was commissioned by the HSE in 2011, who advised that it has been completed and sent to the National Director for consideration. The

review is focusing on what is available in alternative care, the use of HSE units and private provision and what is required within HSE provision. It was noted that traditional 6 bed units are often not suitable for the children presenting. It was also noted that private placement arrangements did not allow for new services to be created and resulted in reactive practice regarding placements. Placement/Resource panels are to be established in all areas and HSE advised that this will lead to more equitable levels of care provision/placement, whereas in the past funding was given for private placements based on first applications to the relevant manager. HSE are also carrying out work in relation to improving capacity in Special Care and High Support provision which is ongoing.

3.30 The Office remains concerned that out-of-hours services/emergency accommodation is not suitable to meet the needs of children who are in the care of the HSE and the length of time they may be accessing such services. In some complaints referred to this Office the child was accessing such accommodation whilst a placement in High Support or Special Care was being considered or sought. It is of concern that the young people in care referred to emergency accommodation may often be those with most complex difficulties, have had placement breakdowns and have highest needs for care and support. Emergency accommodation is wholly unsuitable for these children and increases the risk for their safety and welfare. This raises wider questions regarding the placement provision available to children in care who often present with complex needs. It also highlights the difficulties that can occur when a placement breaks down. It is acknowledged that some young people present with complex needs and difficulties which has implications about the type of provision required to support and care for them. These issues do not specifically come within this particular investigation but are relevant to the extent that emergency accommodation is relied upon at times in such situations.

Barring and restricted access

3.31 HSE advised that following our meeting in July 2011, a review was undertaken in relation to the barring policy in use in the CIS. It was advised that:

- The use of the barring option has limited application and is only used where the behaviour of the young person poses a high risk of serious harm to another young person or staff member;
- Where a young person is barred from a residential provision the young person will be offered a bed in the Nightlight Service at Lefroy House. Should the young person be barred from there they are placed into the care of their local area community care social work service;

- Barring is usually condition based and usually applies for a period of 24 hours upon which it will be reviewed based on assessed risk;
- Children under 12 years are never barred from services;
- All children who are barred from services are reviewed daily by the CIS and local area social work service.

It should be noted that CIS provides a service to children from Dublin, Kildare and Wicklow areas and no data was provided in regards to barring practice in youth homeless centres in other parts of the country.

3.32 At a further meeting in April 2012, HSE advised that they have given direction to the CIS that a meeting must be held the following day or as soon as possible following a barring involving the social work team, CIS and the service provider/accommodation unit. The placing HSE area has responsibility for locating an alternative for the young person, where they are barred from CIS. Previously CIS had been unaware of whom was barred which had implications for placing children who present at a late time. HSE National has also requested that CIS bring to their attention any young person at risk of exclusion.

3.33 In addition the HSE Inspection and Monitoring officers inspect these services and HSE National has requested that they track this particular issue. HSE advised that information provided through these officers indicates that the numbers of children being barred have reduced.

3.34 HSE advised that there will always be a cohort of children who refuse CIS and do not engage in their placement. The concern is that these children have most needs and are getting a limited service. HSE advised that they need to continue looking at how to provide for this group of children to find more creative response to how they are managed.

3.35 The issue of restricted access to emergency hostel accommodation arose as a concern through the examination and investigation of complaints. In the 2009 annual report, the Office indicated that in one case the young person was not allowed admission to out of hours accommodation until after 11.30pm. This raises serious concern about a vulnerable young person being in such a situation and the risks this poses in terms of their safety and welfare.

Outcomes for children

3.36A key area of concern for this Office relates to the outcomes for children accessing CIS out of hours services. During the examination stage the HSE provided data from 2009 which indicates that:

- 830 individuals were referred to CIS - 441 males and 389 females;
- this represents a total of 3519 referrals i.e. contacts – children may present on several occasions¹⁰;
- in terms of outcomes the majority of referrals (1660) were provided with emergency accommodation, in 556 liaison took place with Gardai, hospitals or other agencies, 260 were provided a residential placement and 129 with an emergency foster placement. Of note, in 209 referrals the young person refused to accept the placement, 139 walked out or failed to return to placement, 75 were barred from/put out of placement and 25 were not placed as beds were full. In 76 referrals there was no recorded outcome.

3.37 In terms of data from 2010 HSE provided the following information:

- 856 individuals were referred to CIS - 426 males and 430 females;
- this represents a total of 2563 referrals;
- in terms of outcomes 1005 referrals were provided with emergency accommodation, in 430 liaison took place with Gardai, hospitals or other agencies, 231 were provided a residential placement and 128 with an emergency foster placement, in 143 referrals the young person refused to accept the placement, 67 walked out or failed to return to placement, 17 were barred from/put out of placement and 2 were not placed as beds were full. In 87 referrals the outcome was not recorded.

3.38 From review of this data it appears that progress has been made in reducing the number of children who have walked out/failed to return to placement and those barred from/put out of services. However, the outcome for these children following this is unclear and remains a concern as is the number who refused to accept a placement and where no outcome is recorded. In addition it should be noted that these outcomes relate to a specific area only and it is not clear whether data regarding outcomes nationally is collated and available.

¹⁰ See paragraph 2.3 above in relation to data. Review of Adequacy for Children and Families Services 2009 states that referrals to CIS is a description of the service rather than a young person's situation and that to refer to such children as homeless is misleading as some children return home and others are children in the care system.

3.39 Data in regard to access to services through EPSS is available in the Review of Adequacy for HSE Children and Families Services 2010. In 2009 there were 66 children placed and 99 where enquiries were made where no placement resulted. In 2010 there were 171 children placed and 116 where enquires were made but no placement. The children who are the recipients of this service include children who present as homeless out of hours outside the area covered by CIS and also children where An Garda Síochána have removed the child under Section 12 of the Child Care Act.

3.40 It is notable that the young people this Office spoke as part of the consultation process identified the need to minimise the amount of time that young people spend in emergency accommodation and also the number of placement changes that children need to make during their time using the services. They also spoke about the importance of social workers understanding why they have left their placement or home and engage with them in relation to what accommodation they want. A further issued raised relates to the supports and activities available to the young people accommodated through homeless services. This highlights the importance of reviewing the range of accommodation and supports available to young people presenting as homeless.

Aftercare:

3.41 HSE has developed a national leaving and aftercare policy which became operational in 2011. Work has been ongoing to look at standardising the approach used in aftercare provision, which has involved gathering data on what is already being provided and costing the different packages that could be provided. An Aftercare Implementation plan has been presented to the senior management team and is due to be rolled out in September 2012. The aim is to ensure a set approach with children entitled to a particular provision no matter where they are from. In some areas there has been an Aftercare Committee established which includes key representatives of Aftercare providers such as Focus Ireland, the HSE and local Council's. It is envisaged that each area will have such a committee which will consider all children requiring aftercare.

3.42 A number of aftercare worker posts were created on foot of the Ryan implementation plan, some of which have been filled. Regional Directors in conjunction with the National Office will determine where these posts should be located when recruited for. Whilst there is a moratorium on recruitment for certain grades/posts, this does not apply to aftercare workers.

3.43 HSE also advised that work is ongoing with the City and County Managers regarding development of a joint protocol in relation to housing for care leavers which will be sent to the Minister for the Environment for approval. HSE has agreed to provide an update to this Office when it has been agreed. It is hoped that referrals for aftercare supports will occur between HSE and Local Authorities once a young person reaches the age of 16 years, so that there is a two year period for advance planning on housing needs. The aim is to ensure that children do not fall between gaps when transitioning to independent living.

3.44 It is positive that steps are being taken by the HSE to address the availability and consistency of aftercare provision for children who have been in the care of the State. This is an important support in order to prevent those leaving State care from becoming homeless. The engagement by the HSE with the Housing sector is a positive development.

3.45 This Office has consistently raised concerns regarding the provision of aftercare services and, in particular, the fact that the Child Care Act, 1991 does not provide for an explicit statutory entitlement to such services. In its report to the UN Committee on the Rights of the Child in April 2006, the Office recommended that section 45 of the 1991 Act be amended to establish an unequivocal responsibility on the HSE to provide aftercare services; this recommendation was reiterated more recently in the Office's 2011 submission to the UN Human Rights Council in the context of the Council's review of Ireland's compliance with its international human rights obligations.

3.46 In addition, the Ombudsman for Children provided advice to the Minister for Children and Youth Affairs in relation to the Child Care (Amendment) Bill 2009 in accordance with section 7 of the Ombudsman for Children; that advice also recommended that there be a positive obligation on the State to provide aftercare for every child in care whether they are in voluntary care, or in care under a care order, supervision order or under a special care order at least until they are 21."

3.47 As noted above at paragraph 3.15, the Office remains particularly concerned about support that may be provided to children who have been accommodated under Section 5 of the Child Care Act, on reaching the age of 18 years and in particular those accommodated under this section for extended periods. In this regard it is noted that Geoffrey Shannon in the Special Rapporteur Report 2010¹¹ recommends that "*all homeless children who turn 18 while homeless should be entitled to aftercare support and benefit from the aftercare protocol*".

¹¹ The Fourth Report of the Special Rapporteur on Child Protection submitted to the Oireachtas in 2010.

Oversight and Monitoring

3.48 It appears that there has previously been a lack of national monitoring and governance in relation to youth homelessness provision, which has recently been addressed by the HSE with a lead manager put in place in December 2010 and the re-establishment of a forum to deal with youth homelessness. The forum, which meets quarterly and is chaired by the HSE lead manager, has been meeting since 2011 with the HSE reporting on the work of this group to the Department of Children and Youth Affairs. A previous group, convened by Social Inclusion had lapsed and the forum was recommenced following a recommendation by the Ryan implementation plan. HSE acknowledged that the previous lack of national governance has resulted in locally based policy and practice in the different HSE areas regarding the use of Section 5 and that whilst a number of valuable reviews had taken place, outcomes had not been progressed.

3.49 The recent steps taken in terms of management and oversight has resulted in a number of positive steps including audits of the use of Section 5 and supported lodgings and development of national policies to address the issues and concerns arising from this. HSE also advised that the forum is planning to engage with Dublin North East in regard to CIS, as this is the area with responsibility for that service. The forum will be looking at the way youth homeless services are delivered and the form of accommodation provided specifically the policy of locating emergency accommodation premises in city centre areas, which was also an issue highlighted through this Office's consultation with young people¹². The work of the Forum will also be influenced by the current review of the Youth Homelessness Strategy being carried out by the Centre for Effective Services on behalf of the Department of Children and Youth Affairs. Work has also been ongoing to improve data collection and this is reviewed by the forum.

3.50 In terms of the policy guidance available on service provision in homeless hostels/crisis intervention, HSE advised that currently these are developed by each service but the plan is to cease local policies and introduce national policies.

3.51 Given the stated intention to develop national policies, this Office has not examined individual policies for each of the relevant providers. However, in terms of the key issues

¹² Homeless Truths: Children's Experience of Homelessness in Ireland. OCO 2012. pp 24. Young people had a difficulty with provision of accommodation in city centres and recommended accommodation in or near their local communities.

identified as regards policy matters at paragraph 2.9 it is noted from the information provided by the HSE that:

- children aged 12 and under are placed in foster care and not in hostel accommodation ;
- B&B accommodation is not to be used for children aged under 18, as set out in the Section 5 policy document;
- No specific information was provided in regards to the individual service providers policies on admissions, discharge and limited/restricted access. However, as set out at paragraphs 3.34. and 3.35, HSE has engaged with the CIS in regards to barring and restricted access.

3.52 HSE advised that accommodation that is statutory provision is inspected by HIQA and services provided through the non statutory sector are inspected by HSE Inspection and Monitoring officers.

3.53 The steps taken by the HSE to put in place national governance and oversight of this area is a positive step. Children who are homeless or those in care accessing such services are often most vulnerable.

Conclusions:

3.54 Since initiation of the preliminary examination and proposed investigation, HSE has taken a number of important steps in relation to the area of homelessness service provision as detailed above. A number of these steps are focusing on the issues of concern identified by this Office and referenced at paragraph 2.9. The Youth Homelessness Forum has been recently established and the work in relation to homeless service provision remains ongoing. Given the efforts being taken by the HSE to address the issue of homeless service provision as set out in the report, it is proposed that the Office discontinue the proposed investigation. However there are a number of recommendations being made in relation to outstanding concerns which are set out below. Should further issues arise in relation to homeless service provision through complaints or investigations these can be considered on a case by case basis. There is also a mechanism available whereby concerns arising can be brought to the attention of the lead manager and HSE national office.

Recommendations

1. Use of Section 5

It is recommended that Section 5 of the Child Care Act should not be used for extended periods and this should be reflected in the national policy. The Office recommends that the HSE keep under regular review the use of Section 5, including the length of time that it is being used for individual children and in particular review the appropriateness of this in cases where it is used for extended periods in order to ensure timely resolution of the child's situation and legal status.

Response from HSE

The HSE Youth Homeless Interagency Forum was established in 2010. Since then a robust policy on Section 5 of the Child Care Act 1991 has been developed and implemented. In tandem, a set of metrics have been introduced which gather information on the use of Section 5 nationally including data on age of the child and the length of time they have been subject to the Section. The forum which meets on a quarterly basis will review the data as it is reported. A full review of the Section 5 policy will be undertaken by the end of April 2013.

2. Policy on Supported lodgings

It is recommended for the purpose of clarity and consistency that the supporting documentation accompanying this policy (letter to GP's and guidance for persons providing a reference) is addressed to ensure that the intended focus of this type of accommodation is for children aged 16 and over. This should also be addressed in the HSE Foster Care Committees Policy, Procedures and Best Practice Guidance.

It is recommended that the Supported Lodgings policy be amended to reflect that this form of accommodation may be provided to children who are being accommodated under Section 5 of the Child Care Act.

Response from HSE

The policy on Supported Lodging was introduced as part of the Foster Care Committee, Policy, Procedure and Best Practice Guidance which was implemented in February 2012. Further supplementary documentation relating to Supported Lodgings, including guidance on the gathering of references and medicals, has been developed and implemented nationally in recent months.

The Foster Care Committee Policy, Procedure and Best Practice is due for renewal in February 2013 and will be amended to reflect that Supported Lodgings may be provided to children who are being accommodated under Section 5 and can be used for children over 16 years only, as opposed to 15 years as currently stated.

3. Accessibility

This Office has previously recommended the need for an out of hours social work service throughout the State, most recently in the review report addressing the progress made in relation to the recommendations based on the investigation of the implementation of Children First. This Office is of the view that such a service would be beneficial in supporting children who require support in relation to homelessness. Invariably difficulties are likely to arise out of hours and social work assessment at an early stage can help in relation to early resolution of difficulties and provision of suitable intervention services. This Office is of the view that it is not appropriate for children who are homeless to access services through Garda Stations. This should be reviewed as a matter of urgency and consideration given to the proposals made by the young people through this Office's consultation. In the interim it is recommended that the HSE engage with An Garda Siochana as a matter of urgency to look at any other steps that can be taken in regard to improving response times and to also gather data to assist in identifying the difficulties and monitor the impact of strategies developed to address this

Response from HSE

There is currently an Out of Hours Services operating in the Eastern Region, Cork City and Donegal. The latter two being pilot sites. There are plans to extend the services in 2013 subject to funding being made available. In the meantime children requiring care and protection are provided with a place of safety through the National Emergency Place of Safety Service (excluding the Eastern Region). Five Rivers Fostering service is contracted by the HSE CFSS to provide a place of safety for children who are subject to Section 12 of the Child Care Act 1991 who have been assessed by an Garda Siochana to be at serious and immediate risk.

In the Eastern Region the Crisis Intervention Service has been making significant efforts in the last year to develop alternative access points to that of Garda stations, such as sports clubs for young people presenting as homeless.

The HSE CFSS is currently in discussion with An Garda Siochana on the issue of access and every effort will be made to reduce the length of time children spend in Garda stations waiting for social work intervention.

4. Children in Care accessing homeless service provision.

It is recommended that the HSE continue to gather and improve the data collected as set out in 3.27, and that this is reviewed in order to identify any patterns and to inform the development and implementation of any strategy on alternative care provision.

It is also recommended that children in care placed in out of hours/crisis intervention services accommodation should be reviewed immediately by the placing area and that appropriate alternative accommodation is provided directly. Any difficulties arising should be communicated directly to HSE National.

The Review of Alternative Care Capacity should consider the needs of this cohort of children, their placement needs and how this will be addressed. The review should also incorporate evaluation of the adequacy of placement and accommodation provision for homeless children and young people nationally.

Response from HSE

The HSE has continued to gather and improve data collected on children presenting out of home.

At present information is gathered on the number of children in designated youth homeless centres/units for more than four consecutive nights (or more than 10 separate nights over a year), the number and percentage of children in care placed in specified youth homeless centres/units and the number of children placed on Section 5 of the Child Care Act 1991 including the length of time they are subject to this section.

A review of the operation of the Crisis Intervention Service to ensure that no child in the care of the HSE is denied an appropriate placement is also planned.

As well as this the National office is currently conducting a review of residential services in order to improve the continuum of care for young people through a more efficient use of resources available.

A national recruitment drive is also under consideration to increase the number of foster carers so that children, particularly those under 12 are placed in family type settings when alternative care is indicated at assessment.

5. Barring and restricted access to homeless services

It is recommended that the HSE ensure that there are appropriate monitoring mechanisms in place regarding the use of barring and restricted access to homelessness services and that all steps are taken to ensure timely provision of appropriate placements and supports.

Response from HSE

The following is the policy and procedure on barring or exclusion

1. *Exclusion only takes place where in consultation with the relevant social work services and alternative accommodation is provided by social work services.*
2. *Newly homeless young people are never excluded*
3. *All exclusions are reviewed within 24 hours*
4. *All exclusions are risk assessed.*

The practice of exclusions has diminished and is avoided at all cost; the incidence of exclusion has therefore steadily reduced over the last 36 months.

The HSE CFSS is anxious to ensure that all young people in need of emergency accommodation are facilitated in a safe and suitable setting. The HSE CFSS is committed to working to eradicate any and all prohibitions to bed access. The HSE is particularly concerned regarding the small cohort of young people who are unable to settle at home or in placement and are at risk of becoming regular users of the residential service.

It is the view of the CFSS National Office that exclusion should only be used where a young person demonstrates a specific significant risk to another person.

6. Outcomes for children accessing emergency/out of hours services nationally.

It is recommended that the HSE keep under review the outcomes for children accessing emergency out of hours services and gather data on the outcomes for this cohort of children. This should involve assessment of the difficulties arising in relation to provision of services for children who present as homeless and the range and suitability of accommodation provision available to meet their needs. Appropriate strategies and plans should be developed to address the difficulties.

Response from HSE

A Head of Quality Assurance has been appointed into the National Office for Children and Families. The main focus of this role will be to develop processes to gather and measure outcomes to inform practice and policy.

HSE CFSS will keep under review the outcomes for children accessing emergency Out of Hours services.

The Crisis Intervention Service currently gathers data on the children presenting to their services.

The Review of the operation of the Crisis Intervention Service to ensure that no child in the care of the HSE is denied an appropriate placement will also include a review of outcomes for these children.

7. Aftercare

As set out in paragraphs 3.45 and 3.46 this Office has previously recommended that there should be a statutory obligation regarding provision of aftercare and remains of this view.

The Office recommends that the HSE aftercare policy should make provision for children who have been accommodated under Section 5, specifically those where it has been used for extended periods and concurs with Geoffrey Shannon's recommendation in the Special Rapporteur Report 2010 that all homeless children who turn 18 while homeless should be entitled to aftercare support and benefit.

Response from HSE

As per Section 5 policy which was implemented in April 2012 young people placed on Section 5 must be provided with care after placement on Section 5. It states that an "ongoing support plan should be delivered and implemented for every young person supported under Section 5 on turning eighteen years This plan should be responsive and relevant to each young person's circumstances and should be focused on supporting the young person to make the transition to independent living. This support should continue up to 21 years or where the young person is involved in a course of education until this course is completed. The ongoing supports and assistance to young people on turning 18 years should be available as appropriate to each young person's individual needs and circumstances".

8. Oversight and Monitoring

It is imperative that there is national governance and guidance in relation to such service provision and local implementation. The work of the forum should be maintained and continue to progress this important area.

Response from HSE

The interagency Children's Homeless Forum will continue to monitor services for children presenting as out of home and will carry out reviews as and when deemed necessary.