

Measuring progress in deinstitutionalisation and improving data availability, quality and comparability on children in alternative care

23 February 2023 - Online Roundtable – Questions and Answers responses

Question for Ireland: Does Tusla, Ireland’s Child and Family Agency, count children with disabilities in residential forms of education or health services? If not, why not? Does it disaggregate children with disabilities in family-based or residential care within the child protection system? How?

Answer:

- Tusla does have responsibility for children in care who have a disability. This is children who are subject of a Care Order or are placed in Voluntary Care under the Child Care Act 1991 due to child protection concerns, that their health development and/or welfare has been, is being or will be avoidably impaired or neglected.
- We do disaggregate children with disabilities in family-based or residential care within the child protection system as we pull our annual report based on Children in care by **placement type** who have been diagnosed by a clinical specialist as having a moderate to severe disability.
- This metric only includes children aged <1 to 17 years. This metric does not refer to children in mainstream disability services where child protection services are not involved.
- In Ireland the responsibility for children with a disability and the provision of residential services remains with the Health Services Executive and is classified as a health service. So Tusla does not have a responsibility for these children and does not count them in our returns as they are not in care but remain in the care of their parents with the support of the state who provide community or residential supports.

Question for Ireland (answered in the webinar): Has Tulsa implemented a data control/validation system?

Answer: Tusla has 4 key processes to control and validate data:

1. our systems enforce data controls, such as mandatory fields to be entered.
2. our performance metrics and official reports for child protection and welfare are generated from our system and validated and approved by each service every month.
3. later this year we are linking all payments to the data held in our system, for example payments to foster parents which will then further improve the control of this data.
4. finally we have a set of data quality indicators and a network of data quality officers who monitor the data against these indicators and lead data quality improvement initiatives.

Question for Romania: How does Romania provide alternative care for children with a serious disability where it is not possible to arrange foster care and/or reunification?

Answer: Romanian national law on children rights forbids the placement of a child between 0-7 years old in a residential service. For this category the only options available to be taken into consideration will be the family placement within the substitute family/extended family or foster parent.

The current updates brought to the Law on children rights in Romania makes no exception in the case of children with ages between 0-3 years old irrespective of their disability. For this category of children, the family placement is compulsory. In these cases, is up to the local authorities to identify either a person/family for placement or a foster parent for this purpose.

For children 3-7 years old, the law allows an exception from the family placement obligation only if "the habitation/rehabilitation in other types of services cannot be provided, if they present both a deficiency/complete functional impairment, as well as activity limitations and complete participation restrictions, confirmed by the complex evaluation service within the general department for social assistance and child protection".

Therefore, only in absolute exceptional situations the placement into a residential service (a family type home or apartment) is allowed for children with disabilities with ages between 3-7 years old.

The purpose for this approach was that to encourage the family placement for this vulnerable category of children and avoid situations when due to a minor disability a child was placed in a residential service being denied the right to grow up in a family.

This measure was largely supported by the civil society representatives, the NGOs working in the system as well as other international partners insisting that the residential placement for all categories of children between 0-7 years old should be forbidden (in 2015 was introduced the provision stating that placement for children under 3 years old in residential services is forbidden).

Conclusions by Romania's National Authority for the Protection of Child's Rights and Adoption:

- The final phase was completed for the remaining old type institutions still functioning within the country based on a common methodology elaborated by our Authority within an EU funded project with the consultancy offered by the World Bank.
- Based on this, all the counties in Romania where such services existed, irrespective of their living conditions, elaborated a Plan for closure of centres that were presented the results of the evaluations for all the children protected within the service, the solutions identified for each child (family reintegration, foster placement, placement into a family type home) and also the new services that will be set up when the centre will be closed. They had the opportunity to apply for EU funding and set up family type homes for the protection of those children who could not be placed in a family type services. For all those choosing this possibility setting up a day-care centre besides the family type homes was also a condition.
- The methodology also included some clear criteria for the new services (they were to be set up in community, close to the schools or medical units, etc), while the local authority had the obligation *not to use the old infrastructure* of the closed residential service *for other type of residential services* for children.