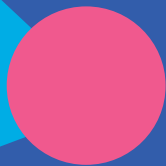


Advocacy Report

2019-2020



empowering people in care

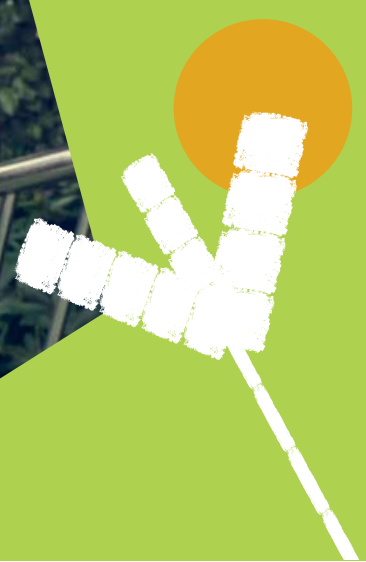


empowering people in care

Community and Voluntary organisations' advocacy work is grounded in the premise that social change occurs through politics and that the power of the State can be moved to act on behalf of people

(Reid, E. 1999).

Nonprofit advocacy and political participation' in Boris, E. T., Steuerle, C. E., Urban Institute and Center on Nonprofits and Philanthropy (Urban Institute), eds., Nonprofits and government: collaboration and conflict, Washington, DC: Urban Institute Press, xii, 383 p.





We are EPIC

EPIC Empowering People in Care (EPIC) is a national organisation that works with and for children and young people who are currently living in care or who have experience of living in care. This includes those in relative care, foster care, and residential care - including high support and special care - as well as children and young people accommodated by the State under section 5 of the Childcare Act, and those sentenced or remanded by the Courts. EPIC also works with young people preparing to leave care and in aftercare services, and with adults with care experience.

EPIC is the only independent organisation providing direct 1:1 advocacy support to children and young people in care. EPIC's advocacy service works to enable them to have their views and concerns heard and taken seriously, to empower them to speak for themselves, to help to resolve the issues and challenges they experience in care, to assist them in accessing the services and resources they need and to bring about positive change in their experience of care and their lives generally.

To facilitate access to independent advocacy by particularly vulnerable children and young people in care, EPIC also delivers a visiting advocacy service to high support units, special care units, Oberstown Children Detention Campus, and other identified residential services. Data collated on cases from the Advocacy Service drives the policy and research work of EPIC.


The key objectives of EPIC's advocacy service are:

- To give a voice to children and young people with care experience
- To promote the rights of children and young people with care experience
- To provide children and young people with information, support, and advice
- To promote the participation of children and young people with care experience

EPIC works to ensure the fulfilment of Article 12 of the UN Convention on the Rights of The Child (UNCRC) which provides that children have a right to express their views and have them taken into account in all matters affecting them.

We are also guided by articles 2 and 3 of the UNCRC, which provide for the enjoyment of rights without discrimination and for the best interests of the child to be of paramount consideration.

In addition, EPIC respects and actively promotes relevant National policy and legislation that emphasises the rights of young people in care to be heard, listened to, and involved, in particular, the Child Care Act 1991, Children First Guidelines and the National Standards for Residential and Foster Care.





Our purpose and function

To advance the interests and welfare of children and young people with care experience in Ireland by providing such information, advice, and support, as to facilitate their full development and to positively contribute to the development of care services, locally, nationally and beyond for the benefit of children and young people, their families and the professionals who work with them.

Our Mission

To advocate for the rights of children and young people in care and after-care and enable their voice to influence positive change in their own lives and in the care system.

Our Vision

That all children and young people in care and after care have an empowering, positive lived experience of care.

Our Values

- The right of children and young people to be heard, have a voice, be consulted and access information
- Meaningful participation of children and young people in their care and the care system
- Meaningful participation of children and young people in EPIC
- Accountability
- Solutions oriented



Introduction

This report gives an overview of the EPIC advocacy caseload in 2019. It presents a profile of the children and young people who sought advocacy support and identifies the main presenting issues and key actions taken by EPIC to address their concerns. The aim of EPIC's advocacy work is to empower children in care and young people with care experience to have a say in issues that affect their lives. The nature of EPIC's role can vary from providing basic information, for example, in relation to social welfare entitlements, to providing practical support, such as assisting a young person to find an educational course or accommodation. Advocates regularly attend both child in care reviews and aftercare review meetings to ensure the voice of the child or young person is given due consideration.

This is the eleventh annual report on EPIC's advocacy, the first of which was in 2009. Over this time the work of EPIC has continued to grow year on year, with the number of advocacy cases increasing from 61 in 2009 to 843 in 2019.

EPIC currently has eight Advocacy Officers in place nationally, covering the areas Dublin North East; Dublin Mid Leinster; South; Mid-West and West. On average, each EPIC Advocacy Officer dealt with 105 cases in 2019 an increase of 23% from 2018. In 2019 there was an overall increase of 28% in referrals to EPIC from the previous year.

The data presented in this and previous reports is critical in informing the development of our services by enabling us to recognise and track emerging trends and issues being experienced by children and young people who seek support from our service.

Thank You!

The staff and Board of EPIC would like to thank all those who have either accessed or supported EPIC's Advocacy Service during 2019. In particular, we would like to thank Tusla – the Child and Family Agency for the funding that supports our service. The success of our advocacy is dependent on support from, and collaboration with, a range of organisations and individuals from a wide variety of other organisations and services in both the statutory and voluntary sectors. All of these individuals and organisations are dedicated to meeting the needs of children in care and young people with care experience and we would like to acknowledge and thank them for their support.

We especially wish to acknowledge the children and young people who have engaged with us during 2019 and whose issues and challenges are outlined in this report.



The importance of independent advocacy in Ireland's child protection and welfare system

EPIC believes that independent advocacy fulfils a crucial role in enabling children and young people in the care system to communicate their wishes and feelings and to play an active role in decision-making about key aspects of their lives. We also believe:

- Independent advocacy services can and do support statutory authorities to effectively meet their duties as corporate parents to children in care by improving both children's experience of the care system and their outcomes, as well as delivering financial savings.
- Statutory obligations to support independent advocacy are inadequate, resulting in significant inconsistency in young people's access to an independent advocate.
- While the cost of provision ranges considerably depending upon the child or young person's needs and required level of support, and these elements are often unknown in advance, independent advocacy provides significant value for money in terms of both cost benefit and cost savings to the State.

EPIC strongly believes that the following should be key objectives in relation to the role of independent advocacy in the child protection and welfare system in Ireland:

- The development of a statutory framework for advocacy provision, including National Standards and statutory guidance, to improve access to independent advocacy services for children and young people in the care system.
- Independent advocacy should be recognised in legislation, and a monitoring and reporting system for advocacy services should be introduced to ensure that learning from individual advocacy cases leads to improvements in services for all children and young people in care.
- The commissioning of advocacy services should take into account the full range of legislation and regulation, and services should be commissioned on a minimum three-year basis.
- Statutory authorities should work to make children and young people in the care system, and the professionals and other adults involved in their lives, more aware of independent advocacy services and the benefits these services can bring.



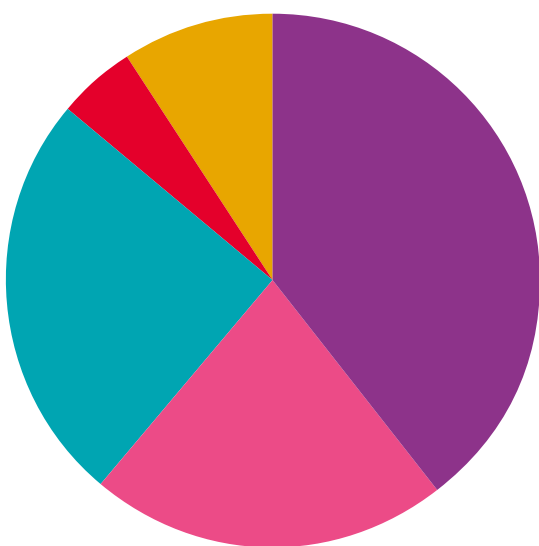


Main Findings

This report presents an overview of the advocacy work carried out by EPIC on behalf of children and young people in care and care-leavers in 2019. It presents a profile of the children and young people for whom EPIC provided advocacy, identifies the main issues that arose in our advocacy work and the key actions taken by EPIC to address these.

Care status of children and young people referred to EPIC's advocacy service

The chart gives a breakdown of the care status of the children and young people who engaged with our advocacy team in 2019. While 95% of all advocacy cases in 2019 involved children and young people within the wider care system, 25% of these had formally aged out of aftercare, i.e. were over 23 years of age, but still required support and engaged with EPIC to advocate for this.



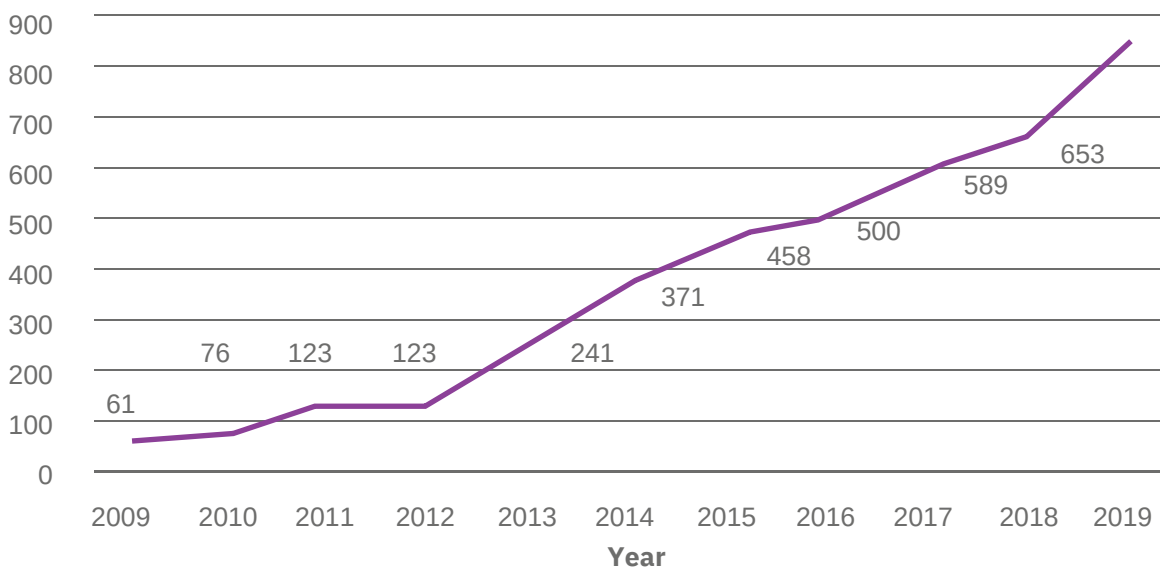
In care	40%	(339)
Aftercare	22%	(183)
Post leaving care	25%	(208)
Not in care	5%	(41)
Unknown	9%	(72)

It's important to note that while almost a quarter of all cases involved individuals categorised as 'post leaving care', these were young people who, while they had no formal support, were typically in their early to mid-20's. The fact that such a large cohort of young people require advocacy raises questions about the preparedness of many young people to leave care and transition to independent living. EPIC strongly believes that support should be available to young people up to 26 years. This would be assessed on a needs basis and include support to access accommodation, education, and training.

Number of advocacy cases dealt with in 2019

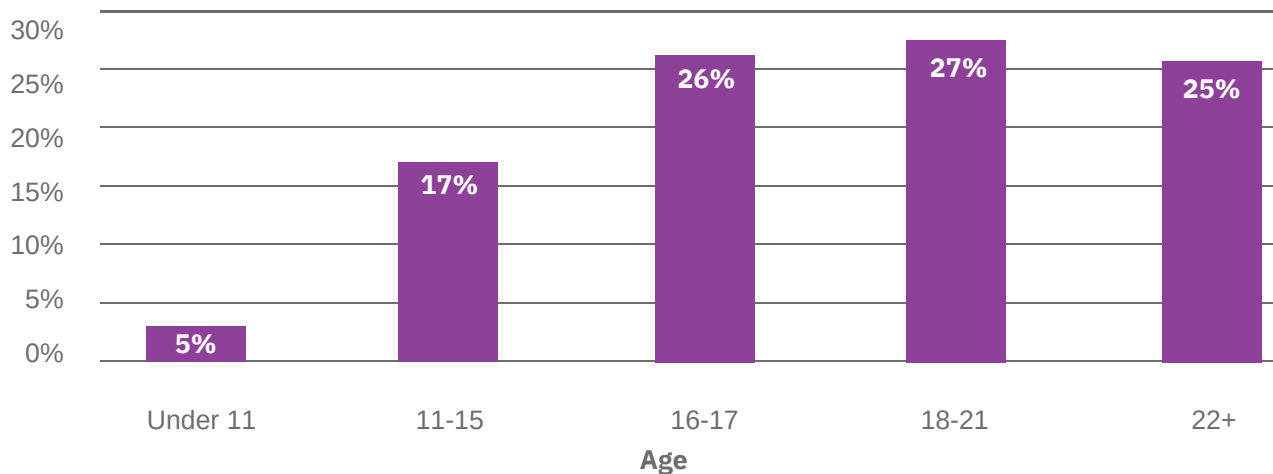
2019 represents the largest increase in the number of EPIC's advocacy cases year on year since 2014

Number of EPIC Advocacy Cases, 2009-2019



The age of Children and Young People seeking advocacy

Ages seeking advocacy



Over half of all advocacy cases, 52%, involved young people over the age of 18, most of whom were in after-care, while 78% of cases involved children and young people between 16 and 22+ years.

This is significant as it includes the ages during which children are preparing to leave care, and the ages of young people in their first five years of leaving care.

In 2019, then Minister for Children and Youth Affairs, Katherine Zappone, acknowledged that the rollout of Tusla's after care policy had been uneven across areas, particularly in the minority of Tusla areas that have recruitment and retention problems, but explained that overall, the service had improved considerably in recent years².

Despite this, it is recognised in both Irish and international research that care leavers are often expected to make an accelerated and compressed transition to adulthood, which denies freedom of choice and psychological opportunity to explore. These studies have been critical of the limited time that 'aftercare' support is offered and found that, for many children, the expectation placed upon them to transition to adulthood and independent living is unreasonable, and related to care leavers being over-represented in many sub-groups of social disadvantage including unemployed, homeless, prison populations, persons with mental health and/or drug and alcohol issues³.

Response from Minister Katherine Zappone to Parliamentary Question from Deputy Anne Rabbitte Wednesday, 13 February 2019

An Exploratory Study into Care Leavers Transition into Adulthood
Joanne Hayes, BSW - Critical Social Thinking Policy and Practice, Vol 5, 2013 / Prof. Mike Stein Resilience and Young People Leaving Care (2007)

Approximately 550 children leave care every year and in 2019 there were over 250 children in care who did not have an up-to-date care plan. In order to reduce the number of children and young people seeking access to advocacy due to concerns about care planning and aftercare supports, greater consistency is needed in developing and implementing aftercare plans for children preparing to leave care and the age for young people being able to access aftercare support must be extended.

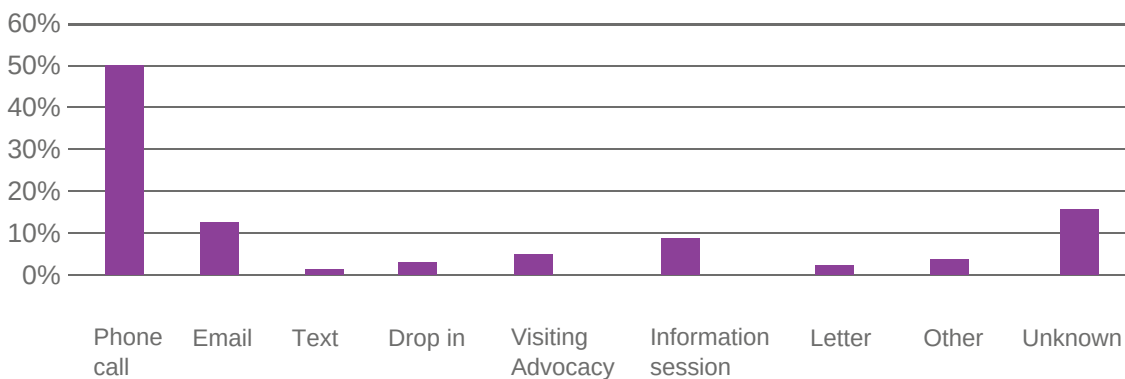
Who made the initial contact with EPIC?

In 2019, 49% of EPIC advocacy cases were initiated by the child or young person themselves. Social Workers accounted for 11% of requests for advocacy, while Residential Care Managers were the third highest group making initial contact. Foster Carers, Social Care Workers and Aftercare Workers were the other most prevalent professionals making initial contact.

How was initial contact made?

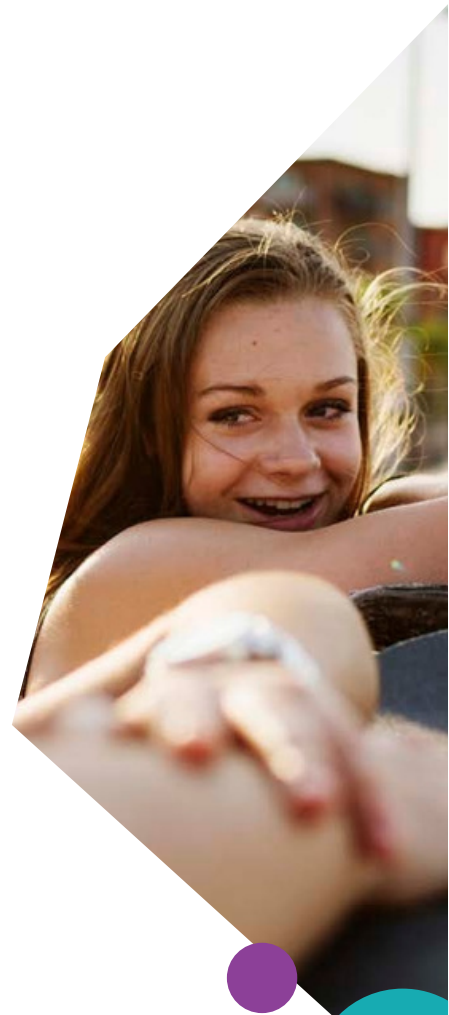
The chart below shows the form of initial contact with EPIC.

How initial contact was made



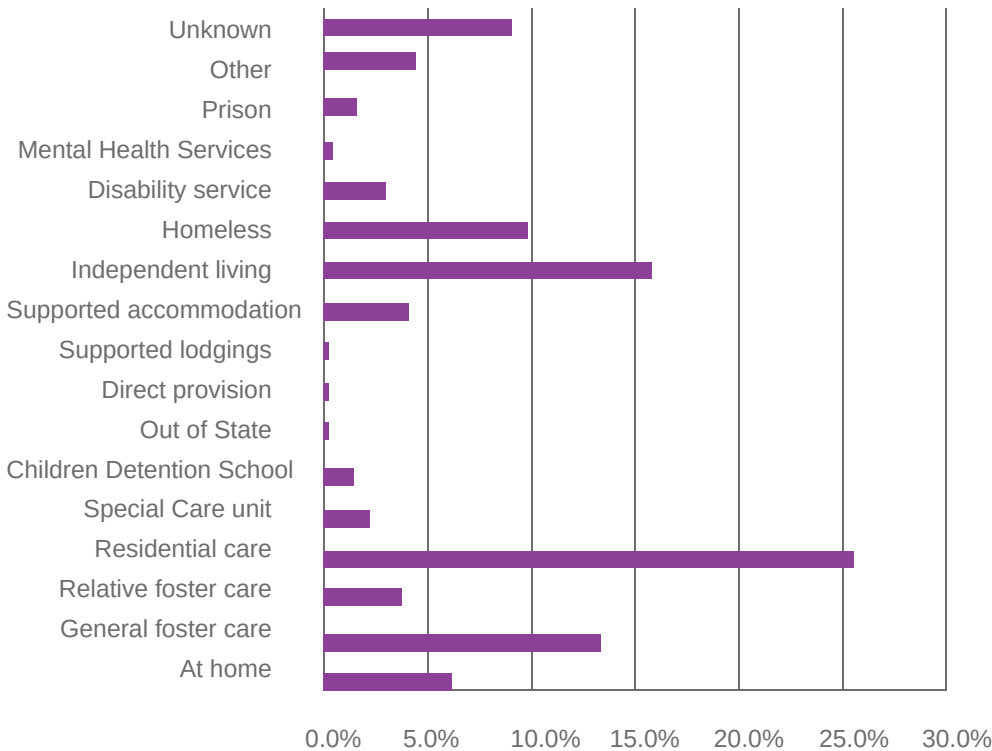
Telephone was the most common form of initial contact, followed by email which accounted for 12% of all initial contacts.

Information sessions provided directly by EPIC staff to residential care facilities and to other professionals led to 9% of advocacy cases, while visiting advocacy provided by EPIC to residential units led to 5% of cases.



Type of care placement of the child or young person seeking advocacy

Type of care placement or current living circumstances for young people with EPIC Advocacy cases (N=843)



More than half of all referrals for advocacy pertained to children in Residential Care (Under 18). This was followed by young people who were living independently (including after care) and then children in Foster Care.

It's interesting to note that while more than 95% of all children in care are in foster care, less than 3% sought advocacy support in comparison to almost 40% of children in residential care, who make up less than 6% of all children in care.

Private care provision

In 2019, a total of 7% of advocacy cases involved children in the care of a private provider.

In a survey conducted by EPIC on the impact of Covid-19 on Residential Care Services in 2020, it was found that of 714 residential care facilities included in the survey, 107 were private providers, while 38 were run by Tusla – the remainder being run by voluntary and religious organisations.

†Tusla Child and Family Agency Dashboard

†Tusla Child and Family Agency

‡Minister Katherine Zappone in response to Parliamentary question from Deputy Bernard Durkan Tuesday, 22 October 2019

‡The Howard League 'Criminal Care?' · 25 Jun 2019 Private profit from children's services

Using Tusla's own figures, of a total of 396 children in residential care in 2019, more than half (60%) were in the care of private providers⁴.

Tusla maintained that there were 129 non-statutory residential centres in operation at the end of March 2020. In contrast, there are now fewer than 50 state run residential centres for children⁵.

Tusla funds private residential care through contracts and/or service level agreements. In 2014, Tusla established a dedicated National Private Placement Team (NPPT) to commission private residential services in response to demand. According to Tusla, private residential services offer placements to children whose needs cannot be met within Tusla or voluntary services. Tusla have suggested that private residential services can offer higher staffing levels, lower occupancy, enhanced on-site clinical supports and education and specialised services designed to meet the needs of children and young people. As of Quarter 1 2020, there were 120 Tusla-funded residential care services provided by private organisations, or 65% of all services.

Tusla has also stated that the "key area of overspend is private residential and foster care costs at €5.971 million (20%) overspend" to the end of quarter 1. On the issue of spending on private residential care, during a debate by the Committee of Public Accounts in June 2019, Mr. Pat Smyth, then interim CEO of Tusla, reported that it cost Tusla €300,000 per annum to place a child in private residential care – or €6,000 per child, per week - and that each placement in private foster care cost in excess €50,000 per annum.

At EPIC we have concerns about both the growing number of private providers and the lack of any robust oversight which has the potential to allow widely varying standards of care to develop.

Currently, through our advocacy work, we are seeing the emergence of a two-tier system for children in the care of the state, including inconsistency around how complaints are dealt with, the quality

and experience of staff and differences in the types and levels of support offered to children between the private and statutory providers.

One example of this last issue is the introduction of the Welltree model of care that has been adopted by statutory providers, but, due to different service level agreements, has not been adopted for private providers, despite an assurance from the Minister for Children and Youth Affairs that "National Standards for Children's Residential Services apply to all designated children's residential centres – private, voluntary and statutory". The Minister went on to say that "Reports on its implementation to date are very positive"⁶.

In a recent report from the UK, the Howard League for Penal Reform found that market forces are being allowed to dictate the housing and care of vulnerable children over their best interests. The report found that companies that own homes in the increasingly privatised sector are placing them in poorer, more disadvantaged areas, so more children are moved away from their support networks. Three-quarters of care homes in England are now private⁷.

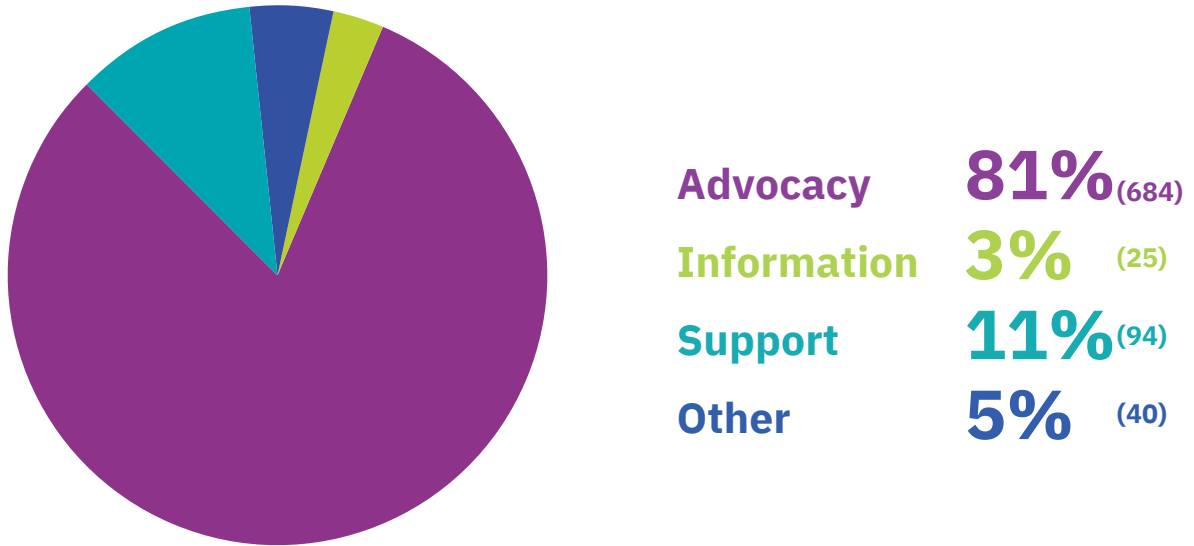
The report also found that local authorities, under increasing pressure to place children, are being charged huge fees by private providers without guarantees about how money is spent. Costs sometimes exceed £200,000 a year for a single placement (based on Tusla's figures, in Ireland we are now spending up to €266,000 a year for a single placement.)

The Howard League warned that councils in the UK are now struggling to take on large private care providers after a series of major mergers within the sector. The six largest independent providers of children's social care services made £215m profit in 2019.

Swedish residential care for children has also been subject to significant privatisation in recent decades. The Swedish government require private providers to have a licence to enter the private care 'market' and other countries are also using licencing as an important part in controlling the quality of residential care for children.

Purpose of advocacy cases

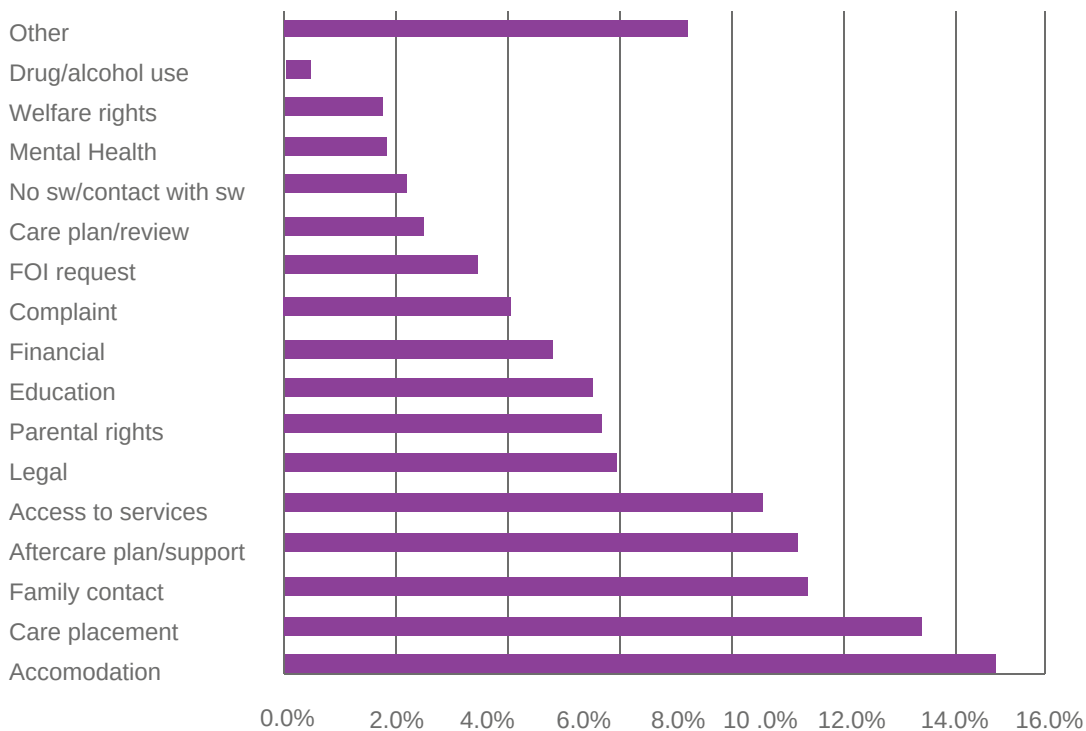
The chart below shows the main purpose of Advocacy cases in 2019.



The majority of children and young people engaging with EPIC were seeking advocacy, with advocacy defined in this context as the provision of a skilled and independent person to give a voice to and represent the rights of children and young people in care.'

Main presenting issues

The chart below shows the main presenting issues for the 2019 advocacy cases.



The top five main presenting issues in 2019 were:

Accommodation	14.8%	(125)
Care placement	13.3%	(112)
Family contact	10.9%	(92)
Aftercare plan/support	10.7%	(90)
Access to services	10.0%	(84)

It is important to note that a child or young person may present requesting support and/or advocacy for a number of issues however the data record relates to the primary issue. Many advocacy cases do involve complex issues, some of which may only emerge over time.

Homelessness was the main presenting issue in EPIC’s advocacy service in 2019

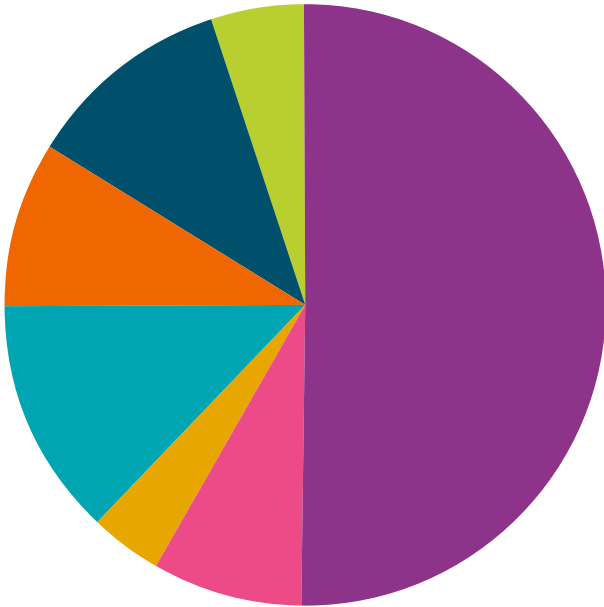
The main presenting issue in 2019 was accommodation, which includes homelessness. This replaced care placements which had been the main presenting issue in all previous reports.

Between 2016-17, the number of advocacy cases involving a homeless child or young person rose from 8% to 12% and there was an increase of 62% in the total numbers of cases over these two years. In 2019, one in ten advocacy cases involved a homeless child or young person, with 24 of these advocacy cases involving a child under the age of 18.

Over the last three years, the figure for children and young people seeking advocacy due to homelessness has doubled, and young people under the age of 21 represented half of all homeless advocacy cases. This can be seen to be indicative of the increasing difficulties that young people with a care background are experiencing in relation to finding and securing appropriate accommodation to meet their needs.



Type and level of education and/or training of children and young people seeking advocacy



School	51%
Youth Reach	8%
Training Centre (e.g. Solas)	4%
Further Education (e.g. PLC)	13%
Third Level (College /University)	9%
Other	11%
Unknown	5%

Just over half of all advocacy cases were among school-going children and young people. Further Education was the second most common level of educational pursuit e.g., Post Leaving Certificate courses. Third level college/university and Youthreach each accounted for just over 9% of the total.





Conclusion

This report has presented data on the 843 Advocacy cases undertaken by EPIC in 2019. It considers the profile of the children and young people who contacted EPIC for advocacy and the nature of the issues and challenges for which they sought advocacy. The fact that there is no deviation annually in the five primary presenting advocacy issues indicates that specific difficulties are repeatedly affecting children in care and young people with care experience which are not being sufficiently addressed.

We believe it is significant that accommodation was the most prevalent issue - cited in 15% of all Advocacy cases in 2019. This corresponds with the finding that almost one in ten cases involved a young person who was homeless at the time of the advocacy case being taken up. Furthermore, between 2018-19, there was an increase in the number of children under the age of 18 years old who were homeless engaging with EPIC. In addition to accommodation needs and care placement, support with aftercare, issues around family contact and access to services were recurring themes which resulted in children and young people seeking advocacy services from EPIC.

The findings in this report show that the EPIC, as a national independent advocacy service, is asked to respond to a diverse range of needs amongst young people as well as an increasing demand for advocacy support. Between 2018-19, the average number of cases per Advocacy Officer increased by 28% from 82 to 105 which placed a significant strain on staff and the organisation. This was in line with the rise in the total number of advocacy cases from 653 to 843 over this period, while the number of Advocacy Officers remained the same due to lack of sufficient funding to recruit additional staff. Between 2018-19, there was also an increase in the percentage of advocacy cases involving young people under the age of 18 years old.

EPIC responded to advocacy requests from an increasing number of children and young people in care, and one in eight of these cases involved a young person with a diagnosed special need or disability. Such cases are likely to involve complex issues and require longer time to resolve. On average, the duration of all advocacy cases, not involving disability, was 142 days approximately.



The UN Committee on the Rights of the Child (1998 & 2006) has stressed that the right of children to express their views in all matters affecting them, and to have these views given due weight, is not adequately protected, and realised in Ireland. According to the Committee, the views of children are often absent from the decision-making processes in families, schools, the health sector, communities and judicial or administrative proceedings. The failure of the State to implement effective procedures for hearing children on a legislative level has been identified as a key contributing factor in this regard⁸.

We strongly believe that the findings of this report support the fact that there is an ongoing need for an independent advocacy service for children in care and young care-leavers in Ireland today. Furthermore, over one in four children and young people who engaged with EPIC in 2019 sought advocacy for more than one issue or returned to EPIC at a later stage during the year. Independent advocacy has been shown to play a vital role in the child protection and welfare system and promoting the welfare and well-being of this cohort of children and young people. On this basis, EPIC continues to recommend that the right to independent advocacy be enshrined in law.

Children's Rights - Whose right? A review of child policy development in Ireland Noirin Hayes DIT





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