



**Health
Information
and Quality
Authority**

An tÚdarás Um Fhaisnéis
agus Cáilíocht Sláinte

Regulation of
Health and Social
Care Services

Assessment Judgment Framework for Focused Foster Care Inspection Programme 2019/2020

Safer Better Care

About the Health Information and Quality Authority

The Health Information and Quality Authority (HIQA) is an independent authority established to drive high-quality and safe care for people using our health and social care services in Ireland. HIQA's role is to develop standards, inspect and review health and social care services and support informed decisions on how services are delivered.

HIQA aims to safeguard people and improve the safety and quality of health and social care services across its full range of functions.

HIQA's mandate to date extends across a specified range of public, private and voluntary sector services. Reporting to the Minister for Health and engaging with the Minister for Children and Youth Affairs, HIQA has statutory responsibility for:

- **Setting Standards for Health and Social Services** — Developing person-centred standards, based on evidence and best international practice, for health and social care services in Ireland.
- **Regulation** — Registering and inspecting designated centres.
- **Monitoring Children's Services** — Monitoring and inspecting children's social services.
- **Monitoring Healthcare Safety and Quality** — Monitoring the safety and quality of health services and investigating as necessary serious concerns about the health and welfare of people who use these services.
- **Health Technology Assessment** — Providing advice that enables the best outcome for people who use our health service and the best use of resources by evaluating the clinical effectiveness and cost-effectiveness of drugs, equipment, diagnostic techniques and health promotion and protection activities.
- **Health Information** — Advising on the efficient and secure collection and sharing of health information, setting standards, evaluating information resources and publishing information about the delivery and performance of Ireland's health and social care services.

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Introduction

HIQA has adopted a common 'Authority Monitoring Approach' (AMA) in order to carry out its functions as required by the Health Act 2007.

All HIQA staff involved in the regulation and or the monitoring of services against regulations and standards adhere to this approach and to any associated procedures and protocols. HIQA's monitoring approach does not replace the professional judgment of its staff. Instead, it provides staff with a range of procedures, protocols and tools to assist them in carrying out their functions. This combined assessment judgment framework is one of these tools.

Applying AMA and using this assessment judgment framework will ensure that each provider is treated fairly and the assessment of compliance is timely, consistent and responsive to risk identified within the centre or service. It also provides transparency to providers and the public on how HIQA assesses and makes judgments of compliance and non-compliance.

The application of AMA does not replace or take away from the providers' responsibility to ensure that they are in compliance with the standards and regulations, and provide safe and high-quality services for people who use their services.

The purpose of this assessment judgment framework is to support inspectors in gathering evidence when monitoring or assessing a service and to make judgments on compliance. The framework sets out the lines of inquiry to be explored by inspectors in order to assess compliance with the standards and or regulations being monitored or assessed. It also outlines the compliance descriptors.

This assessment judgment framework outlines the standards and regulations for the 2019/2020 focused inspection programme. The programme for 2019/2020 will be to **carry out a programme of monitoring of statutory foster care services assessing the arrangements in place for the assessment of need for children in care, and the care planning and review process, including preparation and planning for leaving care, matching and safeguarding.**

Compliance Classifications

We will judge a service or centre to be **compliant, substantially compliant** or **non-compliant** with the regulations and/or standards. These are defined as follows:

Compliant: A judgment of compliant means that no action is required as the service or centre has fully met the standard and is in full compliance with the relevant regulation, if appropriate.

Substantially compliant: A judgment of substantially compliant means that some action is required by the service or centre to fully meet a standard or to comply with a regulation, if appropriate.

Non-Compliant: A judgment of non-compliant means that substantive action is required by the service or centre to fully meet a standard or to comply with a regulation, if appropriate.

Actions required

Substantially compliant means that *action, within a reasonable time frame*, is required to mitigate the non-compliance and ensure the safety, health and welfare of the children using the service.

Non-Compliant means we will assess the impact on the individual(s) who use the service and make a judgment as follows:

- **Major non-compliance: *Urgent action*¹** is required by the provider to mitigate the non-compliance and ensure the safety, health and welfare of people using the service.

- **Moderate non-compliance: *Priority action*** is required by the provider to mitigate the non-compliance and ensure the safety, health and welfare of people using the service.

¹ Where a major non-compliance judgment presents an 'immediate risk' to the safety, health or welfare of people using the service, the inspector may issue an urgent action plan on the day of inspection.

The assessment judgment framework should be applied in conjunction with the following:

- The Health Act 2007 (as amended)
- Child Care Act 1991
- Child Care (Amendment) Act 2015
- Child Care (Placement of Children in Foster Care) Regulations, 1995.
- The National Standards for Child Protection and Welfare 2012
- The National Standards for Foster Care, 2003
- Children First: National Guidance for the Protection and Welfare of Children 2017
- The Authority's Monitoring, Compliance and Escalation procedure
- The Authority's Enforcement Policy for those services subject to regulations, to inform decisions on what is an appropriate regulatory response.

Standard	Standard 5 The child and family social worker There is a designated social worker for each child and young person in foster care.
Regulation	Regulation 17(1) & 13 (1) & (2)
Line of inquiry	<ul style="list-style-type: none"> ▪ Does the child in care have an allocated social worker and has this been consistent over the past two years? ▪ Do social workers co-ordinate the care of children and ensure compliance with statutory requirements and standards? ▪ When children are placed in foster care, do social workers visit children in the foster home and meet with them in private, as outlined in the Child Care Regulations 1995? ▪ Do social workers maintain links with families and encourage and facilitate access where this is in the best interests of children? ▪ Do social workers respond to significant events while a child is in care and ensure that families are kept informed? ▪ Do social workers co-ordinate the input of other professionals and agencies? ▪ Is the complaints process user-friendly, accessible to all children and displayed prominently in the social work offices? ▪ Do social workers explain the complaints procedure to children and families and provide them with a written copy of this? ▪ Are up-to-date records kept in respect of each child including a record of each visit to the child?
Judgment	<p>Compliant: A judgment of compliant means that no action is required as the service or centre has fully met the standard and is in full compliance with the relevant regulation, if appropriate.</p> <p>Substantially compliant means that <i>action, within a reasonable time frame</i>, is required to mitigate the non-compliance and ensure the safety, health and welfare of the children using the service.</p> <p>Non-Compliant means we will assess the impact on the individual(s) who use the service and make a judgment as follows:</p> <ul style="list-style-type: none"> ▪ Major non-compliance: <i>Immediate action</i>² is required by the provider to mitigate the non-compliance and ensure the safety, health and welfare of people using the service. ▪ Moderate non-compliance: <i>Priority action</i> is required by the provider to mitigate the non-compliance and ensure the safety, health and welfare of people using the service.

² Where a major non-compliance judgment presents an 'immediate risk' to the safety, health or welfare of people using the service, the inspector may issue an immediate action plan on the day of inspection.

Standard	Standard 6 Assessment of children and young people As assessment of the child's or young person's needs is made prior to any placement or, in the case of emergencies, as soon as possible thereafter.
Regulation	Regulation 6 (1)
Line of inquiry	<ul style="list-style-type: none"> ▪ Does the social worker ensure that an assessment of the child's needs is carried out prior to the placement of a child in foster care? ▪ In the case of emergency placements, is an assessment carried out as soon as possible after the placement has been made? ▪ Are assessments comprehensive, take account of the different needs of the child and any previous assessments, and use a multidisciplinary approach, where appropriate? ▪ Is a medical examination carried out on the child, in line with regulation 6 (1) except where Tusla is satisfied that it is unnecessary? ▪ Do the assessments consider the physical, emotional, psychological, medical, educational and other needs of children? ▪ Do assessments identify children's needs in relation to their sense of identity, race, culture, religion, sexual orientation and level of ability? ▪ In the case of a decision to place a child in foster care in an emergency, was an initial assessment of the child completed within one week of the placement and a comprehensive assessment within six weeks? ▪ Are unplanned admissions to foster care made in exceptional circumstances only and the reasons for them recorded on the case file? ▪ Are children, their families and others involved in their care encouraged and facilitated to participate in the assessment process? ▪ Are assessment outcomes shared with children in an age-appropriate manner? ▪ Are the decisions that are made and the rationale for them clearly recorded in the assessment report on the case file?
Judgment	<p>Compliant: A judgment of compliant means that no action is required as the service or centre has fully met the standard and is in full compliance with the relevant regulation, if appropriate.</p> <p>Substantially compliant means that <i>action, within a reasonable time frame</i>, is required to mitigate the non-compliance and ensure the safety, health and welfare of the children using the service.</p>

	<p>Non-Compliant means we will assess the impact on the individual(s) who use the service and make a judgment as follows:</p> <ul style="list-style-type: none"> ▪ Major non-compliance: <i>Immediate action</i>³ is required by the provider to mitigate the non-compliance and ensure the safety, health and welfare of people using the service. ▪ Moderate non-compliance: <i>Priority action</i> is required by the provider to mitigate the non-compliance and ensure the safety, health and welfare of people using the service.
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Standard	Standard 7 Care planning and review Each child and young person in foster care has a written care plan. The child or young person and his or her family participate in the preparation of the care plan.
Regulation	Regulation 11 & 18
Line of inquiry	<ul style="list-style-type: none"> ▪ Are care planning and review processes well managed and monitored? ▪ Have all children an up-to-date and comprehensive written care plan? ▪ Do care plans set out all of the requirements outlined under Standard 7 of the National Standards for Foster Care, 2003? ▪ Are care plans informed by the assessment of the child's needs? ▪ Do all statutory reviews comply with the Child Care (Placement of Children in Foster Care) Regulations, 1995 and the Child Care (Placement of Children with Relatives) Regulations, 1995? ▪ Are effective reviews carried out to assess the situation when a placement is at risk of ending, or, following unplanned endings, to assess and learn from the circumstances that led to the unplanned endings? ▪ Are reviews convened and conducted in a manner that facilitates the participation of children, family members and foster carers? ▪ Do social workers, link workers and other relevant professionals involved in the care, education, health and development of the child participate in the care planning and review process? ▪ Are placement plans developed and are they consistent with the child's care plans?

³ Where a major non-compliance judgment presents an 'immediate risk' to the safety, health or welfare of people using the service, the inspector may issue an immediate action plan on the day of inspection.

	<ul style="list-style-type: none"> ▪ Do children receive specialist supports as agreed in their care plan? ▪ Do social workers draw up care plans and arrange care plan reviews and ensure that decisions made at these are implemented? ▪ Is the outcome of the review discussed with the child? Is a written account of the decisions of the review given to the child, the parents, where appropriate, and the foster carers and a copy retained on the case file?
Judgment	<p>Compliant: A judgment of compliant means that no action is required as the service or centre has fully met the standard and is in full compliance with the relevant regulation, if appropriate.</p> <p>Substantially compliant means that <i>action, within a reasonable time frame</i>, is required to mitigate the non-compliance and ensure the safety, health and welfare of the children using the service.</p> <p>Non-Compliant means we will assess the impact on the individual(s) who use the service and make a judgment as follows:</p> <ul style="list-style-type: none"> ▪ Major non-compliance: <i>Immediate action</i>⁴ is required by the provider to mitigate the non-compliance and ensure the safety, health and welfare of people using the service. ▪ Moderate non-compliance: <i>Priority action</i> is required by the provider to mitigate the non-compliance and ensure the safety, health and welfare of people using the service.

Standard	Standard 8 Matching carers with children and young people Children and young people are placed with carers who are chosen for their capacity to meet the assessed needs of the children and young people.
Regulation	Regulations 7 and 10
Line of inquiry	<ul style="list-style-type: none"> ▪ Is the matching process effective and are children placed with carers who have the capacity to meet their assessed needs? ▪ Do children, where possible, spend time with the foster carers prior to being placed? ▪ Is the matching process based on the written assessment of the child's needs and their care plans? ▪ Are the children's views considered?

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	<ul style="list-style-type: none"> Are matches achieved by means of information sharing and discussion involving all relevant professionals, the children and their families, where appropriate, and the proposed foster carers, their families and other children in the placements?
Judgment	<p>Compliant: A judgment of compliant means that no action is required as the service or centre has fully met the standard and is in full compliance with the relevant regulation, if appropriate.</p> <p>Substantially compliant means that <i>action, within a reasonable time frame</i>, is required to mitigate the non-compliance and ensure the safety, health and welfare of the children using the service.</p> <p>Non-Compliant means we will assess the impact on the individual(s) who use the service and make a judgment as follows:</p> <ul style="list-style-type: none"> Major non-compliance: <i>Immediate action</i>⁵ is required by the provider to mitigate the non-compliance and ensure the safety, health and welfare of people using the service. Moderate non-compliance: <i>Priority action</i> is required by the provider to mitigate the non-compliance and ensure the safety, health and welfare of people using the service.

Standard	Standard 10 Safeguarding and Child Protection Children and young people in foster care are protected from abuse and neglect.
Regulation	
Line of inquiry	<ul style="list-style-type: none"> Are concerns, allegations and complaints categorised correctly and receive the appropriate response? Are allegations by children in care managed and investigated in line with Children First (2017) and any relevant policies? Are allegations against foster carers managed in line with relevant policies and procedures and is appropriate action taken to protect children when required? Are appropriate safeguarding arrangements put in place when a child in foster care makes an allegation, and any potential

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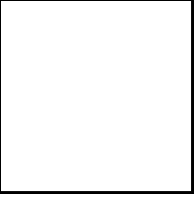
	<p>risks to any other children risk assessed and managed?</p> <ul style="list-style-type: none"> ▪ Are practices in place to ensure that children are protected and safe from all forms of abuse? ▪ Do social workers have up-to-date knowledge and skills, regarding protection and safeguarding children who use the service? ▪ Do all foster carers have up-to-date knowledge regarding child protection (Children First, 2017) and their role as mandated persons? ▪ Are serious and adverse incidents promptly notified and appropriately managed?
Judgment	<p>Compliant: A judgment of compliant means that no action is required as the service or centre has fully met the standard and is in full compliance with the relevant regulation, if appropriate.</p> <p>Substantially compliant means that <i>action, within a reasonable time frame</i>, is required to mitigate the non-compliance and ensure the safety, health and welfare of the children using the service.</p> <p>Non-Compliant means we will assess the impact on the individual(s) who use the service and make a judgment as follows:</p> <ul style="list-style-type: none"> ▪ Major non-compliance: <i>Immediate action</i>⁶ is required by the provider to mitigate the non-compliance and ensure the safety, health and welfare of people using the service. ▪ Moderate non-compliance: <i>Priority action</i> is required by the provider to mitigate the non-compliance and ensure the safety, health and welfare of people using the service.

Standard	Standard 13 Preparation for leaving care and adult life Children and young people in foster care are helped to develop the skills, knowledge and competence necessary for adult living. They are given support and guidance to help them attain independence on leaving care.
Regulation	
Line of inquiry	<ul style="list-style-type: none"> ▪ Is there an aftercare service in place, which is informed by an aftercare policy and is it fully implemented? ▪ Is the service proactive in giving adequate information to children approaching care leaving age and their foster carers? ▪ Are children actively involved in planning for their future?

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	<ul style="list-style-type: none"> ▪ Does the care plan reflect the work to be undertaken to support the young person to commence the transition to adulthood from the age of 16 years? ▪ Are all eligible children over 16 years referred to the aftercare service? ▪ Are comprehensive assessments of need carried out on all children leaving care? ▪ Do all eligible children have a statutory aftercare plan 6 months prior to their 18th birthday? ▪ Are all children supported to develop skills for independent living? ▪ Have multi-disciplinary networks been developed to meet the needs of young people leaving care? ▪ Are young people provided with adequate support by the service after they become 18 years? ▪ Are outcomes for young people who have left care measured?
<p>Judgment</p>	<p>Compliant: A judgment of compliant means that no action is required as the service or centre has fully met the standard and is in full compliance with the relevant regulation, if appropriate.</p> <p>Substantially compliant means that <i>action, within a reasonable time frame</i>, is required to mitigate the non-compliance and ensure the safety, health and welfare of the children using the service.</p> <p>Non-Compliant means we will assess the impact on the individual(s) who use the service and make a judgment as follows:</p> <ul style="list-style-type: none"> ▪ Major non-compliance: <i>Immediate action</i>⁷ is required by the provider to mitigate the non-compliance and ensure the safety, health and welfare of people using the service. ▪ Moderate non-compliance: <i>Priority action</i> is required by the provider to mitigate the non-compliance and ensure the safety, health and welfare of people using the service.

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