

# Case Study on Tusla:

## The Child and Family Agency



## Case Studies on Innovation and Reform in the Irish Public Sector

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## Foreword

The Reform and Delivery Office (RDO) in the Department of Public Expenditure and Reform has developed three case studies on public sector reform in partnership with three academic institutions and public bodies. This pilot project was established to produce a teaching resource for lecturers and students of public policy and public administration, as well as those interested more broadly in organisational change. The study is intended to encourage learning among students and practitioners of public policy and also to inform the design and implementation process of future policy and administrative reforms. Furthermore, by telling the story behind these case studies it is hoped to communicate achievements and lessons learned and to acknowledge the significant progress that has been made under the public service reform programme in Ireland in recent years.

The three case studies on public service reform have been undertaken by the RDO in conjunction with the following public bodies and academic institutions:

- Intreo, the “one-stop shop” for jobseekers in Ireland, authored by Stephan Köppe and Philip J. O’Connell of the School of Social Policy, Social Work and Social Justice and the Geary Institute for Public Policy, University College Dublin (UCD)
- Office of Government Procurement (OGP), authored by Olive Fives and Colm Foster, Irish Management Institute (IMI)
- Tusla, the child and family agency, authored by Joanna O’Riordan and Richard Boyle, Institute of Public Administration (IPA)

Public service reform has been a key element of Ireland’s response to the economic downturn since 2011 and has contributed to the subsequent economic turnaround. To date, two reform plans have been implemented, and a third, focused on public service development and innovation, will be published in late 2017. While the strategic imperative



for reform was the deteriorating economic and fiscal crisis in 2011, the goal of ensuring the public service has the capacity to meet future challenges remains a fundamental ongoing strategic concern and driver of the next phase of development. Each of the case studies is rooted in the aims of the 2011 and 2014 Public Service Reform Plans, to institute greater innovation, cost and efficiency savings, and better service delivery for public service users.

The case studies benefit from the input of the key public policy practitioners, who led and continue to lead these significant change programmes and are based on interviews and research undertaken by leading academics.

The Department of Public Expenditure and Reform would like to acknowledge the contributions of all those involved in the production of the case studies, without whose time and continual dedication this project would not have been possible.

The case studies are not intended to be evaluations of the overall success and impact of the cases examined; rather, the aim is to capture reflections on the key organisational learning around management of a significant public service reform initiative at the time of its establishment and its ongoing implementation as new processes and ways of working bed down.

The case studies provide a valuable record of public service reform initiatives in Ireland. It is hoped they will be of interest and value to the reader and will inform the learning of future public policy practitioners.

Reform and Delivery Office

September 2017



## Abstract

The Child and Family Agency (Tusla) was set up as an independent legal entity on 1 January 2014. Establishing Tusla was a major public service reform initiative involving approximately 4,000 staff and a budget of over €600 million.

This case study describes the establishment of Tusla and identifies learning for other large-scale public service reform initiatives. While reference is made to a number of changes aimed at achieving a more efficient and effective service for the clients of Tusla, the case study does not in any way evaluate the performance of Tusla.

Notwithstanding the scale of the project, the economic climate of austerity and the very considerable work effort involved, the establishment of Tusla was relatively successful. The case study gives an overview of the factors that contributed to this largely positive outcome: ownership of change, goodwill and vision, leadership and management, effective governance and a pragmatic and realistic approach.

The lessons and conclusions which emerge from the case study provide important learning for the wider public service, in particular in respect of issues like agency reform, large-scale project management and cross-organisational working. The case study can also be used as a training and education resource.



## Introduction

This case study describes the setting up of Tusla<sup>1</sup>, the Child and Family Agency, a process which began in 2011 and concluded on the agency's establishment day, 1 January 2014. The establishment of the agency was a major public service reform initiative and represented the most comprehensive reorganisation of child protection, early intervention and family support services ever undertaken in Ireland. It involved bringing together approximately 4,000 staff and a budget of over €600 million. The project was undertaken at a time of severe economic recession and consequent major cuts in public sector spending, including pay.

A background to the case study is provided in Section 2. This is followed in Section 3 by a review of the process involved in setting up the agency. Section 4 focuses on challenges to arise during the establishment process, while Section 5 provides the lessons to emerge from the case study. Section 6 concludes. There are two appendixes, Appendix 1 gives details of the research methodology while Appendix 2 presents teaching notes to support the use of the case study in a class-room environment.

The IPA wish to acknowledge the considerable support of the Department of Children and Youth Affairs (DCYA) in developing this case study and also the information and candid views shared by interviewees centrally involved in the establishment of Tusla.

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<sup>1</sup>According to the agency's web-site, the name Tusla emerged as a fitting logo for the Child and Family Agency. While the word borrows from the Irish words 'tús' (start) and 'lá' (day), Tusla is a completely new word reflecting a shared desire for a new beginning and forging a new identity.



## Background

Ireland, like many other countries, has a complex and at times disturbing history of child protection and welfare. A report by Dr Helen Buckley and Dr Caroline O’Nolan (2013) from Trinity College Dublin examined the implementation of recommendations of various childcare inquiries over the previous two decades. It found that during this period, 29 child abuse inquiries and reviews had been published in Ireland with 551 recommendations. Over the same period successive governments, administrators, professional workers and society in general have sought to address failings and put in place safeguards in the area of child protection and welfare.

These developments began in the early 1990s when the first legislation in respect of children in over eighty years was enacted. The 1991 *Child Care Act* gave the Health Service Executive (HSE) statutory responsibility for safeguarding children not receiving adequate care and protection. In 1999, *Children First: National Guidelines for the Protection and Welfare of Children* were introduced to help safeguard children from abuse and neglect. The guidelines set out the procedures and practices that should be in place in organisations dealing with children.

The National Children’s Office at the then Department of Health and Children had responsibility for overseeing the guidelines. In 2005, in order to bring greater coherence to policy making for children, the Office of the Minister for Children and Youth Affairs was established. While still part of the Department of Health and Children, it had units from the Departments of Justice and Education co-located with it. Over the same time-frame, the Office of the Ombudsman for Children (2004) and the position of Special Rapporteur on Child Protection (2006) were established as further vehicles for safeguarding the interests of children.



The publication of the Ryan report (2009) detailing the endemic abuses experienced by children placed by the State in religious-run institutions between the 1930s and 1970s resulted in considerable public disquiet at the trauma experienced by vulnerable children, and the absence of regulation and inspections which enabled it to continue. In the aftermath of the Ryan report, the Health Information and Quality Authority (HIQA) developed National Standards for the Protection and Welfare of Children to support continuous improvements in state child protection services. HIQA were also given authority to inspect children's care facilities.

However, challenges in respect of children and family services continued. In 2010 there was further public unease and political attention focused on reports of poor outcomes, including death of a number of children who were in care, or known to the care system. This resulted in further calls for changes in child welfare and protection services, particularly within the HSE. In response, the HSE in 2010 established Children and Family Services as a separate directorate with an externally appointed director. The intention was to bring together a wide range of services provided by the HSE including, family support, adoption and fostering, residential care and child welfare and protection services. A change management project was commenced within the directorate with the objective of addressing fragmentation in the delivery of services, improving capacity and, in particular, to put in place a management structure that would provide for greater accountability.

The Programme for Government (Government of Ireland, 2011), determined following the general election in 2011 included a number of reforms in respect of the organisation of children's services. The Department of Children and Youth Affairs (DCYA) was established with the minister becoming a full cabinet minister as opposed to a minister of state at the Department of Health. A commitment was also made to remove children and family services from the HSE and to create a dedicated and expanded child welfare and protection agency.



Initiatives to address failings in the system continue to be progressed by the various statutory organisations with responsibility for this area, including Tusla. In 2015 the Children First legislation was enacted. This puts elements of the Children First Guidelines on a statutory footing, including placing the onus on all organisations providing a service to children to keep children safe. In addition, the National Vetting Bureau Act, 2012 and the Criminal Justice (Withholding of Information) Act, 2012 further signalled a strong commitment to create a more robust framework for child welfare and protection across all service provision for children.



## Approach to the task

In order to progress the transition to the new agency, the Minister for Children and Youth Affairs established a taskforce to advise the Department with regard to the vision, make-up, structure and governance of the new agency and best practice internationally in the area of child welfare and protection. The taskforce included senior management representatives from DCYA and the HSE's Children and Family Services directorate. In addition, there were several independent members with either a social work background or other expertise in the area of children and family services. The taskforce met eighteen times prior to publishing its report in July 2012.

The *Report of the Taskforce on the Child and Family Support Agency* was published in July 2012 (DCYA, 2012). The taskforce supported the idea of a new, dedicated Child and Family Agency (CFA) with its own management team and board, reporting to DCYA. The taskforce also recommended that 'in addition to child welfare and protection services, the core services of the CFA must include a broad based range of primary prevention, early intervention, family support and therapeutic and care interventions' (DCYA, 2012: iii).

At the same time as the taskforce were deliberating on issues with respect to the new agency, a change programme within the HSE's Children and Family Services was being rolled-out by a newly appointed national director. The new director had worked in children and family services across the UK. Also, coming from outside the Irish health system was beneficial, given the challenge of bringing all children and family services together in one directorate. The overall goal at this time was to create what was referred to as a 'shadow' organisation, whereby the necessary staff, management and budgetary arrangements would be put in place to facilitate a smooth transition to the new agency on establishment day.



Largely consistent with the recommendations in the taskforce report, reforms to the organisation structure were aimed at ensuring that staff would report directly to a designated manager within each of the then seventeen HSE service areas, guaranteeing what was described as 'a clear line of sight' between those delivering the service and senior management responsible for its delivery. The outcome of these changes was significant. As explained by Tusla senior management, social workers and other staff would be both 'better challenged and better supported' in delivering services. Social workers were also for the first time in management positions, where their professional knowledge and background would inform service delivery arrangements. From the perspective of the clients of Tusla, the objective was a better, more coherent and more accountable service.

The legislation underpinning the agency is the Child and Family Agency Act, 2013. It sets out the service model of the new agency:

- Child welfare and protection services
- Existing Family Support Agency responsibilities (with the Family Support Agency disbanded)
- Existing National Educational Welfare Board responsibilities (with the National Educational and Welfare Board disbanded)
- Pre-School inspection services
- Domestic, sexual and gender based violence services
- Services related to the psychological welfare of children.

A project oversight group was established in November 2012. Its purpose was to monitor, discuss and resolve significant issues to the satisfaction of all the major stakeholders, to ensure readiness for the establishment of the Child and Family Agency. It was chaired by the secretary general of DCYA who was very directly involved for the duration of the project. The group also included representatives of the other major stakeholders, the Department of Health (DOH), the HSE, the Children and Family Services directorate and the Department of



Public Expenditure and Reform (DPER). The group met 27 times up to its final meeting in January 2014.

A number of subgroups were put in place to deal with specific aspects of the establishment project. These escalated issues to the oversight group as required.

- A **project team**, led by the CEO-designate, was responsible for driving the overall project. Its responsibilities included the full range of activities required to bring the project to completion, including issues regarding the transfer of staff and systems and also various undertakings relevant to the operation of the new agency. A detailed project plan provided the framework for managing the complexities of the transition process. Progressing the plan further involved consideration of the risk factors of such a large endeavour, the resource implications of resolving these, and ensuring that momentum was maintained and timelines met.
- An **industrial relations group** which encompassed an independent chairperson, the senior management team of the new agency, DCYA representatives and IMPACT, the main trade union representing staff who were transferring from the HSE. Early on in the process all parties signed an agreement in principle to work collaboratively on staffing issues relevant to the establishment of the new agency. This greatly facilitated the subsequent negotiations and a staffing agreement was signed by all parties in December 2013.
- A sub group on **financial due diligence** was established in early 2013 to undertake a due diligence exercise on the assets, commitments and resources transferring from the HSE to the new agency.
- A sub-group was established to review issues to arise with regard to the recommended transfer of community **psychology services** to the new agency. This was co-chaired by DOH and DCYA.



Due to challenges in developing and resourcing the new agency, while also continuing to deliver their services and implement a change programme, the establishment date was postponed by a year in autumn 2012. In January 2014, eighteen months after the publication of the taskforce report, Tusla came into existence. A strong branding and communication campaign accompanied its establishment.



## Challenges

This section discusses the main challenges to arise in establishing Tusla. They are grouped under three headings: the service model, governance arrangements and operational issues.

### The Service Model

Included in the terms of reference of the taskforce on the Child and Family Agency was a request to advise on the appropriate service responsibilities for the new agency. In order to deliver on this, the taskforce met with service providers, trade unions and professional associations and also asked the Centre for Effective Services<sup>2</sup> to research international experience and evidence. Consistent with the objective of giving the new agency a broader remit than child protection, the incorporation of the Family Support Agency<sup>3</sup> was discussed at an early stage. It was also proposed that a review of the National Educational Welfare Board<sup>4</sup> be carried out in the context of the new agency. These decisions fed into the taskforce report.

In making recommendations with respect to the agency's service model, the taskforce was guided by a number of overarching considerations. The taskforce report (DCYA, 2012:29) refers to the importance of providing a 'holistic, child centred service' and for greater connectivity and co-ordination across service providers. This would help to eliminate the 'refer on' culture and the 'inevitable falling through the gaps' for some children and their families.

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<sup>2</sup> A not for profit, research organisation jointly funded by Atlantic Philanthropies and DCYA

<sup>3</sup> Established in 2003, the Family Support Agency was responsible for funding a network of 107 family resource centres in disadvantaged areas around the country.

<sup>4</sup> The National Educational Welfare Board was established in 2002. Its three major functions were the school completion programme, the home school community liaison scheme, and the educational welfare scheme. Previously under the auspices of the Department of Education, NEWB had transferred to DCYA on the establishment of the department in 2011. A review was carried out of the NEWB prior to a final decision being made that it should be part of the new CFSA.



### *Public Health Nurses*

The taskforce report recommended that a proportion of public health nurses (PHNs) would transfer from the HSE to the new agency. PHNs provide a broad based prevention, education and health promotion service within the community but mainly targeted at children and families, older people, people with disabilities and other disadvantaged groups (e.g. Travellers). In respect of children, PHNs provide a universal programme of child health care services for all children in Ireland aged 0-12.

While it is stated in the taskforce report that PHNs can be allocated to a particular geographical area or a client group (e.g. older people or children), in practice the vast majority of PHNs work with all groups. Consequently, disaggregating the work of PHNs, splitting posts between children and other service users, and re-designing responsibilities, workloads and reporting relationships would have been a significant change project in itself.

Also, it might have proven difficult to maintain a strict division of roles given the necessity of all PHNs remaining in their existing community locations. Notwithstanding these difficulties, in terms of the taskforce's vision for the agency, there were huge perceived benefits of the agency having responsibility for PHNs. The service would be a holistic children and family service encountering every family in the state, without the stigma of only dealing with children and families in distress. In addition, given the nature of the role and their early encounter with families, the inclusion of PHNs would greatly support the protection and early intervention objectives of the agency.

However, as one interviewee expressed it, 'the public health nurses just slipped under the radar', and did not become part of the new agency in any form. A number of factors appear to have contributed to this outcome. Inevitably when you are trying to take responsibility for a service away from one state organisation and assign it to another, there



are negotiations and in some quarters resistance. Furthermore, in establishing a new agency of this scale over a short time frame, it wouldn't be unusual that some aspects of the initial vision would be re-assessed in the light of realities on the ground. However, it could also be suggested that there was insufficient support for the transfer of PHNs from across the political and administrative system to overcome the undoubted challenges.

### *Psychology Services*

Psychology services were regarded by the taskforce on the CFA as a priority service for transfer to the new agency. In 2012, the HSE had over 700 psychologists working across children and family services, disability, mental health, and older people. Services to children and families included psychological assessment and intervention, emotional and behavioural regulation, eating, sleeping and toileting difficulties, serious childhood illness, and bereavement, separation and loss. The designate management team of the new agency believed it to be absolutely necessary to have psychologists as part of the agency to support it in delivering its services. This is recognised in the legislation which gives Tusla jurisdiction for 'services relating to the psychological welfare of children and their families' (Part 2, Section 8).

However, breaking up psychology services was not straightforward as the service had developed across the country in a disparate and ad-hoc manner. Some HSE areas had psychology services as a part of community care, while others did not. In some areas the service ceased when a child turned 18, in other areas it continued. Furthermore, referrals could come from a broad range of sources in addition to social workers (GPs, PHNs, paediatric hospitals, other professional services such as speech and language therapy, and schools) and levels of cooperation with other healthcare professionals varied considerably. In some regions there was good collaboration between social workers and psychologists, however, elsewhere this was not the case and input from



psychology services tended to be sought when a crisis arose. Lastly, it was difficult to assess the proportion of their time spent by psychologists with any one client group and job titles such as 'community psychologists' or 'children's psychologists' did not exist.

A further, more pertinent challenge was that many psychologists were reluctant to transfer to Tusla for professional reasons, preferring to remain associated with other healthcare<sup>5</sup> and medical professionals within the HSE and to continue to deliver a service across age ranges. As they perceived it, transferring to Tusla would mean over-specialisation due to primarily delivering a service to children in care.

A committee under the auspices of the project oversight group was set up to examine the issue. However, despite extensive negotiation and, as one interviewee recalled it - 'a decision was taken [in principle] at every level that they should move' - the committee failed to reach final agreement and Tusla commenced operation without any psychology services. Instead, a memorandum of understanding was put in place with the HSE that these services would be provided to Tusla on a pro-rata basis.

There is no clear explanation for this outcome. However, it was suggested that public service cutbacks and the recruitment moratorium were significant factors. Notwithstanding the fact that the children and family aspects of the service had transferred to Tusla, the HSE, always under pressure from a staffing perspective, was reluctant to lose scarce healthcare professionals they would be unable to replace. They were supported in this regard by the Department of Health.

The establishment of Tusla also came at a time when the HSE was engaged in reforming the primary healthcare pillar, which included psychology services, to address the disparate manner in which services were organised and delivered around the country and therefore it was

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<sup>5</sup> Dieticians, physiotherapists, occupational therapists, speech and language therapists



argued that it was not a good time to be seeking to negotiate other changes.

Psychologists were in addition able to point to parallel political commitments to better resource both primary care and mental health. For a number of years, the government's policy with respect to primary care was founded on a model of primary/community care that supported inter-disciplinary and team-based working (Department of Health, 2001). Extracting psychologists from the HSE and moving them to Tusla could be presented as contrary to this policy, though of course they could have been a part of Tusla but co-located with other healthcare professionals in a community setting.

Against this backdrop of varied political commitments, and in particular given the context of austerity and stringent public sector cutbacks, the transfer of what would most likely have been a sub-optimal number of psychologists from the HSE to Tusla, can perhaps be seen as less straightforward than might otherwise have been the case.

### **Governance Arrangements**

The taskforce report refers to 'high level governance' to describe the oversight arrangements for the new agency. Governance relates to 'the way in which organisations are directed, controlled and led ... importantly, it defines where accountability lies throughout the organisation' (UK Cabinet Office, 2011). Mindful of past governance failures, highlighted in many child protection and welfare inquiries, clarity with respect to leadership and accountability were central issues considered by the taskforce.

#### *The Decision in Respect of an Agency*

At the time of the establishment of Tusla, following commitments in the Programme for Government (Government of Ireland, 2011), a process of agency rationalisation was in place in Ireland, partly driven by the need to reduce public service expenditure, but also motivated by a



number of examples of poor governance of agencies. A review of the Irish public service (OECD, 2008) and a report on agency management in Ireland (McGauran et al, 2005) had both recommended closer scrutiny of agency performance by parent departments. Consequently, considerable thought was afforded by the taskforce, firstly whether establishing Children and Family Services as an agency was the optimum approach, and secondly, the right governance arrangements for the new agency.

Primarily because of the specialised and complex nature of the work of the CFA, and the consequent value of it having managerial autonomy, a decision was made that the agency would be a separate legal entity to the department. It was also hoped that independence with regard to operational issues would promote the development of both professional and managerial skills within the agency and would serve to empower staff to take appropriate ownership and responsibility for the delivery of services.

### *Performance Management*

It was recognised by the various stakeholders that creating a well-functioning agency was not just about separating policy design from implementation. The relationship between government departments and agencies under their remit is a complex one. In order for departments to fulfil their statutory obligations to monitor performance with respect to the delivery of policy objectives and the use of resources, appropriate oversight arrangements must be put in place. This is greatly facilitated by developing and maintaining good relationships between management in both the department and the agency. For DCYA achieving these objectives meant reviewing its staff arrangements to ensure that staff working with Tusla had the necessary professional expertise, and also appropriate financial, legal, and performance management experience.

The legislation in respect of the establishment of Tusla includes an innovation whereby the department is required to review the



performance of the agency on an ongoing basis, in addition to the usual annual reporting arrangements. The objective of this approach is to ensure ongoing dialogue in respect of the agency's business plan and an early response to issues arising. In the case of DCYA and Tusla there is the additional challenge that the size of the two organisations is so different. DCYA is a small department of 150 staff of whom about one quarter are assigned to work relevant to Tusla.<sup>6</sup> The agency, with over 4,000 staff is one of the largest non-commercial public bodies in the country, though only a small proportion of these are in senior or corporate management positions and liaising with the department.

### **Operational Issues**

There were significant operational challenges in moving 4,000 staff and a budget of €600 million out of the HSE.

### *Industrial Relations*

The industrial relations aspect of the project was largely managed by DCYA. An early agreement between DCYA, the HSE's Children and Family Services directorate and the trade-union IMPACT, to cooperate in principle around the establishment of the agency was significant and set the tone for subsequent negotiations. The process was further assisted by the agreement of the parties to work together under the auspices of an independent facilitator and also the involvement of a senior industrial relations expert.

A major challenge was deciding on the staff to transfer to the new agency. A survey of staff within the HSE's Children and Family Services directorate was recommended as the appropriate way to proceed. A decision was made that staff who spent 80% or more of their time working on children and family services would transfer. In some cases, this presented challenges, in particular if a member of staff had no one

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<sup>6</sup>150 headcount/137 whole time equivalents. Figures relate to December 2013, immediately prior to the establishment of Tusla.



obvious manager as it was consequently more difficult to assess the breakdown of their working day.

Negotiations were facilitated by an agreement that staff would be able to transfer between the HSE and the CFA on an ongoing basis. It was also agreed that once established there would be a process of workforce planning within the agency and opportunities to change assigned positions.

### *Legislation*

There were challenges in developing the legislation in respect of Tusla. Due to the urgency around establishing the agency, the formulation of policy and the preparation of the legislation happened in tandem. The legislation was enacted in December 2013 immediately prior to the establishment of the agency on 1 January 2014. In an ideal environment, all negotiations would have taken place, and there would be clarity in respect of policy before the legislation is written.

One example of the shortcomings of doing legislation in this manner relates to psychology services. Jurisdiction of psychology services for children and their families was included in the legislation. However, the model for the delivery or transfer of those services from the HSE is not, as of early 2017, fully resolved.

### *Due Diligence*

There is a perception among some proponents of the agency that managers within the HSE blocked the release of staff and budgets for a range of organisational and inter-personal reasons. Certainly there were challenges in seeking to get a timely release of resources, and the agency commenced operation in a technically under-funded position. However, it was a period of national economic crisis and public service budgets everywhere were contracting. Given this context, there was a perhaps inevitable tendency for service managers to attempt to protect



their own service and client group from the impact of the cuts and any perceived impact from the disaggregation of services.

Furthermore, and indicative of a level of cooperation by the HSE, the agency utilised significant resources from the HSE in the period after set-up when a range of processing systems including ICT, procurement and recruitment were provided by the HSE on a shared service basis.

### *Project Management*

Given the scale of the project, there was high potential for delays and mismanagement. There were also significant operational risks that had the potential to jeopardise the credibility of the new agency, for example the importance of successfully processing payments for over 4,000 foster carers and the first court cases as a separate legal entity.

The involvement and engagement of top level managers from the key stakeholders, and the right skills mix on the project team helped to safeguard against these risks. There was also an appreciation of the importance of project management. A senior manager from the Children and Family Services directorate with high level skills in this area was assigned to the project.



## Lessons Learned

The establishment of Tusla was a major public service change programme involving over 4,000 staff and a budget of €600 million. The scale of the task was perhaps under-appreciated by those not directly involved. For example, it was larger in scale than the very high profile establishment of Irish Water.<sup>7</sup> As one interviewee commented 'it only looked small as it was next to an elephant'. In other words, the comparative size of the HSE dwarfed the establishment of Tusla and perhaps resulted in an under-appreciation of what was achieved.

### Ownership of Change

A huge volume of work critical to the establishment of the agency was done by a small group of people with limited transition funding.<sup>8</sup> However, in terms of the effectiveness of the project this was positive. It meant that the same management team were concurrently responsible for the ongoing delivery of children and family services, responsible for developing and implementing the change programme within the Children and Family Services directorate of the HSE, and also responsible for establishing the new agency. This ensured that there was a very high level of commitment to what was trying to be achieved and a very high level of ownership of decisions which were made.

A change management programme was already underway within the Children and Family Services directorate of the HSE from late 2010. This had the objective of addressing the previous fragmented nature of the services and affording staff a better sense of identity. Following the arrival of a new national director for Children and Family Services, this

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<sup>7</sup> Irish Water Ltd. is the water utility company in Ireland. The company was created by the Irish government through the Water Services Act (2013). Water and wastewater services were previously provided by local authorities in Ireland.

<sup>8</sup> Approximately €2 million was spent, primarily on technical support including financial consultancy, systems development and corporate branding.



change programme was accelerated, with the particular objective of ensuring lines of accountability.

In transitioning to the agency, the change programme implemented while the services were still a part of the HSE proved very useful. In effect a shadow organisation was developed with dedicated service and budgetary responsibility, with a view to their transfer to the agency as soon as the necessary legislation was enacted. It also afforded management the opportunity to ensure operational capability was in place and build credibility.

Other change programmes within the Irish public service are perceived to have suffered because they have been developed by consultants or expert groups who had no experience in delivering the relevant services and were subsequently implemented by newly appointed management teams who had no involvement in developing the initiative.

### **Goodwill and Vision**

A striking feature of the establishment of Tusla is the high level of positivity among those involved. At the outset, the taskforce report benefited considerably from the expertise and vision of those on the group. Subsequently those involved in delivering the change were similarly committed and motivated by the objective of improving children and family services.

For many staff from the HSE's Children and Family Services directorate who transferred to the agency, the establishment of Tusla wasn't perceived as an imposed change programme, it was about achieving better services for children. This shared vision served to garner the goodwill of the vast majority of staff and to maintain the energy and commitment of those managing the project who were at times under considerable pressure.



## Leadership and Management

Establishing a new organisation within a tight time-frame requires strong leadership and project governance. This can be best achieved when those at the top in an organisation are actively involved as they have the greatest degree of positional power and relationship leverage to ensure that decisions are acted on and progress is made. In the case of Tusla, the secretary general and management team of DCYA worked closely with the designate management team of the new agency. The well-organised oversight group, chaired by the secretary general, and including all key stakeholders, was an appropriate forum for ensuring most issues that arose were dealt with in a timely manner.

One example of where strong leadership benefited the project was in respect of industrial relations. Transferring 4,000 staff could have become extremely problematic and delayed the project, as has happened with other public service mergers. However, the designate management team of Tusla worked hard to reassure staff due to transfer that the establishment of the agency was a positive development in terms of their work, and would result in improvements in children and family services.

From the department's perspective, considerable care was taken to pre-empt possible industrial relations difficulties. Achieving an agreement with all parties at the outset of the project that they would co-operate in respect of the establishment of the agency was particularly instrumental to the subsequent negotiations.

Overall, it would seem there was the right skills mix among the oversight and project teams leading the Tusla project. Energy, ambition and commitment were complimented by strong inter-personal skills, a capacity to see both perspectives, and an appreciation and respect for the work of others. The project also benefited from the expert project and risk management skills of one of the managers assigned to the project team. This oversight ensured that the project progressed in a



timely manner and serious risks that could have undermined the operational credibility of the new agency were addressed.

## **Governance**

The decision to establish Tusla as an agency and separate legal entity appears to have been the right decision given the specialised nature of the work of the agency and its scale. However, on occasion the management of the performance of Irish agencies by their parent department has been inadequate. In the case of Tusla, considerable care was taken to safeguard against this by ensuring robust performance management arrangements. Both Tusla and DCYA appear to have recognised the importance of good oversight and been flexible in putting in place the right personnel, structures and supports. For the department this is particularly pertinent as the comparative scale of the agency could make proper governance challenging. Care was also taken to ensure that those appointed to the agency board had a good mix of experience, including knowledge of the public service and agency governance, and also a background in children and family services.

Jurisdiction of psychology services for children and their families was included in the legislation, however, the model for the delivery or transfer of those services from the HSE is not yet resolved. Problems of this nature are particularly likely to arise in circumstances where the change programme and the political commitment identify a specific commencement date in advance of the conclusion of the parliamentary process. On the other hand, the signalling of a date may also have supported a relatively speedy and successful execution of the change programme and the establishment of the new agency.

## **A Pragmatic Approach?**

The service model of Tusla is not fully the one envisioned in the taskforce report. While many functions transferred as intended not everything



recommended by the task force was included. The taskforce advised that the new agency should encompass a wide-range of universal services accessed by all children and families, in addition to targeted services focused on child welfare and protection. In particular, the taskforce believed these should include the child and family component of community-based services such as public health nursing, speech and language therapy and psychology services.

By some this outcome is perceived as realistic – the change programme was challenging enough and, while appreciating the vision the taskforce had for the agency, in practice it would be impossible for one agency to cover all children’s services. However, by others the outcome is regarded as a missed opportunity and a failure to implement in full a change programme that would have definitively improved children’s services in Ireland.

From the agency’s perspective they believed that on occasions their negotiating position was weaker than it could have or should have been and that they were pitted against the might of the HSE and DOH. There is some evidence in support of this contention in that the agency was established in a technically under-funded position and, perhaps more pertinently, no definitive decision was made with regard to the transfer of psychology services. However, among HSE staff involved in the project it is perhaps only natural that in addition to the job of setting up the agency that they would be equally focused on their own continuing responsibilities within the HSE. Also, during a severe economic crisis it is understandable that they would wish to protect their budgets and services.

It was therefore suggested by some agency representatives that there should have been an intermediary or referee, perhaps officials from the Department of Public Expenditure and Reform, to broker final decisions in respect of key staffing and budget decisions. However, given the



autonomy afforded to individual government departments within the Irish civil service it would not be considered as part of the role of central government departments to act as referee in negotiations between two other departments and their agencies. In the course of this research comments along the lines of 'these things are viewed in the round' were made. In other words, civil servants frequently take a pragmatic view of negotiations of this nature, contending that each side may 'win some and lose some' in the short-term, but that a balanced outcome is generally achieved in the long-run.



## Conclusions

The establishment of Tusla, a process which began in 2011 and concluded on the agency's establishment day, 1 January 2014, was a major public service change project. Notwithstanding the scale of the project, the economic climate of austerity and the very considerable work effort involved, the establishment of Tusla was relatively successful.

The decision to establish Tusla as a separate legal entity or agency came at a time when government policy was to reduce agency numbers. With minimal transition funding, the project was led by senior management from DCYA and the HSE's Children and Family Services, whose staff were by far the largest grouping in the new agency. As a result, those making decisions during establishment negotiations had both experience of delivering children and family services and would also have responsibility for managing the future organisation. This has not always been the case in public service reform projects.

It was essential given the nature of the services provided and the vulnerability of some clients, that the agency had strong operational capability and credibility from the start. From this perspective, commencing the organisation restructuring programme within the HSE's Children and Family Services in advance of the transition was very beneficial. It ensured that the management team, lines of responsibility and budgetary arrangements were all in place in 'shadow form' prior to the transfer to Tusla, thereby avoiding the operational difficulties and consequent public loss of confidence that has been a feature of other public service reform initiatives.



Understandably, the workload for those involved in delivering a service, managing a change programme and establishing an agency was huge and considerable credit should be afforded to those involved. However, the project undoubtedly benefited from a sense of ownership of the new agency. The establishment of Tusla wasn't an imposed change programme, it was about ensuring a better service for children and families.

Challenges and decisions with regard to Tusla's service model are perhaps the most contentious aspect of the whole establishment project. Some commentators believe that the present outcome, whereby the agency primarily focuses on child protection and welfare, represents a missed opportunity and a lack of commitment to a bigger vision of what is best for children. However, the contrary view is that the outcome is a realistic one – establishing Tusla in its present form was challenging enough, and moreover, it would be impossible for one agency to cover all children's services. There is also the possibility in the future, as Tusla establishes itself, to expand its services and take on responsibilities in other areas.



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## Appendix 1: Research methodology

This study used qualitative research methods to review the establishment of the Child and Family Agency, Tusla. The case study reflects on the issues and challenges to arise in the establishment of a new government agency. It is not concerned with the manner in which Tusla has subsequently operated or delivered on its objectives.

A review of extensive documentation in respect of the establishment of Tusla, provided by the Department of Children and Youth Affairs (DCYA), represented the basis of the research. The report of the Taskforce on the Child and Family Research Agency and supporting research papers developed by the Centre for Effective Services were particularly useful.

A key informant list was developed in conjunction with DCYA and all of these individuals consented to a request for interview. In a number of instances, interviewees indicated that they were pleased the case study was being written. Tremendous work had gone into the development of Tusla, with considerable learning emerging from the process. These interviewees were gratified that this learning was to be recorded. All interviewees were assured of confidentiality.

A general interview guide was developed to ensure that necessary information was obtained and it was sent to all interviewees in advance of the interview to allow them to prepare and reflect. However, the guide was adapted in accordance with each interviewee to reflect their role, level of responsibility and level of involvement at different stages of the project. Interviews were all face-to-face and at a venue selected by the interviewee. In line with the objectives of the research, the interview concentrated on issues and challenges that had arisen during the period from the announcement of a new Child and Family Support Agency, up until the establishment day which was 1 January 2014.

Due to resource constraints, only senior management were interviewed. Therefore, a potential for top-down bias has to be acknowledged in



respect of the analysis. However, given awareness of this risk, interviewees were carefully probed in respect of issues of concern to staff at other levels, to ensure that their concerns were also reflected. Meeting only with top level management was also justified on the basis that the research focuses on the establishment of Tusla, a project which primarily involved only a small number of senior managers.

Following review and input from DCYA, the case study was submitted to the editorial board, established by the Department of Public Expenditure and Reform, which has overall responsibility for quality assurance.



## Appendix 2: Teaching notes

Case studies are tools in both formal learning and informal knowledge sharing among individuals and organisations. The purpose of the teaching note is not to provide a lesson plan for instructors, nor to presume to organise the thinking of the independent reader. Rather, it is to suggest lines of inquiry or areas of learning where the experiences and lessons learned may be of use. The intent is suggestive not directive (Graham, 2012).

The establishment of Tusla is a case study about setting up a government agency in an effort to improve children and family services, during a period of major public service retrenchment and reform. The case study suggests a number of important lines of enquiry:

- The case is an excellent basis for exploring the tensions between vision and pragmatism in administration and public service management. Was it a once in a lifetime opportunity to reform children and family services in Ireland through establishing a holistic and universal service? Or was it realistic, given the economic climate and issues of scale, to establish an agency on a more limited scale which may expand in the future?
- The case provides opportunities for discussions in respect of how deals are brokered in political and administrative circles. Is it a command or a consensus approach? Or does the truth lie somewhere in the middle? Within the Irish civil service should there be a broker or referee to make definitive, binding decisions on parties involved in negotiations? Should centre government departments have some level of authority over other departments, in other words should there be stronger cross-civil service leadership?
- The case is particularly interesting from a public service reform perspective. Why was the transfer of staff and establishment of a



new agency largely successful in this case, compared to the problems experienced by other new organisations? Ultimately, is success simply down to the calibre of the individuals involved, or are other factors relevant?

- Consequent to this, the case study provides opportunity to discuss the question of leadership in the public service and what sort of leadership is required to work in the civil service and to lead on a project of this scale?
- The case provides opportunity for discussion in relation to ownership of services and responsibility for staff. Does it matter what organisation staff serve under if they are providing the service, especially in circumstances where there is a need to co-locate staff for service delivery reasons? Are memorandums of understanding and similar arrangements workable?
- The case study highlights issues in respect of governance of agencies and the appropriate delineation of roles and responsibilities between departments, boards and agency management, which has been something of a contentious issue on an ongoing basis.