



**Guidelines for COVID-19 Testing for Young People who are accommodated under Section 5 of the Child Care Act, 1991 and not in the care of Tusla**

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## 1.0 Introduction

In response to the outbreak of the coronavirus (COVID-19), Tusla is working closely with its HSE colleagues to help stop the spread of COVID-19. The HSE provides regular updates on its website with the most up to date information on the evolving situation with the pandemic. As additional information becomes available, these guidelines will be updated and circulated, as required.

In order to control the spread of COVID-19, it is imperative that the guidelines for proper hand and environmental hygiene and cough etiquette are followed. Following these actions properly is the first line of defence against this virus. A copy of these guidelines should be made available and displayed in in all relevant work locations.

## 2.0 Legislation/ National Policy

Health Act, 1947

National Policy and Procedure on the Use of Section 5 of the Child Care Act, 1991 (2012)

Incident Management Policy, 2016 (Where young people are subject to the provisions of section 5 of the Childcare Act, 1991 and are in receipt of a Tusla provided service in a Tusla premises, this policy should be implemented).

Please [click here](#) to obtain a copy of the National Policy and Procedure on the Use of Section 5 of the Child Care Act, 1991.

[http://hsenet.hse.ie/childfamilyagency/Child\\_Protection\\_Policy\\_and\\_Procedures.html](http://hsenet.hse.ie/childfamilyagency/Child_Protection_Policy_and_Procedures.html)

Child Care Act, 1991

## 3.0 Purpose of the Guidance

This guideline also applies to a situation when the medical advice stipulates that the young person needs to self-isolate. This may involve the assistance and support of the young person's parents/guardians and other key professionals who have a bona fide interest in the young person.

Section 5 of the Child Care Act, 1991 legislates for young people aged 16-17 years who cannot return home to their family, and are provided with a place to stay by Tusla on an emergency or short term basis. In accordance with Tusla policy, these young people should have a placement plan and an assigned key worker. If a return home is not possible then there should be an agreed timeframe for identifying suitable long-term accommodation. This document refers only to young people who are availing of Tusla provided accommodation.

The following guidelines apply to young people 16-17 years of age who are accommodated under section 5 of the Child Care Act, 1991, where he/she has requested Covid 19 testing. It also applies in circumstances where parents/guardians

and/or staff caring for the young person are concerned that the young person is displaying symptoms of COVID-19.

#### **4.0 Voluntary Consent to testing**

If the young person is over 16 years of age, has legal authority to provide consent to their own medical treatment, and has sought advice or treatment in relation to suspected COVID-19, then the staff caring for him/her shall assist the young person to follow the advice as set out at [hse.ie](https://www.hse.ie).

Under no circumstances should anyone travel to a GP's surgery or a hospital Emergency Department unless advised by a medical practitioner to do so.

#### **5.0 Capacity for Consent to testing**

Where staff caring for a young person has concerns about a young person's capacity to give consent, they must contact the young person's parents/guardians and the Tusla assigned key worker. In consultation with their line management, staff should make contact with the Office of Legal Services to seek advice.

#### **6.0 Procedure for refusal to seek medical advice**

If a young person 16 years of age or over is refusing to seek medical advice (including self-isolation), and it is the view of the staff caring for him/her that they are presenting with symptoms of COVID-19, the staff must immediately advise the parents and the Tusla assigned key worker.

The parents and the Tusla assigned key worker will be requested to make contact with the young person to provide support and encourage them to consent to testing for COVID-19. If a young person is in not the care of Tusla, the obligation to act in his/her best interests still pertains. Therefore, every reasonable effort should be made by those caring for the young person to seek his/her consent for COVID-19 testing.

In the event of the young person refusing to provide consent to COVID-19 testing, self-isolation or any other medical advice, then staff will inform him/her that this is a matter of public health importance and will be notified to the HSE. They must also explain the potential consequences of this to the young person concerned.

In the event that the young person refuses to continue to consent or seek medical attention, the following steps must be taken:

- The assigned key worker must bring the refusal to the attention of his/her line manager who in turn must escalate this matter to the Area Manager.
- The Area Manager will make a decision with regard to the need to notify the HSE.
- The Area Manager must provide all notifications to the Chief Officer of the relevant Community Health Organisation.

- Based on public health advice from the HSE, a notification may be provided to An Garda Síochána.

***A decision to notify a young person to the HSE should be made if it deemed essential and in the best interests of public health. These decisions will require agreement/approval from the Area Manager.***

All refusals to seek medical advice or to follow medical advice must be recorded on the National Incident Management System, on a National Incident Report Form, under Section L: Dangerous Occurrence.

Staff must inform the young person where a decision is taken to formally notify the HSE.

Staff tasked with caring for the young person must keep the parent/legal guardian fully updated on the young person's health, social and physical circumstances.

In the event that An Garda Síochána indicates that it will not take any action following a notification by Tusla of a refusal based on public health advice, the allocated key worker must inform his/her line manager and notify his/her Area Manager.

## **7.0 Procedure where young person has tested positive for the COVID-19**

If any young person in Tusla accommodation has tested positive for COVID-19 or, has been advised to self-isolate, then the management of the accommodation should follow the advice as set out at [hse.ie](https://www.hse.ie) and make the appropriate decisions in that context.

Staff tasked with caring for the young person must keep the parent/legal guardian fully updated on the young person's health, social and physical circumstances.

All incidents of confirmed cases of COVID-19 in any Tusla accommodation must be recorded on the National Incident Management System, using the National Incident Management Report, under Section K: Bio Hazards.

**Approved by Tusla Crisis Management Team – COVID-19**