



OMBUDSMAN FOR CHILDREN

An independent voice
for children and young people

OMBUDSMAN DO LEANAÍ

Guth neamhspleách do leanaí
agus do dhaoine óga

WHO IS THE OMBUDSMAN FOR CHILDREN?

Emily Logan is the first Ombudsman for Children in Ireland.

Emily worked as a children's nurse for 22 years before she became Ombudsman for Children.

Emily's entire career has been dedicated to promoting children's rights and welfare, through her work as a children's nurse, the various Director of Nursing positions she held and most recently as Ombudsman for Children. She commenced her work with children at Temple Street hospital in the early 1980s. Emily then spent 10 years working in the UK at Guy's Hospital and Great Ormond Street Hospital, where she was appointed to an investigation team looking into all clinical incidents following the murder of four children at another hospital by a registered nurse. Emily returned to Ireland to become Director of Nursing at Our Lady's Hospital for Sick Children, Crumlin and later became Director of Nursing at Tallaght Hospital. Emily holds a MBA, an MSc in Psychology and a Diploma in Mediation.

Emily was appointed Ombudsman for Children in December 2003, although she didn't take up the role until March 2004. The selection process was very innovative. Only three adults were involved in the process. The other 15 people were under the age of 18. These young people were involved right from the beginning. Their ideas were included in the job description and they helped design the job advertisement which won an award. Emily Logan's first six-year term as Ombudsman for Children expired in December 2009. Emily was subsequently reappointed to this post for a further six years following resolutions passed by both Houses of the Oireachtas. The Ombudsman for Children is a presidential appointment and reports directly to the Oireachtas.

WHAT IS AN OMBUDSMAN FOR CHILDREN?

The word Ombudsman comes from Scandinavia. The 'ombuds' part means defender of rights and the 'man' part refers to the people whose rights are defended – mankind. An Ombudsman is somebody who safeguards the rights of individuals or a particular group in relation to the powers and actions of government and other public bodies.

Norway was the first country to appoint an Ombudsman to specifically look after the rights of children and young people. This happened in 1981. Today many countries have an Ombudsman for Children.

Originally Ombudsman for Children offices were set up to independently investigate complaints against public bodies. This was before the UN Convention on the Rights of the Child was adopted in 1989. Since then, in addition to investigating complaints, the Ombudsman for Children offices around the world have worked hard to promote the rights of children and young people as set out in the UN Convention.

In Ireland as far back as 1996 many dedicated people who were committed to children's rights lobbied the Government for an Irish Ombudsman for Children. The Ombudsman for Children Act, which sets out the role and the powers of this Office was passed by the Dáil and the Seanad in 2002.

Emily Logan took up the post of Ireland's first Ombudsman for Children in March 2004.

WHAT DOES THE OMBUDSMAN FOR CHILDREN DO?

The Ombudsman for Children's Office was established under the Ombudsman for Children Act, 2002. The purpose of the Ombudsman for Children is to promote and safeguard the rights and welfare of children and young people under the age of 18. The Ombudsman for Children is independent of Government and is accountable to the Oireachtas.

The Ombudsman for Children Act, 2002, describes in detail what the Ombudsman for Children can do. The three main areas of work outlined in the Ombudsman for Children Act, 2002 are:

Promoting children's rights

In 1989 the United Nations General Assembly adopted the Convention on the Rights of the Child. This document is a guide to how children should be treated and the rights that they have. The Ombudsman for Children Act, 2002 says the Ombudsman should use the UN Convention as a tool for promoting children's rights.

One of the most important rights in the Convention on the Rights of the Child is Article 12. This Article states that young people have a right to have their views heard about matters that affect them. Ireland promised to respect all the rights of children and young people set out in the document. Most other countries in the world have also signed up to the Convention.

Children and young people are involved in projects right across the three functions of the Office. Their participation enhances the effectiveness of what we do.

Complaints and investigations

The Ombudsman for Children can investigate complaints about services provided to children and young people under 18 years of age by public organisations, schools and hospitals. The key criteria for intervention is that a child has or may have been negatively affected by the action or inaction of a public body and that there was or may have been maladministration.

In relation to our complaints work, the OCO is not an advocate for the child nor an adversary to the public organisation. The OCO does its best to find empowering solutions for all parties. We respect those complained against and aim to support them in understanding the issues, to learn and where necessary, change relevant systems and processes.

The OCO makes every effort to ensure that the experience for both parties is constructive so as to achieve the most positive results for the child at the centre of the complaint, the public body at the centre of the complaint and ultimately for all children in contact with the public body.

Complaints can be made by children and young people under 18 years or adults on their behalf.

Before the Ombudsman for Children can investigate a case, local complaints procedures (the school's, public organisation's or hospital's own complaints procedures) should be followed. This is important so that the right people have a chance to sort things out. The Ombudsman for Children's Office will check that this has happened

before the Office will investigate any complaint.

The Office can give advice about how to make complaints locally.

Research and legislation

In order to protect and promote children's and young people's rights and welfare, it is crucial that the OCO's work is based on careful and insightful policy development. The reality is that for a number of complex reasons, many children are vulnerable in Ireland today.

This needs to change. We work hard to ensure that legislation, national policy and State services to children and young people meet the highest international human rights standards; in particular that they fulfil Ireland's obligations under the UN Convention on the Rights of the Child.

The Ombudsman for Children Act, 2002 sets out the policy and research role of the OCO. This role includes advising Ministers on the development and co-ordination of policy relating to children; monitoring and reviewing the operation of legislation relating to the rights and welfare of children; undertaking, promoting and publishing research into any matter relating to the rights and welfare of children; and advising Ministers on the implementation of relevant legislative proposals with specific regard to their implications for children and their wellbeing.

HOW TO CONTACT US

Website address

www.oco.ie

Email

oco@oco.ie

Postal Address

Millennium House
52-56 Great Strand Street
Dublin 1

Telephone

+353 1 865 6800

Freefone complaints line

1800 20 20 40

**THE OCO HAS DEVELOPED
COMPLAINTS MATERIALS
FOR CHILDREN AND YOUNG
PEOPLE WHICH
ARE AVAILABLE ON
WWW.OCO.IE**

COMPLAINING TO THE OMBUDSMAN FOR CHILDREN'S OFFICE

Who can complain?

You can complain to the Ombudsman for Children if:

- you are under 18 and you feel an action by a public organisation, school or voluntary hospital has treated you unfairly; or
- you are an adult who wants to complain on behalf of a child or young person under 18 because you think that the child was badly affected by an action by a public organisation, school or voluntary hospital. If you are not the child's parent, we will have to let them know about the complaint.

Who can I complain about?

You can complain about:

- a public organisation / a school / a hospital

The Ombudsman for Children's Office can only investigate complaints against public organisations, schools registered with the Department of Education and Skills and voluntary hospitals (hospitals that have their own board of management). The Ombudsman for Children can't investigate complaints against private organisations, such as private crèches.

What can I complain about?

The Ombudsman for Children can investigate a complaint when an action has had a negative effect on a child and it was:

- taken without proper authority;
- the result of negligence or carelessness;
- based on wrong and incomplete information;
- based on discrimination;
- based on poor management practice; or
- not based on fair management practice.

When can I complain?

It is very important that you go through the local complaint procedures first. This means that you complain directly to the organisation concerned and give them a chance to sort things out. If you are still not satisfied you can then complain to the Ombudsman for Children.

To complain you can:

- Write to us at:
Ombudsman for Children's Office
Millennium House
52-56 Great Strand Street
Dublin 1
Or
- Email us at oco@oco.ie
Or
- Ring us on freefone 1800 202040
Or
- Submit a complaint online directly
at www.oco.ie

How can I complain?

When you send a written complaint, you need to include as much information as possible, including:

- a brief explanation of the complaint;
- your contact details;
- the contact details of the organisation you are complaining about, if possible; and
- other useful or relevant contact details such as the name and telephone number of your social worker, principal of the school and so on.

If you know somebody who needs help from our Office but would not be comfortable writing their complaint or reading written correspondence, please talk to a member of staff and we will arrange more suitable ways to communicate with them. The OCO has also developed complaints materials for children and young people which are available on www.oco.ie or by contacting our Office.

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ORGANISATIONS THAT THE OMBUDSMAN FOR CHILDREN CAN INVESTIGATE

1. Primary and post primary schools (including Gaelscoileanna) and the five children's detention schools in Ireland registered with the Department of Education and Skills
2. Voluntary hospitals (hospitals that have their own board of management)
3. Local authorities
4. Health Service Executive and Health Authorities (previously Health Boards)
5. Government Departments
6. Public organisations involved in the delivery of services to children and young people. If you are unsure if the organisation you have a complaint about falls within the remit of the OCO, please contact us and we are happy to advise you.

SOMETIMES WE WON'T STEP IN

The Ombudsman for Children Act, 2002, details the responsibilities and duties of the Ombudsman for Children.

The Ombudsman for Children's Office cannot deal with a complaint if:

- it is about an organisation other than a public organisation, school or hospital or any organisation not specified in the Ombudsman for Children Act, 2002;
- a child has not been treated unfairly;
- the person complaining has not made every reasonable effort to resolve the situation with the organisation concerned, for example through the organisation's own complaints or appeals procedure;
- it has already been investigated by any other Ombudsman's Office;
- it relates to a court case specifically excluded from the Ombudsman for Children's powers under the Ombudsman for Children, Act, 2002.

A complaint is out of our remit according to the Ombudsman for Children Act, 2002, if:

- it is being dealt with by a court;
- it affects or relates to national security or military arrangements;
- it relates to the recruitment or appointment of staff;
- it relates to a contract of services or employment;
- it relates to how asylum, immigration, naturalisation or citizenship is granted;
- it is taken in the running of prisons or other detention places (this does not include children's detention schools – the OCO does have a role in investigating the running of such schools);
- it relates to exam results; and
- if the complaint is not made two years from the time of the action or on becoming aware of the action, unless there are special circumstances.

IF WE CAN'T HELP YOU MAYBE THESE ORGANISATIONS CAN...

- **Other Ombudsman Offices**

Financial Services Ombudsman

3rd Floor, Lincoln House, Lincoln Place, Dublin 2

Lo Call: 1890 88 20 90

Tel: 01 6620899 | Fax: 01 6620890

www.financialombudsman.ie

The Financial Services Ombudsman is a statutory officer who deals independently with unresolved complaints from consumers about their individual dealings with all financial service providers.

Garda Síochána Ombudsman Commission

150 Abbey Street Upper, Dublin 1

LoCall: 1890 600 800

Tel: 01 871 67 27 | Fax: 01 814 70 23

www.gardaombudsman.ie

The Garda Síochána Ombudsman Commission is an independent statutory body and is required and empowered to:

- Directly and independently investigate complaints against members of the Garda Síochána;
- Investigate any matter, even where no complaint has been made, where it appears that a Garda may have committed an offence or behaved in a way that would justify disciplinary proceedings;
- Investigate any practice, policy or procedure of the Garda Síochána with a view to reducing the incidence of related complaints.

Office of the Ombudsman

18 Lr. Leeson Street, Dublin 2

Tel: 01 639 5600 | Fax: 01 639 5674

Lo-call: 1890 223030

www.ombudsman.gov.ie

The Office of the Ombudsman examines complaints about the administrative actions of Government departments, the Health Service Executive, local authorities and An Post.

Ombudsman for the Defence Forces

13/15 Lower Hatch Street, Dublin 2

Tel: 01 663 3222 | Fax: 01 663 3223

www.odf.ie

The Ombudsman for the Defence Forces investigates complaints by members and former members of the Defence Forces.

Pensions Ombudsman

36 Upper Mount Street, Dublin 2

Tel: 01 647 1650 | Fax: 01 676 9577

www.pensionsombudsman.ie

The Pensions Ombudsman investigates and decides complaints and disputes involving occupational pension schemes, Personal Retirement Savings Accounts (PRSAs) and Trust RACs.

Press Ombudsman

1, 2 & 3 Westmoreland Street, Dublin 2

Lo-call: 1890 208 080 | Fax: 01-6740046

www.pressombudsman.ie

The Press Ombudsman aims to provide the public with a quick, fair and free method of resolving any complaints they may have in relation to newspapers and periodicals that breach the Code of Practice for newspapers and periodicals.

An Comisínéir Teanga

An Spidéal, Co. na Gaillimhe

Tel: 1890 504006 | Fax: (091) 504036

www.coimisineir.ie

- The Commissioner Teanga's role is to monitor compliance by public bodies with the provisions of the Official Languages Act and to take all necessary measures to ensure compliance by public bodies with their duties under the Act.

• Barnardos

Callsave: 1850 222 300 | Tel: (01) 453 0355

www.barnardos.ie

Bardardos' services include:

- family support
- bereavement counselling for children who have lost someone close to them; and
- Guardian ad litem – representing children's best interests in court.

• ISPCC/Childline

Freefone: 1800 66 66 66

www.ispcc.ie

Childline is a listening service for children run by the Irish Society for the prevention of Cruelty to Children (ISPCC)

• National Council for Special Education

Tel: 046 9486400 | Fax: 046 9486404

www.ncse.ie

The National Council for Special Education organises educational and related support services for children with disabilities who have special educational needs. A local service is provided by a Special Educational Needs Organiser. Your local school will give you contact details or alternatively contact the NCSE directly at the above number.

• National Educational Welfare Board

Tel: (01) 873 8700

www.newb.ie

The main function of the Board is to ensure that each child in the State attends a recognised school or otherwise receives an appropriate education.

• Health Information and Quality Authority (HIQA)

Tel: (021) 240 9300

Dublin regional office tel: (01) 814 7400

HIQA is responsible for ensuring quality and safety in Ireland's health and social care services.

• Irish Association of Young People in Care (IAYPIC)

Tel: 01 872 7661

www.iaypic.ie

IAYPIC's role is to give a voice to what young people in care are saying, to promote the rights of children in care, to provide information, advice and support to young people and to promote the participation of young people.

• Irish Refugee Council (IRC)

Tel: 01 764 5854

www.irishrefugeecouncil.ie

The Irish Refugee Council aims to :

- ensure that all aspects of Ireland's asylum and refugee policy and practice (legal, social, economic and cultural) fully respect international law and the human rights of asylum-seekers and refugees;
- serve the networking, information exchange and advocacy needs of the asylum-seeking and refugee communities, the IRC membership and other organisations with similar aims.

CHILDREN AND YOUNG PEOPLE'S INVOLVEMENT AT THE OCO

Children and young people are central to our work in the Ombudsman for Children's Office (OCO).

Children and young people have so much to teach us about their experiences and are always so generous with their knowledge, insight and time. It is only with their input that we can do our work in a meaningful way, and their contribution adds to the success of our work.

The Ombudsman for Children Act, 2002 which outlines how the OCO should operate says children must be able to influence the Children's Ombudsman's work.

Section 7(2) (a) of the Act, 2002, says the Ombudsman for Children must consult regularly with groups of children and young people.

We are here to work on behalf of all children and young people under 18 who live in Ireland. We meet with children and young people as often as we can to make sure that our work is relevant. We travel around the country to meet children and young people at various events and many visitors come to see us in OCO.

Young people work with us on lots of different projects, such as our consultation with separated children who have come to Ireland without their parents; our consultation with young people in St Patrick's Institution; and through our complaints work. Sometimes they give us advice about how to do our work; sometimes we teach them about what we do and about children's rights.

What is YAP?

YAP is a group of young people aged 12- 17 years that have helped guide the work of the Office from its earliest days. This group changes every few years, and the OCO sometimes takes a break from this structure in order to make sure that we can meet and consult with as many different young people in as many different ways as possible.

Young people on the YAP panel offer us a youth view. They take part as individuals in their own right rather than as representatives of other young people.

What do the members of YAP do?

YAP's role is very broad. Its members:

- are involved in the recruitment of our staff;
- 'youth proof' our external communication with children and young people – for example the website, information pack, annual report, posters;
- give us advice about the best way to communicate with children and young people;
- help to inform us of emerging issues for children and young people;
- advise on the planning and rollout of OCO events;
- assist the ongoing design and development of OCO premises;
- assist OCO planning;
- are actively involved in promoting OCO's work and the United Nations Convention on the Rights of the Child, (UNCRC) with other children and young people;

- help OCO with media work on radio and TV; and
- act as a sounding board for OCO on new policy and research issues.

Visits to the OCO

We have schools visit the Office on a regular basis where children and young people can learn about their rights. Students from primary and post primary schools and members of youth groups attend these workshops.

The workshops are designed to complement the human rights education curricula already in use in the school and youth settings. They focus on the United Nations Convention on the Rights of the Child (UNCRC) and on the role of the Ombudsman for Children's Office. Children and young people have been actively involved in the design of the workshops. They give us an ongoing opportunity to consult with children and young people on issues related to our work.

Other areas that young people are involved

In December 2005, we asked the Children's Research Centre in Trinity College Dublin, to research what was the best way that children could take part in our activities. We asked them to use this research to give us a 'model' that would show us how children could work with us in and across our core areas of work.

As part of this project we ran a special day where members of YAP helped to manage meetings with young people of different ages, from different parts of Ireland and from different walks of life. They worked to find out how best we could communicate with young people and include them in the different aspects of our work.

YAP and the visits to the OCO are examples of structures we have set up to make sure we hear what young people have to say.

Our website – www.oco.ie

We wanted to make sure that our website was interesting and relevant to young people, so we ran a competition looking for ideas for the new OCO site. The winners met with a web design company and came up with ideas for what the site would look like and for different webpages.

We asked three more groups of young people to help us write 'youth-friendly' content and then we checked out all of this with even more young people until the new site was ready to go live.

The Big Ballot

In 2007 we conducted the largest ever consultation with children and young people in Ireland. Almost 75,000 children and young people from the ages of 4 to 18 from 550 schools, Youthreach Centres and Senior Traveller Training Centres voted on the issues that they wanted the OCO to work on on their behalf. Children and young people told us that Family & Care was the most important issue for them. They also voted for Education; Play & Recreation; Having a Voice and Health, Wealth & Material Well-being. The OCO continues to work on all of these issues through its Complaints and Investigations, Policy and Legislation, and Education and Participation work.

**CHILDREN AND YOUNG
PEOPLE ARE CENTRAL
TO OUR WORK IN THE
OMBUDSMAN FOR
CHILDREN'S OFFICE**

POLICY AND LEGISLATION

The Ombudsman for Children Act, 2002 sets out the kind of policy and legislation work we do.

What is our policy role?

- We advise the Government on how to deal with things that matter to children and young people.
- We keep an eye on laws that affect children and make recommendations aimed at improving laws.
- We encourage public organisations to promote the rights and welfare of children.

How we advise the Government

- We write reports to the Government that outline our advice and recommendations.
- We meet Ministers, civil servants and members of the Oireachtas to discuss our views and seek solutions to problems.

In the past we have advised the Government on issues including:

- the protection of children from abuse;
- the criminal justice system;
- how to change the Constitution to provide better protection for children's rights;
- the conditions and circumstances in which separated children who have come to Ireland without their parents live; and
- the setting up of a mechanism to review the circumstances of child death in Ireland in order to prevent avoidable deaths.

We listen to children

We listen to children and young people when we are carrying out our work. Their voices help us to decide what issues to work on and what to do about them. We then use our powers and our position to bring these voices to the attention of the Government and the Oireachtas.

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SUMMARY OF THE UN CONVENTION ON THE RIGHTS OF THE CHILD

All children and young people are equal rights holders. The UN Convention on the Rights of the Child lists the rights that every child and young person should be guaranteed. All children have the same rights and it is the responsibility of both young people and adults to ensure that these rights are realised.

All children up to 18 years, have:

- the right to life
- the right to a name and nationality
- the right to have their best interests considered by people making decisions about them
- the right to be with their parents or those who will care for them best
- the right to have a say about things that affect them and for adults to listen and take their opinions seriously
- the right to have ideas and say what they think
- the right to practice their religion
- the right to meet with other children
- the right to get information they need
- the right to special care, education and training, if needed
- the right to health care
- the right to enough food and clean water
- the right to free education
- the right to play and rest
- the right to speak their own language
- the right to learn about and enjoy their own culture
- the right not to be used as cheap workers
- the right not to be hurt or neglected
- the right not be used as soldiers in wars
- the right to be protected from danger and
- the right to know about their rights and responsibilities.

THE UN CONVENTION ON THE RIGHTS OF THE CHILD LISTS THE RIGHTS THAT EVERY CHILD AND YOUNG PERSON SHOULD BE GUARANTEED