

Annual Report 2017



**ombudsman
do leanaí
for children**



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OmbudsmanForChildren @OCO_ireland · 11 Sep 2017

Just a few pics from the opening today of Rights in their Eyes-an exhibition by the 63rd Texaco Children's Art Competition winners #UNCRC25

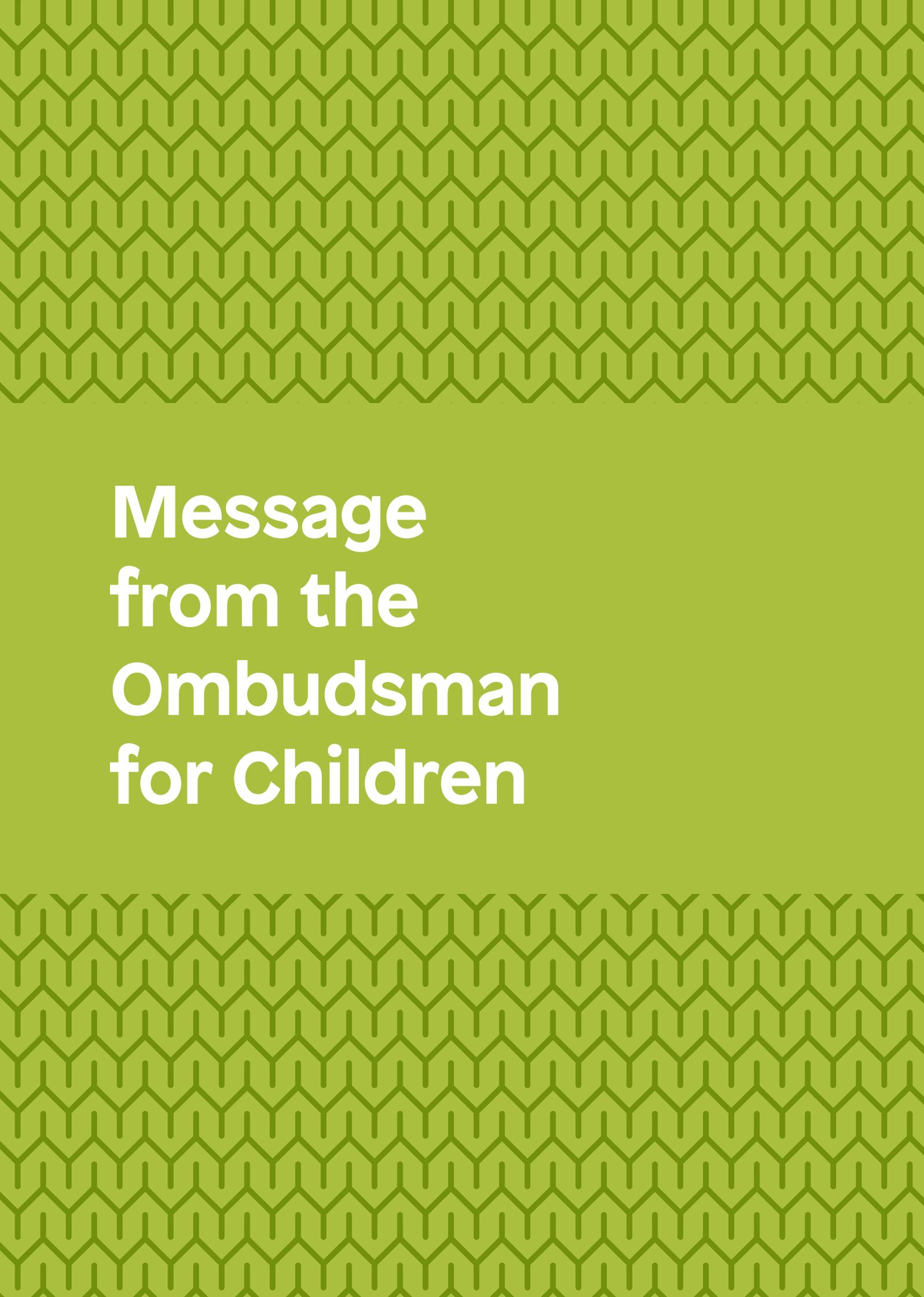


OmbudsmanForChildren @OCO_ireland · 24 Aug 2017

Young people in hospital, their parents and hospital staff are having their say on what they think is working well oco.ie/2017/08/3680/



Temple Street CUH, Temple Street and CMRF Crumlin



Message from the Ombudsman for Children



Dr Niall Muldoon

**Ombudsman
for Children**

I am pleased to submit to the Oireachtas my Annual Report for the period January 1 to December 31 2017, pursuant to Section 13(7) of the Ombudsman for Children Act, 2002.

I am extremely honoured to hold the position of Ombudsman for Children and I aim to fulfil my duties at all times with drive and passion. The 25th Anniversary of Ireland's ratification of the UNCRC in September 2017 was an appropriate occasion to consider achievements over the past two decades, and to assess the challenges still faced by children in Ireland. It underlined a number of key areas where children are still not afforded the opportunity to live safe, fulfilling and happy lives.

In my first days as Ombudsman for Children I set out two goals for this Office – one was to continue the work of the Office to bring an end to the detention of children in adult prisons and the second was to ensure children in the Direct Provision system have access to our Office. I am pleased to note that in 2017 these two particularly vulnerable groups of children within the State system were, finally, afforded increased respect and dignity.

After over 100 years of placing children in prison, the Irish Government ended that practice in April 2017 and now all those under 18 years who are remanded or convicted for a criminal offence are sent to Oberstown Children's Detention Campus. These young people will be held in a setting that has a responsibility to support their reintegration into the community by providing psychological, social and educational support.

In April 2017, 17 years after the setting up of the Direct Provision system, the last group of children who could not bring a complaint to this Office about the system, were finally allowed to do so. In our first year, we met with over 170 children and young people in Direct Provision centres and informed them about their rights. The rights of these children have been adversely affected by this system, and their lack of access to this Office has compounded that failure. Many individuals, NGOs and politicians have fought for this change and my Office aims to provide a strong, positive and fair complaints service to all children and families within the Direct Provision system.

In December of 2017 this Office finalised a report on a young girl, 'Molly, with severe disabilities who had been in a caring foster home for 14 years. Her case shows the challenges faced by her foster mother to get the assistance needed to carry out the role she was asked to do on behalf of this State. Our Office has observed a constant battle between the HSE and Tusla, with no clear lines of responsibility for funding to meet Molly's needs.

There can be little doubt that poor cooperation between the HSE and Tusla represents a stark failure to act in the best interests of the child and is, unfortunately, a theme we have seen too often. This case highlights the road we have yet to travel as a nation to fulfil our promise to cherish "all the children of the nation equally".

Despite signing the UN Convention on the Rights of People with Disabilities (UNCRPD) in 2007, there were unacceptable Government delays in its ratification. The ratification of the UNCRPD will, I hope, help children like Molly, but there are other changes required within the systems that support her and others in similar circumstances.

We are delighted that the Department of Education and Skills is advancing the Education (Admission to Schools) Bill 2016 which will provide for the designation of a school place for children with special educational needs where no school has offered a place. I hope this will offer more certainty and assurance that no child will be left without education.

It is clear at this point that the Rebuilding Ireland programme has made little progress in meeting targets to address our accommodation needs. There is an over-reliance on the private sector to provide housing and a failure to provide sufficient social housing. To our shame as a society we are tolerating a situation where almost 10,000 people are in emergency accommodation, including 3,500 children.

1 The names of the children and young people in all examples of complaints have been changed to protect their anonymity and confidentiality

A new way of thinking is required from Government. The State needs to move away from prioritising financial interests that view housing as a commodity to recognising it as a social good offering children and families a secure place to live in dignity.

I am also concerned about the lack of progress for children and young people suffering from mental health issues. In 2017, I met with two Ministers for Mental Health to discuss my concerns. The National Youth Mental Health Taskforce, which reported on its work in December 2017, offered less than I had hoped for children and young people suffering across the spectrum of mental health issues.

This Office is concerned with staffing problems in the Child and Adolescent Mental Health Services (CAMHS) which means that children experiencing escalating levels of stress and anxiety are often unable to access the emergency supports they need. It is crucial that the HSE addresses issues relating to the out-of-hours contracts of consultant psychiatrists to ensure that children and adolescents have access to the services they need, when they need them.

In my presentation to the Seanad Public Consultation Committee on mental health, I again recommended that the Government, as part of its review of A Vision for Change strategy, develop a dedicated Vision for Change for Children & Young People.

In 2017, this Office began a consultation with young people in adolescent psychiatric in-patient units across the country. We sought to speak to young people in all of the six units and I am grateful to the many young people who engaged with us. This consultation will help to generate a report in 2018 which we believe will offer policy makers and health services important insights into the views of young people who experience mental health services.

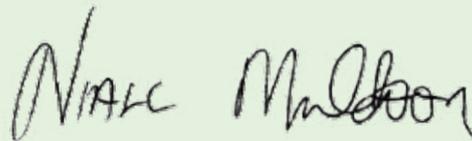
In 2017, we published a report that highlighted grave difficulties in the treatment of children with scoliosis. This demonstrated how the system is failing children with profound implications for their health. I am encouraged by the Government's response in committing to changes in the short term and to developing a long term strategy to avoid such a crisis in the future. We will review progress on these commitments in 2018.

In response to the vote for Brexit in the UK, this Office and the Northern Ireland Commissioner for Children and Young People brought together young people, north and south, who had no opportunity to have their views heard by those with influence in the Brexit negotiations. In a significant cross-border collaboration, a joint report, *It's Our Brexit Too: Children's Rights, Children's Voices* was generated following a conference in Newry, in November 2017, and we expect that in 2018, these young people will present it to MPs in Westminster, and to MEPs and the EU's Article 50 Taskforce in Brussels.

In May 2017, Dr Geoffrey Shannon, the Special Rapporteur on Child Protection published his audit on the use of Section 12 powers by the Gardaí. This followed a recommendation from a report by my predecessor, Emily Logan, into the handling by An Garda Síochána, of the removal of two Roma children from their families. In a joint initiative, Dr Shannon and I agreed that a number of areas should be pursued to progress child protection in Ireland. We called on the Minister for Justice and Equality and the Minister for Children and Youth Affairs to progress a proposal for co-located working by Tusla and An Garda Síochána on child protection matters. I am happy to report that all these parties have actively supported this initiative and Minister Zappone facilitated visits to co-located centres in New York, Belfast and Oxford to understand what can be achieved when children are prioritised in both the child protection and the criminal justice system. The centres we visited reported improved criminal procedures and therapeutic outcomes for children as a result of this co-operative approach. Children in Ireland deserve such reforms as soon as possible and I am very hopeful that the inertia that has delayed progress in this area can be overcome.

The OCO has worked tirelessly to influence positive change to ensure that the rights of children are at the forefront of laws and policies within the State. In 2017, this Office made a positive contribution in respect of a number of key legislative frameworks, such as the General Scheme of the Data Protection Bill 2017, reforms to the Guardian ad litem service in the General Scheme of the Child Care (Amendment) Bill 2017, as well as legislation on domestic violence, education and adoption among other areas. I am pleased to note the Government made key changes on foot of our submissions.

We engaged with the wider public service on an increased number of complaints made by, or on behalf of children, and also developed a new Guide to Child-Centred Complaints Handling which we will roll out in 2018. I am heartened that the work of this Office has helped to strengthen the rights of children in 2017, and remain fully committed to working to protect the rights and welfare of children and young people into the future.





OmbudsmanForChildren @OCO_ireland · 28 Sep 2017

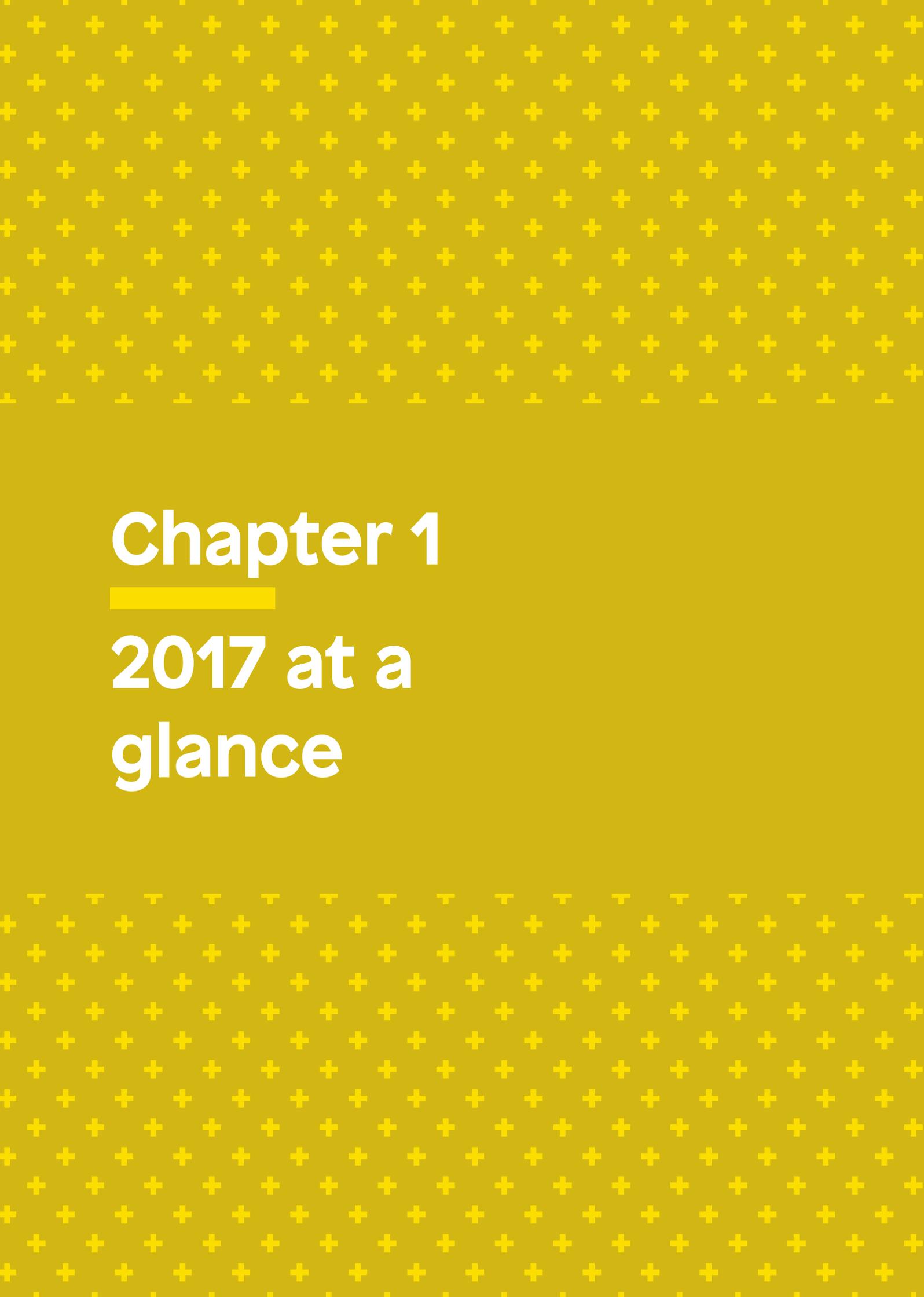
Meeting some inspiring people with incredible ideas on how Irl can improve Children's Rights #ChildrenNowRightsNow



OmbudsmanForChildren @OCO_ireland · 7 Apr 2017

Great to be able to launch "Young Lives in Ireland" Report in UCC. Strong, positive research to aid suicide prevention in schools #LetsTalk





Chapter 1

2017 at a glance

January



All Island Civic Dialogue on Brexit
Speak at Cycle Against Suicide
Congress Limerick
Meeting with Minister for
Disability Finian McGrath TD

February

Talk to Parents in Western Care Association,
Castlebar

Speak at launch of research on separated
families, UNESCO Child & Family Research
Centre, NUIG

Meeting with Minister Bruton Department of
Education and Skills

March

Speak at Self Harm Awareness Conference
2017 Aviva Stadium

Launch OCO Report 'Waiting for Scoliosis
Treatment: A Children's Rights Issue'

Host a meeting of Direct Provision
Managers from 30 centres at OCO

Speak at Separated Children in Judicial
Proceedings seminar Blackhall Place

Speak at St Louise's & St Clare's Conference
on 'The Sexual Abuse
of Children in a Cyber
Context' Croke Park

Speak at International
Conference hosted
by Children's Hospital
Schools



April

Council of Europe: Monitoring
children deprived of their liberty
as a result of immigration
Strasbourg

ENOC Conference: Ensuring a Rights
Perspective for Children in Migration
Stockholm

Meeting of British and Irish Network
of Ombudsman and Children's
Commissioners in Edinburgh

Meeting with DCYA on Adoption
(Information and Tracing) Bill

May

Speak at DCU Unity Awards at the Helix on
promoting equal access to 3rd level

Meeting with NICCY on Brexit impact on
children, North and South

Meeting with Minister for Mental Health
Helen McEntee

Young Social Innovator Awards

Educational Opportunities for Children
& Young People in Care seminar

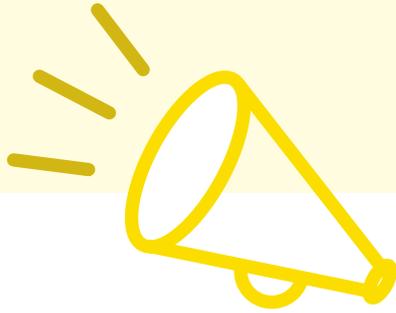
June

Attend address by Secretary General
of the Council of Europe Mr Thorbjorn
Jagland Department of Foreign Affairs

Meeting with Special Rapporteur on
Child Protection Dr Geoffrey Shannon

Meeting with Brian MacCraith
President of DCU





July

Address Seanad Public Consultation Committee on Children's Mental Health Services

Meeting with Dr Michaela Davis BASPSCAN Child Protection Professionals

Speak at launch of 'Joining the Dots' in Children's Hospitals

Meeting with Secretary General of the Department of Health

August

Speak at the Parnell Summer School Wicklow

Speak at YAP National Event Young People Speak Out

Visit Monasterevin Emergency Orientation and Reception Centre

Meeting with Clinical Director at Linn Dara CAMHS Unit

Planning meeting for UNCRC event with the ARK

September

Presentation to the Inspectorate Department of Education and Skills

Open Exhibition at Royal Hibernian Academy, of Children's Art UNCRC 25th Anniversary

Visit the Willows Unit, Merlin Hospital, Galway and meet Clinical Director

Meet Margaret Tuite, European Commission Co-ordinator for the Rights of the Child

ENOC Conference 2017 Helsinki, Finland

Conference to celebrate 25th Anniversary of Ireland's ratification of the UNCRC Croke Park

Meeting with Minister Katherine Zappone, Dr Geoffrey Shannon, Tusla, DCYA, An Garda Síochána on improving responses to children affected by abuse

October

Address launch of first independent Youth Advocacy Programme for young people in Ginesa Unit, St John of God Hospital

Attend Garda Juvenile Liaison Office Training Conference Athlone

Speak at Zeminar event in the Aviva Stadium

Attend 5th National Care Leavers Day run by EPIC

November

Speak at launch of Standards for Supporting Bereaved Children and Young People

Attend Growing Up in Ireland - Research Conference 2017

Speak at 'It's our Brexit Too. Children's Rights, Children's Voices' OCO/NICCY Conference in Newry

Address Universal Children's Day events in Dublin

Meeting with Minister Jim Daly on mental health issues

December

14th Session of Dáil na nÓg with Minister Katherine Zappone Croke Park

Launch OCO Report 'School Transport in Focus'

Visit Rowan Centre in Belfast with Minister Katherine Zappone, An Garda Síochána, Tusla, DCYA, Department of Justice and Equality and Department of Health





OmbudsmanForChildren @OCO_ireland · 11 Dec 2017

A fantastic reaction to the publication of our report today 'School Transport in Focus'. Thank you to all those who contributed & in particular I want to thank the families & young ppl involved. The report was led by our incredible team of experts Aidan Hunt & Maria McHenry.



OmbudsmanForChildren @OCO_ireland · 30 May 2017

Scoliosis Waiting List Action Plan must mark the end of crisis management and deliver for children oco.ie/2017/05/scolio... #scoliosis



ScolioNetwork, Simon Harris TD and Department of Health

Chapter 2

Who we are & what we do

The Ombudsman for Children's Office (OCO) promotes the rights and welfare of children and young people under 18 years of age living in Ireland. We also look into complaints made by, or for children and young people, about the actions of public bodies.

The OCO was set up in 2004 under a law called the Ombudsman for Children Act 2002 which was amended in 2012. During 2017 there were 15 full time staff members and an additional 11 independent contractors in our various teams; Complaints and Investigations, Participation and Education, Policy and Communications and Corporate Services.

In our work to promote children's rights and welfare:

- We find out what children and young people are concerned about. We highlight their views to Government and to those who make decisions that affect them.
- We provide information about children's rights and about how those rights can be respected, protected and realised.
- We advise Government and others to help make sure laws and policies affecting children and young people respect their rights.
- We encourage public bodies to work in ways that promote and respect children and young people's rights.
- We carry out research to get a better understanding of issues that are important in children and young people's lives.

When looking at complaints:

- We look at the impact that poor administration has on a child.
- We try to seek the child's views of their experiences.
- We consider how this experience may have impacted on the rights of the child.
- We review issues impartially – not acting on behalf of either party.
- We try to resolve the dispute at the lowest level possible.
- When necessary, we conduct investigations, based on an impartial assessment of the facts and evidence.

OCO Vision

We want to see an Ireland where all children and young people are actively heard and respected so that they experience safe, fulfilling and happy everyday lives. We will use our independence and powers to the fullest extent to bring this about.

OCO Objectives

- We will increase awareness of children and young people's rights, the UNCRC and the role of the OCO.
- We will work to build capacity among public organisations whose work impacts on children and young people to develop and implement a child rights based approach to their practice.
- We will influence positive change for and with children and young people in Ireland.



OmbudsmanForChildren @OCO_ireland · 7 May 2017

Great to finish @CASuicide in Dublin Castle last night and be greeted by @HMcEntee. Tnks 2 all & especially @ColmHayesRadio, @triciaquinn



OmbudsmanForChildren @OCO_ireland · 17 Jun 2017

Beautiful day for our children's rights workshop with the Irish Wheelchair Association media group - run by Clíodhna #YourOCO



IWA



Chapter 3

Complaints & Investigations



Under the Ombudsman for Children Act 2002 as amended (the Act) we can investigate complaints made by children and young people, or by adults on their behalf, about public bodies, schools or hospitals.

Our complaints and investigation service is free, independent and impartial. We were set up as an alternative to court. We seek to hear all parties involved, and to come to fair and reasonable conclusions based on the evidence available to us.

The Act clearly outlines how our complaints and investigations procedures should work. The process of examination and investigation looks at whether the actions of the public body have had an adverse effect on the child, as well as whether the action was or may have been:

- taken without proper authority
- taken on irrelevant grounds
- the result of negligence or carelessness
- based on erroneous or incomplete information
- improperly discriminatory
- based on an undesirable administrative practice
- otherwise contrary to fair or sound administration

Children may bring complaints to us on their own behalf and we seek the views of children where appropriate. The Act says that in carrying out our complaints and investigations work, we must have regard to the best interests of the child and that we must give due consideration to the child's wishes taking into account the age and understanding of the child.

How we improved our service to the public in 2017

In 2017 we began in-reach clinics with children and young people at Oberstown Detention Campus. 2017 also marked the opening up of our complaints and investigation function to children and families seeking international protection and living in state provided accommodation, which includes Direct Provision centres and Emergency Reception and Orientation centres.

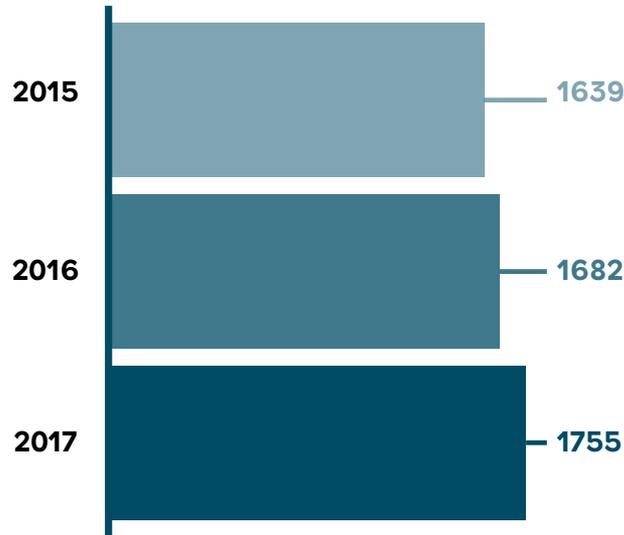
We visited and met with children and families living in these centres throughout 2017 and further details of this work are provided later in this section.

We updated our policies and procedures on seeking the views of children when they make complaints, or when complaints are made on their behalf, to ensure we reflect the most up to date practice in this area.

3.1. Complaints received in 2017

We received 1,755 new complaints in 2017, our highest number in any one year since we were established. This is a 4% increase from 2016 and an overall increase of 7% over the past two years.

Table 1: Number of new complaints 2015-2017



We receive complaints by telephone, email, through our online complaint form or by letter. Our case workers spend considerable time engaging with people when they first contact us, talking and reading through the details of their concerns and complaints.

In many cases, the initial information and support provided by our case workers, either by telephone or in writing, means that no further action is required by us. There are a number of reasons for this. For example, the complaint may be outside our remit or may not have been brought to the body being complained about prior to contacting us. Our team may direct complainants to the appropriate complaints body or encourage them to bring their complaint to the school, hospital or public body in the first instance. If they are unhappy with the outcome of local complaint procedures, complainants may of course come back to us once their complaint is within our remit.

If a complaint is within our remit and has been brought to the relevant body without being resolved, we examine the complaint in more detail. These examinations involve putting the complaint to the school, hospital or public body in question and seeking further information and a response from them. This determines what, if any, further interventions we may take. In keeping with Ombudsman's principles, we work to resolve issues at a local level as early as possible. We are also impartial which means we are neither an advocate for the child or an adversary to the public body.

The majority of complaints that we examine in more detail are resolved locally at this stage. However, where this is not possible, or where we are dissatisfied with the response of the public body to a complaint, we may proceed with a full investigation.

We had 21 complaints under investigation in 2017. Investigations are resource intensive and can take considerable time to complete. Decisions to undertake investigations take account of the impact of the actions complained about on the child or children in the specific case. However, it is often the case that investigations serve to highlight systemic issues that impact on other children. The Ombudsman can decide to publish an investigation statement if he believes it is in the public interest. We published one investigation statement in 2017 entitled 'An Investigation by the Ombudsman for Children's Office - Children homeless for two years after suffering domestic abuse'.

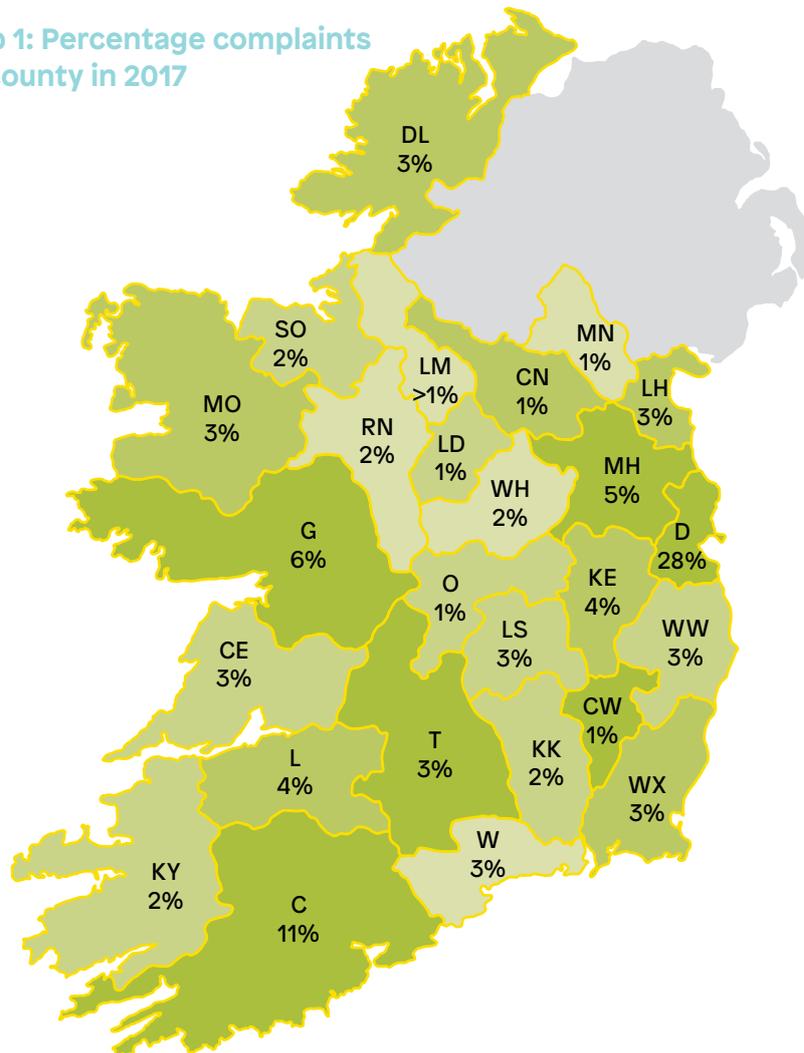


3.2. Where do our complaints come from?

Map 1 below shows the proportion of our complaints that come from each county in Ireland. We do not always know where the person bringing the complaint or the child is located. This may be because the person contacting us provides very general information about a child or raises issues that are of wider concern and not about a specific child in a particular location. These cases are not contained in the figures below.

Of the 1,068 new complaints where location was known in 2017, 39 were from outside Ireland and were outside our remit. Of the remaining 1,029 complaints, the highest number came from the Dublin region. This is to be expected given that it is the most highly populated area. A total of 295 complaints were received from Dublin, comprising 28% of all new complaints in 2017. There was also a 3% increase in the numbers of complaints from outside the Dublin area. This can be explained by us making a concerted effort to promote our office throughout Ireland through local media outlets and outreach activity. It is important to us that we increase awareness of our services to all children and families throughout Ireland and we intend to further increase our outreach work in 2018.

Map 1: Percentage complaints by county in 2017



3.3. Who contacted us?

In 2017, the relationship of the complainant to the child was known in 1,710 cases. The vast majority of these complaints came from parents or other family members (see Table 2 below). This is consistent with previous years and demonstrates the critical role that family has in raising concerns about how children are treated by public bodies. As in previous years, 12% of our complaints came from adults that are not related to the child. This includes social workers, hospital workers, teachers and individuals from children’s advocacy organisations. These complaints can be invaluable not only in effecting changes for children, but also these organisations and professionals empower parents and children to engage directly with our office.

Table 2: Who contacted us

Parents	79%
Extended Family Members	5%
Professionals	5%
Unrelated Adults	5%
Children	3%
Organisations	2%
Other	1%
Total	100%

3.4. What did we receive complaints about in 2017?

Table 3 below shows the sectors that we received complaints about in 2017. Complaints may relate to more than one area of a child's life and more than one type of service or service provider.

Table 3: Percentage of complaints relating to various sectors 2017

Education	45%
Child Protection and Welfare	22%
Health	14%
Justice	7%
Housing and Planning	6%
Finance and Welfare	2%
Other	4%

The sectors we receive the highest numbers of complaints about have remained constant over the past number of years. As can be seen from Table 3 above, the education sector was cited in 45% of complaints received in 2017; child protection and welfare services featured in 22% of complaints in 2017. These figures are in line with the proportion of complaints received about these sectors in previous years.



3.5. Education

Education is a key concern for most parents and this is reflected in the number of complaints we receive under this heading. The education organisations complained about are shown in Table 4 below.

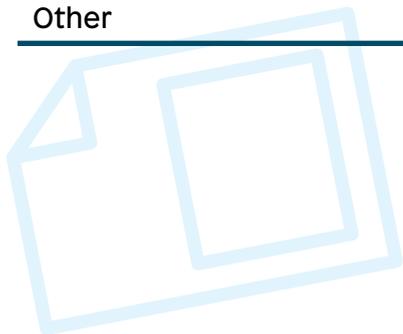
Of note is the reduction in the number of complaints about other Educational Agencies. In particular, we received fewer complaints about the State Examinations Commission (SEC) and their administration of the reasonable accommodation scheme.

In 2016 we published a summary of complaints about this scheme² and made recommendations for improvements to SEC. A new process was put in place by SEC to improve the administration of the scheme and subsequently, we received fewer complaints in 2017.

General complaints about the Department of Education and Skills increased by 1% in 2017 as we received an increased number of complaints about school transport. We subsequently published our second themed casebook, School Transport in Focus. In their response to this publication the Department of Education committed to a review of school transport for children with disabilities.

Table 4: Breakdown of Education Complaints 2017

Schools (including primary, post-primary, special and other)	74%
Department of Education and Skills	15%
Other Educational Agencies (including the NCSE ³ and SEC)	9%
Other	2%



2 Reasonable Accommodations for Certificate Examinations (RACE): Complaints to the Ombudsman for Children
3 National Council for Special Education

⁴Sean: Complaint about a school sanction

Sean's parents made a complaint about a school's decision to administer 'public break-time detention' as a sanction for his behaviour. This meant he had to stand outside in the yard in a specific area during break time.

His parents felt that imposing this sanction was wrong as Sean had a specific diagnosis and this was not taken into consideration by the school. They felt that the sanction was inappropriate and excessive as Sean had already been reprimanded for his behaviour by teachers. They also believed it would be humiliating for him to be publicly sanctioned in front of all of the children at break time.

As a result, he was unable to attend school due to anxiety surrounding the impending sanction. His parents also stated that the school was in breach of National Education Welfare Board (NEWB) guidelines for managing behaviour, the Behavioural Management Programme was not followed, and the complaints procedure was not adhered to.

What we did

We wrote to the school outlining the complaint and sought specific information regarding the school's detention policy and practice. We asked the school whether it had considered an alternative to public break-time detention due to the expressed vulnerabilities of Sean in this situation. It was clear there were differing views with respect to the specific details surrounding the sanction and the circumstances that led to the sanction. From analysing the complaint received and the information provided by the school it was clear that the child had experienced an adverse effect but this could not be linked to administrative actions or inactions by the school as it had acted in accordance with its policies throughout.

⁴ The names of the children and young people in all examples of complaints have been changed to protect their anonymity and confidentiality

Outcome

The school told us that it was the responsibility of the school authorities to maintain a classroom and school environment. Notwithstanding this, the school sought advice from the Catholic Primary School Management Association as to the best course of action for all parties concerned. The school also reviewed its practice with regard to break-time detention due to this incident and detention is now only completed in class during break and not in front of children in the school yard. Separately, it was clarified by the Board that the school's complaints procedure was followed and a formal report was made to the Board by the Chairperson. As means of redress, the school offered for the sanction to occur in Sean's classroom rather than the yard but the parents were not satisfied with this.

We believe that reasonable redress was offered by the school and as they also changed their policy on break-time detention on foot of this incident, we decided to close the complaint.



3.6. Child Protection and Welfare

As indicated in Table 3, 22% of all of the complaints received in 2017 related to child protection and welfare.

As in previous years, we received complaints about how information is communicated to children and families, and the management of child protection concerns.

We also received complaints from and on behalf of children in state care about such issues as inappropriate placements, aftercare, and communication with children and young people about their future.



Ben: Supports for a care placement with relatives

Ben was born with significant medical needs. He lived with his parent for the first few years of his life. However, his parent was unable to care for him and a temporary arrangement was made that Ben would be cared for by relatives. Tusla asked them to extend this arrangement and the child remained in their care through a Voluntary Care agreement.

Ben's relative carers contacted us as they were concerned that:

- The Social Work Department had not taken adequate steps to respond to serious concerns about the care of Ben before he came into care. It was stated that there were numerous referrals made to Tusla and that the child protection concerns were not addressed adequately and promptly.
- They had not been provided with adequate supports, as up until the voluntary care agreement, Tusla were treating it as a private family care arrangement. However, the family had been asked by Tusla to care for Ben.

What we did

We engaged with Tusla and encouraged a local resolution of the matter, if possible, in the best interests of the child. We compared this case to a previous case we had investigated⁵ and asked Tusla to

- provide clarity on the nature of the care arrangement, and
- if appropriate to backdate payments to the carer from the commencement of the care arrangement

5 <https://www.oco.ie/wp-content/uploads/2014/03/OCOInvestigationSection10.pdf>

Outcome

Tusla accepted that it was regrettable that they could not allocate a social worker sooner to Ben but were satisfied at the time that Ben was being adequately cared for at home with various supports in place. They also advised that a duty social worker was in regular contact with professionals until the case was allocated to a social worker.

They accepted that this was a relative foster care arrangement as Ben was placed with his relatives under a Voluntary Care agreement and that payments and supports should have been put in place as soon as this was agreed with Ben's carers. Tusla entered into negotiations to agree backdated financial support and also provided supports and training to them as relative carers.

3.7. Health

The proportion of complaints that relate to health services has decreased from 17% in 2016 to 14% in 2017. The majority of these complaints related to the HSE (66%) in 2017, with a further 29% being made about hospitals.

The key health-related issues complained of have remained broadly consistent with previous years. Access to primary care services, such as psychology and speech and language services; waiting lists for hospital procedures; access to supports for children with disabilities, including both assessment and services; and access to specialist child and adolescent mental health services, were among the most common issues brought to us.



Aoife: Reduction in home nursing care

Aoife's mother contacted us to raise concerns that the HSE was not providing her family with sufficient home care support to meet her daughter's complex medical needs. She told us that:

- Aoife has complex medical needs which require home care.
- The HSE approved and funded a private nursing agency to provide 84 hours per week for her.
- The HSE subsequently took over from the private service but this coincided with a reduction in the nursing hours provided.

Aoife's mother also told us that there appeared to be a change in the type of support offered to Aoife. Initially, she and her husband were able to get on with other things but then the HSE nurse told her that they could not leave the house while nursing staff were there. When Aoife's parents complained to the HSE, they were advised that the support was for nursing hours and not respite hours.

What we did

We contacted the HSE who told us that there was a national shortage of nurses which affected the local area's ability to meet Aoife's needs. Meanwhile, HSE staff told Aoife's parents that they could leave the house for up to 30 minutes as an interim measure until the national policy was in place.

We asked the HSE to respond to Aoife's parents' concerns and sought an update on the national policy. The HSE provided us with details of new funding, protocols and quality assurance mechanisms that were in progress. The HSE agreed to prioritise Aoife's case for review as part of quality assurance in the area. The HSE also told us that work was underway regarding a new revised national policy for home care packages for children with complex medical needs and they hoped it would be published in 2018 and address the issues raised.

3.8 Mental health

The availability of accessible, appropriate and timely mental health services remains a concern for this office. During 2017 we received 57 complaints about accessing mental health services and, in particular, the challenges for families when children are suicidal and seek help. While the majority of cases relate to children waiting for primary psychology services, we are also concerned about the response of services when children present as suicidal.



Children and mental health

We received a complaint from a health care professional about a Child and Adolescent Mental Health Service (CAMHS) in one of the 10 HSE community health organisations (CHO). We were told that:

- At times there was no CAMHS consultant available to assess children in the area when they went to hospital with suicidal behaviour. This meant that some children had to be admitted and stay in hospital for several days until a CAMHS consultant was available.
- The situation had been ongoing in the area for four years, every time the consultants were on leave, with up to 60 children affected during this time.

What we did

We contacted the HSE in the local area. They told us that:

- The local CAMHS team did not have enough resources and the area was way below the staffing levels that were recommended in the 2006 national mental health policy *A Vision for Change (VfC)*.⁶
- The situation wasn't helped by the fact that there is a national shortage of consultant psychiatrists.
- Their preferred model of providing consultant cover for Emergency Departments (EDs) was from other CAMHS consultants in the area (CHO). However, some consultants' contracts did not provide for this and this was a barrier to resolving the issue of consultant cover for hospitals.

We held two meetings with the HSE so that we could get more information; one with the Community Health Area and one with the National Mental Health Division.

⁶ <http://health.gov.ie/future-health/mental-health-a-vision-for-change/a-vision-for-change/>

The local area told us that they had tried a number of things to resolve the issue including ongoing recruitment, asking other CHOs for help, and arranging for Human Resources to review consultants' contracts. They also said that GPs and EDs in the area had been advised to contact a named general manager when seeking assessments for children outside of CAMHS hours.

The National Mental Health Division told us that:

- Liaison teams should be in place for acute hospitals as per the Vision For Change policy but are only in place for national children's hospitals (i.e. Tallaght, Crumlin and Temple St). HSE focus to date has been on establishing liaison teams for adult hospitals. These teams provide clinical services and education, teaching and research in general hospital settings.
- The HSE has prioritised self-harm presentation to EDs as one of its national clinical programmes.⁷ This programme provides clinical nurse specialists to assess self-harm. However, this has only focused on adults to date. The plan is to broaden the programme to include children under the age of 16. They also told us that 16 years of age is the maximum for admission to paediatric emergency departments'.⁸

The HSE also provided information on the number of CAMHS consultants nationally who provide out-of-hours cover in the 10 HSE CHO areas. This varies from no cover at all in CHO5 (South Tipperary, Carlow/Kilkenny, Waterford and Wexford) to full cover in CHO2 (Galway, Roscommon and Mayo) and CHO3 (Clare, Limerick, North Tipperary/East Limerick).

Overall, the HSE advised that 70 consultants provide out-of-hours cover nationally while 25 do not. We were told that there were 13 posts vacant around the country with one to be filled shortly.

⁷ <https://www.hse.ie/eng/about/Who/cspd/ncps/mental-health/self-harm/>

⁸ See National Emergency Medical Programme documents at <https://www.hse.ie/eng/services/publications>

Outcome

We were concerned about the inequity of CAMHS consultant cover around the country. We did not investigate further because the reasons appeared to be due to resource deficits and consultant contracts rather than administrative failings and therefore fell outside our statutory remit. However, we told the HSE that we had serious concerns about how suicidal young people access emergency services. Our view is that the HSE should provide equitable services and all children who need an assessment of mental health in EDs should be able to access this quickly. We asked the local area to prioritise ensuring that children attending acute hospitals who need CAMHS get appropriate services.

We asked the National Mental Health Division to consider developing a separate clinical programme for assessment and management of children and young people aged up to 18 years presenting to EDs following self-harm similar to the national clinical programme for adults. We also advised the HSE to collect national data on the number of children affected by limited consultant CAMHS cover.

While we closed this case we continued to engage with the Department of Health and HSE on these issues throughout 2017.

3.9. Juvenile justice and detention

In early 2017, our Complaints and Investigations Team rolled out our in-reach programme to young people in Oberstown Detention Campus. We laid the groundwork for this in 2016 and early 2017, holding meetings with Oberstown senior management, unit managers, keyworkers and staff. We explained that, as this group of young people were receiving state services while in detention, such as education, therapy and medical attention (in addition to their state care through detention), they should also be able to easily access our services. Given their particular vulnerabilities we wanted to be pro-active in establishing avenues where these young people could potentially raise concerns or make complaints to us.

Staff members from the Complaints and Investigations Team visit the Campus every month and engage with the young people there. We distributed leaflets and posters across all the units, highlighting how our service could be accessed. We worked to build up the trust of the young people and encouraged and facilitated them in raising issues with us in a safe and confidential environment. Oberstown staff and management have facilitated and supported our visits and meetings with young people.

A variety of issues have been raised by the young people when we visit, such as time away from the Campus (including home visits), and behaviour management issues such as rewards and sanctions. We also received some complaints about education. We bring such concerns to the attention of the management and/or school principal and generally they are quickly resolved.



3.10. Housing

There has been a steady increase in the number of families and parents who are raising the issue of housing provision with us in recent years. The percentage of complaints about housing has doubled since 2015 rising from 3% to 6%. The graph below shows that access to suitable housing is the main issue being raised and this includes local authority housing allocation, suitable housing for children with disabilities, emergency homeless accommodation, medical priority allocation and general transfer issues.

Table 5: Breakdown of Housing Complaints

Access to suitable housing	81%
Traveller accommodation	9%
Neighbourhood suitability / handling of anti-social concerns	8%
Planning decisions / process	2%

A number of our complaints and investigations in housing show how invisible children can be in housing policy and decision making, as they are seen as dependents rather than as individual rights holders.

This lack of visibility is also demonstrated in a number of cases we examined about accommodation deferrals due to anti-social behaviour. Each local authority must have an Anti-Social Behaviour Strategy, including sanctions when tenants engage in anti-social behaviour. We recognise that such strategies and policies are implemented to ensure that no person is placed at risk or experiences adversity due to the failure of local authorities to take appropriate measures. However, equally, these policies must be administered fairly and have due regard to the impact on children.

A need to ensure the best interests of children in housing decisions was also demonstrated in an investigation statement we published in July 2017⁹ 'An Investigation by the Ombudsman for Children's Office - Children homeless for two years after suffering domestic abuse'. This statement is summarised below and demonstrates the challenges for women and children seeking safe housing when leaving a violent relationship in the current housing crisis. It also highlighted the poor conditions of some of the emergency accommodation the children stayed in while homeless.

⁹ Available on our website on <https://www.oco.ie/app/uploads/2017/07/OCO-Housing-Investigation.pdf>



An Investigation by the Ombudsman for Children's Office: Children homeless for two years after suffering domestic abuse

A mother told us that she and her children had left their home due to domestic violence. They waited almost two years to be housed. They stayed in a women's refuge for three months and different emergency accommodation for a year and a half. She was not happy with the length of time that she and her children were in emergency accommodation and was also concerned about the quality of the accommodation provided.

What we did

We undertook an investigation of the three public bodies involved, Fingal County Council (FCC), the New Communities' Unit¹⁰ (NCU) and Dublin Regional Housing Executive (DRHE).

We concluded that the children were without a stable home for 20 months and living at times in poor quality accommodation. We concluded that their experiences were due to FCC's decision to refer their mother to a unit for non-Irish families despite the fact that she had legal residency; DRHE's delay in developing national quality standards for emergency accommodation and the bureaucracy associated with amending her application for social housing.

We recommended the:

- development and roll out of a National Quality Standards Framework for Homeless Services
- consideration of children's needs in all policies affecting them
- review of application procedures for families who have experienced domestic violence to ensure children's best interests are prioritised
- the establishment of procedures to ensure Government circulars are implemented

¹⁰ This unit was set up in the late 1990s by the then health boards to cater for people leaving the direct provision system. Its primary function is to ensure that anyone entitled to social welfare benefits receives them. The Department of Social Protection assumed responsibility for the NCU in 2011

Outcome

The new national quality standards for homeless services were implemented and a revised programme of training for staff members on the implementation of new government circulars was also put in place. We were also invited to give a presentation on child-centred administration to the DRHE in order to drive improvements in this area.



3.11. Families seeking international protection and living in state provided accommodation

In 2017 the Department of Justice and Equality confirmed our remit to accept complaints from children and families seeking international protection and living in Direct Provision centres or Emergency Reception and Orientation Centres in Ireland. People who seek international protection in Ireland can either cater for themselves or reside in a Direct Provision accommodation centre pending the outcome of their application for asylum. In 2017 there were 27 such centres that accommodate children and families in Ireland. The Reception and Integration Agency (RIA) administers the accommodation and related aspects of this scheme this scheme under the aegis of the Department of Justice and Equality. Children seeking asylum with their families can live in Direct Provision accommodation centres for a number of years until a decision is made about their application.

Ireland also accepts refugees under the EU relocation and resettlement programmes and the Irish Refugee Protection Programme administers the accommodation and related aspects of this scheme, again under the aegis of the Department of Justice and Equality. These refugees live in three Emergency Reception and Orientation Centres in Ireland for a number of months before they are moved to more permanent housing.

These accommodation centres are a mix of either state-owned or privately run businesses under a contract from the Department of Justice and Equality. We are deeply concerned that there are no statutory guidelines or regulations in place in relation to how such centres should be run or inspected. We found significant variations in the quality of accommodation and services provided to children and families across the centres. Services are contracted through a service level agreement. There is a complaints process included in the RIA House Rules.

In April 2017, we invited all centre managers to an information day in the office, where we explained our complaints handling role and approach. We continued to meet with advocacy groups throughout the year to highlight how complaints may be brought to the Ombudsman for Children, explain that our approach to complaints handling is to empower children and families to make complaints locally, our focus on local resolution, and to listen to their views on issues affecting children.

We explained our view that the complaints mechanism is an effective means to vindicate children's right to be heard and to participate in matters that affect them. We also outlined our view that OCO's role in complaints handling does not constitute an endorsement of the Direct Provision system in Ireland from a human rights perspective.

During 2017, we visited all 27 Direct Provision centres and three Emergency Reception and Orientation Centres. Each centre is different with respect to physical environment, accommodation and facilities provided, proximity to services and the individual supports provided locally.

During the year we also met with RIA in relation to:

- RIA's oversight of complaint procedures within centres
- implementation of the relevant McMahon Report recommendations
- issues arising from our visits and interaction with families and staff
- external issues such as the impact of the housing crisis on families leaving direct provision
- transfer policy between centres and implications of the accommodation shortage for the system

We also met with management of the Irish Refugee Protection Programme (IRPP) regarding the provision of services to refugee children and families to support their integration in Ireland.

Complaints received

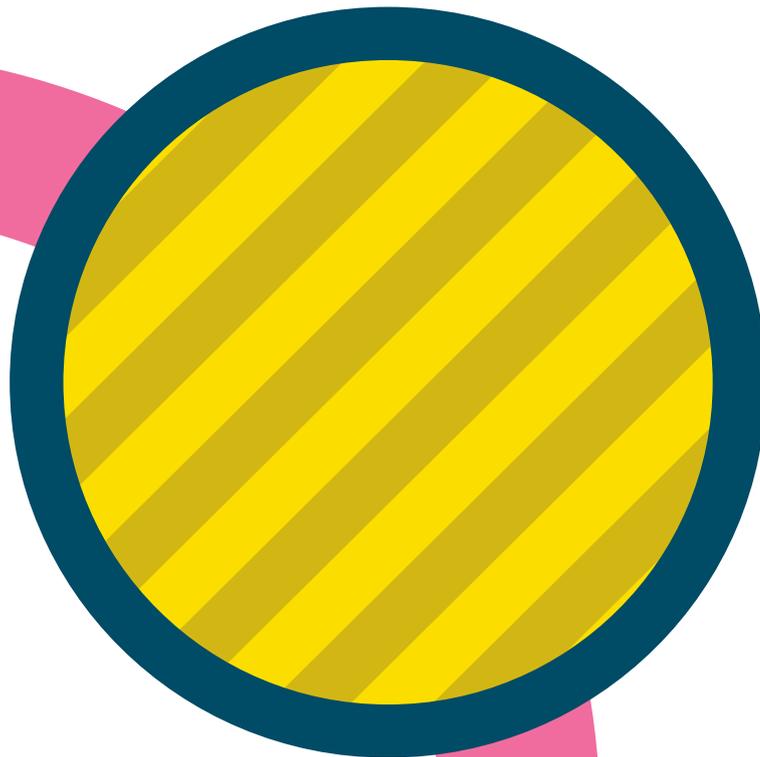
We received 29 individual complaints in 2017 from these families about a range of issues including financial supports, accommodation, and other public services of which five were subject to preliminary examinations. The type of complaints we received were about communication, complaint management and management of transfers to different centres or larger accommodation. The majority of these complaints were resolved locally.

Our view is that the number of official complaints received about the administration of the Direct Provision system is low. However, this is not an indicator of an effective complaints handling culture or fair and effective administration for children. We believe that the low number of complaints we receive is due to a perception that making complaints would impact negatively on living conditions or lead to an undesirable transfer within the system. We received a number of complaints about the inadequacy of the Direct Provision allowance to meet the needs of children. This issue was outside of our remit to examine. Restricted financial supports add to pressures on the family; can impact on children and young people's participation in social, sporting, cultural and educational activities, and are felt acutely at particular times in a child's life. For example, the provision of school books each year or going on school tours requires engagement with schools or Community Welfare Offices to seek supports.

Due to the financial hardships facing these families the Ombudsman for Children wrote to the Minister for Children and Youth Affairs, the Minister for Employment Affairs and Social Protection, the Minister for Justice and Equality and the Minister of State in the Department of Justice and Equality with special responsibility for Equality, Immigration and Integration, expressing his concerns about the failure of the Government to fully implement the McMahon Working Group report by increasing the direct provision allowance for children from €21.60 to €29.80.

We remain committed to taking complaints directly from children and families about their accommodation and services, as well as their experiences with other public services and bodies within our remit.

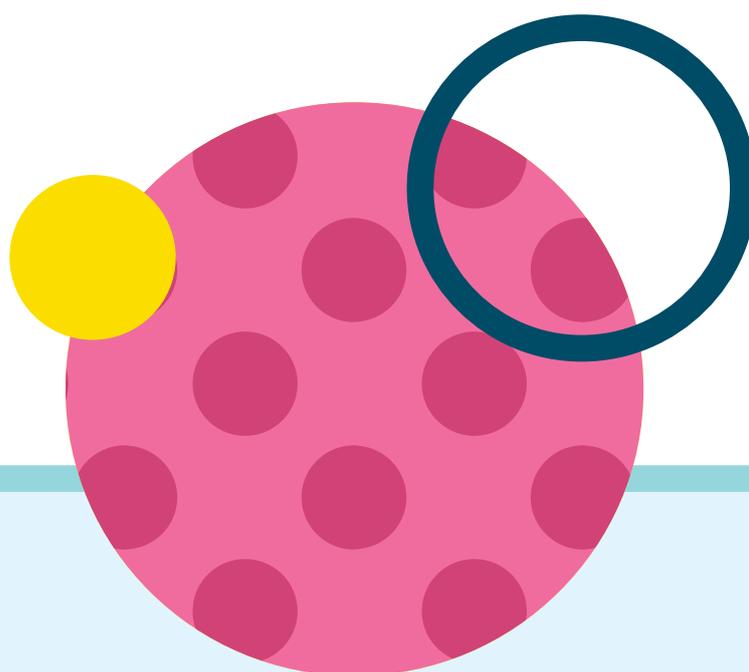
We will continue to raise with the Department of Justice and Equality our ongoing concerns about children growing up in such inappropriate environments and the adverse impact on their young lives.



John: Sleep disturbances, difficulties cooking meals, and transfer application procedures

John is a 10-year-old child living in a Direct Provision centre with his siblings. His mother made a complaint to us and raised concerns about the following:

- Difficulties John's family were experiencing in the direct provision centre. These included sleep disturbances due to noise and difficulties with cooking meals for their children
- Lack of general family support
- John's mother applied for a transfer to another centre to alleviate these issues
- She was offered a transfer to a different centre to the one she had requested
- John's mother was unsure if she had the option of refusing this transfer location.



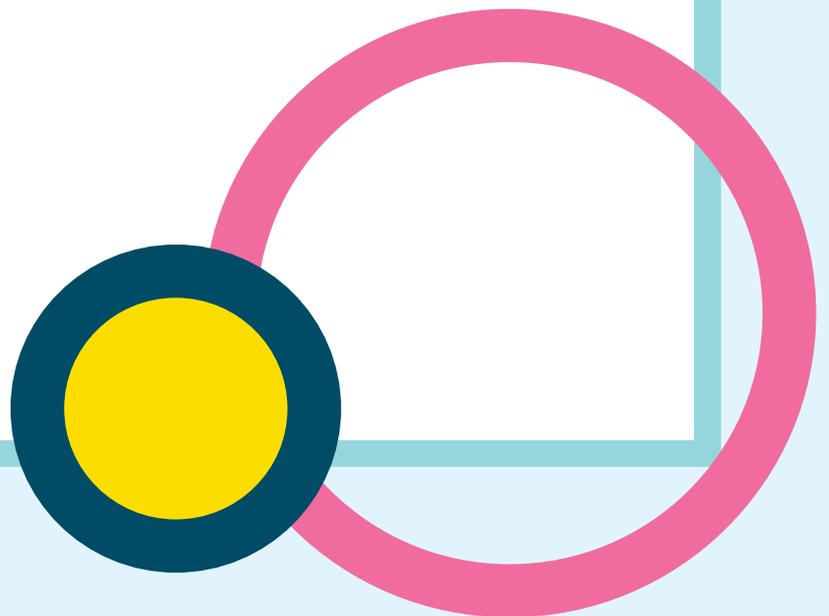
What we did:

We contacted RIA and requested clarification on the above points. We were particularly concerned about how the transfer offer was communicated by letter to John's mother. She was offered a transfer to an unrequested centre and advised that she should make arrangements to move in a week's time. The letter did not indicate why a different centre was offered than the one requested and whether the offer could be declined.

RIA responded and explained the reasons that John's family were offered a different location than the one that had been requested. RIA felt the sleeping arrangement and cooking facilities in the new location might better suit John's family's needs. RIA accepted that the letter did not make clear why the new centre was being offered or why RIA considered it might suit the family. It was also accepted that the letter did not explain whether there was an option to refuse the transfer offer.

We also enquired as to whether John's family transfer application to the original chosen location remained open as this was not communicated to the family.

We also looked for clarification on what steps could be taken locally to alleviate the family's concerns while they remained in the centre.



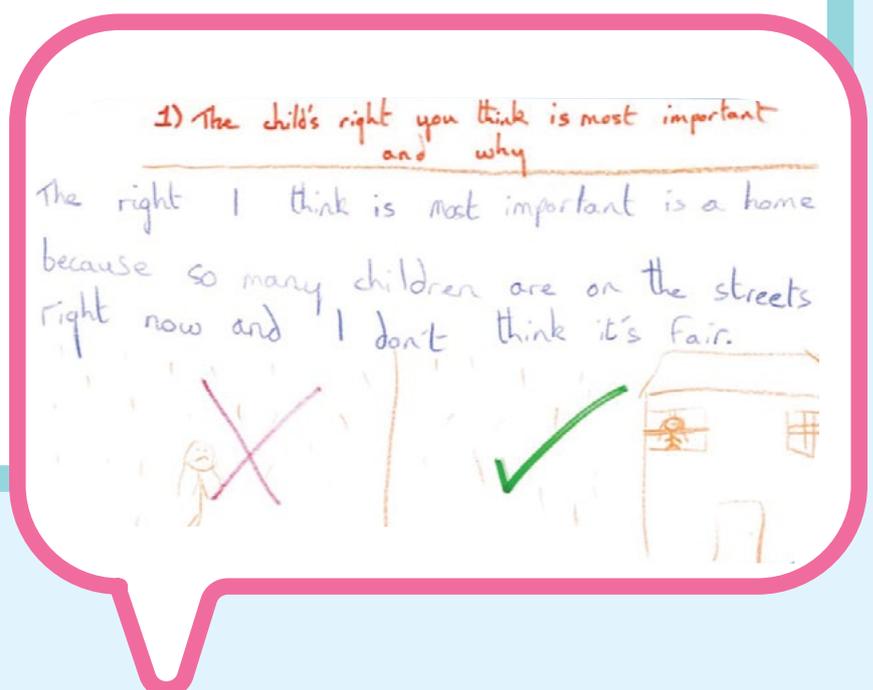
Outcome

RIA acknowledged it should have outlined its reasons for offering John's family an alternative transfer. This letter should also have made John's mother aware of her right to refuse this transfer. RIA has advised it will insert this information into future transfer letters.

RIA also advised us that it contacted the management of the centre in which John's family is currently residing to arrange changes locally to support John's family. These changes included advising John's family that when an appropriate room became available at a quieter side of the building, they would be given the opportunity to move. The family were given the option of having catered meals put aside for a time that's more convenient for them.

On foot of our examination, RIA agreed to assess if an exception could be made to arrange a transfer to their chosen location, provided there was space available.

We were in a position to conclude the case at this point based on the commitments given by RIA regarding improved communication to transfer applicants. We also recommended that RIA continue to seek supports for the family from the appropriate agencies.



Fatima: Shared a room with her mother in accommodation centre

A mother raised concerns on behalf of her daughter Fatima, aged eight. She was worried about the impact her own ill health was having on her daughter who shared a room with her in a Direct Provision centre. The mother advocated that her child needed her own room in terms of her ability to play, to rest, for privacy and to minimise the child's concerns arising from the mother's health.

The mother made a request for a transfer to larger accommodation within the centre. The centre management could not advise of the timeframe that larger accommodation would become available and the only suggestion made to the family was to seek a transfer to a different centre. The mother explained to us that she wished to stay in the same centre, as her children had settled well in the area with friends and schools.

The mother contacted RIA through its website about this situation but did not receive a response. In addition, a number of medical professionals contacted the centre to advocate on behalf of this family in light of their complex needs.

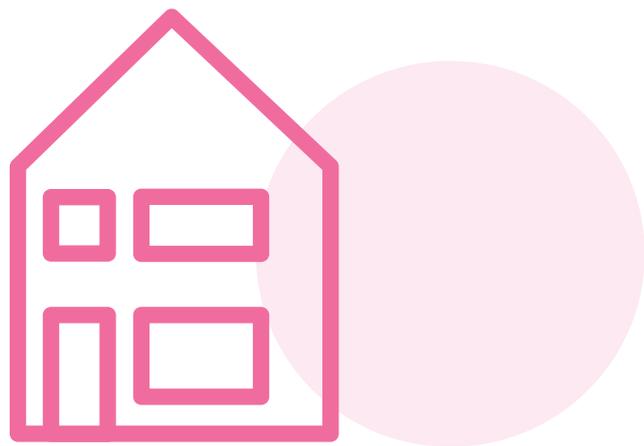


What we did

We contacted RIA outlining the complaint and exploring the possibility of local resolution. RIA responded that the centre management resolved the issue by providing the family with larger accommodation within the facility.

Outcome

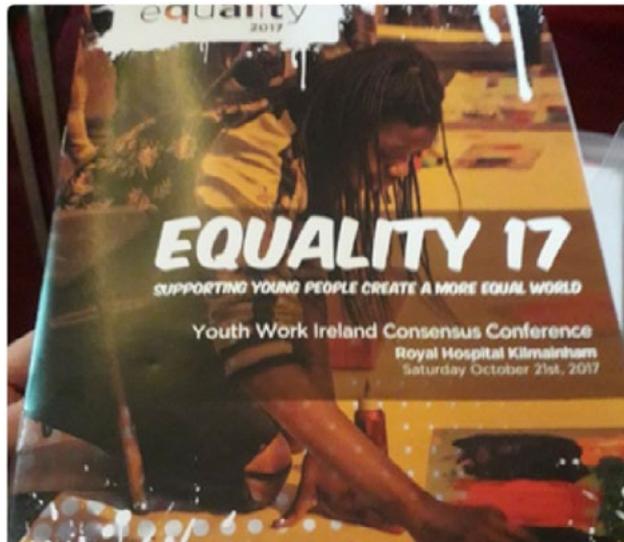
We closed the case as redress was offered to the family. Notwithstanding this, we were concerned that RIA did not respond to the mother's online contact. In addition, RIA was copied to correspondence between the centre management and a medical professional where the sleeping arrangements were confirmed and the complex needs referred to. While the centre management and RIA stated that they were not informed of the specific needs of the family, they did not seek any clarifications from the mother about her concerns. We encouraged RIA to ensure that it responds directly to all contact it receives, and to provide appropriate information in a timely manner.





OmbudsmanForChildren @OCO_ireland · 21 Oct 2017

Incredible turn out for #Equality17 event. Every child no matter who they are or where they come from deserve full equality & rights assured



OmbudsmanForChildren @OCO_ireland · 8 Nov 2017

Incredible day with @limerickyouth Thank you for invite! Remember children's rights matter today, tomorrow and for the future.



Chapter 4

Promoting Children's Rights & Welfare

4.1. OCO's statutory function to promote children's rights and welfare

Under Section 7 of the Ombudsman for Children Act 2002 (as amended), the Ombudsman for Children has a statutory function to promote the rights and welfare of children. The Ombudsman for Children's duties in this regard are:

- to advise Government on the development and coordination of policy relating to children
- to encourage public bodies, schools and voluntary hospitals to develop policies, practices and procedures designed to promote the rights and welfare of children
- to collect and disseminate information on matters relating to children's rights and welfare
- to promote awareness among members of the public, including children, of matters relating to children's rights, including the UN Convention on the Rights of the Child
- to highlight issues relating to children's rights and welfare that children are concerned about
- to exchange information and cooperate with Ombudspersons for Children in other countries
- to monitor and review the operation of legislation relating to children's rights and welfare
- to monitor and review the operation of the Ombudsman for Children Act 2002 and to make recommendations, when necessary, to amend the Act
- to consult with children and give due weight to their views in accordance with their age and understanding
- to advise Government on any matter relating to children's rights and welfare, including the probable effect of any proposals for legislation.

Under Section 7(3) of the 2002 Act (as amended), the Ombudsman for Children can also undertake, promote or publish research into any matter relating to children's rights and welfare.

4.2. Rights awareness and education programme

Rights education workshops for children and young people

During 2017, we delivered regular education workshops on children's rights to groups of children and young people visiting our office with their schools and youth services. These workshops are a core strand of our rights awareness and education programme for children and young people. They provide an important opportunity for us to engage directly with children and young people of different ages, living in different parts of the country and in diverse circumstances.

Over 950 children and young people from primary schools, post-primary schools and youth services in 17 counties visited us in 2017 to learn about our work and children's rights and to explore issues relating to children's rights in Ireland. As in previous years, these workshops were a valuable opportunity for us to hear from children and young people about issues relating to children's rights that are of interest and concern to them.

Workshops for children and young people living in Direct Provision

In April 2017 the OCO's remit to deal with complaints relating to Direct Provision centres was clarified. The Complaints and Investigations Unit of the Office immediately started to build awareness among Direct Provision centre residents, management and staff of the OCO's complaints handling role. To complement this work our Participation and Education Unit planned, designed and delivered workshops for children and young people living in Direct Provision.

The overall purpose of these workshops was to raise awareness of children's rights, including the UN Convention on the Rights of the Child, among children and young people under 18 living in Direct Provision. With the support of the Reception and Integration Agency (RIA) and centre management and staff, we delivered 23 workshops to 176 children and young people in 10 Direct Provision centres around the country during October and November 2017. The centres in question were: Eglinton Hotel in Co Galway; St Patrick's accommodation centre in Co Monaghan; Mosney in Co Meath; Athlone accommodation centre in Co Westmeath; The Old Convent in Co Mayo; Globe House in Co Sligo; Kinsale Road accommodation centre in Co Cork; Ocean View in Co Waterford; and Atlas House and Johnston Marina in Co Kerry.

Taking an activity-oriented approach and using a variety of methodologies, we supported children and young people who took part in the workshops to explore children's rights, including

Citizenship Education, Dublin City University, our ¹¹*Making Children's Rights Real* materials aim to assist teachers to explore children's rights with their students in the context of curriculum teaching and learning at primary and post-primary levels.

The suite of materials comprises learning activities for children in Junior and Senior Infants at primary level through to young people in Transition Year and Senior Cycle at post-primary level. To support teachers with implementing the activities, the suite of materials includes posters, slideshows and a support file for teachers.

Lecture and seminar programme for third level students

We have been running our programme for third level students since 2012. Through this programme we aim to:

- develop participants' understanding of children's rights and, in particular, the relevance of children's rights to their own professional practice
- encourage child-centred practice and decision-making, including through an examination of case studies arising from our complaints-handling work
- raise participants' awareness of the OCO's statutory functions and work.

During 2017, we delivered 10 seminars to postgraduate and undergraduate students in seven third level institutions - University College Dublin, University College Cork, Trinity College Dublin, Dublin City University, Galway Mayo Institute of Technology, Athlone Institute of Technology and Marino Institute of Education. These seminars were attended by approximately 260 students pursuing undergraduate and postgraduate qualifications in education, early childhood education, early childhood education and care, social work, child protection, and children and youth studies.

We also delivered lectures to approximately 40 undergraduate students undertaking a Bachelor of Science in Health and Society at Dublin City University and to 120 postgraduate students pursuing a Professional Masters in Education at Maynooth University.

¹¹ Our Making Children's Rights Real materials are available in English and Irish and can be downloaded from our website at www.oco.ie/childrens-rights/education-materials/

4.3. Consultation with children and young people

Consultation with young people about Brexit

In June 2016, the UK voted to leave the EU. This result was unexpected and the full implications of Brexit were, and remain, unclear. Although today's children will be the first generation to live with the full impact of Brexit, the impact on children, young people and their families living across the island of Ireland has so far received limited consideration.

Over the second half of 2017, we collaborated with the Northern Ireland Commissioner for Children and Young People (NICCY) to bring together a steering group of young people from across Ireland to plan an event on children's rights and Brexit. This steering group was formed with the assistance of the National Youth Council of Ireland and Foróige in the south and the Children's Law Centre and the Northern Ireland Youth Forum in the north. The young people worked together for four months to plan, organise and run a conference - *It's Our Brexit Too: Children's Rights, Children's Voices* - which took place in Newry on 8 November 2017.

Over 120 young people from all parts of Ireland participated in this conference, along with a number of political and civic leaders from both sides of the border. The conference was run by the young steering group members, with contributions from An Tánaiste, Simon Coveney TD (via a video message), Parliamentary Under Secretary of State for Northern Ireland, Chloe Smyth MP, Mairead McGuinness MEP, Jim Nicholson MEP, Dr Fergal Lynch, Secretary General of Department of Children and Youth Affairs in the Republic of Ireland, and Paul Brush, Head of EU Future Relations, the Executive Office (NI Government).

The conference provided a space for young people to express their views, hopes and concerns about the implications of Brexit for their rights. The issues they discussed included education, identity and non-discrimination, child protection, freedom of movement, health, disability, family life, standard of living, and non-EU children in need of special protection. In doing so, they identified ways in which their rights could come under threat from decisions relating to Brexit.

A report of the conference and a summary report of the key messages and recommendations from the conference are available on the ¹²OCO's website.

Our intention is that these reports will contribute to the ongoing Brexit discussions and we plan to disseminate them as widely as possible. We hope this work will encourage all the key players in the UK and in the European 27 to recognise that having no vote does not mean having no say, and that young people have much to contribute to discussions about how a post-Brexit Ireland, UK and Europe should look.



12 www.oco.ie/news/report-young-people-aims-influence-brexit/

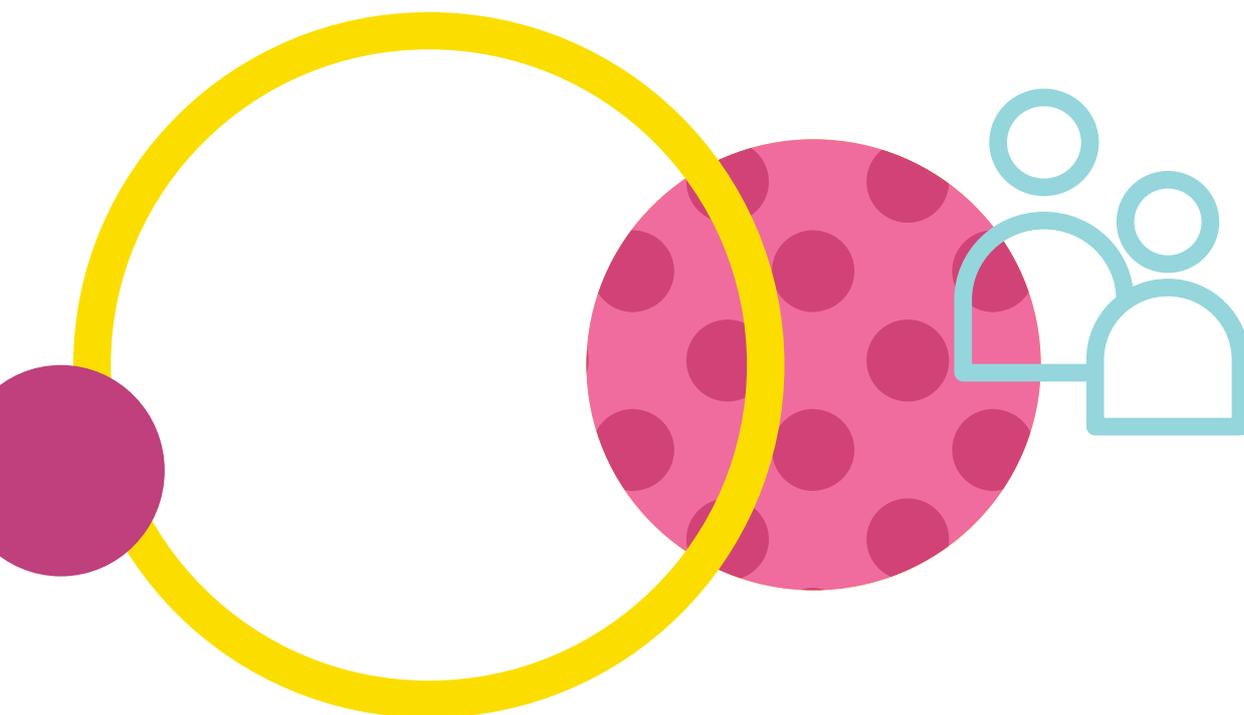
Consultation with young people about mental health services

During 2017, we undertook a dedicated consultation with young people receiving inpatient care and treatment for their mental health. This consultation was conducted in accordance with our statutory obligations under Section 7 of the 2002 Act (as amended) to consult with and highlight the concerns of children and young people as well as strategic actions set out in our Strategic Plan 2016-2018.

The overall aim of this consultation was to hear the experiences and perspectives of young people who are receiving inpatient care and treatment for their mental health about their journeys through mental health services.

There are six adolescent mental health inpatient units in Ireland for children and young people under 18 years of age. Following initial meetings, five of these units facilitated us to plan and implement a consultation with young people in their care. These units had 66 beds between them and they were:

- Linn Dara Child and Adolescent Mental Health (CAMHS) Inpatient Unit, Cherry Orchard Hospital, Dublin
- Willow Grove Adolescent Unit, St Patrick's University Hospital, Dublin
- Ginesa Suite, Saint John of God Hospital, Dublin
- Child and Adolescent Mental Health (CAMHS) Inpatient Unit, Merlin Park Hospital, Galway
- Éist Linn Child and Adolescent Mental Health (CAMHS) Inpatient Unit, Bessborough, Blackrock, Cork.



In the first instance, we met with the young people in each unit in order to introduce them to the OCO and to the consultation. Following receipt of parental consent, we supported each young person who wished to take part in the consultation to choose a pseudonym for themselves (in order to protect their privacy) and to decide on how they would like to share their views with us (for example, through drawing, painting, photography, poetry, semi-structured interview). We subsequently facilitated participating young people to highlight issues relating to their respective journeys through mental health services by using the medium of their choice and by engaging with three broad questions:

- *What has been helpful?*
- *What has been challenging?*
- *What changes would you like to see made to mental health services for young people?*

Twenty five young people between 14 and 17 years of age took part in the consultation. The consultation concluded in December 2017 and we plan to publish a report during 2018 that will highlight the views and ideas that the young people shared with us.

Assistance with a consultation with children about scoliosis services

In 2017, the Children's Hospital Group (CHG) requested our assistance with designing and co-facilitating a consultation to support children and young people to input their views and ideas to the CHG's co-design initiative about future scoliosis services for children. This initiative is a partnership between professionals, families and advocates to improve scoliosis services for paediatric patients nationally.

In November 2017, two consultation workshops were held at the OCO to support children and young people with experience of using scoliosis services to share their views on what is and what is not working well in the current services and how the services can be improved for the future.

Thirteen children and young people between 9 and 18 years of age took part in the consultation workshops. With the assistance of members of the Youth Advisory Council (YAC) for the children's hospitals and through activity-based methodologies, participating children and young people spoke about their experiences of scoliosis services and shared their views and ideas on a range of issues, including with regard to waiting lists, outpatient services, inpatient services, surgery and post-operative care.

The OCO understands that the co-design group has identified 10 principles to improve scoliosis services for children. The CHG has established a team to plan the implementation of these 10 principles and the co-design group meet quarterly in a monitoring and oversight role.

Child-friendly healthcare in hospital

In November 2016, we launched a joint initiative that we are undertaking with the Children's Hospital Group Board and the three children's hospitals in Dublin – Our Lady's Children's Hospital Crumlin, Children's University Hospital Temple Street, and the National Children's Hospital, Tallaght.

In keeping with several of our statutory obligations under Section 7 of the 2002 Act (as amended), the overall aim of this joint initiative is to use a child rights framework to hear and take account of the views of children, young people, parents/guardians, hospital staff and management on matters relating to the delivery of services to children and young people in hospital.

The approach we are taking to hearing the views of participants in the initiative involves adapting the model and *Tools for the Assessment and Improvement of Children's Rights in Hospital* (2012), which were developed by the Task Force on 'Health Promotion for Children and Adolescents in and by Hospitals and Health Services' (International Network of Health Prompting Hospitals and Health Services). Identified as a model of good practice for promoting child-friendly healthcare in research conducted for us by UCC in 2013, this approach is child-centred, rights-respecting and promoting, and inclusive. It also provides for a sustainable, cyclical process of quality assurance.

Following the launch of *Joining the Dots: Connecting Voices for Child-Friendly Healthcare in Hospital* in November 2016, we worked during 2017 to finalise questionnaires for children aged 6-11 years, young people aged 12-17 years, parents/guardians of children and young people in hospital, and staff and management working in the three hospitals.

The initiative was subsequently implemented over a six-week period from late June until early August 2017. Over 2,500 children, young people, parents/guardians, staff and management in the three children's hospitals shared their perspectives by filling out a questionnaire. Among the issues on which participants were invited to express their views and ideas were: information and communications; opportunities for children and young people to express their views in relation to decisions affecting them; children and young people's contact with parents/guardians during their time in hospital; privacy; rest and play/leisure; education and learning; the physical environment in hospital; child protection; and pain management.

We appreciate the input and support provided by the initiative's Steering Committee, management and staff in each hospital as well as members of the Youth Advisory Council (YAC) with planning and implementing the initiative in the three hospitals. We are also very grateful for the assistance provided by the staff and volunteers of Children in Hospital Ireland (CHI) and in particular for the work done

by CHI volunteers to support children, young people and parents with filling out the questionnaires in the three hospitals.

During the autumn of 2017, the results of the questionnaires were collated and analysed and work commenced to prepare a report and summary report documenting the findings of the initiative. We expect that this report and summary report will be published during 2018.

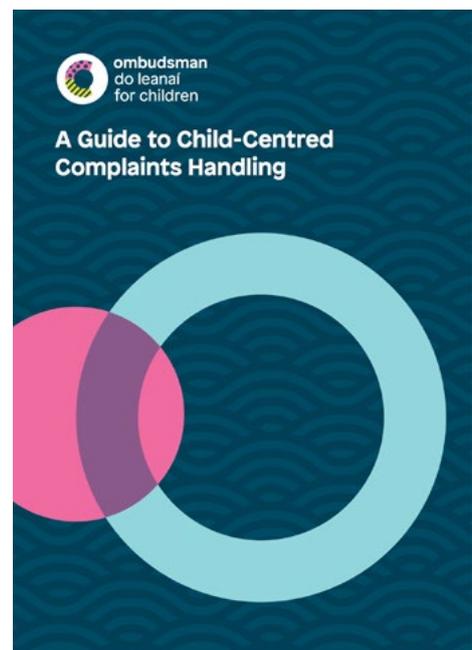
Child-centred complaints handling

During 2017 we developed a ¹⁴*Guide to Child-Centred Complaints Handling*. The purpose of this *Guide* is to encourage and support organisations that provide services to children, and make decisions that impact on children, to deal with complaints in accordance with good practice and in a child-centred manner.

As we highlight in the *Guide*, in order to be child-centred, it is vital to consider children's rights when dealing with complaints affecting children. Doing so involves giving appropriate consideration to the best interests of children and taking due account of their views throughout the complaints process. Above all, a child-centred approach to dealing with complaints, while keeping diligently to fair complaints procedures, will maintain a consistent focus on the child or children affected by a complaint, including how the issues raised, the proposed outcome of the process, and any follow-up actions, will impact on them.

Our *Guide* focuses on setting out the following core principles of good practice for dealing with complaints made by or on behalf of children as well as measures that can be taken to translate these principles into practice:

- openness and accessibility
- best interests of the child
- participation of children
- transparency and communications
- timeliness
- fairness
- monitoring and review



¹⁴ The Guide is available to download on our website at www.oco.ie/library/guide-child-centred-complaints-handling/

The *Guide* is informed by our extensive experience of dealing with complaints and by a literature review, which was undertaken for the OCO by the Child Law Clinic, School of Law at University College Cork. This review incorporated an analysis of relevant children's rights standards and of initiatives in other countries to promote good practices in handling complaints affecting children. It also looked at international studies that include the views of children and young people on the complaints processes they have experienced across a wide range of sectors.

We appreciate and wish to acknowledge the constructive feedback on a penultimate draft of the *Guide* provided by the HSE's National Quality Assurance and Verification Division and by the Department of Education and Skills' Inspectorate and Schools Division.

We hope that our *Guide* will support organisations that are responsible for developing policies, providing services and making decisions which affect children to deal with any complaints they may receive from or on behalf of children in a child-centred way.



4.5. Advising on legislation and policy

During 2017, we made submissions in relation to a range of developments in legislation and public policy affecting the rights and welfare of children. Our work in this area included engagement with Ministers of Government and the Oireachtas.

February 2017

- Meeting with the Minister for Education and Skills, Richard Bruton TD, to discuss a range of issues relating to education

March 2017

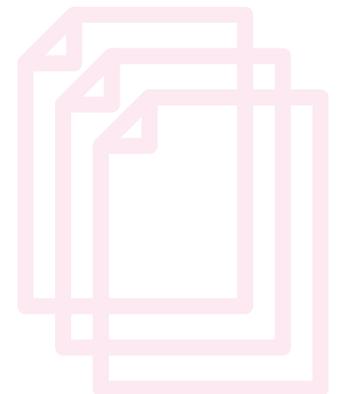
- Presentation to the Joint Oireachtas Committee on Education and Skills in relation to the Education (Amendment) Bill 2015 and the General Scheme of the Education (Parent and Student Charter) Bill 2016
- Submission to the Joint Oireachtas Committee on Children and Youth Affairs on the General Scheme of the Child Care (Amendment) Bill 2017
- Submission to the Department of Education and Skills on the role of religion in the school admissions process

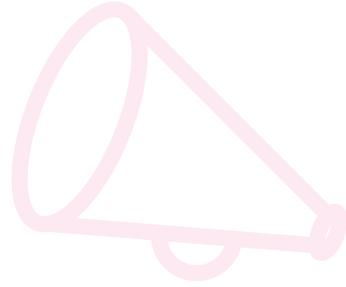
April 2017

- Presentation to the Joint Oireachtas Committee on Children and Youth Affairs on the General Scheme of the Child Care (Amendment) Bill 2017
- Submission to the Department of Education and Skills on the Education (Admission to Schools) Bill 2016

May 2017

- Meeting with the former Minister of State at the Department of Health with special responsibility for Mental Health and Older People, Helen McEntee, TD
- Participation in a forum organised by the Department of Education and Skills on the *Role of Religion in Admissions to Schools*





June 2017

- Submission to the Minister for Justice and Equality on the Domestic Violence Bill 2017
- Submission to the Joint Oireachtas Committee on Justice and Equality on the General Scheme of the Data Protection Bill 2017



July 2017

- Presentation to the Seanad Public Consultation Committee on mental health services for children and young people in Ireland

September 2017

- Participation in an Open Policy Debate held by the Department of Children and Youth Affairs in relation to its review of the Child Care Act 1991

November 2017

- Meeting with the Minister for Housing, Planning and Local Government, Eoghan Murphy, TD to discuss issues affecting children and families who are experiencing homelessness
- Meeting with the Minister of State at the Department of Health with special responsibility for Mental Health and Older People, Jim Daly, TD, to discuss developments regarding the provision of mental health services for children and young people



Domestic Violence Bill 2017

In June 2017, we made a submission to the Minister for Justice and Equality on the Domestic Violence Bill 2017. In our submission, we welcomed the stated aim of this Bill to improve protections available to victims of domestic violence as well as specific provisions to create a new criminal offence of forced marriage and to remove the exemption for underage marriage.

Our submission focused on how the legislation could be further improved to safeguard the rights of children experiencing or exposed to domestic violence, including with regard to applications for court orders under the Bill and the availability of special protection measures. In this regard, it is our view that children need to be recognised not only as ‘dependents’ of a victim, but also as rights-holders who can be both witnesses to and victims of domestic violence. Increasing the corresponding visibility of children in the Bill would strengthen the legislation considerably.

The Bill provides for the appointment of a ‘child views expert’ to ascertain the views of a child involved in domestic violence proceedings, where the court considers such an appointment to be necessary. Although this focus on the child’s right to be heard is welcome, the provision affords the courts significant discretion and could therefore lead to inconsistencies in practice. Furthermore, we are concerned about the provision made in the Bill in relation to payment of fees and expenses to a child views expert, which echoes an equivalent provision in Section 63 of the Children and Family Relationships Act 2015. While we recognise the discretion afforded to the court as regards which party or parties to specific proceedings will be required to pay the fees and expenses of a child views expert, we are concerned that a child’s exercise of their right to be heard may be contingent on the financial resources available to the party or parties concerned.

More generally, this provision indicates to us that Government departments appear to be taking a piecemeal and incoherent approach to incorporating children’s right to be heard into primary legislation relating to court proceedings affecting children. Provision has been made, for example, for the appointment of guardians *ad litem* in child care proceedings and of child views experts in private family law proceedings and domestic violence proceedings, without adequate clarity being provided about differences, if any, between these professional groups. In this regard, we have called on the Minister for Justice and Equality to finalise and publish the regulations relating to child views experts as a matter of priority.

We continue to encourage the Department of Justice and Equality and the Department of Children and Youth Affairs to coordinate their efforts with a view to supporting the establishment and appropriate resourcing of an independent

statutory body with a clear remit to manage and deliver an independent service that facilitates children to be heard in the context of care, family law, domestic violence and other relevant court proceedings affecting them.

In December 2017, the Ombudsman for Children wrote to the Minister for Justice and Equality and the Minister of State for Equality, Immigration and Integration to follow up on our recommendations on the Domestic Violence Bill 2017 and to welcome amendments to the Bill in the Seanad, including the new offence of coercive control and the extension of eligibility of safety and protection orders to people in intimate and committed relationships who are not cohabiting.

We have been monitoring this Bill as it passes through Dáil Éireann during the early part of 2018.



General Scheme of the Data Protection Bill 2017

The General Scheme of the Data Protection Bill 2017 was published on 12 May 2017. The stated aims of this legislation are: to give further effect to the General Data Protection Regulation (GDPR), which will come into force on 25 May 2018; to transpose Directive (EU) 2016/680 into national law; and to replace the Data Protection Commissioner in Ireland with a Data Protection Commission.

In response to an invitation from the Joint Oireachtas Committee on Justice and Equality, we submitted our preliminary observations on the General Scheme of the Data Protection Bill 2017 to the Committee in June 2017. Welcoming the opportunity that the GDPR and new data protection legislation present in strengthening the data protection rights of children and young people under 18 years of age, our submission focused on highlighting a number of ways in which the legislation could be strengthened to give further visibility to children and further effect to children's rights.

Our submission focused on highlighting a range of issues, including children's rights in the digital age, internet use among children and young people in Ireland, visibility of children in the proposed legislation, the digital age of consent, communications addressed to children, and raising awareness among children and young people of their data protection rights.

Underscoring the importance of recognising children as rights holders and of taking appropriate account of children's rights in the online environment, we made several recommendations, including:

- children should be afforded an opportunity to express their views on aspects of the legislation affecting them and their views should be taken into account
- the legislation should include an explicit definition of the 'child' and this definition should be in keeping with the definition of the child under Article 1 of the UN Convention on the Rights of the Child
- the legislation should provide for 13 years of age to be the digital age of consent
- the legislation should make explicit provision for the derogation set out in Recital 38 of the GDPR in relation to preventive or counselling services offered directly to children
- the legislation should place an explicit obligation on data controllers to provide information to and communicate with children and young people in clear, accessible formats and language.

The Joint Oireachtas Committee on Justice and Equality published a report on its pre-legislative scrutiny of the General Scheme in November 2017. We welcome that the Committee's observations and recommendations include a strong focus on children, including in light of recommendations we made.

As regards the digital age of consent, we recommended in our submission to a consultation by the Department of Justice and Equality in 2016 on the digital age of consent, and in our subsequent ¹⁵submission to the Oireachtas Committee on the General Scheme of the Data Protection Bill 2017, that Irish legislation should provide for the lower age of 13 years.

In our view, providing for 13 years as the digital age of consent takes more appropriate account of children and young people's internet use and of the integral role that the online environment plays in their lives. Moreover, we believe that such a provision is more in keeping with international children's rights standards as it represents a more proportionate approach to balancing the different rights of the child engaged, as well as the opportunities and risks that the online environment presents to children and young people. In this regard, we are of the view that providing for 13 as the digital age of consent can promote a more nuanced, holistic approach to addressing risks that young people may encounter online.

As the UN Committee on the Rights of the Child highlighted in its 2016 General Comment on the implementation of the rights of the child during adolescence, education focused on developing young people's digital literacy is a core element of such an approach. We believe that education has a key role to play in supporting children's rights to privacy and protection from harm in the online environment and in enabling children and young people to benefit from the positive opportunities that the internet presents.

In this regard, we think that consideration needs to be given to mainstreaming digital literacy as a core set of competencies and skills that children are supported to develop from a young age in the context of their formal education. It is also important that parents/guardians are further supported to strengthen their own digital literacy so that they are empowered to make informed decisions when assisting their children to engage with the online environment in a safe, respectful manner and to deal with any risks they may encounter in an appropriate way.

The OCO is aware of work that is already being done by a number of agencies in Ireland to strengthen the digital literacy of children, young people and parents/guardians. Taking into account that one of the tasks of the proposed Data Protection Commission will be to "promote public awareness and understanding of the risks,

¹⁵ Available at www.oco.ie/library/observations-general-scheme-data-protection-bill-2017/

rules, safeguards and rights in relation to processing” (Article 57(1)(b) of the GDPR) and that “activities addressed specifically to children shall receive specific protection” in this regard, we believe that attention needs to be given to how a coordinated and, where appropriate, collaborative approach might be taken by different agencies in Ireland to ensuring that children and young people are equipped with the knowledge and skills they need to navigate the online environment safely as confident, competent digital citizens.

More generally, given that the issues that can arise for children and young people in the online environment are complex and wide-ranging, we are of the view that a cross-sectoral, multi-stakeholder approach is needed to further developing and implementing a suite of measures – including educational measures – to address these issues in a coordinated manner, which balances the rights of children in this environment appropriately.

Adoption (Information and Tracing) Bill 2016

The Minister for Children and Youth Affairs published the General Scheme of the Adoption (Information and Tracing) Bill 2015 in July 2015. Our November 2015 submission focused on aspects of the General Scheme that related to children. Subsequently, the Adoption (Information and Tracing) Bill 2016 was published in November 2016. This Bill includes a general presumption in favour of disclosing information to adopted people regarding their birth and adoption and provides statutory guidance to the Adoption Authority of Ireland and the courts when called upon to balance competing rights in relation to the disclosure of identifying information.

During 2017 we engaged with the Minister for Children and Youth Affairs and the Department of Children and Youth Affairs (DCYA) to highlight our concerns about the invisibility of the rights of adopted children in the 2016 Bill, notwithstanding the fact that sections of the 2016 Bill directly concern adopted children under the age of 18 years. Specific issues that we raised in this regard related to:

- the absence of any reference to the best interests and views of the adopted child in those sections of the 2016 Bill dealing with access to information relating to the adopted child by the child’s adoptive parent and by the child’s birth parent
- the silence of the 2016 Bill about the identity rights of the child and the absence of any provision in the Bill that would enable an adopted child to make an application for information relating to him/her

- apparent inconsistencies in the 2016 Bill as regards the extent to which an adoptive parent may be able to obtain non-identifying medical and health information relating to their adopted child, depending on who holds such information.

We welcome indications given during 2017 that the 2016 Bill will be amended to take account of recommendations we made in relation to ascertaining the views of the child and enabling an adopted child to make an application to the Child and Family Agency for information relating to him/her.

We will monitor developments in relation to this legislation during 2018 and hope that the Bill will progress without undue delay.

General Scheme of the Child Care (Amendment) Bill 2017

In March 2017, we made a submission to the Joint Oireachtas Committee on Children and Youth Affairs on the General Scheme of the Child Care (Amendment) Bill 2017. The stated objective of this General Scheme is to ensure that a high quality, sustainable guardian *ad litem* (GAL) service can be provided to benefit the greatest number of children and to ensure that their views can be heard in child care proceedings.

Although we welcome these objectives and the proposed establishment of a nationally organised and managed GAL service, we have recommended a number of changes to the proposed legislative framework with a view to ensuring that it more fully respects the rights of children. In particular, we are of the view that legislative reform in this area needs to be underpinned by a recognition of GALs as being first and foremost a service for children to give effect to their constitutional rights.

The General Scheme made provision for the Minister for Children and Youth Affairs to establish a national GAL service by way of public procurement. We raised concerns about this approach in our submission and recommended the establishment and proper resourcing of an independent statutory body with responsibility for overseeing the appointment, training and performance of GALs. We also expressed concerns about the Child and Family Agency having any role in the funding of the national GAL service, as proposed by the General Scheme. Furthermore, we understand that the focus of this draft legislation is on the establishment of a national GAL service to support children to be heard in the context of care proceedings affecting them. However, we are of the view, as stated above in relation to the Domestic Violence Bill (2017), that it would be desirable to establish an independent national service on a statutory basis, which would have responsibility for supporting children to be heard in different types of judicial proceedings affecting them – for example, care proceedings, family law proceedings, criminal law proceedings, and proceedings under the Mental Health Act 2001.

We presented our views and recommendations to the Joint Oireachtas Committee on Children and Youth Affairs in April 2017. The Committee subsequently submitted a report to the Minister for Children and Youth Affairs in May 2017 as part of the pre-legislative scrutiny process. Referencing our recommendations, the Committee put forward the view that the GAL service should not be subject to the procurement process proposed in the General Scheme. Rather, it should be set up as an independent statutory body. The Committee also recommended that there should be no involvement of the Child and Family Agency in the provision of the GAL service.

In December 2017, we were informed by the DCYA that the Government has approved the establishment of a national GAL service within an Executive Office of the DCYA on an interim basis and that, once this Office is established, the relevant expenditure will be moved from the Child and Family Agency to the DCYA. We welcome these developments as an important step towards ensuring that the national GAL service is independent, accountable, transparent and sustainable. We will continue to engage with the DCYA about this matter and the legislation relating to it.



Review of the Child Care Act 1991

In accordance with a commitment in *Better Outcomes, Brighter Futures – The National Policy Framework for Children and Young People 2014-2020*, the DCYA commenced a two-year process to review the Child Care Act 1991 in 2017. The aims of this review are to identify what is working well within the legislation; to address any identified gaps and new areas for development; to capture current legislative, policy and practice developments; and, building on these steps, to revise the original legislation.

With a stated purpose of providing for the care and protection of children, the 1991 Act sets out the circumstances and manner in which the State may intervene in the lives of children and families where children may not be receiving adequate care and protection and where such intervention may entail the State taking the place of parents. As such, the 1991 Act is a very significant piece of legislation since actions and decisions taken by the State under its provisions can have a profound impact on children who are in vulnerable situations and on families who are experiencing considerable challenges.

As the DCYA has recognised, notwithstanding amendments that have been made to the 1991 Act, many of its key provisions have been in force for over 25 years. As a result, the 1991 Act can be seen to be out of date at a fundamental level: preceding as it does Ireland's ratification of the UN Convention on the Rights of the Child and the much more recent insertion of Article 42A into the Constitution, the 1991 Act broadly provides for a welfare approach rather than a rights-based approach to providing for the care and protection of children. We welcome the current review as an important opportunity for the State to affirm its commitment and give appropriate legislative underpinning to its obligations to respect, protect and fulfil the rights of children affected by the Act's provisions. Taking this opportunity will mean putting children first and will involve a focus on strengthening the visibility of children's rights in the 1991 Act. It will also entail setting out what the State requires and expects of the Child and Family Agency (Tusla), the courts, An Garda Síochána and other actors as regards discharging their roles and responsibilities under the Act in accordance with children's rights and best interests.

We welcome the DCYA's consultative approach to the review as it supports engagement by a wide range of interested parties. During 2017, we met with DCYA staff who are working on the review and we participated in an Open Policy Debate that the DCYA held in September 2017 in relation to the review.

We are of the view that it is important for the DCYA to take a rights-based approach to the review process itself. In this regard, we provided the DCYA with a short briefing note in July 2017, which set out what such an approach might entail. Central to such an approach will be to ensure that children and young

people affected by the legislation in one or more ways are afforded meaningful opportunities to share their experiences and perspectives. As such, we welcome indications from the DCYA that it plans to seek the views of children and young people as part of the review process.

In December 2017, we received an invitation from the DCYA to take part in a written consultation process regarding how best to reform and revise the 1991 Act. In addition to making a written submission, we will continue to engage with the DCYA's review process, as necessary and appropriate, during 2018.

Education (Admission to Schools) Bill 2016

The OCO previously provided advice on the General Scheme of the Education (Admission to Schools) Bill 2013 and made further observations to the Minister for Education and Skills following the publication of the Education (Admission to Schools) Bill 2015. In July 2016, the Minister for Education and Skills published the Education (Admission to Schools) Bill 2016. We submitted ¹⁶advice on this Bill in April 2017.

In a number of important areas, our previous concerns and corresponding recommendations have not been addressed by the 2016 Bill to the extent that they could have been, including with regard to:

- the past pupil criterion
- the designation of school places for children in care
- consulting with children so that their views can be taken into account in the context of work to develop and implement this legislation
- the oversight mechanisms in place to monitor the operation of school admission policies.

In August 2017, we followed up with a number of additional recommendations relating to Section 7 of the 2016 Bill, which replaces Section 29 of the Education Act 1998. We urge the Department of Education and Skills (DES) to give further consideration to these matters prior to finalising the Bill.

It is now over four years since the General Scheme of the 2013 Bill was published. While we appreciate the challenges entailed in finalising this legislation, we hope that this important piece of legislation will be brought to a satisfactory conclusion without undue delay.

¹⁶ Available at www.oco.ie/library/advice-ombudsman-children-education-admission-schools-bill-2016/

The role of religion in school admissions

In January 2017, the Minister for Education and Skills initiated a public consultation on the role of religion in the school admissions process. In March 2017, we submitted ¹⁷ observations to the Department of Education and Skills and recommended that outright repeal of Section 7(3)(c) of the Equal Status Act 2000 was the only option under consideration by the DES, which would provide for non-discriminatory access for all children to State-funded primary schools.

In June 2017, the Minister for Education and Skills announced that he would be bringing forward legislative proposals to amend the Equal Status Act to ensure that State-funded denominational primary schools will not be able to discriminate on the basis of religion in their admissions policies. While recognising this as a significant and positive step, it is proposed that minority faiths may continue to use religion as a criterion in the admissions process in order to protect their ethos in cases where they are oversubscribed. We reiterated our call for the outright repeal of Section 7(3)(c) of the Equal Status Act on the basis that a children's rights approach to this matter requires that no publicly funded school should discriminate on any grounds, including religion.

In October 2017, the Minister for Education and Skills indicated that consideration was being given to amending the Education (Admission to Schools) Bill 2016 to address the 'baptism barrier' rather than introducing a separate Bill for this purpose. We welcome this development as we are of the view that issues relating to school admissions should be dealt with in the same Bill, in order to avoid fragmentation and to allow the issues to move together through the procedures and safeguards laid out in the legislative process.



¹⁷ Available at www.oco.ie/library/oco-observations-on-role-of-religion-in-school-admissions/

General Scheme of the Education (Parent and Student Charter) Bill 2016 and the Education (Amendment) Bill 2015

The Education (Amendment) Bill 2015 was introduced as a Private Members Bill to the Dáil in October 2015, with the aim of establishing an Ombudsman for Education. Subsequently, the Minister for Education and Skills published the General Scheme of the Education (Parent and Student Charter) Bill 2016 in December 2016, with the stated aim of improving engagement between schools, students and parents.

It has been of concern to the OCO for several years that the complaint handling structures in the formal education system are incomplete and inconsistent. In this regard, our experience of examining education-related complaints indicates that difficulties can arise with the handling of complaints in individual schools. In light of our considerable experience in this area, we made a submission to the Joint Oireachtas Committee on Education and Skills in March 2017 in relation to the General Scheme of an Education (Parent and Student Charter) Bill 2016 and the Education (Amendment) Bill 2015.

Although we are of the view that a number of amendments are needed to the proposed legislation regarding a Parent and Student Charter in order to ensure that it fully incorporates a child rights-based approach, we welcome the policy intention underpinning this legislative framework and the opportunity presented by the proposals to provide a sound statutory basis to support a child-centred and rights-based approach to decision-making in schools. While we support the focus on promoting a culture of decision-making in schools that will mitigate against concerns escalating into formal grievances, we also welcome the fact that the proposals will provide legislative underpinning for local complaints procedures in schools and for a consistent approach by schools to dealing with complaints. In this regard, we have considered what has been proposed by the DES in the General Scheme in respect of the OCO's role.

As regards the Education (Amendment) Bill 2015, we appreciate the intention behind this Bill as regards strengthening the accountability of schools for their decision-making. However, we raised a number of concerns in our submission about the implications of several of the proposals put forward in this Bill.

In November 2017, the Joint Committee on Education and Skills published its report on the scrutiny of the Education (Amendment) Bill 2015 and the General Scheme of an Education (Parent and Student Charter) Bill 2016. We welcome



the Committee's identification of the General Scheme of an Education (Parent and Student Charter) Bill 2016 as the "preferred option" for addressing through primary legislation how school complaints and grievances should be dealt with.

In January 2018, the Cabinet gave approval to the Minister for Education and Skills to proceed with drafting the Education (Parent and Student Charter) Bill. We plan to engage further with the DES during 2018 in relation to this Bill.

Seanad Public Consultation Committee on Children's Mental Health Services in Ireland

As set out in our Strategic Plan 2016-2018, the issue of children's mental health is a priority for the OCO. Among the stakeholders that the Ombudsman for Children met with during 2017 to encourage progress in relation to mental health provision for children were the former Minister of State at the Department of Health with special responsibility for Mental Health and Older People, Helen McEntee, TD and the current Minister of State, Jim Daly, TD.

In April 2017, we were invited to make a submission to the Seanad Public Consultation Committee on children's mental health services in Ireland. Among the ¹⁸recommendations that we made to the Committee were for:

- the development of a new stand alone, comprehensive Government strategy that is specifically focused on the mental health needs of children and young people (a new, standalone *Vision for Change* for children)
- statutory recognition of children's right to child-centred, quality mental health services
- ending the practice of admitting children to adult psychiatric units as a matter of urgency
- the establishment of a mental health advocacy and information service that is specifically for children.

We also highlighted the need for increased universal, accessible and evidence-based prevention and early intervention mental health services at community level. The Ombudsman for Children subsequently appeared before the Seanad Public Consultation Committee in July 2017 to discuss children's mental health services and to outline these recommendations.

¹⁸ Available at www.oco.ie/library/submission-seanad-public-consultation-committee-childrens-mental-health-services-ireland/

The Seanad Public Consultation Committee published its report on children’s mental health services in Ireland in October 2017. We welcomed the Committee’s recommendations and believe that the report offers some constructive solutions that would improve mental health services for children.

We also welcome the publication in December 2017 of the report of the ¹⁹National Youth Mental Health Taskforce, which was established in 2016 to provide national leadership in the field of youth mental health and to bring together representatives from the statutory, voluntary, public, private and youth sectors. Several of the recommendations made in this report are aligned with the priorities for action that we have identified, including the proposed establishment of an independent National Youth Mental Health Advocacy and Information Service and a role for schools in fostering mental health and wellbeing and supporting young people with mental health issues. We concur with the Task Force about the need for a coordinated approach to mental health care provision for young people and about the importance of measures focused on early intervention, clear referral pathways and timely access to supports for young people. The report itself states that “the period between 16 and 25 is recognised as a time when many young people fail to access appropriate services and supports in a timely manner” and goes on to recommend that: “Pathfinder should carry out a detailed assessment of the services and supports currently available in relation to youth mental health, in order to identify gaps in service provision and to scope what improvements could be achieved through greater coordination.”

The report outlined that “this Pathfinder project is an internal process designed to effectively collaborate across departments on an issue that spans more than one department, i.e. youth mental health. The Government picked this topic as three high-profile pathfinder projects at the heart of its Civil Service Renewal Plan (2014). One of the asks of the Youth Mental Health Pathfinder project was to try to effectively embed a new model of cross-government working using Section 12 of the Public Service Management Act 1997”.

It is essential that the recommendations of the Seanad Committee and the Task Force are treated as a further catalyst for much needed improvements in this area. We look forward to the success of this Pathfinder project acting as a constructive basis for prompt actions and the delivery of concrete changes that will benefit the mental health of all children and young people.

19 Available at <http://health.gov.ie/wp-content/uploads/2017/12/YMHTF-Final-Report.pdf>

4.6 Research

Progressing children's right to be heard through social and digital media

In accordance with section 7(3) of the 2002 Act (as amended) and in line with one of the OCO's strategic priorities for the period 2016-2018, we commissioned research about how social and digital media might be mobilised appropriately and effectively to progress the realisation of children and young people's right to be heard in the context of public decision-making processes affecting them.

During 2017, a research team at the Centre for Social and Educational Research, Dublin Institute of Technology, conducted desk-based research to examine:

- the opportunities that exist to mobilise social and digital media appropriately and effectively in order to advance children's right to be heard
- the principal barriers to mobilising social and digital media for these purposes and how these barriers might be overcome
- good practice examples of where social and digital media have been employed for these purposes
- building blocks to provide for and support children and young people to express their views and to be heard by relevant public policy makers and service providers through social and digital media.

Following the completion of a report arising from this desk-based research, we will decide whether to proceed with follow up primary research to elicit the views of key stakeholders, including young people, on this topic during 2018.



4.7. Engagement with International Networks

European Network of Ombudspersons for Children

Cooperation with Ombudspersons for Children in other states is a function of the Ombudsman for Children under the 2002 Act. During 2017 we continued our active engagement with the European Network of Ombudspersons for Children (ENOC). This network includes 33 Ombudspersons and Commissioners for Children across 42 countries across Europe. Our engagement included responding to information requests from ENOC members which can influence the development of policy and legislation across Europe. It also included ongoing work by the Ombudsman for Children in fulfilling his mandate as a Bureau member of ENOC, a five person grouping which runs the network.

Throughout the year the Ombudsman for Children attended a range of meetings in Europe, including Stockholm in April, where he engaged with an ENOC Conference entitled 'Ensuring a Rights Perspective for Children in Migration'. He also attended a training course run by the Council of Europe in Strasbourg on the theme 'Monitoring places where children are deprived of their liberty as a result of immigration procedures'.

The Ombudsman for Children was also elected, at the September ENOC General Assembly, to the post of Secretary to the Bureau.

The OCO Director of Investigations attended a regional ENOC meeting in Athens on 'Safeguarding And Protecting The Rights Of Children On The Move: The Challenge Of Social Inclusion'. This was attended by Marta Santos Pais, the Special Representative of the United Nations Secretary-General on Violence against Children, as well as Ombudspersons for Children from across Europe.

The key objectives of the meeting were to:

- review the status of measures and progress made towards protecting and promoting the rights of Children on the Move in line with Member State commitments at national level
- discuss and share good practices on social inclusion of children on the move, with a view to informing advocacy and actions
- share good practices on measures by Ombudspersons (Independent Authorities for Human Rights and Children's Rights) to monitor the implementation of the rights of children on move
- agree priority areas for action and a related set of recommendations on protection and social inclusion of children on the move

British and Irish Network of Ombudsman and Commissioners for Children

We also continued our involvement with the British and Irish Network of Ombudsman and Commissioners for Children (BINOCC) by attending meetings in both Edinburgh and London. It was through BINOCC that the concept of a joint working approach was established between the OCO and the Northern Ireland Commissioner for Children and Young People for the Brexit project outlined elsewhere in this report.



It's Our Brexit Too:

**Children's Rights,
Children's Voices**

Conference Report, 10th November 2017





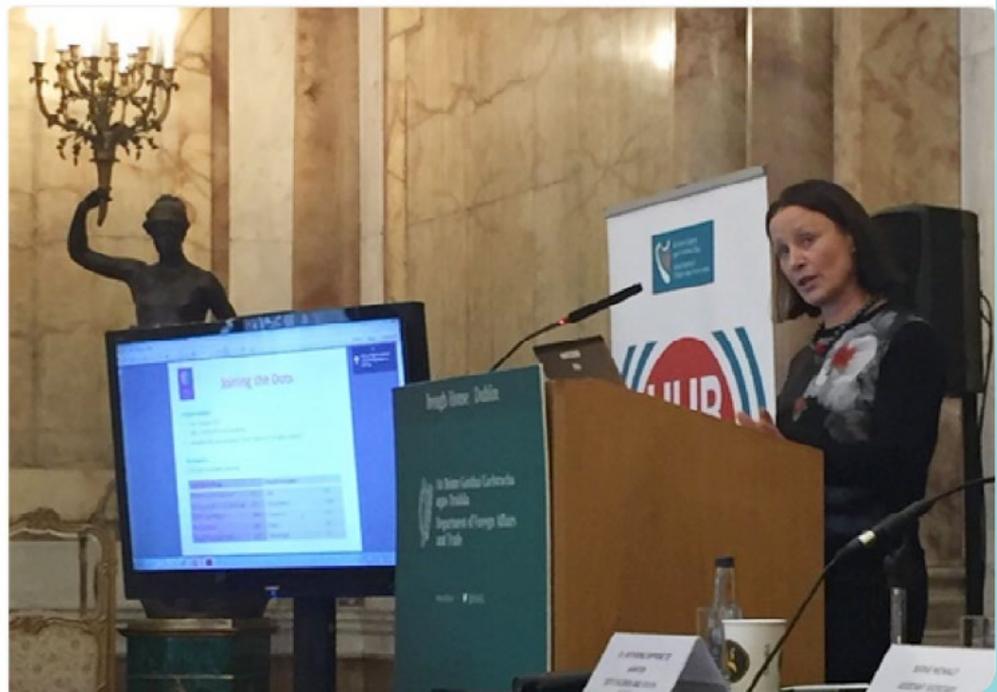
OmbudsmanForChildren @OCO_ireland · 26 Sep 2017

Let's talk about #ChildrenNowRightsNow 25yrs after Irl ratified the UN Convention on Rights of the Child #YourOCO oco.ie/2017/09/oco-ce...



OmbudsmanForChildren @OCO_ireland · 13 Nov 2017

#YourOCO attended the launch today of the cross-departmental implementation of the National Strategy on Children's and Young People's participation in Decision Making hub with @DCYAPress @KZapponeTD



Chapter 5

Resources & Communication

5.1. Financial Control

The budget of the OCO is allocated through the Department of Children and Youth Affairs. In 2016, the financial allocation of the OCO was €2.36m, an increase of €200k on 2016.

As set out in Sections 17(1) and (2) of the Ombudsman for Children Act 2002, the Ombudsman for Children is responsible for preparing Financial Statements and for ensuring the regularity of the Office's transactions.

The functions underpinning these responsibilities include authorising and monitoring payments for goods and services, tendering processes, the operation of payroll, and compilation of monthly returns.

The Financial Statements are subject to audit by the Comptroller and Auditor General. The audit of the 2017 accounts will take place later in the year, most likely during the summer. Financial Statements for a given year are generally not audited at the time of the relevant annual report's publication. Once approved by the Comptroller and Auditor General, they are published, along with annual accounts for all the years up to 2016 on the ²⁰OCO's website.

Crowleys DFK Chartered Accountants provided accountancy and payroll services to the Office during 2017.

ASM Chartered Accountants provided our internal audit function, and undertook a review of financial controls and a value-for-money audit in 2017.

²⁰ Available at www.oco.ie/library

5.2. OCO Media and Communications

Under Section 7 of the Act, the OCO is obliged to promote the rights and welfare of children; to promote awareness of children's rights and to raise awareness of the work of the OCO.

Media

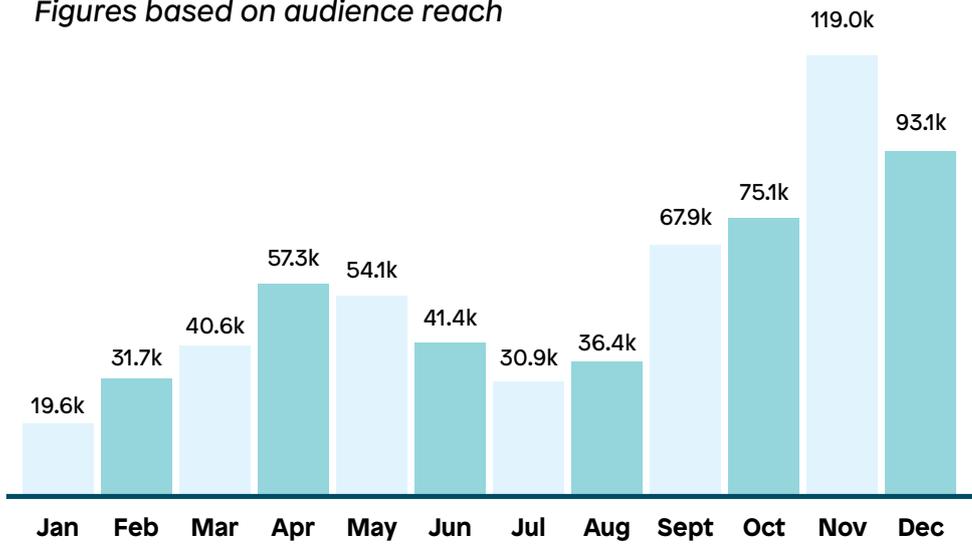
Media coverage is a key indicator of the success of the OCO Communications team in raising awareness of the work of the Office, its views and children's rights. In 2017, there was a marked increase in the coverage of the OCO. The Office was featured in 166 local newspaper articles, as well as 120 national articles. This is in addition to many more online mentions and references on broadcast media both nationally and locally. Opinion pieces by the Ombudsman for Children were featured on thejournal.ie, and the Ombudsman, as well as other members of the team, represented the Office on a number of national radio and television programmes.

Coverage of the OCO related to mental health issues; commentary on education and the baptism barrier, the announcement in 2017 that children will no longer be detained in adult prisons, Direct Provision and the age of digital consent. There was also significant coverage on the back of OCO publications relating to scoliosis, housing and school transport. In April 2017, the OCO began accepting complaints in relation to children living in Direct Provision. This resulted in a lot of media interest.



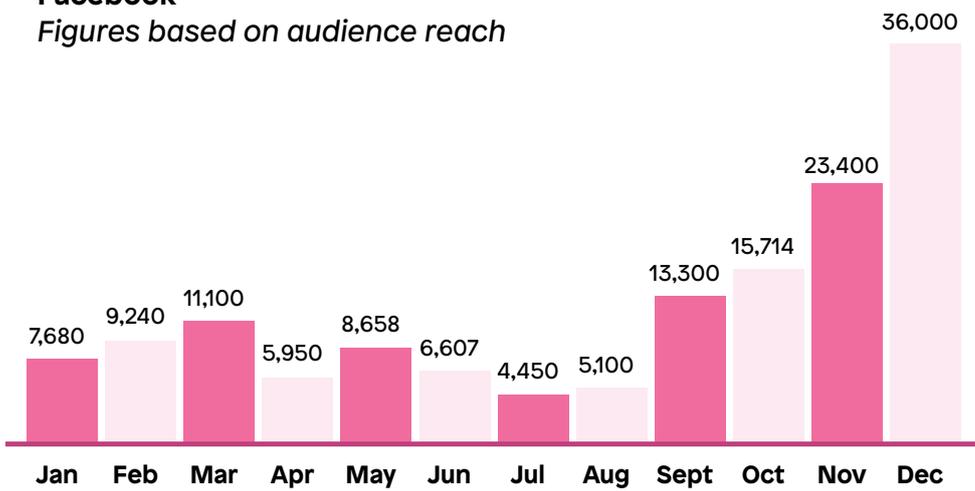
Twitter

Figures based on audience reach



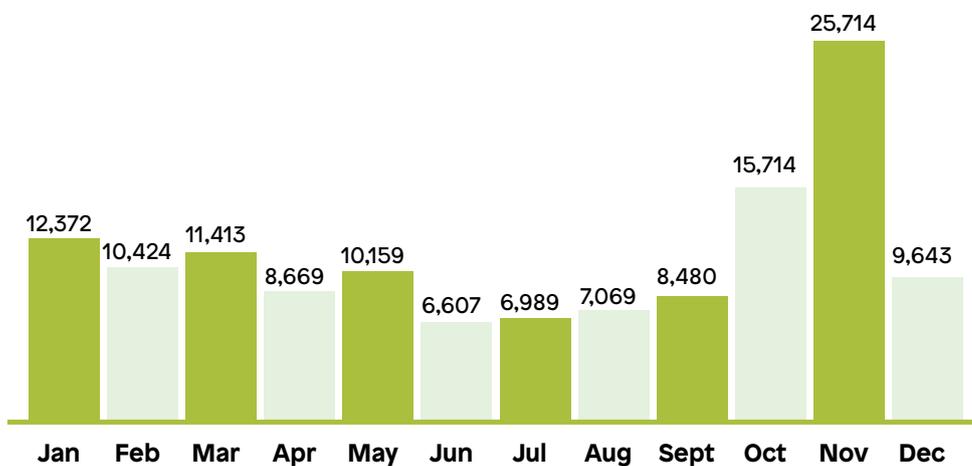
Facebook

Figures based on audience reach



Website

Figures based on page views



Social Media

Increased investment of time and funding was directed towards social media in 2017. A tender was awarded to Carr Communications to provide social media support from January to August, and in September a social media officer joined the Communications team. The OCO social media policy focuses on raising awareness of the work of the Office and promoting children's rights among children and young people themselves, and also among parents, teachers, professionals and those making decisions that affect children. In 2017 we made an increased effort to grow our Twitter presence, and new Facebook and Instagram accounts were set up. Over the course of the year, we have seen significant growth in this area. Since September, we have also accelerated the production of organic content for our platforms and this has resulted in an increase in traffic in all areas.

Publications

In 2017 the OCO published a number of reports including *Waiting for Scoliosis Treatment: A Children's Rights Issue*, the Annual Report 2016, an investigation on housing titled: *Children homeless for two years after suffering domestic abuse*, and *School Transport in Focus* which featured a collection of complaints relating to this issue. All OCO publications required significant involvement from the Communications team from the editing and design phase through to publicising across the media. The issues raised through these various publications resulted in significant media coverage and in many instances an increase in contacts to the Office about possible complaints.



Events

In 2016, a decision was made to increase awareness of the OCO among children and young people by exhibiting and providing information at a number of key events. This outreach initiative was developed further in 2017 and was led by the Communications team. The OCO team exhibited at the Cycle Against Suicide Student Leaders Congress attended by 4,000 students, the National Ploughing Championships where we met with at least 1,000 children and young people, as well as many more adults who were seeking information on children's rights. We attended the School Summit where we interacted with approximately 600 students, and Zeminar which was attended by 16,000 young people. These events were a great success in raising awareness of the OCO.



Appearances before the Oireachtas

The Ombudsman for Children is directly appointed by the Oireachtas and therefore, on occasion, is invited before various committees to present the view of the OCO or to offer advice. In 2017, the OCO appeared before the Oireachtas on three occasions. We were invited to appear before the Oireachtas Committee on Children and Youth Affairs on two occasions; the first in relation to proposed legislation on an Education Ombudsman, and the Education (Parent and Student Charter) Bill 2016. On the second occasion, we appeared in relation to the General Scheme of the Child Care (Amendment) Bill 2017 which deals with guardians ad litem. The OCO also appeared before the Seanad Public Consultation Committee on mental health services for children and young people. The Communications team supported these appearances in preparing opening statements and in follow-up media queries.

Universal Children's Day

In 2017 a range of organisations and agencies working in the children's sector came together to drive a celebration of Universal Children's Day. This group included the Department of Children and Youth Affairs, Barnardos, the Children's Rights Alliance, the Care Leaver's Network, Tusla, Focus Ireland, St Patrick's Mental Health Services, the INTO and the Ark. Together this group coordinated the promotion of Universal Children's Day as a day to celebrate childhood and to hear the voices of young people. This resulted in increased coverage of the day and the initiative will be built on in 2018.

As part of the Universal Children's Day celebration, the OCO organised an event in Dublin city centre featuring the National Children's Choir and Ma Samba Youth Band. This event took place in advance of Universal Children's Day; its aim was to raise awareness of the day. With approximately 200 people in attendance this was a success and shows great potential to be developed in 2018.

The OCO also took part in a 'takeover day' on Universal Children's Day where a member of Empowering Young People in Care (EPIC), shadowed the Ombudsman for Children, for a day. In a meaningful way the young person was given the opportunity to learn about the diverse issues that come up for the OCO on a daily basis and to offer their opinion. We also supported Facebook's Head of Safety Policy in taking part in this initiative by linking them with some young people. Again, this is a programme that can grow to include more organisations in the future, and therefore bring young people's voices to positions of power.

UNCRC 25

In addition to the ongoing Communications work that takes place in the OCO, a decision was made in 2017 to mark the 25th Anniversary of the Ireland's ratification of the UN Convention on the Rights of the Child (UNCRC) with a year-long programme of events.

This significant milestone was an opportunity to raise awareness of children's rights in Ireland today, and of the UNCRC itself, in interactive and innovative ways. The OCO brought together a Youth Consultative Group to help plan the Anniversary Programme and event launch, inviting representatives from the Garda Youth Diversion Programme, Comhairle na nÓg, Gaisce, YouthBank, Migrant Access Project, the Irish Wheelchair Association, the Immigrant Council of Ireland and GAA Youth. The programme of events was designed to run from 2017 into 2018. The activities that took place in 2017 include:

- o **Flagship event:** The year was officially launched with an event in Croke Park on 28 September, the anniversary of Ireland's ratification of the UNCRC. This 'Festival of Rights' event was attended by over 250 children and young people from the four provinces of Ireland, as well as almost 50 policy makers and adults who work with, or make decisions that affect young people. At the event we explored some key issues affecting young people including mental health, digital citizenship and awareness, and a range of social issues including homelessness. Through interactive workshops and activities, and with the support of some inspirational speakers, the young people shared their views on 'rights in reality'. The views expressed by the young people at this event will be collated by OCO and made available to policy makers in 2018.
- o **The Promise video:** To promote and inform our September event we commissioned a video on the impact of children's rights in Ireland. This video, titled The Promise, to reflect the promise made to protect and promote children's rights when the UNCRC was ratified, was informed by the work of our consultation group. The stories of young people inspired its creation and many of the group featured in the video.



- **25th Anniversary Resource Pack:** A nationwide invitation to take part in the celebration was extended, and the OCO designed and distributed a resource pack to cross-sector organisations. The pack included information about the UNCRC, suggestions for activities, and encouraged public organisations, schools, groups and individuals to celebrate children’s rights in their own way. Many organisations ran seminars, workshops or other initiatives, including Comhairle na nÓg, DCU Teacher Training, Fibín, Baleskin Reception Centre for asylum seekers, the National Library, Arts Officers networks, Wicklow Children and Young People’s Services Committee, and the Irish Film Institute (IFI).
- **New Online Educational Resources:** The programme of events also included the development and piloting of a range of new online education resources in collaboration with partner organisations as a permanent legacy of the 25th Programme.

See also Chapter 4.2. Rights Awareness and Education Programme for other online educational initiatives by OCO.

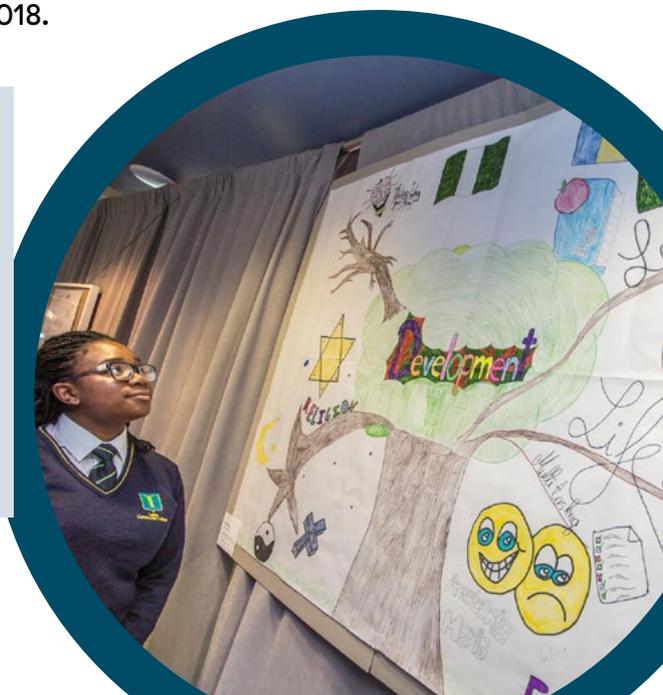
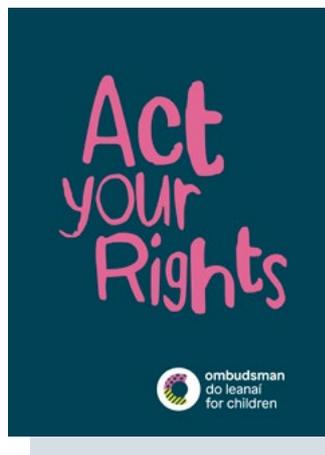
Partnerships

In 2017, as part of the Anniversary year, the OCO collaborated with a wide range of organisations on rights awareness initiatives including Fibín, The Ark, Sport Ireland, GAA, IRFU, Barnardos, Foróige, Spun Out, Dublin City Council, UNICEF, Focus Ireland, RIAM, and Tusla, among others.

- **Rights in Their Eyes:** We invited the winners of the 2017 Texaco Children’s Art Competition to create a piece of art inspired by a right from the UNCRC. These pieces were exhibited in the Royal Hibernian Academy in September 2017. The exhibition will continue its tour in 2018 to Temple Street Children’s Hospital, Our Lady’s for Sick Children, Crumlin and the National Children’s Hospital, Tallaght.
- **Children’s Rights, Children’s Writing:** In collaboration with Fighting Words, we invited 25 young writers to respond to the UNCRC by reflecting on their rights in everyday life. These stories, poems and contributions were published as a supplement in the Irish Times on the 20th November to coincide with Universal Children’s Day.

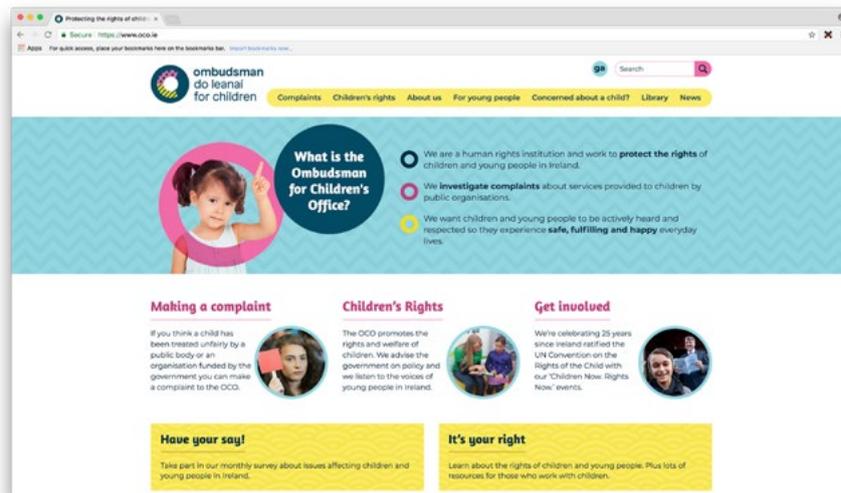


- **A Playful City:** During the month of December, street art, inspired by children’s rights and created by some of Ireland’s leading artists, was on display at a number of key locations around Dublin City in collaboration with A Playful City initiative. This project highlighted the value of play for children and was directly linked to the right to play.
- **Get Animated About Rights:** We launched a national drawing competition in November 2017 in collaboration with the Irish animation industry. Children and young people were invited to create an image of the rights that mean the most to them. In 2018, they will have the opportunity to see them brought to life by some of the best animators in Ireland.
- **Fresh Film Festival:** The OCO started to collaborate with the Fresh Film Festival on their Hothouse programme for young film makers in November 2017. During the anniversary year, 16 new short films, based on rights, will be created and supported, and will be premiered in September 2018.
- **The Rights Museum:** In collaboration with the National Museum of Ireland and Collapsing Horse Theatre, we piloted a project with Larkin Community College in Dublin inviting young people to choose and curate objects to represent rights. The Rights Museum resource for educators will be available online for September 2018, and will invite Junior Cert students to explore the UNCRC, choose and curate objects representing rights to exhibit in a pop-up Museum in their school or local community.
- **Act Your Rights:** In collaboration with the Abbey Theatre, the OCO piloted a new permanent online resource to help teachers start rights conversations with 4-6th class students. We launched a national drama competition inviting students to create a short drama and they will have the opportunity to perform on stage in the Abbey Theatre in 2018.



OCO Website

A tender for the redesign of the OCO website was awarded in 2017. A mobile friendly, accessible and plain English website is in development offering information on our complaints function, as well as information on children's rights, resources for teachers and much more. The new OCO website will be launched in early 2018. The new OCO website will be in keeping with our obligations under the Official Languages Act.



Rebrand

Work took place in 2016 to begin a rebranding process for the OCO. This was completed in early 2017 and resulted in the production of new OCO signage and information materials. All branding is in keeping with our obligations under the Official Languages Act.

Irish language Scheme

In 2017, the OCO launched its first Irish Language Scheme. Although the Office has been providing information in Irish for some time, an official scheme was not in place. As a result, 2017 saw an increase in output in Irish, a change of signage and branding, as well as plans to adapt the OCO website.

Translation services

A tender was awarded in 2017 to support OCO staff in receiving and responding to the public in a number of languages. Since OCO began to accept complaints on behalf of children in Direct Provision, there was an increase in correspondence in languages other than English and Irish. We have responded by resourcing the team to allow them to interact with the public in the language of their choice. We have also translated some of our information materials and our complaint forms into some of the most frequently requested languages, such as Polish, Arabic, Urdu, Dari and Bengali.

5.3. Human Resources

In 2017, the Ombudsman for Children's Office was issued a recruitment licence by the Commission for Public Service Appointments. This allows us to recruit and find the best people for the specialised roles in the Office.

In the second half of 2017, the OCO partnered with Sigmar Recruitment, after a full tender process, on a recruitment campaign to fully staff the Office. We were looking for a total of eight new permanent staff members – three Assistant Principals, and five Executive Officers.

There were a number of significant staffing changes in early 2017. A new Head of Policy and an additional Policy Officer were appointed, while a new Social Media Officer started in September, just in time for our UNCRC25 event.

Throughout 2017, we had 14 full-time staff members. With our recruitment drive coming to an end, this should rise to 22 full-time staff in 2018.

5.4. Millennium House – use of premises

Along with running human rights education workshops for visiting groups of children and young people, the OCO also continued its equivalent programme for postgraduate students. The OCO continues to make the facilities of Millennium House available as a venue for appropriate events focused on the rights and welfare of children and young people. These facilities include an open space for larger groups, and a cinema room. Allowing the use of our space for these events allows us to create and maintain relationships with different youth-focused groups, and it is beneficial in building the profile of the Office.

5.5. Overview of energy usage in 2016

In December 2009, the Minister for Communications, Energy and Natural Resources gave effect to Directive 2006/32/EC of the European Parliament and of the Council of 5 April 2006, and made the 'European Communities (Energy End-use Efficiency and Energy Services) Regulations 2009 (S.I. 542 of 2009)'. The Regulations require public sector organisations to report annually from January 2011 on their energy usage and actions taken to reduce consumption.

In 2017, the OCO used 79.112 MWh of electricity, compared to 78.706 MWh in 2016. Energy usage is monitored on an on-going basis. The OCO continues to operate a comprehensive internal recycling system.

Although the energy figures went up slightly year to year, the Office has been engaged with the OPW's Optimising Power @ Work campaign, and is actively seeking ways to bring power usage down, including replacing lights to more energy efficient models, and replacing the office's computers with more energy efficient computers.

to be yourself.
A right to be proud of ur sexuality
#Queer and proud
#Bisexual
Right to d
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up helps
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