

2008

Annual Report | Tuarascáil Bhliantúil

Ombudsman for Children's Office Annual Report 2008

This is the fourth Annual Report of the Ombudsman for Children.

It has been submitted to the Oireachtas pursuant to Section 13(7) of the Ombudsman for Children Act, 2002.

The report covers the period 1 January 2008 to 31 December 2008.

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role of the office

The Ombudsman for Children is statutorily charged with promoting and safeguarding the rights and welfare of children and young people up to eighteen years of age. The Ombudsman for Children is independent of Government and other civil society actors and is accountable to the Oireachtas. The main functions are:

- to provide an independent complaints handling service regarding public bodies;
- to promote children’s rights, including through participation and communications activities;
- to monitor and review legislation concerning matters that relate to the rights and welfare of children;
- to advise any Minister on any matter relating to the rights and welfare of children; and
- to ensure that law, policy and practice meet the highest standards and obligations in accordance with the UN Convention on the Rights of the Child.

The Ombudsman for Children’s Office (OCO) was established in April 2004 under primary legislation: the Ombudsman for Children Act, 2002.

Emily Logan assumed her post as Ireland’s first Ombudsman for Children in April 2004.

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message from the ombudsman for children



I am pleased to present to the Oireachtas my fourth annual report. This reporting period, January to December 2008, brought new challenges to my Office, as well as new opportunities to advance the rights and welfare of all children living in Ireland.

The changing economic context this year, both domestic and international, has highlighted for me the strength and unique role of an Ombudsman for Children. The investigation of individual cases provides me with evidence about the realities of children's lives. It is the relationship between complaints handling, the policy and legislation function, our direct work with children and my ability to use this work to shape policy and legislation for children.

Intervening in the debate on the Constitutional Amendment on Children's Rights

Early in 2008, discussions about the proposed Constitutional Amendment on children's rights continued. The principal forum for the discussions was the Oireachtas Joint Committee on the Constitutional Amendment on Children charged with considering the Government's proposal and other relevant matters. Much of the public debate about children's rights once again centred on cases heard in our courts of law. My continued belief in the need for constitutional change is not directed at courts of law but at the much more insidious obstacle that is public administration, where decisions are made that can have a profound effect on the lives of children and their families. In my experience as Ombudsman for Children, the most common obstacles to the development of a culture that respects children's rights are the absence of any positive obligation on administrative authorities to consider a child's best interests and a consistent absence of the views of the child in decisions that affect them.

I was concerned that child protection was being considered separately from children's rights and that this would adversely affect our collective work to promote more generally the rights of children. As the person with statutory responsibility for promoting children's rights and welfare in Ireland, I felt it incumbent on me not only to privately raise the concerns I had, but to also publicly express my views about the growing political pressure for an early but limited referendum dealing only with the issue of child protection. I wrote to An Taoiseach to advise that, in my view, the political commitment to hold a referendum on children's rights should be honoured and that calls for the selection of certain issues for separate referenda should be resisted. I expressly stated that I did not support any call to hold a limited referendum. While I was satisfied that a decision was made not to hold a limited referendum, I am disappointed that as time went on the momentum for a referendum on children's rights seemed to dissipate.

Shortly afterwards I appeared before the Oireachtas Joint Committee on the Constitutional Amendment on Children to present my submission on the proposed amendment to the Committee. It was a difficult meeting as my public intervention was not appreciated by the Committee members. I realise that the Committee does not have an easy task and that its members are committed to ensuring that the rights and welfare of children are afforded proper recognition in the eyes of the law. However, I think it is important that I assume my accountability for promoting children's rights, even if that may mean an unwelcome intervention in a political discussion. In fact my role as an independent voice for children, with no professional, political or institutional loyalty, becomes even more relevant in such complex debates.

My statutory role to advise on legislation

The Ombudsman for Children Act, 2002 states that the Ombudsman for Children may give advice to Ministers on any matter relating to the rights and welfare of children. This includes advising Ministers on the consequences of implementing relevant legislative proposals and the implications of such proposals for children and their wellbeing. Increasingly I see the significance of this role and 2008 was no exception.

While I am pleased with the evolution of this statutory advisory function, in particular the value placed on that advice by the Department of Justice, Equality and Law Reform, I would like to see the referral to my Office by other government departments of all draft legislation affecting children to become commonplace. I intend to play a more active role in this regard and will remind and encourage Ministers to submit draft legislation to my Office for independent advice.

While the proposed Constitutional Amendment was the most significant legislative proposal affecting children, other advice this year included: a request from the Department of Justice, Equality and Law Reform on the Spent Convictions Bill 2007, submitted in March; and advice on the Immigration, Residence and Protection Bill 2008 submitted to the Oireachtas Joint Committee on Justice, Equality, Defence and Women's Rights also in March 2008.

Ombudsman for Children Act, 2002

As the work of the Office becomes increasingly complex, I gain a growing appreciation of the strength of the legislation guiding the work of my Office. In an international comparative study undertaken by the UNICEF Innocenti Research Centre, my Office is cited as a strong institution and an exemplar of its inclusion of children in its establishment. However, I do have some concerns that there are deficits in the Act, which I intend to address formally in 2009.

A growing body of evidence

Since the OCO was established in 2004, we have seen an increase from an annual figure of 94 complaints to an annual figure of 810 in 2008. The vast majority of complaints are made by parents (at 70%) and extended family members (at 5%). In total 75% of complaints to my Office come from immediate and extended family members.

It is our experience that parents are the principal advocates for children's rights and welfare. It is worth noting that in not one of these complaints has a conflict between the best interests of the child and the rights of parents been the subject of the complaint.

Our experience over the years means that we can now speak with confidence about the issues in terms of obstacles some children face in their day to day lives. In 2008, I brought many of the concerns expressed by children and their families through the complaints or participatory function of my Office, to the Oireachtas and to the attention of other senior decision makers. I have detailed the issues raised with my Office later in this report.

Development in approach to investigations

While my Office generally investigates a complaint referred by a member of the public, this year I have actively pursued a number of investigations of my own volition. The purpose of this shift in approach is a deliberate strategy to seek out areas of concern for particularly vulnerable children.

Section 10 (1)(a)(ii) of the Ombudsman for Children Act, 2002, provides that the Ombudsman for Children may conduct an investigation where an action may have adversely affected a child, where there may have been maladministration and where she considers that an investigation would be warranted. In 2008, I initiated a number of own volition investigations.

Worrying information about child protection guidelines emerged through a particular investigation late in 2008. This information prompted me to initiate an investigation into the state of implementation of the Children First: National Guidelines for the Protection and Welfare of Children by the Health Services Executive (HSE) in November 2008.

The results of this investigation will be made public in 2009.

Promoting children's rights

Creating a culture where children's voices are respected takes time and we have learned that promoting children's rights is not merely about campaigns, materials, or media releases, it is about encouraging and challenging people who make decisions affecting children about putting children's interests first. The single most common violation of children's rights across many public sector services in Ireland today is the lack of respect for the right of children to participate in decisions that affect them.

In order to protect and promote children's and young people's rights and welfare, it is crucial that the OCO's work is based on careful and insightful policy development. The reality is that for a host of complex reasons, many children are vulnerable in Ireland today. This needs to change. We work hard to ensure that legislation, national policy and State services to children and young people meet the highest standards and that they satisfy our obligations under the UN Convention on the Rights of the Child and other international human rights standards.

We interpret participation as central to fulfilling this promotional mandate, by means of what is considered the 'enabling' right of the UN Convention on the Rights of the Child, Article 12, a fundamental principle that cuts across all functions in the work of our Office.

European Network of Ombudsmen for Children

I was proud to assume the chair of ENOC in September 2008. The role of the network is to facilitate the promotion and protection of the rights of children across Europe, as formulated in the UN Convention on the Rights of the Child, and I was honoured to be able to play a part in that.

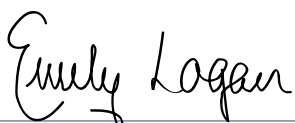
My Office was delighted to welcome many of our international colleagues from Ombudsmen's offices across Council of Europe States, as well as other international experts and observers, to Dublin for ENOC's annual conference. The conference took place at Dublin Castle and was opened by President Mary McAleese.

Continuing support for Constitutional change in 2009

I look forward to playing my part in advancing the rights of children by seeking Constitutional change once again in 2009. In my submission of February 2008 to the Oireachtas Committee on the Constitutional Amendment on Children I outlined the provisions which I advised should be included in the Constitutional Amendment, namely: an express statement on the rights of the child; the best interests principle; an obligation on the State to support families in a proportionate manner; and a provision aimed at facilitating the sharing of soft information.

The change I seek is not for the State to supplant parents but to respond in a proportionate way, one that will support, not punish families in difficulty. This opportunity is a long time coming and it is imperative that we make the most of it.

As Ombudsman for Children I have a statutory role to promote and safeguard the rights of children. I will continue to contribute to efforts to ensure the development of an effective proposal that is fit for all children. I pledge to exercise this role fully and to strive to overcome any obstacles that may be placed in my way.



Emily Logan
Ombudsman for Children

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organisational development

The OCO was in its fourth year of operations in 2008.

Human Resources

The Ombudsman for Children's Office has a staff complement of fifteen, including the Ombudsman for Children. This staff allocation was agreed in advance of the appointment of the Ombudsman for Children. These posts have been recruited through a combination of confined and open competitions.

Recruitment, whether through confined or open competition, is organised by the Public Appointments Service. The range of experience and expertise of staff at the Office now includes: child health, education, youth participation, human rights law, communications, human rights education, social work, psychotherapy, social policy, health promotion and senior public administration.

The scope and scale of the work carried out by the OCO has grown significantly since its establishment due to a number of factors including its growth to a fully operational body; increasing public awareness and understanding of its role and remit; a growing international dimension to activities; expanding education, participation and policy activities and the changing socio-demographics of Ireland, to name but a few.

However, despite the increasing demands facing staff, there has been no increase in staff numbers allocated to the OCO. This has impinged on its ability to deliver on its statutory mandate, particularly in relation to the Complaints and Investigation function. A business case for additional investigation staff was presented to the Department of Health and Children in early 2008. This business case outlined the factors driving the need for additional resources and explained how the OCO would be significantly constrained in its functioning in a number of key areas without an increase in staff. Although it pre-dated the financial difficulties facing the Government later in the year, the business case was not progressed. There have also been ongoing delays in the replacement of staff leaving the organisation which have had serious consequences for the operation of the Office. The Ombudsman for Children will continue to progress the business case through the Department of Health and Children. The lack of an Oireachtas vote is considered an impediment to effective Human Resources processes.

Communications

Section 7 of the Ombudsman for Children Act, 2002 obliges us to raise awareness about children's rights with members of the public, including children; and stipulates that we must highlight issues of concern to children. Communications cuts across all areas of our work. Raising awareness about our complaints handling service is also a priority as it is vital that vulnerable children and families who may need our assistance know about our work and how to contact us. These tenets combined with our statutory mandate influence all of our communications activities.

Stakeholders

Notwithstanding the independence of the Office, building mutual understanding and respect with our stakeholders and broader audiences is crucial for the success of our Office and the children we serve. In 2008, we continued to meet with a wide range of groups and individuals who are either directly affected by our work; whose role complements our mandate; and/or whose support and parallel activities enhances our collective efforts to make life better for children. In addition to ongoing meetings and other contacts, the OCO ran a special seminar for our NGO and Youth Sector colleagues in October 2008.

We also had ongoing contact with the Oireachtas, to whom the Ombudsman for Children has a direct reporting relationship, throughout the year.

During this time period we also facilitated a number of focus groups with members of the public to identify levels of awareness of our work. The feedback we received was extremely useful and will inform much of the targeted communications activities we undertake to satisfy Section 7(d) of the Ombudsman for Children Act, 2002.

Website and new media

The website is a key communications tool. The OCO publishes policy documents; research; public statements; complaints and investigations as well as current issues and ongoing work. To support the ENOC conference which took place in Dublin in September 2008, a website was created to manage delegate participation.

In this reporting period much work was done to enhance the OCO's new media capacity. A new media strategy was developed, and significant effort was invested in identifying new ways to improve our interactivity. The specific aim of this is to engage directly with young people in order to identify the issues that matter to them. Hardware was purchased and plans were put in place to create software to capture and archive the views of young people we meet.

Conferences and awareness raising

Significant numbers of invitations to speak at conferences, to attend launches and to participate in other events continue to be received by the Ombudsman for Children. It is extremely important for us to meet with as many children and young people, families and professionals working with children as possible. As a national organisation, we also endeavour to attend events right across the country. However, it is not possible to accept every invitation or attend each event. We make decisions to accept or decline invitations based on our strategic priorities and our own resources. As with most organisations in 2008, financial restraints and a reduced budget also became factors in decision-making around public events.

Publications and design

A number of publications and other information materials relating to each of the three statutory functions were created in 2008. Significant planning also went into the development of other publications and materials which will be available in 2009. Following a tender competition, Language was the design company awarded the contract for the OCO's corporate communications design and print requirements.

Media

As with previous years, there was much media interest in the OCO's work. This included print and broadcast, regional and national. Media coverage increases the public profile of the Office. We have seen an increase in the volume of requests this year and we endeavour to engage with the media as appropriate.

Information management and organisation

In 2008, in accordance with our strategic priorities set out in our interim strategy 2007-2010, it was decided to create an information management system that would collect and archive all articles, speeches, presentations and media coverage of the OCO. This could then be used as a resource by all OCO staff as well as being a record of the OCO's public comments.

At the outset, this entailed collating all opinion pieces, articles, press releases and statements, as well as all presentations and speeches given by Emily and various OCO staff since 2004. These are all now stored both digitally and in hard copy and by topic as well as year.

This is also an ongoing project as any new statements, presentations and media coverage are also added to both the digital archive and the hard copy.

Training needs analysis

In light of the evolving role of the OCO it is increasingly important to ensure that staff members are supported to perform to the absolute best of their abilities. The OCO recognised that this could best be fulfilled by formalising a training and development plan for staff. To support this objective a Training Needs Assessment was carried out in consultation with all staff members. The objectives of the project were to conduct an audit of the existing knowledge and skills base in the OCO; perform a GAP analysis; and then develop a training and development plan to address any skills gaps identified. This piece of work was completed in 2008 and the results will inform the development of any future HR strategy for the organisation and provide a stand-alone resource to guide future training programme development.

During the year training opportunities were provided to staff across a range of relevant knowledge and skill areas. Staff attended training on:

- Child protection
- Children's rights' policy and legislation issues
- The OCO's unacceptable actions policy
- Complaints and investigation processes
- Event management
- Financial procedures
- Youth, media and democracy
- Sign language and communication
- Human rights education
- Models of child participation
- Working with hard to reach children
- Peer research
- Building capacity and giving children and young people a voice
- European human rights

Ethics committee

The ethical guidelines for children's involvement in the research, policy, communication and participation work of the OCO were implemented in 2008 through the work of the Ethics Committee. The role of the Ethics Committee is to facilitate good practice in respect of consultation with and participation of children and young people in the work of the OCO. The purpose of the Committee is to support staff members to develop and implement consultation/participation processes involving children and young people in an ethical manner. The Committee also monitors and reviews the guidelines on an ongoing basis. The Committee is composed of OCO staff with an interest and expertise in the area of ethics and external members from academic departments in Trinity College Dublin and the National University of Ireland, Galway. Both of the external members have extensive experience of working on children's issues and the OCO is grateful for the external advice and support they bring to our direct work with children and young people.

Legal services

It is imperative that we operate to the highest standards applicable and are obliged to keep under review all contractual arrangements, in accordance with the Code of Practice for the Governance of State Bodies. In February 2008 the existing contract for legal services was reviewed. It was found that fundamental changes to the nature of that arrangement and the basis upon which the tender had originally been awarded had changed. As a result the existing contract with Roger Greene & Sons was terminated.

In line with the OCO's financial policies and procedures and public procurement policy, the Office tendered for legal services in 2008. On completion of this process, the contract for legal services was awarded to Ronan Daly Jermyn solicitors for a period of three years.

Financial control

The Ombudsman for Children's Office allocation, as per the book of estimates in 2007 was €2.463m at the start of 2008. In line with the reduction of budgets across the public sector this was later reduced to €2.409m.

The Ombudsman for Children is responsible for preparing the Financial Statements as set out in the Ombudsman for Children Act, 2002 and for ensuring the regularity of transactions. The Ombudsman for Children prepares the Financial Statements in accordance with Generally Accepted Accounting Practice in Ireland. The accounting responsibilities are set out in the Ombudsman for Children Act, 2002. The Office is responsible for the operational elements of its finances. This includes day-to-day financial procedures including payments, tendering processes, the operation of payroll and compilation of monthly returns, all in accordance with best audit practice.

CrowleysDFK provides accountancy services to the Ombudsman for Children's Office following a competitive tendering process.

The Financial Statements are subject to audit by the Office of the Comptroller and Auditor General. During this reporting period, the audit by the Comptroller and Auditor General took place in September and October 2009. Financial Statements are generally not audited at the time of the annual report publication.

However, once approved by the Office of the Comptroller and Auditor General, they are published on the OCO's website. Financial accounts for 2004/2005 and 2006, 2007 are available at www.oco.ie

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complaints and investigations

The complaints and investigation function is a core and busy function of the Office. Under Sections 8 to 16 inclusive of the Ombudsman for Children's Act 2002, the OCO can investigate complaints made by children and young people or by adults on their behalf, about public organisations, schools or hospitals. This is a free, independent and impartial service.

Distinct provisions

The 2002 Act provides for the operation of complaints and investigations functions by the Ombudsman for Children. These legislative provisions set out standard maladministration grounds for the review of complaints or the conduct of investigations. Given that the effect of an action on a child must be the subject of any investigation conducted by the Ombudsman for Children and that children themselves can bring complaints to the Office, the Act sets out a range of specific legislative provisions which take account of the particular vulnerability of children.

1. Obligation to have regard to best interests of the child

The Act provides that in the performance of her complaints and investigations functions, the Ombudsman for Children shall have regard to the best interests of the child.

2. Obligation to give due consideration to the child's wishes

The Act provides that in the performance of her complaints and investigation functions, the Ombudsman for Children shall, in so far as is practicable, give due consideration, having regard to the age and understanding of the child, to his or her wishes.

Complaints and Investigation

The OCO investigates individual complaints relating to the administrative actions of a public body where it appears to the Office that the action complained of may have adversely affected the child at the centre of the complaint. The OCO endeavours to find empowering solutions for all parties. We respect those complained against and aim to support them in understanding the issues, to learn and where necessary, change relevant systems and processes.

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

Own volition investigations

Section 10 (1)(a)(ii) of the Ombudsman for Children Act, 2002, provides that the Ombudsman for Children may conduct an investigation where an action may have adversely affected a child, where there may have been maladministration and where she considers that an investigation would be warranted.

In 2008, the Ombudsman for Children initiated a number of own volition investigations.

An investigation into the state of implementation of the **Children First: National Guidelines for the Protection and Welfare of Children** by the Health Services Executive (HSE) was initiated by the OCO in November 2008.

The investigation will focus on the Health Services Executive, which is the statutory agency responsible for the implementation of the Children First Guidelines and the Department of Health and Children/Office of the Minister for Children and Youth Affairs (OMCYA), which is responsible for monitoring this.

In 2008 information about the implementation of Children First has emerged through complaints and investigations undertaken by the Ombudsman for Children's Office which raised serious concerns. Coupled with the ongoing concerns about child protection previously raised by the Ombudsman for Children, and the results of a recently published review which was undertaken by the OMCYA, the Ombudsman for Children decided to launch an independent, systemic, national investigation into the implementation of Children First.

The results of this investigation will be made public in 2009.

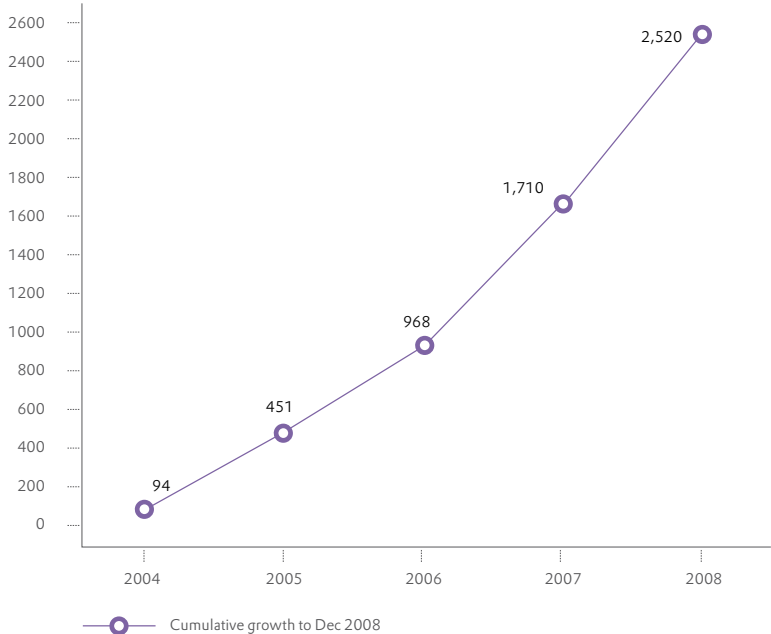
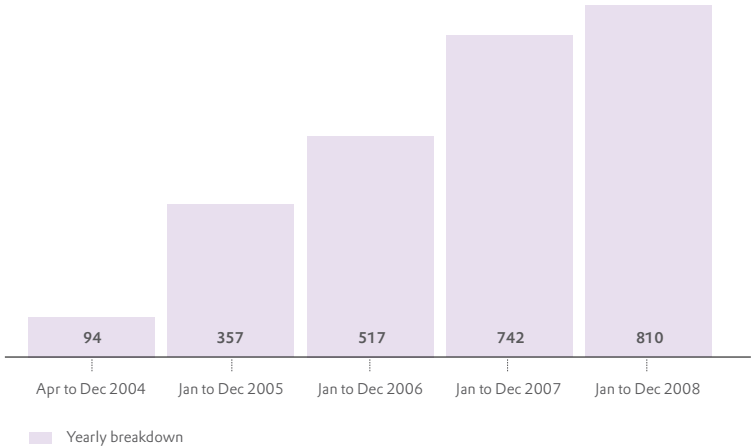
Complaints received

Since the OCO was established in 2004, we have seen an increase in complaints received from an annual figure of 94 to an annual figure of 810 in 2008. Information obtained through the complaints and investigation function provides a significant body of knowledge in relation to children's experiences of services and service provision. This knowledge assists the work of the Office in relation to the development of policy, practice and procedures that reflect the best interests of children and principles of good administration.

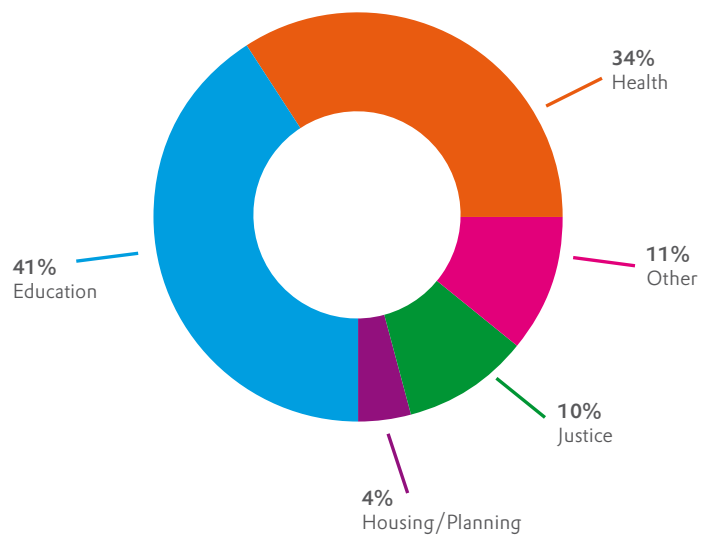
While the volume of complaints has increased to 810, the significant change this year relates to the nature and complexity of the complaints being brought to the Office. This represents a considerable change since the establishment of the OCO in 2004.

As with previous years the majority of complaints received are made by parents and extended family members. It is our experience that parents are the principal advocates for children's rights and welfare. Of note, the OCO has seen an increase in the number of professionals contacting the Office submitting complaints on behalf of children.

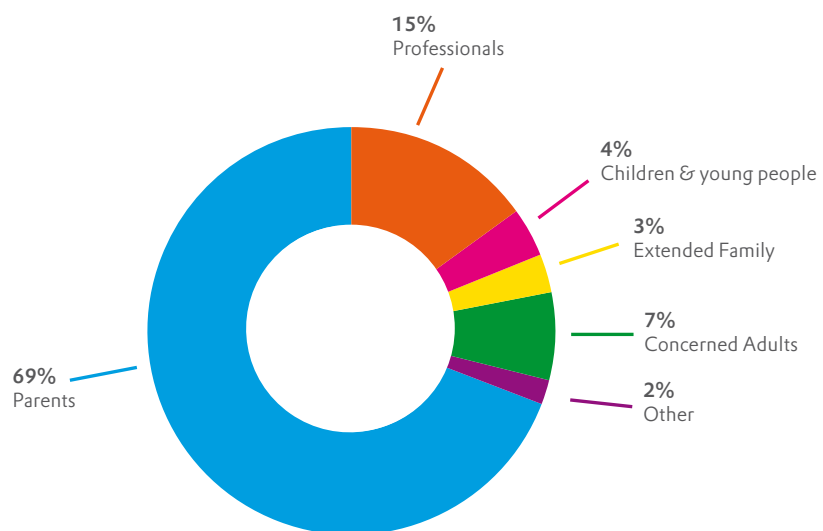
Number of complaints from 2004 to 2008



Complaints



Complainants



Complaint by category

In Education category the main issues that arise are:

- Child protection
- Special needs allocation
- Mechanisms for handling inappropriate behaviour towards children
- School transport
- Handling of allegations of bullying
- Policies and procedures

In Health category the main issues that arise are:

- Adequacy of HSE services
- Waiting lists for HSE services
- Child Protection
- Decisions regarding children in care
- Mechanisms for handling inappropriate behaviour towards children

In the **Local Authority** category, the majority of complaints relate to access and suitability of Local Authority/social housing for children with disabilities.

In **Justice Category**, complaints relate to concerns about court proceedings, juvenile justice and issues related to asylum or immigration.

In **Other** category, most complaints relate to social welfare payments or allowances and private and voluntary organisations.

Hospitals

In Ireland, hospitals interact with thousands of children and families, often in very difficult and vulnerable situations. However, despite voluntary hospitals being part of the OCO's complaints and investigations remit, less than 2% of complaints received relate to hospitals.

This is remarkable given the thousands of children attending hospitals in any one year. It is difficult for the OCO to determine why this is the case.

Hospitals have their own patient services systems and may have important information about many of the issues that may cause difficulties to children and their families. The OCO is interested in finding out more about the nature of complaints brought directly to hospitals, and the ways in which these complaints have been resolved. In 2009, the Office intends to contact CEOs of all of the hospitals that provide a service for children in order to access this information, which we hope will enhance our understanding of children's experiences in hospitals.

Managing the OCO's case load

Given the volume of complaints referred to the Office, a process has been developed for categorisation of complaints to ensure that urgent issues receive a timely response. Where possible, the OCO assists complainants in pursuing the local complaints process. Where local procedures have been completed or where the issue at the centre of the complaint is of an urgent nature, the Office will proceed with an examination of a complaint. An increase in both volume and complexity of cases has meant an increase in the time taken to investigate cases.

The Office has developed internal procedures for identification of cases that require a more expedient response.

Issues raised by parents, professionals and other advocates

We continue to see the same issues being raised by families, professionals and other advocates. The majority regard the action or the inaction of the State in responding to or supporting families in answering a child's needs.

These include:

- Actions taken by the HSE in relation to allegations of child abuse; alleged difficulties in accessing the child protection system and inadequate support;
- Difficulties for children and their families making child protection disclosures;
- Children being placed inappropriately in emergency situations due to the lack of an out-of-hours service;
- Lack of availability of, and delay in securing a suitable placement for children including secure care;
- Mechanisms used by public bodies for dealing with complaints of behaviour towards children that are not categorised as abuse but may be considered inappropriate.
- Delays in providing suitably adapted local authority housing for children with disabilities;
- Transport for children with disabilities;
- Fragmentation of services, and the resulting burden on families of children with disabilities accessing all the necessary services;
- Access to and adequacy of special needs resource supports in schools;
- Difficulties/delays accessing health services such as speech and language therapy, occupational therapy; and
- Poor housing and facilities for Traveller children.

Issues raised directly by children

Under Section 7(e) of the Ombudsman for Children Act, 2002, the Ombudsman for Children shall highlight issues relating to the rights and welfare of children that are of concern to children.

The majority of children contacting the OCO are in the care of the State. The issues raised by children include:

- social workers not being allocated;
- not being included in care planning, especially around issues of access to siblings, family and friends;
- lack of support or access to therapies such as counselling while in care;
- absence of any aftercare provision;
- lack of involvement in a decision to find or change their placement; and
- participation of children in the judicial process, in particular in custody proceedings.

Aftercare

Children without parental care are a key priority group for the Ombudsman for Children's Office. Research undertaken by University College Cork for the OCO identified children without parental care as being a particularly vulnerable group. In the largest ever consultation of children and young people in Ireland, the OCO's Big Ballot, more than 20,000 children told us that they wanted us to make family and alternative care a priority for our Office.

When children reach 18 they leave the care of the State. The lack of aftercare planning and provision is an issue that has repeatedly come to the attention of the Office since its inception. Often this issue is brought by children themselves through our complaints service.

The HSE has currently no statutory obligation to provide aftercare. However, it can choose to do so if it wishes. It has become clear from the information we are receiving through our complaints work that there does not seem to be a consistent approach to aftercare provision throughout the country. As a consequence, young people may have very different experiences, depending on where they live. The OCO previously raised concerns with the UN Committee on the Rights of the Child that assistance for young people leaving care is provided in an uneven and unpredictable manner. The OCO recommended that the Child Care Act 1991, Section 45(1) should be amended to establish the provision of aftercare as a statutory responsibility of the HSE.

Children have explained to us that the lack of aftercare is a great source of anxiety. Poor planning leads to further uncertainty during an already very big transition in the life of an 18 year old. This can have an adverse effect on a young person's quality of life. For example uncertainty often surrounds having a place to live, what supports and services might be available or access to further education and training.

The OCO has intervened in a number of cases regarding aftercare planning to ensure that the best interests of children was a prime consideration in decision making, and that the administrative process was fair and sound. Aftercare by its definition generally occurs when the young person has reached the age of 18.

The Office understands that there is now work underway from both the statutory and voluntary sector to look into and improve aftercare provision. The Office is of the opinion that there is a strong need for appropriate and consistent aftercare services to support these vulnerable young people through this period of enormous change. There should be a statutory responsibility for the HSE to provide these services.

Emerging Issues

Over the past 12 months the OCO has noticed trends in relation to the issues it has been examining through its complaints function. These concerns include:

The handling of allegations of inappropriate behaviours towards children

The Office has continued to be contacted by parents regarding allegations of inappropriate behaviours by members of school staff towards children. The concerns raised relate to the response by the authorities concerned to such allegations.

The Office has a role to promote the rights of children and also to promote the use of fair process for all those concerned in such situations. To this end, the OCO believes that it is important that there are clear procedures and guidance for responding to concerns of this nature and clear mechanisms to ensure a fair process for all concerned.

In light of the information brought to our attention, the Office contacted the Department of Education and Science and the Teaching Council to highlight the issues being raised through these complaints. However, Part V of the Teaching Council Act which would enable the Council to examine these complaints has not yet been commenced. The OCO understands that complaints procedures as set out in Section 28 of the Education Act, 1998 need to be commenced prior to the commencement of Part V of the Teaching Council Act. The non-commencement of Part V of the Teaching Council Act has left a legislative and administrative lacuna in relation to the handling of complaints regarding professional misconduct.

The Office has met with senior staff in the Department of Education and Science to discuss the implementation of Section 28 of the Education Act. The OCO understands that the Department is currently working on developing the complaints procedures and it was agreed that the OCO would provide advice in this regard in line with the provisions of section 7 of our legislation. A meeting was also held with the Teaching Council to outline the Ombudsman for Children's concerns.

Complaint handling procedures and processes

A number of complainants contacting the Office have highlighted difficulties accessing the local complaints procedures of a public body.

This often means that there is insufficient information about the public body's own complaints procedure or clear guidance as to how to make a complaint. There is inconsistency about what constitutes a complaint and the procedures for dealing with such complaints. A lack of communication can contribute to a complainant's frustration.

The lack of clarity can lead to a delay in the processing of the complaint and an exacerbation of the complainants' concerns. It can also add to a perception that the complaint is not being taken seriously.

Clear complaints procedures can engender confidence that a complainant will be given a fair hearing, can assist in early resolution of difficulties and prevent further tension and conflict arising.

The OCO is keen to encourage local resolution of complaints and where possible will make suggestions that can assist in the difficulties being resolved directly between the public body and complainant. This solution, if it can be achieved, is much better for all parties involved, especially the child at the centre of the complaint.

Response times from public bodies

The OCO endeavours to undertake all investigations in a timely and efficient manner. The speed with which the Office can progress the investigation of a complaint is directly related, not only to the OCO's internal capacity but also to the timeliness of responses received from the public body concerned.

Throughout 2008, the Office, on occasion, experienced significant delays in receiving information requested as part of an investigation.

The Office has been endeavouring to address our concerns directly with the public bodies. Stronger liaison arrangements have now been established with a number of public bodies which aims to promote improved response times. To date this has been a positive development and we welcome the efforts of public bodies to address these concerns.

Complaints brought by professionals

The number of professionals contacting the Ombudsman for Children's Office on behalf of children has risen from 11% in 2007 to 15% in 2008. Professionals such as social workers, teachers, principals, are often well placed to support and assist families in bringing a complaint and also may have detailed information regarding the difficulties children and their families may experience with public services. The information provided by professionals is of great value and assistance to the Office in understanding the difficulties facing children and families and provides assistance for the Office in promoting policy, practice and procedures that ensures the best interests of children is of paramount consideration.

Case studies

A Traveller child with a disability

Complaint:

M is a young Traveller child who has a physical and intellectual disability. At the time of the complaint, M lived with her parents and her brother in a caravan at the side of a road. According to the family, the caravan did not allow M to meet her developmental needs.

M's parents applied to their Local Authority for settled accommodation adapted to M's needs. In February 2007, the child's parents complained to the OCO about their dealings with the Local Authority.

Investigation

In considering a complaint the Ombudsman for Children is obliged to have regard to the best interests of the child concerned. She is obliged to consider whether the child has or may have been adversely affected by the action and whether the action was contrary to fair or sound administration.

During the investigation the OCO established the following information.

Based on a number of professional reports, the Office found that the caravan in which M currently lives does not meet the child's basic and developmental needs. Evidence from medical and educational professionals stated that M has experienced some delays in her development as a result of her living conditions. M is unable to walk and is totally dependent.

The Local Authority acknowledged that the accommodation in which M is living is not adapted to the child's needs. They said that they have been trying to address M's needs by making the family a number of interim housing offers which the family have refused.

During the course of the investigation, the caravan owned by the family was destroyed in a fire.

The Local Authority purchased a new caravan for the family, larger than usually purchased, in the hope that it would meet some of M's needs. However, according to the family and professionals, a caravan is no longer a suitable option for M. The family said it was waiting for settled accommodation. The Local Authority alleges that the family moved to the side of the road in order to create pressure for provision of suitable accommodation. However, there was no evidence on the file that a serviced-site was offered to the family after the new caravan was purchased, and while they were waiting for an offer of suitable settled accommodation.

Findings

The Office found that M was adversely affected by her housing situation.

The Office found that the Local Authority demonstrated that they responded to the family's concerns and dealt with these concerns fairly. The Authority gave reasonable consideration to M's needs within the scope of the constraints and resources available to the Authority. The Authority did make offers of housing to the family and did not penalise them, as they could have as per their own Scheme of Letting Priorities, when those offers were refused. On the whole, the Local Authority demonstrated that they were flexible in their dealing with the family.

However, the OCO found that there was evidence of general administrative weaknesses in the way in which M's file was dealt with in particular the lack of proper record keeping.

Recommendations

The OCO recommended that the Local Authority work actively, in partnership with the family, to find a suitable solution to the child's housing problem, both immediate and long-term.

The OCO also recommended that the Local Authority adopt administrative procedures, including improved record keeping, which allow for flexibility but do not compromise the clarity of the decision-making and communication.

Response

Suitable accommodation has been identified though it requires refurbishment. In the interim a more suitable site for the family's caravan has been provided.

The Authority also undertook to review its administrative procedures.

Refusal to grant tenancy of a Local Authority dwelling

Complaint:

A complaint was brought to the OCO by a father on behalf of his children, who said that a Local Authority refused to grant tenancy of a local authority house that had been specially adapted for his child with special needs. The father was the sole legal guardian for the children.

In the father's complaint he also expressed concern that as his application for tenancy had not been granted, he and his children have been unable to reside together. In his view the Local Authority were questioning the legal authority of the custody order granted by the District Court.

Investigation

In considering the complaint the Ombudsman for Children is obliged to have regard to the best interests of the child concerned. She is obliged to consider whether the child has or may have been adversely affected by the action and whether the action was contrary to fair or sound administration.

During the investigation the OCO established the following information.

The parents had been tenants of a local authority dwelling and had transferred to single story accommodation some years later following a request for accommodation that was more suitable for their child with special needs. The family financed a number of renovations to the property to make it more accessible for the child with special needs. Following parental separation the father moved out of the family home. The father subsequently applied for and was granted sole custody of the children. However, the children remained living with the mother. Following the death of the mother, the children remained living in the local authority dwelling in the care of extended family members whom had previously been involved in their care.

Following the mother's death the father had applied for tenancy of the local authority dwelling. The Local Authority indicated to the father that they did not intend granting tenancy of the dwelling to the father until he produced evidence that he has 'full time physical care and control of the children'.

Information provided to the OCO indicated that the father is the legal custodian of the children and sole legal guardian. No evidence was provided to indicate that there were any other ongoing legal proceedings in respect of the children.

During the investigation the OCO ascertained that the Local Authority considered that the custody order granted to the father was an old order and that the father should return to court to get an updated order.

Findings

The Ombudsman for Children upheld the view that the actions of the Local Authority had adversely affected the child and that the actions constituted maladministration. By questioning the validity of the court order and requesting that the father provide evidence of caring for the children it appears to this Office that the Local Authority has acted outside its authority. Furthermore the ongoing lack of a decision in relation to the tenancy of the home has left the individual child concerned and siblings in an uncertain position in terms of the stability and future of their family home.

Recommendations

The OCO recommended that the Local Authority immediately resolve the children's housing situation.

It also suggested that the Department of the Environment, Heritage and Local Government needed to review policies and procedures regarding transfer of tenancies in order to ensure that adequate guidance is available for Local Authorities vis a vis their authority in this regard.

Response

The Local Authority said it did not accept the findings of the investigation, specifically that it acted outside its authority. However it did confirm its acceptance of the recommendations and intention to act on these.

The Local Authority have now resolved the matter of tenancy.

Any local authority acting beyond its remit where it affects children so significantly remains a concern that the OCO intends to progress with the Department of the Environment, Heritage and Local Government in 2009.

School transport

Complaint:

A complaint relating to school transport was brought by a parent of a child, on behalf of that child and a group of 22 other children. The complaint relates to the provision of school transport and the issue of an alleged change of the catchment boundary between two areas in the county of Wexford. The children reside very close to this particular boundary.

In 2005 the parent expressed concern that the relevant catchment boundary on maps held by both the Local VEC Office and the Department of Education and Science individually were different. Therefore any decisions being made based on these maps were incorrect.

Investigation

Catchment boundaries have their origins in the establishment of free post-primary education in the late 1960s. For planning purposes the country was divided into geographic districts, each with several primary schools feeding into a post-primary education centre. These defined districts also facilitated the provision of a national school transport system.

The catchment boundaries for schools are defined by the Planning Section of the Department of Education and Science. The school transport system is underpinned by those same maps. The School Transport Scheme is operated by Bus Éireann on behalf of the Department of Education and Science (School Transport Section). Bus Éireann is responsible for planning routes, employing bus drivers, collecting fares and ensuring compliance with safety regulations and insurance. The VEC is responsible for administering the School Transport Scheme in County Wexford for all the post-primary centres. The VEC assists Bus Éireann by acting as Transport Liaison Officer (TLO) for the county.

There are two types of ticket for pupils wishing to avail of the School Transport Scheme:

- Fully Eligible tickets for pupils who reside 4.8km or more from a secondary school in their catchment boundary area; and
- Concessionary tickets for those who reside 4.8km or more from a school in another area. These are known as catchment boundary tickets.

Students with Fully Eligible status are prioritised over those who have catchment boundary status. To obtain a ticket, parents complete an application form which is signed by the relevant school principal and then forwarded to the Transport Liaison Officer (TLO) for their county.

In 2005 the catchment boundary in question was different on the individual maps of both the local VEC Transport Liaison Officer and Bus Éireann. The differences in the boundaries were extremely significant when viewed in the context that their exact function is to be used as a key criterion in the application for school transport.

The correct map to be used in 2005 could have been determined conclusively if the Planning Section of the Department of Education and Science had provided the Ombudsman for Children's Office with a copy of a master map which included all catchment boundaries which was identical to that held by the relevant Bus Éireann office or that which was in place in the Local VEC office in 2005, or as near to identical in so much as the variation was negligible.

The Department of Education and Science did not supply a map to meet this standard as required. The map provided to this Office by the Planning Section in June 2006:

- is different to what is currently being used by Bus Éireann and the VEC;
- is questionable as to its suitability as it appears to be incomplete;
- appears to be a large scale map scaled on a ratio of approximately 1:62500 and, as such, does not provide the required detail to administer such a scheme effectively and accurately; and
- contains excessively thick boundaries for the purposes of clarity and accuracy.

Findings

The Ombudsman for Children held the view that the actions of the Department of Education and Science constituted maladministration and that the children had been adversely affected by the actions of the Department of Education and Science.

The Office found that the combined actions of the Department of Education and Science, Bus Éireann and the VEC in relation to the implementation of the School Transport Scheme in this particular area are based on undesirable administrative practice and are contrary to fair or sound administration.

Throughout this investigation there have been instances where maps have been traced and copied resulting in variations of the original. This Office finds that each subsequent differing map is a defacto revision of catchment boundary areas. In the light of current technological advances in digital mapping and geo-computation which allow for an extremely high level of accuracy with respect to exact location and the ability to produce accurate copies, any resolution to the mapping problems to be undertaken by the various stakeholders should involve consultation with suitable experts in this area.

The Department of Education and Science is ultimately responsible for the School Transport Scheme. The absence of an adequate monitoring system has led to successive variations of the maps occurring. The evolution of the maps held by Bus Éireann and the VEC went largely unchecked until the events of 2005.

This Office finds that the combined actions of the Department of Education and Science, Bus Éireann and the VEC in relation to the implementation of the School Transport Scheme are based on undesirable administrative practice and are contrary to fair or sound administration.

The 23 children have been adversely affected by those actions as their entitlement to avail of school transport has been frustrated and obstructed by the administration within that scheme; and the scheme as it exists currently is still utilising different maps to categorise those same children.

Recommendations

The Ombudsman for Children recommends that the following actions take place:

- School bus transport to be provided for the 23 children who had been deemed Fully Eligible by the VEC in October 2005 to attend school in the Wexford post-primary catchment area. This transport arrangement is to remain in place for the duration of their schooling.
- The current 2008 school bus transport arrangement with respect to the children of this area to remain in place pending the outcome of the mapping review as outlined below.
- The Department of Education and Science to undertake and complete a nationwide review of the mapping procedure with respect to the post-primary catchment boundary areas.
- This review to take place within a reasonable time frame and have due regard to best practice in the area of geo-computation and digital mapping.

Response

The Department of Education and Science has accepted the key principles contained in the investigation statement and the need for a nationwide review of the mapping procedure with respect to post-primary catchment boundary areas. The issue of catchment boundaries is to be considered in the Value for Money review of the School Transport Scheme which is to be completed by the end of 2009.

In direct response to the recommendations contained in the investigation statement, the Department has agreed that the following interim arrangements take place pending the outcome of the Value for Money review.

The existing school transport arrangements will remain in place with respect of:

- the 23 children at the centre of the complaint a number of whom continue to avail of the service;
- the children currently availing of the current 2008/2009 school bus transport arrangements in this area; and
- any additional children from the same area who present for school transport provision to Wexford post-primary centres.

School – complaint about bullying

Complaint

The complaint was brought by the mother of a teenage girl who raised concerns that her daughter was being bullied in school. The mother advised that she had reported the matter to the school and was of the view that the school had not taken her concerns seriously and had not implemented its anti-bullying policy.

Investigation

Having examined the matter the Office established that the mother had raised her concerns about bullying with the school, both verbally and in writing, on a number of occasions over the previous years. The school acknowledged that concerns had been raised with them but were of the view that this was an informal discussion and that at no time had the anti-bullying policy been invoked by the child or the family. Therefore no formal investigation had taken place.

Findings

The Office found that there were difficulties in relation to the process to be followed in invoking the anti-bullying policy which had led the young person and her family to believe that the school were not taking their concerns seriously. The parents understood that in raising the concerns with the school both verbally and in writing that this would lead to the implementation of the anti-bullying policy. No evidence was provided to indicate that the anti-bullying procedure had been followed by the school. The school had responded to this communication by initiating their complaints procedure.

The Office found that there had not been adequate communication by the school with the family in relation their concerns about bullying and particularly that the family were not advised of the steps required to invoke the anti-bullying procedure. Furthermore, there were further difficulties with communication from the school to the family in relation to the investigation of their complaint.

Recommendations and response

The Office recommended that the school review its anti-bullying policy, specifically in relation to the steps required to invoke the anti-bullying policy. The Office also recommended that the school and Board of Management give consideration to reviewing their procedures for communicating with parents when concerns of this nature arise in order to ensure that students and parents are aware that the matter is being taken seriously and to ensure that a positive working relationship is maintained.

The school agreed to arrange a meeting with the family to discuss their concerns and undertook to address the issues raised in relation to policy, procedure and practice.

Special Report Regarding Children with a Disability and Local Authority/Social Housing

Since its establishment, this Office has received a growing number of complaints regarding allocation of Local Authority housing for children with disabilities. In 2007 and in 2008 the Ombudsman for Children received 100 complaints about housing. Nearly all of these complaints regarded concerns over allocation of Local Authority/social housing to children with disabilities.

In view of this, the OCO commissioned a special report regarding children with disability and their families accessing suitable local authority housing. The aims of the report were to:

- outline the issues for children with special needs in relation to accessing suitable local authority/social housing as reported through the OCO's Complaint Mechanism.
- identify possible proposals to address the main difficulties experienced by these children, with particular reference to policy, practice and procedure.

This report will make a number of proposals regarding policy, practice and procedures. It will be published in 2009.

Making our service more accessible to children and young people

The Office consulted with young people in order to identify what could assist them in contacting the OCO should they have a complaint. Young people talked about easy access by telephone and email and suggested clear and concise information specifically for young people making a complaint.

In response to the feedback, the OCO launched a free phone line to make it easier for children and families to contact the Office with their concerns. We also developed a range of materials for children and young people in relation to the complaints and investigation function. Children and young people assisted in the development of these materials and promotion of the freephone line. We would like to sincerely thank the Irish Association of

Young People in Care (IAYPIC) for their support in facilitating the consultations with the young people, and all of their advice, which they gave very generously.

We also produced a DVD for young people which illustrates the type of complaints the OCO investigates. We are very grateful to all of the young people who were involved with the making of the DVD. We are extremely pleased with the final product.

Communicating our role to public bodies

Materials have also been produced for public bodies which outline the OCO's remit in relation to the investigation of complaints and details the processes followed by the OCO when examining a complaint. As part of this process the OCO consulted with a number of public bodies with whom we have had contact through the complaints and investigation function including the HSE; Local Authorities; groups representing boards of management; and other education partners. We appreciate their advice and assistance which provided guidance regarding the information to be included in the materials.

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policy and legislation

In order to protect and promote children's and young people's rights and welfare, it is crucial that the OCO's work is based on careful and insightful policy development. The reality is that for a number of complex reasons, many children are vulnerable in Ireland today. This needs to change. We work hard to ensure that legislation, national policy and State services to children and young people meet the highest standards and that they satisfy our obligations under the UN Convention on the Rights of the Child and other international human rights standards.

The policy role of the Office

The Ombudsman for Children Act, 2002 sets out the policy and research role of the OCO. This role includes:

- advising Ministers on the development and co-ordination of policy relating to children;
- monitoring and reviewing the operation of legislation relating to the rights and welfare of children;
- monitoring and reviewing the operation of the Ombudsman for Children Act and, whenever necessary, making recommendations for amending it;
- undertaking, promoting and publishing research into any matter relating to the rights and welfare of children; and
- exchanging information with Ombudspersons for Children of other States.

In addition, the 2002 Act makes clear that the Ombudsman for Children, Emily Logan, may give advice to Ministers on any matter relating to the rights and welfare of children. This includes the important function of advising Ministers on the consequences of implementing relevant legislative proposals and the implications of such proposals for children and their wellbeing.

Advice to Ministers of Government on proposed legislation

Advice documents are available in the publications section of our website www.oco.ie

Spent Convictions Bill 2007

Further to a request from the Department of Justice, Equality and Law Reform, the Ombudsman for Children submitted her advice on the Spent Convictions Bill 2007 on 10 March 2008. The Bill provides for the non-disclosure of criminal records under certain circumstances and after a certain period of time. It specifically excludes employment which would involve contact with children and the Ombudsman for Children's advice was aimed at ensuring these exclusions were sufficiently comprehensive.

Immigration, Residence and Protection Bill 2008

The Ombudsman for Children submitted her advice on the Immigration, Residence and Protection Bill 2008 to the Oireachtas Joint Committee on Justice, Equality, Defence and Women's Rights on 20 March 2008. In her advice, she noted that while there were some positive aspects of the Bill, it did not sufficiently take account of the particular vulnerability of children and of the need to provide them with special assistance and protection. Specific issues raised in the advice included the needs of separated children seeking asylum, the age determination process, family reunification, detention of asylum seekers and child trafficking.

Monitoring the operation of legislation relating to children

Deficits in the Ombudsman for Children Act, 2002

Under Section 7(h) of the Ombudsman for Children Act, 2002, the Ombudsman for Children is obliged to monitor and review the operation of this Act and to make recommendations to a Minister or in a report to the Oireachtas or both for amending this Act.

The Ombudsman for Children has identified deficits in the legislation governing our work. She has written to both the Minister for Health and the Houses of the Oireachtas to indicate her intention of seeking amendments to the Act. The provisions that are of particular concern are outlined here.

The OCO can accept complaints brought directly by children and young people. The Ombudsman for Children Act places an obligation on the Office to inform a 'parent', which means a biological parent or another adult acting in loco parentis, prior to investigating a complaint. While this is of course an important principle to adhere to, the Office is concerned that this could potentially act as a barrier for some young people to bringing a complaint, in particular for young people who have made allegations of abuse against their parent(s).

The OCO has also been contacted by a number of young people who have been in HSE care with concerns about care plans once they leave the care system. On a number of occasions the Office has been unable to examine these complaints as the young person has reached the age of 18 at the time of bringing the complaint. In other jurisdictions the legislation governing Ombudsman for Children's Offices/Commissioner for Children's Offices allows complaints to be accepted from young people up to the age of 21, specifically young people who have been in the care of the State and young people with a disability.

Constitutional Amendment on Children's Rights

During 2008, discussions about the proposed Constitutional Amendment on children's rights continued. The principal forum for the discussions was the Oireachtas Joint Committee on the Constitutional Amendment on Children charged with considering the Government's proposal and other relevant matters.

Early in the year, a debate emerged as to whether or not to split what was identified as a discrete issue from the cluster of remaining issues and to hold separate referenda on each. The discrete issue was the re-introduction of an offence of absolute or strict liability for sexual offences in connection with children. The cluster of remaining issues included; express provision for the rights and best interests of children, the sharing of soft information to enhance child protection and extending adoption options to a greater number of children.

On 6 February, the Ombudsman for Children wrote to the Taoiseach to advise that, in her view, the political commitment to hold a referendum on all relevant issues should be honoured and that calls for the selection of certain issues for separate referenda should be resisted.

The following week, on 13 February, the Ombudsman for Children appeared before the Oireachtas Joint Committee on the Constitutional Amendment on Children to present her submission on the proposed amendment to the Committee. The submission outlined the provisions which the Ombudsman for Children advises should be included in the constitutional amendment, namely: an express statement on the rights of the child; the best interests' principle; an obligation on the State to support families in a proportionate manner; and a provision aimed at facilitating the sharing of soft information.

A limited referendum on a single issue did not proceed in 2008 and it seems unlikely that it would take place in 2009. The Ombudsman for Children continues to contribute to efforts to ensure the development of an effective and robust proposal for the Constitutional Referendum.

The full submission to the Oireachtas Joint Committee on the Constitutional Amendment on Children is available at www.oco.ie

Development and coordination of policy relating to children

Child Death Review Initiative

As outlined in the OCO's previous annual report, the Ombudsman for Children approached the Minister for Health and Children in 2007 about the possibility of establishing a standing child death review mechanism in Ireland such as those found in other jurisdictions. The Ombudsman undertook this initiative in accordance with her role under section 7(1) of the Ombudsman for Children Act, 2002 to advise Ministers of Government on the coordination of policy relating to children.

Having received a positive initial response from the Minister, the OCO examined international practice in this area and undertook a period of consultation with key stakeholders to seek their views in relation to the OCO's initiative. That period of consultation culminated in the convening of a high-level seminar on child death review on 28 April 2008 for representatives of statutory bodies and state agencies to consider the possibility of establishing a mechanism to systematically examine child deaths in Ireland. The aim of the seminar was to bring together organisations that could potentially have a role in such a mechanism in order to facilitate an initial discussion about current practice in this jurisdiction and possible changes. The seminar was addressed by international experts from Wales and Australia, as well as representatives of An Garda Síochána, the HSE, the Central Statistics Office, the Health Research Board and the Dublin City Coroner.

On foot of a recommendation made by participants at the seminar, the OCO produced an options paper setting out what aspects of child death are already being examined in Ireland at present and what issues should be considered in the context of possibly establishing a child death review mechanism in this jurisdiction. This paper will form the basis of further consultation between the Ombudsman for Children and key actors regarding how best to bring this process forward in 2009.

Submission on the National Action Plan on Trafficking in Human Beings

In January 2008, the OCO submitted its advice on the National Action Plan on Trafficking in Human Beings to the Department of Justice, Equality and Law Reform. The submission highlighted the need for greater victim support in Ireland in order to comply with international best practice in this area and it focussed on the issues of prevention, awareness raising, prosecution of offenders and the protection of child victims of trafficking.

The OCO is also a member of the Child Trafficking Working Group established by the Anti-Human Trafficking Unit to contribute to the formulation of the National Action Plan.

The full submission is available at www.oco.ie

Manifestation of religious belief and school dress codes

In response to a request from the Minister for Integration, the Ombudsman for Children submitted her advice on issues related to accommodating the manifestation of religious belief within uniform or dress codes in schools to the Minister on 18 August 2008. The advice outlined a number of general principles to which the Department of Education, boards of management and schools should have regard when considering this issue. In particular, the Ombudsman stressed the importance of seeking practical solutions which involved consulting with young people and their families. While supporting the position that uniform and dress codes should be accommodating, the advice pointed out that there are other concerns such as health and safety, as well as effective communication between pupils and teachers which could, on a case by case basis, reasonably legitimise limitations to the freedom to manifest one's religion in an educational setting.

The full advice is available at www.oco.ie

Accounting to the Oireachtas

Report to the Oireachtas Committees on Foreign Affairs and European Affairs

On 23 June 2008, the Ombudsman for Children submitted a report to both the Oireachtas Joint Committee on Foreign Affairs and the Joint Committee on European Affairs relating to the OCO's interaction with international networks and organisations working in the field of children's rights. Section 7(f) of the Ombudsman for Children Act, 2002 provides that the Ombudsman shall exchange information and cooperate with the Ombudsman for Children (by whatever name called) of other States and section 13(7) of the 2002 Act further provides that the Ombudsman for Children may from time to time cause to be laid before the Oireachtas such reports with respect to the functions of her Office as she thinks fit.

The report outlined the work of the Ombudsman for Children as the current chair of the European Network of Ombudspersons for Children (ENOC), as well as the OCO's engagement with the British and Irish Network of Ombudsman and Children's Commissioners (BINOCC). In addition, it set out the Ombudsman for Children's interaction with the European Commission Steering Group on Children's Rights, the Council of Europe Commissioner for Human Rights and the UN Committee on the Rights of the Child.

The full report is available at www.oco.ie

Submission on Primary Medical Care in the Community

The Oireachtas Joint Committee on Health and Children issued an invitation for submissions on the issue of primary medical care in the community and the Ombudsman for Children submitted her advice to the Committee further to that invitation in November 2008.

The submission was based on issues that had come to the attention of the OCO through its complaints and investigations work; that were identified in the baseline research published by the OCO in August 2007 on the barriers to the realisation of children's rights in Ireland; and which had been the subject of criticism by international human rights monitoring mechanisms.

The issues discussed included child welfare and protection; mental health services for children and young people; children in care; and access to therapeutic services.

The full submission is available at www.oco.ie

International information exchange and co-operation

In September 2008, the Ombudsman for Children delivered the annual Janusz Korzaczak lecture in Stockholm at the invitation of the Council of Europe Commissioner for Human Rights, Thomas Hammarberg. The theme of the lecture was the concept of the best interests of children and it was attended by senior officials, Ministers and Heads of State from across the Council of Europe.

At the request of UNICEF and the Turkish Bar Council, the Ombudsman for Children visited Turkey in April 2008 to promote the establishment of a national children's rights institution in Turkey. The Ombudsman met with young people from orphanages and institutional settings, representatives of NGOs and parliamentarians.

BINOCC

During 2008, the OCO continued to link up with similar Offices in England, Wales, Scotland and Northern Ireland. Together with the Children's Commissioners in Northern Ireland, England, Scotland and Wales, the OCO continuously shares learning and best practice through BINOCC (the British and Irish Network of Ombudspersons and Commissioners for Children). While most exchanges take place electronically, the Network meets at Ombudsman/Commissioner level and also in groups charged with specific remits. For example the policy and research group shares information and develops joint initiatives, and the communications and participation teams share experiences and knowledge of the respective offices.

ENOC (European Network of Ombudspersons for Children)

Chair of ENOC

Emily Logan was proud to assume the chair in September 2008. Emily was elected Chair by her international peers.

The Children's Ombudsman hosted the annual conference of ENOC which was opened by President Mary McAleese. The conference took place at Dublin Castle, and was attended by 32 Ombudsmen for Children Offices from 24 Council of Europe Member States as well as international experts and observers. The three-day conference marked the start of Emily Logan's tenure as Chair of the Network.

Origins of ENOC

In 1997, the European Network of Ombudspersons for Children (ENOC) was established to bring together the then 10 Ombudspersons in Europe. The membership has since grown to 34 members from 24 states. The work of ENOC is supported by UNICEF and the Council of Europe. At EU level, the Vice President of the Commission, Franco Frattini, recently launched the development of a new EU strategy on children's rights. ENOC is a member of the EU Forum on the Rights of the Child which is charged with bringing this strategy forward.

Role of ENOC

The role of the network is to facilitate the promotion and protection of the rights of children across Europe, as formulated in the UN Convention on the Rights of the Child. Its objectives include facilitating information exchange between members and other regional groups and to support the development of new children's rights institutions in Europe and worldwide.

Membership

ENOC currently has members from 24 Council of Europe Member States including:

Austria, Belgium, Croatia, Denmark, Finland, France, Georgia, Greece, Hungary, Iceland, Ireland, Latvia, Lithuania, Luxembourg, the former Yugoslav Republic of Macedonia, Malta, United Kingdom, Norway, Poland, Portugal, Russian Federation, Slovenia, Spain, Sweden.

There are several offices from some of these states. In respect of the United Kingdom, for example, the Children's Commissioners from Northern Ireland, Scotland, and Wales are members of ENOC.

6

participation and education

The Ombudsman for Children's Office has a statutory responsibility to promote the rights and welfare of children and young people living in Ireland. According to section 7 of the Ombudsman for Children Act, 2002 giving effect to this mandate includes:

- encouraging public bodies, schools and voluntary hospitals to develop policies, practices and procedures designed to promote children's rights and welfare;
- promoting awareness among members of the public, including children and young people, of matters relating to children's rights and welfare, including the UN Convention on the Rights of the Child;
- highlighting issues relating to the rights and welfare of children that are of concern to children; and
- establishing structures to consult with children for the purposes of the OCO's work to promote children's rights and welfare and giving due weight to children's views in accordance with their age and understanding.

We interpret this mandate as a fundamental right, what is considered the 'enabling' right of the UN Convention on the Rights of the Child – Article 12, as a fundamental principle that cuts across all functions in the work of our Office. Creating a culture where children's voices are respected takes time and we have learned that promoting children's rights is not merely about campaigns or materials or single events, it is about encouraging and challenging people who make decisions affecting children to put their interests first.

In 2008, in addition to promoting children's rights by working directly with adult decision makers in public bodies through our complaints function and directly at political level through our policy and legislation function, we took a variety of additional steps to provide for children and young people's participation and to raise awareness of their rights and concerns at all levels, including the most influential level – legislators. In 2008 we brought those concerns, concerns raised by children and adults, to the Oireachtas. The single most common violation of children's rights in Ireland – the lack of respect for the right of children to participate in decision-making across many public sector services, was raised with the Joint Committee on the Constitutional Amendment on Children.

Consulting with children

The Act provides that the Ombudsman for Children consult with children that are in her view representative. We cannot do this work without the support of parents and many adults who are committed to improving children's lives in Ireland and for all of this incredible support we are very grateful.

We often meet with children and young people that have direct experience of the issue at hand. For example:

- we consulted with children and young people in care when developing materials for young people about our complaints function;
- we consulted with young people with disabilities for our special report on housing for young people with disabilities; and
- we ask young people their views, as appropriate, when we carry out an investigation.

2008 also saw considerable planning and preparatory phases for two key groups of children and young people who will be consulted in 2009:

- children living in hostel accommodation as part of our work on children in state care;
- young people in the youth justice sector, in particular St. Patrick's Institution.

Youth Advisory Panel

During 2008, we commenced work with the OCO's second Youth Advisory Panel (YAP). The Panel includes twenty five young people from rural and urban areas throughout Ireland, whose circumstances and experiences broadly reflect the diversity that now exists in Irish society. We are clear with the young people that they are not expected to represent the views of all young people in Ireland but are there representing their own views.

Following consultation with children and young people from around the country we have adhered to the principle of participation in a voluntary capacity.

In January 2008, we held our first YAP residential, a valuable opportunity to facilitate team-building and for the Panel members to shape a YAP work programme for 2008.

Throughout 2008, YAP members brought commitment, energy and insight to our work with them. Their activities during the year included:

- raising awareness of the work of the OCO in a variety of ways;
- participating on interview panels when the OCO was recruiting staff;
- sharing their views on the development of programmes, including a Transition Year work programme;
- working at events such as the Young Social Innovators, where they met hundreds of other young people and told them about the Office; and
- planning and taking part in several events targeted at young people.

The right to play and recreation

Following the results of the Big Ballot national consultation where children identified the importance of communities in their daily lives, the OCO decided to commission a piece of work to develop a deeper understanding of the importance of communities for children.

OCO commissioned the Children's Research Centre, Trinity College Dublin to carry out a consultation with children, young people and parents to capture their views and opinions on their local communities. The study explored two broad questions:

1. What is good about the area you live in for children, young people and families?
2. What can be done to make it better?

Over 133 parents and children participated in focus groups from a wide variety of socio-economic, ethnic and geographical backgrounds. Nine themes were identified in the study relating to participants' experience of their community. These included the importance of safety, issues of play and recreation, environmental issues, the need for fun and stimulating 'things to do', respect for children and young people, participation and how inclusive communities are, decision making in communities, the quality and accessibility of services, and finally what provision is made for families in communities.

The findings of this report will be used to inform and develop our work programme in OCO in the future. The first project informed by this consultation will be the 'Connecting Communities' project. Preparatory work was carried out in 2008, including meeting with a wide range of key community leaders and decision makers in an effort to develop a scheme that would recognise and showcase work being undertaken to improve communities for children but also one that would fit in with existing schemes.

The scheme will be piloted in early 2009.

OCO's learning

We are very aware of the early stage of the development of participation as a way of working with children in Ireland. We continue to learn ourselves and try our best to share our learning with others in an effort to improve our own Office but also to encourage those who are nervous about taking those first steps to involving children and young people.

As in previous years, we received regular requests during 2008 for information on, and guidance around providing for children's and young people's participation. These requests came from agencies working in a variety of sectors in Ireland and our counterparts in other jurisdictions.

In light of these requests we initiated an occasional series of publications focused on the OCO's approaches to and experiences of facilitating children and young people to participate and to be heard. During 2008, we prepared the first publication in this series. Detailing our approach to and experience of setting up and working with our Youth Advisory Panel, it includes the views and advice of our YAP members.

This booklet will be published in 2009.

Promoting children's right to be heard

During 2008, we continued to welcome groups of children and young people to the OCO to participate in activity-based workshops that introduce them to our work, foster their understanding of children's rights and enable them to share their views and ideas with us on matters that affect and concern them. We also visited children and young people in their schools and other services which they access.

To complement this valuable face-to-face work, we developed a DVD that will support our work to raise awareness of children's rights, including the UN Convention on the Rights of the Child; to highlight issues of concern to children and young people; and to encourage children and young people, with the support of those who care for or work with them, to share their views and ideas with us.

Highlighting issues of concern to children

Bringing children's voices to the Oireachtas

The OCO made a commitment to the 75,000 children and young people who participated in the Big Ballot, the largest ever consultation of children and young people in Ireland, to bring their views to the attention of senior decision makers.

At the invitation of the Chair of the Joint Committee on the Constitutional Amendment on Children, Mary O'Rourke TD, members of our YAP presented the Big Ballot to a special meeting of TDs and Senators at Leinster House in June 2008. YAP members spoke about their own experiences of participating in the Big Ballot, presented the results of the votes cast by 74,000 children and young people nationwide, and discussed the issues voted on by participating children and young people with members of the Oireachtas.

What children care about

During 2008, we heard from many children. Taken together, the issues they highlighted, the concerns they raised and the questions they asked illustrate the diversity of lived experience among children and young people living in today's Ireland. We compiled a booklet of the things that children and young people raised with us during 2008. Below is a small sample of what they said.

Education

- Questions about educational opportunities for young people living in care;
- The need for everyone to get an education so they can get a job and have a good life;
- Children with special needs should have the right to education because they need education and there aren't teachers to teach them; and
- The importance of promoting a culture of inclusion among the whole school community in order to combat bullying among young people.

Mental Health

- Information and education programmes should be available at schools to support young people to understand and cope with mental health issues and as a way of tackling levels of suicide among young people;
- The damaging effects of low self-esteem and the importance of supporting positive self-esteem among young people;
- The need to raise awareness of the prevalence of depression among young people and to support young people to take practical steps to develop their physical and mental health; and
- Friends and good relationships with peers are really important.

Bullying

- The need to raise awareness among young people of the negative effects of bullying and to combat bullying by and of young people in schools and communities; and
- The importance of raising awareness of bullying as a serious problem facing young people and of supporting victims of bullying to speak up and seek help.

Alcohol and drug use

- The need to educate younger teenagers about the risks associated with excessive alcohol consumption; and
- Children have the right to be safe from drugs because you can die from them.

A booklet highlighting all of the issues raised by young people with us in this reporting period will be published on our website in 2009.

appendix

The groups and organisations we met with in 2008

- An Garda Síochána
- Amnesty International
- Association of County and City Managers
- Balbriggan Educate Together National School
- Barnardos national office
- Barnardos, Islandgate, Limerick
- BeLonG To
- British and Irish Network of Ombudsman and Commissioners for Children
- CARI Foundation
- Central Senior Mixed National School, Dublin
- Child and Adolescent Mental Health
- Child Death Review Team
- Children’s Act Advisory Board
- Children’s Books Ireland
- Children’s Research Centre, Trinity College
- Children’s Commissioner, New South Wales, Australia
- Children’s Commissioner, New Zealand
- Children’s Rights Alliance
- Clare Youth Service, Ennis, Co. Clare
- Club4U
- Combat Poverty Agency
- Council of Europe
- County Managers
- Crisis Pregnancy Agency
- CSO
- Dublin City Council
- Dublin 7 Educate Together National School
- Digital Hub
- Dublin City Coroner
- Early Childhood Care & Education Centre
- Educate Together
- EU Forum on Children’s Rights
- EU Steering Committee
- European Network of Ombudsmen for Children
- Family Mediation Meeting
- Finglas Adolescent Centre
- Fostering First Ireland
- Frances Street CBS, Dublin
- Fighting Words
- GSOC
- Health Research Board
- Henrietta Street school, Dublin
- Holy Rosary College, Crumlin, Dublin
- HSE
- Inch National School, Inch, Co. Clare
- Inclusion Ireland
- Institute of Social Studies
- Irish Association of Young People in Care

- Irish Film Institute
- Irish Human Rights Commission
- Irish Penal Reform Trust
- Irish Refugee Council
- Irish Wheelchair Association
- ISPCC
- Jesuit Centre for Faith and Justice
- National Council for Curriculum and Assessment
- National Parents’ Council Primary
- National Parents’ Council Post Primary
- National Youth Council of Ireland
- Joint Oireachtas Committee on the Constitutional Amendment on Children
- Lights Out Festival
- Limerick Regeneration Agencies
- Limerick Regeneration Project
- Limerick Youth Project
- Mount Carmel Secondary School
- Mount Temple Comprehensive School
- Northside Partnership
- National Youth Council of Ireland
- Open Access Service, Peter Mc Verry Trust
- OPEN
- Parents Association of Community & Comprehensive Schools
- People with Disabilities Ireland
- Pavee Point
- Press Ombudsman
- Save the Children
- Scoil Mhuire Gan Smál, Inchicore, Dublin
- St John of God
- St. Anne’s Community College, Killaloe, Co. Clare
- St. Joseph’s Secondary School, Doon, Co. Limerick
- St. Michael’s School, Chapelizod, Dublin
- St. Patrick’s Institution
- Temple Street Hospital National School, Dublin
- Texaco Art Competition
- UNHCR
- UNICEF
- Union of Secondary Students AGM
- University College Cork
- Youghalarra National School, Nenagh, Co. Tipperary
- Young Social Innovators

Oifig an Ombudsman do Leanaí Tuarascáil Bhliantúil 2008

Is í seo an ceathrú Tuarascáil Bhliantúil
Oifig an Ombudsman do Leanaí

Curieadh faoi bhráid an Oireachtais í de
bhun Alt 13 (7) den Acht um Ombudsman
do Leanaí, 2002.

Clúdaítear an tréimhse 1 Eanáir 2008 go
dtí 31 Nollaig 2008 sa Tuarascáil.

Emily Logan
An tOmbudsman do Leanaí

Oifig an Ombudsman do Leanaí
Teach na Mílaoise
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Comhaltaí Phainéal Comhairleach na nÓg (YAP)

Tugann siad seo uile a gcuid ama agus
fuinnimh go fial agus go deonach.

Ahmed Ali (Baile Átha Cliath)
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Ben English (Cill Mhantáin)
Cara Sanquest (Corcaigh)
Ciarán Nolan (Dún na nGall)
Hannah Gribbin (Baile Átha Cliath)
Inga Dalzell (Baile Átha Cliath)
Kim O'Shea (Port Láirge)
Leylah Mohammed (Baile Átha Cliath)
Lorna Sweetman (Baile Átha Cliath)
Méabh Kinsella (Dún na nGall)
Michael (Mikey) Walsh (Gaillimh)
Mícheál Callaghan (Muineachán)
Niall Fitzgerald (Luimneachl)
Nichola Moran (Luimneachl)
Patrick O'Sullivan (Corcaigh)
Pauline Farrelly (An Cabhán)
Róisín Reynolds (Baile Átha Cliath)
Saoirse Smith (Baile Átha Cliath)
Shauna Watson (Loch Garman)
Síona Cahill (An Longfort)
Thomas Collins (Baile Átha Cliath)

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1

ról na hoifige

Tá sé curtha de chúram ar an Ombudsman do Leanaí cearta agus leasa leanaí agus daoine óga faoi bhun ocht mbliana déag d'aois a chothú agus a chosaint. Tá an tOmbudsman do Leanaí neamhspleách ar an rialtas agus ar ghníomhairí eile na sochaí sibhialta agus tá an oifig freagrach don Oireachtas. Is iad seo leanas a príomhfheidhmeanna:

- seirbhís neamhspleách a sholáthar chun gearáin maille le comhlachtaí poiblí a láimhseáil;
- cearta leanaí a chothú, lena n-áirítear a bpáirt i ngníomhaíochtaí rannpháirtíochta agus cumarsáide;
- monatóireacht agus athbhreithniú a dhéanamh ar reachtaíocht faoi ábhair a bhaineann le cearta agus leasa leanaí;
- comhairle a chur ar aon Aire faoi aon ábhar a bhaineann le cearta agus leasa leanaí; agus
- a chinntiú go sásaíonn dlí, beartas agus cleachtas na caighdeáin agus na dualgais is airde faoi Choinbhinsiún na NA um Chearta an Linbh.

Cuireadh Oifig an Ombudsman do Leanaí (OCO) ar bun i mí Aibreáin 2004 faoi reachtaíocht phríomhúil: An tAcht um Ombudsman do Leanaí, 2002.

D'imigh Emily Logan i mbun a poist mar chéad Ombudsman na hÉireann do Leanaí i mí Aibreáin 2004.

2

teachtaireacht ón ombudsman do leanaí



Is cúis áthais agam an ceathrú tuarascáil bhliantúil a chur faoi bhráid Thithe an Oireachtais. Cuireadh dúshlán nua roimh m'óifig le linn na tréimhse tuarascála seo, Eanáir go Nollaig 2008. Chomh maith leis seo bhí deiseanna nua ann chun cearta agus leas gach linbh in Éirinn a chur chun cinn.

Cuireadh ar mo shúile dom, mar gheall ar chomhthéacs geilleagair na bliana seo, atá ag athrú ar bhonn náisiúnta agus idirnáisiúnta, an neart agus an ról ar leith atá ag Ombudsman do Leanaí go háirithe ó thaobh láimhseáil gearán, feidhm bheartas agus reachtaíochta agus na hoibre dírí a dhéanaimid le leanaí, atá uilig bainteach leis an chumas ionam an obair seo a úsáid chun polasaithe agus reachtaíocht a mhúnlú do leanaí.

Ag idirghabháil sa díospóireacht maidir leis an Leasú Bunreacha ar Chearta Leanaí

Go luath i 2008, leanadh den phlé ar an Leasú beartaithe Bunreacha um chearta leanaí. Is é Comhchoiste an Oireachtais um an leasú bunreacha do Leanaí an príomhfhóram le haghaidh na ndíospóireachtaí, a raibh sé de chúram aige togra an Rialtais agus nithe ábhartha eile a mheas. Arís, is cásanna a tugadh os comhair na gcúirteanna dlí againn, is mó a pléadh sa díospóireacht phoiblí maidir le cearta leanaí. Is mar gheall ar an chonstaic chealgach sin, mar riarachán poiblí seachas na cúirteanna dlí a chreidim go fóill go bhfuil gá le hathrú sa bhunreacht, nó is ann is féidir cinntí a dhéanamh a rachaidh go mór i bhfeidhm ar leanaí agus ar a dteaghlaigh. De réir mo chuid taithí féin mar Ombudsman do Leanaí, is é an easpa dualgas deimhneach atá ar údarais riaracháin chun leas an linbh a mheas agus ganntanas leanúnach tuairimí ó na leanaí maidir le cinntí a rachaidh i bhfeidhm orthu na constaicí is coitianta atá roimh fhorbairt cultúir a bhfuil meas aige ar chearta leanaí.

Ba mhíchompórdach liom an treo a raibh an díospóireacht ag dul. Ós mé an té a bhfuil dualgas reachtúil air chun cearta agus leas leanaí a chur chun cinn in Éirinn, dar liom gur chóir dom an imní a bhí orm a léiriú ní amháin ar bhonn príobháideach, ach mo chuid tuairimí a léiriú ar an bhrú pholaitiúil a bhí ag méadú chun reifreann luath a eagrú ach a bheadh teoranta mar nach mbeadh ach cosaint leanaí á plé. Scríobh mé chuig An Taoiseach a mholadh gur chóir, dar liom, cur leis an tiomantas polaitiúil chun reifreann ar chearta leanaí a eagrú, agus gur chóir diúltú don éileamh ceisteanna áirithe a roghnú do reifreann ar leith. Luaigh mé go sainráite nár thug mé aon tacaíocht d'aon éileamh reifreann teoranta a eagrú. Cé go raibh mé sásta gur rinneadh cinneadh gan leanúint ar aghaidh leis an reifreann teoranta, bhí mé míshásta gur rinneadh dearmad, de réir ama, faoi reifreann ar chearta leanaí a bhaint amach.

Tamall gearr ina dhiaidh sin, láithrigh mé os comhair Chomhchoiste an Oireachtais um an leasú bunreachtá maidir le leanaí, chun m'iaratas maidir leis an leasú beartaithe a chur faoi bhráid an Choiste. Is cruinniú deacair a bhí ann óir níor shásta a bhí cuid ball an Choiste leis an idirghabháil phoiblí agam. Aithním a sháith roimh an Choiste agus go bhfuil na baill ar a ndícheall a chinntiú go dtugtar an t-aitheantas cuí de réir an dlí do chearta agus do leas leanaí. Mar sin féin, is tábhachtach liom go dtugaim faoin fhreagracht agam cearta leanaí a chur chun cinn, fiú amháin más gá idirghabháil a mbeadh doichead roimpi a dhéanamh i ndíospóireacht pholaitiúil. Go deimhin is ábhartha arís an ról agam mar ghuth neamhspleách do leanaí, guth atá saor ó aon dílseacht ghairmiúil, pholaitiúil nó institiúideach i ndíospóireachtaí casta dá leithéid.

An ról bunreachtúil agam chun moltaí a thabhairt ar reachtaíocht

De réir An Achta um Ombudsman do Leanaí, 2002, is féidir leis an Ombudsman do Leanaí moltaí a thabhairt d'Airí ar aon ábhar bainteach le cearta agus le leas leanaí, lena n-áirítear, Airí a mholadh ar na hiarmhairtí a bhainfeadh le tograí ábhartha reachtaíochta agus impleachtaí na dtograí sin do leanaí agus dá leas. Lá i ndiaidh lae aithním a thábhachtaí atá an ról agus ní taise do 2008.

Cé gur sásta atá mé le forás na feidhme comhairlí reachtaíochta seo agus lena mhéad measa a bhí ag an Roinn Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí ar an chomhairle sin go háirithe, ba mhaith liom go mbeadh sé ina ghnáthnós ag ranna eile rialtais gach dréachtreachtaíocht a bhaineann le leanaí a tharchur chuig m'óifig. Tá sé de rún agam ról níos gníomhaí bheith agam ina thaobh seo, agus cuirfidh mé i gcuimhne d'Airí agus spreagfaidh mé iad le dréachtreachtaíocht a chur chuig m'óifig le haghaidh moladh neamhspleách.

Cé go raibh an Leasú Bunreatha beartaithe ar an leasú bunreatha ba thábhachtaí maidir le leanaí, bhí moltaí eile ann i mbliana, lena n-áirítear: iarratas ón Roinn Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí ar an Bhille um Chiontuithe Caite 2007, a cuireadh isteach i Mí Mhárta; agus moladh ar an Bhille um Inimirce, Cónaí agus Cosaint 2008, a cuireadh faoi bhráid Chomhchoiste an Oireachtais um Dhlí agus Ceart, Comhionannas, Cosaint agus Cearta na mBan, i Mí Mhárta 2008, chomh maith.

An tAcht um Ombudsman do Leanaí, 2002

De réir mar a théann obair na hoifige chun castachta, is léirthisceanaí mé ar neart na reachtaíochta atá ag stiúradh obair m'Oifige. I staidéar comparáideach idirnáisiúnta a rinne Ionad Taighde Innocenti CÉINAL, luaitear m'Oifig mar institiúid láidir agus mar eiseamláir i gcuimsiú leanaí sa bhunaíocht aici. Is ábhar imní agam é, áfach, go bhfuil bearnaí san Acht agus is amhlaidh atá sé de rún agam tabhairt fúthu i 2009.

Fianaise go leor agus á dul i méad

Ó bunaíodh an OCO i 2004, tá méadú tagtha ar an líon bliantúil gearán ó 94 gearán go dtí figiúr bliantúil de 810 i 2008. Is ó thuismitheoirí a thagann tromlach na ngearán (ag 70%) agus bhaill ón teaghlach sínte (ag 5%). San iomlán is ón neasteaghlach agus bhaill ón teaghlach sínte a thagann 75% de na gearáin chuig m'oifig. De réir ár dtaithe féin is iad na thuismitheoirí a bhíonn ar thús cadhnaíochta cearta agus leas leanaí. Is díol spéise é nach bhfuarthas an oiread agus gearán amháin ina measc siúd, a raibh an choimhlint idir leas an linbh agus cearta na dtuismitheoirí mar ábhar gearáin aige.

De bharr thaithe na mblianta bheith againn, is féidir linn ceisteanna i dtaca leis na constaicí a bhíonn i mbealach leanaí ó lá go lá a phlé go muintíneach. I 2008 chuir mé a lán de na buarthaí a cuireadh faoi bhráid fheidhm gearán nó rannpháirtíochta m'Oifige os comhair an Oireachtais agus ar shúile cinnteoirí sinsearach eile. Tá cur síos mionsonraithe tugtha agam ar na ceisteanna a fuair m'Oifig anonn sa tuarascáil seo.

Ag athrú an chur chuige in imscrúduithe

Cé go ndéanann m'Oifig imscrúdú ar ghearán a gcuirtear faoina bráid ó dhaoine den phobal i gcoitinne, is de mo dheoin féin a choinnigh mé go gníomhach le roinnt imscrúduithe i mbliana. Is é is cuspóir leis an athrú sa chur chuige seo, straitéis bheartaithe chun ábhair bhuartha a aimsiú, i dtaca le leanaí leochaileacha go háirithe.

Déanann Alt 10 (1)(a)(ii) den Acht um Ombudsman do Leanaí, 2002, foráil le gur féidir leis an Ombudsman do Leanaí dul i mbun imscrúdaithe in aon chás a d'fhéadfadh d'aon ghníomh dochar a dhéanamh do leanbh, in aon chás a ndearnadh míriarachán ann nó aon uair a cheapann sí go bhfuil dóthain cúise ann le himscrúdú a chur ar bun. I 2008 is de mo dheoin féin a chuir mé tús le roinnt imscrúduithe.

In imscrúdú áirithe anonn sa bhliain tháinig eolas chun solais, ar ábhar buartha é, i dtaca le treoirlínte um chosaint leanaí. Thug an t-eolas seo orm imscrúdú a chur ar bun maidir le cur i bhfeidhm Tús Áite do Leanaí: Treoirlínte Náisiúnta um Chosaint agus Leas Leanaí ó Fheidhmeannacht na Seirbhíse Sláinte (FSS) ar cuireadh tús leis i Samhain 2008.

Cuirfear torthaí an imscrúdaithe seo ar fáil ar bhonn poiblí i 2009

Ag cur cearta leanaí chun cinn

Tógann sé am a chruthú cultúir ina bhfuil meas ar fhocal leanaí. Chonacthas dúinn nach leor feachtais, ábhair nó preaseisiúintí le cearta leanaí a chur chun cinn. Is amhlaidh is gá na daoine a bhíonn i mbun na gcinntí a théann i bhfeidhm ar leanaí a spreagadh agus a dhéanamh cinnte go dtugann siad tús áite do leas an linbh. Is é an sarú is mó i gcearta leanaí i mórán seirbhísí de chuid na hearnála poiblí in Éirinn na linne seo, an doicheall a chuirtear roimh chearta an linbh bheith rannpháirteach i gcinntí a théann i bhfeidhm orthu.

Is den riachtanas é go bhfuil obair an OCO bunaithe ar fhorbairt beartais thomhaiste agus léirsteanach lena chinntiú go ndéantar cosaint agus go gcuirtear cearta agus leas leanaí agus an aosa óig chun cinn. I ndáiríre tá mórán leanaí leochaileacha in Éirinn na linne seo, de bharr cúiseanna casta. Ba chóir seo a athrú. Bímid ar ár ndícheall a chinntiú gur de réir na gcaighdeán is airde iad reachtaíocht, polasaí náisiúnta agus seirbhísí Stáit le haghaidh leanaí, agus go gcomhlíonann siad na dualgais againn faoi Choinbhinsiún an AE maidir le Cearta an Linbh agus caighdeán eile idirnáisiúnta um chearta daonna.

Is ríthábhachtach linn rannpháirtíocht leis an sainordú ardaithe seo a chomhlíonadh, trína dtugtar an ceart 'cumasúcháin d'Alt 12 de chuid Choinbhinsiún an AE ar Chearta an Linbh Alt 12, ar bunphrionsabal é a théann i bhfeidhm ar gach feidhm de chuid obair ár nOifige.

Líonra Eorpach na nOmbudsman do Leanaí

Bhí sé mar chúis bróid agam post chathaoirleach an ENOC a ghlacadh i mí Mheán Fómhair. Is é ról an líonra cothú agus cosaint cearta leanaí a éascú ar fud na hEorpa, mar atá ceaptha i gCoinbhinsiún na NA um Chearta an Linbh, agus is onóir mhór dom é a bheith páirteach.

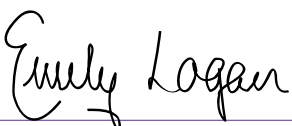
Bhí an Oifig fíorshásta fáillte a chuir roimhe na comhghleacaithe idirnáisiúnta a tháinig ó Oifigí Ombudsmain tríd Comhairlí na Stáit Eorpach, chomh maith le saineolaithe agus breathnóirí idirnáisiúnta, a tháinig go Baile Átha Cliath chun páirt a ghlacadh i gcoinbhinsiún bhliantúil ENOC. Bhí an coinbhinsiún ar siúl i gCaisleán Bhaile Átha Cliath agus rinne an tUachtarán Máire Mhic Giolla Íosa é a oscailt.

Ag tacú le Leasú bunreachtar arís i 2009

Tá mé ag súil go mór páirt bheith agam le cearta leanaí a thabhairt chun tosaigh le hathrú Bunreachtar a lorg arís i 2009. San iarratas agam i Feabhra 2008 chuig Comhchoiste an Oireachtais um an leasú bunreachtar do leanaí, leag mé amach na soláthairtí a mhol mé ba chóir bheith san áireamh sa Leasú Bunreachtar, mar atá: ráiteas sainráite ar chearta an linbh; an prionsabal leasa; dualgas ar an Stát tacaíocht a thabhairt do theaghlaigh ar bhonn comhréireach; agus soláthairtí atá dírithe ar chomhroinnt eolas bog a éascú.

Is é rud nach bhfuil uaim leis an athrú seo, an Stát a chur in áit na dtuismitheoirí, ach le freagairt ar bhonn comhréireach, a thabharfaidh tacaíocht do theaghlaigh i atá gcruachás, agus ní le pionós a chur orthu. Is fada gan an deis seo a theacht agus ní mór dúinn é a thapú.

Mar Ombudsman do Leanaí tá ról bunreachtúil agam chun cearta leanaí a chur chun cinn agus a chosaint. Cuirfidh mé leis na hiarrachtaí arís lena chinntiú go bhforbrófar togra éifeachtach a bheidh oiriúnach do gach leanbh. Geallaim an ról seo a chomhlíonadh ina iomláine agus bheith meáite ar aon chonstaic a chuirfear i mo bhealach a réiteach.



Emily Logan
An tOmbudsman do Leanaí

3

forbairt na heagraíochta

Bhí an OCO ar bun ceithre bliana i 2008.

Acmhainní Daonna

Tá complacht iomlán de 15 ag Oifig an Ombudsman do Leanaí, an tOmbudsman san áireamh. Aontaíodh an chionroinnt fhoirne seo sular ceapadh an tOmbudsman do Leanaí. Earcaíodh daoine do na poist seo amach trí chomórtas srianta agus oscailte .

Eagraíonn an tSeirbhís um Cheapacháin Phoiblí an próiseas earcaíochta cibé acu trí chomórtas oscailte nó trí chomórtas srianta. Tá réimse leathan taithí agus saineolais ag foireann na hOifige lena n-áirítear: sláinte leanaí, oideachas, rannpháirtíocht óige, dlí cearta daonna, cumarsáid, oideachas cearta daonna, obair shóisialta, sícíteiripe, beartas sóisialta, cothú sláinte, agus riarachán sinsearach poiblí.

Tá méadú an-mhór tugtha ar scóip agus scála obair an OCO ón uair a bunaíodh é de dheasca tosca éagsúla ina n-áirítear na nithe seo a leanas: tháinig an OCO chun bheith ina chomplacht obríochta; tháinig méadú ar fheasacht agus ar thuiscint an phobail ar a ról agus a shainchúram; an diminsean idirnáisiúnta méadaitheach a bhaineann lena ghníomhaíochtaí; leathadh oideachais, na gníomhaíochtaí rannpháirtíochta agus beartais agus an t-athrú sochdhéimeagraifce atá ag tarlú in Éirinn.

Mar sin féin, in ainneoin na n-éileamh méadaithe atá foireann an OCO ag déileáil leo ní raibh méadú ar an bhfoireann féin. Cuireann sé seo isteach ar chumas na foirne a shainordú reachtúil a chomhlíonadh, go háirithe i ndáil leis an bhfeidhm Ghearáin agus Imscrúdaithe. Cuireadh cás gnó maidir leis an ngá le foireann imscrúdaithe breise chuig an Roinn Sláinte agus Leanaí go luath 2008. Leag síos an cás gnó sin na príomhthosca i dtaca leis an ngá le breis acmhainní agus mhínigh sé go mbeidh srianta suntasacha ar an modh a fheidhmíonn an OCO i limistéir éagsúla mura dtagann méadú ar an bhfoireann oibre. In ainneoin go raibh an cás gnó déanta sular tharla an ghéarchéim eacnamaíoch níos déanaí sa bhliain ní raibh sé curtha chun cinn. Chomh maith leis sin tá iarmhairtí suntasacha maidir le feidhmiú na hOifige mar gheall ar an moill leanúnacha atá ar dhaoine nua a earcú in ionad na ndaoine atá ag fágáil na heagraíochta. Leanfaí an tOmbudsman do Leanaí ar aghaidh ag cur an cás gnó chun cinn tríd An Roinn Sláinte agus Leanaí. Tá ganntanas de vótaí an Oireachtais mar bhac ag próisis éifeachtacha Acmhainní Daonna.

Cumarsáid

Ceanglaíonn alt 7 den Acht um Ombudsmann do Leanaí, 2002, orainn feasacht ar chearta leanaí a mhéadú leis an bpobal, leanaí san áireamh; agus déanann sé coinníoll go dtarraingimid aird ar cheisteanna atá bainteach le leanaí. Téann cumarsáid i bhfeidhm ar agus trasna gach limistéar dár n-obair. Is tosaíocht í freisin feasacht a mhéadú maidir lenár seirbhís láimhseála gearán mar tá sé an-tábhachtach go mbeidh leanaí agus teaghlaigh leochaileacha, atá gá acu lenár seirbhísí, ar an eolas faoinár n-obair agus conas is féidir leo dul i dteagmháil linn. Téann na dearbhphrionsabail seo, i dteanna lenár sainordú reachtúil, i gcion ar gach gníomhaíocht chumarsáide.

Na Páirtithe Leasmhara

D'ainneoin gurb Oifig neamhspléach í Oifig an Ombudsman, is rud an-tábhachtach do rath an OCO agus do na leanaí a fhreastalaímid orthu tuiscint agus meas frithpháirteach lena páirtithe leasmhara agus le réimse fairsing daoine a mhéadú. Sa bhliain 2008, leanamar ar aghaidh ag bualadh le réimse leathan grúpaí agus daoine aonair; daoine a bhfuil tionchar díreach ag ár n-obair orthu; a bhfuil ról acu a chomhlánaíonn ár sainordú; agus/nó trína dtacaíocht agus a ngníomhaíochtaí comhuaineacha cuireann siad feabhas ar ár gcomhiarrachtaí chun beathaí leanaí a fheabhsú. De bhreis ar chruinnithe agus teagmhálacha eile, d'éagraigh an OCO seimineár faoi leith dár nEagraíocht Neamhrialtasach agus dár gcomhghleacaithe den Earnáil Óige i mí Dheireadh Fómhair 2008.

Bhí teagmháil leanúnach leis an Oireachtas, a bhfuil tuairisciú díreach ag an Ombudsman do Leanaí di, i rith na bliana.

I rith na tréimhse seo chuireamar fócasgrúpaí áirithe ar bun le baill den phobal chun leibhéil fheasachta maidir leis an obair a dhéanaimid a aithint. Bhí an t-aischothú a fuairamar an-úsáideach agus cuireann sé leis na gníomhaíochtaí cumarsáide spriocdhírthe a ghlacaimid mar chúram orainn chun Alt 7(d) den Acht um Ombudsman do Leanaí, 2002 a shásamh.

Láithreán Gréasáin agus na meáin nua

Is príomhuirlis chumarsáide í an Láithreán Gréasáin. Foilsíonn an OCO cáipéisí beartais, taighde, ráitis phoiblí; gearáin agus imscrúduithe chomh maith le ceisteanna reatha agus obair leanúnach. Cuireadh láithreán gréasáin ar fáil chun rannpháirtíocht na dtoscairí a bhainistiú le haghaidh na comhdhála ENOC a thionóladh i mBaile Átha Cliath i Meán Fómhair 2008.

I rith na tréimhse tuarisce seo rinneadh a lán oibre chun acmhainn i dtaobh na meáin nua a fheabhsú. Forbraíodh straitéis maidir leis na meáin nua, agus rinneadh tréan iarracht chun bealaí nua a aithint ionas is féidir linn ár n-idirghníomhaíocht a fheabhsú. Is í aidhm atá againn leis an straitéis seo ná teagmháil dhíreach a bhunú le daoine óga ionas is féidir linn na ceisteanna is tábhachtaí dóibh a aithint. Ceannaíodh cruu-earraí agus leagadh síos pleananna le bogearraí a chruthú chun tuairimí na ndaoine óga a théann i dteagmháil linn a ghabháil agus a chur i gcartlann.

Comhdhálacha agus feasacht a mhéadú

Tá an tOmbudsman do Leanaí fós ag fáil cuirí chun labhairt ag comhdhálacha, freastal ar seoladh nó chun páirt a ghlacadh in imeachtaí eile. Tá sé an-tábhachtach dúinn a bheith i dteagmháil leis an méid leanaí, daoine óga agus teaghlai chomh maith le gairmithe atá ag obair le leanaí agus is féidir linn. Mar eagraíocht náisiúnta déanaimid iarracht freastal

ar imeachtaí ar fud na tíre. Ach ní féidir linn gach cuireadh a ghlacadh nó freastal ar gach imeacht. Tá na cinntí a dhéanaimid cé acu a ghlacfaimid le cuireadh nó nach nglacfaimid leis bunaithe ar ár dtosaíochtaí straitéiseacha agus ár n-acmhainní féin. Cosúil le formhór eagraíochtaí eile sa bhliain 2008, bhí tionchar ag srianta airgead agus buiséad laghdaithe ar an bpróiseas cinnteoireachta maidir le himeachtaí poiblí.

Tá liosta iomlán de na himeachtaí poiblí in Aguisín 1.

Foilseacháin agus dearadh

Cuireadh foilseacháin éagsúla agus ábhair eolais eile a bhaineann leis na trí fheidhm reachtúla ar fáil i 2008. Bhí pleanáil shuntasach déanta freisin chun foilseacháin agus ábhair eile a fhorbairt a chuirfear ar fáil i 2009. Tar éis comórtais tairisceana fuair an chuideachta dhearaidh Language an conradh maille leis na riachtanais dearadh agus cló corparáideach a bhaineann le cumarsáid an OCO.

Na meáin

Bhí an-spéis ag na meáin in obair an OCO i rith na bliana, mar a bhí acu sna blianta roimhe freisin. Bhí spéis ag na meáin chlóite agus chraolta, na meáin réigiúnacha agus náisiúnta, san áireamh. Cuireann clúdach na meán le hiomrá poiblí na hOifige. Chonacthas méadú i líon na n-iarratais i mbliana. Déanfaidh muid ár ndícheall dul i ngleic le na meáin de réir mar is cuí.

Bainistiú agus Eagrú Faisnéise

I 2008, de réir ár dtosaíochtaí is tábhachtaí agus mar atá leagtha síos sa phlean straitéiseach eatramhach do 2007-2010, rinneadh cinneadh córas bainistiú faisnéise a chur ar bun, córas a bhaileodh agus a chuirfeadh i gcartlann na hailt, óráidí, léiriúcháin go léir a rinne an OCO chomh maith le haon chlúdach a rinne na meáin ar an OCO.

Bheadh an bailiúchán seo mar acmhainn d'fhoireann an OCO chomh maith le bheith taifead ar thráchtanna poiblí an OCO.

Bhí orainn na tuairimí, ailt, preaseisiúintí agus preasráitis ar fad a chomhordú ón tús, chomh maith le gach léiriúchán agus óráid a thug Emily nó duine eile d'fhoireann an OCO ó 2004 i leith. Tá siad go léir stóráilte i bhfoirm dhigiteach agus tá cóipeanna crua dóibh freisin agus tá siad eagraithe in ord ábhair agus in ord bliana.

Is tionscadal leanúnach é seo mar cuirtear gach ráiteas, léiriúcháin nó clúdach na meán nua leis an gcartlann dhigiteach agus déanann cóip chrua de freisin.

Anailís ar Riachtanais Oiliúna

Ag féachaint do ról an OCO agus ar conas atá an ról sin ag forbairt tá sé ag éirí níos tábhachtaí a chinntiú go gcuirtear tacaíocht ar fáil don fhoireann oibre ionas gur féidir leo feidhmiú go feadh a cumais. Thug an OCO faoi deara go raibh an tslí is fearr chun é sin a dhéanamh ná plean oiliúna agus forbartha a chur ar fáil don fhoireann ar bhonn foirmiúil. Rinneadh Measúnú ar na Riachtanais Oiliúna i gcomhairle leis an bhfoireann oibre go léir chun an sprioc sin a bhaint amach. Ba iad cuspóirí an tionscadail seo ná iniúchadh a dhéanamh ar eolas agus scileanna an OCO; anailís GAP a dhéanamh; agus ansin plean oiliúna agus forbartha a fhorbairt chun na scileanna is gá leo a aithint. Cuireadh i gcrích an obair seo i 2008 agus cabhróidh na torthaí le straitéis Acmhainní Daonna sa todhchaí a fhorbairt don eagraíocht agus cuirfidh sé acmhainn neamhspleách ar fáil chun forbairt cláir oiliúna a threorú as seo amach.

I rith na bliana cuireadh deiseanna oiliúna ar fáil i réimse leathan de limistéir eolais agus scileanna don fhoireann. D'fhreastal an fhoireann ar na cúrsaí oiliúna seo a leanas:

- Cosaint Leanaí
- Beartas cearta leanaí agus ceisteanna reachtúla
- Beartas an OCO maidir le gníomhaíochtaí inghlactha
- Gearáin agus próisis imscrúdaithe
- Bainistiú imeachtaí
- Nósanna imeachta airgeadais
- An Óige, na meáin agus daonlathas
- Teanga chomharthaíochta agus cumarsáid
- Oideachas cearta daonna
- Eiseamláirí de rannpháirtíocht leanaí
- Ag obair le leanaí agus deacrachtaí ann idirghabháil a dhéanamh leo
- Taighde piaraí
- Acmhainn an phobail a fhorbairt agus guth a thabhairt do dhaoine óga
- Cearta daonna Eorpacha

An Coiste Eitice

Cuireadh na treoirlínte eitice maidir le rannpháirtíocht leanaí i dtaighde, beartas, cumarsáid agus obair rannpháirtíochta an OCO i bhfeidhm tríd obair an Choiste Eitice. Is é ról an Choiste Eitice ná an dea-chleachtas maidir le comhairle le leanaí agus daoine óga agus a rannpháirtíocht in obair an OCO a éascú. Is í aidhm an Choiste ná tacaíocht a thabhairt d'fhoireann oibre chun cuidiú leo próisis chomhairliúcháin/rannpháirtíochta a bhaineann le leanaí agus daoine óga a fhorbairt ar mhodh eiticiúil. Déanann an Coiste monatóireacht agus athbhreithnithe freisin ar na treoirlínte ar bhonn leanúnach. Tá an Coiste comhdhéanta d'ionadaithe ó fhoireann an OCO atá spéis agus saineolas acu maidir le heitic agus d'ionadaithe seachtracha ó rannóga acadúla Coláiste na Tríonóide, Baile Átha Cliath agus Ollscoil Náisiúnta, Gaillimh. Tá a lán taithe ag an mbeirt bhall

seachtracha ag obair ar shaincheisteanna a bhaineann le leanaí agus le daoine óga agus tá an OCO an-bhuíoch dóibh as an gcomhairle agus tacaíocht sheachtrach a thugann siad dúinn agus a chabhraíonn linn agus muid ag obair go díreach le leanaí agus le daoine óga.

Dlíthairiscint

Ar aon dul le beartais airgeadais agus nósanna imeachta an OCO agus an beartas maidir le soláthar poiblí, d'éisigh an OCO cuireadh chun tairisceana le haghaidh seirbhísí dlí i 2008. Nuair a cuireadh an próiseas seo i gcrích bronnadh an Conradh ar na dlíodóirí Ronan Daly Jermyn le haghaidh tréimhse trí bliana.

Tá sé fíorthábhachtach go n-oibríonn muid de réir chaighdeáin arda infheidhmithe agus go bhfuil sé mar oibleagáid againn athbhreithniú a dhéanamh ar gach socrú conartha de réir cód cleachtais rialachais na gComhlacht Stáit. I mí Feabhra 2008, rinneadh athbhreithniú ar chonradh na seirbhísí dlí a bhí ann san am. Fuarthas amach gur rinneadh athruithe bunúsacha maidir le nádúr an socrú sin agus tháinig athrú ar an tairiscint a bronnadh i dtús báire. Mar thoradh ar seo, cuireadh deireadh leis an conradh le Roger Greene & Sons.

Rialú Airgeadais

De réir leabhair na meastachán i 2007 bhí maoiniú €2.463m faighte ag Oifig an Ombudsman do Leanaí ag tús 2008. Cosúil leis na laghduithe ar bhuiséad na hearnála poiblí bhí laghdú níos déanaí ar mhaoiniú an OCO go dtí €2.409m.

Tá Oifig an Ombudsman do Leanaí freagrach as na Ráitis Airgeadais a ullmhú, mar atá leagtha amach in Acht an Ombudsman do Leanaí, 2003 agus as rialacht na mbeart a chinntiú. Ullmhaíonn an tOmbudsman do Leanaí na Ráitis Airgeadais de réir na gCleachtas Cuntasaíochta a nglactar leo go ginearálta in Éirinn. Tá na freagrachtaí cuntasaíochta leagtha amach san Acht um Ombudsman do Leanaí, 2002. Tá an Oifig freagrach as gnéithe oibriúcháin a cuid airgeadais. Tá nósanna imeachta laethúla airgeadais, lena n-áirítear íocaíochtaí, próisis tairisceana, oibriú an phárolla agus tiomsú na n-aischur míosúil, san áireamh, i gcomhréir leis an gcleachtas iniúchta is fearr.

Cuireann CrowleysDFK seirbhísí cuntasaíochta ar fáil d'Oifig an Ombudsman do Leanaí tar éis próiseas iomaíoch tairisceana.

Tá na Ráitis Airgeadais faoi réir ag iniúchadh ón Ard-Reachtair Cuntas agus Ciste. I rith na tréimhse tuairisce seo, rinne Oifig an Ard-Reachtair Cuntas agus Ciste iniúchadh i Meán Fómhair agus Deireadh Fómhair. Ní bhíonn iniúchadh déanta de ghnáth ar na Ráitis Airgeadais ag an am a fhoilsítear an tuarascáil bhliantúil. Chomh luath is a bhíonn siad faofa ag Oifig an Ard-Reachtair Cuntas agus Ciste áfach foilsítear ar shuíomh gréasáin OCO iad. Tá na cuntais airgeadais do 2004/2005 agus 2006, 2007 ar fáil ar www.oco.ie

4

gearáin agus imscrúduithe

Is feidhm ghnóthach í an tseirbhís ghearán agus imscrúduithe atá i gcroílár obair na hoifige. Faoin Acht um Ombudsman do Leanaí, 2002, is féidir leis an OCO gearáin a dhéanann leanaí nó daoine óga a imscrúdú – nó gearáin a dhéanann daoine fásta thar a gceann – faoi eagraíochtaí poiblí, scoileanna nó ospidéal. Seirbhís shaor neamhspleách agus neamhchlaonta í an tseirbhís seo.

Forálacha ar leith

Tugann an tAcht um Ombudsman do Leanaí, 2002, cumhacht don Ombudsman feidhm gearán agus imscrúduithe a fheidhmiú. Leagann amach na forálacha reachtúla seo an foras caighdeán drochriaracháin maidir le hathbhreithniú ar ghearáin nó ar iompraíocht na n-imscrúduithe. Toisc gurb ábhar imscrúdaithe é an drochthoradh don leanbh a ndéantar an gearán agus gur féidir le leanaí gearáin a dhéanamh iad féin leis an Oifig leagann amach an tAcht raon forálacha reachtúla a chuireann san áireamh leochaileacht ar leith leanaí.

1. Dualgas aird a bheith ar leas is fearr an linbh

Faoin Acht um tOmbudsman do Leanaí agus an tOmbudsman ag feidhmiú a feidhmeanna gearáin agus imscrúdaithe tá ceangal uirthi aird a thabhairt ar leas is fearr an linbh.

2. Dualgas aird a thabhairt do mhianta an linbh

Faoin Acht um tOmbudsman do Leanaí agus an tOmbudsman ag feidhmiú a feidhmeanna gearáin agus imscrúdaithe tá dualgas uirthi mianta an linbh a chur san áireamh de réir mar is iomchuí, ag féachaint d'aois agus tuiscint agus mianta an linbh.

Gearáin agus imscrúduithe

Imscrúdaíonn an OCO gearáin aonair a bhaineann le gníomhartha riaracháin a rinne comhlacht poiblí ina bhféadfadh dochar a bheith déanta don leanbh a rinne an gearán nó a rinne duine fásta gearán thar a cheann. Déanann sí iarracht réitigh a fháil a chumasáíonn gach páirtí. Tá sé d'aidhm againn meas a bheith againn orthu siúd a ndéantar gearán fúthu agus tacú leo chun tuiscint a fháil ar an ábhar, chun foghlaim agus nuair is gá, a gcórais agus a bpróisis a athrú.

Déanann an OCO gach iarracht a chinntiú gur taithí chuidiúil seachas dochrach a bheidh ann chun na torthaí is dearfaí is féidir a bhaint amach don leanbh a dhéanann an gearán, don chomhlacht poiblí féin agus ar deireadh thiar do gach leanbh a bhíonn i dteagmháil leis an gcomhlacht poiblí.

Imscrúduithe a rinne an Oifig dá toil féin

Faoi alt 10 (1)(a)(ii) d'Acht um Ombudsman do Leanaí, 2002, is féidir an tOmbudsman do Leanaí imscrúdú a dhéanamh i gcás gníomhartha a rinneadh ina bhféadfadh dochar a bheith déanta do leanbh, nó i gcás ina bhféadfadh a bheith drochriarachán agus a chreideann an tOmbudsman go bhfuil gá le himscrúdú a dhéanamh air.

I 2008, rinne an tOmbudsman do Leanaí imscrúduithe éagsúla as a stuaim féin.

Chuir an OCO tús i mí na Samhna 2008 le himscrúdú ar staid an cur i bhfeidhm: **Tús Áite do Leanaí: Treorlínte Náisiúnta maidir le Cosaint agus Leas Leanaí ó Fheidhmeannacht na Seirbhíse Sláinte (FSS).**

Díreoidh an t-imscrúdú ar Fheidhmeannacht na Seirbhíse Sláinte, an ghníomhaireacht reachtúil atá freagrach as na Treorlínte i dtaca le Tús Áite do Leanaí a chur i bhfeidhm, agus an Roinn Sláinte agus Leanaí/Oifig an Aire Leanaí agus Gnóthaí Óige (OALGO), atá freagrach as monatóireacht a dhéanamh air.

Bhí an t-eolas a tháinig as na gearáin agus na himscrúduithe a rinne an tOmbudsman do Leanaí i 2008 maidir le cur i bhfeidhm Tús Áite do Leanaí ina ábhar buartha dí. Is ábhar buartha fós cosaint leanaí, a tharraing an tOmbudsman aird air cheana féin, agus de dheasca sin agus san am céanna na drochthorthaí a tháinig chun solais san athbhreithniú a rinne Oifig an Aire Leanaí agus Gnóthaí Óige, rinne an tOmbudsman cinneadh imscrúdú náisiúnta neamhspleách, córasach, a sheoladh ar chur i bhfeidhm Tús Áite do Leanaí.

Foilseofar torthaí an imscrúdaithe sin i 2009.

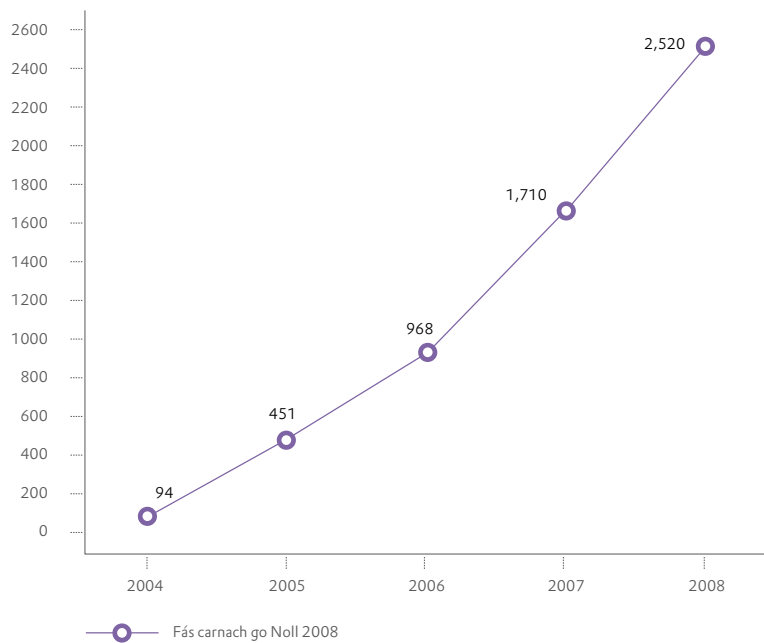
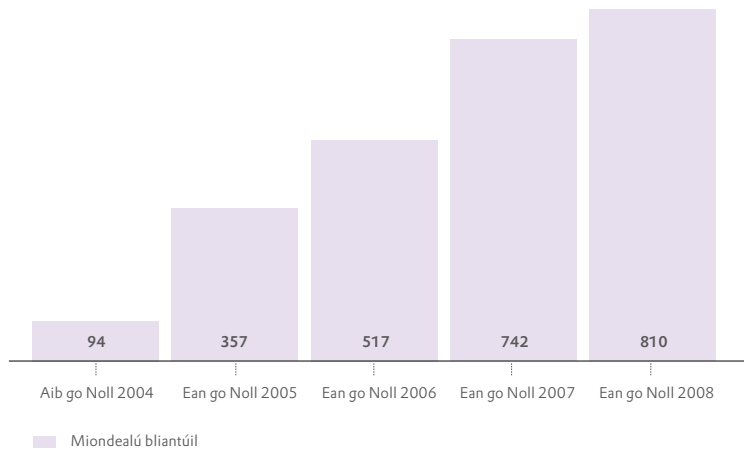
Gearáin a glacadh

Ó bunaíodh an OCO i 2004 tá méadú le feiceáil ar líon na ngearán a glacadh ó 94 in aghaidh na bliana go dtí 810 sa bhliain 2008. Cuireann an fheidhm ghearáin agus imscrúdaithe faisnéis dúinn maidir leis an taithí atá ag leanaí agus iad ag úsáid seirbhísí agus an taithí atá acu ar sholáthar seirbhísí Cuidíonn an t-eolas seo le hobair na hOifige maidir le forbairt beartais, cleachtais agus nós imeachta atá bunaithe ar na leasa is fearr do leanaí agus ar phrionsabail an dea-rialachais.

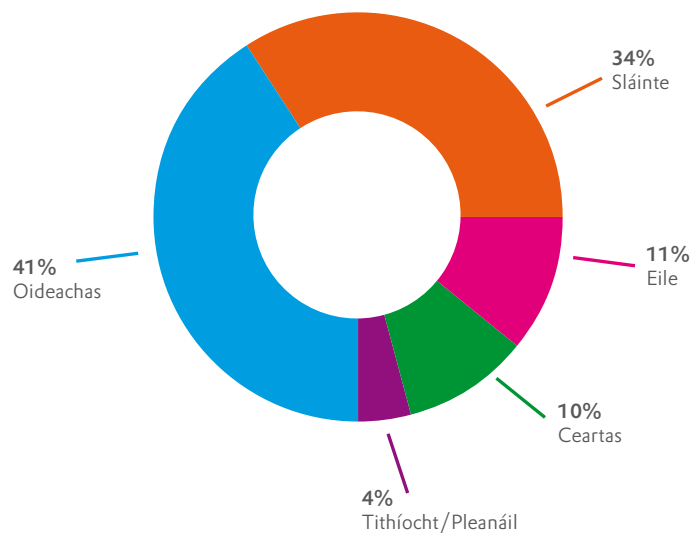
Cé go raibh méadú ar líon na ngearán go dtí 807, baineann an t-athrú is mó le nádúr agus castacht na ngearán a rinneadh leis an Oifig i rith na bliana. Taispeánann sé seo go raibh athrú mór ar na gearáin a glacadh ó bunaíodh an OCO sa bhliain 2004.

Cosúil le blianta eile is iad na tuismitheoirí nó baill eile den teaghlach leathan a dhéanann formhór na ngearán. De réir ár dtaithí is iad na tuismitheoirí na príomhaignithe ar son cearta agus leasa leanaí. Is cuid suntais é don OCO go bhfuil méadú ar líon na ngairmeoirí atá i dteagmháil leis an Oifig agus a chuireann gearáin thar ceann leanaí faoi bhráid na hOifige.

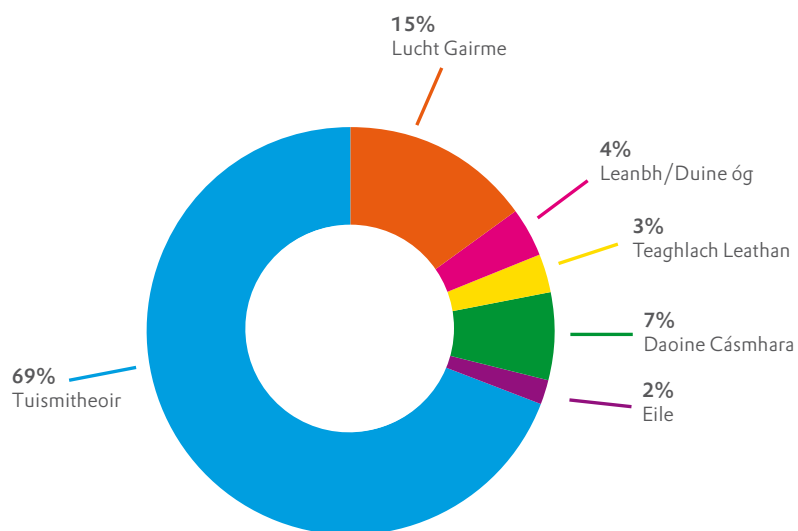
Líon na ngearáin a glacadh ó 2004 go 2008



Gearáin



Gearánaigh



Gearán in ord Catagóire

Is iad seo a leanas na saincheisteanna sa chatagóir Oideachais:

- Cosaint Leanaí
- Maoiniú le haghaidh riachtanas speisialta
- Meicníochtaí chun déileáil le hiompair mhíchuí i leith leanaí
- Iompras scoile
- Ag déileáil le líomhaintí faoi bhulaíocht
- Beartais agus nósanna imeachta

Is iad seo a leanas na príomh-shaincheisteanna sa chatagóir Shláinte:

- Leorgacht seirbhísí FSS
- Liosta feithimh ar sheirbhísí FSS
- Cosaint Leanaí
- Cinntí maidir le leanaí faoi chúram
- Meicníochtaí a úsáidtear chun láimhseáil iompair mhíchuí i leith leanaí

Baineann formhór na ngearán sa chatagóir **Údarás Áitiúla** le rochtain ar agus oiriúnacht na tithíochta a chuireann an tÚdarás Áitiúil ar fáil do leanaí atá faoi mhíchumas nó an tithíocht sóisialta a chuirtear ar fáil dóibh.

I **gCatagóir an Cheartais**, baineann gearáin le himeachtaí cúirte, córas cirt d'ógánaigh, agus saincheisteanna i ndáil le tearmann agus le hinimirce.

Sa chatagóir **Eile**, baineann formhór na ngearán le híocaíochtaí leasa shóisialta nó liúntais agus le heagraíochtaí príobháideacha agus deonacha.

Na hOspidéal

Déanann na hospidéal in Éirinn idirghabháil leis na mílte leanbh agus tuismitheoirí i gcúinsí atá an-deachair agus an-leochaileach. D'aineoinn go dtagann na hospidéal dheonacha faoi na téarmaí tagartha an OCO maidir le gearáin agus imscrúduithe tá líon na ngearán atá bainteach le hospidéal níos lú ná 2%.

Is rud suntasach é seo nuair a chuirtear i gcuntas go bhfreastalaíonn na mílte leanbh ar na hospidéal gach bliain. Tá sé deacair don OCO a fháil amach cad is cúis leis seo. Tá córais seirbhísí d'othair a gcuid féin ag na hospidéal agus b'fhéidir go mbeadh eolas tábhachtach acu maidir leis an iomad saincheisteanna a d'fheadfadh a bheith ina gcúis leis na deacrachtaí atá ag leanaí agus a dteaghligh. Is díol spéis é don OCO níos mó eolais a fháil maidir le cineál na ngearán a dhéantar go díreach leis na hospidéal agus conas is féidir leis iad a réiteach. I 2009 tá sé ar intinn na hOifige teagmháil a dhéanamh le POF na hospidéal a sholáthraíonn seirbhísí do leanaí chun rochtain ar an eolas seo agus tá súil againn go gcuireann an t-eolas seo leis an tuiscint atá againn maidir leis an taithí atá ag leanaí agus iad ag idirghabháil leis na hospidéal.

Ag Láimhseáil Cásanna Cliant an OCO

Cuirtear próiseas ar bun chun na gearáin a chur in ord, ós rud é go ndéantar a lán gearán leis an Oifig, chun a chinntiú go dtugtar freagra ar na saincheisteanna is práinní go tráthúil. Cuidíonn an OCO le gearánaigh úsáid a bhaint as an bpróiseas áitiúil, i ngach cás inar féidir é. Nuair a chomhlánaíodh an próiseas áitiúil nó nuair is práinneach an tsaincheist, déanfaidh an OCO imscrúdú ar an ngearán. Chialllaigh méadú i líon agus i gcoimpléascacht na gcásanna go raibh méadú ar an méid ama a ghlacann sé chun scrúdú a dhéanamh ar na cásanna.

Tá nósanna imeachta inmheánacha ag an Oifig chun freagra tráthúil a thabhairt ar na saincheisteanna is práinní.

Na saincheisteanna a ardaigh tuismitheoirí, lucht gairme agus aighnithe eile

Táimid fós ag feiceáil na saincheisteanna céanna ó theaghlaigh, ón lucht gairme agus ó dhaoine eile. Baineann formhór na saincheisteanna sin le gníomh nó easpa gnímh an Stáit agus é ag freagairt nó ag tabhairt tacaíochta do riachtanais an linbh.

Ardaíodh na saincheisteanna seo a leanas:

- Gníomhartha a rinne an FSS i ndáil le líomhaintí maidir le mí-úsáid leanaí; cuireadh i leith an FSS go raibh deacrachtaí maidir le rochtain ar chóras cosanta leanaí agus nach raibh go leor tacaíochta curtha ar fáil;
- Deacrachtaí i rochtain ar an gcóras cosanta leanaí agus tacaíocht neamhleor do leanaí agus dá dteaghlaigh a dhéanann nochtadh faoi chosaint leanaí;
- Leanaí a chuirtear go neamhfhóirsteanach i gcúinsí éigeandála mar nach raibh seirbhís ar fáil lasmuigh de na gnáth-uaire oibre;
- Socrúchán oiriúnach do leanaí as cúram slán a bheith in easnamh nó moill a bheith ar a sholáthair;
- Meicníochtaí a úsáideann comhlachtaí poiblí chun déileáil le gearáin faoi iompair míchuí i leith leanaí agus nach gcuirtear sa chatagóir mí-úsáid iad ach a mheastar mar iompair mhíchuí iad.
- Moill i soláthar tithíocht údaráis áitiúla atá oiriúnaithe do leanaí faoi mhíchumas;
- Iompar do leanaí faoi mhíchumas;
- Seirbhísí deighilte óna chéile, agus an t-ualach a chuirtear dá thoradh ar theaghlaigh le leanaí faoi mhíchumas as rochtain a fháil ar na seirbhísí riachtanacha go léir;
- Rochtain ar thacaí d'acmhainní riachtanais speisialta i scoileanna, agus a leorgacht;
- Deacrachtaí/moill rochtana ar sheirbhísí sláinte ar nós teiripe caint agus urlabhra, teiripe shaothair agus
- Tithíocht agus áiseanna ar dhroch-chaighdeán do leanaí Lucht Siúil.

Gearáin a fuarthas ó leanaí

Faoi Alt 7(e) den Acht um Ombudsman do Leanaí, 2002, leagann an tOmbudsman do Leanaí béim ar cheisteanna a bhaineann le cearta agus leasa leanaí agus ar cás leis na leanaí féin iad.

Is leanaí atá i gcúram Stáit is mó a dhéanann teagmháil go díreach leis an Oifig. Áirítear i measc na saincheisteanna is cás leo:

- gan oibrithe sóisialta a bheith cionroinnte;
- gan a bheith rannpháirteach i bpleanáil cúraim, go háirithe maidir le rochtain ar baill eile clainne; teaghlach agus cairde;
- easpa tacaíochta nó rochtana ar theiripí amhail comhairleoireacht agus iad faoi chúram;
- easpa seirbhísí iarchúraim;
- easpa rannpháirtíochta i gcinneadh chun a socrúchán a fháil nó a athrú; agus
- rannpháirtíocht sa phróis bhreithiúnach go háirithe mar a bhaineann sé le coimirce leanaí.

Iarchúram

Is grúpa ríthábhachtach é an grúpa gan thuistechúram d'Oifig an Ombudsman do Leanaí. Thaispeáin taighde a rinne an Coláiste Ollscoile, Corcaigh, le haghaidh an OCO gur grúpa ar leith é an grúpa gan thuistechúram. I gcomhairliúchán na Ballóide Móire, an comhairliúchán is mó a rinneadh le leanaí agus le daoine óga, chuir níos mó ná 20,000 leanaí in iúl dúinn gur mian leis go mbeidh an teaghlach agus cúram malartach mar phríomhthosaíocht ag ár nOifig.

Nuair a bhíonn ocht mbliana déag d'aois slán ag leanaí fágann siad cúram an Stáit. Is saincheist leanúnach í ó bunaíodh an Oifig an easpa pleanála agus soláthair iarchúraim. Go minic is na leanaí iad féin a tharraingíonn aird ar an tsaincheist seo trínár seirbhís ghearáin.

Níl aon oibleagáid reachtúil ar an FSS faoi láthair iarchúram a sholáthar.

Ach is féidir leis an FSS é a sholáthar más maith leis. Tá sé soiléir ón eolas a fhaighimid trínár bhfeidhm ghearán nach bhfuil cur chuige seasmhach i bhfeidhm ar fud na tíre maidir le soláthar iarchúraim. An toradh air sin ná bíonn taithe éagsúla ag daoine óga a bhraitheann ar an áit ina bhfuil siad ina gcónaí.

Chuir an tOmbudsman do Leanaí a himní in iúl do Choiste na NA um Chearta an Linbh faoin gcuidiú a sholáthraíonn do dhaoine óga a fhágann an córas cúraim ar dhóigh mhíchothrom guagach. Mhol an OCO leasú a dhéanamh ar Alt 45(1) den Acht um Chúram Leanaí, 1991, chun soláthar iarchúraim a bhunú mar fhreagracht reachtúil an FSS.

Chuir leanaí in iúl dúinn gurb ábhar mór imní dóibh an easpa iarchúraim. Is cúis le breis neamhchinnteachta í i saol duine óg d’ocht mbliana déag d’aois an droch-phleanáil. Is féidir go mbeidh tionchar neamhfhabhrach ar cháilíocht beatha an duine mar thoradh air sin. Baineann neamhchinnteacht le háit chónaithe, tacaíocht agus seirbhísí a bhféadfadh a bheith ar fáil agus le rochtain ar bhreisoideachas agus oiliúint leanúna.

Rinne an OCO idirghabháil ar chásanna áirithe maidir le pleanáil iarchúraim chun a chinntiú go raibh ról lárnach ag leasa leanaí nuair a bhí cinntí á ndéanamh agus go raibh an próiseas riaracháin cothrom agus iontaofa. De réir sainmhínte tosaíonn iarchúram nuair a bhíonn ocht mbliana déag d’aois slán ag an duine óg.

Tuigeann an Oifig go bhfuil obair ar siúl faoi láthair ag na hearnálacha reachtúla agus deonacha chun iniúchadh a dhéanamh ar sholáthar iarchúraim agus an tslí a bhféadfadh é a fheabhsú. Is é tuairim na hOifige ná go bhfuil gá mór le seirbhísí iarchúraim oiriúnacha seasmhacha chun tacaíocht a thabhairt do na daoine óga leochaileacha seo, i rith tréimhse ina bhfuil athruithe móra ar siúl. Ba chóir go mbeadh freagracht reachtúil ar an FSS chun na seirbhísí seo a sholáthar.

Saincheisteanna ata ag Teacht Chun Cinn

Le 12 mhí anuas, thug an OCO treochtaí faoi deara i ndáil leis na saincheisteanna a bhí á scrúdú acu trí mheán a bhfeidhme gearán. Is iad seo a leanas cuid de na cúiseanna imní a tháinig chun cinn:

An chaoi a láimhseáiltear líomhaintí d’iompar míchuí i leith leanaí

Lean tuismitheoirí de theagmháil a dhéanamh leis an Oifig i ndáil le líomhaintí d’iompar míchuí i leith leanaí ag baill foirne scoile. Baineann na cúiseanna imní a ardaíodh le freagairt na n-údarás i gceist do líomhaintí dá leithéid.

Tá dualgas ar an Oifig cearta leanaí a chur chun cinn agus an úsáid de phróis chothrom do gach duine bainteach le cás dá leithéid a chur chun cinn freisin. Chun na críche sin, creideann an OCO go bhfuil sé tábhachtach go mbeidh nósanna imeachta agus treoirlínte soiléire ann faoi conas freagairt do chúiseanna imní den chineál seo, agus go mbeidh meicníochtaí soiléire ann chun próis chothrom a chinntiú do gach duine bainteach.

I bhfianaise na faisnéise a cuireadh faoinár mbráid, rinne an Oifig teagmháil leis an Roinn Oideachais agus Eolaíochta agus leis an gComhairle Múinteoireachta chun aird a tharraingt ar na saincheisteanna a d’ardaigh na gearáin seo. Mar sin féin, níl Cuid V den Acht um Chomhairle Múinteoireachta a chuirfeadh ar chumas na Comhairle na gearáin seo a scrúdú tosaithe go fóill. Tuigeann an OCO go gcaithfead na nósanna imeachta gearán a leagtar amach in Alt 28 den Acht Oideachais, 1998 a thosú roimh thosach feidhme Chuid V den Acht um Chomhairle Múinteoireachta. Toisc nár tosaíodh Cuid V den Acht um Chomhairle Múinteoireachta, tá bearna reachtaíochta agus riaracháin ann i ndáil le láimhseáil gearán a bhaineann le mí-iompar gairmiúil.

Bhuail an Oifig le baill foirne shinsearacha sa Roinn Oideachais agus Eolaíochta chun cur i bhfeidhm Alt 28 den Acht Oideachais a phlé. Tuigeann an OCO go bhfuil obair á déanamh ag an Roinn i láthair na huair chun na nósanna imeachta gearán a fhorbairt agus aontaíodh go gcuirfeadh an OCO comhairle i ndáil leis sin ar fáil de réir fhorálacha alt 7 dár reachtaíocht. Tionóladh cruinniú leis an gComhairle Múinteoireachta freisin chun cur síos a dhéanamh ar chúiseanna imní an Ombudsman do Leanáí.

Nósanna imeachta agus próisis chun déileáil le gearáin

Chuir roinnt gearánaithe a rinne teagmháil leis an Oifig in iúl go raibh deacrachtaí acu maidir le teacht ar na nósanna imeachta gearán áitiúla de chomhlachtaí poiblí.

Is minic a chiallaíonn sin nach bhfuil go leor faisnéise ann faoi nós imeachta gearán an chomhlachta poiblí féin nó nach bhfuil treoir shoiléir ann faoi conas gearán a dhéanamh. Tá neamh-chomhsheasmhacht ann faoi céard is gearán ann agus faoi na nósanna imeachta atá ann chun déileáil le gearáin dá leithéid. Féadann easpa cumarsáide cur le frustrachas na ngearánaithe.

Féadann easpa soiléireachta moill a chur ar phróiseáil an ghearáin agus cúiseanna imní na ngearánaithe a mhéadú. Féadann sé cur leis an dearcadh nach bhfuil freastal ceart á dhéanamh ar an ngearán freisin.

Cabhraíonn nósanna imeachta gearán soiléire le muinín a thabhairt go dtabharfar éisteacht chothrom don ghearánaí, féadann siad cabhrú le réiteach luath deacrachtaí agus féadann siad cosc a chur ar theannas agus ar choinbhleacht bhreise.

Déanann an OCO iarracht réitigh áitiúla ar ghearáin a spreagadh agus nuair is indéanta, déanfaidh sé moltaí chun cabhrú le réiteach díreach na ndeacrachtaí ag an gcomhlacht poiblí agus ag an ngearánaí. Más féidir réiteach den chineál seo a bhaint amach, tá sé i bhfad níos fearr do na páirtithe bainteacha uile, go háirithe don leanbh ag croílár an ghearáin.

Agaí freagartha ó Chomhlachtaí Poiblí

Déanann an OCO iarracht na himscrúduithe uile a dhéanamh ar bhealach tráthúil éifeachtach. Bíonn baint dhíreach ag acmhainn inmheánach an OCO leis an luas inar féidir leis an OCO imscrúdú gearáin a chur chun cinn, ach bíonn tionchar díreach ag tráthúlacht na bhfreagraí a fhaightear ón gcomhlacht poiblí i gceist freisin.

Le linn 2008, cuireadh moill shuntasach ar an Oifig ó am go ham toisc go raibh moill i gceist le faisnéis a fháil a iarradh mar chuid d'imscrúdú.

Rinne an Oifig iarracht aghaidh a thabhairt ar ár gcúiseanna imní i gcomhpháirtíocht dhíreach leis na comhlachtaí poiblí. Tá socrúithe idirchaidrimh níos láidre bunaithe le roinnt comhlachtaí poiblí anois d'fhonn agaí freagartha feabhsaithe a chur chun cinn. Go dtí seo, ba fhorbairt dhearfach é sin, agus cuirimid fáilte roimh na hiarrachtaí déanta ag comhlachtaí poiblí chun aghaidh a thabhairt ar na cúiseanna imní seo.

Gearáin déanta ag gairmithe

Tháinig méadú ar líon na ngairmithe a rinne teagmháil le hOifig an Ombudsman do Leanaí thar ceann leanaí ó 11% in 2007 go 15% in 2008. Is minic a bhíonn ar chumas gairmithe cosúil le hoibríthe sóisialta, múinteoirí agus príomhoidí tacú agus cabhrú le teaghlaigh ar mhian leo gearán a dhéanamh, agus féadfaidh faisnéis mhionchruinn a bheith acu freisin faoi na deacrachtaí a bhíonn ag leanaí agus a dteaghlaigh le seirbhísí poiblí. Tá an fhaisnéis a chuireann gairmithe ar fáil an-luachmhar mar cabhraíonn sí leis an Oifig tuiscint a fháil ar na deacrachtaí a bhíonn ag leanaí agus ag teaghlaigh, agus cabhraíonn sí leis an Oifig beartas, cleachtas agus nósanna imeachta a chur chun cinn a chinntíonn go dtugtar aird phríomhúil i gcónaí ar leas is fearr na leanaí.

Cás-Staidéir

A. Leanbh faoi mhíchumas ón Lucht Siúil

Gearán:

Is leanbh óg ón Lucht Siúil í M atá faoi mhíchumas fisiceach agus intleachtúil. Tráth an ghearáin, bhí cónaí ar M lena tuismitheoirí agus lena deartháir i gcarbhan taobh leis an mbóthar. De réir an teaghlaigh, níor chuir an carbhan ar chumas M a riachtanais forbartha a bhaint amach.

Rinne tuismitheoirí M iarratas chuig a nÚdarás Áitiúil chun cóiríocht shocraithe a fháil a bheadh curtha in oiriúint do riachtanais M. I mí Feabhra 2007, rinne tuismitheoirí an linbh gearán leis an OCO faoina ndéileálacha leis an Údarás Áitiúil.

Imscrúdú

Nuair a bhíonn gearán á imscrúdú ag an Ombudsman do Leanaí ní mór di aird a thabhairt ar leas is fearr an linbh i gceist. Tá sé de cheangal uirthi a bhreithniú cibé acu an raibh tionchar neamhfhabhrach ag an ngníomh ar an leanbh nó nach raibh agus cibé acu an raibh an gníomh contrártha le riarachán stuama cothrom nó nach raibh.

I rith an imscrúdaithe bhunaigh an OCO an fhaisnéis seo a leanas.

Bunaithe ar roinnt tuairiscí gairmiúla, fuair an Oifig nach bhfreastalaíonn an carbhan a bhfuil cónaí ar M ann i láthair na huair ar riachtanais bhunúsacha agus forbartha an linbh. Thug fianaise ó ghairmithe leighis agus oideachais le fios gur cuireadh roinnt moilleanna ar fhorbairt M mar thoradh ar a dálaí maireachtála. Níl M in ann siúl agus tá sí go hiomlán cleithiúnach.

D'aithin an tÚdarás Áitiúil nach bhfuil an chóiríocht a bhfuil cónaí ar M inti oiriúnaithe do riachtanais an linbh. Dúirt siad go ndearna siad iarracht freastal ar riachtanais M trí roinnt roghanna tithíochta eatramhacha a thairiscint don teaghlach, ach dhiúltaigh an teaghlach do na tairiscintí sin.

Le linn an imscrúdaithe, scriosadh carbhán an teaghlaigh i ndóiteán.

Cheannaigh an tÚdarás Áitiúil carbhán nua don teaghlach, atá níos mó ná na carbháin a cheannaítear de ghnáth, agus bhí súil acu go bhfreastalódh sé sin ar roinnt riachtanas de chuid M. Mar sin féin, de réir an teaghlaigh agus gairmithe, níl carbhán ina rogha oiriúnach do M níos mó. Dúirt an teaghlach go raibh sé ag fanacht ar chóiríocht shocraithe. Líomhnaíonn an tÚdarás Áitiúil gur bhog an teaghlach chuig taobh an bhóthair chun brú a chur orthu cóiríocht oiriúnach a chur ar fáil. Mar sin féin, ní raibh aon fhianaise ar an gcomhad gur tairgeadh láithreán seirbhísithe don teaghlach i ndiaidh cheannach an charbháin nua agus nuair a bhí siad ag fanacht le tairiscint de chóiríocht shocraithe chuí.

Torthaí

Fuair an Oifig go raibh tionchar diúltach ag tithíocht M uirthi.

Fuair an Oifig gur léirigh an tÚdarás Áitiúil gur fhreagair siad do chúiseanna imní an teaghlaigh agus gur dhéileáil siad leis na cúiseanna imní sin ar bhealach cothrom. Rinne an tÚdarás riachtanais M a bhreithniú go cuí, laistigh de na srianta agus na hacmhainní a bhí ar fáil don Údarás. Thairg an tÚdarás tithíocht don teaghlach, agus níor ghearr siad pionós orthu nuair a dhiúltaigh siad do na tairiscintí sin, cé go bhféadfadh an tÚdarás pionós a ghearradh orthu dá bharr de réir a Scéime féin de Thosaíochtaí Ligin. Ar an iomlán, léirigh an tÚdarás Áitiúil go raibh siad solúbtha maidir le déileáil leis an teaghlach.

Mar sin féin, fuair an OCO go raibh fianaise ann de laigí riaracháin ginearálta sa chaoi ar ar déileáil le comhad M, go háirithe i ndáil leis an easpa de choinneáil chuí taifead.

Moltaí

Mhol an OCO don Údarás Áitiúil oibriú go gníomhach, i gcomhpháirtíocht leis an teaghlach, chun teacht ar réiteach cuí ar fhadhb tithíochta an linbh, ar an bpointe agus go fadtéarmach.

Mhol an OCO don Údarás Áitiúil glacadh le nósanna imeachta riaracháin, lena n-áirítear coinneáil fheabhsaithe taifead, a bheadh solúbtha ach nach gcuirfeadh isteach ar shoiléireacht na cinnteoireachta agus na cumarsáide.

Freagra

Aithníodh cóiríocht oiriúnach cé go gcaithfear é a athchóiriú. Idir an dá linn, cuireadh láithreán níos oiriúnaí ar fáil do charbhán an teaghlaigh.

Gheall an tÚdarás go ndéanfaidís athbhreithniú ar a nósanna imeachta riaracháin freisin.

Diúltú tionóntacht de theaghais Údaráis Áitiúil a thabhairt

Gearán:

Rinne athair gearán leis an OCO thar ceann a chuid leanaí. Dúirt sé gur dhiúltaigh Údarás Áitiúil tionóntacht de theach údaráis áitiúil, a cuireadh in oiriúint dá leanbh le riachtanais speisialta, a thabhairt dó. Ba é an t-athair caomhnóir dlíthiúil aonair na leanaí.

I ngearán an athar, luaigh sé go raibh imní air freisin toisc nach raibh ar a chumas maireachtáil in éineacht lena chuid leanaí toisc gur theip ar a iarratas ar thionóntacht. Dar leis, bhí an tÚdarás Áitiúil ag ceistiú údarás dlíthiúil an ordaithe coimeáda a rinne an Chúirt Dúiche.

Imscrúdú

Nuair a bhíonn gearán á imscrúdú ag an Ombudsman do Leanaí bíonn ceangal uirthi aird a thabhairt ar leas is fearr an linbh i gceist. Tá sé de cheangal uirthi a bhreithniú cibé acu an raibh tionchar neamhfhabhrach ag an ngníomh ar an leanbh nó nach raibh agus cibé acu an raibh an gníomh contrártha le riarachán stuama cothrom nó nach raibh.

I rith an imscrúdaithe bhunaigh an OCO an fhaisnéis seo a leanas.

Bhí na tuismitheoirí ina dtionóntaí de theaghais údaráis áitiúil agus d'athraigh siad go cóiríocht aon stór roinnt blianta ina dhiaidh sin i ndiaidh iarratas a dhéanamh ar chóiríocht a bheadh níos oiriúnaí dá leanbh le riachtanais speisialta. Mhaoinigh an teaghlach roinnt athchóirithe ar an maoin chun go mbeadh sé níos inrochtana don leanbh le riachtanais speisialta. I ndiaidh scaradh na dtuismitheoirí, bhog an t-athair amach as baile an teaghlaigh. Ina dhiaidh sin, rinne an t-athair iarratas chun coimeád aonair a fháil ar na leanaí agus tugadh an t-ordú coimeáda sin dó. Mar sin féin, d'fhan na leanaí leis an máthair fós. I ndiaidh bhás na máthar, d'fhan na leanaí sa teaghais údaráis áitiúil faoi chúram bhaill an teaghlaigh shínte a raibh baint acu le cúram a thabhairt do na leanaí roimhe sin.

I ndiaidh bhás na máthar, rinne an t-athair iarratas ar thionóntacht den teaghais údaráis áitiúil. Chuir an tÚdarás Áitiúil in iúl don athair nach raibh sé beartaithe acu tionóntacht den teaghais a thabhairt don athair go dtí go gcuirfeadh sé fianaise ar fáil go raibh sé ag tabhairt 'cúram fisiceach lánaimseartha do na leanaí' agus go raibh 'smacht lánaimseartha aige orthu'.

Thug faisnéis a cuireadh faoi bhráid an OCO le fios gurb é an t-athair caomhnóir dlíthiúil na leanaí agus an t-aon caomhnóir dlíthiúil amháin atá acu. Níor cuireadh aon fhianaise ar fáil a thabharfadh le fios go raibh aon imeachtaí dlíthiúla leanúnacha eile ar siúl i ndáil leis na leanaí.

Le linn an imscrúdaithe, fuair an OCO gur bhreithnigh an tÚdarás Áitiúil an t-ordú coimeádta a tugadh don athair mar shean-ordú, agus gur chóir don athair filleadh ar an gcúirt chun ordú nuashonraithe a fháil.

Torthaí

Thacaigh an tOmbudsman do Leanaí leis an dearcadh go raibh tionchar diúltach ag gníomhartha an Údaráis Áitiúil ar an leanbh agus gurb ionann a ngníomhartha agus drochriarachán. Trí cheist a chur faoi bhailíocht an ordaithe cúirte agus trí iarraidh ar an athair fianaise a chur ar fáil go raibh sé ag tabhairt cúraim do na leanaí, ba chosúil don Oifig seo gur fheidhmigh an tÚdarás Áitiúil lasmuigh de raon a chumhachta. Lena chois sin, toisc nach ndearnadh cinneadh i ndáil le tionóntacht an bhaile ar feadh i bhfad, bhí cobhsaíocht agus todhchaí bhaile an teaghlaigh éiginnte don leanbh i gceist agus dá dheartháireacha/dheirfiúracha.

Moltaí

Mhol an OCO don Údarás Áitiúil cás tithíochta na leanaí a réiteach ar an bpointe.

Mhol sé freisin gur chóir don Roinn Comhshaoil, Oidhreachta agus Rialtais Áitiúil athbhreithniú a dhéanamh ar na beartais agus nósanna imeachta a bhaineann le haistriú tionóntachtaí chun a chinntiú go mbeidh treoir leordhóthanach ar fáil d'Údaráis Áitiúla vis à vis an t-údarás atá acu i ndáil leis seo.

Freagra

Dúirt an tÚdarás Áitiúil nár ghlac sé le torthaí an imscrúdaithe, go sonrach an ráiteas gur fheidhmigh sé lasmuigh dá údarás. Mar sin féin, dhearbhaigh sé gur ghlac sé leis na moltaí agus go raibh sé beartaithe acu gníomhú i gcomhréir leo.

Anois tá ceist na tionóntachta réitithe ag an Údarás Áitiúil.

Is cúis imní mhór fós é údaráis áitiúla a fheidhmíonn lasmuigh dá sainordú ar bhealach a bhfuil tionchar chomh suntasach sin aige ar leanaí, agus mar sin, tá sé beartaithe ag an OCO é a phlé leis an Roinn Comhshaoil, Oidhreachta agus Rialtais Áitiúil in 2009.

Iompar scoile

Gearán:

Chuir tuismitheoir linbh gearán a bhain le hiompar scoile faoi bhráid na hoifige, thar ceann an linbh sin agus thar ceann grúpa 22 leanbh eile. Baineann an gearán le soláthar iompair scoile, agus leis an tsaincheist d'athrú líomhanta ar theorainn an scoilcheantair idir dhá cheantar i gcontae Loch Garman. Tá cónaí ar na leanaí an-ghar don teorainn seo.

In 2005, chuir an tuismitheoir in iúl go raibh imní air toisc go raibh teorainn ábhartha an scoilcheantair ar léarscáileanna san Oifig Coiste Gairmoideachais áitiúil agus sa Roinn Oideachais agus Eolaíochta éagsúil óna chéile. Mar sin, bhí aon chinntí a rinneadh bunaithe ar na léarscáileanna sin mícheart.

Imscrúdú

D'éascair teorainneacha na scoilcheantar as bunú oideachas iar-bhunscoile saor in aisce déanach sna 1960í. Ar mhaithe le pleanáil, roinneadh an tír ina ndúichí geografacha, le roinnt bunscoileanna i ngach dúiche ag cur daltaí ar fáil d'ionad oideachais iar bhunscoile. D'éascaigh na dúichí sainithe seo an soláthar de chóras iompair scoile náisiúnta freisin.

Sainíonn Rannóg Pleanála na Roinne Oideachais agus Eolaíochta na teorainneacha scoilcheantar do scoileanna. Tá an córas iompar scoile bunaithe ar na léarscáileanna sin freisin. Feidhmíonn Bus Éireann an Scéim Iompair Scoile thar ceann na Roinne Oideachais agus Eolaíochta (an Rannóg Iompair Scoile). Tá Bus Éireann freagrach as bealaí a phleanáil, tiománaithe bus a fhostú, táillí a bhailiú agus a chinntiú go gcomhlíontar rialacháin sábháilteachta agus árachais. Tá an Coiste Gairmoideachais freagrach as an Scéim Iompair Scoile a riar i gContae Loch Garman do na hionaid iar-bhunscoile uile. Cabhraíonn an Coiste Gairmoideachais le Bus Éireann trí fheidhmiú mar Oifigeach Idirchaidrimh Iompair (TLO) don chontae.

Tá dhá chineál ticéad ann do dhaltaí ar bhreá leo leas a bhaint as an Scéim Iompair Scoile:

- Ticéid atá go hImlán Incháilithe do dhaltaí a bhfuil cónaí orthu 4.8km nó níos mó ó mheánscoil ina scoilcheantar; agus
- Ticéid lamháitais do dhaltaí a bhfuil cónaí orthu 4.8km nó níos mó ó scoil i gceantar eile. Tugtar ticéid teorainn scoilcheantair ar na ticéid sin.

Tugtar tosaíocht do dhaltaí le stádas atá go hImlán Incháilithe thar dhaltaí le stádas teorainn scoilcheantair. Chun ticéad a fháil, comhlánaíonn tuismitheoirí foirm iarratais a shíníonn príomhoide na scoile ábhartha agus a tharchuirtear chuig Oifigeach Idirchaidrimh Iompair (TLO) an chontae ansin.

In 2005 bhí teorainn ábhartha an scoilcheantair éagsúil ar léarscáileanna Oifigeach Idirchaidrimh Iompair an Choiste Gairmoideachais áitiúil agus ar léarscáileanna Bhus Éireann. Tá na difríochtaí sna teorainneacha thar a bheith suntasach nuair thuigtear gur feidhm shonrach na léarscáileanna is ea a bheith úsáidte mar phríomh-chritéir san iarratas ar iompar scoile.

Bheadh cinneadh conclúideach a bhaint amach faoin léarscáil ceart a úsáid i 2005 dá mbeadh cóip den príomh léarscáil a chuir ar fáil ag an Roinn Pleanála sa Roinn Oideachais agus Eolaíochta, don tOmbudsman do Leanaí a chuimseodh na teorainneacha scoilcheantair uile agus a bheadh comhionann leis an léarscáil san oifig ábhartha Bhus Éireann nó leis an léarscáil in oifig Áitiúil an Choiste Gairmoideachais in 2005, nó léarscáil a bheadh chomh cosúil le ceann de na léarscáileanna sin nach ndéanfadh sé mórán difríochta.

Níor chuir an Roinn Oideachais agus Eolaíochta léarscáil ar fáil a chomhlíon an caighdeán seo de réir mar a éilíodh. Maidir leis an léarscáil a chuir an Rannóg Pleanála ar fáil don Oifig i mí an Mheithimh 2006:

- tá sé éagsúil ón léarscáil atá in úsáid ag Bus Éireann agus ag an gCoiste Gairmoideachais;
- tá ceist ann faoina oiriúnacht, mar tá an chuma air go bhfuil sé neamhiomlán;
- is cosúil gur léarscáil ar scála mór é, le scála ar chóimheas thart ar 1:62500 agus, mar sin, ní chuireann sé an leibhéal mionchruinnis ar fáil a bhfuil gá leis chun scéim dá leithéid a riar go héifeachtúil agus go cruinn; agus
- tá na teorainneacha a thaispeántar ann róthiubh le bheith soiléir agus cruinn.

Torthaí

De réir an Ombudsman do Leanaí, bhí drochriarachán i gceist le gníomhartha na Roinne Oideachais agus Eolaíochta agus bhí tionchar diúltach ag gníomhartha na Roinne Oideachais agus Eolaíochta ar na leanaí.

Fuair an Oifig go raibh comhghníomhartha na Roinne Oideachais agus Eolaíochta, Bhus Éireann agus an Choiste Gairmoideachais i ndáil le cur i bhfeidhm na Scéime Iompair Scoile sa cheantar seo bunaithe ar chleachtas riaracháin neamh-inmhianaithe agus go raibh siad contrártha le riarachán stuama cothrom.

Ar feadh an imscrúdaithe seo, tharla cásanna inar rianaíodh léarscáileanna agus inar cóipeáladh iad, agus bhí sin ina chúis le léarscáileanna a bhí éagsúil ón léarscáil bhunaidh. Faigheann an Oifig seo go bhfuil gach léarscáil éagsúil sin mar leasú defacto ar cheantair teorann na scoilcheantar. I bhfianaise an dul chun cinn teicneolaíochta atá déanta i ndáil le mapáil dhigiteach agus geoi-ríomhaireacht a chiallaíonn gur féidir leibhéal ard cruinnis a chinntiú i ndáil le suíomh beacht agus gur féidir cóipeanna cruinne a tháirgeadh, ba chóir

do na geallsealbhóirí éagsúla dul i gcomhairle le saineolaithe oiriúnacha sa réimse seo nuair a bheidh na fadhbanna mapála á réiteach acu.

Tá freagracht tríd is tríd as an Scéim Iompair Scoile ar an Roinn Oideachais agus Eolaíochta. Toisc nach bhfuil córas monatóireachta leordhóthanach ann, athraíodh na léarscáileanna de réir a chéile. Níor cuireadh aon chosc ar athrú na léarscáileanna i seilbh Bhus Éireann agus an Choiste Gairmoideachais go dtí na himeachtaí in 2005.

Faigheann an Oifig go bhfuil comhghníomhartha na Roinne Oideachais agus Eolaíochta, Bhus Éireann agus an Choiste Gairmoideachais i ndáil le cur i bhfeidhm na Scéime Iompair Scoile bunaithe ar chleachtas riaracháin neamh-inmhianaithe agus go bhfuil siad contrártha le riarachán stuama cothrom.

Bhí tionchar diúltach ag na gníomhartha sin ar na 23 leanbh mar cuireadh bacainn lena dteidlíocht leas a bhaint as iompar scoile mar gheall ar riar na scéime sin; agus tá an scéim atá ann ag úsáid léarscáileanna éagsúla fós chun na leanaí sin a chatagóiriú.

Moltaí

Molann an tOmbudsman do Leanáí na gníomhartha seo a leanas a dhéanamh:

- Ba chóir iompar bus scoile a chur ar fáil do na 23 leanbh a mheas an Coiste Gairmoideachais go raibh siad go hImlán Incháilithe in 2005 chun cabhrú leo freastal ar scoil i scoilcheantar iar-bhunscoile Loch Garman. Fanfaidh an socrú iompair sin i bhfeidhm ar feadh a gcuid scolaíochta.
- Fanfaidh socrú 2008 maidir le hiompar bus scoile, atá ann i láthair na huair, i bhfeidhm i ndáil leis na leanáí sa cheantar seo ar feitheamh thoradh an athbhreithnithe mapála a luaitear thíos.
- Déanfaidh agus críochnóidh an Roinn Oideachais agus Eolaíochta athbhreithniú náisiúnta ar an nós imeachta mapála i ndáil le ceantair teorann na scoilcheantar iar-bhunscoile.
- Déanfar an t-athbhreithniú sin laistigh de thréimhse réasúnta ama agus tabharfaidh sé aird chuí ar dhea-chleachtas sa réimse de gheoi-ríomhaireacht agus mapáil dhigiteach.

Freagra

Ghlac an Roinn Oideachais agus Eolaíochta leis na prionsabail phríomhúla cuimsithe sa ráiteas imscrúdaithe agus leis an ngá athbhreithniú náisiúnta a dhéanamh ar an nós imeachta mapála i ndáil le ceantair teorann na scoilcheantar iar-bhunscoile. Déanfar saincheist na dteorainneacha scoilcheantair a bhreithniú san athbhreithniú ar Luach ar Airgead na Scéime Iompair Scoile a chríochnófar roimh dheireadh 2009.

Mar fhreagairt dhíreach do na moltaí cuimsithe sa ráiteas imscrúdaithe, d'aontaigh an Roinn na socrúithe eatramhacha seo a leanas a chur i bhfeidhm ar feitheamh thoradh an athbhreithnithe ar Luach ar Airgead.

Fanfaidh na socrúithe iompair scoile atá ann i bhfeidhm i ndáil leis na daoine seo a leanas:

- na 23 leanbh ag croílár an ghearáin; baineann roinnt acu leas as an tseirbhís fós;
- na leanaí atá ag baint leasa as socrúithe iompair bus scoile 2008/2009 sa cheantar seo; agus
- aon leanaí breise ón gceantar céanna a dhéanann iarratas ar iompar scoile chuig ionaid iar-bhunscoile Loch Garman.

Scoil – gearán faoi bhulaíocht

Gearán

Chuir máthair cailín is déagóir an gearán seo faoinár mbráid, mar bhí imní uirthi go raibh bulaíocht á déanamh ar a hiníon ar scoil. Chuir an mháthair in iúl gur thuairiscigh sí an cás don scoil agus gur chreid sí nach raibh an scoil ag freastal go ceart ar a cuid cúiseanna imní agus nár chuir siad a mbeartas frithbhulaíochta i bhfeidhm.

Imscrúdú

I ndiaidh scrúdú a dhéanamh ar an gcás, bhunaigh an Oifig gur chuir an mháthair a cúiseanna imní faoi bhulaíocht in iúl don scoil ó bhéal agus i scríbhinn roinnt uaireanta le blianta beaga anuas. D'admhaigh an scoil gur cuireadh cúiseanna imní in iúl dóibh, ach chreid siad nach raibh ann ach plé neamhfhoirmiúil agus nár ghair an leanbh nó an teaghlach ar an mbeartas frithbhulaíochta riamh. Mar sin, ní dhearnadh aon imscrúdú foirmiúil.

Torthaí

Fuair an Oifig go raibh deacrachtaí ann i ndáil leis an bpróiseas le bheith curtha i gcrích chun an beartas frithbhulaíochta a ghairm, agus mar sin chreid an duine óg agus a teaghlach nach raibh an scoil ag freastal i gceart ar a gcúiseanna imní. Thuig na tuismitheoirí dá gcuirfidís a gcúiseanna imní in iúl don scoil ó bhéal agus i scríbhinn go gcuirfí an beartas frithbhulaíochta i bhfeidhm. Níor cuireadh aon fhianaise ar fáil a léirigh gur lean an scoil an nós imeachta frithbhulaíochta. D'fhreagair an scoil don chumarsáid sin trí thús a chur lena nós imeachta gearán.

Fuair an Oifig nach ndearna an scoil go leor cumarsáide leis an teaghlach i ndáil lena gcúiseanna imní faoi bhulaíocht, agus go háirithe, nár cuireadh an teaghlach ar an eolas faoi na céimeanna a raibh gá leo chun an nós imeachta frithbhulaíochta a ghairm. Lena chois sin, bhain deacrachtaí breise le cumarsáid ón scoil leis an teaghlach i ndáil le himscrúdú a ngearáin.

Moltaí agus Freagra

Mhol an Oifig don scoil athbhreithniú a dhéanamh ar a mbeartas frithbhulaíochta, go háirithe i ndáil leis na céimeanna a bhfuil gá leo chun an beartas frithbhulaíochta a ghairm. Mhol an Oifig don scoil agus don Bhord Bainistíochta smaoineamh ar athbhreithniú a dhéanamh ar a nósanna imeachta um chumarsáid a dhéanamh le tuismitheoirí nuair a thagann cúiseanna imní den chineál seo chun cinn, chun a chinntiú go dtuigfidh daltaí agus tuismitheoirí go bhfuiltear ag freastal i gceart ar a gcúis imní agus chun a chinntiú go gcoinneofar caidreamh dearfach oibre.

D'aontaigh an scoil cruinniú a eagrú leis an teaghlach chun a gcuid cúiseanna imní a phlé agus gheall siad aghaidh a thabhairt ar na saincheistanna a ardaíodh i ndáil le beartas, nós imeachta agus cleachtas.

Tuarascáil Speisialta Maidir le Leanaí faoi Mhíchumas agus Tithíocht Údaráis Áitiúil/Shóisialta

Ó bunaíodh í, fuair an Oifig seo líon gearán atá ag dul i méid i ndáil le leithdháileadh tithíocht Údaráis Áitiúil ar leanaí faoi mhíchumas. In 2007 agus in 2008 fuair an tOmbudsman do Leanaí 100 gearán faoi thithíocht. Bhain na gearáin seo uile, beagnach, le cúiseanna imní faoi leithdháileadh tithíocht Údaráis Áitiúil/shóisialta ar leanaí faoi mhíchumas.

Mar gheall air sin, choimisiúnaigh an OCO tuarascáil speisialta maidir le rochtain leanaí faoi mhíchumas agus a dteaghlach ar thithíocht údaráis áitiúil oiriúnach. Ba iad aidhmeanna na tuarascála:

- cur síos a dhéanamh ar na fadhbanna a bhíonn ag leanaí le riachtanais speisialta ó thaobh rochtain a fháil ar thithíocht údaráis áitiúil/shóisialta oiriúnach de réir mar a tuairiscíodh iad trí mheán Mheicníocht Gearán an OCO.
- moltaí a aithint a d'fhéadfadh aghaidh a thabhairt ar na deacrachtaí príomhúla a bhíonn ag na leanaí sin, le haird ar leith ar bheartas, cleachtas agus nós imeachta.

Déanfaidh an tuarascáil seo roinnt moltaí i ndáil le beartas, cleachtas agus nósanna imeachta. Foilseofar in 2009 í.

Ár seirbhís a dhéanamh níos inrochtana do leanaí agus daoine óga

Chuaigh an Oifig i gcomhairle le daoine óga chun a fháil amach céard a d'fhéadfadh cabhrú leo teagmháil a dhéanamh leis an OCO i gcás go mbeadh gearán acu. Labhair daoine óga faoi rochtain éasca ar ghuthán agus ar ríomhphost, agus mhol siad faisnéis shoiléir, chruinn a chur ar fáil dírithe go sonrach ar dhaoine óga ar bhreá leo gearán a dhéanamh.

Mar fhreagra ar an aiseolas sin, sheol an OCO líne ghutháin saor in aisce chun go mbeadh sé níos éasca do leanaí agus do theaghlaigh teagmháil a dhéanamh leis an Oifig faoina gcúiseanna imní. D'fhorbraíomar raon ábhar do leanaí agus do dhaoine óga i ndáil leis an bhfeidhm gearán agus imscrúdaithe freisin. Chabhraigh leanaí agus daoine óga le forbairt na n-ábhar seo agus le poibliú na líne gutháin saorghlao. Ba bhreá linn fíor-bhuíochas a ghabháil le Cumann na hÉireann um Dhaoine Óga faoi Chúram (IAYPIC) as cabhrú linn comhairliúcháin leis na daoine óga a éascú, agus as an gcomhairle uile a thug siad dúinn go fial.

Tháirgeamar DVD dírithe ar dhaoine óga freisin a léiríonn cineál na ngearán a imscrúdaíonn an OCO. Táimid an-bhuíoch de na daoine óga uile a bhí páirteach i dtáirgeadh an DVD. Táimid thar a bheith sásta leis an táirge deiridh.

Ár ról a chur in iúl do Chomhlachtaí Poiblí

Táirgeadh ábhair do chomhlachtaí poiblí freisin a dhéanann cur síos ar shainordú an OCO i ndáil le gearáin a imscrúdú agus a mhíníonn na próisis a chuireann an OCO i gcrích nuair atá gearán á scrúdú aige. Mar chuid den phróiseas seo, rinne an OCO comhairliúchán le roinnt comhlachtaí poiblí a raibh teagmháil againn leo trí mheán na feidhme gearán agus imscrúdaithe, lena n-áirítear an HSE; Údarás Áitiúla; grúpaí a ionadaíonn boird bhainistíochta; agus comhpháirtithe oideachais eile. Is mór dúinn an chomhairle agus an cúnamh a chuir siad ar fáil a thug treoir dúinn faoin bhfaisnéis ar chóir di a bheith cuimsithe sna hábhair.

5

beartas agus reachtaíocht

Má tá cearta agus leas leanaí agus daoine óga le bheith cosanta agus cothaithe, tá sé ríthábhachtach go mbeidh obair an OCO bunaithe ar fhorbairt beartais atá cúramach agus léirsteanach. Bíonn a lán leanaí leochaileach in Éirinn an lae inniu ar chúiseanna casta éagsúla. Ní mór é seo a athrú. Táimid ag obair go dian le cinntiú go mbeidh reachtaíocht, beartas náisiúnta agus seirbhísí an Stáit do leanaí agus do dhaoine óga ar na caihdeáin is airde agus go sásóidh siad ár ndualgais faoi Choinbhinsiún na NA um Chearta an Linbh agus faoi chaighdeáin idirnáisiúnta cearta daonna eile.

Ról beartais na hOifige

San Acht um Ombudsman do Leanaí, 2002, leagtar amach ról beartais agus taighde an OCO. Áirítear ar an ról seo:

- comhairle a chur ar Airí faoi fhorbairt agus faoi chomhordú beartais a bhaineann le leanaí;
- monatóireacht agus athbhreithniú a dhéanamh ar oibriú na reachtaíochta a bhaineann le cearta agus leas leanaí;
- monatóireacht agus athbhreithniú a dhéanamh ar fheidhmiú an Achta um Ombudsman do Leanaí, agus, nuair is gá, moltaí a dhéanamh chun é a leasú;
- taighde a dhéanamh, a chothú agus a fhoilsiú faoi aon ábhar a bhaineann le cearta agus leas leanaí; agus
- faisnéis a mhalartú le hOmbudsmain do Leanaí i Stáit eile.

Tá sé soiléir in Acht 2002 freisin gur féidir leis an Ombudsman, Emily Logan, comhairle a chur ar Airí faoi aon ábhar a bhaineann le cearta agus leas leanaí. San áireamh air sin, tá feidhm thábhachtach maidir le comhairle a chur ar Airí faoi na torthaí a bheadh i gceist dá gcuirfí moltaí reachtúla ábhartha i ngníomh agus impleachtaí na moltaí sin do leanaí agus dá leas.

Comhairle ar Airí Rialtais faoi reachtaíocht mholta

Tá cáipéisí comhairleacha ar fáil ar roinn foilseachán ár láithreáin ghréasáin www.oco.ie

An Bille um Chiontuithé Spónta 2007

De dhroim iarratais ón Roinn Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí, chuir an tOmbudsman do Leanaí comhairle ar fáil faoin mBille um Chiontuithé Speisialta 2007 ar an 10ú Márta 2008. Déanann an Bille foráil do neamhnochtadh taifead coiriúil faoi réir coinníollacha áirithe agus tar éis tréimhse áirithe ama. Déanann sé fostaíocht ina mbeadh teagmháil le leanaí i gceist a eisiamh go sonrach agus bhí comhairle an Ombudsman do Leanaí dírithe ar a chinntiú go mbeadh na heisiaimh sin cuimsitheach go leor.

An Bille um Inimirce, Cónaí agus Cosaint 2008

Chuir an tOmbudsman do Leanaí comhairle faoin mBille um Inimirce, Cónaí agus Cosaint 2008 faoi bhráid Chomhchoiste an Oireachtais ar Dhlí agus Cirt, Comhionannas, Cosaint agus Cearta Ban ar an 20ú Márta 2008. Sa chomhairle sin, luaigh sí go raibh roinnt gnéithe dearfacha ag an mBille ach nár thug sé aird leordhóthanach ar leochaileacht ar leith leanaí agus ar an ngá le cúnamh agus cosaint speisialta a chur ar fáil dóibh. I measc na saincheisteanna sonracha a luaigh sí sa chomhairle sin bhí riachtanais leanaí scartha a bhíonn ag iarraidh tearmainn, an próiseas a úsáidtear chun aois a dhearbhu, athaontú teaghlach, coinneáil an lucht iarrtha tearmainn agus gáinneáil ar leanaí.

Monatóireacht a dhéanamh ar fheidhmiú reachtaíochta a bhaineann le leanaí

Easnaimh san Acht um Ombudsman do Leanaí, 2002

Faoi Alt 7(h) den Acht um Ombudsman do Leanaí, 2002, tá sé de dhualgas ar an Ombudsman do Leanaí monatóireacht agus athbhreithniú a dhéanamh ar fheidhmiú an Achta seo agus moltaí a dhéanamh d'Aire nó don Oireachtas nó don dá cheann faoi leasú an Achta seo.

D'aithin an tOmbudsman do Leanaí easnaimh sa reachtaíocht a rialaíonn ár gcuid oibre. Scríobh sí chuig an Aire Sláinte agus chuig Tithe an Oireachtais chun a chur in iúl go bhfuil sé ar intinn aici iarratas a dhéanamh ar leasú an Achta. Déantar cur síos anseo ar na forálacha is cúiseanna imní ar leith iad.

Féadann an OCO glacadh le gearáin déanta go díreach ag leanaí agus daoine óga. De réir an Achta um Ombudsman do Leanaí, tá sé de dhualgas ar an Oifig 'tuismitheoir' a chur ar an eolas, is é sin tuismitheoir bitheolaíoch nó duine fásta eile ag feidhmiú in loco parentis, sula ndéanfar imscrúdú ar ghearán. Cé gur prionsabal tábhachtach é seo ar fiú cloí leis, tá an Oifig buartha go bhféadfadh sé cosc a chur ar roinnt daoine óga gearán a dhéanamh, go háirithe i gcás daoine óga a dhéanann líomhaintí de mhí-úsáid in aghaidh tuismitheora/tuismitheoirí.

Rinne roinnt daoine óga faoi chúram an HSE teagmháil leis an OCO freisin toisc go raibh imní orthu faoi na pleananna cúraim a bheadh i gceist nuair a d'fhágfaidís an córas cúraim. Uaireanta, ní raibh an Oifig in ann scrúdú a dhéanamh ar na gearáin sin toisc go raibh 18 mbliana d'aois bainte amach ag na daoine óga nuair a rinne siad an gearán. De réir na reachtaíochta a rialaíonn Oifigí na nOmbudsman do Leanaí/Oifigí na gCoimisinéirí do Leanaí i ndlínsí eile, féadann siad glacadh le gearáin ó dhaoine óga go dtí go sroicheann siad aois 21, go sonracha i gcás daoine óga a bhí faoi chúram an Stáit agus daoine óga faoi mhíchumas.

Leasú Bunreachtúil ar Chearta Leanaí

Le linn 2008, leanadh den phlé maidir leis an Leasú Bunreachta atá beartaithe ar Chearta Leanaí. Is é Comhchoiste an Oireachtais um an leasú bunreachta do Leanaí a bhí mar phríomhfhóram do na díospóireachtaí, a raibh sé de chúram aige togra an Rialtais agus nithe ábhartha eile a mheas.

Go luath sa bhliain, tháinig díospóireacht chun cinn ar cé acu ba chóir an cheist, ar aithníodh mar cheist scoite í, a scoilt ón chnuasach ceisteanna eile a bhí fágtha agus reifrinn éagsúla a eagrú ar gach ceann acu. Is é an cheist scoite í, cion de dhilteanas iomlán nó de dhiandilteanas a thabhairt isteach arís le haghaidh cionta gnéasacha bainteach le leanaí. Is iad seo a leanas an cnuasach ceisteanna a bhí fágtha; soláthar sainráite le haghaidh cearta agus leas leanaí, eolas bog a chomhroinnt chun cosaint leanaí a fheabhsú agus chun roghanna uchtaithe a thabhairt do líon is mó leanaí.

Ar 6 Feabhra, scríobh an tOmbudsman do Leanaí chuig Taoiseach a mholadh gur chóir, dar léi, cuir leis an tiomantas polaitiúil chun reifreann a eagrú ar gach ceist ábhartha, agus gur chóir diúltú don éileamh ceisteanna áirithe a roghnú le haghaidh reifrinn ar leith.

An tseachtain dár gcionn, ar 13 Feabhra, láithrigh an tOmbudsman do Leanaí os comhair Chomhchoiste an Oireachtais um an leasú bunreachta do Leanaí d'fhonn a hiarratas maidir leis an leasú beartaithe a chur faoi bhráid an Choiste. Thug an t-iarratas breac-chuntas ar na soláthairtí, a mholann an tOmbudsman ar chóir iad bheith san áireamh sa leasú bunreachta, mar atá: ráiteas sainráite ar chearta an linbh; an prionsabal leasa; dualgas ar an Stát tacaíocht a thabhairt do theaghligh ar bhonn comhréireach, agus le soláthar atá dírithe ar chomhroinnt eolas bog a éascú.

Níor éirigh le reifreann teoranta, faoi ábhar amháin, leanúint ar aghaidh i 2008 agus is cosúil nach dtarlóidh sé i 2009 chomh maith. Leanann Oifig an Ombudsman do Leanaí ar aghaidh ag déanamh a ndíochill chun a chinntiú go ndéantar forbairt ar thogra éifeachtach agus ar thogra láidir don Reifreann Bunreachtúil. Tá an tOmbudsman do Leanaí go fóill ag tacú le hiarrachtaí lena chinntiú go mbeidh togra éifeachtach agus láidir á fhorbairt don Reifreann Bunreachta.

Tá an iarratas iomlán chuig Comhchoiste an Oireachtais ar an Leasú Bunreachtúil ar Leanaí ar fáil ag www.oco.ie

Forbairt agus comhordú beartais a bhaineann le leanaí

Tionscnamh um Athbhreithniú a Dhéanamh ar Bhás Leanaí

Mar atá luaite i dtuarascáil bhliantúil an OCO roimhe seo, rinne an tOmbudsman do Leanaí teagmháil leis an Aire Sláinte agus Leanaí in 2007 faoin bhféidearthacht meicníocht bhuan um athbhreithniú a dhéanamh ar bhás leanaí a bhunú in Éirinn, a bheadh cosúil leis na meicníochtaí ar fáil i ndlínsí eile. Rinne an tOmbudsman an tionscnamh seo de réir a róil faoi alt 7(1) den Acht um Ombudsman do Leanaí 2002 chun comhairle a chur ar Airí Rialtais maidir le comhordú beartais a bhaineann le leanaí.

I ndiaidh freagra tosaigh dearfach a fháil ón Aire, rinne an OCO scrúdú ar chleachtas idirnáisiúnta sa réimse seo agus rinneadh tréimhse comhairliúcháin le príomh gheallsealbhóirí chun a ndearcaí i ndáil le tionscnamh an OCO a fháil. Ag deireadh na tréimhse comhairliúcháin sin, tionóladh seimineár ardleibhéil ar athbhreithniú ar bhás leanaí ar an 28ú Aibreán 2008 d'ionadaithe comhlachtaí reachtúla agus gníomhaireachtaí stáit chun measúnú a dhéanamh ar an bhféidearthacht meicníocht a bhunú chun scrúdú córasach a dhéanamh ar bhás leanaí in Éirinn. Ba í aidhm an tseimineáir eagraíochtaí a thabhairt le chéile a d'fhéadfadh ról a ghlacadh i meicníocht dá leithéid chun plé tosaigh ar chleachtas reatha agus ar athruithe féideartha sa dlínse seo a éascú. Labhair saineolaithe idirnáisiúnta ón mBreatain Bheag agus ón Astráil, agus ionadaithe an Gharda Síochána, an HSE, na Príomh-Oifige Staidrimh, an Bhoird Taighde Sláinte agus Cróinéir Chathair Átha Cliath ag an seimineár.

De dhroim molta déanta ag rannpháirtithe an tseimineáir, tháinig an OCO páipéar roghanna a leagann amach na gnéithe de bhás leanaí a ndéantar scrúdú orthu in Éirinn i láthair na huaire agus na saincheistanna ar chóir iad a bhreithniú ag féachaint don fhéidearthacht meicníocht um athbhreithniú a dhéanamh ar bhás leanaí a bhunú sa dlínse seo. Cuirfidh an páipéar seo bonn faoi chomhairliúchán amach anseo idir an tOmbudsman do leanaí agus príomh-ghníomhairí i ndáil leis an mbealach is fearr leis an bpróiseas a chur chun cinn in 2009.

Aighneacht faoin bPlean Gníomhaíochta Náisiúnta ar Gháinneáil ar Dhaoine

I mí Eanáir 2008, chuir an OCO a chomhairle faoin bPlean Gníomhaíochta Náisiúnta ar Gháinneáil ar Dhaoine faoi bhráid na Roinne Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí. Leag an aighneacht béim ar an ngá tacaíocht bhreise a chur ar fáil d'íospartaigh in Éirinn chun dea-chleachtas idirnáisiúnta sa réimse seo a chomhlíonadh, agus bhí sí dírithe ar shaincheistanna maidir le cosc, feasacht a mhúscailt, ciontóirí a chúiseamh agus cosaint a thabhairt d'íospartaigh na gáinneála is leanaí.

Tá an OCO ina bhall den Grúpa Oibre ar Gháinneáil ar Leanaí freisin. Bhunaigh an tAonad um Gháinneáil ar Dhaoine a Chomhrac an Grúpa Oibre sin chun cabhrú le ceapadh an Phlean Gníomhaíochta Náisiúnta.

Tá an aighneacht iomlán ar fáil ar www.oco.ie

Léiriú creidimh reiligiúnaigh agus cóid ghléasta scoile

Mar fhreagra ar iarratas ón Aire um Lánpháirtíú, chuir an tOmbudsman do Leanaí a comhairle faoi shaincheistanna a bhain le freastal ar léiriú creidimh reiligiúnaigh laistigh de chulaith scoile nó laistigh de chóid ghléasta i scoileanna faoi bhráid an Aire an 18ú Lúnasa 2008. Rinne an chomhairle cur síos ar roinnt prionsabal ginearálta ar chóir don Roinn Oideachais, do bhoird bhainistíochta agus do scoileanna aird a thabhairt orthu agus an tsaincheist seo á measúnú acu. Go háirithe, leag an tOmbudsman béim ar an tábhacht a bhain le réitigh phraiticiúla a lorg, a mbeadh i gceist leo comhairliúchán a dhéanamh le daoine óga agus lena dteaghlaigh. Cé go dtacaíonn comhairle an Ombudsman leis an dearcadh gur chóir do chultacha scoile agus do chóid ghléasta freastal ar riachtanais daoine éagsúla, luadh sa chomhairle freisin go bhfuil cúiseanna imní eile ann, cosúil le sláinte agus sábháilteacht agus cumarsáid éifeachtúil idir daltaí agus múinteoirí, a d'fhéadfadh srianta dlísteana riasúnta a chur leis an tsaoirse reiligiún a léiriú i suíomh oideachais, ag brath ar an gcás i gceist.

Tá an aighneacht iomlán ar fáil ar www.oco.ie

Cuntas a thabhairt don Oireachtas

Tuairisc do na Coistí Oireachtais ar Ghnóthaí Eachtracha agus ar Ghnóthaí Eorpacha

Ar an 23ú Meitheamh 2008, chuir an tOmbudsman do Leanaí tuairisc faoi bhráid Chomhchoiste an Oireachtais ar Ghnóthaí Eachtracha agus Chomhchoiste an Oireachtais ar Ghnóthaí Eorpacha i ndáil le hidirghníomhú an OCO le Líonraí agus eagraíochtaí idirnáisiúnta a oibríonn sa réimse de chearta leanaí. In alt 7(f) den Acht um Ombudsman do Leanaí, 2002, foráiltear go malartóidh an tOmbudsman faisnéis agus go gcomhoibreoidh sí le hOmbudsmain do Leanaí (faoi cibé ainm atá orthu) ó Stáit eile, agus in alt 13(7) d'Acht 2002 foráiltear freisin go bhféadfaidh an tOmbudsman do Leanaí a chur faoi deara, ó am go ham, go gcuirfear cibé tuairiscí faoi fheidhmeanna a hOifige faoi bhráid an Oireachtais is cuí léi.

Rinne an tuairisc cur síos ar obair an Ombudsman do Leanaí mar chathaoirleach reatha Líonra Eorpach na nOmbudsman do Leanaí (ENOC), le cois idirghníomhú an OCO le Líonra Ombudsman agus Coimisinéirí Leanaí na Breataine agus na hÉireann (BINOCC). Lena chois sin, leag sé amach idirghníomhú an Ombudsman do Leanaí le Grúpa Stiúrtha an Choimisiúin Eorpaigh ar Chearta Leanaí, le Coimisinéir um Chearta Daonna Chomhairle na hEorpa agus le Coiste na NA um Chearta an Linbh.

Tá an tuairisc iomlán ar fáil ar www.oco.ie

Aighneacht faoi Chúram Míochaine Príomhúil sa Phobal

D'éisigh Comhchoiste an Oireachtais ar Shláinte agus Leanaí cuireadh le haghaidh aighneachtaí faoin tsaincheist maidir le cúram míochaine príomhúil sa phobal agus i mí na Samhna 2008, chuir an tOmbudsman do Leanaí a comhairle faoi bhráid an Choiste ar bhonn an chuiridh sin.

Bhí an aighneacht bunaithe ar shaincheisteanna ar tarraingíodh aird an OCO orthu mar gheall ar a obair ar ghearáin agus imscrúduithe; ar shaincheisteanna a aithníodh sa taighde bunlíne a d'fhoilsigh an OCO i mí Lúnasa 2007 agus ar na bacainní ar chearta leanaí a chur i gcrích in Éirinn; agus ar shaincheisteanna ar cháin meicníochtaí idirnáisiúnta a dhéanann monatóireacht ar chearta daonna.

I measc na saincheisteanna a pléadh bhí leas agus cosaint leanaí; seirbhísí meabhairshláinte do leanaí agus do dhaoine óga; leanaí faoi chúram; agus rochtain ar sheirbhísí teiripeacha.

Tá an aighneacht iomlán ar fáil ar www.oco.ie

Malartú faisnéise agus comhoibriú idirnáisiúnta

I mí Mheán Fómhair 2008, tar éis cuireadh a fháil ó Choimisinéir um Chearta Daonna Chomhairle na hEorpa, Thomas Hammarberg, thug an tOmbudsman do Leanaí an léacht bhliantúil Janusz Korzacz i Stócólm. Bhain téama na léachta leis an gcoincheap de leas is fearr leanaí agus d'fhreastail oifigigh shinsearacha, Airí agus Cinn Stáit ó áiteanna ar fud Chomhairle na hEorpa uirthi

Ar iarratas ó UNICEF agus ó Chomhairle Bharra na Tuirce, thug an tOmbudsman do Leanaí cuairt ar an Tuirc i mí Aibreáin 2008 chun bunú institiúide náisiúnta um chearta leanaí sa Tuirc a chur chun cinn. Bhuaile an tOmbudsman le daoine óga ó dhílleachtlanna agus ó shuíomhanna institiúide, le hionadaithe eagraíochtaí neamhrialtasacha agus le parlaiminteoirí.

BINOCC

I rith 2008, lean an OCO ag cruthú nasc le hOifigí den chineál céanna i Sasana, sa Bhreatain Bheag, in Albain agus i dTuaisceart Éireann. I gcomhar le Coimisinéirí Leanaí Thuaisceart Éireann, Shasana, na hAlban agus na Breataine Bige, bíonn an OCO ag comhroinnt na foghlama agus an dea-chleachtais trí mheán BINOCC (Líonra Ombudsman agus Coimisinéirí Leanaí na Breataine agus na hÉireann). Cé go ndéantar formhór na malartuithe go leictreonach, buaileann an Líonra le chéile ag leibhéal na nOmbudsman/na gCoimisinéirí agus i ngrúpaí a bhfuil sainorduithe sonracha acu. Mar shampla, comhroinneann an grúpa beartais agus taighde faisnéis agus forbraíonn siad comhthionscnaimh, agus comhroinneann na foirne cumarsáide agus rannpháirteachais eispéiris agus eolas na n-oifigí faoi seach.

ENOC (Líonra Eorpach na nOmbudsman do Leanaí)

Cathaoirleach ENOC

Bhí Emily Logan an-bhródúil as glacadh le cathaoirleacht ENOC i mí Mheán Fómhair 2008. Thogh piaraí idirnáisiúnta Emily ina cathaoirleach.

D'óstáil an tOmbudsman do Leanaí comhdháil bhliantúil ENOC a d'oscail an tUachtarán Máire Mhic Giolla Íosa. Reáchtáladh an chomhdháil ag Caisleán Bhaile Átha Cliath agus d'fhreastail 32 Oifig Ombudsman do Leanaí ó 24 Ballstát de Chomhairle na hEorpa uirthi, in éineacht le saineolaithe agus breathnóirí idirnáisiúnta. Chuir an chomhdháil trí lá tús le cathaoirleacht Emily Logan ar an Líonra.

Bunús ENOC

Cuireadh Líonra Eorpach na nOmbudsman do Leanaí (ENOC) ar bun i 1997 chun na 10 nOmbudsman a bhí san Eoraip ag an am a thabhairt le chéile. Tá an bhallraíocht méadaithe ó shin go 34 comhalta as 24 stát. Tugann UNICEF agus Comhairle na hEorpa tacáocht d'obair ENOC. Ag leibhéal an AE, sheol Leas-Uachtarán an Choimisiúin, Franco Frattini, an fhorbairt de straitéis nua AE um chearta leanaí le deireanas. Tá ENOC ina chomhalta d'Fhóram an AE um Chearta an Linbh a bhfuil sé de chúram air an straitéis seo a chur chun cinn.

Ról ENOC

Is é ról an líonra cothú agus cosaint cearta leanaí a éascú ar fud na hEorpa, mar atá ceaptha i gCoinbhinsiún na NA um Chearta an Linbh. Áirítear i measc a chuid cuspóirí malartú faisnéise a éascú idir comhaltaí agus grúpaí réigiúnacha eile agus tacú le forbairt institiúidí nua um chearta leanaí san Eoraip agus ar fud an domhain.

Ballraíocht

Tá baill as 24 Ballstát Chomhairle na hEorpa in ENOC faoi láthair, lena n-áirítear:

An Ostair, An Bheilg, an Chróit, An Danmhairg, An Fhionlainn, An Fhrainc, An tSeoirsia, An Ghréig, An Ungáir, An Íoslainn, Éire, An Laitvia, An Liotuáin, Lucsamburg, iar-Phoblacht Iúgslavach na Macadóine, Málta, An Ríocht Aontaithe, An Iorua, An Pholainn, An Phortaingéil, Cónaidhm na Rúise, An tSlóivéin, An Spáinn, An tSualainn.

Tá níos mó ná oifig amháin ag cuid de na stáit seo ina mbaill. Maidir leis an Ríocht Aontaithe mar shampla, is comhaltaí de ENOC iad Coimisinéirí Leanaí Thuaisceart Éireann, na hAlban agus na Breataine Bige.

6

rannpháirteachas agus oideachas

Tá freagracht reachtúil ar Oifig an Ombudsman do Leanaí cearta agus leas leanaí agus daoine óga a bhfuil cónaí orthu in Éirinn a chothú. De réir Alt 7 den Acht um Ombudsman do Leanaí 2002, cuimsíonn feidhmiú an tsainordaithe seo:

- comhlachtaí poiblí, scoileanna agus ospidéal dheonacha a spreagadh chun beartais, cleachtais agus nósanna imeachta a fhorbairt atá deartha chun cearta agus leas leanaí a chur chun cinn;
- feasacht a chur chun cinn i measc an phobail, lena n-áirítear i measc leanaí agus daoine óga, ar ábhair a bhaineann le cearta agus leas leanaí, lena n-áirítear Coinbhinsiún an AE um Chearta an Linbh;
- béim a leagan ar shaincheistean a bhaineann le cearta agus leas leanaí a bhfuil leas ag leanaí iontu; agus
- struchtúir a bhunú chun comhairliúchán a dhéanamh le leanaí chun críocha obair an OCO chun cearta agus leas leanaí a chur chun cinn, agus ualú ceart a thabhairt do dhearcaí leanaí de réir a n-aoiseanna agus leibhéal a dtuisceana.

Tuigimid an sainordú seo mar cheart bunúsach, a mheastar mar cheart ‘cumasúcháin’ Choinbhinsiún na NA ar Chearta an Linbh – Airteagal 12, agus mar phrionsabal bunúsach atá nasctha le feidhmeanna uile obair na hOifige. Tógann sé am cultúr a chruthú ina léirítear meas ar ghlórtha leanaí, agus d’fhoghlaimíomar nach mbaineann cothú cearta leanaí le feachtais ná ábhair ná imeachtaí aonair amháin – ní mór daoine a dhéanann cinntí a théann i bhfeidhm ar leanaí a spreagadh agus dúshláin a thabhairt dóibh leasanna leanaí a chur chun tosaigh.

In 2008, chuireamar cearta leanaí chun cinn trí oibriú go díreach le cinnteoirí fásta i gcomhlachtaí poiblí trí mheán ár bhfeidhme gearán agus go díreach ag an leibhéal polaitiúil trí mheán ár bhfeidhme beartais agus reachtaíochta, ach, lena chois sin, rinneamar roinnt céimeanna breise chun foráil a dhéanamh do rannpháirteachas leanaí agus daoine óga agus chun feasacht ar a gcearta agus ar a gcúiseanna imní a ardú ag gach leibhéal, go háirithe ag an leibhéal is cumhachtaí - leibhéal na reachtóirí. In 2008 chuireamar na cúiseanna imní sin, cúiseanna imní a d’ardaigh leanaí agus daoine fásta, faoi bhráid an Oireachtais. Rinneadh an sárú is coitianta ar chearta leanaí in Éirinn – an easpa measa ar cheart leanaí chun páirt a ghlacadh i gcinnteoireacht in a lán seirbhísí san earnáil phoiblí – a ardú leis an gComhchoiste ar an Leasú Bunreachtúil ar Leanaí.

Comhairliúchán a dhéanamh le leanaí

Foráiltear san Acht go bhféadfaidh an tOmbudsman do Leanaí comhairliúchán a dhéanamh le leanaí atá ionadaíoch ina tuairimsean. Ní féidir linn an obair seo a dhéanamh gan tacaíocht ó thuismitheoirí agus óna lán daoine fásta atá tiomanta d’fheabhas a chur ar bheathaí leanaí in Éirinn, agus táimid an-bhuíoch den tacaíocht iontach uile seo.

Is minic a bhuailimid le leanaí agus le daoine óga le taithí dhíreach ar an tsaincheist atá á plé. Mar shampla:

- chuamar i gcomhairle le leanaí agus le daoine óga faoi chúram nuair a bhí ábhair a mhíneadh ar bhfeidhm gearán á bhforbairt do dhaoine óga;
- chuamar i gcomhairle le daoine óga faoi mhíchumas dár dtuarascáil speisialta ar thithíocht do dhaoine óga faoi mhíchumas; agus
- cuirimid ceisteanna ar dhaoine óga faoina ndearcaí, mar is cuí, nuair a dhéanaimid imscrúdú.

In 2008, rinneadh céimeanna tábhachtacha pleanála agus ullmhúcháin don dá phríomhghrúpa leanaí agus daoine óga a rachfar i gcomhairle leo in 2009:

- leanaí a bhfuil cónaí orthu i mbrúnna mar chuid dár gcuid oibre ar leanaí faoi chúram stáit;
- daoine óga in earnáil an cheartais óige, go háirithe in Institiúid Naomh Pádraig.

Painéal Comhairleach na nÓg

I rith 2008, thosaíomar ag obair leis an dara Painéal Comhairleach na nÓg (YAP) de chuid an OCO. Tá cúigear daoine óga is fiche ar an bPainéal anois, ó cheantair tuaithe agus uirbeacha ar fud na hÉireann, agus is léiriú a gcoinníollacha agus a n-eispéiris ar an éagsúlacht atá i sochaí na hÉireann anois. Cuirimid in iúl go soiléir do na daoine óga nach bhfuil siad ann chun dearcaí na ndaoine óga uile in Éirinn a ionadú; níl orthu ach a ndearcaí féin a chur in iúl.

I ndiaidh comhairliúcháin le leanaí agus le daoine óga ó áiteanna ar fud na tíre, chloíomar leis an bprionsabal de rannpháirteachas ar bhonn deonach.

I mí Eanáir 2008, thionólamar ár gcéad YAP cónaitheach, a thug deis iontach do chomhaltaí an Phainéil tógáil foirne a éascú agus clár oibre YAP a chruthú do 2008.

Ar feadh 2008, léirigh comhaltaí YAP tiomantas, fuinneamh agus léargas inár gcuid oibre leo. Is iad seo a leanas roinnt de na gníomhaíochtaí a rinne siad i rith na bliana:

- d'ardaigh siad feacht ar obair an OCO ar roinnt bealaí éagsúla;
- ghlac siad páirt i bpainéil agallaimh nuair a bhí an OCO ag earcú foirne;
- roinn siad a ndearcaí faoi fhorbairt clár, lena n-áirítear clár oibre don Idirbhliain;
- d'oibrigh siad ag imeachtaí cosúil leis na Fiontraithe Sóisialta Óga, áit ar bhuail siad leis na céadta duine óg eile, agus labhair siad leo faoin Oifig; agus
- phleanáil agus ghlac siad páirt i roinnt imeachtaí dírithe ar dhaoine óga.

An Ceart chun Súgartha agus Caitheamh Aimsire

I ndiaidh thorthaí an chomhairliúcháin náisiúnta An Bhallóid Mhór, inar aithin leanaí cé chomh tábhachtach agus atá pobail ina ngnáthshaolta, chinn an OCO saothar a choimisiúnú chun tuiscint níos doimhne a fhorbairt ar thábhacht pobal i saolta leanaí.

Choimisiúnaigh an OCO an Lárionad Taighde Leanaí, Coláiste na Tríonóide, Baile Átha Cliath chun comhairliúchán a dhéanamh le leanaí, le daoine óga agus le tuismitheoirí agus a gcuid dearcaí agus tuairimí faoina bpobail áitiúla a bhailiú. Rinne an staidéar scrúdú ar dhá cheist leathana:

1. Cad iad na buntáistí a bhaineann leis an gceantar a bhfuil cónaí ort ann i gcás leanaí, daoine óga agus teaghlach?
2. Cad is féidir a dhéanamh chun feabhas a chur air?

Ghlac níos mó ná 133 tuismitheoir agus leanbh ó raon leathan cúlraí socheacnamaíocha, eitneacha agus geografacha páirt i bhfócasghrúpaí. Aithníodh naoi dtéama sa staidéar a bhain le heispéireas rannpháirtithe ina bpobail. Áiríodh orthu sin an tábhacht a bhaineann le sábháilteacht, saincheisteanna maidir le súgradh agus caitheamh aimsire, saincheisteanna timpeallachta, an gá le spraoi agus 'rudaí le déanamh' atá spreagúil, meas ar leanaí agus ar dhaoine óga, rannpháirteachas agus leibhéal cuimsitheachta pobal, cinnteoireacht i bpobail, cáilíocht agus inrochtaineacht seirbhísí, agus ar deireadh, cén fhoráil a dhéantar do theaghlaigh i bpobail.

Úsáidfeadh torthaí na tuairisce seo chun clár oibre an OCO a threorú agus a fhorbairt amach anseo. Beidh an tionscadal 'Pobail a Nascadh' ar an gcéad tionscadal a bheidh treoraithe ag an gcomhairliúchán seo. Rinneadh obair ullmhúcháin in 2008, a raibh san áireamh uirthi bualadh le raon leathan ceannairí pobail agus cinnteoirí d'fhonn scéim a fhorbairt a d'aithneodh agus a léireodh an obair atá á déanamh chun pobail a dhéanamh níos fearr le haghaidh leanaí, ach a rachadh le scéimeanna atá ann cheana féin freisin.

Cuirfeadh treoirscéim den scéim i gcrích go luath in 2009.

Foghlaim OCO

Tuigimid go maith go bhfuil an rannpháirteachas mar bhealach chun oibriú le leanaí in Éirinn ag céim luath forbartha fós. Leanaimid orainn ag foghlaim agus déanaimid ár ndícheall ár gcuid foghlama a roinnt le daoine eile mar iarracht feabhas a chur ar ár n-Oifig féin, agus chun spreagadh a thabhairt do dhaoine atá neirbhíseach faoi na chéad chéimeanna a chur i gcrích a bhfuil gá leo chun rannpháirteachas leanaí agus daoine óga a chothú.

Mar aon leis na blianta roimhe seo, fuaireamar iarratais rialta in 2008 ar fhaisnéis agus treoir faoi fhoráil a dhéanamh do rannpháirteachas leanaí agus daoine óga. Tháinig na hiarratais sin ó ghníomhaireachtaí a oibríonn in earnálacha éagsúla in Éirinn agus ónár gcontrapháirtithe i ndlínsí eile.

I bhfianaise na n-iarratas sin, chuireamar tús le sraith ócáideach foilseachán dírithe ar chuir chuige an OCO agus eispéiris an OCO i ndáil le cabhrú le leanaí agus daoine óga páirt a ghlacadh agus a nglórtha a thabhairt le cloisteáil. I rith 2008, d'ullmhaíomar an chéad fhoilseachán sa tsraith seo. San fhoilseachán, déantar cur síos mionchruinn ar ár gcur chuige agus ár n-eispéireas maidir le bPainéal Comhairleach na nÓg (YAP) a bhunú agus oibriú leo, agus cuimsíonn sé dearcaí agus comhairle bhaill ár YAP.

Foilseofar an leabhrán seo in 2009.

Ceart leanaí chun a nglórtha a thabhairt le cloisteáil a chur chun cinn

I rith 2008, leanamar orainn ag cur fáilte roimh ghrúpaí leanaí agus daoine óga ag an OCO chun deis a thabhairt dóibh páirt a ghlacadh i gceardlanna bunaithe ar ghníomhaíochtaí a thugann túseolas dóibh ar ár gcuid oibre, a chothaíonn a dtuiscint ar chearta leanaí agus a chuireann ar a gcumas a ndearcaí agus a n-idéanna faoi ábhair a théann i bhfeidhm orthu agus a bhfuil leas acu iontu a roinnt linn. Thugamar cuairt ar leanaí agus ar dhaoine óga ina scoileanna agus i seirbhísí eile a bhfuil teacht acu orthu freisin.

Chun an obair luachmhar aghaidh ar aghaidh seo a chomhlánú, d'fhorbraíomar DVD a thacódh lenár gcuid oibre maidir le feachtas a mhúscailt ar chearta leanaí, lena n-áirítear Coinbhinsiún na NA ar Chearta an Linbh; chun aird a tharraingt ar shaincheisteanna a bhfuil leas ag leanaí agus daoine óga iontu agus chun leanaí agus daoine óga a spreagadh chun a ndearcaí agus a n-idéanna a roinnt linn, le tacaíocht na ndaoine a thugann cúram dóibh nó a oibríonn leo.

Béim a leagan ar shaincheisteanna a bhfuil leas ag leanaí iontu

Glórtha Leanaí a Thabhairt chuig an Oireachtas

Gheall an OCO don 75,000 leanbh agus duine óg a ghlac páirt sa Bhallóid Mhór, an comhairliúchán is mó riamh le leanaí agus le daoine óga in Éirinn, go gcuirfí a ndearcaí faoi bhráid cinnteoirí sinsearacha.

Ar bhonn cuiridh ó Chathaoirleach an Chomhchoiste ar an Leasú Bunreachtúil ar Leanaí, Mary O'Rourke, TD, chuir comhaltaí ár YAP an Bhallóid Mhór i láthair ag cruinniú speisialta de Theachtaí Dála agus de Sheanadóirí ag Teach Laighean i mí an Mheithimh 2008. Labhair comhaltaí an YAP faoina n-eispéiris féin maidir le páirt a ghlacadh sa Bhallóid Mhór, chuir siad torthaí na vótaí a chaith 74,000 leanbh agus duine óg ar fud na tíre i láthair, agus phléigh siad na saincheisteanna faoina vótáil leanaí agus daoine óga rannpháirteacha le comhaltaí an Oireachtais.

Cad atá tábhachtach do leanaí

I rith 2008, d'éisteamar lena lán leanaí. Léiríonn na saincheisteanna ar leag siad béim orthu, na cúiseanna imní a d'ardaigh siad agus na ceisteanna a chuir siad ilchineálacht na n-eispéireas saoil i measc na leanaí agus na ndaoine óga a mhaireann in Éirinn sa lá atá inniu ann. Thiomsaíomar leabhrán faoi na saincheisteanna a d'ardaigh leanaí agus daoine óga linn i rith 2008. Tá sampla beag den mhéid a dúirt siad anseo thíos.

Oideachas

- Ceisteanna faoi dheiseanna oideachais do dhaoine óga faoi chúram;
- Tá oideachas ag teastáil ó gach duine chun cur ar a chumas post a fháil agus saol maith a bheith aige;
- Ba chóir go mbeadh ceart chun oideachais ag leanáil le riachtanais speisialta, toisc go mbíonn oideachas ag teastáil uathu ach níl múinteoirí ann chun iad a mhúineadh; agus
- Ní mór cultúr de chuimsitheacht a chur chun cinn i measc an phobail scoile iomláin chun bulaíocht i measc daoine óga a chomhrac.

Meabhairshláinte

- Ba chóir go mbeadh cláir faisnéise agus oideachais ar fáil ag scoileanna chun cabhrú le daoine óga déileáil le saincheisteanna meabhairshláinte agus tuiscint a fháil orthu, agus chun dul i ngleic leis na leibhéil arda d'fhéinmharú i measc daoine óga;
- Tionchar dochrach na féinmhuiníne ísle agus an tábhacht a bhaineann le tacaíocht a thabhairt d'fhéinmhuinín dhearfach i measc daoine óga;
- An gá le feasacht a mhúscailt ar leitheadúlacht an dúlagair i measc daoine óga, agus an gá cabhrú le daoine óga céimeanna dearfacha a thógáil chun a sláinte fhisiceach agus mheabhrach a fhorbairt; agus
- Tá cairde agus caidrimh mhaithe le piaraí an tábhachtach.

Bulaíocht

- An gá feasacht a mhúscailt i measc daoine óga faoi thionchair dhiúltacha na bulaíochta agus an gá dul i ngleic le bulaíocht ag daoine óga agus ar dhaoine óga i scoileanna agus i bpobail; agus
- An tábhacht a bhaineann le feasacht a mhúscailt ar fhadhb thromchúiseach na bulaíochta i measc daoine óga agus tacaíocht a thabhairt d'íospartaigh na bulaíochta labhairt amach agus cabhair a lorg.

Úsáid alcóil agus drugaí

- An gá le heolas a thabhairt do dhéagóirí níos óige faoi na rioscaí a bhaineann le tomhaltas iomarcach alcóil; agus
- Tá ceart ag leanáil a bheith sábháilte ó dhruaí mar féadann siad daoine a mharú.

Foilseofar leabhrán a leagfaidh béim ar na saincheisteanna uile a d'ardaigh daoine óga linn sa tréimhse tuairiscithe seo ar ár láithreán gréasáin in 2009.

aguisín

Ná grúpaí agus na heagraíochtaí ar bhuaileamar leo sa bhliain 2008

- An Garda Síochána
- Mol Digiteach
- Cróinéir Bhaile Átha Cliath
- CSO
- An Bord Taighde Sláinte
- Coimisiún Ombudsman an Gharda Síochána (GSOC)
- Troid focal
- Amnesty International
- Cumann na mBainisteoirí Contae agus Cathrach
- Scoil Náisiúnta Bhaile Brigín Balbriggan Educate Together Nation School
- Oifig Náisiúnta Barnardos
- Barnardos, Islandgate, Co. Luimnigh
- BeLonG To
- Líonra de chuid Ombudsman agus Coimisinéirí na Breataine agus hÉireann le haghaidh leanaí
- Fondúireacht CARI
- Scoil Náisiúnta Lárnach shinsearach mheasctha, Baile Átha Cliath
- Meabhairshláinte Leanaí agus Ógánach
- Foireann Athbhreithnithe um Bás Linbh
- An Bord Comhairleach um Achtanna na Leanaí
- Leabhair Pháistí Éireann
- Ionad Taighde Leanaí, Coláiste na Tríonóide
- Comhaontas Cearta Leanaí
- Coimisinéir Leanaí, New South Wales, an Astráil
- Coimisinéir Leanaí, an Nua-Shéalainn
- Comhaontas Cearta Leanaí
- Seirbhís d'Ógra an Chláir, Inis, Co. an Chláir
- Club4U
- An Ghníomhaireacht do Chomhrac na Bochtaine
- Comhairle na hEorpa
- Bainisteoirí Contae
- An Ghníomhaireacht um Thoirchis Ghéarchéime
- Comhairle Cathrach Bhaile Átha Cliath
- Dublin 7 Educate Together National School
- An tIonad um Chúram Luath-Óige agus Oideachas
- Educate Together
- Fóram AE ar Chearta Leanaí
- Coiste stiúrtha an AE
- Líonra Eorpach d'Ombudsmain Leanaí
- Cruinniú idirghabhála Teaghlaigh
- Ionad Ógánach Fhionnghlaise
- Fostering First Ireland
- Sráid San Proinsias CBS, Baile Átha Cliath
- Sráid San Proinsias CBS
- Scoil Shráid Henrietta, Baile Átha Cliath
- Coláiste na Corónach Muire, Cromghlinn, Baile Átha Cliath
- FSS
- Scoil Náisiúnta na hInse, Co. an Chláir

- Cuimsiú Éireann
- Institiúid i Staidéar Sóisialta
- Cumann na Ógánach faoi chúram in Éirinn
- Institiúid na Scannán Éireannach
- An Coimisiún um Chearta an Duine in Éirinn
- Iontaobhas na hÉireann um Athchóiriú an Chórais Choiriúil
- Comhairle Dídeanaithe na hÉireann
- Cumann Cathaoireacha Rothaí na hÉireann
- ISPCC
- Ionad Creidimh agus Ceartais na nÍosanach
- An Chomhairle Náisiúnta Curaclaim agus Measúnachta
- An Chomhairle Náisiúnta Tuismitheoirí bunoidreachais
- An Chomhairle Náisiúnta Tuismitheoirí Iar-bhunoideachais
- Comhairle Náisiúnta Óige na hÉireann
- Comhchoiste an Oireachtais um an leasú bunreacht do Leanáí
- Lights Out Festival
- Gníomhaireachtaí Athbheochana Luimnigh
- Tionscadal Athbheochana Luimnigh
- Tionscadal d’Óige Luimnigh
- Meánscoil Chnoc Chairméal
- Scoil Chuimsitheach Chnocán an Teampaill
- Páirtíocht Thuaidh
- Comhairle Náisiúnta Óige na hÉireann
- Open Access Service, Iontaobhas Peter Mc Verry
- OPEN
- Cumann Tuismitheoirí na Scoileanna Pobail agus Cuiimsitheacha Daoine faoi mhíchumas in Éirinn (PWDI)
- Pavee Point
- Preas-Ombudsman
- Save the Children
- Scoil Mhuire Gan Smál, Inse Chór
- Eoin Dé
- Pobalscoil Naomh Anna, Cill Dalua, Co. an Chláir
- Meánscoil Naomh Iósaf, An Dún, Co. Luimnigh
- Scoil Naomh Micheál, Séipéal Iosóid, Baile Átha Cliath
- Scoil Náisiúnta Ospidéal Shráid an Teampaill, Baile Átha Cliath
- Comórtas Ealaíon Texaco
- UNHCR
- CÉINAL
- Aontas na Mac Léinn Meánscoile CGB
- Coláiste na hOllscoile Corcaigh
- Scoil Náisiúnta Eochaille, An tAonach, Co. Thiobraid Árann
- Nuálaithe Sóisialta Óga

