



ombudsman
do leanaí
for children



Annual Report 2016



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**Message
from the
Ombudsman
for Children**

A circular portrait of Dr Niall Muldoon, a man with short grey hair, wearing a dark suit, white shirt, and patterned tie. The portrait is set against a light background and is framed by a green circular border. The overall design features yellow and green curved shapes in the background.

Dr Niall Muldoon

**Ombudsman
for Children**

I am pleased to submit to the Oireachtas my Annual Report for the period January 1 to December 31 2016 pursuant to Section 13(7) of the Ombudsman for Children Act, 2002.

In February 2015, I was honoured to take on the role of Ombudsman for Children and I did so with a passionate drive to make a difference in the protection and promotion of children's rights. Over two years later, I am more convinced than ever that children's rights remain a crucial issue in Irish society, and despite the important progress made by passing the Children's Referendum, the job of protecting our children's rights is far from done.

Some of the most harrowing and distressing stories that have dominated the media in 2016 have related to the violation of children's rights in both the distant past and in recent times. It is a constant reminder to me that many children in Ireland remain in danger, many are not being treated fairly, and many are not being afforded the opportunity they deserve to live safe, fulfilling and happy everyday lives. Twenty-five years after Ireland ratified the UN Convention on the Rights of the Child, it has still not been fully integrated into Irish law. There is much to do.

Another increase this year in the number of complaints received by the Office highlights that public bodies have not yet been fully successful in promoting and respecting children's rights through their actions and decision-making processes. Education, and Child Protection and Welfare remain the most complained about

sectors, as has been the case for a number of years now. This highlights ongoing issues in these sectors.

I am encouraged by the reaction to the OCO report into the Reasonable Accommodation at Certificate Examination (RACE) scheme administered by the State Examinations Commission (SEC) which I published in June 2016. We identified ongoing, systemic issues which were negatively impacting young people seeking additional supports for their exams. Since publication the scheme has been reviewed, and there has been a marked drop in the number of complaints we have received on this issue.

There has been significant change in education policy and legislation in 2016 with the introduction of Part V of the Teaching Act, discussions around school admissions, and a move to introduce the long awaited Parent and Student Charter. I am hopeful that these changes will be advanced and will have a positive impact by embedding children's best interests in the fabric of our schools. I know that they will have a positive impact and address the most common complaints we receive.

I remain concerned about the number of complaints we receive relating to the Child and Family Agency (Tusla). It is clear that inconsistencies exist within the Agency both geographically and in terms of how issues are dealt with. It is also unsatisfactory that after three years Tusla is still primarily operating as a crisis agency and not a progressive organisation supporting families in a holistic way. As Ombudsman for Children, my priority is to ensure that Tusla is operating effectively to protect the most vulnerable children. There is no doubt that more resources are needed to provide the best possible service for children. However, we must remember that resources does not just mean money and staff. It means planning, financing, ICT, accommodation and implementing policies in a sustainable manner.

In 2016 I published the OCO Strategic Plan 2016-2018. This is a targeted, but ambitious plan that will require all of the energy and passion of the entire OCO team. We have laid out three clear objectives:

- To increase awareness of children and young people's rights, the UNCRC and the role of OCO.
- To help public organisations to develop and implement a child rights based approach to their practice.
- To influence positive change for and with children and young people in Ireland, with a particular focus on children experiencing mental health issues, children who are homeless and children with disabilities.

The increase this year in the number of complaints relating to housing and homelessness emphasises clearly that this is a cohort of children whose rights need to be protected. The rise

again in the number of complaints relating to the health sector, many of which involve children with disabilities or mental health issues, also underlines the importance of hearing the voices of these young people. I intend to work with young people to find out about specific changes they feel are needed in these areas, and to use all of my power to effect change. 2016 has been a very productive year for the Office. I myself, along with the entire team, have been successful in getting out and about. Together we have met thousands of children and young people from all parts of Ireland and from all walks of life. We have carried out important investigations which have resulted in updated and altered practices, and we have engaged at a local level with a huge number of families and public bodies to bring about a faster resolution in the best interests of the young people involved.

The Office has made submissions, offered advice and contributed to many policies and pieces of legislation, at all times taking a children's rights perspective and consistently calling on Government to consider the views of young people in accordance with their age and maturity. Despite our successes, I know that we can go much further in promoting children's rights across the public sector. This could start by implementing some of the recommendations made by the UN Committee on the Rights of the Child in its Concluding Observations published in 2016. These include carrying out an audit to examine the compliance of existing legislation affecting children with the Convention, and developing cross-Government estimates for expenditure on children and young people. I am confident that these two actions alone would be extremely effective in advancing children's rights in Ireland.

In 2016 a lot of progress was made towards providing access to the Office for children and young people living in the Direct Provision system. Since 3 April 2017, these young people have finally, and for the first time, been afforded the same right enjoyed by every other child in Ireland; the right to complain to an independent body. In the very short time that we have been accepting complaints, it is clear that this is a group who often fear the consequences of complaining and who need support in the complaints process. I look forward to meaningful engagement with these young people and their families in the coming months.

I also look forward to leaving behind the dark ages where children are held in adult prisons. Since the establishment of the Office we have been calling for, and advocating for, an end to this practice. I very much welcome the news that 17 year olds will no longer be detained at Wheatfield prison, and that St Patrick's Institution is to close. Oberstown Detention Campus offers these young people the best possible chance to rehabilitate and to reintegrate into society. However, more resources and an increased focus is now



needed to prevent these, often vulnerable, young people committing crimes in the first place.

2016 has been a very busy year for the OCO and I expect nothing less for the year ahead. I remain fully committed to promoting the rights and welfare of children and young people in Ireland, and I encourage those not satisfied with the service they receive from public bodies to ask questions, and complain where necessary. You can make a difference for yourself and for those who will use a service in the future.

Niall Mulholland





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Snowing in Geneva on arrival at Palais des Nations for UN Committee's examination of Ireland under [#UNCRC](#)



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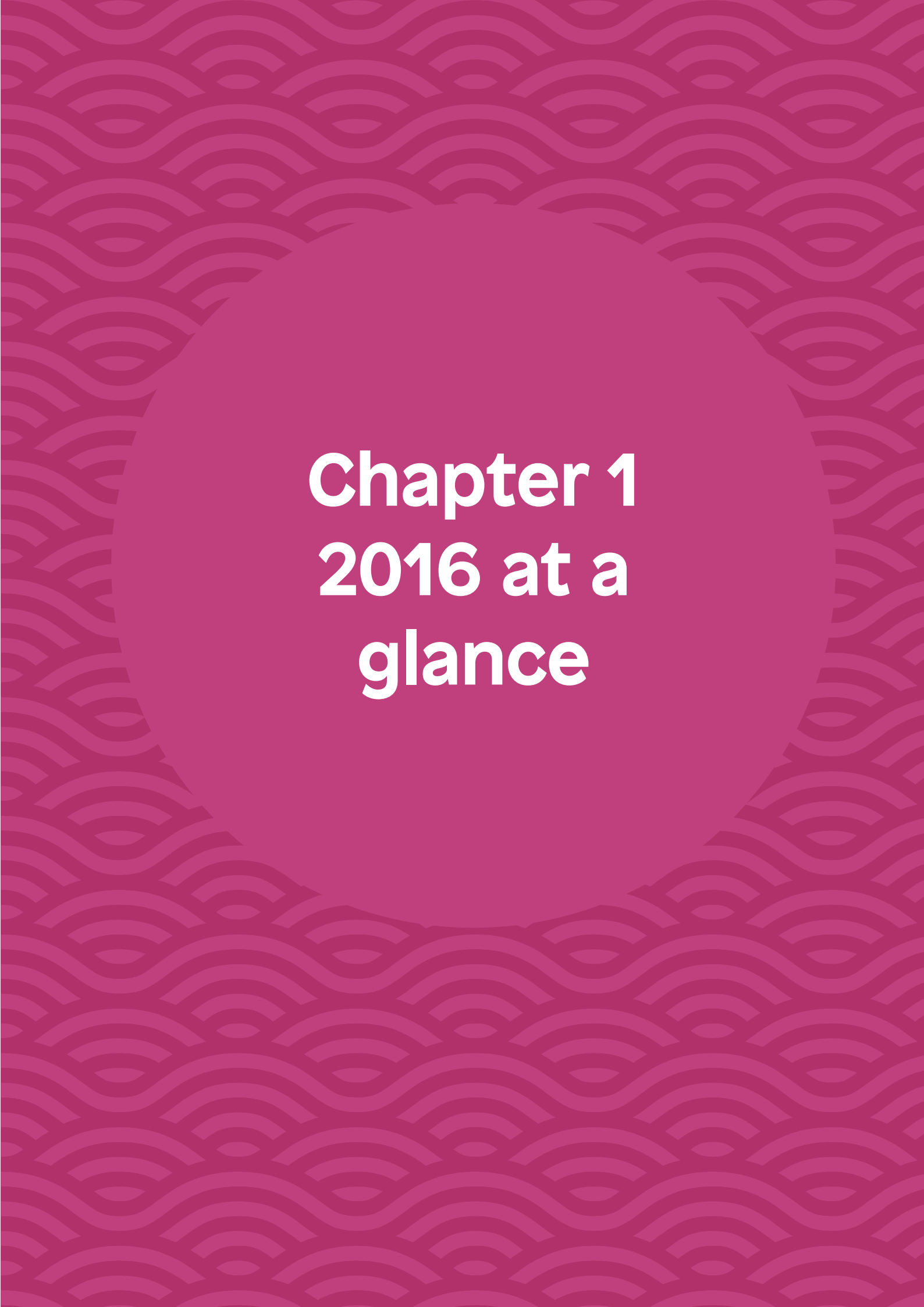
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Chapter 1
2016 at a
glance

January

UNCRC Geneva
BINOC Dublin



February

Meeting with Minister for Justice
Frances Fitzgerald
Children First
Law Seminar



March

Address Trinity FLAC society
Visit to Mosney and Hatch Hall Direct
Provision Centres
Universal Periodic Review pre-session in
Geneva

April

Visit to Teach Fáilte Temporary Emergency
Accommodation Mullingar
Irish Traveller Movement Yellow Flag
Awards
Took part in Cycle Against Suicide – visited
Ransboro NS Sligo and IT Sligo

May

UniTY Awards, Helix
UPR session Geneva
Restorative Practice conference Dundalk

June

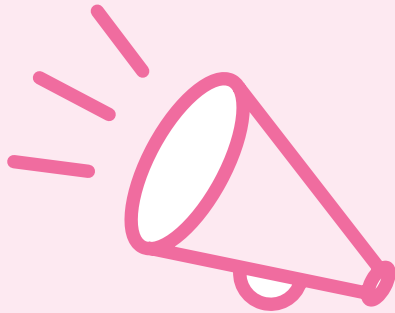
ENOC Spring Seminar re
equality in education
Publication of SEC report
Children of 1916 Presidential
session



July

Meeting with Mental Health Commission
Meeting with Fred McBride Tusla
Visit to Linn Dara inpatient unit
Meeting with Irish Wheelchair
Association
Meeting with Minister for
Children and Youth Affairs,
Katherine Zappone
OCO Strategic Plan presented to Oireachtas
Committee and stakeholder roundtable





August

MCRI – Young Paperless and Powerful spoken word event

Speak at Cycle Against Suicide ambassador training

Meeting with Inclusion Ireland

September

Visited Oberstown Detention Campus

Visited Athlone Direct Provision centre

National Ploughing Championships

Launch of Tune In consultation

Meeting with Minister for Mental Health, Helen McEntee

Meeting with National Disability Authority



October

Meeting with Dublin Simon Community

Meeting with Enable Ireland

Meeting with Educate Together

Attended 'Out on my Own' – National Care Leavers Day

November

All Island Civic Dialogue on Brexit

UNICEF meeting New York

Publication of OCO Education In Focus

Round Table with Council of Europe Commissioner Nils Muižnieks

Visit to Exchange House and Dublin halting site to speak with young Travellers

Launch of Join the Dots project with the Children's Hospital Group

December

LetItGlow – OCO Mental Health event

Official opening of 'The Children's Hub'

Visit to Ginesa Unit St. John of God





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With Nuala Ward @OCO_ireland - discussing children's rights & informal resolution #research @uk_aji @EssexLawSchool



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Ombudsman for Children looking forward to attending Ireland's UPR examination at the UN today #UPR 2016



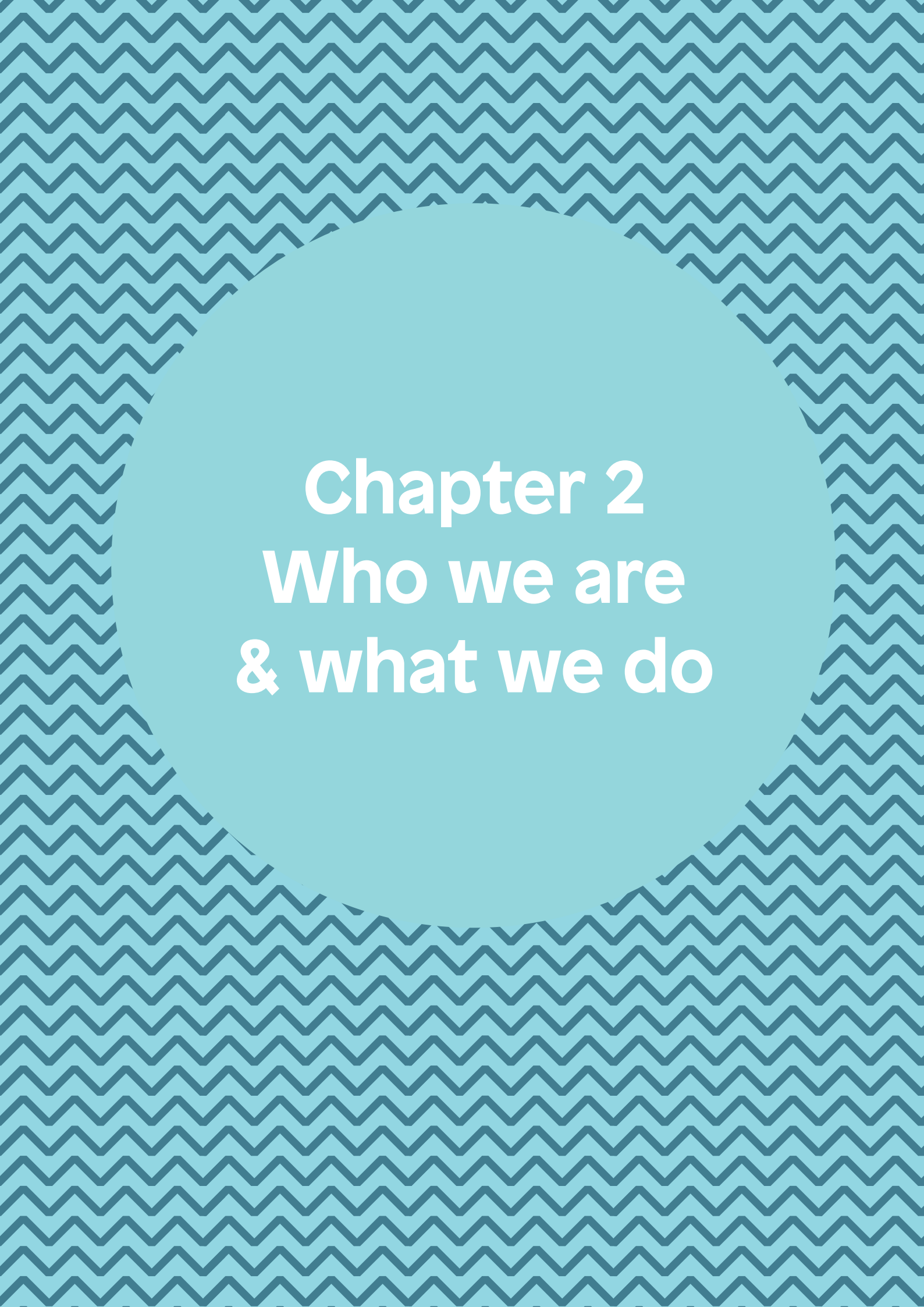
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Chapter 2
Who we are
& what we do

The Ombudsman for Children’s Office (OCO) looks into complaints made by, or for children and young people, about the actions of public bodies.

We also promote the rights and welfare of children and young people under 18 years of age living in Ireland.

The OCO was set up in 2004 under a law called the Ombudsman for Children Act 2002. There are currently 14 staff directly employed by the OCO, with an additional 9 contractors working with the team in the areas of Complaints and Investigations, Participation and Education, Policy and Communications.

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

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

When looking at complaints:

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

OCO Strategic Plan 2016-2018

In 2016, we published our Strategic Plan 2016-2018. This Plan outlines our 3 main objectives and the key areas of activity we will pursue to achieve them.

OCO Vision

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

OCO Objectives

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





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Thks to the young people at Exchange House for helping @OCO_ireland with our Tune In consultation - where & how to inform re child rights



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Listen back to Ombudsman for Children on @morningireland today re homelessness & children in Direct Provision:



Morning Ireland Wednesday 26 April 2017 - Morning Ireland - RTÉ Radio 1
None
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Chapter 3

Complaints &

Investigations

Complaints and investigations is a core part of the work of the OCO.

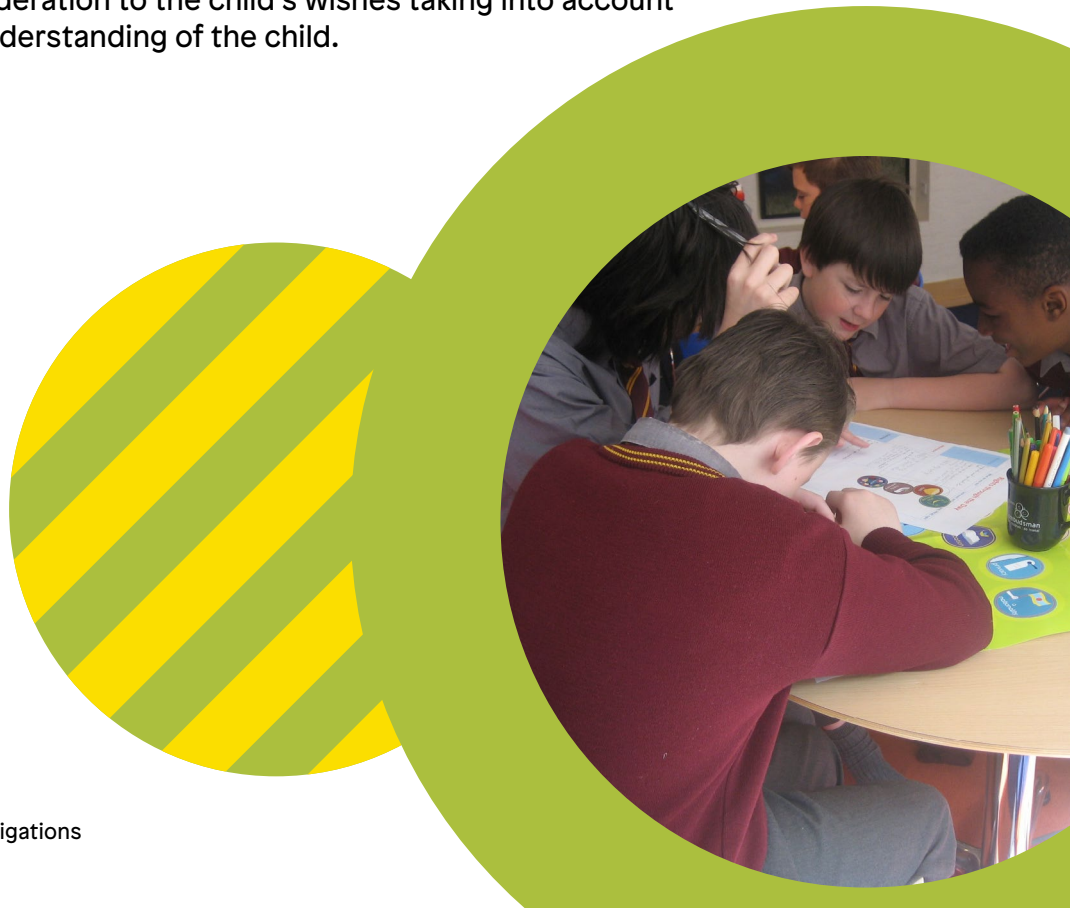
Under the Ombudsman for Children Act 2002 as amended (the Act) we can investigate complaints made by children and young people, or by adults on their behalf, about public bodies, schools or hospitals.

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

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

- Taken without proper authority
- Taken on irrelevant grounds
- The result of negligence or carelessness
- Based on erroneous or incomplete information
- Improperly discriminatory
- Based on an undesirable administrative practice
- Otherwise contrary to fair or sound administration

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



3.1. Make things change. Make a complaint.

It can be difficult for an adult, and even more so for a child, to firstly decide to make a complaint and then to go through an often bureaucratic and time consuming complaints process with public bodies.

We know that many children and parents can be unhappy with a service they or their child received in either school, hospital or from many other public services. We also know there can be obstacles, both perceived and real, to expressing concerns or dissatisfaction with a service. Through our work, we spend a significant amount of time helping children and parents to make complaints to public bodies, and for many people, this can be their first time starting a formal complaints process.

Some parents give up early due to the time and energy required to pursue the complaint with a public body. Others feel that they don't even have time to start the process as they are consumed with caring and seeking services for their child. We know too that parents often have concerns about the possible negative impact that making a complaint may have on the services their child receives in the future.

However, we also see first-hand the changes that making a complaint can bring to the lives of children. Many public bodies take complaints seriously and make changes where necessary. These changes can benefit the individual child, other children currently in the service and children that may use it in the future.

It is important that public bodies have a complaints process that is easy to use and effective in addressing concerns, so that all members of the public can feel supported in bringing forward concerns.

The case study overleaf shows how one complaint changed an entire system of referrals between hospitals in the HSE.



Ciara¹ – Hospital referrals via fax

Ciara was 1½ when her parents complained to us about the delay in a referral for a hip scan. Ciara's parents told us that the method of referral from one hospital to another was done by fax. This resulted in one hospital sending the referral but the other hospital not receiving it. This delay resulted in the failure to diagnose, in a timely way, her condition which then required urgent treatment before she began to walk. Ciara's parents raised concerns that the existing referral system may pose a risk to other patients, as it had to Ciara.

What we did

We carried out an examination of this complaint. We found that the administrative practice of faxing hip referrals from one hospital to another resulted in Ciara's referral being lost. This negatively impacted on her. Our examination prompted a HSE review and they found that the process of sending and receiving referrals by fax between these two hospitals had resulted in a further 20 infants' referrals being lost.

Outcome

Ciara received the necessary treatment and the hospitals made efforts to contact the families of the other 20 infants. The hospitals in question and the HSE accept that the practice of referral by way of fax is not appropriate or efficient.

Both hospitals in this case undertook a review of the case and as a result they:

- **Stopped the practice of faxing to refer between hospitals**
- **Jointly created a new system to ensure all referrals are captured**
- **Nominated members of staff to manage the system at both hospitals to ensure accountability**
- **Set up reviews and audits of the system to occur on a regular basis to ensure that it is effective**

We informed the highest level of the HSE of the systemic failure that our examination highlighted. The HSE provided a report on the implementation of our recommendations and committed to improving scheduling and out-patient services on a national basis.

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

How we improved our service to the public in 2016

In 2016 we updated our online complaints form to make it easier for people to submit complaints and the accompanying documents.

We experienced fewer delays in responses from public bodies in 2016. There was undue delay on three occasions from the HSE, two from TUSLA and one from a local authority. We welcome the commitment from public bodies to respond to us in a timely manner in order to expedite matters for children and families.

During 2016 we began preparations for in-reach with children and young people who are detained by the State. Beginning in 2017, we will meet directly on a regular basis, with young people at Oberstown Detention Campus and in Wheatfield prison where a small number of young people are still being detained. This initiative has been supported by both the Minister for Children and Youth Affairs and the Minister for Justice and Equality.

We believe that
being safe is very important.
Everyone should live in safe environments.

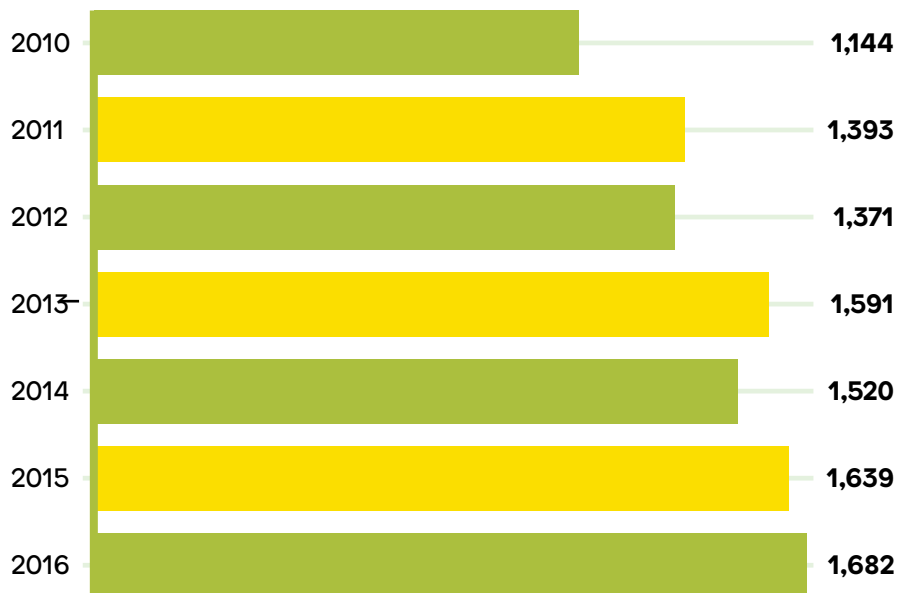
#safety



3.2. Complaints received in 2016

We received 1,682 new complaints in 2016. This is a 3% increase on the 2015 figure. Since 2010, the number of new complaints received has increased by 47%.

Table 1: Number of new complaints 2010-2016



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

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

If a complaint is within our remit and has been brought to the relevant body without being resolved, we examine the complaint in more detail. These examinations involve putting the complaint to the school, hospital or public body

in question and seeking further information and a response from them. This determines what, if any, further interventions we may take.

In keeping with Ombudsman's principles, our complaints and investigation team work with those who bring complaints to us and the bodies in question to resolve issues at a local level as early as possible.

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

We had 22 complaints under investigation in 2016, two of which were advanced to full investigation. Investigations are resource intensive and can take considerable time to complete. Decisions to undertake investigations take account of the impact of the actions complained about on the child or children in the individual case. However, it is often the case that investigations serve to highlight systematic issues that impact other children, and that too is taken into consideration when proposing an investigation.

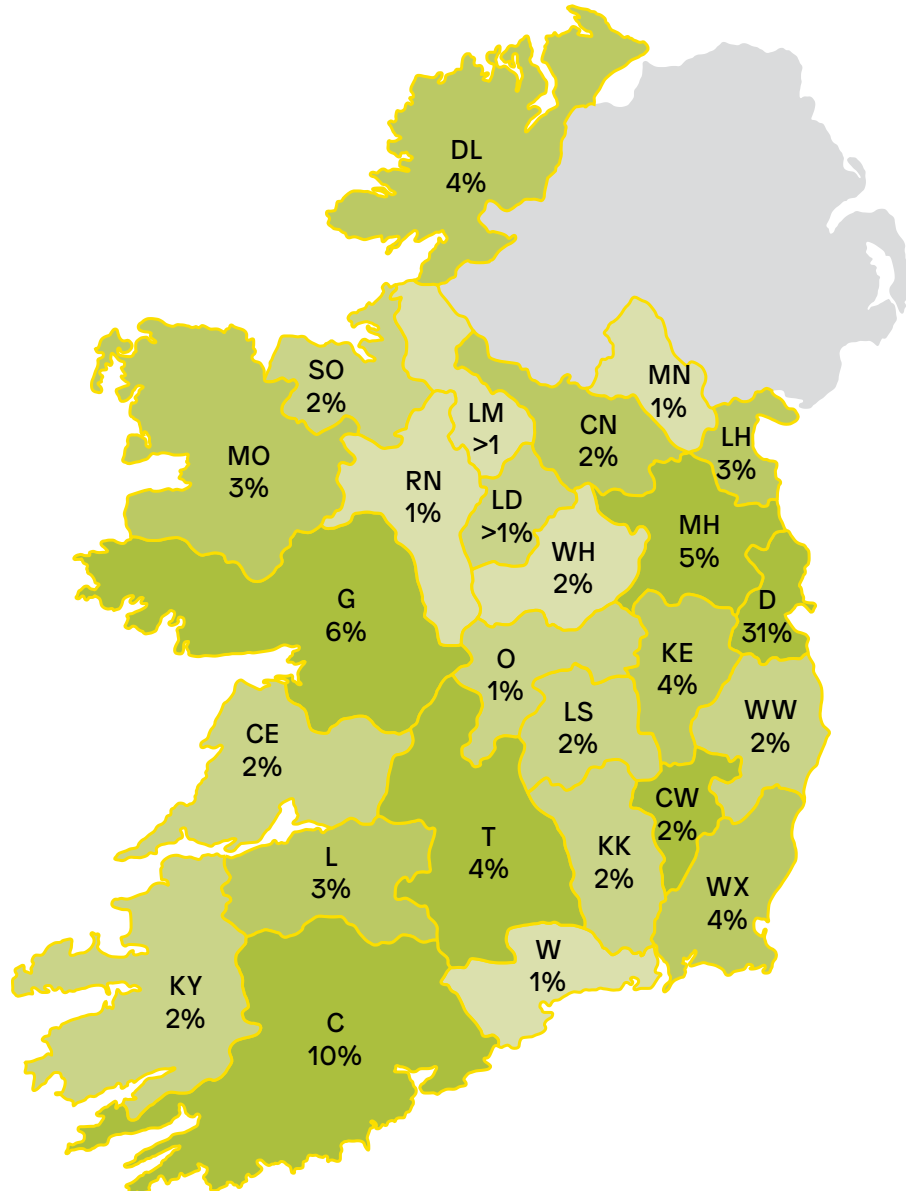


3.3. Where do our complaints come from?

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

Of the 1,205 new complaints in 2016 where location is known, the highest number came from the Dublin region. This is to be expected given that it is the most highly populated area. Three-hundred-and-fifty complaints were received from this region, comprising 29% of all new complaints in 2016.

Map 1: Percentage complaints by county in 2016



3.4. Who contacts us?

In 2016, the relationship of the complainant to the child was known in 1,640 cases. Over four-fifths of these complaints came from parents or siblings and other family members (see Table 2 below). This is consistent with previous years and demonstrates the critical role that family has in raising concerns about how children are treated by public bodies.

Table 2: Who Contacted Us

Parents	78%
Professionals	6%
Siblings and Extended Family	5%
Unrelated Adults	4%
Children	3%
Organisations	2%
Other	2%
Total	100%

3.5. What did we receive complaints about in 2016?

The complaints we get may touch on more than one area of a child's life and more than one type of service or service provider. For example, a complaint about suitable housing for a child with disabilities may concern both health and housing services. Providing suitable education support for a child in care may involve both education and child protection services.

Table 3: Percentage of complaints relating to various sectors 2016*

Education	46%
Child Protection and Welfare	23%
Health	17%
Justice	6%
Housing and Planning	5%
Finance and Welfare	3%
Other	3%

*Exceeds 100% as some categories are mentioned in more than one complaint.

The sectors we receive the highest numbers of complaints about have remained constant over the past number of years. As can be seen from Table 3, the education sector was cited in 46% of complaints received in 2016: child protection and welfare services, the majority of which relate to the Child and Family Agency (Tusla), featured in 25% of complaints in 2016. These figures are in line with the proportion of complaints received about these sectors in previous years. However, the proportion of complaints relating to health services has been increasing, rising from 11% in 2014, to 14% in 2015 and 17% in 2016. The proportion of complaints relating to housing concerns has also increased marginally year on year from 3% in 2014 to 4% in 2015 and 5% in 2016. The proportion of complaints that relate to justice has remained largely constant since 2014.



3.6. Education

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

Table 4 Breakdown of Education Complaints 2016

Schools (including primary, post-primary, special and other)	69%
Other Education Agencies (including the NCSE and SEC)	14%
Department of Education and Skills	14%
Other	3%

Most of the education complaints we receive are about schools. However, the majority of these do not progress to examination or investigation. There are a number of reasons for this. For example, many of the complaints we receive about schools have not been brought to the school's board of management. In promoting local resolution, we redirect many complaints to the board of management in the first instance.

We receive many complaints about the management of peer bullying in schools. A particular challenge for children, parents and schools is responding to and effectively managing bullying carried out through social media. The quality of complaints handling by schools continues to be a concern and in many cases the processes in place are not accessible or are difficult to navigate for children and parents. The effective implementation of the Education (Parent and Student Charter) Bill 2016, which is currently at pre-legislative stage before the Oireachtas, would strengthen internal complaints procedures in schools. This Bill has the potential to increase consistency around complaints handling in all schools and provides the OCO with additional powers to deal with complaints that relate to schools.

In addition, and as highlighted in previous reports, we have received many complaints concerning alleged professional misconduct by teachers. This issue is outside of our remit. We welcome the implementation of Part 5 of the Teaching Council Act (2001) in 2016, something we have sought for many years. This provides a complaint mechanism for parents who are concerned about professional misconduct and we have redirected many parents to this new procedure.

Complaints received about the Department of Education and Skills and other education agencies related to a number of issues including home tuition, school placements and school transport. Common to many of these complaints is the issue of provision for children with special educational needs.

In 2016 we published an overview report into the Reasonable Accommodations for Certificate Examinations (RACE) scheme administered by the State Examinations Commission (SEC). This report was based on the high number of complaints received in previous years about the administration of the RACE scheme. Many of these complaints suggested elements of poor administrative practice. This report, which was followed by significant changes to the RACE scheme, was published and is available at www.oco.ie. Since its publication, there has been a significant drop in the number of complaints about the scheme.



Laura, David and Cathal: Education provision for children with hearing impairment

We were contacted by the mother of Laura, David and Cathal in June 2016. She told us that her children were due to move to a new school and she was concerned about supports in place to address their hearing impairment. She told us that:

- The two older children had been in a special class in their old school.
- The parents wanted their three children to go to school together but the new school did not have a special class.
- The National Council for Special Education (NCSE) had told them that the special class would not move from the old school to the new school with the children.

What we did

We contacted the NCSE who told us that they were following policy. They said that it was up to schools to apply for special classes. They told us that the children's new school had not applied for a special class but had applied for Low Incidence Teaching Hours (LITH) and special needs assistants (SNAs) for the children.

We contacted the school principal who confirmed this. She said that the school did not have space for a special class but that other supports were being put in place. This included LITH and SNAs who could use Irish Sign Language (ISL).

Outcome

We did not find any link between the NCSE's or the school's administrative actions and adverse effect on the children. Therefore, we closed the complaint. However, this complaint highlights the need for resources for children with hearing impairment. For example, ISL is not recognised as a language yet in Ireland. The only policy provision for ISL in schools is SNAs who have learned some ISL but who are neither interpreters nor teachers. We are concerned that this may have implications for children's engagement with the curriculum and their educational outcomes and intend raising this as a policy issue in 2017.

3.7. Child Protection and Welfare

As indicated in Table 4, one quarter of all of the complaints received in 2016 related to child protection and welfare. Unsurprisingly, the vast majority of these complaints relate to Tusla, the Child and Family Agency.

As in previous years, we received complaints about how information is communicated to children and families, and the management of child protection concerns. Due to the serious nature of the issues raised we engaged with TUSLA and called for these cases to be formally reviewed either through the National Review Panel or through peer review within the Agency.

Services for children in care, including the availability and suitability of placements, aftercare and education, as well as a lack of inter-agency working and issues in relation to complaints handling, continued to be of particular concern in the complaints we received.



Eoin: No aftercare arrangements

A Social Care Manager of a residential centre contacted us on behalf of Eoin.

Eoin had moved to the residential centre in 2015 because of concerns for his safety and negative influences in his previous placement. He had settled well and was hoping to stay in the area. He did not wish to return to his hometown due to his past experiences.

Eoin was turning 18 in 2016. The social care manager was concerned that no aftercare arrangements had been made for Eoin for his current area, where he wanted to stay. Eoin's Social Work team had advised that they could supply an aftercare worker and programme in the area where he lived previously, but not in his new area. The social care manager contended that the lack of aftercare services in the new area would be detrimental to Eoin and there were concerns for his safety if he had to return to the former area.

What we did

We engaged with Tusla and asked them to indicate what redress might be available and how Eoin's best interests were taken into consideration. We stressed the immediacy of the concerns raised and encouraged local resolution.

Outcome

Tusla informed us that Eoin was appointed an aftercare worker for his new area and a plan to complete preparation tasks with the young person was now in place. As per the Leaving and Aftercare Services National Policy and Procedures Document 2011, it was envisaged that the new area aftercare service would supply the worker for advice and guidance and Eoin's area of origin would provide the core financial support.

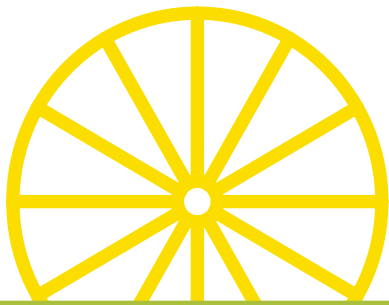
All required documents relating to Eoin's aftercare had been completed by his social worker, including his draft aftercare plan, preparation for leaving care documentation and an assessment of needs.

The social care manager confirmed to the Office that all necessary supports had been put in place for Eoin. Following the steps taken by Tusla, the positive views expressed by Eoin and the complainant, we determined that as all parties were satisfied, further examination was not required.

3.8. Health

The proportion of complaints that relate to health services has been increasing over the past number of years (see Table 3). The majority of these complaints related to the HSE (78%) in 2016, with a further 22% being made about hospitals.

The key health-related issues complained of remained broadly consistent with previous years. These include: access to primary care services, such as psychology, speech and language and orthodontic services; waiting lists for hospital procedures; access to provision for children with disabilities, including both assessments and services; and access to specialist child and adolescent mental health services.



OmbudsmanForChildren
@OCO_ireland

Niall at St Columba's College Stranorlar preparing for & looking forward to Donegal leg of Cycle Against Suicide



Evelyn Mc Loughlin
@Eibhlin71

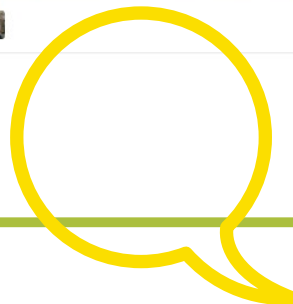
Finale at #LetItGlow @OCO_ireland @CASuicide #ShareTheJourney17 @olss Castleblayney



RETWEETS 4 LIKES 9

10:26 AM - 13 Dec 2016

NAPD, CEIST, Helen McEntee TD and 3 others



Tom: Child with disability in hospital rather than residential care

Tom's mother contacted us in 2016. She told us that Tom had an intellectual disability that resulted in challenging behaviour. Because of this Tom could not live at home. The HSE had agreed that he needed a long term placement but had not provided funding for this. His mother was concerned because Tom was staying in a children's hospital because the HSE had not provided a residential placement for him. He had been in the hospital for three months at that stage.

What we did

We immediately contacted the HSE. They responded by organising a teleconference so that we could speak to senior management about this complaint. They said that they knew that Tom needed a placement but they were having difficulty organising the funding for this. However, they subsequently advised that they would fund a place for Tom in a private facility.

Outcome

Tom was discharged from hospital and placed in a residential unit for children with a disability. His mother told us that he settled well there. She was of the view that our intervention prompted the HSE to find an appropriate placement for Tom.

The HSE told us that Tom was one of a number of children in inappropriate placements. However, they couldn't provide us with statistics. We closed this complaint but encouraged the HSE to collect data on the number of children with a disability who are placed inappropriately. We are concerned that this is a children's rights issue and intend pursuing it further in 2017.

John: HSE mental health services

John was 14 years old and an in-patient at a private psychiatric hospital at the time his parents made a complaint to us. His parents explained that John was referred to the private hospital by CAMHS as the only treatment recommended and no public options were suggested.

When John was admitted to the hospital, the family was told that their health insurance company would not cover the treatment. While the hospital assessed that there was a clinical need for John to receive in-patient treatment, the family was not in a position to afford the treatment cost of more than €1,000 per day. The family told us that there was no public in-patient bed for John.

What we did

Based on the reported impact and on-going effect of this situation on John, we started an accelerated examination of the HSE's involvement in this case. Our examination focused on obtaining information about the steps that the HSE was taking to meet John's immediate needs and we encouraged resolution of this complaint at a local level.

By law, we can only investigate voluntary hospitals, which meant that it was not possible to examine the actions of the private hospital involved in this case. In relation to the health insurance company, we explained to the parents that they could bring a complaint to the Financial Services Ombudsman.

Outcome

While the HSE raised concerns about the actions of the private hospital in this case, the HSE agreed that John and his family should not have to bear the financial burden of mistakes made in handling this case. The HSE agreed to fund John's treatment at the private hospital on the basis of the CAMHS Team's involvement in the care plan. In addition, the HSE made a commitment that the CAMHS Team would liaise with the family and assist in John's transition home following discharge from the hospital.

3.9. Juvenile justice and detention

The final phase of modernisation took place at Oberstown Detention Campus in 2016. However, it was a challenging year for staff, management, and for the young people being detained.

Staff unrest resulted in industrial disputes and eventually strikes. There has been a struggle to recruit the necessary number of staff to cover the new capacity, there were a number of attempts by those detained to escape, there were concerns about staff safety and there were incidents where the campus itself was damaged.



During the industrial dispute, the Ombudsman for Children contacted both the unions involved, as well as the board of management, to encourage them to consider the best interests of the young people being detained in the planning of strikes and the negotiation of any agreement. The Ombudsman for Children also visited the campus and met with the young people affected by the strike. He also engaged with the analysis carried out between October and December 2016 by Professors Barry Goldson and Tom Hardwicke, with the objective of reviewing the operation of Oberstown Children Detention Campus from the perspective of best practice and international standards.

Members of the complaints and investigations team met with the staff of Oberstown to prepare for regular in-reach sessions in 2017.

These sessions will facilitate young people, staff and families to make complaints to us if they wish. We received seven complaints about Oberstown in 2016. These related to complaints about the quality and safety of the service.

We also contacted Wheatfield prison with a view to establishing similar in-reach provision for the young people detained there.



3.10. Housing

As previously mentioned, 2016 saw an increase in the number of housing complaints we received. Table 5 below shows the breakdown of these complaints. Access to suitable housing comprised the largest category of housing complaints (78%). Two of the principal issues to arise in this category relate to suitable housing for children with disabilities and homelessness.

Table 5 Breakdown of Housing Complaints

Access to suitable housing	78%
Traveller Accommodation	10%
Neighbourhood suitability/Anti-Social Concerns	9%
Planning decisions/processes	3%

The key housing-related issues complained of include: the administration of prioritisation schemes; the adaptation of housing for children with disabilities; transparency in decision-making and communication. We also received a growing number of complaints from families experiencing homelessness.

The failure to specifically plan for, or consider, children in housing policy and legislation is a significant issue. We raised our concerns with the Department of Housing, Community, Planning and Local Government during the drafting of the Rebuilding Ireland Plan. This is an issue that we plan to pursue further in 2017.

We all need a home
so as to have a roof
over our heads and a
sense of safety. A home
is something everyone needs
because usually it's the
base of family life #AHome



Families on local authority housing waiting lists

We received complaints concerning the length of time that four families had been waiting for social housing in the same local authority area. The complaints were made on behalf of nine children (one family had four children, one had three and two had one child each).

- Two complaints related primarily to the local authority's decision to defer the family's application because of parental antisocial behaviour.
- Two complaints related to children with a disability. One family was waiting for a house while the other was waiting for adaptations to their house.

What we did

We met the local authority and asked them to explain how it:

- Operates its allocation scheme and prioritises applications;
- Makes decisions regarding the deferral of applications;
- Considers and balances children's needs when making decisions about housing allocation; and
- Communicates with families.

Allocation scheme and prioritisation

The local authority told us that its allocation scheme and prioritisation criteria are set out in the Housing Act, which sets the first category of need as homelessness. If families are classed as homeless they do not get additional priority if a child has a disability.

The local authority told us that one of the families with a child with a disability had been housed, while planning for the necessary adaptations for the other were at an advanced stage.

They also told us that the families had been waiting so long because the children's parents had refused other offers of housing.

Deferrals

The local authority told us that staff members make decisions about applicants' risk of antisocial behaviour or offending based on the severity and frequency of prior behaviour.

The local authority acknowledged that its use of hotels as emergency accommodation for families with children was not ideal but it did not have any homeless units for them.

Considering children's needs

The local authority stated that children's needs are considered on a case by case basis but the need to do this is not explicit in housing legislation. The local authority advised that it is represented by junior staff on the Children and Young People's Service Committee (CYPSC). We advised that CYPSCs are a useful forum where children's issues can be discussed by the local authority with other key stakeholders in the area.

Communication with families

The local authority advised that it communicated with the applicants regularly. However, a parent told us that the local authority had phoned her to tell her that her application for adaptations to her house had been approved but she had received nothing in writing.

Outcome

Children of families who are waiting for social housing or disability adaptations experience adversity by having to stay in inappropriate emergency accommodation for lengthy periods of time or to live in a house that has not been adapted to suit their needs. However, in these cases these adverse effects were not directly due to the local authority's administrative actions.

Therefore, we did not investigate these complaints further. However, we wrote to the local authority and advised it to:

- Develop local guidance for staff on decision-making regarding deferrals in the absence of national guidance. Concepts such as the frequency and severity of offending should be defined clearly so that decisions are consistent.
- Consider making changes to some administrative practices that did not require legislative change. For example, communicating effectively with service users and following up with written communication regarding any key decisions.
- Ensure representation at the CYPSC is at an appropriate level of seniority.

Finally, we intend to pursue a number of areas with the new Department of Housing, Community, Planning and Local Government and to highlight the need to meet the commitments set out in Better Outcomes Brighter Futures, the national children's policy framework published by the Department of Children and Youth Affairs in 2014. We also met with Department representatives during consultations on the Rebuilding Ireland Plan outlining our concerns.

Simon: Disabilities of a child not fully considered by local authority

Simon, who has a progressive disability, was 10 when his mother complained to us. She contended that she had been on the local authority's housing list for approximately seven years and had not been offered accommodation suitable to her son's needs. She also raised concerns that, as her first language was not English, the local authority had not provided clear information on the housing application process.

What we did

We carried out an investigation into the mother's complaint. The investigation concluded that:

- The local authority had incorrectly categorised the family's application in terms of medical points for seven years;
- The process of awarding points on medical grounds did not sufficiently take account of Simon's condition;
- There was insufficient oversight of the medical categorisation process;
- The local authority did not sufficiently review the family's application when professional/medical reports were submitted on Simon's condition and needs;
- The family's application and Simon's needs were not included in regular meetings between the local authority and Occupational Therapy (OT) Services for seven years. This was because the family were living in one administrative area and accessing OT services in another;
- The local authority did not take adequate steps to address communication issues given that the mother's first language is not English.

We also concluded that these actions negatively affected Simon by failing to take his condition fully into account and resulted in him living in unsuitable accommodation for more than eight years.

We made a number of recommendations to the local authority to address the issues identified above.

Outcome

Simon's family was offered specially adapted accommodation while our investigation was on-going. Further work was undertaken by the Council to address additional issues that arose with this property.

Administrative practices have been reviewed by the local authority in relation to the awarding of medical points for housing applicants. Supporting documentation in relation to housing applicants who have disability or medical needs will be brought to the attention of local authority staff and additional points may be awarded. OT Services refer relevant clients to the local authority for their needs to be raised at meetings. Council staff also advise housing applicants that they should ask their medical team to bring their housing needs to the attention of the local authority at meetings.

The Council agreed that, where possible, a translator/interpreter will be provided for pre-planned meetings with clients whose first language is not English and a follow up letter in their native language will be provided where resources allow.

Sophie: Availability of housing for a child with disabilities

Sophie's mother contacted us as she was concerned about the length of time her family had been on the medical priority housing transfer list given her daughter Sophie's housing needs. She told us that:

- Sophie, aged 10 years, has a number of medical conditions affecting her mobility.
- The family were granted priority transfer on medical grounds; however, there had been no change in their position since September 2014.
- The family were also negatively impacted by anti-social behaviour in the area and Sophie was fearful and anxious as a result.

What we did

We contacted the local authority to determine the household's current position on the transfer list. The local authority stated that the family were the highest priority on the transfer list for a 3-bedroom bungalow or a house with a downstairs bedroom. However, the local authority stated that there was no suitable property available or immediately forthcoming.

In order to diminish the impact of the delay on Sophie's health and wellbeing, we requested that the local authority consider whether a safe temporary transfer could be arranged until a suitably adapted home could be identified for Sophie.

Outcome

Within five weeks a temporary home had been identified by the local authority. At the end of November 2016, Sophie's family moved into this 2-bedroom bungalow, which was in their area of choice and close to Sophie's extended family and school. The local authority has confirmed that a permanent specially adapted 3-bedroom house has been identified in the same area and will be available for the family to move into in 2017.

Sarah: Impact of rising rents and resulting homelessness

A family brought a complaint on behalf of their daughter, Sarah, aged seven. Sarah has hydrocephalus and other medical needs. The family had become homeless following the sale of the private accommodation they were renting. They had made their impending homelessness known to the local authority who had advised that no homeless service would be available until they presented as homeless. However, they had been advised of the supports that were available with regard to attempting to maintain their tenancy. As they were unable to remain in their rented home and unable to find an affordable alternative, the family had been living in hotel accommodation for a number of months and had spent nights in their car when hotel accommodation had not been sourced.

What we did

We contacted the local authorities concerned to seek their response and enquire as to what may be available to these families in light of Sarah's needs.

In Sarah's case, we had concerns about the amount of time that a child who was on both the medical priority list and the homeless waiting list, was spending in hotel accommodation. We were concerned about the effect that this was having on her health, access to services and education. We also had concerns about how the case was being administered by the local authority.

Outcome

During our examination of Sarah's case a suitable property was offered to and accepted by the family and we concluded our involvement in the case on the basis that the complaint had been resolved.



NICCY
@nichildcom

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Great to meet with Commisioners and @DrJamesReilly to discuss ending of physical punishment of children in Ireland



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8:04 AM - 21 Jan 2016

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OmbudsmanForChildren
@OCO_ireland

Follow

Dominican College & Dunboyne Primary taking part in our #TuneIn consultation. Telling us how young people want to learn about their rights.



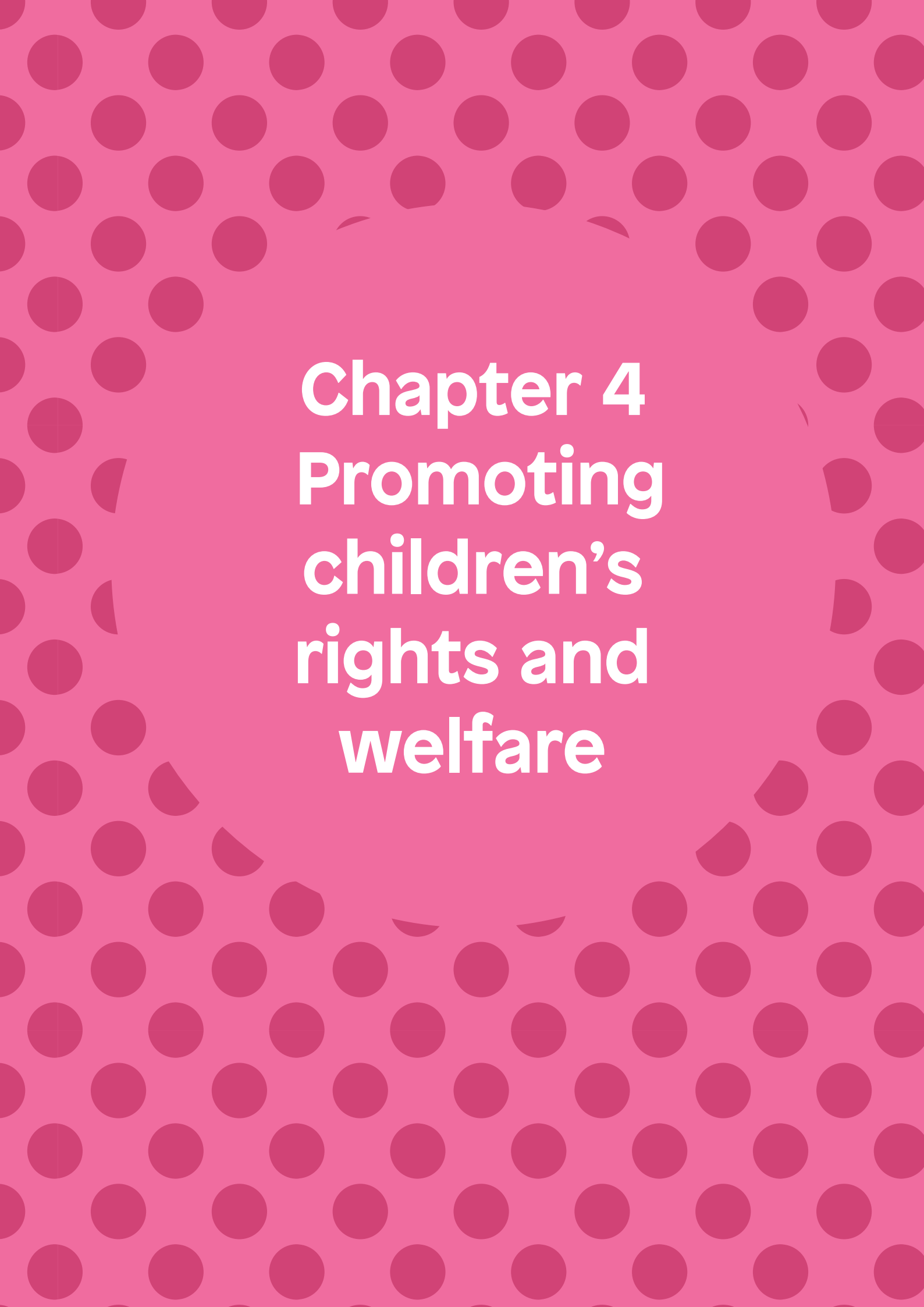
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8:04 AM - 28 Oct 2016

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Chapter 4
Promoting
children's
rights and
welfare

**Working on Rights
Awareness during 2016**



Consulation
with children
and young
people

Outreach
with children
around the
country

Encouraging
public bodies
to promote
children's
rights and
welfare

Advising on
policy and
legislation

Engaging with
international
monitoring
mechanisms
like the UNCRC
and UPR

4.1. Role of the OCO in promoting children's rights and welfare

Under Section 7 of the Act, the Ombudsman for Children has a statutory remit to promote the rights and welfare of children.

This means that the duties of the Ombudsman for Children include:

- Advising Government on any matter relating to the rights and welfare of children, including the probable effect of any proposals for legislation.
- Advising Government on the development and coordination of policy relating to children.
- Encouraging public bodies, schools and voluntary hospitals to develop policies, practices and procedures that promote the rights and welfare of children.
- Collecting and disseminating information on matters relating to the rights and welfare of children.
- Promoting awareness among members of the public, including children, of matters relating to the rights and welfare of children and how those rights can be enforced. This includes the principles of the Convention on the Rights of the Child (CRC).
- Consulting with children and giving due weight to their views in accordance with their ages and understanding.
- Highlighting issues relating to the rights and welfare of children that are of concern to children.
- Exchanging information and cooperating with Ombudsman for Children in other countries.
- Monitoring and reviewing the operation of legislation concerning matters that relate to the rights and welfare of children.
- Monitoring and reviewing the Ombudsman for Children 2002 Act and making recommendations when necessary to amend the Act.

The Ombudsman for Children may also undertake, promote or publish research into any matter relating to the rights and welfare of children.

4.2. Rights Awareness and Education Programme

Rights education workshops for children and young people

During 2016, we delivered regular education workshops on children's rights to groups of children and young people visiting the office with their schools and youth services. These workshops are a core strand of our rights awareness and education programme. They continue to be a valuable opportunity for us to engage directly with children and young people of different ages, living in different parts of the country and in diverse circumstances.

Over 970 children and young people from schools and youth services in 17 counties visited us in 2016 to learn about our work and children's rights, and to explore how children's rights connect with their daily lives. They also had an opportunity to discuss and express their views on why they feel that particular rights children have are important.

Some of the views shared by children and young people during these workshops can be seen here:

expressing yourself is important in many different ways.

- Important to be yourself.
- Happier when you not pretending to be something you not.

#Be happy

#Be you

The right to health care keeps you fit and healthy. Childrens rights are very important and people should respect that!



#STAND UP FOR KIDS!!



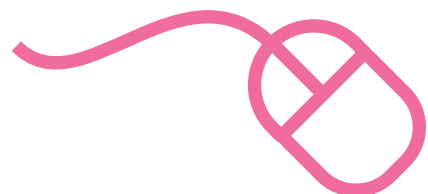
From September to December 2016, many groups of children and young people also visited us as part of our *Tune In* consultation, where we sought their views about good ways for us to raise awareness of children’s rights into the future (see section 4.3.).

itsyourright.ie

It’s Your Right is a dedicated online platform raising awareness of children’s rights among children and young people in Ireland. In 2015, we completed the first phase of establishing *It’s Your Right* as an online hub for child and youth-friendly information about children’s rights, with a particular focus on children’s rights in Ireland.

During 2016, we implemented the second phase of the platform’s development. We added new content and developed a new section called ‘Explore More’, which is targeted at teachers and educators. This section of the platform provides links to children’s rights resource materials. We also worked with young people to create two new videos, one introducing children and young people to the UNCRC and the other video to inform children and young people about our work.

We will continue to develop *It’s Your Right* during 2017.



Seminars for postgraduate students

2016 was the fifth year of our seminar programme for postgraduate students.

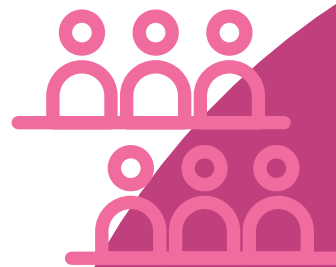
Through this programme we aim to:

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

In 2016, we delivered five seminars to students in five third level institutions; NUI Galway; University College Dublin; Trinity College Dublin; St Patrick's College DCU and Athlone Institute of Technology. The seminars were attended by almost 160 students pursuing postgraduate qualifications in social work, education, child protection, and children and youth studies.

We also delivered lectures to approximately 200 students pursuing a Professional Master of Education at University College Dublin and Maynooth University, as well as a lecture to students of Early Childhood Care and Education at Inchicore College.

Over the past five years, we have typically delivered this programme between September and December and supported participants to do a site visit to our office to take part in the programme. In 2017, we plan to implement this programme throughout the year and to host seminars and lectures both on site and on an outreach basis. By adapting the programme in this way, we hope to make the programme available to a wider cohort of students.



4.3. Consultation with children and young people

Tune In consultation

In 2016 we published our Strategic Plan 2016-2018. One of the objectives is to increase awareness of children's rights and the UN Convention on the Rights of the Child, including among children and young people.

We therefore conducted a consultation dedicated to hearing children and young people's views and ideas on good ways for us to raise awareness of children's rights into the future.

Our *Tune In* consultation, which took place between September and December 2016, had three strands:

- Children and young people in schools, Youthreach centres and youth services around the country were invited to take part in *Tune In*. We developed resource materials to assist teachers, Youthreach educators and youth workers and to facilitate the children and young people to share their views and ideas with us.
- Children and young people visited us as part of our workshop programme to express their views and ideas for *Tune In*.
- We delivered a number of dedicated consultation workshops outside the office to capture the views and ideas of children and young people we might not otherwise have heard.

In total, 2,148 children and young people, in 94 groups, from 71 schools, Youthreach centres and youth services located in 21 counties took part in *Tune In*.

We asked participating children and young people to share their views and ideas with us by responding to four open questions:

- Where would you like to get information about children and young people's rights?
- Who would you trust and be happy to give you information about children and young people's rights?
- How would you like information about children and young people's rights to be presented?
- What kinds of information are you interested in getting about children and young people's rights?

A summary of the top five responses to each question can be seen below:

Where would you like to get information about children and young people's rights?

Where?	Groups (out of 94 groups)
School	77 (82%)
Internet/Websites	74 (79%)
TV	41 (44%)
Social Media	37 (39%)
Library	31 (33%)

Who would you trust and be happy to give you information about children and young people's rights?

Who?	Groups (out of 94 groups)
Teacher	79 (84%)
Parent/Guardian	77 (82%)
OCO	55 (56%)
Extended family/Relatives	48 (51%)
Friends/Peers	42 (45%)

How would you like information about children and young people's rights to be presented?

How?	Groups (out of 94 groups)
Advertising*	52 (55%)
Video	50 (53%)
Talk/Presentation by external/ guest speaker	47 (50%)
Posters/Banners	40 (43%)
Leaflet/Booklet/Factsheet	28 (30%)

Advertising encompasses different sites for advertising suggested by children and young people, e.g. billboards in public places, posters in bus shelters, ads on TV, ads in the cinema, ads on social media, ads on packaging, etc.

What kinds of information are you interested in getting about children and young people's rights?

Most of the 94 participating groups responded to this question by highlighting children's rights issues that they would like to know more about. These included:

- being safe and protected from harm
- privacy
- education
- healthcare
- being treated equally / without discrimination
- information
- being heard and having views taken into account
- youth employment
- housing and homelessness
- nationality
- citizenship

34 groups also shared their ideas about specific types of information that they would be interested in getting about children's rights. The table below highlights the top five types of information they listed:

What?	Groups (34 groups)
Real life/True stories	19 (56%)
Facts/Statistics	13 (38%)
Case Studies	10 (29%)
Examples	7 (21%)
Info about support services for children	5 (15%)

Children and young people expressed an interest in developing their understanding of children's rights. They want to know:

- What having 'rights' means
- Who is responsible for looking after children's rights
- What the role of government is in relation to children's rights
- What laws affect children and young people's rights and how laws are enforced
- What children and young people are and are not entitled to have and to do
- What children and young people can do if they think their rights are not being respected or protected

- How children and young people whose rights are not being respected can be helped

Children and young people are also interested in finding out more about the OCO's work, including our work with complaints.

Having reviewed all of the feedback we received, we have decided to take the following steps over the next 12 to 18 months:

1. We will continue to develop our It's Your Right platform. We will work to add new content over the next 12 months that will provide information on as many of the issues as possible raised through *Tune In*.
2. We will create and share new educational materials about children and young people's rights.
3. We will work to grow awareness of children's rights, and the OCO, among parents/guardians, including through social media. We will aim to present information in ways that will support parents/guardians to share this information with their children.
4. We will develop a number of new short videos that will provide case studies of complaints made by, or for children and young people, which the OCO has dealt with.
5. We will assess how, even with our small team, we might work in new and different ways to reach out to more children and young people, more often and to let them know about children's rights and the OCO.
6. As suggested by the young people who took part in *Tune In*, we also aim to make an ad over the next 12 months.

We would like to express our sincere thanks and appreciation to the children and young people who shared their ideas with us and to the teachers, Youthreach educators and youth workers who supported them to take part in our *Tune In* consultation.



Thank you for taking part in *Tune In*:

Scoil Mhuire,
Tullamore

St Laurence's NS,
Ballytore

St Clare's College,
Ballyjamesduff

The Model School,
Dunmanway

St Catherine's SNS,
Cabra

St Anne's CC, Killaloe

Scoil Naomh Lorcain,
Athy

Tineteriffe NS,
Cappamore

Ardscuil Phádraig,
Granard

Glenasmole NS,
Bohernabreena

Castaheany ETNS,
Ongar

Franciscan College,
Gormanstown

St Joseph's NS,
Leitrim Village

Gaelscoil na Mí,
Ashbourne

Dominican College,
Galway

Scoil Naomh Cholmcille,
Tullydonnel

Fairgreen NS,
Belturbet

Ramsgrange CC,
New Ross

Scoil Naomh Phádraig,
Ballybryan

Glasnevin NS,
Glasnevin

Roscrea Education
Centre

St Declan's NS,
Ashbourne

Clarecastle NS, Ennis

Cootehill Youthreach

Mary Mother of Hope
NS, Castaheany

Scoil Mhuire NS,
Knockraha

Foróige,
Blanchardstown

St Saviours NS,
Rathdrum

Rathfarnham ETNS,
Rathfarnham

Tuam Youth Services

Scoil an Fhraoich
Mhóir, Portlaoise

Aston Village ETNS,
Aston Village

Clare Youth Service

Ballyshannon NS,
Ballyshannon

St Theresa's NS,
Cashel

Comhairle na nÓg,
Ballina

Gaelscoil Nás na
Ríogh, Naas

Rathkenny NS, Navan

Youth Work Ireland,
Meath

Scoil Mhuire
Horsewood NS,
Ballinamona

Dunboyne SNS,
Dunboyne

Foróige, Tallaght

Our Lady of Lourdes
NS, Ballinlough

St Aidan's NS,
Shannon

Westside Youth
Project, Galway

Scoil Mhuire na nGráist
Belgooly

Our Lady of Mercy SS,
Waterford

Migrant Rights Centre
Ireland

Scoil Niocláis
Frankfield

Stratford College,
Rathgar

St John of God,
Stillorgan

St Patrick's NS,
Newbridge

Killinarden CS,
Whitestown

Exchange House

Scoil Naomh Eoin,
Killenard

Salesian SS, Limerick

Empowering People
In Care, (EPIC)

St Mary's PS, Enfield

Largy College, Clones

Youthbank Longford

St Patricks NS, Slane

St Joseph's SS, Rush

Irish Wheelchair
Association, Ardee

Scoil Naomh Brid,
Muff

Summerhill College,
Sligo

Future Voices

Ranelagh MDS,
Ranelagh

Calasanctius College,
Oranmore

Waterford & South
Tipperary YS

Foróige National
Youth Panel

Consultation with young people about Adoption Order hearings

In 2016, the Adoption Authority of Ireland (AAI) requested our input to its deliberations on how the AAI might strengthen provision for children and young people to be heard and have their views taken into account in the context of Adoption Order hearings affecting them.

We agreed that it would be desirable to seek the views of young people who had been adopted and had previous experience of attending and participating in Adoption Order hearings with their families.

During 2016, we assisted the AAI with designing, planning and implementing a consultation with young people. The consultation was held at the AAI in November and supported young people to express their views and ideas on:

- **Space** - What, if any, steps the AAI might take to make the rooms and areas used by young people and their families when they attend an Adoption Order hearing more child- and youth-friendly.
- **Information** - What, if any, information the AAI should give to young people before they attend an Adoption Order hearing with their families and what formats this information should be presented in.
- **Being heard** - What, if any, additional steps the AAI might take to further support young people to express their views on their prospective adoption, both in advance of the Adoption Order hearing and during the hearing itself.
- **Acknowledgement** - What, if anything, the AAI might give to or do for children and young people to acknowledge and mark the occasion of their Adoption Order being granted.

OCO and AAI staff co-facilitated the consultation and used a range of activity-based methods to support participating young people to express their views and ideas.

The young people's recommendations covered four broad areas:

1. The physical space in the AAI should be made more welcoming.
2. The AAI should send young people information about the Adoption Order hearing before they attend the hearing.
3. The AAI should consult young people more before and during the Adoption Order hearing.
4. The AAI should give young people an acknowledgement of their adoption at the hearing.

The actions that the AAI is taking in response to the young people's recommendations include:

1. Space

- The reception area at the AAI has been redecorated to make it brighter and more toys have been added for younger children.
- The family rooms at the AAI have been redecorated to be less formal and more welcoming.
- A specific room at the AAI has been decorated for young people.

2. Information

- The AAI has developed a 'Frequently Asked Questions' document for young people. This document reflects participating young people's suggestions about what information the AAI should give to young people before their Adoption Order hearing. The document will be sent to young people when they are invited to their Adoption Order hearing.
- The Adoption Authority is working on an equivalent document for younger children.

3. Being heard

- The young people have a meeting prior to their hearing and are given an opportunity to ask any questions they may have.
- The young people are offered an opportunity to speak separately to the AAI board members if they wish.
- A proposal has been put to Tusla to suggest that the young people are offered an appointment with their Tusla social worker 2-3 weeks before their Adoption Order hearing.

4. Acknowledgement

- Young people are given a certificate to acknowledge that they attended their Adoption Order hearing.
- Young people and their families are offered an opportunity to have an official photo taken by the staff in the Adoption Authority, which is then sent to the family.

4.4. Promoting child-friendly policies, practices and procedures

Child-friendly healthcare in hospital

We are undertaking a joint initiative with the Children's Hospital Group Board, which involves, and has the support of, the executive and the clinical leadership in the three children's hospitals in Dublin – Our Lady's Children's Hospital Crumlin, Temple Street Children's University Hospital, and the National Children's Hospital, Tallaght.

The overall objective of this joint initiative is to use a child rights framework to hear and take account of the views of children, young people, parents/guardians, hospital staff and management about the delivery of services to children and young people in hospital.





In carrying out this initiative we aim to:

- Promote child-friendly healthcare and respect for children's rights in hospital by asking children, young people, parents/guardians and hospital staff and management to share their views on issues relating to children's rights under the UNCRC, as they arise in hospital;
- Highlight good practices and identify areas where improvements may be needed;
- Support decision-making on the future development and delivery of services to children and young people in the three existing children's hospitals and in the new children's hospital.

Our approach to hearing the views of participants involves adapting the model, *Tools for the Assessment and Improvement of Children's Rights in Hospital* (2012), which was developed by the Task Force on 'Health Promotion for Children and Adolescents in and by Hospitals and Health Services' (International Network of Health Prompting Hospitals and Health Services).

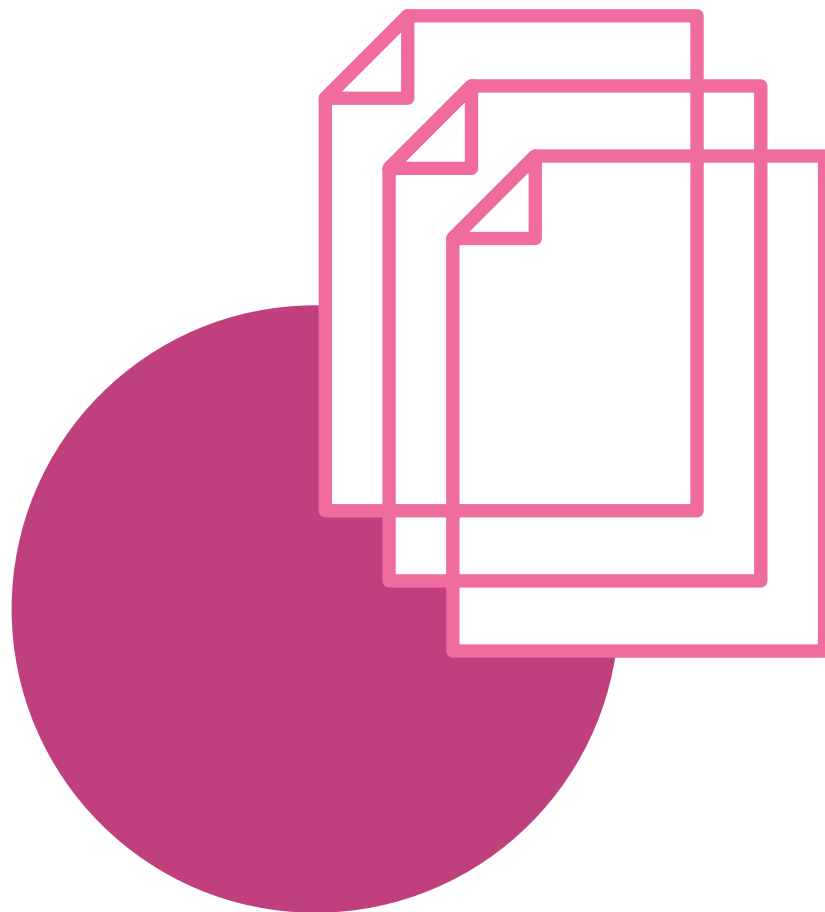
Identified as a model of good practice for promoting child-friendly healthcare in research conducted for us by UCC in 2013, this approach is child-centred, rights-respecting and promoting, and inclusive. It also provides for a sustainable, cyclical process of quality assurance and could be used in future in paediatric settings throughout the wider healthcare system in Ireland.

Participants' views will be sought using questionnaires, which are based on the assessment tools developed by the Task Force.

There is a questionnaire for five different participant groups: children aged 6 to 11 years; young people aged 12 to 17 years; parents/guardians of children and young people in hospital; staff working in the three children's hospitals; and management in the hospitals. We plan to supplement these questionnaires with several focus group consultations.

Work to plan and develop the initiative during 2016 included the establishment of a Steering Committee, which met on six occasions, and a local implementation group in each of the three children's hospitals.

Following the launch of our joint initiative with the Children's Hospital Group Board at our office in November 2016, we are working towards implementing *Joining the Dots: Connecting Voices for Child-Friendly Healthcare in Hospital* in the three children's hospitals in Spring 2017.



4.5. Advice on legislation and policy

Advice on developments in legislation and public policy

During 2016, we provided advice, made submissions and otherwise engaged with proposed legislation regarding school admissions, student and parent charters in schools, sexual offences, victims of crime, and adoption information and tracing. We also made submissions regarding the Department of Education and Skills' Statement of Strategy, the Code of Ethics for An Garda Síochána, Tusla's Review of the National Leaving and Aftercare Policy 2011, and the Department of Justice and Equality's Age of Digital Consent consultation. The Office also corresponded with the Law Reform Commission prior to their publication of the report on Harmful Digital Communications and advised the Department of Housing, Planning, Community and Local Government on the Rebuilding Ireland Plan.

Submission to the Department of Education and Skills regarding its Statement of Strategy 2016-2018

In June 2016 we made a submission on the Consultation Paper on the Department of Education and Skills' Statement of Strategy 2016-2018. We referred to the UN Committee on the Rights of the Child's requirement for education to be child-centred, child-friendly and empowering. We provided advice and recommendations in the areas of oversight and accountability, participation of children in decision-making and early childhood education. We emphasised the particularly vulnerable situation of children with disabilities, children living in poverty, homeless children, children in direct provision, migrant children, children from the Traveller and Roma communities and children in care, as well as children with special educational needs.

We also highlighted the need for reform of the education legislative framework which includes the Education (Admission to Schools) Bill 2015 and complaints-handling in the education sector. Other issues such as mental health and wellbeing in schools, bullying, safe and effective participation in digital and social media and sexual and reproductive health education were also addressed.

The Department of Education's Action Plan, which incorporates the Strategy Statement, was launched on 15th September 2016. This Action Plan marks a significant first step in making our education system accessible to all children and signifies a strong commitment on behalf of Government to reform the education sector. This is very much to be welcomed and we were pleased to see that a number of recommendations made by this Office, including a focus on early education and the introduction of measures to support wellbeing in schools, have been included. However, it is absolutely crucial that the necessary resources are

put in place to support the planned measures and we look forward to working with the Department to ensure the full implementation of this ambitious Plan.

Submission to the Policing Authority on the Draft Code of Ethics for An Garda Síochána

In May 2016 we provided preliminary views on the development of a Code of Ethics for An Garda Síochána as part of a public consultation by the Policing Authority.

We recommended that:

- The Policing Authority should consult with children and young people in drafting the Code of Ethics, particularly children who are or have been involved in the youth justice system.
- All sections of the Garda Code of Ethics be child-rights proofed.
- The actions of An Garda Síochána should be informed by the CRC principles of non-discrimination, best interests of the child, right to life, survival and development and right to be heard.
- Children should benefit from all of the human rights guarantees available to adults in the administration of justice.
- The commitments of the Youth Justice Strategy to work collaboratively with other agencies and services to ensure appropriate interventions for young people should be reflected.
- A single point of contact for children who are repeat offenders should be included in line with the aim of the Case Management Scheme.

We made a further submission to the Policing Authority in September 2016 expressing our disappointment that children and young people had not been consulted prior to the completion of the Draft Code. We also recommended that the Garda Code of Ethics includes specific provisions that take into account the special needs of children and young people in conflict with the law.

Aftercare submission to Tusla

During 2016, the OCO continued to receive complaints about specific issues relating to leaving care and aftercare provision. These included delays in aftercare planning, inadequate planning generally, the lack of provision of aftercare support, and inconsistencies and a wide variation in aftercare service provision nationally.

In November 2016 we made a submission to Tusla on the Review of the National Leaving and Aftercare Policy 2011, providing

66 recommendations across 26 areas. We asked for specific attention to be focused on a rights-based approach to the National Leaving and Aftercare Policy. We highlighted the need to consider eligibility for services and we particularly underlined the needs of young people who are homeless, asylum seeking young people leaving care, young care leavers who have their own children in care, young care leavers with disabilities, care leavers with addiction problems, or those who have mental health needs. While not yet commenced, the Child Care (Amendment) Act 2015 places an obligation on the Child and Family Agency to implement a national standardised and structured aftercare planning service. Therefore, our recommendations put a major emphasis on the importance of preparation for leaving care and the aftercare plan.

The OCO plans to engage further with Tusla in 2017 as the development of their Aftercare Policy progresses.

Age of Digital Consent submission to Department of Justice and Equality

On 8th November 2016, the Department of Justice announced a consultation on the statutory age of consent threshold (“age of digital consent”) to be applied in Ireland in the case of information society services offered directly to children, as required by General Data Protection Regulation (GDPR).

In our submission, we recommended that:

- A meaningful consultation with children and young people on the age of digital consent should take place.
- National legislation should be enacted to adopt a lower age of digital consent of 13 to reflect international children’s rights standards.
- Targeted educational initiatives should be developed to ensure that children, parents/guardians and schools are fully aware of the risks involved in the processing of personal data but also informed of how to respond to violations of their rights online.
- Measures should be taken to strengthen and ensure respect for the confidentiality of data and the privacy of adolescents.
- The Department should engage in a constructive dialogue with the ICT industry to clarify their role and responsibilities regarding children’s rights.
- A clear and predictable regulatory environment should be established to ensure that practices respect children’s rights.
- The Law Reform Commission’s recommendation in its Report on Harmful Communications and Digital Safety to establish a new statutory national oversight system that

would promote and support positive digital safety should be considered.

- Any future legislative initiatives and criminal law reforms in the area of digital safety affecting children should be child rights proofed at the earliest possible stage.
- Where children are involved in harmful digital communications a separate model, outside of the criminal justice system which emphasises restorative practices, should be developed.

We recognise the major role that digital communications and social media play in the lives of children in Ireland today and will continue to monitor legislative developments in this area to ensure a child rights-based approach is followed. We have committed in our Strategic Plan 2016-2018 to work with others to encourage and support safe and effective participation in social and digital media by children and young people.

Law Reform Commission report on Harmful Digital Communications

Prior to the publication of their report on Harmful Digital Communications, we corresponded with the Law Reform Commission. However, the report was published before a full submission could be completed.

The Law Reform Commission report identified a role for the OCO in the preparation of guidance material for schools on digital safety. We are currently considering these proposals. While we are fully committed to encouraging and supporting safe and effective participation in social and digital media by children and young people, we need to assess our current capacity in terms of human resources and expertise in this area, as well as the need to ensure that there is a cross-departmental responsibility.

In December 2016, the Government gave its approval for the drafting of a General Scheme of a Bill which would provide for new and amended criminal offences along the lines set out in the report on Harmful Digital Communications. We await the publication of this General Scheme with interest.

Criminal Law (Sexual Offences) Bill 2015

The Minister for Justice and Equality published the General Scheme of the Criminal Law (Sexual Offences) Bill 2014 on 27th November 2014 with the aim of implementing the EU Directive on combating the sexual abuse and exploitation of children and child pornography. It also aims to pave the way for Ireland to ratify the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Abuse. The General Scheme proposed reforms of the law, including stronger sanctions aimed at protecting children from sexual exploitation, child pornography and online grooming.

In May 2015 we submitted our advices on the General Scheme and on the 23rd of September 2015, the Criminal Law (Sexual Offences) Bill 2015 was published. While there were a number of positive features in the Bill, including the replacement of the term “defilement” with “sexual act”, we remained concerned that many of our recommendations had not been incorporated into the Bill.

We wrote to the Minister for Justice and Equality in November 2016 reiterating our main concerns regarding the Bill. These included:

- The provision of safeguards against the criminalisation of peer to peer consensual sexual acts, while ensuring that a bar to prosecution is not created for young sex offenders.
- The replacement of the term ‘child pornography’ with the term ‘child sexual abuse material’, which more accurately reflects the grave nature of the crime.
- The extension of protection measures provided for in Sections 35 and 36 of the Bill to all children under 18 years.
- The provision of pre-trial preparation services for children who are required to attend court, including the appointment of a suitably qualified person to support a child witness through the legal process.
- An extension of special protection measures for child witnesses to ensure consistency for all children under 18 years of age.

We welcome amendments made to the Bill following this correspondence which extended the protection measures provided for in Sections 35 and 36 of the Bill to all children under 18 years. The OCO will follow the legislative progress of this Bill into 2017.

Education (Admission) to Schools Bill 2016

In July 2016, the Minister for Education and Skills published the Education (Admission to Schools) Bill 2016. We previously provided advice on the General Scheme of the Education (Admission to Schools) Bill 2013 and offered further observations to the Minister for Education and Skills following the publication of the Education (Admission to Schools) Bill 2015.

We are currently finalising our advice on the 2016 Bill, which addresses several concerns that we previously raised in relation to the 2013 General Scheme and 2015 Bill. These include:

- The exclusion of the proposed provision which would provide schools with the power to refuse admission on the basis of the opinion of the HSE or An Garda Síochána in relation to the effect of admitting particular children on the safety of other students.
- The retention of the competence of Section 29 appeals committees to consider appeals relating to enrolment.

- The inclusion of provisions requiring the National Council for Special Education and the Child and Family Agency to have regard to the views of the child and the child's best interests when designating a school for the child concerned.

Areas of concern to be addressed in our recommendations are:

- The use of the past-pupil criterion as a permissible oversubscription criterion due to the potential for indirect discrimination.
- The exception arising under Section 7 of the Equal Status Act which allows for a child to be given preferential access to publicly funded education on the basis of their religion.
- Limitations on the 'opt out' policy with the regard to the operation of an integrated curriculum.
- The need for enhanced provisions for the designation of a school place for children in care.

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

The General Scheme of an Education (Parent and Student Charter) Bill 2016 was published on 5 December 2016. Heads 6 and 7 of this General Scheme provide for enhanced powers for the Ombudsman for Children when dealing with complaints in relation to schools. These amendments mean that:

- The OCO will no longer have to defer an investigation until procedures under Section 28 of the Education Act 1998 have been exhausted;
- The Ombudsman for Children Act 2002 will be amended to allow the OCO to investigate new additional functions being placed on schools under the proposed legislation;
- The Minister will have the power to direct a board to comply with any suggestions, guidance or recommendations made by the OCO.

It has been a matter of concern to this Office for many years that the complaints-handling structures in the education sector are incomplete and inconsistent. Many of the education-related complaints we examine highlight difficulties with the handling of complaints in individual schools.

We welcome the basis of the legislative framework to improve engagement between schools, students and parents, as well to promote an increase in the consistency of schools' complaints handling practices. The early identification of concerns will allow problems to be considered and dealt with by the school, and will minimise or avoid reliance on formal complaint procedures. The Guidelines on the Charter will also include procedures to deal with

any grievances that do occur even with the Charter in place.

The Education (Parent and Student Charter) Bill 2016 presents a vital opportunity to increase the role of students in school life. We have proposed that the name of the Charter should reflect this and that the Bill should therefore be called the Education (Student and Parent Charter) Bill 2016. We have also recommended that children and young people should be consulted at a policy level when developing the legislation and guidelines that will provide for the establishment of Student and Parent Charters. They should also have their views taken into account when individual Charters are being developed in schools.

The strengthening of the role of the OCO when dealing with complaints about schools is also very welcome. In 2016, 45% of the complaints we received were about education. We know that local resolution involving children, parents and boards of management leads to fast and effective conclusions in many cases. However, there are times when more difficult complaints arise and it is important that there is a robust system in place to deal with these.

We will engage fully with the Department of Education and Skills and the Joint Committee on Education and Skills as this General Scheme moves through the legislative process.

Education (Amendment) Bill 2015

The Education (Amendment) Bill 2015, which was referred to the Oireachtas Select Committee on the 21st July 2016, proposes to amend the Education Act 1998 by providing for the establishment of an Ombudsman for Education. This is a proposal that we do not support.

Looking in more detail at the education complaints we receive, which made up 45% of our total complaints in 2016 as mentioned above, it is clear that they do not solely relate to schools. They include the entire education sector, including the Department of Education and Skills, the National Council for Special Education and the State Examinations Commission. Some complaints can also include issues that involve a range of different departments and agencies. Removing complaints in relation to education from the remit of the OCO would weaken our ability to examine complex complaints that often involve educational provision alongside a number of other issues, for example children in care or children with disabilities who need support in accessing education. This would be to the disadvantage of the children and young people at the centre of these complaints.

As stated above, the General Scheme of the Education (Parent and Student Charter) Bill 2016 provides the Minister for Education with a power of direction in relation to encouragements/recommendations of the Ombudsman for Children's Office. These new provisions, along with our existing powers, will enhance

our ability to deal comprehensively with any complaints from children and their representatives relating to the education sector.

Criminal Justice (Victims of Crime) Bill 2016

Ireland was required to transpose the EU Directive establishing minimum standards on the rights, support and protection of victims of crime into domestic law by the 16th November 2015. In light of this, the Minister for Justice and Equality published the General Scheme of the Criminal Justice (Victims of Crime) Bill 2015 on 14th July 2015. We provided advice on the content of this General Scheme and its stated aims in respect of the rights of victims and their families in October 2015.

The Criminal Justice (Victims of Crime) Bill 2016 was subsequently published on 27th December 2016. We welcome the presumption that a child will have protection needs and that the best interests of the child shall be taken into account when determining whether, and to what extent, the child might benefit from protection measures. We also welcome the provision to hear and give due weight to the voice of the child contained in Section 14(7), the presumption that a victim is a child if there is uncertainty regarding their age until it is proven otherwise and the power granted to the court to exclude members of the public or particular individuals from the court in order to protect the victim. Amendments to the Criminal Evidence Act 1992 contained in the Bill which strengthen protections afforded to child victims are also positive.

However, in order to comply with Article 1(2) of the Directive, the principles of the child's best interests and his/her right to express views and be heard should be expanded to cover all aspects of the Bill. We are also concerned that the provision for a Victim Impact Statement; the requirement that information given to a child victim should also be given to their parent or guardian; and the requirement for training to staff members who have contact with victims in the course of their official duties have been removed from the Bill.

These concerns will be addressed to the Minister in 2017.

Adoption (Information and Tracing) Bill 2015

The Minister for Children and Youth Affairs published the General Scheme of the Adoption (Information and Tracing) Bill 2015 on 27th July 2015. Our November 2015 submission focused on the aspects of the General Scheme that concern children.

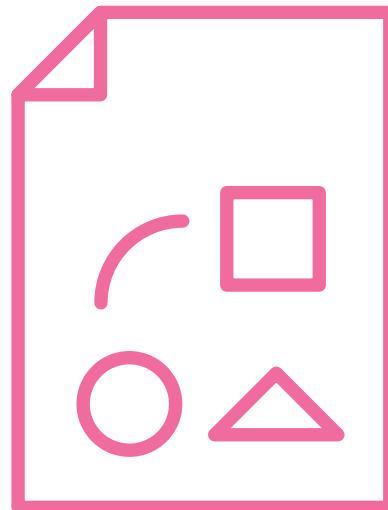
The Adoption (Information and Tracing) Bill 2016, published on 23rd November 2016, included:

- A general presumption in favour of disclosing information to adopted people regarding their birth and adoption;
- Adopted people over the age of 18 having a right to access their original birth certificate and to the information

contained in any relevant adoption records or files;

- The rights of other parties in relation to the disclosure of identifying information are clarified in the Bill - the Adoption Authority and the courts have clear statutory guidance when called upon to balance competing rights;
- The establishment of the National Adoption Information Register of Ireland.
- However, we are gravely concerned that there is absolutely no reference to the best interests principle in this Bill, particularly when this had previously been included as a paramount consideration in the General Scheme. There is also no provision for children's views to be heard and given due weight according to their age and maturity when the Agency is making a determination to disclose requested information.
- We are also concerned that the Bill is silent on adopted children - it does not specifically articulate the right of adopted children to information concerning their birth and origins. Finally, by not providing for an absolute right of access to information relevant to a child's health, including their family medical history, an adopted child is being treated differently to other children who have access to such information.

We intend to outline these concerns to the Minister for Children and Youth Affairs in early 2017.



4.6. Research

OCO research projects

In line with our obligations under the Act, and in keeping with our Strategic Plan, we have undertaken a number of research projects. These projects are working towards building capacity among public bodies to develop and implement a child rights based approach to their practice. They also feed into our objectives to promote and support good practices in complaints handling affecting children and young people, starting with education providers.

Child-friendly administration

With support from the International Ombudsman Association, we commissioned a consultation on child-friendly administration in 2014. The basis for this study was the barriers that children and their families can face in securing their rights in the area of public administration. This has been documented through our examination and investigation of complaints regarding the actions of public bodies. Following a competitive tendering process, the contract for this study was awarded to the Child Law Clinic, School of Law at University College Cork.

Overall, this study aims to identify rights-based, child-friendly approaches to public administration, to investigate the barriers to the implementation of such approaches, and to inform the development of recommendations for reform.

During 2015, the following three pieces of work were completed as part of this study:

- An analysis of existing research and literature on child-friendly administration;
- An analysis of information from our complaints database concerning the difficulties identified by complainants that highlight systemic issues;
- A consultation with children and their families on the barriers they face in accessing services and in their interactions with public bodies.

In 2016, a decision was made to extend the study to include a fourth element. This will involve a consultation with public bodies and service providers to seek their perspectives on the issues raised and how any obstacles to progressing child-friendly administration might be overcome. The planning stage of this consultation has been carried out by the Child Law Clinic and this piece of work will be completed in 2017. We plan to publish a final report about the study.

Child-friendly complaints handling in schools

In 2016, we initiated a project based on developing and implementing a child rights-based approach to complaints handling by schools, boards of management and patrons. We plan to publish a concise guide, underpinned by the international human rights framework and examples of good practice, setting out the 'Golden Rules' of child-friendly complaints handling in schools.

This project is in line with Objective 2 of our Strategic Plan. It will be carried out in collaboration with University College Cork, as a subset of the work being undertaken on child-friendly administration, and will be completed in 2017.

We hope that this publication will be a resource for education partners, particularly during the consultation on the Education (Parent and Student Charter) Bill 2016.

1924 Declaration of the Rights of the Child

In 1924, the League of Nations adopted the Declaration of the Rights of the Child, also known as the 'Declaration of Geneva'. This Declaration has been identified as the League's first universal instrument of human rights and can be seen as a precursor to the 1959 Declaration of the Rights of the Child and the 1989 UN Convention on the Rights of the Child. Recognising that "mankind owes to the child the best that it has to give", the 1924 Declaration sets out five duties that "men and women of all nations" owe to children.

In 2015, Bobby Bryan gave us a version of the 1924 Declaration of the Rights of the Child, which was produced by the Irish Save the Children Fund ('Saor an Leanbh') in the 1920s. This version presents the 1924 Declaration in English and in Irish and is signed by well-known figures in Irish public life at that time, including Douglas Hyde, William T Cosgrave, Éamon de Valera and Eoin MacNeill.

In 2016, we commissioned desk-based research to find out more about the version of the 1924 Declaration produced by Saor an Leanbh, including its provenance and any potential uses to which it may have been put. We plan to publish a report arising from this research during 2017 as part of a planned programme to mark the 25th anniversary of Ireland's ratification of the UN Convention on the Rights of the Child.



4.7. International and European monitoring mechanisms and networks

UNCRC Monitoring and Reporting Process

Following its ratification of the UN Convention on the Rights of the Child in 1992, Ireland is required to submit periodic reports to the UN Committee on the Rights of the Child on measures taken to implement its obligations to respect, protect and fulfil children's rights under the Convention.

On 14 January 2016, a plenary meeting between the UN Committee on the Rights of the Child and representatives of the Irish government took place at the Palais des Nations in Geneva. This was the third periodic examination of Ireland's progress towards fulfilling its commitments to children under the UNCRC.

Having submitted an alternative report to the UN Committee in May 2015 and taken part in a pre-sessional meeting with members of the Committee in June 2015, the Ombudsman for Children and OCO staff attended the plenary meeting in January.

At this meeting, the UN Committee probed the State's record on progressing the realisation of children's rights in a diverse range of areas, many of which we had highlighted to the Committee in our alternative report and during the pre-sessional meeting.

Following the plenary meeting, the UN Committee published its *Concluding Observations*. In this comprehensive report, the Committee recognises progress Ireland has made in recent years while also raising concerns in relation to a wide range of issues affecting children's lives in Ireland and recommending actions that the State should take as a matter of priority.

The Committee's *Concluding Observations* can be understood as providing guidance to the State on how it should progress the realisation of children's rights over the next five years, in advance of Ireland's next examination in 2021.

Some of the Committee's key recommendations to the State are:

- **Legislation**
 - the need to audit existing legislation regarding its compliance with the UNCRC, to commence existing legislation, to amend or initiate legislation to address gaps or deficits in Irish law, and to fully incorporate the UNCRC into domestic legislation.
- **Institutions**
 - the need to strengthen existing institutions, including the OCO, which have key roles in leading, delivering and monitoring actions by the State to respect, protect and fulfil children's rights under the UNCRC.

- **Awareness raising and capacity building**
 - the need to improve public awareness of children’s rights and to build capacity to integrate and apply children’s rights consistently, including in legislation and in administrative and judicial proceedings affecting children.
- **Implementation**
 - the need to provide the human, technical and financial resources required to facilitate the delivery of commitments made to children in legislation and public policy.
- **Vulnerable children**
 - the need to combat discrimination, tackle inequalities and give special attention to children who can face particular barriers in the realisation of their rights, including children with disabilities, children from the Traveller and Roma communities, children living in poverty, children experiencing homelessness, LGBT+ children and young people, and migrant and asylum-seeking children.

We welcome the UN Committee’s *Concluding Observations* and that a majority of the recommendations we made in our alternative report have been reflected.

Furthermore, we welcome specific recommendations made by the UN Committee that:

- Funding for the OCO should come directly from the Oireachtas; and
- The exclusion under Section 11(i)(e)(i) of the Ombudsman for Children Act 2002, which concerns our investigatory remit about matters relating to asylum, immigration, naturalisation and citizenship, needs to be appropriately addressed.

As indicated elsewhere in this report, we worked to progress the resolution of both of these matters during 2016.

Universal Periodic Review

In September 2015 we made a written submission to the UN Human Rights Council in advance of their second examination of Ireland’s human rights record in the context of its Universal Periodic Review (UPR) process. The Office’s submission focused on highlighting, and making corresponding recommendations, in relation to a range of issues concerning children’s rights in Ireland, including child welfare and protection, youth justice, asylum and immigration, child poverty, homelessness, health services, and education. Ireland submitted its combined sixth and seventh periodic report on 15 September 2016.

Engagement with International Networks

Cooperation with Ombudspersons and Commissioners for Children in other states is a function of the Ombudsman for

Children under the 2002 Act. During 2016 we continued our strong and active engagement with the European Network of Ombudspersons for Children (ENOC). This work includes responding to information sharing requests from ENOC members which can influence the development of policy and legislation across Europe.

The Office hosted a 2 day ENOC seminar on “Equal Opportunities for All Children and Young People in Education” in June 2016. Twenty representatives from 12 ENOC member institutions took part. Topics including reductions in education funding, access to pre-primary school, access to education for children from minority groups with a special focus on Roma children and access to education for children with special needs were discussed at the seminar.

At the Annual Conference of ENOC which took place in Lithuania in September 2016, the Ombudsman for Children, Dr Niall Muldoon, was elected to be one of the five people who serve on the Bureau; the body that runs ENOC and decides on the strategic direction of the organisation.

We also continued our involvement with the British and Irish Network of Ombudsman and Commissioners for Children (BINOCC). A meeting of the heads of BINOCC was held in our office in January 2016. The Minister for Children and Youth Affairs at the time, Dr James Reilly, attended part of this meeting to outline the background to the elimination of the defence of reasonable chastisement in cases of assault on children. We also hosted a meeting of staff from the various BINOCC policy sections in October 2016.

In November 2016, the Ombudsman for Children travelled to New York on behalf of ENOC to speak at a gathering of UNICEF staff from across the world. Discussions focused on how ENOC members can support countries who are trying to establish children’s rights cultures. Many of these countries may need assistance to persuade their governments and people to see the benefits of such an approach.

While in New York, he also met with Marta Santos Pais, the UN Special Representative of the Secretary-General on Violence against Children (SRSG), and Manus de Barra, Child Protection Specialist, to discuss Irish and international children’s rights issues.

In November 2016 we were invited by UNICEF and the Government of Kazakhstan to their International Child Friendly Conference in Astana. The OCO Director of Investigations, Nuala Ward, gave a presentation on our Strategic Plan to promote better understanding of the purpose of strategic planning in the realisation of children’s rights, and to assist in defining the role of the National Commissioner for Child Rights in Kazakhstan, in line with the international norms. We met with children,

non-governmental organisations and civil servants to share our knowledge on effecting change in the lives of children through the work of our office.

Engagement with European and Council of Europe institutions:

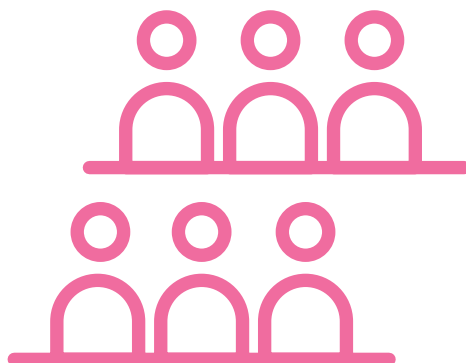
Council of Europe

The Ombudsman for Children met the Council of Europe Commissioner for Human Rights, Mr. Nils Muižnieks and his advisers on 22 November 2016. Some of the topics discussed included direct provision, child poverty and homelessness. There was also a strong emphasis on the formal recognition of the Traveller community as a minority ethnic group.

The report from this visit to Ireland will be published in 2017.

European Commission

The Ombudsman for Children attended a bilateral meeting with the Director of Equality in the Directorate-General Justice of the European Commission, Salla Saastamoinen, regarding the National Traveller and Roma Inclusion Strategy on 17 October 2016. Positive developments such as the ongoing review of, and allocations made to, the Strategy were mentioned, as was the inclusion of Traveller specific accommodation in Budget 2017. At this meeting we again highlighted the fact that Ireland has not yet implemented the recommendation made by the UN Committee for the Elimination of Racial Discrimination and other international human rights monitoring mechanisms to recognise Travellers an ethnic group. We also referred to the fact that the Government has acknowledged the poorer health and educational outcomes for children from the Traveller community in the National Policy Framework for Children and Young People, *Better Outcomes Brighter Futures*. This policy framework sets out a number of targets in this area, including to tackle inequalities in health outcomes and strengthen social inclusion measures to reinvigorate efforts to improve educational outcomes for children from the Traveller community.



4.8. Engagement with Government Ministers

As mentioned above, a meeting of the heads of the British and Irish Network of Ombudsman and Children's Commissioners was held in our office on 21 January 2016. The former Minister for Children and Youth Affairs, Dr James Reilly, attended part of this meeting to discuss the Reasonable Chastisement Amendment.

The Ombudsman for Children and the Head of Participation and Education met the Minister for Justice and Equality, Frances Fitzgerald, on 3 February 2016 regarding the OCO's remit in relation to Direct Provision.

The Ombudsman for Children, the Head of Policy and the Director of Investigations met with the Minister for Health, Simon Harris, on 13 June 2016 to discuss mental health services for children and adolescents, as well as services for children with disabilities.

The Ombudsman for Children, the Head of Participation and Education and the Director of Investigations met with the Minister for Children and Youth Affairs, Katherine Zappone, on 19 July 2016 to lay out our priorities and to highlight issues of concern.

The Ombudsman for Children met with the Minister of State for Mental Health and Older People, Helen McEntee, on 29 September 2016 to discuss issues relating to children and youth mental health.

4.9. Other issues

Direct Provision

Protection applicants in Ireland, including children residing with their parents or guardians, are generally accommodated in private or state run accommodation centres under contract with the Reception and Integration Agency (RIA). This is commonly referred to as the Direct Provision system. The operation of the Direct Provision system has been the subject of significant criticism on the part of national and international human rights monitoring mechanisms due to the length of time that applicants reside in these centres, the lack of an independent complaints procedure, the allowances paid to asylum seeker adults and children, as well as the inadequate facilities for children and inadequate child protection measures.

Applicants for protection in the state, including children, were denied opportunities to make complaints to the Ombudsman for Children about the provision of services by the Reception and Integration Agency through the Direct Provision accommodation centres. This was because successive governments interpreted the Direct Provision system as part of an exclusion contained in Section 11(e)(i) of the Ombudsman for Children Act 2002, which

precludes the Ombudsman for Children from investigating any complaint “taken in the administration of the law relating to asylum, immigration, naturalisation or citizenship”. We have always maintained that the allocation of state provided accommodation to children and young people seeking international protection falls outside of this exclusion as it has no bearing on the administration of the law relating to asylum or protection applications; this is an entirely separate process.

The Ombudsman for Children has been seriously concerned for many years by the denial of access to our complaints procedures for children and young people about the administration of the Direct Provision system by the Reception and Integration Agency across the country. The Ombudsman for Children believes that, as a matter of principle, children and young people in Direct Provision should have the same access to the independent, impartial complaints-handling service provided by the OCO as other children in the State.

The report of a Working Group to Report to Government on Improvements to the Protection Process, including Direct Provision and Supports to Asylum Seekers, published in June 2015 recommended that children in Direct Provision should have access to the Ombudsman for Children. This should include complaints relating to services provided to residents of Direct Provision accommodation centres, as well as transfer decisions following a breach of the House Rules.

In February 2016, the Ombudsman for Children welcomed the Minister for Justice and Equality’s commitment in principle to allow people living in Direct Provision accommodation to have their complaints about the provision of these services independently examined by the OCO. In December 2016, at a meeting with the Office of the Ombudsman, the Department of Justice and Equality and the Department of Public Expenditure and Reform, we were informed that people living in Direct Provision accommodation could access the complaints and investigations services in both Ombudsman offices.

Since this meeting, we have initiated work to raise awareness of our complaints and investigations service directly with key stakeholders, including children and their families, civil servants in the Department of Justice and Equality, centre management and staff members and non-governmental organisations in this area. We expect to begin accepting complaints from and about children in Direct Provision in early 2017.



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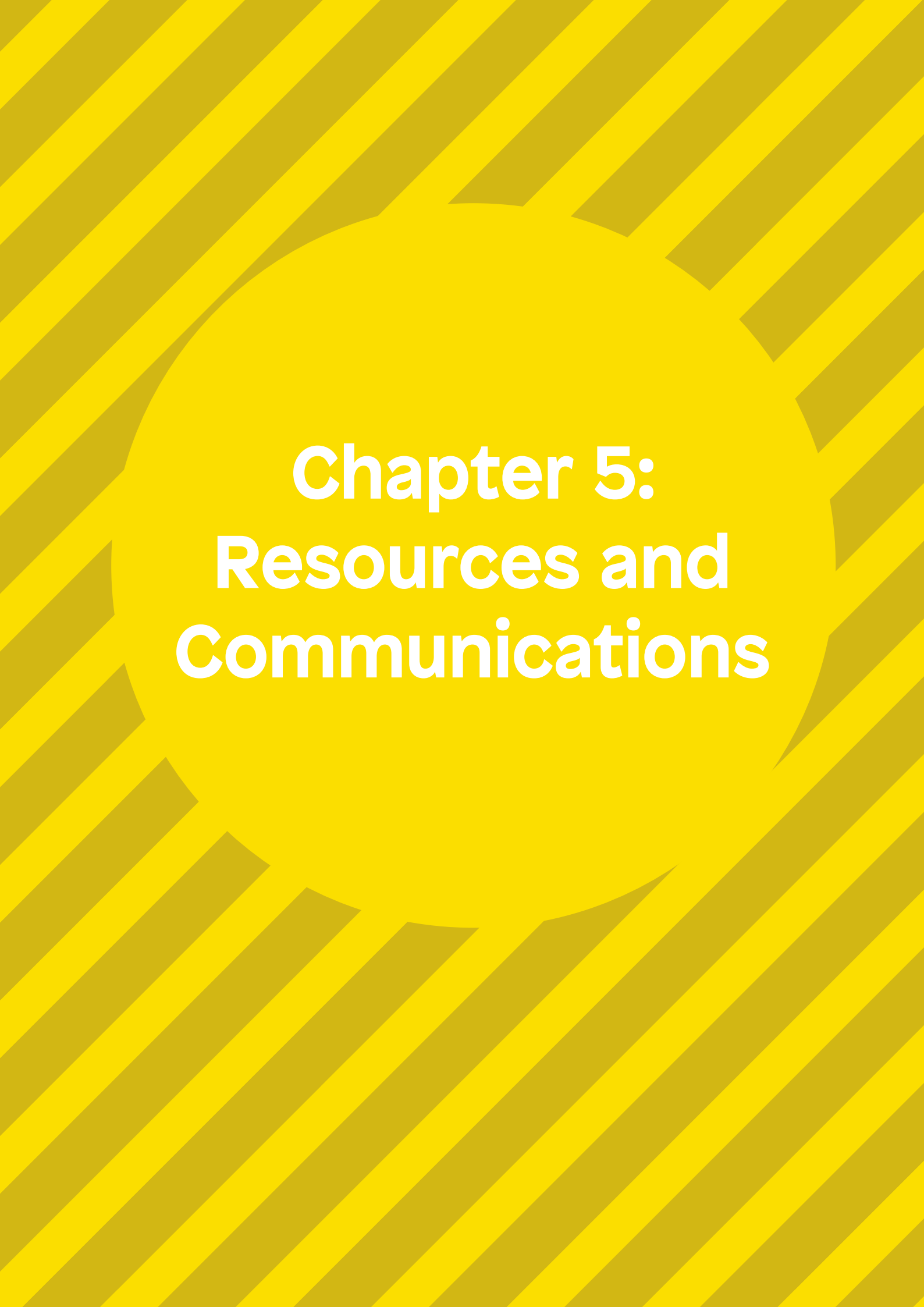


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**Chapter 5:
Resources and
Communications**

5.1. Financial Control

The budget of the Ombudsman for Children is allocated through the Department of Children and Youth Affairs. In 2016, the financial allocation of the Ombudsman for Children's Office was €2.154m.

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

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

The Financial Statements are subject to audit by the Comptroller and Auditor General. The audit of the 2016 accounts will take place in Summer 2017. Once approved by the Office of the Comptroller and Auditor General, they are published on the OCO's website and annual accounts for all years up to 2015 are available at www.oco.ie.

Crowleys DFK Chartered Accountants provided accountancy services to the Office during 2016.

5.2. OCO Media and Communications

Significant work took place throughout 2016 to fulfil our obligations under Section 7 of the Act. These commitments include promoting the rights and welfare of children; promoting awareness of children's rights and raising awareness of the work of the Ombudsman for Children's Office.

Significant events:

In January 2016, the Irish State appeared before the UN Committee on the Rights of the Child in Geneva and a team from the OCO including the Ombudsman for Children, Dr Niall Muldoon, attended to view the proceedings. This event resulted in a number of media engagements and corresponding articles across various platforms.

In February, we hosted a meeting of the British and Irish Network of Ombudsman and Children's Commissioners (BINOCC) and the then Minister for Children and Youth Affairs, Dr James Reilly, attended to discuss the background to the elimination of the defence of reasonable chastisement in cases of assault of children.

Publications:

In June we published the report, Reasonable Accommodations for Certificate Examinations (RACE): Complaints to the Ombudsman for Children. This report provided an overview of complaints made to this Office about supports provided to young people with special educational needs sitting state exams. The publication of this report resulted in widespread media coverage in both national and local media outlets.

In July 2016, the OCO published our Strategic Plan 2016-2018 where we set out a clear vision and three key objectives for the next three years. As well as our statutory obligations, these objectives will influence the work of the communications team up to and including 2018. Alongside the launch of our Strategic Plan, we hosted a round table of stakeholders to communicate to them our plans and to get their input for putting our objectives into action. We also appeared before the Oireachtas Committee on Children and Youth Affairs to lay before them the details of our Plan.

In November we published, Education In Focus, a collection of education complaints we have received in recent years. It highlights the immediate and long-term impact that the work of the team at the Ombudsman for Children's Office has had.

Children's rights and welfare issues:

The Ombudsman for Children commented on a number of issues in 2016 that were impacting on children's rights in Ireland.

The OCO made contributions to Rebuilding Ireland, the national housing strategy. B&Bs and hotel accommodation are not suitable to support normal family living. The housing crisis is having a disproportionate effect on children. Becoming homeless and spending months in unsuitable accommodation is traumatic for anyone, but for children, it differentiates them from their peers and can mean a loss of a significant period of their childhood. Our contribution on this policy received widespread media coverage.

Changes to education policies and legislation took place in 2016. We welcomed the enactment of Part 5 of the Teaching Council Act, and also commented on proposals for an Education Ombudsman.

We criticised the continuing practice of admitting young people to adult mental health units. The new National Taskforce on Youth Mental Health was welcomed by the Office, while calling for it to deliver a detailed and targeted action plan.

In September 2016 we commented on the Government's record in fulfilling its commitment to accepting unaccompanied minors. This resulted in media coverage for the office.

We welcomed the introduction of the new Access and Inclusion Model (AIM) for pre-school children with disabilities. This Scheme adopts a child centred approach which we had recommended in many of our investigations.

Ministerial meetings/Public Affairs:

Throughout the course of the year, we met with a number of Government Ministers to discuss issues relating to children and young people. This included a meeting with the Minister for Justice, Francis Fitzgerald, where she made a commitment in principle confirming our remit to accept complaints from children in Direct Provision. This issue resulted in a lot of coverage at the time the commitment was made, and also throughout the year as we questioned the delay in progressing it.

We also met with the Minister for Health, Simon Harris, Minister of State for Mental Health and Older People, Helen McEntee, and the Minister for Children and Youth Affairs, Katherine Zappone.

Ombudsman engagements:

The Ombudsman delivered key note addresses and speeches at many events throughout the year. The subject of these events varied from restorative practice to mental health issues, talks to teachers, healthcare professionals, children and families experiencing homelessness, and others. At all of these events, the Ombudsman for Children outlined the work of the office, the importance of living up to our obligations on children's rights, and the value of listening to the views of children at all levels of society and administration.

The OCO, represented by the Director of Investigations, Nuala



Ward, was invited and travelled to Kazakhstan to consult with the new Children’s Ombudsman Office.

OCO promotion:

For the first time, the OCO team exhibited at the National Ploughing Championships in 2016 where we interacted with over 2,000 children and young people over the three days. We also met many more parents, teachers and health professionals. This was an excellent opportunity to promote the work of the office and to give members of the public information about children’s rights.

In 2016 we hosted a mental health event, LetItGlow, led by young people, for young people. This initiative focused on expressing how young people feel about mental health issues through music, song and spoken word.

Twelve years after the establishment of the Office, the OCO began a rebranding process. This will be finalised in 2017.

The OCO saw a jump in social media and online activity in 2016. This is an area targeted for further growth in 2017.



5.3. Human Resources

There were a number of significant staffing changes in the OCO throughout 2016, with many vacant posts being filled. A new Head of Policy started in February, followed by a Head of Communications, in May. A new Casework Manager was appointed in February, and two new caseworkers started with us throughout the year. In Corporate Services, a new Head of Corporate Services started in December. We now have 14 full time staff which brings us in line with our allocated staffing for 2010. Since then there has been a 47% rise in the number of complaints, as well as an increase in activity in both the Education and Participation, and the Policy units. Plans are in place to increase staffing in 2017.

In 2016 we also began the process of applying for a recruitment licence which will allow us to recruit specifically for the very specialised roles that we have. We are hopeful that the licence will come through in the first half of 2017.

5.4. Millennium House – use of premises

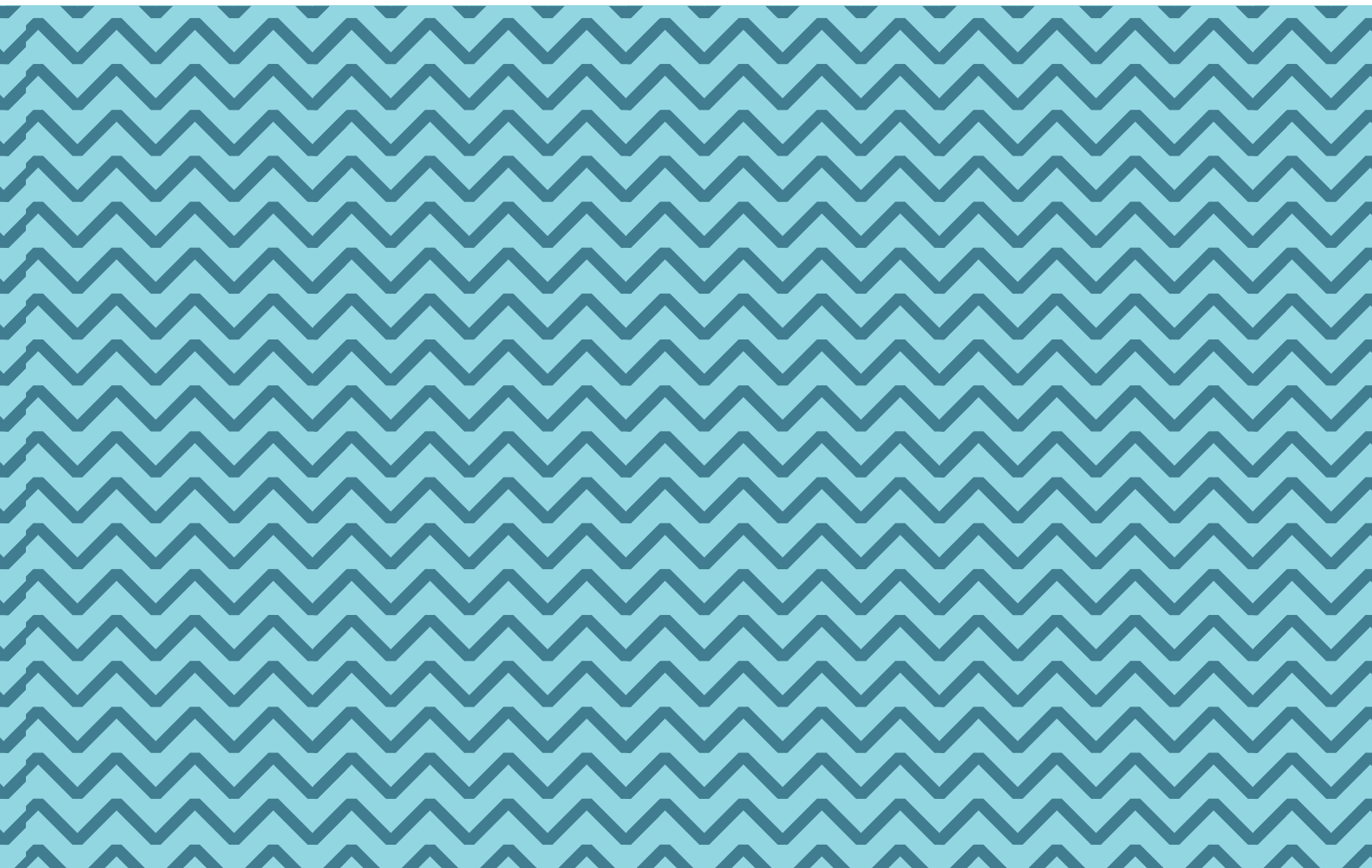
Along with running human rights education workshops for visiting groups of children and young people, the OCO also continued its equivalent programme for postgraduate students. The OCO continues to make the facilities of Millennium House available as a venue for appropriate events focused on the rights and welfare of children and young people. These facilities include an open space for larger groups, and a cinema room.

5.6. Overview of Energy Usage in 2016

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

In 2016, we used 78.706 MWh of electricity compared to 65.475MWh in 2015. Energy usage is monitored on an on-going basis. We also continue to operate a comprehensive internal recycling system.





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