

**People with Disabilities in Ireland Conference**  
**“Equality for all: through education, training and employment”**  
**South Court Hotel, Limerick**  
**3 March 2008**

Presentation by Emily Logan, Ombudsman for Children

Ladies and Gentlemen, it is my great pleasure to address this Conference and I would like to take the opportunity to thank PWDI for inviting me here today. Having spent twenty six years working with children and in the last few years as Ombudsman for Children I am keenly aware of the many issues facing children and young people with disabilities and their families today. These issues are brought to my attention by the parents of the children concerned, by professionals in the education or health sectors who often act as advocates on behalf of children and, sometimes, by children themselves. Since my Office became fully operational in May 2005, I have sought to speak out about the difficulties faced by children with disabilities, often acting in partnership with families and service providers who are committed to achieving the best possible service provision for children. I am always struck by the numerous people these families are dealing with.

Today, I would like to outline some of the work we have been involved in and reflect on the voices of children and young people we have had the privilege to hear over the past few years.

The Ombudsman's for Children's Office is an independent statutory body established under the Ombudsman for Children Act, 2002. I was appointed by President McAleese and report to the Oireachtas. Many people are familiar with the complaints handling role of an Ombudsman but there are some unique aspects of an Ombudsman for Children's role set out in the three main functions for my Office: these are

- to promote the rights of all children without prejudice, including UNCRC;
- to conduct policy and research work; and
- to examine and investigate complaints against public bodies.

Since 2005, we have used each of these functions to address the issues facing children and young people with disabilities in different ways and I would like to give a few examples of the types of activities we have been involved in with respect to these functions.

From the beginning children have been involved in the work of our office. Since I was interviewed for the job by 15 children between the ages of 11-17 we have had a panel of children and young people from around the country working with us.

Last year we asked CYP about our work and what they wanted us to prioritise. The project involved 74,000 children attending over 500 schools, youth reach and Traveller training centres nationwide. The results of the ballot, which were announced on International Children's Day last year, were as follows: family and

care came in first with over 30% of the vote; play, and recreation came in second with 24%; children's right to be heard and health and well being came in third and fourth with around 16% of the vote each; and education was a close fifth with 12% of the vote.

In preparing for our Big Ballot Project, we undertook two pieces of work. The first was an academic piece of research commissioned to University College Cork entitled "Obstacles to the Realisation of Children's Rights in Ireland". The six main barriers identified in the research were: the invisibility of children – in particular a failure to listen to their views; gaps in law and policy; a lack of advocacy, complaints and monitoring mechanisms; gaps in the provision of services and support; a lack of investment and gaps in information and training. The research found that children with disabilities face significant additional barriers; the biggest one being having their voices heard and that families often have to fight on behalf of their children for the provision of services. In our experience the families of children with disabilities are dealing with multiple agencies and often report that services are fragmented and how crucial it is for agencies to work together to assist the child and family.

I am always cautious of the use of the word 'expert'. In my view it is the person with the disability who is the expert of that experience and we need to hear that voice and hear their views. This was our second piece of work for the big ballot.

This involved meetings with small groups of children and checking in with them to see if the academic research was on the right track and if there were any additional key issues of concern to them. We met with a group of children with

physical disabilities who told us about the difficulties they faced in accessing appropriate support. The main things that they highlighted were access to leisure and recreation facilities; access to health services and access to adequate housing and education.

As part of the Big Ballot project, I spent October travelling around the country and meeting with children and young people and listening to what they had to say. I was struck and encouraged by the awareness amongst young people about difficulties faced by children with physical, mental and intellectual disabilities arose, and not from children with disabilities. Some of the ideas and solutions they proposed to address the difficulties faced by children with disabilities were centred on integration. They talked about health care and education and play.

Having had these issues highlighted to me by children and young people I have, and continue to address these issues through the functions of my Office, always being guided by the voices of children and working together with them including through the panel of young people who advise my Office.

When a new piece of legislation is proposed my office looks at the implementation of international human rights standards. The key benchmark is the UN Convention on the Rights of the Child. My job is about giving advice and trying to make sure that any change is done because it is good for children, all children. That is why I did not support a limited Constitutional referendum for children's rights. It is important to strive for the best for children living in Ireland. I'll take two examples to illustrate the kind of work we are involved in.

On the International Day of Disabled Persons last year, we issued a statement calling on the Government to ratify the new UN Convention on the Rights of Persons with Disabilities. As I'm sure you are all aware, the Convention sets out a rights-based approach to children and young people with disabilities and complements the rights of the child set out in the UN Convention on the Rights of the Child. It sets out eight general principles, including respect for the evolving capacities of children with disabilities. It calls on governments to initiate a cultural change, emphasising equality, inclusion and non-discrimination for children with disabilities. We will use this Convention and the Convention on the Rights of the Child as the basis for our policy work aimed at promoting change in Ireland and securing the rights of all children including those with disabilities.

A more practical illustration of our policy activities in this field is our engagement on the issue of the inspection of residential centres for children with disabilities. A father of a child with an intellectual disability approached my office. He had a concern but he did not want us to pursue it if it meant identifying his child. Currently, such residential centres are not subject to independent inspection by the Health Information and Quality Authority (HIQA). I have met with all of the bodies involved including the Department of Health and Children, HIQA and have raised the matter with the Minister of State with responsibility for Children. It is a matter I intend to continue pursuing as all children in residential care should be in position to benefit from the independent inspection of the centres.

The complaints function is one that people are generally familiar with. My Office provides a complaints service where children and young people or adults on their behalf can make a complaint about a public body, school or a hospital. The criterion for our intervention is that the child has been adversely affected and where maladministration may have been involved. We are not an adversarial body and we aim to resolve complaints working in collaboration with all those involved. Since the establishment of my Office, we have received over one thousand seven hundred complaints. Last year, we dealt with seven hundred and eighty one complaints. Over a third of these involved the provision of services to children with additional needs.

In the education sector, the main issue was resourcing for special needs. In health the key issues tended to relate to access to services such as speech and language therapy and occupational therapy. The issues in housing related to the suitability of social housing for children with specific needs and the lengthy application process.

I would like to give a couple of examples of cases we examined. The first involved a child with a progressive disabling disease. In that case, the mother of the child applied for housing and was offered a house which was not adapted for her child's specific needs. Over a period of four years, the local authority failed to re-examine the mother's application and did not offer an alternative house, citing her refusal of the first. My Office examined the case and published the results.

The Local Authority agreed with the outcome which was to undertake to provide a house which was suitably adapted for the child and it undertook to review its procedures to ensure that, in the future, the specific requirements of all children would be taken into full consideration when considering housing applications. They hadn't talked to the child involved. When we did, he talked about respect, about having privacy, about dignity.

The second case involved an application by the parents of a child a severe learning disability for a Disabled Persons Grant. The application had been refused on the grounds of what appeared to have been a misunderstanding as to which authority had responsibility for the issuing of the Grant. Our examination of the complaint assisted in clarifying matters and the grant was issued by the appropriate authority.

While our complaints and investigation function can be effective in resolving individual cases, we maintain a focus on aiming to achieve systemic and culture change. Overall, we seek to use all three of our principal functions to ensure that the rights of all children are vindicated.

A real cultural and policy shift is required in Ireland to ensure that the rights of children with disabilities are guaranteed. We as a society need to listen to, value and respect all children equally. We need to respect them as the experts of their experience and work with them. We need State systems which rigorously

prevent and tackle discrimination wherever it may occur. I am fully committed to joining with you and others in being a catalyst for this change and to promoting the rights of welfare of all children including those with a disability in all aspects of Irish life.

**Thank you**