

Annual Report 2018



ombudsman
do leanaí
for children





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Dr Niall Muldoon

Ombudsman for Children

Message from Niall

I am pleased to submit to the Oireachtas my Annual Report for the period January 1 to December 31 2018 pursuant to Section 13(7) of the Ombudsman for Children Act, 2002.

Prior to my appointment four years ago, children were asked what type of person the Ombudsman for Children should be. “Brave”, “Fair”, “Serious” and “Trustworthy” were some of the attributes they singled out. They also said that the Ombudsman for Children should be “Someone who respects a child’s opinion” and “Someone who knows every child is different”. The words of the children have stayed with me, and have informed the values by which I work every day. Those values are Compassion, Innovation, Accessibility, Authoritative, Independent and Trustworthy. Our Annual Report 2018 will show the work that is being done across the office to encompass these values and to ensure that we are protecting and promoting the rights of all children in Ireland in a manner which lives up to the ideals espoused by those children back in 2015.

This year the report focuses on various issues affecting children and details the work of the Office across all of our statutory functions; Complaints and Investigations, Policy, and Participation and Rights Education. I think that this approach more accurately portrays the way that the Office works and how we approach

health, education, child protection and other issues collectively, from every angle available to us under the Ombudsman for Children Act, 2002. This report also shows that we are practicing what we preach when it comes to involving children and hearing their views. The involvement of children has greatly enhanced the outcomes of all of our work and I hope that other public bodies can see the added value that comes from giving children their right to participation, especially around decisions which affect them.

In 2018 we saw an increase in the number of children making complaints directly to us. We believe this is most likely due to the increased activity from the Participation and Rights Education team who benefited from two additional staff members in 2018. More outreach work has also been carried out by my Complaints and Investigations team around the country and that may have helped children and young people to feel able to come forward.

As in previous years, my Complaints and Investigations team have worked directly with children and families who have encountered administrative issues while trying to access adequate housing. We also decided to use our statutory obligation to hear the voice of the child, initiating a consultation with children who live in Family Hubs. This work took place alongside a review of housing policy which informs the report on Family Hubs. This is very much a team effort across the OCO and

one that I believe is required in light of the housing crisis, which has continued to grow in its capacity to seriously damage lives. It pains me to have to repeat what I wrote in the 2017 Annual Report – the Government needs a new way of thinking. The State needs to move away from prioritising private financial interests that view housing as a commodity and begin recognising it as a social good offering children and families a secure place to live in dignity. With over 10,000 people in emergency accommodation and 3,800 of them being children, it is time for Government to recognise housing as a social good and to consider reopening the conversation on the Constitutional Right to Housing. It is time that the issue of enumerating the right to housing in our Constitution was progressed, as promised within the current Programme for a Partnership Government (2016).

In this year's Annual Report you can read about Molly (14 yrs old), Amy (6 yrs old) and Daniel (17 yrs old), whose stories underline the progress still to be made to ensure equality for children with disabilities in Ireland. Disability is an area I have been focusing on in 2018 and which we will be developing further in 2019. I remain extremely concerned about the impact that delays in accessing both an Assessment of Need and the subsequent services, is having on children with disabilities. Given that Ireland is a political leader in Europe, economically strong and approaching full employment, it is devastating to think that we still cannot provide sufficient support for our most vulnerable children. Children with disabilities need to be assessed as quickly as possible, not to get extra supports, but to get what they are rightfully entitled to and to ensure their educational and life journey is as productive and fulfilling as possible.

During 2018, we saw a number of welcome developments in legislation affecting children and young people, including the enactment of the Data Protection Act 2018 and the long awaited enactment of the Education (Admission to Schools) Act 2018. Alongside these positive developments have been disappointing delays in progressing important legislation. I hope that 2019 will see the publication of several important Bills, including the Education (Parent and Student Charter) Bill, the Child Care (Amendment) Bill, the Adoption (Information

and Tracing) Bill and the Inspection of Places of Detention Bill. I also expect to see progress on the UN Convention on the Rights of People with Disabilities (UNCRPD), and in particular in the ratification of the Optional Protocols. In 2019, I also hope that Ireland will finally ratify the Second Optional Protocol to the UNCRC on the sale of children, child prostitution and child pornography and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (the 'Lanzarote Convention').

Our Annual Report for 2018 shows that despite the upturn in Ireland's economy, mistakes are still being made by public bodies and these mistakes are having a long lasting negative impact on our children. The complaints to my Office and the interactions we have with children across all functions show that the seldom heard, the most vulnerable children, and particularly those who cannot or do not know how to speak for themselves, remain in the shadows.

An Taoiseach, Leo Varadkar TD, said that Ireland is committed to the EU which "at its purest and simplest... stands for and demands respect for human dignity, personal and economic freedom, democracy, equality before the law, the rule of law and human rights" (Martens Lecture, Leuven, 26 April 2018)

Thus, Ireland is being sold as a strong defender of rights and terms like Inclusiveness, Equality and Non-discrimination are in regular use today but they still do not apply to all children in all circumstances. I remain committed to highlighting bad practice and pointing out injustices where they exist. I will continue the valuable work carried out by my team in 2018 and I am hopeful that we will succeed in shining a light on children's rights issues in all parts of society.



Who we are

The Ombudsman for Children's Office (OCO) is a human rights institution that promotes the rights and welfare of children and young people under 18 years of age living in Ireland.

The OCO investigates complaints about services provided to children by public organisations. The service is free and independent.

The Ombudsman for Children Act, which sets out the role and powers of this Office, was agreed by the Dáil and the Seanad in 2002. Dr Niall Muldoon is the current Ombudsman for Children. Niall was appointed by the President and reports directly to the Oireachtas.

OCO Vision

We want to see an Ireland where children's rights are respected, protected and fulfilled, and 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 Values

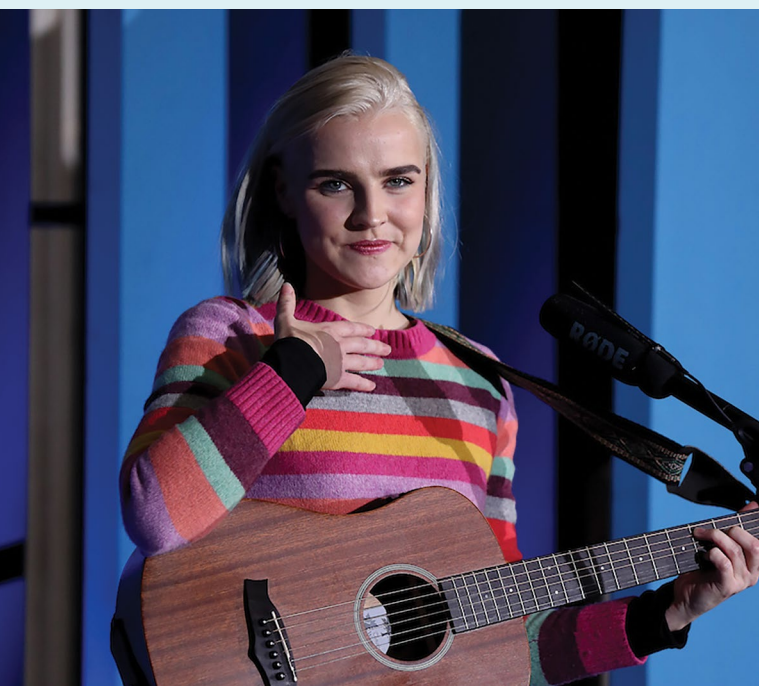
Compassionate, Accessible, Authoritative,
Independent, Innovative, Transparent

About this report

This Annual Report is a summary of the main pieces of work undertaken by the Ombudsman for Children's Office in 2018. It looks at some of the highlights from the Office in 2018, and provides an in depth synopsis of the work of our Complaints and Investigations Team, our Policy Team, and our Participation and Rights Education team in a number of key areas.

We hope that this report clearly outlines the work we are doing together, in many different ways, to improve the lives of children and young people in Ireland.

You can read and download information about our accounts and publications on www.oco.ie.

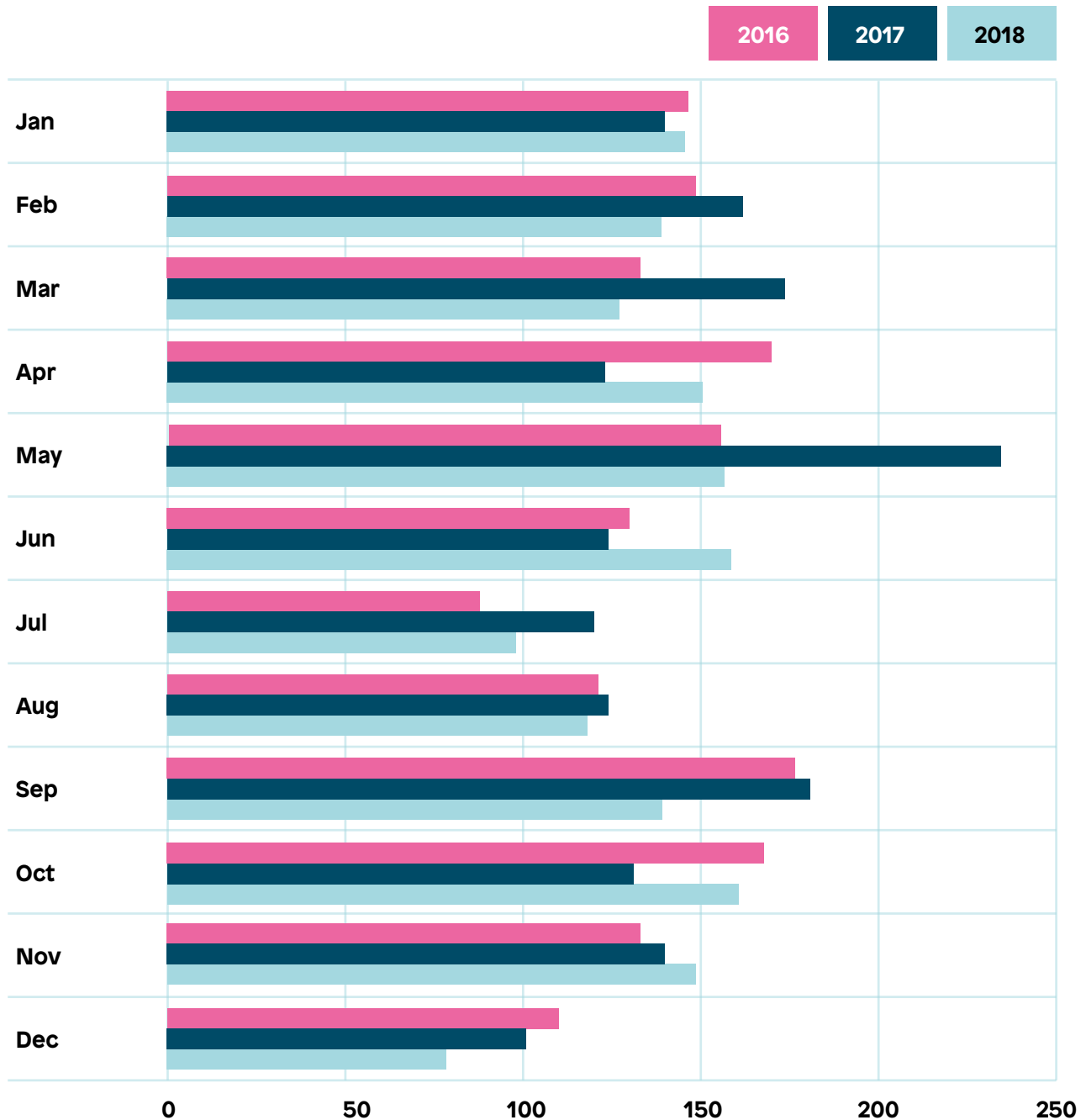


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Our Highlights



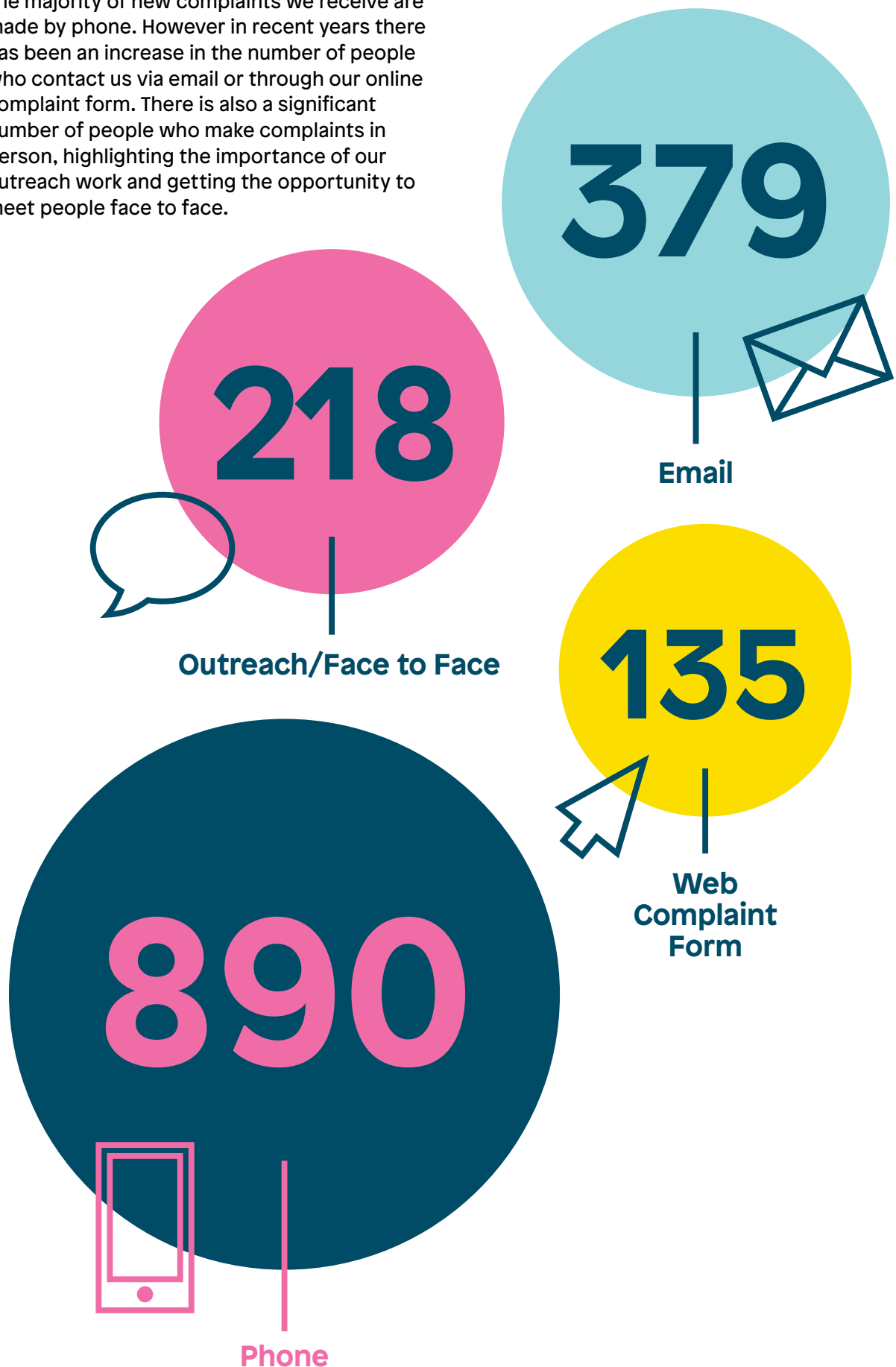
1.1 Complaints



In 2018, we received 1,622 new complaints. Though this is a drop from 2017 figures, it is very much in line with previous years. We had less complaints from schools, and about education in general. However, education still remains the most complained about issue.

How we receive complaints

The majority of new complaints we receive are made by phone. However in recent years there has been an increase in the number of people who contact us via email or through our online complaint form. There is also a significant number of people who make complaints in person, highlighting the importance of our outreach work and getting the opportunity to meet people face to face.

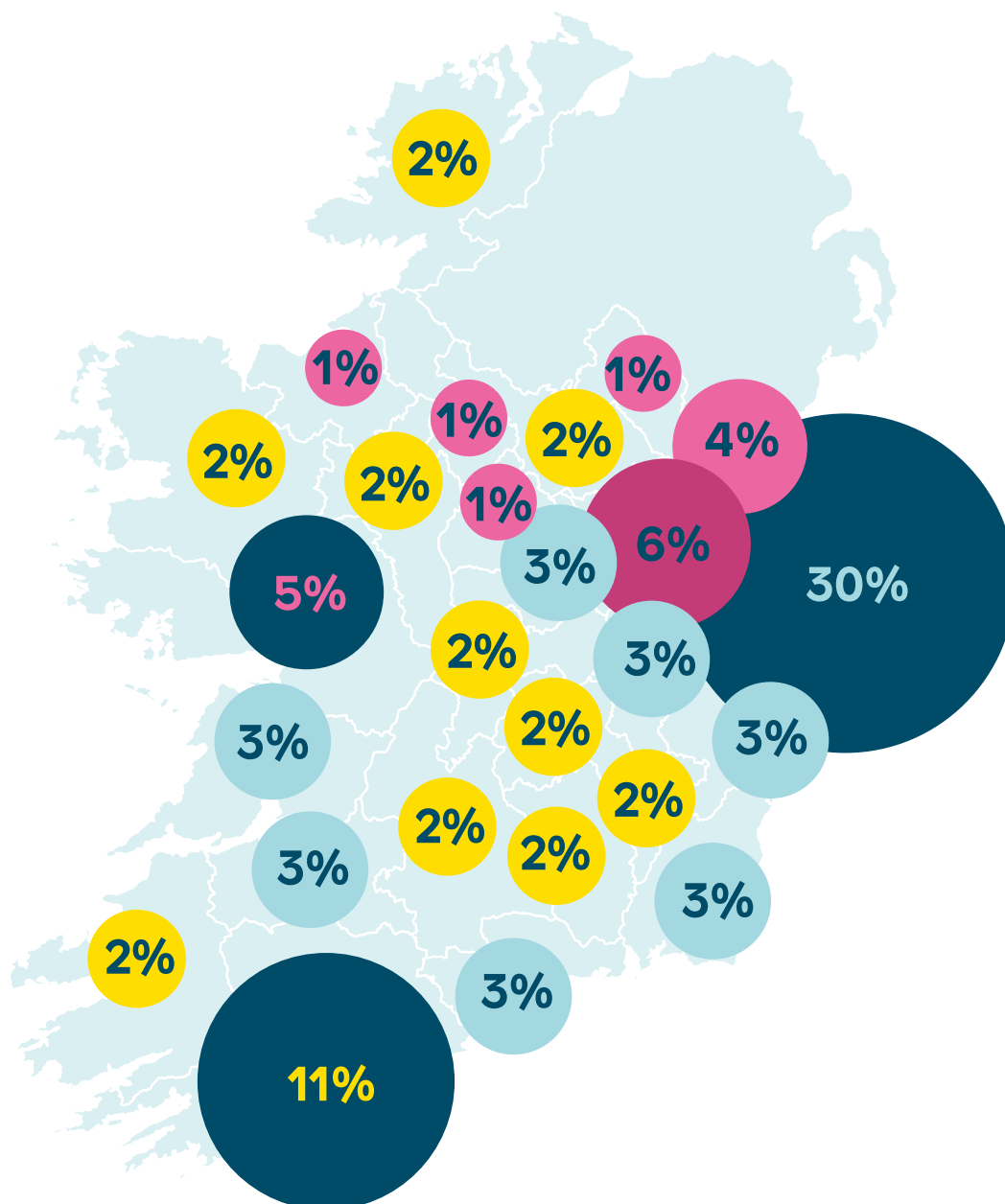


Where do complaints come from (by County)

Every complaint we receive does not have a corresponding location. Often this is because somebody may be raising a concern that is not about a specific child in a particular location, but is affecting many children.

Of the 850 new complaints where a location in Ireland was provided, the highest number came from the Dublin region. This is to be expected given that it is the most highly populated area. However the OCO is making a concerted effort to travel outside of Dublin and to make people in other areas aware of the work of the Office.

Carlow	2%	Longford	1%
Cavan	2%	Louth	4%
Clare	3%	Mayo	2%
Cork	11%	Meath	6%
Donegal	2%	Monaghan	1%
Dublin	29%	Offaly	2%
Galway	5%	Roscommon	2%
Kerry	2%	Sligo	1%
Kildare	3%	Tipperary	2%
Kilkenny	2%	Waterford	3%
Laois	2%	Westmeath	3%
Leitrim	1%	Wexford	3%
Limerick	3%	Wicklow	3%



Who contacted us?

Parents	78%
Professionals	7%
Extended Family Members	5%
Children	5%
Unrelated Adults	3%
Organisations	1%
Other	1%
Total	100%

In 2018 the number of complaints coming directly from children went up from 3% to 5%. This is very significant as we have made concerted efforts to hear directly from children and young people where possible. This increase is most likely due to the OCO's increased outreach activity in Oberstown Children Detention Campus and Direct Provision Centres but we have also found children are becoming more aware of our office and making complaints directly or being helped to do so by advocates.

The majority of complaints, as in previous years, were made by parents or other family members who play a critical role in raising concerns about how children are treated by public bodies.

What did we receive complaints about in 2018?

Percentage of complaints relating to various sectors 2018	
Education	42%
Family Support Care and Protection	24%
Health	16%
Justice	7%
Housing and Planning	5%
Finance and Welfare	2%
Other	4%

A child's life is complex. Complaints received by the OCO often relate to more than one issue and more than one type of service or service provider. For our records we categorise the main issue in a complaint.

In 2018, education was once again the most complained about issue at 42%, family support, care and protection services featured in 24% of complaints which was a 2% increase on 2017. 2018 also saw a 2% percentage increase in complaints relating to health services.

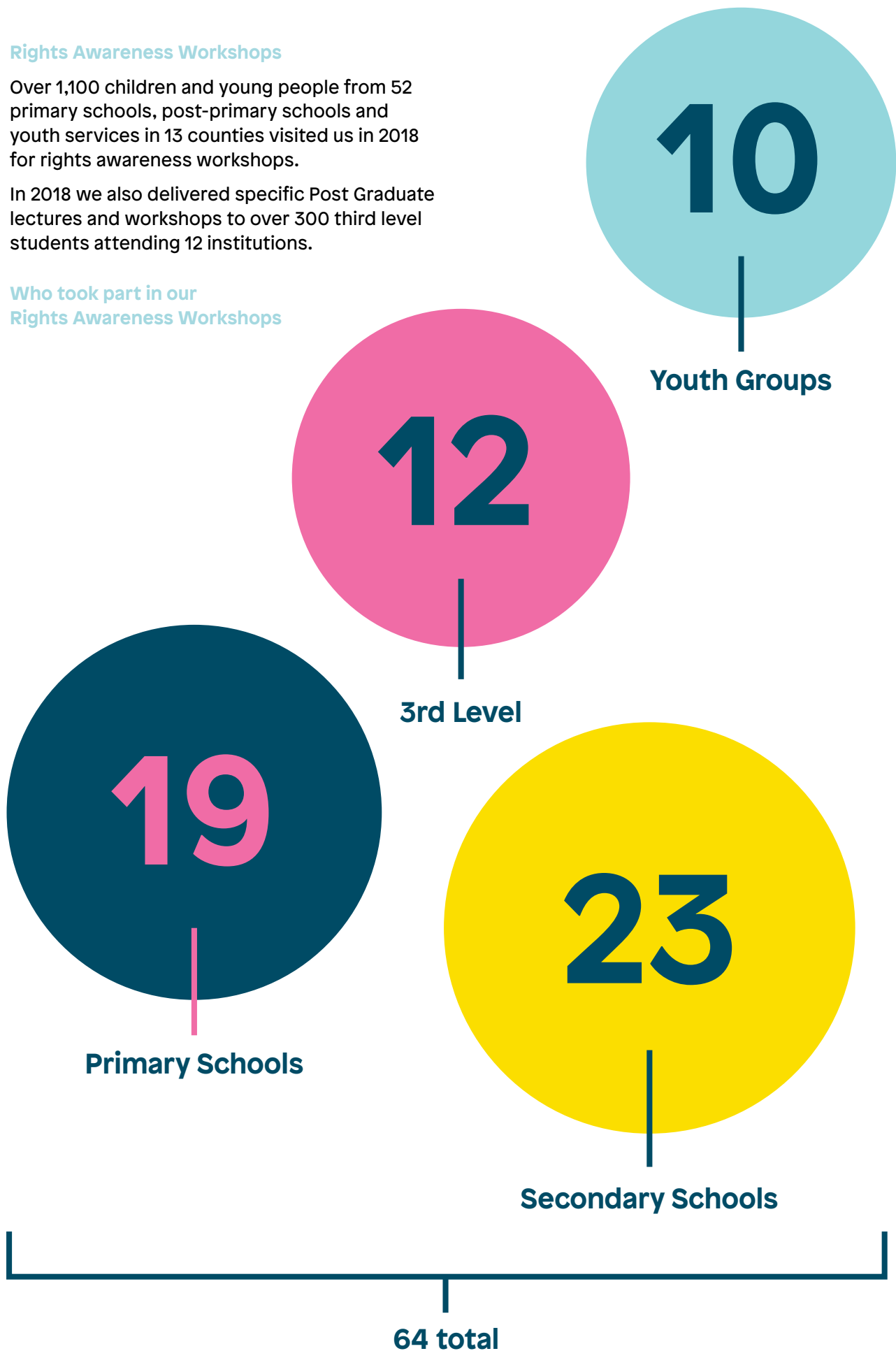


Rights Awareness Workshops

Over 1,100 children and young people from 52 primary schools, post-primary schools and youth services in 13 counties visited us in 2018 for rights awareness workshops.

In 2018 we also delivered specific Post Graduate lectures and workshops to over 300 third level students attending 12 institutions.

Who took part in our Rights Awareness Workshops



Online Activities

Facebook Most Engaged Issues

73,900	Child Talks Live Stream
16,100	UN Convention on Rights Child Video
11,900	International Day for People with disabilities GIF
11,300	Ballymun Youthreach visit to OCO
8,700	Guardian Angels National School, Blackrock visit to OCO

701,325	Overall Facebook reach in 2018
3,340	New followers

Website Statistics 2018 Highlights

113,817	Website Page Views
29,501	Website New Users

Website Top 5 Most Viewed Pages

23,852	Child Talks Live Stream
16,430	About us
12,357	Complaints
12,012	Library
7,939	News

Twitter Statistics 2018 Highlights

Twitter Top 3 Campaign's for OCO Publications

32,432	It's Our Brexit Too
26,674	Molly's Case
15,120	Take My Hand

Twitter Top 3 OCO Media Engagements

27,051	Annual Report Launch
19,915	RTE Radio 1 Interview Digital Age of Consent
18,937	Irish Times Opinion Piece on mental health

Twitter Top 5 Video Engagements

94,595	Child Talks Live Stream
71,453	UN Convention on the Rights of the Child
48,378	International Day for People with Disabilities GIF
37,305	The Rights Museum Video Highlights
33,060	Ploughing Championship Video

Youtube

Most watched Video (views)

46,101	The Promise Video Advert Promotion 2018
45,493	National Animation Competition Advert 2018

Local radio advertising

OCO ran advertising campaigns on Radio Kerry, Highland Radio, Shannonside, Northern Sound and Midwest Radio to increase awareness of the office outside of Dublin

Rights Runner

In 2018 we developed an educational online game called 'Rights Runner'. This game will go live in 2019

Major events attended by the OCO

International Conference on Child Protection and Children's Rights in Monaco Seminar

The National Ploughing Championships

Fresh Film launch of children's films at the Light House cinema

OCO visit to the Ontario Ombudsman in Canada

Strasbourg to meet the Council of Europe on children's rights

How many children we interacted with

In total the Ombudsman for Children and the OCO team interacted with over 5,600 children in 2018.

Niall met directly with over 2,330 children and young people through his visits around the country and at events. The OCO team interacted with an additional 3,200 children at events, through complaints and by delivering workshops.

OCO outreach

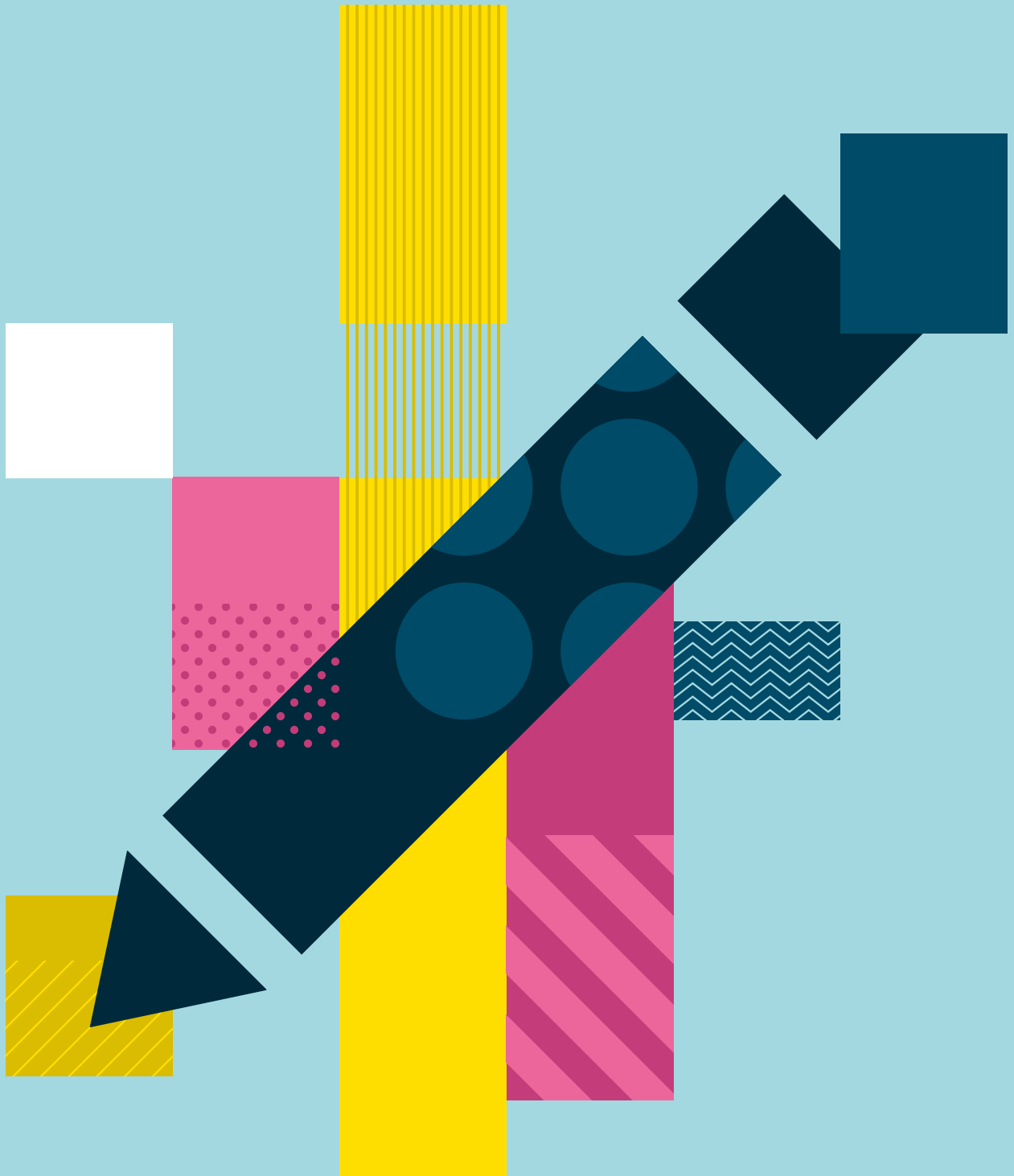
In 2018 we continued our outreach programme visiting Direct Provision Centres around the country, as well as monthly visits to Oberstown Children Detention Campus. In 2018 we also hosted our first OCO Meet and Greet in Cork city. We invited 60 organisations who work directly with children to come and learn more about our office

Appearance before Oireachtas

January 2018 before the Joint Oireachtas Committee on Children and Youth Affairs

June 2018 before the Joint Oireachtas Committee on Future of Mental Health Care





In this section we examine the work that the Ombudsman for Children's Office has done in the area of Education across all functions of the Office; Complaints and Investigations, Policy, and Rights Education and Participation.

Table 1: Breakdown of Education complaints

Schools (including primary, post-primary, special and other)	72%
Department of Education and Skills	11%
Other Educational Agencies including the National Council for Special Education (NCSE) and the State Examinations Commission (SEC)	4%
Other	13%

Education is a key concern for most parents and this is reflected in the fact that education is the most complained about issue year after year. In 2018, 42% of the complaints received by the OCO related to education. This figure was down slightly on 2017 when 45% of our complaints related to education. In 2018 we received fewer complaints about schools, the Department of Education and Skills, and other educational agencies. There was, however a sharp rise in the number of complaints about 'other' issues including TUSLA educational welfare services and Early Childhood Educational schemes. We also noted an increase in educational complaints that related to housing; where access to school is restricted due to the fact that the child in question is homeless, or where a child in a hospital mental health facility is having difficulty accessing education.

2.1 Case Studies – Access to Education

Full time SNA for Alex

The complaint:

Alex was having difficulty attending his national school as he was not being allocated a full-time Special Needs Assistant. He had a diagnosis of severe epilepsy and a swift response was required if he had an epileptic fit which meant he needed to be closely supervised.

OCO action:

The school principal brought the complaint to us as she felt the National Council for Special Education did not provide adequate SNA cover for the child in the classroom due to this need. The Principal was also having difficulty raising the matter as a complaint to the NCSE.

The outcome:

After our intervention the NCSE reviewed the case and the medical information and concluded that a full-time SNA should be provided and it was put in place for Alex.

Nursing support to help Louise go to school

The complaint:

Louise was 7 years old and had complex medical needs. She was missing out on her education because she was unable to attend school as there was no nursing support available to accompany her to school and stay with her while she was at school.

She is only able to attend school when her parent was able to travel with her and stay all day at school but this was not always possible and Louise had missed out on a lot of her education. Louise eventually moved schools to one that had the nursing support she needed and was able to resume her education.

OCO action:

We were concerned when we found that neither the HSE nor the Department of Education and Skills (DES) had responsibility to ensure children like Louise had the necessary nursing support to attend school. This had been a concern for the office for some time. Some principals of special schools also told the Ombudsman that they too were very concerned that children with complex medical needs were missing out on their education because of a lack of agreement between the Department of Health and the DES about who had responsibility for providing nursing supports for these children.

Outcome:

The HSE and Department of Education agreed they would address this issue together. A working group was set up and we received their report in 2018. It outlined eight recommendations for the development of a new scheme for the provision of nursing supports in special schools. We very much welcomed the findings of the Working Group Report and in particular the specific recommendations that a new strategy or scheme be developed and implemented by the HSE for the provision of nursing supports to children with complex medical needs in schools. The report also stated that funding to the HSE for the development and operation of any such scheme should be ring-fenced.

We know that such important recommendations need to be implemented without delay because of the negative impact on children. We also know that these recommendations must be supported with adequate funding. Therefore we continued to engage with the Department of Education and Skills on this matter throughout 2018 and will continue to do so in 2019 so that no child misses out on their education.

Bullying

While we received fewer complaints about schools in 2018 a common issue that remains for parents, young people and schools is how bullying is addressed. All schools are required to have an anti-bullying policy but we have found that even though schools have followed their policies it is not always effective in stopping the bullying and oftentimes parents choose to remove their child from the school or children themselves ask to be moved. We have found that these complaints are very distressing for parents and children. When we contact schools about these complaints we oftentimes find they have followed their policies but it may have been too late and the bullying behaviour has become entrenched or simply it is ineffective.

2.2 Itsyourright.ie

It's Your Right (www.itsyourright.ie) is the OCO's dedicated online platform to raise awareness of children's rights among children and young people in Ireland. While *It's Your Right* has been a source of information for older children and teenagers for a number of years, during 2018 we have worked to redesign the site and to develop materials for younger children.

To inform this work we brought together a group of young people who had been involved in previous OCO projects and some who were working with Webwise, the Irish Internet Safety Awareness Centre. Working through a number of activities, the young people told us what they liked about *It's Your Right* and what we could improve, the pros and cons of a number of other websites and some online games targeted at children. They rated some ideas for rights education games we proposed and, finally, how we could raise awareness of *It's Your Right*.

Taking the views of the young people into account, we began the process of restructuring and redesigning the website to meet the needs of children of different ages and the development of an educational game called 'Rights Runner'. This interactive game is initially targeted at 8 to 12 year olds, but we will be considering developing a version for young children, as well as an interactive learning activity for older children. The new-look site will be launched in 2019 and we will continue to develop and update it.

2.3 Rights education workshops for children and young people

During 2018, we continued to deliver education workshops on children's rights to groups of children and young people visiting our office with their schools and youth services.

Over 1,100 children and young people from 52 primary schools, post-primary schools and youth services in 13 counties visited us in 2018. Through talks and activities they learned about their rights, the UNCRC and our work. They explored issues relating to children's rights in Ireland and how they experience their rights on a day-to-day basis. As always, these workshops provided us with a valuable way not only to inform children and young people about their rights, but also to hear directly from them about issues that are of interest and concern to them.

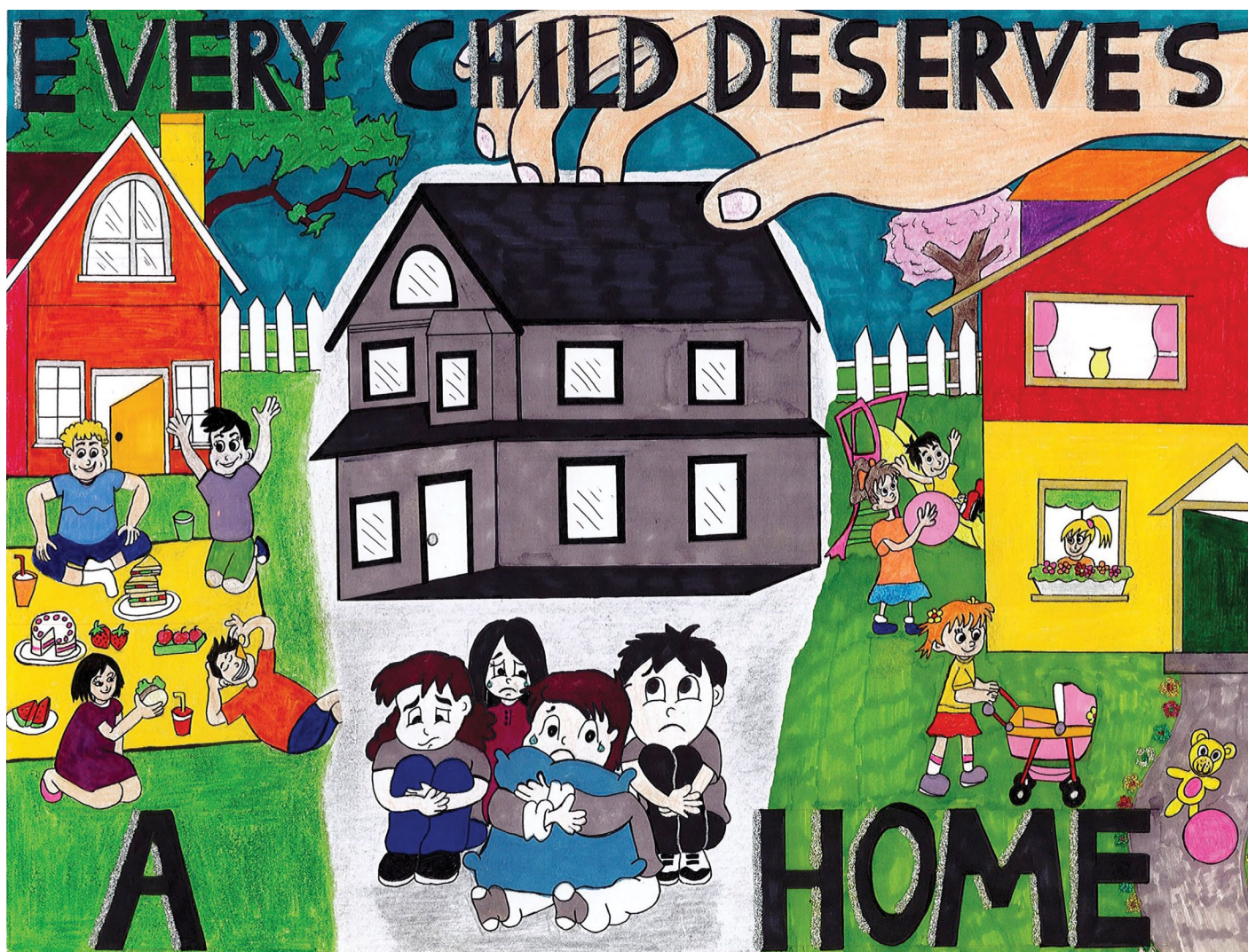
2.4 3rd Level Programme

In addition to our school visits programme, we also continued to provide lectures and seminars to third level students who are pursuing undergraduate and post-graduate courses related to children, including education, early years care and education and social work. The aim of these lectures and seminars is to inform students about the UNCRC and children's rights in Ireland, highlight how these may impact on their work with children and how they can promote and protect children's rights in their future professions. In 2018 we delivered these lectures and workshops to over 300 third level students attending 12 institutions.

2.5 Rights awareness workshops with children living in Direct Provision

To complement the work of our Complaints and Investigation Team in building awareness of the OCO, the Participation and Rights Education Team continued to hold rights awareness raising workshops with children living in Direct Provision accommodation throughout 2018.

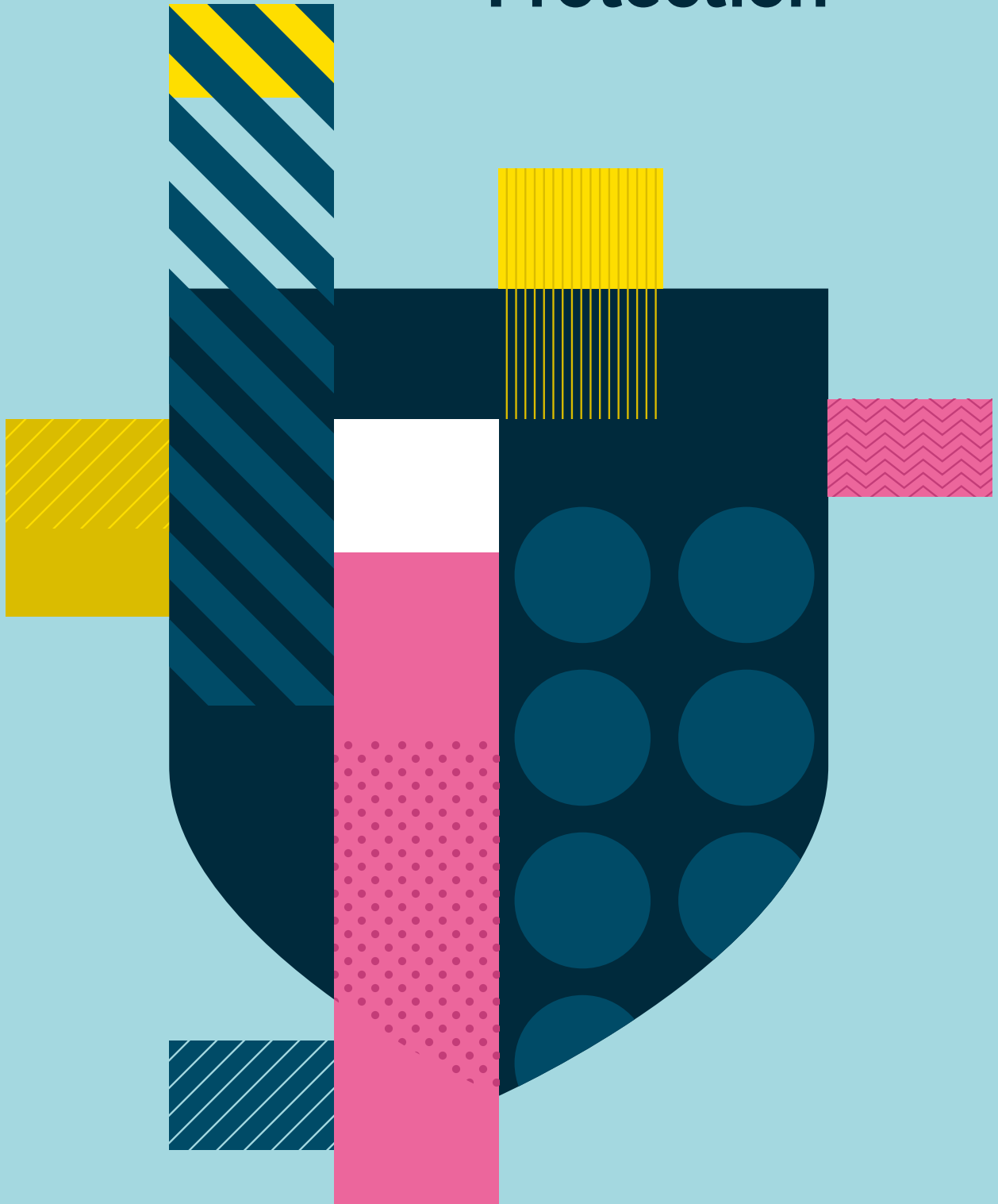
With the assistance of the Reception and Integration Agency (RIA) and centre managers, visits were arranged to 12 Direct Provision accommodation centres. These centres were: Knockalisheen in Co. Clare; the Montague in Co. Laois; Clondalkin Towers in Dublin; Clonakity Lodge in Cork; Ashbourne House in Co. Cork, Bridgewater House in Co. Tipperary, Birchwood House in Co. Waterford; Mill Street in Co. Cork; Eyrepowell in Co. Kildare; Carrol Village in Co. Louth, Hatch Hall in Dublin City; and Baleskin in Co. Dublin. A total of 189 children ranging from 4 to 17 years attended 32 workshops. In addition, 70 parents also attended these workshops with their children or met with the Participation and Rights Education staff.





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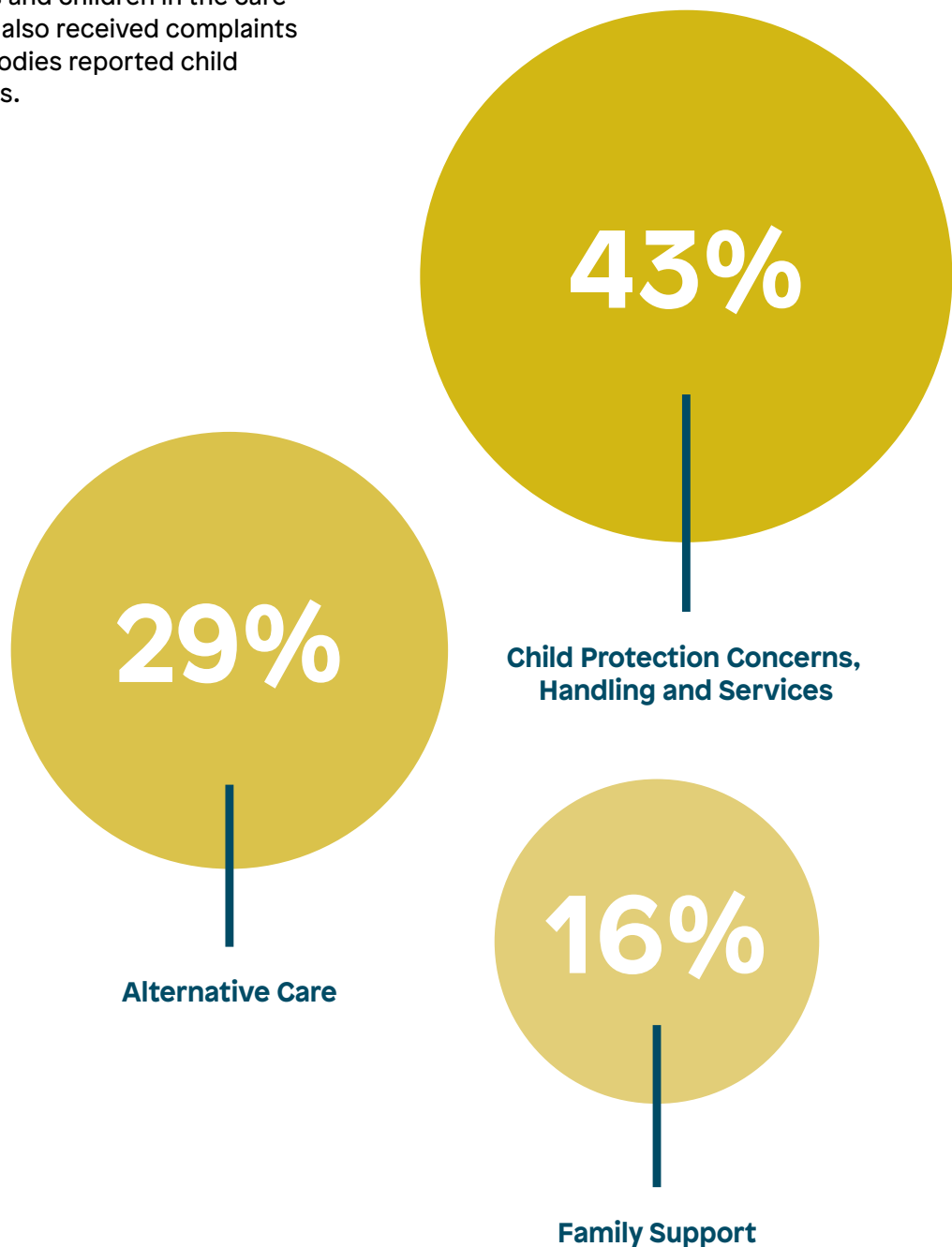
Family Support, Care and Protection



In this section we examine the work that the Ombudsman for Children's Office has done in the area of Family Support, Care and Protection across all functions of the Office; Complaints and Investigations, Policy, and Rights Education and Participation.

Top 3 complaints relating to Family Support, Care and Protection

24% of the complaints received in 2018 related to family support, care and protection. The majority of complaints were about child protection services and children in the care of the state but we also received complaints about how public bodies reported child protection concerns.



3.1 Case Study

Jenny not informed about changes to her aftercare plan

The complaint:

Jenny contacted us directly when she was 18 years of age as she was unhappy that her aftercare plan had been changed without consultation and that she would be moved out her foster care placement following the completion of her Leaving Certificate in June 2017. She had been told previously that she would be staying in her foster care placement until she completed college. She told us that this has greatly affected her and her preparations for her Leaving Certificate.

OCO action:

We wrote to the public body and they met with Jenny.

The outcome:

The public body agreed that Jenny could stay in her foster care placement until she was offered a college placement and they would work closely with her to seek new accommodation for college. They also agreed to communicate more closely with her about her future plans. While Jenny accepted this alternative plan she remained unhappy that her plan had changed without consultation and caused her unnecessary stress at an already difficult time in her life.

3.2 Molly's Case

In January 2018 we published a report into our investigation of Molly's case. Molly was born with Down Syndrome and severe autism, and was abandoned at birth by her biological parents. She has grown up with her foster family after being placed there when she was a baby. Molly's foster carer made a complaint

to us about the level of supports and services being provided by Tusla and the HSE to meet Molly's needs and support her placement.

We found that there was a lack of co-ordination between the two agencies which meant that services and supports provided by both organisations were insufficient.

As a result of our investigation, both the HSE and Tusla made a number of significant and ambitious commitments. If implemented these commitments would greatly improve Molly's standard of living, and they would also positively impact the other children with disabilities in the care of the State who until our report, were unidentified.

Since publication of Molly's Case in 2018 we have been engaging with Tusla and the HSE. We requested quarterly updates on progress made towards fulfilling the commitments made in response to our recommendations. An update on Molly's Case will be published in 2019.

3.3 Review of the Child Care Act 1991

In 2017 the Department of Children and Youth Affairs (DCYA) started a two-year process to review the Child Care Act 1991 (1991 Act). The aims of this review are: to identify what is working well within the legislation; to address any identified gaps and new areas for development; to capture current legislative, policy and practice developments; and, building on these steps, to revise the original legislation.

Having engaged with DCYA staff and participated in an Open Policy Debate about the review in 2017, we worked in early 2018 to prepare a submission for consideration by the DCYA. We focused on legislative changes to the Act that we feel are needed to strengthen the recognition, protection and fulfilment of the rights of children affected by this legislation. In identifying these proposed changes, we considered international standards relating to children's rights, including the UNCRC, as well as issues of concern that have come directly to our attention through our examination and investigation of complaints.

We recommended that the revised legislation should require all relevant bodies under the 1991 Act to recognise children as rights-holders and provide for children's rights to be respected, protected and fulfilled. We also recommended that appropriate provision should be made for mainstreaming core children's rights principles as positive obligations in and across all parts of the Act.

Embedding such principles appropriately as positive obligations in legislation is a key step towards ensuring that the State fulfils its duty to realise the rights of all children. Doing so also provides a clear framework to support a child-centred approach to decision-making and the delivery of services to children on the ground. We suggested that the DCYA collect and disseminate national data relating to the characteristics, experiences and outcomes of children who come into contact with family support services and the care system.

In our submission we addressed concerns we have in relation to voluntary care, appropriate placements, access to family, the inspection of private and voluntary residential centres and access to support and aftercare services. We also suggested the establishment of a Child Care Act Advisory Committee to monitor implementation of the revised Act.

Our submission to the DCYA is available on our website at www.oco.ie/library/review-of-the-child-care-act-1991/.

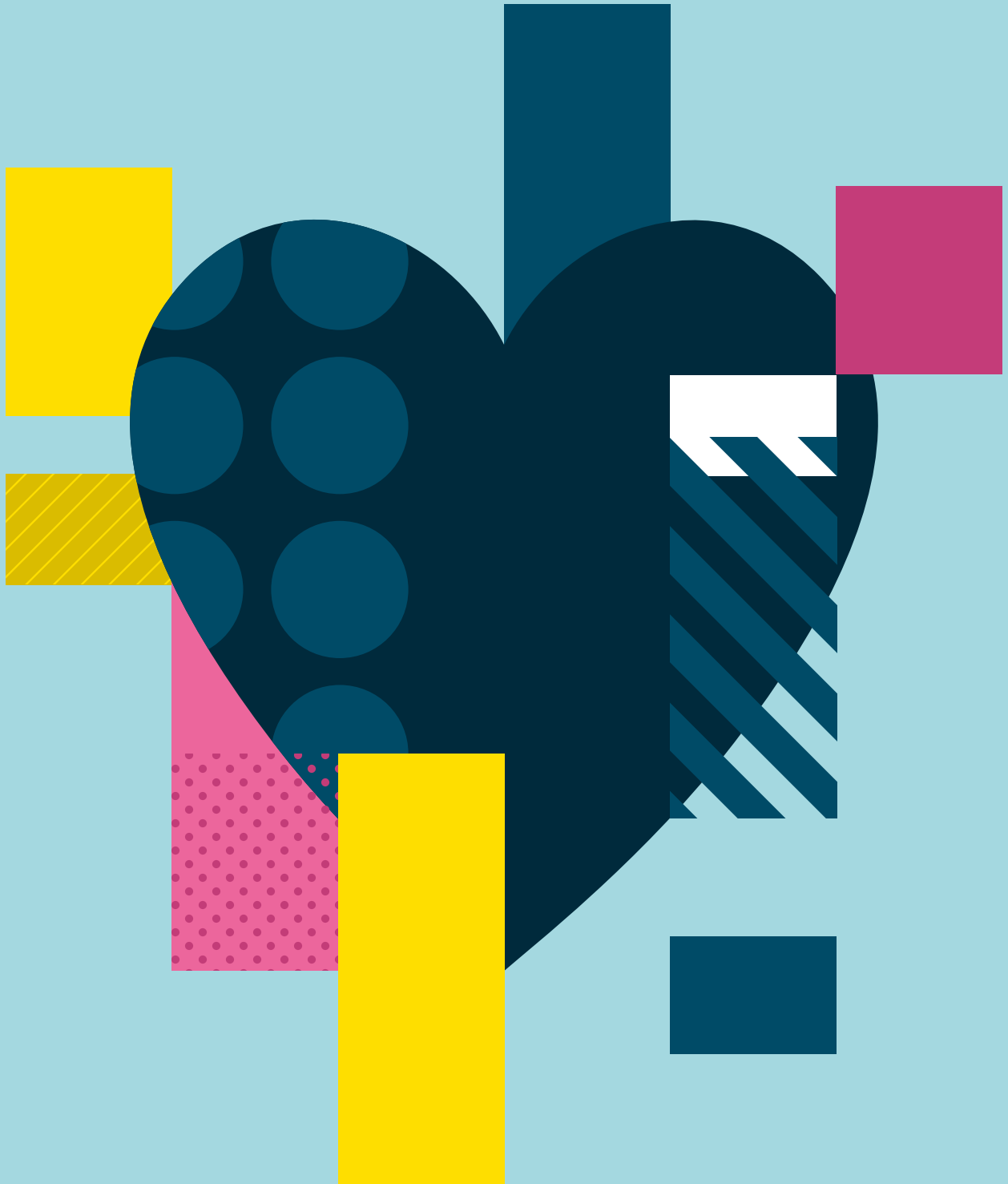
3.4 Engagement with the UN Special Rapporteur on the sale and sexual exploitation of children

In May 2018 we met Ms Maud de Boer-Buquicchio, the UN's Special Rapporteur on the sale and sexual exploitation of children when she visited Ireland to find out about and monitor relevant developments affecting children. We took the opportunity to highlight a range of concerns that we have including:

- Developments in legislation affecting child protection, child victims of crime, sexual offences against children, and domestic violence

- Ongoing delays by Ireland to ratify the Second Optional Protocol to the UNCRC on the sale of children, child prostitution and child pornography and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse
- The idea of putting in place a dedicated national strategy to combat all forms of violence, including sexual violence, against children
- The absence in Ireland of a national, coordinated therapeutic service for children who are victims of sexual abuse.
- Children's online safety and areas for prospective development
- Deficits in data collection for children in Ireland who are victims of child sexual exploitation or at risk of exploitation
- Proposed inspection and monitoring mechanisms for Direct Provision centres, as well as private and voluntary care centres.

We welcome the Special Rapporteur's observations following her visit to Ireland, including her calls for a national strategy to protect children from sexual violence; increased collaboration between agencies involved in child protection; and improvements in the availability of specialised care to child victims and children at risk.



In this section we examine the work that the Ombudsman for Children's Office has done in the area of Health across all functions of the Office; Complaints and Investigations, Policy, and Rights Education and Participation.

Top 3 Health complaints

The proportion of complaints received by the OCO that relate to health services has increased from 14% in 2017 to 16% in 2018. A possible reason for this is an increase in complaints relating to children with disabilities facing long delays in obtaining an Assessment of Need¹. Even for children that do obtain an assessment they then encounter long delays in accessing the services recommended for them. We have also noted an increase in complaints about long or non-moving wait lists for many services. The top three issues complained about were community care health services, hospitals and mental health services.



¹ The Disability Act 2005 provides for the assessment of need for a child that may have a disability. The aim is to decide what health and education needs arise and what services are required to meet these needs.

4.1 Case Studies

Amy diagnosed with autism but couldn't access services

The complaint:

Amy was a six year old who was diagnosed with autism following her assessment of need. Amy needed appropriate early intervention services, and she was referred to the local HSE School Age Disability Team and an autism service funded by the HSE but both refused her. Amy's parents were told that she did not meet the criteria for either service. This meant Amy had no services for a number of months which affected her developmental progress. They also did not know when she would get a service.

OCO action:

We wrote to the HSE asking why Amy was not getting a service from either team even though she had been assessed by a HSE Assessment Officer who set out the type of service that she needed. We were concerned that Amy had been excluded from both services and her parents were unable to get the matters resolved.

The outcome:

Following our contact with them the HSE intervened with the relevant teams and Amy was accepted into one of the services. The HSE admitted there was a risk that some children may be excluded from services as the criteria for accessing these service are based on diagnosis and clinical interpretation of diagnostic assessments.

The HSE told us that a current priority of theirs is to ensure the roll out of 'Progressing Children's Disability Services'. This will see a move from service provision on the basis of diagnosis to service provision on the basis of need.

We remain extremely concerned about the impact of delays for children with disabilities accessing an assessment of need and subsequently accessing services they require.

No home support for Daniel

The complaint:

Daniel, a 17 year old boy with significant intellectual and physical disabilities, had been living at home with support from HSE carers. Daniel then had to undergo serious surgery and in order for his parents to meet his new medical needs at home they highlighted that Daniel would require nursing home supports. The HSE refused as they believed that the current allocation of home carer hours was sufficient, despite the fact that the home carers could not help with his feeding tube or medication. His parents were extremely concerned as his needs could not be met with the current arrangement and they were worried that he may have to be placed in residential care without these vital supports at home.

OCO action:

We wrote to the HSE seeking clarification on the refusal of nursing home supports when there was an assessed need for this support. We also highlighted the potential detrimental effects for Daniel and his family if these supports were not provided and asked for them to review his case.

The outcome:

The HSE agreed to provide the necessary nursing support for Daniel. They also arranged for him to have a placement in an adult day disability service and also provided him with necessary transport to and from his home. They provided this information in writing to the family at our request so Daniel's parents could be assured that it would be implemented.

The family see OCO intervention and oversight as instrumental in securing these services and the peace-of-mind that comes with the new plans.

A new wheelchair for Emily**The complaint:**

Emily was 6 years old with a physical disability and needed a new wheelchair as she had out grown the one she was using. Her mother told us that she had repeatedly tried without success to get this matter resolved with the HSE but was told that there was no funding to purchase a new wheelchair from the HSE Primary Care team in the area. Emily's mother contacted us as she was very concerned about Emily's safety in her current chair. She was worried that Emily could easily fall while using it and a fall along with her medical condition could result in a serious injury or death.

OCO action:

We wrote to the HSE area and they told us that the budget available to Community Healthcare for the provision of non-standard Aids & Appliances falls far short of the applications for these items. They told us that a multi-disciplinary group meets regularly to review all applications on behalf of children and adults and decisions are made based on priority on a case by case basis. The number of children waiting for medical and surgical aids and appliances in this area at end of

June 2018 was 132 and while Emily was categorised as a high priority (Priority 1) there was not enough money to purchase the wheelchair for her. The HSE area told us that this was because the allocated budget in the area was not enough to meet demand.

The outcome:

The HSE were able to identify funding from savings in other areas and they were able to purchase Emily's wheelchair. We were concerned about the delays in purchasing much needed equipment for children with physical disabilities. This issue had been previously identified by the Office in 2011². In response to this complaint in 2018 we were told that the HSE National Aids & Appliances Service Improvement Programme were drafting a Procedure on the Management of the Aids and Appliances Budget as practice varies across the country. We asked the HSE to consider separate Adult and Paediatric budgets for aids and appliances due to the particular vulnerabilities of children like Emily.

Kate placed in adult psychiatric ward**The complaint:**

Kate was 15 years of age and due to concerns about her mental health and the lack of an appropriate placement she was placed in an adult psychiatric ward. Her parent told us that they were very concerned about her as she was regularly placed in seclusion and the general environment was inappropriate.

OCO action:

We wrote to the HSE expressing our deep concerns about the inappropriateness of the placement for Kate and we enquired as to the plans for her future.

² <https://www.oco.ie/app/uploads/2011/04/InvestofHSEreapplicforpoweredwheelchair.pdf>

The outcome:

The HSE responded promptly and Kate was finally placed in an adolescent unit that was more appropriate to meet her needs. The OCO has been consistently vocal in its criticism of the practise of placing children in adult mental health facilities. This practice is unacceptable and every effort must be made to ensure that it does not happen.

4.2 ‘Take My Hand’ – Young People’s Experiences of Mental health Services

In 2018 we published *Take My Hand: Young People’s Experiences of Mental Health Services*. This report was based on a consultation that we undertook in 2017 with young people receiving care and treatment for their mental health in five of Ireland’s six in-patient mental health units for children and young people. 25 young people between 14 and 17 years old took part in our consultation.

Take My Hand highlights young people’s experiences, and their views on mental health services, against the backdrop of Ireland’s obligations under international children’s rights standards and relevant national legislation and public policy.

We asked the young people what they had found helpful, what they had found challenging and what they would change about mental health services. The young people recommended changes that addressed the challenges they raised. They were concerned that some professionals were insufficiently child-centred and not communicating directly with young people. Many of the young people also spoke about insufficient understanding of mental health difficulties among teachers, school counsellors and their peers. They pointed to the lack of appropriate measures in school to support them with managing their anxiety, including quiet spaces. The young people talked about the difficulties they experienced in accessing support services at an early stage of their illness and of the challenges associated with being a long way

from home while receiving in-patient care and treatment for their mental health.

In our report, we raised concerns about deficits in legislation, public policy and service provision. We identified a number of priorities for action, including the need for:

- Mental health services to consistently implement a child-centred, rights-based approach
- The development of a dedicated, cross-sectoral national policy framework on children’s mental health (a dedicated Vision for Change for children)
- Appropriate services, including early intervention and prevention services, to be available to children and young people throughout the country
- A mental health advocacy and information service.

We shared *Take My Hand* with a range of stakeholders, statutory agencies, and civil society organisations working in the field of children’s rights and mental health. The report was also presented to the Oireachtas Joint Committee on Future Mental Health Care. Our presentation, and the report itself, are available on our website at: www.oco.ie/library/take-my-hand-young-peoples-experiences-of-mental-health-services/.

4.3 Waiting for Scoliosis Treatment: A children’s rights Issue

In 2017 we published *‘Waiting for Scoliosis Treatment: A children’s rights Issue’*.

Following the publication of this report, and after exhaustive advocacy by parents, and professionals alike, there was a commitment by the government to address the systemic issues that were causing these waiting lists.

The OCO has been tracking progress on the commitments made by the Minister for Health and the HSE, and in 2018 we published an update *Waiting for Scoliosis Treatment: A Children’s Rights Issue: What has changed for children* which detailed where we believed progress had been made and what remains to be done.

This report outlined some improvements such as increased numbers of surgeries, less children waiting for over 12 months for surgery, increased capacity and more resources. However, the issue of waiting lists for children who require an initial consultant assessment for scoliosis to determine the correct course of action remains a particular concern.

Despite the positive movements to date I have decided to extend my watching brief for another year into 2019 to be assured that the actions as outlined in the Paediatrics Orthopaedic Implementation Group and the Scoliosis Co-Design 10 Point Action plan 2018/2019 are implemented and have the desired effect by making long lasting changes to the system for the benefit of children.

4.4 Child-friendly healthcare in hospital

In 2018, we published *Joining the Dots*, the results of a joint initiative on child-friendly healthcare that we have been undertaking with the Children's Hospital Group Board (CHGB) and the three children's hospitals in Dublin – Our Lady's Children's Hospital in Crumlin, Temple Street Children's University Hospital, and the National Children's Hospital at Tallaght University Hospital.

With *Joining the Dots*, we used a child rights framework to hear and take account of the views of children and young people, as well as parents/guardians, staff and management in the three children's hospitals.

Participants were asked for their views on issues relating to rights under the UN Convention on the Rights of the Child (UNCRC) including children's right to be heard, to information, to privacy, to rest and play, to adequate nutrition, and to be safe and protected from harm.

Over 2,530 people, including almost 1,000 children and young people took part and we launched the results with the Children's Hospital Group Board and the three children's hospitals in June 2018.

While the results highlighted a wide range of good practices on the part of staff and management working in the three children's

hospitals, they also suggested potential areas for improvement, including providing information about children's rights as patients, affording children sufficient privacy when they are being examined by medical staff, and offering opportunities for play and leisure to children and young people of different ages, in different settings, within hospital.

We are pleased that the CHGB and the three children's hospitals are planning to work with the results to plan the development and delivery of services for the new children's hospital. The three children's hospitals will also consider the results relating to their hospital to identify improvements to service delivery that may be needed and that can be achieved.

The CHGB has said that it will look at how the approach taken and materials used for *Joining the Dots* can be developed further with a view to mainstreaming this consultative process in its future quality assurance work.

From the OCO's perspective, it is significant that the Children's Hospital Group has committed to working with the HSE to explore the feasibility of rolling out *Joining the Dots* in acute paediatric health services outside of Dublin.

A summary of the results of *Joining the Dots* and a full report on the initiative are available on our website at www.oco.ie/library/joining-the-dots-connecting-voices-for-child-friendly-healthcare-in-hospital/.



In this section we examine the work that the Ombudsman for Children's Office has done in the area of Justice across all functions of the Office; Complaints and Investigations, Policy, and Rights Education and Participation.

5.1 OCO outreach at Oberstown Children Detention Campus

In 2016, we launched our programme and put the building blocks in place for an outreach programme in Oberstown Children Detention Campus. Our simple aim was to make our independent Complaints and Investigation function available and as visible as possible to this vulnerable group of children.

That outreach programme is now firmly established and is an integral part of the work of our Complaints and Investigation team. We visit the campus at least once a month to speak to young people directly and in private to hear their concerns. Our intention is to use our influence to resolve any issues raised by young people in a timely manner.

Outreach in action

We attend the campus on a set day each month. We can, and do, visit the Campus and children at other times outside of this schedule when needed. Our processes includes the following:

- Printing up bespoke leaflets and posters telling children about our role. Children are also informed about our work as part of their orientation
- In advance of each visit, we ask managers to put up our posters highlighting when we will be visiting and encourage and support children to meet with us
- Children can also contact us directly themselves
- We visit on the arranged day and meet in private with the children, hear their concerns and crucially, arrange how we will try to help

- We follow up directly with staff members and management on any matters that can be resolved without delay
- We keep the children informed throughout the process

In order to consolidate our outreach programme across the campus, in 2018 we presented to the teaching staff in the Oberstown schools at the start of their school term and as part of an induction programme for new teaching staff.

Our programme is fully embedded in the Oberstown Campus now and we are delighted to report that young people have engaged positively with us and have found our role helpful. We get a real sense of what is going on in their lives and often, what might seem like a small thing, can be very important for a child in detention.

In 2018 alone we met with almost 40 young people. We helped resolve matters informally in most instances and in some cases we looked in more depth into the concerns raised.

Sharing our outreach experience internationally

As part of our work to promote our outreach programme, and share our experiences with domestic and international colleagues, members of our Complaints and Investigations team presented at the Defence for Children International conference in Belgium. At the conference, which was hosted by European Economic and Social Committee, we shared our perspective on hearing the concerns of young people in detention. Valuable experiences were shared amongst European agencies and NGOs working in the juvenile justice sector.

5.2 Observations on the implementation of OPCAT

The Optional Protocol to the UN Convention against Torture (OPCAT) is an international human rights treaty that assists States to prevent torture and other forms of ill-treatment. OPCAT requires a combined system of national and international inspection and monitoring of places of detention.

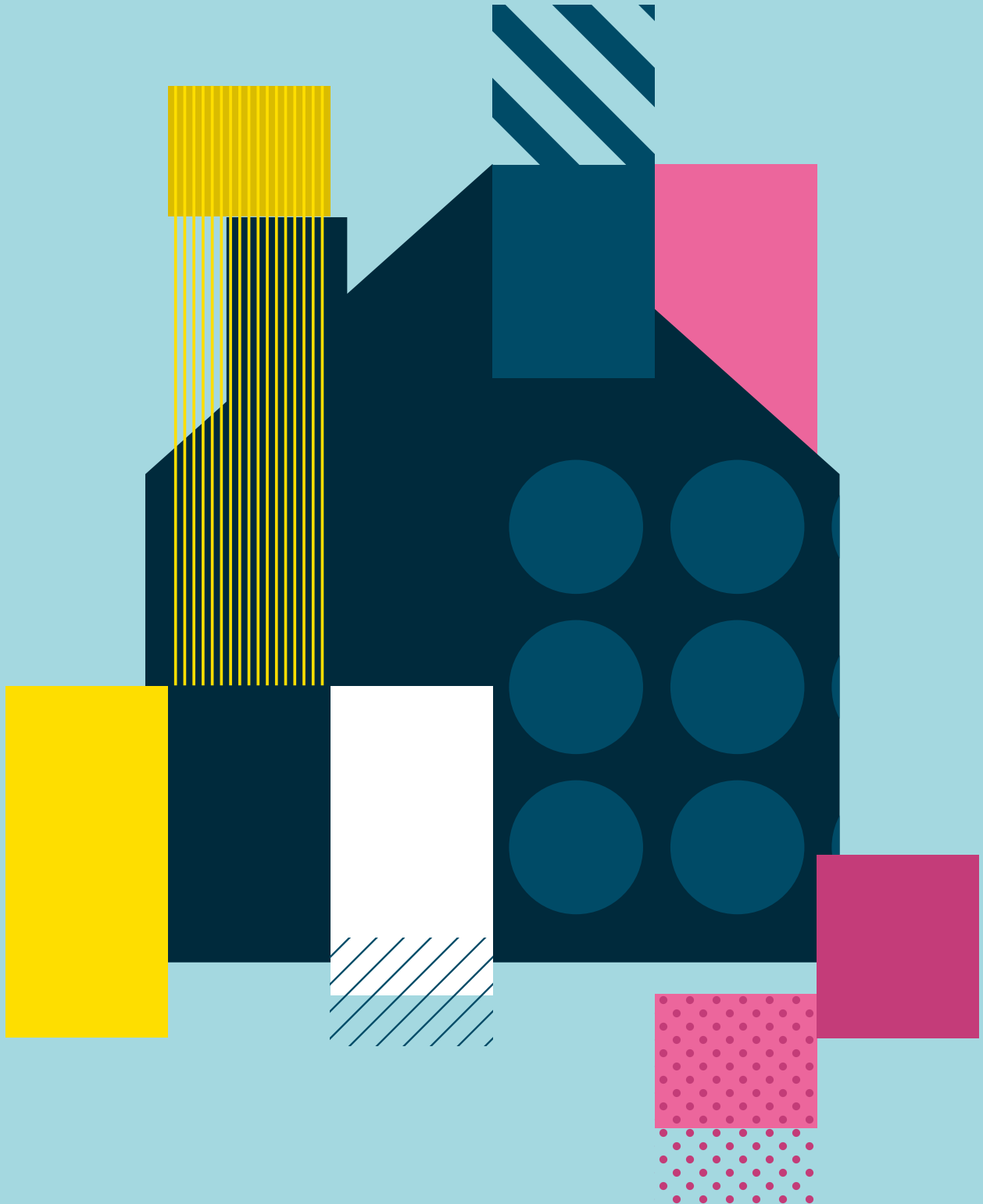
Following previous engagement by the OCO, the Department of Justice and Equality (DJE) requested our observations on research published by the Irish Human Rights and Equality Commission (IHREC) in 2017 about the implementation of OPCAT and, in particular, our views on a proposed National Preventative Mechanism (NPM) for OPCAT. In our response we highlighted that places of detention in Ireland include Oberstown Children Detention Campus, Garda stations and special care units. Currently in Ireland, there is no form of inspection at Garda stations and detention facilities at airport and ports.

While legislation to facilitate Ireland's ratification of OPCAT has been promised since 2011, the proposed Inspection of Places of Detention Bill has not been published yet.

While we recognise the knowledge and expertise of existing inspection bodies and the risk of duplication that could arise if a new body were to be established, we are concerned that a sectoral approach could have a silo effect and cause corresponding fragmentation. We are also concerned that the approach currently being contemplated may focus too narrowly on inspection and overlook the preventive role that National Preventative Mechanisms (NPM) can play. As regards children and young people under 18, it is unclear which settings it is envisaged will be included for monitoring and inspection, particularly in the justice sector. We believe that it is vital that all bodies which may ultimately carry out OPCAT inspections of places where children and young people are detained have the knowledge and skills necessary to take a child-centred approach that is consistent with children's rights standards.

We would like to see the heads of the Inspection of Places of Detention Bill published without further undue delay. It is essential that the proposed legislation provides for an independent system of monitoring and inspection, particularly considering that children and young people are more at risk of ill-treatment in places of detention.





In this section we examine the work that the Ombudsman for Children's Office has done in the area of Housing across all functions of the Office; Complaints and Investigations, Policy, and Rights Education and Participation.

Table 4: Breakdown of Housing complaints

Access to suitable housing	75%
Traveller accommodation	5%
Neighbourhood suitability / handling of anti-social concerns	9%
Planning decisions / process	11%

In 2018, 5% of the complaints we received were about housing. This is a slight drop from 6% last year. Access to suitable housing was the main issue raised and this includes local authority housing allocation, suitable housing for children with disabilities, emergency homeless accommodation, medical priority allocation and general transfer issues. It is worth noting that housing issues also arise in other areas of complaints, e.g. access to education for children living in homeless accommodation.

6.1 Case Studies

A suitable home for Cathy

The complaint:

Cathy was 4 years old and has a physical disability, as well as complex medical needs. She is a full time wheelchair user and requires a lot of support and equipment to meet her needs and ensure she has a good quality of life. Cathy was living with her family in a two bedroom flat which was highly unsuitable for her needs. Her parent had to decline some of the equipment she required because there was not enough space in their home and it would be a safety hazard. Cathy needed to get up two staircases to access her home, bedroom and bathroom. As she is a wheelchair user, her parents were carrying her up the stairs each day.

Cathy and her family were waiting for four years for a transfer to a more suitable home. The parents also reported difficulties in getting information from the local authority and had no idea when they would get a suitable home.

OCO action:

We contacted the local authority to establish the status of the family on the waiting list for housing and whether the medical needs of Cathy has been appropriately considered as part their application for social housing. The local authority advised that the family were correctly allocated medical priority but there was a lack of housing to meet their needs. We asked what they could do to resolve this issue with the family as Cathy was due to have serious surgery shortly and would be further physically incapacitated. The local authority engaged directly with the family and both agreed that the choice of locations could be widened in order to maximise the possibility of obtaining a home that would help them care for Cathy.

The outcome:

Due to the wider location options available, a house was obtained by the local authority for the family that was suitable to help them care for Cathy. It was a significant relief to them after so many years of waiting.

6.2 Consultation with children living in Family Hubs

The OCO has been concerned about emergency accommodation for families with children experiencing homelessness for some time. According to the Department of Housing, Planning & Local Government *Homelessness Report January 2019*³, there were 1,614 families experiencing homelessness. These families contained 3,624 children who were experiencing homelessness with their parent(s).

In 2017, the Government announced plans to introduce what have been termed Family Hubs to minimise the use of inappropriate hotel and B&B accommodation for the increasing number of families experiencing homelessness.

In early 2018 OCO staff, including the Ombudsman for Children, visited a number of Family Hubs both in and outside Dublin. Following these visits, we decided to undertake a consultation with children living in the Hubs to hear their views on:

- What was good about living in the Family Hubs;
- What they found challenging about living there; and
- What they would like to change about the Hubs.

Between October and December 2018 we met with 37 children living in eight Family Hubs to hear their views. The Family Hubs were located in Dublin City and suburbs, Cork City and Limerick City. Eighteen of the children were aged five to nine years, seven were aged 10 to 12, with 12 were aged between 13 and 17. In order to gather information for what life in the Family Hubs is like for children aged under five, we met with 33 parents of 43 children in this age group. These children were aged from six months to four years and parents were asked to consider the issues from their child's perspective.

The Ombudsman for Children's Office will publish *No Place Like Home; Children's views and experiences of living in Family Hubs* in 2019 outlining the views of children, as well as the OCO's priorities for change in this area.

6.3 Standards for accommodation provided to people living under the protection of the State

During 2018 the OCO was invited by the Irish Refugee Protection Programme to contribute to a Standards Advisory Group and review draft standards for accommodation provided to people living under the protection of the State. The Standards Advisory Group was created by the Department of Justice and Equality in 2017 following a recommendation made in the 'McMahon Report'⁴.

We welcomed that the draft standards derive from international human rights and equality law benchmarks. We were particularly pleased to see the explicit inclusion of the promotion and protection of children's rights as an indicator under Standard 6.1.

In light of our experience of engaging with people living within the Direct Provision system, we recommended that there should be a specific standard focused on rights-based complaints handling structures. This standard should measure whether children and their families have meaningful access to redress where they live, as well as to independent bodies such as the OCO and the courts. It should also measure the extent to which complaints handling structures in accommodation centres comply with rights-based principles. Our *Guide to Child-Centred Complaints Handling* would be very useful in creating this standard.

³ https://www.housing.gov.ie/sites/default/files/publications/files/homeless_report_-_january_2019.pdf

⁴ 2015 Working Group Report to Government on Improvements to the Protection Process, including Direct Provision and Supports to Asylum Seekers

We are concerned about the current practice of moving separated children who have reached the age of 18 and do not have a decision regarding their status from foster or residential care to Direct Provision. We therefore suggested that while this practice continues, the standards should address the role accommodation centres can play to help prepare separated children for the transition before they reach the age of 18.

Any new standards need to be accompanied by an independent system of inspection. In our view, an independent inspection system is vital to provide transparency and accountability.

We received a number of complaints about the impact of inadequate financial support to meet the needs of children. This issue was outside of our remit to examine but can impact on children being able to participate in social, sporting, cultural and educational activities, and are felt acutely at particular times in a child's life.

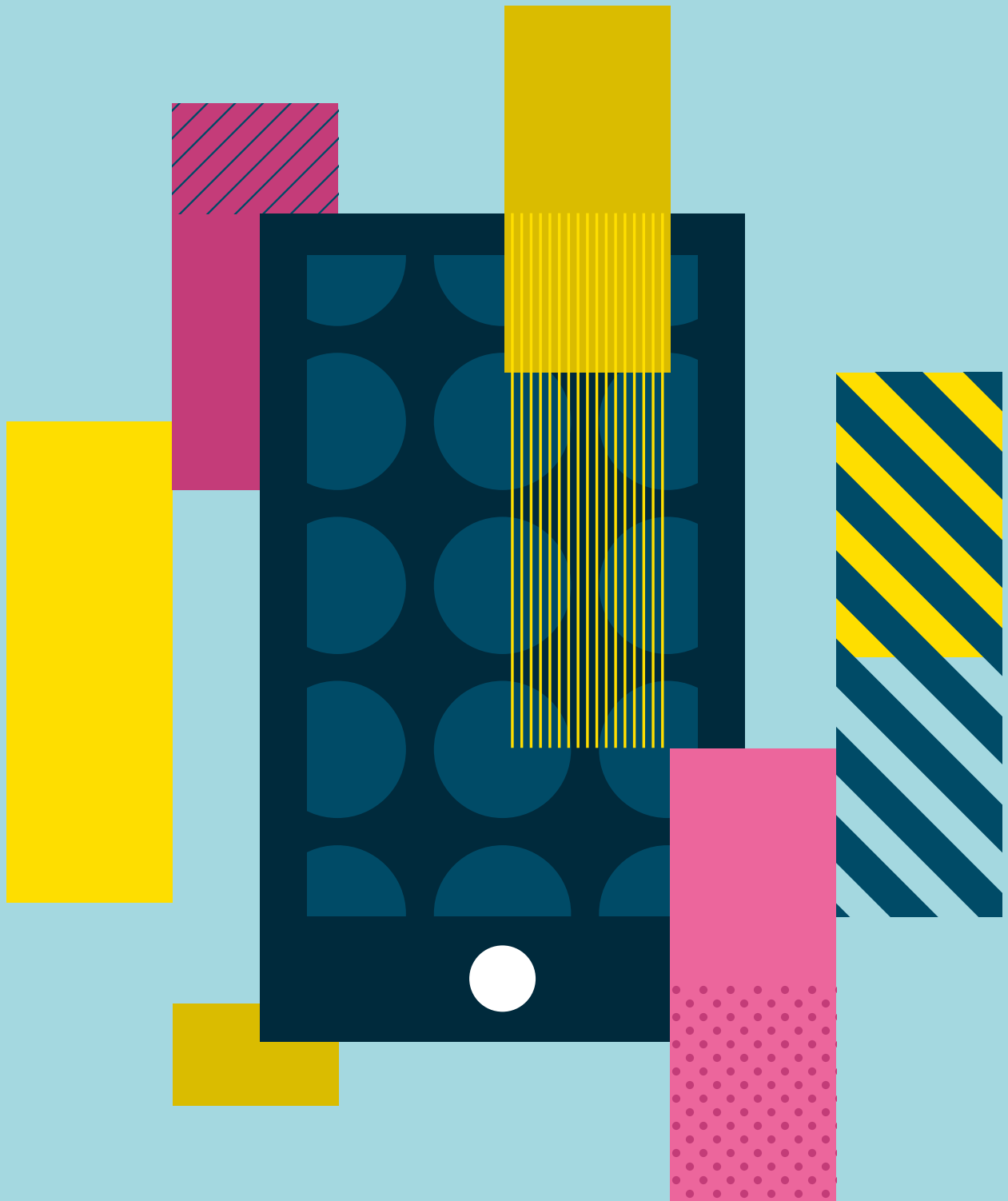
We remain committed to taking complaints directly from children and families about their accommodation and services, as well as their experiences with other public services and bodies within our remit.

6.4 Complaints from families seeking international protection and living in state provided accommodation

In 2018 we continued to receive complaints from children and families seeking international protection and living in Direct Provision centres or Emergency Orientation Centres in Ireland.

We received 21 individual contacts/complaints in 2018. The type of complaints we received were about communication, complaint management and management of transfers to different centres or larger accommodation. All of these complaints were resolved locally either by the centre manager, Reception and Integration Agency or by the Irish Refugee protection Programme.

Online Safety and Identity



As Ireland changes and progresses, children face new challenges. Legislation and policy must adapt to address these challenges in a way that protects and promotes their rights as children. In 2018, the OCO Policy Team offered views on issues affecting children in the online environment and on the review of the Gender Recognition Act.

7.1 Progressing children's right to be heard through digital media

As we highlighted in our 2017 Annual Report, the OCO has commissioned the Centre for Social and Educational Research at Dublin Institute of Technology to undertake research about how digital media might be mobilised to progress the realisation of children's right to be heard in public decision-making processes.

In 2018, the research team completed the first phase of this research project, which involved conducting desk-based research to identify:

- Opportunities to mobilise digital media to advance children's right to be heard
- Key barriers to mobilising digital media for these purposes and how these barriers might be overcome
- Good practice examples of where digital media has been employed for these purposes
- Potential building blocks to provide for and support children to be heard by relevant public policy makers and service providers through digital media.

We decided to proceed with follow-up primary research to elicit the views of key stakeholders, including children and young people. Planning for this follow-up phase in the research started in 2018 and we expect that the research team will implement this primary research and produce a final research report during 2019.

7.2 National Advisory Council for Online Safety

Following an Open Policy Debate, which the OCO participated in, the Government published a new *Action Plan for Online Safety 2018-2019* in July 2018. The *Action Plan* does not offer a long term strategy for addressing online safety and can be seen to fall short in some areas, in particular through the absence of any firm commitment to establish an independent regulatory mechanism on a statutory footing⁵. However, the explicit recognition that has been given to the need for a coordinated, inter-departmental and cross-sectoral approach to addressing the complex challenges that exist with regard to online safety is welcome.

From a children's rights perspective, it is vital that the Government and relevant State actors recognise that, although many stakeholders have a role to play in strengthening provision for children's safety online, the State is the primary duty bearer. In addition to having an obligation to respect, protect and fulfil the rights of children, including in the online environment, the State has a duty to promote respect for children's rights among non-State actors.

In September 2018, the OCO was invited by Seán Kyne TD, then Minister of State for Natural Resources, Community Affairs and Digital Development, to become a member of a new National Advisory Council for Online Safety (NACOS). We accepted this invitation on the basis that our independence be maintained and that should a conflict of interest arise, we will withdraw if necessary. We will work to promote children's rights and welfare in the work of NACOS and in actions taken by the Government to progress the Action Plan.

⁵ In March 2019 the Minister for Communications, Climate Action and Environment, Richard Bruton TD announced the introduction of an Online Safety Act. <https://www.dccae.gov.ie/en-ie/news-and-media/press-releases/Pages/Minister-Bruton-Proposes-New-Law-to-Protect-Children-Online.aspx>

7.3 Review of the Gender Recognition Act 2015

In January 2018 we were invited to make a submission to a review of the Gender Recognition Act 2015 (2015 Act).

The review was initiated in accordance with section 7(a) of the 2015 Act and, from the OCO's perspective, it provided a welcome opportunity to strengthen the protection and fulfilment of the rights of children and young people under 18.

Our submission to the Gender Recognition Act Review Group built on our previous advice and focused on how the 2015 Act might be strengthened to more fully respect, protect and fulfil the rights of transgender children and young people in Ireland.

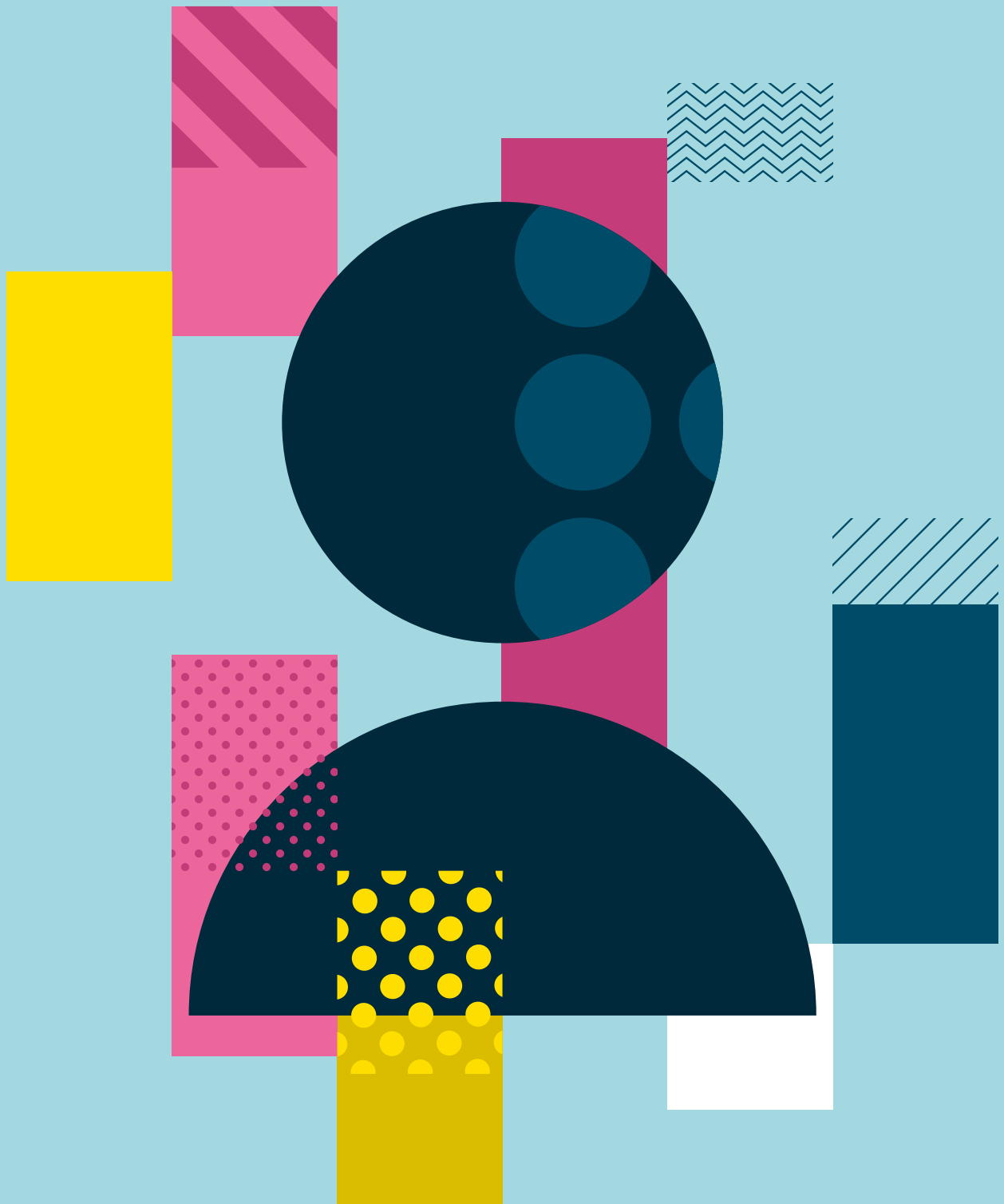
We recommended that the onerous mechanism in place under the 2015 Act for 16 and 17 year olds seeking to obtain a Gender Recognition Certificate, as well as the inappropriate requirement for medical approval prior to obtaining a Certificate, need to be replaced with a more streamlined administrative process similar to that in place for adults. We expressed the view that provision should be made for parents to make an application for a Gender Recognition Certificate on behalf of their children under 16. We also proposed that appropriate legislative provision should be made to address circumstances where one parent wishes to make an application for a Certificate on behalf of their child under 16 years and the other parent does not support such an application being made.

The Report on the Review of the Gender Recognition Act 2015 was published in June 2018. We note the report's explicit references to relevant human rights standards, including the UNCRC, and welcome in particular the recommendations made in relation to children and young people, which promote a more inclusive and streamlined approach to facilitating gender recognition.

We hope that the Gender Recognition (Amendment) Bill will be published as soon as possible in 2019 and that the provisions it makes for gender recognition among children and young people under 18 will uphold children's rights and best interests appropriately.



A Child Centred Approach in Action



Ensuring that children are actively heard and respected is part of our vision at the Ombudsman for Children's Office. We put this vision into action in the work that we do. We encourage all organisations to consult with children, to work with them and to hear their voices. In this section we look at some examples of how we did this in 2018.

8.1 UNCRC 25 Project

To mark the 25th anniversary of Ireland's ratification of the UN Convention on the Rights of the Child, we commissioned a year-long national programme of events which ran from September 2017 to September 2018.

The overall vision for the 25th anniversary year was to increase awareness and understanding of children's rights by encouraging people to re-visit the promise made to children upon ratifying the UNCRC in 1992 and to acknowledge both our responsibility to build on the achievements of the last 25 years.

The theme chosen 'Children Now, Rights Now' was a call to recognise children in Ireland as rights holders now, not simply as adults in waiting. As children and young people are at the heart of the work of the Ombudsman's for Children's Office, the programme aimed to include as many diverse voices and individual experiences as possible. By providing innovative, creative engagement and participative opportunities we sought to take a 'living snapshot' of children's rights on the occasion of the 25th anniversary.

The outcomes of the project included a flagship event attended by over 200 young people; creative partnerships and collaborations with a number of organisations; the development of innovative permanent online rights resources and a national umbrella invitation to participate across Irish society.

A full report on the activities and outcomes of the UNCRC 25 project will be published in 2019.

Some of the key UNCRC 25 projects which ran during 2018 included:

Act your Rights - Joining forces with Ireland's national theatre, The Abbey, we created a resource rooted in rights and informed by applied drama techniques to engage with a younger primary school audience.

Rights in Their Eyes – We collaborated with the Texaco Children's Art Competition, inviting the seven winners of the 2017 competition to create a piece of work which expressed their views on what it is like to be a child or young adult growing up in Ireland today. The Rights in Their Eyes exhibition was held at the Royal Hibernian Academy, after which it toured Ireland's children's hospitals.

Get Animated About Rights - We teamed up with Ireland's top animation talent to invite children and young people attending primary or secondary schools to create an image of the children's right that means most to them and have the opportunity to have it animated into a short GIF. The winning original artworks were chosen by judges and part of their winner's prize was a special behind the scenes tour around award-winning Brown Bag Films studios.

Fresh Film Festival 'Hothouse' project - As part of Fresh Film Festival's Hothouse project for experienced young filmmakers, seven young filmmakers were invited to respond to the UN Convention on the Rights of the Child as a theme and create new short films reflecting their voices and views on children's rights and to capture their experiences of 'rights in reality'. The films premiered at the Lighthouse cinema and are available on www.oco.ie.

8.2 GAA children's rights resource

In 2018, the GAA and the Ombudsman for Children's Office launched an online resource to raise awareness and understanding of children's rights through Gaelic Games. The Rights Awareness Resource was the result of a year-long process undertaken by GAA Games Development & Research, its sister Associations, the Ladies Football and Camogie Associations and the Ombudsman for Children's Office.

The resource, which is available at www.learning.gaa.ie/ChildrensRightsAwareness intends to help raise awareness around the Rights of the Child with GAA coaches, teachers and parents, and all of those who work and volunteer with children and young people in Gaelic Games across all levels of the Associations.

8.3 Child-centred complaints handling

In 2018, we published a new *Guide to Child-Centred Complaints Handling*. The *Guide* encourages and supports organisations to deal with complaints in accordance with good practice and in a child-centred manner.

This *Guide* focuses on setting out core principles of good practice for dealing with complaints made by or on behalf of children and it shows how to translate these principles into practice. The principles are: openness and accessibility; best interests of the child; participation of children; transparency and communications; timeliness; fairness; and monitoring and review.

We presented the *Guide* at several conferences and events, including at the annual conference of the Irish Primary Principals Network (IPPN), a conference for Direct Provision accommodation centre managers organised by the Reception and Integration Agency (RIA), a meeting of HSE complaints managers, and the annual conference of the National Association of Boards of Management in Special Education (NABSME). We also disseminated the *Guide* to every school in the country.

In July 2018, we held a briefing for senior representatives from a range of organisations to introduce them to the *Guide* and get their views on how we might raise further awareness of the *Guide*. We want to help professionals who deal with or manage complaints made by or on behalf of children to do so in a child-centred manner. We were pleased that representatives from the HSE, Tusla, RIA, Dublin City Council, the Department of Education and Skills, the National Parents Council Primary and management bodies in education attended this briefing.

Our *Guide to Child-Centred Complaints Handling* is available to download in English and in Irish on our website at www.oco.ie/library/guide-child-centred-complaints-handling/.

8.4 Involving Children: A Guide to Children's Participation in Decision-Making

We receive many queries and requests from organisations about how to 'do' children's participation and welcome the growing interest in hearing the views of children. To support organisations in undertaking participation work with children, in 2018 we published *Involving Children: A Guide to Children's Involvement in Decision-Making*.

Drawing on our experience of involving and consulting with children, this guidance document provides practical advice and examples of good practice in children's participation and sign-posts readers to other useful and more detailed resources. We hope that this will encourage and support other organisations to actively involve children in their decision-making, however big or small those decisions may be.

Involving Children: A Guide to Children's Involvement in Decision-Making is available on our website at www.oco.ie/library/childrens-participation-in-decision-making/.

8.5 Child Talks

To celebrate World Children's Day 2018, the Ombudsman for Children's Office, in partnership with 15 organisations who work with young people, hosted Child Talks; a series of inspiring speeches by young people about their lives.

Child Talks was broadcast live on Facebook and on RTÉ News NOW ensuring that young people in all parts of the country, and those with additional needs, had access to this special event. The event, which took place in Dublin City Hall, was attended by 150 young people, parents and adults working in the children's sector. It was viewed over 20,000 times on Facebook.

The topics explored by the young people included equality, the travelling community, sexuality, access to information, privacy, education and developing talent.

World Children's day is a special opportunity to promote children's rights and to celebrate the uniqueness of young people. You can watch Child Talks on www.oco.ie.

8.6 One House Project

In October 2018, the Minister for Children and Youth Affairs, Katherine Zappone announced the 'One House' pilot project which will operate in Galway. This is an initiative that will see Tusla, the HSE and An Garda Síochána provide services for children who have been sexually abused together, under one roof. This announcement came following many months of work involving Minister Zappone; the Ombudsman for Children, Dr Niall Muldoon; Dr Geoffrey Shannon, the Special Rapporteur on Child Protection; representatives from An Garda Síochána, Tusla and Officials from the Departments of Justice and Health.

Young victims of abuse deserve the best possible services with the shortest possible delay in accessing them. Co-location of services to reduce the trauma endured by children who have already been abused makes sense. It means that children who have been sexually abused will not have to be interviewed by the Gardaí, then repeat their story for Tusla, and again for the HSE.

The time has come to put our children ahead of our systems. We must 'dare to share' so that the agencies of the state can engage openly with the best interests of children always taking priority. We are hopeful that the success of the 'One House' pilot project will result in an expansion of this service, benefitting children in all parts of the country.

8.7 Work on mental health by ENOC

The OCO is a long-standing member of the European Network of Ombudspersons for Children (ENOC) and the Ombudsman for Children, Dr Niall Muldoon is the current Secretary of the Bureau which guides the work of the network. This network includes Ombudspersons and Commissioners for Children from over 40 countries across Europe.

ENOC's work in 2018 included a particular focus on children and young people's mental health. At a seminar hosted by the OCO in June 2018, ENOC members had an opportunity to share information on developments in legislation, public policy and service provision relating to children's mental health in our respective jurisdictions. ENOC members also discussed a range of issues relating to children's mental health from a children's rights perspective.

Through this seminar and a questionnaire for members, ENOC worked to draft a position paper on *Child Mental Health in Europe*. Adopted by ENOC at its 22nd General Assembly in September 2018, this position paper calls on the European Commission, the Council of Europe and governments across Europe to undertake all appropriate actions to ensure children's right to enjoy the highest attainable standard of mental health.

8.8 Supporting the Data Protection Commissioner's consultation with children

The General Data Protection Regulations (GDPR) explicitly states that children's personal data, including online data, warrants specific protection. In 2018 the Data Protection Commissioner (DPC) decided to undertake a consultation with children in school about their data protection rights online. This classroom-based consultation seeks to get children's views on the use of their personal data and their rights as data subjects.

The OCO worked with the DPC in piloting the classroom-based materials for this nationwide consultation. We invited three schools - one primary and two secondary - to participate in pilot workshops in our offices. With support from our Participation and Rights Education Team, DPC staff delivered the pilot materials and took the children's feedback on the workshop. These pilot workshops and the children's input contributed to the further development of the materials for the schools. The DPC launched the nationwide consultation in early February 2019, with consultation materials being issued to all primary and secondary schools across the country.

8.9 Brexit

Children's Rights and Brexit

As reported in last year's Annual Report, in 2017, the OCO collaborated with the Northern Ireland Commissioner for Children and Young People (NICCY) to bring together a steering group of young people from across Ireland to plan *It's Our Brexit Too: Children's Rights, Children's Voices* an event on children's rights and Brexit.⁶ The event was attended by over 120 children, as well as politicians, policy makers and civic leaders. The *It's Our Brexit Too* report is available on the OCO website.

In March 2018 members of this steering group from both the North and South travelled to Brussels with the OCO and NICCY. The young people presented their report and raised their concerns with key stakeholders and influencers in the Brexit debate and negotiations. They met with and discussed their concerns with the Board of the European Network of Ombudspersons and Commissioners (ENOC) and MEPs, including Vice President of the European Parliament Mairead McGuinness and Deirdre Clune. The young people also met members of the Northern Ireland Office in Brussels and the staff from the office of the Irish Permanent Representatives.

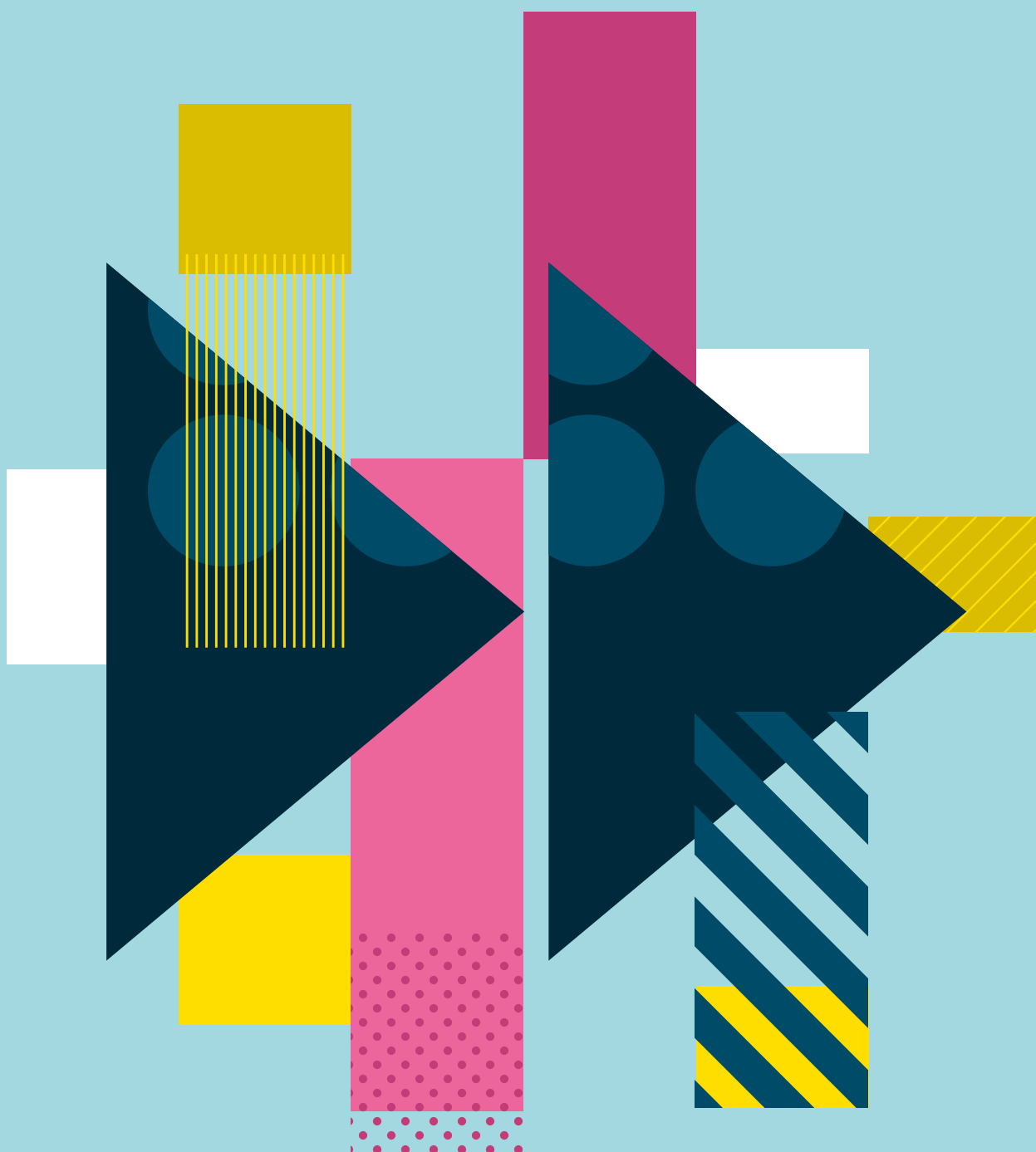
In April 2018, we supported members of the Brexit steering group in attending and presenting at the All Island Civic Dialogue on Brexit. For the first time, this Civic Dialogue included a session that specifically focussed on children and young people. The members of the steering group met with the EU's chief Brexit negotiator, Michel Barnier, to put their concerns about the impact of Brexit on children's rights directly to him. In addition, two members of the steering group, one from the South and one from Northern Ireland, presented to the Civic Dialogue and were panellists in a questions and answers session.

Following on from this event, the OCO and NICCY were asked by Independent News Media to support these two young steering group members to write opinion pieces for the national newspapers to mark the 20th anniversary of the Good Friday Agreement. These pieces by the young people were published in the *Irish Times* and the *Belfast Telegraph* on 27th June 2018.



⁶ This steering group was formed with the assistance of the National Youth Council of Ireland and Foróige in the south and the Children's Law Centre and the Northern Ireland Youth Forum in the north.





9.1 Strategic Plan 2019-2021

In 2019 the OCO will publish our Strategic Plan 2019-2021, which will set out our objectives for the next three years.

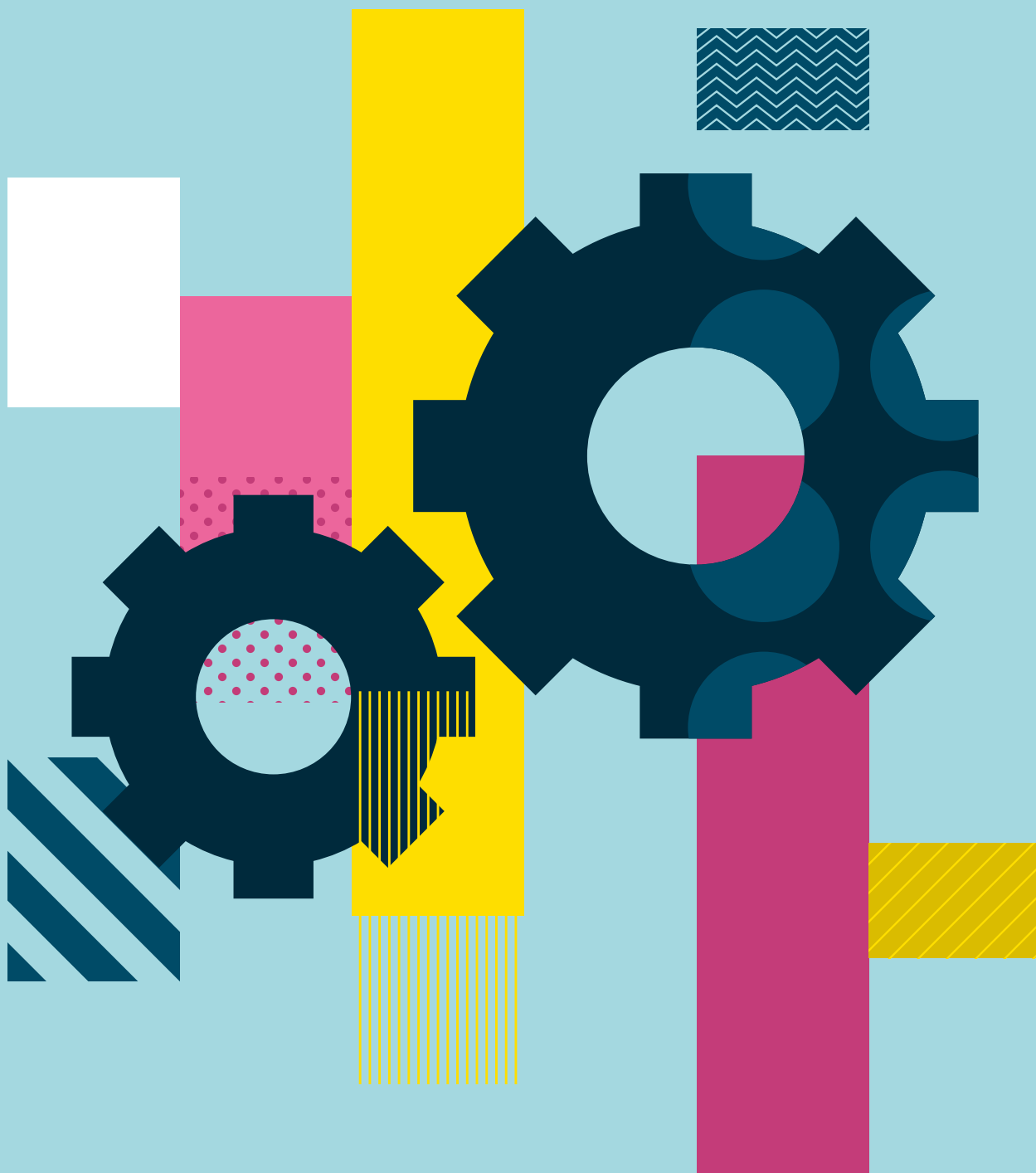
Our *Strategic Plan 2019-2021* will build on the very positive work that has taken place over the past three years as we continue to raise awareness of the rights of children and young people, and as we support public organisations in taking a more child centred approach.

9.2 Summit for children and young people with disabilities

The OCO will, on 19th October 2019, host a Summit for children and young people with disabilities in Ireland. The event, which will take place in Croke Park, will be attended by up to 1,000 children and young people with disabilities, alongside their parents and carers. The Summit is the first event of its kind which aims to change the way we think, see and engage with children and young people with disabilities. The content of the day will be based on a consultation with children and young people with disabilities, as well as the input of the OCO Disability Committee. We want to inspire young people with disabilities and others, as they showcase their achievements and abilities.

9.3 Upcoming legislation and policy

- We will be preparing a submission to the Data Protection Commission on the processing of children's personal data and children's rights as data subjects under the GDPR.
- We hope to see the Education (Parent and Student Charter) Bill, the Adoption (Information and Tracing) Bill, the Inspection of Places of Detention Bill, and the DCYA's review of the Child Care Act 1991 progressed in 2019.
- We will contribute to the work of ENOC on children's rights in the digital environment. We will also be monitoring with interest developments relating to a proposed new General Comment by the UN Committee on the Rights of the Child on children's rights in the digital environment.



The budget of the OCO is allocated through the Department of Children and Youth Affairs, and drawn down on a monthly basis. In 2018, the OCO's budget was €2.733m, an increase of €373,000 on 2017. The majority of this increase was spent on pay.

In 2017, we carried out our first recruitment campaign since being awarded a recruitment license. We hired eight new permanent staff members who joined our Participation and Rights Education team, and our Complaints and Investigations team. The OCO now has 22 permanent members of staff.

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. These are achieved through close collaboration between the Ombudsman, the Head of Corporate Services, and the Office's accountants, Crowley's DFK.

The Financial Statements are subject to audit by the Comptroller and Auditor General. The audit of the 2018 accounts will take place in early July 2019. Financial Statements for a given year are generally not audited at the time of the relevant annual report's publication. Once approved by the Comptroller and Auditor General, they are published, along with annual accounts for every year up to 2017, on the OCO's website.

ASM Chartered Accountants provided our internal audit function and undertook a review of internal controls in 2018.

10.1 Office activities

The OCO continues to make the facilities of our office in 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, a training room, and a cinema room.

The use of our space for these events allows us to create and maintain relationships with

different youth-focused groups, and it is beneficial in building the profile of the Office.

Energy usage

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 2018, the OCO used 87,304kWh of electricity, compared to 79,112 MWh in 2017. Energy usage is monitored on an on-going basis. The OCO continues to operate a comprehensive internal recycling system. The Office has been engaged with the OPW's Optimising Power @ Work campaign, and is actively seeking ways to bring power usage down, including replacing lights to more energy efficient models, a project that has commenced in parts of the office, and replacing the office's computers with more energy efficient computers, which was achieved in 2018.

10.2 Data protection

On 25 May 2018, the General Data Protection Regulation (GDPR) came into force. In advance of this important development in relation to data protection coming into effect, we implemented an in-depth process to review and update our data protection policies and procedures in order to ensure our compliance with the requirements of the GDPR. Our work to finalise a suite of GDPR compliant data protection policies and procedures involved active engagement with and input from members of OCO staff. As an independent children's rights institution, we appreciate the importance of the GDPR as regards strengthening the rights of data subjects, including children and young people. We are committed to upholding data subject rights and therefore to building on the work we undertook in 2018 to ensure that our processing of personal data is consistent with best practice.

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