

A Better Normal



ombudsman
do leanaí
for children

Eradicate Child Poverty. Eliminate Child Homelessness.



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What is A Better Normal?

A Better Normal seeks a commitment from Government to prioritise children as they plan for life post Covid. It is a promise to provide the children of Ireland with an adequate standard of living and to offer them a 'normal' that we can stand over as a giving and caring nation.

A Better Normal is made up of:

- Eradicate Child Poverty
- Eliminate Child Homelessness

1. Introduction:

This document was created by the Ombudsman for Children's Office to highlight the need for urgent political and cross departmental action in planning for children post Covid. It particularly underlines the opportunity at hand to eradicate the longstanding issues of child poverty and family homelessness which impact on every aspect of children's lives.

Many organisations in Ireland have been working in the area of poverty and homelessness for decades. There is no shortage of expertise in this area. While this document explores some actions that could be taken to bring about positive change for children, it should be considered as a starting point for this initiative.

A Better Normal is an initiative designed to ensure that children are considered and prioritised. Amidst the noise from the powerful industries and sectors who all need support, we cannot leave our children behind.

2. The Impact of Covid-19 on Children

2020 was a devastating year for children. No young person was untouched. During the Covid-19 pandemic, children were described as vectors and blamed for transmission. Children were seen as carriers, children were not welcome in public places. Schools closed, sports facilities closed, music, art and other hobbies came to an abrupt halt. Children couldn't see family or each other. All

the rites of passage - Communion, Confirmation, Debs, Graduation, and things that make childhood fun, were taken away.

The National Clinical Review on the Impact of COVID-19 Restrictions on Children and Guidance on Reopening of Schools and the Normalisation of Paediatric Healthcare Services in Ireland, published by the HSE stated that "children have become invisible despite the fact that they account for 25% of the country's population..... Children are not the face of this pandemic, but they risk being among its biggest victims."¹

For some children, the consequences of Covid-19 will be long lasting. The ESRI report on *Child poverty in Ireland and the pandemic recession*² explores the probable impact of the pandemic on child poverty and concludes that even with a partial economic recovery, child poverty rates could increase to 19%, up from 16% in 2018 (latest available data). This is not surprising as "previous recessions have exacerbated levels of child poverty, with long-lasting consequences for children's health, wellbeing and learning outcomes".³

The Irish Youth Foundation report *Generation Pandemic* states that "Of the 40,000 babies born since the start of the pandemic, 8,000 of them will have left maternity hospital to spend the first night in marginalisation, disadvantage and in many cases homelessness"⁴.

Professor Aoife Nolan, contributing to a Children's Rights Alliance publication stated that "at best, we have seen a 'rapidly evolving situation [that] will continue to massively affect children in general

1 Crushell, E., Murphy, J. and de Lacy, J., (2020), "The National Clinical Review on the Impact of COVID-19 Restrictions on Children and Guidance on Reopening of Schools and the Normalisation of Paediatric Healthcare Services in Ireland", P.5. Available at https://researchrepository.ucd.ie/bitstream/10197/11619/2/NCD19-028_National_Clinical_Review_on_the_Impact_of_COVID-19_Restrictions_on_Children_27_08_2020-1.pdf (Accessed 24 August 2021)

2 Regan, M., Maître, B., (2020) "Child poverty in Ireland and the pandemic recession, Budget Perspectives" No. 2021/4, The Economic and Social Research Institute (ESRI), Dublin. Available at <https://www.econstor.eu/bitstream/10419/227620/1/1721700579.pdf> (Accessed 24 August 2021)

3 Darmody, M., Smyth E. and Russell H., (2020), "Implications of the Covid-19 Pandemic for policy in relation to children and young people: A research review", P.54. Available at https://www.esri.ie/system/files/publications/SUSTAT94_3.pdf (Accessed 24 August 2021)

4 Irish Youth Foundation (2021) "Generation Pandemic – Impact Report 2021", Dublin. Available at <https://iyf.ie/wp-content/uploads/2021/05/GenerationPandemicJune2021Report.pdf> (Accessed 24 August 2021)

and aggravate the conditions of the most vulnerable groups.” “At worst, governments’ responses have laid bare and exacerbated pre-existing long-time structural inequalities and social vulnerabilities”⁵.

We now find ourselves at a particular moment in time - a once in a generation opportunity to change the course of history and provide a better future for some of the most disadvantaged children in Ireland. It is vital that those in positions of power within the Government, politics and civil service show the ambition and determination to grasp this opportunity.

3. Adequate Standard of Living:

“Every child has the right to a standard of living that is adequate to their development – physical, mental, spiritual, moral and social. While parents and guardians have the primary responsibility to provide for the child’s material needs, the State also has the responsibility to assist parents and guardians to alleviate poverty where needed.”⁶

An adequate standard of living takes into consideration the Irish Government definition of poverty which emphasises the ability to have a “standard of living which is regarded as acceptable by Irish society generally and to participate in normal activities.”⁷

The Government currently spends €4.5 billion through public services⁸ on reducing the impact of poverty. “Every year, the average household in Ireland spends €2,600 to pay for the public services that keep other families at an acceptable level of poverty. On an individual basis, the cost of poverty to every man, woman and child in Ireland is €913 a year”⁹. It is time now to provide a system that eliminates poverty, and gives a decent, dignified and adequate standard of living to all of our citizens.

Now is a time to look at how the children of Ireland are living and how things were. Are we satisfied with a return to normal for these children? Was normality good enough? And can we do better?

The pandemic has highlighted the huge divide that exists for children and families in this country. Mike Ryan of the WHO talks about a “deeply unfair, deeply inequitable world”. Covid-19 will only make this worse.

While the poverty figures for 2020 are not available, we know that the bulk of job losses during the pandemic were in sectors with low pay or the minimum wage where households may have had less savings and no rainy day fund. We also know that charities such as SVP and Barnardos have supported low income households and families who have struggled to make ends meet or who had their hours of work cut back or reduced over the past 18 months¹⁰.

5 Nolan, A., (2020), “Protecting Children’s Rights in the aftermath of Covid-19”. Available at https://www.childrensrights.ie/sites/default/files/submissions_reports/files/Aoife%20Nolan%20Protecting%20Children%27s%20Rights%20in%20the%20Aftermath%20of%20Covid-19.pdf (Accessed 24 August 2021)

6 Children’s Rights Alliance Report Card 2015, P.1. Available at https://www.childrensrights.ie/sites/default/files/submissions_reports/files/RC2015CHpt4-RightAde-quateStandardLiving.pdf (Accessed 24 August 2021)

7 The Vincentian Partnership for Social Justice, “MESL 2020”, www.budgeting.ie, July 2020, <https://www.budgeting.ie/publications/mesl-2020/> (Accessed 19 July 2021).

8 Collins, M., (2020), “The Hidden Cost of Poverty”, commissioned by Society of St Vincent de Paul, P.6. Available at <https://www.svp.ie/getattachment/869467cb-2d60-4fe2-b612-a8c6e4357cdc/The-Hidden-Cost-of-Poverty.aspx> (Accessed 6 September 2021)

9 O’Toole, F., (2021) “Poverty is an expensive luxury we can no longer afford”, *Irish Times*, Sat 21 August 2021, <https://www.irishtimes.com/opinion/fintan-o-toole-poverty-is-an-expensive-luxury-we-can-no-longer-afford-1.4649352> (Accessed 24 August 2021)

10 Barnardos (March 2021), “Barnardos campaign highlights ‘cracks’ appearing in families as children struggle one year into the Covid-19 pandemic”. Available at <https://www.barnardos.ie/news/2021/march/barnardos-campaign-highlights-cracks-appearing-in-families-as-children-struggle-one-year-into-the-covid-19-pandemic-1> (Accessed 24 August 2021)

The dynamics of child poverty in Ireland: Evidence from the Growing Up in Ireland survey published by the ESRI¹¹ outlined that poverty during childhood is associated with poorer outcomes across almost all key aspects of a child's life, including cognitive and educational attainment, school engagement, socio-emotional development, life satisfaction, self-concept, having a chronic illness/disability, obesity, and health behaviours.

4. A Guaranteed Home

The impact of homelessness on children's lives is an issue that the Ombudsman for Children's Office has highlighted many times; most notably in *No Place Like Home*¹², our consultation with children living in family hubs. Children told us about what it is like to share a room with their parents and siblings, what it is like to go to school from a Family Hub, to study and do homework. They told us about what it is like to have to go to bed and turn off all the lights when their younger brother or sister is going to sleep. Space, privacy, noise, not being able to have visitors, feelings of shame and embarrassment, were all issues raised by the children who talked to us.

The issues raised by the children we spoke to are shared by those living in overcrowded or temporary homes, those who move from relative to relative – the children who do not have a stable home.

When we published *No Place Like Home* in 2019, the latest figures available showed that there were 3,874 children living in emergency accommodation. As of June 2021 that figure stands at 2,167¹³ and there is no doubt whatsoever that the measures introduced during the pandemic to support families at risk of homelessness, including the banning of evictions, played an important role in this drop.

Article 27 of the UN Convention on the Rights of the Child¹⁴, which Ireland ratified in 1992, provides that State Parties to the Convention “recognise the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development”. It also states clearly that “States are required to take appropriate measures to assist parents and others responsible for the child to implement this right”.

In a report to the UN Human Rights Council in 2018, the UN's Special Rapporteur on adequate housing highlighted the status of homelessness as a violation of human rights and States' corresponding immediate obligation to address homelessness:

“The lived experience of homelessness and inadequate housing challenges the very core of what it means to be human, assaulting dignity and threatening life itself. It is these experiences that make homelessness and inadequate housing violations of human rights and not merely programme failures. ... Addressing homelessness is therefore an immediate obligation. A State must make every effort to use all available resources to satisfy the obligation to eliminate homelessness as a priority”¹⁵.

11 Maître, B, Russell H. and Smyth, E., (2021) “The dynamics of child poverty in Ireland: Evidence from the Growing Up In Ireland survey”, ESRI. Available at <https://www.esri.ie/system/files/publications/RS121.pdf> (Accessed 24 August 2021)

12 The Ombudsman for Children's Office (2019) “No Place Like Home; Children's views and experiences of living in Family Hubs”, Available at <https://www.oco.ie/app/uploads/2019/04/No-Place-Like-Home.pdf> (Accessed 24 August 2021)

13 Focus Ireland (June 2021) “Latest Figures on Homelessness”. Available at <https://www.focusireland.ie/resource-hub/latest-figures-homelessness-ireland/> (Accessed 24 August 2021)

14 United Nations, UN Convention on the Rights of the Child (1989). Available at <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

15 Report of the Special Rapporteur on adequate housing (2018), supra note 35, paras. 10 and 18

The absence of an express right to housing in Ireland's Constitution or of a statutory right to housing in primary legislation is well documented. The impact of this lacuna on cases coming before the courts¹⁶ and, as such, on people's access to an effective remedy through the courts has been highlighted. While providing for a constitutional right to housing has been considered to varying degrees by the Oireachtas on several occasions during the past two decades, no substantial progress has been made¹⁷.

The Ombudsman for Children's Office has previously expressed concerns about the invisibility of children in housing legislation – Section 2(a) of the Housing Act 1988 (1988 Act) makes no reference to children and no special provision for families with children, referring only to “any other person who normally resides” or “who might reasonably be expected to reside” with a person who presents as homeless.

The limited statutory entitlements that families with children have in relation to housing¹⁸ and the considerable discretion that housing authorities have as regards the type of accommodation and support they may provide to people, including families with children, who are homeless¹⁹ is also of particular concern.

Focus Ireland has stated that “Policy objectives need to be shaped by a commitment to ‘end family homelessness’ or more accurately back it down to a level where it is rare and brief – a situation internationally referred to as ‘functional zero’”²⁰.

5. Ireland's Obligations

Ireland signed up to the **European Child Guarantee in June 2021**. The Child Guarantee, put forward by the European Commission, aims to prevent and combat child poverty and social exclusion in the EU²¹.

The Child Guarantee requires Ireland to develop policy and rollout actions in the area of housing, early childhood education and care; education; nutrition; and healthcare. Within six months, so by the end of this year, the State is expected to submit a national plan with specific targets, which focuses on breaking cycles of poverty, reduces the socio-economic impact of Covid-19 and tackles social exclusion.

Some of proposed measures include:

- Building a policy framework to address social exclusion of children.
- Identifying and addressing financial and non-financial barriers to participation in early childhood education and care, education and school-based activities.
- Providing at least one healthy meal each school day.
- Ensuring provision of educational materials, including digital educational tools, books, uniforms and any required clothing
- Providing transport to early childhood education and care and education establishments
- Providing for priority and timely access to social housing or housing assistance for children in need and their families.

16 See IHREC, The provision of emergency accommodation to families experiencing homelessness (July 2017), p.4, Available at <https://www.ihrec.ie/app/uploads/2017/07/The-provision-of-emergency-accommodation-to-families-experiencing-homelessness.pdf>

17 Connolly, J., 'A Constitutional Right to Housing: A Tale of Political Sidestepping', in Jesuit Centre for Faith and Justice, Working Notes, Issue 80, October 2017, pp.32-38. Available at www.workingnotes.ie/images/stories/Issue80/A-Constitutional-Right-to-Housing-A-Tale-of-Political-Sidestepping.pdf

18 Mercy Law Resource Centre, Children and Homelessness, supra note 50, p.9

19 IHREC, supra note 50, p.5 and Mercy Law Resource Centre, Children and Homelessness, supra note 50, p.10

20 Focus Ireland (April 2021) "Towards a Family Homelessness Strategy", P.12. Available at <https://www.focusireland.ie/wp-content/uploads/2021/04/Towards-a-Family-Homelessness-Strategy-FINAL.pdf> (Accessed 24 August 2021)

21 Children's Rights Alliance (June 2021), "The European Child Guarantee". Available at https://www.childrensrightrights.ie/sites/default/files/information_sheets/files/European%20Child%20Guarantee%20June%202021.pdf (Accessed 24 August 2021)

Ireland is encouraged to nominate a national Child Guarantee Coordinator, equipped with adequate resources and mandate, enabling the effective coordination and monitoring of the implementation of this Recommendation.

Better Outcomes, Brighter Futures sets out the Government's previous target of reducing by 70,000 the number of children in consistent poverty by 2020, this target has been missed.

Minister for Children, Equality, Disability, Integration and Youth, Roderic O'Gorman said in May 2021²² that progression on a policy successor to Better Outcomes, Brighter Futures has been delayed until 2022. The Minister stated that this decision was made in light of the pandemic and that his Department are currently implementing the EU Child Guarantee and developing Ireland's reporting to the United Nations Children's Rights Convention.

Lisbon Declaration: In June 2021 European institutions, EU governments and civil society signed the Lisbon Declaration, committing for the first time, to work together towards combatting homelessness in the EU²³.

Ireland and all other signatories have made a commitment to reduce and combat homelessness by 2030²⁴.

In signing the Declaration, Ireland has agreed to:

- Promote the prevention of homelessness and access to permanent housing.
- Make use of EU funding to improve the way we address homelessness.
- Involve relevant stakeholders to design and implement policy measures to reduce homelessness.

The Lisbon Declaration notes that:

The Primary responsibility for tackling homelessness lies with the Member States and their regional or local authorities.

The declaration acknowledges that:

Homelessness is one of the most extreme forms of social exclusion, negatively affecting people's physical and mental health, wellbeing, and quality of life, as well as their access to employment and access to other economic and social services.

The Covid-19 pandemic has heightened the urgency of effective action to solve homelessness.

22 Oireachtas.ie (2021). Available at <https://www.oireachtas.ie/en/debates/question/2021-05-27/27/>. (Accessed 24 August 2021)

23 European Commission (June 2021), "European platform to combat homelessness in Ireland is launched". Available at https://ec.europa.eu/commission/presscorner/detail/en/ip_21_3044 (Accessed 24 August 2021)

24 Social Justice Ireland (June 2021), "Ireland signed Lisbon Declaration on Combatting Homelessness". Available at <https://www.socialjustice.ie/content/policy-issues/ireland-signs-lisbon-declaration-combatting-homelessness> (Accessed 24 August 2021)

6. How to put A Better Normal into action

We know that addressing child poverty and homelessness is not simple, but we also know that the most complicated issues are often the most important.

The OCO is proposing that a **time-limited, cross departmental Joint Oireachtas Committee** should be established. The actions outlined below are just some possible options that such a Committee could consider, to make a swift and transformative impact in the goal of eradicating child poverty and homelessness.

1. **Achieving an Adequate Standard of Living:**

Adjusting social welfare supports by €5 or €10 depending on economic boom or bust does not serve children and families well. A better, data driven, and more scientific approach must be found to provide children and families with the financial support they need.

MESL²⁵ data provides an evidence based adequacy benchmark, which is methodologically robust, grounded in social consensus and informed by lived experience. MESL data is an accepted reference point for policy debate in Ireland and is part of the information being utilised by the Low Pay Commission. MESL data is adjusted annually.

Government Departments, and those responsible for making decisions on social welfare rates that impact our most vulnerable families, must utilise reliable data, like MESL to inform the rates set.

2. Right to Housing: Ireland must enshrine in our Constitution the Right to Housing for everyone in Ireland. Recognising the right of every child to have somewhere safe, warm and reliable to close their eyes every night will make a difference in how policy is created and implemented.

3. End Child Homelessness: We must plan how Ireland can live up to our commitment under the Lisbon Declaration to end homelessness by 2030. Eliminating family homelessness within five years should be the first step on this journey. Emergency accommodation, including Family Hubs should be used for emergency purposes only – it should be temporary and short term. Government should consider all options, including ESRI recommendations²⁶ to utilise the low cost of sovereign debt to significantly invest in housing.

4. Targeting services: Those who we know are most at risk of slipping below the poverty line must be identified, helped first and supported often. Explore ways to identify these children by honing in on areas where we know real poverty exists and layering extra supports in those areas. Cross referencing information we have such as the Pobal Poverty Index and the location of designated Deis schools would be a useful start in examining where the children who are most in need are living.

a. Free School Dinners: Introduce and support schemes such as the free school dinners to ensure that every child in the country gets one quality hot meal a day. The announcement that this scheme would continue over the summer for the 1,506 schools involved to date is very welcome, as was the extension of it to those schools providing the School Based Summer Education Programme.

²⁵ The Minimum Essential Standard of Living (MESL) is a standard of living which no one should be expected to live below. This information is collated by the Vincentian Partnership for Social Justice. For more information on MESL visit www.budgeting.ie (Accessed 24 August 2021)

²⁶ The Minimum Essential Standard of Living (MESL) is a standard of living which no one should be expected to live below. This information is collated by the Vincentian Partnership for Social Justice. For more information on MESL visit www.budgeting.ie (Accessed 24 August 2021)

b. Area Based Childhood Programme:

Expand, develop or further integrate across Government Departments the Area Based Childhood²⁷ (ABC) Programme, within the Prevention Partnership and Family Support Programme. The Area Based Childhood (ABC) Programme was established to adopt an area-based approach to tackling child poverty. The ABC Programme is multi-sectoral and multi-layered and is also aligned to, supports and informs other government policies.

c. Further support for everyday expenses:

Energy costs, transport costs (for both urban and rural families) and back to school expenses all disproportionately affect people on lower incomes. Take an interagency and cross Government approach to identifying how these supports could be provided to those who need them most.

d. Prevent evictions: A dedicated plan is needed to address the resumption of evictions, which were banned during the pandemic. A plan is also needed to tackle debt due to the rent freeze moratorium and mortgage holidays ending.

5. Build on and accelerate work that is

already underway: Develop further, and implement, the recommendations of the **Better Outcomes Brighter Futures (BOBF)** mid-term review²⁸.

²⁷ Tusla (2020), "The National Area Based Childhood Programme". Available at <https://letsgrowtogether.ie/wp-content/uploads/2021/04/ABC-Vision-Mission-Principles-23-02-2021.pdf> (Accessed 24 August 2021)

²⁸ Department of Children and Youth Affairs (2020), "Mid-term review of Better outcomes, Brighter Futures". P.6. Available at <https://assets.gov.ie/38401/b6fd3f579d514bb79f65d692970b55e6.pdf> (Accessed 24 August 2021)

