

The impact of school closures on children's rights in Ireland -

A Children's Rights Impact Assessment



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Message from the Ombudsman for Children:

Almost 20 years ago, the UN Committee on the Rights of the Child identified child rights impact assessment (CRIA) as a key measure that States should implement to progress the realisation of children's rights under the UN Convention on the Rights of the Child (CRC). Although Ireland ratified the CRC in 1992, the State has not implemented CRIAs or child rights impact evaluations (CRIE).

During 2021, the European Network of Ombudspersons for Children (ENOC) and UNICEF invited Ombudspersons and Commissioners for Children across Europe and Central Asia to conduct a pilot child rights impact assessment (CRIA) about the impact of Covid-19 measures on children's rights. The Ombudsman for Children's Office (OCO) was one of 13 organisations who carried out this project.

We decided to focus our CRIA on the impact of school closures on children's rights, and we specifically examined the impact that school closures had on children experiencing mental health difficulties, homeless children, children living in Direct Provision, children with disabilities, and Traveller and Roma children.

As we note in our report on this CRIA, there are different views about whether or not schools needed to be closed for as long as they were in 2020 and again in 2021. However, as we approach the second anniversary of the first lockdown in March 2020, we have a heightened awareness, if incomplete understanding, of the predominantly negative impacts that school closures have had on children. Accordingly, there appears to be a broad consensus at this stage that keeping schools open needs to remain a key priority. This is important and welcome. From the OCO's perspective, national policy in this area needs to maintain this focus, with adequate and

appropriate resources allocated to support schools to remain open safely.

From a children's rights perspective, the findings of our CRIA highlight a number of overarching issues that merit further attention:

- The closure of schools in 2020 and 2021 has underscored the extent to which we rely on schools, and on professionals working in and through schools, to support children's enjoyment of their rights.

Despite mitigation measures, the move to online learning presented significant challenges as regards children's enjoyment of their right to education. A lack of, or limited access to, broadband and/or devices; constraints on parents' capacity to support their children's participation in online learning; and the absence of a suitable learning environment and adequate learning supports all contributed.

School closures adversely affected the mental health and wellbeing and/or the social and emotional development of some children, including children with pre-existing mental health difficulties and children with disabilities. The closure of schools in March 2020 led to the cancellation and disruption of health-service provision in schools, including the school immunisation programme and school-based hearing, vision and dental checks. While steps were taken to maintain the School Meals Programme, school closures meant this Programme did not reach as many children as it would otherwise have done. This prompted concerns that parents would struggle to

afford food for children who previously would have received meals in school. Furthermore, given the important role that school-based professionals play in recognising and reporting child protection and welfare concerns, school closures reduced opportunities to identify and report such concerns. As such, school closures, together with other lockdown measures, can be seen to have increased children's exposure, or risk of exposure, to harm and abuse, including domestic violence.

Looking forward, such impacts are a useful catalyst for reflection. What are the key measures that need to be taken to grow schools' capacity to support children's enjoyment of their rights? And can we strengthen other existing pathways, and perhaps create new pathways, for the delivery of certain services and supports to children, in the interests of mitigating risks associated with our reliance on schools?

- The pandemic and certain measures taken in response to Covid-19 have amplified existing inequalities experienced by particular groups of children in Ireland.

Our CRIA indicates that children with mental health difficulties, children experiencing homelessness, Traveller and Roma children, children with disabilities and children living in Direct Provision have been disproportionately affected by school closures. While our CRIA suggests that steps were taken to provide supports to certain groups of children, it appears that groups of children requiring special measures could have benefited from further consideration being given to their particular needs.

Having regard to children's right to non-discrimination, this too raises important questions. For example, what additional information do we need to fully understand the impact of school closures on particular groups of children?

What specific supports do particular groups of children need to mitigate the negative impacts of school closures and to facilitate their recovery, and what resources are required to provide these supports?

- At different times during the pandemic, decision-makers have been under pressure to make very significant decisions. It seems clear that decisions concerning the closure and reopening of schools in 2020 and 2021 were made on foot of National Public Health Emergency Team (NPHE) public health advice to Government. Decisions about reopening schools also seem to have been partly informed by a growing appreciation of the importance of doing so for children. However, consideration of children's rights does not appear to have informed decision-making regarding school closures to the extent that it should have done.

This CRIA indicates that understanding of children's rights and the practice of applying a child rights-based approach to decision-making needs to be strengthened, including among public bodies.

It is not possible to say definitively whether and how decision-making regarding school closures might have been different if CRIA and CRIE were well-established practices in Ireland. However, CRIA and CRIE can support systematic consideration of the potential impacts and subsequent effects of decisions/actions on children and their rights. Accordingly, we believe that serious attention needs to be given to the introduction of CRIA and CRIE, including the attendant matter of how CRIA can be used effectively in the context of emergency situations.

Participation in this joint ENOC/UNICEF pilot project has been a valuable learning experience for the OCO. It is important to acknowledge that there are limitations to our CRIA. However, our

hope is that this CRIA is a useful contribution to an emerging body of information that can facilitate our understanding of the impacts of the pandemic on children, as well as the measures needed in the short term and in the longer term to support children's recovery

from its adverse effects on their lives. In addition, we are of the view that this CRIA highlights the need for the State to further strengthen its capacity to make decisions, including in emergency situations, that have due regard to children's rights.

Ombudsman for Children's Office

The Ombudsman for Children's Office (OCO) is an independent statutory body, which was established in 2004 under the Ombudsman for Children Act 2002 (2002 Act). Under the 2002 Act, as amended, the Ombudsman for Children has two core statutory functions:

- to promote the rights and welfare of children up to the age of 18 years living in Ireland
- to examine and investigate complaints made by or on behalf of children about the administrative actions of public bodies, schools and hospitals that have or may have had an adverse effect on a child.

The Ombudsman for Children is appointed by the President of Ireland and is directly accountable to the Oireachtas in relation to the exercise of their statutory functions.



Child Rights Impact Assessment and Child Rights Impact Evaluation

Child Rights Impact Assessment (CRIA) examines the potential impacts that laws, policies, budget decisions, programmes and services may have on children, as they are being developed and prior to a decision being made or an action being taken. As such, CRIA can identify ways to avoid or mitigate any negative impacts on children of a particular decision or action before it is implemented.

Child Rights Impact Evaluation (CRIE) provides an opportunity to consider the effects that legislative changes, budgetary decisions, policies, programmes or services have had on children's rights after a decision has been made or an action has been taken. Accordingly, CRIE can propose what changes would be needed to ensure that a given measure respects children's rights.¹

The UN Committee on the Rights of the Child has advised that a continuous process of CRIA and CRIE is required to ensure that the provisions of the UN Convention on the Rights of the Child (CRC) are respected in legislation and policy development and delivery at all levels of government.²

Ireland has not yet introduced CRIA and CRIE to support the implementation of children's rights. Certain types of regulatory and policy impact assessments are in place, and though these may involve some consideration of the impacts of decisions on children, they are not designed to consider children's rights in line with the CRC or

to support a child rights-based approach to decision-making.³ The Department of Children, Equality, Disability, Integration and Youth's Statement of Strategy 2021-2023 commits to considering the introduction of CRIAs in the policy formulation process and the OCO's understanding is that CRIA will be given more consideration in 2022.⁴

OCO's CRIA on the impact of school closures on children's rights

The OCO is a member one of 13 organisations that took part in a joint project run by the European Network of Ombudspersons for Children (ENOC) and UNICEF in 2021 to pilot a CRIA about the impact of Covid-19 measures on children's rights.

The OCO decided to focus our CRIA on the closure of schools as almost all school-aged children were affected by the decision to close schools. There is also an emerging body of information about the impacts of this measure that we could consider for the

1 ENOC (2020) [Common Framework of Reference on Child Rights Impact Assessment: A guide on how to carry out CRIA](#), p. 3.

2 Committee on the Rights of the Child, [General Comment No. 5 \(2003\) General measures of implementation of the Convention on the Rights of the Child \(arts. 4, 42 and 44, para. 6\)](#) (2003), UN Doc. CRC/GC/2003/5, para. 45.

3 C. Corrigan, [Developing and Implementing Child Impact Statements in Ireland](#) (2006).

4 DCEDIY, [Statement of Strategy 2021-2023](#) (2021), p. 31.

purposes of conducting the CRIA. As the school system in Ireland does not include early childhood education and care, our CRIA focused on the closure of primary and post-primary schools.

We looked at the impact that school closures had on a number of children's rights under the CRC, namely: the right to education (Art. 28, CRC); the right to the highest attainable standard of health, including mental health (Art. 24, CRC); the right to an adequate standard of living, particularly adequate nutrition (Art. 27, CRC); and the right to protection from all forms of violence, harm and abuse (Art. 19, CRC). We also looked at school closures through the lens of the four general principles of the CRC: non-discrimination (Art. 2, CRC); the best interests of the child (Art. 3, CRC); life, survival and development (Art. 6, CRC) and respect for children's views (Art. 12, CRC).

Although the closure of schools impacted on all children, our CRIA focused on how school closures impacted on the five groups of children that have been a focus of the OCO's work under our Strategic Plan 2019-2021. These five groups of children are:

- children experiencing mental health difficulties
- children experiencing homelessness
- children living in Direct Provision
- children with disabilities
- Traveller and Roma children.

How we did the CRIA

We planned and implemented our CRIA between April and October 2021. We carried out a desk-based review of relevant documentation and interviewed several key stakeholder organisations.

The desk-based review utilised both national and international sources. These included:

- OCO materials, including information and perspectives regarding school closures that were shared directly with the OCO by children, parents and professionals working with children

- reports and articles by research institutions, State agencies, NGOs and media outlets regarding the impact of school closures on the specific groups of children and/or on one or more specific children's rights referenced above
- relevant international and European comparative reports.

To supplement information gathered through our desk-based review, we conducted semi-structured interviews with 11 key stakeholder organisations - 4 State agencies and 7 non-governmental organisations. Given the diverse roles, remits and professional experiences of the stakeholders we invited to take part in interviews, we anticipated that there would be some variation in the questions asked. In broad terms, we covered the following topics:

- any positive, negative and neutral impacts of school closures observed
- the extent to which the four general principles of the CRC have been considered as regards the decision to close schools and the impacts of this decision
- where interviewees observed negative impacts of school closures, ways in which this measure could be modified to mitigate these negative impacts
- where interviewees observed positive impacts of school closures, ways in which these positive impacts could be maximised in the interests of children and their rights
- the extent to which we can anticipate the medium-term or long-term impacts of school closures and the extent to which any such impacts may be different for different groups of children
- the potential impacts of any future school closures, having regard to the absence of absolute certainty about the trajectory of Covid-19.

The stakeholders interviewed have different mandates, roles, areas of focus and professional experience and we were cognisant that their perspectives were informed by these.

Limitations of this CRIA

The OCO acknowledges that there are limitations to our CRIA:

- **Time constraints:** The project was time bound and therefore there were constraints on the amount of documentation that could be reviewed, the number of interviews that could be undertaken with stakeholders, and the opportunity to conduct a dedicated consultation with children.
- **Continuation and emerging impacts of the Covid-19 pandemic:** The pandemic is not over and its trajectory remains uncertain. Data on its impacts on children, as well as the impacts of restrictions, is emerging but remains limited at this time.
- **Pilot nature of the framework and methodology:** This CRIA pilots a new CRIA framework and methodology devised by ENOC. As such, it was important to adhere to the methodology in so far as practicable in order to test it and identify potential areas for learning and development.



Findings

School closures have had a predominantly negative impact on children's right to education. Those already experiencing educational disadvantage were disproportionately affected.

School closures had primarily negative impacts on children's right to the highest attainable standard of health, including mental health.

School closures had a negative impact on children's right to adequate nutrition as closures meant that food provided under the School Meals Programme did not reach all children who might otherwise have received it.

School closures, together with other lockdown measures, increased children's exposure to harm and abuse, including domestic violence. Closures also reduced opportunities for school-based professionals to identify, monitor and report on child protection and welfare concerns.

Decisions relating to the closure and reopening of schools did not sufficiently consider and address the needs of specific groups of children. School closures had a disproportionately negative impact on certain groups of children.

There are different perspectives on whether, and to what extent, children's best interests were considered by the Government when deciding to close schools.

There are concerns about the impact of school closures not only on children's learning, but also on their social and emotional development.

None of the information reviewed for this CRIA clarifies whether or how children's views were sought and given due weight in relation to decisions about school closures.

Documentation reviewed and perspectives shared by stakeholders we interviewed suggest that school closures have impacted on all children and that the impacts have been particularly felt by certain groups of children.

This CRIA highlights that school closures occurred against a backdrop of existing shortfalls in the protection and fulfilment of children's rights, with pre-Covid deficits

increasing the negative impacts of school closures for children experiencing mental health difficulties; children experiencing homelessness; children living in Direct Provision; children with disabilities; and Traveller and Roma children.

The medium-to-long-term impacts of school closures remain unknown and it is important to note that further research and analysis are needed going forward.



Right to education (Art. 28, CRC)

- The documentation reviewed and stakeholders' views point to largely negative impacts that school closures have had on children's enjoyment of their right to education under the CRC. A lack of, or limited access to technology, constraints on parents'/guardians' capacities to support their children's participation in online learning, the absence of a suitable learning environment and of adequate learning supports are all contributing factors.
- A number of positive impacts were identified in respect of some children, including the development of independent learning and digital skills, greater examination choices, and improved experiences for children experiencing social anxiety in the school environment.
- Certain groups of children appear to have been particularly adversely affected as regards enjoying their right to education, including children with disabilities, Traveller and Roma children, children living in Direct Provision and children experiencing homelessness.
- Children's access to education during school closures depended heavily on their families' resources and the supports provided by parents/guardians and schools.
- In cases where children were provided with supports, such as devices and/or paper-based resources, such provision was reported to be inconsistent or insufficiently targeted towards some children's needs, with certain children still left without adequate opportunities to access and participate in education.
- It appears that school closures negatively impacted on the implementation of the aims of education as set out under Article 29 of the CRC, and particularly as regards the holistic development of the full potential of each child. However, the full extent of this remains unclear.

Right to the highest attainable standard of health, including mental health (Art. 24, CRC)

- The documentation reviewed and stakeholders' views identified negative impacts of school closures on children's enjoyment of their right to the highest attainable standard of health, including mental health. These negative impacts include an apparent increase in mental health difficulties as well as disruption to and cancellation of in-school health services and supports.
- Some positive impacts were identified, including an increase in awareness of children's mental health issues. Some children experienced an improved school-life balance and/or less social pressure or bullying associated with attending school.
- There are concerns about whether existing mitigating measures are sufficient.

Right to an adequate standard of living, with a particular focus on adequate nutrition (Art. 27, CRC)

- School closures had a negative impact on children's right to an adequate standard of living as it applies to adequate nutrition, as closures meant that the School Meals Programme could not be provided in schools.
- While there were deficiencies in its delivery, the School Meals Programme continued and was extended during school closures. This is viewed as a positive measure that reduced the potentially negative impact of school closures on children's access to adequate nutrition.

Right to protection from all forms of violence, harm and abuse (Art. 19, CRC)

- This CRIA highlights two particular negative impacts of school closures, together with other lockdown measures, on children's right to protection from all forms of violence, harm and abuse:
 - increased exposure of children to harm and abuse, including domestic violence

- reduced opportunities to identify, monitor and report child protection and welfare concerns
- Positive mitigating measures identified include actions taken by child protection professionals to continue to provide essential frontline services and public awareness campaigns to encourage reporting of child protection concerns.

Right to non-discrimination (Art. 2, CRC)

- This CRIA indicates that children with mental health difficulties, children experiencing homelessness, Traveller and Roma children, children with disabilities, and children living in Direct Provision have been disproportionately impacted by school closures across the four rights examined.
- It appears that the decisions to close and re-open schools did not sufficiently consider and address the needs of specific groups of children who require special measures to mitigate the negative effects of school closures.
- It appears that deficits in data regarding children may present a barrier to quantifying the impacts of school closures on children and their rights and may have prevented certain measures being as effective as they could have been

Right to have best interests treated as a primary consideration (Art. 3, CRC)

- There are different perspectives on whether and, if so, to what extent children's best interests were considered by the Government with regard to decisions to close schools.
- Some stakeholders observed that decision-makers were under pressure to make rapid decisions based on public health advice and that the environment in which these decisions were made was not conducive to rights-based decision-making, including appropriate consideration of children's best interests.

- This CRIA highlights concerns about whether approaches taken to, and the duration of, school closures were necessary, proportionate and in children's best interests.

Right to life, survival and development (Art. 6, CRC)

- Though it appears that children's right to life and survival was considered in the context of decision-making about overall Covid-19 measures, the extent to which children's right to maximum development was considered in relation to school closures is not clear.
- Documentation reviewed and stakeholders' views point to the negative impact that school closures had on children's social, emotional and educational development.
- School closures presented particular challenges for the development of children with disabilities and children living in inadequate living conditions, including homeless children, Traveller and Roma children and children living in Direct Provision.

Right to express, and to have due weight given to, views (Art. 12, CRC)

- None of the documentation reviewed for this CRIA clarifies whether and, if so, how children's views were sought and given due weight in decision-making relating to school closures.
- Some stakeholders interviewed expressed concern about the lack of involvement of children, particularly children who experience disadvantage, in decision-making about school closures.
- Children were provided with some opportunities to express their views on the impact of Covid-19 on mental health, examinations and their experiences of returning to school.

Recommendations

These recommendations are based on emerging information at a time when the trajectory of the pandemic remains uncertain. They arise from the scope and methodology of this CRIA as well as the analysis and findings set out in the report.

Child rights impact assessment and evaluation

- The introduction of CRIA and CRIE should be seriously considered and investigated by Government with a view to ensuring that children's rights are appropriately considered, including in emergency situations where very significant decisions need to be made quickly and potentially in the absence of complete information.
- A comprehensive child rights-based evaluation of the impacts of school closures and corresponding mitigating measures on children should be conducted in the interests of developing measures to further mitigate negative impacts of school closures on children and to harness learning for the future.

Policy and cross-sectoral coordination

- School closures should be a measure of last resort, with contingency plans in place to support reopening as soon as possible and with particular attention given to children who will be most adversely affected by schools being closed. Given that the trajectory of Covid-19 remains uncertain, national policy needs to maintain a focus on keeping schools open, with adequate resources allocated to support their remaining open safely.
- Existing coordination structures on matters affecting children should be strengthened further and mobilised effectively in emergency situations.
- Attention needs to be given to how children and young people's right to be heard can be upheld effectively in emergency situations. Existing mechanisms to support children and

young people to express their views do not appear to have been mobilised to the extent that they could have been as regards decision-making about the closure and reopening of schools.

Allocation of resources

- A comprehensive assessment should be undertaken to fully understand the human, technical and financial resources allocated to reduce the negative impacts of school closures on children. This assessment should quantify the additional resources needed in the event of a future emergency where school closures prove necessary.
- Additional measures to support children to recover from the adverse effects of school closures need to be identified, together with the resources required to implement these measures.

Data collection and analysis

- Shortfalls in data regarding children may present a barrier to quantifying the impacts of school closures on children and their rights and may have mitigated against certain measures taken in the context of school closures being as effective as they could have been. Work should be undertaken to identify what the specific shortfalls in data are in this regard so that relevant gaps and deficits can be addressed.

Training and capacity building

- Those making decisions affecting children should be upskilled so that children's rights are integrated effectively into decision-making process affecting children in emergency situations.

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