

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

## A Pilot Child Rights Impact Assessment (CRIA)

by the Ombudsman for Children's Office, Ireland

as part of an

**ENOC/UNICEF** joint project

to pilot a CRIA about the impact of Covid-19 measures on children's rights



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# 1. INTRODUCTION

## 1.1. Ombudsman for Children's Office, Ireland

The Ombudsman for Children's Office in Ireland (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 (Ireland's parliament) in relation to the exercise of his/her statutory functions.

## 1.2. ENOC/UNICEF project: Piloting a CRIA on the impact of Covid-19 measures on children's rights

The Ombudsman for Children's Office (OCO) was one of 13 organisations who took part in an ENOC/UNICEF joint project in 2021 to implement a Child Rights Impact Assessment (CRIA) about the impact of Covid-19 measures on children's rights.

The UN Committee on the Rights of the Child (the Committee) states that a continuous process of CRIA and Child Rights Impact Evaluation (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.<sup>1</sup> CRIA examines the potential

impacts on children and young people of laws, policies, budget decisions, programmes and services as they are being developed *prior* to the decision or action being put in place and, as necessary, suggests ways to avoid or mitigate any negative impacts. CRIE provides an opportunity to consider the effects that legislative changes, budgetary decisions, policies, programmes or services have had on children and young people's rights *after* a decision has been made or an action has been taken. Where necessary, CRIE can propose what changes would be needed to ensure the measure respects children's rights and complies with the CRC.<sup>2</sup>

## 1.3. Scope and objectives of the OCO's CRIA

### Scope

Each ENOC member organisation that participated in this ENOC/UNICEF joint project was responsible for deciding the focus and scope of its own CRIA about the impact of Covid-19 measures on children's rights. Following initial screening and scoping, the Covid-19 measure in Ireland that the OCO decided to focus on for our CRIA is the closure of schools. Our decision to focus on the closure of schools was informed by the fact that this decision affected almost all school-aged children and could be seen to impact on a number of their rights. Furthermore, there is an emerging body of information about the impacts of this measure that we could consider for the purposes of conducting the CRIA. As the school system in Ireland does not include early childhood care and education delivered outside school settings, our CRIA does not include this sector. Rather, it focuses on the closure of primary and post-primary schools.

The closure of schools in Ireland entailed the closure of school premises and a corresponding

<sup>1</sup> 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.

<sup>2</sup> ENOC (2020) *Common Framework of Reference on Child Rights Impact Assessment: A guide on how to carry out CRIA*, p. 3.



move to online teaching and learning for a period in 2020 and again in 2021. For ease of reference, this is referred to as the 'closure of schools' throughout the remainder of this report.

In line with ENOC's methodology, to the extent that our CRIA looks back at the impacts of this measure, as implemented since March 2020, it is aligned with a CRIE. However, allowing that the course of the Covid-19 pandemic remains uncertain, it might also be seen as a CRIA. As such, the OCO's project can be viewed as a hybrid of a CRIA and CRIE. For ease of reference, we refer to this project as a 'CRIA' throughout this report.

Through this CRIA, we sought to assess the impact of school closures on several specific rights that children have under the CRC, namely:

- children's right to education (Art. 28, CRC)
- children's right to the highest attainable standard of health, including mental health (Art. 24, CRC)
- children's right to an adequate standard of living, with particular reference to nutrition (Art. 27, CRC)
- children's right to be protected from all forms of harm and abuse (Art. 19, CRC).

In accordance with ENOC's CRIA framework, we sought to assess the impact of school closures on these rights of the child through the lens of the CRC's four general principles, namely:

- children's right to non-discrimination (Art. 2, CRC)
- children's right to have their best interests treated as a primary consideration (Art. 3, CRC)
- children's right to life, survival and development (Art. 6, CRC)
- children's right to express their views freely in all decisions affecting them and to have due weight given to their views, in accordance with their age and maturity (Art. 12, CRC).

Furthermore, although the closure of schools impacted on all children, our CRIA focused on how school closures impacted these rights of the child as they are held by five groups of children that have been a focus of the OCO's work under our Strategic Plan 2019-2021.<sup>3</sup> The five groups of children are:

- children experiencing mental health difficulties
- children experiencing homelessness
- children living in Direct Provision<sup>4</sup>
- children with disabilities
- Traveller and Roma children.

## Overall objectives

The main objectives of the OCO's CRIA have been to:

- pilot ENOC's CRIA methodology in respect of a Covid-19 measure that has impacted on children in Ireland
- assess the impacts of this measure on particular rights of the child under the CRC as these rights are held by specific groups of children, having regard to the four general principles of the CRC
- disseminate the learning from this pilot CRIA among OCO staff in order to strengthen the OCO's understanding as regards a) implementing CRIA and b) the impact that the measure examined has had on particular children's rights as these rights are held by five groups of children and based on the information we considered
- disseminate our CRIA report among relevant State agencies and other key stakeholders, including for the purposes of raising awareness of CRIA as a process
- contribute to the further development of ENOC's CRIA framework and methodology.

<sup>3</sup> OCO, *Strategic Plan 2019-2021* (2019); OCO, *No Place Like Home: Children's views and experiences of living in Family Hubs* (2019); OCO, *Direct Division: Children's views and experiences of living in Direct Provision* (2020a); Moloney et. al, *Mind the Gap: Barriers to the realisation of the rights of children with disabilities in Ireland* (2021); OCO, *No End in Site – An investigation into the living conditions of children living on a local authority halting site* (2021).

<sup>4</sup> Direct Provision refers to the system of supports, including accommodation, food and a weekly allowance, introduced in Ireland in 2000 for individuals and families awaiting decisions on their asylum application.

## 1.4. Methodological approach

This CRIA was planned and implemented by OCO staff between April 2021 and October 2021. The ENOC/UNICEF joint project provided for a differentiated approach by participating organisations to implementing ENOC's CRIA methodology. In light of this and practical considerations associated with completing the CRIA within the project timeframe, our methodology comprised two components: a desk-based review of relevant documentation and semi-structured interviews with a number of key stakeholders.

ENOC's CRIA framework requires that organisations engage directly with children who are impacted by the measure being examined to ensure that the CRIA is informed by children's lived experiences and perspectives. The timeline for implementing this pilot CRIA precluded us from undertaking a dedicated piece of work to facilitate children's participation in the project and this was communicated to ENOC from the outset. In the absence of direct engagement with children, the views and experiences of children were considered, in so far as practicable, via information that already exists and, as such, via the desk-based review and analysis of relevant documentation.

### Desk-based review

We implemented a desk-based review and analysis of relevant documentation during June and July 2021. We 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.

### Semi-structured interviews

To supplement information gathered through the desk-based review, we conducted semi-structured interviews with 11 key stakeholder organisations - 4 State agencies and 7 non-governmental organisations - during July and August 2021. 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 during each semi-structured interview, considering the specific rights and groups of children our CRIA focuses on:

- 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 at this juncture about the trajectory of Covid-19.

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

## 1.5. Ethical considerations

Our approach to planning and implementing the semi-structured interviews with stakeholders was underpinned by a number of core ethical considerations:

- **Transparency** – We provided clear, accurate, timely information about the project to prospective participating stakeholders to facilitate them to decide whether or not they wished to participate in an interview. We encouraged prospective participants to approach us with any queries so that we could address them prior to their prospective participation.
- **Consent** – We invited stakeholders to participate on a voluntary basis. We sought and obtained consent from stakeholders regarding their participation in the project.
- **Confidentiality** – We provided for public confidentiality by anonymising the views shared by participating stakeholders.

We also took steps to ensure that any processing of personal data entailed in planning and implementing the semi-structured interviews was compliant with our obligations under the General Data Protection Regulations (GDPR) and the Data Protection Act 2018.

Due to the Covid-19 pandemic, we conducted the interviews virtually and took detailed notes of these. Following each interview, we provided interviewees with the opportunity to review the notes on their interview and to make any corrections that they considered necessary for the purposes of accuracy, and to add in any information that they wished to add for completeness. We also discussed and agreed with participants how the information and views they shared would be attributed in our report.

## 1.6. Limitations of this CRIA

The OCO acknowledges that there are limitations to this 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:** Despite progress in curbing Covid-19 in Ireland, 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.

## 1.7. Background information

### The school system in Ireland

Article 42.4 of the Constitution of Ireland states that ‘the state shall provide for free primary education.’ The Irish Supreme Court has held that Article 42.4 does not guarantee free primary education for children, but rather guarantees that the State will provide the infrastructure required for third parties to provide free primary education.<sup>5</sup>

There are a number of pieces of primary legislation relating to education in Ireland. These include the [Education Act 1998](#), the [Education \(Welfare\) Act 2000](#), the [Education for Persons with Special Educational Needs Act 2004](#) and the [Education \(Admission to Schools\) Act 2018](#). These laws seek to give effect to the

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5 Crowley v Ireland [1980] IR 102

Constitutional provision above and provide for education for all children without discrimination. The principle of non-discrimination is further supported by the [Equal Status Acts 2000-2018](#) and the [Disability Act 2005](#).

The Irish school system comprises primary education and post-primary education. At the end of 2020, there were 561,411 children enrolled in primary school and 379,184 children enrolled in post-primary school.<sup>6</sup> Education is compulsory from the ages of six to sixteen or until students have completed three years of post-primary education. While it remains open to parents to educate their children at home subject to requirements, the vast majority of children are enrolled in schools. Primary education consists of an 8 year cycle. Post-primary education consists of a 3 year Junior Cycle, an optional Transition Year, and a 2 year Senior Cycle. A Junior Certificate is awarded to those completing the Junior Cycle. Students completing Senior Cycle complete their post-primary education by taking the Leaving Certificate Examination. Education provision for students with special educational needs (SEN) ranges from additional support in mainstream schools to specialist support in special schools.

In Ireland, the Department of Education is responsible for education policy and establishes regulations for the management, resourcing and staffing of schools. However, the Irish school system is significantly decentralised in terms of school ownership, trusteeship and management. The Irish system is an indirect model of State provision of education, whereby the State largely outsources the provision of education to third party actors.<sup>7</sup> The State provides funding for recognised schools, and prescribes and supervises the curriculum, with pupil admissions and the hiring of teachers being a matter for individual schools. In practice, the vast majority of schools are publicly funded, but privately owned.

While the Department is responsible for the overall direction of education, responsibility

for certain matters, including national curricula and assessment, is delegated to aegis bodies of the Department, including the [National Council for Curriculum and Assessment](#), the [National Council for Special Education](#) and the [State Examinations Commission](#). Decision-making relating to education is characterised by consultation between the Department and the education partners, which include school patrons, national parents associations, school management bodies, and trade unions representing teachers. While second level students are represented through the Irish Second Level Students Union (ISSU), the extent of ISSU's influence on national education policy and decision-making affecting post-primary students can be characterised as emerging.

### **The decision to close schools in the context of the Covid-19 pandemic**

On 12 March 2020, the Government decided that all schools would close, along with other education settings, from 6 pm on 12 March until 29 March 2020.<sup>8</sup> The decision to close schools was one of a suite of decisions made in light of public health advice provided to Government by the National Public Health Emergency Team for Covid-19 (NPHET) and directed towards limiting the spread of Covid-19.<sup>9</sup> The Department of Education asked that schools continue to plan lessons, to provide online resources or lessons, where possible, and to actively consider students that may not have access to online facilities.<sup>10</sup>

The Government subsequently extended school closures and schools remained closed until the end of the 2019/2020 school year. During the summer, the Minister for Education indicated that the reopening of schools as fully and safely as possible at the start of the new school year was a top priority.<sup>11</sup> Schools reopened at the beginning of the 2020/2021 school year at the end of August/start of September and remained open until the Christmas break in December 2020.

6 Department of Education (2021) 'Statistical bulletin 2020/2021'.

7 Conor O'Mahony (2019) 'Ireland', John Hopkins School of Education, Institute for Educational Policy.

8 IGNS, [Statement by An Taoiseach Leo Varadkar On measures to tackle Covid-19 Washington](#), 12 March 2020.

9 Ibid.

10 Department of Education, [Covid-19 – Statement from the Department of Education and Skills](#), 12 March 2020.

11 Dáil Éireann debate, [Covid-19 Pandemic](#), 28 July 2020.

Following the introduction of the highest level of restrictions on 27 December 2020, the Government decided that schools would remain closed following the Christmas break from 11 January until 1 February 2021, to support the suppression of Covid-19.<sup>12</sup> The Government subsequently decided to initiate a phased return to in-school education. Special schools partially reopened on 11 February 2021 and all special classes at primary and post-primary level reopened from 22 February. Children in the first four classes at primary level (junior infants, senior infants, first class and second class) and final year Leaving Certificate students

at post-primary level returned to school from 1 March 2021. Special schools returned to full attendance from 1 March 2021.<sup>13</sup> The final four classes at primary level (third to sixth class) and fifth year students at post-primary level returned to in-school learning from 15 March 2021, while the remaining post-primary students in first to fourth year returned to in-school learning from 12 April 2021.<sup>14</sup> Schools stayed open until the end of the 2020/2021 school year and schools reopened at the beginning of the 2021/2022 school year at the end of August/start of September 2021.



<sup>12</sup> Department of Education, [Ministers Foley and Madigan provide further detail of in-school and remote learning provision during the periods of school closure](#), 6 January 2021.

<sup>13</sup> Department of Education, [Ministers Foley and Madigan welcome the phased return of in-school teaching and learning for students commencing Monday, 1 March](#), 23 February 2021.

<sup>14</sup> Dáil Éireann Debate, [School Attendance](#), written answer to parliamentary question [19888/21], 21 April 2021.

## 2. Analysis





## 2. ANALYSIS

### 2.1. Introduction to analysis

This introductory section provides a context for the more focused analysis in the sub-sections that follow and includes some overarching points emerging from our analysis of relevant documentation and points made by stakeholders we interviewed for this CRIA.

#### The regulatory basis for decision-making related to school closures

On 2 October 2020, the Irish High Court confirmed that the Government could rely on its executive power to underpin its use of public health guidelines to curb the spread of Covid-19.<sup>15</sup> In this regard, it appears that the Government's decision to close schools was also based on its executive power to issue non-statutory policies as derived for under Article 28.2 of the Constitution.<sup>16</sup> This decision did not have an express statutory basis and, as such, was not legally enforceable. As noted above, this decision and subsequent decisions about the closure and reopening of schools were made on foot of recommendations made to the Government by NPHET.

NPHET was set up by the Minister for Health in January 2020 to give public health advice. It is an advisory body operating by consensus, making decisions and recommendations as a team. It has no juridical role in issuing public health guidance or in making of laws.<sup>17</sup> Despite its advisory capacity, concerns have been raised about whether NPHET became the real decision-maker regarding Ireland's public health response to Covid-19.<sup>18</sup> Research by the Irish Human Rights and Equality Commission (IHREC) also raised concerns about a lack of human rights expertise at NPHET.<sup>19</sup>

#### Mainstreaming of children's rights in public decision-making, including during Covid-19

The overarching national strategy relating to children and young people in Ireland, Better Outcomes, Brighter Futures (BOBF), recognises that politicians, policy-makers and all who work with children need to create a culture that respects and progresses the rights of the child.<sup>20</sup> To this end, BOBF established cross-Government structures to improve coordination of policies and services for children.<sup>21</sup> These structures include: the cross-Government Children and Young People's Policy Consortium and an Advisory Council that advises the Policy Consortium and the Minister for Children, Equality, Disability, Integration and Youth. Children and young people are also represented in BOBF structures, including through the National Executive of Comhairle na nÓg (local youth councils). The Department of Children, Equality, Disability, Integration and Youth (DCEDIY) established Hub na nÓg to support Government Departments, State agencies and non-governmental organisations to give children a voice in decision-making.

Ireland has not yet introduced CRIA 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 provide for a child rights-based approach to decision-making.<sup>22</sup> The DCEDIY's Statement of Strategy 2021-2023 commits to considering introducing CRIAs in the policy formulation process and our understanding is that CRIA will be given more consideration in 2022.<sup>23</sup>

15 Ryanair Dac v An Taoiseach & Anor [2020] IEHC 461.

16 For more commentary on this see: C. Casey, 'Executive Power and the Right to Primary Education: The Case of School Closures', Covid-19 Law and Human Rights Observatory, 11 March 2021.

17 Department of Health, 'National Public Health Emergency Team (NPHET) for Covid-19: Governance Structures', 26 June 2020

18 Ibid.

19 Casey et al., *Ireland's Emergency Powers During the Covid-19 Pandemic* (2021).

20 Government of Ireland, *Better Outcomes Brighter Futures: The national policy framework for children & young people 2014 - 2020* (2014), p. 38.

21 Government of Ireland, *Better Outcomes Brighter Futures: The national policy framework for children & young people 2014 - 2020* (2014), p. 2.

22 C. Corrigan, *Developing and Implementing Child Impact Statements in Ireland* (2006).

23 DCEDIY, *Statement of Strategy 2021-2023* (2021), p. 31.

Although Government response plans<sup>24</sup> and NPHET advice<sup>25</sup> recognised the impact of Covid-19 restrictions on children and their education, it is unclear whether, and if so, when, how and to what extent, human rights concerns, including children's rights, have been considered by the Government in its decision-making regarding Covid-19 restrictions, including school closures.<sup>26</sup> The Cabinet Committee on Covid-19 Response established by Government in March 2020 to oversee the cross-Government response to Covid-19 does not include representation from the DCEDIY.<sup>27</sup> However, the Committee is supported by a Senior Officials Group, which includes senior officials from all Government Departments. A Covid-19 Oversight Group, which was set up in September 2020 to provide advice to the Government on strategic economic and social policy responses to Covid-19 and to consider NPHET advice, also does not include representation from the DCEDIY.<sup>28</sup>

Little information is publicly available on the role that BOBF structures played in respect of such governance structures. Though the Advisory Council engaged with Government Departments concerning mitigation measures,<sup>29</sup> a public servant and an NGO stakeholder we interviewed stated that BOBF structures played a limited role in the decision-making process concerning school closures. They expressed the view that the DCEDIY and BOBF structures could have been better mobilised to ensure that the impact of Covid-19 restrictions on children was factored into decision-making. Furthermore, although structures are in place to provide for children's participation in public decision-making, no available information suggests that children's views were sought in relation to decisions to close schools.

Five stakeholders we interviewed pointed to several deficits in the State's implementation of the CRC that mitigated against the full protection of children's rights in the context of school closures. A public servant and an NGO

stakeholder we interviewed were of the view that there is a lack of awareness of a child rights approach to decision-making among public officials and an absence of effective cross-government coordination structures on children. Three NGO stakeholders, including stakeholders working with the Traveller community and refugees, stated that there was insufficient national data on children and the impact of Covid-19 on their rights, which rendered it difficult to identify children that require special measures for the realisation of their rights. An NGO stakeholder working with the Traveller community also expressed concern about the absence of measures to monitor the impact of budgetary measures for the provision of digital resources to students.

### The level of priority given to public health

The Committee on the Rights of the Child recognises that in crisis situations, such as the Covid-19 pandemic, international human rights law permits measures that may restrict enjoyment of certain human rights to protect public health.<sup>30</sup> However, the Committee notes that States are only allowed to derogate from the rights in the CRC when necessary and as proportionate, and that restrictions must be kept to a minimum.

The Government's [Resilience and Recovery Plan for Living with Covid-19](#) indicates that the Government, while prioritising public health considerations, attempted to recognise where the impacts of restrictions have been the greatest, and to protect certain groups and activities from the impacts of further restrictions. Regarding education, the plan identified keeping schools open as the top priority. In July 2020, the Government's plan for the reopening of schools, '[Reopening Our Schools: The roadmap for the full return to schools](#)', outlined a range of measures to support the full reopening of schools. Senior officials from the Department of

24 Government of Ireland, [Resilience and Recovery 2020-2021: Plan for Living with COVID-19](#) (2020b) p. 9 and p. 45; Government of Ireland, [Reframing the challenge: continuing our recovery and reconnecting](#) (2021), p. 10.

25 Department of Health, [View the latest letters from the CMO to the Minister for Health](#).

26 See also: Casey et al. (2021), *supra* note 19, pp. 59–62.

27 Department of the Taoiseach, Cabinet Committees.

28 Dáil Éireann Debate, [Cabinet Committees](#), 13 July 2021.

29 Better Outcomes, Brighter Futures Advisory Council, [Covid-19 Response](#) (2020).

30 Committee on the Rights of the Child, [Covid-19 Statement](#) (2020).



Education we interviewed noted that NPHE's recommendations to government were balanced in favour of upholding children's right to life as a primary consideration, while subsequently trying to support children's access to education. The public health approach to re-opening schools was also outlined by the HSE in 2020 and 2021.<sup>31</sup>

It appears that public health considerations were central in the decisions to close and re-open schools and that other matters, such as socio-economic concerns, were considered in light of emerging information. In this regard, there is insufficient information available to demonstrate that adequate and appropriate consideration was given to children's rights. Concerns have been raised, including by the OCO, about the extent to which school closures, particularly in 2021, were necessary as a measure to combat Covid-19.<sup>32</sup>

### **The extent to which children were differentiated from others in Covid-19 decision-making**

Based on the information and perspectives gathered through our CRIA, it appears that in some instances the needs of children were specifically considered by government in relation to measures to combat Covid-19 and that in other instances their needs did not receive specific attention. In addition, it appears that, while attention was given at times to the specific needs of particular groups of children, this attention was not consistent.

Early in the pandemic, it is apparent that schools were seen as unsafe environments.<sup>33</sup> As pointed out by an NGO stakeholder we interviewed, children were perceived as 'vectors' of Covid-19. According to the same NGO stakeholder, the discourse that schools were unsafe and the perception that children were 'vectors' of

Covid-19 continued into 2021 once schools closed again. Nonetheless, as the months progressed, evidence emerged that children were no more likely than adults to spread infection to other people, and that child-to-child transmission in schools was uncommon.<sup>34</sup>

After the first initial period of school closures, the reopening of schools for September 2020 was announced by government as the number one priority,<sup>35</sup> with the Government stating that 'childhood education and care is also essential to parents' abilities to balance work success with family responsibilities.'<sup>36</sup>

The disproportionate impact of Covid-19 on certain groups of children, such as Roma children, was also acknowledged by the Government.<sup>37</sup> Moreover, senior officials from the Department of Education we interviewed noted that the Department was aware that certain groups of children, such as children with SEN, required extra support following the closure of schools, and that they provided a range of supports to address this. In contrast, five NGO stakeholders we interviewed expressed the view that the approach taken was more generalised, with all children being thought of in the same way for the purposes of such decisions. Nonetheless, the impact of school closures triggered a visible focus on the position of children by the media, political actors and State agencies. This was particularly the case in 2021, where there was considerable contention around issues regarding the closure of schools, leading to subsequent interventions by the Department of Education.<sup>38</sup> Two NGO stakeholders we interviewed saw this growing focus on the position of children in respect of education in Ireland as a positive impact of the pandemic.

31 HSE (2021), 'Schools Pathway for Covid-19, the Public Health Approach: paper prepared by the Office of the Clinical Director', Health Protection, HSE.

32 OCO (2021), 'A statement by the Ombudsman for Children on possible closure of schools', 5 January 2021; OCO (2021), '2020 childhood paused – Ombudsman for Children's Office annual report'.

33 Department of Education, 'Covid-19 – Statement from the Department of Education and Skills', 12 March 2020.

34 Department of Education (2020b) 'Roadmap for the full return to school'; HSE (2020), 'Interim Recommendations for the re-opening of schools and educational facilities'.

35 Emma O'Kelly, 'Re-opening schools as fully as possible 'number one priority'', Irish Examiner, 10 July 2020.

36 Government of Ireland (2020e), *supra* note 24.

37 *Ibid*

38 These interventions included a phased return to in person learning and a supplementary education support programme for children with SEN. Department of Education, 'Ministers Foley and Madigan welcome agreed plan for return to in-school learning for children with special educational needs' 19 January 2021.

## 2.2. Impact of school closures on children's rights

The negative and positive impacts of school closures identified in respect of each right are outlined below. Impacts relating to the five groups of children examined in the OCO's CRIA are also outlined where relevant. For this CRIA, no neutral impacts were identified in the documentation we reviewed or by the stakeholders we interviewed.

### 2.2.1. Right to education (Art. 28, CRC)

Article 28 of the CRC recognises children's right to education and provides that States must achieve this right progressively and on the basis of equal opportunity. States must make primary education compulsory and available free to all, make post-primary education available and accessible to every child, and take measures to encourage regular attendance at schools and reduce drop-out rates. Article 29 of the CRC states that education should be aimed at the holistic development of the full potential of the child, development of respect for human rights, an enhanced sense of identity and affiliation, and socialisation and interaction with others and with the environment.<sup>39</sup>

The UN Committee on Economic, Social and Cultural Rights (CESCR) has commented that education should exhibit the essential features of availability, accessibility, acceptability and adaptability.<sup>40</sup> Accessibility has three overlapping dimensions:

- non-discrimination: education must be accessible to everyone, especially the most vulnerable groups, without discrimination
- physical accessibility: education must be within safe physical reach, by attendance

- at a reasonably convenient geographic location or via modern technology
- economic accessibility: education must be affordable to all.<sup>41</sup>

In the context of Covid-19, the Committee has recommended that States ensure alternatives to online learning are available and that online learning does not exacerbate existing inequalities or replace student-teacher interaction.<sup>42</sup> The UN Special Rapporteur on the right to education has emphasised that distance learning must be implemented within the CESCR's framework referenced above.<sup>43</sup>

The documentation reviewed and views shared by the majority of stakeholders we interviewed indicate that school closures have had a direct and predominantly negative impact on all children's right to education, with children experiencing educational disadvantage being disproportionately affected.

## Negative Impacts

### Engagement of students

Available information and interviews with five NGO stakeholders working respectively in the youth sector, with vulnerable children, people with disabilities, the Traveller community and people who are homeless observed that school closures had an impact on student engagement and motivation, with pre-existing difficulties related to student engagement being exacerbated by school closures.<sup>44</sup> A survey about online learning reported that student participation in lessons was worse than prior to the pandemic.<sup>45</sup> A decline in student engagement was found to be particularly the case among students in DEIS (Delivering Equality of Opportunity in Schools) schools,<sup>46</sup> with low student engagement more likely to be reported

39 Committee on the Rights of the Child, *General Comment No. 1 (2001) – Article 29(1): The Aims of Education* (2001), UN Doc. CRC/GC/2001/1.

40 Committee on Economic, Social and Cultural Rights, *General Comment No. 13: The right to education (article 13 of the Covenant)* (1999), UN Doc. E/C.12/1999/10, para 6.

41 Ibid., para. 6(b).

42 Committee on the Rights of the Child, *supra* note 30, para. 3.

43 UN Special Rapporteur on the right to education, *Right to education: impact of the coronavirus disease crisis on the right to education – concerns, challenges and opportunities* (2020), UN Doc. A/HRC/44/39, para. 15.

44 Scully et al., "It is no longer scary": digital learning before and during the Covid-19 pandemic in Irish secondary schools' (2021) *Technology, Pedagogy and Education*, Vol. 30, No. 1, pp. 159-181, p. 178.

45 Mohan et al., *Learning for all? Second-level education in Ireland during Covid-19* (2020), p. 36.

46 DEIS schools are designated schools with a high proportion of disadvantaged students.

in these schools.<sup>47</sup> Teachers surveyed reported that a drop in attendance among students was more pronounced for children already struggling to engage prior to the pandemic.<sup>48</sup> NGO stakeholders working with homeless families and the Traveller community who we interviewed expressed concern that the impact of school closures may lead to an increase in early school leaving.

### Access to technology and broadband

The documentation we reviewed and interviews with all NGO stakeholders identified lack of access to technology and/or the internet as a barrier to accessing remote education. Research on the use of screen devices to support learning during Covid-19 found that children spent significantly more time on school work if they had use of a laptop or tablet.<sup>49</sup> However, during school closures, the OCO was contacted by parents of children who were unable to participate in online learning as they did not have the financial resources to provide high quality broadband or the necessary equipment required to participate in online learning. Complaints were also received on behalf of children who did not have a secure, reliable broadband service. More than half of children and parents from different samples examined in research conducted during the pandemic reported that they had adequate access to devices and/or the internet.<sup>50</sup> However, such research also demonstrates how adequate access to a device and/or the internet varied greatly among children, with between 15-18% of children and parents reporting inadequate access to technology in some surveys.<sup>51</sup> Lack of access to the internet and screen devices was found to be more prevalent

among children from disadvantaged socio-economic backgrounds.<sup>52</sup>

### Access to appropriate living conditions and space for learning

Information reviewed and three NGO stakeholders we interviewed, who work with people who are homeless, the Traveller community and refugees reported varied access by children and families to an appropriate space to learn and study.<sup>53</sup> Research has found that lack of an appropriate space for learning was associated with lower active engagement among students.<sup>54</sup>

### Ability of parents/guardians to support children's online learning

Research with parents has highlighted the importance of parental support for children's continued learning at home, particularly for children at primary level.<sup>55</sup> However, documentation reviewed and four NGO stakeholders we interviewed, who work with people with disabilities, people who are homeless, the Traveller community and refugees, reported parental difficulties in engaging with children's online learning as a barrier to children's access to education. Reported challenges experienced by parents include employment, caring responsibilities, having to support multiple children at different levels of schooling, and lack of skills or knowledge to support remote learning.<sup>56</sup> Differences in parents' reported ability to support learning were found to vary based on parents' educational attainment.<sup>57</sup> Variations between DEIS and non-DEIS settings have also been reported, with teachers in DEIS schools more likely to report lack of home support as a barrier.<sup>58</sup>

47 Ibid., p. 37; Devitt et al., *Teaching and Learning During School Closure: Lessons Learned - Irish Second-Level Teacher Perspectives* (2020), p. 22.

48 Devitt et al., supra note 47, p. 25.

49 Egan, S.M. and C. Beatty, 'To school through the screens: the use of screen devices to support young children's education and learning during the COVID-19 pandemic', *Irish Educational Studies* (2021), Vol. 40, No. 2, pp. 275-283, p. 280.

50 Murray et al., *Growing Up in Ireland: Key findings from the special COVID-19 survey of Cohorts '98 and '08* (2021), p. 6; Bray et al., *Post-primary Student Perspectives on Teaching and Learning During Covid-19 School Closures: Lessons learned from Irish Students in schools in a Widening Participation Programme* (2020), p. 23; NPCP and NPCPP, Parents' survey regarding children's and parents' experience of remote learning (2021).

51 Mohan et al., supra note 45, p. 19; Bray et al., supra note 50, p. 23; Scully et al., supra note 44, p. 172; Murray et al., supra note 50, p. 6; Flynn et al., *'Schooling at Home' in Ireland during COVID-19* (2020), pp. 47-49; NPCP and NPCPP, supra note 50.

52 Devitt et al., supra note 47, p. 24 and pp. 28-29; Flynn et al., supra note 51, pp. 47-48.; Murray et al., supra note 50, p. 17.

53 NPCP and NPCPP, supra note 50; Devitt et al., *Parent Perspectives on Teaching and Learning During Covid-19 School Closures: Lessons Learned from Irish Primary Schools* (2020), p. 32.

54 Bray et al., supra note 50, p. 44.

55 NPCP and NPCPP, supra note 50; Flynn et al., supra note 51, p. 53.

56 Flynn et al., supra note 51, p. 74; Symonds et al., *Children's School Lives: Experiences of Remote Teaching and Learning in Ireland During the Covid-19 Pandemic (March – May 2020) Report No. 2* (2020), pp. 57-58; Moffatt et al., *Back to School Survey Results 2021* (2021), p. 8;

57 Moffatt et al., supra note 56, p. 8.

58 Devitt et al., supra note 47, p. 29.

## Access to teacher and in-school supports

Two NGO stakeholders interviewed, who work with vulnerable children and the Traveller community, as well as a survey of parents, recognised the significant efforts made by schools and community services to provide support to children and families.<sup>59</sup> Research has found significant variations in the level of home learning supports received by children and families from schools.<sup>60</sup> A Department of Education evaluation of digital learning in 2020 noted that, though the vast majority of principals indicated that their school had maintained contact with learners, variations in the level of support received from schools were reported by parents.<sup>61</sup> Significant differences were found between DEIS and non-DEIS schools.<sup>62</sup>

## The impact of school closures on the right to education of the five groups of children considered

Documentation reviewed and some NGO stakeholders interviewed point to school closures as having disproportionately affected the right to education as it is held by the five groups of children that our CRIA focuses on and as having deepened educational disadvantage experienced by these groups.

**Children with disabilities:** The documents and information reviewed and interviews with three NGO stakeholders, including an NGO stakeholder working with vulnerable children and an NGO stakeholder working with people with disabilities, highlighted that school closures had a significant impact on children with disabilities. A majority of school principals in one survey reported that school closures had a detrimental impact on students with SEN.<sup>63</sup> An NGO stakeholder working with people with disabilities noted that school closures negatively affected

the behaviours of children with disabilities, affecting their ability to engage with learning.

School principals surveyed during school closures reported that meeting the learning needs of students with SEN was a key struggle.<sup>64</sup> Research with parents of children with SEN shows that special needs assistants and other supports provided by schools to children with SEN varied during school closures,<sup>65</sup> with supports stopped, postponed or moved online.<sup>66</sup> Research has found that parents of children with disabilities were more likely to report feeling less able to support their child's learning during school closures than parents of children without a disability.<sup>67</sup> Parents of children with an intellectual disability and/or autism reported difficulties in supporting their child's learning, particularly in cases where a child presents with behaviours that can be a challenge.<sup>68</sup> An NGO stakeholder working with people with disabilities reported that some parents struggled to create a home learning environment due to a lack of access to necessary equipment.

**Homeless children:** NGO stakeholders working with people who are homeless reported that homeless children were disproportionately affected by school closures and expressed concern that such children will fall further behind in their education. These stakeholders reported that many children living in homelessness accommodation were unable to access online education, due to lack of access to devices or broadband. Where children had access to such devices, the stakeholders observed challenges where more than one child required access to the device or where parents were unable to support their child due to a lack of IT skills. Available information on the experiences of homeless children also highlights the challenges faced by parents of such children in supporting their child's

59 Moffatt et al., supra note 56, p. 7.

60 Flynn et al., supra note 51, p. 65; Kelly et al., *The Real Cost of School 2020: Back to School Survey Briefing Paper* (2020), p. 7; R. Vuorikari et al., *How families handled emergency remote schooling during the Covid-19 lockdown in spring 2020* (2020), p. 7.

61 Department of Education, *Digital Learning 2020: Reporting on practice in Early Learning and Care, Primary and Post-Primary Contexts* (2020a), p. 29.

62 Flynn et al., supra note 51, p. 65.

63 Mohan et al, supra note 45, p. 66.

64 Ibid., p. 69.

65 Inclusion Ireland, *Implications of COVID-19 on the Education of Pupils with Intellectual Disabilities and Autism: Supporting Children to Learn* (2020), p. 4; Flynn et al., supra note 51, pp. 69-70.

66 O'Connor et al., *Report 02: COVID-19 worries, parent/carer stress and support needs, by child special educational needs and parent/carer work status* (2020), p. 9.

67 Devitt et al., supra note 53, p. 23.

68 Inclusion Ireland, supra note 65, p. 3.



learning, including due to literacy issues, educational disadvantage, health difficulties and English language barriers.<sup>69</sup> The NGO stakeholders working with people who are homeless and documentation reviewed also reported that children living in homelessness accommodation do not have appropriate space for online learning.<sup>70</sup> The same stakeholders also reported that some children faced additional disruption to their education where their families needed to move between homelessness accommodation during restrictions. A lack of access to supports typically provided in schools, including extra classes, was also identified by these stakeholders as a challenge. Due to such barriers, the stakeholders expressed concern about the risk that greater numbers of homeless children would leave school early.

**Children with mental health difficulties:** Much of the documentation reviewed for this CRIA examines the impact of Covid-19 restrictions, including school closures, on children's mental health and wellbeing. Though socio-emotional wellbeing has been found to be fundamental to learning,<sup>71</sup> limited information could be found on how children with pre-existing mental health difficulties fared in accessing and engaging with remote learning during school closures. An NGO stakeholder working in the youth sector we interviewed observed that children experiencing mental health difficulties found engagement with online learning challenging, particularly those who were experiencing challenges with engaging with education prior to school closures. This view is reflected in a survey of post-primary students on remote learning, which highlighted that students with poor mental wellbeing were more than twice as likely to report low engagement with education during school closures.<sup>72</sup>

### **Children living in Direct Provision:**

Documentation reviewed and interviews with two NGO stakeholders, including an NGO stakeholder working with refugees, indicate that children living in Direct Provision were disproportionately affected by school closures.<sup>73</sup> An NGO stakeholder working with refugees we interviewed expressed the view that school closures have compounded the inequalities in educational opportunities experienced by children living in Direct Provision. Lack of access to devices and poor or no internet connectivity were cited as being among the main barriers to accessing education experienced by these children.<sup>74</sup> These children often live in confined spaces in Direct Provision centres, which rendered schooling difficult during school closures.<sup>75</sup>

Access to adequate support, including direct assistance from teachers, has also been challenging.<sup>76</sup> Children and parents living in Direct Provision reported that parents faced language barriers in providing adequate assistance to their children with school work.<sup>77</sup> An NGO stakeholder working with refugees also highlighted concerns about challenges faced by children who arrived in Ireland during school closures. They noted that school closures and associated barriers would further prolong the lack of access to education for these children, who may have had limited access to education or experienced periods of disruption to their education prior to their arrival in Ireland.

**Traveller and Roma children:** Information reviewed and stakeholders interviewed identified Traveller and Roma children as being severely impacted by school closures.<sup>78</sup> Lack of access to devices and broadband, as well as lack of access to an appropriate space to learn due to overcrowded and unsuitable living conditions, were reported as barriers

69 Ibid.

70 Society of St Vincent de Paul, *Mitigating the Impact of School Closures on Disadvantaged Students* (2021).

71 Ibid.; Mohan et al., supra note 45, p. 10.

72 Bray et al., supra note 50, p. 57.

73 OCO, *Life in Lockdown: Children's views and experiences of living in Direct Provision during the Covid-19 pandemic* (2020b); Irish Refugee Council, "Powerless": Experiences of Direct Provision During the Covid-19 Pandemic (2020); HSE, *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* (2020a), p. 15.

74 Irish Refugee Council, supra note 73, p. 45 and p. 48; OCO (2020b), supra note 73, p. 4.

75 OCO (2020b), supra note 73, p. 6; Irish Refugee Council, supra note 73, p. 45; Society of St Vincent de Paul, supra note 70.

76 Symonds et al., supra note 56, p. 12; OCO (2020b), supra note 73, p. 5.

77 Ibid.

78 Government of Ireland, *Report on Social Implications of COVID-19 in Ireland: Preliminary Assessment* (2020a), p. 26.

to education for these children.<sup>79</sup> Lack of electricity, and the corresponding difficulties this gave rise to in accessing broadband and using technology for learning, was also noted as a particular barrier for Traveller children living in halting sites.<sup>80</sup> Additional barriers faced by such children included the challenges faced by parents in supporting their child's learning and access to in-school supports.<sup>81</sup> An NGO stakeholder we interviewed expressed concern that school closures have deepened the educational disadvantage already experienced by Traveller and Roma children, risking reduced school engagement and completion. This concern is reflected in reports and submissions of NGOs representing the Traveller and Roma communities.<sup>82</sup>

## Mitigating negative impacts on the right to education

### Guidance to schools on continuity of education

Senior officials from the Department of Education we interviewed stated that protecting continuity of education became a primary focus for the Department once schools closed. They reported that the Department engaged with education partners from the first day of school closures and throughout the pandemic about continuity of education remotely and availability of supports. A series of guidance documents to facilitate continuity of education and remote learning, including how to support students at risk of early school leaving, students at risk of educational disadvantage and children with special educational needs, were issued by the Department from April 2020 and later updated in 2021.<sup>83</sup>

## Funding for access to digital technologies

In recognition of the digital divide, the Department of Education announced funding to support the purchase of technology and devices for disadvantaged students.<sup>84</sup> While research has shown that schools were able to try to address some of the inequalities faced by students in accessing broadband and devices by providing devices to learners or mobile phone credit to use mobile data to access the internet,<sup>85</sup> some families were still reported to be without adequate equipment to support online learning and research with school principals reported continued gaps in resources.<sup>86</sup> An NGO stakeholder we interviewed expressed the view that insufficient measures were taken to address the digital divide. An NGO stakeholder working with the Traveller community also observed a lack of information on the extent to which children experiencing educational disadvantage, including Roma and Traveller children, benefitted from the additional funding allocated for the purchase of technology.

### Supplementary learning programmes

In June 2020, the Department announced that a summer education programme, Summer Provision, would take place for certain children with SEN and children in DEIS schools.<sup>87</sup> However, concerns were expressed about the optional nature of the programme for schools, with low uptake by schools reported to have resulted in many children being unable to avail of it.<sup>88</sup> It was also reported that parents experienced difficulties in sourcing teachers and special needs assistants to provide the home-based programme to their child, and that a lack of transport was a major barrier to attending the

79 Ibid.; Pavee Point, *Pavee Point Submission to the Joint Committee on Education, Further and Higher Education, Research, Innovation and Science* (2021), pp. 6-7; Irish Traveller Movement, *Letter to the Department of Education and Skills*, 29 April 2020; Travellers and Roma Third Level Education Forum, *The Implications of COVID-19 for Traveller and Roma transfer to and progression within Higher Education* (2020), p. 11.

80 Pavee Point, supra note 79, p. 6; Government of Ireland (2020a), supra note 78, p. 26.

81 Pavee Point, supra note 79, p. 6; Covid-19 NGO Group, *Marginalised Groups. Promoting equality, inclusion and human rights in the Covid-19 crisis: A joint submission* (2020), pp. 17-18.

82 Pavee Point, supra note 79, p. 6; Travellers and Roma Third Level Education Forum, supra note 79, p. 9; Irish Traveller Movement, supra note 79; Covid-19 NGO Group, supra note 81, p. 17.

83 Department of Education (2020d; 2020e; 2020f; 2020g).

84 Department of Education, *Minister McHugh announces ICT funding for Schools*, 22 April 2020; Department of Education, *Minister Foley announces €50m ICT grant funding*, 30 November 2020.

85 Department of Education (2020g), supra note 83, p. 32; Mohan et al., supra note 45, p. 20.

86 Barnardos et al., *Supporting One Parent Families During and After the COVID-19 Crisis: Joint NGO Submission to the Special Committee on COVID-19 Response* (2020), p. 8; Mohan et al., supra note 45, pp. 75-76.

87 Department of Education, *Minister McHugh confirms Summer Programme to run for children with special educational needs and disadvantage*, 5 June 2020.

88 ASIAm, Down Syndrome Ireland and Inclusion Ireland, *Educational Supports on the Re-Opening of Schools* (2020), p. 16.

programme.<sup>89</sup> Though home-based tuition was still available, an NGO stakeholder working with people with disabilities noted that home tuition was not feasible for some, including Traveller children and children in Direct Provision.

The Department put in place a voluntary supplementary programme in February 2021 to provide for five hours per week of in-person home-based teaching or care supports for children with additional needs during school closures.<sup>90</sup> The Department also launched a Covid Learning and Supports Scheme to mitigate the impact of school closures on education and committed to ensuring that research is undertaken on the impacts of the disruption to learning and mitigation measures.<sup>91</sup>

### Other supports

Supports continued to be provided to children by the Child and Family Agency (Tusla) through the Tusla Education Support Service,<sup>92</sup> which works to promote school attendance, participation and retention and includes the Home School Community Liaison Scheme, the School Completion Programme and the Educational Welfare Service. The Government reported that the SCP ensured that school work and resources were delivered to children most directly impacted by school closures and that contact was maintained with target children in the first period of school closures.<sup>93</sup>

## Positive impacts

### Development of independent learning and digital skills

Surveys conducted with school principals and parents identified the advancement in students' IT skills and skills in self-directed, independent

learning as a positive outcome of remote learning occasioned by school closures.<sup>94</sup>

### Improved experiences among some children

Documentation reviewed suggests that some students with SEN or who experienced anxiety around school as a social setting fared better and reengaged with education following the move to online learning.<sup>95</sup> This was echoed by an NGO stakeholder working with people with disabilities, who reported that some children with disabilities excelled during school closures and in the online learning environment, as they did not have to deal with social pressures associated with the school environment.

### Pace of learning and school-life balance

Surveys conducted with children during school closures reported that children experienced less pressure associated with the school environment and a greater ability to work at their own pace, including the ability to follow their own schedules.<sup>96</sup> A survey of post-primary students also reported that online learning worked well for some students with learning difficulties, as it gave them a chance to work at their own pace without external disruptions.<sup>97</sup> Teachers and parents also reported that some students enjoyed the less frantic pace of life, less pressure and a more relaxed and flexible learning environment.<sup>98</sup>

### Greater choice in the completion of examinations (Leaving Certificate)

In 2020 and 2021, the format of the Leaving Certificate examination was changed to take into account the disruption to learning during school closures. In 2020, students received a calculated grade in each subject based on the school's estimate of the student's performance,

89 Oireachtas Special Committee on Covid-19 Response, *Final Report* (2020), para. 39 and 41.

90 Department of Education, *Ministers Foley and Madigan welcome agreed plan for return to in-school learning for children with special educational needs at primary level*, 1 February 2021.

91 Department of Education, *Ministers Foley and Madigan launch Covid Learning and Supports Scheme for measures to mitigate learning loss and provide targeted additional teaching supports for students following Covid-19 school closures*, 8 September 2021.

92 Government of Ireland (2020a), supra note 78, p. 14; Tusla, *Tusla Education Support Service Covid-19 Provision*.

93 Government of Ireland (2020a), supra note 78, p. 14.

94 Scully et al., supra note 44, p. 174; Flynn et al., supra note 51, p. 62; Bray et al., supra note 50, p. 32; Mohan et al., supra note 45, p. 72, p. 80; Devitt et al., supra note 47, p. 49.

95 Mohan et al., supra note 45, 59, 69-70; S. Smyth and C. Egan, *Autism Specific Transition Resources (T-Res Study) Report 2* (2021), p. 9.

96 Department of Children and Youth Affairs and SpunOut.ie, *How's Your Head? Young Voices During Covid-19: Report of a national consultation with young people on mental health and wellbeing* (2020); Flynn et al., supra note 52, pp. 55-56.

97 Galway City Comhairle na nÓg (2020) *Online Learning Survey Report*, p. 17.

98 Devitt et al., supra note 47, p. 44; Flynn et al., supra note 51, p. 77.

with students later given the option of sitting the traditional written examination, which was postponed from June to November and December 2020. In 2021, students were offered the choice of sitting the written examinations in June, as was the case prior to Covid-19, or receiving a calculated grade, or both. An NGO stakeholder working in the youth sector and an NGO stakeholder working with vulnerable children who we interviewed noted that the greater level of choice for students in completing the Leaving Certificate examination was a positive impact of school closures. This view is echoed in research with post-primary students.<sup>99</sup>

## Maximising the positive impacts of school closures

### Improving the in-school experience of children who thrived during school closures

An NGO stakeholder working with people with disabilities highlighted the need for a tailored approach to the return to school for the small number of children who thrived during school closures. In this regard, research has highlighted that distance learning has the potential for keeping these students engaged and that the use of online platforms could be helpful in providing for these students in future.<sup>100</sup>

### Approach to education, including State examinations

Documentation reviewed indicates that the move to online learning prompted reflection among some school principals on what education and assessment should look like in the future.<sup>101</sup> This is echoed in a study of students' perspectives, with students stating that they hoped that the discussions and subsequent decision about the cancellation of the Leaving Certificate examination would prompt reform, including as regards the mode of assessment.<sup>102</sup>

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

Article 24 of the CRC recognises children's right to enjoyment of the highest attainable standard of health. Health is regarded as a state of complete physical, mental and social wellbeing and not merely the absence of disease or infirmity.<sup>103</sup> The Committee states that Article 24 imposes a strong duty on States to ensure that quality health and other relevant services are available and accessible to all children, with special attention to be paid to under-served populations.<sup>104</sup> The Committee further interprets Article 24 as an inclusive right of children to grow and develop to their full potential and live in conditions that enable them to attain the highest standard of health. The Committee highlights the importance of children's mental health and the need for increased attention to be given to behavioural and social issues that undermine children's mental health, psychosocial wellbeing and emotional development.<sup>105</sup> States are required to demonstrate their commitment to progressive fulfilment of all obligations under Article 24, prioritising these even in the context of crisis or emergency situations.<sup>106</sup>

Documentation reviewed and views shared by stakeholders we interviewed for this CRIA highlight that school closures had negative impacts on children's right to the highest attainable standard of health, including as regards access to health services and increased mental health issues.

## Negative Impacts

### Disruption to and cancellation of in-school health services

As the Committee notes, health-service provision in schools provides an important opportunity for health promotion, to screen for

99 Bray et al., supra note 50, p. 37.

100 Mohan et al., supra note 45, p. 59 and p. 69.

101 Ibid., pp. 58-59.

102 Bray et al., supra note 50, p. 42.

103 Committee on the Rights of the Child, *General comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health (art. 24)* (2013), UN Doc. CRC/C/GC/15, para. 4.

104 Ibid., para. 25.

105 Ibid., para. 38.

106 Ibid., para. 74.



illness, and increases the accessibility of health services for in-school children.<sup>107</sup> A number of health services are provided by the State to children through schools. The closure of schools in March 2020 led to the cancellation and disruption of health-service provision in schools, including in-school therapies and supports, the School Immunisation programme and school-based hearing, vision and dental checks.<sup>108</sup> More than half of the stakeholders we interviewed felt that this had a detrimental impact on children's right to the highest attainable standard of health, including mental health.

All school immunisation programmes ceased when schools closed in March 2020.<sup>109</sup> The HSE has reported that the uptake rates of some school immunisations were lower in the 2020/2021 school year compared to previous years, which the HSE stated was likely to be attributable in part to difficulties in the delivery of immunisation when schools were closed.<sup>110</sup> The HSE has also reported that school-related health visits, including hearing and vision screening and dental visits, were curtailed.<sup>111</sup>

Documentation reviewed noted that school closures resulted in reduced or no access by children to the therapy and supports that they had been availing of in schools prior to Covid-19, including occupational therapy, psychology/behavioural therapy, physiotherapy, and speech and language therapy.<sup>112</sup> NGO stakeholders working with people who are homeless reported challenges faced by homeless children that had accessed therapy in school and could no longer access this support during school closures.

## Mental health issues

Most of the documentation reviewed for this CRIA points to the negative impact of Covid-19 restrictions generally on children's mental health. Data show that referrals to Child and

Adolescent Mental Health Services (CAMHS) and associated waiting lists, as well as mental health presentations by children at emergency departments, increased significantly in 2020 compared to 2019.<sup>113</sup> However, the link between the rise in mental health issues among children and school closures specifically has not been comprehensively examined to date. In this regard, all seven NGO stakeholders we interviewed noted that it may be too early to fully assess the medium to long-term impact of school closures on children's mental health, and that further analysis will be needed as evidence is still emerging and non-definitive.

The negative impact of school closures on children's mental health is nevertheless reflected in some of the documentation reviewed and views shared by several stakeholders we interviewed. Over half of the stakeholders we interviewed expressed the view that there has been an increase in mental health difficulties experienced by children due to school closures, suggesting that school closures led to increased anxiety and stress among children in relation to engaging with remote learning and the loss of learning and social opportunities that schools provide. Four NGO stakeholders noted that, as children's routines changed due to school closures, they felt less active and motivated and that this worsened the longer school closures lasted. A survey of parents' views on remote learning reported that school closures had an impact on children's mental health, including their routine, confidence, behaviour and social skills.<sup>114</sup> Similar findings were reported in another survey of parents and students, with mental health challenges reported to include stress and anxiety about missed course work, particularly among students completing exams, and social isolation.<sup>115</sup> Another study that examined the impact of school closures on

<sup>107</sup> Ibid., para. 36.

<sup>108</sup> Crowley, P. and Hughes, A. (2021), *The impact of COVID-19 pandemic and the societal restrictions on the health and wellbeing of the population, and on the health service capacity and delivery: A plan for healthcare and population health recovery, Version 2*.

<sup>109</sup> HSE 2020a, supra note 73.

<sup>110</sup> Crowley and Hughes, supra note 108, pp. 11-13.

<sup>111</sup> Ibid., p. 11.

<sup>112</sup> Inclusion Ireland, supra note 65, p. 8; O'Connor et al, supra note 66, p. 9.

<sup>113</sup> McNicholas et al. (2021) 'Referral patterns for specialist child and adolescent mental health services in the Republic of Ireland during the COVID-19 pandemic compared with 2019 and 2018', *BJPsych Open*, Vol. 7, No. 3; D. Bermingham, "Concerns over 'tsunami' of child mental health issues" *Irish Examiner*, 21 February 2021; HSE (2020), *Management Data Report: December 2019*, p. 112; McDonnell et al. (2021) 'Increased Mental Health Presentations by Children Aged 5-15 at Emergency Departments during the first 12 months of COVID-19', *Ir Med J*, Vol. 114, No. 5; G. Deegan (2021), 'Number of children seeking mental health care soared last year', *Irish Examiner*, 1 June 2021;

<sup>114</sup> Flynn et al., supra note 51.

<sup>115</sup> ISSU and NPCPP, *Results of the survey of students, parents and guardians – reopening of schools* (2020), p. 8.

the mental wellbeing of post-primary students found that student wellbeing decreased significantly during the lockdown period, with the move to online learning, decrease in peer interactions, perceived increase in workload, low levels of teacher feedback and low parental involvement cited by some of the students surveyed as impacting on their mental health and wellbeing.<sup>116</sup>

Concerns about a growth in cyberbullying due to increased use of online learning and communication methods for students are also reported in the documentation reviewed.<sup>117</sup> A report on bullying and mental health in schools by the Oireachtas observed that evidence suggests that school closures and the move to online learning significantly exacerbated cyberbullying in Ireland.<sup>118</sup> Though research has found an increase in instances of cyberbullying experienced by children generally during Covid-19 restrictions, such research does not examine the impact of school closures and the move to online learning specifically on rates of bullying.<sup>119</sup>

### **Impact of school closures on the right to the highest attainable standard of health of particular groups of children**

Documentation reviewed and observations made by six stakeholders we interviewed, including a senior official from Tusla and NGO stakeholders working with vulnerable children, homeless people, refugees and in the youth sector, suggested that the detrimental impact of school closures on children's right to the highest attainable standard of health appears to have been particularly felt by certain groups of children. These include children living in Direct Provision, children with disabilities, children already experiencing mental health difficulties, and LGBTI+ children.<sup>120</sup> In this regard, both documentation reviewed and stakeholders'

perspectives focused on mental health in particular.

#### **Children experiencing mental health difficulties:**

The adverse impact of school closures on the mental health of children experiencing mental health difficulties was observed by two NGO stakeholders working in the youth sector and with vulnerable children. The NGO stakeholder working in the youth sector noted that school closures represented a step back in these children's ability to deal with their existing mental health issues. They noted that children with mental health difficulties found it challenging to motivate themselves to engage with remote learning. They also stated that the loss of routine associated with school was particularly felt by children with mental health difficulties, as having a routine is important for such children in coping with their mental health difficulties. In this regard, research points out that children with pre-existing adverse mental health issues may feel the impact of school closures on their mental health the most acutely.<sup>121</sup>

#### **Children living in Direct Provision:**

The documentation reviewed and the NGO stakeholder interviewed who works with refugees noted that the closure of schools, which may be viewed by children living in Direct Provision as a place of reprieve, had an adverse impact on these children's mental health.<sup>122</sup> Similarly, the OCO's report on children's lives in Direct Provision found that the loss of the physical, educational and social environment of school among other Covid-19 restrictions amplified the levels of anxiety and isolation felt by these children.<sup>123</sup>

**Children with disabilities:** The information reviewed in relation to children with disabilities highlights that the disruption in routine and lack of interaction with other children due to school closures led to increased anxiety and

<sup>116</sup> Bray et al., supra note 50, pp. 34-35.

<sup>117</sup> Oireachtas Joint Committee on Education, Further and Higher Education, Research, Innovation and Science, *The Impact of Covid-19 on Primary and Secondary Education* (2021), p. 25.

<sup>118</sup> Oireachtas Joint Committee on Education (2021), *School bullying and the impact on mental health*, p. 32.

<sup>119</sup> Milosevic et al., *KiDiCoTi: Kids' Digital Lives in Covid-19 Times: A Study on Digital Practices, Safety and Wellbeing: Key findings from Ireland* (2020).

<sup>120</sup> *BelongTo* (2021) 'LGBTI+ Life in Lockdown: 1 year later'.

<sup>121</sup> Barrett, E. (2021), 'No Health without mental health: risks and benefits of school closures during a pandemic', *IMJ*, 133(6).

<sup>122</sup> Irish Refugee Council, supra note 73, p. 47.

<sup>123</sup> OCO (2020b), supra note 73.

mental health issues among children with disabilities as well as regression in terms of behavioural, emotional and social skills.<sup>124</sup> This was also reported by three NGO stakeholders we interviewed.

**Children experiencing homelessness:** The NGO stakeholders working with people who are homeless noted that homeless children experiencing mental health difficulties found school closures particularly difficult, including due to missing out on supports in schools and opportunities for emotional development. They also noted that the disproportionate impact of school closures on homeless children's pre-existing educational disadvantage may have had a negative effect on such children's levels of confidence and mental health.

*Roma and Traveller children:* Though documentation reviewed notes that restrictions placed greater stress on the mental health and wellbeing of Roma and Traveller communities, including children,<sup>125</sup> no information appears to be available yet on the specific impact that school closures have had on the mental health of Roma and Traveller children.

## Mitigating negative impacts on the right to the highest attainable standard of health

The HSE reported that it ran catch-up vaccination clinics in community settings during the summer of 2020 to try to complete immunisations that were halted with school closures.<sup>126</sup> However, it noted that the fact that this may require confidence among parents in attending the clinics, and may require parents to travel long distances to attend clinics, risked leading to lower uptake than the school-based immunisation programme.<sup>127</sup> The HSE reported that children who were unable to attend catch-up clinics would be offered additional opportunities to receive immunisations in the 2020/2021 school year.

To mitigate against the negative impact of school closures on children, the National Educational Psychological Service developed advice and resources for keeping children well during Covid-19.<sup>128</sup> The HSE provided details on its webpage of [mental health supports available during Covid-19](#), and further noted in its health recovery plan that all efforts were being made to resume its mental health services.<sup>129</sup> However, NGO stakeholders we interviewed said that mental health supports provided in and through schools following the re-opening of schools remain insufficient. In this regard, the NGO stakeholder working in the youth sector noted that more proactive measures are needed to improve pastoral care systems in schools through therapeutic and other supports.

## Positive impacts

### Increase in awareness of mental health issues

Three NGO stakeholders interviewed, including the stakeholders working in the youth sector and working with people with disabilities, noted that, as a result of the impact of school closures and other Covid-19 restrictions, there appears to be an increased awareness of children's mental health issues, including children's wellbeing. The NGO stakeholder working in the youth sector also noted that there appears to have been an increase in the mental health literacy of children during this period - for example, in terms of coping mechanisms and how to deal with changes in their lives, with young people reaching out more, either to their peers or to services.

### Reduced levels of stress and improved pace of life

Children who participated in a national consultation concerning the impact of Covid-19 on their mental health reported some positives arising from school closures.<sup>130</sup> These include

124 Carol Barron, 'How has Covid-19 affected children with special needs?', RTE News, 23 June 2020; O'Sullivan et al. (2021). 'A qualitative study on child and adolescent mental health during the Covid-19 pandemic in Ireland', Int J Environ Res Public Health, Vol. 18, No. 3, p. 9.

125 FRA (2020), 'Implications of Covid-19 pandemic on Roma and Traveller communities', 15 June 2020.

126 Crowley and Hughes, supra note 108, p. 11.

127 HSE 2020a, supra note 73, p. 17.

128 Department of Education, [Advice to young people while the schools are closed](#) (2020c).

129 Crowley and Hughes, supra note 108.

130 Department of Children and Youth Affairs and SpunOut.ie (2020), supra note 96.

less pressure and stress associated with school and an increased amount of time and attention given to exercise, diet and self-care.<sup>131</sup> This apparent improvement in school-life balance was also noted by the NGO stakeholder working in the youth sector and by a senior official from Tusla who we interviewed.

### Reduced exposure to bullying in school

While school closures appear to have largely had a negative impact on children's mental health, the documentation reviewed found that some children were happier at home than in school.<sup>132</sup> The NGO stakeholder working in the youth sector and the NGO stakeholder working with people with disabilities noted that some children were happy to be away from school as this gave them a reprieve from the pressure associated with the school environment and experiences of bullying in school. This perspective is reflected in a national survey of young people, who described as positive the ability to avoid bullies in school.<sup>133</sup> Though school closures may have had a positive impact on certain students in this regard, the NGO stakeholder working in the youth sector who we interviewed observed that bullying in school manifested itself in alternative ways in the remote learning environment and that some students may not have felt the same respite from bullying due to feelings of loneliness or of being watched by other students online in the context of remote learning.

As regards positive impacts being maximised, NGO stakeholders working in the youth sector and with homeless people noted the need for improved access to pastoral care supports and therapists in school and a renewed focus on wellbeing. This view is aligned with a recommendation made by the OCO that therapists and counsellors should be available to children in schools.<sup>134</sup>

### 2.2.3. Right to an adequate standard of living, with particular reference to adequate nutrition (Art. 27, CRC)

Article 27(1) of the CRC recognises the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development. It recognises that the child's development cannot be divorced from his or her conditions of living, and that, at a minimum, every child shall enjoy the necessary subsistence rights: adequate food and nutrition, clothing, housing and the necessary conditions of care when required. Though Article 27(2) of the CRC states that parents or others responsible for the child have primary responsibility for securing the living conditions necessary for the child's development, Article 27(3) requires States to take appropriate measures to assist parents to implement this right, including by providing material assistance and support programmes where needed, particularly with regard to nutrition, clothing and housing. As regards nutrition, this right is closely linked to Article 24(2)(c) of the CRC, which requires States to take appropriate measures to combat malnutrition, including through the provision of adequate nutritious foods. The Committee states that the provision of food to children in and through school is desirable to ensure all pupils have access to a full meal every day, which can enhance children's potential for learning and increase school enrolment.<sup>135</sup>

The documentation reviewed and interviews undertaken for this CRIA highlight that school closures had a negative impact on children's right to adequate nutrition, insofar as closures meant that food provided under the School Meals Programme did not reach all children who might otherwise have received it. That the Programme was continued during school closures and also extended was viewed by three stakeholders we interviewed as a positive measure that mitigated the impact of school closures on children's access to food through the Programme.

<sup>131</sup> Department of Children and Youth Affairs and SpunOut.ie (2020), supra note 96.

<sup>132</sup> Flynn et al., supra note 51.

<sup>133</sup> Department of Children and Youth Affairs and SpunOut.ie (2020), supra note 96, p. 23.

<sup>134</sup> OCO (2021), 'Submission to the Joint Committee on Education on school bullying and mental health', 4 May 2021.

<sup>135</sup> Committee on the Rights of the Child, supra note 103, para. 46.



## Negative Impacts

### Access to the School Meals Programme

The School Meals Programme is operated by the Department of Social Protection, which provides funding directly to schools and organisations working with children to operate their own school meals projects. Its objective is to provide regular, nutritious food to children who are unable, due to lack of good quality food, to take full advantage of the education provided to them. Priority is given to children attending DEIS schools, but other organisations working in areas of disadvantage may also avail of the Programme. As of 2021, over 1,500 organisations are involved, serving 227,000 children.<sup>136</sup>

Disruption to the delivery of the School Meals Programme was raised as a negative impact of school closures in the course of interviews with a public servant, a senior official of Tusla and NGO stakeholders working with homeless people and with vulnerable children. In this regard, and as documented below, the Programme did not reach as many children as it would otherwise have done had schools not been closed. Documentation reviewed for this CRIA also raised concerns that parents would struggle to afford food for children who previously would have received meals in school.<sup>137</sup>

### Mitigating the negative impact on the right to adequate nutrition

#### Maintenance and extension of the School Meals Programme throughout school closures

A public servant, an official of the Department of Social Protection and senior officials from the Department of Education we interviewed identified the maintenance of the School Meals Programme throughout school closures as a positive measure to mitigate the negative impacts of school closures on children's right to adequate nutrition.

When schools closed, the Government kept the school meals funding in place. Schools were given the option to continue with the programme insofar as they could facilitate it and as it suited children going to that school. The Department of Education issued guidance to schools in March 2020 to ensure continued access to school meals during school closures.<sup>138</sup> Though funding is typically confined to the school term, the Government also decided to extend funding for the programme into school holidays, including the summer periods in 2020 and 2021 and the Christmas, mid-term and Easter break in 2021, as an exceptional measure in light of Covid-19.

To continue with the programme during school closures, schools adopted various means of distributing food support to families, including by directly providing food parcels to pupils and their parents or arranging for the supplier of food to deliver the parcels. An official of the Department of Social Protection and senior officials from the Department of Education we interviewed noted that throughout this period, there was collaboration between these departments and between schools to allow this to happen.

There was variation in how the programme operated, however. An official of the Department of Social Protection interviewed noted that 50% of organisations and schools provided food support to 50% of their populations during school closures. Documentation reviewed also highlighted some variation in the uptake of the programme during school closures.<sup>139</sup> Some of the reasons why organisations did not provide food support included the logistics and cost of getting packages out to families and the wide geographical spread of the communities being served by some of the schools/organisations. As pointed out by four of the NGO stakeholders we interviewed, including NGO stakeholders working with people who are homeless and with the Traveller community, delivery of the programme during school closures was not consistent across schools and access to the programme therefore varied among children

<sup>136</sup> Department of Social Protection (2021), 'Minister Humphreys launches Hot School Meals programme 2021'.

<sup>137</sup> Better Outcomes, Brighter Futures Advisory Council, *supra* note 29.

<sup>138</sup> Department of Education, *School Meals Programme – Guidance for Schools*.

<sup>139</sup> Mohan et al., *supra* note 45, pp. 23-24.

who are homeless and Traveller children who would have availed of school meals in school pre-Covid. Documentation reviewed and the interviews with stakeholders did not offer further information about access to the School Meals Programme by other groups of children that are the focus of this CRIA.

Two NGO stakeholders noted that a coordinated and planned expansion of the School Meals Programme nationwide would be a way of maximising this mitigating measure and ensuring that all children have access to school meals in line with their right to adequate nutrition.

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

Article 19 of the CRC requires State Parties to take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment.

The negative impacts of school closures on children's right to protection included increased exposure of children to harm and abuse, including domestic violence, and a reduction in opportunities for school-based professionals to identify, monitor and report on child protection and welfare concerns.

## **Negative Impacts**

### **Increased exposure of children to abuse and domestic violence**

Documentation reviewed and two NGO stakeholders we interviewed reported that school closures in the context of wider Covid-19 restrictions led to an increase in the exposure of children to abuse and domestic violence.

Domestic violence organisations documented a rise in disclosures of domestic violence against children and in the number of children receiving support from a domestic violence service throughout the pandemic.<sup>140</sup> Similarly, the number of reports of child abuse grew by 11% in the year to March 2021 compared to the previous year.<sup>141</sup> There has also been a reported 26% increase in calls to Childline.<sup>142</sup> An increase in concerns about children's exposure to online harm due to extra time spent by children online, including for the purposes of education, was also reported in documentation reviewed.<sup>143</sup>

The NGO stakeholders working with people who are homeless who we interviewed noted that children became more exposed to abuse and domestic violence as they spent a greater amount of time in homelessness accommodation during school closures. Increased exposure to domestic abuse and violence is also seen to have particularly impacted Roma and Traveller children, with available documentation pointing to increased reports of domestic violence experienced by Traveller and Roma women and children, and children being increasingly exposed to risk of abuse.<sup>144</sup>

Three NGO stakeholders interviewed noted that, due to a lack of comprehensive data, it is difficult to quantify the extent as well as the medium- to long-term ramifications of this negative impact.

<sup>140</sup> Women's Aid, *2020 Annual Impact report* (2021), p.13; Safe Ireland, *Tracking the Shadow Pandemic: A report on women and children seeking support from Domestic Violence Services during the first 6 months of Covid-19* (2020); Safe Ireland, *Tracking the Shadow Pandemic – Lock-down 2: A report on women and children seeking support from Domestic Violence Services September 2020- December 2020* (2021).

<sup>141</sup> ISPC, *ISPC Expresses Concern at 11 Per Cent Rise in Reports of Child Abuse*, 17 June 2021.

<sup>142</sup> Bowers, S. (2020), 'Childline reports surge in contacts 'during very difficult year'', Irish Times, 24 Dec. 2020.

<sup>143</sup> Milosevic et al., supra note 119; Crowley and Hughes, supra note 108.

<sup>144</sup> Covid-19 NGO Group, supra note 81.

## Reduced opportunities for school-based professionals to identify, monitor and report child protection and welfare concerns

When schools closed in March 2020, child protection and welfare referrals fell significantly. Referrals increased when schools reopened in September 2020, but fell when schools closed again in early 2021. The reduction in referrals during the first period of school closures has been partially attributed to situations where children were not being seen face-to-face by key professionals who would typically be in a position to note and report concerns.<sup>145</sup>

A senior official from Tusla we interviewed highlighted that teachers are key professionals in understanding what is happening in children's lives and in monitoring and reporting child protection and welfare concerns. As such, schools are a major source of referrals of such concerns to Tusla. In interviews with the OCO, the same senior official from Tusla, as well as a public servant and an NGO stakeholder working with people who are homeless, observed that school closures had an adverse impact on the ability of schools and school-based professionals to fulfil their role in identifying, monitoring and reporting child protection and welfare concerns.

Data published by Tusla on referrals made by mandated persons<sup>146</sup> during periods of school closures reflects the important role played by teachers in child protection and the impact of school closures in this regard. Data shows that in March 2020, the proportion of mandated referrals to Tusla that were made by teachers stood at 20.2%. However, the proportion of referrals by teachers reduced dramatically to 5.9% of total mandated referrals in April 2020 and 4.52% in May 2020.<sup>147</sup> A similar trend can be observed in the context of the second period of school closures: while the proportion of mandated referrals by teachers stood at 18% in September 2020, the proportion had reduced to 4.4% and 4.7% in January and February 2021 respectively. The proportion of mandated

referrals made by teachers increased again to 16.5% in March 2021 and 18.6% in April 2021.

The Child Care Law Reporting Project (CCLRP) further identified 'instances of severe neglect' of children during school closures. According to the CCLRP, prolonged school closures meant that teachers were cut off from children, meaning that the neglect went unnoticed for far too long.<sup>148</sup> This impact may have been felt more by some groups of children. For example, according to the NGO stakeholders working with people who are homeless who we interviewed, children living in family hubs did not feel comfortable to disclose possible child protection and welfare concerns, as these children did not have a relationship with the staff working in these environments in the same way that they would have with school-based professionals.

## Mitigating negative impacts on the right to protection from all forms of violence

To mitigate children's increased exposure to abuse and violence, Tusla took steps to ensure services were responsive to the needs of victims of domestic, sexual and gender-based violence. This included attempting to ensure that staff levels were adequate to manage demand due to Covid-19,<sup>149</sup> and, as indicated by the senior official from Tusla who we interviewed, increasing collaboration with An Garda Síochána.

Despite challenges associated with the drop in child protection referrals in 2020 and the increased difficulties faced by school-based professionals as regards identifying and monitoring child protection concerns, Tusla social workers continued to provide essential frontline services to children during school closures. As noted by a senior official from Tusla who we interviewed, this included contact via phones, web-based apps and face-to-face visiting when possible.

The same senior official from Tusla also noted that, despite the drop in child protection

<sup>145</sup> Government of Ireland (2020a), supra note 78, p. 17.

<sup>146</sup> The Children First Act 2015 places a legal obligation on certain people, including teachers, to report child protection concerns at or above a defined threshold to Tusla.

<sup>147</sup> Tusla, [2020 Performance Data](#).

<sup>148</sup> Child in Care Law reporting project (2021), 'Case reports 2021, volume 1', January 2021.

<sup>149</sup> Government of Ireland (2020a), supra note 78.

referrals during school closures, people found other ways to support children. For instance, teachers and schools engaged with Tusla personnel to support children through different activities, such as leisure parcels. Tusla carried out public awareness campaigns encouraging people with a concern about a child to make a referral.<sup>150</sup> According to this official, this campaign had a positive outcome, and was an important contributing factor to the increase in child protection referrals again. The DCEDIY also developed an online information resource bringing together supports and services available to children.<sup>151</sup>

The senior official from Tusla also noted that being more prepared technologically would be a real improvement when it comes to quickly responding to child protection concerns. They further stated that continuing to build on existing data-gathering and disaggregation, and using the Child Protection National Information System to improve the capture of this data, would also help strengthen child protection responses, particularly in respect of disadvantaged groups of children. Three NGO stakeholders, including the NGO stakeholders working with people who are homeless, noted that more targeted supports for children are needed to address the amount of time during which professionals were not able to properly identify and monitor child protection concerns, and the reported rise in violence, including domestic violence.

## 2.3. Consideration of general principles

In accordance with ENOC's CRIA Framework, this section provides an assessment of the impact of school closures through the lens of the CRC's four general principles.

### 2.3.1. Non-discrimination (Art. 2, CRC)

Article 2 of the CRC requires States to ensure that all children enjoy their rights under the CRC without discrimination of any kind. This non-discrimination obligation requires the State to actively identify individual children and groups of children who may require special measures for the realisation of their rights.<sup>152</sup> The Committee has highlighted that data collection should be disaggregated to enable discrimination or potential discrimination to be identified.<sup>153</sup> With regard to school closures implemented in response to Covid-19, this means considering the different impacts of school closures on children and taking special measures as necessary to diminish or eliminate discriminatory impacts on children.

Five NGO stakeholders interviewed noted that the decision to close schools reflected an approach that treated all children the same and that was not appropriately tailored to ensure that the rights of specific groups of children were not disproportionately impacted by closures. As a result, though school closures had an impact on all children's enjoyment of the four rights examined through this CRIA, it appears that the impacts of school closures on children was not equally felt by all children.

As noted, children with mental health difficulties, children experiencing homelessness, Traveller and Roma children, children with disabilities and children living in Direct Provision appear to have been disproportionately impacted by school closures, in particular as regards their ability to enjoy their right to education and to enjoy their right to highest attainable standard of health, including mental health, on an equal basis. Four NGO stakeholders and a senior official from Tusla we interviewed expressed the view that, as a result, school closures appear to have further exacerbated existing inequalities experienced by these groups of children.

However, measures taken by the Government to mitigate the impact of school closures on certain groups of children, which are referenced

<sup>150</sup> Tusla (2020), 'Covid-19 Child protection Social Media campaign'.

<sup>151</sup> DCEDIY (2020), 'Parenting and Family support'.

<sup>152</sup> Committee on the Rights of the Child, supra note 1, para. 12.

<sup>153</sup> Ibid.



in earlier sections of this report, demonstrate that certain steps have been taken to adopt a more targeted response to the specific needs of these children. Nonetheless, concerns remain about whether mitigating measures put in place are sufficient to meet the needs of these groups. Moreover, three NGO stakeholders expressed the view that the State did not have adequate mechanisms in place to gather comprehensive disaggregated data on the impact of school closures on different groups of children, which are necessary to inform decisions relating to school closures as well as decisions on the type of measures required to mitigate the impact of school closures on children.

### 2.3.2. Best interests of the child (Art. 3, CRC)

Article 3(1) of the CRC recognises children's right to have their best interests assessed and treated as a primary consideration in all actions or decisions affecting them. The Committee has stated that, while the Covid-19 pandemic may have a significant impact on the availability of financial resources, States should ensure that 'responses to the pandemic, including restrictions and decisions on allocation of resources, reflect the principle of the best interests of the child'.<sup>154</sup> The State is required therefore to ensure that children's best interests are a primary consideration when it comes to decision-making around school closures.

In nine of the eleven interviews that we held with stakeholders, namely interviews with senior officials from the Department of Education, a senior official from Tusla, a public servant and six NGO stakeholders, different perspectives were offered on whether and, if so, to what extent the Government considered children's best interests as a primary consideration in decisions to close schools.

However, an NGO stakeholder working in the youth sector also 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. Another NGO stakeholder expressed the view that the decision to close schools highlighted the wider absence of a child rights-based approach to education-related decision-making, which further hindered consideration being given to children's best interests with regard to school closures. An NGO stakeholder working with vulnerable children expressed concern as to whether the approaches taken to and duration of school closures were necessary and proportionate and, as such, in children's best interests.

### 2.3.3. Life, survival and development (Art. 6, CRC)

Article 6 of the CRC recognises children's right to life and provides that the State must ensure to the maximum extent possible the child's survival and development, with development understood in its broadest sense as a holistic concept that embraces children's physical, mental, spiritual, moral, psychological and social development.<sup>155</sup> The Committee has stated that while ensuring survival and physical health are priorities, children's health and psychosocial wellbeing may be put at risk by restricted opportunities for realising human potential.<sup>156</sup>

Senior officials from the Department of Education we interviewed stated that children's right to life was a primary consideration in decision-making relating to Covid-19 public health measures and was balanced within decision-making, along with the right to education and the views of the child. However, three NGO stakeholders we interviewed placed much emphasis on the impact of school closures on children's right to development, with concern expressed about the impact of school closures not only on academic learning but also as regards restricted opportunities for social and emotional development. Such concerns

<sup>154</sup> Committee on the Rights of the Child, *supra* note 30.

<sup>155</sup> Committee on the Rights of the Child, *supra* note 1, para. 12.

<sup>156</sup> Committee on the Rights of the Child, *General Comment No. 7 (2005): Implementing child rights in early childhood* (2006), UN Doc. CRC/C/GC/7/Rev.1, para. 10.

were also reflected in several surveys of parents during school closures.<sup>157</sup> Furthermore, the Department of Education Inspectorate's research with principals, teachers, parents and students following the return to school in 2020 found that being in school is critical for students' educational and social development as well as their overall wellbeing.<sup>158</sup>

The negative impact of school closures on children's development was reported as a particular concern in relation to children with disabilities.<sup>159</sup> An NGO stakeholder working with people with disabilities and an NGO stakeholder working with vulnerable children reported concerns among parents about regression in their children's behaviour. NGO stakeholders working with people who are homeless and with the Traveller community expressed the view that the loss of schools as a space and opportunity for children's holistic development had a negative impact on the development of children experiencing homelessness and on Traveller and Roma children, as school closures meant that such children may not have had access to opportunities that schools provide to exercise, play, socialise, and develop other life skills. Similarly, the OCO's consultation with children living in Direct Provision highlighted the negative impact of school closures on children's development due to the loss of access to the physical, educational and social environment provided by schools.<sup>160</sup>

### 2.3.4. Respect for the views of the child (Art. 12, CRC)

Article 12 of the CRC provides that State Parties must assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting them, with the views of the child being given due weight in accordance with their age and maturity. The views of children should be

considered in decision-making relating to the development, implementation and evaluation of laws, policies and other measures affecting them.<sup>161</sup> The Committee has stated that children should be provided with opportunities for their views to be heard and taken into account in decision-making processes concerning the pandemic.<sup>162</sup>

Senior officials from the Department of Education who we interviewed stated that children's right to have their views heard was a fundamental principle in the overall decision-making process during the pandemic. However, none of the information reviewed for this CRIA clarifies whether and, if so, how children's views were sought and given due weight in relation to decisions about school closures. In this regard, NGO stakeholders working with the Traveller community, people who are homeless and refugees reported that they were not aware of children being consulted in the context of decision-making about closing schools.

Children were provided with an opportunity to express their views on their mental health and wellbeing during Covid-19 restrictions as part of a national survey.<sup>163</sup> Although this was conducted with children after the decision was made to close schools in March 2020, an NGO stakeholder working in the youth sector who we interviewed stated that this consultation informed the Government's decision to prioritise the reopening of schools in September 2020. In this regard, the Government's plan for living with Covid-19 noted that the consultation's findings would inform responses to Covid-19 concerning young people.<sup>164</sup>

Some children were also afforded an opportunity by the Department of Education's Inspectorate to express their views on the return to school once schools reopened in 2020 in order to inform responses to learning challenges at school level. Students raised concerns about being excluded from the consultation process

157 CSO, *Social Impact of COVID-19 Survey August 2020: The Reopening of Schools* (2020); CSO, *Social Impact of COVID-19 Survey February 2021: Impact of School Closures* (2021); Kelly at al., supra note 60, p. 9; Moffatt et al., supra note 56, pp. 5-6 and pp. 9-11.

158 Department of Education, *Return to school: Summary of research – September-December 2020* (2021), p. 9.

159 Smyth and Egan, supra note 95, pp. 8-9 and pp. 11-13; Moffatt et al., supra note 56, p. 8.

160 OCO (2020b), supra note 73, p. 6.

161 Committee on the Rights of the Child, *General Comment No. 12 (2009): The right of the child to be heard* (2009), UN Doc. CRC/C/GC/12, para. 12.

162 Committee on the Rights of the Child, supra note 30, para. 11.

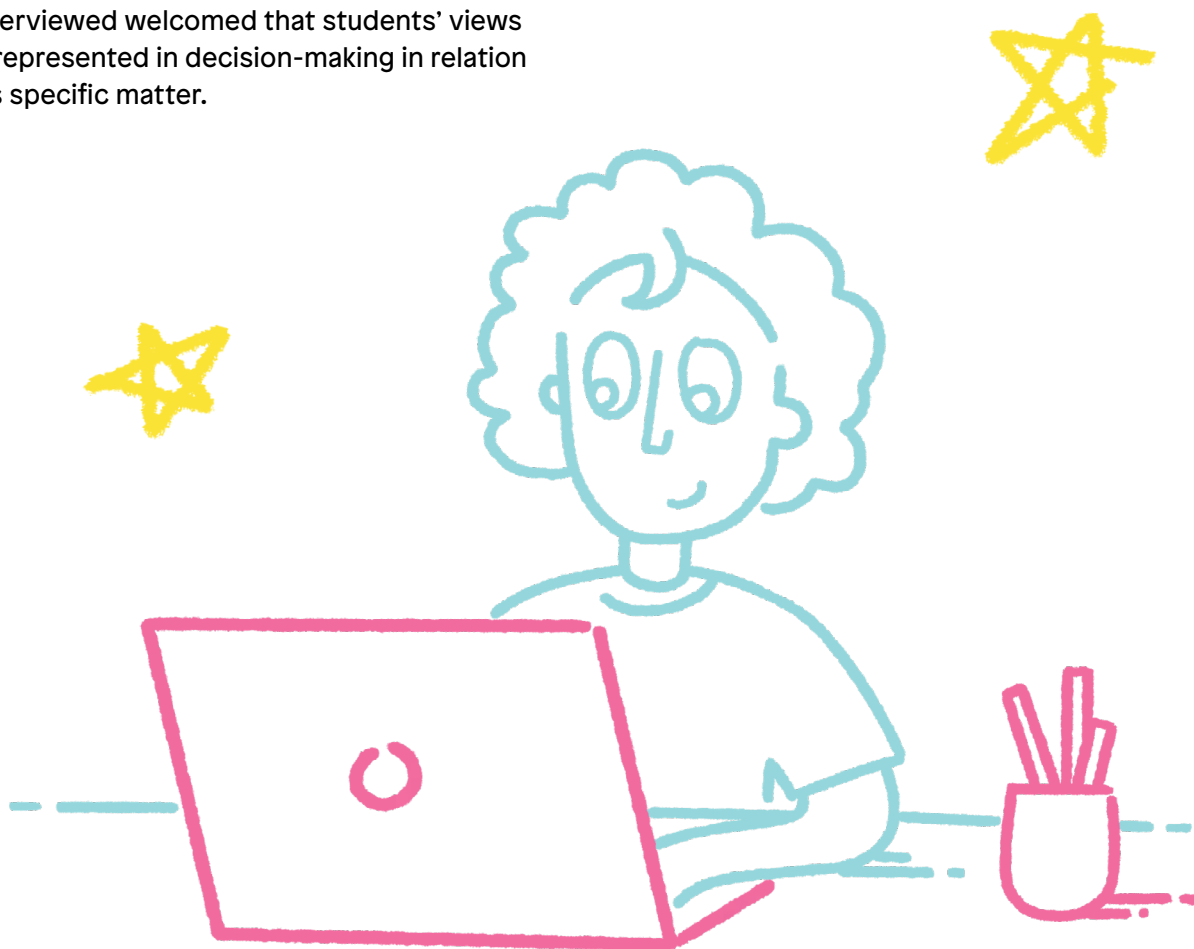
163 Department of Children and Youth Affairs and SpunOut.ie, supra note 96.

164 Government of Ireland (2020e), supra note 24, p. 56.

on school rules and highlighted the need to be consulted in decisions affecting them.<sup>165</sup>

Representatives of post-primary students were included in national-level decision-making relating to the Leaving Certificate examination in 2020 and 2021.<sup>166</sup> The ISSU was represented on an Advisory Group to advise the Minister for Education and the State Examinations Commission on arrangements for the State examinations.<sup>167</sup> The ISSU conducted consultations with post-primary students in 2021, which highlighted concerns about the lack of clarity around the reopening of schools and examinations.<sup>168</sup> The subsequent decision to provide students with a choice in 2021 to undertake the Leaving Certificate examination, to avail of a calculated grade, or both, was welcomed by the ISSU.<sup>169</sup> An NGO stakeholder working in the youth sector who we interviewed welcomed that students' views were represented in decision-making in relation to this specific matter.

A public servant and two NGO stakeholders we interviewed expressed the view that DCEDIY-commissioned research by the Economic and Social Research Institute on the potential impact of Covid-19 on children in 2020 and the consultation led by the DCEDIY with children on the impact of Covid-19 on their mental health indicate that children's views on the impacts of Covid-19 on their lives have been considered by the Government.<sup>170</sup> However, an NGO stakeholder working in the youth sector and a senior official of Tusla expressed the view that involvement of children in decision-making, including children experiencing disadvantage, could have included more consideration of children's views in decision-making about school closures.



<sup>165</sup> Department of Education, *supra* note 158, p. 6.

<sup>166</sup> Department of Education, *Minister Foley confirms arrangements for Leaving Certificate 2021*, 17 February 2021.

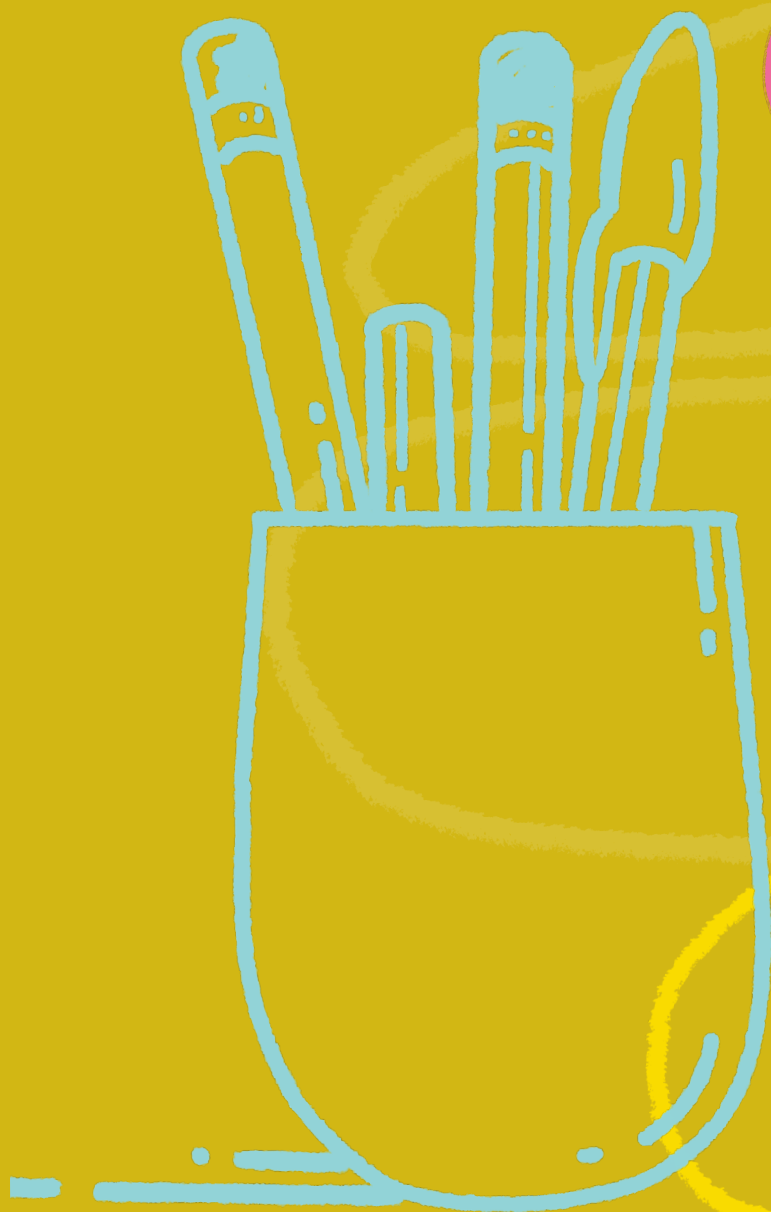
<sup>167</sup> Department of Education, *Advisory Group for Contingency Planning for State Examinations 2020*, 28 April 2020; Department of Education, *Advisory Group on Planning for State Examinations 2021*, 1 February 2021.

<sup>168</sup> ISSU, *ISSU Report on the 2021 State Examinations and Return to School* (2021).

<sup>169</sup> ISSU, *ISSU Welcomes and Supports State Exams Decision*, 17 February 2021.

<sup>170</sup> Department of Children and Youth Affairs and SpunOut.ie (2020), *supra* note 96; Darmody, M, E. Smyth, and H. Russell, 'The implications of the Covid-19 pandemic for policy in relation to children and young people', ESRI Survey and statistical report series number 94 (2020)

### 3. Findings



### 3. FINDINGS

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**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 on the five groups of children that our CRIA has focused on. In this regard, school closures appear to have impacted negatively on these children's enjoyment of the specific rights that this CRIA has looked at. As noted elsewhere in this report, 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. Contributing factors in this regard include 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.
- 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 homeless children.
- 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 continuation and extension of the School Meals Programme during school closures is viewed as a positive measure that mitigated the potentially negative impact of school closures on children's access to adequate nutrition through this Programme.

### **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 mitigated against certain mitigating 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 and proportionate and were 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 experience of returning to school.



## 4. Recommendations





## 4. RECOMMENDATIONS

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**The recommendations below arise from the scope and methodology of this CRIA as well as the analysis and findings set out in this report. It is important to note that these recommendations are based on emerging information at a time when the trajectory of the pandemic remains uncertain.**

### **Child rights impact assessment and evaluation**

- The State has not yet developed, implemented and mainstreamed child rights impact assessment and evaluation as a practice. 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 and if CRIA had been applied to decision-making regarding school closures. However, CRIA and CRIE can support systematic consideration of the potential impacts and subsequent effects of decisions/actions on children and their rights. Allowing that systematic consideration of children's rights does not appear to have informed decision-making regarding school closures to the extent that it might have, the OCO recommends that serious attention is 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 where very significant decisions need to be made quickly and potentially in the absence of complete information.
- Awareness and understanding of the short-term impacts of school closures on children are still emerging and the medium- to long-term impacts of this measure on children and their rights remain to be seen. Understanding of the impacts that measures taken to mitigate some of the negative effects

of school closures on children and their rights is also emerging. The OCO recommends that a comprehensive child rights-based evaluation of the impacts of school closures and corresponding mitigating measures on children should be conducted in due course in the interests of developing measures to further mitigate negative impacts and of harnessing learning for the future.

### **Policy and cross-sectoral coordination**

- There are differences of view about whether or not schools needed to be closed for as long as they were in 2020 and again in 2021. That said, there appears to be a broad consensus at this juncture that keeping schools open should remain a priority. Given that the trajectory of Covid-19 remains uncertain, the OCO recommends that national policy in this area needs to maintain a focus on keeping schools open, with adequate resources allocated to support their remaining open safely. Any prospective future school closures should be approached as 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.
- Little information is publicly available on the role that BOBF coordinating structures played in respect of governance structures

established to respond to Covid-19. However, it appears that the BOBF structures may not have been mobilised as fully as they could have been in relation to decision-making on Covid-19 response measures affecting children, including decision-making concerning school closures. This being the case, the OCO recommends that consideration needs to be given to how coordination structures concerning children can be strengthened further and mobilised effectively, including in the context of emergency situations.

- It appears that decision-making regarding school closures in 2020 and in 2021 was not informed by the views of children and young people themselves. In this regard, 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. Further attention needs to be given to how existing mechanisms and additional measures can be taken to ensure that children and young people's right to be heard and to have due weight given to their views in the context decision-making processes affecting them can be upheld appropriately and effectively in emergency situations.

### Allocation of resources

- As this report indicates, a range of measures have been taken with a view to mitigating the negative impacts of school closures on children. If not already in train or done, the OCO recommends that a comprehensive assessment should be undertaken to fully understand the human, technical and financial resources that were allocated to implement these mitigating measures. Furthermore, such an assessment should identify the nature and extent of shortfalls in the reach of these mitigating measures. It should quantify the additional human, technical and financial resources needed to ensure that such

measures would be available to all children who need them in the event of a future emergency where school closures prove necessary.

- This CRIA indicates that school closures had a range of negative impacts on children and that the nature and extent of these negative impacts varies between different cohorts of children. The OCO encourages further attention to be given to identifying what specific measures are needed to support children generally and specific groups of children in particular to recover from the adverse effects of school closures and what corresponding human, technical and financial resources are needed to implement these measures.

### Data collection and analysis

- This CRIA suggests that 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. The OCO recommends that work is 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

- Implementation of this CRIA suggests that an understanding of children's rights and the application of a child rights-based approach to decision-making needs to be strengthened, including among public bodies. In addition, the OCO recommends that attention needs to be given to how expertise on children's rights in the statutory and non-statutory sectors in Ireland might be mobilised and integrated effectively into decision-making affecting children in emergency situations.

## Annex 1: List of abbreviations

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<b>BOBF</b>	Better Outcomes, Brighter Futures
<b>CAMHS</b>	Child and Adolescent Mental Health Services
<b>CCLRP</b>	Child in Care Law Reporting Project
<b>CESCR</b>	UN Committee on Economic, Social and Cultural Rights
<b>Covid-19</b>	Coronavirus Disease 2019 caused by SARS-CoV-2
<b>CRC</b>	UN Convention on the Rights of the Child
<b>CRIA</b>	Child Rights Impact Assessment
<b>CRIE</b>	Child Rights Impact Evaluation
<b>DCEDIY</b>	Department of Children, Equality, Disability, Integration and Youth
<b>DEIS</b>	Delivering Equality of opportunity in Schools
<b>ENOC</b>	European Network of Ombudspersons for Children
<b>GDPR</b>	General Data Protection Regulations
<b>HSE</b>	Health Service Executive
<b>IHREC</b>	Irish Human Rights and Equality Commission
<b>ISSU</b>	Irish Second Level Students' Union
<b>NGO</b>	Non-governmental Organisation
<b>NPHE</b>	National Public Health Emergency Team
<b>OCO</b>	Ombudsman for Children's Office
<b>SEN</b>	Special Educational Needs

## Annex 2: List of stakeholders consulted (anonymised)

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Stakeholder interviewed by the OCO	Date of Interview
NGO stakeholder	19 July 2021
NGO stakeholder working in the youth sector	20 July 2021
NGO stakeholder working with people with disabilities	22 July 2021
NGO stakeholder working with the Traveller community	23 July 2021
Official of the Department of Social Protection	27 July 2021
NGO stakeholders working with people who are homeless	03 August 2021
Public servant	04 August 2021
NGO stakeholder working with vulnerable children	05 August 2021
Senior officials from the Department of Education	05 August 2021
NGO stakeholder working with refugees	10 August 2021
Senior official from Tusla	12 August 2021

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