



**Department of Children, Equality, Disability, Integration and Youth:
Consultation on a National Action Plan
for the European Child Guarantee**

**Submission by the Ombudsman for Children's Office
January 2022**

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1. Introduction

The Ombudsman for Children's Office (OCO) is an independent statutory body, which was established in 2004 under the Ombudsman for Children Act 2002 (2002 Act). One of the OCO's core statutory functions under the 2002 Act, as amended, is to promote the rights and welfare of children up to the age of 18 years. The OCO has prepared this submission pursuant to section 7(1)(a) and section 7(4) of the 2002 Act, which provide for the Ombudsman for Children to advise any Minister of the Government on the development and coordination of policy relating to children and on any matter relating to the rights and welfare of children.

The OCO welcomes the adoption of the European Child Guarantee and the consultation opened by the Department of Children, Equality, Disability, Integration and Youth (DCEDIY) to inform its work to develop a National Action Plan.

In preparing this submission, the OCO has been mindful of the expertise of other stakeholders who may contribute to this consultation, and the limited timeframe for preparing responses. The purpose of our submission, therefore, is twofold. We will firstly highlight children's rights considerations that may usefully inform the DCEDIY's work to develop a National Action Plan. We will also set out examples of barriers faced by children in accessing key services that come under the European Child Guarantee, which have come to the OCO's attention. We encourage the DCEDIY to consider these barriers in its work to identify measures to be addressed in the National Action Plan.

This submission has been framed in light of Ireland's children's rights obligations, particularly under the UN Convention on the Rights of the Child (UNCRC). The submission provides observations on barriers under each of the five pillars of the European Child Guarantee, on the basis of the features of effective and free access to services.¹ As the European Child Guarantee exists as an instrument for States to use in addressing child poverty, our approach to these barriers centres on children experiencing poverty or social exclusion, or who are at a greater risk of experiencing poverty or social exclusion due to these barriers. In line with the terminology used by the European Child Guarantee, such children are referred to as 'children in need' throughout this submission.²

The OCO encourages the DCEDIY to adopt measures to support the meaningful participation of children in the planning, implementation and evaluation processes associated with the National Action Plan, in line with the European Child Guarantee recommendation and children's right to express their views in all matters affecting them and to have due weight given to their views. In the event that children's participation in the consultation on the development of the National Action Plan is not feasible due to the short time frame the DCEDIY is working to, we encourage the DCEDIY to consider views expressed by children in the context of existing initiatives, including research, that are relevant to the areas of focus of the European Child Guarantee.

2. Children's rights

The EU Strategy on the Rights of the Child and the European Commission Recommendation 2013/112/EU, which the European Child Guarantee is designed to complement, state that EU

¹ Council of the European Union, [Council Recommendation 2021/1004 of 14 June 2021 establishing a European Child Guarantee](#), ss 3(d)-(e).

² *Ibid.*, s 3(a).

Member States should address child poverty and social exclusion from a children's rights approach.³ The UN Special Rapporteur on extreme poverty and human rights has also emphasised that adopting a rights-based approach will be key to ensuring effective access to the areas covered by the European Child Guarantee.⁴

As the DCEDIY is aware, a child rights approach is one that furthers the realisation of the rights of all children set out in the UNCRC by developing the capacity of duty bearers to meet their obligations to respect, protect and fulfil these rights and the capacity of children to claim their rights. This is guided at all times by the four general principles of the UNCRC: non-discrimination (Article 2), the best interests of the child (Article 3), life, survival and development (Article 6), and respect for the views of the child (Article 12). In line with the State's obligations under the UNCRC, the OCO believes that a children's rights approach to combatting child poverty should be embedded in and through the National Action Plan.

The UN Committee on the Rights of the Child (Committee) has provided important guidance on the cross-cutting measures that State Parties to the UNCRC need to pursue to fully implement their obligations to children under the UNCRC. This guidance merits consideration as regards the approach to be taken by the DCEDIY in the identification, implementation, monitoring and evaluation of measures to address child poverty in the National Action Plan.⁵

A number of positive measures have been adopted by the State to address child poverty to date. However, if the State is to effectively prevent and combat social exclusion, combat child poverty and foster equal opportunities, it will be necessary to develop a comprehensive National Action Plan that is endorsed at the highest level and that sets out specific and time-bound goals, targeted implementation measures and the allocation of adequate financial and human resources required for its full implementation.⁶

While Ireland's system of government and public administration is organised along broadly sectoral lines, children and their lives do not fit neatly into sectoral silos. Deficits in interagency coordination, cooperation and communication and the impacts of these deficits on children are something that the OCO has witnessed and engaged with through the exercise of our statutory functions. Accordingly, as the DCEDIY is aware, the OCO has highlighted the importance of effective coordination across and at all levels of government and public administration. Such coordination is crucial in the context of child poverty, where measures adopted to address child poverty necessarily cut across the remit of several government departments, including the DCEDIY and the Departments of Education, Social Protection, Health and Housing. We suggest that the European Child Guarantee presents a vital opportunity to think differently about how to coordinate the cross-sectoral implementation of actions to address child poverty. In light of the gravity, complexity and scope of matters falling within the European Child Guarantee, the OCO encourages the DCEDIY to consider establishing a dedicated national mechanism to support effective cross-Departmental and inter-agency working.

The Committee has identified the establishment of specific departments or units at the heart of Government, with the objective of coordinating children's policy and implementation, as good

³ European Commission, [Commission Recommendation of 20 February 2013 - Investing in children: breaking the cycle of disadvantage](#), 2013/112/EU.

⁴ Human Rights Council (2021), [Report of the UN Special Rapporteur on extreme poverty and human rights](#), UN Doc. A/HRC/47/36/Add.1, para. 40.

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

⁶ *Ibid.*, para. 32.

practice.⁷ Consideration should be given to establishing a dedicated unit or equivalent, which has sufficient capacity and brings together relevant expertise on child poverty and social exclusion, to guide the implementation of the National Action Plan.

Just as it is important to take the opportunity presented by the European Child Guarantee to think differently about cross-departmental and inter-agency structures for coordinating the implementation of the National Action Plan, the OCO suggests that the DCEDIY considers establishing new reporting and accountability structures and mechanisms within the political *and* public administration systems to oversee the implementation of child poverty reduction measures, particularly the actions set out in the National Action Plan.⁸ In this regard, and as the DCEDIY is aware, the OCO recently recommended that a dedicated, time-limited Joint Oireachtas Committee focused on eradicating child poverty and homelessness should be established.⁹

In line with Article 2 of the UNCRC, States are required to actively identify individual children and groups of children who may require special measures in the realisation of their rights.¹⁰ The Committee has emphasised that collection of sufficient and reliable data on children that are disaggregated to enable identification of discrimination or disparities in the realisation of rights, and the use of such data to assess progress, are essential in this regard.¹¹ Among the concerns held by the OCO are deficits in the systematic collection of comprehensive disaggregated data with regard to vulnerable children, including children with disabilities, children with mental health difficulties, homeless children, children in care, Traveller and Roma children and children with a migrant background. Consideration should therefore be given in the National Action Plan to including measures directed towards ensuring the collection and publication of quality disaggregated data within each of the five pillars, to facilitate the identification of discrimination within services and to measure progress achieved in providing for access to services by children in need.

3. Access to services under the European Child Guarantee

a. Free and effective access to early childhood education and care

The OCO welcomes the significant work progressed by the DCEDIY to ensure accessible, affordable and high-quality early childhood education and care (ECEC). However, as noted in a recent OECD report on ECEC in Ireland, the existing model of private provision creates challenges for accessibility, affordability and quality.¹²

Free access

Ireland has one of the highest levels of childcare costs in the OECD.¹³ Evidence has shown that schemes such as the Early Childhood Care and Education Programme (ECCE) and National Childcare Scheme (NCS) have an important impact in increasing access to childcare by families who may

⁷ UN Committee on the Rights of the Child (2003) [General Comment No.5 \(2003\): General measures of the implementation of the Convention on the Rights of the Child \(arts 4, 42 and 44 para.6\)](#), UN Doc. CRC/GC/2003/5, para. 39.

⁸ Ibid., para. 33.

⁹ OCO (2021) [A Better Normal: Eradicate Child Poverty. Eliminate Child Homelessness](#), p. 8.

¹⁰ UN Committee on the Rights of the Child (2003) [General Comment No. 5 \(2003\): General measures of the implementation of the Convention on the Rights of the Child \(arts 4, 42 and 44 para.6\)](#), UN Doc. CRC/GC/2003/5, para. 12.

¹¹ Ibid., para. 48.

¹² OECD (2021) [Strengthening Early Childhood Education and Care in Ireland](#), p. 12.

¹³ OECD (2021) [Strengthening Early Childhood Education and Care in Ireland](#), pp. 35-36.

otherwise have been unable to avail of childcare due to cost.¹⁴ However, access to childcare outside of these programmes has been shown to be dependent on parents' income and employment status.¹⁵ In this regard, the OCO welcomes the proposed expansion of the universal subsidy under the NCS to include all children under 15, the end to the deduction of hours spent in pre-school or school from the hour allocations under the NCS,¹⁶ and the announcement of a new funding model.¹⁷

Though commitments to double funding in this area by 2028 are welcome,¹⁸ significant commitment is required to ensure that investment in the sector increases at a sufficient rate to provide for free and effective access to childcare for children in need. The OCO encourages the DCEDIY to consider how free access will be progressively achieved, with priority given to ensuring free access to ECEC for children in need, in the context of developing the National Action Plan.

Accessibility

Barriers faced by certain groups of children in accessing ECEC schemes demonstrate that accessibility of childcare is not guaranteed for all children in need who require childcare. Concerns brought to the attention of the OCO regarding the NCS indicate that administrative challenges reported by service providers and awareness of the sponsorship referral scheme among referring professionals may affect the number of children referred to the NCS. As the DCEDIY is aware, similar challenges were observed, along with administrative barriers faced by some families, in the 12-month review of the NCS.¹⁹ We encourage the DCEDIY to address known barriers faced by families, in the context of the National Action Plan, in order to ensure effective access to childcare for children in need.

While the Access and Inclusion Model (AIM) is designed to ensure that children with disabilities can access the ECCE programme, the OCO notes that there is no provision of supports for children with disabilities outside of the 3 hours a day for the 38 weeks of term time under the ECCE programme. As a result, some children with disabilities of ECCE age may be unable to access ECEC due to cost. While the commitment to extend the AIM beyond the ECCE programme is welcome,²⁰ the extent to which AIM will be extended is not yet clear. The OCO suggests that the National Action Plan provides an opportunity to set out the measures required to ensure that all children in need with disabilities may enjoy free and effective access to ECEC on an equal basis with other children.

¹⁴ F. McGinnity, H. Russell and A. Murray (2015) [Non-parental childcare and child cognitive outcomes at age 5: Results from the Growing Up in Ireland Infant Cohort](#); Frontier Economics (2021) [12-month review of the National Childcare Scheme](#).

¹⁵ D. Byrne and C. O'Toole (2015) [The influence of childcare arrangements on child well being from infancy to middle childhood](#).

¹⁶ DCEDIY, [Minister O'Gorman publishes the findings of a 12-Month Review of the National Childcare Scheme \(NCS\)](#), 1 December 2021.

¹⁷ DCEDIY, [Minister O'Gorman launches major reform of funding for early learning and childcare following Report of Expert Group](#), 7 December 2021.

¹⁸ Government of Ireland (2019) [First 5: A Whole-of-Government Strategy for Babies, Young Children and their Families 2019-2028](#), p. 169.

¹⁹ Frontier Economics (2021) [12-month review of the National Childcare Scheme](#), pp. 127-130.

²⁰ DCEDIY, [Minister O'Gorman launches major reform of funding for early learning and childcare following Report of Expert Group](#), 7 December 2021; Expert Group to develop a new funding model for Early Learning and Care and School-Age Childcare (2021) [Partnership for the Public Good A New Funding Model for Early Learning and Care and School-Age Childcare](#), p. 104; Government of Ireland (2019) [First 5: A Whole-of-Government Strategy for Babies, Young Children and their Families 2019-2028](#), p. 146.

b. Free and effective access to education and school-based activities

Free access

Measures to reduce or mitigate the impact on families of the costs of going to school are welcome. However, as the DCEDIY is aware, indirect costs associated with education, including the cost of school books, school uniforms, voluntary contributions, transport and extracurricular activities, are still unaffordable for many disadvantaged families,²¹ and mitigate against free access to education by children in need.

Among the specific concerns that have come to the OCO's attention is digital poverty arising from limited access to suitable devices and/or secure, reliable broadband. This presents a significant barrier to children from low-income families being able to fully avail of digital technology to pursue their education. The closure of schools in the context of Covid-19 restrictions has amplified the digital divide for such children. The OCO was contacted by children and their parents who reported that they were unable to access education, as their family did not have the financial resources to provide the electronic devices or high quality broadband required to participate in online learning. These barriers are exacerbated for some Traveller children; as well as the high cost of electronic tablets or laptops that some schools require children to use in the classroom, the lack of access to broadband in halting sites can prevent children from completing schoolwork.²² Our consultations with children living in Direct Provision and in Family Hubs also highlighted barriers to education arising from insufficient access to technology and broadband.²³

We encourage the DCEDIY to give appropriate attention in the National Action Plan to addressing the financial barriers to accessing education faced by children in need. This should include monitoring and evaluating the impact of resources allocated to schools on access to education by groups of children in need.

Accessibility

The OCO is also concerned by additional barriers that mitigate against education and school-based activities being accessible to all children in need on an equal basis. Among our concerns in this regard is the impact of the location of emergency accommodation on children's access to, and participation in, education, with children sometimes needing to travel long distances to attend school.²⁴ Barriers to participating in school-based extracurricular activities faced by children living in Direct Provision, including the remote locations of accommodation centres and a lack of available transport, combined with financial costs for participating in some of these activities, have also been reported to the OCO.²⁵

We are also concerned that schools are permitted to allocate 25% of school places to children of former students,²⁶ which may have a disproportionately negative impact on communities with high

²¹ S. Moffatt, G. Kent and J. O'Hara (2021) [Back to School Survey Results 2021](#); N. Kelly, P. Fleming, B. Demirel and J. O'Hara (2020) [The Real Cost of School 2020: Back to School Survey Briefing Paper](#).

²² OCO (2021) [No End in Site: An investigation into the living conditions of children on a local authority halting site](#), p. 17.

²³ OCO (2020) [Direct Division: Children's views and experiences of living in Direct Provision](#); OCO (2019) [No Place Like Home: Children's views and experiences of living in Family Hubs](#).

²⁴ OCO (2016) [Submission of the Ombudsman for Children's Office: Consultation Paper, Department of Education and Skills Re Statement of Strategy 2016-2018](#); G. Scanlon and G. McKenna (2018) [Home Works: A Study on the Educational Needs of Children Experiencing Homelessness and Living in Emergency Accommodation](#).

²⁵ OCO (2020) [Direct Division: Children's views and experiences of living in Direct Provision](#), p. 49.

²⁶ Education Act 1998, as amended, s 62(10)(b).

levels of educational disadvantage, including Traveller children.²⁷ Thus, in addition to addressing financial barriers to accessing free education, the OCO encourages the DCEDIY to use the opportunity presented by the European Child Guarantee to further address barriers faced by children in need who experience educational disadvantage to ensure that such children can fully access and participate in education.

c. Free and effective access to a healthy meal and effective access to healthy nutrition

The School Meals Programme, which aims 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, currently provides school meals to 227,000 children.²⁸ Priority for funding under the Programme is given to schools supported by the Delivering Equality of Opportunity In Schools (DEIS) programme, in addition to schools identified by the Department of Education as having levels of concentrated disadvantage. Considering that a significant proportion of children have reported that they go to school or to bed hungry,²⁹ the OCO welcomes the expansion of the Hot School Meals component of the Programme in 2021 and its planned extension in 2022.³⁰

Availability

As participation by schools in the Programme is voluntary, access by children to a daily meal is limited to schools that opt to participate in the Programme. The provision of food packs in lieu of school meals to children enrolled in participating schools when schools were closed due to the Covid-19 pandemic was a welcome measure. Nevertheless, some evidence shows that uptake of the Programme by schools varied,³¹ with the result that some children who benefitted from school meals provided by participating schools pre-Covid were unable to access their daily school meal during school closures. In addition, though school meals have been extended to school holiday periods during the Covid-19 pandemic, it is unclear if this practice will continue into the future.

As the impact of Covid-19 restrictions has highlighted that the provision of a daily meal to children who need it is dependent on schools' delivery of the Programme, the National Action Plan should, therefore, consider how the State can expand, and diversify delivery routes for, the Programme to ensure effective access to a healthy meal for all children in need.

Good quality

The Child Guarantee recommends that nutrition standards in early childhood and education settings address specific dietary needs and that the availability of foods high in fat, salt and sugar in such settings be restricted.³² Though nutritional guidelines for Hot School Meals are in place, we are concerned at the lack of standardised national oversight of the nutritional standards of the hot

²⁷ OCO (2017) [Advice of the Ombudsman for Children on the Education \(Admission to Schools\) Bill 2016](#), pp. 26-30.

²⁸ Department of Social Protection, [School Meals Scheme](#).

²⁹ A. Költő, A. Gavin, M. Molcho, C. Kelly, L. Walker and S. Nic Gabhainn (2020) [The Irish Health Behaviour in School-aged Children \(HBSC\) Study 2018](#), p. 14.

³⁰ Department of Social Protection, [Minister Humphreys announces extension of Hot School Meals Programme](#), 22 November 2021.

³¹ G. Mohan, S. McCoy, E. Carroll, G. Mihut, S. Lyons and C. Mac Domhnaill (2020) [Learning for all? Second-level education in Ireland during Covid-19](#), pp. 23-24.

³² European Commission, [Commission Recommendation of 20 February 2013 - Investing in children: breaking the cycle of disadvantage](#), 2013/112/EU, s 9(b)-(c). See also: UN Committee on the Rights of the Child (2013) [General comment No. 15 \(2013\) on the right of the child to the enjoyment of the highest attainable standard of health \(art. 24\)](#), UN Doc. CRC/C/GC/15, para. 47.

school meals provided to children. Given that the provision of a good quality, nutritious meal is among the aims of the Programme, consideration should be given in the National Action Plan to how the State can ensure accountability and consistency in the standards of food provided to children.

d. Free and effective access to healthcare

The OCO welcomes the Sláintecare strategy, with the stated aim of creating a system where everyone has equal access to comprehensive services, based on need and not the ability to pay. The OCO has identified a number of barriers to children in Ireland realising their right to free and effective access to healthcare. These barriers amplify inequality between children living in poverty and those in families with higher household income which enables access to private healthcare services and/or greater mobility to travel further for services.

Free of charge

As the DCEDIY is aware, there are a number of barriers to certain groups of children accessing free healthcare. Among our concerns are the continued delays to the extension of the GP visit card (providing free GP visits) to children up to the age of 17,³³ despite evidence that children whose parents face the full cost of GP care have significantly fewer GP visits.³⁴ Evidence also shows that the habitual residence condition for social welfare prevents some Traveller and Roma families from accessing free or subsidised healthcare.³⁵ We encourage the DCEDIY to give appropriate attention in the National Action Plan to addressing barriers, including financial barriers, to accessing free healthcare that are faced by children in need.

Accessibility

There is no comprehensive statutory or policy framework in Ireland to ensure that children with disabilities have the right to access and enjoy a full range of public health and social care services.³⁶ People with disabilities in Ireland, including children, are more likely to experience poverty, and household income is often impacted by additional costs of disability.³⁷ Barriers to children with disabilities accessing free public healthcare can have additional cost implications to families at risk of social deprivation.

For example, services that operate under a medical model of disability, such as Child and Adolescent Mental Health Services (CAMHS), which require children to have a diagnosed 'mental disorder' to receive community interventions,³⁸ can place children at a disadvantage compared to families that can afford private diagnosis. The OCO has also previously highlighted barriers for children with disabilities and in alternative care accessing adequate health and social care.³⁹ For example, in 2020

³³ Houses of the Oireachtas, [Health Strategies](#), Dáil Eireann Debate, 9 December 2021.

³⁴ A. Nolan and R. Layte (2017) [Growing Up Ireland National Longitudinal Study of Children – Understanding Use of General Practitioner Services among Children in Ireland](#), p.8.

³⁵ Pavee Point Traveller and Roma Centre and Department of Justice and Equality (2018) [Roma in Ireland: A National Needs Assessment](#), p. 13.

³⁶ C. Moloney et al. (2021) [Mind the Gap: Barriers to the realisation of the rights of children with disabilities in Ireland](#).

³⁷ Ibid., pp. 92-95; J. Cullinan, B. Gannon and S. Lyons (2010) 'Estimating the Extra Cost of Living for People with Disabilities', *Health Economics May*, Vol. 20, No. 5. pp. 582-599.

³⁸ C. Moloney et al. (2021) [Mind the Gap: Barriers to the realisation of the rights of children with disabilities in Ireland](#), p. 79.

³⁹ OCO (2021) [UN Committee on the Rights of the Child 2021 Day of General Discussion Children's Rights and Alternative Care September 2021: Submission by the Ombudsman for Children's Office](#), p. 2.

the OCO published Jack's Case,⁴⁰ highlighting the barriers accessing coordinated public services that enable some children with disabilities to live safely at home. Without this service coordination, families can be unable to meet children's care needs or face financial barriers in trying to do so themselves.⁴¹ Informed by a rights-based approach to disability, the National Action Plan should include measures to ensure that children in need with disabilities can enjoy free and effective access to healthcare services and supports on an equal basis with other children.

Timely provision

Children reliant on public health services, including those who cannot afford private healthcare, can be subject to significant delays which have a negative impact on their timely access to healthcare.

While the publication of child-specific waiting lists is welcome,⁴² such waiting lists highlight the concerning number of children waiting for hospital appointments, with this number increasing further in the context of Covid-19 restrictions.⁴³ Demand for mental health services continues to exceed availability at all levels and many gaps remain in both the primary care and specialised CAMHS.⁴⁴ Despite the introduction of additional measures to reduce the backlog, the number of children waiting for an assessment of their needs and for subsequent access to the services they require remains of significant concern to the OCO.⁴⁵

In creating the National Action Plan, we encourage the DCEDIY to consider how services can be adequately resourced and the measures required to ensure that children have timely access to healthcare services, irrespective of their means.

e. Effective access to adequate housing

The OCO welcomes the stated aims of the Housing for All strategy that everyone in the State should have access to a home at an affordable price.⁴⁶ The OCO considers it vital that a right to housing should be included in the Constitution, in furtherance of the State's commitment to safeguard children's right to an adequate standard of living, including housing, under the UNCRC.

The OCO is concerned about the inadequacy of measures to ensure effective access to appropriate housing. Homelessness among children has increased significantly since 2014,⁴⁷ and waiting lists for social housing for families experiencing homelessness are too long.⁴⁸ We are particularly concerned that one-parent families and Traveller families are overrepresented in homelessness figures.⁴⁹ The

⁴⁰ OCO (2020) [Jack's Case: How the HSE and Tusla, the Child and Family Agency, provided for and managed the care of a child with profound disabilities](#).

⁴¹ Ibid.

⁴² OCO, [Child Specific Waiting Lists will give a true picture of the impact delays are having on childhood](#), 17 May 2021.

⁴³ HSE (2021) [Performance Profile January – March 2021](#).

⁴⁴ C. Moloney et al. (2021) [Mind the Gap: Barriers to the realisation of the rights of children with disabilities in Ireland](#). p. 80.

⁴⁵ OCO (2020) [Unmet Needs: A report by the Ombudsman for Children's Office on the challenges faced by children in Ireland who require an assessment of their needs](#); OCO, [4,000 children with disabilities in waiting list limbo – Ombudsman for Children](#), 15 December 2021; Houses of the Oireachtas, [Progressing Disability Services for Children and Young People: Statements](#), Seanad Éireann debate, 9 November 2021, Vol. 280, No. 1.

⁴⁶ Government of Ireland (2021) [Housing for All: A New Housing Plan for Ireland](#).

⁴⁷ Department of Housing, Local Government and Heritage, [Homelessness Data](#).

⁴⁸ UN Committee on the Rights of the Child (2016) [Concluding observations on the combined third and fourth periodic reports of Ireland](#), UN Doc. CRC/C/IRL/CO/3-4, p. 13.

⁴⁹ H. Russell, I. Privalko, F. McGinnity and S. Enright (2021) [Monitoring Adequate Housing in Ireland](#); Seanad Public Consultation Committee (2020) [Report on Travellers Towards a More Equitable Ireland Post-Recognition](#), p. 16.

National Action Plan presents the DCEDIY with a timely opportunity to consider the range of measures that are required to address child and family homelessness, and that are required to uphold children's right to adequate housing.

Accessibility

The OCO is concerned by the negative impact of legislative barriers to effective access to adequate housing by children in need.

Children remain invisible in housing legislation, with local authorities having no legal obligation to provide accommodation to homeless families and having considerable discretion as regards the type of accommodation and support they may provide to people, including families with children, who are homeless.⁵⁰ The evidence required to satisfy the habitual residence condition is a barrier to some Roma families accessing social housing on an equal basis with settled communities.⁵¹ That legislative aftercare eligibility criteria exclude young people experiencing homelessness who have been provided with accommodation by Tusla, but who have not been formally placed in care, is also of concern.⁵² The OCO encourages the DCEDIY to include measures in the National Action Plan directed towards addressing legislative barriers to effective access to housing faced by children in need.

Good quality

Families experiencing poverty in Ireland are often placed at risk of being forced to live in environments that exacerbate social deprivation. Through the OCO's complaints handling, and direct work with children, we are aware of the impact that inappropriate housing can have on child development, mental health, and safety.

Children with experience of homelessness have expressed several concerns to the OCO, including inappropriate locations and/or environments of certain emergency placements, sometimes for extended periods of time.⁵³ Children and families living in Family Hubs have also reported concerns about the adequacy of accommodation, including the negative impact on family life and on children's development and mental health.⁵⁴ A recent OCO investigation on conditions at a local authority halting site found that Traveller children are exposed to unsafe and inadequate living conditions.⁵⁵

The OCO is aware of multiple instances of children with disabilities waiting for social housing, or for disability adaptations to social housing, staying in inappropriate emergency accommodation for lengthy periods of time.⁵⁶ In addition, given that - with the exception of Domiciliary Care Allowance - there are no social welfare payments which explicitly target children with disabilities,⁵⁷ the additional costs incurred by households including children with disabilities, including making adjustments to make homes accessible, are a barrier to effective access to adequate housing.⁵⁸ Concerns have also consistently been brought to the OCO's attention about the quality of

⁵⁰ OCO (2019) [No Place Like Home: Children's views and experiences of living in Family Hubs](#), pp. 18-21.

⁵¹ Pavee Point Traveller and Roma Centre and Department of Justice and Equality (2018) [Roma in Ireland: A National Needs Assessment](#), p. 13.

⁵² Child Care Act 1991 (as amended), s 45, 45A, 45B and 45D.

⁵³ OCO (2012) [Homeless Truths: Children's experiences of homelessness in Ireland](#).

⁵⁴ OCO (2019) [No Place Like Home: Children's views and experiences of living in Family Hubs](#).

⁵⁵ OCO (2021) [No End in Site: An investigation into the living conditions of children on a local authority halting site](#).

⁵⁶ OCO (2017) [Annual Report 2016](#), p. 37.

⁵⁷ C. Moloney et al. (2021) [Mind the Gap: Barriers to the realisation of the rights of children with disabilities in Ireland](#), p. 94.

⁵⁸ *Ibid.*

accommodation provided to families seeking international protection.⁵⁹ Though the OCO welcomes the White Paper to end Direct Provision, it is concerning that an independent inspection mechanism has yet to be put in place.

The OCO suggests that the DCEDIY consider the measures required to ensure that accommodation and housing supports provided to children in need - including homeless families, Traveller families children with disabilities and children living in Direct Provision - are appropriate to children's needs and uphold their right to a standard of living adequate for their physical, mental, spiritual, moral and social development.

⁵⁹ OCO (2020) [*Direct Division: Children's views and experiences of living in Direct Provision.*](#)