



Oireachtas Joint Committee on Autism

Opening Statement by the Ombudsman for Children, Dr Niall Muldoon

Tuesday, 14th February 2023

I would like to thank An Cathaoirleach and the Joint Committee on Autism for the invitation to appear today to discuss autism policy, services and supports.

As members of the Committee are aware, the Ombudsman for Children's Office (OCO) is an independent statutory body, which was established in 2004 under the Ombudsman for Children Act 2002. Under the 2002 Act, the OCO has two core statutory functions:

- to promote the rights and welfare of children up to 18 years of age; and
- to examine and investigate complaints made by or for children about the administrative actions of public bodies, schools and voluntary hospitals that have, or may have, adversely affected a child.

The OCO has undertaken dedicated work relating to the issues highlighted in our submission, including the following reports:

- [Unmet Needs](#), which highlights the challenges faced by children in Ireland who require an assessment of their needs;
- [Plan for Places](#), which demonstrates the limitations in the system for forward planning around the provision of school places for children with Special Educational Needs; and
- [Mind the Gap](#), research that we commissioned, which explores key barriers to the realisation of the rights of children with disabilities in Ireland.

In our submission to the Committee on 7 November 2022, we highlighted a number of concerns that we have about policy and services for autistic children. These include:

- the substantial costs families can incur in meeting the needs of their children, including delayed assessments and interventions when these are not met by the State;;
- a range of issues relating to assessment of needs (AON);
- communications and complaints-handling by Children's Disability Network Teams (CDNTs);
- whether family support plans are meaningful and targeted;
- the need for review of the Disability Act 2005;
- forward planning for the provision of school places for children with Special Educational Needs (SEN);
- delays with moving towards a system of inclusive education; and
- a lack of opportunities for autistic children to share their views on the matters that affect and concern them.

I would like to highlight three of these matters in particular: inclusive education; ongoing delays as regards autistic children being able to access assessments and supports; and the views of autistic children being taken into account in the design of policies and services.

The Committee will be aware of the constructive dialogue conducted on the 24 and 25 of January 2023 between the UN Committee on the Rights of the Child (CRC Committee) and representatives of the Irish State. I would like to draw the Committee's attention to a number of comments made by the CRC Committee during that dialogue that are relevant to the rights of autistic children.

Firstly, the CRC Committee drew attention to the lack of clear planning for a system of inclusive education in Ireland. We understand from the Irish State's response to these concerns that the NCSE policy advice on inclusive education has been received by the Department of Education and that this will be published in due course. While there has been significant growth in children with SEN attending mainstream schools, for autistic students much of this growth has been in segregated autism classes, which is not in line with the principle of inclusive education.¹ It is my hope that the NCSE's policy advice will be published soon and that this advice, together with the outcome of the review of the EPSEN Act 2004 that is currently underway, will help to chart a way forward for implementing an inclusive education system.

The CRC Committee also drew attention to the Progressing Disability Services programme and raised concerns about the long waits many children are experiencing before being able to access services. I welcome this Committee's focus to date on autistic children being able to access support services in a timely manner and I hope that this scrutiny will continue as the roadmap on PDS is brought forward.

As members of the Committee are fully aware, waiting lists for AON remain a significant issue. I would welcome continued scrutiny by the Committee of this area, including the interim guidance on the provision of AON, when this is published. In Unmet Needs, we recommended a range of measures that we proposed should be taken to address challenges arising with respect to AON. We continue to receive contact from families expressing concerns with regard to AON. More generally, I understand from recent figures released by the HSE that over 4,000 AON applications were overdue for completion at the end of December 2022.

Finally, since making our submission to the Committee in November, results of the national survey on wellbeing and social inclusion arising from the mid-point review of the National Disability Inclusion Strategy 2017-2021 (NDIS) were published by the National Disability Authority. We understand that the results of this survey will be used to inform the successor strategy. As the survey was only extended to people aged 18 and over, we would welcome attention being given by the Committee to providing for consideration to be given to the views of autistic children in the design of key policies and strategies affecting them, including the successor to NDIS.

Thank you again for your invitation to meet you today. I and my colleagues Dr Karen McAuley and Áine Jackson are happy to take questions.

¹ Moloney, C. et al. (2021) [Mind the Gap: Barriers to the realisation of the rights of children with disabilities in Ireland](#). p.42.