## Falling

**Behind**

###### Children’s rights in Ireland

**The Ombudsman for Children’s Ofice Annual Report 2022**

Ombudsman for Children's Office Millenium House

52–56 Great Strand Street Dublin 1

D01 F5P8

**T:** 01 865 6800

**E:** [oco@oco.ie](mailto:oco@oco.ie)

[**www.oco.ie**](http://www.oco.ie/)

@OCO\_Ireland

##### Contents

[Message from the Ombudsman for Children 4](#_TOC_250000)

Who We Are 5

1. OCO Statistics and Highlights **6**
2. Case Studies **12**
3. UN Committee on the Rights of the Child Constructive Dialogue **24**
4. Education **26**
5. Education for Disabled Children and Children with Additional Needs **30**
6. Health 34
7. Housing & Accommodation **36**
8. Promoting the Rights of Children Arriving in Ireland **38**
9. Family and Care **40**
10. Children’s Voices **41**
11. Children in the Justice System **50**
12. Children’s Rights in the Digital Environment **52**
13. Child Poverty **53**
14. International Engagement **54**
15. Review of the Ombudsman for Children Act 2002 **55**
16. Mainstreaming Children’s Rights in National Policy **56**
17. Running of the Office **58**

**Dr Niall Muldoon**

Ombudsman for Children

##### Message from the Ombudsman for Children

In 2022 much of the work of my Office focused on the UN Committee on the Rights of the Child monitoring and reporting procedure. This extremely important process, which only takes place every five or six years, is an invaluable opportunity to hold the Irish State to account on their performance on children’s rights. The Concluding Observations, published earlier this year, provide lots for the Government to think about and they pick up on many of the issues raised by the OCO through both our alternative report and the Pieces of Us children’s report.

However, for me the main message from the Concluding Observations is that Ireland is starting to fall behind on children’s rights.

Some of the areas of concern for the Committee included the mental health system for children in Ireland, the standard of living and the increased poverty experienced by children in Ireland, as well as the many barriers that children in Ireland are facing in education. Ireland may have a leading economy, and our Taoiseach may say that he wants Ireland to be the best country in Europe to be a child but we most certainly are not there yet, and at

the moment we are falling behind where we should be. Indeed, even that statement from the Taoiseach indicates a lowering of ambition as former Taoiseach Enda Kenny stated in 2014 that he wanted Ireland to be the best small country in the world to grow up in.

Our 2021 Annual Report Resilience Tested recognised the pressure and the struggles that children experienced during the Covid 19 pandemic and coming out of lockdown. In 2022 we began to see the impact that this period had on children in Ireland, particularly

in the area of mental health. I was asked to act as an advisor on children’s rights to the Mental Health Commission in its independent review of the national Child and Adolescent

Mental Health Services (CAMHS). We await the final report from the Commission, but even

on the basis of what we know already, there is no doubt that the system as it stands is hugely dysfunctional and not fit for purpose. This, added to the cost of living crisis and the housing emergency, means that there are thousands of children in Ireland who are struggling, who are not getting the supports and services they require, and in some cases whose basic needs are not being met.

On top of this we also have a wave of children coming to Ireland from Ukraine, and other parts of the world, seeking our protection and a guarantee of safety from harm. Therefore, it is vital to recognise that now is not the time to drop the pace in progressing children’s rights. Now is actually the time to redouble our commitment to children and to create a society that sets the highest standard where all children have the opportunity to reach their potential.

It is thirty years since Ireland ratified the UN Convention on the Rights of the Child, yet it has still not been incorporated into our laws. We still do not know exactly what the State is spending on children, and the data needed to resource services for children is not being adequately recorded, so there is no way of really knowing how far behind we are. The

agencies and departments who work directly with children and who support some of our most vulnerable are still not working together as efficiently or effectively as they could, and there are still particular groups of children who are disproportionately affected; children in care, children in the justice system, children with disabilities, children in poverty, LGBTQ+

children, homeless children, Traveller and Roma children and children seeking refuge in Ireland.

Some good things are happening however. The establishment of a Child Poverty and

Wellbeing Unit and the expansion of the school meals programme will make a difference

for children in Ireland who are experiencing poverty. The pilot programme announced by

**2**

the Department of Education that will see therapeutic mental health support available in some schools is a positive step towards addressing the mental health needs of children, but these measures on their own are not enough to address the concerns that the UN Committee on the Rights of the Child, we ourselves in the OCO and other children’s organisations, have been raising with policy makers.

The State is taking in more revenue than ever before but it is not using that additional

revenue to address the widening gap between those who have and those who have not – that is not how you protect children’s rights.

Last September the Government announced a phenomenal €11 billion budget expansion for 2023, but so far this has not been directed towards the key supports and infrastructure

needed by children – things like a 24/7 national social work service for children, assessment of needs within the HSE or guaranteed access to expert assessment for suicidal children over the weekend.

2022 was a busy year for the Ombudsman for Children’s Office with another increase in the number of permanent staff. Our expanding team means that we can respond to the increasingly complex complaints that are coming to us, we can also educate more children about their rights, we can engage directly with more children and we can offer our expertise on children’s rights at legal and policy levels across a wider range of issues.

In 2022 we started a conversation on At Risk Teenagers; young people who for many reasons are posing a risk to themselves, their families and their communities. Our Plan for Places report, contributed to the push for emergency legislation to provide suitable school places for children with special educational needs near their homes.

The Pieces of Us children’s report saw engagement with 5,515 children in a national online survey and 200 children in focus groups. During 2022 we hosted Beyond Limits, two events for children with disabilities and their families with over 1,000 people attending in Limerick and Sligo. We appeared before the Oireachtas on seven occasions and we offered

advice on a wide range of issues including international surrogacy. These are just some examples of the types of projects that, as

a larger organisation, we can undertake to influence in the best interests of children.

I know that there is a desire within Government to improve the situation for children in Ireland and to prevent us from falling behind on children’s rights. However, in order for this to happen there needs to be real commitment

to tangible and concrete changes for children. Some examples of real commitments are finally integrating children’s rights into legislation, committing to ending homelessness for children, completely reforming the child

and adolescent mental health services and providing school places for all children. These are some of the changes I will be pursuing

in 2023 and for the remainder of my term as Ombudsman for Children.

**Who We Are**

**The Ombudsman for Children’s Office (OCO) is a human rights institution that promotes the rights and welfare of all children and young people under 18 years of age living in Ireland.**

**The OCO investigates complaints about services provided to children by public organisations. The service is free and independent. Dr Niall Muldoon is the Ombudsman for Children.**

**3**

**1**

**1,812**

**OCO Statistics**

**and Highlights**

**11%**

**1%**

**30%**

**25%**

**14%**

**6%**

**13%**

**complaints:**

**Total Number of**

**Education**

**Other**

**Finance**

**related to Covid. These were**

**In 2021 we received 2,126**

**not standard complaints**

**establishment of the office.**

**for complaints since the**

**2022 is our busiest year**

**of the pandemic. Therefore**

**considering the circumstances**

**complaints, 908 of which**

**Justice**

**Health**

**Local**

**Authority**

**Tusla**

|  |  |
| --- | --- |
| **Complainant** | **Percentage of Complaints** |
| **Parent** | 83% |
| **Professional/Organisation** | 5% |
| **Other/Unknown** | 4% |
| **Extended Family** | 3% |
| **Unrelated adult** | 3% |
| **Child** | 2% |

**4** Annual Report 2022 **OCO Statistics and Highlights**

###### Education Complaints

Education remains the sector from where we receive most complaints either about children’s experiences in school or broader education matters. Some of the most common issues complained about are bullying, expulsion or suspension, special education resources and access to school transport.

###### Health

Children waiting for health services and the impact that these delays can have on their quality of life and wellbeing is one of the main subjects of the health complaints we receive. Many complaints also relate to how hospitals manage the complaints they receive.

###### Tusla

**Percentage of Complaints per county**

Some of the issues raised in complaints about Tusla include how they communicate with service users and their families, how they deal

###### Local Authorities

Complaints about local authorities relate to homelessness and access to emergency accommodation, access to suitable housing, waiting lists for housing, traveller accommodation supports and access to

culturally appropriate traveller accommodation.

###### Finance

Finance complaints related to allowances and financial support, mostly disability allowance, child allowance and domiciliary care allowance.

###### Other

These are complaints that are redirected or not within our remit.

**DY**

with complaints, social workers, supports for families, supports for foster carers, aftercare for young people leaving care, step down places for those leaving residential and secure care and age assessments for unaccompanied minors entering the country.

**SO**

**.5%**

**DL 2%**

**FH**

**.5%**

**LM**

**1.5%**

**TE**

**1%**

**MN**

**1%**

**AH**

**.5%**

**LH**

**AM 3%**

**DN 1.5%**

###### Justice

There was an increase in complaints relating to Justice in 2022 mostly due to complaints about passports. We also

received complaints about direct provision

and emergency accommodation, transfers,

**MO**

**1%**

**Galway**

**4%**

**.5% CN**

**RN 1%**

**1% LD**

**1%**

**WH**

**1%**

**OY**

**1%**

**1.5%**

**MH 3%**

**KE**

**Dublin**

**31%**

family reunification, fears about safety, unaccompanied minors being housed inappropriately, access to healthcare, issues with food, privacy, access to education, disparity in treatment for those seeking asylum from different parts of the world, access to supports in detention centres, supports for those attending Court to help them navigate court processes and legal issues, and complaint handling.

**CE**

**1%**

**LK 3%**

**KY**

**1%**

**Cork**

**8%**

**LS**

**1%**

**TY**

**KK**

**1% 1%**

**WD**

**1%**

**3% WW**

**2%**

**CW**

**1%**

**WX**

**1%**

**4% Outside of Ireland**

**14.5% Not Stated**

**OCO Statistics and Highlights** Annual Report 2022 **5**

**Rights workshops**

**Instagram followers**

**10% increase on 2021**

**40**

**1,126**

Children came from Dublin, Kildare, Galway, Offaly, Tipperary, Wicklow, Westmeath, Wexford, Donegal, Roscommon, Cork, Louth and Meath

**children**

**Website page views**

**121,119**

**schools**

**OCO Online**

**11,956**

**3,478**

**Twitter followers**

**8% increase on 2022**

**6** Annual Report 2022 **OCO Statistics and Highlights**

**Our most popular tweets**

**Top Instagram posts**

**OCO Statistics and Highlights** Annual Report 2022 **7**

January 2022

**OCO in the Oireachtas**

Oireachtas Sub-Committee on Mental Health to discuss the General Scheme of the Mental Health (Amendment) Bill 2021

February 2022

Oireachtas Joint Committee on Education, Further and Higher Education, Research, Innovation and Science to discuss the Education (Admission to Schools) Bill 2020

March 2022

Oireachtas Joint Committee on Public Petitions to discuss the OCO’s Annual Reports 2018-2020

March 2022

Oireachtas Joint Committee on Children, Equality, Disability,

Integration and Youth to discuss Assessment of Needs

May 2022

Oireachtas Joint Committee on International Surrogacy to discuss international surrogacy

November 2022

Oireachtas Joint Committee on Education, Further and Higher Education, Research, Innovation and Science to discuss mental health supports in schools and tertiary education

June 2022

Oireachtas Joint Committee on Education, Further and Higher Education, Research, Innovation and Science to discuss education supports for children in Ireland from Ukraine

**8** Annual Report 2022 **OCO Statistics and Highlights**

##### Sit down interview on RTE Prime Time to discuss our Plan for Places report

**OCO in the News**

**The OCO partnered with radio stations in Sligo (Ocean FM) and Limerick (Live 95) for Beyond Limits**

##### Op-Ed in Sunday Independent

**OCO Statistics and Highlights** Annual Report 2022 **9**

**2**

**Ciaran – Supports for Children with Special Educational Needs**

**Case Studies**

Ciaran’s parents contacted us in March 2022 as they were concerned that Ciaran, then 14 years old, hadn’t been getting the help and support that he needed in school. Ciaran had a diagnosis of ADHD which affected

his behaviour at times. He was attending a support programme outside of school to help him manage his behaviour better. He had

started secondary school and his parents had made the school aware of Ciaran’s special educational needs.

Ciaran did not have an Individual Education Plan or a Learning Support Plan in place at school to help him cope with the transition to secondary school. He was not identified as a high risk student according to the school’s policies. Ciaran had a number of minor behaviour related incidents soon after he started in the school. Following a further incident, the principal recommended to the Board of Management that Ciaran be expelled. The Board of Management upheld a revised recommendation of a 17 day suspension.

Ciaran’s parents made a decision to withdraw Ciaran from the school at this point, as they did not feel he was getting the supports he

needed. This resulted in Ciaran moving to a school outside of his local area which was difficult for him to travel to. Ciaran had to live with his grandparents in the next town during the week so that he could get to his new school. The new school implemented strategies and supports for Ciaran, and he has been thriving in school. He has since received several merits for good behaviour. However, Ciaran finds it difficult being away from his parents and he wants to go back to his previous school to be with his friends.

Ciaran’s parents made a formal complaint to the school but they were told that complaints could only be made for children currently enrolled in the school. They appealed this with the Education and Training Board (ETB), who were listed as an avenue for appeal in the school’s complaints procedure. The ETB told Ciaran’s parents, that the school had

a made a mistake by listing the ETB as an option for appeal and directed them back to the school’s Board of Management to appeal their complaint. The Board did not respond.

Ciaran’s parents told the OCO that the school did not consider and support Ciaran’s Special Educational Needs when he enrolled in the school. They said that the school’s code of behaviour was applied to Ciaran in the same way as it would to a child who did not have Special Educational Needs.

**10** Annual Report 2022 **Case Studies**

**What we did**

We wrote to the Education and Training Board (ETB) to encourage local resolution of the complaint.

They told us that they had directed the school to remove the ETB appeal mechanism from their

complaints policy. They met with the parents and the school separately, and reviewed all relevant records and policies. The school outlined a number of interventions put in place to support Ciaran’s transition to the school and said that they were committed to reviewing their policies as part of the School Self Evaluation (SSE) process.

**Outcome**

Ciaran did not move schools in the end. However, the ETB welcomed the opportunity to liaise with Ciaran’s parents as stakeholders in education.

They reimbursed Ciaran’s parents for the costs associated with moving school and thanked them for engaging on the issues that Ciaran experienced in the school.

The school’s policies and procedures are now in line with Departmental guidelines, and the school is compliant with these policies and procedures.

**Children’s Passport Delays**

In 2022, the OCO received 327 complaints about delays for children applying for first time passports. A number of these complaints came from residents in Northern Ireland. People contacting us were complaining about:

* Failure by the Passport Office to issue a passport(s) for their child(ren) within their own advised timeframes
* Lack of response by the Passport Office to enquiries about the status of their child(ren)’s application
* Inadequate complaints mechanism to raise concerns about the service e.g. hard copy post only complaints process.

Parents who contacted us were very upset as they did not know if they would get the passports for their children for travel purposes. They were also unable to get any information from the Passport Office.

**What we did**

Due to the level of distress experienced by families we met with the Passport Office in early June. We outlined the concerns being raised with us and the importance of the Passport Office engaging directly with complainants to update them in a timely and efficient manner. The OCO also requested that once the backlog had been reduced, a review take place as there was no mechanism for applicants to submit a formal complaint regarding the service they had experienced. It was agreed that the Passport Office would engage with the OCO on complaints on a weekly basis.

**The Outcome**

The OCO received weekly updates from the Passport Office on the passports that had been dispatched and those that were pending due to issues with documentation. Many complainants followed up with us to inform us that they had since received their passports. We pursued the issue of improving communications with families and we understand that there is now a 100% response rate to all phone and email queries. We also sought an update on how the Passport Office now manages complaints and we understand a new online complaints system is due to be rolled out in 2023.

**Case Studies** Annual Report 2022 **11**

**Steve –Tusla, Teenagers at Risk**

Steve is a 14 year old boy with a diagnosis of ADHD and ASD. His mother told us that Tusla had failed to provide Steve with necessary supports and an out of home placement which were needed because of his very concerning presentations and behaviour.

His mother explained that up to three years ago Steve had been a gentle, quiet child who was attending mainstream education with additional supports through his school and HSE disability services.

Unfortunately, over the past few years Steve had become increasingly violent and aggressive towards his family and others. He stopped attending school and for days on end, slept rough on the streets where he was exposed to the realities of drink, drugs,

violence, self-harming and sexual exploitation. Steve also came to the attention of the addiction services, CAMHS, the Gardaí and the Courts. Several child protection and welfare notifications were made to Tusla by those services and about Steve’s circumstances.

**What we did**

We engaged formally with Tusla on Steve and his mother’s behalf and were informed that the agency was actively involved in this case and had convened a “Meitheal”, an approach to help children where they may need the support of more than one service. However, it was made clear to us that efforts to provide interventions and supports were hampered by the lack of

a safe secure setting where Steve could be accommodated and where his needs could be assessed and addressed. Tusla advised that foster care and residential care would not be appropriate placements for Steve due to his behaviour, but that an application for Special Care had been turned down.

Tusla advised that Steve had been accommodated in hotels, and occasionally in “Airbnbs”. He had also stayed in Garda stations and in hospital Emergency Rooms due to his chaotic circumstances.

**Outcome**

Tusla agreed that Steve’s mother’s concerns ought to be dealt with under its complaint handling mechanism, “Tell Us” so Tusla could consider how the case had been managed to date. They wanted to see what they could learn from the situation and to consider any redress if failings were identified.

**At Risk Teens**

Sadly Steve’s circumstances are not unique. Our Office has learned of other children whose needs are so complex that they require careful management and coordination between services, where resources and funding can

be easily accessed in emergencies. We know these children through complaints to our office and from our outreach work in Oberstown Detention Campus. We also know them from the reports of the Child Law Reporting Project, the National Review Panel and the Special Rapporteur on Child Protection. These are children who have

often suffered trauma early in their lives and struggle as teenagers. They are also often sexually exploited, are in the criminal justice system in their teens, are in special care due to their own risk taking behaviour, are criminally exploited by criminal gangs and have left school without qualifications.

In our experience the common themes we have seen are:

1. Parents, mainly mothers, cannot find a service to help keep their child safe.

These children are also displaying violent behaviour towards their parents and others in the home.

1. Some of these children have been in and out of Tusla care through voluntary agreements signed by their parents. However these arrangements often break down rapidly,

and the child may end up in homeless accommodation.

1. Recently, we understand that there are aren’t enough residential and special care placements, with Tusla telling us that sometimes children are placed in

**12** Annual Report 2022 **Case Studies**

unregulated accommodation such as hotels, Airbnb or bed and breakfasts with agency staff members placed on site.

1. Some of the young people with mental health difficulties who don’t have a stable placement are unable to access services such as CAMHS or primary care.
2. The parents will often call the Gardaí over a young person’s violent behaviour. However, the Gardaí are limited in what they can do in these situations, particularly where there are mental health concerns. This was recently highlighted by research from the Policing Authority.

In December 2022 the OCO hosted a a round table discussion to consider possible interdepartmental and cross-service responses for this group of

at risk teenagers. That event was supported by the Departments of Children, Health, Justice and Education. Senior managers and representatives of statutory bodies and nongovernment agencies were in attendance. This work continues in 2023 due to our ongoing deep concerns about this group of children.

**More Criteria for Homeless Single Parents – Local Authority Housing**

Throughout the year we received a number of complaints about one local authority.

The first issue raised was that many single parents in this area were not being added to the housing list as they were staying with family and could not show that they surrendered a tenancy. Secondly the local authority in question was also imposing additional criteria on all applicants due to the shortage of accommodation and the pressure on the system.

Often these homes were overcrowded and therefore unsuitable for young children, causing breakdowns in family relationships and resulting in the parents moving out.

**What we did**

These complaints came from an advocate who works for an organisation that provides free legal advice services. The complaints they had brought were resolved through the Court system, however the advocate was keen to highlight their concern to us, about the additional criteria being imposed.

We met with the Local Authority in October 2022 to discuss this and the existing resources for providing emergency accommodation and housing in the area.

They told us that the policy on additional criteria was under review and wasn’t being used in the interim. They also said the policy as it was stemmed from a lack of regulated guidelines for providing for emergency homeless accommodation as well as a lack of housing stock to provide accommodation to those in need. The Local Authority felt they were under extreme pressure to manage

a situation with no resources and an ever increasing demand. However they agreed that the additional criteria was applied without proper authority and that it would not be used going forward.

**Outcome**

The Local Authority has amended its policy on providing homeless accommodation and removed the additional qualifying criteria aspect. While this has not fixed the issue of homelessness generally, or the difficulty in accessing emergency homeless

accommodation facing children and families, it does mean that those presenting as homeless will no longer be put through additional administrative burdens.

**Case Studies** Annual Report 2022 **13**

**John – Irish Exemptions**

In May 2022 we were contacted by the parents of John, aged 16, who were concerned that their son’s wellbeing and education had been adversely affected by having to study Irish. John’s school and the Irish Exemptions Appeal Committee had decided that he was not eligible for an Irish exemption, despite his ASD diagnosis and professional’s reports and recommendations in favour of this.

John also suffers from severe anxiety which impacts his ability to attend school. This led to John being placed on a reduced timetable from third year, with the school allowing him to drop Irish for that year. During this time John was able to catch up on other subjects and his attendance at school improved.

However, this also meant that John would be further behind in the curriculum should he be required to study Irish for the senior cycle.

John’s ASD diagnosis means he has sensory processing difficulties, which resulted in him becoming overwhelmed and inhibited his ability to cope in the school setting.

John also has a condition which has adversely affected him in terms of school attendance and pain management and impacted his ability to focus on school work. Professionals had explained this and indicated that it was exacerbated by the extra anxiety John experienced from having to study Irish.

Additionally, John had experienced a protracted delay in obtaining an Assessment of Need, due to waitlists. Had John’s diagnosis been made during the expected timeframes, he would have received an Irish exemption under the conditions set out in the Irish Exemption Circular at that time.

It was advised by clinical professionals that John would benefit from access to an ASD unit, however there is no ASD unit in his school. If this had been the case it would have allowed John to receive an exemption

under Circular 0053/2019. However, it was believed that to make a change to enrol John in a special school or school with an ASD unit would increase his anxiety even more.

**What we did**

We wrote to the Department of Education outlining the exceptional circumstances of John’s case and how children like John have been significantly impacted by the stringent criteria and limitations of Circular 0053/2019.

We asked how the Department takes into consideration cases like this; where there is a delayed ASD diagnosis and/or the absence of an ASD Unit, and despite the applicant’s best efforts, they are not catered for within the qualifying criteria of the Circular. We felt this was especially relevant in light of the existing delays for children in accessing an assessment of need.

The Department noted that John had not yet applied for, or been placed on the waiting list, for enrolment in the new class of a special school that was due to open the following school year. They also said that if John were to be accepted for enrolment in the school, the class is under the administration of a different Principal. They said that it may not be appropriate for the Principal of his current school to make a decision in regard to a student’s educational provision in another school.

Additionally, the Department stated that;

*“Should the parents not wish for ‘John’ to transfer to the school, or if a place is not suitable/available, they should be made aware that there is no requirement to sit or pass an Irish examination in order to achieve a Leaving Certificate……as with any Leaving Certificate exam, a candidate may decide not to sit the examination for that subject.*

*If John were to approach the study of Irish as a non-examination subject, such an approach may contribute to a reduction in his stress and anxiety and benefit his study of other subjects.”*

**14** Annual Report 2022 **Case Studies**

We were unhappy with this position as we were concerned about the rigidity of a scheme that did not take a child centred

approach and that did not consider the best interest of a child. We also did not think telling a child not to turn up for their exam, yet have the classes in their timetable, was a good solution.

**Outcome**

Following this, the OCO met with the Department of Education regarding a review of the Irish Exemptions Circular 0053/2019. The Department said that during its review process, the majority of concerns raised related to children with special educational needs and the appeals mechanism. We were told that the revised circular has been considered with the best interests of each child in mind. From this a new category was identified and implemented:

*“Children with multiple and persistent needs – this category will apply to children experiencing barriers to accessing education and who do not fall into a diagnostic category. This new category aims to be equitable and fairer and is also not based on language skills of the child. This category has been created with the principles of inclusion and equality in mind.*

*The evidence for being granted an exemption under this category will come from school based data and will include evidence such as learning support plans and target settings. Decisions will be made in collaboration with parents/guardians and the child.*

We welcome the consideration of a child’s best interest as part of their new revised circular and we hope it will help other children like John.

**Case Studies** Annual Report 2022 **15**

**Chloe – CAMHS Support Needed After Pandemic**

Chloe, who was 10 when the Covid 19 pandemic started, experienced an acute mental health crisis which appeared to have been triggered by the pandemic. She initially experienced severe anxiety, an obsession with hygiene and an intense fear

of infection. Chloe’s parents told us they had no concerns about Chloe’s mental health before that. When Chloe’s issues arose,

her family sought mental health support for her and she was referred to the local CAMHS team. Chloe was put a course of anti-anxiety medication by CAMHS but it seemed to make her worse. Unfortunately Chloe’s mental health deteriorated rapidly;

she completely withdrew from family life, and became aggressive when her parents tried to encourage her to do anything. She stopped eating, was rapidly losing weight, would

not attend to her self-care and became incontinent.

In September 2020 Chloe’s family made contact with the OCO. Chloe had been admitted to a medical hospital in August 2020 under the care of a Paediatrician because of her rapid weight loss. It was very challenging for staff at the hospital to manage Chloe; she resisted their attempts to perform medical care and lashed out at staff. Staff eventually had no option but to feed Chloe through a process called naso-gastric feeding, where a special tube is inserted through the nose into the stomach. This had to be performed under sedation. Chloe’s family told us that she was receiving no psychological intervention while in hospital and that it appeared she would have to go to the UK for inpatient treatment as they were told there was no inpatient treatment available in Ireland for a child of

her age. Chloe’s family were desperately seeking appropriate treatment and while they did not want her to have to travel overseas, particularly during a pandemic, they would go if there was no other option.

In late September Chloe had a serious medical reaction to the sedative medication

she had been prescribed, which necessitated a transfer to ICU at a specialist Paediatric Hospital. There was still no plan in place to provide Chloe with inpatient mental health treatment. An application for Chloe to the Treatment Abroad Scheme was turned down and her parents received a letter stating that the health service was looking at admitting her to her local CAMHS unit. Chloe’s parents were very upset as they had previously been informed that Chloe had been referred to this unit twice and they did not understand how the service could be pursuing an option for Chloe without discussing it with them.

Chloe secured a bed in an inpatient CAMHS approved centre, in another part of the country. While Chloe’s parents were pleased that she did not have to travel overseas for treatment, they did not understand how this had been arranged as they had been told previously that this unit was unable to accept Chloe for admission. Chloe benefited greatly from the care she received in the centre and she quickly made progress. She was able

to go home for Christmas and was formally discharged from the approved centre a short time later.

**What we did**

While Chloe had made great progress and no longer required inpatient treatment her family told us that they still wanted us to look into their complaint as they were very unhappy with how the HSE managed her case.

Chloe’s mother was concerned that another child under the age of 12 requiring inpatient care might face the same barriers in accessing care.

We were concerned with the management of her case by the local CAMHS team and how referrals were managed by the local CAMHS units. The local mental health services told

us that the lack of a full liaison CAMHS multi- disciplinary team was a significant factor in how Chloe’s case was managed. A number of factors which contributed to the local CAMHS unit not being able to accept Chloe were detailed including:

**16** Annual Report 2022 **Case Studies**

* There being a question as to whether admission was warranted due to the impression that Chloe required further assessment due to indications of possible ASD and the need for further medical tests.
* Chloe was being fed by means of a naso-gastric tube and the CAMHS approved centre were unable to facilitate this.
* Chloe’s age was a factor, with the layout of the centre being over one ward, they would have been unable to separate younger children from older adolescents, who were the typical age profile catered for in the centre.

The CAMHS response noted that once it was established that the local inpatient CAMHS centre would not be in a position to accept Chloe, a plan was put in place to provide a multi-disciplinary team service to Chloe in the hospital. This never happened as Chloe ended up being transferred to ICU and later admitted to a CAMHS unit in another region.

No attempt was made to escalate Chloe’s case nationally to see if another CAMHS inpatient unit which provided naso-gastric feeding could take her, despite occupancy for CAMHS units at the time indicating that there was capacity. Their rejections appear to have been predominantly on the basis that she was from outside the catchment area.

The National Mental health Operations team highlighted similar concerns as part of their role was to support a weekly meeting of the clinical directors of all four units on managing referrals for inpatient care.

During our examination of the case we were told that:

* The CAMHS unit in Chloe’s area typically had a lower level of occupancy than the other units.
* This unit will not accept children under the age of 13 approximately even though there is no formal age limit for CAMHS inpatient care in HSE policy.
* There is a reluctance on the part of Chloe’s local CAMHS unit to admit complex cases and there was very little the HSE could do about it. That’s because the decision to admit or decline a referral for inpatient treatment rests with the consultant

psychiatrist responsible for each unit.

* CAMHS units in other regions were reluctant to accept referrals from Chloe’s region in circumstances where there were empty CAMHS inpatient beds within the region.

Our examination focused on:

* 1. The planning, co-ordination and timely provision of services to Chloe by the HSE including Community CAMHS and liaison CAMHS.
  2. How Chloe’s identified need for admission to in-patient care was managed, to include how HSE national guidance and policy was followed and how her best interests were actively considered.
  3. The quality of the communication with Chloe and her parents about her care.
  4. The oversight of the HSE at national and local level with regard to availability and accessibility of CAMHS inpatient treatment in this child’s specific case and with due regard to other children who may experience difficulties accessing inpatient treatment.

In response, the HSE acknowledged the distress caused to Chloe’s family due to inadequate communication and information sharing and offered them an apology.

The response from the HSE indicated very significant steps were being taken to learn from Chloe’s case.

1. A separate de-escalation suite had been developed in the local CAMHS inpatient unit and is now

fully operational. As such the centre can now accommodate one child

**Case Studies** Annual Report 2022 **17**

separately from the rest of the group, meaning that there is now capacity to care for a younger child.

1. The HSE is in the process of changing the registration status of the local CAMHS inpatient unit with the Mental Health Commission from 13-18 year olds, to up to the age of 18, with no lower age limit to enable them to admit younger children in exceptional cases where this is required.
2. There has been regular meetings with the paediatric team at the local acute medical hospital about how to manage cases where medical and mental health issues arise and Paediatrics have now ring fenced regular weekly clinical sessions for the CAMHS inpatient

unit. Crucially this means that a child does not automatically have to remain as an inpatient under paediatric care where medical tests are required and if they’re strong enough, can undergo medical tests once moved to a CAMHS inpatient unit.

1. CAMHS are required to provide on call psychiatric non-consultant hospital cover (NCHD) to acute medical hospitals. The NCHD on call rota is now fully operational again.
2. There have been significant efforts to establish, staff and operationalise the liaison CAMHS service provided to medical hospitals in the region. There is now a full-time Consultant Psychiatrist with liaison CAMHS experience

leading the team. A Clinical Nurse Specialist has also been appointed and there is funding for a social worker.

Collaborative working relationships have developed between the liaison CAMHS service and the paediatric team.

1. The paediatric team at the medical hospital have secured a psychologist who is available to provide input on cases where there are mental health / medical co-morbidities.

**18**

1. There have been extensive discussions to prepare for the introduction of

naso-gastric feeding at the local CAMHS unit, where required. We were informed that while there is a commitment to this, successful facilitation of naso-gastric feeding

is dependent on having a number of key supports in place, including the provision of a dietetics service, which has recently been secured, and the upskilling of nursing staff.

HSE mental health management met with Chloe’s parents and followed up with a written letter of apology. Chloe’s parents found this very helpful. They were given time to go through all the issues they had with the service and felt truly listened to.

**Outcome / Next steps**

We highlighted the following issues to the HSE:

**Access naso-gastric feeding:**

In the event of naso-gastric feeding not being available in everyCAMHS inpatient unit, we would strongly encourage the HSE to take steps to ensure that there are no barriers to admissions outside of a catchment area in circumstances where a child is deemed to require this intervention.

**Access to CAMHS inpatient beds / referral pathways**

The OCO encourages the HSE nationally to conduct a review/clinical audit of decision making with regard to referrals to inpatient CAMHS units so as to ensure that the best interests of the child are paramount. This should include a review of the role of the National Mental Health Operations Team

as a central bed manager in supporting admissions to all four units and should ensure that no child is turned down for admission

for non-clinical reasons in circumstances where there are available beds. This could form part of the review of the CAMHS Operational Guidelines as recommended by the Maskey review or it could be conducted as a standalone review.

Annual Report 2023 **Case Studies**

**Liaison CAMHS Service**

The OCO strongly encourages HSE nationally to make resources available to fully staff the Liaison CAMHS team.

We are delighted to hear from Chloe’s parent’s that while she continues to experience anxiety she has made huge improvements, is attending school and is progressing well in all areas of her life. We hope her case will help other children in the future.

**Case Studies** Annual Report 2023 **19**

**Aisling – Sexual Violence in School**

**Background**

Aisling’s parents with the support of an advocate brought a complaint to the OCO about serious issues she was having in school.

Aisling was unhappy with how she was treated by her secondary school after she told them she’d been sexually abused by another student.

She explained to us that:

* The school focussed on her disclosure as a behavioural issue by the student involved
* She was made to feel responsible by the school for what had happened and was forced to take part in a restorative justice process and meeting with the student in question.
* The abusive behaviour continued against Aisling and the school responded to this and other disclosures by students about the same student
* She was bullied by other students who became aware that she had reported what had happened
* She was unhappy with the disciplinary steps taken by the school

Aisling’s advocate wrote to the school on behalf of Aisling and her parents. It set out Aisling’s concerns but also asked that the school look at how its child protection and welfare policy and procedures were used.

**What we did**

We contacted the school and put Aisling’s concerns to them. We gave the school the opportunity to try and resolve unaddressed concerns. As we were unhappy with the response we launched an investigation.

**Outcome**

We found that the school’s was negligent and failed to uphold Aisling’s best interests by not invoking its child protection policy in a timely manner and not engaging with TUSLA.

We found that the decision to take a restorative justice approach fell below the standard of care that the school owed Aisling. The restorative justice meeting took place without informing her parents, without an underpinning policy and it disregarded or underestimated the serious nature of the disclosures and the inquiries that had already taken place. Aisling’s best interests were

not adequately considered or acted upon by the school. The impact of the issues or the process on Aisling were not sufficiently considered in the school’s actions or decisions.

We recommended that:

* The school apologise to Aisling and make clear what they had learned in this process
* The Board of Management seek specific support and advice to ensure their policies reflect best practice in this area.

In their apology to Aisling the school admitted;

**20** Annual Report 2023 **Case Studies**

* That the way it dealt with Aisling’s allegation was totally inappropriate.
* The matter was very serious and involved sexual assault, and both the Gardaí and Tusla should have been notified at a much earlier stage.
* That the school meeting with Aisling and the other student occurring without Aisling’s parents’ consent was grossly unacceptable and should not have happened.
* This was a failure by the school to use its child protection policy that was in place at that time.

The school has extensively reviewed its policies and procedures based on its own reflective practice, the input from OCO and its obligations under law. The issue of sexual violence in school and how this is dealt with has featured in a number of complaints to the OCO. We have raised this issue with the Department of Education and recommended that it be addressed as part of the new Anti- Bullying policy.

**21 Case Studies** Annual Report 2023

Annual Report 2022 **Case Studies 21**

**3**

**UN Committee on the**

**Rights of the Child**

During 2022, the OCO continued its extensive engagement with the periodic monitoring and reporting process relating to Ireland’s implementation of the UN Convention on the Rights of the Child. Our activities included:

**Constructive Dialogue**

* Working with the OCO Youth Advisory Panel (YAP) to produce Pieces of Us, a children’s report that consulted with over 5,000 children,
* Producing a comprehensive alternative report for the UN Committee on

the Rights of the Child, which highlighted areas of concern and made recommendations about actions the State needs to take to advance the implementation of children’s rights, and

* Travelling to Geneva with the YAP in September 2022 to take part in a pre-sessional meeting with the UN Committee and to support YAP

members to take part in the Children’s Meeting with the Committee,

in advance of the Committee’s constructive dialogue with the State in January 2023.

A detailed report on the OCO’s participation in this monitoring and reporting process is available separately here.

**22** Annual Report 2023 **UNCRC Constructive Dialogue**

**Monitoring and Reporting on Ireland's implementation oftheUNCRC**

Concluding Observations and oco Activities

**May2023**

**4**

##### Education (Admission to Schools) Bill 2020

In February 2022, the OCO participated in a meeting of the Oireachtas Joint Committee on Education, Higher and Further Education, Research, Innovation and Science to discuss the Education (Admission to Schools) Bill 2020. This Private Member’s Bill aims to abolish provisions, which allow schools to allocate 25% of school places to the children or grandchildren of past pupils.

In our submission, we expressed support for the abolition of the 25% allocation on the basis that, although it can affect the ability of any child whose parent or grandparent did not attend a particular school to get a place in that school, there are groups of children

who can be particularly disadvantaged. These children include:

* Traveller children whose mother or father may not have attended second level education
* Children of immigrant parents who would not have attended secondary school in Ireland
* Children of parents with disabilities who may not have attended a mainstream secondary school, and
* Children of families who have moved to a different area in the country, including due to the housing crisis.

We remain concerned about the apparent hesitancy of the Minister for Education

to address this issue. Accordingly, we welcome the recommendation made by the UN Committee on the Rights of the Child

in its Concluding Observations for Ireland published in February 2023 that this provision in the 2018 Act should be abolished.

**Education**

**24** Annual Report 2022 **Education**

##### Submission to the Action Plan on Bullying

Schools’ handling of bullying among children makes up an average of 10% of complaints that the OCO receives each year. In light

of this, we welcomed the Department of Education’s decision to review the 2013 Action Plan on Bullying and to prepare a new Action Plan. In May 2022, the Ombudsman for Children gave a presentation to the Steering Committee established to review the 2013 Action Plan. In our corresponding submission, we highlighted several areas that we believed should be included in the new Action Plan and made a number of recommendations, including that the new Action Plan should:

* Raise awareness of bullying among children as a children’s rights issue
* Assist schools to recognise when incidents of bullying may be a child protection and/or criminal matter and to manage such incidents accordingly
* Provide for schools’ submission of anonymised, disaggregated data on bullying to the Department of Education
* Have regard to additional resources and supports that schools may need to facilitate them to implement anti- bullying procedures effectively, and
* Consider what measures need to be taken to strengthen monitoring and oversight of schools’ implementation of their anti-bullying procedures.

The Ombudsman for Children appreciated the opportunity to attend and speak at the launch of Cineáltas: Action Plan on Bullying on 1 December 2022. The OCO welcomes the integration of many of our recommendations in the new Action Plan. We will continue to

engage with the Department of Education and schools, as necessary and appropriate, in relation to the implementation of the new Action Plan as well as the preparation and

implementation of the upcoming anti-bullying procedures for primary and post-primary schools. We will also continue to engage

with and highlight any issues of concern that come to our attention in this regard.

##### Rights Education and Awareness Raising

In very early 2022, our rights education workshops remained remote but, with the easing of public health restrictions, we were able to hold workshops in the office from March. The office welcomed 1,126 pupils from both primary and secondary schools during the year, resuming our direct, in-person engagement with children. These awareness- raising workshops are a core part of our work. In addition, we welcomed our very first pre-school group into the office who came from Donegal. Comprised of nine three and four year olds, we piloted a number of rights based activities with the group and received very constructive and useful feedback from the pre-school service provider. We hope to expand this area of work in 2023.

We are aware that many schools far from Dublin find it very difficult to come to our office for workshops. As a start to increasing our outreach work, the Ombudsman for Children and staff of the Participation and Rights Education Unit visited Donegal to provide workshops in a number of schools.

They travelled to Árainn Mhór and held rights workshops in two primary and one secondary school, meeting a total of 103 children and young people on the island. We also visited four primary and two secondary schools

in Donegal and delivered workshops to 152 pupils. We visited an early years centre

**Education** Annual Report 2023 **25**

where we met the children and the staff who showed us how they were bringing children’s rights and children’s voice into their daily activities. The Ombudsman for Children also visiteda Primary and Post Primary school so that overall he and the staff met with over 320 children during this visit.

The easing of public health restrictions also meant that the Participation and Rights Education Team could resume outreach visits to children in residential settings, with two visits to Oberstown Detention Campus and two to CAMHS units being undertaken.

We were also able to welcome third level students back to our office, and to travel to third level institutions to deliver seminars on campus. We delivered nine seminars to

students from various universities and higher education institutions including University College Cork, University College Dublin, Trinity College Dublin, St. Patrick’s Dublin

City University, University College Antwerp and Dunboyne ETB. Students were studying a range of disciplines including education, psychology, law, nursing, early years and social work.

##### Transition Year Work Experience Placements

Transition Year work experience during the earlier part of the year was virtual and later, TY students were welcomed back into the office. Seven students took part in work experience within the OCO and we plan to increase this number across the next year.

Four students from counties Meath, Monaghan, Galway and Wexford participated in the virtual work placement. They met with representatives of different units within the OCO who gave them insights into the work of the different teams. The students carried out a project related to a children’s right.

The students decided to work on a project entitled: “The Inclusion of Black History Month in the School Curriculum.” At the end of their

week with the office, they presented the project to the Ombudsman for Children. The students also wrote blogs for the It’s Your Right section of our website.

Three children from Dublin and Kildare did their work placement in-person in our office. They also met representatives from each of the units in the OCO, observed and assisted the Participation and Rights Education

team in delivering workshops, attended meetings with external bodies where it was appropriate and worked on tasks including contributing to the OCO web pages and content. Feedback indicated that all three students really enjoyed the week and got to know about their rights and about the inner workings of the office.

**26** Annual Report 2023 **Education**

**Education** Annual Report 2023 **27**

**5**

### Education for Disabled Children and Children with Additional Needs

##### Assessment of needs

In March 2022, we met with the Oireachtas Joint Committee on Children, Equality, Disability, Integration and Youth to discuss our ongoing concerns about significant delays in the provision of assessments of needs (AON) and corresponding services for children.

This was our second meeting with the Joint Committee about AON and it followed the Committee’s decision in 2020 to examine issues arising in relation to AON following the publication of our Unmet Needs report, which focused on the challenges faced by children in Ireland who require an AON.

Our meeting with the Joint Committee occurred against the backdrop of a High Court judgement issued on 11 March 2022, which concluded that the Health Service Executive (HSE) had impermissibly sought, through the introduction of a revised Standard Operating Procedure (SOP), to alter what is required in relation to AON under Part 2 of the Disability Act 2005 (2005 Act).

Following our meeting with the Joint Committee, we met with senior officials in the HSE, including the CEO, to discuss our concerns further. We continued to monitor developments relating to AON throughout 2022 and made a follow-up submission to the Joint Committee in November 2022 to inform the preparation of their own report on AON.

We welcomed indications from the HSE in October 2022 that it was working with the Department of Health to develop a roadmap to progress implementation of Progressing Disability Services and that, among other things, this plan will address the HSE’s proposals to meet the ongoing requirements for AON and associated waiting lists. We also welcomed the HSE’s work to develop and trial a protocol that involves a tiered approach to AON and to prepare interim clinical guidance for clinicians on undertaking AONs.

While we appreciate the significant challenges the HSE faces in providing timely access for children to AONs and corresponding services, we continue to have serious reservations about the State’s approach to meeting the needs, and upholding the rights, of children in

**28** Annual Report 2022 **Education for Disabled Children**

this area. Having recommended a review of relevant sections of the 2005 Act in 2020, we were disappointed that the Minister for Children, Equality, Disability, Integration and

Youth indicated during the State’s constructive dialogue with the UN Committee on the Rights of the Child (UN Committee) in January 2023 that the State still has no plans to review the 2005 Act. Furthermore, while we understand the HSE’s current focus on developing and implementing an alternative approach to AON that complies with the 2005 Act and can address existing waiting lists, we are concerned about the absence of a clear vision and corresponding

plan for AON in the longer term. From our perspective, it would be a mistake for the State to allow current challenges, significant though they may be, to diminish its ability to be ambitious for children and, as such, to set out what an adequately resourced approach to assessment and intervention that meets

children’s needs in an appropriate, timely manner looks like.

Having raised our concerns about AON and corresponding services for children in our alternative report to the UN Committee

in August 2022, we welcome and support recommendations made by the UN Committee in its Concluding Observations for Ireland, which were published in February 2023. The UN Committee has recommended that the State should:

* Review relevant legislation, including the Equality Acts, Disability Act and Education for Persons with Special Educational Needs Act, to bring them in line with a human rights-based approach to disability, and
* Revise the standard operating procedure for Assessments of Need by the Health Service Executive, and decrease the waiting time for such assessments, with a view to ensuring children’s prompt access to the necessary services and support, including by urgently addressing the shortage of staff and qualified experts.

We also welcome the report published by the Joint Committee on 14 February 2023 following its examination of AON. Among other things, we appreciate the Joint Committee’s support for our proposals that:

* Additional measures should be implemented as a priority to address the significant resource deficits, particularly the human resource deficits, that

are impeding the timely provision of assessments and services to children

* The 2005 Act should be reviewed and such a review should consider proposed amendments set out in our Unmet Needs report
* The 2005 Act should be considered in the context of the current review of the Education for Persons with Special Educational Needs Act 2004
* HIQA should be resourced to provide updated standards for AON, and
* Action should be taken to provide parents, care-givers and children with accessible information about the AON process.

##### Forward planning of school places for children with special educational needs

In June 2022, the OCO published [Plan for Places](https://www.oco.ie/app/uploads/2022/06/Plan-For-Places-Full-Report.pdf), a report that focuses on forward planning of the provision of school places for children with special educational needs (SEN).

We initiated work on this issue in anticipation of a review of section 37A of the Education Act

1998. We had also received complaints in relation to children with SEN not being able to secure appropriate school places at both primary and post-primary levels in a timely manner, close to their homes.

**Education for Disabled Children** Annual Report 2022 **29**

In undertaking this piece of work, we set out to understand how the Department of Education plans for the provision of school places for children with SEN and, with that, why parents can experience significant difficulties in securing a suitable school place locally for their children. Our work involved a desk-based review of relevant documentation as well as direct engagement with a number of stakeholders, including the Department of Education and the National Council for Special Education (NCSE), parents, school principals, lawyers, academics, advocacy groups, and non-governmental organisations.

Plan for Places sets out a series of recommendations for the Department of Education and the NCSE as regards

strengthening forward planning of school places and moving progressively towards the

implementation of an inclusive education system in Ireland. Our recommendations highlight the need to:

* Strengthen forward planning, including by preparing and publishing a plan for

ensuring there are sufficient school places to meet the forecasted needs of children with SEN within their local communities

* Ensure effective access to psychological assessments in the short-term for those children awaiting a diagnostic assessment to establish whether a special class/ school is needed
* Mandate and resource all schools, and all post-primary schools in particular, to construct or re-purpose appropriate

existing accommodation in order to meet the needs of children with SEN locally and in the short-term

* Engage with schools, parents and students in working progressively towards an inclusive education system
* Improve data collection and use, including by:
* gathering data on the number of children requiring SEN supports in integrated settings in mainstream primary schools and post-primary schools, and include this data within its annual Education Indicators, and
* publishing annual centralised data on the number of children with SEN without an appropriate school placement,
* Ensure that the review of the EPSEN Act 2004 has due regard to the Disability Act 2005 and provides for a child-centred, rights-based, inclusive approach to provision,
* Improve access for children to therapeutic assessments and supports, including through the development of a joint working protocol between the Department and the HSE, and
* Invest further in teacher education, including by arranging for all teachers, new and existing, to engage in specialist SEN and inclusion training on an annual basis.

Published at a time when a shortfall in school places for September 2022 was a focus of extensive attention, our Plan for Places report informed the bringing forward of corresponding emergency legislation. Enacted in July 2022, the Education (Provision in respect of Children with Special Educational Needs) Act 2022 streamlines the process provided for under section 37A of the Education Act 1998, under which the Minister can direct a school to make additional provision for children with SEN. It further streamlines the process provided for under section 67 of the 1998 Act, which empowers the NCSE and Tusla, as the case may be, to designate a school place for a child.

The enactment of this emergency legislation involved a welcome acknowledgement by the Government that leaving any child with SEN without a school place is a failure by the State to uphold their right to education without discrimination and on an equal basis with other

**30** Annual Report 2022 **Education for Disabled Children**

children. However, while such measures may help to address current challenges, they need to be accompanied by the development and implementation of a vision and plan for the inclusive education of children in the future.

The OCO welcomed the Department’s open and constructive engagement with us in our work to prepare Plan for Places. Equally, we very much welcome the stated commitment of the Department and the

NCSE to work with stakeholders in relation to the implementation of our recommendations as quickly as possible. During 2023, we will pursue our engagement with the Department and the NCSE, including by seeking a formal update on the progress they are making

with implementing our recommendations. In addition, we intend to engage with the

Department’s review of the EPSEN Act 2004.

##### Autism

In October 2022, the OCO was invited to make a submission to the Oireachtas Joint Committee on Autism. Our submission focused on access to assessment and intervention; education policy and provision; access by autistic children to public buildings and spaces; and inclusion of the views of autistic children being taken into account in the design of policy.

Our submission drew on our work on assessment of needs and on forward planning of school places for children with SEN, as well as commissioned research on the barriers disabled children face to the realisation of their rights, which we published in 2021. In our submission, and during a subsequent meeting with the Joint Committee in February 2023, we highlighted our ongoing concerns about

significant systemic deficits in the provision of assessments and services to autistic children. We also noted that, while current provision for autistic children attending mainstream schools through segregated autism classes may be required to meet the needs of children now, it is not aligned with

inclusive education and, as such, with the State’s obligations under the UN Convention on the Rights of Persons with Disabilities. In this regard, we note the concerns about the establishment of special classes for children with disabilities in Ireland expressed by the UN Committee on the Rights of the Child

in its Concluding Observations published in February 2023 and welcome the UN

Committee’s corresponding recommendation to Ireland to ensure inclusive education in mainstream education for all children with disabilities.

Through our submission and our meeting with the Joint Committee, we also underscored the lack of opportunities for autistic children to exercise their right to be heard, and to have due weight given to their views, in relation to decisions affecting them, including developments in legislation and public policy.

We welcomed indications from members of the Joint Committee during our meeting that they would seek to engage directly with autistic children in the context of their current work programme.

**Education for Disabled Children** Annual Report 2022 **31**

**6**

##### Advisor to the Mental Health Commission in review of CAMHS

Following the publication of the Maskey Report1 in January 2022 the Mental Health Commission decided to undertake an independent review of all the Child and Adolescent Mental Health Services (CAMHS) teams nationally.

The purpose of the review is:

1. To assess how local, regional, and national clinical and corporate governance arrangements within the HSE operate and ensure the safety and quality of CAMHS services in Ireland.
2. To identify whether risks to young people receiving CAMHS are identified, assessed, and mitigated.
3. To assess whether the provision and delivery of CAMHS is in line with best practice.

**Health**

The Commission asked the Ombudsman for Children to be an advisor to the review to ensure that children’s rights were appropriately considered throughout the process. This involved regular meetings and updates from the Commission to the Ombudsman and engagement around how

the results were properly set out with regard to the best interests of the children involved in the various teams.

After reviewing five out of the nine areas the Commission decided to publish an Interim Report due to their elevated concerns

about the poor performance of the CAMHS teams they had engaged with up to that point. This happened in January 2023 and it listed a range of negative findings which

have undoubtedly negatively affected many children and young people across those areas.

The Ombudsman for Children’s Office supported the Mental Health Commission in calling for immediate action on the

recommendations made in the Interim Report to:

**a.** Consider an immediate clinical audit of all CAMHS teams and

**a.** Regulate CAMHS under the Mental Health Act.

**1** [https://www.hse.ie/eng/services/news/newsfeatures/south-kerry-camhs-review/report-on-the-](https://www.hse.ie/eng/services/news/newsfeatures/south-kerry-camhs-review/report-on-the-look-back-review-into-camhs-area-a.pdf) [look-back-review-into-camhs-area-a.pdf](https://www.hse.ie/eng/services/news/newsfeatures/south-kerry-camhs-review/report-on-the-look-back-review-into-camhs-area-a.pdf)

**32** Annual Report 2022 **Health**

##### General Scheme of the Mental Health (Amendment) Bill 2021

During 2022, the OCO continued to engage with developments relating to the General Scheme of the Mental Health (Amendment) Bill 2021 and, in particular, part 8 of this General Scheme, which concerns the admission of children to, and their treatment in, approved inpatient facilities.

In January 2022, the OCO appeared before the Oireachtas Sub-Committee on Mental Health as part of its pre-legislative scrutiny of the General Scheme to discuss our views on proposed provisions under Part 8. We highlighted that a number of these proposals require further consideration in the interests of ensuring that they have sufficient regard to children’s rights, including:

* Proposed guiding principles that will apply regarding decisions concerning the admission and treatment of children,
* The proposal to place admission of children to adult inpatient facilities on a statutory footing, and
* The availability of advocacy for children.

In October 2022, the Sub-Committee published its report on its pre-legislative scrutiny of the General Scheme. We welcome that the Bill to amend the Mental Health

Act has since been put forward for priority drafting during the 2023 Spring Legislative Programme.

In its Concluding Observations for Ireland published in February 2023, the UN Committee on the Rights of the Child expressed serious concerns about the insufficient and inadequate mental health services for children in Ireland. In relation to mental health legislation, the Committee recommended that revisions to the Mental Health Act should include:

* Recognition of children’s right to be heard in decisions regarding their mental health care and assistance by an independent advocate, and
* An explicit prohibition of the practice of placing children with mental health issues in adult psychiatric units.

Through our monitoring of and engagement with developments regarding this important legislation during 2023, our focus will continue to be on seeking to ensure that the provisions made under Part 8 align with and uphold the rights of children under 18 years.

##### Draft Regulations for Providers of Home Support Services

Independent monitoring is essential for guaranteeing that children in receipt of home support services are provided with consistent, high quality home support and care. The OCO has dealt with a number of complaints about the provision of home support packages for children, as outlined in previous annual reports. We therefore welcomed the opportunity to make a submission to the Department of Health’s public consultation on the Draft Regulations for Providers of Home Support Services in September 2022.

In our submission, we noted that the draft regulations only apply to services provided to people aged 18 and over. We expressed our concern that the exclusion of home support services for children will mean that children will be unable to benefit from independent oversight, unlike adults. We recommended that the Department of Health seriously consider including services provided to children in the draft regulations.

During 2023, we will continue to promote the inclusion of children in the regulatory framework.

**Health** Annual Report 2022 **33**

**Housing &**

**7**

##### Housing Commission consultation on providing for a Right to Housing in the Constitution

The law as it stands in Ireland does not adequately recognise children. This is something we have consistently raised as an issue. We are concerned about the persistent challenges faced by children, including homeless children, in accessing

appropriate accommodation and supports.

We welcomed the establishment of the Housing Commission in December 2021 and that the Commission has been tasked with working towards bringing forward proposals on a referendum on housing. We also welcomed the opportunity to make

a submission in August 2022 to the public consultation that the Commission launched about a referendum on housing. In our submission, we encouraged the Commission to recommend that:

* The wording of a constitutional amendment on the right to adequate housing should have regard to the State’s obligations under international and European standards, and associated guidance, and
* There should be a constitutional amendment to provide for a right to adequate housing and the Government should progress a referendum during 2023.

In our view, the work of the Commission presents a significant opportunity to shift Ireland’s current approach to housing to a rights-based approach. During 2023, we will monitor and, as necessary, actively engage with developments arising from this public consultation.

**Accommodation**

**34** Annual Report 2022 **Housing & Accommodation**

##### No End in Site: One Year On

In May 2021 the Ombudsman for Children’s Office (OCO) published No End in Site, an investigation into the living conditions on a Local Authority run halting site, where 66 children and their families were living.

As part of our investigation we made 10 recommendations which were all accepted by the Local Authority.

In December 2022 we published an update on No End in Site. We were satisfied that significant progress has been made by the Local Authority on the recommendations we made. The Local Authority has engaged

with the families around their housing needs and is actively planning to develop Traveller Housing in the area to ensure the needs

of the community are better catered for in the long-term. The local authority have also taken significant steps to improve the living conditions of the families on the site.

Despite the significant efforts made by the Local Authority a small number of families report that their living conditions remain unchanged and they are frustrated with

the pace of developments. We remain concerned that relationships between the Local Authority, the residents and their advocates can be strained at times, and we have conveyed to all parties that open

communication is central to building trusting working relationships going forward.

The recommendations which appear to have proved more challenging for the Local Authority are those related to the inclusion of children and young people in consultation and planning processes. This is an area

that the Local Authority must give further attention to in the coming year. The OCO will seek a further update on the progress being made in on the agreed recommendations in 2023.

**Housing & Accommodation** Annual Report 2022 **35**

**8**

### Promoting the Rights of Children Arriving in Ireland

##### Children from Ukraine arriving in Ireland

Following the outbreak of war in Ukraine in February 2022 and the arrival of children from Ukraine, the OCO raised a number of issues with the Taoiseach and other policy makers.

We highlighted the importance of ensuring that the decisions and actions taken respect, protect and fulfil children’s rights, including their right to have their best interests treated as a primary consideration. We specifically raised concerns in relation to three areas, namely education, accommodation and differential treatment.

* **Education** We welcomed measures to support Ukrainian children in Irish schools, including the establishment of Regional Education and Language Teams. However, we expressed concerns that guidance issued by the

Department of Education on supporting Ukrainian children’s wellbeing in schools does not provide for sufficient inclusion of practical supports. We also raised concerns about the provision of appropriate school places for Ukrainian children with special educational needs

(SEN) in light of existing challenges with provision in this area.

* **Accommodation** We highlighted our concerns about challenges experienced by children arriving from Ukraine as regards access to

appropriate accommodation. While we acknowledged efforts to accommodate those fleeing Ukraine, including plans to use modular homes, we remain concerned that State-provided accommodation is temporary and that unsuitable emergency accommodation will continue to be used in the short to medium term.

* **Differential treatment** While Ireland’s response to people arriving from Ukraine has been positive, a corollary of measures by the State to implement the Temporary Protection Directive (TPD)

is that the State is effectively treating people arriving from Ukraine differently to other groups of asylum seekers and refugees seeking protection, particularly those in Direct Provision. This differential treatment is problematic and we

are concerned that children seeking protection in Ireland from countries other than Ukraine are being treated less favourably on a basis that is not reasonably justifiable under the aims of the UN Convention on the Rights of

**36** Annual Report 2022 **Promoting Children’s Rights**

the Child. We have asked that the State implements measures to ensure that all unaccompanied minors are subject to vulnerability assessments upon arrival in Ireland and that all actions and decisions by Tusla in respect of unaccompanied minors are guided by the best interests of the child. We have also asked that steps are taken to ensure that all children seeking protection in Ireland, regardless of their immigration status or pathway to protection, have the same entitlements and equitable access to services they need.

**Promoting Children’s Rights** Annual Report 2023

Annual Report 2022 **Promoting Children’s Rights 37**

**9**

### Family and Care

##### Health (Assisted Human Reproduction) Bill 2022

The OCO is of the view that provision should be made in law for the rights of all children in Ireland born through surrogacy. Therefore, we welcomed the decision to refer the Health (Assisted Human Reproduction) Bill 2022 to an Oireachtas Committee, which was established for the specific purpose

of examining the issue of international surrogacy.

In May 2022, we published our observations on the Bill, in which we expressed concern that the Bill does not have sufficient regard to children’s rights. We highlighted a number of issues that we believe require further consideration, including the need to:

* Include provision in the Bill for children born through international surrogacy,
* Include provision for children who have already been born through domestic and international surrogacy,
* Permit children born through surrogacy to access information on their origins, and
* Ensure the best interests of children born through surrogacy are the paramount consideration in all decisions that affect them.

The OCO appeared before the Oireachtas Joint Committee on International Surrogacy in May 2022. In July 2022, the Joint Committee published its report and we welcome

that this report had regard to a number of our concerns. We also welcome that the Government subsequently approved proposals to amend the Bill and we hope that the OCO’s recommendations will be considered in the ongoing work to draft amendments to the Bill.

We note and welcome that the UN Committee on the Rights of the Child’s Concluding Observations for Ireland, published in February 2023, include a recommendation that all children born through surrogacy should have access to information about their origins. We will continue to monitor and, as necessary, engage with developments relating to this proposed legislation during 2023.

**38** Annual Report 2022 **Family and Care**

### Children’s Voices

**10**

##### No Filter: A survey of children’s experiences of the Covid Pandemic

Throughout the Covid-19 pandemic, the OCO worked hard to highlight the impact on children and young people, and the extent to which their lives had been turned upside down. We also wanted to make sure that children’s own thoughts and experiences of

the pandemic were captured so these views could be considered when it comes to policy and decision making in a post-Covid world. What issues did the pandemic exacerbate for children and young people- and, were there any unexpected positives? There was so much public commentary about the resilience of children but we what did they think?

With this in mind, we launched our No Filter survey in February 2022 to hear directly from children and young people about life during this unprecedented time. Working with Amárach research, No Filter was an online survey featuring a wide range of questions based on common issues raised with the OCO and in the media. It was open to children aged 9-17 years and was piloted in a primary and post-primary class in

Dublin. Based on the feedback we received, questions were reviewed and updated before general distribution. Once finalised, primary and secondary schools across the country, including deis, non-deis, gaelscoileanna and private schools, were invited to take part, along with the OCO Youth Advisory Panel.

In total 1,389 children from 23 schools across Ireland participated in No Filter. Published in April, it found that nearly half of children surveyed felt their lives had changed significantly throughout the two year pandemic. 74% experienced feelings of loneliness, with 76% feeling levels of worry

and 70% of anger. When it came to education, 83% of the children surveyed felt the pandemic had some negative impact on their learning, while a worrying 14% said they got no help whatsoever with their online studies at home throughout.

Children were also invited to share any other comments they had about the Covid-19 pandemic. There were a variety of very honest and heartfelt comments, acknowledging some positives of the pandemic, but mainly emphasising the negative and potentially long lasting impact of Covid-19 for children.

The OCO is committed to ensuring that the powerful messages shared as part of this survey inform the work of the Office, and are elevated to Government and beyond.

**Children’s Voices** Annual Report 2022 **39**

##### Youth Advisory Panel

In 2020, the OCO re-established a Youth Advisory Panel (YAP) on a pilot basis for two years. Throughout 2022, a total of 20 children were involved with the YAP. Following a full year of online meetings in 2021, we were delighted to be able to hold our first in person meetings in 2022. The YAP met 12 times: seven meetings were in person in the OCO and five were remote.

Members of the YAP engaged in a number of pieces of work including the launch of the annual report, the external evaluation of the YAP pilot, and the promotion of a survey on

mental health. The primary piece of work YAP were involved with in 2022 was the creation

**Karolina (YAP) on her experience of**

**the UNCRC process and the YAP**

I joined the Youth Advisory Panel in March 2022. I joined because I care about my education and how children are being treated in Ireland. There are a lot of things wrong with the education system around here and that’s why I wanted to join.

I’m up in Donegal; you don’t hear about anything so I hadn’t heard of the YAP. I didn’t really know what is was going to be like but I was just like I will go and see what it is like. I actually felt happy and great joining. I thought it was the best thing ever.

Over the YAP sessions we worked on the children’s submission to the UNCRC to get across a bunch of different children’s different opinions. We listened to different stories

and wrote bits here and there and then we went to Geneva to get these points across and fix issues that are happening. My role in Geneva was to talk about education. I think the Committee took what we said into account and seemed very interested.

Then we had an event with Irish politicians and senior civil servants on the 12th January. We started planning it before Christmas. We met with a bunch of different people and we talked

of Ireland’s Children’s Report to the United Nations Convention on the Rights of the Child, Pieces of Us, and a supporting website and video. Further information on this work and the YAP’s involvement in it is included the UN Constructive Dialogue pullout.

As the pilot phase of the OCO YAP concluded in January 2023, we commissioned an external evaluation at the end of 2022. The evaluator engaged with YAP members and with staff across the OCO. Early results from this evaluation are overwhelmingly positive, with some recommendations for changes to

recruitment processes and further embedding YAP within the OCO. We will follow up on these recommendations in 2023 and the final evaluation report will be on our website.

about nearly the same things we talked about in Geneva and then I had my own wee piece to say. I talked about my dyslexia and how in my own school it’s messed up and they are not doing much and how I feel like sometimes they just don’t seem to care enough and how they should make it better. I didn’t get much of a reply because nobody knew how to answer except for the one person who wasn’t there, but I felt like I was listened to. After the event, I felt good that I had said what I said because normally I just don’t really like to say too much about it because it is a disability that makes you feel like you are not a normal working human being. I felt like I took on the world.

If I had two wishes for how Ireland could improve on its treatment of children I would say to definitely tidy up the education system a lot more and have more places that children can go to talk about different things that might be bothering them.

Being on the YAP has meant a lot and I have met new people and they are really nice and it has been a privilege to go up and down and talk about stuff and also talk pure nonsense

– to do the serious work but to have fun too. It has made me say more about my own self than say nothing. It’s been a very fun thing and a good experience and not many people get to experience it. I feel so lucky to get to do this stuff.

**40** Annual Report 2022 **Children’s Voices**

##### Beyond Limits 2022

First established in 2019, Beyond Limits is our unique festival-style event for children and young people with disabilities and their families to enjoy an inclusive and accessible

day of speakers, performances and activities. As the name suggests, Beyond Limits also aims to give a platform to children and

young people with disabilities to share their experiences, achievements and hopes for the future. Ensuring that children with disabilities in Ireland are ‘seen, heard and counted’ is also a key focus for the OCO and prioritised in our 2022-2024 Strategic Plan.

The OCO hosted two Beyond Limits events in 2022 in Sligo’s Knocknarea Arena on the 1st of October and at the University of Limerick Sports Arena on the 15th of October 2022.

Hosted by Paralympic Gold Medalist, Ellen Keane and Disability Ambassador, Paddy Smyth, over 1,200 children, parents, siblings, carers and those working with people with disabilities attended. Children and families

were inspired and motivated by stories and performances from Katie-George Dunlevy and Eve McCrystal, James Casserly, Fiacre Ryan, Padraig O’Callaghan, Mark Smith and Ian O’Connell, Derek Ryan, Sligo Youth Voices, Bluestack Choir, and Music Generation. There was also a range of activities and sports for everyone to enjoy including; Gaelic with the GAA, Soccer with the FAI, Rugby with the IRFU, Gymnastics Ireland, Table Tennis Ireland, Yoga, Baking, Potting, Gaming, Arts & Crafts, Sensory Stories.

A key goal for the OCO in creating Beyond Limits is to highlight that an accessible and inclusive event for all children can be the norm- rather than the exception. We also wanted to make sure that children and young people with disabilities were consulted throughout the process and recruited nine brilliant young people with disabilities for a Beyond Limits Youth Advisory Panel (YAP).

Our YAP played a vital role in organising the event and helped us in a range of areas, from choosing the activities and music

performances to the merchandise and colour scheme. What started as an advisory role soon turned into a participatory role, with many of the YAP members also getting involved on the day and sharing their stories and experiences.

As part of the planning process, we set up an advisory committee with disability organisations such as AsIAm, the Irish

Wheelchair Association and Enable Ireland who were pivotal in ensuring the day could be enjoyed by all and was fully accessible.

**Children’s Voices** Annual Report 2022 **41**

**Beyond Limits 2022**

**“I liked how the**

**children were**

**heavily involved it**

#### “It was family oriented and not just for the individual with the disability”

**“Loved the variety of**

**speakers. Amazing**

**variety of activities**

**during break times”**

**42**

**wasn’t all adults**

**speaking to adults”**

**“It was amazing to**

**hear directly from**

**all the children and**

**young people with**

**disabilities who have**

**achieved so much, it**

**was inspirational. It was**

**“Very family**

**friendly for all ages,**

**entertainment was**

**really good”**

#### “The event was very relaxed, inclusive and entertaining”

**great that the event**

**was so inclusive and**

**accessible”**

**43 43**

##### Beyond Limits Youth Advisory Panel

The Beyond Limits Youth Advisory Panel (BLYAP) was established to support in the planning of Beyond Limits. The role of the BLYAP was to provide suggestions, act as a sounding board, participate at the events and give feedback afterwards.

Nine participants signed up to be part of the BLYAP. This was a mixed ability group with children having a range of disabilities including Down syndrome, autism, anxiety, ADHD, dyspraxia and physical disabilities, as well as children with none.

There were 11 BLYAP group meetings held over the course of nine months, along with nine initial one-to-one needs-analysis meetings, and 34 one-to-one meetings to prepare the children for their roles at the

events. The group meetings were held online. This accommodated the inclusion of children from a variety of counties. There were two in- person get-togethers held in the office: one to launch the event and an end-of-project celebration meeting.

Supporting the needs of the BLYAP members required very particular skills and diligent planning. We were supported by the parents and guardians of the children involved to ensure that all of the children felt prepared, included and heard in this process. The content of the meetings needed to be

child-centred, engaging and to cater to all the children and encourage every child to participate. The BLYAP received the

agenda and presentations for each meeting beforehand in appropriate formats, so that they had time to think about their responses. In the meetings facilitators ensured they kept their language clear and invited responses from all participants by whatever means they found most comfortable: verbally, in writing in the chat box or through Lámh, props or pointing. We also included plenty of dance breaks.

After the events, one participant reflected on their time saying: “It just showed me how important days like Beyond Limits are because it wasn’t about disability, like it was about disability, but it was just people being themselves and I think it would be really helpful to me as well in the future.”

Another participant was encouraged by the opportunity Beyond Limits gave him to express himself: *“My best bit in the whole of Beyond Limits was getting to meet new people and getting to spend time with new people and to make my speech about*

*standing up for people with disabilities and also my journey to independence.”*

**44** Annual Report 2022 **Children’s Voices**

##### Child Talks 2022

This year marked the fifth anniversary of our annual Child Talks event that gives a platform to children and young people to speak about issues that are important to them. Child Talks 2022 came live from Leinster House

on Friday, November 18th with the theme ‘If I were Taoiseach for the Day’. We had eight

participants aged 11 to 17, including two video entries and a bespoke musical performance from a female youth group, who all wowed an audience of 100 people in the Leinster House library and garnered 432 live streams. Two

of our young speakers from Child Talks 2021 hosted the event, with a wide range of topics covered including homelessness, education reform, autism supports, accessibility, rural transport, female empowerment, the Irish Language and listening to children. Child Talks was also viewed in classrooms around the country following direct outreach to schools and the distribution of materials to teachers around the country. Members of the Oireachtas were invited to attend, with special guests from sixth class Scoil Chrónáin in Rathcoole, Dublin also in the audience on the day.

Our Child Talks speakers were selected by the OCO in September 2022 following a national callout online and through outreach to children’s organisations over the summer. Children and young people up to aged 18 years were invited to apply to take part through an online application form on our website. The OCO then worked with our chosen speakers over three months to help develop their stories and prepare them for the event through online group workshops and one-on-one sessions.

We conducted a social media campaign in the run up to, and throughout the Child Talks event. This included promotional assets when recruiting speakers, advertising the livestream ahead of the event, and live material of the speakers and performer on the day. We created a ‘Meet the Speakers’ page on our website, which featured short bios and headshots of all our speakers. This was available to our audience members via a QR code. Child Talks 2022 was widely covered in national and local print and local media.

**Children’s Voices** Annual Report 2022 **45**

##### The Scrawl

Many legal, policy and administrative process that affect children are complex. If children have a right to have a say in things that affect them, these processes need

to be presented in ways that children and understand and in child-friendly language. To help with this we created [The Scrawl](https://www.oco.ie/itsyourright/news) in 2022. It is a webpage that takes current political processes and events involving or affecting children and makes them easier for children to understand.

During 2022 the Participation and Rights Education staff wrote pieces for The Scrawl detailing happenings in the Oireachtas, forthcoming bills affecting children, updates on inter-departmental steering groups

and OCO policy publications. These were described in easy to understand language and, where a concept, process or structure needed extra information, a *Say Whaaat* button was used to provide more information in pop ups.

We were delighted when children also put themselves forward to write articles. One child from the BLYAP wrote a piece about [Hidden Disabilities](https://www.oco.ie/itsyourright/news/hidden-disabilities-by-eva-grace-oco-guest-writer/) and an OCO YAP member wrote about [being involved in the Children’s](https://www.oco.ie/itsyourright/news/my-uncrc-journey-by-guest-writer-ailis/)  [Submission to the UNCRC](https://www.oco.ie/itsyourright/news/my-uncrc-journey-by-guest-writer-ailis/).

We hope that children can use The Scrawl to get some simple information about often

complex topics and that this helps them feel more empowered, more confident and better equipped to express their opinions.

##### CoVision

The Co-Vison project, managed by University College Dublin, came to its conclusion in 2022. This international research project, involving partners in nine countries, focused on co-design and participatory research with children. It examined how children coped with and supported others during and after the Covid-19 pandemic.

In 2022, the OCO took part in a CoVision webinar on challenges and opportunities for policy-makers when involving children in decision-making along with colleagues from

the Department of Children, Equality, Disability, Integration and Youth and from New Zealand.

In June, and alongside colleagues from University College Dublin, we hosted and helped to facilitate an in-person COVISION Co-design Workshop with the project’s Children’s Research Advisory Group (CRAG). This was the first face-to-face meeting of the CRAG. Nine children aged ten to 16 years took part in this workshop. They first looked at what the CoVision team had learned about initiatives to support children during the pandemic and then moved on to identifying initiatives to support children and families in future pandemics, lock-downs or crises.

Following this in-person workshop, the CRAG continued to work on their ideas online. The culmination of this process was the CRAG’s Pitch Day on 1st November. At this event, hosted by the OCO, the children refined their ideas and suggested initiatives and presented them to the Minister for Children, Equality, Disability, Integration and Youth, Roderic O’Gorman TD and a number of his senior officials, as well as to senior officials from the Department of Education, Department of Health and the HSE.

The final event of the CoVision project took place on 26th November with a showcase event in University College Dublin. Following presentations from key researchers involved in the project, including the CRAG, the Ombudsman for Children provided the closing address and urged participants to consider the recommendations made by the CRAG.

**46** Annual Report 2022 **Children’s Voices**

**Children’s Rights Alliance Research: *Voice, Rights, Action***

The OCO was member of the steering committee for an EU funded research project commissioned by the Children’s Rights Alliance. Working with a youth advisory panel (made up of children aged 12 to 17 years)

on a co-researcher basis, members of the School of Education, University College Dublin undertook this project. Its focus was children’s knowledge of their own rights. The Children’s Rights Alliance published the final report of the project, Voice, Rights, Action, in April 2022. The report examines children’s knowledge of their own rights, identifies

gaps in their knowledge and skills, and makes recommendations that will help to address those gaps through policy and practice. Our Head of Policy spoke at the launch of the report.

##### TUSLA National Participation Awards

In 2022, Tusla approached the OCO and a small number of other organisations to scope out the interest in a pilot programme of national children and young people’s participation awards. These awards would replace the UK based Investing in Children award previously used by Tusla. The OCO hosted the first meeting of the stakeholders in June 2022. Stakeholders at this meeting agreed to pilot national awards programme led by Tusla and supported by other stakeholders.

Since then, we have worked as part of the Steering Committee for these awards, contributing to refining and shaping the focus of the awards, application forms and evaluation criteria. The first applications for this new award are expected in 2023 and we

will be part of the committee evaluating these.

**Children’s Voices** Annual Report 2022 **47**

**11**

##### Outreach in Oberstown Detention Campus

The OCO has been doing outreach visits into Oberstown Detention Centre since 2017. We wanted to make ourselves more accessible to children and young people who may find our Office hard to reach, or may not know

a lot about us. Visits are done on a monthly basis and young people are free to bring issues to our attention, ask for our advice and bring complaints, if they wish to.

During our visits it came to our attention that young people who were going before the courts did not always understand the process. Some had learning difficulties and would have been supported by an SNA at school. Some also had difficulty expressing themselves and communicating effectively. They did not always fully understand the conditions of their bail and often could not communicate to the Court or their legal representatives why they may be unable to meet the conditions of their bail in certain circumstances. These difficulties were

**Children in the**

**Justice System**

resulting in increased rates of recidivism for these young people.

We met with TUSLA and senior management in Oberstown, to fully understand the issues facing children and how it could be resolved.

We were informed that many countries have intermediaries who help young people understand the court processes. No such service exists in Ireland.

##### General Scheme of the Criminal Justice (Sexual Offences and Human Trafficking) Bill 2022

In July 2022, the Minister for Justice published the General Scheme of the Criminal Justice (Sexual Offences and Human Trafficking) Bill 2022. Among other things, this proposed legislation aims to:

**—** Provide greater protections and supports to victims of human

**48** Annual Report 2022 **Children in the Justice System**

trafficking, including by establishing a multi-agency National Referral

Mechanism on a statutory footing, and

**—** Remove the final legislative barriers to Ireland’s ratification of the Second

Optional Protocol to the UNCRC on the sale of children, child prostitution and child pornography.

In December 2022, we wrote to the Minister for Justice about the General Scheme. We welcomed the work undertaken to progress the General Scheme and that this proposed legislation provides a pathway for Ireland’s long overdue ratification of the Second Optional Protocol. However, having reviewed Part 3 of the General Scheme, which provides for a revised National Referral Mechanism

for victims of human trafficking, we noted that a number of proposals require further consideration to ensure their alignment with children’s rights. Therefore, we recommended that the following matters require serious attention:

* The absence of provision in the General Scheme for a child specific identification process
* The proposed criteria for identification of victims of trafficking, and
* The lack of adequate provisions for child victims of trafficking to access specific assistance and entitlements.

As drafting of the Criminal Justice (Sexual Offences and Human Trafficking)

Bill progresses, we hope that serious consideration will be given to the need for children to be more visible in the Bill and for corresponding child-specific provisions to be made. We also hope that the Government will have regard to the UN Committee’s recommendation to Ireland in its Concluding Observations in February 2023 that the State should establish a National Referral Mechanism for the identification and referral of children who are victims of trafficking.

**Children in the Justice System** Annual Report 2022 **49**

**12**

**Children’s Rights in the**

**Digital Environment**

##### Online Safetyand Media Regulation Bill 2022

In January 2022, the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media published the Online Safety and Media Regulation Bill 2022. Though the OCO noted that several of the regulatory tools included in the Bill have the potential to have a positive impact, we continued to have concerns about the absence of provision in the Bill

for an individual complaints mechanism. We therefore welcomed the Minister’s decision to establish an Expert Group to examine the possibility of providing for an individual complaints mechanism.

In September 2022, the Minister published the report of this Expert Group. The Expert Group recommended that an individual complaints mechanism should be introduced on a phased basis, with priority for complaints relating to children. We welcome that the Bill was subsequently amended in October 2022 to reflect the Expert Group’s recommendations.

The Online Safety and Media Regulation Bill 2022 was signed into law in December 2022. In its February 2023 Concluding Observations, the UN Committee on the Rights of the Child recommended that the State ensure that the Online Safety Commissioner pays particular attention to the protection of children in its mandate, including the individual complaints mechanism, in line with children’s rights standards. We look forward to monitoring developments as the Online Safety Commissioner commences work to

implement a new regulatory framework for online safety during 2023.

**50** Annual Report 2022 **Children’s Digital Rights**

**13**

##### European Child Guarantee

The European Child Guarantee is an initiative of the European Commission, which seeks to prevent and combat social exclusion

by guaranteeing access for children to a range of important services. Following the European Commission’s adoption of the

Child Guarantee in June 2021, Member States, including Ireland, committed to producing national implementation plans in order to receive resources.

In January 2022, the OCO made a submission to the Department of Children, Equality, Disability, Integration and Youth (DCEDIY)

to inform its work to develop a National Action Plan. Our submission highlighted the importance of hearing the views of children and detailed a number of recommendations relating to:

* Free and effective access to early childhood education and care,
* Free and effective access to education and school-based activities,
* Free and effective access to a healthy meal and effective access to healthy nutrition,
* Free and effective access to healthcare, and
* Effective access to adequate housing.

The DCEDIY published Ireland’s National Action Plan in June 2022. As noted in the National Action Plan itself, the composition of this plan draws heavily on elements of existing policies, strategies and programmes. It is envisaged that the Child Guarantee will form part of a broader body of work relating to the new National Policy Framework for Children and Young People. The OCO hopes that the substance of this new framework, and the structures put in place to support

its implementation, will be catalysts for an ambitious programme of work. We expect that these measures, as well as the work of the new Child Poverty and Wellbeing Unit in the Department of the Taoiseach, will bring about significant changes to combat

poverty and social exclusion among children, including in those areas the Child Guarantee focuses on.

**Child Poverty**

**Child Poverty** Annual Report 2022 **51**

**14**

##### European Network ofOmbudspersons forChildren (ENOC)

The OCO is a member of the European Network of Ombudspersons for Children (ENOC), which consists of 44 Ombudspersons and Commissioners for Children in 34 countries across Europe. ENOC is a not-for- profit association of independent children’s rights institutions (ICRIs) with a mandate

to facilitate the promotion and protection of children’s rights, as set out in the UN Convention on the Rights of the Child.

The thematic focus of ENOC’s work in 2022 was ‘Children’s Rights and Climate Justice.’ The OCO contributed to ENOC’s activities by participating in a working group about this theme and by taking part in an ENOC

seminar in Warsaw in June 2022. This seminar focused on climate justice, but also involved information sharing by ENOC members in relation to two other areas: the challenges faced by children and families fleeing

Ukraine and the current challenges faced by independent human rights institutions (IHRIs) for children in Europe.

In September 2022, the OCO participated in ENOC’s 26th Annual Conference in Reykjavik, entitled ‘Shaping the Future: Children’s Rights in a Climate Crisis’. The Annual Conference addressed the main findings of ENOC’s Synthesis Report on Children’s Rights and Climate Justice. At the conference, ENOC’s European Network of Young Advisors (ENYA) played an active role and made specific policy recommendations on climate justice. Two statements were endorsed by ENOC’s 26th General Assembly, namely ENOC’s position statement on Climate Justice and Children’s Rights and ENOC’s ad-hoc statement on the Impact of Energy Prices on Children’s Rights.

**International**

**Engagement**

**52** Annual Report 2022 **International Engagement**

**15**

**Ombudsman for Children Act**

##### Review of the Ombudsman for Children Act 2002

Under section 7(1)(h) of the Ombudsman for Children Act 2002 (2002 Act), as amended, the Ombudsman for Children is tasked with monitoring and reviewing the operation of the 2002 Act and making corresponding recommendations for amending this legislation.

In 2021, the OCO commissioned an independent review of the 2002 Act. A report on the findings of the review was laid before the Houses of the Oireachtas and submitted to the Minister for Children, Equality, Disability, Integration and Youth in November 2022. This report contains a number of recommendations in relation to the OCO’s independence and core statutory functions including:

* Changes to the funding, recruitment and governance arrangements in place for the purposes of further

**Ombudsman for Children Act** Annual Report 2022

strengthening the OCO’s independence

* Extension of the OCO’s statutory complaints function to:
  + young people aged 18 and over in a limited number of circumstances, namely as regards secondary schools, aftercare and Oberstown
  + privately owned early learning and childcare settings in receipt of State funding
* Repeal of section 9(2) of the 2002 Act, which, if commenced, would preclude complaints about the administrative actions of schools being investigated by the OCO unless local complaints procedures in schools have already been availed of and exhausted.

The OCO notes recommendations made by the UN Committee on the Rights of the Child in this regard in its Concluding Observations for Ireland published in February 2023. During 2023, we will be progressing work to secure amendments to the 2002 Act arising from the independent review of our legislation completed in 2022.

**53**

**16**

### Mainstreaming Children’s Rights in National Policy

##### New national

**policy framework for children and young people**

In January 2022, the Minister for Children, Equality, Disability, Integration and Youth launched a public consultation on the next Government policy framework for children and young people in Ireland. This framework will

be a successor to Better Outcomes, Brighter Futures: the National Policy Framework for Children and Young People, 2014-2020 (BOBF).

We made a submission about the proposed new framework in March 2022. We took into consideration the five-year timeframe proposed for the new framework, the need

for the new framework to provide added value within a crowded public policy environment, as well as wider developments affecting children and their rights. We proposed that the new framework could usefully pursue four interrelated goals:

* Mainstreaming children’s rights,
* Strengthening the delivery of progress in key areas affecting children and their rights,
* Addressing persistent inequalities and disadvantage experienced by specific groups of children, and
* Supporting children to recover from the pandemic and preparing for future crises.

As regards mainstreaming children’s rights, we encouraged the DCEDIY to give attention to general measures for implementing children’s rights that have been identified by the UN Committee on the Rights of the Child (UN Committee) and provided examples of specific actions linked to these general measures that merit serious consideration for inclusion in the new framework.

Taking into account the thematic outcomes in BOBF as well as the UN Committee’s approach to clustering children’s rights, we proposed that the new framework could focus on six areas: civil rights and freedoms; protection from violence and abuse; family and alternative care; health; standard of living; and

**54** Annual Report 2023 **Mainstreaming children’s rights**

education, leisure and cultural activities. Under each of these six areas, we identified priorities for the DCEDIY to consider.

In August 2022, the DCEDIY published a blueprint for the new policy framework. It is encouraging that this blueprint reflects several key proposals and priorities set out in our submission, including through indications the blueprint provides that the new framework:

* Will be grounded in core children’s rights principles,
* Will provide a platform for realising the rights of children and young people,
* Will focus on system-level actions to ensure that children’s rights and needs are central considerations, and
* Will include ‘spotlights’ on areas of most difficulty for children and young people, especially those who are vulnerable.

The DCEDIY has previously indicated that work to finalise the new framework will have regard to the Concluding Observations of the UN Committee following its examination of and constructive dialogue with Ireland’s

State Party. Therefore, we expect that the new framework will reflect, in a clear and explicit way, the recommendations the UN Committee made in its Concluding Observations for Ireland in February 2023. In this regard,

we note in particular the UN Committee’s recommendations that the framework should encompass all areas covered by the UNCRC and should include “a focus on mainstreaming children’s rights and a child rights-based approach to decision-making affecting children and on addressing inequality and discrimination”.

##### Third National Strategy on

**Domestic, Sexual and Gender Based Violence**

In 2021, the Department of Justice requested that the OCO accepted a role under the

then forthcoming Third National Strategy on Domestic, Sexual and Gender Based

Violence with respect to actions concerning children. We met with the Department of Justice a number of times in 2022 and agreed to undertake a role under the Policy Co- ordination Pillar of the Strategy with regards to children and children’s rights, pending the provision of additional resources to do so.

The Third Strategy and its Implementation Plan were published in June 2022 by the Minister for Justice, Helen McEntee, TD. These state that the role of the OCO is to provide *‘Independent support and advice on the implementation of the Strategy, with specific*

*regard to how key objectives, actions, policies and standards affect and are informed by children.’* The OCO has not yet commenced work under the Strategy due to resourcing issues. However, the office continued to engage with the Department of Justice during 2022 with a view to actively taking up this role in the future.

**Mainstreaming children’s rights** Annual Report 2023 **55**

**17**

**Running of the Office**

##### Budget 2022

The budget of the OCO is allocated through the Department of Children, Equality, Disability, Integration and Youth and drawn down on a regular basis throughout the year. In 2022, our budget was €3.495 million (2021:

€2.95m) which was fully spent to year end.

As set out in Sections 17(1) and (2) of the Ombudsman for Children Act 2002, the Ombudsman for Children is responsible for preparing Financial Statements, for ensuring the regularity of the Office’s transactions, and ensuring compliance with the Code of Practice for Governance of State Bodies. The Financial Statements are subject to audit

by the Comptroller and Auditor General. The audit of the 2022 accounts will take place

in June-July 2023, and will be conducted by the Comptroller and Auditor General. In accordance with Section 17 (2) of the

Ombudsman for Children Act 2002, the draft Financial Statements for the year ended 31st December 2022 were submitted for audit

by the Office of the Comptroller and Auditor General by 31st March 2023. Once approved

by the Comptroller and Auditor General, the Financial Statements for 2022 will be

published on the OCO’s website, as has been done in previous years. Mazars Chartered Accountants provided our internal audit function, and undertook a review of internal controls in Q1 of 2023. They also conducted an audit of the Governance framework of the OCO in Q4 2022.

The breakdown of our expenditure (after apportionment of support costs including the Ombudsman) is as follows:

**56** Annual Report 2022 **Running of the Office**

##### Expenditure 2022

25%

Participation and Rights Education

**42%** Communications

15%

18%

Complaints and Investigations

Policy and Research

##### Recruitment 2022

At the start of 2022, the OCO had 34 permanent staff members. By the end of 2022, there were 37 permanent staff members. The focus in 2022 was on

consolidating the OCO team, having grown from 23 staff since 2020.

**End of 2022**

**37 staff**

**Start of 2022**

**34 staff**

##### Blended working in the OCO

The Office implemented a blended working pilot in 2022 and our blended working policy is currently being finalised which is based on the DPER Framework.

The Office migrated to the OGCIO direct access desktop service in 2021 and this has greatly contributed to facilitating blended working by enabling staff to work from anywhere. The purchase of new video conferencing equipment in 2022 has further enabled blended working by facilitating hybrid meetings and events.

**2020**

**23 staff**

**Running of the Office** Annual Report 2022 **57**

##### OCO ICT

**infrastructure**

Since 2021, the Office is supported by the Office of the Government Chief Information Officer (OGCIO) for our desktop requirements. In 2022 the Office implemented two critical applications available from OGCIO’s Build

to Share suite of applications. eDocs is an electronic records management system and was implemented in Q1 2022. eCase is a

database case management system and was rolled out to support the management of our Complaints and Investigations cases in Q4 2022.

As part of our Strategic Plan 2022-2024, we hope to implement additional Build to Share applications including ePQ, eForms, Helpdesk and the Hive between 2023 and 2024.

##### Implementing the Public Sector

**Equality and Human Rights Duty**

The Office is committed to fulfilling our Public Sector Duty. In our Strategic Plan for 2022-2024 we commit to completing an assessment of the equality and human rights issues that are relevant to our purpose and

functions. We will address the issues raised in this assessment and report on our progress annually in our annual report in a manner that is accessible to the public.

##### Energy

In December 2009, the Minister for Communications, Energy and Natural Resources gave effect to Directive 2006/32/ EC of the European Parliament and of the Council of 5 April 2006, and made the ‘European Communities (Energy End-use Efficiency and Energy Services) Regulations 2009 (S.I. 542 of 2009)’. The Regulations require public sector organisations to

report annually from January 2011 on their energy usage and actions taken to reduce consumption.

In 2022, the OCO used 103,365kWh (2021: 77,013kWh) of electricity, a 34% increase on 2021. This was to be expected, given the increased staff base since 2020, with staff

presence in the Office increasing greatly on 2020 and 2021. The OCO continues to operate a comprehensive internal recycling system.

We have been engaged with the OPW’s Optimising Power@ Work campaign, and we are actively seeking ways to bring power usage down.

##### Freedom of Information

Under section 8 of the Freedom of Information Act 2014 (FOI Act), the OCO is obliged to prepare and publish a publication scheme.

The purpose of this scheme is to allow the provision of information to the greatest extent possible, except for information exempted under or outside the FOI Act. In 2022 we received and processed 11 FOI requests.

**58** Annual Report 2022 **Running of the Office**

##### Child protection and welfare obligations

While not a mandated organisation, the OCO has obligations under the Children First Act 2017. This includes a two-yearly review of our child protection and welfare policy and

procedures and child safeguarding statement. In 2022, we conducted a survey of all staff in the office to inform this review. Based on staff responses and needs, we updated our child protection and welfare risk analysis, policy, procedures and child safeguarding statement to reflect learning, developing practice and emerging issues. Our policy and procedures are available on our website.

##### Irish language

The Ombudsman for Children’s Office’s (OCO) second Irish Language Scheme is underway, which sees the organisation continue its commitment to providing increased Irish language services to the public. In 2022 an audit of the Irish Language scheme took place with a number of measures including updated signatures being introduced. The OCO

also engaged in relation to updates on the amendments to the Official Languages Act regarding advertising obligations as Gaeilge.

**Running of the Office** Annual Report 2022

Annual Report 2022 **Running of the Office 59**

Ombudsman for Children's Office Millenium House

52–56 Great Strand Street Dublin 1

D01 F5P8

**T:** 01 865 6800

**E:** [oco@oco.ie](mailto:oco@oco.ie)

[**www.oco.ie**](http://www.oco.ie/)

@OCO\_Ireland

## Ag Titim Siar

###### Cearta an linbh in Éirinn

**Oifig an Ombudsman do Leanaí uarascáil Bhliantúil 2022**

Oifig an Ombudsman do Leanaí Teach na Milaoise

52–56 Sráid na Trá Mhór Baile Átha Cliath 1

D01 F5P8

**T:** 01 865 6800

**E:** [oco@oco.ie](mailto:oco@oco.ie)

[**www.oco.ie**](http://www.oco.ie/)

@OCO\_Ireland

##### Clár na nÁbhar

**Teachtaireacht ón Ombudsman do Leanaí 4**

**Maidir Linn 5**

1. Staidreamh agus Buaicphointí an OCO **6**
2. Cas-Staidéir **12**
3. Idirphlé dearfach maidir le Coiste na Náisiún Aontaithe maidir le Cearta

an Linbh **24**

1. Oideachas **26**
2. Measúnuithe agus seirbhísí, lena n-áirítear áiteanna i scoileanna do

leanaí faoi mhíchumas **30**

1. Sláinte **34**
2. Tithíocht & Lóistín **36**
3. Cearta na leanaí atá ag teacht go hÉirinn a chur chun cinn **38**
4. Teaghlach agus Cúram **40**
5. Tuairimí Leanaí **41**
6. Leanaí sa Chóras Dlí agus Cirt **50**
7. Cearta an Linbh sa Timpeallacht Dhigiteach **52**
8. Bochtaineacht i measc Leanaí **53**
9. Rannpháirtíocht Idirnáisiúnta **54**
10. Athbhreithniú ar an Acht OCO **55**
11. Cearta an linbh a phríomhshruthú sa bheartas náisiúnta **56**
12. Reáchtáil na hOifige **58**

**Dr Niall Muldoon**

Ombudsman do Leanaí

##### Teachtaireacht ón Ombudsman do Leanaí

Sa bhliain 2022, dhírigh roinnt mhaith d’obair m’Oifige ar nós imeachta monatóireachta agus tuarascála an Choiste NA um Chearta an Linbh. Is deis shárluachmhar é an próiseas

ríthábhachtach seo, a bhíonn ar siúl gach cúig nó sé bliana, iarraidh ar Stát na hÉireann míniú a thabhairt maidir lena fheidhmíocht ó thaobh cearta an linbh de. Cuireann na Tuairimí Deiridh, a foilsíodh níos luaithe i mbliana, go leor ar fáil don Rialtas le machnamh a dhéanamh orthu agus tugann siad faoi deara cuid mhaith de na fadhbanna a luaigh an OCO trínár dtuarascáil eile agus tuarascáil na leanaí Codanna Dínn. Is é an príomhtheachtaireacht domsa a thagann ó na Tuairimí Deiridh ná go bhfuil Éire ag titim siar maidir le cearta an linbh.

I measc roinnt réimse imní don Choiste, bhí an córas meabhairshláinte do leanaí in Éirinn, an caighdeán maireachtála agus méadú ar leanaí atá i ngreim ag an mbochtaineacht in Éirinn, chomh maith leis na bacainní atá roimh leanaí na hÉireann maidir leis an oideachas. Cé go bhfuil geilleagar chun tosaigh ag Éirinn, agus go ndeir ár dTaoiseach go bhfuil sé ag iarraidh go mbeadh Éire mar an tír is fearr san Eoraip le bheith i do leanbh, ach nílimid ansin go

fóill ar chor ar bith agus faoi láthair, táimid ag titim siar ón áit inar cheart dúinn a bheith. Go deimhin, tugann an ráiteas sin ón Taoiseach le fios go bhfuil laghdú ag teacht ar an mian mar a dúirt iar-Thaoiseach Enda Kenny sa bhliain 2014 go raibh sé ag iarraidh go mbeadh Éire mar an tír bheag is fearr le fás aníos.

D’aithin ár dTuarascáil Bhliantúil Tástáilte i leith Teacht Aniar an brú agus na deacrachtaí a bhí ag leanaí le linn na paindéime Covid 19 agus ag teacht amach ón dianghlasáil. Sa bhliain

**2**

2022, chonaiceamar an tionchar a d’imir an tréimhse seo ar leanaí in Éirinn, go háirithe maidir leis an meabhairshláinte. Cuireadh ceist orm a bheith mar chomhairleoir ar chearta

an linbh don Choimisiún Meabhair-Shláinte maidir lena athbhreithniú neamhspleách ar Sheirbhísí Meabhairshláinte do Leanaí agus d’Ógánaigh (CAMHS). Táimid ag fanacht ar an tuarascáil deiridh ón gCoimisiún, ach fiú ar bhonn na méide atá ar eolas againn cheana féin, níl dabht ar bith ann go bhfuil an córas mar atá thar a bheith mífheidhmiúil agus níl sé sainoiriúnaithe. Ciallaíonn sé sin, anuas ar an ngéarchéim costais maireachtála agus an cás éigeandála tithíochta, go bhfuil na mílte leanaí in Éirinn ann atá ag streachailt, nach bhfuil na tacaíochtaí agus seirbhísí atá ag teastáil uathu á bhfáil acu, agus i roinnt cásanna nach bhfuil a riachtanais bhunúsacha a gcomhlíonadh.

Anuas air sin, tá go leor leanaí ag teacht go hÉirinn ón Úcráin, agus codanna eile den domhan, agus cosaint agus sábháilteacht ón dochar á lorg acu. Dá bhrí sin, tá sé ríthábhachtach a aithint nach bhfuil sé in am

anois an luas a mhoilliú maidir le dul chun cinn a dhéanamh ar chearta an linbh. Anois an t-am ár ngealltanas do leanaí a athdhúbailt agus sochaí a chruthú a leagan amach an caighdeán is airde ina bhfuil an deis ag gach leanbh barr a gcumas a bhaint amach.

Tá tríocha bliain tar éis imeacht ó a dhaingnigh Éire Coinbhinsiún na Náisiún Aontaithe um Chearta an Linbh, ach fós níl sé glactha isteach inár ndlíthe. Níl a fhios againn fós an méid airgid atá á chaitheamh ag an Stát ar leanaí, agus níl na sonraí atá ag teastáil chun acmhainní a chur ar fáil do leanaí á dtuairisciú go sásúil, mar sin níl bealach ar bith ar fáil le taispeáint cé chomh fada taobh thiar de agus atá muid. Níl na gníomhaireachtaí agus na ranna, a oibríonn go díreach le leanaí agus a thacaíonn le roinnt dár ndaoine is leochailí, ag obair le chéile ar an mbealach is éifeachtúla nó is feidhmiúla agus atá siad in ann, agus tá grúpaí áirithe leanaí fós ann atá ag titim siar níos mó; leanaí faoi chúram, leanaí sa chóras dlí agus cirt, leanaí faoi mhíchumas, leanaí i ngreim ag an mbochtaineacht, leanaí LADTA+, leanaí gan dídean, leanaí an Luchta Siúil agus na Romach agus leanaí ag lorg tearmainn in Éirinn.

Tá roinnt rudaí maithe ag tarlú, áfach. Déanfaidh bunú Aonad Bochtaineachta do Leanaí agus forbairt chlár na mbéilí scoile difríocht do leanaí in Éirinn atá i ngreim ag an mbochtaineacht. Is céim dhearfach é an clár píolótach a d’fhógair an Roinn Oideachais a fheicfidh tacaíocht meabhairshláinte teiripe ar fáil i roinnt scoileanna le dul i ngleic le riachtanais meabhairshláinte leanaí, ach ní leor na beartais seo ina n-aonar chun dul i ngleic leis na fadhbanna a luaigh an Coiste um Chearta an Linbh, agus muid féin san OCO agus eagraíochtaí leanaí eile, le lucht déanta polasaithe.

Tá níos mó ioncam á thabhairt isteach ag an Stát ná riamh roimhe seo, ach níl an t-ioncam sin á úsáid acu chun dul i ngleic leis an mbearna atá ag leathnú idir na daoine a bhfuil tacaíocht acu agus na daoine sin nach bhfuil tacaíocht acu – ní hé sin an bealach cearta

an linbh a chosaint. I mí Mheán Fómhair seo caite, d’fhógair an Rialtas leathnú iontach €11 billiún ar an mbuiséad don bhliain 2023, ach go dtí seo, níl sé seo dírithe i dtreo príomh- thacaíochtaí agus bonneagar atá ag teastáil ó leanaí – rudaí ar nós seirbhís oibre sóisialta náisiúnta do leanaí nó rochtain dheimhin

ar shainmheasúnú do leanaí atá i riocht lámh a chur ina mbás féin thar an deireadh seachtaine.

Bliain ghnóthach a bhí sa bhliain 2022 d’Oifig an Ombudsman do Leanaí, agus méadú eile ar líon na bhfoirne seasta. Tá ár bhfoireann ag forbairt agus ciallaíonn sé sin go bhfuilimid in ann freagra a thabhairt ar na gearáin atá ag teacht chugainn atá ag éirí níos casta, chomh maith leis sin is féidir linn oideachas

a chur ar níos mó leanaí faoina gcearta, is féidir linn teagmháil dhíreach a dhéanamh le tuilleadh leanaí agus is féidir linn ár saineolas ar chearta an linbh maidir le réimse leathan fadhbanna a chur ar fáil.

Sa bhliain 2022, thosaíomar comhrá faoi Dhéagóirí atá i mBaol; daoine óga atá iad féin, a dteaghlaigh agus a bpobail á chur i mbaol ar go leor cúiseanna. Chuir ár dtuarascáil Plean le haghaidh Áiteanna, leis an iarracht

ar reachtaíocht éigeandála chun áiteanna oiriúnacha i scoileanna atá gar dá dtithe a chur ar fáil do leanaí a bhfuil riachtanais

speisialta oideachais acu. Chonaic an tuarascáil leanaí Codanna Dínn teagmháil le 5,515 leanbh i suirbhé náisiúnta ar líne agus 200 leanbh i ngrúpaí fócais. Le linn na bliana 2022, d’óstálamar Beyond Limits, dhá imeacht do leanaí faoi mhíchumas agus a dteaghlaigh agus d’fhreastail os cionn 1,000 duine air

i Luimneach agus Sligeach. Thángamar os comhair an Oireachtais ar sheacht n-ócáid agus chuireamar comhairle ar fáil maidir le réimse leathan fadhbanna, lena n-áirítear máthairionadaíocht idirnáisiúnta. Níl anseo ach roinnt sampla de na cineáil tionscadal is féidir linn tabhairt faoi, mar eagraíocht

níos mó, chun tionchar ar bhealach dáiríre ar mhaithe leis na leanaí a imirt

**Maidir Linn**

**Institiúid um chearta an duine is ea Oifig an Ombudsman do Leanaí (OCO) a chuireann cearta**

**agus leas leanaí agus daoine óga faoi 18 mbliana d’aois atá ina gcónaí in Éirinn chun cinn.**

**Déanann an OCO imscrúdú ar ghearáin faoi sheirbhísí a**

**sholáthraíonn eagraíochtaí poiblí do leanaí. Tá an tseirbhís saor in aisce agus neamhspleách. Is é Niall Muldoon an tOmbudsman do Leanaí.**

**3**

**1**

**11%**

**1%**

**30%**

**25%**

**14%**

**6%**

**13%**

### Staidreamh agus Buaicphointí an OCO

**ngearán:**

**1,812**

**Líon iomlán na**

**Eile**

**Oideachas**

**Airgeadas**

**Sa bhliain 2021, fuaireamar**

**2,126 gearán, bhain 908 díobh**

**Ceartas**

**le Covid. Ní gnáth-ghearáin**

**a bhí sna gearáin sin, nuair a**

**ar chúinsí na**

**smaoiníonn tú**

**paindéime. Dá bhrí sin, is é 2022**

**Údarás**

**Sláinte**

**ár mbliain is gnóthaí maidir le**

**Áitiúil**

**Tusla**

**gearáin ó bunaíodh an oifig.**

|  |  |
| --- | --- |
| **Gearánach** | **Céatadán na nGearán** |
| **Tuismitheoir** | 83% |
| **Gairmí/Eagraíocht** | 5% |
| **Eile/Anaithnid** | 4% |
| **Teaghlach Sínte** | 3% |
| **Duine fásta neamhghaolmhara** | 3% |
| **Leanbh** | 2% |

**4** Tuarascáil Bhliantúil 2022 **Staidreamh agus Buaicphointí an OCO**

###### Gearáin maidir le hoideachas

Is earnáil fós é an t-oideachas ina bhfaighimid formhór na ngearán maidir le heispéiris leanaí ar scoil nó maidir le cúrsaí oideachais níos leithne. I measc na saincheisteanna is coitianta faoina ndéantar gearáin tá bulaíocht, díbirt nó cur ar fionraí, acmhainní oideachais speisialta agus rochtain ar iompar scoile.

###### Sláinte

Is é ceann de phríomhábhair na ngearán faoi shláinte a fhaighimid ná leanaí ag fanacht ar sheirbhísí sláinte agus an tionchar a d’fhéadfadh a bheith ag na moilleanna sin ar cháilíocht a mbeatha agus ar a bhfolláine. Baineann a lán gearán freisin leis an dóigh a ndéanann ospidéil na gearáin a fhaigheann siad a bhainistiú.

###### Tusla

**Céatadán na nGearán**

I measc roinnt de na saincheisteanna a luaitear

###### Údarás Áitiúil

Baineann gearáin faoi údaráis áitiúla leis na nithe a leanas: easpa dídine agus rochtain ar chóiríocht éigeandála, rochtain ar thithíocht oiriúnach, liostaí feithimh le haghaidh tithíochta, tacaíochtaí do chóiríocht don lucht taistil agus rochtain ar chóiríocht don lucht taistil atá iomchuí ó thaobh an chultúir de.

###### Airgeadas

Bhain gearáin faoi airgeadas le liúntais agus le tacaíocht airgeadais, go príomha liúntas

míchumais, liúntas leanaí agus liúntas cúram baile.

###### Eile

Seo iad gearáin a dhéantar a atreorú nó nach bhfuil faoinár sainchúram.

**DE**

i ngearáin faoi Tusla tá an dóigh a ndéanann siad cumarsáid le húsáideoirí na seirbhíse agus lena dteaghlaigh, an dóigh a bpléann siad le gearáin, oibrithe sóisialta, tacaíochtaí do

theaghlaigh, tacaíochtaí do chúramóirí altrama, iarchúram do dhaoine óga agus iad ag fágáil cúraim, áiteanna céime síos dóibh siúd atá

ag fágáil cúraim chónaithigh agus shábháilte

**SH**

**.5%**

**DL 2%**

**FH**

**.5%**

**LM**

**1.5%**

**TE**

**1%**

**MN**

**1%**

**AH**

**.5%**

**LU**

**AM 3%**

**DN 1.5%**

agus measúnuithe aoise do mhionaoisigh neamhthionlactha a thagann isteach sa tír.

###### Ceartas

Bhí méadú ann ar ghearáin a bhaineann le Ceartas in 2023 go príomha mar gheall ar ghearáin faoi na nithe a leanas: pasanna agus soláthar díreach agus cóiríocht éigeandála, aistrithe, athaontú teaghlaigh, imní faoi shábháilteacht, cóiríocht neamhoiriúnach á cur ar fáil do mhionaoisigh neamhthionlactha, rochtain ar chúram sláinte, fadhbanna maidir

le bia, príobháideachas, rochtain ar oideachas, **CI**

difríocht sa dóigh a gcaitear leo siúd ó **1%** chodanna éagsúla an domhain atá ag iarraidh tearmainn, rochtain ar thacaíochtaí in ionaid choinneála, tacaíochtaí dóibh siúd atá ag

freastal ar Chúirt chun cuidiú leo a mbealach

**ME**

**1% 1%**

**RN**

**Gaillimh**

**4%**

**CR**

**1%**

**LH 3%**

**Corcaigh**

**8%**

**.5% CN**

**1%**

**LD**

**1%**

**IM**

**1%**

**UF**

**1%**

**LS**

**1%**

**TA**

**CC**

**1% 1%**

**PL**

**1%**

**1.5%**

**MI Baile**

**3% Átha Cliath**

**31%**

**CD**

**3% CM**

**2%**

**CH**

**1%**

**LG**

**1%**

**4% Outside of Ireland**

a dhéanamh trí phróisis na cúirte agus trí cheisteanna dlí, agus láimhseáil gearán.

**14.5%**

**Nach bhfuil luaite**

**Staidreamh agus Buaicphointí an OCO** Tuarascáil Bhliantúil 2022 **5**

**méadú 10% ar 2022**

**Ceardlanna Ceart**

**1,126**

**40**

**leanbh**

**scoil**

Tháinig siad ó Bhaile Átha Cliath, Cill Dara, Gaillimh, Uíbh Fháilí, Tiobraid Árann, Cill Mhantáin, an Iarmhí, Loch Garman, Dún na nGall, Ros Comáin, Corcaigh, an Lú agus an Mhí.

**Amhairc ar leathnaigh ar**

**an suíomh gréasáin**

**121,119**

**OCO Online**

**11,956**

**Leantóirí ar Instagram**

**3,478**

**Leantóirí ar Twitter**

**méadú 8% ar 2022**

**6** Tuarascáil Bhliantúil 2022 **Staidreamh agus Buaicphointí an OCO**

**Ár tvuíteanna is coitianta**

**Postálacha is mó ar Instagram**

**Staidreamh agus Buaicphointí an OCO** Tuarascáil Bhliantúil 2022 **7**

Eanáir 2022

**OCO san Oireachtas**

Fochoiste an Oireachtais um Meabhairshláinte chun Scéim Ghinearálta an Bhille

Meabhairshláinte (Leasú) 2021 a phlé

Feabhra 2022

Comhchoiste an Oireachtais ar Oideachas, Ardoideachas agus Breisoideachas, Taighde, Nuálaíocht agus Eolaíocht ar an mBille Oideachais (Ligean Isteach i Scoileanna) 2020

Márta 2022

Comhchoiste an Oireachtais um Achainíocha Poiblí ar Tuarascálacha Bliantúla OCO 2018-2020

Márta 2022

Comhchoiste an Oireachtais um Leanaí, Comhionannas, Míchumas, Lánpháirtíocht agus Óige ar Mheasúnú ar Riachtanais

Bealtaine 2022

Chomhcoiste an Oireachtais um Máthairionadaíocht Idirnáisiúnta

Samhain 2022

Comhchoiste an Oireachtais um Oideachas, Ardoideachas agus Breisoideachas, Taighde, Nuálaíocht agus Eolaíocht ar thacaíochtaí meabhairshláinte i scoileanna agus oideachas tríú leibhéal

Meitheamh 2022

Comhchoiste an Oireachtais um Oideachas, Ardoideachas agus Breisoideachas, Taighde, Nuálaíocht agus Eolaíocht ar thacaíochtaí oideachais do leanaí ón Úcráin in Éirinn

**8** Tuarascáil Bhliantúil 2022 **Staidreamh agus Buaicphointí an OCO**

##### Agallamh ag an mbord ar Prime Time ar RTÉ chun ár bPlean le haghaidh Áiteanna a phlé.

**OCO in the News**

Bhí OOL ina páirtí ag stáisiúin raidió i Sligeach (Ocean FM) agus i Luimneach (Live 95) maidir le ‘Beyond Limits’

**Ní theastaíonn ó Leanaí a bhfuil Riachtanais Speisialta acu ach go gcaithfí leo go cothrom**

##### Trácht os comhair an eagarfhocail (OpED) sa Sunday Independent

**Staidreamh agus Buaicphointí an OCO** Tuarascáil Bhliantúil 2022 **9**

**2**

**Ciaran – Tacaíochtaí do leanaí a bhfuil Riachtanais Oideachais Speisialta acu**

**Cas-Staidéir**

Chuaigh tuismitheoirí Ciaran i dteagmháil dúinn i mí Márta 2022, mar bhí siad buartha nach raibh an cúnamh agus tacaíocht a bhí ag teastáil uaidh á fháil ag Ciaran, a bhí 14 bliana d’aois ag an am. Bhí diagnóis NHEA ar Chiaran agus d’imir an diagnóis seo tionchar ar iompar Ciaran uaireanta. Bhí sé ag freastal ar chlár tacaíochta lasmuigh den scoil chun cabhrú leis a iompar a bhainistiú níos fearr. Thosaigh sé sa mheánscoil agus chuir a thuismitheoirí an scoil ar an eolas faoi riachtanais speisialta oideachais Ciaran.

Ní raibh Plean Oideachais Aonair nó Plean Tacaíochta Foghlama i bhfeidhm do Ciaran ag an scoil chun cabhrú leis déileáil leis an athrú go dtí meánscoil. Níor aithníodh é mar scoláire ardriosca maidir le polasaithe na scoile. Bhí roinnt mion-eachtraí a bhain leis an iompar ag Ciaran go luath i ndiaidh é an scoil a thosú. I ndiaidh eachtra eile, mhol

an príomhoide don Bhord Bainistíochta go gcuirfí Ciaran amach as an scoil. Sheas an Bord Bainistíochta le moladh athbhreithnithe go gcuirfí ar fionraí é ar feadh 17 lá.

Rinne tuismitheoirí Ciaran an cinneadh Ciaran a tharraingt amach as an scoil ag an bpointe seo, mar cheap siad nach raibh na tacaíochtaí a bhí ag teastáil uaidh á bhfáil aige. Bhog

Ciaran go scoil lasmuigh dá cheantar áitiúil a bhí deacair taisteal ann. Bhí ar Ciaran a bheith ina chónaí lena sheantuismitheoirí sa chéad bhaile eile le linn na seachtaine ionas gur féidir leis freastal ar an scoil nua. Chuir an scoil nua straitéisí agus tacaíochtaí i bhfeidhm do Ciaran, agus tá sé faoi bhláth sa scoil. Fuair sé roinnt buntáistí as a dhea-

iompar ó shin. Ach, ceapann Ciaran go bhfuil sé deacair gan a bheith ina chónaí lena thuismitheoirí agus tá sé ag iarraidh dul ar ais go dtí an scoil eile le bheith in éineacht lena chairde.

Rinne tuismitheoirí Ciaran gearán foirmeálta leis an scoil, ach dúradh leo nach féidir gearáin a dhéanamh ach amháin faoi scoláirí atá cláraithe sa scoil sin. Rinne siad achomharc in aghaidh sin leis an mBord Oideachais agus Oiliúna (BOO), a bhí ar an

liosta mar bhealach achomhairc maidir le nós imeachta gearán na scoile. Dúirt an BOO le tuismitheoirí Ciaran go raibh botún déanta ag an scoil nuair a chuir siad an BOO ar an liosta mar rogha le haghaidh achomharc a dhéanamh agus sheol siad ar ais iad go Bord Bainistíochta na scoile chun achomharc a

dhéanamh ar a ngearán. Ní bhfuarthas freagra ón mBord.

Dúirt tuismitheoirí Ciaran leis an OCO nár smaoinigh an scoil ar agus níor thacaigh siad le Riachtanais Speisialta Oideachais Ciaran nuair

**10** Tuarascáil Bhliantúil 2022 **Cas-Staidéir**

a chláraigh sé leis an scoil. Dúirt siad go gcuireadh cód iompair na scoile i bhfeidhm ar Ciaran ar an mbealach céanna agus a dhéantar le leanbh nach raibh Riachtanais Speisialta Oideachais acu.

**Cad a Rinneamar**

Scríobhamar chuig an Bord Oideachais agus Oiliúna (BOO) chun réiteach áitiúil a fháil ar an ngearán a spreagadh. Dúirt siad linn gur iarr siad ar an scoil an mheicníocht achomhairc BOO a bhaint dá bpolasaí gearán. Bhuail siad leis na tuismitheoirí agus leis

an scoil as féin, agus rinne siad athbhreithniú ar gach taifead agus polasaí ábhartha. Luaigh an scoil roinnt idirghabhálacha a cuireadh i bhfeidhm chun athrú Ciaran a thacú go dtí an scoil agus dúirt siad go raibh siad tiomanta d’athbhreithniú a dhéanamh ar a bpolasaithe mar chuid den phróiseas Féinmheastóireacht na Scoile (SSE).

**An Toradh**

Níor bhog Ciaran go scoil éagsúil sa deireadh. Chuir an BOO fáilte roimh an deis seo teagmháil a dhéanamh le tuismitheoirí Ciaran mar pháirtithe leasmhara san oideachas. D’aisíoc siad na costais a bhaineann le bogadh scoile le tuismitheoirí Ciaran agus ghabh siad a mbuíochas leo as dul i ngleic leis na fadhbanna a bhí ag Ciaran sa scoil.

Tá polasaithe agus nósanna imeachta na scoile de réir treoracha na Roinne anois, agus comhlíonann an scoil na polasaithe agus nósanna imeachta sin anois.

**Cas-Staidéir** Tuarascáil Bhliantúil 2022

**Moilleanna le Pas Leanaí**

Sa bhliain 2022, fuair an OCO 327 gearán faoi mhoilleanna le hiarratas a dhéanamh ar phasanna céaduaire do leanaí. Tháinig roinnt mhaith de na gearáin sin ó chónaitheoirí i dTuaisceart Éireann. Bhí daoine ag dul i dteagmháil linn ag déanamh gearáin faoi:

* Theip ar Oifig na bPasanna pas(anna) a eisiúint do leanbh (leanaí) laistigh dá dtréimhsí molta féin
* Easpa freagartha ó Oifig na bPasanna ar cheisteanna faoi stádas iarratas a linbh (leanaí)
* Meicníocht gearán easnamhach chun imní faoin seirbhís a lua m.sh. próiseas gearán cóip crua amháin.

Bhí tuismitheoirí a chuaigh i dteagmháil linn trína chéile, mar ní raibh a fhios acu an raibh siad chun pasanna a fháil dá leanaí chun críocha taistil. Ní raibh siad in ann eolas a fháil ó Oifig na bPasanna ach oiread.

**Cad a rinneamar**

Mar gheall ar leibhéal ciaptha a bhí ag teaghlaigh, bhuaileamar le hOifig na bPasanna go luath i mí Meithimh. Luamar na ceisteanna a fuaireamar agus an tábhacht a bhain le teagmháil dhíreach

á déanamh ag Oifig na bPasanna le gearáin chun uasdátú a thabhairt dóibh go pras agus go héifeachtach. D’iarr an OCO go ndéanfar

athbhreithniú chomh luath is a tháinig laghdú ar an riaráiste, mar ní raibh meicníocht ar bith i bhfeidhm d’iarrthóirí gearán foirmeálta a chur isteach maidir leis an seirbhís a fuair siad. Aontaíodh go rachadh Oifig na bPasanna i dteagmháil leis an OCO ar bhonn seachtainiúil.

**An Toradh**

Fuair an OCO uasdátuithe seachtainiúla ó Oifig na bPasanna maidir leis na pasanna a seoladh amach agus iad sin a bhí ar feitheamh mar gheall

ar fhadhbanna le cáipéisí. Chuir go leor gearánach muid ar an eolas go bhfuair siad a bpasanna.

Thugamar faoin bhfadhb maidir le cumarsáid le teaghlaigh a fheabhsú agus tuigimid go bhfuil ráta freagartha 100% ann anois ar gach ceist ar an bhfón nó trí ríomhphost. D’iarramar ar uasdátú

chomh maith maidir leis an mbealach a bhainistíonn Oifig na bPasanna a ngearán anois agus tuigimid

go bhfuil córas nua ar líne le teacht a bheidh i bhfeidhm sa bhliain 2023.

**11**

**Steve – Tusla, An Ghníomhaireacht um Leanaí agus an Teaghlach Déagóirí atá i mBaol**

Is buachaill 14 bliana d’aois é Steve a bhfuil NHEA agus ASD air. Dúirt a mháthair linn gur theip ar Tusla tacaíochtaí riachtanacha agus socrúchán as baile a bhí ag teastáil uaidh mar gheall ar a iompar imníoch a chur ar fáil do Steve.

Mhínigh a mháthair go raibh Steve ina leanbh séimh, ciúin suas le trí bliana ó shin agus bhí sé ag freastal ar oideachas príomhshrutha le tacaíochtaí breise tríd an scoil agus seirbhísí míchumais FSS.

Le cúpla bliain anuas, faraor, d’éirigh Steve foréigneach agus trodach lena theaghlach agus le daoine eile. Stop sé ag freastal ar scoil agus lá i ndiaidh lae, chodail sé amuigh ar na sráideanna, áit ina raibh sé gan chosaint ó fhírinní an óil, drugaí, foréigin, féindochair agus dúshaothrú gnéasach. Tháinig Steve ar aire na seirbhísí andúile, CAMHS, na nGardaí agus na gCúirteanna. Rinneadh roinnt fógraí um chosaint agus leas leanaí le Tusla ag na seirbhísí sin agus faoi chúinsí Steve.

**Cad a rinneamar**

Chuamar i dteagmháil go foirmiúil le Tusla thar ceann Steve agus a mháthair agus dúradh linn go raibh an ghníomhaireacht ag obair go gníomhach leis an gcás seo agus thionóil siad “Meitheal”, cur chuige atá ann chun leanaí

a chabhrú a bhfuil tacaíocht ó níos mó ná seirbhís amháin ag teastáil uathu. Cuireadh in iúl dúinn, áfach, gur chuireaspa suímh slán sábháilte ar féidir lóistín a thabhairt do Steve, áit ar féidir a riachtanais a mheas agus dul i ngleic leo, bac ar iarrachtaí chun idirghabhálacha agus tacaíochtaí a chur ar

fáil. Mhol Tusla nach mbeadh cúram altrama ná cúram cónaithe mar shocrúcháin chuí do Steve mar gheall ar a iompar, ach gur diúltaíodh d’iarratas ar Chúram Speisialta.

Mhol Tusla gur cheart Steve a chur ina chónaí in óstáin agus ó am go ham in “Airbnbs”.

D’fhan sé i stáisiúin Gardaí agus i Seomraí Éigeandála in ospidéil chomh maith, mar gheall ar a chúinsí anordúla.

**Toradh**

D’aontaigh Tusla gur cheart dul i ngleic le himní mháthair Steve faoina mheicníocht láimhseála gearán, “Abair Linn” ionas gur féidir le Tusla machnamh a dhéanamh ar an mbealach a chuathas i ngleic leis an gcás go dtí seo. Bhí siad ag iarraidh a fheiceáil cad a d’fhéadfadh siad a fhoghlaim ón gcás agus aon teip a aithníodh a chur ina cheart.

**Déagóirí atá i mBaol**

Níl cúinsí Steve ar leith, faraor. D’fhoghlaim ár n-Oifig faoi leanaí eile a bhfuil riachtanais chomh casta acu go bhfuil bainistíocht agus comhordú cúramach idir seirbhísí ag

teastáil uathu, áit ar féidir teacht ar mhaoiniú go héasca i gcásanna éigeandála. Tá aithne againn ar na leanaí sin trínár n-oifig gearán agus ónár n-obair for-rochtana i gCampas Coinneála Leanaí Bhaile an Oibricigh. Tá aithne againn orthu chomh maith ó na tuarascálacha ar an Tionscadal Tuairiscithe

um Dlí an Chúraim Leanaí, an Painéal Náisiúnta Athbhreithnithe agus an Rapóirtéir Speisialta maidir le Cosaint Leanaí. Is leanaí iad seo

ar bhain tráma dóibh le linn a n-óige agus bíonn siad ag streachailt mar dhéagóirí. Is minic a dhéantar dúshaothrú gnéasach orthu, bíonn siad sa chóras dlí coiriúil mar

dhéagóirí, bíonn siad faoi chúram speisialta mar gheall ar a n-iompar fiontraíochta

féin, déantar dúshaothrú coiriúil orthu ag dronganna cóiriúla agus d’fhág siad an scoil gan cáilíochtaí.

As ár dtaithí féin, is iad seo a leanas na téamaí coitianta atá feicthe againn:

1. Ní féidir le tuismitheoirí, go háirithe máithreacha, seirbhís a aimsiú chun a leanbh a choinneáil sábháilte. Léiríonn na leanaí seo iompar foréigneach lena dtuismitheoirí agus daoine eile sa bhaile.
2. Bhí cuid de na leanaí seo curtha isteach agus amach as cúram Tusla trí shocrúcháin dheonacha a shínigh a dtuismitheoirí. Is minic a bhriseann na socrúcháin seo síos go tapa, áfach, agus d’fhéadfadh an leanbh a bheith ina chónaí i lóistín do dhaoine gan dídean.

**12** Tuarascáil Bhliantúil 2022 **Cas-Staidéir**

1. Le déanaí, fuaireamar amach nach bhfuil an dóthain socrúchán cónaithe agus cúraim speisialta ann, agus dúirt Tusla linn go gcuirtear leanaí i lóistín neamhrialaithe go minic, ar nós óstáin, Airbnb nó tithe leaba agus bricfeasta agus baill foirne na gníomhaireachta curtha ar an láithreán.
2. Ní féidir le roinnt mhaith daoine óga a bhfuil deacrachtaí meabhairshláinte orthu agus nach bhfuil socrúchán seasmhach acu, rochtain a fháil ar sheirbhísí ar nós CAMHS nó cúram príomhúil.
3. Is minic a chuireann na tuismitheoirí glaoch ar na Gardaí maidir le iompar foréigneach duine óig. Is beag is féidir leis na Gardaí a dhéanamh sna cásanna seo, go háirithe nuair atá fadhbanna meabhairshláinte i gceist. Cuireadh sé sin in iúl le déanaí ag taighde ón Údarás Póilíneachta.

I mí na Nollag 2022, d’óstáil an OCO comhrá comhstádais chun freagraí féideartha idir-rannacha agus tras-seirbhíse a mheas don ghrúpa seo de dhéagóirí ata i mbaol riosca. Thacaigh na Ranna Leanaí, Sláinte, Dlí agus Cirt agus Oideachais leis

an imeacht seo. Bhí bainisteoirí agus ionadaithe sinsearacha comhlachtaí reachtúla agus gníomhaireachtaí nach ón Rialtas i láthair. Leanann an obair seo ar aghaidh sa bhliain 2023, mar gheall ar ár n-imní leanúnach maidir leis an ngrúpa leanaí seo.

**Tuilleadh critéar do thuismitheoirí aonair gan dídean – Tithíocht Údaráis Áitiúil**

Le linn na bliana, fuaireamar roinnt gearán faoi Údarás Áitiúil ag cur critéir bhreise agus mhíchothroma i bhfeidhm ar thuismitheoirí aonair a bhí ag lorg tithíochta. I ngach

cás, diúltaíodh lóistín éigeandála do na tuismitheoirí, mar bhí siad ina gcónaí le duine muinteartha agus níor thug siad suas a dtionóntacht. Is éard a bhí i gceist leis an bhfadhb ná ní raibh na tuismitheoirí aonair

seo mar thionóntaí na dtithe seo agus níorbh fhéidir leo an tionóntacht a thabhairt suas.

Is minic go raibh barraíocht daoine sna tithe seo agus dá bhrí sin, ní raibh siad oiriúnach do leanaí óga, agus bhí clistí i gcaidrimh

teaghlaigh agus bhog na tuismitheoirí amach mar thoradh air sin.

Chomh maith leis sin, bhreathnaigh sé go raibh an t-Údarás Áitiúil ag cur critéir bhreise i bhfeidhm chun an tairseach ar easpa dídine a chomhlíonadh dóibh siúd a chuir iad féin i láthair mar dhaoine gan dídean.

**Cad a rinneamar**

Tháinig na gearáin sin ó ionadaí a oibríonn le heagraíocht a chuireann seirbhísí comhairle dlí saor in aisce ar fáil. Réitigh na gearáin sin a thug siad chun cinn tríd an gcóras Cúirte, ach bhí fonn ar an ionadaí a imní a chur in iúl

dúinn maidir leis na critéir bhreise a cuireadh i bhfeidhm ar theaghlaigh a bhí gan dídean.

Bhuaileamar leis an Údarás Áitiúil i mí Dheireadh Fómhair 2022 chun an t-ábhar seo a phlé, chomh maith le plé a dhéanamh ar na hacmhainní atá ann cheana do lóistín éigeandála agus tithíocht a chur ar fáil sa cheantar.

Dúirt siad linn go raibh an beartas ar na critéir bhreise faoi athbhreithniú agus ní raibh sé

in úsáid idir an dá linn. Dúirt siad go raibh an beartas mar a bhí sé ag teacht ó easpa

treoirlínte rialaithe chun lóistín éigeandála do dhaoine gan dídean a chur ar fáil, chomh maith le heaspa soláthair tithíochta chun lóistín a chur a fáil dóibh siúd ar an ngannchuid. Cheap an t-Údarás Áitiúil go raibh siad faoi bhrú aisteach an cás a bhainistiú gan acmhainní

ar bith agus éileamh ag dul i méid i gcónaí. D’aontaigh siad, áfach, go gcuireadh na critéir bhreise i bhfeidhm gan údarás cuí agus ní úsáidfeadh siad as seo amach.

**Toradh**

Leasaigh an t-Údarás Áitiúil a bheartas maidir le lóistín a chur ar fáil do dhaoine gan dídean agus bhain siad na critéir cháilithe bhreise. Cé nach bhfuil an fhadhb easpa dídine socraithe aige seo go ginearálta, nó an fhadhb lóistín éigeandála do dhaoine gan dídean atá os comhair leanaí agus teaghlaigh, ciallaíonn sé nach mbeidh ualaí riaracháin á chur orthu siúd gan dídean.

**Cas-Staidéir** Tuarascáil Bhliantúil 2022 **13**

**John – Díolúintí Gaeilge**

I mí Bealtaine 2022, chuaigh tuismitheoirí John, 16 bliana d’aois, i dteagmháil linn a bhí buartha faoi shláinte agus oideachas a

mic mar gheall ar thionchar diúltach a d’imir staidéar na Gaeilge air. Bheartaigh scoil John agus an Coiste Achomhairc um Dhíolúintí

ón nGaeilge nach raibh sé incháilithe do dhíolúine ón nGaeilge, in ainneoin a dhiagnóis ASD agus tuarascálacha agus moltaí gairmí ar a shon sin.

Tá imní throm ar John agus imríonn sé sin tionchar ar a chumas freastal ar scoil. Mar thoradh air sin, cuireadh John ar chlár ama laghdaithe ón tríú bliain ar aghaidh, agus lig an scoil dó gan an Ghaeilge a dhéanamh don bhliain sin. Le linn na hama seo, bhí John in ann teacht suas chun dáta le hábhair eile agus tháinig feabhas ar a thinreamh ar scoil. Chiallaigh sé sin, áfach, go mbeadh John níos faide siar sa churaclam dá mbeadh air staidéar a dhéanamh ar an nGaeilge don sraith shinsearach.

Ciallaíonn diagnóis ASD John go bhfuil deacrachtaí próiseála céadfach aige, agus mar thoradh air sin, bhí sé trína chéile agus cuireadh bac ar a chumas déileáil le suíomh na scoile.

Tá fadhb shláinte ag John chomh maith agus d’imir sé sin tionchar diúltach air maidir lena thinreamh ar scoil agus d’imir an bhainistíocht péine tionchar ar a chumas díriú ar obair scoile. Mhínigh gairmithe é sin agus léirigh siad gur ghéaraigh sé ar an bpian tríd an imní breise a bhí ar John mar gheall ar staidéar na Gaeilge.

Chomh maith leis sin, bhí moill ar feadh i bhfad ag John maidir le Measúnú ar Riachtanais a fháil, mar gheall ar liostaí

feithimh. Dá mba rud é go bhfuair John a dhiagnóis laistigh de na tréimhsí a bhíothas ag súil leo, gheobhadh sé díolúine ón nGaeilge faoi na cúinsí atá leagtha amach sa Chiorclán Díolúintí ón nGaeilge ag an am.

Mhol gairmithe cliniciúla go mbainfeadh John leas as rochtain ar aonad ASD, ach níl aonad ASD ina scoil. Dá mbeadh an cás mar sin, gheobhadh John díolúine faoin gCiorclán

0053/2019. Creideadh, áfach, go mbeadh níos mó imní ar John dá mba rud é go gcláraíodh é i scoil speisialta nó scoil le haonad ASD.

**Cad a Rinneamar**

Scríobhamar chuig an Roinn Oideachais agus léiríomar cúinsí eisceachtúla chás John agus an bealach a imríodh tionchar suntasach ar leanaí cosúil le John trí chritéir agus srianta diana an Chiorcláin 0053/2019.

Chuireamar an cheist seo a leanas; cén chaoi a gcuireann an Roinn cásanna mar seo san áireamh; nuair atá diagnóis ASD mall

i gceist agus/nó easpa Aonaid ASD, agus in ainneoin iarrachtaí is fearr an iarrthóra, ní fhreastalaítear orthu laistigh de chritéir

cháilithe an Chiorcláin. Cheapamar go raibh sé seo ábhartha i bhfianaise na moilleanna atá ann do leanaí maidir le rochtain a fháil ar mheasúnú ar riachtanais.

Thug an Roinn faoi deara nár chuir John isteach ar, nó nár cuireadh ar an liosta feithimh é, le haghaidh clárú sa rang nua i scoil speisialta a bhí le hoscailt sa chéad scoilbhliain eile. Dúirt siad chomh maith, más rud é go glacadh le John le clárú sa scoil, tá an rang faoi riarachán Príomhoide éagsúil. Dúirt siad go bhféadfaí nach mbeadh sé oiriúnach do Phríomhoide a scoile reatha cinneadh

a dhéanamh maidir le soláthar oideachais scoláire i scoil eile.

Chomh maith leis sin, dúirt an Roinn;

*“Más rud é nach bhfuil na tuismitheoirí ag iarraidh go mbogann ‘John’ go dtí an scoil, nó mura bhfuil áit oiriúnach/ar fáil ann, ba cheart iad a chur ar an eolas nach bhfuil riachtanas ann tabhairt faoi scrúdú Gaeilge nó pas a fháil ann chun Ardteistiméireacht a bhaint amach……mar atá le haon scrúdú*

*na hArdteistiméireachta, is féidir le hiarrthóir cinneadh a dhéanamh gan tabhairt faoin scrúdú san ábhar sin. Dá mba rud é go raibh John chun tabhairt faoi staidéar na Gaeilge mar ábhar neamhscrúdaithe, d’fhéadfadh go dtiocfaidh laghdú ar an mbrú agus imní atá air agus bainfidh a staidéar ar na hábhair eile leas as.”*

**14** Tuarascáil Bhliantúil 2022 **Cas-Staidéir**

Ní rabhamar sásta leis an staid seo agus bhí imní orainn faoi dhoichte scéime nár ghlac cur chuige bunaithe ar an leanbh agus nár smaoinigh ar leas an linbh. Níor cheapamar ach an oiread gur réiteach sách maith a bhí ann a rá le leanbh gan freastal ar scrúdú, ach na ranganna sin fós ina chlár ama.

**Toradh**

Ina dhiaidh sin, bhuail an OCO leis an Roinn Oideachais maidir le hathbhreithniú ar an gCiorclán Díolúintí ón nGaeilge 0053/2019.

Dúirt an Roinn gur bhain an chuid is mó de na fadhbanna a tháinig chun cinn le linn a phróisis athbhreithnithe le leanaí le riachtanais speisialta oideachais acu agus an mheicníocht achomhairc. Dúradh linn gur phléigh an ciorclán athbhreithnithe

le leasanna is fearr gach linbh ar intinn. Aithníodh catagóir nua agus cuireadh i bhfeidhm í:

*“Leanaí le riachtanais iomadúla agus leanúnacha – baineann an chatagóir seo le leanaí a bhfuil bacainní acu maidir le rochtain a fháil ar oideachas agus nach mbaineann siad le catagóir dhiagnóiseach.*

*Tá sé mar aidhm ag an gcatagóir nua seo a bheith cóir cothrom agus níl sé bunaithe ar scileanna teanga an linbh ach oiread. Cruthaíodh an chatagóir seo le prionsabail lánpháirtíochta agus comhionannais ar intinn.*

*Tiocfaidh an fhianaise maidir le díolúine a fháil faoin gcatagóir seo ó shonraí bunaithe ar an scoil agus áireofar leis fianaise ar nós pleananna tacaíochta foghlama agus socruithe sprice. Déanfar cinntí i gcomhpháirtíocht le tuismitheoirí/ caomhnóirí agus an leanbh.*

Cuirimid fáilte roimh mhachnamh ar leas linbh mar chuid dá gciorclán athbhreithnithe nua agus tá súil againn go gcabhróidh sé le leanaí eile cosúil le John.

**Cas-Staidéir** Tuarascáil Bhliantúil 2022 **15**

**Chloe – Tacaíocht CAMHS ag teastáil i ndiaidh na paindéime**

Bhí géarchéim meabhairshláinte ag Chloe, a bhí 10 mbliana d’aois nuair a thosaigh an

phaindéim Covid 19, agus bhí an ghéarchéim seo mar thoradh ar an bpaindéim. Bhí imní trom uirthi, oibseisiún le sláinteachas agus an-eagla uirthi roimh ionfhabhtú ar dtús.

Dúirt tuismitheoirí Chloe linn nach raibh siad buartha faoi mheabhairshláinte Chloe roimhe sin. Nuair a tháinig fadhbanna Chloe chun cinn, lorg a theaghlach tacaíocht

meabhairshláinte dí agus cuireadh ar aghaidh í chuig an bhfoireann CAMHS áitiúil. Chuaigh meabhairshláinte Chloe in olcas go tapa, faraor; tharraing sí siar go hiomlán ó shaol an teaghlaigh, d’éirigh sí trodach nuair a rinne a thuismitheoirí iarracht í a spreagadh rud éigin a dhéanamh. Stop sí ag ithe, chaill símeáchan go tapa, níor thug sí aire ar a fhéinchúram agus d’éirigh sí neamhchoinneálach. Cuireadh Chloe ar réim cógas frith-imní ag CAMHS, ach ba chosúil gur éirigh sí níos measa leis.

I mí Mheán Fómhair 2020, chuaigh teaghlach Chloe i dteagmháil leis an OCO. Tógadh isteach in ospidéal meabhairshláinte í i mí Lúnasa 2020 faoi chúram Péidiatraí, mar gheall ar a chailleadh meáchain tapa. Bhí sí andúshlánach d’fhoireann an ospidéil Chloe a bhainistiú; dhiúltaigh sí dá n-iarrachtaí cúram leighis a chur uirthi agus tharraing

sí buille ar bhaill foirne. Ní raibh aon rogha fágtha ag na baill foirne ach Chloe a bheathú trí phróiseas darbh ainm beathú gastrach sróine. Is éard atá i gceist leis seo ná feadán speisialta a chur isteach tríd an srón isteach sa bholg. Caithfear í seo a dhéanamh faoi thámhú. Dúirt teaghlach Chloe linn nach raibh aon idirghabháil síceolaíochta á fháil aici nuair a bhí sí san ospidéal agus ba chosúil go mbeadh uirthi taisteal go dtí an RA le haghaidh cóireáil othar cónaitheach

a fháil, mar dúradh leo nach raibh cóireáil othar cónaitheach ar fáil in Éirinn do leanbh a aoise. Bhí teaghlach Chloe ag déanamh a míle dícheall cóireáil chuí a fháil agus cé nach raibh siad ag iarraidh taisteal thar lear, go háirithe le linn paindéime, rachadh siad mura raibh aon rogha eile acu.

Go déanach i mí Mheán Fómhair, bhí frithghníomh trom ag Chloe in aghaidh an chógais támhaíoch a ordaíodh dí, agus

d’éiligh sí athrú go dtí an t-aonad dianchúraim ag Sain-ospidéal Péidiatrach. Ní raibh plean i bhfeidhm fós chun cóireáil meabhairshláinte othar cónaitheach a chur ar fáil do Chloe.

Diúltaíodh d’iarratas do Chloe ar an Scéim Cóireála Thar Lear agus fuair athuismitheoirí litir a rá go raibh an tseirbhís sláinte ag breathnú uirthi a thabhairt isteach ina aonad CAMHS áitiúil. Bhí tuismitheoirí Chloe trína chéile mar dúradh leo roimhe sin gur cuireadh ar aghaidh íchuig an aonad seo faoi dhó

agus níor thuig siad conas a d’fhéadfadh an tseirbhís a bheith ag tabhairt faoi rogha do Chloe gan í a phlé leo.

Fuair Chloe leaba in ionad othar cónaitheach faofa ag CAMHS, in áit eile sa tír. Cé go raibh tuismitheoirí Chloe sásta nach raibh orthu taisteal thar lear chun cóireáil a fháil, níor thuig siad conas a d’eagraigh siad í seo, mar dúradh leo roimhe sin nach raibh an t-aonad sin in ann Chloe a ghlacadh. Bhain Chloe leas as an gcúram a fuair sí san ionad agus rinne sí dul chun cinn go tapa. Bhí sí in ann filleadh abhaile don Nollaig agus scaoileadh í go foirmiúil ón ionad faofa go déanach i mí na Nollag 2020.

**Ár ngníomhú**

Cé go raibh dul chun cinn iontach déanta ag Chloe agus nach raibh cóireáil othar cónaitheach ag teastáil uaidh a thuilleadh, dúirt a theaghlach linn go raibh siad fós ag iarraidh go mbreathnóimis ar a ngearán, mar bhí siad an-mhíshásta leis an gcaoi a láimhseáil an FSS a chás.

Bhí imní ar mháthair Chloe go mbeadh na bacainní céanna ag leanbh eile faoi bhun 12 bhliain d’aois a bheadh ag lorg cóireáil othar cónaitheach maidir le rochtain a fháil ar chúram.

Bhí imní orainn faoi láimhseáil a cháis ag an bhfoireann CAMHS áitiúil agus an

bealach a rinneadh atreoruithe a láimhseáil ag na haonaid CAMHS áitiúla. Dúirt na seirbhísí meabhairshláinte áitiúla linn gur

**16** Tuarascáil Bhliantúil 2022 **Cas-Staidéir**

gné shuntasach a bhí san easpa foirne idirghabhála ildisciplíneach CAMHS iomlán maidir leis an mbealach a rinneadh cás Chloe a láimhseáil. Tugadh eolas faoi roinnt gnéithe a chuir leis an aonad CAMHS áitiúil gan a bheith in ann Chloe a ghlacadh, lena n-áirítear:

* Bhí ceist ann an raibh an glacadh isteach éilithe mar gheall ar an tuairim go raibh tuilleadh measúnaithe ag teastáil ó Chloe mar gheall ar noda féideartha ASD agus an gá le tuilleadh tástálacha leighis chun cúis orgánach fhéideartha ar a theacht i láthair a chur as áireamh.
* Bhí Chloe á bheathú trí fheadán gastrach sróine agus ní raibh an t-ionad a bhí faofa ag an CAMHS in ann í seo a éascú.
* Ba ghné a bhí in aois Chloe, agus leagan amach an ionaid thar barda amháin, ní bheadh siad in ann leanaí níos óige a scaradh ó dhéagóirí níos sine, a bhí mar an bpróifíl aoise tipiciúil a freastalaíodh orthu san ionad.

Thug freagra an CAMHS faoi deara, chomh luath is a raibh sé soiléir nach mbeadh an

t-ionad CAMHS d’othair chónaitheacha in ann Chloe a ghlacadh, cuireadh plean i bhfeidhm chun seirbhís foirne ildisciplíneach a chur

ar fáil do Chloe san ospidéal. Níor tharla sé sin, mar athraíodh Chloe go dtí an t-aonad dianchúraim agus glacadh isteach í níos déanaí san aonad CAMHS i réigiún eile.

Ní dhearnadh aon iarracht aird a tharraingt ar chás Chloe ar leibhéal náisiúnta ionas gur féidir aonad CAMHS d’othair chónaitheacha

eile a chuir beathú gastrach sróine ar fáil chun Chloe a thógáil faoina chúram, in ainneoin áitíochta d’aonaid CAMHS ag an am, ag léiriú go raibh acmhainn ann. Is cosúil go raibh a ndiúltuithe bunaithe go príomha ar an bhfáth nach raibh sé ina chónaí sa cheantar.

Chuir an fhoireann Náisiúnta Oibríochtaí Meabhairshláinte imní comhchosúil in iúl, mar bhí cuid dá ról chun cruinniú seachtainiúil a thacú le stiúrthóirí cliniciúla na ceithre aonad ar fad maidir le hatreoruithe a bhainistiú don chúram othar cónaitheach.

**Cas-Staidéir** Tuarascáil Bhliantúil 2022

Le linn ár n-imscrúdaithe, dúradh linn:

* Bhí leibhéal níos ísle áitíochta in aonad CAMHS i gceantar Chloe ná a bhí sna haonaid eile.
* Ní ghlacann an t-aonad seo le leanaí faoi bhun thart ar 13 bliana d’aois. cé nach bhfuil teorainn ar an aois in aon aonad eile nó i mbeartas.
* Tá drogall ann ó thaobh aonad CAMHS áitiúil Chloe cásanna casta a ghlacadh agus ní raibh an FSS in ann mórán a dhéanamh faoi. Tá sé sin mar thoradh ar an gcinneadh atreorú a ghlacadh nó a dhiúltaigh do shosanna cóireála othar cónaitheach leis an síciatraí comhairleach atá freagrach as gach aonad.
* Bhí drogall ar aonaid CAMHS i réigiúin eile atreoruithe a ghlacadh ó réigiún Chloe i gcúinsí ina raibh leabaí CAMHS d’othair chónaitheacha folamh laistigh den réigiún.

Dhírigh ár imscrúdú ar:

* 1. Áirítear le pleanáil, comhoibriú agus soláthar seirbhísí tráthúil do Chloe ag an FSS CAMHS Pobail agus CAMHS caidrimh.
  2. An bealach a rinneadh riachtanas aitheanta Chloe maidir le glacadh isteach i gcúram othar cónaitheach a láimhseáil, agus an bealach a leanadh treorach agus beartas náisiúnta FSS a chur san áireamh agus an bealach a

rinneadh leas is fearr do Chloe a mheas.

* 1. Cáilíocht na cumarsáide le Chloe agus a thuismitheoirí maidir lena chúram.
  2. Maoirseacht ar an FSS ar leibhéal náisiúnta agus áitiúil maidir le fáil agus rochtain ar chóireáil othar cónaitheach CAMHS i gcás ar leith an linbh seo agus aird mar is cuí ar leanaí eile a d’fhéadfadh deacrachtaí a bheith

acu rochtain a fháil ar chóireáil othar cónaitheach.

**17**

Mar fhreagra, ghlac an FSS leis an gciapadh a bhí ar theaghlach Chloe, mar gheall

ar chumarsáid agus comhroinn eolais easnamhach agus ghabh siad a leithscéal leo.

Thug an fhreagra ón FSS le fios go raibh céimeanna suntasacha á thógáil le foghlaim ó chás Chloe.

* + 1. Forbraíodh svuít díghéaraithe ar leith san aonad othar cónaitheach áitiúil agus tá sé faoi lán seoil anois. Mar sin, is féidir leis an ionad spás leis féin ón gcuid eile den ghrúpa a chur ar fáil do leanbh amháin anois. Ciallaíonn sé sin go bhfuil acmhainn ann anois cúram a thabhairt do leanbh níos óige.
    2. Tá an FSS i mbun próisis faoi láthair stádas cláraithe an aonaid othar cónaitheach CAMHS áitiúil a athrú leis an gCoimisiún Meabhairshláinte ó 13-18 mbliana d’aois, go suas go 18 mbliana d’aois, gan teorainn ar an aois níos ísle, chun ligean dóibh leanaí níos óige a ghlacadh i gcásanna eisceachtúla, nuair is gá.
    3. Bhí cruinnithe rialta ag dul ar aghaidh leis an bhfoireann péidiatraice ag an ospidéal géar-leighis áitiúil maidir leis an mbealach is fearr cásanna a

láimhseáil ina bhfuil fadhbanna leighis agus meabhairshláinte i gceist agus tá seisiúin chliniciúla seachtainiúla rialta imfhálaithe anois ag Péidiatraic don aonad othar cónaitheach CAMHS. Ciallaíonn sé sin nach gá do leanbh fanacht mar othar cónaitheach faoi chúram péidiatrach go huathoibríoch nuair atá tástálacha leighis ag teastáil agus má tá siad láidir go leor, is féidir tástálacha leighis a dhéanamh orthu chomh luath agus a bogann siad go aonad othar cónaitheach CAMHS.

* + 1. Tá sé de dhíth ar CAMHS clúdach neamh-chomhairleacha ospidéil (NCHD) síciatrach ar glao-dhualgas a chur ar

fáil don ospidéal géar-leighis agus an t-aonad othar cónaitheach CAMHS. Tá an róta glao-dhualgais NCHD faoi lán seoil arís.

* + 1. Rinneadh iarrachtaí suntasacha chun seirbhís CAMHS idirghabhála a cuireadh ar fáil d’ospidéil leighis sa réigiún a bhunú, foireann a sholáthar dó agus a oibríochtú. Tá Síciatraí Comhairleach lánaimseartha a bhfuil taithí idirghabhála CAMHS acu atá i gceannas ar an bhfoireann anois. Ceapadh Altra Speisialtóir Cliniciúil agus tá cistiú ann d’oibrí sóisialta. D’fhorbair caidrimh fheidhmiúla chomhoibríocha idir an tseirbhís CAMHS idirghabhála agus an fhoireann phéidiatrach.
    2. Tá síceolaí faighte ag an bhfoireann péidiatraice anois ag an ospidéal leighis atá ar fáil chun ionchur ar chásanna a chur ar fail nuair atá comhghalracht meabhsairshláinte / leighis i gceist.
    3. Bhí comhráite fairsinge ag dul ar aghaidh le hullmhú do thabhairt isteach beathú gastrach sróine ag an aonad CAMHS áitiúil, nuair is gá. Cuireadh muid ar an eolas, cé go mbaineann ceangaltas leis seo, tá beathú gastrach sróine a éascú go rathúil bunaithe ar roinnt príomhthacaíochtaí a bheith

i bhfeidhm, lena n-áirítear seirbhís diaitéitice a sholáthar, atá faighte le déanaí, agus uasoiliúint a dhéanamh ar an bhfoireann altranais.

Bhuail bainistíocht meabhairshláinte FSS le tuismitheoirí Chloe agus sheol siad litir

leithscéil scríofa dóibh ina dhiaidh sin. Bhí sé sin an-chabhrach do thuismitheoirí Chloe.

Bhí am acu dul tríd na fadhbanna go léir a bhí acu leis an tseirbhís agus mhothaigh siad gur éisteadh leo i gceart.

**Toradh**

Chuireamar na fadhbanna seo a leanas in iúl don FSS:

**Rochtain ar Bheathú Gastrach-Sróine**

I gcás nach bhfuil beathú gastrach sróine ar fáil i ngach aonad othar cónaitheach CAMHS, spreagaimid an FSS go láidir céimeanna a thógáil lena chinntiú nach bhfuil aon

**18** Tuarascáil Bhliantúil 2022 **Cas-Staidéir**

bhacainní ann maidir le glacadh isteach othar lasmuigh den cheantar i gcúinsí ina bhfuil an idirghabháil seo ag teastáil ó leanbh.

**Rochtain ar leabaí d’othair chónaitheacha / conairí atreoraithe CAMHS**

Spreagann an OCO an FSS ar leibhéal náisiúnta tabhairt faoi athbhreothniú/ iniúchadh cliniciúil maidir le atreoruithe aonad CAMHS othar cónaitheach, ionas go gcinnteofar go bhfuil an leas is fearr do leanaí mar an rud is tábhachtaí. Ba cheart go mbeadh athbhreithniú san áireamh leis seo ar ról na Foirne Náisiúnta Oibríochtaí

Meabhairshláinte mar bhainisteoir leapacha lárnach tacú le hiontrálacha ar na ceithre aonad ar fad agus ba cheart a chinntiú nach diúltaítear glacadh isteach d’aon leanbh

ar chúiseanna neamh-chliniciúla i gcúinsí ina bhfuil leapacha ar fáil. D’fhéadfadh sé seo cuid den athbhreithniú ar Threoirlínte Oibriúcháin CAMHS a chruthú mar atá molta ag an athbhreithniú Maskey nó

is féidir tabhairt faoi mar athbhreithniú neamhspleách.

**Idirghabhálaí Seirbhíse CAMHS**

Spreagann an OCO FSS go náisiúnta acmhainní a chur ar fáil chun foireann a chur ar fáil don fhoireann CAMHS Idirghabhála..

Táimid sásta le cloisteáil ó thuismitheoirí Chloe, cé go bhfuil imní fós air, tá biseach mór tar éis teacht air, tá sí ag freastal ar scoil agus tá dul chun cinn maith á dhéanamh aige ngach réimse a shaoil. Tá súil againn go gcabhraíonn an cás seo le leanaí eile amach anseo.

**19 Cas-Staidéir** Tuarascáil Bhliantúil 2022 **19**

**Aisling – Foréigean Gnéasach sa Scoil**

**Cúlra**

Chuir tuismitheoirí Aisling, le tacaíocht ó ionadaí, gearán faoi bhráid an OCO maidir le fadhbanna dáiríre a bhí aici ar scoil.

Ní raibh Aisling sásta faoin mbealach a chaith a meánscoil léi nuair a d’inis siad leo gur fhulaing sí drochúsáid ghnéasach ag scoláire eile.

Mhínigh sí dúinn:

* Dhírigh an scoil ar a nochtadh mar fhadhb iompair ag an scoláire a bhí i gceist.
* Mhothaigh sí go raibh sí freagrach as an méid a tharla mar gheall ar an scoil agus bhí uirthi páirt a ghlacadh i bpróiseas ceartais aisiríoch agus cruinniú leis an scoláire a bhí i gceist.
* Lean an t-iompar maslach ar aghaidh agus thug an scoil freagra air seo agus nochtadh eile ag scoláirí faoin scoláire céanna
* Rinneadh bulaíocht uirthi ag scoláirí eile a bhí ar an eolas go ndearna sí tuairisciú ar an méid a tharla.
* Ní raibh sí sásta leis na céimeanna smachtaithe a rinne an scoil.

Scríobh ionadaí Aisling chuig an scoil thar ceann Aisling agus a tuismitheoirí. Leag sé amach imní Aisling, ach chomh maith leis sin, d’iarr sé ar an scoil breathnú ar an mbealach a úsáideadh a pholasaí agus nósanna imeachta cosanta agus leasa leanaí.

**Cad a rinneamar**

Chuamar i dteagmháil leis an scoil agus chuireamar imní Aisling faoina bhráid. Thugamar an deis don scoil fadhbanna nár tugadh fúthu a réiteach. Ní raibh muid sásta leis an bhfreagra agus mar sin, sheolamar imscrúdú.

**Toradh**

Fuaireamar go raibh an scoil faillitheach agus theip air an leas is fearr d’Aisling a thacú, nuair nach ndearna siad tagairt dá pholasaí cosanta leanaí go pras agus gan teagmháil a dhéanamh le TUSLA.

Fuaireamar nár chomhlíon an cinneadh próiseas ceartais aisiríoch a dhéanamh an caighdeán cúraim a bhí tuilte ag Aisling.

Tharla an próiseas ceartais aisiríoch gan tuismitheoirí Aisling a chur ar an eolas, gan polasaí taobh thiar de agus thug sé

neamhaird nó gannmheas ar cé chomh dáiríre is a bhí an nochtadh seo agus na fiosrúcháin a bhí tar éis tarlú cheana féin. Níor cuireadh an leas is fearr d’Aisling san áireamh ar bhealach sásúil nó ní dhearnadh aon ghníomh ina leith. Níor chuir gníomhartha nó cinntí na scoile tionchar na bhfadhbanna nó an phróisis ar Aisling san áireamh i gceart.

Molaimid an méid seo a leanas:

* Gabhann an scoil a leithscéal le hAisling agus cuireann siad gach rud a d’fhoghlaim siad sa phróiseas in iúl.
* Tá an Bord Bainistíochta ag lorg tacaíocht agus comhairle shonrach lena chinntiú go léiríonn a pholasaithe dea- chleachtas sa réimse seo.

**20** Tuarascáil Bhliantúil 2022 **Cas-Staidéir**

Nuair a ghabh an scoil a leithscéal le hAisling, d’admhaigh siad;

* Go raibh an bealach a chuaigh siad i ngleic le líomhain Aisling go hiomlán míchuí.
* Bhí an scéal an-dáiríre agus bhí ionsaí gnéasach i gceist leis, agus ba chóir go mbeadh na Gardaí agus Tusla curtha ar an eolas faoi i bhfad níos luaithe.
* Go raibh an cruinniú scoile le hAisling agus an scoláire gan cead ó

thuismitheoirí Aisling thar a bheith do- ghlactha agus níor cheart gur tharla sé.

* Theip ar an scoil a pholasaí cosanta leanaí a úsáid anseo a bhí i bhfeidhm ag an am.

Rinne an scoil athbhreithniú fairsing ar a pholasaithe agus nósanna imeachta bunaithe ar a chleachtadh machnaimh, an t-ionchur ón OCO agus a dhualgais faoin dlí. Chonacthas an fhadhb maidir le foréigean gnéasach

i scoileanna agus an bealach a théitear i ngleic leis i roinnt mhaith gearán a fuair an OCO. Chuireamar an fhadhb seo faoi bhráid na Roinne Oideachais agus mholamar go dtéitear i ngleic leis mar chuid den bheartas Frithbhulaíochta nua.

**21 Cas-Staidéir** Tuarascáil Bhliantúil 2022

Tuarascáil Bhliantúil 2022 **Cas-Staidéir 21**

**3**

### Tuairisciú ar chur i bhfeidhm Choinbhinsiún na Náisiún Aontaithe um Chearta an Linbh ag Éirinn

Le linn na bliana 2022, lean an OCO lenár rannpháirtíocht fhairsing leis an monatóireacht thréimhsiúil agus an próiseas tuairiscithe a bhaineann le cur i bhfeidhm Choinbhinsiún na Náisiún Aontaithe um Chearta an Linbh in Éirinn. Áirítear lenár ngníomhaíochtaí:

* Ag obair le Painéal Comhairleach na nÓige (YAP) OCO chun Codanna Dínn a ghiniúint, tuarascáil leanaí a chuaigh i gcomhairle le os cionn 5,000 leanbh.
* Tuarascáil chuimsitheach mhalartach a ghiniúint do Choiste na NA um Chearta an Linbh, a chuir na réimsí imní in iúl agus a rinne moltaí maidir le gníomhartha nach mór don Stát a

ghlacadh chun cur i bhfeidhm chearta an linbh a chur chun cinn, agus

* Ag taisteal go dtí an Ghinéiv le YAP i mí Mheán Fómhair 2022 chun páirt a

ghlacadh i gcruinniú réamh-sheisiúnach agus chun comhaltaí YAP a thacú páirt

a ghlacadh i gCruinniú na Leanaí leis

an gCoiste, roimh idirphlé dearfach an Choiste leis an Stát i mí Eanáir 2023.

Tá tuarascáil mhionsonraithe ar rannpháirtíocht an OCO sa phróiseas monatóireachta agus tuairiscithe seo ar fáil leis féin anseo.

**22** Tuarascáil Bhliantúil 2022 **Idirphlé dearfach maidir le UNCRC**

**4**

##### An Bille Oideachais (Ligean Isteach i Scoileanna) 2020

I mí Feabhra 2022, ghlac an OCO páirt i gcruinniú Chomhchoiste an Oireachtais ar Oideachas, Ardoideachas agus Breisoideachas, Taighde, Nuálaíocht agus Eolaíocht chun an Bille Oideachais (Ligean

Isteach i Scoileanna) 2020 a phlé. Tá sé mar aidhm ag an mBille Comhalta Phríobháidigh deireadh a chur le forálacha a ligeann

do scoileanna 25% d’áiteanna scoile a leithdháileadh ar pháistí nó garpháistí iarscoláirí.

Inár n-aighneacht, léiríomar ár dtacaíocht maidir le deireadh a chur leis an leithdháileadh 25% ar an mbonn gur féidir le grúpaí leanaí

a bheith fágtha faoi mhíbhuntáiste, cé gur féidir leis tionchar a imirt ar chumas aon linbh áit a fháil sa scoil sin nuair nár fhreastail a dtuismitheoir nó dtuismitheoirí ar an scoil áirithe. Áirítear leis na leanaí seo:

* Leanaí an Luchta Siúil nár fhreastail a máthair nó a n-athair ar oideachas dara leibhéal
* Leanaí le tuismitheoirí imirceacha nár fhreastail ar an meánscoil in Éirinn
* Leanaí le tuismitheoirí faoi mhíchumas nár fhreastail ar mheánscoil príomhshrutha
* Leanaí le teaghlaigh a bhog go ceantar éagsúil sa tír, lena n-áirítear mar gheall ar an ngéarchéim tithíochta.

Tá imní orainn go fóill maidir le héiginnteacht an Aire Oideachais chun dul i ngleic leis an bhfadhb seo. Dá réir sin, cuirimid fáilte roimh mholadh Choiste na NA um Chearta an Linbh ina Thuairimí Deiridh d’Éirinn a foilsíodh i mí Feabhra 2023 gur cheart deireadh a chur leis an bhforáil seo san Acht 2018.

**Oideachas**

**24** Tuarascáil Bhliantúil 2022 **Oideachas**

##### Aighneacht maidir leis an bPlean Gníomhaíochta

**in aghaidh na Bulaíochta**

Is ionann láimhseáil na scoileanna maidir le bulaíocht i measc leanaí agus 10% de

ghearáin a fhaigheann an OCO gach bliain. De bharr sin, chuireamar fáilte roimh cinneadh na Roinne Oideachais athbhreithniú a dhéanamh ar an bPlean Gníomhaíochta

in aghaidh na Bulaíochta 2013 agus Plean Gníomhaíochta nua a ullmhú. I mí Bealtaine 2022, rinne an tOmbudsman do Leanaí cur i láthair don Choiste Stiúrtha a bunaíodh

chun athbhreithniú a dhéanamh ar an bPlean Gníomhaíochta 2013. Inár n-aighneacht chomhfhreagrach, chuireamar roinnt réimsí in iúl a chreidimid gur cheart iad a chur san áireamh sa Phlean Gníomhaíochta nua agus rinneamar roinnt moltaí, lena n-áirítear gur cheart don Phlean Gníomhaíochta nua:

* Aird a tharraingt ar an mbulaíocht i measc leanaí mar fhadhb chearta an linbh
* Cúnamh a thabhairt do scoileanna eachtraí bulaíochta a aithint a d’fhéadfadh a bheith ina n-ábhar cosanta leanaí agus/nó ina n-ábhar coiriúil agus na heachtraí sin a bhainistiú dá réir sin.
* Aighneacht na scoileanna ar shonraí anaithnidithe, imdhealaithe ar an mbulaíocht a chur ar fáil don Roinn Oideachais.
* Meas a bheith aige ar acmhainní agus tacaíochtaí breise agus seans go mbeidh ar an scoil iad a éascú chun nósanna imeachta frithbhulaíochta a chur i bhfeidhm go héifeachtach, agus
* Smaoineamh ar na bearta ar cheart

a dhéanamh chun monatóireacht agus maoirseacht ar chur i bhfeidhm

nósanna imeachta na scoileanna maidir leis an bhfrithbhulaíocht a neartú.

Bhí an tOmbudsman do Leanaí buíoch as an deis freastal agus labhairt ag seoladh Cineáltas: Plean Gníomhaíochta in aghaidh na Bulaíochta ar an 1 Nollaig 2022 Cuireann an OCO fáilte roimh chomhtháthú go leor dár moltaí sa Phlean Gníomhaíochta nua. Leanfaimid ar aghaidh teagmháil a dhéanamh leis an Roinn Oideachais agus scoileanna, de réir mar is

gá agus is cuí, maidir le cur i bhfeidhm an Phlean Gníomhaíochta nua, chomh maith le hullmhúchán agus cur i bhfeidhm na nósanna imeachta frithbhulaíochta atá le teacht

do bhunscoileanna agus meánscoileanna. Leanfaimid ar aghaidh ag dul i mbun aon fhadhb imní a thagann ar aire maidir leis seo, agus na fadhbanna sin a chur in iúl chomh maith.

##### Oideachas faoi Chearta agus Múscailt Feasachta

An-luath sa bhliain 2022, bhí ár gceardlanna ar chearta an oideachais fós ó chian, ach nuair

a tháinig laghdú ar shrianta sláinte poiblí, bhíomar in ann na ceardlanna a chur ar siúl san oifig ó mhí Márta ar aghaidh. Chuir an oifig fáilte roimh 1,126 scoláire ó bhunscoileanna agus meánscoileanna le linn na bliana, ag cur tús lenár rannpháirtíocht dhíreach pearsanta le leanaí arís. Is cuid lárnach dár n-obair iad na ceardlanna múscailte feasachta seo. Chomh maith leis sin, chuireamar fáilte roimh ár gcéad ghrúpa réamhscoile san oifig a tháinig ó Dhún na nGall. Cuimsithe de naoi leanbh

trí agus ceithre bliana d’aois, reáchtálamar roinnt gníomhaíochtaí bunaithe ar chearta leis an ngrúpa agus fuaireamar aiseolas fiúntach agus úsáideach ó soláthraí seirbhíse na réamhscoile. Táimid ag iarraidh an réimse oibre seo a leathnú sa bhliain 2023.

Táimid ar an eolas go bhfuil sé deacair ar

**Oideachas** Tuarascáil Bhliantúil 2022 **25**

scoileanna i bhfad ó Bhaile Átha Cliath freastal ar cheardlanna inár n-oifig. Mar thús dár

n-obair for-rochtana. thug an tOmbudsman do Leanaí agus foireann an Aonaid Rannpháirtíochta agus Oideachas ar Chearta cuairt ar Dhún na nGall chun ceardlanna a chur ar fáil i roinnt scoileanna. Thaistil siad go hÁrainn Mhór agus rinne siad ceardlanna ar chearta i dhá bhunscoil agus meánscoil amháin, agus bhuail siad le 103 leanbh agus duine óg ar an iomlán ar an oileán. Thugamar cuairt ar cheithre bhunscoil agus dhá mheánscoil i nDún na nGall agus rinneamar ceardlanna le 152 scoláire. Thugamar cuairt ar ionad luath-bhlianta, áit ar bhuaileamar le leanaí agus baill foirne a thaispeáin dúinn an bealach ina raibh cearta agus glór na leanaí á thabhairt isteach ina ngníomhaíochtaí laethúla. Thug an tOmbudsman do Leanaí

cuairt ar Bhunscoil agus Meánscoil, ionas gur bhuail sé agus na baill foirne le os cionn 320 leanbh le linn na cuairte seo.

Chiallaigh laghdú ar shrianta sláinte poiblí gur féidir leis an bhFoireann Rannpháirtíochta agus Oideachas ar Chearta cuairteanna for- rochtana a thosú arís ar leanaí i suíomhanna cónaithe, agus tugadh dhá chuairt ar Champas Coinneála Leanaí Bhaile an Oibricigh agus dhá chuairt ar aonaid CAMHS.

Bhíomar in ann fáilte a chur roimh mhic léinn tríú leibhéal inár n-oifig, agus bhíomar in ann taisteal go hinstitiúidí tríú leibhéal chun

seimineáir a thabhairt ar champas. Rinneamar naoi seimineár le mic léinn ó ollscoileanna agus institiúidí ardoideachais éagsúla, lena

n-áirítear Coláiste na hOllscoile, Corcaigh, An Coláiste Ollscoile, Baile Átha Cliath, Coláiste na Tríonóide, Baile Átha Cliath, Campas Choláiste Phádraig, Ollscoil Chathair Bhaile Átha Cliath, An Coláiste Ollscoile, Antuairp agus BOO Dhún Búinne. Bhí staidéar á dhéanamh ag scoláirí

ar réimse disciplíní, lena n-áirítear oideachas, síceolaíocht, dlí, altranas, luathbhlianta agus obair shóisialta.

##### Socrúcháin Taithí Oibre na hIdirbhliana

Bhí taithí oibre do lucht na hIdirbhliana go luath sa bhliain fíorúil agus níos déanaí sa bhliain, cuireadh fáilte roimh scoláirí na hIdirbhliana ar ais san oifig. Ghlac seachtar scoláire páirt sa taithí oibre laistigh den OCO agus tá sé mar aidhm againn an t-uimhir seo a mhéadú le linn na bliana seo chugainn.

Ghlac ceathrar scoláire ó chontaetha na Mí, Mhuineacháin, na Gaillimhe agus Loch Garman páirt sa socrúchán oibre fíorúil.

Bhuail siad le hionadaithe as aonaid éagsúla laistigh den OCO a thug léargas dóibh maidir le hobair na foirne éagsúla. Rinne na scoláirí tionscadal a bhain le cearta an linbh. Bheartaigh na scoláirí obair a dhéanamh ar thionscadal darbh ainm: “Cuimsiú Mhí Stair

na nDaoine Gorma i gCuraclam na Scoile.” Ag deireadh a seachtaine leis an oifig, chuir siad an tionscadal i láthair don Ombudsman do Leanaí. Scríobh na scoláirí blaganna chomh maith don chuid Is é do Cheart ar ár suíomh gréasáin.

Rinne trí leanbh ó Bhaile Átha Cliath agus Cill Dara á socrúchán oibre i láthair go pearsanta inár n-oifig. Bhuail siad le hionadaithe chomh maith as gach aonad laistigh den OCO, bhí siad ag faire agus ag tabhairt cúnamh don fhoireann Rannpháirtíochta agus Oideachas ar Chearta lena gceardlanna a thabhairt, d’fhreastail siad ar chruinnithe le comhlachtaí seachtracha nuair ba chuí agus d’oibrigh

siad ar thascanna, lena n-áirítear ag cur le leathanaigh gréasáin agus ábhar an OCO. Léirigh aiseolas gur bhain na triúr scoláire ar fad taitneamh as an seachtain agus d’fhoghlaim siad faoina gcearta agus faoi fheidhmiú inmheánach na hoifige.

**26** Tuarascáil Bhliantúil 2022 **Oideachas**

**27 Oideachas** Tuarascáil Bhliantúil 2022 **27**

**5**

### Measúnuithe agus seirbhísí, lena n-áirítear áiteanna i scoileanna do leanaí faoi mhíchumas

##### Measúnú ar Riachtanas

I mí Márta 2022, bhuaileamar le Comhchoiste an Oireachtais um Leanaí, Comhionannas, Míchumas, Lánpháirtíocht agus Óige chun ár n-imní faoi mhoilleanna suntasacha i soláthar na measúnuithe ar riachtanais (AON) agus seirbhísí comhfhreagracha do leanaí a phlé. Ba é sin ár dara cruinniú leis an gComhchoiste faoi AON agus lean sé cinneadh an Choiste sa bhliain 2020 fadhbanna a scrúdú a tháinig ó AON ag leanúint foilsiú ár dtuarascála Unmet Needs, a dhírigh ar na dúshláin a bhí roimh leanaí in Éirinn a bhfuil AON ag teastáil uathu.

Tharla ár gcruinniú leis an gComhchoiste in aghaidh cúlra bhreithiúnas na hArd-Chúirte a eisíodh ar an 11 Márta 2022, a shocraigh go raibh Feidhmeannacht na Seirbhíse Sláinte (FSS) ag iarraidh, gan cead, na cúinsí atá ag teastáil maidir le AON faoi Chuid 2 den Acht um Míchumas 2005 (Acht 2005) a athrú trí Nós Imeachta Oibriúcháin Caighdeánach (SOP) athbhreithnithe a thabhairt isteach.

I ndiaidh ár gcruinnithe leis an gComhchoiste, bhuaileamar le hoifigigh sinsearacha sa FSS, lena n-áirítear an POF, chun ár n-imní a phlé a thuilleadh. Leanamar orainn monatóireacht a dhéanamh ar fhorbairtí a bhain le AON le linn na bliana 2022 agus rinneamar aighneacht eile leis an gComhchoiste i mí na Samhna 2022 chun eolas a thabhairt d’ullmhúchán a dtuarascála féin ar AON.

Chuireamar fáilte roimh noda ó FSS i mí Dheireadh Fómhair 2022 go raibh siad ag obair leis an Roinn Sláinte plean a fhorbairt chun dul chun cinn a dhéanamh ar Sheirbhísí do Dhaoine Faoi Mhíchumas a Chur Chun Cinn a chur i bhfeidhm agus, i measc rudaí eile, rachaidh an plean i ngleic le moltaí FSS dul i ngleic leis na riachtanais leanúnacha

do AON agus na liostaí feithimh a bhaineann leis. Chuireamar fáilte roimh obair FSS chun prótacal a fhorbairt agus a thriail a bhfuil cur chuige céimnithe i leith AON i gceist leis agus chun treoir chliniciúil eatramhach do chliniceoirí maidir le tabhairt faoi AONanna.

Cé go bhfuilimid buíoch as na dúshláin shuntasacha atá os comhair FSS maidir le

**28** Tuarascáil Bhliantúil 2022 **Oideachas do leanaí faoi mhíchumas**

rochtain tráthúil do leanaí ar AONanna agus seirbhísí comhfhreagracha, tá amhras againn fós maidir le cur chuige an Stáit freastal ar na riachtanais, agus na cearta a chloí, atá ag leanaí sa cheantar seo. I ndiaidh athbhreithniú ar chodanna ábhartha den Acht 2005 sa bhliain 2020 a mholadh, bhí díomá orainn gur léirigh an tAire Leanaí, Comhionannais, Míchumais, Lánpháirtíochta agus Óige le linn comhrá fiúntach an Stáit le Coiste na NA um Chearta an

Linbh (An Coiste NA) i mí Eanáir 2023 nach bhfuil pleananna ag an Stát fós chun athbhreithniú a dhéanamh ar an Acht 2005. Chomh maith leis sin, cé go dtuigimid fócas reatha FSS ar chur chuige

i leith AON a fhorbairt agus a chur i bhfeidhm a chloíonn le hAcht 2005 agus ar féidir leis dul i ngleic le liostaí feithimh atá ann cheana, tá imní orainn faoi easpa físe soiléire agus plean comhfhreagrach do AON san fhadtéarmach. Ónár ndearcadh, botún a bheadh ann dá ligfeadh an Stát cead do dhúshláin reatha, cé go bhfuil siad suntasach, a chumas a laghdú a bheith uaillmhianach do leanaí agus, mar sin, leagan amach cén chaoi a mbreathnaíonn cur

chuige, a bhfuil na hacmhainní sásúla aige, i leith measúnaithe agus idirghabhála a chomhlíonann riachtanais leanaí ar bhealach cuí agus go pras.

I ndiaidh ár n-imní a chur in iúl maidir le AON agus seirbhísí comhfhreagracha do leanaí inár dtuarascáil mhalartach leis an gCoiste NA i mí Lúnasa 2022, cuirimid fáilte roimh agus tacaímid le moltaí a rinne an Coiste NA ina dTuairimí Deiridh d’Éirinn, a foilsíodh i mí Feabhra 2023.

Mhol an Coiste NA gur cheart don Stát:

* Athbhreithniú a dhéanamh ar reachtaíocht ábhartha, lena n-áirítear na hAchtanna Comhionannais, an tAcht um Míchumas agus an tAcht um Oideachas do Dhaoine

a bhfuil Riachtanais Speisialta Oideachais Acu, chun iad a chur de réir an chur chuige i leith míchumas bunaithe ar chearta daonna, agus

* Athbhreithniú a dhéanamh ar an nós imeachta oibriúcháin do Mheasúnuithe ar Riachtanais ag an bhFeidhmeannach Seirbhíse Sláinte, agus an t-am feithimh a laghdú do na measúnuithe sin, agus fonn

acu rochtain éasca do leanaí ar sheirbhísí agus tacaíocht riachtanach, trí dul i ngleic go práinneach leis an easpa foirne agus saineolaithe atá cáilithe.

Cuirimid fáilte roimh an tuarascáil ag an gComhchoiste ar an 14 Feabhra 2023 i ndiaidh a scrúdaithe ar AON. I measc rudaí eile, táimid

buíoch as tacaíocht an Chomhchoiste dár moltaí:

* Ní mór bearta breise a chur i bhfeidhm mar thosaíocht ar easnamh suntasach na n-acmhainní, go háirithe easnaimh

acmhainní daonna, a bhfuil bac á chur acu ar soláthar tráthúil na measúnuithe agus seirbhísí do leanaí

* Ba cheart go ndéanfaí athbhreithniú ar Acht 2005, agus ba cheart go gcuirfí leasuithe molta san áireamh atá leagtha amach inár dtuairisc ar na riachtanais nár sásaíodh.
* Ba cheart Acht 2005 a chur san áireamh i gcomhthéacs an athbhreithnithe reatha ar Acht um Oideachas do Dhaoine a bhfuil Riachtanais Speisialta Orthu 2004
* Ba cheart go ndéanfaí foinsiú ar HIQA chun caighdeáin uasdátaithe a sholáthar do AON, agus
* Ba cheart go ndéanfaí gníomhartha chun eolas inrochtana a thabhairt do thuismitheoirí, lucht cúraim agus leanaí faoin bpróiseas AON.

##### Pleanáil chun cinn maidir le háiteanna scoile do leanaí a bhfuil riachtanais speisialta oideachais acu

I mí an Mheithimh 2022, d’fhoilsigh an OOL Plean le haghaidh Áiteanna, tuarascáil a dhíríonn

ar phleanáil chun cinn d‘áiteanna ar scoil a

**Oideachas do leanaí faoi mhíchumas** Tuarascáil Bhliantúil 2022 **29**

sholáthar do leanaí a bhfuil riachtanais speisialta oideachais orthu (RSO).

Thosaíomar obair ar an saincheist seo i ndúil go ndéanfaí athbhreithniú ar roinn 37A den Acht Oideachais 1998. Fuaireamar gearáin freisin maidir le leanaí a bhfuil RSO orthu nach raibh

in ann áiteanna scoile cuí a aimsiú ag leibhéal bunscoile agus iar-bhunscoile in am caoithiúil, gar dá dtithe.

Agus an píosa oibre sin á dhéanamh againn, bheartaíomar tuiscint a fháil ar conas a dhéanann an Roinn Oideachais pleananna maidir le soláthar áiteanna scoile do leanaí a bhfuil RSO acu agus, leis sin, cén fáth a mbíonn deacrachtaí suntasacha ag tuismitheoirí áit scoile oiriúnach a fháil sa cheantar áitiúil dá leanaí. Bhí ár n-obair bainteach le hathbhreithniú deasc-bhunaithe mar aon le rannpháirtíocht dhíreach le roinnt geallsealbhóirí, lena n-áirítear an Roinn Oideachais agus an Chomhairle Náisiúnta Curaclaim agus Measúnachta (NCSE), tuismitheoirí, príomhoidí scoileanna, dlíodóirí,

scoláirí, grúpaí abhcóideachta, agus comhlachtaí neamhrialtasacha.

Leagann Plean le haghaidh Áiteanna sraith mholtaí amach don Roinn Oideachais agus an NCSE maidir lenár bpleanáil chun cinn ar áiteanna scoile a neartú agus de réir a chéile téann sé i dtreo córas oideachais ionchuimsitheach a chur i bhfeidhm in Éirinn. Tarraingíonn ár moltaí aird ar an ngá do:

* Pleanáil chun cinn a neartú, lena n-áirítear plean a ullmhú agus a fhoilsiú lena chinntiú go mbeidh go leor áiteanna scoile ar

fáil chun freastal ar riachtanais réamh- mheasta na bpáistí le RSO taobh istigh dá bpobail áitiúla.

* Rochtain éifeachtach ar mheasúnuithe síceolaíochta sa ghearrthéarma do na páistí atá ag feitheamh ar mheasúnú diagnóiseach, chun deimhniú an bhfuil rang/scoil speisialta ag teastáil.
* Sainordú agus acmhainní do gach scoil, ach go háirithe gach iar-bhunscoil, chun cóiríocht a fhoirgniú nó athearraíocht a bhaint as cóiríocht oiriúnach reatha chun

freastal ar riachtanais na bpáistí le RSO go háitiúil agus sa ghearrthéarma.

* Teagmháil a dhéanamh le scoileanna, tuismitheoirí agus daltaí ag bogadh i dtreo córas oideachais ionchuimsitheach de réir a chéile,
* Bailiú agus úsáid sonraí a fheabhsú lena n-áirítear:
  + sonraí a bhailiú ar líon na bpáistí a bhfuil tacaíochtaí RSO uathu i suíomhanna comhtháite i mbunscoileanna agus

iar-bhunscoileanna príomhshrutha agus na sonraí seo a chur san áireamh ina dTáscairí bliantúla Oideachais, agus

* + sonraí bliantúla láraithe a fhoilsiú ar líon na bpáistí le RSO gan áit oiriúnach scoile.
* Cinntiú go mbíonn an t-athbhreithniú d‘Acht EPSEN 2004 i dtaca leis an Acht um Míchumas agus go soláthraíonn sé cur chuige páisteláraithe, cearta-bhunaithe agus ionchuimsitheach don soláthar,
* Rochtain a fheabhsú do pháistí ar mheasúnuithe teiripeacha agus tacaíochtaí, agus an forbairt ar phrótacal comhoibre idir an Roinn agus FSS san áireamh, agus
* Níos mó infheistíochta a dhéanamh in oideachas múinteoirí, trí shocrú a

dhéanamh do gach múinteoir, nua agus reatha, faoi oiliúint speisialaithe RSO agus cuimsithe ar bhonn bliantúil a chur san áireamh.

Agus é foilsithe nuair a bhí an t-easnamh inár

n-áiteanna scoile le haghaidh mí Meán Fómhair 2022 i lár an aonaigh againn , chuir ár bPlean

le haghaidh Áiteanna in iúl dúinn go raibh an reachtaíocht éigeandála ag teacht chun tosaigh. Achtaithe i mí iúl 2022, déanann an

tAcht Oideachais (An fhoráil maidir le Páistí a bhfuil Riachtanais Speisialta Oideachais) 2022 cuíchóiriú ar an bpróiseas a bhí soláthartha faoi roinn 37A den Acht Oideachais, agus féadfaidh an tAire scoil a threorú breis acmhainní a chur i bhfeidhm do pháistí a bhfuil RSO orthu. Déanann

**30** Tuarascáil Bhliantúil 2022 **Oideachas do leanaí faoi mhíchumas**

sé níos mó cuíchóirithe ar an bpróiseas a bhí soláthartha faoi roinn 67 den Acht 1998, rud a thugann cumhacht do NCSE agus Tusla, cibé cé acu, áit scoile a cheapadh do pháiste.

Le hachtú na reachtaíochta éigeandála seo, má fhágtar aon pháiste a bhfuil RSO orthu ar lár gan aon áit scoile, admhaíonn an Rialtas gur teip a bheidh ann don Stát lena gcearta oideachais a chomhlíonadh gan leithcheal agus ar bhonn cothrom le páistí eile. Bíodh is go bhféadfadh na céimeanna seo aghaidh a thabhairt ar na dúshláin reatha, caithfidh siad a bheith in éineacht le radharc agus plean a fhorbairt agus a chur i bhfeidhm d’oideachas ionchuimsitheach do pháistí sa todhchaí.

Chuir an OOL fáilte roimh rannpháirtíocht oscailte agus fiúntach na Roinne linn maidir lenár n-obair chun Plean le haghaidh Áiteanna a ullmhú. Mar a chéile, cuirimid fáilte roimh ghealltanas chuir an Roinn agus an NCSE

in iúl maidir le comhoibriú le geallsealbhóirí chun ár moltaí a chur i bhfeidhm chomh luath agus is féidir. Le linn 2023, tabharfaimid faoinár rannpháirtíocht leis an Roinn agus an NCSE, lena n-áirítear uasdátú foirmitheach

a lorg ar an dul chun cinn atá á ndéanamh acu lenár moltaí a chur i bhfeidhm. Chomh maith leis sin, tá sé ar intinn againn a bheith rannpháirteach in athbhreithniú na Roinne ar Acht EPSEN 2004.

##### Uathachas

I mí Dheireadh Fómhair 2022, tugadh cuireadh don OOL aighneacht a chur faoi bhráid Comhchoiste um Uathachas an Oireachtais.

Dhírigh ár n-aighneacht ar rochtain ar mheasúnú agus idirghabháil; beartais agus soláthar oideachais; rochtain páistí uathacha ar fhoirgnimh agus ar spáis phoiblí; agus ag cur páistí uathacha san áireamh nuair atáthar ag dearadh na mbeartas seo.

Bhain ár n-aighneacht leas as ár n-obair ar mheasúnú ar riachtanais agus ar phleanáil chun cinn le haghaidh áiteanna scoile do leanaí a bhfuil RSO orthu, mar aon le taighde coimisiúnaithe ar na bacainní atá roimh leanaí míchumasacha maidir lena gcearta féin a

bhaint amach, rud a d’fhoilsíomar in 2021. Inár n-aighneacht, agus i rith ár gcruinnithe ina dhiaidh sin leis an gComhchoiste i mí Feabhra 2023, tharraingíomar aird ar na hábhair leanúnacha is cúram dúinn faoi na heasnaimh shuntasacha chórasacha maidir le measúnuithe agus seirbhísí a sholáthar do leanaí uathacha. Thugamar faoi deara freisin, bíodh is go bhfuil soláthar de dhíth anois do pháistí uathacha atá ag freastal ar scoileanna príomhshrutha trí ranganna uathacha leithdháilte a chur ar fáil dóibh, ní thagann sé le hoideachas ionchuimsitheach agus, dá réir, le dualgais an Stáit faoi Choinbhinsiún na NA um Chearta do dhaoine faoi mhíchumas.

I dtaca leis seo, tugaimid ceisteanna faoi deara faoi bhunú ranganna speisialta do leanaí faoi mhíchumas in Éirinn, agus léirigh Coiste na NA maidir le Cearta an Pháiste

é seo ina Bhreathnóireacht Dheiridh a foilsíodh i mí Feabhra 2023 agus cuirimid fáilte roimh mholadh comhfhreagrach Choiste na NA d’Éirinn maidir le hoideachas ionchuimsitheach in oideachas

príomhshrutha a chinntiú do gach páiste faoi mhíchumas.

Trínár n-aighneacht agus ár gcruinniú leis an gComhchoiste, léiríomar an easpa deiseanna atá ann do pháistí uathacha a gcearta éisteachta a chur i bhfeidhm, agus go n-éistfí lena ndearcthaí i dtaobh cinntí a bhaineann leo, lena n-áirítear forbairtí i reachtaíocht agus i mbeartais phoiblí. Chuireamar fáilte roimh nod an Chomhchoiste le linn an chruinnithe go mbeidís ag iarraidh teagmháil a dhéanamh go díreach le leanaí uathacha i gcomhthéacs a gcláir oibre reatha.

**Oideachas do leanaí faoi mhíchumas** Tuarascáil Bhliantúil 2022 **31**

**6**

##### Comhairleoir don Choimisiún

**Sláinte**

**Meabhairshláinte maidir le hathbhreithniú CAMHS**

I ndiaidh fhoilsiú Thuairisc Maskey1 i mí Eanáir 2022, chinn an Coimisiún Meabhairshláinte tabhairt faoi mheasúnú neamhspleách ar gach foireann Seirbhísí Meabhairshláinte do Pháistí agus d’Ógánaigh ar bhonn náisiúnta.

Is é cuspóir an athbhreithnithe seo ná:

1. Measúnú a dhéanamh ar conas a fheidhmíonn socruithe rialachais cliniciúla agus corparáide áitiúla, réigiúnacha agus náisiúnta laistigh den FSS agus sábháilteacht agus caighdeán seirbhísí CAMHS in Éirinn a chinntiú.
2. Féachaint an bhfuil rioscaí do dhaoine óga atá ag fáil CAMHS sainaitheanta, measúnaithe agus maolaithe.
3. Measúnú ar soláthraíodh CAMHS i dtaca leis an gcleachtas ab fhearr.

**Sláinte**

D’iarr an Coimisiún ar an Ombudsman do Leanaí a bheith mar chomhairleoir don athbhreithniú lena chinntiú go gcuirfí cearta leanaí san áireamh mar is ceart le linn an phróisis. Bhí cruinnithe agus uasdátuithe rialta i gceist leis seo ón gCoimisiún go dtí an tOmbudsman agus rannpháirtíocht ar na slite a raibh na torthaí leagtha amach ar mhaithe na leanaí bainteach leis na foirne iomadúla.

I ndiaidh athbhreithniú a dhéanamh ar chúig as naoi réimse, chinn an Coimisiún tuarascáil eatramhach a fhoilsiú mar gheall ar an imní faoi dhrochfheidhmíocht fhoirne CAMHS a d’oibrigh siad leo go dtí sin. Tharla sé seo i mí Eanáir 2023 agus liostaigh sé réimse torthaí diúltacha, agus ar ndóigh bhí drochthionchar acu ar an-chuid páistí agus daoine óga ar fud na réimsí sin.

Thug Oifig an Ombudsman do Leanaí tacaíocht don Choimisiún Meabhair-Shláinte maidir le gníomh láithreach a dhéanamh ar na moltaí a rinneadh sa tuarascáil eatramhach chun:

* 1. Breithniú a dhéanamh ar iniúchóireacht cliniciúil láithreach ar gach foireann CAMHS agus
  2. CAMHS a rialú faoin Acht Meabhair- Sláinte

**1** https:/[/www.hse.ie/eng/services/ne](http://www.hse.ie/eng/services/news/newsfeatures/south-kerry-camhs-review/report-on-the-)w[s/newsfeatures/south-kerry-camhs-review/report-on-the-](http://www.hse.ie/eng/services/news/newsfeatures/south-kerry-camhs-review/report-on-the-) look-back-review-into-camhs-area-a.pdf

**32** Tuarascáil Bhliantúil 2022 **Sláinte**

##### Scéim Ghinearálta an Bhille Meabhair- Shláinte (Leasú) 2021

Le linn 2022, lean an OOL ar aghaidh ag obair ar fhorbairtí maidir leis an Scéim Ghinearálta den Bhille Meabhair-Shláinte (Leasú)

2021 agus, go háirithe, cuid 8 den Scéim Ghinearálta seo, a dhíríonn ar iontráil pháistí go dtí, agus a leigheas i saoráidí faofa d’othair chónaitheacha.

I mí Eanáir 2022, chuaigh an OCO faoi bhráid Fhochoiste an Oireachtais um

Meabhairshláinte mar chuid dá ghrinnscrúdú réamhreachtach ar an Scéim Ghinearálta

le go ndéanfaí plé ar ár ndearcthaí ar na forálacha molta faoi Chuid 8. Tharraingíomar aird ar an gcaoi go bhfuil níos mó machnaimh ag teastáil ar na moltaí seo ar mhaithe lena chinntiú go ndéanfaí cearta leanaí a shásamh, lena n-áirítear:

* Treoirphrionsabail atá beartaithe a bheidh i bhfeidhm maidir le cinntí a bhaineann le hiontráil agus cóireáil leanaí,
* An moladh chun iontráil leanaí i saoráidí aosach a chur ar bhonn reachtúil, agus
* Infhaighteacht abhcóideachta do leanaí.

I mí Dheireadh Fómhair 2022, d’fhoilsigh an Comhchoiste a thuarascáil ar a ghrinnscrúdú réamhreachtach ar an Scéim Ghinearálta.

Chuireamar fáilte ar an gcaoi gur tugadh tús áite don Bhille chun leasú a dhéanamh ar an Acht um Meabhair-Shláinte maidir le dréachtú le linn Chlár Reachtaíochta an earraigh 2023.

Ina Bhreathnuithe Deiridh d’Éirinn a foilsíodh i mí Feabhra 2023, chuir Coiste na NA ar Chearta an Pháiste béim dháiríre ar na seirbhísí meabhairshláinte easnamhacha agus uireasacha do leanaí in Éirinn. Maidir le reachtaíocht mheabhair-shláinte, i measc

na leasuithe ar Acht um Meabhair-Shláinte, mhol an Coiste gur cheart go gcuirfí iad seo a leanas san áireamh:

* Aithint a thabhairt do cheart leanaí go gcloistear iad maidir le cinntí a bhaineann lena gcúram meabhairshláinte agus cúnamh ó ionadaí neamhspleách; agus
* Cosc follasach ar an gcleachtas páistí le fadhbanna meabhairshláinte a láithriú in aonaid síciatracha do dhaoine fásta.

Trínár monatóireacht agus rannpháirtíocht le forbairtí maidir leis an reachtaíocht thábhachtach seo le linn 2023, leanfaimid orainn ag iarraidh go n-ailíneodh agus go

seasfadh forálacha a rinneadh faoi Chuid 8 le cearta leanaí faoi 18.

##### Dréachtrialachán do Sholáthraithe Seirbhísí Tacaíochta Baile

Tá monatóireacht neamhspleách ríthábhachtach lena chinntiú go dtugtar tacaíocht agus cúram comhsheasmhach agus ar ardchaighdeán do leanaí a fhaigheann seirbhísí tacaíochta baile. Fuair an OOL roinnt gearán maidir le soláthar

na bpacáistí tacaíochta baile do pháistí, mar atá léirithe i dtuarascálacha bliantúla roimhe seo. Dá réir sin, chuireamar fáilte roimh an deis aighneacht a chur faoi bhráid chomhairliúchán poiblí na Roinne Sláine ar

Dréachtrialacháin do Sholáthraithe Seirbhísí Tacaíochta Baile 2022.

Inár n-aighneacht, luamar go bhfuil dréachtrialacháin i gceist leis na seirbhísí a sholáthraítear do dhaoine 18 mbliana d’aois agus níos sine amháin. Luamar an t-imní a bhí orainn nach mbeidh aon bhuntáiste ann do leanaí ó mhaoirseacht neamhspleách mar gheall ar eisiamh seirbhísí tacaíochta baile do pháistí, murab ionann agus daoine fásta. Molaimid go láidir don Roinn Sláine na seirbhísí soláthartha do pháistí a chur san áireamh sna dréachtrialacháin.

Le linn 2023, leanaimid orainn ag cur ionchuimsiú leanaí chun cinn sa chreat rialála.

**Sláinte** Tuarascáil Bhliantúil 2022 **33**

##### Comhairliúchán Coimisiún Tithíochta ar Cheart chun Áitribh sa Bhunreacht a sholáthar

Mar a sheasann sé, ní thugann an dlí go leor aitheantais do pháistí. Is rud é seo ar

tharraingíomar aird air i gcónaí. Táimid buartha faoi na dúshláin dhianseasmhacha atá roimh leanaí, lena n-áirítear páistí gan dídean, atá

ag iarraidh teacht ar lóistín agus tacaíochtaí oiriúnacha.

D’fháiltíomar bunú an Choimisiúin Tithíochta i mí na Nollag 2021 agus an chaoi gur cuireadh de chúram ar an gCoimisiún obair

i dtreo moltaí ar reifreann a bhogadh chun tosaigh. D’fháiltíomar an deis aighneacht a chur isteach i mí Lúnasa faoi bhráid an chomhairliúcháin phoiblí a lainseáil an Coimisiún faoi reifreann bunaithe ar an

tithíocht. Inár n-aighneacht, mholamar don Choimisiún:

**7**

* Ba cheart go seasfadh foclaíocht leasaithe bhunreachtúil ar chearta chun áitribh shásúil le dualgais an Stáit faoi chaighdeáin idirnáisiúnta agus Eorpacha, agus treoraíocht lena bhaineann, agus
* Ba cheart go mbeadh leasú bunreachtúil ann chun ceart chun áitribh shásúil a sholáthar agus ba cheart don Rialtas reifreann a reáchtáil le linn 2023.

Inár dtuairim, léiríonn obair an Choimisiúin deis shuntasach chun cur chuige reatha na hÉireann ar thithíocht a athrú go dtí cur chuige ceartabhunaithe. Le linn 2023,

déanfaimid monatóireacht agus, de réir mar is gá, beimid gníomhach le forbairtí a thagann aníos ón gcomhairliúchán poiblí seo.

**Tithíocht & Lóistín**

**34** Tuarascáil Bhliantúil 2022 **Tithíocht & Lóistín**

##### No End in Site Bliain Amháin ar Aghaidh

I mí Bealtaine 2021, d’fhoilsigh Oifig an Ombudsman do Leanaí (OOL) No End in Site, iniúchadh ar na caighdeáin mhaireachtála ar láithreán stad a bhí rite ag Údáras Áitiúil, áit a raibh 66 páistí agus a dteaghlaigh ina gcónaí ann. Mar chuid dár n-iniúchadh, rinneamar 10 moladh a ghlac an tÚdarás Áitiúil leo.

I mí na Nollag, d’fhoilsíomar uasdátú ar No End in Site. Bhíomar sásta gur rinne an tÚdarás Áitiúil dul chun cinn suntasach

ar na moltaí a rinneamar. Bhí an tÚdarás Áitiúil rannpháirteach leis na teaghlaigh maidir lena riachtanais tithíochta agus tá sé gníomhach le Tithíocht an Lucht Siúil a fhorbairt sa cheantar lena chinntiú go

ndéantar freastal níos fearr ar riachtanais an phobail san fhadtéarma. Thóg an t-údarás áitiúil céimeanna suntasacha freisin chun caighdeáin mhaireachtála na dteaghlach a fheabhsú ar an láthair.

In ainneoin na n-iarrachtaí suntasacha a rinne an tÚdarás Áitiúil, dúirt líon beag teaghlach nár athraigh a gcaighdeáin mhaireachtála agus go raibh siad míshásta le luas na

bhforbairtí. Tá imní fós orainn faoin slí a bhféadfadh brú a bheith ar na caidrimh idir an tÚdarás Áitiúil, na cónaitheoirí agus a

n-ionadaithe in amanna, agus léiríomar do gach páirtí go bhfuil cumarsáid oscailte lárnach le caidrimh oibre muiníneach a chothú amach anseo.

Tá na moltaí atá dealraithe le bheith níos dúshlánaí don Údarás Áitiúil iad siúd bainteach le hionchuimsiú leanaí agus daoine óga i bpróisis chomhairliúcháin agus phleanála. Is limistéar é seo a gcaitheann an tÚdarás Áitiúil breis airde a tharraingt air sa

bhliain romhainn. Lorgóidh an OOL uasdátú ina dhiaidh ar an dul chun cinn atá á dhéanamh ar na moltaí aontaithe in 2023.

**Tithíocht & Lóistín** Tuarascáil Bhliantúil 2022 **35**

**8**

### Cearta na leanaí atá ag teacht go hÉirinn a chur chun cinn

##### Leanaí ón Úcráin ag teacht go hÉirinn

I ndiaidh thús an chogaidh san Úcráin i mí Feabhra 2022 agus teacht leanaí ón Úcráin, tharraing an OOL aird ar roinnt

saincheisteanna faoi bhráid an Taoisigh agus lucht déanta beartas eile.

Léiríomar go bhfuil sé ríthábhachtach go bhfuil meas ag cinntí a dhéantar ar chearta leanaí agus go cosnaíonn sé agus go gcomhlíonann sé a gcearta, lena n-áirítear a gceart go gcuirfear a leasanna is fearr san áireamh sa chinnteoireacht.. Chuireamar imní in iúl maidir leis na trí réimse, is é sin

oideachas, lóistín agus ionramháil dhifreálach.

* **Education** We welcomed measures to support Ukrainian children in Irish schools, including the establishment of Regional Education and Language Teams. However, we expressed concerns that guidance issued by the

Department of Education on supporting Ukrainian children’s wellbeing in schools does not provide for sufficient inclusion of practical supports. We also raised concerns about the provision of appropriate school places for Ukrainian

children with special educational needs (SEN) in light of existing challenges with provision in this area.

* **Oideachas** D’fháiltíomar céimeanna chun tacaíocht a thabhairt do pháistí Úcránacha i scoileanna Éireannacha, lena n-áirítear bunú Foirne Réigiúnacha Oideachais agus Teanga. Mar sin

féin, luamar an t-imní nach dtugann treoraíocht a d’eisigh an Roinn Oideachais go leor tacaíochtaí praiticiúla maidir le tacaíocht d’fholláine leanaí Úcránacha i scoileanna. Léiríomar imní freisin faoi sholáthar áiteanna cuí do leanaí Úcránacha a bhfuil riachtanais speisialta orthu (SEN) mar aon leis na dúshláin a bhí ann roimhe seo i dtaobh soláthair sa réimse.

* **Lóistín** Tharraingíomar aird ar an imní atá orainn faoi na dúshláin atá roimh leanaí ag teacht ón Úcráin maidir

le lóistín oiriúnach a fháil. Cé gur aithníomar iarrachtaí freastal orthu siúd ag teitheadh na hÚcráine, lena n-áirítear pleananna chun úsáid a bhaint as

tithe modúlacha, tá imní fós orainn go bhfuil cóiríocht soláthartha ag an Stát sealadach agus go mbainfear úsáid as cóiríocht mhí-oiriúnach éigeandála sa ghearrthéarma go dtí an meántéarma.

**36** Tuarascáil Bhliantúil 2022 **Cearta na leanaí atá ag teacht go hÉirinn a chur chun cinn**

**— Ionramháil dhifreálach** Bíodh is go raibh freagairt na hÉireann do dhaoine ag teacht ón Úcráin dearfach, le hiarmhairt chéimeanna an Stáit chun an Treoir

um Chosaint Shealadach (TPD) a chur i bhfeidhm, go héifeachtúil, tá an Stát ag caitheamh le daoine ag teacht

ón Úcráin go difriúil ó lucht iarrtha tearmainn eile agus teifigh ar thóir cosanta, go háirithe iad siúd i Soláthar Díreach. Tá an ionramháil dhifreálach achrannach agus táimid buartha go gcaitear níos mífhabhraí le páistí atá ag lorg cosanta in Éirinn ó thíortha eile seachas an Úcráin ar bhonn nach bhfuil fáth réasúnach maith leis faoi aidhmeanna Choinbhinsiúin na NA

um Chearta an Linbh. D’iarramar ar an Stát céimeanna a chur i bhfeidhm lena chinntiú go gcuirtear gach duine faoi aois ina (h)aonar faoi réir measúnuithe leochaileacha ar theacht chun na hÉireann agus go mbíonn gach gníomh agus cinneadh a dhéanann Tusla maidir le daoine faoi aois ina n-aonar treoraithe ar mhaithe na leanaí. D’iarramar freisin céimeanna a chur i bhfeidhm lena chinntiú go mbíonn gach páiste ag

lorg cosanta in Éirinn i dteideal na rudaí céanna agus go bhfuil rochtain chothrom acu ar na seirbhísí atá ag

teastáil uathu, is cuma cén stádas imirce nó conair chosanta atá acu.

**Cearta na leanaí atá ag teacht go hÉirinn a**Tu**c**a**h**r**u**a**r**s**c**c**h**ái**u**l **n**Bh**c**l**i**i**n**a**n**ntTuúila2ra0s2c2á**C**il **e**B**a**h**r**l**t**ia**a**n**n**tú**a**il**le**2**a**0**n**2**a**2**í atá ag teacht go hÉirinn a chur chun cinn 37**

**9**

### Teaghlach agus Cúram

##### An Bille Sláinte (Atáirgeadh Daonna Cuidithe), 2022

Is é barúil an OOL ná gur cheart soláthar a dhéanamh sa dlí do gach páiste a rugadh in Éirinn trí mháthairionadaíocht. Dá réir sin, d’fháiltíomar an cinneadh chun An Bille Sláinte (Atáirgeadh Daonna Cuidithe), 2022 a atreorú go dtí Coiste Oireachtais, a bunaíodh go sonrach chun iniúchadh a

dhéanamh shaincheist mháthairionadaíochta idirnáisiúnta.

I mí Bealtaine 2022, d’fhoilsíomar ár mbreathnuithe ar an mBille, agus léiríomar an t-imní nach léiríonn an Bille go leor measa ar chearta leanaí. Chuireamar béim ar roinnt saincheisteanna a chreidimid gur gá iad a bhreithniú níos mó, lena n-áirítear an gá do:

* Soláthar a chur san áireamh sa Bhille do pháistí a rugadh trí mháthairionadaíocht idirnáisiúnta,
* Soláthar a chur san áireamh do pháistí a rugadh cheana féin trí mháthairionadaíocht bhaile agus idirnáisiúnta.
* Cead a thabhairt do pháistí ar rugadh trí mháthairionadaíocht iad rochtain a fháil ar a ndúchas, agus
* Cinntiú go gcuirtear leasa na bpáistí ar rugadh trí mháthairionadaíocht san áireamh i ngach cinneadh a bhaineann leo.

Chuaigh an OOL faoi bhráid Chomhcoiste an Oireachtais Máthairionadaíocht Idirnáisiúnta i mí Bealtaine 2022. I mí Iúil 2022, d’fhoilsigh an Comhchoiste a thuarascáil agus fáiltímid an chaoi gur léirigh an tuarascáil seo ómós ar ár gcúiseanna imní. Anuas air sin, d’fháiltíomar freisin an chaoi gur dhearbhaigh an Rialtas moltaí ina dhiaidh sin chun an Bille a leasú agus táimid ag súil go ndéanfar breithniú ar mholtaí an OOL san obair leanúnach chun leasuithe a dhréachtú don Bhille.

Tugaimid faoi deara agus cuirimid fáilte roimh an gcaoi go gcuireann Breathnuithe Deiridh Choiste na NA um Chearta an Linbh, a foilsíodh i mí Feabhra 2023, moladh san áireamh go mba cheart go mbeadh fáil ag gach páiste ina rugadh

trí mháthairionadaíocht ar eolas faoina ndúchas. Leanfaimid orainn ag déanamh monatóireachta agus, de réir mar is gá, déileálfaimid le forbairtí bainteach leis an reachtaíocht mholta seo le linn 2023.

**38** Tuarascáil Bhliantúil 2022 **Teaghlach agus Cúram**

### Tuairimí Leanaí

**10**

##### No Filter: Suirbhé ar eispéiris pháistí leis an bPaindéim Covid

Le linn na paindéime Covid-19, d’oibrigh an OOL go crua chun aird a tharraingt ar an tionchar a bhí ar leanaí agus daoine óga, agus an chaoi ar casadh a saoil bunoscionn. Theastaigh uainn freisin breith ar thuairimí agus eispéiris na bpáistí leis an bpaindéim ionas go bhféadfaí na dearcthaí seo a chur san áireamh nuair a táthar ag déanamh beartas agus cinntí i ndomhan i ndiaidh Covid. Cé acu fadhbanna a ghéaraigh an phaindéim do leanaí agus do dhaoine óga- agus-an raibh aon rud dearfach nach rabhthas ag súil leis? Bhí an-chuid tráchtaireachta poiblí faoi theacht aniar na bpáistí ach cad a cheap siad féin?

Leis an méid seo san áireamh, lainseálamar ár suirbhé No Filter i mí Feabhra 2022 chun éisteacht go caol díreach le páistí agus daoine óga faoin saol le linn an ama seo nach bhfacthas riamh roimhe. I gcomhar le taighde Amárach, ba shuirbhé ar líne é No Filter le roinnt mhaith ceisteanna bunaithe ar na fadhbanna comónta ar tarraingíodh aird orthu leis an OOL agus sna meáin.

Osclaíodh é do leanaí idir 9-17 bliain d’aois agus reáchtáladh ar bhonn píolótach é i rang bunscoile agus iar-bhunscoile i mBaile Átha Cliath. Bunaithe ar an aischothú a fuaireamar, rinneadh athbhreithniú agus uasdátú ar cheisteanna roimh dháileachán ginearálta.

**Tuairimí Leanaí** Tuarascáil Bhliantúil 2022

Nuair a bhí sé curtha i gcrích, tugadh cuireadh do bhunscoileanna agus meánscoileanna timpeall na tíre, lena n-áirítear scoileanna deis, neamh-dheis, gaelscoileanna agus scoileanna príobháideacha chun páirt a ghlacadh, i dteannta Phainéal Comhairleach na nÓige.

Ghlac 1389 páistí ó 23 scoil páirt inNo Filter san iomlán. Foilsithe i mí Aibreáin, fuarthas amach gur bhraith nach mór leath na bpáistí ar rinneadh suirbhé orthu gur tháinig mórathrú ar a saoil le linn na paindéime a mhair dhá bhliain. Bhraith 74% mothúcháin uaigneacha, agus bhraith 76% mothúcháin imní agus 70% mothúcháin feirge. Nuair a tháinig sé chuig an oideachas, bhraith 83% de na páistí ar rinneadh suirbhé orthu go raibh drochthionchar ag an bpaindéim ar a

bhfoghlaim, agus ba mhór an t-ábhar buartha é go ndúirt 14% nach bhfuair siad cabhair ar bith lena léann ar líne sa bhaile ar fad.

Tugadh cuireadh do pháistí freisin aon rud eilea dteastaíonn uathu a roinnt maidir leis an bpaindéim Covid-19. Bhí éagsúlacht sna ráitis a bhí an-ionraic agus ó chroí, agus aithníodh na rudaí dearfacha a tháinig as an bpaindéim, ach cuireadh béim ar na rudaí diúltacha a d’eascair aisti agus an tionchar fadtréimhseach a d’fhéadfadh a bheith ag Covid-19 ar leanaí.

Tá an OOL tiomanta do na teachtaireachtaí cumhachtacha a roinneadh mar chuid den suirbhé seo a úsáid chun obair na hoifige a chur ar an eolas, agus iad a ardú go dtí an Rialtas agus níos faide.

**39**

##### Painéal Comhairleach na nÓige

In 2020, d’athbhunaigh an OOL Painéal Comhairleach na nÓige (YAP) ar bhonn píolótach ar feadh dhá bhliain. Le linn 2022, bhí 20 páistí bainteach leis an YAP san iomlán. I ndiaidh bliain iomlán de chruinnithe ar líne in

2021, bhí ríméad orainn a bheith in ann ár gcéad chruinniú i láthair go pearsanta a reáchtáil

in 2022. Bhuail an YAP lena chéile 12 uair: Bhí seacht gcruinniú i láthair go pearsanta in OOL agus bhí cúig cinn acu ar líne.

Thug baill YAP faoi roinnt píosaí oibre lena n-áirítear lainseáil na tuarascála bliantúla, an mheastóireacht sheachtrach ar an YAP píolótach, agus cur chun cinn suirbhé ar

mheabhairshláinte. Ba é an príomhphíosa oibre

**Karolina (YAP) ag labhairt faoina**

**heispéireas le próiseas UNCRC agus an YAP**

Táim mar bhall de Phainéal Comhairleach na nÓige ó mhí an Mhárta 2022 i leith. Chuaigh mé isteach ann mar táim buartha faoi m‘oideachas agus faoin tslí a gcaitear le leanaí in Éirinn. Tá an- chuid rudaí cearr leis an gcóras oideachais agus sin an chúis gur theastaigh uaim ballraíocht a ghlacadh ann. Táimse thuas i nDún na nGall; ní chloistear faic faoi aon rud agus mar sin níos chuala mé aon rud faoin YAP. Ní raibh a fhios agam cad a bhí i gceist leis ach dúirt mé go rachainn agus go mbainfinn triail as. Mhothaigh mé an-sásta agus ar fheabhas nuair a ghlac mé ballraíocht ann. Cheap mé gurb é an rud is fearr ar domhan é.

In imeacht seisiúin an YAP, d’oibríomar ar aighneacht na leanaí don UNCRC chun dearcthaí éagsúla na leanaí difriúla a chur trasna. D’éisteamar le scéalta difriúla agus scríobhamar píosaí anseo is ansiúd agus ansin chuamar go dtí an Ghinéiv chun na pointí seo a chur trasna agus chun na fadhbanna atá

ag tarlú a réiteach. Bhí sé mar ról agamsa sa Ghinéiv labhairt ar an oideachas. Ceapaim go ndearna an Coiste cuntas den mhéid a

dúramar agus go raibh an-suim acu ann. Ansin bhí imeacht againn le polaiteoirí na hÉireann agus státseirbhísigh shinsearacha ar an 12

de mhí Eanáir. Thosaíomar á phleanáil roimh Nollaig. Bhuaileamar le roinnt mhaith daoine difriúla agus labhraíomar beagnach ar na rudaí céanna ar labhraíomar orthu sa Ghinéiv agus

a raibh an YAP bainteach leis in 2022 bunú Thuarascáil Leanaí na hÉireann do Coinbhinsiún na NA um Chearta an Linbh, Pieces of Us, agus láithreán gréasáin agus físeán tacaíochta. Tá níos mó eolais ar an obair seo agus ar bhaint an YAP leis ar fáil i bhforlíonadh Idirphlé Dearfaigh na NA.

Nuair a chríochnaigh an chéim phíolótach de YAP OOL i mí Eanáir 2023, choimisiúnaíomar meastóireacht sheachtrach ag deireadh 2022. D’oibrigh an meastóir le baill an YAP agus leis an bhfoireann ar fud OOL. Tá torthaí luatha na meastóireachta seo thar a bheith dearfach, le roinnt moltaí le haghaidh athruithe ar phróisis earcaíochta agus an YAP a neadú níos mó laistigh den OOL. Breathnóimid isteach níos mó ar na moltaí seo in 2023 agus beidh an tuarascáil meastóireacht deireanach ar ár láithreán gréasáin.

ansin bhí píosa beag le rá agam féin. Labhair mé ar mo dhisléicse féin agus an chaoi go bhfuil mo scoil ina praiseach agus nach bhfuil mórán á ndéanamh acu agus an chaoi go mbraithim gur chuma leo in amanna agus an tslí go mba chóir dóibh í a dhéanamh níos fearr. Ní bhfuair mé mórán d’fhreagra mar ní raibh a fhios ag éinne conas mé a fhreagairt seachas don duine amháin nach raibh i láthair, ach bhraith mé gur éisteadh liom. I ndiaidh

an imeachta, bhraith mé ní b’fhearr toisc go ndúirt mé an méid a dúirt mé mar go hiondúil ní maith liom mórán a rá faoi mar is míchumas é ina bhraitheann tú nach gnáthdhuine oibre tú. Bhraith mé go ndeachaigh mé i ngleic leis an domhan. Dá mbeadh dhá mhian agam ar conas a d’fhéadfadh le hÉirinn feabhas a chur ar an tslí a gcaitheann sí le leanaí, cinnte déarfainn gur gá an córas oideachais a ghlanadh suas i

bhfad Éireann níos fearr agus níos mó spásanna a chur ar fáil do pháistí ionas go bhféadfaidís rudaí atá ag cur imní orthu a phlé ann.

Ba mhór an rud domsa a bheith ar an YAP agus chas mé le daoine nua agus tá siad an-deas agus ba phribhléid í dul suas agus síos agus rudaí a phlé agus ábhairín raiméise a rá freisin

- an obair dháiríre a dhéanamh ach ábhairín spraoi a bheith againn freisin. Spreag sé níos mó a rá fúm féin seachas gan faic a rá. Ba rud an-spraíúil é agus ba thaithí maith é agus ní fhaigheann mórán daoine an taithí céanna.

Braithim go bhfuil an t-ádh liom go raibh mé in ann na rudaí seo a dhéanamh.

**40** Tuarascáil Bhliantúil 2022 **Tuairimí Leanaí**

##### Beyond Limits 2022

Bunaíodh den chéad uair riamh in 2019 é, is é Beyond Limits ár n-imeacht uathúil ar

nós féile do pháistí agus daoine óga a bhfuil míchumais orthu agus dá dteaghlaigh chun taitneamh a bhaint as lá ionchuimsitheach agus inrochtana de chainteoirí, léirithe agus gníomhaíochtaí. Mar a mholann an t-ainm, tá sé mar aidhm ag Beyond Limits ardán

a thabhairt do leanaí a bhfuil míchumais orthu chun a n-eispéiris, a ngaiscí agus a bpleananna don todhchaí a roinnt.

Is príomhfhócas don OOL é cinntiú go ‘bhfeictear, go gcloistear agus go ndéantar comhaireamh‘ ar leanaí faoi mhíchumas agus go dtugtar tús áite dóibh inár bPlean Straitéiseach 2022-2024.

D’óstaigh an OOL dhá imeacht Beyond Limits in 2022 in Airéine Chnoc na Riabh, Sligeach ar an 1 Deireadh Fómhair agus ag Airéine Spóirt Ollscoil Luimnigh ar an 15 Deireadh Fómhair 2022. D’óstaigh Ellen Keane, Buaiteoir Bonn Óir ag na Cluichí Parailimpeacha, Paddy Smyth, an tAmbasadóir um Míchumas é agus

bhí breis is 1200 páistí, tuismitheoirí, deartháireacha agus deirfiúracha, cúramóirí agus iad siúd a oibríonn

le daoine a bhfuil míchumas orthu i láthair. Bhí páistí agus teaghlaigh

gríosaithe agus spreagtha ag scéalta agus léirithe ó Katie-George Dunlevy agus Eve McCrystal, James Casserly, Fiacre Ryan, Padraig O’Callaghan,

Mark Smith agus Ian O’Connell, Derek Ryan, Sligo Youth Voices, Bluestack Choir, agus Music Generation. Chomh maith leis sin bhí réimse gníomhaíochtaí agus spórt do gach éinne chun taitneamh a bhaint astu lena n-áirítear: Peil Ghaelach leis an CLG,

Sacar leis an IRFU, Gymnastics Ireland, Table Tennis Ireland, Ióga, Bácáil, Criadóireacht, Cluichíocht, Ealaíona agus Ceardaíocht, Scéalta Céadfacha.

Bhí sé mar chuspóir ag an OOL le himeacht OOL a thosú ná chun aird a tharraingt ar

an gcaoi gur féidir imeacht inrochtana agus ionchuimsitheach do gach páiste a bheith mar ghnáthrud - seachas mar rud

eisceachtúil. Theastaigh uainn freisin cinntiú gur pléadh le leanaí agus daoine óga a bhfuil míchumas orthu le linn an phróisis agus d’earcaíomar naonúr ógánach iontach atá faoi mhíchumas le haghaidh Painéal Comhairleach na nÓige (YAP). Bhí ról lárnach ag ár YAP leis an imeacht a eagrú agus chabhraigh sé linn

le réimse áiteanna, idir na gníomhaíochta agus na léirithe ceoil , an marsantas agus an scéim dhathanna a roghnú. Thosaigh sé

amach mar ról comhairliúcháin agus athraíodh go luath é go dtí ról rannpháirtíochta, agus ghlac an-chuid ball den YAP páirt chomh maith ar an lá agus roinn siad a scéalta agus

a n-eispéiris féin. Mar chuid den phróiseas pleanála, bhunaíomar coiste comhairliúcháin le comhlachtaí míchumais ar nós AsIAm, Cumann Cathaoireacha Rothaí na hÉireann agus Cumas Éireann agus bhí ról lárnach acu ag cinntiú go mbainfeadh gach duine

taitneamh as an lá agus go raibh sé insroichte go hiomlán.

**Tuairimí Leanaí** Tuarascáil Bhliantúil 2022 **41**

**Beyond Limits 2022**

**“Thaitin an**

**éagsúlacht**

**chainteoirí go**

**mór liom. Bhí**

**éagsúlacht iontach**

#### “Bhí sé bunaithe ar theaghlaigh seachas don té a bhfuil míchumas air/uirthi”

**“Thaitin an chaoi a**

**raibh an-bhaint ag**

**na páistí ann agus**

**nach iad na daoine**

**fásta amháin a**

**bhí ag labhairt le**

**daoine fásta”**

**42**

**gníomhaíochtaí**

**ann le linn na**

**mbristeacha”**

**gach aois, bhí an**

**“Bhí sé thar cionn éisteacht**

**go díreach le leanaí agus**

**daoine óga faoi mhíchumas**

**a ghnóthaigh an oiread sin**

**gaiscí, bhí sé inspioráideach.**

**Bhí sé ar fheabhas sa chaoi is**

**go raibh an t-imeacht chomh**

**“An-oiriúnach do**

**tsiamsaíocht an-**

**mhaith”**

#### “Bhí an t-imeacht réchúiseach, ionchuimsitheach agus siamsúil”

**hionchuimsitheach agus**

**inrochtana”**

**43 43**

##### Painéal Comhairleach na nÓige Beyond Limits

Bunaíodh Painéal Comhairleach na nÓige Beyond Limits (BLYAP) chun tacaíocht a thabhairt do Beyond Limits a phleanáil. Bhí sé mar ról BLYAP moltaí a sholáthar, gníomhú mar bhonn braite, páirt a ghlacadh in imeachtaí agus aischothú a thabhairt ina ndiaidh.

Chláraigh naonúr ball le bheith páirteach in BLYAP. Ba ghrúpa le meascán cumais é le

leanaí a bhfuil roinnt mhaith míchumas orthu lena n-áirítear siondróm Down, uathachas, imní, ADHD, diospraicse agus míchumais fhisiceacha, mar aon le leanaí nach bhfuil faoi mhíchumas.

Reáchtáladh 11 cruinniú BLYAP i gcaitheamh na naoi mí mar aon le naoi gcruinniú tosaigh duine le duine maidir le hanailís

ar na riachtanais, agus 34 cruinniú duine le duine chun na páistí a ullmhú dá róil ag na himeachtaí. Reáchtáladh cruinnithe an ghrúpa ar líne. D’fhreastail sé seo ar leanaí ó chontaetha difriúla a chur san áireamh.

Reáchtáladh dhá chruinniú le chéile i láthair go pearsanta ag an oifig; ceann amháin chun an t-imeacht a lainseáil agus cruinniú ceiliúrtha ag deireadh an tionscadail.

Bhí scileanna áirithe agus pleanáil dhíograiseach ag teastáil chun tacaíocht a thabhairt do riachtanais an BLYAP. Thug na tuismitheoirí agus na caomhnóirí tacaíocht do na páistí a bhí bainteach leis lena chinntiú gur bhraith gach páiste réitithe, san áireamh agus gur éisteadh leo sa phróiseas. Bhí ar ábhar na gcruinnithe a bheith bunaithe ar an bpáiste, tarraingteach agus bhí air freastal ar gach páiste agus iad a spreagadh chun páirt a ghlacadh ann. Fuair an BLYAP an clár agus na cuir i láthair do gach cruinniú roimh ré sna leaganacha amach cuí, ionas go

mbeadh am acu smaoineamh ar a bhfreagraí. Sna cruinnithe, chinntigh éascaitheoirí go labhair siad go soiléir agus gur chuir siad cuireadh roimh fhreagraí trí bhealach ar

bith a raibh siad compordach leis: ó bhéal, scríbhneoireacht sa bhosca comhrá nó i bhfoirm Lámh, frapaí nó pointeála. Chomh maith leis sin, bhí roinnt mhaith bristeacha rince againn.

I ndiaidh na n-imeachtaí, rinne rannpháirtí machnamh ar a n-am ag rá: *“Léirigh sé dom cé chomh tábhachtach is atá laethanta cosúil le Beyond Limits toisc nach raibh sé bunaithe ar mo mhíchumas, bíodh is go raibh sé bunaithe ar mhíchumas, ach ba dhaoine iad ar fad istigh leo féin agus ceapaim go mbeadh sé an-chabhrach dom sa todhchaí chomh maith.”*

Spreagadh rannpháirtí eile é féin a chur in iúl mar gheall ar an deis a thug Beyond Limits dó: *“An chuid ab fhearr domsa de Beyond Limits ná ag casadh le daoine nua agus a*

*bheith in ann am a chaitheamh le daoine nua agus m’óráid a dhéanamh faoi sheasamh ar son daoine faoi mhíchumas agus m’aistear i dtreo neamhspleáchais chomh maith.”*

**44** Tuarascáil Bhliantúil 2022 **Tuairimí Leanaí**

##### Cainteanna Leanaí 2022

Ceiliúrtar an cúigiú cuimhneachán dár

n-imeacht bliantúil Child Talks i mbliana, rud a thugann ardán do leanaí agus daoine óga labhairt faoi shaincheisteanna a bhfuil

tábhachtach dóibh. Bhí Child Talks 2022 beo ó Theach Laighean ar an Aoine, 18ú Samhain leis an téama ‘Dá mbeinn i mo Thaoiseach don Lá’. Bhí ochtar rannpháirtithe idir 11 go dtí 17 mbliana d’aois againn, lena n-áirítear dhá iontráil fhíseáin agus léiriú ceoil saincheaptha ó ghrúpa óige ban, a chur an lucht féachana de 100 duine faoi dhraíocht i leabharlann Theach Laighean agus bhailigh sé 432 beoshruth. D’óstaigh beirt dár gcainteoirí óga Child Talks 2021 agus clúdaíodh roinnt mhaith topaicí lena n-áirítear easpa dídine, leasú oideachais, tacaíochtaí uathachais, inrochtaineacht, iompair tuaithe, cumhachtú

na mban, an Ghaeilge agus éisteacht le leanaí. Breathnaíodh ar Child Talks freisin i seomraí ranga ar fud na tíre i ndiaidh teagmháil dhíreach a dhéanamh le scoileanna agus dáileadh na n-ábhar go dtí múinteoirí ar

fud na tíre. Tugadh cuireadh do bhaill an Oireachtais freastal air, agus bhí aíonna speisialta ó rang a sé i Scoil Chrónáin i Ráth Cúil, Baile Átha Cliath mar chuid den lucht féachana an lá sin.

Roghnaigh an OOL ár gcainteoirí Child Talks i mí Mheán Fómhair 2022 i ndiaidh fios

náisiúnta ar líne a chur ar eagraíochtaí leanaí agus trí theagmháil a dhéanamh leo le linn an tsamhraidh. Cuireadh fáilte roimh leanaí agus daoine óga suas le 18 mbliana d’aois clárú a dhéanamh chun páirt a ghlacadh trí

fhoirm iarratais ar líne ar ár láithreán gréasáin. D’oibrigh an OOL lenár gcainteoirí roghnaithe thar na trí mhí chun cabhair a thabhairt dóibh a scéalta a fhorbairt agus iad a ullmhú don imeacht trí cheardlanna grúpaí ar líne agus seisiúin duine le duine.

Thugamar faoi fheachtas meáin shóisialta díreach roimh an, agus le linn an imeachta Child Talks. Tá sócmhainní bolscaireachta nuair atáthar ag earcú cainteoirí, fógairt an bheoshruthaithe roimh an imeacht agus ábhar beo na gcainteoirí agus taibheora ar an lá san áireamh. Bhunaíomar leathanach ‘Meet the Speakers’ ar ár láithreán gréasáin, agus bhí féinaisnéisí gairide dár gcainteoirí mar chuid de. Bhí sé seo ar fáil dár lucht féachana trí chód QR. Clúdaíodh Child Talks 2022 go leathan i gcló náisiúnta agus áitiúil agus sna meáin áitiúla.

**Tuairimí Leanaí** Tuarascáil Bhliantúil 2022 **45**

##### The Scrawl

Tá an-chuid próiseas dlíthiúil, polaitiúil agus riaracháin a mbíonn tionchar acu ar pháistí casta. Má tá an ceart ag leanaí neart a bheith acu ar rudaí a dtéann i bhfeidhm orthu, beidh ar na próisis seo a bheith léirithe i mbealaí a dtuigeann páistí iad agus i mbealaí sothuigthe do pháistí. Chun cabhair a thabhairt leis seo bhunaíomar The Scrawl in 2022. Is leathanach gréasáin a thógann próisis pholaitiúla agus dhlíthiúla agus eachtraí reatha bainteach nó a mbíonn tionchar acu ar pháistí agus déanann sé iad níos fusa do pháistí le tuiscint.

I rith 2022 scríobh foireann Oideachais Rannpháirtíochta agus Cearta píosaí le haghaidh The Scrawl a thugann eolas faoi ghnóthaí sanOireachtas,billí atá ag teacht go luath a mbíonn tionchar acu ar leanaí, uasdátuithe ar ghrúpaí stiúrtha idir-rannacha agus foilsithe beartas OOL. Míníodh iad seo

i dteanga shothuisceanach agus, nuair a bhí eolas breise ag teastáil ó choincheap, próiseas nó struchtúr, baineadh úsáid as cnaipe *Say Whaaat* chun níos mó eolais a sholáthar i míreanna aníos.

Bhí ríméad orainn nuair a chur leanaí iad féin chun tosaigh freisin chun ailt a scríobh. Scríobh duine amháin ón BLYAP píosa faoi

Mhíchumais Cheilteagus scríobh ball de YAP an OOL faoin bpáirt a bhí aige/aici in Aighneacht na Leanaí a chuaigh faoi bhráid an CNACL.

Tá súil againn go mbeidh leanaí in ann The Scrawl a úsáid chun roinnt eolais shimplí a fháil ar thopaicí atá casta go minic agus go gcabhraíonn sé le braistint chumhachta a thabhairt dóibh chomh maith le bheith níos muiníní agus níos réitithe lena ndearcthaí a chur in iúl.

##### CoVision

Chríochnaigh an tionscadal Co-Vision, a bhí treoraithe ag Ollscoil Chathair Bhaile Átha Cliath, in 2022. Dhírigh an tionscadal taighde idirnáisiúnta seo, a raibh páirtithe aige i

naoi dtír, ar chomh-dhearadh agus taighde rannpháirtíochta le leanaí. Rinne sé iniúchadh ar conas a dhéileáil leanaí le daoine agus conas

a thug siad tacaíocht do dhaoine le linn na paindéime Covid-19 agus ina diaidh.

In 2022, ghlac an OOL páirt i seimineár gréasáin CoVision ar na dúshláin agus na deiseanna roimh lucht déanta beartas nuair atá leanaí bainteach leis an gcinnteoireacht mar aon le comhghleacaithe ón Roinn Leanaí, Comhionannais, Míchumais, Lánpháirtíochta agus Óige agus ó Ollscoil Auckland, An Nua- Shéalainn.

I mí an Mheithimh, mar aon le comhghleacaithe ó Ollscoil Chathair Bhaile Átha Cliath, d’óstálamar agus chabhraíomar le Ceardlann Chomh-dhearaidh COVISION a chur ar fáil i láthair go pearsanta le Grúpa Comhairleach

um Thaighde Leanaí (CRAG). Ba é seo an chéad chruinniú den CRAG duine le duine. Ghlac naonúr leanaí idir deich agus 16 bliana d’aois páirt sa cheardlann seo. Ar dtús, d’fhéach

siad ar an méid a d’fhoghlaim an fhoireann CoVision faoi thionscnaíochtaí a eagraíodh chun tacaíocht a thabhairt do leanaí le linn na paindéime agus bhog siad ar aghaidh ansin ag sainaithint tionscnaíochtaí chun

tacaíocht a thabhairt do leanaí agus teaghlaigh i bpaindéimeanna, dianghlasálacha agus géarchéimeanna amach anseo.

I ndiaidh na ceardlainne seo a bhí i láthair go pearsanta, lean an CRAG ar aghaidh ag obair ar a gcuid tuairimí ar líne. Ba bhuaic an phróisis seo ná Cur i Láthair CRAG i mí na

Samhna. Ag an imeacht seo, a d’óstáil an OOL, bheachtaigh na leanaí a gcuid tuairimí agus mhol siad tionscnaíochtaí agus chuireadar iad faoi bhráid an Aire Leanaí, Chomhionannais, Mhíchumais, Lánpháirtíochta agus Óige,

Roderic O’Gorman TD agus roinnt mhaith dá n-oifigigh shinsearacha, mar aon le hoifigigh shinsearacha ón Roinn Oideachais, Roinn Sláinte agus an FSS.

Tharla an t-imeacht deireanach de thionscadal CoVision ar 26ú Samhain le himeacht sárthaispeántais ag Ollscoil Chathair

Bhaile Átha Cliath. I ndiaidh cur i láthair ó phríomhthaighdeoirí bainteach leis an

tionscadal seo, leis an CRAG san áireamh, sholáthair an tOmbudsman do Leanaí an

t-aitheasc clabhsúir agus ghríosaigh sé ar bhaill machnamh a dhéanamh ar na moltaí a rinne an CRAG.

**46** Tuarascáil Bhliantúil 2022 **Tuairimí Leanaí**

##### Taighde na Comhghuaillíochta um Chearta Leanaí: Guth, Cearta, Cuir i bhFeidhm

TBhí an OOL mar bhall de choiste stiúrtha le haghaidh taighde maoinithe ag an AE agus coimisiúnaithe ag an gComhghuaillíocht um Chearta Leanaí. Ag obair le painéal comhairleach na n-óige (déanta de

leanaí idir 12-17 mbliana d’aois) ar bhonn comhthaighdeora , thug baill Scoil an Oideachais, Ollscoil Chathair Bhaile Átha Cliath faoin tionscadal seo. Ba é a fhócas ná eolas leanaí ar a gcearta féin. D’fhoilsigh an Chomhghuaillíocht um Chearta Leanaí an tuarascáil dheireanach den tionscadal, Guth, Cearta, Cuir i bhFeidhm, in Aibreán 2022.

Déanann an tuarascáil scrúdú ar eolas leanaí ar a gcearta féin, sainaithníonn sé bearnaí ina n-eolas agus scileanna, agus déanann

sé cinntí a thabharfaidh cabhair dul i ngleic leis na bearnaí seo trí pholasaithe agus cleachtais. Labhair ár gCeannasaí Polasaí ag seoladh na tuarascála.

##### Gradaim Rannpháirtíochta Náisiúnta TUSLA

In 2022, chuaigh Tusla i mbun cainte leis an OOL agus líon beag comhlachtaí eile chun an tsuim i gclár píolótach de ghradaim rannpháirtíochta náisiúnta do leanaí agus daoine óga a mheas. Bheadh na gradaim seo in áitInvesting in Childrenatá bunaithe sa RAagus a bhain Tusla úsáid as roimhe seo. D’óstáil an OOL a chéad chruinniú geallsealbhóirí i mí an Mheithimh 2022 Ag an gcruinniú seo, d’aontaigh geallsealbhóirí an clár gradam náisiúnta a bhí treoraithe ag Tusla agus tacaithe ag geallsealbhóirí eile a reáchtáil ar bhonn píolótach.

Ó shin, d’oibríomar mar chuid den Choiste Stiúrtha do na gradaim seo, ag cur le fócas na ngradam, na foirmeacha iarratais agus an critéir meastóireachta a bheachtú agus a chur in oiriúint. Ceaptar go mbeidh na céad iarratais don ghradam nua seo in 2023 agus beimid mar chuid den choiste ag déanamh meastóireachta orthu.

**Tuairimí Leanaí** Tuarascáil Bhliantúil 2022 **47**

**11**

##### For-rochtain ar Champas Coinneála Bhaile an Oibricigh

Tá an OOL ag tabhairt cuairteanna for- rochtana go dtí Ionad Coinneála Bhaile an Oibricigh ó 2017. Theastaigh uainn sinn féin a dhéanamh níos insroichte do leanaí agus

daoine óga a bhféadfadh sé a bheith deacair orthu teacht ar ár nOifig, nó nach bhfuil mórán eolais acu fúinn. Tugtar cuairteanna ar bhonn míosúil agus tá daoine óga saor sinn a chur ar an eolas faoi fhadhbanna, comhairle a lorg uainn agus gearáin a dhéanamh, dá mba mhian leo.

I gcaitheamh na gcuairteanna, thugamar faoi deara nár thuig daoine óga a bhí ag dul faoi bhráid na gcuairteanna an próiseas i gcónaí. Bhí deacrachtaí foghlama ag cuid acu agus thabharfaí tacaíocht dóibh le SNA ar scoil.

Bhí deacrachtaí ag cuid acu freisin iad féin a chur in iúl agus cumarsáid a dhéanamh go héifeachtach. Níor thuig siad coinníollacha a mbannaithe i gcónaí agus ní raibh siad in

ann an Chúirt nó a n-ionadaí dlíthiúil a chur ar an eolas faoi a cúiseanna nach raibh siad in

**Leanaí sa Chóras**

**Dlí agus Cirt**

ann coinníollacha a mbannaithe a shásamh i gcásanna áirithe. Bhí rátaí méadaithe

atitimeachais do na daoine óga seo de bharr na ndeacrachtaí seo.

Bhuaileamar le TUSLA an bhainistíocht shinsearach ag Baile an Oibricigh, chun tuiscint iomlán a fháil ar na fadhbanna a bhfuil na leanaí ag tabhairt aghaidh orthu agus conas a d’fhéadfaí iad a réiteach. Fuaireamar amach go bhfuil idirghabhálaithe ag roinnt mhaith tíortha a thugann cabhair do dhaoine óga le próisis na cúirte a thuiscint. Níl a leithéid de sheirbhís in Éirinn.

##### Scéim Ghinearálta den Bhille um Cheartas Coiriúil (Cionta Gnéasacha agus Gáinneáil ar Dhaoine) 2022

I mí Iúil 2022, d’fhoilsigh an tAire Dlí agus Cirtan Scéim Ghinearálta denBhille um

**48** Tuarascáil Bhliantúil 2022 **Leanaí sa Chóras Dlí agus Cirt**

Cheartas Coiriúil (Cionta Gnéasacha agus Gáinneáil ar Dhaoine) 2022. I measc rudaí eile, tá sé i gceist ag an reachtaíocht mholta seo:

* Níos mó cosaintí agus tacaíochtaí a sholáthar d’íospartaigh gáinneála, lena n-áirítear ilghníomhaireacht Meicníocht Náisiúnta Atreorúcháin a bhunú ar bhonn reachtúil.
* Na bacainní reachtaíochta deiridh a bhaint as daingniú na hÉireann don Dara Prótacal Roghnach den CNACL ar dhíol leanaí, striapachas leanaí agus pornagrafaíocht leanaí.

I mí na Nollaig 2022, scríobhamar go dtí an tAire Dlí agus Cirt faoin Scéim Ghinearálta. D’fháiltíomar an obair a tugadh fúithi chun dul chun cinn a dhéanamh ar an Scéim Ghinearálta agus tugann an reachtaíocht mholta seo conair do dhaingniú na hÉireann don Dara Prótacal Roghnach a bhí ag teastáil go géar. Mar sin féin, i ndiaidh athbhreithniú a dhéanamh ar Chuid 3 den Scéim Ghinearálta, rud a sholáthraíonn Meicníocht Náisiúnta Atreorúcháin d’íospartaigh gáinneála, thugamar faoi deara go bhfuil níos mó machnaimh le déanamh ar roinnt moltaí lena chinntiú go ndéantar iad a ailíniú le cearta

leanaí. Dá réir sin, molaimid go mba cheart an t-ábhar seo a leanas a thógáil go dáiríre.

* Easpa forálacha sa Scéim Ghinearálta do phróiseas aitheantais leanaí
* An critéir molta le haghaidh íospartaigh gáinneála a aithint, agus
* Easpa forálacha cuí le haghaidh rochtain a chur ar fáil d’íospartaigh gáinneála ar chúnamh agus teidil shainiúla.

De réir mar a leanann dréachtú na Bille um Cheartas Coiriúil (Cionta Gnéasacha agus Gáinneáil ar Dhaoine) ar aghaidh, tá súil againn go ndéanfar machnamh dáiríre ar an ngá

do leanaí a bheith níos sofheicthe sa Bhille go ndéanfar forálacha leanbhoiriúnaithe comhfhreagracha. Tá súil againn freisin

go mbeidh meas ag an Rialtas ar mholadh Choiste na NA d’Éirinn ina Bhreathnóireachtaí Deiridh i mí Feabhra 2023 go mba chóir don Stát Meicníocht Náisiúnta Atreorúcháin a bhunú chun íospartaigh leanaí gáinneála a aithint agus atreorú.

**Leanaí sa Chóras Dlí agus Cirt** Tuarascáil Bhliantúil 2022 **49**

**12**

##### Bille um Rialáil Sábháilteachta agus Meán ar Líne 2022

**Cearta an Linbh sa**

**Timpeallacht Dhigiteach**

I mí Eanáir 2022, d’fhoilsigh an tAire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán an Bille um Rialáil Sábháilteachta agus Meán ar Líne 2022. Bíodh is gur thug an OOL faoi deara go bhfuil de chumas i roinnt mhaith uirlisí rialála, a bhí san áireamh sa Bhille, tionchar dearfach a bheith acu, tá imní fós orainn faoin easpa forála sa Bhille le haghaidh meicníocht ghearán aonair, Dá bhrí sin, chuireamar fáilte roimh chinneadh an Aire Sainghrúpa a bhunú chun iniúchadh a dhéanamh ar an bhféidearthacht meicníocht ghearán aonair a chur ar fáil.

I mí Meán Fómhair 2022, d’fhoilsigh an tAire an tuarascáil ar an Sainghrúpa seo. Mhol an Sainghrúpa go mba chóir meicníocht ghearán aonair a thabhairt isteach ar bhonn céimiúil, le tús áite a thabhairt do ghearáin maidir le leanaí. D’fháiltíomar an chaoi gur rinneadh an

Bille a leasú i mí Dheireadh Fómhair 2022 chun moltaí an tSainghrúpa a léiriú.

Cuireadh lámh leis an mBille um Rialáil Sábháilteachta agus Meán Ar Líne 2022 i mí Nollag 2022. Ina Bhreathnuithe Deiridh i mí Feabhra 2023, mhol Coiste na NA um Chearta an Linbh go mba chóir don Stát cinntiú go dtugann an Coimisinéir Sábháilteachta ar Líne an-aird ar chosaint leanaí ina mhandáid, lena n-áirítear meicníocht ghearán aonair, de réir caighdeáin chearta leanaí. Táimid ag súil le monatóireacht a dhéanamh ar fhorbairtí nuair a thosóidh an Coimisinéir Sábháilteachta ar Líne ag obair ar chreat rialála nua maidir le sábháilteacht ar líne a chur i bhfeidhm le linn 2023.

**50** Tuarascáil Bhliantúil 2022 **Cearta an Linbh sa Timpeallacht Dhigiteach**

**13**

##### Ráthaíocht Eorpach Leanaí

Is tionscnaíocht í an Ráthaíocht Eorpach Leanaí den Choimisiún Eorpach, a dhéanann iarracht eisiamh sóisialta a sheachaint agus dul i ngleic leis trí rochtain a chinntiú do leanaí ar réimse seirbhísí tábhachtacha. Nuair a ghlac an Coimisiún Eorpach leis an Ráthaíocht Leanaí i mí an Mheithimh 2021, bhí ballstáit, le hÉirinn san áireamh, tiomanta do phleananna feidhmiúcháin náisiúnta a dhéanamh chun acmhainní a fháil.

I mí Eanáir 2022, chuir an OOL aighneacht isteach faoi bhráid na Roinne Leanaí, Comhionannais, Míchumais, Lánpháirtíochta agus Óige (DCEDIY) lena obair maidir le forbairt ar Phlean Gníomhaíochta Náisiúnta a chur in iúl. Tharraing ár n-aighneacht ar an gcaoi a bhfuil sé tábhachtach go n-éistfí le dearcthaí leanaí agus thugamar roinnt mholtaí maidir le:

* Rochtain shaor agus éifeachtach ar Oideachas agus Cúram Luath-Óige,
* Rochtain shaor agus éifeachtach ar ghníomhaíochtaí oideachais agus scoilbhunaithe,
* Rochtain shaor agus éifeachtach ar bhéile sláintiúil agus rochtain éifeachtach ar dhea-chothú.
* Rochtain shaor agus éifeachtach ar chúram sláinte, agus
* Rochtain éifeachtach ar thithíocht shásúil.

D’fhoilsigh an DCEDIY Plean Gníomhaíochta Náisiúnta na hÉireann i mí an Mheithimh 2022. Mar a luadh sa Phlean Gníomhaíochta Náisiúnta féin, tarraingíonn comhdhéanamh an phlean seo ar pholasaithe, straitéisí agus cláir roimhe seo a chur i bhfeidhm. Tá sé i gceist go mbeidh an Ráthaíocht Leanaí mar chuid de bhailiúchán saothair níos leithne bainteach le Creatlach an Pholasaí Náisiúnta do Leanaí agus do Dhaoine Óga. Tá an OOL ag iarraidh go mbeidh bunábhar an na creatlaí, agus na struchtúir a cuireadh i bhfeidhm chun tacaíocht a thabhairt dá fheidhmiúchán mar chatalaíoch do chlár oibre uaillmhianach. Táimid ag súil go gcuirfidh na céimeanna seo, mar aon leis an Aonad Bochtaineachta Leanaí i Roinn an Taoisigh, athruithe suntasacha i

bhfeidhm le dul i ngleic le bochtaineacht agus eisiamh sóisialta i measc leanaí, lena n-áirítear iad a ndíríonn Ráthaíocht leanaí orthu.

**Bochtaineacht i**

**measc Leanaí**

**Bochtaineacht i measc Leanaí** Tuarascáil Bhliantúil 2022 **51**

**14**

##### Líonra Eorpach na nOmbudóirí do Leanaí (ENOC)

The OCO is a member of the European Network of Ombudspersons for Children (ENOC), which consists of 44 Ombudspersons and Commissioners for Children in 34 countries across Europe. ENOC is a not-for- profit association of independent children’s rights institutions (ICRIs) with a mandate

to facilitate the promotion and protection of children’s rights, as set out in the UN Convention on the Rights of the Child.

The thematic focus of ENOC’s work in 2022 was ‘Children’s Rights and Climate Justice.’ The OCO contributed to ENOC’s activities by participating in a working group about this theme and by taking part in an ENOC

seminar in Warsaw in June 2022. This seminar focused on climate justice, but also involved information sharing by ENOC members in relation to two other areas: the challenges faced by children and families fleeing

Ukraine and the current challenges faced by

independent human rights institutions (IHRIs) for children in Europe.

In September 2022, the OCO participated in ENOC’s 26th Annual Conference in Reykjavik, entitled ‘Shaping the Future: Children’s Rights in a Climate Crisis’. The Annual Conference addressed the main findings of ENOC’s Synthesis Report on Children’s Rights and Climate Justice. At the conference, ENOC’s European Network of Young Advisors (ENYA) played an active role and made specific policy recommendations on climate justice. Two statements were endorsed by ENOC’s 26th General Assembly, namely ENOC’s position statement on Climate Justice and Children’s Rights and ENOC’s ad-hoc statement on the Impact of Energy Prices on Children’s Rights.

**Rannpháirtíocht**

**Idirnáisiúnta**

**52** Tuarascáil Bhliantúil 2022 **Rannpháirtíocht Idirnáisiúnta**

**15**

**An tAcht um**

**Ombudsman do**

**Leanaí**

##### Athbhreithniú ar an Acht um Ombudsman do Leanaí 2002

Faoi alt 7(1)(h) den Acht um Ombudsman do Leanaí 2002 (Acht 2002), de réir mar atá

leasaithe, tá sé de chúram ar an Ombudsman do Leanaí monatóireacht agus athbhreithniú a dhéanamh ar fheidhmiú Acht 2002 agus moltaí comhfhreagracha a dhéanamh chun an reachtaíocht sin a leasú.

In 2021, choimisiúnaigh an OOL athbhreithniú neamhspleách ar Acht 2002. Cuireadh tuarascáil ar thorthaí an athbhreithnithe

seo faoi bhráid Thithe an Oireachtais agus cuireadh iad isteach faoi bhráid an Aire Leanaí, Comhionannais, Míchumais, Lánpháirtíochta agus Óige i mí na Samhna 2022. Tá roinnt mholtaí ar fáil sa tuarascáil seo maidir le neamhspleáchas agus croífheidhmeanna reachtúla an OOL lena n-áirítear:

* Athruithe ar an maoiniú, ar na socruithe earcaíochta agus rialachais atá i

**Athbhreithniú ar an Acht OCO** Tuarascáil Bhliantúil 2022

bhfeidhm ar mhaithe le neamhspleáchas an OOL a neartú níos mó

* Leathnú ar fheidhm ghearán reachtaíochta go dtí:
  + daoine óga faoi 18 agus níos sine i gcásanna áirithe teoranta, is é sin meánscoileanna, iarchúram agus Baile an Oibricigh
  + timpeallachtaí faoi úinéireacht phríobháideach a fhaigheann maoiniú Stáit
* Má dhéantar alt 9(2) d’Acht 2002 a aisghairm, bheadh bac ar ghearáin faoi ghníomhartha riaracháin scoileanna

a ndearna an OOL fiosrú orthu mura mbaineadh úsáid agus triail as nósanna imeachta gearán áitiúla i scoileanna cheana féin.

Luann an OOL moltaí a rinne Coiste na NA um Chearta an Linbh maidir leis seo ina

Bhreathnuithe Deiridh d’Éirinn a foilsíodh i mí Feabhra 2023. Le linn 2023, beidh obair á dul chun cinn againn chun leasuithe a dhéanamh ar Acht 2002 a eascraíonn as an athbhreithniú neamhspleách ar ár reachtaíocht a cuireadh i gcrích in 2022.

**53**

**16**

### Cearta an linbh a phríomhshruthú sa bheartas náisiúnta

**Creatlach an**

**pholasaí náisiúnta do leanaí agus**

**daoine óga**

I mí Eanáir 2022, lainseáil an tAire Leanaí, Comhionannais, Míchumais, Lánpháirtíochta agus Óige comhairliúchán poiblí ar an gcéad chreatlach polasaithe Rialtais eile le haghaidh leanaí agus daoine óga in Éirinn. Beidh an creat seo mar chomharba ar Thorthaí Níos Fearr, Todhchaí Níos Gile: Creatlach an Pholasaí Náisiúnta do Leanaí agus Do Dhaoine Óga, 2014-2020 (BOBF).

Rinneamar aighneacht faoin mbeartas nua molta i mí an Mhárta 2022. Chuireamar an méid seo a leanas san áireamh; an t-amlíne cúig bliana a bhí molta don chreatlach nua, an gá don chreatlach breisluach a sholáthar laistigh de thimpeallacht bheartais phoiblí phlódaithe, mar aon le forbairtí níos leithne a mbíonn tionchar acu ar leanaí agus a gcearta. Mholamar go bhféadfadh an chreatlach nua tabhairt faoi cheithre sprioc ghaolmhara go húsáideach:

* Cearta an linbh a phríomhshruthú
* Dul chun cinn áiteanna a bhfuil tionchar acu ar leanaí agus a gcearta a neartú
* Dul i ngleic leis na míchothromaíochtaí agus na míbhuntáistí leanúnacha atá ag grúpaí leanaí áirithe, agus
* Tacaíocht a thabhairt do leanaí i ndiaidh na paindéime agus réiteach a

dhéanamh le haghaidh géarchéimeanna sa todhchaí.

Maidir le cearta leanaí a phríomhshruthú, molaimid don DCEDIY aird a tharraingt

ar chéimeanna ginearálta le haghaidh feidhmiúchán na gceart leanaí a d’aithin Coiste na NA um Chearta an Linbh (Coiste NA) agus sholáthraíomar gníomhartha sonracha bainteach leis na céimeanna ginearálta seo le cur isteach sa chreatlach nua.

Ag cur na torthaí téamacha in BOBF san áireamh mar aon le cur chuige Choiste na NA chun cearta leanaí a chruinniú, mholamar go mba chóir don chreatlach nua díriú ar

sé réimse: cearta sibhialta agus saoirse, cosaint ó fhoréigean agus míchleachtas,

**54** Tuarascáil Bhliantúil 2022 **Cearta an linbh a phríomhshruthú sa bheartas náisiúnta**

cúram teaghlaigh agus malartach, sláinte, caighdeán maireachtála, agus gníomhaíochtaí oideachais, fóillíochta agus cultúrtha. Faoi gach ceann de na sé réimse seo, d’aithníomar tosaíochtaí don DCEDIY le hathbhreithniú a dhéanamh orthu.

I mí Lúnasa 2022, d’fhoilsigh an DCEDIY treoirphlean do Chreatlach an Pholasaí nua. Tá sé spreagúil mar léiríonn an treoirphlean roinnt mhaith príomh-mholtaí agus tosaíochtaí a leagadh amach inár

n-aighneacht, lena n-áirítear na comharthaí a léiríonn an treoirphlean go:

* mbeidh an chreatlach bunaithe ar príomhphrionsabail chearta leanaí,
* soláthróidh an chreatlach ardán le cearta leanaí agus daoine óga a aithint,
* ndíreoidh an chreatlach ar ghníomhartha córasleibhéil lena chinntiú go bhfuil cearta agus riachtanais leanaí lárnach i mbreithnithe, agus
* gcuirfidh an chreatlach ‘spotsoilse’ ar na réimsí is deacra do leanaí agus

daoine óga, ach go háirithe iad siúd atá leochaileach.

Léirigh an DCEDIY roimhe seo mbeidh obair le críoch a chur ar an gcreatlach nua bainteach le breathnuithe deiridh Choiste na NA i ndiaidh a iniúchta agus a chomhrá fiúntaigh le Stáit Pháirtí na hÉireann. Dá réir sin, táimid ag súil go léireoidh an chreatlach, ar bhonn soiléir agus follasach, na moltaí a rinne Coiste na NA ina Bhreathnuithe Deiridh d’Éirinn i mí Feabhra 2023. Ina thaobh seo, luaimid ach go háirithe moltaí Choiste na NA, go mba chóir go gcuimseodh an chreatlach na réimsí ar fad a chlúdaigh an UNCRC agus go mba chóir ‘fócas ar chearta leanaí a phríomhshruthú agus cur chuige leanaí atá ceartabhunaithe

a le haghaidh cinnteoireacht bainteach le páistí agus dul i ngleic le héagothroime agus leithcheal’ a chur san áireamh.

##### An Tríú Straitéis Náisiúnta maidir le Foréigean Teaghlaigh,

**Foréigean Gnéasach agus Foréigean Bunaithe ar Inscne**

In 2021, d’iarr an Roinn Dlí agus Cirt ar OOL chun glacadh le ról faoin Tríú Straitéis Náisiúnta maidir le Foréigean Teaghlaigh, Foréigean Gnéasach agus Foréigean Bunaithe ar Inscne

a bhí le tarlú go luath ag an am sin maidir le gníomhaíochtaí a bhaineann le leanaí. Bhuail muid leis an Roinn Dlí agus Cirt cúpla uair in 2022 agus d’aontaigh muid chun glacadh

le ról faoi Cholún Comhordaithe Beartas na Straitéise maidir le leanaí agus cearta leanaí, ar an gcoinníoll go gcuirfí acmhainní breise ar fáil chun sin a dhéanamh.

I Meitheamh 2022 d’fhoilsigh an tAire Dlí agus Cirt, Helen McEntee, TD, an Tríú Straitéis agus an Plean Feidhmithe a ghabhann léi. Tá sé luaite iontu go mbeidh sé mar ról ag OOL ‘tacaíocht agus comhairle neamhspleách a chur ar fáil maidir le feidhmiú na Straitéise, le haird ar leith ar an dóigh a dtéann príomhchuspóirí, bearta, beartais agus caighdeáin i bhfeidhm ar leanaí agus ar an dóigh a ndéantar iad a threorú ag leanaí.’ Níor thosaigh OOL obair go fóill faoin Straitéis de thairbhe saincheisteanna maidir

le hacmhainní a chur ar fáil. Ach lean an oifig le teagmháil a dhéanamh leis an Roinn Dlí agus Cirt, áfach, le linn 2022 d’fhonn glacadh go gníomhach leis an ról sin sa todhchaí.

**Cearta an linbh a phríomhshruthú sa bheartas náisiúnta** Tuarascáil Bhliantúil 2022 **55**

**17**

##### Buiséad 2022

Leithdháiltear buiséad an OCO tríd an Roinn Leanaí, Comhionannais, Míchumais,

Lánpháirtíocht agus Óige agus déantar é a tharraing anuas ar bhonn rialta i rith na bliana. In 2022, bhí €3.495 milliún (2021: €2.95m) mar bhuiséad againn a bhí caite go hiomlán ag deireadh na bliana.

Mar atá leagtha amach in Alt 17(1) agus in Alt (2) den Acht um Ombudsman do Leanaí 2002, tá an tOmbudsman do Leanaí freagrach as Ráitis Airgeadais a ullmhú, as rialtacht idirbhearta

na hOifige a chinntiú, agus as comhlíonadh an Chóid Chleachtais maidir le Comhlachtaí Stáit a Rialú a áirithiú. Tá na Ráitis Airgeadais faoi réir iniúchta ag an Ard-Reachtaire Cuntas

agus Ciste. Déanfar iniúchadh ar chuntais 2022 idir mhí an Mheithimh agus mhí Iúil 2023, agus is é an tArd-Reachtaire Cuntas agus Ciste a dhéanfaidh é. De réir Alt 17(2) den Acht um Ombudsman do Leanaí 2002, chuir Oifig an Ard-Reachtaire Cuntas agus Ciste na dréacht- Ráitis Airgeadais don bhliain dar críoch an 31 Nollaig 2022 isteach lena n-iniúchadh faoin

31 Márta 2023. Nuair a bheidh siad ceadaithe

**Reáchtáil na hOifige**

ag an Ard-Reachtaire Cuntas agus Ciste, foilseofar na Ráitis Airgeadais don bhliain 2022 ar shuíomh gréasáin an OOL, mar a rinneadh i mblianta roimhe seo. Sholáthair Cuntasóirí Cairte Mazars ár bhfeidhm iniúchta inmheánaigh, agus rinne siad athbhreithniú

ar rialuithe inmheánacha in Q1 de 2023. Rinne siad iniúchadh freisin ar Chreatlach Rialachais an OOL in Q4 2022.

Is é seo a leanas briseadh síos ár gcaiteachais (i ndiaidh na costais taca a leithroinnt, lena

n-áirítear an tOmbudsman):

**56** Tuarascáil Bhliantúil 2022 **Reáchtáil na hOifige**

##### Expenditure 2022

25%

Rannpháirtíocht agus Oideachas maidir le Cearta

**42%** Cumarsáidí

15%

18%

Gearáin agus Imscrúduithe

Beartas agus Taighde

##### Earcaíocht 2022

Ag tús 2022, bhí 34 ball foirne buan ag an OOL. Faoi dheireadh 2022, bhí 37 ball foirne buan ann. Díríodh ar an bhfoireann OOL a chomhdhlúthú in 2022, i ndiaidh di fás ó 23 ball foirne ó 2020 i leith.

**Deireadh 2022**

**37 ball foirne**

**Tús 2022**

**34 ball foirne**

##### Obair Chumaiscthe san OOL

Chuir an Oifig obair chumaisc ar bhonn píolótach i bhfeidhm in 2022, agus tá ár mbeartas oibre cumaiscí á chur i bhfeidhm faoi láthair agus tá sé bunaithe ar an gCreatlach DPER.

Aistríodh an Oifig go dtí seirbhís deisce dhír- rochtana an OGCIO in 2021, agus chabhraigh sé seo go mór le hobair chumaisc a éascú le cead a thabhairt don fhoireann tabhairt faoin obair ó áit ar bith. Chabhraigh ceannachán trealaimh fhíseáin nua in 2022 le hobair chumaisc a chur i bhfeidhm níos mó trí chruinnithe agus imeachtaí hibrideacha a éascú.

**2020**

**23 ball foirne**

**Reáchtáil na hOifige** Tuarascáil Bhliantúil 2022 **57**

##### Bonneagar TFC an OCO

Ó 2021 i leith, tugann Oifig Phríomhoifigeach Faisnéise an Rialtais (OGCIO) tacaíocht don Oifig maidir lenár riachtanais deisce. Chuir an Oifig dhá fheidhm chriticiúla i bhfeidhm in 2022 a bhí ar fáil ó fhoireann feidhmeanna

Build to Share an OGCIO. Is córas bainistíochta taifeadtaí leictreonach é eDocs agus cuireadh é i bhfeidhm in Q1 2022. Is córas bainistíochta bunachair sonraí é eCase agus cuireadh é

i bhfeidhm chun tacaíocht a thabhairt dár gcásanna Gearán agus Iniúchtaí a bhainistiú in Q4 2022.

Mar chuid dár bPlean Straitéiseach 2022-2024, tá sé i gceist againn níos mó

feidhmeanna Build to Share a chur i bhfeidhm lena n-áirítear ePQ, eForms, Helpdesk agus the Hive idir 2023 agus 2024.

##### Dualgas Comhionannais agus Ceart Daonna na hEarnála Poiblí a chur chun feidhme

Tá an Oifig tiomanta dár nDualgas Earnála Poiblí a chomhlíonadh. Inár bPlean Straitéiseach do 2022-2024 táimid tiomanta do mheasúnú a dhéanamh ar na saincheisteanna comhionannais agus ceart

daonna a bhaineann lenár gcuspóir agus lenár bhfeidhmeanna. Tabharfaimid aghaidh ar na saincheisteanna a ardaíodh sa mheasúnú seo agus tuairisceoimid ar ár ndul chun cinn gach bliain inár dtuarascáil bhliantúil ar bhealach a bheidh inrochtana don phobal.

##### Fuinneamh

I mí na Nollag 2009, thug an tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha éifeacht do Threoir 2006/32/CE ó Pharlaimint na hEorpa agus ón gComhairle an 5 Aibreán 2006, agus rinne sé Rialacháin na gComhphobal Eorpach (Éifeachtúlacht Úsáide Deiridh Fuinnimh agus Seirbhísí Fuinnimh) Rialacháin 2009 (I.R. 542 de 2009)’. Ceanglaítear leis

na Rialacháin ar eagraíochtaí earnála poiblí tuarascáil a thabhairt gach bliain ó Eanáir 2011 i leith ar a n-úsáid fuinnimh agus ar na bearta arna ndéanamh chun ídiú a laghdú.

In 2021, bhain an OOL úsáid as XkWh (2021: 77,013kWh) leictreachais, méadú X% ar 2021. Leanann an OCO le córas cuimsitheach inmheánach athchúrsála a fheidhmiú. Bhíomar i dteagmháil le feachtas Optimising Power@ Work de chuid Oifig na nOibreacha Poiblí, agus táimid gníomhach ag cuardach bealaí chun úsáid cumhachta a laghdú.

##### Saoráil um Fhaisnéis

Faoi alt 8 den Acht um Shaoráil Faisnéise 2014 (Acht SF), tá oibleagáid ar an OCO scéim um fhoilsiú a ullmhú agus a fhoilsiú. Is é an cuspóir leis an scéim sin soláthar faisnéise a éascú a mhéid is féidir, ach amháin faisnéis atá díolmhaithe faoin Acht um Shaoráil Faisnéise nó lasmuigh de. In 2022 fuaireamar agus phróiseálamar 11 n-iarratas SF.

**58** Tuarascáil Bhliantúil 2022 **Reáchtáil na hOifige**

##### Cosaint agus Dualgais Leasa Leanaí

Cé nach comhlacht faoi shainordú é an OOL, tá dualgais air faoi Acht um Thús Áite do Leanaí 2017. Áiríonn sé seo dhá athbhreithniú bhliantúla a dhéanamh ar ár bpolasaithe agus nósanna imeachta maidir le cosaint agus leas leanaí agus ráiteas cosanta leanaí. Rinneamar suirbhé in 2022 ar an bhfoireann ar fad san oifig chun an athbhreithniú seo a chur ar an eolas. Bunaithe ar fhreagraí agus riachtanais ár bhfoirne, rinneamar uasdátú ar ár n-anailís riosca ar chosaint agus leas leanaí agus ar

an ráiteas cosanta leanaí chun foghlaim, cleachtas forbartha agus saincheisteanna atá ag teacht aníos a léiriú. Tá ár bpolasaithe agus nósanna imeachta ar fáil ar ár suíomh gréasáin.

##### An Ghaeilge

Tá an dara Scéim Ghaeilge ar bun ag Oifig an Ombudsman do Leanaí, agus léiríonn sé go bhfuil an comhlacht tiomanta do níos mó seirbhísí Gaeilge a chur ar fáil don phobal.

Rinneadh iniúchadh ar an Scéim Ghaeilge in 2022 agus tugadh roinnt chéimeanna isteach lena n-áirítear sínithe uasdátaithe a bhí tugtha isteach. Bhí an OOL bainteach le huasdátuithe freisin ar na leasuithe a rinneadh ar Acht

na dTeangacha Oifigiúla i dtaca le dualgais fógraíochta as Gaeilge.

**Reáchtáil na hOifige** Tuarascáil Bhliantúil 2022

Tuarascáil Bhliantúil 2022 **Reáchtáil na hOifige 59**

Oifig an Ombudsman do Leanaí Teach na Milaoise

52–56 Sráid na Trá Mhór Baile Átha Cliath 1

D01 F5P8

**T:** 01 865 6800

**E:** [oco@oco.ie](mailto:oco@oco.ie)

[**www.oco.ie**](http://www.oco.ie/)

@OCO\_Ireland