

Falling Behind

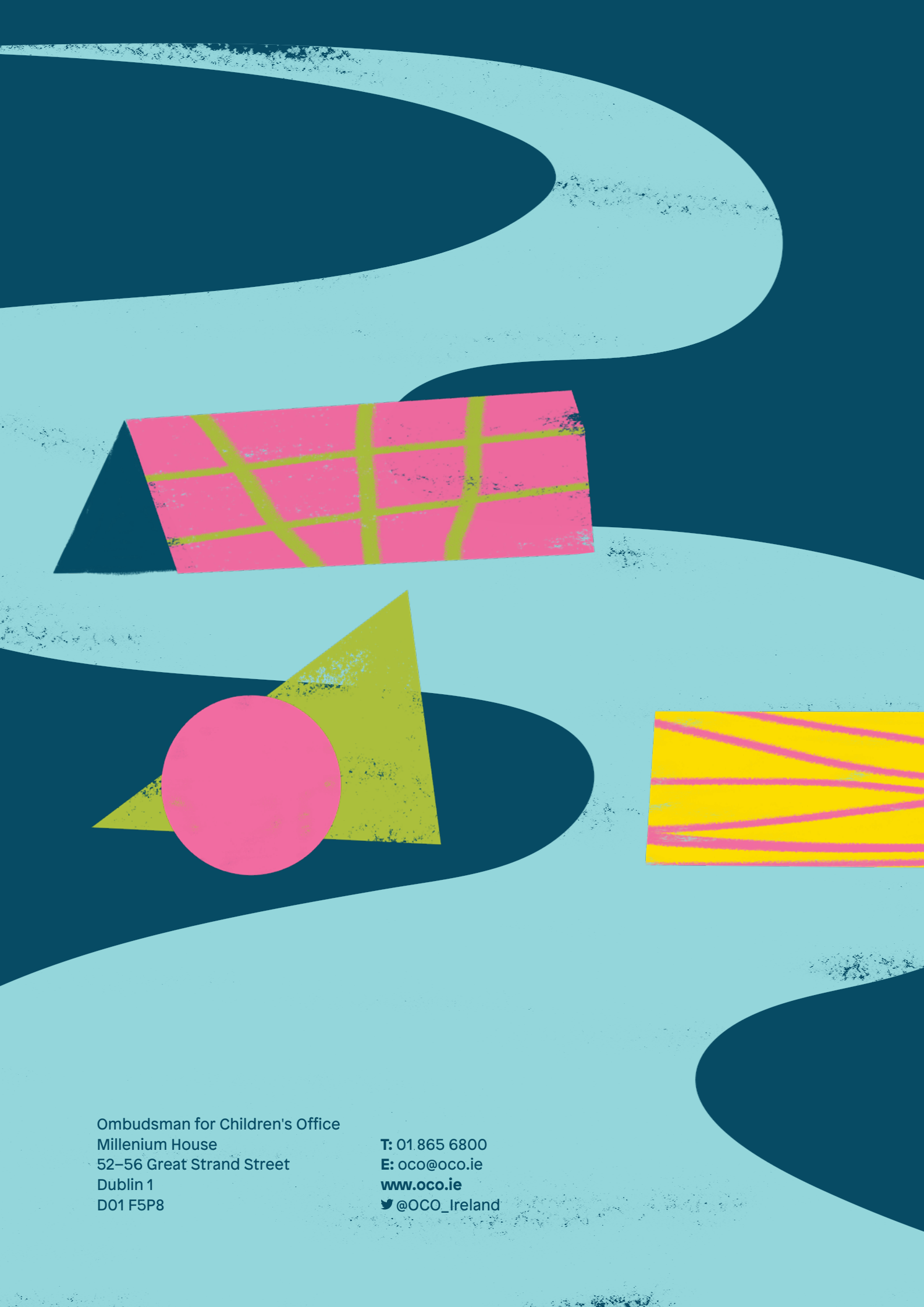


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Children's rights in Ireland

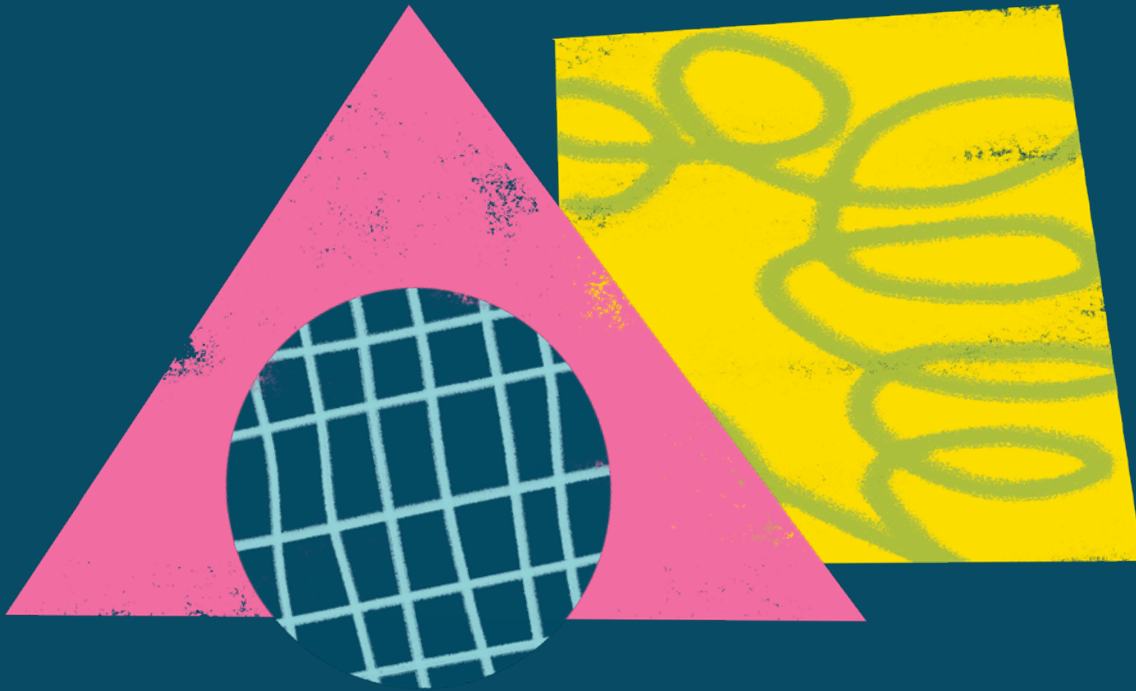
The Ombudsman for Children's Office
Annual Report 2022





Ombudsman for Children's Office
Millenium House
52–56 Great Strand Street
Dublin 1
D01 F5P8

T: 01.865 6800
E: oco@oco.ie
www.oco.ie
🐦 @OCO_Ireland



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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

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.

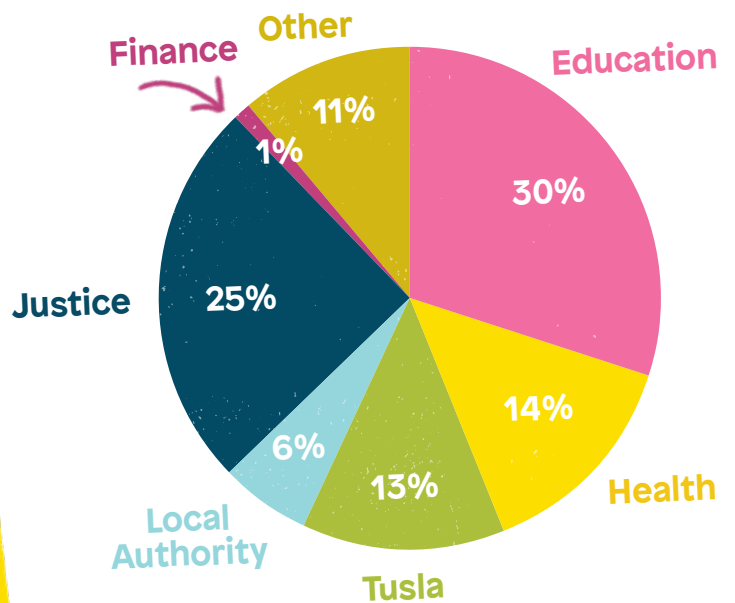
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OCO Statistics and Highlights

Total Number of complaints:

1,812

In 2021 we received 2,126 complaints, 908 of which related to Covid. These were not standard complaints considering the circumstances of the pandemic. Therefore 2022 is our busiest year for complaints since the establishment of the office.



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

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

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

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, 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.

Local Authorities

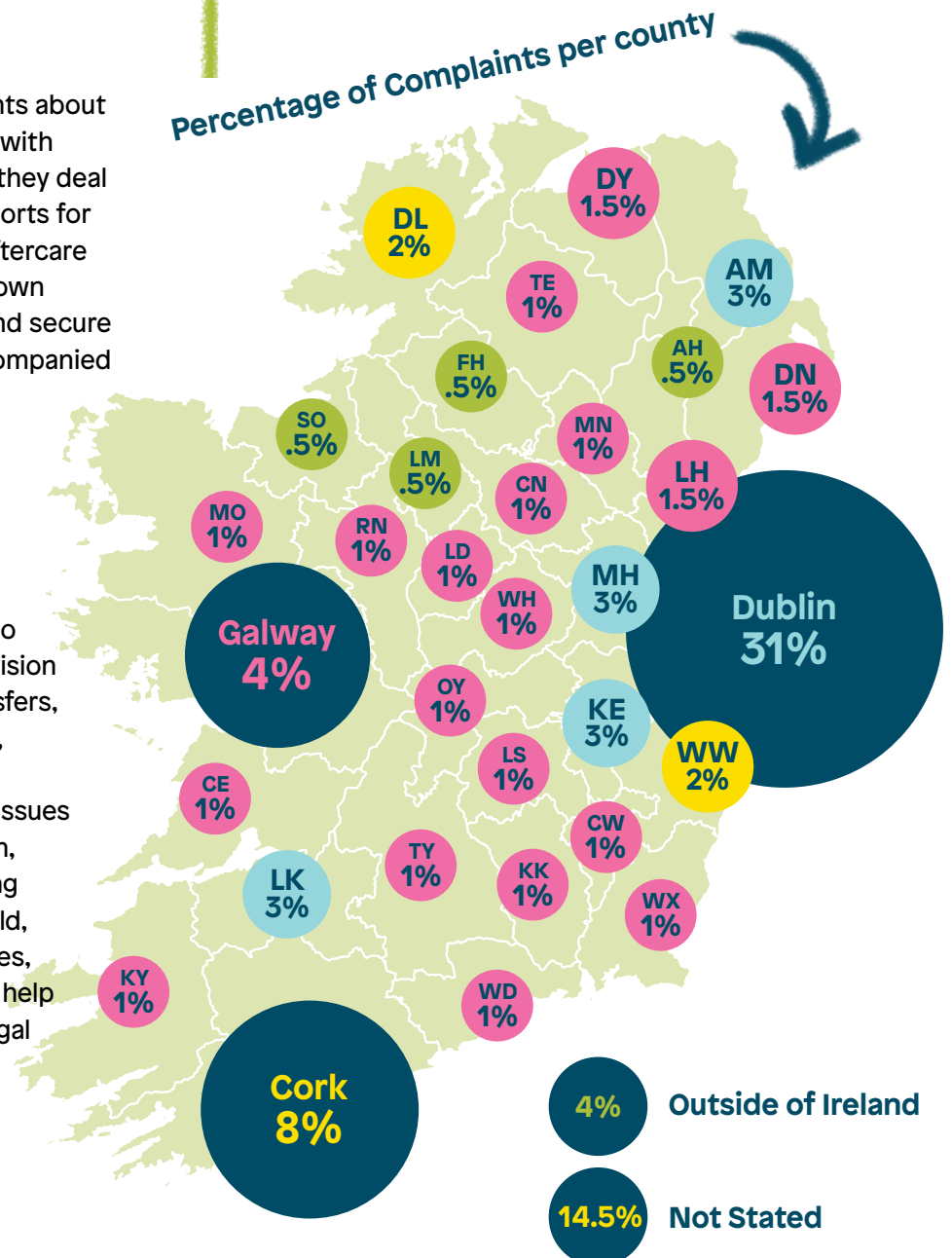
Complaints about local authorities relate to homelessness and access to emergency accommodation, access to suitable housing, waiting lists for housing, traveller accommodation supports and access to culturally appropriate traveller accommodation.

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.



Rights workshops

40
schools

1,126
children

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

OCO online



Instagram followers

3,478

Website page views

121,119

10% increase on 2021

Twitter followers

11,956

8% increase on 2022

Our most popular tweets



Ombudsman for Children @OCO_ireland

TODAY'S THE DAY!

We're ready to go here at the Knocknaree Arena in Sligo! 🎉

Make sure to tune in online at [BeyondLimits.ie](https://www.beyondlimits.ie) from 11am to hear all of our incredible speakers! 😊

#BeyondLimits

0:06 · 4,141 views

9:25 AM · Oct 1, 2022

Ombudsman for Children @OCO_ireland

Today marks International Day of People with Disabilities #IDPWD2022

At Child Talks 2022, Sophia told us all about the challenges she faces as a young wheelchair user and the changes she wants to see in the world for people like her.

I'm from Marino in Dublin and I'm going to be talking about inaccessibility

2:11 9,299 views

11:02 AM · Dec 3, 2022

Ombudsman for Children @OCO_ireland

'I became more socially awkward. I don't know how to talk to new people'

Our survey, No Filter, hears directly from children for the first time on how they feel the Covid pandemic affected their everyday lives.

Here's more of what they had to say 🗨️

[oco.ie/library/no-fil...](https://oco.ie/library/no-filter/)

Who took part?
1,388 children

0:35 18.9K views

2:06 PM · Apr 20, 2022



Top Instagram posts

ombudsman do leanaí for children

The OCO Covid Survey

The OCO is carrying out a school survey with children about how they feel Covid impacted their lives.

If your school would like to take part email communications@oco.ie. It's time to hear from children!

For more information, click the link in our bio.

wildwoods wanderer You'll see the

View insights Boost post

Liked by frannyraven and 31 others

FEBRUARY 28, 2022

Add a comment... Post

ombudsmanforchildren

BEYOND LIMITS

Free family event - empowering children with disabilities

Fun, Inclusive, Inspirational

Sligo - 1st October
Knocknaree Arena, ATU Sligo
Hosted by Paddy Smyth

Limerick - 15th October
University of Limerick Arena
Hosted by Ellen Keane

Speakers
Katie George Dunleavy, Eive McCrystal, Colman Hoctor, Jack Kavanagh and more

Workshops & Activities
Yoga, Quiet Space, Drama, Gaming Station, Art, Music, Cooking

Entertainment
Dara's Ryan, Dancing with the Stars, John Nowe

Get your tickets at [beyondlimits.ie](https://www.beyondlimits.ie)

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ombudsmanforchildren We're SO EXCITED to announce that Beyond Limits, the OCO's event for children with disabilities and their families is back and coming to Sligo and Limerick on October 1 and 15.

Hosted by Paralympic Champion @keane_ellen and activist @paddy Smyth Beyond Limits will be jam packed with fun for all the family. Tickets are free but limited www.beyondlimits.ie

35w

View insights Boost post

Liked by nationalparents council and 49 others

AUG 28, 2022

Add a comment...



OCO in the Oireachtas

January 2022

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

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

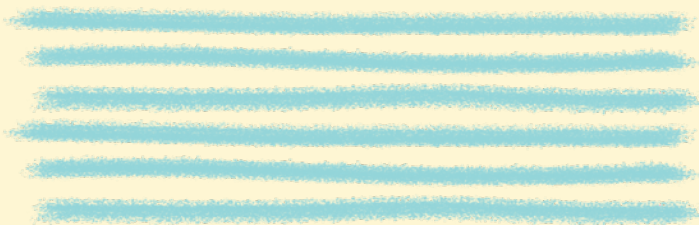
November 2022

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

OCO in the News



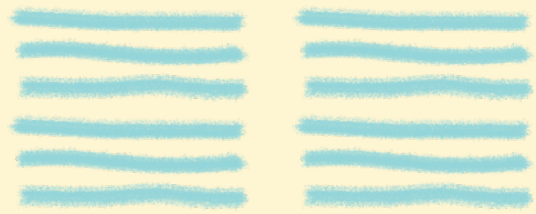
Sit down interview on RTE Prime Time to discuss our Plan for Places report



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



Op-Ed in Sunday Independent



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Case Studies

Ciaran – Supports for Children with Special Educational Needs

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 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.



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.

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.
2. 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.
3. Recently, we understand that there aren't enough residential and special care placements, with Tusla telling us that sometimes children are placed in

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

4. 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.
5. 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 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.

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."

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.



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:

- 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

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

2. 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.
3. 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.
4. 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.
5. 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.
6. 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.

7. 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 every CAMHS 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.

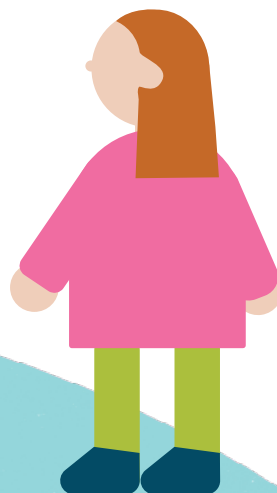
Access to CAMHS inpatient beds / referral pathways

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.

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.



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;

- 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.

3

UN Committee on the Rights of the Child Constructive Dialogue

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:

- 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](#).



Monitoring and Reporting on Ireland's implementation of the UNCRC

Concluding Observations and OCO Activities

May 2023



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for children

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Education

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.

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

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 visited a 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 Dunbooyne ETB. Students were studying a range of disciplines including education, psychology, law, nursing, early years and social work.

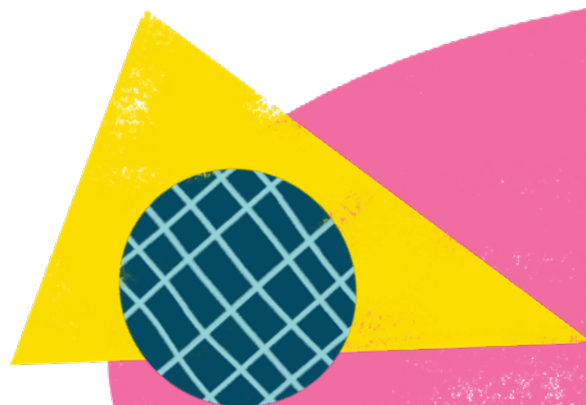
Transition Year Work Experience Placements

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.



Share Your Views

What did you think of your visit?



V. informat. $\frac{2}{3}$

Very Interesting!
I would like to come again.

Swagazines
books <3

SNAZZY!

I LOVED it

So colourful!

very interesting

Awesome
I think you're so great!

Immense
Epicness
tbh

rated 5 star
by
MAI

!SNAZZY!

I loved this visit!
It is a beautiful place
and more schools
should see me

EDUCATIONAL

Turns out I have a lot of rights!

you're supportive!

this visit was sound triumphous.

I wish we had more time here!

I loved it I didn't get here! once

Real magic! What a visit!

Eye-opening & enjoyable

I wish for you to stay twice

Really educational
dared the experience!

Slay!

Real magic! What a visit!

Eye-opening & enjoyable

I wish for you to stay twice

Comments





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

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](#), 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.

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

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.

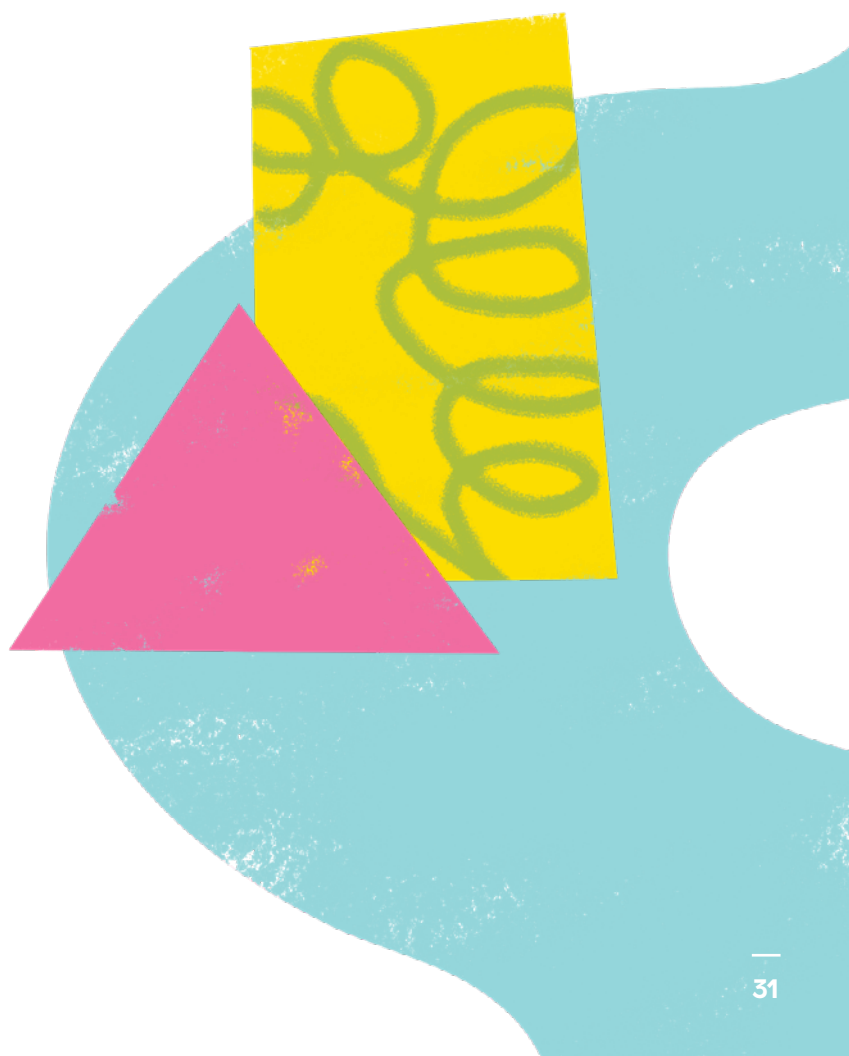
Autism

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.



6

Health

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.

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-look-back-review-into-camhs-area-a.pdf>

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.

Housing & Accommodation

7

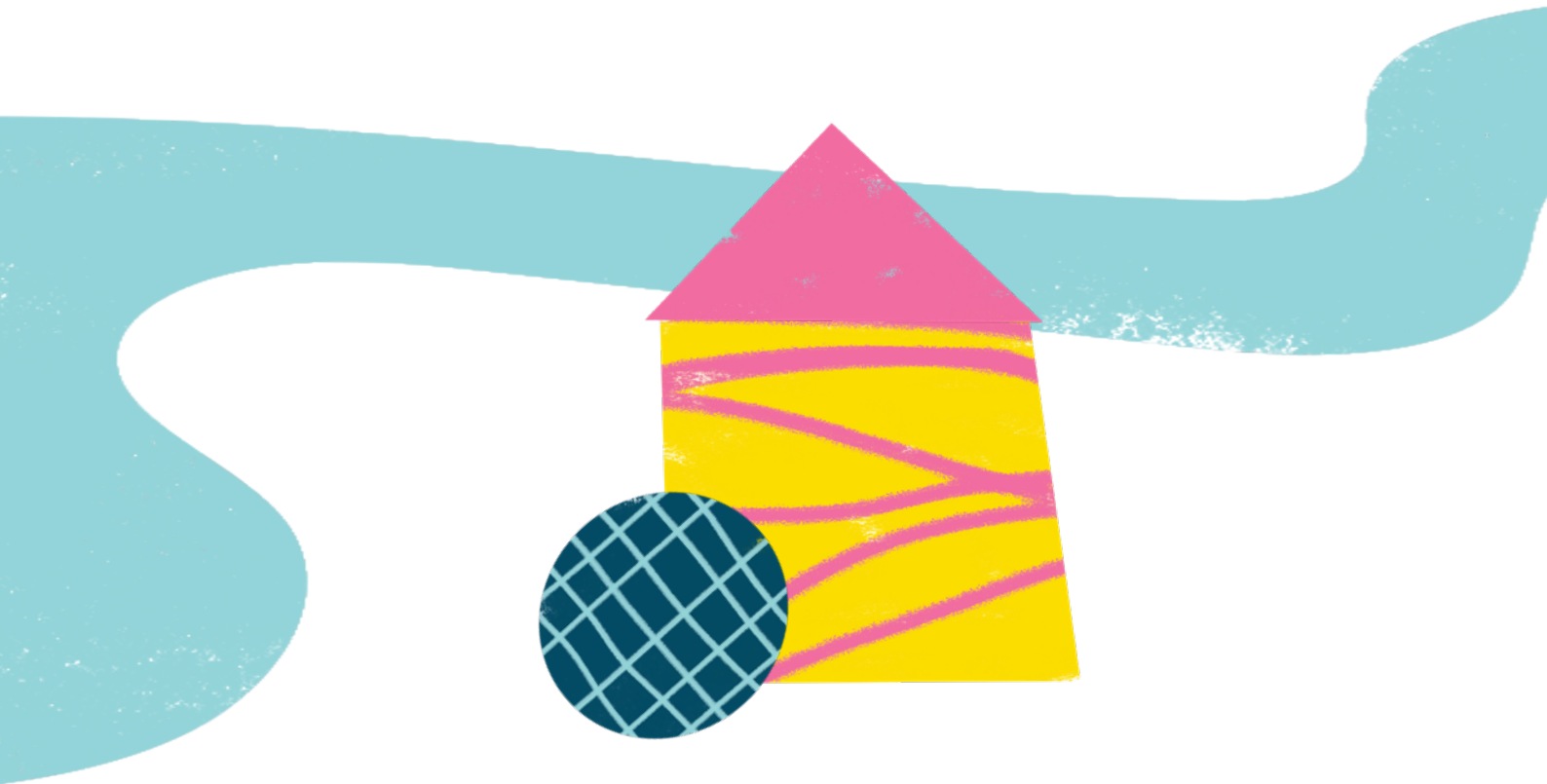
Housing Commission consultation on providing for a Right to Housing in the Constitution

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.



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.



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.

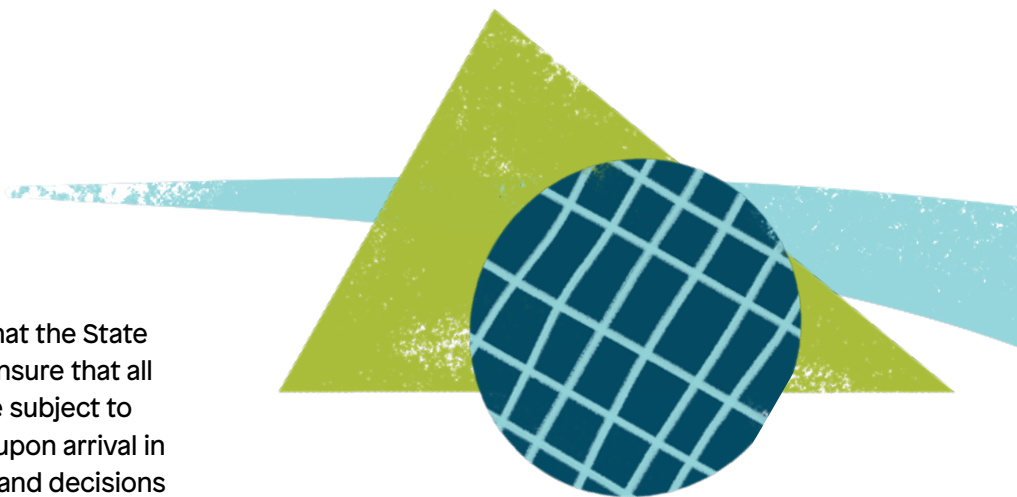
We highlighted the importance of ensuring that the decisions and actions taken respect, protect and fulfil children's rights, including their right to have their best interests treated as a primary consideration. We specifically raised concerns in relation to three areas, namely education, accommodation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

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.



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.

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 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.

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

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 in 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.

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 it 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

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.



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, Pdraig 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.



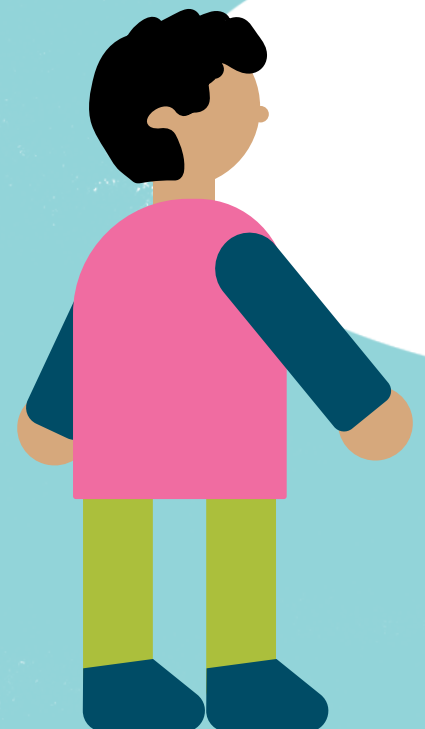


“Loved the variety of speakers. Amazing variety of activities during break times”

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



“I liked how the children were heavily involved it wasn't all adults speaking to adults”





“Very family friendly for all ages, entertainment was really good”

“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 great that the event was so inclusive and accessible”



“The event was very relaxed, inclusive and entertaining”



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."

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.



The Scrawl

Many legal, policy and administrative processes 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 can understand and in child-friendly language. To help with this we created [The Scrawl](#) 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](#) and an OCO YAP member wrote about [being involved in the Children's Submission to the UNCRC](#).

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-Vision 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.

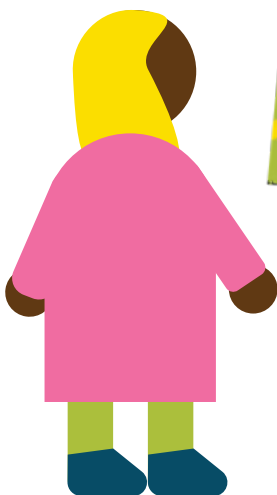
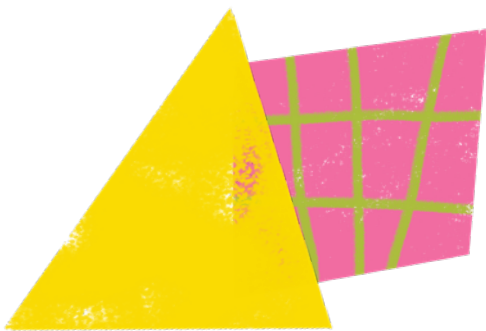
Children's Rights Alliance Research: Voice, Rights, Action

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 in the Justice System

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

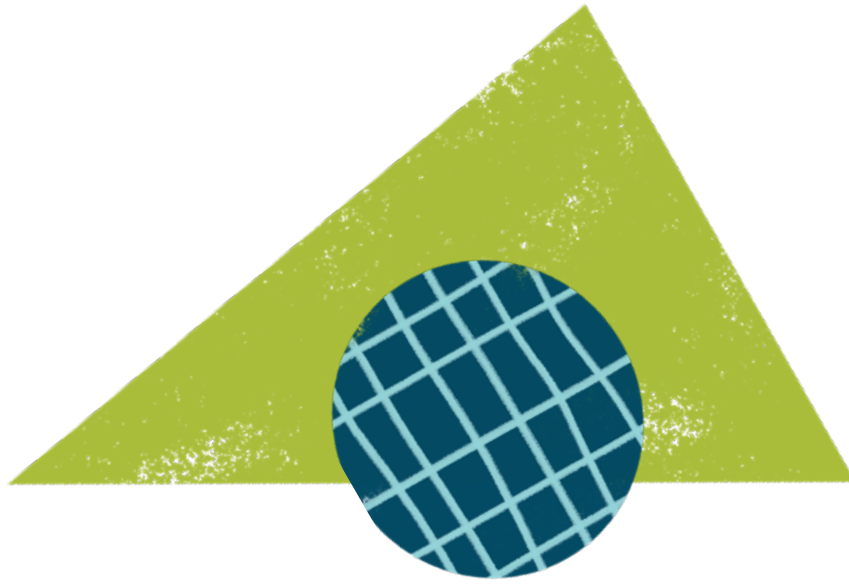
resulting in increased rates of recidivism for these young people.

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



- 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.

12

Children's Rights in the Digital Environment

Online Safety and 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.

Child Poverty

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.

International Engagement

14

European Network of Ombudspersons for Children (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.

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

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.

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

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:

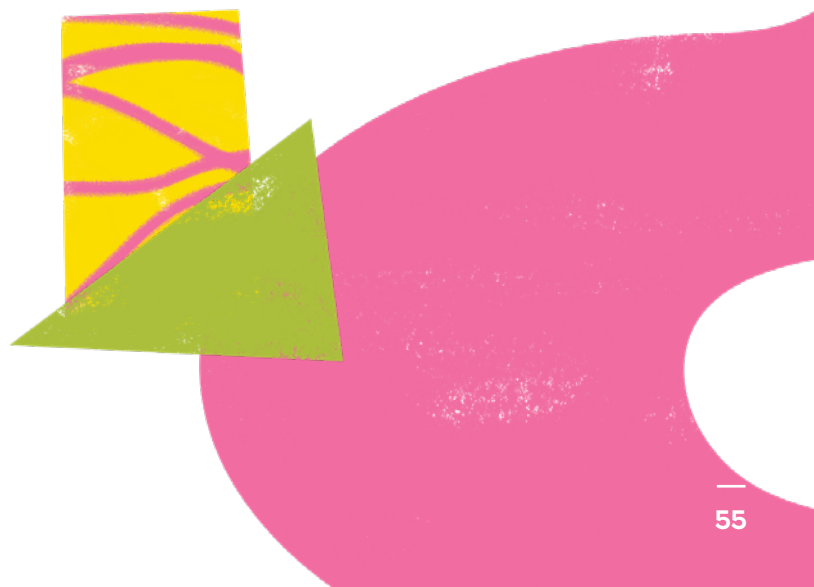
- Will be grounded in core children's rights principles,
- Will provide a platform for realising the rights of children and young people,
- Will focus on system-level actions to ensure that children's rights and needs are central considerations, and
- Will include 'spotlights' on areas of most difficulty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





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Running of the Office

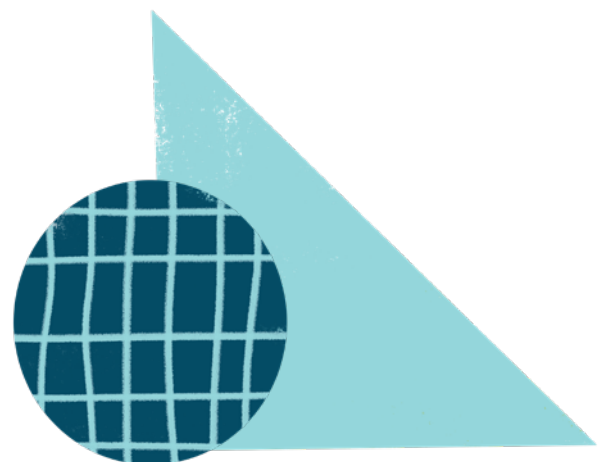
Budget 2022

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.

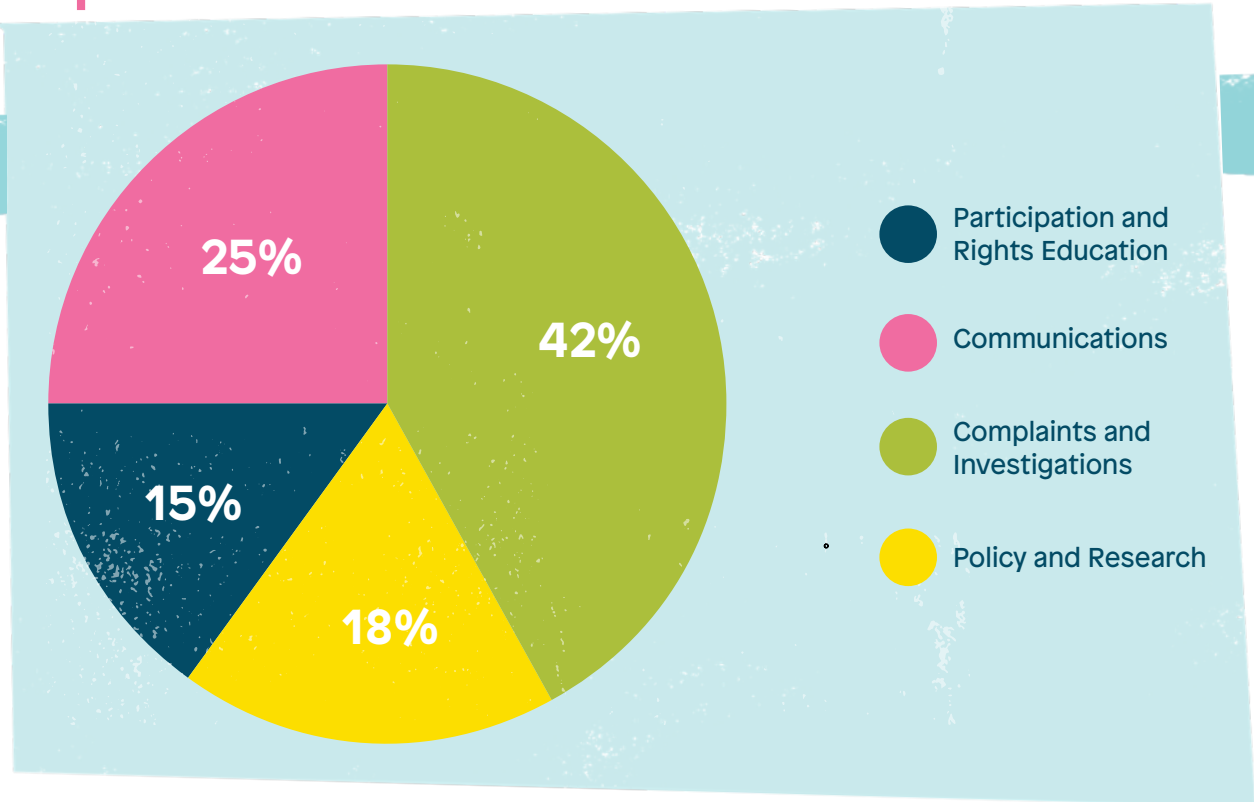
As set out in Sections 17(1) and (2) of the Ombudsman for Children Act 2002, the Ombudsman for Children is responsible for preparing Financial Statements, for ensuring the regularity of the Office's transactions, and ensuring compliance with the Code of Practice for Governance of State Bodies. The Financial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



Expenditure 2022



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

2020
23 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 OGCI0 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.

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.

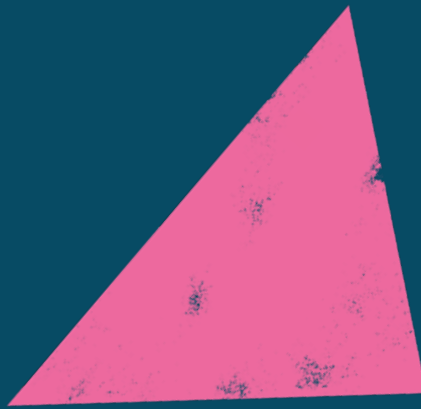
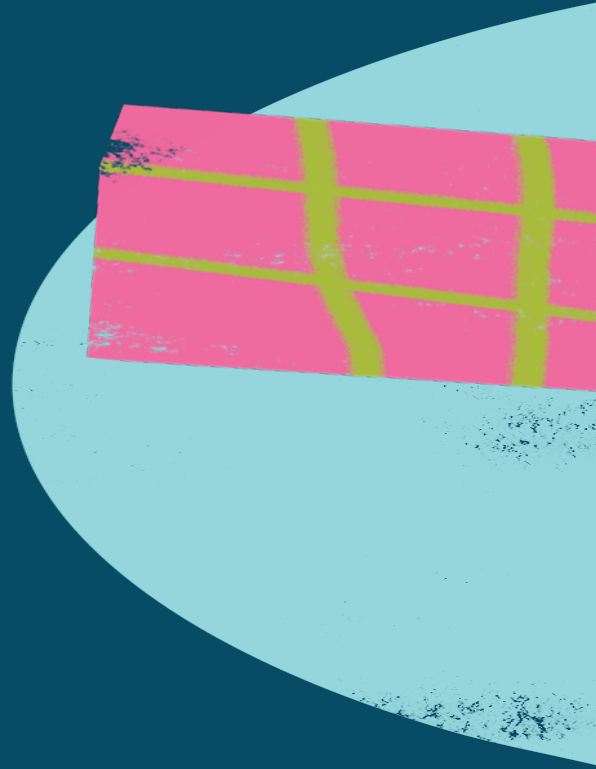
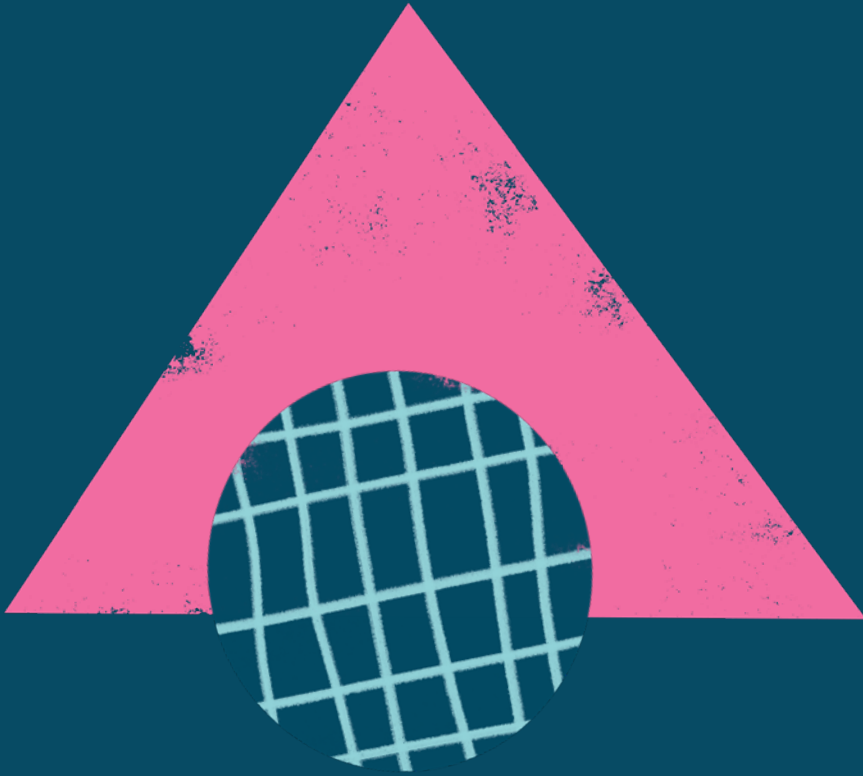
Child protection and welfare obligations

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.







Ombudsman for Children's Office
Millenium House
52–56 Great Strand Street
Dublin 1
D01 F5P8

T: 01 865 6800
E: oco@oco.ie
www.oco.ie
🐦 @OCO_Ireland



ombudsman
do leanaí
for children