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The National Conversation on Education

Submission to the Convention on Education



**ombudsman
do leanaí
for children**

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1. Introduction

The Ombudsman for Children's Office (OCO) welcomes the establishment of the Convention on Education (Convention) and its stated aim to inform a new long-term Department of Education and Youth (Department) strategy for education in Ireland. We also welcome this important opportunity to make a submission to the Conversation on Education which will help identify the themes to be discussed at the Convention.

The OCO is an independent statutory body which was established in 2004 under the Ombudsman for Children Act 2002 (2002 Act). Under the 2002 Act, as amended, the OCO has two core statutory functions:

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

The OCO's Complaints and Investigations, Policy and Participation and Rights Education teams are made aware of, and engage with, different issues with the education system on a regular basis. We often hear of what is working well in the education system as a whole and in individual schools. However, the purpose of our submission is to highlight a number of issues, which we believe should be considered in the context of the Convention's work to ensure that the future education system in Ireland will provide that the rights of children and young people are more fully respected, protected and fulfilled by the Department of Education and Youth (Department), by the agencies and bodies set up by the Department, by schools, and all those working in the area of education in Ireland.

While the OCO is of the view that the Department should be taking action now to ensure the following issues are addressed, we also believe that the Convention should consider these individual issues as part of its work.

2. OCO Youth Advisory Panel Views

As part of this submission, we ran a series of discussions with our Youth Advisory Panel to ensure that their views were also considered. These discussions were framed around the specific provisions of Articles 28 and 29 of the UNCRC, as well General Comment no. 1 on the aims of education. YAP members identified several key areas where they would like to see improvements made in the Irish school system over the coming years:

Greater efforts to make schools inclusive spaces for all young people

Our YAP members felt that some schools still do not take a strong enough stance against bullying and the use of discriminatory language among students. They believed that bullying regularly “flies under the radar” and too often the use of homophobic and racial slurs is ignored, downplayed or dismissed as “a joke”. It was suggested that one-off awareness raising events are insufficient in and of themselves. There was a clear preference for these to be accompanied by more robust efforts by all school staff to address discriminatory attitudes, language and behaviour.

YAP members also reported a lack of school-wide initiatives to promote equality and respect for different cultures, explaining that such subjects tend to be only superficially discussed, usually in the context of one-off lessons as part of subjects like CSPE.

Prioritising student wellbeing and mental health

Several YAP members felt that a greater focus needed to be placed on promoting positive mental health within schools. As well as highlighting how school environments themselves can be incredibly overstimulating for some students, they pointed to intense workloads and pressure around exams as major contributing factors towards students feeling overwhelmed and exhausted. They further acknowledged how this can impact negatively on students’ capacity to pursue hobbies and interests outside school hours.

The YAP also stressed that teachers should be better equipped to support student wellbeing. Emphasising the importance of teachers’ being empathetic, they suggested that some teachers could develop a better understanding of how a student’s personal circumstances may be impacting on their engagement in class.

Ensuring that all schools are adequately resourced

While several YAP members spoke positively about the increasing availability of devices such as iPads in their schools, they highlighted that, for many schools, insufficient budgets mean gaps in access to digital technology remain, and that this can lead to greater inequality of opportunities across the country.

YAP members also identified teacher shortages as a significant issue. They mentioned that better teacher-student ratios would allow for more tailored support and closer interactions during classes. They also referenced the specific difficulties that staffing shortages create for students preparing for state examinations. Several YAP members recounted personal experiences where the extended absence of a permanent Maths or English teacher impacted upon the continuity of their learning. They added that this problem was compounded by a reliance on substitute teachers, who in some cases were not subject specialists.

YAP members also suggested that schools offer more varied extracurricular programmes, as too often sports take precedence over artistic activities. Enhanced opportunities to use the Irish language beyond the classroom was also recommended.

Guaranteeing that all students receive the supports they need

A key issue identified by YAP members was the need to tackle waiting lists for assessments of needs. Some members described their frustration at not being able to access necessary school supports due to the severe delays in receiving a diagnosis. Again, it was highlighted how this can cause particular anxiety for students preparing to sit state examinations due to the uncertainty over whether they will be deemed eligible to receive reasonable accommodations.

A further recommendation was that there be greater provision to support students with English as an additional language.

Giving students a meaningful say in how schools are run

What clearly emerged from consulting with our YAP was that the extent to which students feel they have a genuine input into decision-making within their schools varies hugely. While some felt that they have opportunities to shape school policies, others mentioned that students are rarely consulted in decision-making processes and that the role of student councils can be unclear. They make the point that if some schools can do it, then all schools can do it.

3. Education: a children's rights issue

In its [General Comment Number 1 on the Article 29\(1\): The Aims of Education](#), the UN Committee on the Rights of the Child (the Committee) notes that children do not lose their human rights by virtue of passing through the school gates and that education must be provided in a way that respects the inherent dignity of the child.¹ The Committee has advised that the development of a children's rights perspective is required for effective implementation of the UN Convention on the Rights of the Child (UNCRC).² Having ratified the UNCRC in 1992, Ireland is obliged under international law to respect, protect and fulfil the rights of all children living in Ireland. These rights include four general principles, which are integral to the realisation of all children's rights under the UNCRC:

- Article 2 provides that all children must be able to enjoy their rights without discrimination of any kind, irrespective of their circumstances or those of their parents/guardians.

¹ UN Committee on the Rights of the Child, [General Comment no.1 \(2001\), Article 29 \(1\): The Aims of Education](#), CRC/GC/2001/1, para 8.

² UN Committee on the Rights of the Child, [General Comment No. 5 \(2003\), General measures of implementation of the Convention on the Rights of the Child, \(arts. 4, 42 and 44, para. 6\)](#), CRC/GC/2003/5, para. 12.

- Article 3 requires children’s best interests be treated as a primary consideration in all actions concerning them.
- Article 6 recognises children’s right to life, survival and development. In this regard, States are expected to interpret ‘development’ as a holistic concept encompassing all aspects of children’s development and are obliged to provide optimal conditions for childhood.³
- Article 12 provides for children’s right to express their views freely in all matters affecting them and for due weight to be given to children’s views, in accordance with their age and maturity.

In this regard, we would like to highlight the lack of provision around respect for the views of the child in Irish education law. The Committee has identified respect for the right of the child to be heard, within education, as fundamental to the realization of the right to education.⁴ This should include the involvement of children in school decision-making processes through, for example, student councils and student representation on school boards and committees⁵. It also applies to decisions that impact on a student’s own education, for example in decisions about the transition to secondary school or subject choice.⁶

While the Education Act 1998 (1998 Act) provides for the establishment of Student Councils, their role is limited to promoting the interests of the school and the involvement of students in the affairs of the school, in co-operation with the board, parents and teachers.⁷ As it currently stands, the Education (Student and Parent Charter) Bill 2019 aims to improve how schools engage with students and proposes to amend Section 27 (4) of the 1998 Act to allow a student council, in co-operation with the board, parents and teachers, to promote the interests of the students in the school, having regard to the characteristic spirit of the school, the policies of the school and the charter. While we welcome this proposal, we are concerned that linking the promotion of the students’ best interests to the characteristic nature of the school could limit the role of student councils. We would also like to note that, while we understand that it is the intention of the Department of Education and Youth to advance this legislation, it has not progressed in the Oireachtas since 2019.

The involvement of students in decision-making has increased over the last number of years. Some examples include the ISSU now having a seat on the [National Council for Curriculum and Assessment](#),⁸ the involvement of students in the development of schools’ [Bí](#)

³ UN Committee on the Rights of the Child, [General Comment No. 5 \(2003\), General measures of implementation of the Convention on the Rights of the Child, \(arts. 4, 42 and 44, para. 6\)](#), CRC/GC/2003/5, para. 12.

⁴ UN Committee on the Rights of the Child, [General Comment no. 12 \(2009\), The Right of the Child to be Heard](#), CRC/GC/2003/5, para. 105.

⁵ *Ibid.*, para. 110.

⁶ *Ibid.*, para. 113.

⁷ Education Act (1998), [Section 27\(4\)](#).

⁸ National Council for Curriculum and Assessment, [Council 2022-2026](#).

[Cineálta](#) policies,⁹ and the Department's commitment in the Statement of Strategy to include children in policy development, educational provision and youth services.¹⁰ However, we are concerned that legislative provisions that require the views of a child to be considered when making such decisions that impact directly upon their education are limited and, decisions made regarding a child's education are often made by the child's parents, unless the student has turned 18 years old.¹¹

The Convention should consider how the child's right to be heard in relation to decisions made in respect of their education, both collectively and individually, is fully respected. This could involve reviewing legislation and policy in this area to see where provisions could be included to ensure that children have a right to be heard, and for their views to be given due weight in accordance with their age and maturity, when decisions are being made about their education.

Article 28 of the UNCRC provides for the right to education while Article 29 provides that States Parties agree that the education of the child shall be directed to:

- a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
- b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
- c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
- d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin; and
- e) The development of respect for the natural environment.

⁹ Department of Education(2022), [Cineáltas: Action Plan on Bullying Implementation Plan 2023-2027](#), p. 8. ; Department of Education, [Bí Cineálta: Procedures to Prevent and Address Bullying Behaviour for Primary and Post-Primary Schools](#), p. 36.

¹⁰ Department of Education and Youth (2025), [Inclusive Education for All: Department of Education and Youth Statement of Strategy 2025-2028](#), p.12 and p. 25.

¹¹ Education Act (1998), Sections 9 ([Functions of a school](#)), 28 ([Grievance and other procedures](#)), 29 ([appeals to the Secretary General](#)) and 30 ([Curriculum](#)) require that a student under the age of 18 does not hold the right to: Make appeals to the board of management, Department of Education or to the Secretary General against decisions of a teacher or other staff member, including complaints about a teacher's treatment, discrimination or appealing a suspension or expulsion ; access records kept by the school relating to the progress of a student in his or her education; not attend religious instruction in subjects contrary to their conscience.

However, many other rights are relevant to children's engagement with the education system. These rights include children's rights to:

- freedom of expression (Article 13)
- freedom of thought, conscience and religion (Article 14)
- freedom of association and freedom of peaceful assembly (Article 15)
- privacy (Article 16)
- the rights of children with disabilities (Article 23)
- the highest attainable standard of health, including mental health (Article 24)
- enjoy their own culture, religion or language (Article 30).

The Committee stresses the importance of Article 29 of the UNCRC to "promote, support and protect the core value of the Convention: the human dignity innate in every child and his or her equal and inalienable rights".¹² The Committee highlights that this article insists that education be child-centred, child-friendly and empowering, and for the need for educational processes to be based upon the very principles it enunciates.¹³ It also states that "the education to which every child has a right is one designed to provide the child with life skills, to strengthen the child's capacity to enjoy the full range of human rights and to promote a culture which is infused by appropriate human rights values".¹⁴ The Committee has also highlighted that the education system must promote and reinforce the enjoyment of children's other rights. This includes not only the content of the curriculum, but also the educational processes, the pedagogical methods and the environment within which education takes place.¹⁵

The Committee has identified the following as necessary components of the education system:¹⁶

- Schools must be child-friendly and be consistent with the dignity of the child.
- The participation of children in school life should be promoted as part of the process of learning and experiencing the realisation of rights.
- Education must be child-centred, and the key goal of education should be the development of the individual child's personality, talents and abilities, in recognition of the fact that every child has unique characteristics, interests, abilities, and learning needs.
- Teaching methods should be tailored to the different needs of different children.
- Essential life skills, including the ability to make well-balanced decisions; to develop a healthy lifestyle, and critical thinking should be learnt by every child.

¹² UN Committee on the Rights of the Child, [General Comment no.1 \(2001\), Article 29 \(1\): The Aims of Education](#), CRC/GC/2001/1, Para 1.

¹³ Ibid., Para 2.

¹⁴ Ibid.

¹⁵ Ibid., Para 8.

¹⁶ Ibid., paras. 8-9, 12 and 19.

- There should be a holistic approach to education which ensures that the educational opportunities made available reflect an appropriate balance between promoting the physical, mental, spiritual and emotional aspects of education, the intellectual, social and practical dimensions, and the childhood and lifelong aspects.
- The type of teaching that is focused primarily on accumulation of knowledge, prompting competition and leading to an excessive burden of work on children, may hamper the development of the child to the fullest potential of their abilities and talents.
- Schools should allow children to develop according to their evolving capacities.
- The school environment should reflect the freedom and the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin.

The Department has recently started acknowledging the rights of children in the education system. For example, [Cineáltas, the Action Plan on Bullying](#), recognises that bullying is a children’s rights issue.¹⁷ The Department’s [Statement of Strategy 2025 – 2028](#) acknowledges the right of children to be heard in policy development and educational provision.¹⁸

However, what will be seen from the following sections of this submission are various issues that are of concern to the OCO and which show that the consideration of children’s rights is not fully integrated into the education system as it currently stands. This includes issues such as an inclusive education for children with disabilities, adequate supports for all children in schools, effective complaints processes and religious freedom in schools.

An education system should require consideration of children’s rights at all levels, including the Department and individual schools, and from all education professionals, including civil servants, individual teachers and SNAs. This would help ensure that children’s rights are fully considered and integrated into the education system and should also guarantee that children’s rights are considered and protected.

The Convention should consider how children’s rights should be fully incorporated into education law, policy and practice to ensure that all the rights of children, as contained in the UNCRC and other international human rights instruments, are fully respected, protected and fulfilled while in, and engaging with, the education system.

¹⁷ Department of Education (2022), [Cineáltas: Action Plan on Bullying Ireland’s Whole Education Approach to preventing and addressing bullying in schools](#), p. 9.

¹⁸ Department of Education and Youth (2025), [Inclusive Education for All: Department of Education and Youth Statement of Strategy 2025-2028](#), p. 11 and p. 25.

The Convention should consider the development of a national action plan to incorporate the objectives of Article 29(1) – the aims of education, into the education system.

4. Supports for children in schools

The OCO warmly welcomes developments undertaken by the Department to promote additional supports in schools, such as the gradual expansion of Education Therapy Service (ETS)¹⁹ to schools and the development of the new SPHE Curriculum with an increased focus on promoting emotional wellbeing, inclusion and critical life skills.²⁰

However, the OCO sees the Convention as a critical opportunity to give thought to the future purpose of schools, especially as the primary social hub for children, where services and supports needed by children are readily available to them. In this light, we invite the Convention to consider how to best create an inclusive education system for children with disabilities, from various different socio-economic and cultural backgrounds and to consider schools as a hub for wellbeing, guidance and mental health supports. This would be in accordance with Article 29 of the UNCRC, stating education should contribute to the development of the child’s personality, talents and mental and physical abilities to their fullest potential.

A major point of concern is the lack of awareness and understanding, amongst students and educators alike, of children of different or disadvantaged backgrounds, with the need for training and education on their circumstances, experiences and the particular challenges they may face.

While we have identified a number of considerations for the specific groups mentioned below, we also believe that the Convention could consider inclusivity in the education system in more general terms. We will outline our specific recommendations on different issues in the following sections, however we believe that the Convention should also consider the following recommendations that should benefit all students in across all schools.

The Convention should consider how the education system can be more inclusive of all children regardless of disability, background, culture, religion or sexuality. Two core

¹⁹ Department of Education and Youth, [Therapy and Inclusion Services](#), 1 December 2025.

²⁰ NCCA (2025), [Wellbeing Specification for Primary and Special Schools](#) ; NCCA (2023), [Social, Personal & Health Education \(SPHE\) Specification for Junior Cycle](#).

areas for consideration should be increasing awareness and increasing supports and resources.

Additionally, the Convention should consider the role of schools as providers of designated support and wellbeing to these children, with a need to increase support and resources to best meet their needs.

The Convention should give thought to what such supports should look like in the future, including the need for improved teacher training, more inclusion of different cultures and backgrounds in school curriculum and staffing.

The opportunity for schools to have a designated wellbeing officer in addition to the role of guidance counsellor and to have someone professionally trained and equipped to deal with the particular circumstances of these children in order to best have their needs met.

Inclusive education for children with disabilities

The State has obligations under the UN Convention on the Rights of Persons with Disabilities (UNCRPD) to provide for an inclusive education system.²¹ While the OCO acknowledges the significant recent investment in this area, the education system as a whole needs to be reimagined if children with Special Educational Needs (SEN) are to fully enjoy their right to education. In doing so, inclusivity needs to be approached as a process, rather than seeing it as a fixed attainable ideal. In this regard, the CRPD Committee envisages full inclusion to be the result of a process of continuing and pro-active commitment to eliminate barriers impeding the right to education, together with changes to culture, policy and practice of regular schools to accommodate and effectively include all students.²²

We are of the view that inclusive education should allow a child to be able to get the type of school place they need in a suitable school within their community, amongst their siblings and their friends.²³ While the OCO welcomes the Department's [Inclusive Education for All Statement of Strategy](#) and the [NCSE Policy Advice on Special Schools and Special Classes](#), we encourage the Convention to envision the pathway towards a fully inclusive model of

²¹ Ombudsman for Children's Office (2022), [Plan for Places](#), p. 6.

²² UN Committee on the Rights of Persons with Disabilities (2016), [General Comment No. 4 \(Right to Inclusive Education\)](#), CRPD/C/GC/4, p. 4.

²³ Ombudsman for Children's Office (2022), [Plan for Places](#), p. 15.

education, which constitutes the education system suiting the child, **not** expecting a child to ‘fit in’ to the pre-existing system.²⁴

The current shortage of appropriate school places, both in special and mainstream schools, is leaving children without, or with delayed access to, education. The OCO previously identified the lack of long-term planning by the government as a fundamental issue.²⁵ However, the OCO is aware that the Department now has the data to forecast the population of children with SEN requiring a school place.²⁶ This gives rise to an opportunity for the Department to have a long-term strategy to plan for, and invest in, adequate infrastructure and supports to ensure children with additional needs have access to appropriate education, yet no such strategic plan is in place.

The Convention should consider how the Department can ensure children with SEN get the type of school place they need in a suitable school within their community, amongst their siblings and their friends.

A child should have access to the necessary supports and resources needed to avail of the highest possible standard of education, including access to adequate short-term psychological assessments along with in-school therapeutic assessments and supports. There should be a sufficient number of competent, adequately trained teachers, SNAs, and special supports to facilitate the learning needs of all children, with all teachers receiving appropriate training on SEN. There is a need for structural solutions and a new, coordinated and integrated, approach to recruiting professionals to support children with SEN, such as psychologists, occupational therapists and speech and language therapists, in line with the Organisation for Economic Co-operation and Development (OECD)’s recommendations to Ireland.²⁷ The Convention should consider how schools can become a better supportive hub for children with SEN to fully realise the aspiration of an inclusive education system.

The Convention should consider how the current school model can evolve to better accommodate the needs of children with SEN, with better integration of training,

²⁴ Inclusion Ireland (2023), [The Pathway to Inclusive Education](#), p. 11 and Ombudsman for Children’s Office (2024), [Two Years On: Plan for Places](#), p. 4.

²⁵ Ombudsman for Children’s Office (2022), [Plan for Places](#), p. 13.

²⁶ Ombudsman for Children’s Office (2024), [Two Years On: Plan for Places](#), p. 4.

²⁷ Organisation for Economic Co-Operation and Development (2024), [OECD Review of Resourcing Schools to Address Educational Disadvantage in Ireland](#).

supports and resources to accommodate the needs of any child, in order to realise the aspiration of a thoroughly inclusive education system.

Access to supports for children with special needs is among the largest categories of education-related complaints to the OCO. As a result, the OCO has consistently highlighted deficiencies in the ways that the Education for Persons with Special Educational Needs (EPSEN) Act 2004 has been implemented and has called for full enactment of the Act on a number of occasions. Despite successive government commitments to enacting the Act, to date only some parts have been put into effect, with key elements such as Individual Education Plans (IEPs) and special educational needs assessment provisions are still not fully commenced, after more than 20 years.²⁸ The Department is in the process of reviewing the EPSEN Act and the OCO has previously outlined its views on how this Act could be improved.²⁹

The Convention should consider what legislative and policy changes need to be implemented in order to ensure the creation of an inclusive education system built to cater to the specific needs of all children.

Mental health services

The Committee states that children require information and education on all aspects of health, including mental health, to enable them to make informed choices in relation to their lifestyle and access to mental health services.³⁰ In [A Piece of My Mind](#), a children's mental health survey published by the OCO, children who responded to the survey were more likely to rely on teachers or school counsellors (41%) for their information on mental health, than parents or families (39%).³¹ The Convention should consider the pivotal role teachers and counsellors have in providing emotional and wellbeing support to children and young people.

We welcome recent developments by the Department that enhance the fundamental role of schools in providing mental health support, such as the commitment of the government to introduce Education Therapy Services, the expansion of the 2023 pilot scheme of counselling and wellbeing supports in primary schools, and the continuation of wellbeing

²⁸ Ombudsman for Children's Office (2020), [Unmet Needs](#), p. 7.

²⁹ Ombudsman for Children's Office (2023), [Observations by the OCO for the Department of Education's Review of the Education for Persons with Special Needs Act 2004](#).

³⁰ UN Committee on the Rights of the Child, [General comment No. 15 \(2013\) on the right of the child to the enjoyment of the highest attainable standard of health](#), CRC/C/GC/15, para. 59.

³¹ Ombudsman for Children's Office (2023), [A Piece of My Mind](#), p. 12.

grants to schools in the 2025/2026 school year.³² However, the OCO calls on the Convention to deliberate the role of schools in the provision of mental health needs and wellbeing supports for students of the future. One of the aims of education under the UNCRC is ‘the development of the child’s personality, talents and mental and physical abilities to their fullest potential’.³³ Schools should therefore provide guidance, wellbeing and mental health supports to students in two fundamental ways. Firstly, by equipping children with the adequate tools and life skills to navigate life beyond school and make decisions about their post-school progression. Then, secondly, by providing emotional and wellbeing education and support, to equip children with self-management techniques to maintain and improve their mental health at the individual level.

Schools have long been advocated to function as a primary mental health support system for students, with the need for policy distinction between supports for student wellbeing and targeted support for complex mental health needs and difficulties.³⁴ There is a gap between the provision of these two supports, with guidance counsellors not all trained to provide the required mental health and therapeutic support.

The Convention should consider the potential for schools to play a greater role in mental health and wellbeing services for young people in Ireland, with opportunities to expand education on the subject as well as providing more comprehensive in-school supports to ensure children have the tools needed at the individual level to deal with mental health issues.

Disadvantaged children

In its 2023 Concluding Observations, the Committee outlined its concerns at the ‘persistent barriers faced by children in disadvantaged situations to accessing quality education’.³⁵ The OCO has welcomed the number of positive recent developments, including the Hot School Meals Programme and the Free School Books scheme, that help to better provide for disadvantaged children to ensure their equal access to education. We also welcome the expansion of the DEIS scheme and the refinement of the DEIS model to better consider how emerging or evolving patterns of disadvantage can be better addressed.

However, we are concerned that disadvantaged children in non-DEIS schools are not offered similar levels of support to those who attend DEIS schools. We are therefore of the view

³² Department of Education and Youth (1 December 2025), [Therapy and Inclusion Services](#); Department of Education and Youth (22 October 2024), [Minister Foley extends in-school counselling pilot to 61 urban DEIS primary schools](#), and Houses of the Oireachtas, Dáil Éireann Debate (10 Feb 2026), [Departmental Schemes](#).

³³ United Nations [Convention on the Rights of the Child](#), Article 29.1(a).

³⁴ Economic and Social Research Institute (2026), [Supporting student wellbeing in school contexts: A narrative review](#), p. vii and p. 2.

³⁵ UN Committee on the Rights of the Child, (2023) [Concluding Observations on the combined 5th and 6th periodic reports of Ireland](#), CRC/C/IRL/CO/5-6, para. 36 (a).

that there is still an opportunity to reimagine the role of schools as the primary support hub for disadvantaged children, where the necessary resources and supports can be provided to those that require an additional helping hand to fully realise their rights.

The Convention should consider reviewing the DEIS scheme to identify how DEIS supports can be provided to disadvantaged children attending non-DEIS schools.

Cultural and social inclusivity

School should be a place where all children are treated equally, no matter their background. The OCO has welcomed initiatives by the Department to uphold this principle, such as the redeveloped [primary school wellbeing curriculum](#) and the new [Junior Cycle](#) and [Senior Cycle](#) SPHE curricula with an increased focus on cultural and social inclusivity and awareness, as well as the new [Traveller and Roma Education Strategy](#) to better provide for this cohort of children in the existing education system.

However, the OCO still believes that more can be done to put children, who may face additional challenges and barriers to education, on an equal footing with their peers. From the OCO's engagement with children of a variety of different backgrounds over the years, we see the potential for what schools can do to make these children feel better provided for and better welcome. It involves a range of supports, from additional resources to increased education and awareness, to promote a more inclusive educational environment.

LGBTQI+ children

Schools in Ireland remain a place where LGBTQ+ students do not always feel safe, with high rates of reports of harassment and exclusion. In BelongTo's 2022 School Climate Survey, 76% of LGBTQ+ students felt unsafe in school, with 86% feeling isolated by other students.³⁶ While we welcome the SPHE curriculum which promotes inclusivity, the OCO is of the belief that more education and awareness is needed on LGBTQ+ rights and anti-discrimination, with promotion of rights better integrated across school curricula and encouraged as part of school wellbeing.

According to the BelongTo survey, over two-thirds of LGBTQ+ students heard homophobic remarks from other students, with half reporting that staff did not intervene if present when homophobic remarks were made.³⁷ This issue has been echoed by members of our YAP. In contrast, BelongTo's survey of primary school staff across Ireland revealed an overwhelming willingness among primary staff to be LGBTQ+ inclusive, but revealed a lack

³⁶ BelongTo (2022), [Irish School Climate Survey: Key Findings](#), p. 8.

³⁷ Ibid., p. 7.

of knowledge, skills and confidence to deliver fully inclusive practice for their pupils.³⁸ This illustrates a disconnect between what teachers are equipped to deal with, and the “on-the-ground reality” for these vulnerable children, which demonstrates a need for comprehensive LGBTQ+ inclusivity policies and training for teaching staff.

The Convention should consider what changes are needed to ensure that LGBTQ+ children can feel safe and more welcome in Irish schools.

Traveller and Roma children

The OCO welcomes developments to better include Traveller and Roma children in the Irish education system, such as through the [2024-2030 Traveller and Roma Education Strategy](#). Plans to strengthen inclusion and cultural awareness, through professional teacher training and targeted cultural awareness training, are crucial to better meet the needs of this cohort of children and allow them to feel more welcome in their school environment.³⁹

It has come to the attention of the OCO the need for a more accepting and inclusive school environment, having heard from Traveller and Roma children and their experiences of racism, discrimination, exclusion and bullying in schools, by children and by teachers.⁴⁰ These children have called for a better understanding of their situation by fellow students and faculty alike, asking for others to ‘try to put themselves into our shoes’.⁴¹ We also remain concerned that Traveller children continue to be over-represented in the data outlining the use of reduced school days.⁴²

The Convention should consider what changes are needed to ensure Traveller and Roma Children are protected from racism, discrimination, exclusion and bullying in schools.

³⁸ BelongTo (2024), [Belong To Primary 2024](#).

³⁹ Department of Education (2023), [Traveller and Roma Education Strategy 2024- 2030](#), p. 29.

⁴⁰ Ombudsman for Children’s Office (2022), [Pieces of Us](#), pp. 96-97, p. 146, pp. 149- 152.

⁴¹ Ibid., p. 154.

⁴² Department of Education (2025), [Reduced School Days 2023/2024 School Year](#).

Children in the international protection system

Similarly, children with backgrounds in the international protection system or direct provision face obstacles to full participation in school life, and extracurricular activities, due to social factors, financial means and transport difficulties in some centres.⁴³

The OCO has been made aware of the importance of information and training for education professionals, as well as intercultural awareness to promote a better understanding of different cultures, norms and language capacities, without which can lead to misunderstandings to the detriment of these children.⁴⁴ The Oireachtas Joint Committee has also previously called for additional direct provision allowance to parents of children in education, to help overcome cost barriers, which may include voluntary contributions and extracurricular costs such as class trips.⁴⁵ It has also been recommended that Boards of Management, school principals and teachers are familiar with the financial and other challenges facing children in Direct Provision and their families.⁴⁶

We ask the Convention to consider what the Department and schools can do to better support and promote awareness of the experiences of children in the international protection system.

Children in Care

We welcome developments by the Department to better provide for children in care and the particular challenges they may face, such as the introduction of a new point of contact for children in care transitioning to third level.⁴⁷ The OCO believes this development should be considered by the Convention in a broader conversation about how schools can provide for children in care. One such suggestion is the need for at least one designated liaison teacher in schools for all concerns regarding children in care, who is designated to liaise between the child's school and social workers as well as foster carers, as well as monitoring

⁴³ Working Group to Report to Government on Improvements to the Protection Process, including Direct Provision and Supports to Asylum Seekers, (2015) [Final Report](#), para.5.60 and Ombudsman for Children's Office, (2020), [Direct Division](#), p. 26.

⁴⁴ Ní Raghallaigh, M et al, Children's Rights Alliance, Safe Haven, (September 2019), [Needs of Refugee Children Arriving in Ireland through the Irish Refugee Protection Programme: An Exploratory Study](#), p. 49.

⁴⁵ Oireachtas Joint Committee on Justice and Equality (2019), [Report on Direct Provision and the International Protection Application Process](#), p.38 and Working Group to Report to Government on Improvements to the Protection Process, including Direct Provision and Supports to Asylum Seekers, (2015) [Final Report](#), para. 5.62.

⁴⁶ Working Group to Report to Government on Improvements to the Protection Process, including Direct Provision and Supports to Asylum Seekers (2015), [Final Report](#), para.5.63.

⁴⁷ Department of Children, Equality and Disability, [Ministers Lawless and Foley launch First-of-Its-Kind Education Partnership to Support Students with Care Experience](#), 11 February 2026).

the child's wellbeing in school, such as having real-time information on the child's attendance.⁴⁸

Data shows that teachers often have lower expectations for care-experienced children than others, sometimes leading to insufficient or inconsistent support for these children.⁴⁹ Data also shows a lack of awareness among teachers of the real experiences of these children, with some teachers not being aware of the difficulties they face.⁵⁰

The Convention should consider how to promote better awareness and understanding amongst school staff, teachers, guidance counsellors and other faculty members of the circumstances of care-experienced children.

The Convention should consider the establishment of a set of standardised responses to accommodate the particular situations of care-experienced children, including by considering the broader role schools can play as a safety and wellbeing hub to provide for the needs of children in care.

5. Holistic approach to education

The Committee has outlined the need for a holistic approach to education which ensures that the educational opportunities made available reflect an appropriate balance between promoting the physical, mental, spiritual and emotional aspects of education, the intellectual, social and practical dimensions, and the childhood and lifelong aspects.⁵¹ The key goal of education has been identified as the development of the individual child's personality, talents and abilities, in recognition of the fact that every child has unique characteristics, interests, abilities, and learning needs.⁵² The Committee has emphasised that the type of teaching that is focused primarily on accumulation of knowledge, prompting competition and leading to an excessive burden of work on children, may seriously hamper the development of the child to the fullest potential of their abilities and talents.⁵³

In its [General Comment No. 20 \(2016\) on the implementation of the rights of the child during adolescence](#), the Committee has stated that both formal and informal education and

⁴⁸ Presentation by Professor Neil Harrison at EPIC Conference on University of Exeter Report (November 2023), [Improving the Effectiveness of Virtual Schools](#).

⁴⁹ ESRI (2025), [Care to College: An Exploratory Study on Care-Experienced Students' Educational Journeys](#).

⁵⁰ *Ibid.*, and EPIC (2025), [Take Care: The school experiences of children and young people who have been in care](#).

⁵¹ UN Committee on the Rights of the Child, [General Comment no.1 \(2001\), Article 29 \(1\): The Aims of Education](#), CRC/GC/2001/1, para.12.

⁵² *Ibid.*, para. 9.

⁵³ *Ibid.*, para. 12.

training need to be designed for the twenty-first century skills required in the modern labour market, including integrating soft and transferrable skills into the curricula; expanding opportunities for experiential or practical learning; developing vocational training based on labour market demand; establishing public-private sector partnerships for entrepreneurship, internships and apprenticeships; and providing guidance on academic and vocational opportunities.⁵⁴

Exam focus

The emphasis of the current senior cycle and the Leaving Certificate as a means to an end, that is, progression to higher and further education, has completely detracted from this as an experiential, developmental and maturational process for students. In its 2023 Concluding Observations on Ireland, the Committee recommended reform of the Leaving Certificate Examination with a view to reducing the stress caused to children,⁵⁵ and the OCO welcomes the Department's work in this area.

We appreciate that it will take time for the ongoing work to reform the Leaving Certificate examinations to be completed and to bed down in schools. However, we believe that there is a role for the Convention to review the work that has been undertaken, and that is planned, to make sure that we do not miss an opportunity to create a new and more wide-ranging Senior Cycle which caters for all of our children, along with an exam process which is not just beneficial to those who are aiming for university.

Options such as apprenticeships and vocational training need to be promoted as valuable alternatives. Consideration could be given to reducing the number of examination subjects that a student must take from 7 to 5 and thereby free up one day a week for students to focus on the issues/ideas/hobbies that they enjoy. Outcomes from this weekly project could be recorded and offered as support for a more rounded, positive and personalised experience for their senior cycle and would help facilitate and encourage students who have skills that are currently outside of the scope of the academic-focussed senior cycle, to build on them and be proud of them.

The Convention should look at the development of a new and more wide-ranging senior cycle which caters for all children, along with an exam process which is not just beneficial to those who are aiming for university.

⁵⁴ UN Committee on the Rights of the Child, [General Comment No. 20 \(2016\) on the implementation of the rights of the child during adolescence](#), CRC/C/GC/20*, para 74.

⁵⁵ UN Committee on the Rights of the Child, [\(2023\) Concluding Observations on the combined 5th and 6th periodic reports of Ireland](#), CRC/C/IRL/CO/5-6, para. 27.

The Convention should also consider how we might further widen the access routes into higher and further education as well as an increase in the support for, and importance of, vocational careers.

Alternative education

Alternative education and youthwork play a valuable role in educating children who, for various reasons, are unable to attend or who do not thrive in mainstream education. These alternative settings include centres such as [Cork Life Centre](#) and the online provider [iScoil](#). We are also aware of local youth services that provide support to young people who wish to complete State examinations outside of a school setting. These organisations, and others like them, play an important role in providing non-formal education to children, yet sit outside of the education system and do not receive the same funding and supports received by schools.

Resourcing issues can impact on the ability of these centres to provide education and support to the children who wish to avail of these services. In this regard, iScoil did not have the capacity to meet demand for their services in 2025.⁵⁶ We are also aware of issues such as transport and distance from centres faced by children in being able to access in-person settings. State funded supports such as the Free School Book Scheme and Hot School Meals are not available to children who are not attending a state-run school.

While we understand that the State does provide some financial support for these settings,⁵⁷ we are concerned that this funding is not sufficient to provide enough spaces for the young people who need them. There are also geographical disparities in where these supports are available. It is crucial that these educators are seen to offer what most of our schools do not, a more personalised and child specific education. That is a strong positive and is proof that such offerings should not be considered “outside” or “alternative education”, but rather they should be recognised as another strand of an overall education offering, by a very committed and child centred State.

The Convention should consider the role and status of alternative education within the wider education system. They should be seen as part of the continuum of education

⁵⁶ Children’s Rights Alliance (2025), [Child Poverty Monitor 2025: Spotlight Solutions on Alternative Education Pathways](#).

⁵⁷ Houses of the Oireachtas, Dáil Éireann Debate (12 February 2026), [Education Policy](#) and Houses of the Oireachtas, Dáil Éireann Debate (11 July 2024), [Departmental Funding](#).

provided by the State and therefore consideration must be given to ensuring adequate and ongoing funding for alternative education providers.

6. Freedom of religion

Article 14 of the UNCRC requires States to respect the right of the child to freedom of thought, conscience and religion. However, we are concerned that the high proportion of Catholic ethos schools in Ireland is impacting on the rights of non-Catholic children.

88.3% of primary schools operate under the patronage of the Catholic Church.⁵⁸ We welcome the commitment in the Programme for Government to seek to increase choice for parents by ensuring that families can access both multi/non-denominational and faith-based education⁵⁹ and note that a survey was issued to parents seeking views on primary school patronage in November 2025.⁶⁰ However, the OCO is concerned that previous divestment attempts have not led to any significant increase in the number of inter- or multi-denominational schools,⁶¹ with concerns at the slow pace of divestment and the correspondingly slow increase in numbers of such schools. We are of the view that further steps other than those already undertaken need to be considered in order to ensure that there is a notable increase in multi- and inter- denominational primary schools.

The Convention should consider what further action is needed in order to speed up the availability of inter- and multi-denominational primary schools.

The Committee has expressed concern at arrangements for religious education in Irish schools which do not respect children's freedom of thought, conscience and religion as children are not ensured the right to effectively opt out of religion classes. They have urged Ireland to guarantee the right of all children to practise freely their religion or belief.⁶² In order to help ensure transparency from the outset as to how a school will uphold the rights of parents in relation to opt-out procedures for religion classes, Section 62(7)(n) of 2018 Act requires school admission policies to include details of the school's arrangements for any students not attending religious instruction. However, issues brought to the attention of the OCO highlight the lack of consistency in how schools uphold the right to opt out of religious instruction in practice.

⁵⁸ Department of Education and Youth, [Patronage/ Ethos](#), 4 November 2025.

⁵⁹ [Programme for Government 2025: Securing Ireland's Future](#) (2025), p. 66.

⁶⁰ Department of Education and Youth (2025), [Primary School Survey \(2025\) - Questions and Answers](#).

⁶¹ Houses of the Oireachtas, Dáil Éireann Debate (8 Apr 2025), [School Patronage](#).

⁶² UN Committee on the Rights of the Child (2023) [Concluding Observations on the combined 5th and 6th periodic reports of Ireland](#), CRC/C/IRL/CO/5-6, para. 21.

The OCO has been made aware of situations where schools have not provided any details on opt-out arrangements in their admissions policy, instead requiring parents to make individual requests to the school or to outline the reasons why an opt-out is being requested. A consistent issue raised is a lack of facilities, resources and planning in schools to accommodate children who have opted out of religious instruction classes. These children therefore have no choice but to remain in the classroom for religion instruction classes and to attend religious services.

The Convention should consider how the right to freedom of religion for children who opt-out of religion classes can be fully respected. This should include consideration of:

- ***any gaps in the law, policy and guidance in this area***
- ***additional resources that may be required by schools in this regard***
- ***the need for oversight of school admission policies to ensure consistent implementation by schools.***
- ***the need for data collection to provide a clear, national picture of the number of children opting out of denominational religion classes.***

7. Transition year

The OCO understands Transition Year to be a hugely beneficial year in a child's development, especially as a time for students who may not thrive in 'traditional' school formats or subjects, to become more engaged and confident in their ability to perform well in the Senior Cycle. We also know that Transition Year gives a future advantage to students academically.⁶³

The OCO engaged with the Department of Education throughout 2024 concerning barriers to accessing Transition Year, prior to our report [Fair Access to Transition Year](#).⁶⁴ We welcome that the Department has committed to working on identifying barriers to participation experienced by students or schools, and to make Transition Year universally available over time.⁶⁵ While the OCO welcomes the progress made in the Department's work in this area, we wish to reiterate certain issues which we believe the Convention should consider as part of its work.

⁶³ The Economic and Social Research Institute (ESRI) (2005), [The Transition Year Programme: An Assessment](#).

⁶⁴ Ombudsman for Children's Office (2024), [OCO in Focus: Fair Access to Transition Year](#), p. 10.

⁶⁵ Ibid., and Houses of the Oireachtas, Dáil Éireann Debate, (4 November 2025), [Departmental Policies](#).

Not all schools have a publicly accessible Transition Year admissions policy. This contributes to a lack of transparency about how some students are selected over others. There is often no appeals mechanism to provide answers to these excluded children and their parents. We have received complaints where schools, upon receiving local feedback or an appeal about unsuccessful applications, have been unable to show how those applications had been considered fairly. Issues have been raised to the OCO concerning students who have been disadvantaged in accessing Transition Year as a result of learning disabilities, behavioural incidents, poor academics or attendance, without any consideration for the potential developmental benefits for the individual student in each case.

Additionally, the OCO has also been made aware of the significant disparity between schools in the cost of Transition Year. In some cases, children are excluded, or cannot fully participate, simply because their families cannot afford it. By positioning key educational opportunities as optional and beyond the formal curriculum, Transition Year has, for some students, become both financially and accessibly exclusive, which contradicts the fundamental principles of our free, equal access education system.

The Convention should consider:

- ***how the Transition Year programme can be made available and accessible to all students who wish to complete it.***
- ***what financial resources are required by schools to remove any additional costs required to be able to facilitate all students to fully participate in Transition year.***

8. Digital literacy and inclusion in education

International children's rights guidance recommends that States should actively invest in, and promote, the opportunities offered by the digital environment to realise children's right to education.⁶⁶ The Committee and Council of Europe emphasise the need for digital literacy to be made a core part of the curriculum throughout all school years, which develops children's competencies to use technologies and to understand the risks and opportunities of the digital environment.⁶⁷ They also recommend training for teachers on safeguards relating to the digital environment, as well as digital literacy education for parents.⁶⁸

⁶⁶ UN Committee on the Rights of the Child (2021), [General comment No. 25: on children's rights in relation to the digital environment, CRC/C/GC/25](#), para. 99.

⁶⁷ Council of Europe (2018), [Guidelines to respect, protect and fulfil the rights of the child in the digital environment: Recommendation CM/Rec\(2018\)7 of the Committee of Ministers](#), pp. 18-19.

⁶⁸ Ibid.

The issue of a digital divide in education was raised in recent consultations with our Youth Advisory Panel, who highlighted the cost of devices, subscriptions and poor internet connectivity in rural areas as access barriers.⁶⁹ We have also previously highlighted the need for the Department of Education and Youth to provide sufficient resources for the improvement of schools' digital infrastructure to bridge the digital divide between schools and students, in order to enable equitable access to technology for students in all schools.⁷⁰

We are also of the view that the cost of digital technologies must not fall on families, as this only amplifies inequalities and we are concerned that there is no financial support available to families who may need to purchase a laptop or tablet for their child if such is required by their school.

While the OCO welcomes the Department's online safety initiatives, such as [Webwise](#), in providing training and tools to schools to promote digital citizenship, the OCO still recognises a discernible gap in learning around the digital environment. There is also a lack of preventative approaches being taken in schools to support students to act responsibly when it comes to the use of phones and other devices. The school curriculum still does little to prepare children for the challenges they may face online, which is shown to have a direct correlation to children's increased risk of exposure to harm and inappropriate content.⁷¹ We have heard young people describe the standard of digital education as "not great".⁷²

Improved incorporation of digital literacy into the school curriculum is shown to lead to children making better choices online, and therefore reducing their exposure to harm.⁷³ The OCO believes that the challenges of digital literacy and inclusion can be mitigated by developing a National Digital Literacy Campaign in line with the recommendations of the Online Health Taskforce.⁷⁴ This should include an educational programme aimed to support not only children and young people, but also those who have caring responsibilities for them, including parents, carers, teachers, youth workers and relevant health professionals.⁷⁵

⁶⁹ Ombudsman for Children's Office (2026), [Submission on the Regulation of Online Platforms and Supports to Improve Online Safety and Participation](#), p. 12.

⁷⁰ Ombudsman for Children's Office (2025), [One Size Does Not Fit All](#), p. 33.

⁷¹ Cybersafe Kids (2024), [Left To Their Own Devices: The virtually unprotected lives of kids in Ireland](#), p. 8.

⁷² Ombudsman for Children's Office (2025), [One Size Does Not Fit All](#), p. 36.

⁷³ CyberSafeKids (2024), [Left To Their Own Devices: The virtually unprotected lives of kids in Ireland](#), p. 8.

⁷⁴ Online Health Taskforce Final Report (2025), [Online health and rights for Ireland's children and young people: Operational Recommendation Five](#), p. 7 and p. 34.

⁷⁵ Ombudsman for Children's Office (2026), [Submission to the Joint Committee on Arts, Media, Communications, Culture and Sport on the Regulation of Online Platforms and Supports to Improve Online Safety and Participation](#), p. 13.

The Convention should consider how the Department should invest in, and promote, the opportunities offered by the digital environment to further realise children's right to education. This should include consideration of:

- *increased investment in digital infrastructure in schools*
- *financial supports for children, particularly those in disadvantaged situations, who may be required to purchase IT equipment for school use*
- *the development and roll out of a National Digital Literacy Campaign at each level of the school curriculum.*

The OCO is of the view that some students with health, mental health or behavioural issues could benefit from having recordings or streaming of classes that they can access at home either simultaneously to their classmates, or at a time that is more appropriate to their ability to learn. We believe that while this should initially be considered for senior cycle students, it could benefit all students. Such a system of streaming and recording could also facilitate schools to offer different subjects or to offer higher level options where only a few students want that. This may help increase the availability of subjects in smaller schools, single-sex schools or DEIS schools by digitally joining classes in other schools.

The Convention should consider how digital streaming of classes could enhance the provision of education.

9. Free education

The OCO has welcomed the investment in and development of schemes by the Department in recent years to alleviate school costs and make education more accessible to all children, including measures such as an increase in the School Capitation Grant, the Back to School Clothing and Footwear Allowance, the Free School Books programme and the Hot School Meals in Primary Schools. However, as outlined above, we have concerns regarding additional costs faced by some families, such as in relation to digital devices and Transition Year costs. The cost of mock junior and senior certificate examinations is also of concern.

However, despite this, and despite our so-called free education system, many schools continue to request charges and voluntary contributions from parents each year.⁷⁶ While

⁷⁶ FSSU, [School Charges and Voluntary Contributions](#).

the OCO is aware that it is the position of the Department that schools must be clear that voluntary contributions are voluntary,⁷⁷ the OCO is aware of schools who have denied access to services and facilities, such as locker hire or school journals, to children whose parents have been unwilling, or unable, to pay these charges. This has served to identify and stigmatise these children to their peers in school. We therefore remain concerned about the ongoing cost to parents of these charges and voluntary contributions, along with the lack of clarity around what items or initiatives a school can request these charges and voluntary contributions for. There is no guidance from the Department on:

- maximum levels of charges or voluntary contributions that can be requested
- what voluntary contributions can and cannot be spent on
- the withholding of services and resources to students whose families do not pay the voluntary contribution.

The OCO welcomes that the Education (Student and Parent Charter) Bill 2019 will require schools to publish details of money it receives.⁷⁸ However, we remain of the view that the Department needs to play a greater role in providing guidance and oversight of voluntary contributions. By leaving this issue as a ‘matter for school management’, there are no standards for how or when so-called voluntary contributions may be sought.

The Convention should consider funding levels for schools in order to ensure that they are sufficient in order to remove the need for schools to request charges or voluntary contributions.

If such charges and fees are deemed to be necessary, the Convention should consider the development of guidance on voluntary contributions. This should include a specification on what these contributions can be used to pay for, along with a maximum amount that can be requested and clear guidance to ensure that services and resources are not withheld from children whose parents do not pay these fees. Similarly, consideration should be given to the implementation of additional measures to address costs incurred by families that mitigate against full access by children to education provision.

⁷⁷ Ibid.

⁷⁸ [Education \(Student and Parent Charter\) Bill 2019](#), S27(b)(3)g.

10. Access to an effective remedy

In its General Comment on General measures of implementation of the Convention on the Rights of the Child, the UN Committee makes the point that “for rights to have meaning, effective remedies must be available to redress violations”.⁷⁹ Due to the difficulties that children can face in pursuing remedies for breaches of their rights, States should ensure that there are effective, child-sensitive procedures available to children and their representatives.

The OCO’s Complaints and Investigations team places itself, through the 2002 Act and our approach, at the final stage in a complaint-handling journey. In most cases, this provides the optimal opportunity at a local level for all relevant parties to resolve complaints and address concerns effectively. The wide range of school-related concerns brought to the OCO through our complaints work has afforded us an insight into how schools deal with concerns, and the range of remedies and approaches taken. It has subsequently raised for us a number of concerns regarding the *lack* of an effective remedy, which can include concerns like

- bullying, which could lead to unresolved concerns about the safety and welfare of pupils
- poor complaint-handling and
- processes becoming overly legalistic or focused on blame and failure of duty, rather than being transparent or child-centred.

Through our engagement with schools, the following issues continue to arise:

- a lack of clarity on decision-making processes and limited, or no, reasons for outcomes provided to parents
- a lack of engagement with the complainant on the categorisation of concerns, remit issues, and reflective practise
- school complaint procedures are not child-centred
- school complaints procedures deflect towards individual staff members and not towards a review of school policy, culture, or practise.

The Convention should review current complaint handling processes and consider the development of a gold standard for complaint handling and feedback, one that is much more child centred and separate from any union-led processes.

⁷⁹ UN Committee on the Rights of the Child (2003), [General Measures of implementation of the Convention on the Rights of the Child CRC/GC/2003/5](#), para. 24.

Consideration should also be given to ensuring that such policies or procedures can be inspected by inspectorate.

Boards of Management

It is no longer tenable to rely on a voluntary Board of Management to govern schools in Ireland, particularly in the context of an evolving regulatory and policy landscape. As far back as 2016 the reports from the Department's own Chief Inspector recognised that "Changes in employment law, financial management, health and safety regulations, revised child protection procedures, and the lack of growth in capitation funding are placing additional burdens on boards. *It can be difficult for board members to dedicate sufficient time to deal with the range of tasks in their role*".⁸⁰ [Emphasis added]

The OCO acknowledges the good and valuable work carried out by board members in many schools across Ireland. However, through our complaints work, we have identified a number of issues where we believe that these boards could be strengthened. These include:

- Issues becoming unresolvable due to litigation or the use of Freedom of Information or Data Protection legislation to seek information
- Disproportionate influence of the school principal through their dual role as secretary to the Board
- Independence and limited appetite of Boards to identify and call out poor policy or practise
- The school's ability to consider and engage on concerns or feedback received about how it operates child protection policy and procedures.

The Committee has identified training as one of the general measures of implementation required to ensure that children's rights are respected by those working for and with children.⁸¹ While some training is available to board members,⁸² it is our view that this training does not sufficiently prepare board members for engaging in complaint handling and fair procedures and for dealing with complex or sensitive issues including those around bullying and child protection.

We are of the view that the Department should provide specific support to schools to assist them in their management and governance. This could include the following:

- Mediation services administered by the Department to deal with conflict between parents and schools.

⁸⁰ Department of Education and Skills (2022), [Chief Inspector's Report, September 2016-December 2020](#), p. 237.

⁸¹ UN Committee on the Rights of the Child, [General Comment No. 5 \(2003\), General measures of implementation of the Convention on the Rights of the Child, \(arts. 4, 42 and 44, para. 6\)](#), CRC/GC/2003/5, paras. 53 and 54.

⁸² Department of Education and Youth (2019), [School Board of Management Training](#).

- Dedicated unit within the Department to provide advice to Boards of Management on governance of schools
- Principal should not be a secretary to the board but should report into the Board as per standard governance processes.
- Administration support should be considered to ensure that boards meet across the whole year and not just during the school year.

The Convention should review the operation of Boards of Management in order to consider what changes are required to ensure that these boards are adequately supported to fulfil their management and governance functions.

Consideration should be given as to whether or not Boards of Management should be professionalised and cover a number of schools.

Reflective practice

The OCO role in investigating complaints is not limited to measuring or determining adherence to procedures. Not all actions by a school in seeking to resolve matters may be clearly contained in the four corners of a policy or procedures document. That does not automatically render those actions as being maladministration or adversely affecting a child. We look to see the intent behind the actions in response to the circumstances involved, and the material and real-time information provided. We also look to recognise what works well. The Inspectorate also acknowledges the importance of reflective learning in schools.⁸³

We are of the view that schools should be required to account better for their efforts and to show learning from any incidents of poor complaint handling. From our complaint-handling perspective, our direct intervention is not required in a substantive way in circumstances where schools:

- explain the limitations of, and the balanced approach contained in, their procedures
- provide appropriate guidance on the types of outcomes achievable
- engage meaningfully and openly on known or identified points of contention with complainants.

In light of our experience in this area, we are of the view that schools should prioritise the development of reflective practice in relation to their obligation to review the efficacy of their policies and procedures. Individuals who have raised concerns about how issues or complaints have been dealt with by schools should be invited to provide feedback into the

⁸³ Department of Education and Youth (2025), [A Guide to Inspection in Primary Schools and Special Schools](#), p. 5.

learning cycles of schools. Schools also need to be open to receiving feedback on behalf of children who have experienced negative experiences in the school.

We are also of the view that if schools only ever progress certain complaints, through the lens of professional conduct complaints, there is a risk that the opportunity for organisational learning is lost. The OCO recommends that schools develop the capacity and framework for hearing feedback and complaints about the operation of their policy and procedures outside of individual complaint procedures. Such feedback should be sought from both parents and children of the school body. This would be in line with the espoused value of “hearing the voice of the child in regards to issues that affect them”.

Schools need to develop a willingness and culture to engage on those issues. This includes openly explaining the approach to parents/guardians and attaining their support and buy-in. If done correctly, any points of learning and/or accountability required for actions taken and decisions made can form part of the understood approach and potential outcome. Such learnings can be invaluable in the prevention of future grievances.

The Convention should consider what change is needed to ensure that schools learn to do better when dealing with complaints. This could include a requirement for reflective practices in relation to each school’s obligation to review the efficacy of their policies and procedures.

Consideration needs to be given to schools developing the capacity and framework for hearing feedback and complaints about the operation of their policy and procedures outside of individual complaint procedures.

Section 29 Appeals

The OCO has limited engagement with the administration of the Section 29 Appeals Committee⁸⁴ process. However, it is our view that there should be greater transparency in their decision-making. In our limited experience in this area, we are aware that in relation to enrolment complaints, the signposting to the Section 29 appeals process can impact the efforts of parents or guardians to seek redress.

It is unclear as to how Section 29 Committees reach decisions, and there have been some concerns raised about the time taken to finalise appeals. We are of the view that there should be a requirement to publish annual reports on their work including publication of their decisions. This would greatly aid parents, students and schools.

⁸⁴ Department of Education and Youth (2023), [Section 29 Appeals](#).

The OCO has received numerous complaints about students being denied access to Transition Year.⁸⁵ On foot of these, we made a recommendation to the Department that the role of the Committee should be expanded to allow parents to appeal decisions by schools to exclude students from transition year due to their behaviour. This was because, as we see it, any decision to deny access to an academically advantageous additional year in school should be subjected to the same appeals mechanism as suspension and expulsions.

The Convention should review the Section 29 Appeals Committee process including to:

- ***increase transparency in the decision-making***
- ***establish if this process should be expanded to operate as an appeals mechanism when a child is refused a place in Transition Year.***

Rethinking autonomy of schools

State-run education systems are common across Europe.⁸⁶ In Ireland, while the State provides for and funds the education system, children are educated in schools run by different school patrons. Schools under the patronage of the Education and Training Boards are the only state-run schools in Ireland.⁸⁷

It is our view that the State needs to take more responsibility for the education system that it funds and provides for. At a minimum, change needs to be made to ensure that the Department of Education can easily instruct, or take action in relation to schools or patrons that are refusing to comply with recommendations or directions from the Department or inspectorate.

While it is the role of the Inspectorate to evaluate and support improvement in the education system, build capacity in the education system and provide accountability,⁸⁸ we are concerned that the Department of Education and the Inspectorate lack powers to compel schools to make improvements identified as necessary by the Inspectorate.

⁸⁵ Ombudsman for Children's Office (2024), [OCO in Focus: Fair Access to Transition Year](#), p. 10.

⁸⁶ Most EU education systems (for example: Denmark, Sweden, Finland, Norway, Germany, France, Iceland) are both state-funded and state-managed, with municipalities running schools within national frameworks. (Ministry of Higher Education and Science; Ministry of Children and Education ; Ministry of Culture, [The Danish Education System](#), p. 19. ; OECD, [Denmark: Overview of the education system \(EAG 2025\)](#). ; Eurydice, [Sweden Education System](#).) Often a statutory duty is placed on municipalities to provide education to meet the local need, therefore ensuring that all children in the municipality receive a place at the education they are entitled to, and cost-free (Eurydice, [Finland : organisation of the education system and of its structure](#). ; Eurypedia, [Denmark: organisation and governance, primary and lower secondary education](#). ; Bundesregierung, [School system & compulsory education](#)).

⁸⁷ Education Training Boards Ireland, [Community National Schools](#) and [Community Colleges](#).

⁸⁸ Department of Education and Youth (2025), [Inspectorate - Department of Education and Youth](#) and the Education Act (1998), [Section 13](#).

Similarly, we are concerned that prior to the passing of the [Education \(Provision in Respect of Children with Special Educational Needs\) Act 2022](#) , the Minister for Education was unable to direct schools to open classes for children with special educational needs. We are of the view that the Department should not have to draft specific pieces of legislation to enable it to instruct the schools it funds to change how, or to whom, they provide an education.

The Convention should consider how the State can ensure that it has control over the education system that it funds. This could include consideration of a move towards a state run model of education, or else providing in law for powers for the Department or Minister for Education and Youth to be able to instruct a Patron to comply with a direction given by them, along with sanctions if such instructions are not complied with.

The Convention should consider how the role of the Inspectorate could be reformed, including by considering the need for complaint-triggered focused inspections, mandatory follow-up where multiple complaints arise and public reporting on complaint trends per school.

Complaint handling in schools

The parental complaints procedure for primary schools was revised and agreed by the Irish National Teachers' Organisation and the management bodies of primary schools, the Catholic Primary Schools Management Association, the Church of Ireland, An Foras Pátrúnachta, the Muslim Primary Education Board, Educate Together and the National Association of Boards of Management in Special Education in 2023.⁸⁹ This procedure did not involve engagement with the National Parents Council and it does not refer to the Ombudsman for Children's Office and specifically refers to complaints about a teacher only. The Department was not informed of this change and has informed us that they do not endorse them.

The OCO has found a range of different union agreed procedures are in place in secondary schools, but all are focused on professional conduct which means that unless a parent makes a complaint about a staff member, their complaint will not be processed.

⁸⁹ School Patron Bodies (2023), [Revised Parental Complaints Procedure](#).

In 2024, the Department of Education website has removed all links to complaints procedures in schools and simply advises parents to seek the school's complaint procedures.⁹⁰

The Convention should consider the need for the development of a new policy, focused on complaints about the executive function of the school that falls within the remit of the Board of Management i.e. oversight and governance of the schools which would allow parents to make complaints about how the school administered its policies and procedures. This would not need to be agreed with unions as it is not about employment matters. It could then make specific reference to the OCO and place obligations on the schools that such policy must be made available to parents. Consideration should be given to including an expectation that recommendations or encouragements from the OCO would be implemented.

⁹⁰ Department of Education and Youth (2025), [Schools' Complaint Procedures - Additional information for parents and students](#).