

February 2026

Child and Family Homelessness Action Plan

**Submission to the Department of Housing and
Department of An Taoiseach**



**ombudsman
do leanaí
for children**

Contents

Contents

Introduction	2
A children’s rights approach to housing policy, laws and the provision of services	2
Recommendations for a children’s rights approach	6
Three Pillars for the new Plan	8
Pillar 1: Prevention and early intervention	8
Recommendations for prevention and early intervention measures	8
Pillar 2: Supports while in homelessness	10
Recommendations for supports while in homelessness	10
Pillar 3: Sustainable exits from homelessness	11
Recommendations for sustainable exits from homelessness	12

Introduction

The Ombudsman for Children's Office (OCO) is an independent and statutory human rights 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 for children about the administrative actions of public bodies, schools and voluntary hospitals that have, or may have, adversely affected a child.

The OCO warmly welcomes the commitment in *Delivering Homes, Building Communities 2025-2030* to develop a dedicated cross-Departmental and agency-led Child and Family Homelessness Action Plan, and that this plan will be guided by the United Nations Convention on the Rights of the Child. Given the detrimental impact of homelessness on children and the continued rise in the number of those affected, the OCO has consistently called for a specific focus on child and family homelessness in a dedicated action plan.

The OCO very much welcomes that children and young people will be consulted as part of the development of the plan and that a pilot Children's Rights Impact Assessment will form part of its development.

In this submission, we provide recommendations on a children's rights approach to housing and homelessness policy, and detailed recommendations for prevention measures, supports while in homelessness and measures to support exists.

A children's rights approach to housing policy, laws and the provision of services

The OCO welcomes that the new Child and Family Homelessness Plan will be guided by the UNCRC. It is important that a child rights approach is incorporated into all aspects of the plan, including any legislative changes and in the provision of services at a local level.

A children's rights approach respects all rights set out in the UNCRC, including the right to protection from harm and the right to an adequate standard of living as well as privacy,

education, healthcare and play. It treats children as rights holders rather than as objects that need assistance. It is guided by the four general principles of the UNCRC (non-discrimination, best interests, right to be heard and right to life, survival and development) and respects children's evolving capacities in the exercise of their rights. It is about placing the UNCRC at the core of planning and service delivery and integrating children's rights into every aspect of decision-making, policy and practice.

In the area of housing policy, this means:

- Housing legislation that is compliant with the CRC and that enables Governments, Local Authorities, and agencies to develop child-centred policy, procedures and practices
- Participation of children and young people in the development and implementation of the policy and in all decisions that affect them
- Effective child-sensitive procedures for redress for housing related harms
- Coordination of initiatives on children experiencing homelessness across government
- Carrying out Child Rights Impact Assessments on housing policy, procedures, and services provision
- Generating comprehensive data collection on children in homeless/at risk with data disaggregated for vulnerable groups of children
- A holistic approach which looks at the whole child and not just their housing needs.
- Training and capacity-building on children's rights and a child rights-based approach for those working in housing policy and provision of services

Putting a children's right approach into practice

Goal 1 of the [OCO Strategic Plan](#) is to drive the full and direct incorporation of the UNCRC into domestic legislation. Despite ratifying the UNCRC in 1992, the convention is still not part of our legislation. We believe this is the single most important thing Ireland can do to safeguard children's rights. In July 2024, the UNCRC was fully incorporated into Scottish law through the UNCRC (Incorporation) (Scotland) Act 2024. Under this law:

- Public bodies, such as local authorities, must not act in a manner that is incompatible with the UNCRC (section 6).

- Children, and their representatives, can challenge public bodies in the courts for breaches of their rights (section 7).
- Legislation must be read and given effect to in a way that is compatible with the UNCRC (section 24).
- If legislation is not compatible with the UNCRC, courts can strike it down or declare it incompatible, prompting the Scottish Parliament to remove the incompatibility (sections 25 and 26).

The Scottish law also brings new obligations to local authorities providing services to homeless children and families. These includes:

- **Legal Duty:** Under the 2024 Act, public authorities—including local councils—must comply with UNCRC requirements, making it illegal to act incompatibly with these rights. Key articles include the right to be heard (Art. 12), protection from neglect (Art. 19), and an adequate standard of living (Art. 27).
- **Housing Application:** Councils must integrate children's rights into housing policies, planning, and allocations, particularly through the [Getting It Right for Every Child \(GIRFEC\) approach](#).
- **Compliance:** Authorities must conduct [Children's Rights and Wellbeing Impact Assessments \(CRWIA\)](#) to assess how housing policies impact children.

The OCO recognises that incorporating the UNCRC into domestic legislation will take time but believe that the new Child and Family Homelessness Action Plan is an opportunity to create a rights respecting environment for children and progressively realised in practice by those delivering services to children and families.

The Scottish Government have developed a number of resources for public authorities which could be adapted for the Irish context and utilised as part of the plan:

- statutory guidance to support the implementation and operation of their duties under [Part 2 \(the compatibility duty\)](#) and [Part 3 \(the reporting duty\)](#) of the UNCRC Act
- the [Children's rights skills and knowledge framework](#)
- [non-statutory guidance](#) on taking a children's human rights approach

- [participation guidance](#)
- a [guide for the public sector in Scotland](#)
- the [UNCRC implementation framework](#)

Legal framework

The OCO welcomes the review of sections 2 and 10 of the Housing Act 1988 (the 1988 Act). The OCO has previously expressed concerns about the negative impacts of legal and administrative barriers to children’s effective access to adequate housing.¹ This review therefore presents a significant opportunity to legislate for a child rights-based approach to decision-making that could help to address the substantial and persistent challenges that homeless children and their families can experience in accessing accommodation and supports appropriate to their needs.

However, the OCO is concerned that the proposed introduction of eligibility requirements appears out of step with existing international and national policy commitments and will undermine the new action plan by creating a barrier to housing supports for vulnerable children. These changes will mean that many of these families will no longer be eligible for such accommodation and that this will have serious negative impacts on their children and their rights. It is unclear why the Department wishes to introduce criteria that may have the effect of preventing certain families from accessing homeless accommodation.²

¹ Ombudsman for Children’s Office (2017), An investigation by the Ombudsman for Children’s Office: Children homeless for two years after suffering domestic abuse; Ombudsman for Children’s Office (2019), No Place Like Home: Children’s views and experiences of living in Family Hubs

² The children and families that are likely to be affected by the proposals, on the basis of their residence status, may include:

- Undocumented children and families;
- Children and families seeking international protection, subsidiary protection, or leave to remain;
- Children and families whose applications for international protection, subsidiary protection, or leave to remain have been refused;
- Children and families who have been issued with a deportation order or a notice that the Minister for Justice intends to issue a deportation order against them;
- Non-EEA children who are victims of domestic violence and whose residence status and/or that of their parent is dependent on the perpetrator of domestic violence;
- Children whose parents would be considered ineligible for social housing under existing criteria for accessing social housing listed in circular 41/2012, if the Department intends to apply these criteria to families accessing emergency accommodation, including:
 - Non-EEA children whose parents are lawfully resident but who do not have a residence status that is listed in circular 41/2012;
 - Non-EEA children whose parents are lawfully resident but have not lived for 5 years in Ireland; and EEA children, including Roma children, whose parents may not be in employment or meet unemployment criteria.

Article 2 of the UNCRC provides that State Parties must ensure the rights in the UNCRC for all children in their respective jurisdictions without discrimination of any kind. This includes discrimination on the basis of the child's, or the child's parents', migration status. The Committee states that State Parties should take measures to ensure that migrant children are able to access homeless accommodation, regardless of their status.³

As with the rights of children set out in the UNCRC, no distinction is made in the Lisbon Declaration, the Child Poverty and Wellbeing Programme Office programme plan or Young Ireland as to homeless children's residence status. Such policy commitments place clear emphasis instead on preventing and addressing the root causes of family homelessness. In our view, the proposed amendments would be a regressive step in implementing Ireland's international children's rights obligations, as well as international and national housing and children's policy commitments, and would represent a missed opportunity to progress real change for homeless children and their families.

Recommendations for a children's rights approach

- ***Ensure children and those who experienced homelessness as children are included in the development of policy, guidelines and best practice models for service provision.***
- ***Develop guidelines for local authorities and services providing supports to children experiencing homelessness on a children's rights approach. This guidance should apply across the spectrum of need from prevention measures, pathways through and out of homelessness. Best practice guides can be adapted from Scotland and the OCO can provide advice on their development.***⁴
- ***Invest in training and capacity building for local authorities to ensure they can assess the best interest of a child when delivering supports and include***

³ UN Committee on the Rights of the Child (2017), Joint general comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return, CMW/C/GC/4-CRC/C/GC/23, para. 51

⁴ See for example the OCO Children's Rights Briefing Papers <https://www.oco.ie/library/childrens-rights-briefing-papers-for-legislators-civil-and-public-servants/>

their voices in decisions that impact them, including the allocation of social housing. The e-learning course for public sector workers being piloted by the Department of Children, Disability and Equality is welcome and can be adapted and built upon to meet the needs of those working with children at risk of or experiencing homelessness.

- *Implement child-centred and rights-based legislative frameworks to guarantee that services meet the needs of homeless families with children and those at risk of homelessness.*
- *Ensure the Child Rights Impact Assessment (CRIAs), which is part of the plan, includes the proposed changes to the Housing Act under the Housing (Miscellaneous Provisions) Bill to assess the impact on children's rights. Children have the right to have their best interests treated as a primary consideration in all matters affecting them. This right requires States to assess the likely impact of a proposed decision on children and the enjoyment of their rights.⁵*
- *Fully reflect the best interests of the child principle in the Housing (Miscellaneous Provisions) Bill (section 10(12)(a) of the 1988 Act), in line with Article 3 of the UNCRC, by providing that the best interests of the child shall be a primary consideration when a housing authority is considering the suitability of the accommodation available for families with children.*
- *Include a non-exhaustive list of factors in the 1988 Act that outlines the factors that housing authorities should take into account when assessing and determining what is in the best interests of children to which it is providing homeless accommodation.⁶*
- *Remove the introduction of eligibility requirements for accessing homeless accommodation based on habitual residence. The proposed amendments to*

⁵ UN Committee on the Rights of the Child (2003), General comment No. 5 General measures of implementation of the Convention on the Rights of the Child, CRC/GC/2003/5, para. 45.

⁶ The Adoption Act takes the following factors into account: (i) the views of the child, having regard to the child's age and maturity, (ii) the child's identity, including their age, gender, sexual orientation, nationality and religion, (iii) safety, welfare and development needs, (iv) preservation of family relationships, (v) any particular vulnerabilities of the child, and (vi) any other particular circumstances pertaining to the child concerned."

the Housing Act are not compatible with the UNCRC and will undermine the Plan to reduce homelessness and must be reconsidered.

Three Pillars for the new Plan

In order to meet Ireland's commitment under the Lisbon Declaration to end homelessness by 2030, the following Pillars should form the basis of a coherent and cross departmental strategy:

1. Prevention and early intervention
2. Supports in homelessness
3. Quick exit from homelessness

Pillar 1: Prevention and early intervention

The best way to protect children from the damage caused by homelessness is to prevent them from experiencing it in the first place. To date the Government has not allocated sufficient resources to prevention and early intervention measures. In 2024, just €20 million was spent on prevention compared to over €360 million for emergency accommodation.⁷

It is welcome that a Homeless Prevention framework will be developed, which indicates a positive shift away from emergency responses.

The overrepresentation of one parent families and Traveller families in emergency accommodation must drive the development of tailored prevention measures.

Recommendations for prevention and early intervention measures

- *Increase funding and support for homeless prevention and tenancy sustainment programmes at a local authority level to enhance early intervention and support for families at risk of homelessness.*

⁷ Focus on Homelessness (2025) [Public Expenditure on Services for Households Experiencing Homelessness](#)

- *Introduce targeted supports for children in one parent families at greater risk of homelessness, including families fleeing situations of domestic violence.*
- *Ensure the Tenant in Situ scheme continues to operate as an important homeless prevention mechanism with adequate funding provided to guarantee local authorities can act in a proactive manner when a family is at risk of homelessness. The scheme should be targeted toward those pre-March 2026 PRS tenancies, and those with smaller landlords, who are at continued risk of no-fault evictions.*
- *Review HAP rates to ensure families can make rental payments and are not put at risk of homelessness due to unsustainable top-ups. Put in place a system to monitor HAP top-ups and develop early intervention measures for families at risk of financial hardship and homelessness.*
- *Expedite establishment of the National Traveller Accommodation Authority recommended by the Expert Group on Traveller Accommodation.⁸*
- *Review Policy and Procedural Guidance for Housing Authorities in Relation to Assisting Victims of Domestic Violence with Emergency and Long-term Accommodation Needs to ensure continuing effectiveness and consistency in responses to assist victims of domestic violence.*
- *Consider measures that allow victims of alleged domestic abuse to remain in the family home, and seek the removal of the alleged offender, to prevent victims of abuse entering homelessness. The best interest of the child must guide decisions and actions in these circumstances.*
- *Improve data collection methods to gather comprehensive disaggregated data on children experiencing homelessness, including hidden homelessness, as recommended by the Committee on the Rights of the Child. This data should be broken down by demographics, family composition, length of homelessness, education, health, service utilisation, reasons for homelessness, and location.*

⁸ The Traveller Accommodation Expert Group (2019), [Traveller Accommodation Expert Review](#)

Pillar 2: Supports while in homelessness

The impact of homelessness on children's lives is an issue that the Ombudsman for Children's Office has highlighted many times; most notably in [No Place Like Home](#), our consultation with children living in family hubs. Children told us about what it is like to share a room with their parents and siblings, what it is like to go to school from a Family Hub, to study and do homework. They told us about what it is like to have to go to bed and turn off all the lights when their younger brother or sister is going to sleep. Space, privacy, noise, not being able to have visitors, feelings of shame and embarrassment, were all issues raised by the children who talked to us.

Emergency accommodation, including Family Hubs should be used for emergency purposes only – it should be temporary and short term. However, when in emergency accommodation children's rights still apply and their holistic needs should be supported.

Recommendations for supports while in homelessness

- ***Ensure every child has access to a Child Support Worker while in emergency accommodation.***
- ***Ensure emergency accommodation provided to homeless families with children supports their development, mental health, and family life. Robust standards and regular inspections should guarantee that basic health, safety, and quality requirements are met. The package of supports and the standards of care provided should be the same, regardless of location in the country. Specifically:***
 - ***Introduce minimum standards and inspections for emergency accommodation centres which consider children's rights to play, recreation, adequate nutrition, education and healthcare.***
 - ***Ensure children in all areas of the country have access to free transport while in emergency accommodation.***

- *Carry out a needs assessment of children experiencing homelessness in more rural areas to ensure their needs are being met and that services can respond effectively in areas with lower levels of homelessness.*
- *Develop community-based solutions in areas with high concentration of homeless families to guarantee children's right to play. Consider measures to support free access to sport, play and cultural activities for children in emergency accommodation.*
- *Provide free access to mental health supports and therapies to children and families experiencing homelessness.*
- *Include cavitated dental decay of five-year-olds as one of three health indicators (along with breastfeeding and obesity) in the new National Child Poverty Targets and ensure adequate data gathering to monitor same.*
- *Encourage HSE to implement the Dental Mobile Unit proof of concept pilot as soon as possible with a focus on children in emergency accommodation as part of their service plan 2026.*
- *Prioritise children in emergency accommodation for Public Health Nurse (PSN) developmental checks with a focus on 0-5 age group.*
- *Ensure clear referral pathways for children requiring follow up services in the community.*
- *Agree mechanism to transfer cases between Integrated Healthcare Areas (IHA) when a child moves into emergency accommodation in a new IHA.*

Pillar 3: Sustainable exits from homelessness

To support sustainable exits from homelessness we must move away from a reliance on the private rented sector to provide families with suitable, adequate and affordable housing. The focus must be on the delivery of social and affordable housing with children's needs and rights in mind. The OCO welcomes the commitments to prioritise families in long term homelessness for social housing and the additional €100 million to support exits.

Recommendations for sustainable exits from homelessness

- *Review and evaluate the impact of the €100 million allocation to support exits from long term homelessness for families and scale up to deliver appropriate housing solutions for these families.*
- *Work towards the goal of 20% of housing being social and cost rental, in line with the recommendations of the Housing Commission Report, to meet both the deficit and future need. Dedicate 10% of new social housing supply to already long-term homeless households.*
- *Adopt a multidisciplinary approach to address the housing and support needs of families with more complex needs based on the findings of the Focus Ireland feasibility study.⁹*
- *Reintroduce the Rental Assistance Scheme for families in long term homelessness who face challenges exiting homelessness into social housing. The scheme should offer long-term tenancies and a differential rent and smooth the income taper when moving from welfare into work or increasing working hours.*
- *Develop clear pathways into housing for families in refuge and other forms of emergency accommodation as a result of domestic violence.*

⁹Focus Ireland (2023) [Multidisciplinary Team for Homeless Families Feasibility Study](#). Dublin: Focus Ireland