



## **Tomorrow Starts with Us – Priorities for Children in the 34<sup>th</sup> Dáil Term**

### **Key Asks from the Ombudsman for Children's Office**

#### **Introduction**

2024 marks 20 years since the establishment of the Ombudsman for Children's Office. This milestone falls as the current Government term nears its end, and as children in Ireland continue to face a number of serious challenges. These challenges are impacting their rights and their ability to live safe, happy and fulfilling lives.

The Ombudsman for Children has two core statutory functions:

- to promote the rights and welfare of children up to the age of 18 years, 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.

This document summarises the key asks and recommendations that the Ombudsman for Children's Office has made in recent years through our reports, investigations and public statements. Many of these recommendations have been made repeatedly by the OCO and other organisations.

It is hoped that this information will be considered ahead of the next General Election cycle to plan actions and commitments that are required from any future Government to move us closer to an Ireland in which every child is heard, respected and provided with the necessary support to thrive.

## **OCO Priority Recommendations:**

1. Take a more child centred approach across Government. This means fully incorporating the UNCRC into law and stop making excuses for lack of interagency cooperation. Agencies and department of the State must work better in the best interests of children.
2. It is time for the State to integrate a child-rights-based approach to budgeting and put in place multi-annual budgets for children's services so that the State can properly evaluate success and plan for anticipated and predictable needs.
3. Ensure there is a Department of Children with a primary focus on children and that it has the required resources.
4. Regulate Child and Adolescent Mental Health Services (CAMHS) and develop the mental health therapy in schools programme.
5. Fix the Assessment of Need system while prioritising the services that flow from it, and introduce multi-annual budgets for children's disability services.
6. Hold a Citizens Assembly on the Future of Education that includes children throughout the entire process.
7. Hold a referendum on the right to adequate housing, and develop specific child and family homelessness strategies.
8. Keep the Child Poverty and Well-Being Programme Office, and address the disproportionate impact of poverty on marginalised children.
9. Ban the placement of children in care in unregulated accommodation, and put a specific focus on Teenagers at Risk.
10. Provide funding for independent oversight of the Third Domestic Sexual and Gender Based Violence Strategy in relation to children, and immediately expand the OneHouse Barnahus service nationally.

## **1. Make Ireland a leader in the implementation of children's rights**

- We want Ireland to be the best country in Europe to be a child. To achieve this, we must fully incorporate the UN Convention on the Rights of the Child<sup>1</sup> (UNCRC) into national laws. We must ratify the Optional Protocol on the sale of children, child prostitution and child pornography<sup>2</sup>. We must build on pilots such as that being carried out as part of Young Ireland<sup>3</sup> and research by introducing systematic child-rights impact assessments (CRIA) for all legislation affecting children, regardless of the department of origin.

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<sup>1</sup> United Nations, [Convention on the Rights of the Child](#) (1989)

<sup>2</sup> United Nations, [Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict](#) (2002)

<sup>3</sup> DCEDIY (2023), [Young Ireland: the National Policy Framework for Children and Young People 2023-2028](#)

- At the moment we do not know exactly how much the State is spending on, or budgeting for, children. It is time for the State to integrate a child-rights-based approach to budgeting. It is time to put multi-annual budgets in place for children's services so that the State can properly evaluate success and plan for anticipated and predictable needs. This is the best way to ensure transparent resource allocation where it is most needed.
- Inter-agency cooperation is at the core of delivering on behalf of children. Lack of, or inadequate, interagency cooperation is a common theme in many complaints we receive or in issues raised with us. The State must heed the recommendation of the UN Committee on the Rights of the Child to review the effectiveness of existing mechanisms for facilitating inter-agency coordination on activities affecting children. Agencies of the State must put properly resourced and effective, change management systems in place to upskill all public servants to better work together in the best interests of children.

**In addition, the following general principles should guide efforts in enhancing children's rights:**

- Combatting Discrimination:
  - Enhance legal protections and prioritise the review of the Equality Acts.<sup>4</sup>
  - Ensure implementation of the National Action Plan against Racism<sup>5</sup>, including by committing to meaningful participation of children and young people in actions that may impact them.
  - Acknowledge and address, through an innovative education and awareness programme, the harmful effects of racism and discrimination, fostering an inclusive environment for every child's mental well-being, with particular attention to the unique challenges faced by marginalised groups, including Traveller and Roma children.
- Child-Centred Decision-Making:
  - Ensure children's best interests are a primary consideration in decision-making processes by ensuring those making the laws and influencing policy know about children's rights. This can be done by developing guidance to strengthen the capacity of professionals to apply the best interests principle appropriately.
- Well-being Support:
  - Implement interventions supporting children's development and their well-being, ranging from the Wellbeing curriculum in schools to primary care to suicide and self-harm prevention in vulnerable communities.

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<sup>4</sup> DCEDIY, [Consultation on the Review of the Equality Acts](#), 6 July 2021

<sup>5</sup> DCEDIY (2023), [National Action Plan Against Racism](#)

- Child Participation:
  - Empower children to become involved in decision-making at all levels, respecting their views and ensuring their voices are heard.

## **2. Prioritise children within Government and State Agencies**

- Ensure the Department of Children remains as a full Government Department with a total focus on the issues affecting children and young people. The Department of Children should be allocated adequate resources in order to allow it to fulfil its obligations towards children.
- Provide adequate resources and authority to the OCO to allow it to fulfil its functions to promote and protect the rights of children and to adequately address complaints.<sup>6</sup>

## **3. Children’s Right to the Highest Attainable Standard of Mental Health**

### **Child and Adolescent Mental Health Services (CAMHS):**

- Regulate CAMHS and implement the recommendations of the Mental Health Commission’s Independent Review from 2023.<sup>7</sup>
- Implement a Standard Operating Procedure for high-quality service delivery.
- Diversify CAMHS with a multi-disciplinary approach to leadership, investigate professional misconduct, and expand therapeutic frameworks involving families.

### **Legislation:**

- Ensure prompt progress of the Mental Health (Amendment) Bill. Ensure the safeguarding of children's rights during this review and prevent their placement in adult psychiatric wards.
- Align consent provisions for 16 and 17-year-olds with international standards and ensure universal access to mental health advocacy services for children.
- Strengthen guiding principles to prioritise children's well-being and limit involuntary admissions.

### **Investment:**

- Increase mental health funding in line with WHO and Sláintecare recommendations, with a dedicated budget for children’s mental health.

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<sup>6</sup> UN Committee on the Rights of the Child (2023), [Concluding observations on the combined fifth and sixth periodic reports of Ireland](#), CRC/C/IRL/CO/5-6, para. 11(a)

<sup>7</sup> Mental Health Commission (2023), [Independent Review of the Provision of Child and Adolescent Mental Health Services \(CAMHS\) in the State](#)

- Enhance transparency in budget allocation and expenditure, providing comprehensive data for monitoring and accountability.

#### **Mental Health support in schools**

- Review and build on the current pilot running in primary schools to ensure access to therapeutic supports for all children in primary and post-primary schools. Establish an integrated mental health care system and facilitate information sharing between schools, Tusla, and the HSE.

### **4. The Rights of Children with Disabilities**

#### **Full Implementation:**

- Fulfil Ireland’s commitments under the UNCRC and UN Convention on the Rights of Persons with Disabilities (UNCRPD), including by ratifying the Optional Protocol to the UNCRPD.
- Ensure the new National Disability Strategy is clearly grounded in, and directed towards, implementation of the rights of children with disabilities.
- Adopt a consistent definition of disability in law, policy and programmes affecting disabled children that is inclusive and based on the human rights model.
- Introduce a legislative requirement to collect and publish data disaggregated by disability. Data required includes the number of:
  - Children in care with disabilities;
  - Disabled children who are homeless and accessing local authority emergency accommodation;
  - Deaths of children with disabilities;
  - Children in mainstream schools with SEN;
  - Children with SEN who require a school place or more appropriate school placement;
  - Suspensions and expulsions of children with disabilities from school;
  - Children on Assessment of Need waiting lists;
  - Children with disabilities experiencing poverty, deprivation and social exclusion;
  - Children deprived of their liberty or admitted to treatment facilities based on disability;
  - Children with disabilities accessing justice as parties to a case, victims, witnesses or third parties;

We also need data on the proportion of the disability budget across social protection, health and education that is spent on or allocated to children with disabilities; the proportion of the HSE’s spending on disability services that relates to children; and the proportion of the mental health budget spent on services for children.

- Put in place multi-annual and shared budgets for children’s disability services to properly plan for anticipated and predictable needs.
- Recognise and uphold disabled children's right to freely express views in all matters affecting them.

#### **Tackle the delays:**

- Put processes in place to plan for and anticipate children’s needs across services and departments using the information to hand. For example, no child should experience a delay waiting for a larger wheelchair or a place in secondary school. Children grow and we should be prepared for the needs they will have when we know about them in advance.
- Commit to improving the HSE Assessment of Needs (AON) process which is currently not working. Children are waiting too long to receive their assessments, and then face significant delays in accessing the services they need from the Community Disability Network Teams.

#### **Equal access to education:**

- Introduce measures to ensure equal access to an inclusive education system, where children and young people with special educational needs are supported to achieve better outcomes in their education and are enabled to reach their potential.<sup>8</sup>
- Ensure the ongoing review of the EPSEN Act 2004<sup>9</sup> identifies and addresses gaps in protecting children's right to education.
- Plan ahead to ensure that there are sufficient school places (from pre-school to 3rd level), with appropriate supports, to meet the forecasted numbers of children with Special Educational Needs (SEN) within their local communities.
- Resource all schools to construct or re-purpose accommodation to meet the needs of children with SEN locally and in the short-term.
- Actively involve children with SEN in all decisions affecting their education.
- Provide comprehensive training for teachers and student teachers on teaching and supporting children with SEN.
- Collect data on the number of children requiring SEN supports in integrated settings in mainstream primary and post-primary schools. Include this data within annual Education Indicators.
- Publish annual centralised data on the number of children with SEN without an appropriate school placement.
- Revise home tuition for disabled children as a time-limited emergency measure.

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<sup>8</sup> The definition of “inclusive education” has been adapted from the National Council for Special Education (NCSE). See: NCSE, [An Inclusive Education for an Inclusive Society](#) (2024) p. 1

<sup>9</sup> Government of Ireland, [Education for Persons with Special Educational Needs Act](#) (2004)

## **5. Children’s Right to Education**

### **Future of education:**

- Commit to providing education in a way that respects the inherent dignity of every child and enables them to express their views freely and to participate fully in school life.
- Commit to recognising young people as the primary stakeholders in the reform of the Leaving Certificate. Any deliberations about and proposals for reform of the Leaving Certificate need to put the interests of students first.
- Commit to holding a Citizens Assembly on the Future of Education without delay, while ensuring that this is properly resourced and allocated sufficient time to fulfil its mandate. It should include children' input across the whole process from planning to execution to final report.

### **Legislative changes:**

- Strengthen and publish the provisions, and ensure the timely progression, of the Student and Parent Charter Bill 2019<sup>10</sup> to ensure meaningful participation of children in decision-making processes in schools.
- Abolish the provision that allows schools to allocate 25% of places to children and grandchildren of former students if they are over-subscribed. This places particular children, including Traveller children and children of immigrant parents, at a particular disadvantage in accessing a school place.
- Establish an independent complaints mechanism, or extend the remit of an existing independent complaints mechanism to investigate Early Years and School Age Childcare settings addressing the fact that there is no independent complaints mechanism available to parents.

### **Combat bullying in schools:**

- Ensure the effective implementation of Cineáltas: Action Plan on Bullying.<sup>11</sup>
- Provide improved training for teachers, principals and Boards of Management on identifying and addressing bullying as well as training on equality, inclusion, cultural awareness and children’s rights. This will help identify incidents of bullying and aid school staff to support children who are victims and perpetrators of bullying and allow Boards of Management manage their schools’ obligations in this regard.

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<sup>10</sup> Department of Education, [Student and Parent Charter](#), 30 October 2019

<sup>11</sup> Department of Education (2022), [Cineáltas: Action Plan on Bullying](#)

## **6. Children’s Right to Housing**

### **Recognise the Right to Adequate Housing:**

- Hold a referendum to enumerate a right to adequate housing in the Constitution.
- Act upon the recommendations of the Housing Commission's report to address the housing crisis.

### **Data:**

- 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.<sup>12</sup> This data should be broken down by demographics, family composition, length of homelessness, education, health, service utilisation, reasons for homelessness, and location.

### **Homelessness prevention:**

- Develop and implement specific child and family homelessness strategies that prioritise timely access to adequate, secure, and long-term accommodation.
- Align strategies with Ireland's commitments under the Lisbon Declaration<sup>13</sup> to end homelessness by 2030.

### **Legislative reforms:**

- Amend the Housing Act 1988<sup>14</sup> to explicitly include provisions for children's housing needs and ensure local authorities provide appropriate accommodation and support to homeless families with children.
- Implement child-centred and rights-based legislative frameworks to guarantee that emergency accommodation meets the needs of homeless families with children.

### **The impact of emergency accommodation:**

- Address concerns regarding the inadequacy of emergency accommodation by consulting with children and families affected by homelessness.
- Ensure emergency accommodation provided to homeless families with children supports their development, mental health, and family life, with appropriate legislative backing, including robust standards and regular inspections to guarantee basic health, safety, and quality requirements are met.

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<sup>12</sup> UN Committee on the Rights of the Child (2023), [Concluding observations on the combined fifth and sixth periodic reports of Ireland](#), CRC/C/IRL/CO/5-6, para.10(c)

<sup>13</sup> Department of Housing, Local Government and Heritage, [Minister O’Brien to sign European declaration on combatting homelessness](#). 15 June 2021

<sup>14</sup> Government of Ireland, [Housing Act](#) (1988)



## **7. Child Poverty**

### **Set ambitious targets:**

- Commit to a new, ambitious target to significantly reduce the number of children living in consistent poverty and at risk of poverty.

### **Promote sustainable solutions:**

- Invest in long-term strategies to address the root causes of child poverty, including equitable access to quality education, affordable housing, and social supports.
- Foster meaningful engagement with stakeholders, including civil society organisations and affected communities, in the design of anti-poverty programmes.

### **Address disparities:**

- Address the disproportionate impact of poverty on marginalised groups, including Roma and Traveller children, children in one-parent families, and those in Direct Provision.
- Implement targeted interventions tailored to the specific needs of vulnerable groups, with the goal of breaking the cycle of intergenerational disadvantage.

### **Effective implementation:**

- Commit to retaining the Child Poverty and Well-Being Programme Office within the Department of the Taoiseach to lead efforts in combating child poverty.
- Establish robust monitoring mechanisms to assess the effectiveness of poverty-alleviation measures, prioritising tangible outcomes on children's lives.
- Ensure transparency and accountability in budget allocations and resource distribution, prioritising investments in critical areas such as education, healthcare, and housing that directly benefit children and families living in poverty.

## **8. Protect the Rights of Children in Care**

### **Legislative Reforms and Implementation:**

- Prohibit the placement of children in unregulated accommodation and establish a statutory duty for Tusla to ensure that there are sufficient, and appropriate, placements within each administrative area, including for children in need of emergency accommodation.
- Require that alternative care placements are in proximity to children's former homes and schools, facilitate the joint placement of siblings, and are suitable for additional needs that children may have.
- Require Tusla to have a system in place to identify and support teenagers at risk of being sexually or criminally exploited.

- Implement a clear government policy on the rights of children living in informal kinship care and in private foster care arrangements.

#### **Upholding Rights and Participation:**

- Promote the active participation of children in care in decision-making processes concerning their lives, ensuring their voices are heard and their views are given due consideration.
- Put a specific focus on early intervention around Teenagers at Risk, many of whom go through the care system and/or the justice system.
- Provide comprehensive training and support for social workers and caregivers to facilitate meaningful engagement with children in care.

### **9. Child abuse and neglect**

#### **Resourcing**

- Provide funding for OCO independent oversight of the Third Domestic Sexual and Gender Based Violence Strategy in relation to children as set out in the original action.
- Develop and adequately resource specialised therapeutic services and supports for child victims of abuse, including a service similar to the National Counselling Service for adults.

#### **Prioritise children**

- Expand the OneHouse Barnahus service nationally as a matter of priority.
- Implement measures to strengthen inter-agency collaboration, including legislative amendments to the Child Care Act 1991 to place a statutory obligation on relevant agencies with responsibilities for children to coordinate and collaborate with Tusla in the exercise of its duties to prevent and combat child abuse