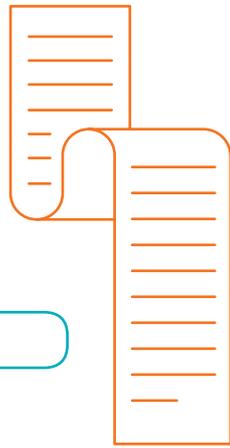
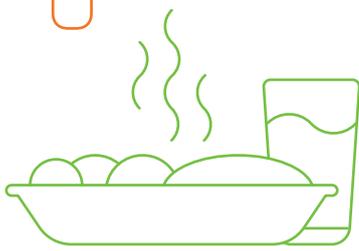
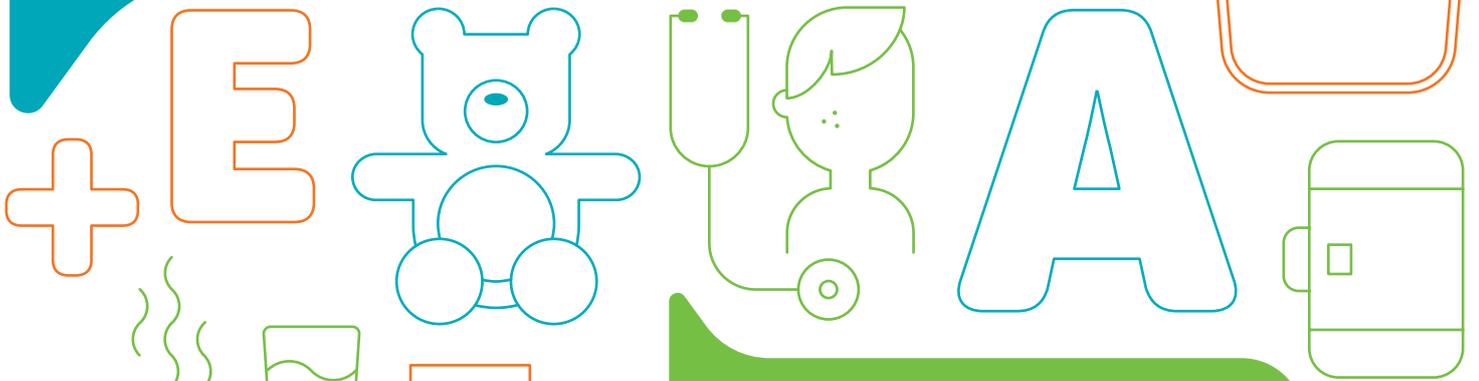
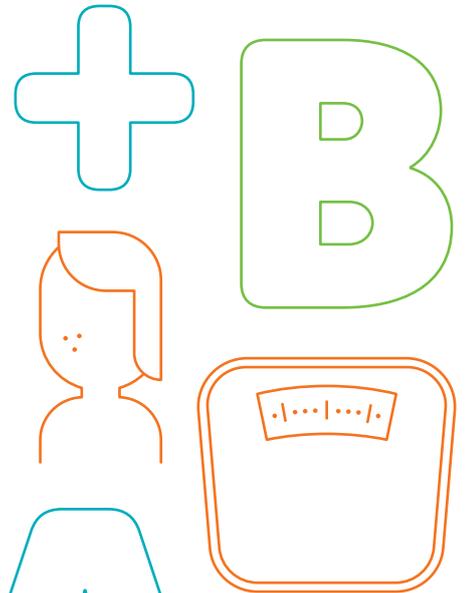
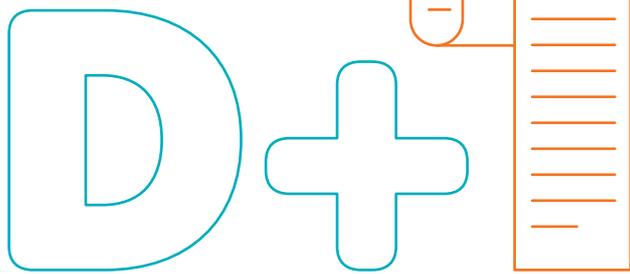




Report Card 2019



Is Government keeping its promises to children?



CHILDREN'S RIGHTS ALLIANCE
Uniting Voices For Children

Contents

0	▶ Foreword	Page 02
	▶ Acknowledgements	Page 05
	▶ Grading	Page 06
	▶ Key Facts & Statistics	Page 07
	▶ Introduction	Page 09

1	▶ Right to Education	Page 10
	2.1 Educational Disadvantage	Page 12
	2.2 Religious Diversity in Schools	Page 18
	2.3 Disability and Additional Needs in Education	Page 24

2	▶ Right to an Adequate Standard of Living	Page 30
	2.1 Child and Family Homelessness	Page 32
	2.2 Parental Leave and Income Supports	Page 38
	2.3 Prevention and Early Intervention	Page 44

3	▶ Right to Health	Page 50
	3.1 Primary Care	Page 52
	3.2 Mental Health	Page 58
	3.3 Physical Health	Page 64

4	▶ Rights in the Family Environment and Alternative Care	Page 72
	4.1 Guardian <i>ad Litem</i> Service	Page 74
	4.2 Child Protection	Page 80
	4.3 Child Victims of Crime	Page 86

5	▶ Rights in Early Childhood	Page 92
	5.1 Quality in Early Childhood Education and Care	Page 94
	5.2 Subsidised and School-Age Childcare	Page 102
	5.3 Childminding	Page 110

6	▶ Right to Equality	Page 116
	6.1 Traveller and Roma Children	Page 118
	6.2 Refugee and Asylum-Seeking Children	Page 124
	6.3 LGBTI+ Children and Young People	Page 132

Foreword



An overall Report Card grade of 'C', as compared to the 'C-' in 2017 and 'D+' in 2018, recognises the fulfilment of commitments in the Programme for Government.



This is the eleventh Report Card and the third under *A Programme for a Partnership Government*. Again this year, our independent panel of experts graded the Government's performance.

The Government is awarded an overall 'C' grade for living up to its promises to children, an increase on last year's 'C-' and a significant improvement from the 'D+' grade that was awarded in 2017. This grade represents a satisfactory attempt, but some children are still left wanting.

Positives include the long awaited enactment of the Public Health (Alcohol) Act in 2018 which is a significant measure that will benefit children by helping to delay the age at which children start to drink alcohol and that will deter parental alcohol abuse. A commitment to introduce two weeks' paid parental leave for each parent in the first year of a child's life, and a fairer means assessment for one-parent families in receipt of social welfare payments are important steps towards a more family-friendly Ireland. Measures delivered in Budget 2019 will also go some way towards addressing the high levels of child poverty caused by the recession and we hope to see the downward trend continue in 2019.

The lowest grade in *Report Card 2019* is an 'F' – or a FAIL – for 'Child and Family Homelessness'. This is the first time under this *Programme for Government* that we have awarded a score this low. This is due to the ongoing homelessness crisis and the failure of Government to reduce the number of children living in emergency homeless accommodation. We know the negative impact that homelessness has on their education, their self-esteem, their peer relationships and their health. A housing emergency must be declared and the building of public housing must become the Government's top priority. Childhood does not stand still and radical action is urgently needed.

The publication of the world's first *LGBTI+ Youth Strategy 2018-2020* yielded the highest grade this year, an 'A-'. The strategy guarantees a cross-governmental approach to address some of the key challenges these young people face every day.

The grade attributed to 'Education' increased slightly from a 'C' to a 'C+'. We witnessed progress with the removal of the baptism barrier and other barriers to school admission. However, we need a long-term plan to increase the number of non-denominational and multi-denominational schools to 400 by 2030.

We are pleased that funding has been secured for a hot meals pilot project in Delivering Equality of Opportunity in Schools (DEIS) primary schools, resulting in a 'B' grade for 'Physical Health' – an important measure to tackle food poverty experienced by many disadvantaged children. A major review of Relationships and Sexuality Education in schools is also a big plus given its importance in protecting and empowering children and young people.

The Report Card panel awarded the Government a 'C' for 'Rights in Early Childhood'. This significant increase (up from a 'D' grade last year) recognises a number of marked improvements. 2018 saw the launch of *First 5*, Ireland's first early years' strategy providing the basis for services for young children and recognising the importance of investing early in all aspects of a child's first five years of life. Progress on a legislative framework for the Affordable Childcare Scheme is another step forward for families who struggle to pay high costs of childcare. This commits that only Tusla-registered childminders can participate in it. However because the sector remains largely unchanged, the vast majority of childminders are still not registered and therefore unregulated leaving children at potential risk.

Significant steps have been taken in the area of 'Primary Care', which received a 'C+' grade this year. The extension of free GP care to 14,000 carers and a €25 increase in the weekly income threshold for free GP visit cards are positive.

On 'Mental Health' the Government was awarded a 'D-' reflecting long waiting lists for community and specialised services. In addition, a lack of age-appropriate facilities means that some of the most vulnerable children continue to be neglected.

An equally dismal low grade, 'D-', is awarded to 'Traveller and Roma Children', a small but significant decrease on the 'D+' attributed last year. While there has been welcome progress on the *National Traveller and Roma Inclusion Strategy* actions, we are concerned at the repeated underspend of local authorities on Traveller-specific accommodation despite increasing numbers of homeless Traveller families.

There was a marked improvement for 'Refugee and Asylum-Seeking Children', moving from a 'D+' to a 'C' grade. This acknowledges the adoption of an important EU Directive into Irish law and the fact that Ireland has met its relocation commitment to take in 1,022 refugees from Greece. The Government must now meet its full commitment to resettle 855 refugees in 2019. We look forward to the publication and roll-out of new national standards for Direct Provision in the coming months.

All in all, it is fair to say that incremental progress has been made over the lifetime of this Government to date. An overall *Report Card* grade of 'C', as compared to the 'C-' in 2017 and 'D+' in 2018, recognises the fulfilment of commitments in the *Programme for Government*. As the housing crisis continues to escalate and Ireland braces itself for the repercussions of Brexit, it is vitally important that in reacting to these significant challenges, a child-centred approach is mobilised across government in every policy area. At this significant turning point, it is important to recognise that history will not judge us kindly for not putting our children's rights front and centre.



Tanya Ward
Chief Executive

Children's Rights Alliance members (as at December 2018)

22q11
Ag Eisteacht
Alcohol Action Ireland
Amnesty International Ireland
An Cosán
ASH Ireland
Assoc. for Criminal Justice Research and Development (ACJRD)
Association of Secondary Teachers Ireland (ASTI)
ATD Fourth World – Ireland Ltd
Atheist Ireland
Autism Network Ireland
Barnardos
Barretstown Camp
Bedford Row Family Project
BeLonG To Youth Services
Care Leavers' Network
Catholic Guides of Ireland
Child Care Law Reporting Project
Childhood Development Initiative
Children in Hospital Ireland
COPE Galway
Cork Life Centre
Crosscare
Cybersafe
Dental Health Foundation of Ireland
Department of Occupational Science and Occupational Therapy, UCC
Disability Federation of Ireland
Down Syndrome Ireland
Dublin Rape Crisis Centre
Early Childhood Ireland
Educate Together
EPIC
Extern Ireland
Focus Ireland
Foróige
Future Voices Ireland
Gaelscoileanna Teo
Good Shepherd Cork
Immigrant Council of Ireland
Inclusion Ireland
Independent Hospitals Association of Ireland
Institute of Guidance Counsellors
Irish Aftercare Network
Irish Association for Infant Mental Health
Irish Association of Social Workers
Irish Centre for Human Rights, NUI Galway
Irish Congress of Trade Unions (ICTU)
Irish Council for Civil Liberties (ICCL)
Irish Foster Care Association
Irish Girl Guides
Irish Heart Foundation
Irish National Teachers Organisation (INTO)
Irish Penal Reform Trust
Irish Primary Principals Network
Irish Refugee Council
Irish Second Level Students' Union (ISSU)
Irish Society for the Prevention of Cruelty to Children
Irish Traveller Movement
Irish Youth Foundation (IYF)
Jack & Jill Children's Foundation
Jesuit Centre for Faith and Justice
Jigsaw
Kids' Own Publishing Partnership
Lifestart National Office
Mecpaths
Mental Health Reform
Mercy Law Resource Centre
Migrant Rights Centre Ireland
Mothers' Union
Mounttown Neighbourhood Youth and Family Project
Museum of Childhood Project
MyMind
National Childhood Network
National Organisation for the Treatment of Abusers (NOTA)
National Parents Council Post Primary
National Parents Council Primary
National Youth Council of Ireland
Novas
One Family
One in Four
Parentstop
Pavee Point
Peter McVerry Trust
Rape Crisis Network Ireland (RCNI)
Realt Beag
SAFE Ireland
Saoirse Housing Association
SAOL Beag Children's Centre
Scouting Ireland
School of Education UCD
Sexual Violence Centre Cork
Simon Communities of Ireland
Social Care Ireland
Society of St. Vincent de Paul
Sonas Domestic Violence Charity
Special Needs Parents Association
SPHE Network
SpunOut.ie
St. Nicholas Montessori College
St. Nicholas Montessori Teachers' Association
St. Patrick's Mental Health Services
Step by Step Child & Family Project
Suas Educational Development
Teachers' Union of Ireland
Terenure Rugby Football Club
The Ark, A Cultural Centre for Children
The Prevention and Early Intervention Network
The UNESCO Child and Family Research Centre, NUI Galway
Traveller Visibility Group Ltd
Treoir
UNICEF Ireland
youngballymun
Youth Advocate Programme Ireland (YAP)
Youth Work Ireland

Acknowledgements

The Children's Rights Alliance wishes to thank all those who contributed to researching and compiling this report. In particular, the Alliance would like to thank our partners in helping to produce Report Card 2019 including The Community Foundation for Ireland, Pobal, the Tomar Trust, the Department of Rural and Community Development and the Katharine Howard Foundation.

The Children's Rights Alliance would like to thank the Government Departments, statutory and non-statutory agencies for their assistance, comments and co-operation in preparation of this report:

- An Garda Síochána
- Department of Children and Youth Affairs
- Department of Education and Skills
- Department of Housing, Planning, Community and Local Government
- Department of Health
- Department of Justice and Equality
- Department of Public Expenditure and Reform
- Department of Employment Affairs and Social Protection
- Dublin Region Homeless Executive
- Health Service Executive
- Irish Refugee Protection Programme
- National Vetting Bureau
- Pobal
- Reception and Integration Agency
- Tusla, the Child and Family Agency

The expert contributions of Children's Rights Alliance member organisations are gratefully acknowledged, in particular:

- Barnardos
- BeLonGTo
- Children in Hospital Ireland
- Cork Life Centre
- Cybersafe Ireland
- Dublin Rape Crisis Centre
- Educate Together
- EPIC
- Focus Ireland
- Inclusion Ireland
- Irish Council for Civil Liberties
- Irish Heart Foundation
- Irish National Teachers Organisation
- Irish Refugee Council
- ISPCC

- Irish Traveller Movement
- Mental Health Reform
- National Youth Council of Ireland
- One Family
- Pavee Point
- Prevention and Early Intervention Network
- Rape Crisis Network Ireland
- Simon Communities of Ireland
- SpunOut.ie
- St Patrick's Mental Health Services

Special thanks also to Francis Chance, the Nurture Programme; Professor Geoffrey Shannon; Maria McDonald BL, Eve Farrelly, The CARI Foundation; Maria Corbett, Doctoral Researcher and to Mary Gaynor for proofreading and editing the document. Particular thanks are due to the Children's Rights Alliance Board for their support and oversight of the process. The Alliance would also like to acknowledge the work of Children Now, based in California, whose annual report card provided the initial inspiration for this series.

We extend our thanks to the members of the Assessment Panel who, by assessing the grades in each section and adding their considerable experience, validate this report. The grades allocated represent the collective views of the Panel rather than the views of any individual. The Assessment Panel comprised:

- Seamus Boland, Chief Executive Officer, Irish Rural Link
- Professor Maurice Devlin, Director of the Centre for Youth Research and Development, School of Applied Social Studies, Maynooth University
- Catherine Ghent, Solicitor, Gallagher Shatter Solicitors
- Professor Nóirín Hayes, Visiting Professor, School of Education, Trinity College Dublin
- Áine Hyland, Emeritus Professor of Education and former Vice-President of University College Cork
- David Joyce, Equality Officer, Irish Congress of Trade Unions
- Emma Kerins, Head of Policy and Public Affairs, Chambers Ireland
- Judge Catherine McGuinness, former member of the Supreme Court of Ireland and member of the Council of State
- Dr Aisling Parkes, Law Lecturer, University College Cork

Finally, massive thanks go to the *Report Card* team for their incredible hard work and commitment to produce a superb publication once again this year.

Grading for Report Card 2019

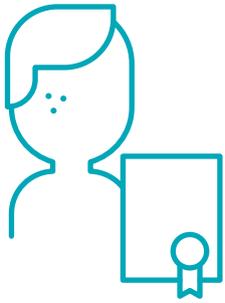
	2017	2018	2019
Overall Grade	D+	C-	C
Right to Education	D+	C	C+
Educational Disadvantage	D	C	C
Religious Diversity in Schools	D	C-	B-
Disability and Additional Needs in Education	C+	B-	B-
Right to an Adequate Standard of Living	C-	D+	D+
Child and Family Homelessness	E	E	F
Parental Leave and Income Supports	C+	C	B-
Prevention and Early Intervention	C+	C	C+
Right to Health	D+	C-	C
Primary Care	D	C-	C+
Mental Health	D-	D+	D-
Physical Health	C	C-	B
Rights in the Family Environment and Alternative Care	D+	B-	B-
Guardian <i>ad Litem</i> Service	D	C+	C+
Child Protection	C	B	B
Child Victims of Crime	D	C+	B-
Rights in Early Childhood	C+	D+	C
Quality in Early Childhood Education and Care	C-	D	C-
Subsidised and School-Age Childcare	B	C	C+
Childminding	C	D	C
Right to Equality	D	C-	C
Traveller and Roma Children	E	D+	D-
Refugee and Asylum-Seeking Children	D-	D+	C
LGBTI+ Children and Young People	C+	B-	A-

Explanation of Grades:

A: Excellent, making a real difference to children's lives
B: Good effort, positive results for children
C: Satisfactory attempt, but children still left wanting
D: Barely acceptable performance, little or no positive impact on children

E: Unacceptable, taking steps in the wrong direction, no positive impact on children
F: Fail, taking steps that undermine children's wellbeing
N/A: Not applicable, due to vague nature of Government commitment

Key Facts & Statistics



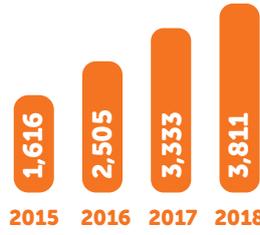
896

schools included in DEIS programme



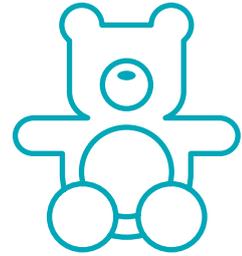
20-30 cent

levy on sugar-sweetened drinks



Rise

in homelessness over the last 4 years



€574m

budget allocation to childcare



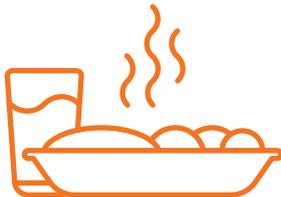
One House

project in Galway



2 weeks

paid parental leave for both parents



Hot school meals

€54 million invested in pilot programme for DEIS schools



2,250

children waiting for CAMHS appointment



1,724

under 18s in Direct Provision —almost a third



LGBTI+ Youth Strategy

The first strategy of its kind in the world



Photo by Annie Spratt on Unsplash

Introduction

The Children's Rights Alliance unites over 100 members working together to make Ireland one of the best places in the world to be a child. We change the lives of all children in Ireland by making sure that their rights are respected and protected in our laws, policies and services.

The Report Card is a tool for identifying serious issues for children. It is an established accountability tool for the Children's Rights Alliance and our members, as well as an important information resource for politicians, policy makers, service providers, non-governmental organisations and academics. It scrutinises the Government's own commitments to children flowing from its programme for government.

This is the eleventh edition of our annual Report Card series, launched in 2009. *Report Card 2019* is the third edition of the new series and the second full year under *A Programme for a Partnership Government*. The commitments selected from *A Programme for a Partnership Government* are those that are likely to have the biggest impact on children's rights and that are measurable for the Children's Rights Alliance team.

The research process for *Report Card 2019* involved desk research, semi-structured interviews, analysis of legal judgments and data, and a wide-ranging consultation with member organisations and key stakeholders. In addition, a thorough engagement took place with various government departments and agencies with responsibility for the commitments concerned. The grading was carried out by a high-level independent assessment panel, comprised of some of Ireland's leading experts in child law, human rights and education, and representatives from business, trade unions, Social Partnership, academia and rural Ireland. *Report Card 2019* contains information up to the end of December 2018.

The Government is awarded an overall 'C' grade in *Report Card 2019*, an improvement on last year's 'C-' grade, and the 'D+' grade awarded in *Report Card 2017*. Similar to last year, the grade reflects a satisfactory attempt overall but children are still left wanting. While the highest grades in *Report Card 2019* are an 'A-' for LGBTI+ Children, and a 'B' for both Physical Health and Child Protection, the lowest grade is again awarded for Child and Family Homelessness, which received a 'F' grade in light of the continuing and escalating national emergency in housing. The Children's Rights Alliance recognises the significant steps that have been taken by the Government and the advancements that have been made in certain areas. However, there is still work to do in areas where progress has stalled or regressed. The Government is now at the halfway point, and we look forward to seeing the fulfilment of additional commitments and further progress as it enters the second phase of its term.

1

Right to Education



Every child in Ireland has the right to access education and to be educated. The aim of the right to education goes beyond academic achievement to the development of the child's personality, talents and abilities to their fullest potential, and to providing them with the tools to live a full and responsible life within society.

Summary of Articles 28 and 29 of the UN Convention on the Rights of the Child

Chapter Grade:

C+



Ag Éisteacht @AgEisteacht

"Ireland can lead the way when the right funding and policies are in place." None of this would be possible without the hard work of all of our dedicated teachers, helping pupils to reach their full potential, narrowing the gap of disadvantage. #Education #Teachers

7 Nov 2018



1.1 Educational Disadvantage

Section Grade:

C

➔ Government Commitment

A Programme for a Partnership Government commits to:

Publish a new updated Action Plan for Educational Inclusion within 12 months, narrow the gap between DEIS and non-DEIS schools, and examine how students outside of DEIS can be better supported.

▶ **Progress: Some**

Publish a new School Completion Strategy.

▶ **Progress: Steady**

'Educational Disadvantage' receives a 'C' grade in *Report Card 2019*, the same as last year's grade. The new *DEIS Plan* was published in 2017 and work is underway to progress the actions set out under the Plan. The gap in retention rates between DEIS and non-DEIS schools remained the same over the past year. A review into out-of-school education provision was completed and a taskforce on the reform of the School Completion Programme was established.

Every child has a right to education and should have an equal opportunity to participate in education.¹ The UN Committee on the Rights of the Child has stated that the goal of education is to 'empower the child by developing his or her skills, learning and other capacities, human dignity, self-esteem and self-confidence.'² The Committee further states that education goes beyond formal schooling to embrace the broad range of life experiences and learning processes which enable children, individually and collectively, to develop their personalities, talents and abilities and to live a full and satisfying life within society.³ States are required to take measures to 'encourage regular attendance at schools and the reduction of drop-out rates'.⁴

1 UN Convention on the Rights of the Child, A/RES/44/25 (20 November 1989) Art 28.

2 UNCRC General Comment No. 1 on Article 29(1) the Aims of Education (2001) CRC/GC/2001/1 para 2.

3 Ibid.

4 UN Convention on the Rights of the Child, A/RES/44/25 (20 November 1989) Art 28(e).

► Educational Disadvantage:

In Ireland, a person's socio-economic background remains a strong determining factor in their educational attainment. A person is almost three times more likely to go on to higher education if their parents have higher education than someone whose parents have not completed primary-level education.⁵

Since 2005, the Delivering Equality of Opportunity in Schools (DEIS) Programme has been the State's main vehicle for supporting children who experience educational disadvantage. *Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014–2020* commits to 'consider the recommendations of the review of the DEIS Programme and use it as a platform for the new initiatives to deliver better outcomes for students in disadvantaged areas'.⁶ It also commits to 'strengthen social inclusion measures and re-invigorate efforts to improve educational outcomes among, and integration of, Travellers, Roma and migrant children and young people'.⁷

The *DEIS Plan 2017*, promised in the *Action Plan for Education 2016–2019*,⁸ was published in February 2017.⁹ The Plan, replaces the 2005 plan and sets out the Government's vision for social inclusion in education policy with over 100 actions to support its goals.¹⁰ Work has started on the implementation of almost 90 per cent of the actions.¹¹ The Plan provides that improved data allows the identification of schools to be more responsive to the demographic and other changes in an area and this is expected to facilitate the aim of more closely matching resources to identified need.¹² The schools brought into the DEIS programme in 2017 have not been included in the School Completion Programme because the necessary resources to include the schools have not yet been allocated to Tusla's Educational Welfare Service.¹³ No further schools have been included or



upgraded in the DEIS programme since September 2017¹⁴ and no new schools will be included in the programme until work to enhance the quality of the data is complete.¹⁵ In the 2018/2019 academic year, 896 schools (698 primary and 198 post-primary) are included in the DEIS programme.¹⁶ There was no additional DEIS specific allocation for Budget 2019.¹⁷

The gap between DEIS and non-DEIS schools has narrowed in terms of academic achievement, in particular in mathematics and reading, but the performance of DEIS schools still falls below the overall achievement levels in other schools.¹⁸ Improved retention rates to Leaving Certificate in DEIS schools are evident, with the gap between DEIS and non-DEIS schools halving between the 2001 and 2011 entry cohorts, falling from 16.8 to 8.5 per cent.¹⁹ However, the average rate of school completion for

5 Central Statistics Office, 'Census of Population 2016 – Profile 10 Education, Skills and the Irish Language, <<https://bit.ly/2FjtGyG>> accessed 23 January 2019.

6 Department of Children and Youth Affairs, *Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014–2020* (DCYA 2014) Commitment 2.16.

7 Ibid Commitment 2.22.

8 Department of Education and Skills, *Action Plan for Education 2016–2019* (DES 2016) 60.

9 Department of Education and Skills, *DEIS Plan 2017* (DES 2017).

10 Ibid 6, 10.

11 Communication received by the Children's Rights Alliance from the Department of Education and Skills, 11 January 2019.

12 Department of Education and Skills, *DEIS Plan 2017* (DES 2017) 11.

13 Communication received by the Children's Rights Alliance from Tusla, 24 December 2018.

14 Communication received by the Children's Rights Alliance from the Department of Education and Skills, 11 January 2019 and communication received by the Children's Rights Alliance from the Department of Education and Skills, 4 February 2019.

15 *ibid.*

16 *ibid.*

17 *ibid.*

18 Department of Education and Skills, *DEIS Plan 2017* (DES 2017) 24.

19 Department of Education and Skills, 'Retention Rates of Pupils in Second-Level Schools: 2011 Entry Cohort' (DES November 2018) <<https://bit.ly/2FHpQWN>> accessed 15 January 2019.

DEIS schools continues to fall below that of non-DEIS schools.²⁰ While it is positive that more pupils in DEIS schools than ever before aspired to third level education and had similar aspirations to children in other schools, it is concerning that fewer of them actually expected to be able to go to college.²¹

A Programme for a Partnership Government also commits to examining how to better support students outside of DEIS, given that a 'significant proportion' of disadvantaged students attend non-DEIS schools.²² The reduction in pupil/teacher ratios in non-DEIS post-primary schools to 19:1 will go some way towards supporting disadvantaged pupils.²³

► School Completion:

In the context of a general improvement in second-level retention rates, the stated policy aim is to increase the rate of 84.4 per cent in DEIS schools to the national norm of 90.2 per cent, by 2025.²⁴ Overall, Ireland has the third highest completion rates for girls at 92 per cent and the second highest for boys at 90 per cent 'among countries and economies with comparable data' in the OECD.²⁵ However, this means that consistently one in every ten boys in Ireland leaves school with no qualification. In March 2018, the Department of Education and Skills (DES) launched a review on current and future provision of out-of-school education, a commitment in the *DEIS Plan 2017*.²⁶ The review aimed to 'identify the needs of the cohort of children who have disengaged with the mainstream education system or are at risk of doing so'.²⁷ The review was carried out by a Working

Group chaired by the Department, including representatives from Tusla and the Education and Training Board sector and a report was being finalised by the Working Group at year's end.²⁸ It provides an opportunity to consider the availability of alternative forms of education provision for young people who leave school without a qualification, and to provide financial support to them and ensure that alternatives are seen as a legitimate part of second level education. The views of early school leavers who disengaged with mainstream education should inform the review.

The School Completion Programme (SCP) was established in 2002 by the Department of Education and Skills as part of the DEIS programme building on the earlier Early School Leaver Initiative (ESLI). The programme was expanded in 2005/2006 when additional schools were included in the DEIS programme. The aim of SCP is to increase the numbers of young people staying in primary and second-level schools and, in doing so, improve the numbers of pupils who successfully complete the Senior Cycle, or equivalent. In 2014, the SCP came under the remit of Tusla, the Child and Family Agency.

The SCP is one of three main strands of the Educational Welfare Service (EWS) of Tusla aimed at promoting school attendance, participation and retention. These are the statutory Educational Welfare Service, the Home School Community Liaison scheme (HSCL) and the SCP. The SCP has 124 local projects and operates in 467 primary schools and 224 post-primary schools nationwide.²⁹ SCP funding in the 2018/19 academic year is over €24.7 million.³⁰ The SCP is a targeted support programme that focuses on students most at risk of early school leaving and young people of school going age not attending an appropriate educational setting. Each SCP prepares an Annual Retention Plan outlining the identified needs in its catchment area. It also sets out the interventions and supports it plans to provide such as breakfast clubs, in-school learning supports and interventions, homework clubs, after school and holiday provision.³¹

20 *ibid.*

21 Lauren Kavanagh, Susan Weir and Eva Moran, *The evaluation of DEIS: Monitoring achievement and attitudes among urban primary school pupils from 2007 to 2016* (Educational Research Centre 2017) 37.

22 Emer Smyth et al, *Review of the School Completion Programme*, Research Series Number 44 (ESRI 2015) 79.

23 Department of Education and Skills, 'Circular 0009/2018 Approved Allocation of Teaching Posts 2018/19 School Year' <<https://bit.ly/2GhrYFN>> accessed 13 December 2018.

24 Department of Education and Skills, *Strategy Statement Action Plan for Education 2016–2019* (DES 2016) 28.

25 OECD, 'Ireland' in *Education at a Glance 2017: OECD Indicators* (OECD Publishing 2017). The rate of retention in 2018 was 85 per cent for DEIS schools (2011 entry cohort) compared to the national norm of 93.5 per cent. Department of Education and Skills, *Retention Rates of Pupils in Second-Level Schools 2011 Entry Cohort* (DES 2018) 8.

26 Department of Education and Skills, *DEIS Plan 2017* (DES 2017) Action 88.

27 Department of Education and Skills, 'Minister Bruton announces consultation on Out of School Education Provision' (15 March 2018) <<https://bit.ly/2pwDnGd>> accessed 23 January 2018.

28 Communication received by the Children's Rights Alliance from the Department of Education and Skills, 24 January 2019.

29 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 21 December 2018.

30 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 8 February 2019.

31 Communication received by the Children's Rights



In Ireland, a person's socio-economic background remains a strong determining factor in their educational attainment. A person is almost three times more likely to go on to higher education if their parents have higher education (...)

There has been a general improvement in second-level retention rates in recent years. In the 2017/2018 school year, a total of 94,647 young people engaged with the SCP through both targeted and universal supports and of these, 24,899 received targeted provision.³² The most recent figures available show that of the cohort of young people who enrolled in first year in 2011, 92 per cent completed the Leaving Certificate in 2016 and 2017.³³

The Economic and Social Research Institute produced a review of the SCP in 2015.³⁴ It found that existing evaluation reports have not assessed the SCP or focused on measuring the kinds of outcomes for students on which the programme focuses, such as school engagement and socio-emotional development.³⁵ The DES inspectorate research on DEIS planning has not commented on the SCP in an evaluative way and notes that such an evaluation may not be possible given the complexity of the programme, the age groups and varying locations involved.³⁶ A focus on improving the quality and effectiveness of the programme to meet the needs of different groups of children in a measurable way as part of the reform of the SCP could be considered. In addition, it will be important to monitor the mechanisms for the intake of students to the SCP to ensure a new model captures children most at risk of early school leaving.

The *DEIS Plan 2017* reiterated the Government's commitment to the publication of a new strategy to improve school retention rates and set a target date of Q3 2017 for it to be published.³⁷ Although there is clear progress in relation to participation and retention rates in Ireland, it has become apparent that a coordinated policy platform is required to underpin the future development and direction of these key services at a national level. In light of this, the Minister for Children and Youth Affairs, Dr Katherine Zappone TD established a Task Group in 2018 with terms of reference and a time-line for the development of a succinct and purposeful policy blueprint.³⁸ This group

comprises representatives of the Department of Children and Youth Affairs, Department of Education and Skills, Tusla and stakeholders from the respective areas of the Educational Welfare Services.³⁹

The key output of this Task Group is the preparation of the policy blueprint which will set out a clear platform and process for the development of the EWS, including the SCP.⁴⁰ It is intended to be responsive to existing and emerging needs; reflective of relevant policies/initiatives being progressed by the Department of Children and Youth Affairs, Tusla and the Department of Education and Skills; and informed by the perspectives of practitioners who work at the front-line of service delivery.⁴¹

Alliance from Tusla, 24 December 2018.

32 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 14 February 2019.

33 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 8 February 2019.

34 Emer Smyth et al, *Review of the School Completion Programme*, Research Series Number 44 (ESRI 2015).

35 *ibid* 133.

36 *ibid*.

37 Department of Education and Skills, *DEIS Plan 2017* (DES 2017) 12.

38 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 8 February 2019.

39 *ibid*.

40 *ibid*.

41 *ibid*.

Educational Disadvantage Immediate Actions for 2019



Continue to implement the DEIS Plan and monitor its efficacy in improving outcomes for pupils.

Ensure that an adequate monitoring and evaluation system is put in place with tangible indicators to monitor ongoing implementation, in order to improve and adapt the system and ensure continuous improvement of the DEIS scheme.



Produce the Policy Blueprint for the EWS and begin implementation of actions in 2019.

Complete the work of the task group for the development of the EWS into the future. Produce the Policy Blueprint and begin implementation of the actions contained therein with a focus on improving the quality and effectiveness of the educational welfare services in delivering outcomes that meet the needs of different groups of children in a measurable way.



Publish the outcome of the review on current and future provision of out-of-school education.

The review of out-of-school education provision is an opportunity to consider the availability of alternative forms of education provision for young people who leave school without a qualification and to provide financial support to them and ensure that alternatives are seen as a legitimate part of second level education.

1.2 Religious Diversity in Schools

Section Grade:

B-

➔ Government Commitment

A Programme for a Partnership Government commits to:

Work with stakeholders to facilitate the phased transfer of Catholic schools to new patrons, where support of communities exists and to consider new approaches.

▶ **Progress: Limited**

Increase the number of non-denominational and multi-denominational schools to 400 by 2030.

▶ **Progress: Slow**

Publish new School Admissions and Excellence legislation and enact this legislation for the beginning of the school year 2017.

▶ **Progress: Good**

'Religious Diversity in Schools' receives a 'B-' grade in *Report Card 2019*, an improvement on last year's 'C-' grade. This reflects the removal of the baptism barrier and other barriers to school admissions in the Education (Admission to Schools) Act 2018. While the number of multi-denominational primary and post-primary schools increased slightly in 2018, there is no long-term plan as to how the Government's target will be achieved. There have been welcome efforts to improve the collection and processing of parental preference on school patronage but existing patrons still make decisions on the divestment of schools to new patrons rather than decisions being based on the best interests of children.

Every child has a right to education 'on the basis of equal opportunity'⁴² and the right to respect for their freedom of thought, conscience and religion.⁴³ Children have the right to be free from discrimination of any kind, irrespective of, amongst other things, the child's or a parent's or guardian's religion or beliefs. The State is under a duty to 'take all appropriate measures' to ensure that the child is protected against all forms of discrimination based on their beliefs or expressed opinions.⁴⁴ In 2016, the UN Committee on the Rights of the Child encouraged Ireland to promote the establishment of

42 UN Convention on the Rights of the Child, A/RES/44/25 (20 November 1989) Art 28(1).

43 *ibid* Art 14(1).

44 *ibid* Art 2.

non-denominational or multi-denominational schools and to amend existing legislation to eliminate discrimination in school admissions.⁴⁵

► Non- and multi-denominational schools:

The UN Committee's 2016 recommendation called on the State to 'expeditiously undertake concrete measures to significantly increase the availability of non-denominational and multi-denominational schools'.⁴⁶ A non-denominational school is defined as a school under the patronage of a secular body with a secular ethos.⁴⁷ Multi-denominational schools 'do not provide religious education as formation, during the school day, but do provide education about religions and beliefs'.⁴⁸ Both *A Programme for a Partnership Government* and the *Action Plan on Education 2016–2019* commit to a target of 400 multi- and non-denominational schools by 2030.⁴⁹

The majority of publicly funded schools in the Irish education system are denominational in nature with 94.4 per cent of primary schools in the 2018/19 academic year having a religious patron. 90.3 per cent of all primary schools remain under the patronage of the Catholic Church and 4.1 per cent are run by minority religions.⁵⁰ At post-primary level, 47.9 per cent of denominational schools are run with a Catholic ethos with a further 3.7 per cent run with another denominational ethos.⁵¹ There are over 3,000 primary schools, of which 119 are multi-denominational, and 17 are described as inter-denominational but in four counties in Ireland, there is no alternative to denominational primary school provision.⁵² There are 44 multi-denominational post-primary schools.⁵³

A total of nine (four primary and five post-primary) new multi-denominational schools were established in 2018.⁵⁴ In April 2018, the Government announced that 42 new schools (26 primary and 16 post-primary)

would be established between 2019 and 2022 with a view to providing up to 20,000 new places.⁵⁵ The Department of Education and Skills runs a patronage process to determine who will operate each new school and this is open to all patron bodies and prospective patrons.⁵⁶ As part of this, a process to determine parental preference of pre-school children in each area is also underway, which the Minister for Education and Skills has stated will be a key determinant of the patron for each school.⁵⁷ Other determinants include parental preferences in relation to the language of instruction of the schools and the extent of diversity in the area.⁵⁸ With the aim of making the collection and processing of parental preferences more efficient, an Online Patronage Process system was rolled out in 2018, which is a welcome measure.⁵⁹ The patronage process for 4 new post-primary schools to be established in 2019 has been completed and in November 2018, the Minister for Education and Skills, Joe McHugh TD invited applications for the patronage of 12 new primary schools due to open in September 2019.⁶⁰

Based on current population growth trends, new schools will account for circa one third of the additional multi-denominational schools required to hit the target of 400 schools by 2030.

► Divestment/Reconfiguration:

The Forum on Patronage and Pluralism in the Primary Sector, established in 2011, examined how the education system could best provide a sufficiently diverse number and range of schools nationwide for children of all religions and none. From 2013–2018, only 11 schools were divested to multi-denominational patrons, with agreement reached on a further school to be established in September 2019.⁶¹ However, 14 towns in which

45 UNCRRC 'Concluding Observations Ireland,' (2016) CRC/C/IRL/CO/3-4 para 64(a).

46 *ibid.*

47 The Forum on Patronage and Pluralism in the Primary Sector, *Report of the Forum's Advisory Group* (DES 2012) 5.

48 *ibid.*

49 Department of Education and Skills, *Action Plan for Education 2016–2019* (DES 2016) 42.

50 Communication received by the Children's Rights Alliance from the Department of Education and Skills, 8 January 2019.

51 *ibid.*

52 *ibid.*

53 *ibid.*

54 Communication received by the Children's Rights Alliance from the Department of Education and Skills, 11 January 2019.

55 Department of Education and Skills, 'Minister Bruton announces plans to establish 42 new schools over the next 4 years' (DES, 13 April 2018) <<https://bit.ly/2zZLX6p>> accessed 9 January 2019.

56 Communication received by the Children's Rights Alliance from the Department of Education and Skills, 11 January 2019.

57 *ibid.*

58 Communication received by the Children's Rights Alliance from the Department of Education and Skills, 8 January 2019.

59 Department of Education and Skills, 'Minister Bruton announces plans to establish 42 new schools over the next 4 years' (DES, 13 April 2018) <<https://bit.ly/2zZLX6p>> accessed 9 January 2019.

60 Department of Education and Skills, 'Minister invites applications for patronage of 12 new primary schools to be established in 2019' (DES 8 November 2018) <<https://bit.ly/2S2KLX7>> accessed 8 January 2019.

61 Communication received by the Children's Rights Alliance from the Department of Education and



Photo by Banter Snaps on Unsplash

families chose Educate Together as a patron in the last parental preference consultation in 2012/2013 are still waiting for their 'divested' school. This should be urgently addressed as part of this process.⁶²

In January 2017, the Government announced the New Schools Reconfiguration process to provide more multi-denominational and non-denominational schools.⁶³ This involves the relevant Education and Training Board reporting on the level of demand for a new choice of school patronage within areas identified for survey. Transfers would then be managed by existing patrons in conjunction with schools communities and prospective patron bodies.⁶⁴

The Schools Reconfiguration Process is intended to move from the identification of schools phase into the implementation phase, which will involve consultations with local schools communities on accommodating demand through

the transfer of patronage of existing schools to new multi or non-denominational patrons.⁶⁵

The transfer of existing schools from religious patronage under the School Reconfiguration process, phase 1 of which commenced in May 2018, is aimed at meeting the majority of the target.⁶⁶ However, it remains unclear how the Government's target will be achieved given the slow pace at which reconfiguration is progressing. A clear plan involving all patrons and setting out the phases of development, with timelines and a monitoring structure is required to provide clarity for communities and families. Non-denominational schools should be an explicit part of the plan as well as the number of schools which are to be primary and post-primary.

The decision-making power afforded to the current landowner to determine the multi-denominational patron to which a school will be transferred is at odds with the constitutional rights of parents to decide the type of school their children attend.⁶⁷

Skills, 8 January 2019 and 18 January 2019.

62 Communication received by the Children's Rights Alliance from Educate Together, 8 January 2019.

63 Department of Education and Skills, 'Minister Bruton announces new plans to accelerate provision of multi- and non-denominational schools' (30 January 2017) <<http://bit.ly/2kOoRsL>> accessed 23 January 2019.

64 *ibid.* Communication received by the Children's Rights Alliance from the Department of Education and Skills, 4 January 2019.

65 Minister for Education and Skills, Joe McHugh TD, Written Answers, School Patronage, 16 October 2018 [42500/18].

66 Communication received by the Children's Rights Alliance from the Department of Education and Skills, 8 January 2019.

67 Irish Constitution, Art 42.3.1°. This provision states that 'The State shall not oblige parents in violation of their conscience and lawful



Based on current population growth trends, new schools will account for circa one third of the additional multi-denominational schools required to hit the target of 400 schools by 2030.

Given that the vast majority of primary schools in the country are under the patronage and ownership of one denomination, decisions on patronage should be undertaken by an independent body to ensure a more transparent approach.

► School Admissions:

In 2016, the UN Committee recommended that the State amend the 'existing legislative framework to eliminate discrimination in school admissions, including the Equal Status Act'.⁶⁸ *Better Outcomes, Brighter Futures* commits to reducing discrimination and intolerance of all types experienced by marginalised groups including those from religious minorities.⁶⁹ In July 2018 the Education (Admission to Schools) Act 2018 was signed into law. The Act aims to 'increase the transparency and fairness of school admissions'⁷⁰ by amending the Equal Status Acts 2000–2015 to remove the provision that enables denominational schools to use religion as an eligibility criterion for school admissions or 'baptism barrier'. This has been a recurring recommendation in this *Report Card* series and is a very welcome development.⁷¹ The Act also provides for children of minority religions to access the school of their faith or similar faith on a priority basis⁷² but this is only relevant if the school is oversubscribed.⁷³

The Act bans school admission fees or contributions, except for fee charging secondary schools, boarding sections of boarding schools or post leaving certificate and further education courses run by secondary schools.⁷⁴ These key provisions were commenced in 2018.⁷⁵

However it should be noted that while these provisions are very positive, children whose parents are members of a minority or no religion will continue to have little choice in the type of school to which they can send their children. It is likely that many of these children will continue to be educated in schools that promote a particular ethos for their entire educational experience. This is also because of the integrated nature of the curriculum and the fact that few schools have the facilities or personnel to facilitate children opting out of denominational teaching.⁷⁶ This makes the achievement of the Government's target to increase the number of multi-denominational and non-denominational schools highly consequential for those families.

preference to send their children to schools established by the State, or to any particular type of school designated by the State.'

68 UNCRC 'Concluding Observations: Ireland' (2016)

UN Doc CRC/C/IRL/CO/3-4, para 64(a).

69 Department of Children and Youth Affairs, *Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014–2020* (DCYA 2014) Commitment 5.6.

70 Department of Education and Skills, 'New law will make process of school admissions easier for children and parents – Minister Bruton' (DES, 6 July 2016) <<http://bit.ly/2kDywjM>> accessed 6 December 2016.

71 Education (Admissions to Schools) Act 2018, s 11.

72 *ibid.*

73 Department of Education and Skills, 'Minister Bruton commences key provisions in Education (Admission to Schools) Act, 2018' (DES, 3 October 2018) <<https://bit.ly/2RXUT32>> accessed 13 December 2018.

74 Education (Admission to Schools) Act 2018, s 9(64).

75 Department of Education and Skills, 'Minister Bruton commences key provisions in Education (Admission to Schools) Act, 2018' (DES, 3 October 2018) <<https://bit.ly/2RXUT32>> accessed 13 December 2018.

76 The Forum on Patronage and Pluralism in the Primary Sector, Report of the Forum's Advisory Group (DES 2012) 83.

Religious Diversity in Schools

Immediate Actions for 2019



Review the plan for the transfer of existing schools from religious patronage to ensure that decisions are made in the best interests of children.

Proposals to provide for the transfer of existing schools from religious patronage to other patrons should be based on the rights and needs of children rather than those of patrons. The decision-making process on patronage should be transparent, independent and fair. Children and young people should be consulted.



Publish a plan to increase the number of multi- and non-denominational schools to 400 by 2030.

A plan involving all patrons and setting out the phases of development, with timelines and a monitoring structure, is required to provide greater clarity on how the target is to be achieved. Ensure that non-denominational schools are an explicit part of the plan. It should also identify how many of the schools are to be primary and post-primary.

1.3 Disability and Additional Needs in Education

Section Grade:

B-

➔ Government Commitment

A Programme for a Partnership Government commits to:

Examine the adequacy of current special education access and funding provision.

▶ **Progress: Complete**

Consult with stakeholders with regard to how best to progress sections of the Education of Persons with Special Educational Needs Act 2004 that were introduced on a non-statutory basis.

▶ **Progress: Some**

Introduce a new in-school speech and language service at primary level and to support children in early years.

▶ **Progress: Some**

'Disability and Additional Needs in Education' receives 'B-' in *Report Card 2019*, the same as last year's grade. This reflects the additional resourcing for Special Needs Assistants (SNA) in Budget 2019 and the publication of the findings of the comprehensive assessment of the SNA Scheme. **The pilot project to provide in-school and pre-school language therapy services is welcome. The enactment of the Education (Admission to Schools) Act 2018 includes a power to compel a school to make additional provision for the education of children with special educational needs.**

Every child has a right to education regardless of their needs or ability.⁷⁷ The aim of this right is to 'empower the child by developing his or her skills, learning and other capabilities, human dignity, self-esteem and self-confidence'.⁷⁸ The right extends beyond formal school to embrace a wide range of life experiences and learning processes to enable children 'to develop their personalities, talents and abilities and to live a full and satisfying life within society'.⁷⁹ States must ensure, as a priority, that children with disabilities 'have equal opportunities to participate fully in education and community life, including by the removal of barriers that impede the realisation of

77 UNCRRC 'General Comment No. 9 on the rights of children with disabilities' (2006) UN Doc CRC/C/GC/9 para 62. All children in Ireland up to the age of 18 have the right to primary education under Article 42 of the Irish Constitution.

78 UNCRRC 'General Comment No. 1 on the Aims of Education Article 29(1)' (2001) UN Doc CRC/GC/2001/1 para 2.

79 *ibid.*

their rights'.⁸⁰ Children with special educational needs have a right to individualised support and reasonable accommodations in the general education system.⁸¹

In 2016, the UN Committee on the Rights of the Child recommended that Ireland 'adopt a rights based approach to disability'.⁸² Furthermore, the Committee recommended that Ireland 'establish a comprehensive strategy for the inclusion of children with disabilities in mainstream education and the encouragement of their autonomy' and 'train and employ a sufficient number of specialised teachers and professionals in order to provide special needs education support'.⁸³

Ireland ratified the UN Convention on the Rights of Persons with Disabilities (UNCPRD) on 20 March 2018.⁸⁴ It recognises the rights of people with disabilities to an education that is inclusive, free from discrimination and directed to the 'full development of the human potential and sense of dignity and self-worth... the development... of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential and enabling [them] to participate effectively in a free society'.⁸⁵

► Access and Funding Provision for Special Education:

A Programme for a Partnership Government commits to examine the adequacy of current special education needs access and funding provision. The majority of students with special educational needs attend mainstream schools with additional supports.⁸⁶ The number of students receiving low-incidence supports (for physical disabilities, intellectual hearing impairments and autism) in mainstream schools was 43,600 in 2016.⁸⁷ Budget 2019 provides the Department of Education and Skills with €1.8 billion for special education, which represents almost 20 per

cent of the education budget, and an approximate 43 per cent increase in spending provision since 2011.⁸⁸

In September 2017, the new resource allocation model based on the profiled need of each school, without the need for a diagnosis of disability⁸⁹ was introduced across primary and post primary schools.⁹⁰ An analysis of the need for a new model can be found in *Report Card 2018*.⁹¹ The new model is welcome, however there is an outstanding issue when the parents and the school disagree as to the support allocated to a child. Under the new model, resources are allocated to schools to reflect their profiled needs and the school decides whether and how much support a child needs. If a parent is unhappy with their child's support allocation they have no way to seek a review or to appeal the decision other than to go back to the school who is the original decision-maker and make their case.⁹² The Department of Education and Skills plays no direct role in appealing the allocation and recommends that if a parent continues to be concerned with the level of support their child receives, having raised it with the class teacher and school principal, they should take it up with the school's Board of Management.⁹³ The new model encourages dialogue between parents and schools but has the potential for tension if the parents and school ultimately disagree with no further recourse available to the family. The new model is expected to 'provide a greater level of autonomy for schools' in how they manage additional teaching supports⁹⁴ and is expected to result in a better use of resources and this is welcome. However, parents should be provided with an independent and transparent process in which to express their concern and seek further support for their child.

In September 2018, an additional 800 SNA posts were introduced bringing the total number of

80 UNCRC 'General Comment No. 7: Implementing child rights in early childhood' (2006) UN Doc CRC/C/GC/7/Rev.1 para 36(d).

81 UN Convention on the Rights of Persons with Disabilities A/RES/61/106 (3 May 2008) Art 24.

82 UNCRC 'Concluding observations on the combined third and fourth periodic reports of Ireland' 29 January 2016 UN Doc CRC/C/IRL/CO/3-4, para 48.

83 *ibid*, para 47.

84 UN Convention on the Rights of Persons with Disabilities A/RES/61/106 (3 May 2008).

85 *ibid* Art 24.

86 Department of Education and Skills, *Review of the Pilot of a New Model for Allocating Teaching Resources to Mainstream Schools to Support Pupils with Special Educational Needs* (DES 2016) 1.

87 Communication received by the Children's Rights Alliance from the Department of Education and Skills, 6 December 2017.

88 Department of Education and Skills, Minister Bruton commences key provisions in Education (Admission to Schools) Act, 2018. <<https://bit.ly/2RXUT32>> accessed 13 December 2018.

89 Department of Education and Skills, *Review of the Pilot of a New Model for Allocating Teaching Resources to Mainstream Schools to Support Pupils with Special Educational Needs* (DES 2016) 3.

90 *ibid*.

91 Children's Rights Alliance, *Report Card 2018* (Children's Rights Alliance 2018) 23 - 24.

92 Department of Education and Skills, 'A New Model for Allocating Special Education Teaching Support to Mainstream Primary Schools, Quick Reference Guide for Parents/Guardians, <<https://bit.ly/2N31Jmj>> accessed 14 January 2019.

93 *ibid*.

94 Department of Education and Skills, *DES Circular 0013/2017 for primary schools* (DES 2017) 2.

SNAs to 15,000.⁹⁵ At the end of 2018, the number of special education teachers in mainstream schools was 13,395.⁹⁶ Budget 2019 provided for the recruitment of an additional 950 SNAs and 101 new teachers in special education classes.⁹⁷

The National Council for Special Education (NCSE) published its findings of the comprehensive assessment of the SNA Scheme in May 2018.⁹⁸ The review highlighted the many 'positive and worthwhile features' of the SNA Scheme.⁹⁹ Key findings include the potential for a better model to support students with additional care needs resulting in better outcomes¹⁰⁰ and gaps in the support system relating to critical elements of the system.¹⁰¹ Overall the Scheme has positive features but is a blunt instrument to deal with the very wide range and variety of needs, age ranges, developmental stages and school settings.¹⁰² The Departments of Education and Skills; Health; and Public Expenditure and Reform are considering the review and are working to develop an implementation plan and a governance and accountability framework with detailed costings of proposals for Government.¹⁰³

The NCSE has previously highlighted that some schools erect overt and/or 'soft' barriers to prevent or discourage enrolment of children with special educational needs, by suggesting to parents that a different school is more suitable or has more resources for supporting students with additional needs.¹⁰⁴ Key provisions of the Education (Admission to Schools) Act 2018 relating to special educational needs were commenced in December 2018. This provides the Minister for Education and Skills with

the power to compel a school to make additional provision for the education of children with special educational needs after consultation with the NCSE, the Board of Management and the school's patron.¹⁰⁵ While this is a positive measure, concerns have been expressed that the Act may place undue burden on parents navigating the application, refusal and appeals processes of numerous schools before the NCSE intervenes to compel a school to take a child.¹⁰⁶ If the parent then does not agree with the school designated by the NCSE, they have no way to appeal such a decision. A child should be facilitated to attend their local school or the same school as their siblings.

► Consultation on the Education for Persons with Special Educational Needs (EPSEN) Act 2004:

A Programme for a Partnership Government commits to stakeholder consultation on the progression of the EPSEN Act 2004. It is the key statute providing for the education of children with special needs,¹⁰⁷ and provides for 'inclusive education', in line with the UNCRPD¹⁰⁸ and the Salamanca Statement on Principles, Policy and Practice in Special Needs Education.¹⁰⁹ Despite its enactment more than 14 years ago, key provisions of the EPSEN Act 2004 remain unimplemented and the full education rights of children with disabilities and special educational needs remain unfulfilled. For commentary on the implementation of the Act see *Report Card 2018*.

95 Minister for Education and Skills, Richard Bruton TD, Written Answers, Special Educations Needs Staff Data, 29 May 2018, [23337/18].

96 Communication received by the Children's Rights Alliance from the Department of Education and Skills, 11 January 2019.

97 Department of Education and Skills, 'Main Features of Budget 2019: Education & Skills, Information Note, Department of Education and Skills 9 October 2018' <<https://bit.ly/2NDn18H>> accessed 13 December 2018.

98 National Council for Special Education, *Comprehensive Review of the Special Needs Assistant Scheme A New School Inclusion Model to Deliver the Right Supports at the Right Time to Students with Additional Care Needs March 2018, NCSE Policy Advice Paper No. 6* (NCSE 2018).

99 *ibid* 20.

100 *ibid* 27.

101 *ibid* 24.

102 *ibid* 20-21.

103 Communication received by the Children's Rights Alliance from the Department of Education and Skills, 11 January 2019.

104 National Council for Special Education, *Supporting Children with Special Educational Needs in Schools, NCSE Policy Advice Paper No. 4* (NCSE 2013) 90.

105 Education (Admission to Schools) Act 2018, s 8, commenced on 3 December 2018 by SI No. 396/2018.

106 Inclusion Ireland, 'Inclusion Ireland gives cautious welcome to passing of Education (Admissions to School) Bill' <<http://www.inclusionireland.ie/admissiontoschoolbillpasses>> accessed 10 July 2018.

107 Education for Persons with Special Educational Needs Act 2004, s 2. This section, which has been commenced, provides that 'a child with special educational needs shall be educated in an inclusive environment with children who do not have such needs unless the nature or degree of those needs of the child is such that to do so would be inconsistent with— (a) the best interests of the child as determined in accordance with any assessment carried out under this Act, or (b) the effective provision of education for children with whom the child is to be educated'.

108 UN Convention on the Rights of Persons with Disabilities A/RES/61/106 (3 May 2008) Art 24.

109 World Conference on Special Needs Education Access and Quality, *The Salamanca Statement and Framework for Action on Special Educational Needs* (UNESCO 1994). The UN Committee on the Rights of the Child has stated that inclusive education should be the goal of educating children with disabilities. The manner and form of inclusion must be dictated by the individual educational needs of the child, since the education of some children with disabilities requires a kind of support which may not be readily available in the regular school system. UNCRC 'General Comment No. 9 on the rights of children with disabilities' (2006) UN Doc CRC/C/GC/9, para 66.



Despite its enactment more than 14 years ago, key provisions of the EPSEN Act 2004 remain unimplemented and the full education rights of children with disabilities and special educational needs remain unfulfilled.

The Government's commitment to consult on the EPSEN Act does not go far enough and falls short of the *Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014–2020* commitment to 'prepare and implement a plan, guided by the National Council for Special Education (NCSE) policy advice, on how aspects of EPSEN Act can be implemented'.¹¹⁰ Without full commencement of the Act, measures progressed on a non-statutory footing run the risk of being removed at any time by a change in policy and children will have no right to redress.

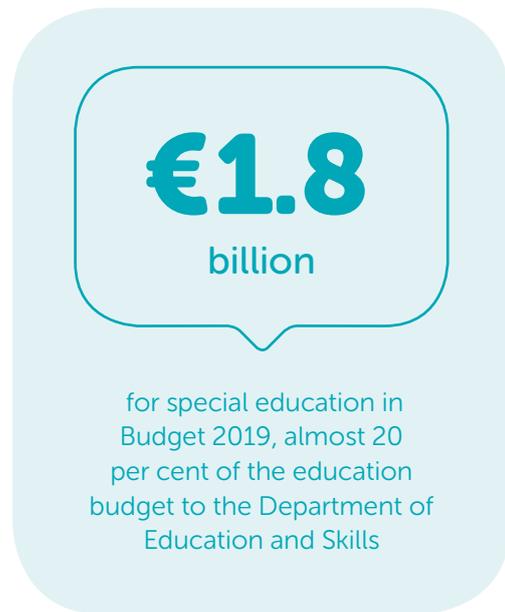
Other consultations have taken place for example with education partners and stakeholders on the development of the new allocation model for special education teachers introduced in September 2017, as part of the development and implementation of policy advice papers through the NCSE¹¹¹ and as part of the comprehensive review of the SNA scheme.¹¹²

► In-school speech and language service:

A *Programme for a Partnership Government* commits to introduce a new in-school speech and language service at primary level and to support children in their early years. The HSE provides speech and language services. Internationally, children with speech and language difficulties are the largest single group of all children with additional needs.¹¹³ These difficulties are among the most common neuro-developmental disorders of childhood,¹¹⁴ although the prevalence in Ireland is unclear.¹¹⁵ Typically, these difficulties first become apparent in a child's pre-school years.¹¹⁶ Where they can be resolved by the age of five, a child is unlikely to experience long-term effects, whereas the later the intervention, the more likely the child is to experience long-term academic and/or social difficulties.¹¹⁷ Therefore, the introduction and location

of in-school speech and language services in early years and at primary level is particularly important.¹¹⁸

Reports of variations in waiting lists and HSE responses for initial speech and language assessments across the country have resulted in some parents paying privately for diagnosis and treatment.¹¹⁹ Poor public access means that early intervention may not take place. In May 2018, the Ministers for Education and Skills, Children and Youth Affairs, and Health, and the HSE launched a pilot project to provide in-school and pre-school language therapy services to be managed by the NCSE.¹²⁰ It aims to explore a model of tailored therapeutic supports that allow for early intervention in speech and language and occupational therapy within 'educational settings'.¹²¹ In Phase One, 150 schools and pre-schools will test the model over the 2018-2019 school years with a budget of €2.25 million¹²² and will be evaluated in terms of possible extension.¹²³



110 Department of Children and Youth Affairs, *Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014–2020* (DCYA 2014) Commitment 2.21.

111 Communication received by the Children's Rights Alliance from the Department of Education and Skills, 11 January 2019.

112 *ibid.*

113 Dublin South-West Inner City NEYAI Consortium, *Preschoolers Get Talking and Communicating* (Dublin South-West Inner City NEYAI Consortium 2013).

114 Noirin Hayes et al, *Evaluation of the Early Years Programme of the Childhood Development Initiative* (Childhood Development Initiative 2013) 7.

115 *ibid.*

116 Dublin South-West Inner City NEYAI Consortium, *Preschoolers Get Talking and Communicating* (Dublin South-West Inner City NEYAI Consortium 2013).

117 Noirin Hayes et al, *Evaluation of the Early Years Programme of the Childhood Development Initiative*

(Childhood Development Initiative 2013)7.

118 Child Development Initiative, 'Chit Chat: Early Intervention Speech and Language Therapy Model and linkages to the Education Sector' <<http://bit.ly/2k1HrMM>> accessed 13 February 2017.

119 Kitty Holland, 'Over 15,000 people waiting for speech assessment' *The Irish Times*, 3 May 2016.

120 Department of Education and Skills, 'Government launch new project to bring specialised therapists into schools and pre-schools' (DES, 14 May 2018) <<https://bit.ly/2AYutHX>> accessed 13 December 2018.

121 *ibid.*

122 *ibid.*

123 Communication received by the Children's Rights Alliance from the Department of Education and Skills, 11 January 2019.

Disability and Additional Needs in Education

Immediate Actions for 2019



Develop and publish detailed costings for implementing the EPSEN Act in full with a view to commencing all of its provisions in 2019.

The rights of children with special educational needs should be placed on a statutory footing by implementing the EPSEN Act 2004.



Develop and publish the implementation plan to roll-out the recommendations of the NCSE on the comprehensive assessment of the SNA Scheme.

The implementation plan should be developed alongside the governance and accountability framework. Detailed costings of proposals for Government to improve and enhance the SNA Scheme should be developed to inform Budget 2020.

2

**Right to
an Adequate
Standard
of Living**



Every child has the right to a standard of living that is adequate to their development – physical, mental, spiritual, moral and social. While parents and guardians have the primary responsibility to provide for the child’s material needs, the State also has the responsibility to assist parents and guardians to alleviate poverty where needed.

Summary of Article 27 of the UN Convention on the Rights of the Child

Chapter Grade:

D+



Mercy Law Resource Centre @MRCLaw

10,000 people homeless 4,000 of these are children
This doesn't even account for the number of people suffering from hidden homelessness or the many thousands living in fear of losing their home Housing is a #HumanRight #Homelessness #Equality #Right2aHome



2.1 Child and Family Homelessness

Section Grade:

F

➔ Government Commitment

A Programme for a Partnership Government commits to:

End the use of unsuitable long-term emergency accommodation for homeless families in part by providing 500 rapid-delivery housing units.

▶ **Progress: Limited**

'Child and Family Homelessness' receives an 'F' grade in *Report Card 2019*, a drop from last year's 'E' grade. This grade reflects the deteriorating housing crisis with almost 10,000 people living in emergency or temporary accommodation. Nearly 4,000 children are experiencing homelessness which is having a detrimental impact on their health, wellbeing, education and relationships. Family hubs are being heavily relied upon in the absence of affordable and social housing. The Rapid Build Programme has delivered fewer than 350 homes out of a planned 1,500 in almost three years of operation.

Every child has the right to an adequate standard of living for his or her physical, mental, spiritual, moral and social development.¹²⁴ The UN Convention on the Rights of the Child requires the State to assist parents and guardians who are in need by providing 'material assistance and support programmes particularly with regard to nutrition, clothing and housing'.¹²⁵ The right to adequate housing is defined as being accessible, habitable and affordable with certain 'facilities essential for health, security, comfort and nutrition'.¹²⁶ Households should have legal security of tenure¹²⁷ and States must take steps to prevent illegal evictions.¹²⁸ The right to housing also means that

124 UN Convention on the Rights of the Child (20 November 1989) 1577 UNTS 3 (UNCRC) Art 27.

125 *ibid* Art 27(3).

126 UN Committee on Economic, Social and Cultural Rights 'General Comment No. 4 on the Right to Adequate Housing (Art 11(1) of the Covenant)' (1991) UN Doc E/1992/23 para 8(b).

127 *ibid* para 8(b).

128 *ibid* para 8(e).

States must 'progressively and to the extent allowed by their available resources, prevent and address homelessness; provide the physical infrastructure required for housing to be considered adequate... or ensure adequate housing to individuals or groups unable, for reasons beyond their control, to enjoy the right to adequate housing, notably through housing subsidies and other measures'.¹²⁹ In 2016, the UN Committee on the Rights of the Child expressed its concern at families with children 'facing significant delays in accessing social housing and frequently living in inappropriate, temporary or emergency accommodation on a long-term basis'.¹³⁰ Children as a priority group must be 'accorded full and sustainable access to adequate housing resources'.¹³¹ The UN Committee has called on the State to undertake measures to increase the availability of social housing and emergency housing support.¹³²

► Homeless families:

The number of families with children experiencing homelessness exceeded record numbers in 2018 with 1,728 families with 3,811 children living in emergency homeless accommodation in November 2018, the majority in Dublin.¹³³ Child and family homelessness outside Dublin has continued to increase as in November 2018, 432 families with 995 children were in emergency accommodation, up from 342 families with 800 children in November 2017.¹³⁴ Young parents aged 18 to 24 years make up 20 to 25 per cent of families in Dublin experiencing homelessness; nine per cent of them moved straight from their family home of origin into emergency accommodation with their children.¹³⁵

Lone parent families represent 60 per cent of the total number of families living in emergency

Children homeless outside Dublin



Source: Department of Housing, Planning and Local Government, Homelessness Report, November 2018.

accommodation.¹³⁶ In November 2018, children comprised more than one third of the overall homeless population (38 per cent).¹³⁷ While no official figures exist on the number of cases of hidden homelessness in June 2018, almost 20 per cent of the 72,000 households on the social housing waiting list are people living with their parents and a further eight per cent live with family or friends.¹³⁸ However, it is likely that the number of people experiencing hidden homelessness is higher.

In March and April 2018, the Department of Housing, Planning and Local Government (DHPLG) removed 635 adults and 931 children from the monthly homelessness statistics as it contends that they were incorrectly categorised as they were not accommodated in emergency accommodation.¹³⁹ Instead they were accommodated in houses and apartments owned or leased by local authorities or approved housing bodies.¹⁴⁰ These properties

129 UN Habitat, 'Factsheet No. 21 (Rev.1): The Right to Adequate Housing' (Office of the High Commissioner for Human Rights, 2014) 34.

130 UNCRC 'Concluding Observations: Ireland' (2016) UN Doc CRC/C/IRL/CO/3-4 para 61.

131 UN Committee on Economic, Social and Cultural Rights 'General Comment No. 4 on the Right to Adequate Housing (Art 11(1) of the Covenant)' (1991) UN Doc E/1992/23 para 8(e).

132 UNCRC 'Concluding Observations: Ireland' (2016) UN Doc CRC/C/IRL/CO/3-4 para 62.

133 DHPLG, 'Homelessness Report November 2018' <<https://bit.ly/2Vq0x08>> accessed 11 January 2019.

134 *ibid.*

135 Dr Sharon Lambert, Daniel O'Callaghan and Owen Jump, *Young Families in the Homeless Crisis: Challenges and Solutions*, (Focus Ireland 2018) 1.

136 DHPLG, 'Homelessness Report November 2018' <<https://bit.ly/2Vq0x08>> accessed 11 January 2019.

137 *ibid.*

138 Communication received by the Children's Rights Alliance from the DHPLG, 8 January 2019.

139 *ibid.*

140 DHPLG 'Categorisation of Emergency Accommodation in Monthly Homeless Reports' <<https://bit.ly/2Tlzk73>> accessed 11 January 2019.

are transitional in nature with the aim of the family moving from the accommodation within 18 months into a rented property or social housing.

The deadline set out in *Rebuilding Ireland: An Action Plan for Housing and Homelessness* to use 'emergency hotel and B&B type accommodation for families' only 'in limited circumstances' by mid-2017¹⁴¹ has not been met. In the third quarter of 2018, 3,362 adults were recorded as being resident in emergency accommodation for more than six months.¹⁴² In the first half of 2018, 2,332 adults moved into independent tenancies.¹⁴³ A new system, to replace the current homeless case management system, is in development and aims to record more detailed information including the number of children exiting homelessness.¹⁴⁴ In the interim revised reporting systems will be in place.¹⁴⁵ This is welcome as the number of children experiencing homelessness continues to rise it is imperative that the DHPLG track the number of children who exit homelessness.

Despite the commencement of legislation to protect tenants in January 2017,¹⁴⁶ high rents, lack of security of tenure and overall lack of housing supply, particularly properties falling within stated rent limits for the purposes of Rent Supplement or Housing Assistance Payment (HAP),¹⁴⁷ have fuelled the crisis. In June 2018, 52 per cent of families presented to homeless services in Dublin due 'to a loss of or inability to secure private rented accommodation'.¹⁴⁸ Dublin Regional Homeless Executive (DRHE) has noted that the reasons why people experience homelessness changed over the course of 2018 from relationship breakdown, family issues or overcrowding to lack of access to the private rented sector.¹⁴⁹

By July 2017, the roll-out of family supported accommodation facilities or 'family hubs'¹⁵⁰ began as a way of transitioning families out of unsuitable emergency hotel and B&B accommodation to provide 'a greater level of stability than is possible in hotel accommodation'.¹⁵¹ At the beginning of 2019 there were 26 hubs in operation nationwide with capacity to accommodate 600 families.¹⁵² A facility to cater for six women with newborn babies has opened in Dublin and there are plans to refurbish another.¹⁵³ The length of stay in family hubs is currently not captured.¹⁵⁴ The Department has acknowledged that it may not be possible to facilitate the exit of some families within the six month target depending on their requirements or preferences.¹⁵⁵

In the first nine months of 2018, housing authorities spent €14.8 million on the operation of the family hub programme. To date, capital funding for the development of additional family hubs was estimated at €45 million and a significant proportion of the €60 million allocated to homeless services in Budget 2019 will be assigned to the hubs programme.¹⁵⁶ Hubs may represent a more suitable alternative to hotel and B&B accommodation but they remain a temporary short-term solution and the scale of investment in these hubs is misplaced. More sustainable solutions are needed to provide families with a place to call home.

In September 2017, Minister for Housing, Planning and Local Government, Eoghan Murphy TD established a Homeless Inter-Agency Group to provide a more coherent and coordinated approach to the State's response to homelessness.¹⁵⁷ At the January 2018 Housing Summit, the Minister requested that local authorities work with families to prevent homelessness

141 Government of Ireland, *Rebuilding Ireland: Action Plan for Housing and Homelessness*, (Government of Ireland 2016) 13.

142 Communication received by the Children's Rights Alliance from the DHPLG, 8 January 2019.

143 Joint Oireachtas Committee on Housing, Planning and Local Government, *Housing (Homeless Families) Bill 2017: Discussion*, 3 October 2018.

144 Communication received by the Children's Rights Alliance from the DHPLG, 8 January 2019.

145 *ibid.*

146 Planning and Development (Housing) and Residential Tenancies Act 2016.

147 Simon Communities in Ireland, *Locked Out of the Market XII: The Gap between Rent Supplement/HAP and Market Rents*, (Simon Communities in Ireland 2018).

148 Dublin Region Homeless Executive, *DRHE Quarterly Activity Report* (DRHE 2018) 6.

149 Homeless Inter-Agency Group, *Report to Minister for Housing, Planning and Local Government* (Homeless Inter-Agency Group 2018) 3.

150 Olivia Kelly, 'Family hub centres to open at 19 sites in Dublin', *The Irish Times*, 25 July 2017.

151 *Rebuilding Ireland, Action Plan for Housing and Homelessness: Third Quarterly Progress Report* (DHPLG 2017) 60.

152 Communication received by the Children's Rights Alliance from the DHPLG, 8 January 2019. There are 22 family hubs in Dublin with one in Cork, Kildare, Louth and Limerick.

153 *ibid.*

154 *ibid.*

155 *ibid.*

156 *ibid.*

157 Homeless Inter-Agency Group, *Report to Minister for Housing, Planning and Local Government* (Homeless Inter-Agency Group 2018) 18. The Group includes membership from the County and City Management Association; Department of Children and Youth Affairs; Department of Employment Affairs and Social Protection; Department of Health; Department of Housing, Planning and Local Government; Department of Justice and Equality; Department of Public Expenditure and Reform; Dublin Region Homeless Executive; Health Service Executive; and TUSLA, the Child and Family Agency.

and develop more family hubs.¹⁵⁸ The *Housing First National Implementation Plan 2018-2021*, published in September 2018, is designed to focus on individual adults who are long-term homeless rather than families with children.¹⁵⁹ It contains a section on preventing young people from entering homelessness by implementing a streamlined approach with housing bodies and homeless services to ensure a more rapid response time to meet the housing needs of young care leavers.¹⁶⁰

The Homeless Inter-Agency Group met seven times in the first half of 2018 to consider a range of issues on policy formulation and delivering services and published its first report in June 2018.¹⁶¹ It continues to meet on a bi-monthly basis.¹⁶² In order to address family and child homelessness, the Group recommended the continued development of family hubs to minimise the use of hotels and B&Bs and called for stronger regulation of the rental sector.¹⁶³ Many families in homeless services cited difficulties with the private rented sector and thus were reluctant to accept HAP instead preferring to wait for local authority housing due to the greater stability and security of tenure.¹⁶⁴ The Group called for a review and update of the Joint Protocol relating to the accommodation needs of young care leavers who are particularly vulnerable to homelessness.¹⁶⁵ The cross-departmental approach to homelessness is welcome but the Interagency Group should be expanded to include the Department of Education and Skills which has responsibility for policy formation in relation to the education of school-age children experiencing homelessness.

In 2018, the Children's Rights Alliance commissioned a report on the educational needs of children

experiencing homelessness.¹⁶⁶ Children living in some emergency accommodation facilities (including family hubs) could not access and participate fully in school due to the inability to meet a child's fundamental requirements such as food, adequate rest and physical health.¹⁶⁷ Children at times experienced poor physical health and mental well-being, irritability, exhaustion, low self-esteem and feelings of social isolation which in turn impacted on their school attendance and resulted in reduced engagement and participation in school life and learning.¹⁶⁸ While living in emergency accommodation impacted negatively on some children's grades, the study found that educational settings are sources of predictability and comfort, where consistent routines and responsive teachers could offer children a sense of stability and continuity amid the uncertainty of family homelessness.¹⁶⁹ It also found that emergency homeless accommodation can impact 'negatively on families' daily food habits and dietary quality, not only in terms of what is consumed but also in how they prepared and ate their food'.¹⁷⁰

Budget 2019 allocated almost €2.4 billion to the DHPLG with a commitment to meet the housing needs of 27,400 households in 2019 through build, acquisition, long-term leasing, HAP and RAS.¹⁷¹ However, investment in affordable and social housing is essential to provide people with long-term and sustainable homes. Moreover, this would help ensure that children do not spend long periods living in inappropriate accommodation without access to their own space to play and learn. A minimum of 81,118 homes will be required between 2016 and 2020 to keep up with demographic changes although this figure does not include 'pent-up demand' resulting from the current crisis and will not alleviate the situation of almost 72,000 households currently awaiting social housing or assistance.¹⁷² While

158 DHPLG, Statement by Eoghan Murphy TD, 'Statement by Eoghan Murphy following Second Housing Summit with Local Authority Chief Executives', <<https://bit.ly/2PE6bfP>> accessed 18 January 2019.

159 Rebuilding Ireland, Minister Murphy and Minister Harris Launch Housing First National Implementation Plan (Rebuilding Ireland 2018) <<https://bit.ly/2DPI9cq>> accessed 8 November 2018.

160 DRHE, *First National Implementation Plan for 2018-2021* (DRHE 2018) 50.

161 Homeless Inter-Agency Group, *Report to Minister for Housing, Planning and Local Government* (Homeless Inter-Agency Group 2018) 5.

162 Communication received by the Children's Rights Alliance from the DHPLG, 8 January 2019.

163 Homeless Inter-Agency Group, *Report to Minister for Housing, Planning and Local Government* (Homeless Inter-Agency Group 2018) 36-37.

164 *ibid* 18.

165 *ibid* 39.

166 Dr Geraldine Scanlon & Grainne McKenna, *Home Works: A Study on the Educational Needs of Children Experiencing Homelessness and Living in Emergency Accommodation Executive Summary* (Children's Rights Alliance 2018). Research was conducted with 20 parents with 38 children and 46 educational professionals.

167 *ibid* 5.

168 *ibid*.

169 *ibid* 6.

170 *ibid* 13. Dr Geraldine Scanlon & Grainne McKenna, *Home Works: A Study on the Educational Needs of Children Experiencing Homelessness and Living in Emergency Accommodation* (Children's Rights Alliance 2018) 26.

171 DHPLG, 'Murphy welcomes increase of €725m in Housing, Planning and Local Government funding (+22%) under Budget 2019' <<https://bit.ly/2FyEIH3>> accessed 8 November 2018.

172 Housing Agency, National Statement of Housing Supply and Demand 2016 and Outlook for 2017-18, (Housing Agency, 2017) 4.

social housing alone cannot solve the crisis, and while the State can use a mix of public and private measures to provide housing,¹⁷³ at least 10,000 social housing units should be delivered each year and more must be done to utilise vacant dwellings and encourage construction of affordable housing.

► National Quality Standards Framework:

The National Quality Standards Framework (NQSF) for Homeless Services, developed by the DRHE in 2015 in consultation with stakeholders,¹⁷⁴ is welcome. Standards should ensure improved quality and consistency in emergency accommodation as well as ensuring that residents can hold providers to account for substandard conditions.

In total 20 pilot projects were implemented in three phases.¹⁷⁵ The NQSF has both a qualitative and quantitative element consisting of a Quality Improvement Workbook and measuring Key Performance Indicators. The workbook consists of eight themes, four focused on service user outcomes and four on service development.¹⁷⁶ The inclusion of child-specific standards for homeless services is welcome as these could help ensure that children are considered in the running of services which have been designed primarily to accommodate adults. The NQSF provides that children will receive age-appropriate information on their rights and that their needs will inform wider planning decisions for their family.¹⁷⁷ The Standards provide for children's rights to be facilitated and where they are not, a child-friendly complaints mechanism is available.¹⁷⁸ Service providers will also have to undertake a risk assessment for children in their service.¹⁷⁹ The NQSF sets out the minimum standards and legal requirements for dealing with child protection and child safety issues as well as the supports to be provided.¹⁸⁰ Feedback

to the Department from organisations using the NQSF has been positive as it has provided space for reflection and improvement.¹⁸¹ The DHPLG intends to conduct a review of the NQSF with all stakeholders before the framework is fully implemented.¹⁸²

Dublin Fire Brigade and Environmental Health Officers from Dublin City Council inspect homeless services;¹⁸³ no national independent inspectorate exists. The progress on standards is welcome but an independent inspectorate is necessary to monitor compliance and hold services accountable if they do not meet required standards.

► Rapid-delivery housing units:

The temporary rapid build scheme initiated in 2016 has been slow to progress but has been superseded by the roll-out of the family hub programme to provide 'emergency accommodation more suited to the needs of families'.¹⁸⁴ *Rebuilding Ireland* set a target to deliver 1,500 rapid build homes.¹⁸⁵ However, since 2016, a total of 325 social housing homes have been delivered under the rapid build mechanism, 117 of these in 2018.¹⁸⁶ A further 93 were planned for the last quarter of 2018 and 270 planned for 2019.¹⁸⁷ In September 2018, Dublin City Council issued a tender for €1 billion for the construction of rapid build homes.¹⁸⁸ Over 1,000 fast-track apartments will be built mostly in Dublin but also in other cities and towns.¹⁸⁹ The procurement process is underway and it is intended that construction will start in 2019.¹⁹⁰

173 UN Committee on Economic, Social and Cultural Rights 'General Comment No. 4 on the Right to Adequate Housing (Art 11(1) of the Covenant)' (1991) UN Doc E/1992/23 para 14.

174 Information provided by the Dublin Region Homeless Executive at a meeting with the Reception and Integration Agency, 13 October 2017.

175 Communication received by the Children's Rights Alliance from the DHPLG, 8 January 2019. Twelve in Dublin, four in the Midlands, two in the South West region and two in the North East.

176 Communication received by the Children's Rights Alliance from the DRHE, 21 December 2018.

177 DRHE, *National Quality Standards Framework for Homeless Services in Ireland: Quality Assessment & Improvement Workbook*, (DRHE 2018) 11.

178 *ibid* 17.

179 *ibid* 47.

180 *ibid* 93.

181 Communication received by the Children's Rights Alliance from the DHPLG, 8 January 2019.

182 *ibid*.

183 Communication received by the Children's Rights Alliance from the DRHE, 21 December 2018.

184 Communication received by the Children's Rights Alliance from the DHPLG, 4 December 2017.

185 Government of Ireland, *Rebuilding Ireland: Action Plan for Housing and Homelessness*, (Government of Ireland 2016) 17.

186 Communication received by the Children's Rights Alliance from the DHPLG, 8 January 2019.

187 *ibid*.

188 Brian Hutton, 'New €1 bn Social Housing Project in Dublin is put out to Tender' *The Irish Times*, 5 September 2018.

189 Communication received by the Children's Rights Alliance from the DHPLG, 8 January 2019.

190 *ibid*.

Child and Family Homelessness

Immediate Actions for 2019



As proposed in *Report Card 2018*, declare a housing emergency and commit to taking all feasible measures to address the shortage of housing, and the lack of affordability and security being experienced by so many households in Ireland.

Ensure that families are provided with the necessary financial and material supports to enable them to remain in their homes, increase security of tenure and ensure that children are not forced to live in unsafe and unsuitable conditions. Redirect funding from family hubs into longer-term sustainable solutions.



Commit to the principle that long-term social housing need will be met through social housing provided by local authorities, voluntary housing bodies or some other new not-for-profit entities.

While supplementation of rents in the private rental sector can play an important role in meeting social housing need in the short-term, the policy of increasingly relying on such supplementation to respond to long-term social housing need has proven to be an expensive failure, and is a key factor in the creation of the current homelessness crisis.



Legislate to end the long-term use of unsuitable emergency accommodation for children and families and implement Housing First commitments as a matter of urgency.

Prioritise families with children and move them from unsuitable emergency accommodation, including hotels, into long-term sustainable housing. Children should be able to access play and recreational facilities while in homeless accommodation. In order to avoid the risk of institutionalisation and the 'normalisation' of homelessness, families should not be left longer than six months in family hubs before being re-housed. In order to hold the Government accountable for delivering this aim, legislate to limit the use of emergency and temporary accommodation.



Fully implement the National Quality Standards Framework for homeless services and establish a robust compliance framework with an independent inspectorate.

Complete the review of the NQSF with a view to implementing them in all homeless services in 2019. In order to ensure that the standards are adhered to and applied consistently across all forms of homeless accommodation, including family hubs, publication and implementation of the Framework must be accompanied by the establishment of an independent inspectorate.



Complete the Rapid-Build Programme as a matter of urgency.

Complete the programme as a way to deliver more social housing units.

2.2 Parental Leave and Income supports

Section Grade:

B-

➔ Government Commitment

A Programme for a Partnership Government commits to:

Increase paid parental leave in the first year after birth and support stay-at-home parents through an increase in the Home Carer's Credit.

▶ **Progress: Good**

Introduce a new Working Family Payment to promote work over welfare and supplement the income of a household to ensure that every parent working at least 15 hours per week will have more take-home pay for each hour they work. Support middle-income lone parents in work by increasing income disregards through this scheme.

▶ **Progress: Steady**

'Parental Leave and Income Supports' receives a 'B-' grade in *Report Card 2019*, an improvement on last year's 'C' grade. This grade reflects the welcome commitment to introduce two weeks paid parental leave for each parent in the first year of their child's life by the end of 2019. It also reflects the increases in Budget 2019 for payments for over 12s and income disregards for lone parents.

Every child has the right to a standard of living that is adequate for their physical, mental, spiritual, moral and social development.¹⁹¹ Parents and guardians have the primary responsibility to provide for the child's material needs but the State is also responsible for assisting parents and guardians to alleviate poverty where necessary.¹⁹² In 2016, the UN Committee on the Rights of the Child expressed its deep concern at the 'significant increase in the number of children living in consistent poverty' and in particular referred to single-parent households.¹⁹³ Article 18 of the UN Convention on the Rights of the Child recognises that support for parents in the early years of a child's life is particularly important. In interpreting this provision, the UN Committee requires the State 'to take all appropriate measures to ensure that children of working parents have the right to benefit from childcare services, maternity protection and facilities for which they are

191 UN Convention on the Rights of the Child (20 November 1989) 1577 UNTS 3 (UNCRC) Art 27.

192 *ibid.*

193 UNCRC 'Concluding Observations: Ireland' (2016) UN Doc CRC/C/IRL/CO/3-4 para 59.

eligible'.¹⁹⁴ The UN Committee also promotes 'an integrated approach' which focuses on health and education supports for new parents and includes 'interventions that impact indirectly on parents' ability to promote the best interests of children (e.g. taxation and benefits, adequate housing, working hours)'.¹⁹⁵

► Paid Parental Leave:

The Budget 2019 announcement to introduce two weeks paid parental leave for each parent is an important milestone. The Parental Leave Scheme, due to commence in November 2019,¹⁹⁶ will enable both parents to access two weeks of parental leave paid at the same rate as maternity and paternity benefit during the first year of their child's life.¹⁹⁷ Leave under the scheme will be non-transferable between parents in recognition of the equal role a father has to play in their child's life¹⁹⁸ and to encourage both parents to take time off work to care for their children.¹⁹⁹ When combined with maternity and paternity benefit, parents will be supported to care for their children at home for the first 30 to 32 weeks of a child's life.²⁰⁰ The *First 5: A Whole-of-Government Strategy for Babies, Young Children and their Families 2019-2028* committed to introduce an individual entitlement of seven weeks of paid parental leave per parent by 2021.²⁰¹ In 2019, an estimated 2,700 recipients are expected to avail of parental leave benefit at a cost of €1.5 million.²⁰² In a full year, 60,000 people are expected to receive the benefit at the cost of €32 million.²⁰³



Since the introduction of paid paternity leave in September 2016, more than 51,000 paternity benefit claims have been awarded²⁰⁴ including 24,000 in 2018.²⁰⁵ Paid paternity leave can be taken in the first six months after the birth of the baby (or adoption placement) by fathers or same-sex partners. In 2017, the first full year of the scheme, 26,139 applications for paternity benefit were made.²⁰⁶ The uptake of paternity benefit in 2018 equates to 60 per cent of maternity benefit applications in 2018.²⁰⁷ In 2019, €11.7 million was allocated for paternity benefit.²⁰⁸

Despite the proposal to introduce seven weeks paid parental leave per parent, when combined with maternity and paternity benefit, Ireland will still

194 UNCRF 'General Comment No. 7 on Implementing Rights in Early Childhood' (2006) UN Doc CRC/C/GC/7/Rev.1 para 21.

195 *ibid* para 20(a).

196 Minister for Employment Affairs and Social Protection, Regina Doherty TD, Written Answers, Parental Leave, 6 November 2018 [45579/18].

197 Department of Employment Affairs and Social Protection (DEASP), 'Minister Doherty Announces Budget Package to Deliver Increases Across Core Welfare Payments and Specifically Impact on Children in Need' <<https://bit.ly/2DjH7mA>> accessed 8 November 2018.

198 Communication received by the Children's Rights Alliance from the DEASP, 9 January 2019.

199 Minister for Employment Affairs and Social Protection, Regina Doherty TD, Written Answers, Parental Leave, 6 November 2018 [44849/18].

200 Maternity benefit runs for 26 weeks, alongside two weeks for paternity benefit and 2 weeks per parent of paid parental leave.

201 Government of Ireland, *First 5: A Whole-of-Government Strategy for Babies, Young Children and their Families 2019 – 2028*, (Stationary Office 2018) Strategic Action 1.1.

202 Minister for Employment Affairs and Social Protection, Regina Doherty TD, Written Answers, Parental Leave Expenditure, 13 November 2018 [46883/18].

203 *ibid*.

204 Communication received by the Children's Rights Alliance from the DEASP through the Community and Voluntary Pillar of social partnership on 19 November 2018.

205 Communication received by the Children's Rights Alliance from the DEASP, 9 January 2019.

206 Minister for Employment Affairs and Social Protection, Regina Doherty TD, Written Answers, Paternity Benefit, 23 October 2018 [43181/18].

207 Communication received by the Children's Rights Alliance from the DEASP through the Community and Voluntary Pillar of social partnership on 19 November 2018.

208 Communication received by the Children's Rights Alliance from the DEASP, 9 January 2019.

be at least 10 weeks short of providing paid family leave to cover the first year of a child's life. The cost to the State of providing additional Parental Benefit needs to be weighed against the benefit to children who do best when cared for at home during at least the first year of their lives.²⁰⁹ Furthermore, employee retention and productivity is higher when organisations have parental leave policies and provide flexible working arrangements.²¹⁰

The EU is currently negotiating a new work-life balance directive to address challenges for working parents and caregivers.²¹¹ In June 2018 the European Council agreed to introduce at least four months of paid parental leave for working parents including two non-transferable months.²¹² The original proposal set an age limit of 12 years but the updated position grants Member States discretion to set an age.²¹³ On return from parental leave, parents will be entitled to more flexible working arrangements.²¹⁴ Work is ongoing on a Family Leave Bill to consolidate existing leave entitlements including maternity, parental, carer's and adoptive leave²¹⁵ and the necessary legislation is due to be in place in late 2019.²¹⁶

The clear commitments to introduce paid parental leave are welcome but momentum needs to be maintained to meet the target of paid parental leave for the first year of a child's life in line with the strategic action outlined in *First 5*.

► Additional Support for Low-Income Families:

A Programme for a Partnership Government committed to introduce a Working Family Payment (WFP)²¹⁷ with the aim of reducing in-work poverty for families with children and to incentivise employment

by making work pay.²¹⁸ In 2017, the Family Income Supplement (FIS), a weekly tax-free payment for low-paid employees with children, was renamed the WFP.²¹⁹ To qualify for the payment, the applicant (and their partner) must work at least 38 hours every fortnight, have at least one qualified child and the weekly family income must be less than the set limit for their family size.²²⁰ Once the level of support for the applicant is determined, the family will receive a guaranteed level of income support a year if the applicant remains in full-time employment.²²¹ In November 2018, 54,000 families with almost 122,000 children were in receipt of WFP with approximately 24,000 of these families headed by lone parents.²²² On average, families receive a weekly payment of €135 a week.²²³

A review of the FIS found that 'existing in-work supports are effective, and work well in assisting individuals into employment'.²²⁴ However, the number of hours a family can work to qualify for the WFP places an additional burden on lone parent families. All applicants including lone parents must work 38 hours in a fortnight; two parent families can both work to make up the 38 hours. A maintenance disregard for recipients of WFP is due to take effect from March 2019²²⁵ and will help to ease the financial burden felt by lone parent families.

Budget 2019 introduced a number of important measures to help tackle child poverty and deprivation including the introduction of a higher rate of Qualified Child Increase (QCI) for children over the age of 12.²²⁶ This reflects the higher cost of living for adolescent

209 NICHD, 'Study of Early Childcare and Youth Development: Findings for children aged up to 4 ½ years' (2006) <<http://bit.ly/2AQTrED>> 1, accessed 31 January 2017.

210 Brigid Schulte et al, 'Paid Family Leave: How Much Time is Enough?' <<http://bit.ly/2roQ1Xz>> accessed 19 October 2017.

211 European Parliament, 'Briefing: EU Legislation in Progress: A New Directive on Work-Life Balance' <<https://bit.ly/2Gu8Xva>> accessed 9 November 2018.

212 *ibid.*

213 *ibid.*

214 *ibid.*

215 Minister of State for Integration, Immigration and Equality, David Stanton TD, Written Answers, Parental Leave 15 February 2018 [8044/18].

216 Communication received by the Children's Rights Alliance from the DEASP, 9 January 2019.

217 Communication received by the Children's Rights Alliance from the Department of Social Protection (DSP), 23 January 2017.

218 Minister for Employment Affairs and Social Protection, Regina Doherty TD, Written Answers, Working Family Payment, 13 November 2018 [46862/18].

219 DSP, 'Ministerial Brief June 2017 – Part A' <<http://bit.ly/2AQRDXI>> accessed 20 September 2017.

220 DEASP, 'Working Family Payment (WFP), Formerly known as Family Income Supplement: Operational Guidelines' (*Welfare.ie*) <<https://bit.ly/2TXgVni>> accessed 9 November 2018.

221 *ibid.*

222 Communication received by the Children's Rights Alliance from the DEASP, 9 January 2019.

223 Minister for Employment Affairs and Social Protection, Regina Doherty TD, Written Answers, Working Family Payment, 13 November 2018 [46862/18].

224 Department of Social Protection, 'Ministerial Brief June 2017 – Part A' <<http://bit.ly/2AQRDXI>> accessed 20 September 2017.

225 Minister for Employment Affairs and Social Protection, Regina Doherty TD, Written Answers, Working Family Payment Data, 23 October 2018 [43510/18]. The new weekly disregard will amount to €95 in respect of housing costs, with the remainder of the maintenance assessed at 50 per cent.

226 DEASP, 'Budget 2019: Main Social Welfare Changes and Rates of Payment' (*Welfare.ie* 2018) <<https://bit.ly/2ASHovc>> accessed 29 November 2018.

children.²²⁷ Targeted weekly increases of €5.20 will take effect from 2019 bringing the rate of QCI to €37 for over 12s and the rate for under 12s was also increased by €2.20.²²⁸ This welcome measure delivers an immediate action outlined in *Report Card 2018*. The increase of €25 on the Back to School Clothing and Footwear Allowance, bringing the rates up to €150 for children under the age of 12 and €275 for children aged 12 and over,²²⁹ will also help to meet school costs although the rates still remain lower than 2011 levels. It is harder for lone parents, particularly those in work, to qualify for the payment as the amount of income they can earn and still qualify for the payment is lower than that for a two-parent household despite experiencing similar school costs.

A Programme for a Partnership Government committed to tackling low pay by increasing the minimum wage to '€10.50 per hour over the next five years'; strengthening the role of the Low Pay Commission to examine the gender pay gap and in-work poverty; and strengthening regulations on precarious work.²³⁰ Budget 2019 increased the hourly minimum wage by a further 25 cent to €9.80, the third increase in the term of the current Government. This represents only 82 per cent of the living wage which is necessary to maintain a minimum essential standard of living.²³¹ Families with children require larger incomes to meet the basics. Lone Parent families, the majority of which are headed by women, are particularly vulnerable to low-paid, precarious work and the gender pay-gap.²³² It is welcome that the Employment (Miscellaneous Provisions) Act 2018 was enacted in December 2018 as it provides important rights for low-paid vulnerable workers.

The Home Carer's Tax Credit reduces the payable tax of married couples or civil partners where one partner works in the home caring for a child or other dependent person and they are jointly assessed



for tax purposes.²³³ In Budget 2019 the yearly Tax Credit was increased for the fourth time in four years from €1,200 to €1,500 where the home carer has an annual income of less than €7,200.²³⁴

► Income Disregards for Lone Parents:

In 2016, there were 218,817 one-parent families in Ireland of which almost 190,000 were headed by women.²³⁵ More than 350,000 children live in a household headed by a lone parent.²³⁶ In 2018, 63 per cent of lone parents were at work compared to 78.5 per cent of two-parent families.²³⁷ In 2017, one in five lone parent households lived in consistent poverty, 40 per cent were at risk of poverty and 45 per cent experienced enforced deprivation.²³⁸ Lone parents were five times as likely to live in consistent poverty, four times as likely to be at risk of poverty,

227 Dr Bernadette MacMahon DC, Roberty Thornton & Noreen Moloney 'Minimum Essential Standard of Living 2017' (Vincentian Partnership for Social Justice 2017) <<https://bit.ly/2T38XJ5>> accessed 29 November 2018, 14.

228 Department of Public Expenditure and Reform, *Part II - Expenditure Allocations 2019- 2021* (DPER 2018) 46.

229 Department of Public Expenditure and Reform, *Part II - Expenditure Allocations 2019 - 2021* (DPER 2018) 46.

230 Government of Ireland, *A Programme for a Partnership Government 2016* (Government Publications 2016) 40.

231 Vincentian Partnership for Social Justice, 'Budget 2019: MESL Impact Briefing' <<https://bit.ly/2FHgUzX>> accessed 9 November 2018.

232 Central Statistics Office, *Census of Population 2016: Profile 4 Households and Families* <<https://bit.ly/2IMcjfz>> accessed 7 February 2019.

233 Revenue, 'Home Carer Tax Credit' <<http://bit.ly/2nEtngq>> accessed 31 January 2017.

234 Citizens Information Board, 'Home Carer Tax Credit' <<https://bit.ly/2eFIVS2>> accessed 9 November 2018.

235 Central Statistics Office, *Census of Population 2016 - Profile 4 Households and Families* (Government Publications 2017).

236 *ibid.*

237 Central Statistics Office, 'Labour Force Survey Households and Family Units Quarter 2 2018' <<https://bit.ly/2sl1o4Y>> accessed 10 January 2019.

238 Central Statistics Office, 'Survey on Income and Living Conditions (SILC) 2017 Results' (CSO 2018) <<https://bit.ly/2H32Q60>> accessed 10 January 2019. Calculated using Table 3.1.

and almost three times as likely to experience deprivation as two parent households.²³⁹ This compares to an overall consistent child poverty rate of 8.8 per cent²⁴⁰ meaning that children of lone parents are more than twice as likely to live in consistent poverty as the general child population.

One parent families are also at a much greater risk of in-work poverty; between 2015 and 2016 the rate of in-work poverty increased from 14 to 20.3 per cent.²⁴¹ In 2015 the comparable figure for a two parent household was 5.3 per cent and in 2016 this rate reduced to 4.3 per cent.²⁴² The comparable figure for a two parent family in 2015 was 5.3 per cent and in 2016 this rate reduced to 4.3 per cent.

Income disregards support lone parents in work as a certain portion of a person's earned income is not counted when a person is means-tested for a social welfare payment. Lone parents require additional supports to ensure that they can engage in paid work and there are concerns that with a focus on employment activation measures, transitioning to other payments such as Jobseekers Allowance (JA) or WFP acts as a disincentive to taking up part-time work due to the loss of income disregards.²⁴³

A 2018 ESRI report found that changes to the One Parent Family Payment (OPFP) eligibility criteria between 2011 and 2018 reduced the income of lone parents in employment.²⁴⁴ Sixteen per cent of lone parents were found to be financially better off not working due to the cost of childcare²⁴⁵ but is expected to fall to 13 per cent when the Affordable Childcare subsidies are in place.²⁴⁶

It is welcome that the *Whole of Government Approach to Tackling Child Poverty* recognises that lone parent families are 'significantly more at risk of poverty compared to the population as a whole'.²⁴⁷ In this context the Government has committed to reform the OPFP 'so that lone parents have access to a range of supports and services designed to provide them with pathways to work while acknowledging their caring responsibilities' and to reform 'initiatives to actively promote progression into the labour market'.²⁴⁸ The review of the payment is currently underway and is quantitative and qualitative in nature.²⁴⁹

Budget 2019 demonstrated a commitment by Government to put children and families first and lift children out of consistent poverty. All social welfare payments increased by €5 including the OPFP.²⁵⁰ The income disregard for OPFP or Jobseeker's Transition Payment (JST) was also increased by a further €20 per week meaning that from March 2019 lone parents can earn up to €150 weekly and still qualify for their full social welfare payment.²⁵¹ The income of non-earning lone parents increased by 2.5 per cent following Budget 2018 changes.²⁵² While the increase restores the disregard to pre-2012 levels,²⁵³ it does not take account of the increased national minimum wage and inflation. In November 2018, 14,349 OPFP recipients (39 per cent of all recipients) are in employment, and of 14,418 JST recipients, 4,037 recipients work.²⁵⁴ The WFP is an important support for working parents; almost half of recipients are households headed by a lone parent.²⁵⁵

Income supports alone cannot alleviate or eradicate the high poverty rates being experienced by one parent families so it is important that the Government continues to invest in targeted supports and services for these families.

239 *ibid.*

240 *Ibid.*

241 Eurostat, 'At-risk-of-poverty rate by poverty threshold and work intensity of the household (population aged 0 to 59 years) - EU-SILC survey [ilc_li06] Last update: 14-12-2018' <<https://bit.ly/2RnZZtd>> accessed 10 January 2019.

242 *ibid.*

243 M. Millar and R. Crosse, *Lone Parents and Activation, What Works and Why: A Review of the International Evidence in the Irish Context* (The UNESCO Child and Family Research Centre, National University of Ireland, Galway 2016) 32.

244 Mark Regan, Claire Keane & John R. Walsh, *Lone-Parent Income and Work Incentives* (ESRI 2018) 12 – 13. When calculated against social welfare indexation, employed and unemployed lone parents lost 1.4 per cent of their income from 2011 – 2018. When calculated against wage indexation, employed and unemployed lone parents lost 3.4 and 4.8 per cent respectively.

245 Mark Regan, Claire Keane & John R. Walsh, *Lone-Parent Income and Work Incentives* (ESRI 2018) 18. ESRI, 'Changes to lone parent support made employment slightly less attractive' (*ESRI*, 5 July 2018) <<https://bit.ly/2ryQqIQ>> accessed 12 December 2018.

246 *ibid.*

247 DEASP, *Better Outcomes, Brighter Futures: Whole of Government Approach to Tackling Child Poverty* (DEASP 2017) 23.

248 *ibid.* 17.

249 Communication received by the Children's Rights Alliance from the DEASP, 9 January 2019.

250 DEASP, 'Minister Doherty announces Budget Package to Deliver Increases across Core Welfare Payments' <<http://www.welfare.ie/en/pressoffice/Pages/pr091018.aspx>> accessed 9 November 2018.

251 *ibid.*

252 Department of Social Protection 'Social impact assessment of the welfare and income tax measures in Budget 2018' (November 2018) <<https://bit.ly/2RApxng>> accessed 9 November 2018.

253 One Family, 'One-Parent Family Payment & Income Disregards' (2014) <<http://bit.ly/1guvyYj>> accessed 31 January 2017.

254 Communication received by the Children's Rights Alliance from the DEASP, 9 January 2019.

255 *ibid.*

Parental Leave and Income Supports

Immediate Actions for 2019



Enact the legislation to provide for paid leave for parents in the first year of a child's life.

Publish and enact the Family Leave Bill in 2019 to provide for paid parental leave to be taken after maternity leave by both parents. Monitor the uptake of paternity benefit to ensure that as many new parents as possible are availing of the entitlement.



Monitor the uptake of the Working Family Payment and consider ways in which it could be improved to support families in need.

Ensure the WFP is an effective targeted payment to alleviate child poverty.



Complete and publish the review of the One Parent Family Payment in 2019.

In line with the commitment in *The Whole of Government Approach to Tackling Child Poverty*, complete the review of the OPFP to ensure that lone parents can access a range of supports and services designed to provide them with pathways to work while acknowledging their caring responsibilities.

2.3 Prevention and Early Intervention

Section Grade:

C+

➔ Government Commitment

A Programme for a Partnership Government commits to:

Tackle child poverty by increasing community-based early intervention programmes, such as the ABC Programme

▶ **Progress: Steady**

Ensure the sharing and implementation of learning from such programmes.

▶ **Progress: Steady**

Establish a dedicated Prevention and Early Intervention Unit in the Department of Public Expenditure and Reform/Finance in the first 100 days.

▶ **Progress: Steady**

'Prevention and Early Intervention' receives a 'C+' grade in *Report Card 2019*, a slight increase on last year's grade. This grade reflects the continued funding for the ABC Programme and its move into Tusla. The awarding of funding under the Quality and Capacity Building Initiative (QCBI) in 2018 was a welcome development. The Prevention and Early Intervention Unit held a series of stakeholder dialogues.

Every child has the right to survival and development.²⁵⁶ The UN Committee on the Rights of the Child recognises that prevention and intervention strategies during early childhood have the potential to impact positively on young children's current well-being and future prospects.²⁵⁷ Prevention is defined as stopping a problem from happening in the first place; early intervention means acting at the first signs of trouble; while treatment means responding once what could go wrong, has gone wrong.²⁵⁸ Prevention and early intervention means intervening at a young age, early in the onset of difficulties, or at points of increased vulnerability such as school transitions, adolescence and parenthood.²⁵⁹ The Council of Europe's²⁶⁰ recommendation with regard

256 UN Convention on the Rights of the Child (20 November 1989) 1577 UNTS 3 (UNCRC) Art. 6.

257 UNCRC 'General Comment No.7: Implementing child rights in early childhood' (2006) UN Doc CRC/C/G/GC/7/Rev.1 para 8.

258 Michael Little and Sonia Sodha, *Prevention and Early Intervention in Children's Services* (NESTA 2012) 3.

259 Department of Children and Youth Affairs (DCYA), *Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014-2020* (DCYA 2014) 29.

260 The Council of Europe is a human rights institution. It includes

to fulfilling children's rights in social services planning, delivery and evaluation are based upon the principles of prevention and early intervention, child-focused partnership with parents, and assessment of the child's needs, to include and strengthen protective factors, as well as risk factors in the child's environment.²⁶¹

The UN Committee requires that States take all possible measures to improve perinatal care for mothers and babies, reduce infant and child mortality, and create conditions that promote the well-being of all young children.²⁶² Young children are especially vulnerable to the harm caused by unreliable, inconsistent relationships with parents and caregivers, growing up in extreme poverty and deprivation, or being surrounded by conflict and violence.²⁶³ States are required to render appropriate assistance to parents, guardians and extended families in the performance of their child-rearing responsibilities.²⁶⁴ An integrated approach would include interventions that impact indirectly on parents' ability to promote the best interests of children (e.g. taxation and benefits, adequate housing, working hours) as well as those that have more immediate consequences (e.g. perinatal health services, parent education, home visitors).²⁶⁵ The UN Committee obliges States to create a safe and supportive environment for adolescents, including within their family, in schools, in all types of institutions in which they may live, within their workplace and/or in the society at large.²⁶⁶

International evidence suggests that prevention and early intervention approaches achieve much better results for children than later intervention, and can reduce the need for costly, less effective interventions later in life.²⁶⁷ However, Ireland's

balance of public spending is skewed towards crisis rather than preventative spending.²⁶⁸

Better Outcomes Brighter Futures: The National Policy Framework for Children and Young People 2014 – 2020 identifies prevention and early intervention as one of six 'transformational goals'.²⁶⁹ These goals aim to strengthen the system of supports around children and young people by improving timeliness, effectiveness and responsiveness of policy and services that will lead to better outcomes for children and young people in the future.²⁷⁰ Strategically *Better Outcomes Brighter Futures* considers universal services as the main providers of prevention and early intervention, naming early childhood education and care services, schools, youth, community and health services.²⁷¹ Prevention and early intervention is also central to *First 5: A Whole-of-Government Strategy for Babies, Young Children and their Families 2019-2028* published in November 2018.²⁷² The Strategy adopts a progressive universalist approach, by providing universal services and programmes in child health, parenting and family supports, early learning and care with targeted services for families who need additional support.²⁷³ *First 5* also commits to measures that are key to prevention and early intervention, including a new model of parenting support, a dedicated child health workforce and a package of measures to tackle early childhood poverty.

► Community-based Early Intervention Programmes:

From 2004, the Government and the Atlantic Philanthropies co-funded evidence-informed programmes aiming to improve outcomes for children in urban areas of disadvantage, by intervening in their lives from the pre-natal stage to 18 years.²⁷⁴ The Area Based Childhood (ABC) Programme, operating since 2013, offers interventions in 13 urban sites around the country addressing child health and development, children's learning, parenting, and

47 member States, 28 of which are in the EU. It promotes human rights through international conventions, monitoring member states' implementation progress and making recommendations through independent expert monitoring bodies. It oversees the implementation of the European Convention on Human Rights. The European Court of Human Rights is a key institution.

261 Council of Europe, *Council of Europe Recommendation on children's rights and social services friendly to children and families* (Council of Europe 2011) 9.

262 UNCRRC 'General Comment No.7: Implementing child rights in early childhood' (2006) UN Doc CRC/C/G/GC/7/Rev.1 para 10.

263 UNCRRC 'General Comment No.7: Implementing child rights in early childhood' (2006) UN Doc CRC/C/G/GC/7/Rev.1, para 36.

264 *ibid* para 20.

265 *ibid*, para 20a.

266 UNCRRC 'General Comment No.4: Adolescent health and development in the context of the Convention on the Rights of the Child' (2003) UN Doc CRC/GC/2003/4 para 39a.

267 Early Intervention Foundation, *Realising the Potential of Early Intervention* (Early Intervention Foundation 2018) 18, Prevention and Early Intervention Network, 'The Case

for Prevention and Early Intervention' (PEIN 2014) 3.

268 Eilís Lawlor & Sinéad McGilloway, *An Economic Appraisal of the Young Ballymun Initiative* (Just Economics 2012) 36.

269 DCYA, *Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014-2020* (DCYA 2014) 23.

270 *ibid*.

271 *ibid*.

272 Government of Ireland, *First 5: A Whole-of-Government Strategy for Babies, Young Children and their Families 2019-2028* (Stationary Office 2018).

273 *ibid* 26 and 102.

274 The Atlantic Philanthropies, *Investing in a Better Future for All* (The Atlantic Philanthropies) <<https://bit.ly/29GrZOI>> accessed 19 October 2017.

integrated service delivery.²⁷⁵ The ABC Programme aimed to test and evaluate innovative prevention and early intervention approaches to improve outcomes for children and families at risk of poverty.²⁷⁶ The Programme was due to end in 2016, but funding was extended and renewed until December 2018.²⁷⁷

As the main purpose of the ABC Programme was to identify key learnings and transfer this knowledge to established services, the Department of Children and Youth Affairs (DCYA) decided, in consultation with key stakeholders, to transfer the current ABC Programme to Tusla, the Child and Family Agency from September 2018.²⁷⁸ The transition requires the alignment of the ABC Programme with Tusla's Prevention, Partnership and Family Support (PPFS) Programme to help embed and enhance the Agency's prevention and early intervention work.²⁷⁹ The transfer will enable 'the ongoing delivery of innovative measures, and mainstream evidence-based practice to improve outcomes for children and families'²⁸⁰ and build on the Tusla PPFS programme.²⁸¹ The national evaluation of the ABC Programme was completed in 2018 to guide future development.²⁸² It highlighted improvements in children's socio-emotional well-being, positive parent-child relationships and improved school-readiness as well as professional ways of working and increased capacity to capture and use data and evidence.²⁸³ A budget of €9.5 million has been allocated to Tusla's PPFS programme in 2019, including the next phase of the ABC Programme.²⁸⁴ It is welcome that work is ongoing to develop an action plan for the next phase of the ABC Programme as part of the PPFS from 2019 onwards.²⁸⁵ This complex work requires investment in services and the relevant workforces in Tusla, early care and education services, and the

HSE's public health nursing service. Consideration should also be given as to how to ensure the learning and mainstreaming is expanded to rural locations.

► Sharing and Implementing Learning:

The DCYA launched the Quality and Capacity Building Initiative (QCBI) to 'take a co-ordinated approach to enhance capacity, knowledge and quality in prevention and early intervention for children, young people and their families.'²⁸⁶ The aim of the QCBI is to improve the outcomes for children and young people experiencing disadvantage through supporting organisations working with children and young people to take an evidence informed approach to their work.²⁸⁷ QCBI involves four components aiming to: align data; harness evidence; enhance implementation through coaching and development; and embed prevention and early intervention approaches through the development of a shared quality framework.²⁸⁸

In 2018, DCYA and Tusla finalised the development of the first phase of the Outcomes for Children National Data and Information Hub.²⁸⁹ The data hub is an online interactive area based geo-mapping system based on the five *Better Outcomes, Brighter Futures* national indicators using readily available administrative data and is expected to be launched in early 2019.²⁹⁰ In addition, DCYA made progress on securing the development of an online evidence matrix to collate information on the impact that has been achieved by evidence based programmes across the globe and in Ireland, and provide guidance on what to consider when implementing these in a local context.²⁹¹ These developments as part of the QCBI aim to ensure that the best and most suitable approach or programme can be chosen by commissioners, and service providers for the local context.²⁹² The Evidence Matrix will highlight factors such as impact and resource effectiveness and will signpost people in the direction of organisations and practitioners who use these approaches to good effect, thereby strengthening the community practice connections.²⁹³

275 DCYA, 'ABC Overview' <http://bit.ly/2BczHT>> accessed 13 October 2017.

276 *ibid.*

277 Minister for Children and Youth Affairs, Katherine Zappone TD, Written Answers, Area Based Childhood Programme, 6 November 2018 [45860/18].

278 Minister for Children and Youth Affairs, Katherine Zappone TD, Written Answers, Area Based Childhood Programme, 18 October 2018 [43139/18].

279 *Ibid.*

280 Government of Ireland, *First 5- A Whole-of-Government Strategy for Babies, Young Children and their Families 2019-2028* (Stationary Office 2018) 48.

281 *ibid.* 127.

282 *ibid.* 45.

283 Centre for Effective Services, *National Evaluation of the Area Based Childhood Programme: Main Report*, (DCYA 2018) x.

284 Communication received by the Children's Rights Alliance from the DCYA, 20 December 2018.

285 *ibid.*

286 Minister for Children and Youth Affairs, Quality and Capacity Building Initiative Innovation Fund, *Dáil Debates*, 13 June 2018.

287 *ibid.*

288 DCYA, Quality and Capacity Building Initiatives (QCBI) (DCYA) <<https://bit.ly/2RWDSWz>> 9 November 2018.

289 Communication received by the Children's Rights Alliance from the DCYA, 20 December 2018.

290 *ibid.*

291 *ibid.*

292 *ibid.*

293 *ibid.*

Some €2.2 million in funding for 2018 was allocated to the QCBI Innovation Fund under the Dormant Accounts Fund to test prevention and early intervention innovations that build on existing data and evidence to improve outcomes for children and young people (0-24 years) who experience disadvantage in Ireland.²⁹⁴ A spectrum of projects were funded including English language supports to programme refugees, efforts to scale-up parenting supports, pedagogical leadership in early childhood education and care centres, and supports for youth services for young people up to 24 years of age experiencing education and social disadvantage.²⁹⁵ Under the QCBI Innovation Fund, two types of funding were made available: SCALE funding supports organisations to build on existing programmes or models with demonstrated positive outcomes for children and young people while SEED funding was used to support new and creative approaches to problems faced by children and young people experiencing disadvantage.²⁹⁶ In total, 239 applications were made²⁹⁷ and 29 organisations were awarded SEED funding²⁹⁸ and 22 awarded SCALE funding.²⁹⁹ In November 2018 the Minister for Children and Youth Affairs, Dr Katherine Zappone TD, announced the launch of a new Network Support Fund under the professional development and capacity building QCBI strand.³⁰⁰ The aim of the scheme is to improve the capacity of providers and practitioners in the 'appraisal and application' of evidence based prevention and early intervention methods through 'collaborative programmes of developing including coaching, mentoring and networking'.³⁰¹

Work is ongoing to identify and support professional learning approaches that the QCBI can engage to ensure everyone working with children, young people and their families understands what works in prevention and early intervention and can use data, evidence and practice approaches to plan, deliver and evaluate their services.³⁰² In 2018, the

DCYA and University of Limerick developed a pilot Executive Leadership Programme for service providers and practitioners in the Dublin North East inner city under the QCBI.³⁰³ The Department also brought all grantees from the Innovation Fund together to consider and plan for the development of action learning sets across grantees in 2019.³⁰⁴

► Prevention and Early Intervention Unit:

The Prevention and Early Intervention Unit (PEIU) was established in the Department of Expenditure and Public Reform (DPER) in May 2017³⁰⁵ and forms part of DPER's Irish Government Economic and Evaluation Service (IGEES) - an integrated cross-Government service to enhance the role of economics and value-for-money analysis in public policy making.³⁰⁶ It aims to support the development of a sustainable and cross-sectoral approach to prevention and early intervention in public policy in the context of the management and evaluation of public expenditure.³⁰⁷ The Unit focuses on prevention and early interventions that can improve the life outcomes of children as well as the quality of life of older people dealing with long-term conditions such as chronic illness, which the PEIU locates within the context of population health.³⁰⁸

The PEIU aims to leverage recent budgetary reforms³⁰⁹ to ensure that the IGEES considers prevention and early intervention as a policy option in its management and evaluation of public spending, in the implementation of Ireland's Public Spending Code³¹⁰

294 Minister for Children and Youth Affairs, Quality and Capacity Building initiative, Dáil Debates, 20 September 2018.

295 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 5 February 2019.

296 *ibid.*

297 *ibid.*

298 DCYA, *List of Successful Projects: SEED Strand* (DCYA 2018).

299 DCYA, *List of Successful Projects: SCALE Strand* (DCYA 2018).

300 DCYA, Quality and Capacity Building Initiatives Network Support Fund (*Department of Children and Youth Affairs*) <<https://bit.ly/2Rh3JbN>> 9 November 2018.

301 *ibid.*

302 Communication received by the Children's Rights Alliance from the DCYA, 20 December 2018.

303 Dublin North East Inner City, 'Executive Leadership Course' (NEIC, 20 November 2018) <<https://bit.ly/2RBKNSH>> accessed 10 January 2019.

304 Communication received by the Children's Rights Alliance from the DCYA, 20 December 2018.

305 Department of Public Expenditure and Reform, *Topical Issues 14: Prevention and early Intervention*, <<https://bit.ly/2CXrhMQ>> accessed 7 October 2017.

306 Irish Government Economic and Evaluation Service, 'About Us', (IGEES 2019) <<https://igees.gov.ie/about-us/>> accessed 8 February 2019.

307 Communication received by the Children's Rights Alliance from the DPER, 8 February 2019.

308 Prevention and Early Intervention Unit Prevention & Early Intervention Series, Focussed Policy Assessment No.1, October 2018 <<https://igees.gov.ie/wp-content/uploads/2018/10/PEIU-FPA-Series-Immunisation.pdf>> (accessed 22 November 2018).

309 John McCarthy, 'The budgetary process: recent changes and further evolution', (Department of Finance 19 May 2016) <https://www.finance.gov.ie/wp-content/uploads/2017/05/160519-the-budgetary-process-in-Ireland_PAII.pdf> accessed 8 February 2019.

310 Irish public bodies are obliged to ensure that the best possible value for money is obtained whenever public money is being spent or invested. The Public Spending Code is the set of

and in performance budgeting.³¹¹ This work is intended to help support the further development of existing prevention and early interventions, and act as a future resource for those who are charged with designing, implementing and evaluating such interventions.³¹²

The PEIU hosted dialogue events in March and May 2018 with a broad range of stakeholders from the children and youth sector and the health sector.³¹³ The dialogues were structured around three core questions: what is meant by prevention and early intervention; how do we know if prevention and early intervention works and how this information can be used to inform decision-makers.³¹⁴ The purpose of the dialogue sessions was to establish an opportunity for cross-sectoral sharing of the deep and broad experience and expertise of prevention and early interventions in Ireland.³¹⁵ In July 2018, the Unit published a report providing a summary overview of the points raised at the dialogue sessions.³¹⁶

In working towards drafting a thematic consideration of prevention and early intervention in Ireland, the PEIU is publishing a series of Focused Policy Assessments on key prevention and early interventions.³¹⁷ These assessments examine key publically funded interventions by focusing on their rationale, allocated resources, services provided and achievements relative to their stated goals.³¹⁸ In 2018, the Unit published five reports, four of which related to interventions that have a direct benefit for

children and young people: immunisation, aftercare, educational welfare and early learning and childcare.³¹⁹

The Unit's objective has been to add value to the development of prevention and early intervention in the public policy space and avoid duplication with related initiatives, such as the DCYA's lead role on prevention and early intervention for children and families, the work of the Department of Health, and IGEES' economic evaluations.³²⁰ The Unit's role is limited in scope in terms of the influence it exerts in designing or developing public policy as it has no decision-making powers and is advisory in nature.

However, it does have an important function in embedding prevention and early intervention in terms of managing and evaluating public spending. Irish policy is often skewed towards crisis-intervention or entrenched societal problems resulting in more costly services. Determining the impact of different levels and types of public expenditure on childhood and life outcomes is complex. In this regard the Eurochild Childonomics³²¹ project may be helpful as it combines economic discipline with children's rights and has developed a methodology to assess how different inputs – policies, services, and investments – produce better outcomes for children, families, communities and society as a whole. Childonomics is directly relevant and could be used to inform the work of the PEIU in its economic evaluations and the implementation of the Public Spending Code, particularly in how to research, identify and present inputs and child outcomes that meet the goals of *Better Outcomes, Brighter Futures* as well as ensuring transparent and accountable public spending.

rules and procedures to ensure that standards are upheld, bringing together all of the elements of the value-for-money framework. Department of Public Expenditure and Reform, 'The Public Spending Code' (DPER 2019) <<https://publicspendingcode.per.gov.ie/>> accessed 8 February 2019.

311 Communication received by the Children's Rights Alliance from the DPER, 8 February 2019.

312 *ibid.*

313 Department of Public Expenditure and Reform, *Dialogue on Effective Prevention and Early Intervention Approaches in Human Services: Working Towards a Shared Understanding* (Department of Public Expenditure and Reform 2018) 2.

314 *ibid* 2 - 3.

315 Communication received by the Children's Rights Alliance from the DPER, 21 December 2018.

316 Department of Public Expenditure and Reform, *Dialogue on Effective Prevention and Early Intervention Approaches in Human Services: Working Towards a Shared Understanding* (Department of Public Expenditure and Reform 2018) 2.

Irish Government Economic and Evaluation Service, 'PEIU Focussed Policy Assessments', (IGEES 2018) <<https://bit.ly/2QXnCDZ>> accessed 26 November 2018.

317 Communication received by the Children's Rights Alliance from the DPER, 21 December 2018.

318 Prevention and Early Intervention Unit Prevention & Early Intervention Series, Focussed Policy Assessment No.1, October 2018, 1 <<https://bit.ly/2RgD3aF>> accessed 22 November 2018.

319 Irish Government Economic and Evaluation Service, 'PEIU Focussed Policy Assessments', (IGEES 2018) <<https://igees.gov.ie/peiu-focussed-policy-assessments/>> accessed 26 November 2018.

320 Communication received by the Children's Rights Alliance from the DPER, 8 February 2019.

321 Eurochild, 'Next Steps for Childonomics' (Eurochild 9 November 2018) <<https://bit.ly/2SBpiaX>> (accessed 8 February 2019).

Prevention and Early Intervention **Immediate Actions for 2019**



Complete the development of the action plan for the next phase of the ABC Programme as part of the PPFS from 2019 onwards.

The action plan will be important to provide clarity and direction for the continuing ABC programmes under the aegis of Tusla.



The PEIU could consider publishing a plan for 2019 to communicate its role and its planned activities for 2019 to the sector.

The Unit could apply the Childonomics methodology to its work in embedding prevention and early intervention into the public policy process.

3

Right to Health



Every child has the right to enjoy the highest possible standard of health, to access health and other related services and to facilities for the treatment of illness and rehabilitation of health. Children with disabilities have the right to a full and decent life within the community, and to special care.

Summary of Article 24 of the UN Convention on the Rights of the Child

Chapter Grade:

C



Mental Health Reform @MHReform

1,686 under 18's waiting for more than 1 year for public psychological services - unacceptable waiting list lengths, unacceptable waiting time, and need for investment so services are there to meet children and teenagers when they need them #MentalHealth

2 Aug 2018



3.1 Primary Care

Section Grade:

C+

➔ Government Commitment

A Programme for a Partnership Government commits to:

Extend, in phases, free GP care to all under 18s, subject to negotiation with GPs.

▶ **Progress: Limited**

Introduce a dental health package for children under six.

▶ **Progress: Slow**

Extend the entitlement to a medical card for all children in receipt of Domiciliary Care Allowance in Budget 2017

▶ **Progress: Complete**

'Primary Care' receives a 'C+' grade in *Report Card 2019*, an improvement on the 'C-' grade awarded last year. The extension of free GP care to 14,000 carers and the €25 increase in the weekly income threshold for free GP visit cards are positive measures. However, there has been no progress on extending free GP care to under 18s and the extension to under 12s has been designated a long-term objective. Furthermore, the National Oral Health Policy has yet to be delivered.

Every child has the right to enjoy the highest attainable standard of physical and mental health.³²² Article 24 of the UN Convention on the Rights of the Child places particular emphasis on the development of primary health care which includes access to General Practitioner (GP) care.³²³ The UN Committee on the Rights of the Child has stressed that primary care should include the provision of information and services, as well as the prevention of illness and injury.³²⁴ *Better Outcomes, Brighter Futures, The National Policy Framework for Children and Young People 2014 – 2020* reiterated the commitment to introduce universal GP services,³²⁵ first articulated in the 2012 *Future Health Framework*.³²⁶

322 UN Convention on the Rights of the Child (20 November 1989) 1577 UNTS 3 (UNCRC) Art 24.

323 *ibid* Art 24(2)(b).

324 UN Committee on the Rights of the Child 'General Comment No. 15 on the Right of the Child to the Enjoyment of the Highest Attainable Standard of Health (Art 24)' (2013) UN Doc CRC/C/GC/15 para 26.

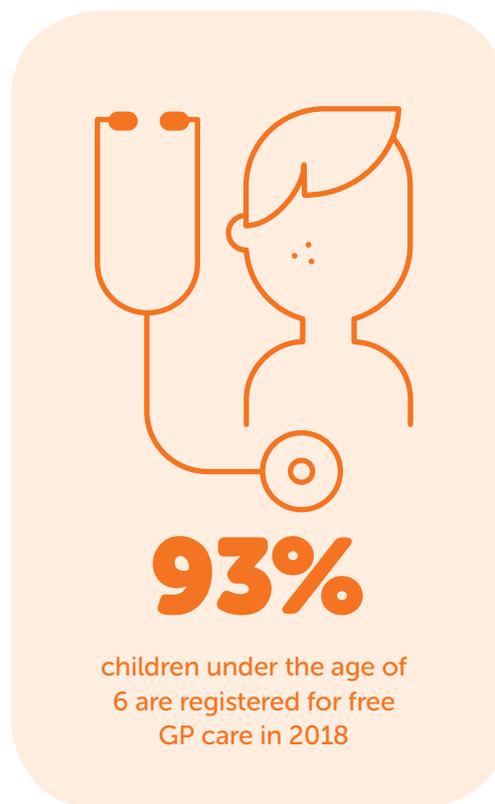
325 Department of Children and Youth Affairs, *Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014–2020* (DCYA 2014) Commitment G9, 30.

326 Department of Health, *Future Health: A Strategic Framework*

► Free GP Care:

Since July 2015, children under the age of six are entitled to free GP care following the enactment of the Health (General Practitioner Service) Act 2014 and the successful negotiation of a contract with GPs.³²⁷ This was the first step towards introducing universal free GP care.³²⁸ By November 2018, 2,832 GPs had entered an agreement with the Health Service Executive (HSE) to provide the service, and 358,239 children under the age of six (approximately 93 per cent of the eligible population) were registered for it.³²⁹ These children can access GP care without fees through entitlement to either a medical card or a GP visit card. The scheme includes the provision of wellbeing and prevention assessments at age two, and again at five years, as well as an agreed cycle of care for children diagnosed with asthma.³³⁰

Universal health coverage has significant longer-term health, financial and political benefits, while at the same time making the health care system more equitable for individuals and cost-effective for States.³³¹ In recognition of this, the 2017 report of the all-party Committee on the Future of Healthcare, *Sláintecare*, recommended the delivery of expanded primary care services by the introduction, among other measures, of universal access to GP care without fees.³³² The Committee recommended extending GP care to an additional 500,000 people each year for five years at an estimated cost of €91 million per year.³³³ The next step in the roll-out of free GP care was due to be for children under 12.³³⁴



However, it appears that this is now a long-term objective³³⁵ rather than a government priority.³³⁶

In July 2018, the *Sláintecare* Programme Office was established and an Executive Director appointed.³³⁷ In October 2018, the newly established 23 member Advisory Group met for the first time.³³⁸ The *Sláintecare Implementation Strategy*, published in August 2018, outlines 10 key strategic actions including 'expanding eligibility on a phased basis to move towards universal healthcare and support a shift to community based care'.³³⁹ The focus on greater access to universal healthcare is welcome but the Strategy

for Reform of the Health Service 2012–2015 (DOH 2012) ii.

327 Communication received by the Children's Rights Alliance from the Department of Health, 20 January 2017.

328 Minister for Public Expenditure and Reform, Brendan Howlin TD, Address to Dáil Éireann on Expenditure Estimates 2014, 15 October 2013.

329 Communication received by the Children's Rights Alliance from the Department of Health, 15 January 2019.

330 Health Service Executive, 'Form of Agreement with Registered Medical Practitioners for Provision of Services to Children Under 6 Years Old Pursuant to The Health (General Practitioner Service) Act 2014 (Under 6 Year Olds)' (2015) <<http://bit.ly/2BNByg7>> accessed 17 January 2019.

331 World Health Organisation, *Arguing for universal health coverage* (WHO 2013).

332 Joint Oireachtas Committee on the Future of Healthcare, *Sláintecare, Report of the Oireachtas Committee on the Future of Healthcare* (Houses of the Oireachtas 2017) 60.

333 *ibid* 65.

334 Minister for Public Expenditure and Reform, Brendan Howlin TD, Address to Dáil Éireann on Expenditure Estimates 2016, 13 October 2015.

335 Martin Wall & Fiach Kelly, 'Universal Free GP Care to be Significantly Delayed' *The Irish Times* (Dublin, 23 July 2018).

336 Department of Health, *Statement of Strategy 2016–2019* (HSE 2016) 13–14.

337 Department of Health, 'An Taoiseach and Minister Harris announce Executive Director of Sláintecare Programme Office and Chair of Advisory Council to lead health reform' (12 July 2018) <<https://bit.ly/2ugQkHj>> accessed 9 January 2019.

338 Department of Health, 'Inaugural meeting of Sláintecare Advisory Council' (24 October 2018) <<https://bit.ly/2D2E6YU>> accessed 17 January 2019.

339 Department of Health, *Sláintecare Implementation Strategy* (Department of Health 2018) 48.

does not contain any new child-specific measures to increase access to primary care.³⁴⁰ The Strategy acknowledges the competing interests between investment in new services and the workforce, and expanding access on a universal basis.³⁴¹ It commits to review the current eligibility framework for all services in 2019 and develop a policy proposal and roadmap for achieving universal eligibility in 2020.³⁴² To deliver this will require significant resources and support for the leadership of *Sláintecare*.

Although the roll-out of universal healthcare has been delayed, the Government has taken a number of welcome measures to increase access to free GP care. In July 2018, eligibility was extended to 14,000 carers following the passage of the Health (General Practitioner Service) Act 2018.³⁴³ This is a welcome measure to help ease the financial strain on families caring for a person with disabilities. In Budget 2019, the Government also announced a €25 increase in the weekly income threshold for GP visit cards which will benefit an estimated 100,000 people on low incomes.³⁴⁴

The implementation of *Sláintecare* and the extension of free GP care to children under 18 is contingent upon the renegotiation of a new GP contract meaning that buy-in from GPs is essential. The Irish College of General Practitioners has criticised the proposal to extend free GP to children under 12 without an increase in capacity.³⁴⁵ However, the introduction of free GP care on a universal basis would be an important early intervention and prevention measure. Removing financial barriers to healthcare for children 'has a significant positive impact on child health, and later-life outcomes'.³⁴⁶ The evidence

indicates that where a child's parents 'face the full out-of-pocket cost of GP care' they have fewer GP visits than their peers with a medical card, GP visit card or private health insurance with GP cover.³⁴⁷ Children with GP cards or medical cards have a 'significantly higher number of GP visits per annum than children with 'no cover' although it is not possible to analyse the data to determine whether parents are foregoing 'necessary' GP visits due to cost.³⁴⁸

► Dental Health:

A Programme for a Partnership Government commits to introduce a dental health package for children under six which will include timely access to a comprehensive preventive dental health programme. Currently, HSE Dental Clinics provide services for children under 16, focusing on a targeted screening and fissure sealant programme for children at age six, nine and 12 years.³⁴⁹ HSE clinics also provide emergency services to all children under the age of 16.³⁵⁰ However, reports indicate that the age at which children have their first dental screening varies significantly depending on where the child lives.³⁵¹

The Department of Health is due to finalise the National Oral Health Policy in early 2019.³⁵² It is welcome that *First 5: A Whole-of-Government Strategy for Babies, Young Children and their Families 2019-2028* has committed to 'introduce a universal dental health package for children under six, supported by a screening/surveillance programme to target key ages and vulnerable groups'.³⁵³ Both the new policy and *First 5* should inform the introduction and roll-out of the dental health package.³⁵⁴ Work to date on developing

340 The Strategy refers to designing new models of care around certain groups or cohorts including children, implementing the Electronic Health Record starting with in the Children's Hospital and includes ongoing reforms in relation to GP care and medical cards for children with disabilities.

341 Department of Health, *Sláintecare Implementation Strategy* (Department of Health 2018) 48

342 *ibid* 49.

343 Department of Health, '14,000 Additional Carers to Receive Free GP Care following the Passing of the Health (General Practitioner Service) Bill' (*Department of Health*, 12 July 2018) <<https://bit.ly/2zZgwwF>> accessed 4 November 2018.

344 Minister for Health, Simon Harris TD, Written Answers, Budget 2019, 23 October 2018 [43554/18].

345 Irish College of General Practitioners, 'Professional body for general practitioners makes urgent call for increased investment in primary care to avoid waiting lists for appointments' (ICGP) <<http://bit.ly/2g7EWGw>> accessed 14 September 2017.

346 Anne Nolan and Richard Layte, *Growing up in Ireland: Understanding Use of General Practitioner Services Among Children in Ireland* (DCYA 2017) 8.

347 Anne Nolan and Richard Layte, *Growing up in Ireland: Understanding Use of General Practitioner Services Among Children in Ireland*, (DCYA 2017) 7.

348 *ibid*.

349 Communication received by the Children's Rights Alliance from the Department of Health, 24 November 2017.

350 *ibid*.

351 Helen O'Callaghan 'Nothing to smile about: Children's dental health suffers due to under-resourced public systems', *The Irish Examiner*, 29 January 2018.

352 Communication received by the Children's Rights Alliance from the Department of Health, 23 November 2018.

353 Government of Ireland, *First 5: A Whole-of-Government Strategy for Babies, Young Children and their Families 2019-2028* (Stationary Office 2018) 136.

354 The project, led by the Chief Dental Officer, includes a needs assessment, a review of resources and involves consultation with stakeholders, including dental professionals and the public. Detailed financial analysis will be required in order to establish as accurately as possible the expected costs to the Exchequer in each case. Minister for Health, Simon Harris TD, Written Answers, Dental Services, 31 May 2017 [26065/17].

“

**Children with GP cards
or medical cards have
a 'significantly higher
number of GP visits per
annum than children
with no cover'...**

the Policy has included a needs assessment, consultation with stakeholders and a review of resources.³⁵⁵ The aim of the policy is to 'develop a model of care that will enable preventive approaches to be prioritised, improve access, and support interventions appropriate to the current needs'.³⁵⁶ To adequately vindicate the child's right to health,³⁵⁷ effective actions in relation to oral health promotion as well as adequate access for all children to dental treatment are important. A Policy that is 'evidence driven, patient centred and prevention focused' and ensures equal access to treatment is recommended.³⁵⁸

► Medical Cards:

HSE medical cards entitle holders to a range of health services free of charge including GP visits and hospital care.³⁵⁹ Since June 2017, all children who qualify for the Domiciliary Care Allowance (DCA) are eligible for a medical card without having to undergo a means-test and can retain the medical card until their 16th birthday.³⁶⁰ DCA is a monthly payment for children under 16 with a 'severe disability' who require ongoing care and attention, substantially over and above what is usually needed by a child of the same age.³⁶¹ This a positive step in realising the rights of children with disabilities in Ireland who have exceptional care needs³⁶² as access to a medical card will have a significant impact in improving the health of children with high medical needs. It will also improve the lives of their families by alleviating the burden of high healthcare costs.

The processing of DCA claims has fallen from a high of 18 weeks to 10 weeks in 2018.³⁶³ The Department of Employment Affairs and Social Protection attributes this decrease in delays to the allocation

of additional staff resources and the redesign of the application form in consultation with interest groups to allow for more relevant care needs information to be provided at the initial application stage.³⁶⁴ In 2017, a total of 10,666 applications were finalised with 8,197 new application received during the year. Of the applications finalised, 64 per cent were allowed at first instance, with 83 per cent ultimately allowed following the completion of customer review requests and formal appeals to the Social Welfare Appeals Office.³⁶⁵ In November 2018, 1,335 claims for DCA were awaiting a decision.³⁶⁶

In 2018, the Social Welfare Appeals Office received a total of 1,432 DCA appeals, a 19 per cent increase on 2017 figures.³⁶⁷ There was a significant increase in the number of appeals finalised in 2018 (including some carried over from the previous year): 1,572 in 2018 compared with 801 in 2017.³⁶⁸ A high proportion of DCA appeals continue to be favourable for the appellant with 83 per cent subsequently revised by a deciding officer, or allowed or partially allowed by an appeals officer.³⁶⁹ Although the average appeal processing times have reduced significantly over the past number of years, in 2018 there was a delay of 32 weeks for a summary decision based on the documentation only, and 36 weeks when an oral hearing was held for DCA appeals.³⁷⁰ These delays mean that children who are entitled to the payment may have to wait for months to receive it. With eligibility for a medical card under the new scheme resting solely on whether a child qualifies for DCA, it is essential that decisions made at the first instance are correct and are not subject to any unnecessary delays.

355 Minister for Health, Simon Harris TD, Written Answers, Dental Services Provision, 2 May 2017 [19252/17].

356 Minister for Health, Simon Harris TD, Written Answers, Health Care Policy, 10 July 2018 [30849/18].

357 UN Convention on the Rights of the Child (20 November 1989) 1577 UNTS 3 (UNCRC) Art 24.

358 Irish Dental Association, *Towards a Vision for Oral Health in Ireland: Task Force Report* (IDA 2018) 4.

359 Health Service Executive, *Your Guide to Medical Cards* (HSE) <<http://bit.ly/1UEJI9p>> accessed 17 October 2017.

360 Department of Employment Affairs and Social Protection, 'DCA medical card scheme' (DEASP) <<http://bit.ly/2CvmKA3>> accessed 5 January 2018.

361 *ibid.*

362 UN Convention on the Rights of the Child (20 November 1989) 1577 UNTS 3 (UNCRC) Art 24.

363 Communication received by the Children's Rights Alliance from the Department of Employment Affairs and Social Protection, 31 January 2019.

364 *ibid.*

365 *ibid.*

366 *ibid.* The significant number of applications allowed on review or on appeal is due in many instances to additional information or supporting medical evidence becoming available, which was not provided with the application initially.

367 Communication received by the Children's Rights Alliance from the Social Welfare Appeals Office, 15 January 2019.

368 *ibid.*

369 Communications received by the Children's Rights Alliance from the Social Welfare Appeals Office, 15 and 18 January 2019.

370 Communication received by the Children's Rights Alliance from the Social Welfare Appeals Office, 15 January 2019.

Primary Care

Immediate Actions for 2019



Set out a clear timeline for the introduction of free GP care for under 12s and the plan to extend this to under 18s.

As the Government has stated that the commitment in *A Programme for a Partnership Government* to extend free GP to under 18s is no longer a government priority, a clear plan with associated timelines should be developed and published to achieve this aim.



Publish the National Oral Health Policy as a matter of priority in 2019.

The Policy was due to be published in 2017 but two years on it has not yet been delivered and should be prioritised. The dental health package should be introduced without delay following the publication of the policy.



Adequately resource the Department of Employment Affairs and Social Protection to reduce processing times and waiting times for appeals for DCA applications and appeals.

The DEASP should be adequately resourced to reduce the waiting times for processing applications and appeals in relation to DCA. It is essential that initial decisions are correct and prompt so that eligible children will not experience delays in receiving the payment and in obtaining the medical card to which they become entitled on qualifying for DCA.

3.2 Mental Health

Section Grade:

D-

➔ Government Commitment

A Programme for a Partnership Government commits to:

Conduct an evidence-based expert review of the current status of implementation of *A Vision for Change* in Ireland and of international best practice in the area of mental health within the frame of human rights. The review will advise on building further capacity in Child and Adolescent Mental Health Services (CAMHS) and the introduction of more 24/7 service support and liaison teams in primary and emergency care.

▶ **Progress: Some**

Establish a National Taskforce on Youth Mental Health to consider how best to introduce and teach resilience, coping mechanisms, greater awareness to children and young people, and how to access support services voluntarily at a young age.

▶ **Progress: Delivered**

'Mental Health' receives a 'D-' grade in *Report Card 2019*, a slight decrease on last year's 'D+' grade. The review of *A Vision for Change* is not complete and requires a greater sense of urgency. Many recommendations from the National Taskforce on Youth Mental Health have been partially implemented. Progress on establishing Pathfinder has been slow. HSE commitments to develop a seven day CAMHS service and 24/7 phone, text and digital supports for children and young people are welcome.

All children have a right to enjoy the highest attainable standard of physical and mental health under Article 24 of the UN Convention on the Rights of the Child. The UN Committee on the Rights of the Child has emphasised the importance of the mental health of children and the need to tackle 'behavioural and social issues that undermine children's mental health, psychosocial wellbeing and emotional development'.³⁷¹ In 2016, the UN Committee expressed its concern about access to mental health treatment in Ireland, highlighting the inadequate availability of age-appropriate mental health units, long waiting lists to access mental health supports and the lack of out-of-hours services.³⁷² The Committee called on the State to take action to improve 'the capacity and quality of its mental health-care services for in-patient treatment, out-of-hours facilities and facilities for treating eating disorders'.³⁷³

371 UNCRC 'General Comment No. 15 on the Right of the Child to the Enjoyment of the Highest Attainable Standard of Health (Art 24)' (2013) UN Doc CRC/C/GC/15 para 38.

372 UNCRC, 'Concluding Observations: Ireland' (2016) UN Doc CRC/C/IRL/CO/3-4, para 53 (b).

373 *ibid* para 54 (b).

Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014 – 2020 includes a commitment to implement *A Vision for Change* (the national policy for mental health services in Ireland) as it relates to children and young people.³⁷⁴ *Better Outcomes, Brighter Futures* also aims to improve equity of access to services and coordination of service supports, with a focus on improving mental health awareness and reducing incidents of self-harm and suicide.³⁷⁵

In October 2018, the Joint Oireachtas Committee (JOC) on the Future of Mental Health Care, established in July 2017,³⁷⁶ published its final report.³⁷⁷ It set out the long-term vision for mental healthcare including a focus on timely access to appropriate care 'on a no wrong door basis'³⁷⁸ to require officials to signpost individuals who present at the wrong service to the correct service rather than leave them without any assistance.³⁷⁹

The Committee highlighted the importance of early intervention in primary and community services, adequate resourcing for acute services available on an immediate basis and the need to target resources for 'at risk' groups including Travellers and young LGBTI+ people.³⁸⁰

Review of *A Vision for Change*:

A Vision for Change, published in 2006,³⁸¹ is the national policy for mental health. It was due to be fully implemented by the end of 2016 but progress 'has been slow and ongoing challenges in the effective development of community services remain.'³⁸²

374 Department of Children and Youth Affairs, *Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014–2020* (DCYA 2014) Commitment 1.8 and 1.9.

375 *ibid* Commitment 1.8 and 1.9.

376 Department of Health, Minister Daly confirms the establishment of the Joint Committee on the Future of Mental Health Care (Department of Health) <<http://bit.ly/2xa60yn>> accessed 13 October 2017.

377 Joint Committee on the Future of Mental Health Care, *Final Report* (Houses of the Oireachtas, 2018)

378 *ibid* 6.

379 Communication received by the Children's Rights Alliance from the HSE Mental Health Services, 4 December 2018.

380 Joint Committee on the Future of Mental Health Care, *Final Report* (Houses of the Oireachtas, 2018) 6.

381 Department of Health, *A Vision for Change: Report of The Expert Group on Mental Health Policy* (Stationery Office 2006).

382 Mental Health Commission, *Strategic Plan 2016-2018 (updated)* (MHC 2017) 10.



The review of *A Vision for Change* commenced in 2016³⁸³ with an expert evidence review of best practice mental health service developments in Ireland and internationally.³⁸⁴ The Minister for Health established an independent Oversight Group to oversee the development of the 'refreshed' policy for mental services in Ireland that reflect the present day context.³⁸⁵ The recommendations of the expert review will inform the revised national policy and will be an outcomes based framework 'which sets out current and future service priorities within a time-bound implementation plan'.³⁸⁶

The Oversight Group established an expert review group comprising members from the statutory, voluntary and community sectors.³⁸⁷ The relevant findings of the Youth Mental Health Taskforce report, findings from the consultation process and other

383 Joint Oireachtas Committee on the Future of Mental Health Care, *A Vision for Change: Engagement with Department of Health Oversight Group*, 30 May 2018.

384 Kevin Cullen and David McDaid, *Evidence Review to Inform the Parameters for a Refresh of A Vision for Change (AVFC) A wide-angle international review of evidence and developments in mental health policy and practice* (Department of Health 2017) 5.

385 Joint Oireachtas Committee on the Future of Mental Health Care, *A Vision for Change: Engagement with Department of Health Oversight Group*, 30 May 2018.

386 *ibid*.

387 Communication received by the Children's Rights Alliance from the Department of Health, 10 January 2019.



relevant youth-related strategies will inform the final report.³⁸⁸ It is important that the revised framework has a strong emphasis on the development of child and youth mental health services including improving service coordination and increasing timely access to appropriate mental health supports and services at a primary level.³⁸⁹ The Oversight Group has consulted with service users and professionals working in the mental health area.³⁹⁰ It was originally due to conclude its work in December 2018,³⁹¹ however, the delivery date has been extended to February 2019.³⁹²

The Community Psychology Service focuses on prevention, assessment, early detection and intervention for children in difficulty.³⁹³ At a primary care level, 7,206 children under the age of 17 were waiting for a community-based psychology appointment in September 2018, a five per cent reduction from

July 2017.³⁹⁴ The JOC on the Future of Healthcare recommended the extension of counselling,³⁹⁵ and the development of psychology services in primary care for children and young people.³⁹⁶ To improve services, the HSE recruited an additional 20 staff grade psychologists to oversee care by the 114 assistant psychologists employed in CAMHS.³⁹⁷

The *Sláintecare Implementation Strategy* commits to enhance community mental health services by 2021³⁹⁸ and notes the allocation of an additional €55 million for mental health services in 2019.³⁹⁹ It is welcome that a significant proportion of the 2019 investment has been ear-marked to develop mental health services for young people.⁴⁰⁰

388 *ibid.*

389 Ombudsman for Children's Office, *Take My Hand: Young People's Experiences of Mental Health Services* (OCO 2018) 29.

390 Joint Oireachtas Committee on the Future of Mental Health Care, *A Vision for Change: Engagement with Department of Health Oversight Group*, 30 May 2018.

391 *ibid.*

392 Communication received by the Children's Rights Alliance from the Department of Health, 10 January 2019.

393 Health Service Executive, Psychology Service, (*Health Service Executive*) <<https://bit.ly/2sh0Qx3>> accessed 15 November 2018.

394 Minister of State for Mental Health and Older People, Jim Daly TD, HSE Waiting Lists, Dáil Debates, 28 September 2017 [41188/17]. In July 2017, there were 6,811 children under 17 waiting for a community-based psychology appointment; a third had been waiting over a year.

395 Joint Oireachtas Committee on the Future of Healthcare, *Sláintecare, Report of the Oireachtas Committee on the Future of Healthcare* (Houses of the Oireachtas 2017) 47.

396 *ibid.* 8.

397 Health Service Executive, *HSE Performance Profile: April - June 2018* (HSE, 2018) 34.

398 Department of Health, *Sláintecare Implementation Strategy* (Department of Health 2018) 12.

399 *ibid.* 6.

400 Communication received by the Children's Rights Alliance from the Department of Health, 10 January 2019.

In 2015, Ireland had the seventh highest rate of youth suicide (aged 15-19) across 33 countries.⁴⁰¹ This has improved from being second highest in 2011 but has risen again since 2014 when it was 20th in Europe.⁴⁰²

CAMHS is a specialist clinical service that provides assessment and treatment to children and young people under 18 who are experiencing mental health difficulties such as anxiety, moderate to severe depression, eating disorders, self-harm and psychosis.⁴⁰³ In October 2018, 2,250 children were waiting for a first appointment with CAMHS; 79.4 per cent were offered an appointment within three months, while 286 children were waiting for more than a year.⁴⁰⁴

Waiting lists vary throughout the country due to the availability of specialist CAMHS clinicians and difficulties in recruitment.⁴⁰⁵ Currently, a young person can only access out-of-hours mental health treatment through hospital emergency departments as CAMHS do not offer this support. Young service users have highlighted difficulties in accessing CAMHS including long waiting times and differences in availability and consistency of services across the country.⁴⁰⁶ In the development of a revised *Vision for Change*, out-of-hours services for children should be prioritised and strengthened in line with the 2016 recommendation of the UN Committee on the Rights of the Child.⁴⁰⁷ In particular, it is essential that 24/7 support and liaison staff be deployed in sufficient numbers at primary care level and in mental health teams, so that children and young people can more readily access the help they need and without attending a hospital emergency department.

The *HSE Service Plan 2019* includes welcome commitments to develop a seven day per week CAMHS service.⁴⁰⁸ A clear implementation plan setting out associated costs and timelines should be developed in 2019. The Service Plan also aims to ensure that older children can access specialist

mental health services or be admitted to and cared for in adolescent-specific settings when admission is required.⁴⁰⁹ It is important that adequate funding to deliver these commitments is provided and that savings measures do not impinge on their delivery.

There is a total of 74 public in-patient beds for under 18s but they are not all operational.⁴¹⁰ At the end of November 2018, there were 46 young people in CAMHS inpatient beds nationally.⁴¹¹ The new Children's Hospital and the New Forensic Hospital are due to increase capacity by an additional 20 beds but they will not open until 2021 and 2020 respectively.⁴¹² A capacity review for all four existing CAMHS inpatient units is underway, however, data protection issues have delayed its completion.⁴¹³ In 2017, there were 308 admissions to CAMHS inpatient units and approximately 265 to these age-appropriate units by the end of November 2018.⁴¹⁴ Moreover, there are ongoing difficulties in recruiting and retaining skilled CAMHS staff, in particular consultants and nurses.⁴¹⁵ Both the UN Committee on the Rights of the Child,⁴¹⁶ and the Mental Health Commission,⁴¹⁷ have criticised the continued admission of under 18s to adult facilities. In 2017, 82 children and young people were admitted to 19 adult units compared to 68 in 2016.⁴¹⁸ While it is welcome that the majority of time spent by young people as in-patients (96 per cent of bed days) was spent in an age-appropriate facility,⁴¹⁹ under 18s receiving in-patient care should always be separated from adults where appropriate including on initial admission to hospital.⁴²⁰

401 National Office for Suicide Prevention, *Annual Report 2017* (HSE, 2018) 61. Comparison data on suicide in Europe is compiled by Eurostat and 2015 is the most recent year for which data is available.

402 *ibid.*

403 Communication received by the Children's Rights Alliance from the HSE Mental Health Services, 4 December 2018.

404 *ibid.* 2018.

405 Communication received by the Children's Rights Alliance from the HSE Mental Health Services, 4 December 2018.

406 Ombudsman for Children's Office, *Take My Hand: Young People's Experiences of Mental Health Services* (OCO 2018) 40.

407 UNCRC, 'Concluding Observations: Ireland' (2016) UN Doc CRC/C/IRL/CO/3-4, para 53-54.

408 Health Service Executive, *National Service Plan 2019*, (HSE 2018) 41.

409 *ibid.*

410 Communication received by the Children's Rights Alliance from the HSE Mental Health Services, 4 December 2018.

411 *ibid.*

412 *ibid.*

413 Health Service Executive, *Performance Profile April-June 2018 Quarterly Report* (HSE 2018) 33.

414 Communication received by the Children's Rights Alliance from the Department of Health, 10 January 2019.

415 Health Service Executive, *Performance Profile April-June 2018 Quarterly Report* (HSE 2018) 33.

416 UNCRC, 'Concluding Observations: Ireland' (2016) UN Doc CRC/C/IRL/CO/3-4, para 53.

417 Mental Health Commission, *Annual Report 2017* (MHC 2018) 7. The Mental Health Commission's Code of Practice (2009) states that the placement of children in adult wards would be phased out by the end of 2011. Mental Health Commission, *Code of Practice Relating to Admission of Children under the Mental Health Act 2001: Addendum* (MHC 2009).

418 Mental Health Commission, *Annual Report 2017* (MHC 2018) 7.

419 Health Service Executive, *Performance Profile April-June 2018 Quarterly Report* (HSE 2018) 33. A 'bed-day' is a day during which a person is confined to a bed and in which the patient stays overnight in a hospital.

420 UNCRC 'General Comment No. 4 on The Implementation of the Rights of the Child during Adolescence' (2016) UN Doc CRC/GC/20 para 29.

It is critical that the review of *A Vision for Change* is completed as a matter of urgency to address the significant shortcomings across all levels of mental health service provision for children and young people. The development of a multi-annual implementation plan and the establishment of an independent monitoring group are essential to ensuring continuing improvements in the system. It should also ensure that it aligns with commitments in *First 5: A Whole-of-Government Strategy for Babies Young Children and their Families 2019 – 2028* on early identification of mental health issues.⁴²¹

► **National Youth Mental Health Taskforce:**

The Taskforce, established in August 2016⁴²² as a government priority,⁴²³ had a year to complete its work focusing on the mental health needs of children and young people aged zero to 25 years.⁴²⁴ The Taskforce published its report in December 2017.⁴²⁵ The recommendations are set out under 10 headings, and include amending the Mental Health Act on consent to mental health treatment for under 18s,⁴²⁶ improving accessibility and alignment of mental health services through the Pathfinder project⁴²⁷ and using digital technologies in the delivery of mental health supports to children and young people.⁴²⁸ The *HSE National Service Plan 2019* commits to introduce a 24/7 contact line, crisis text line and other digital responses.⁴²⁹ However, for the second year in a row the *HSE National Service Plan* refers only to the implementation of the Taskforce recommendations for young people aged 18 to 25 years⁴³⁰ meaning that measures relating to younger children are not reflected.

The Department of Health has initiated the Pathfinder Project to examine cross-departmental collaboration on youth mental health⁴³¹ which has the potential to achieve a whole-of-government approach and deliver improved access to child-friendly mental health services. The Project has received Civil Service Management Board and ministerial approval⁴³² but is not yet operational due to technical issues.⁴³³ The Pathfinder team is expected to be established in 2019.⁴³⁴ This action should be prioritised to drive cross-departmental action and delivery of commitments on youth mental health.

A key recommendation of the Taskforce Report is to establish an independent National Youth Mental Health Advocacy and Information Service.⁴³⁵ Access to such an independent advocacy service for children and young people is particularly important as children under 18 cannot consent to, or refuse, mental health treatment, including admission for in-patient treatment.⁴³⁶ The in-patient pilot programme to develop a youth mental health advocacy service in Merlin Park in Galway is welcome.⁴³⁷ A national steering group led the pilot and are due to make recommendations on the development of a national CAMHS advocacy service in 2019.⁴³⁸

A year on from the publication of the Taskforce Report progress on the recommendations has been slower than anticipated. While the commitment in *A Programme for a Partnership Government* was to establish the Taskforce to advise on mental health measures for children and young people, a clear implementation plan is necessary to ensure that the commitment will be achieved within the assigned three years.

421 Government of Ireland, *First 5: A Whole-of-Government Strategy for Babies, Young Children and their Families 2019 – 2028*, (Stationary Office 2018) Objective 6.1.

422 Department of Health, 'Minister McEntee establishes a community-led taskforce to take action to improve the mental health and wellbeing of children and young people in Ireland' (Department of Health) <<https://bit.ly/2amT3ar>> accessed 18 January 2019.

423 Department of Health, 'National Youth Mental Health Taskforce – Extracts from Programme for Partnership Government & Taoiseach's 100 day priority commitment' (Department of Health) <<http://bit.ly/2lXjYMX>> accessed 18 January 2019.

424 Department of Health, 'National Taskforce on Youth Mental Health', <<https://bit.ly/2QVnNQ8>> accessed 18 January 2019.

425 National Youth Mental Health Task Force, *National Youth Mental Health Task Force Report 2017* (Department of Health 2017).

426 *ibid* Recommendation 9.

427 *ibid* Recommendation 8.

428 *ibid* Recommendation 3.

429 Health Service Executive, *National Service Plan 2019*, (HSE 2018) 41.

430 *ibid*.

431 Minister for Education and Skills, Richard Bruton TD, Schools Mental Health Strategies, Dáil Debates, 31 May 2017 [26132/17].

432 Communication received by the Children's Rights Alliance from the Department of Health, 10 January 2019. Section 12 of the Public Service Management Act 1997 will be used to enable a new collaborative model of working across Government.

433 Minister of State with Special Responsibility for Mental Health and Older People, Jim Daly TD, Written Answers, Mental Health Services, 10 May 2018 [2059/8/18].

434 Communication received by the Children's Rights Alliance from the HSE Mental Health Services, 4 December 2018.

435 National Youth Mental Health Taskforce, *National Youth Mental Health Task Force Report 2017* (Department of Health 2017) recommendation 1.4.

436 Mental Health Act 2001, s.25.

437 Mental Health Commission, *Child and Adolescent Mental Health Services (CAMHS) – CHO 2 2017 Inspection Report* (MHC 2018) 7.

438 Communication received by the Children's Rights Alliance from the HSE Mental Health Services, 4 December 2018.

Mental Health

Immediate Actions for 2019



Complete the review of *A Vision for Change* in 2019.

The review of *A Vision for Change* should be delivered in 2019. It is important to build further CAMHS capacity and provide adequate 24/7 services to deal with emergency needs in a revised service. A multi-annual implementation plan is required with the appointment of an independent monitoring group to ensure that the reforms suggested by the review are translated into practice.



Ensure that all children under 18 have access to mental health services in a timely manner.

Achieving this requires ongoing investment in the development of Child and Adolescent Community Mental Health teams. Make greater efforts in 2019 to provide primary care psychology services for children and young people.



Prioritise the establishment of the Youth Mental Health Pathfinder Project.

Ensure the Pathfinder Project is established in early 2019 to drive action on youth mental health including actions in the Report of the Youth Mental Health Taskforce relating to all children. It must be properly funded to achieve the intended outcomes.

3.3 Physical Health

Section Grade:

B

➔ Government Commitment

A Programme for a Partnership Government commits to:

Enact the Public Health (Alcohol) Bill

▶ **Progress: Delivered**

Implement a national obesity plan

▶ **Progress: Limited**

Implement a sexual health strategy

▶ **Progress: Some**

'Physical Health' receives a 'B' grade in *Report Card 2019* an improvement on last year's 'C-' grade. The enactment of the Public Health (Alcohol) Act in 2018 is a significant measure for children as it aims to reduce the age at which they start drinking as well as reduce alcohol consumption overall. The commencement of the sugar levy and the funding allocation for a hot meals pilot project in DEIS primary schools are positive developments in combatting childhood obesity and food poverty. The major review of Relationships and Sexuality Education in schools is also very welcome.

Every child has the right to enjoyment of the highest attainable standard of physical and mental health⁴³⁹ and the right to an adequate standard of living for their physical, mental, spiritual, moral and social development.⁴⁴⁰ This section examines three concrete and measurable commitments in *A Programme for a Partnership Government* which focus on physical health – namely, those relating to alcohol, obesity and sexual health.

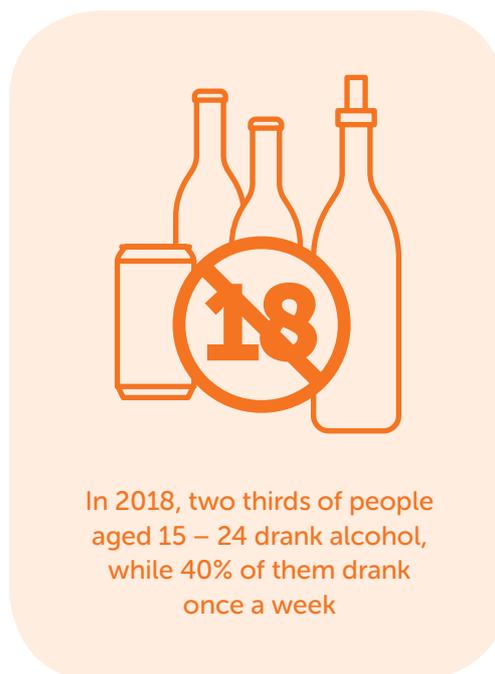
439 UN Convention on the Rights of the Child (20 November 1989) 1577 UNTS 3 (UNCRC) Art 24.

440 *ibid* Art 27.

► Public Health (Alcohol) Act 2018:

An estimated 1.34 million people in Ireland drink harmfully and 176,999 are dependent drinkers.⁴⁴¹ The 2018 Healthy Ireland Survey found that two thirds of young people aged between 15 and 24 drink alcohol while 40 per cent of them drink once a week.⁴⁴² A culture of binge drinking persists particularly among boys and young men with 67 per cent drinking six or more drinks on a regular occasion while 35 per cent of girls and young women binge drink.⁴⁴³ Over three quarters of young people aged between 13 and 17 have previously reported exposure to online marketing.⁴⁴⁴

In October 2018, the Public Health (Alcohol) Act was passed with the aim of reducing Ireland's overall average alcohol consumption to the OECD average by 2020;⁴⁴⁵ regulating the supply and price of alcohol to reduce alcohol-related harm; and delay the age at which children first drink alcohol.⁴⁴⁶ The Act is a key step in tackling Ireland's high levels of alcohol consumption among children and young people and its long awaited passage into law is extremely welcome. Measures to reduce adult consumption are also beneficial for children where parental alcohol consumption has a negative impact. The Act restricts alcohol advertising at certain events and places where children are often present, for example public transport stops near schools⁴⁴⁷ including public transport, sports events or in grounds where the majority of competitors or participants are children.⁴⁴⁸ It also prohibits alcohol advertising targeted at children in certain circumstances.⁴⁴⁹ Other positive measures include the introduction of minimum unit pricing,⁴⁵⁰ mandatory health warnings on labels and structural separation in mixed-trade shops.⁴⁵¹



In 2018, two thirds of people aged 15 – 24 drank alcohol, while 40% of them drank once a week

However, the legislation does not address the issue of alcohol sports sponsorship more generally and young people can be exposed to alcohol marketing which encourages, normalises and glamorises alcohol consumption.⁴⁵² There is still a need to address the digital marketing of alcohol to children and young people.⁴⁵³ A proposed legislative amendment to limit this type of marketing was not passed.⁴⁵⁴

► National Obesity Plan:

Better Outcomes, Brighter Futures, The National Policy Framework for Children and Young People 2014-2020 commits to tackling the issue of childhood obesity through a range of legislative, policy and public awareness initiatives.⁴⁵⁵ The UN Special

441 Jean Long and Deirdre Mongan, *Alcohol Consumption in Ireland: Analysis of a national alcohol diary survey* (HRB 2014.)

442 Department of Health, *Healthy Ireland Survey 2018 - Summary of Findings* (DoH 2018) 13.

443 *ibid.*

444 Alcohol Action Ireland and the Health Promotion Research Centre NUI Galway, *Alcohol marketing and young people's drinking behaviour in Ireland* (Alcohol Action Ireland 2015) 4.

445 In 2016, alcohol consumption per capita in Ireland was 11.64 litres. The OECD average is 9.1 litres per person over the age of 15.

446 Communication received by the Children's Rights Alliance from the Department of Health, 22 November 2017.

447 Public Health (Alcohol) Act s 14.

448 *ibid* s 14.

449 *ibid* s 17-20.

450 Section 11 of the Act makes it illegal to sell or advertise alcohol at a price below 10c per gram of alcohol.

451 Section 11 also provides that the labelling of products containing alcohol will include a warning to inform

the public of the danger of alcohol consumption.

452 Alcohol Action Ireland and the Health Promotion Research Centre NUI Galway, *Alcohol marketing and young people's drinking behaviour in Ireland* (Alcohol Action Ireland 2015) 2.

453 Seventy-seven per cent of children aged 13 to 17 have reported exposure to online marketing. Alcohol Action Ireland and the Health Promotion Research Centre NUI Galway, *Alcohol marketing and young people's drinking behaviour in Ireland* (Alcohol Action Ireland 2015) 4.

454 Ailbhe Conneely, 'Sinn Fein Amendment to Public Alcohol Bill Opposed by Government' (RTE, 26 September 2018) <<https://bit.ly/2Ok1mXO>> accessed 7 November 2018.

455 Department of Children and Youth Affairs, *Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014-2020* (Department of Children and Youth Affairs 2014) Commitment 1.1.

Rapporteur on the Right to Food has highlighted five priority actions to combat obesity: regulating the sale of 'junk food'; restricting the advertising of 'junk food'; overhauling agricultural subsidies to make healthier foods cheaper than less healthy alternatives; taxing unhealthy products; and supporting local food production so that consumers have access to healthy, fresh and nutritious food.⁴⁵⁶

A quarter of children living in Ireland are obese or overweight.⁴⁵⁷ Childhood obesity has long-term effects on children's physical and emotional wellbeing.⁴⁵⁸ *A Healthy Weight for Ireland: Obesity Policy and Action Plan 2016–2025* focuses on prevention of obesity to increase the number of people in Ireland with a healthy weight.⁴⁵⁹ A progress report is currently being prepared for presentation at the next meeting of the Obesity Policy Implementation Oversight Group.⁴⁶⁰

In December 2017, the Department of Health published the *Non-Broadcast Advertising and Marketing of Food and Non-Alcoholic Beverages, including Sponsorship and Retail Product Placement: Voluntary Codes of Practice*.⁴⁶¹ The voluntary nature of the codes mean that companies have no legal obligations in relation to marketing and advertising and there are no restrictions on how they market their products to children. The Minister for Health has not yet appointed a body to monitor compliance and effectiveness of the codes.⁴⁶² This means they may have little impact on tackling childhood obesity because they allow for self-regulation and may not sufficiently reduce the advertising of unhealthy foods,

nor reduce children's exposure to this advertising.⁴⁶³ The Joint Oireachtas Committee on Children and Youth Affairs recommended the introduction of a statutory code for the advertising and marketing of food and non-alcoholic beverages in the context of non-broadcast media and called for the independent monitoring body to be established as a matter of priority to monitor compliance and effectiveness of the *Voluntary Codes of Practice*.⁴⁶⁴

The Joint Oireachtas Committee on Education and Skills has also recommended that digital marketing aimed at children, by the food and drinks industries, be appropriately regulated to reduce the influence on their eating habits and that advertising on school grounds be banned.⁴⁶⁵

► Sugar Levy:

The levy on sugar-sweetened drinks, committed to in the *Obesity Policy*,⁴⁶⁶ commenced on 1 May 2018.⁴⁶⁷ The levy introduced a rate of 30 cent on any water or juice based drink with over eight milligrams of sugar per litre and 20 cent on the same drinks with five to eight milligrams of sugar per litre.⁴⁶⁸ The purpose of the levy is to help tackle obesity by encouraging a reduction in the consumption of sugar-sweetened drinks.⁴⁶⁹ The levy is expected to raise €27 million in 2018 and €40 million in a full year.⁴⁷⁰ While the introduction of the sugar levy is a public health measure, Minister for Finance, Paschal Donohoe TD has indicated that the revenue raised will not be ring-fenced for investment in obesity reducing initiatives.⁴⁷¹

456 Human Rights Council, 'Report submitted by the Special Rapporteur on the right to food, Olivier De Schutter' (2012) UN Doc A/HRC/19/59, 17–18.

457 Department of Health, *A Healthy Weight for Ireland: Obesity Policy and Action Plan 2016–2025* (Stationery Office 2016) 14.

458 *ibid* 30.

459 Minister of State for Health Promotion, Marcella Corcoran Kennedy TD, Written Answers, School Meals Programme, Dáil Debates, 24 January 2017 [2868/17].

460 Communication received by the Children's Rights Alliance by the Department of Health, 6 December 2018.

461 Healthy Ireland, *No-Broadcast Media Advertising and Marketing of Food and Non-Alcoholic Beverages, including Sponsorship and Retail Product Placement: Voluntary Codes of Practice* (Department of Health 2017). The membership of the Working Group included the Department of Health, IBEC, the Food Safety Authority of Ireland, advertisers, the Health Service Executive, Advertising Standards Authority of Ireland, Department of Agriculture Food and the Marine, Food Drink Ireland, Broadcasting Authority of Ireland, and Safefood.

462 Minister of State for Health Promotion and the National Drugs Strategy, Catherine Byrne TD, Written Answers, Obesity Strategy, 7 September 2018 [36095/18].

463 Galbraith-Emami, S., and Lobstein, T. 'The impact of initiatives to limit the advertising of food and beverage products to children: a systemic review' (2013) 14 *Obesity Reviews* 960 – 74.

464 Joint Oireachtas Committee on Children and Youth Affairs, *Report on Tackling Childhood Obesity*, (Houses of the Oireachtas, 2018) 7.

465 Joint Oireachtas Committee on Education and Skills, *Report on Tackling of Obesity and the Promotion of Healthy Eating in Schools*, (Houses of the Oireachtas, 2018) 16.

466 Department of Health, *A Healthy Weight for Ireland: Obesity Policy and Action Plan 2016–2025* (Stationery Office 2016) Action 1.9.

467 Minister for Finance, Paschal Donohoe TD, Written Answers, Tax Code, 8 May 2018 [19737/18].

468 Minister for Finance and Public Expenditure and Reform, Paschal Donoghue TD, Budget Statement 2018, Dáil Éireann Debate, 10 October 2017.

469 Minister for Finance, Paschal Donohoe TD, Written Answers, Tax Yield, 16 May 2018 [21527/18].

470 Minister for Finance, Paschal Donohoe TD, Written Answers, Tax Yield, 10 May 2018 [20534/18].

471 Minister for Finance, Paschal Donohoe TD, Written Answers, Tax Code, 22 May 2018 [22028/18].

► Food poverty:

Clear health inequalities exist between children who live in disadvantaged areas and the general population.⁴⁷² *A Healthy Weight for Ireland Strategy* recognises this stark inequality and commits to prioritising vulnerable groups, including ‘families, children, low-income groups and people living in deprived areas.’⁴⁷³ A needs assessment for resource allocation ‘for preventative and treatment services for children and adults’ was due to take place in the first year of the policy.⁴⁷⁴ The HSE will carry out the needs assessment under the aegis of the Obesity Policy Implementation Oversight Group.⁴⁷⁵

Food poverty is one of the driving forces behind higher rates of obesity and ill-health in disadvantaged communities.⁴⁷⁶ It is defined as the inability to have an adequate and nutritious diet due to issues of affordability and accessibility.⁴⁷⁷ In 2016, almost 10 per cent of the population experienced food poverty.⁴⁷⁸ Current rates of social welfare payments and earnings based on the minimum wage make it difficult to follow a healthy diet⁴⁷⁹ as nutrient-dense foods such as lean meat, fruit and vegetables are more expensive than energy-dense, cheaper foods.⁴⁸⁰ The age of a child also impacts on the cost of food as infants have specific dietary requirements and teenagers require greater quantities of food.⁴⁸¹



While the short-term impact of food poverty is poor diet and lack of nutrients, the long-term effects can lead to diet-related illnesses, including obesity.⁴⁸²

The introduction of hot school meals is an important measure for tackling food poverty experienced by children as it means that they will receive at least one nutritious meal a day in a non-stigmatising manner. In 2018, the Department of Employment Affairs and Social Protection spent €54 million on the School Meals Programme benefitting up to 250,000 children.⁴⁸³ Building on the expansion of the Scheme in 2017 to provide breakfast in 175 non-DEIS schools,⁴⁸⁴ an additional €1 million was allocated in Budget 2019 to establish a hot school meals pilot programme for DEIS schools.⁴⁸⁵ The pilot, due to commence in the 2019/2020 academic year, will provide hot dinners for up to 7,200 children, with a possibility of extension if it is successful.⁴⁸⁶ Up to 36 DEIS primary schools are expected to be selected following a process requesting expressions of interest.⁴⁸⁷ The cost of kitchen equipment, facilities or

472 Department of Health, *A Healthy Weight for Ireland: Obesity Policy and Action Plan 2016–2025* (Stationery Office 2016) Action 1.8.

473 *ibid.*

474 *ibid.*

475 Communication received by the Children’s Rights Alliance by the Department of Health, 6 December 2018.

476 Irish Heart Foundation, *Investing in children’s future health*, Pre-Budget Submission (IHF July 2015) <<http://bit.ly/2bLAW5v>> accessed 30 January 2017.

477 Caroline Carney and Bertrand Maitre, *Constructing a Food Poverty Indicator for Ireland using the Survey on Income and Living Conditions, Social Inclusion Technical Paper No. 3* (Department of Social Protection 2012) 7.

478 Communication received by the Children’s Rights Alliance by the Department of Employment Affairs and Social Protection, 27 November 2018. The figure is calculate using EU SILC data analysed by the Economic and Social Research Institute.

479 Bernadette MacMahon and Noreen Moloney, *What is the cost of a healthy food basket in the Republic of Ireland in 2016?* (Safefood 2016).

480 Nicole Darmon & Adam Drewnowski, ‘Contribution of food prices and diet cost to socioeconomic disparities in diet quality and health: a systematic review and analysis’, *Nutrition Reviews*, Volume 73, Issue 10, 1 October 2015 643-660. David Madden, ‘The Poverty Effects of a ‘Fat Tax’ in Ireland’ (2015) 24 *Health Economics*, 4.

481 Bernadette MacMahon, Gráinne Weld, Robert Thornton and Micheál Collins, *The Cost of a Child: A consensual budget standards study examining the direct cost of a child across childhood* (Vincentian Partnership for Social Justice 2012) 32.

482 Irish Heart Foundation & Social Justice Ireland, *Reducing Obesity and Future Health Costs*, (IHF and SJI 2015) 7.

483 Minister for Employment Affairs and Social Protection, Regina Doherty TD, Written Answers, School Meals Programme, 16 October 2018 [42288/18].

484 Communication received from the Department of Employment Affairs and Social Protection 13 November 2017.

485 Minister for Employment Affairs and Social Protection, Regina Doherty TD, Written Answers, School Meals Programme, 16 October 2018 [42288/18].

486 *ibid.*

487 Communication received by the Children’s Rights Alliance by the Department of Employment Affairs

staff costs are not covered meaning that schools have to meet these costs from their core budget or charge students in order to implement the programme. *Project Ireland 2040: The National Development Plan* commits to spending €2.5 billion on the refurbishment of existing school stock over the next 10 years.⁴⁸⁸ This presents an opportunity to make funding for the school buildings programme and refurbishment grants contingent upon the inclusion of a school kitchen.

From January 2018, the new Nutrition Standards for the School Meals Programme were applied and all participating schools were required to be fully compliant with the standards from September 2018⁴⁸⁹ and will be monitored through the inspection process from the 2018/2019 academic year.⁴⁹⁰ The Standards aim to ensure that schools provide children and young people with 'healthy balanced meals that follow the Healthy Eating Guidelines'.⁴⁹¹

The Joint Oireachtas Committee on Children and Youth Affairs has recommended that Government establish clear targets for reducing socio-economic inequalities in childhood obesity, including food poverty, and implement an evaluation framework to monitor the progress.⁴⁹² The issue of food poverty falls within the remit of several key government departments yet there continues to be a lack of coordination and leadership on the issue. Given the shared responsibility, a single government department should hold primary responsibility for the coordination and centralisation of food poverty measures in Ireland.

In a positive development, the Department of Health under the auspices of the National Advisory Group on *Better Outcomes, Brighter Futures* will establish a sub-group on food poverty in 2019.⁴⁹³ Membership and terms of reference for the group are yet to be

agreed.⁴⁹⁴ The aim of the group is to propose measures to reduce food poverty amongst children and young people in Ireland and to establish food poverty measurement mechanisms.⁴⁹⁵ This is an important step in addressing the issue of food insecurity and related issues for children and young people because traditionally this issue has fallen between Departments as no one department has the primary responsibility. Therefore, it is very welcome that the Department of Health will take the lead and bring together other government departments and stakeholders.

Sexual Health Strategy:

All children have the right to the highest attainable standard of health, including sexual health.⁴⁹⁶ States have an obligation to take measures to ensure that children and young people have access to education that provides them with a basic knowledge of health in order for them to make informed choices.⁴⁹⁷ The education should be age-appropriate and accessible.⁴⁹⁸ The UN Committee on the Rights of the Child has specified that sexual health education should be 'based on scientific evidence and human rights standards'⁴⁹⁹ and should be 'designed in a manner through which children are able to gain knowledge regarding reproductive health and the prevention of gender-based violence, and adopt responsible sexual behaviour'.⁵⁰⁰ In 2016, the UN Committee expressed concern at the 'lack of access to sexual and reproductive health education' for young people in Ireland and recommended that it should be included as a mandatory part of the school curriculum as well as the adoption of a sexual and reproductive health policy for young people.⁵⁰¹

The National Sexual Health Strategy 2015–2020 aims to improve sexual health and wellbeing and reduce negative sexual health outcomes.⁵⁰² The Strategy

and Social Protection, 27 November 2018.

488 Department of Public Expenditure and Reform, *Project Ireland 2040: The National Development Plan* (DPER 2018) 86.

489 Department of Health, 'New Healthy Eating Standards for School Meals launched' (Department of Health 2017) <<http://bit.ly/2yBXJS9>> accessed 5 October 2017.

490 Minister for Employment Affairs and Social Protection, Regina Doherty TD, Written Answers, School Meals Programme, 30 May 2018 [23982/18].

491 Department of Health, 'New Healthy Eating Standards for School Meals launched' (Department of Health 2017) <<http://bit.ly/2yBXJS9>> accessed 5 October 2017.

492 Joint Oireachtas Committee on Children and Young Affairs, *Report on Tackling Childhood Obesity*, (Houses of the Oireachtas, 2018) 4.

493 Communication received by the Children's Rights Alliance by the Department of Children and Youth Affairs, 21 December 2018.

494 *ibid.*

495 *ibid.*

496 UN Convention on the Rights of the Child (20 November 1989) 1577 UNTS 3 (UNCRC) Art 24 (1).

497 *ibid* Art 24(2)(e).

498 UNCRC 'General Comment No. 15 on the Right of the Child to the Enjoyment of the Highest Attainable Standard of Health (Art 24)' (2013) UN Doc CRC/C/GC/15 para 58.

499 UNCRC 'General Comment No. 20 on the Rights of the Child during Adolescence' (2016) UN Doc CRC/C/GC/20 para 61.

500 UNCRC 'General Comment No. 15 on the Right of the Child to the Enjoyment of the Highest Attainable Standard of Health (Art 24)' (2013) UN Doc CRC/C/GC/15 para 60.

501 UNCRC 'Concluding Observations: Ireland' (2016) UN Doc CRC/C/IRL/CO/3-4 para 58.

502 Department of Health, *The National Sexual Health Strategy 2015–2020 and Action Plan for*



Food poverty is one of the driving forces behind higher rates of obesity and ill-health in disadvantaged communities. It is defined as the inability to have an adequate and nutritious diet due to issues of affordability and accessibility.

acknowledges the State's responsibility to ensure that children and young people receive comprehensive sex education and it recognises the need for a 'partnership approach between parents, statutory and non-statutory organisations'.⁵⁰³ It commits to ensuring that children and young people will have access to 'age-appropriate sources of trustworthy and accurate information and support on relationships and sexual health'⁵⁰⁴ as well as to undertaking an evaluation of the State-funded Relationships and Sexuality Education (RSE) programmes.⁵⁰⁵ In April 2018, the HSE launched a new website on sexual wellbeing which includes age-appropriate resources for parents of children aged two to 12 on how to talk to their children about relationships, sexuality and growing up.⁵⁰⁶

Currently, sex and relationship education in schools is conducted as part of the RSE programmes.⁵⁰⁷ While the HSE Sexual Health and Crisis Pregnancy Programme has developed materials and programmes (such as b4uDecide.ie),⁵⁰⁸ a school's Board of Management can exercise discretion in how their 'school's characteristic spirit will inform the teaching of a programme'.⁵⁰⁹ In April 2018, the Minister for Education and Skills announced a major review of the RSE Programme by the National Council on Curriculum and Assessment (NCCA) of both the content of the RSE curriculum as well as the delivery of the curriculum to students.⁵¹⁰ As part of the review, the NCCA will also examine

the 'experience and reality of RSE as delivered in schools'.⁵¹¹ The review will encompass consultation with students, teacher, principals and parents on the planning, teaching and standard of the RSE curriculum, the role of teachers and the appropriate level of support provided by external providers, the amount of time dedicated to the subject and the effectiveness of the continuing professional development opportunities for RSE teachers.⁵¹²

The review of the RSE curriculum is timely as a survey published in April 2018 found that young people do not find teachers a useful source of information, with over 90 per cent of young people regarding the internet as their most trusted source of information on health sexual relationships.⁵¹³ More than 20 per cent of young people found pornography a useful source of information on health sexual relationships.⁵¹⁴ The review will also specifically consider consent and contraception which is welcome. The review of the RSE curriculum should consider making inclusive sexual health education, based on scientific evidence, a mandatory part of the school curriculum.

2015–2016 (Department of Health 2015) 17.

503 *ibid* 36.

504 *ibid* action 3.4.

505 *ibid* action 3.8.

506 Communication received by the Children's Rights Alliance from the Department of Health, 6 December 2018. The website www.sexualwellbeing.ie aims to be the trusted source of information on sexual health and wellbeing in Ireland. The website speaks to all people living in Ireland, regardless of their sexual orientation or age/ stage of adult life.

507 Section 4 of the Rules and Programme for Secondary Schools requires schools to have an agreed policy for RSE and a suitable RSE programme in place for all students at both junior and senior cycle. Department of Education and Skills, 'Relationships and Sexuality Education (RSE)' <<https://bit.ly/2Fe9guc>> accessed 18 January 2019.

508 [B4uDecide](http://b4uDecide.ie) 'HSE Crisis Pregnancy Programme' <[B4uDecide.ie](http://b4uDecide.ie)> accessed 30 January 2017.

509 Department of Education and Skills, 'Relationships and Sexuality Education' < <https://bit.ly/2Fe9guc>> accessed 18 January 2019.

510 Department of Education and Skills, 'Minister Bruton starts major update of Relationships and Sexuality Education' (3 April 2018) <<https://bit.ly/2DKsbVi>> accessed 18 January 2019. The DES expects to receive the findings of the review in the second quarter of 2019. The Minister asked that specific consideration be given to the matters of consent, developments in contraception, healthy positive sexual expression and relationships, safe use of the internet, social media and its effects on relationships and self-esteem and LGBTI+ matters in the course of the review.

511 *ibid*.

512 *ibid*.

513 Youth Work Ireland, 'Young people turn away from teachers and parents towards the internet for sex education' (*Youth Work Ireland*, 23 April 2018) <<https://bit.ly/2Fe7Rm2>> accessed 18 October 2018.

514 *ibid*.

Physical Health

Immediate Actions for 2019



Allocate adequate resources to ensure effective implementation of the Public Health Alcohol Act 2018.

Given the relatively high alcohol consumption by young people, the Health Service Executive should continue to allocate resources to promote awareness and education on alcohol through the 'Ask About Alcohol' website. This could be updated to include a section specifically for young people.



Conduct the needs assessment of vulnerable groups outlined in *Healthy Weight for Ireland*.

The Action Plan, *Healthy Weight for Ireland*, proposed a needs assessment of vulnerable groups, including families, children, low-income groups and people living in deprived areas which would inform resource allocation for preventative and treatment services. This was an immediate action in *Report Card 2018* and should be completed in 2019 as a priority.



Establish the oversight group to monitor compliance with the *Voluntary Codes of Practice* and consider the introduction of a statutory code for the advertising and marketing of food and non-alcoholic beverages in the context of non-broadcast media.

The oversight group for the current Voluntary Codes of Practice should be established as a matter of priority to establish current practice. Implement the recommendations of the Joint Oireachtas Committees on Children and Youth Affairs, and Education and Skills, to introduce a legal framework to regulate the advertising of junk food and beverages to children and young people.



Complete the review of the implementation of RSE in post-primary schools.

The review should consider making sexual health education, based on scientific evidence, a mandatory part of the school curriculum in line with the recommendations of the UN Convention on the Rights of the Child. The review should include consultation with young people.

4

Rights in the Family Environment and Alternative Care



Every child has the right to be protected from all forms of abuse, violence, punishment and neglect, whether physical or mental. The State has the responsibility to provide support for children who experience abuse and their carers, as well as mechanisms for prevention, reporting, investigation and treatment.

Summary of Article 19 of the UN Convention on the Rights of the Child

Chapter Grade:

B-



ISPCC @ISPCCChildline

ISPCC welcomes significant advance in provision of child protection services with announcement that 'One House' model will be implemented in Ireland in 2019.

30 Oct 2018



4.1 Guardian *ad Litem* Service

Section Grade:

C+

⊕ Government Commitment

A Programme for a Partnership Government commits to:

Review the operation of Guardian *ad litem* (GAL) to ensure that a child's view is always effectively represented in Court proceedings.

▶ **Progress: Steady**

'Guardian *ad litem* Service' receives a 'C+' grade in *Report Card 2019*. This is the same grade as last year. Work continued in 2018 on the development of a new Child Care (Amendment) Bill to reform the current Guardian *ad litem* Service. It is expected to include provision for the new executive office under the Department of Children and Youth Affairs to house the GAL Service independently from Tusla, the Child and Family Agency. A new Bill is expected in 2019.

Every child has the right to have their views heard in any judicial proceedings that affect them. The views of the child should be given due weight in accordance with the age of the child and the child's maturity.⁵¹⁵ The UN Convention on the Rights of the Child makes specific reference to the child being heard in court proceedings either directly or indirectly through a representative body⁵¹⁶ such as a Guardian *ad litem* (GAL).⁵¹⁷ Under the Convention, the State is obliged to ensure that the child's best interests are a primary consideration in all actions and decisions that impact on the child,⁵¹⁸ particularly when a decision is being made in proceedings to take a child into care.⁵¹⁹

515 UN Convention on the Rights of the Child (20 November 1989) 1577 UNTS 3 (UNCRC) Art 12.

516 *ibid* Art 12(2).

517 A Guardian *ad litem* is a person who facilitates the voice of the child to be heard in care proceedings before a court, and strives to ensure that the child's views are taken into account when decisions are made by the court in respect of these applications. The Guardian *ad litem* also gives a professional view on what they believe is in the child's best interests given all the circumstances.

518 UN Convention on the Rights of the Child (20 November 1989) 1577 UNTS 3 (UNCRC) Art 3.

519 UNCRC 'General Comment No. 12 on the Right of the Child

The UN Committee on the Rights of the Child has set out requirements for the appropriate representation of the views of the child. A person who is being appointed as a child's representative must have sufficient knowledge and understanding of the various aspects of the decision-making process, as well as experience of working with children.⁵²⁰ The representative must be aware that they represent the interests of the child exclusively and not the interests of other persons (parent(s); institutions or bodies – for example, residential home, administration or society).⁵²¹ The Committee is clear that if a representative is used to hear the voice of the child 'it is of utmost importance that the child's views are transmitted correctly to the decision maker by the representative'.⁵²²

In 2016, the UN Committee called on Ireland to take measures to ensure the effective implementation of legislation recognising the right of the child to be heard in relevant legal proceedings, particularly family law proceedings, including by establishing systems and/or procedures for social workers and Courts to comply with the principle.⁵²³ In *Better Outcomes, Brighter Futures, The National Policy Framework for Children and Young People 2014-2020*, the Government commits to creating mechanisms to provide children with the opportunity to be heard in judicial proceedings affecting them; this includes independent representatives, where appropriate.⁵²⁴

Article 42A.4 of the Irish Constitution states that provision shall be made by law for the best interests of the child to be 'the paramount consideration' in child protection and care, adoption and family law proceedings, and for the views of the child to be 'ascertained and given due weight'.⁵²⁵ This constitutional provision therefore refers to two types of proceedings: (1) public law proceedings – cases involving the State and families and (2) private law proceedings – cases between two private parties. The review of the GAL Service committed to in the Programme for Government relates to public law proceedings only.

to be heard' (2009) UN Doc CRC/C/GC/12 para 53.

520 *ibid* para 36.

521 *ibid* para 37.

522 *ibid* para 36.

523 UNCRF 'Concluding Observations: Ireland' (2016) UN Doc CRC/C/IRL/CO/3-4 para 32(a).

524 Department of Children and Youth Affairs, *Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014-2020* (DCYA 2014) Commitment G18.

525 Constitution of Ireland, Art 42A.4.

Who are the Guardians *ad Litem*?



32
Barnardos

26
Individuals or
small groups

18
TIGAL

The Children and Family Relationships Act 2015 gives effect to Article 42A.4 in certain to private law proceedings.⁵²⁶ The Act provides that the Court can 'appoint an expert to determine and convey the child's views'.⁵²⁷ The legislation requires that one or both of the parties must pay the fee of the expert appointed, as this will not be covered by the State. The Guardianship of Infants Act 1964 (Child's Views Expert) Regulations came into operation on 1 January 2019.⁵²⁸ The regulations specify the necessary qualifications and experience for Child's Views Experts as well as the fees and expenses that may be charged by such experts. The Regulations also define the minimum standards that a views expert must adhere to, this includes being

526 Guardianship of Infants Act 1964, s 3(1) (a)-(b), as inserted by Children and Family Relationships Act 2015, s 45.

527 Children and Family Relationships Act 2015, s 63 inserts Part V into the Guardianship of Infants Act 1964. This Part outlines the factors to consider in determining the best interests of the child and s 32(1)(b) provides for the appointment of an expert by the Court 'to determine and convey the child's views'. This provision was commenced in January 2016. Children and Family Relationships Act 2015 (Commencement of Certain Provisions) Order (SI No. 12/2016).

528 Communication from the Department of Justice and Equality, 4 January 2019, Guardianship of Infant Act 1964 (Child's Views Expert) Regulations 2018 (SI No.587/2018).

independent, facilitating the free expression of the views by the child and preparing an accurate report.⁵²⁹

The fact that parents, not the State, will have to cover the fee of the child views expert in private law proceedings means that the availability of this service to children will be dependent on their parents being able to afford, or being willing, to pay for the service. A disparity will therefore remain between provision for hearing the views of children in private law proceedings and public law proceedings. The UN Committee on the Rights of the Child expressed its concern on this issue and has been clear that the approach proposed constitutes a breach of children's rights. The State should cover the cost of this service.⁵³⁰ The reform of the GAL system now under consideration presents an opportunity to adopt a common approach in the mechanisms used to hear the voice of the child in both public and private law proceedings. Dialogue on the potential coordination of arrangements between the services is ongoing between the Department of Justice and Equality, the Department of Children and Youth Affairs, and the Courts Service.⁵³¹

► Reform of the GAL Service:

The current process of reforming the GAL service is welcome, though long overdue. Reform of legislation in this area has the potential to make a real impact and advance the fulfilment of the constitutional right of the child to have his or her voice heard in child care proceedings. The service has operated without regulation since the commencement of section 26 of the Child Care Act 1991, which provided for a child's views to be heard through a GAL in child care proceedings.⁵³² There are no professional standards or statutory guidance on the eligibility criteria, functions or payment structures for GALs.⁵³³ The role itself is not defined in legislation and the appointment of a GAL in proceedings is at the discretion of the judge, meaning that access to a GAL for children

has been inconsistent, with significant disparity in appointment between court districts within the State.⁵³⁴ Currently, there are 76 GALs operating in the State: 32 working with Barnardos,⁵³⁵ 18 with the Independent Guardian *Ad litem* Agency (TIGALA) and 26 GALs working as individuals or in a small group.⁵³⁶

The General Scheme to reform the GAL service was published in January 2017 following a consultation by the Department of Children and Youth Affairs to review the existing service in autumn 2015.⁵³⁷ The General Scheme underwent pre-legislative scrutiny in 2017 by the Joint Oireachtas Committee on Children and Youth Affairs. Subsequently, an updated General Scheme of the Child Care (Amendment) Bill was published in February 2018.⁵³⁸ The next iteration of the Bill is expected to be published by the end of February 2019.⁵³⁹ The General Scheme goes some way towards translating provisions of the Council of Europe's *Guidelines on Child Friendly Justice* into national law.⁵⁴⁰ This can be seen for example under Head 4 of the General Scheme which provides that the GAL ensure that the child is 'informed of matters relevant to the proceedings having regard to the child's age and maturity including an explanation of how the views of the child were considered' and 'that the child be informed of the outcome of proceedings in a language appropriate to their age and maturity'.⁵⁴¹ These provisions clearly reflect provisions of the Guidelines relating to information and advice.⁵⁴²

Statutory provision for the GAL to be appointed by the Court 'of its own motion or on the application of any party'⁵⁴³ under the General Scheme is intended to

529 Guardianship of Infant Act 1964 (Child's Views Expert) Regulations 2018 (SI No.587 of 2018) s 5.

530 UNCRC 'Concluding Observations: Ireland' (2016) UN Doc CRC/C/IRL/CO/3-4 para 31(b); para 32 (b).

531 Communication received by the Children's Rights Alliance from the Department of Justice and Equality, 4 January 2019

532 Child Care Act 1991, s 26.

533 See Prof Geoffrey Shannon, *Seventh Report of the Special Rapporteur on Child Protection: A Report Submitted to the Oireachtas* (DCYA 2014); Carol Coulter, *Final Report* (Child Care Law Reporting Project 2015) 80; Carmel Corrigan, *The Construction and Impact of Children's Participation through the Guardian ad litem in Child Protection Cases: The Views of District Court Judges, Guardians ad litem and children* (unpublished PhD thesis, Trinity College Dublin 2015).

534 Carol Coulter, *Interim Report of the Child Care Law Reporting Project* (CLRP 2013) 14.

535 Communication received by the Children's Rights Alliance from Barnardos, 2 January 2019.

536 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 9 January 2019 and Barnardos, 2 January 2019.

537 Department of Children and Youth Affairs, 'Reform of Guardian *ad litem* arrangements in child care proceedings' <<http://bit.ly/2j1TZb>> accessed 15 December 2017.

538 General Scheme of the Child Care (Amendment) Bill 2018 <<https://bit.ly/2swluYM>> accessed 4 December 2018.

539 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 9 January 2019.

540 Council of Europe, *Guidelines of the Committee of Ministers of the Council of Europe on Child-Friendly Justice* (Council of Europe Publishing 2010).

541 General Scheme of the Child Care (Amendment) Bill 2018, s 4(2)(c) and (i).

542 Council of Europe, *Guidelines of the Committee of Ministers of the Council of Europe on Child-Friendly Justice* (Council of Europe Publishing 2010) para IV(A)(1).

543 General Scheme of the Child Care

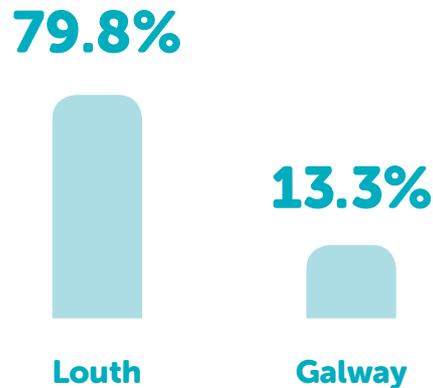
see the appointment of GALs as ‘the norm’ and this is a significant step in the right direction for children. Other positive amendments in the 2018 General Scheme included clarification on who can act as a GAL,⁵⁴⁴ the circumstances when a GAL may be appointed,⁵⁴⁵ and the ability of a child who is made a party to the proceedings under section 25 of the Child Care Act 1991 to have both a GAL and legal representation.⁵⁴⁶ Statutory recognition of the role of the GAL in making applications for reports relating to the welfare of children under section 47 of the Child Care Act 1991 is also an important inclusion.

► Independence of the GAL Service:

The Alliance welcomes the proposed establishment of a new Executive Office in the Department of Children and Youth Affairs to manage the GAL service which is intended to move to the Family Law Courts in the longer-term.⁵⁴⁷ This ensures that the service is financially independent of Tusla, the Child and Family Agency, a body that is party to child care cases. This move reflects a recommendation in *Report Card 2017* and the stated positions of the Ombudsman for Children⁵⁴⁸ and the Comptroller and Auditor General.⁵⁴⁹ The Department of Children and Youth Affairs has taken a number of steps to commence the development of the Executive in 2018 including the establishment of a project team and an internal steering committee.⁵⁵⁰

The establishment of an Executive Office also presents an opportunity to make the GAL service responsible for both private and public law proceedings; this would ensure that the right of children to have their voices heard in court is equally enforced in both child care and family law proceedings. Budget 2019 provided an additional €127 million in funding for the Department of Children and Youth Affairs which will allow for the establishment

GALs appointed to cases



The Child Care Law Reporting Project reported considerable variations in the appointment of a GAL to a case in different locations across the country.

of the Guardian *ad Litem* Executive Office.⁵⁵¹ The underpinning legislation and the development of the service are taking place in parallel with a view to having the service operational at the earliest opportunity upon enactment of the legislation.⁵⁵²

A consultation is to be held with children and young people who are or have been involved in child care proceedings to ensure that the views of young people are heard in the design of the new service.⁵⁵³ The consultation was being designed and children were being recruited to take part at the end of 2018.⁵⁵⁴

(Amendment) Bill 2018, Head 7(2).

544 *ibid* Head 6.

545 *ibid* Head 7.

546 *ibid* Head 7(12).

547 *ibid* Head 3; Communication received by the Children’s Rights Alliance from the Department of Children and Youth Affairs, 8 January 2018.

548 Ombudsman for Children, Niall Muldoon, Joint Oireachtas Committee on Children and Youth Affairs, General Scheme of the Child Care (Amendment) Bill 2017: Discussion (Resumed), 5 April 2017.

549 Comptroller and Auditor General, *Report on the Accounts of Public Services 2015* (C&AG 2016) 132.

550 Communication received by the Children’s Rights Alliance from the Department of Children and Youth Affairs, 10 January 2019.

551 Department of Children and Youth Affairs, ‘Budget 2019, DCYA Information Pack’ 10 October 2018 <<https://bit.ly/2TULCJG>> accessed 10 October 2018, 5.

552 Department of Children and Youth Affairs, ‘Reform of Guardian ad litem arrangements in child care proceedings’ <<https://bit.ly/2T0HuYy>> accessed 4 December 2018.

553 Minister for Children and Youth Affairs, Dr Katherine Zappone TD, Written Answers, *Guardians Ad Litem*, 7 November 2018 [45936/18].

554 Communication received by the Children’s Rights Alliance from the Department of Children and Youth Affairs, 9 January 2019.

► Status of the GAL:

Head 4(1) of the General Scheme sets out the functions of a GAL as being two-fold: firstly to inform the court of the views expressed by the child and secondly to make recommendations to the court on what is in the child's best interests. The Scheme sets out that the GAL will participate in proceedings as a witness and not as a party.⁵⁵⁵ Cross-examination can play an important role in legal proceedings because, for example, it allows a GAL, through a lawyer, to challenge a decision by Tusla in the best interests of the child. However, under the General Scheme, as a witness and not a party, the GAL will have reduced powers to cross-examine and may only do so in limited circumstances.⁵⁵⁶ Statutory recognition of the role of the GAL in making applications for reports relating to the welfare of children under section 47 of the Child Care Act 1991 is an important inclusion in the General Scheme.⁵⁵⁷ However, as a witness and not, the GAL will not have the legal standing to make oral or written submissions in relation to the evidence or legal issues arising in the case at the conclusion of the hearing. Often such submissions can be critical in convincing a judge to make a particular order in the interests of the child.

In addition to the above, there are a number of technical and procedural areas in which the status of the GAL as a non-party could potentially impact the rights of the child. These include the inability to appeal an order of the District Court, even where they deem it to be in the child's best interests to do so or their inability to interject in order to object to, for example, hearsay evidence. Section 25 of the Child Care Act 1991 provides that the court may order a child to be joined as a party to a case where it is necessary and in the interests of the child and of justice to do so.⁵⁵⁸ While

this section has been on the legislative books for many years, it is underused. Previously if the child was made a party under section 25, they would not be permitted to retain their GAL but this has been amended under the 2018 Scheme to allow the child to keep the GAL in such circumstances.⁵⁵⁹ This is a positive development. Consideration could be given to exploring how section 25 is being used in practice and its impact on children as part of the ongoing review of the Child Care Act 1991.⁵⁶⁰ The GAL can play an important role in educating children about their rights and highlighting the opportunity that section 25 provides for their direct participation in proceedings affecting them. However, greater exploration of how the views and wishes of children such as those with learning difficulties could be best ascertained and represented in proceedings, which have an impact on them is also necessary.

► Appointment of a GAL:

The General Scheme provides that the court may appoint a GAL 'of its own motion or on the application of any party'.⁵⁶¹ If a Judge declines to appoint a GAL then they must provide reasons for their decision in open court, and must state how they intend to hear the views of the child.⁵⁶²

Although it appears the intention behind the legislation is that it will be 'the norm' to appoint a GAL in Circuit Court and District Court child care proceedings,⁵⁶³ it is possible that by providing for judicial discretion within the draft legislation, regional disparities could continue. Between December 2012 and July 2015 GALs were appointed in only 53 per cent of cases attended by the Child Care Law Reporting Project with considerable variations in different locations across the country, ranging from a high of 79.8 per cent of children being appointed a GAL in Louth to a low of 13.3 per cent in Galway.⁵⁶⁴

555 General Scheme of the Child Care (Amendment) Bill 2018, Head 5.

556 *ibid* Head 4(3)(d) reads as follows: '(d) cross-examine only in the following circumstances: (i) where the Guardian *ad litem* intends to give evidence on a particular matter which may conflict or contradict the evidence being given by a party or witness, s/he shall put such evidence to the witness or party by way of cross-examination; and (ii) where a party or a witness to the proceedings gives evidence that impugns the conduct, reputation or good name of the Guardian *ad litem*, the Guardian *ad litem* shall be permitted to cross-examine the party or witness'.

557 *ibid* Head 15.

558 Child Care Act 1991, s 25(1) provides: 'If in any proceedings under Part IV or VI the child to whom the proceedings relate is not already a party, the court may, where it is satisfied having regard to the age, understanding and wishes of the child and the circumstances of the case that it is necessary in the interests of the child and in the interests of justice to do so, order that the child be joined as a party to, or shall have such of the rights of a party as may be specified by the court in, either

the entirety of the proceedings or such issues in the proceedings as the court may direct. The making of any such order shall not require the intervention of a next friend in respect of the child.'

559 General Scheme of the Child Care (Amendment) Bill 2018 Head 7(12).

560 Department of Children and Youth Affairs, 'Review of the Child Care Act 1991' <<https://bit.ly/2G58Uc8>> accessed 28 January 2019.

561 *ibid* 7(2).

562 *ibid* Head 7(4).

563 *ibid* Explanatory Note, 27.

564 Carol Coulter, *Final Report* (Child Care Law Reporting Project 2015) 80.

Guardian *ad Litem* Service Immediate Actions for 2019



Meaningful consultation with children and young people on the reform of the Guardian *ad litem* service and having their voice heard in court proceedings is recommended.

The outcome of the consultation should inform the development of the service.



Consider whether the new draft legislation on the reform of the Guardian *ad litem* service resolves the issue of giving effect to the constitutional right of all children to be heard and to ensure that every child is provided with an opportunity to directly participate and/or be represented.

In order to give effect to the constitutional right of the child to be heard, the legislation should ensure the child's right to be heard along with their rights to fair procedures and redress by providing that every child is represented by an effective advocate in child care proceedings. Ensure that no child is limited in their participation in proceedings compared to other children due to their age or vulnerability so that they do not have lesser rights than a child who is joined to the proceedings in their own right.



Consideration could be given to a joint approach in public and private law proceedings to hearing the views of the child.

The extension of the remit of the new Executive Office under which the reformed Guardian *ad litem* service will operate, to support the voice of the child in all types of cases, public and private is suggested.

4.2 Child Protection

Section Grade:

B

➔ Government Commitment

A Programme for a Partnership Government commits to:

Implement Child Safeguarding Statements as part of Children First legislation.

▶ **Progress: Good**

Enforce robust and efficient vetting procedures for all positions involving substantial access to children.

▶ **Progress: Steady**

Ensure robust protections are in place to fully protect children while online and propose updated legislation to effectively deal with sexual offences including stronger sanctions aimed at protecting children from online sexual abuse.

▶ **Progress: Steady**

'Child Protection' receives a 'B' grade in *Report Card 2019*, the same as last year's grade. A unit to monitor compliance with Child Safeguarding Statements was established and there was improved processing of vetting applications. In a welcome move, the Government's *Action Plan for Online Safety* was published. For the first time, it brings government departments together on the issue of online safety, however, it relies on self-regulation of industry which could lead to inconsistent application of standards and inadequate remedies for non-compliance.

Every child has the right to be protected from abuse, including sexual abuse and exploitation.⁵⁶⁵ States must take 'appropriate legislative, administrative' and other measures to protect children from abuse while in the care of parents, guardians or 'any other person who has the care of the child'.⁵⁶⁶ In 2016, the UN Committee on the Rights of the Child welcomed the enactment of the Children First Act 2015. The Committee recommended that Tusla, the Child and Family Agency, be adequately resourced to enable it to respond to child protection referrals and to address the needs of children at risk in a timely manner.⁵⁶⁷ In

565 UN Convention on the Rights of the Child (20 November 1989) 1577 UNTS 3 (UNCRC) Art 19 which places an obligation on state parties to take all 'appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child'.

566 *ibid* Art 19 (1).

567 UNCRC 'Concluding Observations: Ireland' (2016) UN Doc CRC/C/IRL/CO/3-4 para 38.

addition, it recommended that long-term programmes for addressing the root causes of violence and abuse be implemented. On protection from online abuse, the UN Committee has recommended that States 'should address the risks posed by digital media and [information and communication technologies] to the safety of children, including online harassment, sexual exploitation of children, access to violent and sexual content, grooming and self-generated sexual content' by adopting 'holistic strategies'.⁵⁶⁸ The UN Committee has also highlighted States' obligations to guarantee the protection of children's privacy rights in relation to information and communication technology (ICT), as well as their obligation to 'develop effective safeguards against abuse without unduly restricting the full enjoyment of their rights'.⁵⁶⁹

► Child Safeguarding Statements:

A Programme for a Partnership Government commits to implementing Child Safeguarding Statements as part of Children First legislation. *Better Outcomes Brighter Futures, The National Policy Framework for Children and Young People 2014-2020* commits to giving effect to the *Children First: National Guidance for the Protection and Welfare of Children*⁵⁷⁰ in full, including legislating for elements of the guidance, actioning sectoral plans, associated training and ensuring vetting requirements are met.⁵⁷¹ The Children First Act 2015, which has been fully commenced, provides that each service falling under its remit⁵⁷² must publish a Child Safeguarding Statement setting out the organisation's procedures to manage and reduce risk for children availing of its services.⁵⁷³ The Safeguarding Statement should also include a written risk assessment and specify risk management processes. Procedures to manage allegations against staff and to provide child protection information, as well as instruction and training for staff and

volunteers to enable them identify harmful incidents, must also be included.⁵⁷⁴ In March 2018, Tusla established a new Child Safeguarding Compliance Unit to monitor compliance⁵⁷⁵ of Statements provided voluntarily by providers referred to it by a regulatory authority or by means of unsolicited information.⁵⁷⁶ To date just 23 per cent of Statements were fully compliant and all organisations that were found to be non- or partially compliant are now compliant.⁵⁷⁷ Establishment of the Unit and its guidance and supportive model having led to full compliance to date is a step in the right direction. The Unit is a permanent structure yet to date it only has funding for two temporary appointments for a pilot phase.⁵⁷⁸

► Vetting:

A Programme for a Partnership Government commits to enforcing robust and efficient vetting procedures for all positions involving substantial access to children. *Better Outcomes, Brighter Futures* commits to 'ensuring vetting requirements are met'.⁵⁷⁹ The National Vetting Bureau (Children and Vulnerable Persons) Acts 2012–2016 were commenced, almost in full, on 29 April 2016.⁵⁸⁰ The Act provides for the mandatory vetting of those who work or volunteer with children and vulnerable people, where 'a necessary and regular part [of this work] consists mainly of the person having access to, or contact with, children'.⁵⁸¹ In 2018, the

568 UNCRC, 'Report of the 2014 General Day of Discussion, Digital Media and Children's Rights' (OHCHR, 2014) <<http://bit.ly/2tTlcel>> accessed 4 January 2018, 22.

569 *ibid.*

570 Department of Children and Youth Affairs, *Children First National Guidance for the Protection and Welfare of Children* (DCYA 2017) <<https://bit.ly/2hbLhVd>> accessed 17 December 2018.

571 Department of Children and Youth Affairs, *Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014–2020* (DCYA 2014) Commitment 3.6.

572 Schedule 1 of the Act sets out the types of organisations which are deemed to be carrying out 'Relevant Services' for the purposes of the Act; these are organisations which have employees or volunteers for whom 'a necessary and regular part of their work' consists mainly in 'having access to or contact with' children.

573 Children First Act 2015, ss 10–11.

574 *ibid.* If, upon, request, a relevant organisation fails to supply its Safeguarding Statement to Tusla, the Child and Family Agency, it can be issued with a notice of non-compliance, see s 12, 13.

575 Minister for Children and Youth Affairs, Dr Katherine Zappone TD, Written Answers, Child Protection, 25 September 2018, [38432/18].

576 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 9 January 2019.

577 The Minister for Children and Youth Affairs has stated that Tusla aims to support organisations in meeting their statutory obligations, resorting only to the non-compliance register when a service is unwilling to cooperate. Minister for Children and Youth Affairs, Dr Katherine Zappone TD, Written Answers, Child Protection, 25 September 2018, [38432/18]. Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 9 January 2019.

578 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 9 January 2019.

579 Department of Children and Youth Affairs, *Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014–2020* (DCYA 2014) Commitment 3.6.

580 The Act was commenced by Statutory Instrument 214/16, apart from section 20 which relates to re-vetting. A number of amendments were made by the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016.

581 Under s 2 of the Act, vulnerable persons are people other than children who suffer from a mental disorder, an intellectual disability, a physical impairment or significant disability. Schedule 1 of the legislation lists 'relevant persons' who require vetting if



National Vetting Bureau had processed 520,656 vetting applications, 99 per cent by e-vetting.⁵⁸² As a result, 85 per cent of vetting applications are being processed within five working days.⁵⁸³ Organisations using paper applications rather than the e-vetting system have an approximate four-week turnaround time.⁵⁸⁴ The turnaround times for eVetting have been reduced since its introduction, a positive outcome. The turnaround times for paper applications have remained consistent.

However, there is still no requirement for childminders exempt from Tulsa-registration to be vetted and data is not collated on the number of those who are vetted.⁵⁸⁵ Applications must be made through certain registered organisations only;⁵⁸⁶ anecdotally, this workload increases the demands on their resources.

working in certain environments. These are people for whom access to or contact with children is a necessary or regular part of their work or activity such as people who work in pre-schools, schools, hospitals, detention facilities, asylum reception centres, as religious instructors, or are involved in transportation of children, or in research which involves interaction with children.

582 Communication received by the Children's Rights Alliance from the National Vetting Bureau, 5 December 2017.

583 Minister for Justice and Equality, Charlie Flanagan TD, Written Answers, Garda Vetting, 18 September 2018 [37521/18].

584 *ibid.*

585 However, Childminding Ireland does require its members to be Garda vetted.

586 An Garda Síochána, 'National Vetting Bureau' <<https://vetting.garda.ie/>> accessed 28 January 2019.

There is no facility or provision for the National Vetting Bureau to seek information from police authorities abroad when a vetting applicant has spent time living outside Ireland. The Special Rapporteur on Child Protection has suggested that protocols or administrative arrangements with police authorities in foreign jurisdictions could address the issue; another avenue, he suggests, could be the inclusion of a provision for the exchange of information in forthcoming legislation to implement the EU Framework Decision on the exchange of criminal records information.⁵⁸⁷

► Online Protection:

Better Outcomes, Brighter Futures commits to support efforts to limit children's exposure to age-inappropriate material on the internet.⁵⁸⁸ It also commits to support all efforts to combat child sexual abuse, exploitation and trafficking, including through support for an online filtering system in relation to blocking online child abuse material.⁵⁸⁹

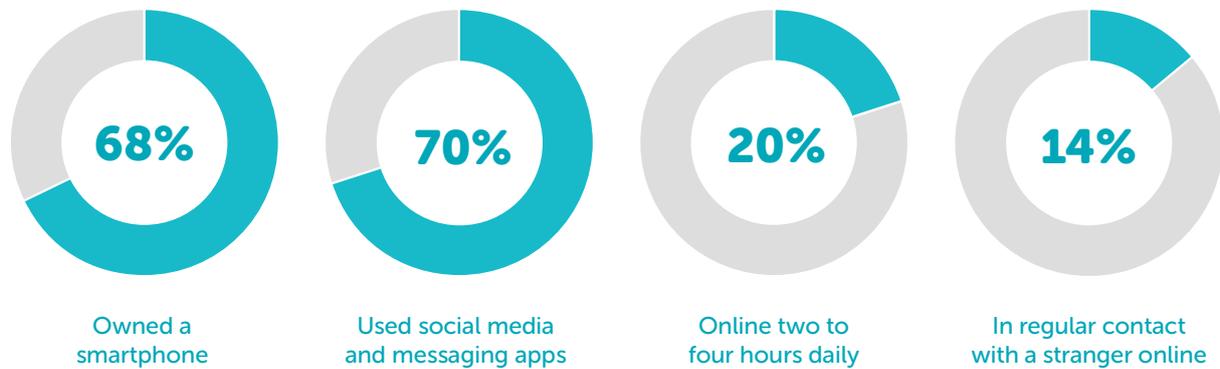
587 Geoffrey Shannon, *Eighth Report of the Special Rapporteur on Child Protection* (DCYA 2014) 96.

588 Department of Children and Youth Affairs, *Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014–2020* (DCYA 2014) Commitment 3.8.

589 *ibid* Commitment 3.13.

Source: CyberSafe Ireland Annual Report 2017

CyberSafe Ireland reported that of the 5,300 children it surveyed:



● Percentage of children

A third of children reported rarely or having never spoken to a parent or guardian about online safety.⁵⁹⁰ The level of confidence of parents in monitoring and protecting their child's online activity depends on the child's age.⁵⁹¹ Parents of older children (nine to twelve and thirteen to seventeen year olds) felt less confident that they can protect their children online than the parents of under-fives and five to eight year olds.⁵⁹² Research commissioned by ISPCC and the Vodafone Foundation found that 73 per cent of parents did not think the Government were doing enough to keep children safe online and 78 per cent felt that the industry were not doing enough.⁵⁹³

The enactment of the landmark Criminal Law (Sexual Offences) Act 2017 in February 2017 has closed some significant legislative gaps and loopholes in respect of online sexual offences against children. For example, the Act creates a new offence relating to viewing online child sexual abuse material and, in order to address issues such as grooming and solicitation

online, an offence of sexual exploitation using ICT. A number of key sections of the Act relevant to children were commenced in March 2017, including Part 2 relating to the sexual exploitation of children.⁵⁹⁴

The Data Protection Act 2018 was enacted to comply with the EU General Data Protection Regulation which came into force on 25 May 2018. The Act sets the age of digital consent at 16 meaning that children under the age of 16 must have the consent of their parent or guardian in order to access certain online services.⁵⁹⁵

In July, shortly after the publication of the Action Plan, the Council of Europe published *Guidelines to respect, protect and fulfil the rights of the child in the digital environment*.⁵⁹⁶ They provide a pathway for States to ensure that the rights of children are protected online. Key provisions in the guidelines recommend that States should require relevant stakeholders to

⁵⁹⁰ Cybersafe Ireland, *Annual Report 2017*, (Cybersafe Ireland 2018) 3.

⁵⁹¹ Webwise.ie, *Webwise 2017, Parenting Survey* <<https://bit.ly/2VVI8se>> accessed 27 November 2018.

⁵⁹² *ibid.* Approximately 26 per cent of parents of children in the older age groups feel confident that they can protect their children online.

⁵⁹³ Karen Hand, '2018 Cyber Safety Quantitative Research, Key Findings: ISPCC & Vodafone' June 2018, Unpublished.

⁵⁹⁴ Criminal Law (Sexual Offences) Act 2017, Commencement Order (SI No. 112/2017).

⁵⁹⁵ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) Article 8.

⁵⁹⁶ Council of Europe, *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* (Council of Europe 2018).

implement privacy by design and privacy by default measures taking into account the best interests of the child. It is also recommended that incentives are provided to implement safety by design in addition to privacy by design and privacy by default as guiding principles for products and services addresses to or used by children.⁵⁹⁷ Legislating for these principles would ensure that children are protected from the planning stages of technology development.

A Private Members' Bill on the establishment of an Office of the Digital Safety Commissioner came before the Dáil at Committee stage in February 2018.⁵⁹⁸ Establishing an office of a digital safety commissioner would provide the framework to coordinate all activities related to children's rights and digital media and ICTs and lead on the implementation of key provisions of the Council of Europe guidelines on children in the digital environment. A digital safety commissioner should be granted the legal powers to regulate the sector to provide better protection to children online and ensure that children/young people and their parents are adequately educated in digital media and safety techniques.

In July, the Department of An Taoiseach published an *Action Plan for Online Safety*.⁵⁹⁹ The plan covers an 18 month period to the end of 2019 and sets out actions for six government departments: Children and Youth Affairs; Education and Skills; Communications, Climate Action and Environment; Justice and Equality; Health and Business, Enterprise and Innovation.⁶⁰⁰

In October, a National Advisory Council was established to provide advice to Government on online safety policy issues.⁶⁰¹ The publication of the *Action Plan* is a welcome development in particular given that it is to be overseen at the political level by a Cabinet Committee chaired by the Taoiseach with a cross-departmental Sponsors Group to drive implementation.⁶⁰² The Council of Europe's guidelines

should be considered by the Cabinet Committee, the Advisory Council and the Government to determine how they can be implemented as part of the *Action Plan* and in all future policy development in this area. The Plan includes positive actions such as a commitment to consult with children and young people and to legislate to create new criminal offences where gaps exist. However, the reliance on a voluntary code of conduct and on self-regulation of the industry has been criticised by child protection organisations such as the ISPCC.⁶⁰³ Self-regulation could result in inconsistent standards being applied across industry. Sanctions can help when industry fails in its compliance with the standards and adequate remedies are not available to those impacted.

In 2018, the Garda Youth Diversion Programme reported the number of children referred to the programme for possession of child abuse material almost trebled from 21 in 2016 to 59 in 2017.⁶⁰⁴ This showed the need not only for educating children about the law in this area⁶⁰⁵ but also for legislation which addresses the behaviour [of children being in possession of child abuse material]...rather than children being referred for the offence of possession/distribution of child pornography'.⁶⁰⁶

597 *ibid.* Principles 35 and 53.

598 Digital Safety Commissioner Bill 2017, Bill 144 of 2017.

599 Government of Ireland, *Action Plan for Online Safety* (Government of Ireland 2018).

600 MerrionStreet.ie, 'Taoiseach launches Government's Action Plan for Online Safety' <<https://bit.ly/2zwOfMA>> accessed 28 November 2018.

601 *ibid.* Members of the Children's Rights Alliance on the Council are CyberSafe Ireland, ISPCC, National Parents Council (Primary) and SpunOut.ie, Department of Communications, Climate Action and Environment, 'National Advisory Council on Online Safety (NACOS), Membership' <<https://bit.ly/2syb5xP>> accessed 10 December 2018.

602 Government of Ireland, *Action Plan for Online Safety* (Stationary Office, 2018) 51.

603 ISPCC welcomes the publication of the Government's Action Plan for Online Safety' <<https://www.ispcc.ie/online-safety-policy#>> accessed 11 January 2019.

604 Elaine Edwards, 'Number of children referred to Garda programme for child porn possession almost trebles', *The Irish Times*, 22 November 2018.

605 *ibid.*

606 *ibid.*

Child Protection

Immediate Actions for 2019



Consider introducing measures to ensure that the Garda Vetting Bureau can access relevant information on time spent abroad.

The use of protocols or administrative arrangements with police authorities in foreign jurisdictions could address the issue as suggested by the Special Rapporteur on Child Protection.



Implement the *Action Plan for Online Safety* in full.

Given that the *Action Plan for Online Safety* is just 18 months in duration, it is important that the focus to implement it is maintained and that a plan is developed for the Government's approach to online safety at the end of 2019.



Consider the Council of Europe *Guidelines on the rights of the child in the digital environment* in current and future policy making in this area and introduce legislation for the introduction of safety by design, privacy by design and privacy by default mechanisms by industry.

The Council of Europe's *Guidelines on the rights of the child in the digital environment* provide a pathway for the protection of the rights of the child online. They should be considered by the Cabinet Committee that oversee the *Action Plan for Online Safety*, the National Advisory Council for Online Safety and the Government to determine how they can be implemented as part of the *Action Plan* and in all future policy development in this area. Specifically the principles of safety by design, privacy by design and privacy by default should be legislated for to require industry to embed the protection for child in the development of new technology.



Work towards the establishment of an office of a digital safety commissioner.

Establishing the role of a digital safety commissioner would provide a necessary framework to coordinate all activities related to children's rights, digital media and ICTs.

4.3 Child Victims of Crime

Section Grade:

B-

➔ Government Commitment

A Programme for a Partnership Government commits to:

Publish legislation to implement in full the EU Victims of Crime Directive and develop victim support services, including the Garda Victims Services Offices, which provide a single point of contact in accessing support and information

▶ **Progress: Steady**

'Child Victims' receives a 'B-' grade in *Report Card 2019*. This reflects an increase on last year's 'C+' grade because of the enactment of the Domestic Violence Act 2018 and the commencement of the outstanding provisions of the Criminal Justice (Victims of Crime) Act 2017. Though there are clear areas where investment is required, there has been some increased funding for services and a commitment to pilot the One House model in Galway, which will see all service and supports for child victims of sexual abuse under one roof with the aim of reducing trauma for victims.

The State has a duty to take all appropriate measures to promote physical and psychological recovery and social reintegration of child victims of 'any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment'.⁶⁰⁷ Such recovery and reintegration should take place in an environment that 'fosters the health, self-respect and dignity of the child'.⁶⁰⁸ Ireland continues to be the only European Union (EU) Member State that has not ratified the Second Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.⁶⁰⁹ The Protocol requires States to adopt appropriate measures to protect the rights and interests of child victims at all stages

607 UN Convention on the Rights of the Child (20 November 1989) 1577 UNTS 3 (UNCRC) Art 39.

608 *ibid.*

609 UNCRC, 'Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography' (2000) A/RES/54/263.

of the criminal justice process, including measures recognising their vulnerability, and the adaptation of procedures to recognise their needs.⁶¹⁰ Child victims must be informed of their rights and role within proceedings, and they should be provided with information regarding the timing and progress of proceedings.⁶¹¹ Unnecessary processing delays in their cases should be avoided.⁶¹² The UN Convention also provides that the best interests of the child shall be a primary consideration in the treatment of child victims by the criminal justice system.⁶¹³

Better Outcomes, Brighter Futures, The National Policy Framework for Children and Young People 2014-2020 commits to providing 'effective and timely protection and support services, including therapeutic services for victims of abuse and crime'.⁶¹⁴ It commits to reforming domestic violence legislation, including providing greater protection for victims, and to a legal and policy framework for child victims of trafficking and measures for their identification.⁶¹⁵ In 2016, the UN Committee on the Rights of the Child recommended that the State provide redress and rehabilitation to victims of domestic violence.⁶¹⁶

► Criminal Justice (Victims of Crime) Act 2017:

The Criminal Justice (Victims of Crime) Act 2017 was signed into law in November 2017.⁶¹⁷ The legislation seeks to transpose an EU Directive on the rights of victims of crime into Irish law. The Directive focuses on strengthening 'the rights of victims and their family members to information, support and protection, and victims' procedural rights in criminal proceedings'.⁶¹⁸ The Directive also requires that officials coming into contact with victims have appropriate training and it seeks to 'encourage cooperation between Member

States and coordination of national services of their actions on victims' rights'.⁶¹⁹ The Criminal Justice (Victims of Crime) Act 2017 is victim-centred in its approach and requires the specific characteristics of the victim to be considered and the views of the victim to be heard. The Act provides for a range of rights for victims including the right to receive information relating to their case and to the criminal justice process in simple and accessible language.⁶²⁰ The Act also provides for a wide definition of the types of offences for which victim impact statements will be heard.⁶²¹ Supports under the Act could have been strengthened, for example, in relation to the provision of information to parents (who are not accused of wrongdoing) of child victims.⁶²²

Following the passing of the 2017 Act, Irish law is broadly in compliance with the Second Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.⁶²³ However, the Protocol is yet to be ratified, and this should happen without further delay.⁶²⁴

► Victim Support Services:

A key provision of the EU Directive requires Member States to make available 'confidential victim support services, free of charge, acting in the interests of the victims before, during and for an appropriate time after criminal proceedings'.⁶²⁵ Ireland has an obligation to 'take all appropriate measures' to promote the recovery of child victims.⁶²⁶ The UN Committee on the Rights of the Child has outlined the supports that child victims may need, including medical

610 *ibid* Art 8(1) (a).

611 *ibid* Art 8(1)(b).

612 *ibid* Art 8(1)(g).

613 *ibid* Art 8(3).

614 Department of Children and Youth Affairs, *Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014–2020* (DCYA 2014) Commitment 3.10.

615 *ibid* Commitments 3.13, 3.14 and 3.15.

616 UNCRC 'Concluding Observations: Ireland' (2016) UN Doc CRC/C/IRL/CO/3-4 para 58; UNCRC 'General Comment No. 20 on the Rights of the Child During Adolescence' (2016) UN Doc CRC/C/GC/20 para 38(b).

617 Most provisions of the Act commenced on 27 November 2017, with remaining sections commenced on 30 May 2018.

618 EU Council Directive (EC) 29/EU establishing minimum standards on the rights, support and protection of victims of crime [2012] OJ L 315/57 of 14.11.2012; European Commission, 'Strengthening victims' rights in the EU', Justice – Building a European Area of Justice: Victims' <<http://bit.ly/2ErIBJo>> accessed January 2018.

619 *ibid*.

620 Criminal Justice (Victims of Crime) Act 2017, s 7–8.

621 *ibid* s 31.

622 Professor Geoffrey Shannon, *Eleventh Report of the Special Rapporteur on Child Protection* (DCYA 2018) 249.

623 Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography A/RES/54/263 of 25 May 2000.

624 The Department of Children and Youth Affairs has stated that a document that demonstrates Ireland's compliance with the protocol and which illustrates that there is no need for further measures to be put in place is to be submitted to the Attorney General in early 2019 to lay the groundwork for ratification. Department of Children and Youth Affairs, 'Ireland joining international stand against sale of children, child pornography and child prostitution, Minister Zappone says all legal requirements now in place' (DCYA 2 January 2019).

625 EU Council Directive (EC) 92/EU on Combatting the Sexual Abuse and Sexual Exploitation of Children and Child Pornography [2011] OJ L 335 of 17.12.2011 Art 8(1).

626 UN Convention on the Rights of the Child (20 November 1989) 1577 UNTS 3 (UNCRC) Art 39.

treatment, mental health treatment, social and legal services and long-term follow-up services.⁶²⁷

During her visit to Ireland in May 2018, the UN Special Rapporteur on the Sale and Sexual Exploitation of Children, Maud de Boer-Buquicchio was critical of the absence in Ireland of a dedicated national strategy to prevent or respond to sexual violence against children.⁶²⁸ In addition, she highlighted a lack of national data on reported incidents of child abuse required for policy development and the need for more care services.⁶²⁹

The 24/7 Child Sexual Abuse Reporting Line launched by An Garda Síochána in 2017 received a total of 71 calls in 2018. In 2018 the Victims of Crime Office provided €1.712 million in funding for voluntary sector organisations to support victims of crime.⁶³⁰ This includes provision to expand the CARI accompaniment service which supports and provides advocacy to children and their families where there are prosecution proceedings.⁶³¹ In addition, €23.8 million was allocated to Tusla in 2018 to support domestic and sexual violence sector organisations, a 17 per cent increase on the amount allocated in 2015. Cosc, the National Office of the Prevention of Domestic, Sexual and Gender-based Violence received €2.684 million and was allocated €2.884 million in Budget 2019.⁶³²

The availability of assessment and treatment services for children and young people under the age of 14 is limited, with significant geographic variances in provision. For children in this age category, there are two independent sexual abuse assessment and therapy units, both in Dublin,⁶³³ one 24 hour state medical forensic service located in Galway providing forensic examinations and two specialist therapy services provided by CARI in Limerick and Dublin.⁶³⁴

Children have to travel long distances to receive treatments and this can 'compound the harm' and increase the risk of forensic evidence of crimes against children being compromised.⁶³⁵ Where services do exist, child victims face significant delays in accessing counselling support – for example, CARI had a waiting list of 88 children from January to December 2018. For survivors aged 14 years and older, there are effectively seven sexual assault treatment units across the country providing specialist care⁶³⁶ and victims also have access to a range of specialist voluntary and statutory therapy services.⁶³⁷ However, the UN Special Rapporteur also noted that specialised and local counselling services are not guaranteed to child victims of sexual violence⁶³⁸ and medium to long term tailored specialised therapeutic services and supports for older children aged 12-18 years of age are required.

A specific strategy could be put in place for the prevention of sexual violence against children and for the provision of comprehensive services for those who have been victims of such violence. This strategy could include a plan for the development of specialist services to assess and treat child victims of sexual violence either independently of, or within, the services for over 14s, with staffing by trained professionals who are able to respond to the particular needs of child victims. In this context, the joint announcement by the Minister for Children and Youth Affairs, Dr Katherine Zappone TD, the Minister for Justice and Equality, Charlie Flanagan TD and the Minister for Health, Simon Harris TD of their intention to pilot a 'One House' centre for children who have been sexually abused in early 2019 is very welcome.⁶³⁹ This was a recommendation in

627 UNCRC, 'General Comment General comment No. 13 on the right of the child to freedom from all forms of violence' (2011) UN Doc CRC/C/CG13 para 52.

628 'End of mission statement of the UN Special Rapporteur on the sale and sexual exploitation of children, Maud de Boer-Buquicchio, on her visit to Ireland', 21 May 2018 <<https://bit.ly/2APog1d>> accessed 19 November 2018.

629 *ibid.*

630 Communication received by the Children's Rights Alliance from the Department of Justice and Equality, 20 December 2018.

631 Communication received by the Children's Rights Alliance from CARI, 7 December 2017.

632 Communication received by the Children's Rights Alliance from the Department of Justice and Equality, 20 December 2018.

633 St Clare's Unit at Temple Street University Hospital and St Louise's Unit, Our Lady's Children's Hospital Crumlin.

634 CARI, 'Our Services' <[http://www.cari.ie/our-services/child-](http://www.cari.ie/our-services/child-and-adolescent-therapy)

[and-adolescent-therapy](http://www.cari.ie/our-services/child-and-adolescent-therapy)> accessed 7 December 2017.

635 'End of mission statement of the UN Special Rapporteur on the sale and sexual exploitation of children, Maud de Boer-Buquicchio, on her visit to Ireland, 21 May 2018 <<https://bit.ly/2APog1d>> accessed 19 November 2018.

636 These are: Cork SATU; Donegal SATU; Dublin SATU; Galway SATU; Mullingar SATU; Mid-West SATU; Waterford SATU. Adult Sexual Assault Treatment Units and most Rape Crisis Centres nationwide see child victims over the age of 14.

637 These include the Rape Crisis Network and the Dublin Rape Crisis Centre, which can offer only a limited service to 16 and 17 year olds.

638 'End of mission statement of the UN Special Rapporteur on the sale and sexual exploitation of children, Maud de Boer-Buquicchio, on her visit to Ireland', 21 May 2018 <<https://bit.ly/2APog1d>> accessed 19 November 2018.

639 Joint Statement by the Minister for Children and Youth Affairs, Dr Katherine Zappone TD, the Minister for Justice and Equality, Charlie Flanagan TD and the Minister for Health, Simon Harris TD, "One House' model to ease trauma for children who have been sexually abused, Ministers announce pilot project



The 24/7 Child Sexual Abuse Reporting Line launched by An Garda Síochána in 2017 received a total of 71 calls in 2018. In 2018 the Victims of Crime Office provided €1,712 million in funding for voluntary sector organisations to support victims of crime.

Report Card 2017.⁶⁴⁰ It will see a multi-disciplinary team of Gardai, social workers, health professionals and lawyers working together in one location in Galway, to carry out interviews and assessments where there are concerns that a child has been sexually abused.⁶⁴¹

► Domestic Violence Act 2018:

The Domestic Violence Act 2018 was enacted in April 2018. It includes specific provisions relating to children, such as protection from cross-examination by the applicant or respondent in the course of an application for a domestic violence order.⁶⁴² Most welcome is the fact that, taking account of the age and maturity of a child, a judge may ascertain their views when an order is sought on their behalf, or may appoint an expert to do so⁶⁴³ and that the Act repeals legislative provisions which allow children to marry.⁶⁴⁴ However, as highlighted by the Special Rapporteur on Child Protection, the Act does not provide for child-specific services for children who experience domestic violence such as counselling, nor does it make provision to allow children to make court applications in their own right without relying on their parents to do so.⁶⁴⁵ The Act was commenced in full on 1 January 2019.⁶⁴⁶

for Galway, Budget 2019 provides resources for new approach' <<https://bit.ly/2HuNrvR>> accessed 17 January 2019.

640 To view *Report Card 2017*, visit <<https://www.childrensrights.ie/content/report-card-2017>> accessed 4 December 2018.

641 Department of Children and Youth Affairs, 'One House' model to ease trauma for children who have been sexually abused. Ministers announce pilot project for Galway' <<https://www.dcy.gov.ie/docs/EN/Press-Releases-copy-dcy-gov-ie-2018/81/4997.htm>> accessed 26 November 2018.

642 Domestic Violence Act 2018, s 16.

643 *ibid* s 27.

644 *ibid* s 49.

645 Professor Geoffrey Shannon, Eleventh Report of the Special Rapporteur on Child Protection, (DCYA 2018) 265-266.

646 Communication received by the Children's Rights Alliance from the Department of Justice and Equality, 20 December 2018.

Child Victims of Crime

Immediate Actions for 2019



Ratify the Optional Protocol to the UN Convention on the Rights of the Child on the Sale of Children, Child Pornography and Child Prostitution.

We welcome the Government's intention to ratify the Optional Protocol in 2019 and would encourage them to prioritise this to ensure it happens.



Develop a dedicated strategy for the prevention of sexual violence against children and for the provision of treatment services for children who have been victims of such violence.

A dedicated strategy could be put in place to prevent and respond to sexual violence against children. Such a strategy could include a plan for the development of specialist assessment and treatment services for children and young people who experience sexual violence. Medium to long-term planning for tailored services for older children and a plan to eliminate waiting lists for long-term specialist counselling for child victims of sexual violence would be a valuable part of a strategy.

5

**Rights
in Early
Childhood**



The UN Committee on the Rights of the Child encourages States to develop a positive agenda for rights in early childhood. The Convention calls for an understanding that early childhood is not merely preparation for adulthood and requires that children, including the very youngest children, be respected as persons in their own right.

Summary from General Comment 7 of the UN Convention on the Rights of the Child

Chapter Grade:

C



Early Childhood Ireland @EarlyChildhdIreland

Commenting, our CEO @TeresaHeeney notes #First5 represents the culmination of an important period of research, discussion & cooperation on ensuring the best possible outcomes for children under 5 in Ireland. The focus on children's rights & increased funding is very positive.

19 Nov 2018



5.1 Quality in Early Childhood Education and Care

Section Grade:

C-

➔ Government Commitment

A Programme for a Partnership Government commits to:

Review and reform the inspection regime in respect of the Early Childhood Care and Education (ECCE) Programme.

▶ **Progress: Steady**

Assess the quality of the first pre-school scheme, withdrawing funding from providers that do not meet quality standards.

▶ **Progress: Stalled**

'Quality in Early Childhood Education and Care' receives a 'C-' grade in *Report Card 2019*, a slight increase on last year's 'D' grade.⁶⁴⁷ The grade reflects steady progress on reforming and strengthening the regulatory inspection regime of Tusla, the Child and Family Agency and introducing the Department of Education and Skills' early education inspections. However, non-compliance with basic health, safety and welfare standards in regulated childcare settings is of great concern. The continued development of the Department of Education and Skills' inspections is promising. The commitments to develop an integrated inspection regime presents a once-in-a-lifetime opportunity to improve and track quality standards in ECEC settings. This grade would have been higher had the quality audit been commenced.

⁶⁴⁷ The term Early Childhood Education and Care (ECEC) is used in *Report Card 2019* to denote the care and education of children from birth to six years. ECEC is the term used by the European Commission. ECEC refers to any regulated arrangement that provides education and care for children from birth to primary school - regardless of the setting, funding, opening hours or programme content - and includes centre and family day-care; privately and publicly funded provision; pre-school and pre-primary provision. Working Group on Early Childhood Education and Care, *Proposal for key principles of a Quality Framework for Early Childhood Education and Care Report of the Working Group on Early Childhood Education and Care under the auspices of the European Commission* (European Commission 2014) 69. *First 5* adopts the same definition, but uses the term Early Learning and Care (ELC), Government of Ireland, *First 5: A Whole-of-Government Strategy for Babies, Young Children and their Families 2019 – 2028* (Stationary Office 2018) 26.

All children, including those in early childhood, are holders of rights enshrined in the UN Convention on the Rights of the Child.⁶⁴⁸ The UN Committee on the Rights of the Child recognises the pivotal role parents play in the early education and care of their children, as well as the State's key role 'in providing a legislative framework for the provision of quality, adequately resourced services, and for ensuring that standards are tailored to the circumstances of particular groups and individuals and to the developmental priorities of particular age groups, from infancy through to transition into school'.⁶⁴⁹ The Committee points out that early childhood institutions, services and facilities must conform to quality standards⁶⁵⁰ such as the requirement that staff are suitable and sufficient in number, use child-centred practices and curricula, hold current understandings of child rights and development theory and practice, and are trained to work with young children.⁶⁵¹

Every child has the right to development, to care and assistance, to education, and to be protected from any form of harm, abuse or neglect⁶⁵² in particular young children.⁶⁵³ Where a child's right has been violated, there must be an effective accountability process, including the availability of remedies and sanctions.⁶⁵⁴ Regardless of whether early childhood services are supplied by public authorities or by non-state providers, the State is obliged to regulate and monitor the quality of provision to ensure that children's rights are protected and their best interests served.⁶⁵⁵ This is normally done through a registration and inspection regime.

First 5: What does it do for quality?

First 5 includes the following Strategic Actions to enable access to early learning and care supports and services:

- Improve initial training and CPD for all early childhood staff.
- Professionalise ELC; support employers to attract and retain a high-quality workforce.
- Develop, enhance and implement national standards for early childhood supports and services.
- Develop mechanisms to raise the professional status of the ELC (and school-age childcare) workforce and support employers to offer more favourable working conditions to attract and retain staff.

Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014 –2020 lists children's early years as one of seven priorities and aims to raise the quality of early years care and education services.⁶⁵⁶ In November 2018, the Government fulfilled its commitment to deliver an early years strategy, with the publication of *First 5: A Whole-of-Government Strategy for Babies, Young Children and their Families 2019 – 2028*.⁶⁵⁷ The content and implementation of the Strategy is vital to the delivery of the Programme for Government commitments to prioritise quality affordable

648 UNCR, 'General Comment No.7: Implementing child rights in early childhood' (2006) UN Doc CRC/C/G/GC/7/Rev.1 para 3.

649 *ibid* para 31. Ireland's ECEC sector is privately provided but receives public funding. In 2017/18, 68 per cent of services were private and 32 per cent were community providers. Pobal, *Early Years Sector Profile Report 2017–2018* (Pobal 2018) 8–9.

650 *ibid* para 23.

651 *ibid*.

652 UN Convention on the Rights of the Child (20 November 1989) 1577 UNTS 3 (UNCRC).

653 UNCR, 'General Comment No.7: Implementing child rights in early childhood' (2006) UN Doc CRC/C/G/GC/7/Rev.1 para 3; para 36 (a). Young children are least able to defend themselves against any infringement of their rights, to comprehend what may be happening in the case of abuse or neglect, or to seek the protection of others.

654 UNICEF, *Rights in Principle and Accountable in Practice: Child rights and social accountability in the post-2015 world*, Background Paper (UNICEF UK 2014) 1.

655 UNCR 'General Comment No.7: Implementing child rights in early childhood' (2006) UN Doc CRC/C/G/GC/7/Rev.1 para 32.

656 Department of Children and Youth Affairs, *Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014–2020* (DCYA 2014) Commitment xi.

657 Government of Ireland, *First 5: A Whole-of-Government Strategy for Babies, Young Children and their Families 2019 – 2028* (Stationary Office 2018).

childcare⁶⁵⁸ and to 'drive quality throughout the sector by investing in the professionalisation of the workforce'.⁶⁵⁹ An initial three-year implementation plan is expected to be published in May 2019.⁶⁶⁰

► Review and Reform of the Inspection Regime:

To have a positive impact on child development, early childhood education and care (ECEC) services must be high-quality and safe.⁶⁶¹ Regulatory frameworks play a central role in assuring appropriate conditions for children's early learning and care, and in informing how early years educators work with children.⁶⁶² Monitoring and inspection systems are essential to a regulatory framework that can enhance the level of quality in ECEC settings to improve child outcomes.⁶⁶³ These systems can also hold the State accountable for the establishment and maintenance of proper standards.⁶⁶⁴ There are currently two separate inspection regimes for ECEC services. They are run by Tusla, the Child and Family Agency and the Department of Education and Skills.

Tusla Inspections: The Child Care Act 1991 (Early Years Services) Regulations 2016 (the Regulations) brought into force significant changes to in the regulation of childcare services. They apply to ECEC services for children from birth to six years who are not attending primary school.⁶⁶⁵ Tusla's Early Years Inspectorate is the independent statutory regulator of ECEC services and focuses on the safety, health, welfare and development of children in the services.⁶⁶⁶ From 2019, Tusla

will also regulate the school-age childcare sector.⁶⁶⁷ In 2018, relevant reforms included:

- The further development of the Inspectorate's governance structure and the development of a policy document to support the Inspectorate's registration, operation and quality functions.⁶⁶⁸
- The launch of the first Quality and Regulatory Framework (QRF) to support compliance with the Regulations.⁶⁶⁹
- The reform of the eligibility criteria to apply to be a Tusla Early Years Inspector to include a wider range of disciplines, including, for the first time, ECEC graduates.⁶⁷⁰
- The review of the inspection report template with the aim of supporting parents to understand inspection outcomes.⁶⁷¹

The Regulations introduced vital legal reform to safeguard babies and young children in childcare services, making non-compliance an automatic offence and providing Tusla with enforcement powers to amend a service's registration or to deregister and close services. Previously,

658 Government of Ireland, *Programme for Partnership Government* (Stationery Office 2016) 75.

659 *ibid* 78.

660 Early Childhood Ireland, 'ECI Welcomes the First 5 Strategy' <<https://bit.ly/2FqthjG>> accessed 8 January 2019.

661 For a description of what quality looks like in ECEC services and our analysis on the extent of quality in Irish services, see our submission on the Early Years Strategy. Children's Rights Alliance, *Submission on the Early Years Strategy* (Children's Rights Alliance 2018).

662 OECD, Encouraging Quality in Early Childhood Education and Care (ECEC), *Research Brief: Minimum Standards Matter* <<http://bit.ly/2B4pUtY>> accessed 15 November 2017.

663 OECD, *Starting Strong IV: Monitoring Quality in Early Childhood Education and Care* (OECD 2015).

664 UNCRC 'General Comment No.7: Implementing child rights in early childhood' (2006) UN Doc CRC/C/G/GC/7/Rev.1 para 23, 32.

665 SI No. 221/2016. For analysis, see Children's Rights Alliance, *Report Card 2018* (Children's Rights Alliance 2018) 92-95.

666 The initial development of the Inspectorate was analysed in *Report Card 2017* and *Report Card 2018*. Tusla, *Annual Report 2016 of Tusla – Child and Family Agency's Early Years Inspectorate* (Tusla 2017) 5.

667 Department of Children and Youth Affairs, 'New Registration System Brings School Age Childcare into Affordable Childcare Scheme' <<https://bit.ly/2FJLxpi>> accessed 8 January 2019.

668 Communication received by the Children's Rights Alliance from Tusla's Early Years Inspectorate, 3 January 2019.

669 The QRF provides separate guidance to five different types of childcare services, outlines Tusla's interpretation of the Regulations, and sets out the parameters against which services are inspected. It will be piloted in the first quarter of 2019. Tusla, 'Tusla Launches Quality and Regulatory Framework for the Early Years Sector' <<https://bit.ly/2U8Hq9y>> accessed 2 October 2018; Communication received by the Children's Rights Alliance from Tusla's Early Years Inspectorate, 3 January 2019.

670 Department of Children and Youth Affairs, 'Minister Zappone announces supports for quality improvements in the childcare sector, including €1.2m First Aid training fund' (DCYA, 5 September 2018) <<https://bit.ly/2NgGdNp>> accessed 2 October 2018; *Tusla, Child and Family Agency v Irish Nurses and Midwives Organisation, Workplace Relations Commissions, LRC 21641*, December 2017. Traditionally, only Public Health Nurses were eligible to be Early Years Inspectors but concerns were raised about whether Public Health Nurses had the necessary expertise in ECEC to adequately carry out the role. Nine early years inspectors will be recruited in 2019, in addition to the existing 50 inspectors. Communication received by the Children's Rights Alliance from Tusla's Early Years Inspectorate, 3 January 2019.

671 Communication received by the Children's Rights Alliance from Tusla's Early Years Inspectorate, 3 January 2019. Tusla's Inspection Outcome Reports available online at: <<https://bit.ly/2FJ2rEi>> accessed 29 November 2018.

enforcement required recourse to the courts.⁶⁷² In 2018, two services were deregistered and closed by Tusla, the first closures since the Regulations came into force on 30 June 2016.⁶⁷³

An analysis of 2017 inspection reports under the Regulations found high levels of compliance with the standards relating to premises, insurance, and staffing levels, while the lowest levels of compliance were with the standards safeguarding the health, safety and welfare of the child; management and recruitment; and record keeping.⁶⁷⁴ Tusla's *Early Years Inspectorate Annual Report* contained a number of serious findings in relation to non-compliance with regulations and serious injury to children⁶⁷⁵ and showed that staff in almost 10 per cent of the services inspected under the Regulations did not have the required first aid training.⁶⁷⁶ It is welcome that the DCYA allocated €1.2m to a first aid training fund for Tusla-registered providers in 2018.⁶⁷⁷

Pobal data indicates that in May 2018, 309 staff members working directly with children did not meet the minimum qualification requirement.⁶⁷⁸ This must be addressed as minimum qualification levels are a foundation for children being provided with a quality service. *First 5* commits that by 2028, the early learning and care centre-based workforce will be graduate-led, with at least 50 per cent of staff working directly with children holding an appropriate degree-level qualification.⁶⁷⁹ This has the potential to improve the quality of the wider ECEC system.

The Regulations require childcare providers to have a comprehensive complaints management process in place and, in addition, anyone can provide unsolicited information to Tusla's Early Years Inspectorate if they have a concern about a setting. A national standardised child risk assessment process was established in 2017 to determine the management plan for dealing with concerns.⁶⁸⁰

Department of Education and Skills' Inspections: In 2016, the Inspectorate of the DES introduced Early Years Education Inspections (EYEl) to provide 'evaluative information, advice and support regarding the quality of education provision' in services participating in the Free Pre-school Scheme (FPSS).⁶⁸¹

The EYEl are part of the Department of Education and Skills' Inspectorate division and they evaluate the nature, range and appropriateness of children's early educational experiences in the FPSS.⁶⁸² Educational provision in other rooms in childcare settings that are not operating the FPSS is not subject to inspection, however *First 5* commits to extending EYEl to younger children to complement the work of the Tusla Early Years Inspectorate.⁶⁸³ This is very positive – every child has a right to a quality service and the State remains accountable to young children of all ages for levels of quality. The DES is currently reviewing the EYEl model in order to amend it to facilitate its extension to all ECEC provision to children from birth to six years/primary school entry.⁶⁸⁴ The DES anticipates that an extensive consultation process and trial of this revised inspection framework will occur in 2019.⁶⁸⁵

The *Education Action Plan 2016-2019* commits to 1,200 EYEl over the period of the Plan;⁶⁸⁶

672 Children's Rights Alliance, *Report Card 2017* (Children's Rights Alliance 2017) 34.

673 Communication received by the Children's Rights Alliance from Tusla's Early Years Inspectorate, 3 January 2019.

674 Tusla, *Annual Report 2017 of Tusla Child and Family Agency's Early Years Inspectorate* (Tusla 2018) 22; Communication received by the Children's Rights Alliance from Tusla's Early Years Inspectorate, 3 January 2019.

675 Tusla, *Annual Report 2017 of Tusla Child and Family Agency's Early Years Inspectorate* (Tusla 2018) 22.

676 *ibid.*

677 Department of Children and Youth Affairs, 'Minister Zappone announces supports for quality improvements in the childcare sector, including €1.2m First Aid training fund' (DCYA, 5 September 2018). <<https://www.dcy.gov.ie/docs/EN/Press-Releases-copy-dcy-gov-ie-2018/81/4902.htm>> accessed 2 October 2018.

678 Pobal, *Early Years Sector Profile Report 2017-2018* (Pobal 2018) 101. None of these staff were students or volunteers, had Grandparent Declarations, or were in the process of gaining a qualification of NFQ Level 5, as of May 2018. They were also not solely employed in SAC services and were obliged to have a minimum NFQ level 5 qualification under the Regulations.

679 Government of Ireland, *First 5: A Whole-of-Government Strategy for Babies, Young Children and their Families 2019 – 2028* (Stationary Office 2018) 161.

680 Tusla, *Annual Report 2017 of Tusla Child and Family Agency's Early Years Inspectorate* (Tusla 2018) 30.

681 Department of Education and Skills Inspectorate, *A Review of the Early-Years Education-Focused Inspection April 2016-June 2017, Insights and Future Developments*, (DES 2018) 7. Introduced in January 2010, the FPSS aims to provide early learning in a formal setting for children before they commence primary school. All children from two years eight months to five years six months/primary school entry, are now eligible for two full academic (78 weeks) years under the scheme. Early years inspections are carried out in accordance with the Education Act 1998 and are funded by the Department of Children and Youth Affairs.

682 *ibid.*

683 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 21 December 2018.

684 Communication received by the Children's Rights Alliance from the Department of Education and Skills, 20 December 2018.

685 *ibid.*

686 Department of Education and Skills, *Action Plan for Education 2016-2019* (DES 2016) 33.

1,889 had been conducted by 15 December 2018, 691 of these in 2018.⁶⁸⁷ There are 1,248 inspection reports available online.⁶⁸⁸

Early years education inspections are based on a quality assessment framework that incorporates the key elements of best practice in early education and care under four broad areas of quality: context and processes to support learning and development; children's learning experiences and achievements; and management and leadership for learning.⁶⁸⁹ The first national report of the inspections from the first full year of implementation was published in 2018.⁶⁹⁰ The report expressed the view that settings provide a rich range of learning experiences and enjoyable, play-based opportunities, but recognised challenges such as the need for providers to work closely with parents and the potential for improving how providers use the national curriculum and quality frameworks, Aistear and Siolta.⁶⁹¹ A 2018 report, collating the findings of the 2017/2018 inspection reports, found that three quarters of settings provide a 'very good' or 'excellent' context for learning, less than half 'excellent' or 'very good' processes to support learning, two thirds were evaluated as having 'very good' or 'excellent' management and leadership; and the children in another two thirds of settings had 'very good' or 'excellent' quality learning experiences and achievements.⁶⁹² These findings suggest that the implementation of *First 5's* quality improvement and assurance actions should be a priority in its first implementation plan due in 2019.

A revised *Guide to Early Years Education Inspection (EYEI)* was published in June 2018.⁶⁹³ It includes a

welcome improvement - the introduction of a Follow-Through Inspection model. This model evaluates how settings have implemented the actions advised in previous inspection reports.⁶⁹⁴ In 2018, 35 EYEI 'Follow Through Reports' were published.⁶⁹⁵

► Coordinating inspections:

There are concerns that having two separate Inspectorates intensifies the 'split' within the ECEC system where services for three to six year olds are considered 'early education' and are subject to both Tusla and Department of Education and Skills inspections, while services for children under three are considered 'childcare' and are subject only to Tusla inspection.⁶⁹⁶ Children under three also benefit from learning and development; the split means that the incentivisation and evaluation of educational quality is weaker for children under three. This creates the need for a transparent, two-way referral procedure between the two Inspectorates.⁶⁹⁷

First 5 contains a necessary commitment to recognise ECEC provision on an equal footing and to 'addressing the current disparity in approaches between provision for 0-3 and 3-6 year olds'.⁶⁹⁸ It specifies steps to 'integrate and coordinate inspection and quality supports ... building on existing practice between the Inspectorates and Better Start National Quality Development Service'.⁶⁹⁹ *First 5* also commits to establishing formal mechanisms to align and coordinate the policy, practice and implementation work of the Departments of Children and Youth Affairs, and Education and Skills, in respect of early learning and care, commencing with a joint Memorandum of Understanding.⁷⁰⁰

687 Communication received by the Children's Rights Alliance from the Department of Education and Skills, 20 December 2018.

There are 17 full-time equivalent early education inspectors.

688 *ibid.*

689 Department of Education and Skills, *Guide To Early Years Education Inspection (EYEI)* (DES 2018) 16.

690 Department of Education and Skills Inspectorate, *A Review of the Early-Years Education-Focused Inspection April 2016-June 2017, Insights and Future Developments*, (DES 2018). The report aims to provide composite findings from an analysis of inspection reports prepared by the DES Inspectorate under the four areas of quality. The report does not provide any quantitative data on levels of quality as assessed using the five quality grades, instead providing a general overview of findings.

691 *ibid* 14.

692 Prevention and Early Intervention Unit, *Early Learning and Childcare – Focused Policy Assessment No. 5* (Department of Public Expenditure and Reform 2018) 34-35. The EYEIs do not include a quality threshold, therefore the Prevention and Early Intervention Unit in the Department of Public Expenditure and Reform adopted a threshold of at least 'very good'.

693 Department of Education and Skills, *Guide To Early Years Education Inspection (EYEI)* (DES 2018).

694 *ibid* 8. The model supports the State's accountability for quality achievement by services and supports quality improvement and the recognition of quality educational practice.

695 Communication received by the Children's Rights Alliance from the Department of Education and Skills, 20 December 2018.

696 Toby Wolfe, Bernie O'Donoghue Hynes and Noreen Hayes, 'Rapid Change without Transformation: the Dominance of a National Policy Paradigm over International Influences on ECEC Development in Ireland 1995–2012', [2013] 45(2) *International Journal of Early Childhood* 19–205.

697 Start Strong, *Early-years Education-focused Inspections*, Submission to the Department of Education and Skills (Start Strong June 2015) <<http://bit.ly/2jLhVxc>> accessed 18 December 2017.

698 Government of Ireland, *First 5: A Whole-of-Government Strategy for Babies, Young Children and their Families 2019 – 2028* (Stationary Office 2018) 107.

699 *ibid* 108.

700 *ibid* 154.



Pobal data indicates that in May 2018, 309 staff members working directly with children did not meet the minimum qualification requirement. This must be addressed as minimum qualification levels are a foundation for children being provided with a quality service.

In the meantime, the DCYA and the DES are working to coordinate the development and delivery of ECEC inspection, audit and mentoring functions through a high-level Operations and Systems Alignment Group (OSAG)⁷⁰¹ and memoranda of understanding.⁷⁰² The MoU will also provide for communication and collaboration in relation to inspection planning and is expected to be in place in early 2019.⁷⁰³

Quality Audit of Free Pre-school Scheme⁷⁰⁴ and Funding Withdrawal:

A Programme for a Partnership Government included a commitment to develop and implement a single ECEC quality audit tool. Periodic quality audits of ECEC provision were first recommended in 2015 and funding was allocated in Budget 2016.⁷⁰⁵ The proposed audit was due to develop and implement measurement instruments to assess the quality of a representative sample of Tusla-registered ECEC services⁷⁰⁶ to provide a baseline for the subsequent assessment of the impact of quality-raising measures.⁷⁰⁷ A procurement process did not result in the award of a tender as no bids met the Department's requirements.⁷⁰⁸

First 5 re-commits to develop measurement tools to assess the quality of early childhood services commencing with a tool to measure and monitor the quality of practice in ECEC settings.⁷⁰⁹

First 5 also commits to develop 'a compliance framework and financial guidelines to underpin public funding in ECEC and school-age childcare, with an agreed mechanism to withdraw funding from settings that do not meet contractual requirements' such as quality.⁷¹⁰ These commitments are welcome because no child should be in a low quality service, and such services should not receive public funding.

701 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 1 December 2017. The OSAG is led by the Department of Children and Youth Affairs and comprises representatives from the Department of Education and Skills Inspectorate, Tusla's Early Years Inspectorate, Pobal, and the Better Start National Quality Development Service, managed by Pobal on behalf of the Department of Children and Youth Affairs.

702 Memoranda of Understanding (MoU) were signed in 2018 to support coordination between the DES Inspectorate and Tusla's Early Years Inspectorate, as well as between Tusla's Inspectorate and Better Start Quality Development Service. Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 21 December 2018.

703 Communication received by the Children's Rights Alliance from the Department of Education and Skills, 20 December 2018 and Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 21 December 2018. The first event to encourage integrated working between the inspectorates occurred in 2018. This MoU, which is expected to be signed in early 2019, will clarify the roles and responsibilities of both the DES and the DCYA in relation to early learning and care.

704 *The Programme for Partnership Government* commits to 'review and assess the quality of the first pre-school year'.

705 Children's Rights Alliance, *Report Card 2018* (Children's Rights Alliance 2018) 95. *The Programme for a Partnership Government* commitment states that the audit was of services for children in the FPSS only, but the DCYA extended its remit to include all registered ECEC settings.

706 MerrionStreet.ie, Irish Government News Service, 'Procurement for the provision of Services to Measure and Assess the Quality of Early Years Provision in Ireland' (*MerrionStreet.ie*, 5 April 2017) <<http://bit.ly/2B6D9dC>> accessed 26 November 2018.

707 *ibid.*

708 Communication received by the Children's Rights Alliance from

the Department of Children and Youth Affairs, 21 December 2018.

709 Government of Ireland, *First 5: A Whole-of-Government Strategy for Babies, Young Children and their Families 2019 – 2028* (Stationary Office 2018) 168.

710 *ibid.* 107.

Quality in Early Childhood Education and Care

Immediate Actions for 2019



Tusla's Early Years Inspectorate could continue to focus on inspecting and demanding improvements on the standards in relation to the health, safety and welfare of children.

To ensure that Tusla can complete its inspection work, the Department of Children and Youth Affairs should fund and support improvements to services in 2019.



Prioritise the procurement of the ECEC quality audit tool and its implementation in 2019.

A quality audit would help to provide a picture of the quality of children's experiences in ECEC settings which is not afforded by the current dual inspection regime. The audit should be progressed in 2019.



Prioritise *First 5* actions that improve the integration and coordination of inspection regimes and quality supports for ECEC for all children from birth to primary school entry, alongside actions that improve the quality of services.

These actions should be prioritised under the forthcoming three-year *First 5* implementation plan.

5.2 Subsidised and School-Age Childcare

Section Grade:

C+

➔ Government Commitment

A Programme for a Partnership Government commits to:

Introduce subsidised high-quality childcare for children aged nine to 36 months, continue to support subsidised childcare places, and streamline existing schemes to make them more accessible.

▶ **Progress: Steady**

Introduce a new system to support and expand quality after-school care for school-age children.

▶ **Progress: Steady**

'Subsidised and School-Age Childcare' receives a 'C+' grade in *Report Card 2019*, up from last year's 'C' grade. The grade reflects the progress that has been made in delivering the legislative framework for the Affordable Childcare Scheme and the success of the interim September Measures in distributing larger sums of public subsidies to an increasing number of children. However, the Affordable Care Scheme has yet to be implemented and there is insufficient evidence of improved childcare service affordability for parents and access to services for children. The grade also reflects continued steady implementation of the School-Age Childcare Action Plan, particularly the speedy development of a regulatory framework.

The UN Convention on the Rights of the Child requires States to provide appropriate assistance to parents and guardians in relation to their child-rearing responsibilities.⁷¹¹ Children of working parents have the right to benefit from childcare services and facilities for which they are eligible.⁷¹² The UN Committee on the Rights of the Child calls on States to ensure that all young children are guaranteed access to appropriate and effective services, including programmes of health, care and education specifically designed to promote their well-being, paying particular attention to the most vulnerable groups of young children, including those experiencing poverty and those at risk of discrimination.⁷¹³

711 UN Convention on the Rights of the Child (20 November 1989) 1577 UNTS 3 (UNCRC) Art 18(2) and (3).

712 *ibid* Art 18(3).

713 UNCRC, 'General Comment No.7: Implementing child rights in early childhood' (2006) UN Doc CRC/C/G/GC/7/Rev.1 para 24.

Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014 – 2020 commits to remove barriers to employment through increasing the affordability of quality and accessible childcare and after-school services.⁷¹⁴ It commits to improving children's learning and development outcomes through increasing access to high-quality, affordable early years education,⁷¹⁵ acknowledging the link between service affordability for parents and access for children. It further commits to lifting approximately 100,000 children out of consistent poverty by 2020. In 2018, almost 200,000 children accessed free or subsidised early years and school-age childcare.⁷¹⁶

► Affordable Childcare Scheme:

In October 2016, the Minister for Children and Youth Affairs announced the establishment of the Affordable Childcare Scheme (ACS).⁷¹⁷ The ACS will replace existing targeted subsidy schemes with a streamlined single subsidy scheme (excluding the Free Pre-School Scheme (FPSS)) and aims to provide 'a system of progressive financial support towards the cost of childcare.'⁷¹⁸ This subsidy is needed in Ireland because inequality of access to childcare is particularly pronounced.⁷¹⁹ The participation rate for children in low-income families is just 12 per cent, less than a quarter of the participation rate for children from high-income



families (57 per cent).⁷²⁰ In 2016, almost 40 per cent of parents that did not use formal childcare services for pre-school children cited financial reasons, the third highest rate in the EU.⁷²¹ Almost 13 per cent of parents had 'great difficulty' affording formal childcare services, the fourth highest in the EU, while less than half found it 'fairly easy', 'easy', or 'very easy'.⁷²²

Budget 2019 allocated €574 million to childcare, an 18 per cent increase on the previous year.⁷²³ Alongside funding the FPSS, Better Start Quality Development Service and the inspection regimes, the allocation will fund the introduction of the ACS. In addition, it would fund the increased income thresholds for high earners and the lower threshold which was increased from the original threshold of €22,700 to €26,000 net annual household income.⁷²⁴ These increases will mean that four out of five eligible families with children will benefit financially from the scheme. This is very welcome as it will allow more low-income families to benefit from the highest subsidy rates under the ACS, although it is notable that the original income threshold of €22,000 was never implemented.

The Childcare Support Act 2018 places the ACS on a statutory footing and was enacted in July 2018 and partially commenced by year's end.⁷²⁵ The Act has a number of positive provisions, including a limit on

714 Department of Children and Youth Affairs, *Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014–2020* (DCYA 2014) Commitment 4.6.

715 *ibid* xiv.

716 Department of Children and Youth Affairs, 'Budget 2019 - Information Pack' <<https://bit.ly/2CIK8vh>> accessed 15 October 2018.

717 Department of Children and Youth Affairs, 'Budget 2017: Department of Children and Youth Affairs Statement by Dr Katherine Zappone, Minister for Children and Youth Affairs' (DCYA, 11 October 2016) <<http://bit.ly/2AuJbsl>> accessed 24 January 2019. The new scheme will provide a universal childcare subsidy to parents of children between the ages of 24 weeks and 36 months (or up until the child qualifies for the ECEC programme, if later) and an income-related subsidy for children from 24 weeks to 15 years of age. The scheme will allow for childcare during term-time and holidays.

718 Department of Children and Youth Affairs, 'Policy Paper on the Development of a new Single Affordable Childcare Scheme' <<http://bit.ly/2h4tNrx>> accessed 24 January 2019, 14.

719 European Commission, 'Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the development of childcare facilities for young children with a view to increase female labour participation, strike a work-life balance for working parents and bring about sustainable and inclusive growth in Europe (the "Barcelona objectives")' Brussels, 8.5.2018 COM(2018) 273 final, <<https://bit.ly/2U8WpA0>> accessed 24 January 2019, 19.

720 *ibid*.

721 *ibid* 18.

722 *ibid* 19.

723 Department of Children and Youth Affairs, 'Budget 2019 - Information Pack' <<https://bit.ly/2CIK8vh>> accessed 24 January 2019.

724 *ibid*.

725 Minister for Children and Youth Affairs, Dr Katherine Zappone TD, Written Answers, Affordable Childcare Scheme, 20 September 2018 [37902/18]



participation in the Scheme to childcare providers that are registered with Tusla, the Child and Family Agency.⁷²⁶ This ensures that only regulated services subject to inspection under national regulations are included in the Scheme and there is a legal basis for sanctions, or even closure, should a service not meet minimum regulatory standards. The Act also includes quality enhancement through more rigorous contractual quality conditions and financial quality incentives,⁷²⁷ providing the Department of Children and Youth Affairs (DCYA) with a mechanism to make multi-annual investments to improve and maintain the quality of services.

The extent to which children will benefit from the targeted subsidy under the ACS will depend on their parents' engagement in training and work. Parents in work or training could qualify for up to 40 hours targeted subsidy per week, compared with up to 15 hours per week for those who are not.⁷²⁸ The linking of the targeted subsidy to parental hours of work or training could potentially limit the benefits of early

childhood care and education (ECEC) and school-age childcare services for children if they cannot access the level of subsidy they need. However, the Act provides a flexible access route to subsidies for named groups of vulnerable children by permitting the Minister for Children and Youth Affairs to enter agreements with five named statutory agencies to refer and sponsor children for subsidies on, for example, child welfare or family support grounds, or to support homeless or asylum-seeking families to access education and integration supports.⁷²⁹ It is important that these agreements are flexible and child- and family- centred, and that the Department and the agencies are allocated the necessary funding to deliver on the ACS's objectives to reduce child poverty and improve child outcomes.

It is expected that the regulations underpinning the operation of the ACS will be published and applications for the Scheme will open in October 2019.⁷³⁰ To counter the delay in implementing the ACS, the Government introduced the 'September Measures', to provide 'a level of subsidy' to make childcare 'more affordable' for parents.⁷³¹ 72,546 children benefitted from universal

⁷²⁶ Childcare Support Act 2018, s 1.

⁷²⁷ Minister for Children and Youth Affairs, Dr Katherine Zappone TD, Seanad Éireann debate, Childcare Support Bill 2017: Second Stage, 18 April 2018.

⁷²⁸ Department of Children and Youth Affairs, 'Affordable Childcare Scheme, Childcare Support Bill, Frequently Asked Questions, December 2017' <<http://bit.ly/2WfTOL>> accessed 24 January 2019.

⁷²⁹ Childcare Support Act 2018, s 14 and Schedule 2.

⁷³⁰ Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 20 December 2018.

⁷³¹ Department of Children and Youth Affairs, 'Government announces plans for the delivery of more affordable childcare

Funding on Childcare Subsidies by Department of Children and Youth Affairs

● Allocated ● Spent

	2016 ↓	2017 ↓	2018 ↓	2019 ↓
Funding to childcare subsidies (millions)	€86.8m €56m	€91m €77.9m	€90m €134.9m	€121.1m Expected
Number of children	31,000	65,000	72,546	72,500 Expected

Source: Report Card 2018 and Communications from Pobal, 21 January 2019 and the Department of Children and Youth Affairs, 29 January 2019.

and targeted subsidies through these measures in the programme year from January to December 2018.⁷³² An additional allocation of €34 million was made available in Budget 2019 to respond to the increased demand for the interim schemes.⁷³³ The September Measures will remain in place until the end of the next programme year.⁷³⁴ At the end of 2018, there was not one single streamlined childcare subsidy programme.

More than 29,000 children of less than three years of age attended ECEC settings and benefited from the Universal Childcare Subsidy from January to December 2018,⁷³⁵ an increase on the previous year.⁷³⁶ However, eligibility for subsidies does not guarantee access to services because only half of the 4,435 Tusla registered nationally services operated the

universal subsidy in 2017/2018.⁷³⁷ This disparity may reflect that a substantial number of childcare services do not offer services to babies and young children despite the availability of the universal subsidy.⁷³⁸

The extent to which the subsidies have reduced childcare costs for parents may vary based on a variety of factors such as the rising costs in childcare fees⁷³⁹ and the fact that the fees charged by childcare providers vary by service type, level of area deprivation and by location (county and rural/urban).⁷⁴⁰ The Department of Children and Youth Affairs has indicated that an

this September, Statement by the Minister for Children and Youth Affairs, Dr Katherine Zappone and Minister for Social Protection, Leo Varadkar' (DCYA, 12 April 2017) <<https://bit.ly/2ROA6ml>> accessed 6 November 2017.

732 Communication received by the Children's Rights Alliance from Pobal, 24 January 2019.

733 Communication to the Children's Rights Alliance from the Department of Children and Youth Affairs, 6 February 2019.

734 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 20 December 2018.

735 Communication received by the Children's Rights Alliance from Pobal, 24 January 2019.

736 Pobal, *Early Years Sector Profile Report 2016–2017* (Pobal 2017) 51.

737 Communication received by the Children's Rights Alliance from the Tusla Early Years Inspectorate, 24 January 2019. Only 2,202 services operate the Universal Childcare Subsidy compared with 3,417 operating the income-based Community Childcare Subvention Programme in private and community childcare services in 2017/2018.

738 Pobal, *Early Years Sector Profile Report 2017/2018* (Pobal 2018) 60.

739 In 2018, the average cost of childcare services for parents rose for the second time in six years. The total average increase over 2016/2017 and 2017/2018 is €10.89 per week. Published administrative data provides average fees, and does not capture variations in fees or outlier fees – having this data would provide a more rounded picture of the extent to which the September Measures have met the goal of reducing childcare costs for parents. Secondly, fees charged by childcare providers vary by service type, level of area deprivation and by location (county and rural/urban). Pobal, *Early Years Sector Profile Report 2017/2018* (Pobal 2018) 78.

740 Pobal, *Early Years Sector Profile Report 2017/2018* (Pobal 2018) 10.

independent review of the cost of delivery of quality childcare will be published in 2019 to provide evidence on the appropriateness of the DCYA's subsidy rates.⁷⁴¹

The extent to which the DCYA's subsidies reduce parents' childcare costs when deducted from childcare fees is one indicator of the subsidies' impact, the other is the proportion of their income that parents spend on childcare, i.e. how affordable it is. While the Act sets out parental eligibility for childcare subsidies, it does not deal with affordability of childcare for parents.⁷⁴² Apart from services operating the FPSS⁷⁴³ there is no restriction on the level of fees that a provider can charge. Before the 'September Measures' were introduced, families spent on average 12 per cent of their disposable income on childcare.⁷⁴⁴ As yet, there is no follow-up *Growing Up in Ireland* data to indicate the impact of the September Measures in reducing these percentages. As part of the proposed reform of the funding model under *First 5*, the Government has committed to develop an appropriate mechanism to control fees charged to parents in return for increased State investment in affordability, quality and sustainability.⁷⁴⁵ The Government will need to make significant year-on-year investments directly into services to ensure that controlling fee control does not lead to low quality services for children.

IT System: In July 2018 the contract to develop a new IT system was awarded to enable automatic assessments of online ACS applications in a timely and user-friendly manner.⁷⁴⁶ It is important to ensure that the eligibility of parents for subsidies and the level of those subsidies can be determined efficiently and effectively. The absence of the IT system to implement the September Measures meant that childcare providers had to undertake the administration associated with determining parents' eligibility for the subsidies. An additional €55 million

in payments has been allocated to support childcare providers to undertake this extra work in administering public childcare subsidies for 2017, 2018 and 2019.⁷⁴⁷

► School-Age Childcare:

This *Report Card* series analyses the Government commitment to develop a school-age childcare system because four- and five-year-olds in primary school use these services.⁷⁴⁸ Ireland has the highest proportion of four-year-olds in primary school in the OECD at 31 per cent.⁷⁴⁹ The main purpose of school-age services is to care for children outside normal school hours, whereas the purpose of ECEC is primarily educational and developmental. The overall number of children availing of school-age childcare (SAC) and the number of schools, community or youth services offering SAC is unknown.⁷⁵⁰ In 2017/18, 25,290 children availed of a DCYA-subsidised SAC place.⁷⁵¹

In line with its commitment in *A Programme for a Partnership Government* to introduce a new system of quality afterschool care for SAC,⁷⁵² the DCYA and the Department of Education and Skills (DES) jointly published the *Action Plan on School-Age Childcare* in March 2017.⁷⁵³ The Action Plan is Ireland's first policy on

741 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 20 December 2018.

742 Service affordability is usually expressed as a proportion of a family's income. There is no policy in Ireland on what an 'affordable' proportion is to spend on childcare.

743 The FPSS is a fully Government-controlled fee as providers cannot charge parents over and above the capitation rate they receive from the Department of Children and Youth Affairs.

744 Helen Russell et al, *Maternal Employment and the Cost of Childcare in Ireland* (ESRI 2018) viii. This increased to 16 per cent for lone parent families and 20 per cent for families with the lowest incomes in Ireland.

745 Government of Ireland, *First 5, A Whole of Government Strategy for Babies, Young Children and their Families 2019-2028* (Stationary Office 2018) 143.

746 Department of Children and Youth Affairs, 'Contract awarded to deliver IT system for the Affordable Childcare Scheme' (DCYA, 9 July 2018) <<https://bit.ly/2Rd2LwG>> accessed 2 October 2018.

747 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 20 December 2018.

748 Section 22 of the Childcare Support Act 2018 defines a 'school-age service' as any early years service, play group, day nursery, crèche, day-care or other similar service which (a) caters for children under the age of 15 who are enrolled in primary or post-primary education, (b) provides a range of developmental and recreational activities, taking place outside of school hours, the purpose of which is childcare and (c) the basis for access to which is made publicly known to the parents and guardians of the children. It excludes services solely for the arts, youth work, sport, tuition, religious teaching or settings that are subject to inspection prior to the commencement of the section on 17 February 2019.

749 Department of Education and Skills, 'Education at a Glance OECD Indicators, A Country Profile for Ireland, Statistics Section, September 2018' <<https://bit.ly/2FZ9tEnf>> accessed 24 January 2019, 7.

750 Inter-Departmental Group on Future Investment in Early Years and School-Age Childcare and Education, 'Report of Inter-Departmental Working Group: Future Investment in Childcare in Ireland' (DCYA 2015) <<http://bit.ly/1GDVkBn>> accessed 6 February 2017, 56.

751 Pobal, *Early Years Sector Profile Report 2017/2018* (Pobal 2018) 63.

752 Department of the Taoiseach, *A Programme for a Partnership Government 2016* (Department of the Taoiseach, 2016) 78.

753 Department of Children and Youth Affairs and Department of Education and Skills, *Action Plan on School-Age Childcare* (DCYA/DES 2016). School-age childcare is defined as: 'Childcare which encompasses a wide range of non-scholastic, safe, structured programme offerings for school-going children aged four to 12 years, whether provided by childminders or in formal settings. The service operates outside of normal school hours, i.e., before school, after school and during school holidays,



The Government will need to make significant year-on-year investments directly into services to ensure that introducing fee control does not lead to low quality services for children.

services during term-time and during school holiday periods.⁷⁵⁴ It commits to the development of quality standards and a quality assurance system for SAC services and the development of a SAC qualification for practitioners.⁷⁵⁵ It considers the issue of capital grants to expand the supply of SAC places and the funding of transport from schools to SAC services and recommends maximising the use of schools and other existing community facilities for the provision of SAC services 'where demand exists and where it can be facilitated by the school patron/ trustees'.⁷⁵⁶

The Action Plan anticipated that the development and implementation of non-regulatory SAC quality standards would precede regulations. However, in order to provide a legal basis for SAC settings to operate the ACS, regulations are being introduced in a two-stage process.⁷⁵⁷ Initial regulations, the Child Care Act 1991 (Early Years Services) (Registration of School Age Services) Regulations 2018,⁷⁵⁸ were published in December 2018, and will be commenced on 18 February 2019,⁷⁵⁹ allowing services to apply to register with Tusla from this date.⁷⁶⁰ Comprehensive SAC regulations are expected to replace these initial regulations and will be developed over 2019.⁷⁶¹ The draft quality standards developed by the DCYA's Working Group on Quality Standards over 2017/2018 will be finalised in 2019,⁷⁶² and include standards

on include leadership, governance and service management as well as a programme of activities for SAC settings.⁷⁶³ In Budget 2019, €0.45m was allocated to the Tusla Early Years Inspectorate to begin registration⁷⁶⁴ which is a good strategy to mainstream, regulate and support these services. Non-regulatory quality standards developed in 2017/2018 by a DCYA Working Group will be progressed in 2019.

The additional SAC funding, announced by the Minister for Children and Youth Affairs in June 2018, is welcome.⁷⁶⁵ The funding aims to increase capacity for SAC provision, through the establishment of new services and the expansion or improvement of existing services. It provided €0.76m for new places and €0.25m for essential maintenance and repair.⁷⁶⁶ Through this funding, 807 new SAC places were created.⁷⁶⁷

The *National Development Plan 2018-2027* allocated €156 million to the DCYA in capital investment from 2018 to 2022 including €32 million for 2019.⁷⁶⁸ This investment provides the Government with an opportunity to assess and forecast the demand for quality SAC and ECEC services and the capacity in these sectors to meet demand. It also serves to address under- and over-supply in communities around the country through existing public and private facilities and new builds. To provide truly accessible ECEC and SAC for children, along with childcare subsidies, places must be available in high-quality services close to families' home or within easy access of transport links.

*First 5*⁷⁶⁹ commits to a new funding model for ECEC and SAC which will result in a rise in quality over the lifetime of the Strategy as investment increases, meaning that how the State subsidises and invests in ECEC and SAC services will enter a new phase of development, beyond that initially envisaged in *A Programme for a Partnership Government*.

excluding the weekends. The same children attend the service on a regular basis and access to the service is clearly defined by agreement with parents/guardians. The main purpose of the service is to promote children's holistic development and to care for children where their parents are unavailable.'

754 Department of Children and Youth Affairs and Department of Education and Skills, *Action Plan on School-Age Childcare* (DCYA/DES 2017) 4.

755 *ibid* 6-9.

756 *ibid*. It is notable that the Department of Education and Skills' *Action Plan for Education 2016-2019* proposes additional capititation to schools for the provision of buildings for afterschool care. Department of Education and Skills, *Action Plan for Education 2016-2019* (DES 2016) 59.

757 Toby Wolfe, 'Presentation to the National Childhood Network, Seminar on School-Age Childcare' 17 November 2018, Unpublished.

758 Child Care Act 1991 (Early Years Services) (Registration of School Age Services) Regulations 2018 (S.I. No. 575/2018).

759 SI No. 575/2018. Department of Children and Youth Affairs, 'New Registration System Brings School Age Childcare into Affordable Childcare Scheme' (DCYA, 27 December 2018) <<https://bit.ly/2UineCd>> accessed 7 January 2019.

760 Department of Children and Youth Affairs, 'Childcare Support Bill, Frequently Asked Questions, December 2017' <<http://bit.ly/2CVuijD>> accessed 8 January 2018.

761 Toby Wolfe, 'Presentation to the National Childhood Network, Seminar on School-Age Childcare' 17 November 2018, Unpublished.

762 *ibid*.

763 *ibid*.

764 Department of Children and Youth Affairs, 'Budget 2019 - Information Pack' <<https://bit.ly/2CIk8vh>> accessed 24 January 2019.

765 Department of Children and Youth Affairs, 'Minister announces total of €6.87m in Capital funding to be awarded to Early Years and School-Age Childcare this summer (DCYA, 1 June 2018) <<https://bit.ly/2M1kDsH>> accessed 24 October 2018.

766 *ibid*.

767 Toby Wolfe, 'Presentation to the National Childhood Network, Seminar on School-Age Childcare' 17 November 2018, Unpublished.

768 Minister for Children and Youth Affairs, Dr Katherine Zappone TD, Dáil Debates, National Development Plan, 11 July 2018 [514-515/18].

769 Government of Ireland, *First 5, A Whole of Government Strategy for Babies, Young Children and their Families 2019-2028* (Stationary Office 2018) 174.

Subsidised and School-Age Childcare Immediate Actions for 2019



Continue to increase investment in high quality ECEC and SAC services in 2019, through the Affordable Childcare Scheme and the National Development Plan.

There should a clear funding line to implement provisions in the Childcare Support Act 2018 relating to vulnerable children to deliver its potential as a prevention and early intervention measure.



Using the revised funding model promised under *First 5*, evaluate the current funding model and develop a model that adequately recognises the costs of providing high-quality, accessible services to children and young people, that are affordable to and valued by parents and communities.

The funding model should also invest in a professional, socially-valued early years workforce and develop well-planned, sustainable ECEC and SAC services.



Develop more comprehensive SAC regulatory standards in 2019.

The second set of school-age regulatory standards should support SAC services and improve their quality.

5.3 Childminding

Section Grade:

C

➔ Government Commitment

A Programme for a Partnership Government commits to:

Support the development of a phased programme of reforms for childminding.

▶ **Progress: Some**

'Childminding' receives a 'C' grade in *Report Card 2019*, an improvement on last year's 'D' grade. The increase in the grade reflects the publication of the report and recommendations of the Working Group on Reforms and Supports for the Childminding Sector and the fact that only Tusla-registered childminders can participate in the Affordable Childcare Scheme. However, the childminding action plan was not delivered in 2018 as promised and the sector remains largely unchanged with the vast majority of childminders unregistered and unregulated.

Young children receiving care and education services in the homes of childminders have the same rights under the UN Convention on the Rights of the Child as children receiving centre-based services, including the right to services that conform to quality standards.⁷⁷⁰ Noting that young children form strong emotional attachments to their parents or other caregivers from whom they seek and require nurturance, care, guidance and protection,⁷⁷¹ the UN Committee calls on all non-state providers of services (whether for-profit and non-profit) to respect the principles and provisions of the UN Convention. The Committee reminds States of their primary obligation to ensure implementation of the Convention, their responsibility for service

770 UNCRRC 'General Comment No.7: Implementing child rights in early childhood' (2006) UN Doc CRC/C/G/GC/7/Rev.1 para 23.

771 *ibid* para 5.

provision for early childhood development,⁷⁷² and their obligation to monitor and regulate the quality of non-state provision to ensure that children's rights are protected and their best interests served.⁷⁷³

► Reforming Childminding:

A childminder is a self-employed person who provides a childminding service.⁷⁷⁴ The Child Care Act 1991 (Early Years Services) Regulations 2016 and the Child Care 1991 (Early Years Services) (Registration of School Age Services) Regulations 2018 define a childminding service as a pre-school service/ school-age service offered by a person who single-handedly takes care of pre-school /school-age children⁷⁷⁵ in the childminder's home, for more than two hours per day, except where exemptions apply.⁷⁷⁶ Only childminding services catering for four or more pre-school children, who are unrelated to each other are subject to the 2016 Regulations and are required to register with Tusla.⁷⁷⁷ In 2018, to avoid the premature registration of childminding services that are currently exempt, the Child Care Act 1991 was amended to ensure that childminders caring for a specific number of school-age children do not fall within the scope of new school-age childcare regulations.⁷⁷⁸ In order to be exempt from registration with Tusla,

the maximum number of children a childminder can care for at any one time is six (other than their own children) with no more than three children of pre-school age.⁷⁷⁹ The exemptions mean that children are receiving a service in private homes, paid for by their parents, and child safety and the quality of the service is neither regulated nor monitored.

The exemptions and the overall lack of regulation and state oversight of the sector also mean that there are no accurate data, only estimates, on the numbers of childminding services in Ireland and of children availing of services. The Department of Children and Youth Affairs estimates that there are 35,000 childminding services caring for an estimated 88,000 children.⁷⁸⁰ In a 2016 survey, parents indicated that 10 per cent of children aged 12 years and under were cared for by childminder, au pair or nanny services.⁷⁸¹ At the end of 2018, 106 childminders were Tusla-registered⁷⁸² and Tusla is of the view that a significant number of paid childminders who are not exempt from regulation remain unregistered.⁷⁸³

To date, there has not been a national strategy dedicated to the development of these services to children and families. In September 2016, the Department of Children and Youth Affairs established a Working Group on Reforms and Supports for the

772 *ibid* para 32.

773 *ibid*.

774 Office of the Minister for Children, *National Guidelines for Childminders* (Stationery Office 2006) 29.

775 A pre-school child is defined in the Child Care Act 1991 (Early Years Services) Regulations 2016 (SI No. 221/2016) as a child who is under six years of age and who is not attending primary school. The childminder's own children may be included.

776 Section 58 of the Child Care Act 1991 exempts childminders taking care of one or more pre-school child who is related to the child or the spouse of a relative; where the child or children being cared for are in the same family other than the childminder's own children and a childminder taking care of not more than three pre-school children from different families other than their own children. The Child Care 1991 (Early Years Services) (Registration of School Age Services) Regulations 2018 exempts childminders caring for not more than six children (other than childminder's own children) at the same time and not more than three of these children can be of pre-school age. For example, a childminder can care for three pre-school and three school-age children at the same time, or five school-age and one pre-school child at the same time, without having to register with Tusla. Department of Children and Youth Affairs, 'Child Care 1991 (Early Years Services) (Registration of School Age Services) Regulations 2018 – Frequently Asked Questions' <<https://bit.ly/2Tbr5Ay>> accessed 7 January 2019.

777 Child Care Act 1991 (Early Years Services) Regulations 2016, Statutory Instrument (SI No 221) Regulation 12.

778 Select Committee on Children and Youth Affairs, *Childcare Support Bill: Minister for Children and Youth Affairs*, 27 February 2018.

779 These numbers refer to the maximum numbers and ages of children that a childminder can care for at the same time without being legally obliged to register with Tusla. However, a childminder can care for a maximum of 12 school-age children singlehandedly at the same time. Department of Children and Youth Affairs, 'Child Care 1991 (Early Years Services) (Registration of School Age Services) Regulations 2018 – Frequently Asked Questions' <<https://bit.ly/2Tbr5Ay>> accessed 7 January 2019.

780 The Working Group on Reforms and Supports for the Childminding Sector, 'Pathway to a quality support and assurance system for childminding, Volume 1: Summary report of the Working Group on reforms and supports for the childminding sector' <<https://bit.ly/2sHd56f>> accessed 29 November 2018, 16.

781 Central Statistics Office, *Quarterly National Household Survey Module on Childcare, Quarter 3, 2016* (CSO 2017) 1. Note that the CSO Quarterly National Household Survey Module on Childcare does not distinguish between a childminder, nanny or au pair. Childminding services operate in the childminder's home and childminders are self-employed, while nannies and au pairs operate in the child's home. Au pairs are legally designated as employees of parents, while nannies are also often employees.

782 Communication received by the Children's Rights Alliance from the Early Years Inspectorate, Tusla, 3 January 2019.

783 The Working Group on Reforms and Supports for the Childminding Sector, 'Pathway to a quality support and assurance system for childminding, Volume 1: Summary report of the Working Group on reforms and supports for the childminding sector' <<https://bit.ly/2sHd56f>> accessed 29 November 2018, 21.

Childminding Sector⁷⁸⁴ with the aim of producing proposals for the Minister for Children and Youth Affairs on necessary reforms and supports.⁷⁸⁵ In March 2018, the Working Group published its report *Pathway to a quality support and assurance system for childminding*, which made 20 key recommendations to reform the childminding sector in Ireland including:

- Legislative amendments to provide a more comprehensive legal definition of a childminding service, so that childminders minding one or more children of pre-school and school-age in their own home are required to be Tusla-registered and regulated;
- The development of minimum regulatory standards for childminding services for children from birth to 15 years;
- The development of appropriate quality standards for childminding in line with national quality and curriculum frameworks;
- The establishment of a National Childminding Office to deliver the Childminding Action Plan, including the creation of a system of staffed childminding networks to support childminders.⁷⁸⁶

In 2018, the Department of Children and Youth Affairs introduced a number of incentives to improve safety and quality within the childminding sector including specific first aid training and a post-award bursary to support childminders who obtain a QQI Level 5 qualification, a pre-requisite for registration with Tusla.⁷⁸⁷ The Department intends that all regulated childminders will hold a minimum qualification.⁷⁸⁸

784 The Working Group was chaired by Childminding Ireland, a membership-based organisation representing childminders and comprised Tusla, Pobal, Department of Children and Youth Affairs, Childcare Committees Ireland, Children's Rights Alliance, the National Childcare Voluntary Collaborative and Better Start.

785 Children's Rights Alliance, *Report Card 2017* (Children's Rights Alliance 2017) 43.

786 The Working Group on Reforms and Supports for the Childminding Sector, 'Pathway to a quality support and assurance system for childminding, Volume 1: Summary report of the Working Group on reforms and supports for the childminding sector' <<https://bit.ly/2sHd56f>> accessed 29 November 2018, 13, 24, 27, 35.

787 Department of Children and Youth Affairs, 'Minister Zappone announces supports for quality improvements in the childcare sector, including €1.2m First Aid training fund' (DCYA, 5 September 2018) <<https://bit.ly/2TaFygm>> accessed 24 January 2019.

788 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 21 December 2018.

In Budget 2019, the Minister for Children and Youth Affairs allocated €0.5m to develop a team of Childminding Support Officers to support the registration of childminders with Tusla and to help them upskill to meet required regulatory standards, which will be introduced in the coming years.⁷⁸⁹ All of these commitments are positive: they potentially support the implementation of the Working Group recommendations on the initial minimum regulatory standards for childminders under a reformed model. Further investment and resources are required to fully deliver reform.

First 5: A Whole-of-Government Strategy for Babies, Young Children and their Families 2019-2028 was published in November 2018.⁷⁹⁰ Childminding is central to the reform of the Early Childhood Education and Care (ECEC) system under the Strategy, specifically the extension of regulations and supports to all paid childminders.⁷⁹¹ Publication of the proposed Action Plan for Childminding is expected in early 2019⁷⁹² with the aim of progressing wider regulation and support for childminders.⁷⁹³

Parents may only use Tusla-registered services to avail of the childcare subsidies provided under the 'September Measures' or interim measures in place since September 2017 in advance of the full implementation of the Affordable Childcare Scheme (ACS). The Childcare Support Act 2018 also limits participation in the ACS to childcare services - both ECEC and school-age - that are registered with Tusla.⁷⁹⁴ This policy is welcome from a child's rights perspective. Public monies should not be used to fund childcare that is of unknown quality and is not subject to regulation and inspection. The ACS offers a significant incentive to encourage childminders to register and the opportunity to receive support to improve the quality of their services.

By registering with Tusla, childminders are open to periodic inspection by Tusla's Early Years Inspectorate.

789 Department of Children and Youth Affairs, 'Budget 2019, Information Pack', <<https://bit.ly/2TULCJG>> accessed 25 October 2018.

790 Government of Ireland, *First 5: A Whole of Government Strategy for Babies, Young Children and their Families 2019-2028* (Stationary Office 2018).

791 *ibid* 11.

792 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 20 December 2018.

793 Government of Ireland, *First 5: A Whole of Government Strategy for Babies, Young Children and their Families 2019-2028* (Stationary Office 2018) 158.

794 Childcare Support Act 2018, s 1.



2016 data on the childcare use and preferences of parents in Ireland show that 10% of children aged 12 years and under were cared for by childminder, au pair or nanny services. This equates to approximately 88,000 children.

In Tusla's analysis of 1,563 inspections carried out in 2017, only 40 were registered childminding services.⁷⁹⁵ Of these, 83 per cent were found to comply with the regulations assessed, however the report acknowledged the very low level of data relating to childminding services.⁷⁹⁶ Notably childminders are not named as mandated persons with a legal obligation to report child protection concerns to Tusla under the Children First Act 2015. However, registered childminders are required to have a Child Safeguarding Statement.⁷⁹⁷ While some unregistered childminders voluntarily undertake Children First child protection training there is no onus on them to do so.

Childminders have highlighted that key components in the national regulatory standards for ECEC services are not suitable to a home-based environment as they were designed for centre-based childcare services.⁷⁹⁸ For example standards relating to premises and space, and to nappy changing and sleeping requirements are very different in both settings. In a consultation to inform the work of the Childminding Working Group, childminders cited the inappropriateness of the regulations as a disincentive to register with Tusla, and expressed a wish for specific childminding standards regulations tailored to the home-based context.⁷⁹⁹

The Department of Children and Youth Affairs has committed to develop appropriate regulatory standards, with the Tusla's Early Years Inspectorate as regulator,⁸⁰⁰ on foot of the Childminding Working Group's recommendation.⁸⁰¹ In September 2018, Tusla's Early Years Inspectorate published a document outlining its interpretation of the requirements for childminders' compliance with the Child Care Act 1991 (Early Years Services) Regulations 2016 for pre-school

children as part of the new Quality and Regulatory Framework (QRF)⁸⁰² with input from Childminding Ireland.⁸⁰³ The accessible interpretation of the 2016 Regulations specifically for childminding services, coupled with the dedicated funding in Budget 2019 to support the registration of childminders with Tusla, are two positive steps to encourage childminding services to register with Tusla. Furthermore, the commitment in *First 5* to conduct a review of the 2016 Regulations and the accompanying QRF in light of different settings including home-based settings, to ensure proportionate regulation,⁸⁰⁴ is welcome.

The Working Group on Childminding identified an insufficiency of national supports for childminders to improve the quality of their services.⁸⁰⁵ The childminding sector requires radical reform and State recognition to ensure that it is properly regulated and supported. The childminding action plan should recognise, support and promote the important contributions that childminders can make to children's learning and development outcomes.

The action plan on childminding is due to be published in early 2019. This plan is essential to ensure progress in terms of regulating the childminding sector and providing the supports necessary to improve and assure quality services for children.

795 Tusla, 'Early Years Inspectorate Annual Report 2017' <<https://bit.ly/2T6zbud>> accessed 22 November 2018, 20.

796 *ibid* 23.

797 Department of Children and Youth Affairs, 'Child Care 1991 (Early Years Services) (Registration of School Age Services) Regulations 2018 – Frequently Asked Questions' <<https://bit.ly/2Tbr5Ay>> accessed 7 January 2019.

798 The Working Group on Reforms and Supports for the Childminding Sector, 'Pathway to a quality support and assurance system for childminding, Volume 1: Summary report of the Working Group on reforms and supports for the childminding sector' <<https://bit.ly/2sHd56f>> accessed 29 November 2018, 26.

799 *ibid*, 26.

800 Government of Ireland, *First 5: A Whole of Government Strategy for Babies, Young Children and their Families 2019-2028* (Stationary Office 2018) 158, 159.

801 The Working Group on Reforms and Supports for the Childminding Sector, 'Pathway to a quality support and assurance system for childminding, Volume 1: Summary report of the Working Group on reforms and supports for the childminding sector' <<https://bit.ly/2sHd56f>> accessed 29 November 2018.

802 Tusla Early Years Inspectorate, *Quality and Regulatory Framework: Childminding* (Tusla, 2018).

803 Tusla Early Years Inspectorate, *Report of consultations on the development of the Quality and Regulatory Framework Summary* (Tusla 2018) 5.

804 Government of Ireland, *First 5: A Whole of Government Strategy for Babies, Young Children and their Families 2019-2028* (Stationary Office 2018) 158.

805 The Working Group on Reforms and Supports for the Childminding Sector, 'Pathway to a quality support and assurance system for childminding, Volume 1: Summary report of the Working Group on reforms and supports for the childminding sector' <<https://bit.ly/2sHd56f>> accessed 29 November 2018, 31.

Childminding Immediate Actions for 2019



Publish the action plan on childminding as a matter of urgency in 2019 to ensure the gradual reform and support of the childminding sector.

The Government should publish the proposed action plan on childminding to reform and support the sector. The plan must address issues of investment, quality, regulation and inspection. The plan should also address the issue of supporting childminders to improve their facilities and practices to meet appropriate minimum regulatory standards and quality standards.



Prioritise the regulation and registration of childminding services in the *First 5* implementation plan due by May 2019.

The amendment made to the Child Care Act 1991 exempting many childminders from regulation and registration could further weaken children's right to safe, quality services if childminding regulation is not prioritised.



Provide adequate resources to Tusla's Early Years Inspectorate to support the registration of childminders and conduct early years inspections.

To ensure that Tusla can manage any increase in childminding registrations, financial and personnel resources should be made available. The Early Years Inspectorate will also require adequate resources to meet demand and ensure oversight of the services.

6

Right to Equality



Every child has the right to equal treatment, without discrimination of any kind, irrespective of the race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status of the child or the child's parents or guardian.

Summary of Article 2 of the UN Convention on the Rights of the Child

Chapter Grade:

C



BeLonG To @BeLonG_To

"When I came out, I didn't envision that 2 years later I would be sitting at a table drafting Government policy that will have a profound impact on the lives of young LGBT people across the country." Ayrton Kelly talks his involvement as a Youth Advisor with the #LGBTIYouthStrat



6.1 Traveller and Roma Children

Section Grade:

D-

➔ Government Commitment

A Programme for a Partnership Government commits to:

Publish a revised National Traveller and Roma Inclusion Strategy.

▶ **Progress: Published**

'Traveller and Roma Children' is awarded a 'D-' grade in *Report Card 2019*, a slight decrease on last year's 'D+' grade. This grade reflects serious concerns regarding the continued underspend of local authorities on Traveller specific accommodation in light of the increased number of Traveller families experiencing homelessness and overcrowding. There has been welcome progress on a number of actions contained in the *National Traveller and Roma Inclusion Strategy* but the absence of an implementation plan remains a concern. The publication of the *National Roma Needs Assessment* is a very welcome development however given the serious poverty and marginalisation depicted in the assessment, it is important that the recommendations are resourced and implemented as a matter of priority.

Every child has the right to live free from discrimination on any ground irrespective of the race, ethnic or social origin or other status of the child or their parent or guardian⁸⁰⁶ and they have the right to life, survival and development.⁸⁰⁷ In addition, children in ethnic, religious or linguistic minorities or of indigenous origin must not be denied the right to enjoy their own culture, religion or language.⁸⁰⁸ All children have the right to an adequate standard of living which allows them to develop fully – physically, mentally, spiritually, morally and socially.⁸⁰⁹ The State must take

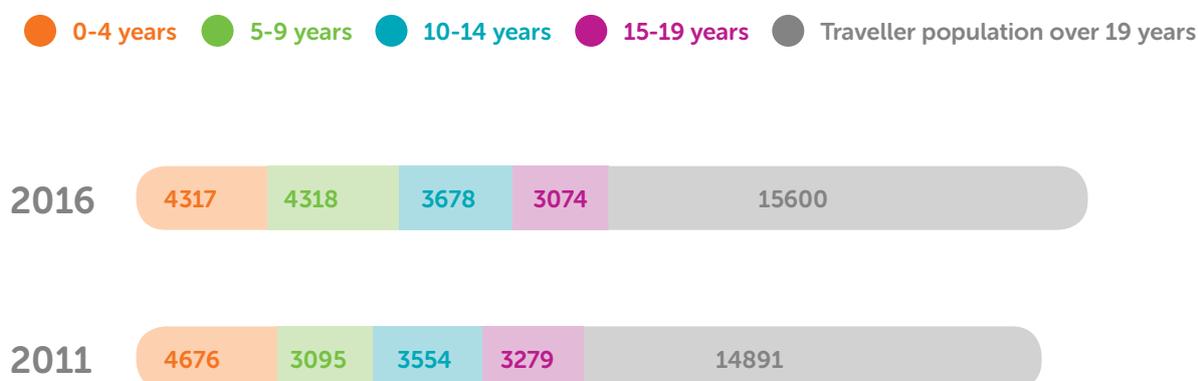
806 UN Convention on the Rights of the Child (20 November 1989) 1577 UNTS 3 (UNCRC) Art 2.

807 *ibid* Art 6.

808 *ibid* Art 30.

809 *ibid* Art 27.

Source: Irish Traveller Population Census 2011 and 2016



measures, using its maximum available resources, to ensure this adequate standard of living for all children⁸¹⁰, including children from ethnic minorities.

The State must identify gaps and barriers and take positive measures, through legislation, resource allocation, policies and programmes, to address existing and potential discrimination against indigenous children.⁸¹¹ In 2016, the UN Committee on the Rights of the Child made particular recommendations to Ireland in relation to Traveller and Roma children across a range of areas including discrimination,⁸¹² adequate standard of living⁸¹³ and health.⁸¹⁴ The Committee also highlighted the lack of a human rights basis for the implementation of the former *National Traveller and Roma Integration Strategy* and inadequate consultations with the Traveller and Roma community in relation to the strategy.⁸¹⁵

Better Outcomes, Brighter Futures, The National Policy Framework for Children and Young people (2014-2020) recognises the particular challenges

and obstacles faced by Traveller and Roma children and young people.⁸¹⁶ Through *Better Outcomes, Brighter Futures*, the Government commits to implement and monitor the former *National Traveller and Roma Integration Strategy*, with a particular focus on Traveller accommodation and the engagement of Roma children in education.⁸¹⁷ It also commits to tackle health inequalities,⁸¹⁸ strengthen social inclusion measures,⁸¹⁹ renew efforts towards improving educational outcomes for Travellers and Roma⁸²⁰ and reduce discrimination and intolerance experienced by marginalised groups.⁸²¹

Census 2016 indicated that 30,987 people identified as Irish Travellers representing a five per cent increase since 2011.⁸²² In 2016 half of the Traveller population were under the age of 19.⁸²³

There is limited data available on the size of the

810 *ibid* Art 4.

811 UNCRC 'General Comment No. 11 Indigenous children and their rights under the Convention' (2009) UN Doc CRC/C/GC/11 para 26.

812 UNCRC 'Concluding Observations: Ireland' (2016) UN Doc CRC/C/IRL/CO/3-4 para 28(a).

813 *ibid* para 60.

814 *ibid* para 50, 52(a).

815 *ibid* para 69.

816 Department of Children and Youth Affairs (DCYA), *Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014-2020* (DCYA 2014) Commitments 1.4, 2.22, 4.19 and 5.6.

817 *ibid* Commitment 4.19.

818 *ibid* Commitment 1.4.

819 *ibid* Commitment 2.22.

820 *ibid*.

821 *ibid* Commitment 5.6.

822 Central Statistics Office, 'Census of Population 2016 – Profile 8 Irish Travellers, Ethnicity and Religion' <<http://bit.ly/2AtCuoX>> accessed 25 January 2019.

823 *ibid*.

Roma population in Ireland but it is estimated to be around 5,000.⁸²⁴ The *National Roma Needs Assessment*,⁸²⁵ commissioned by the Department of Justice and Equality (DJE) in 2015, on foot of a Logan Report recommendation,⁸²⁶ was published in 2018. The *Needs Assessment* found that members of the Roma community face high levels of discrimination, marginalisation, extreme poverty and social exclusion.⁸²⁷

It also found that some Roma children live in overcrowded housing with rats, damp and sewerage.⁸²⁸ Respondents reported that they did not have basic supplies for new-born babies and that children are going to school hungry and without lunch.⁸²⁹ Almost 18 per cent of respondents reported begging as their main source of income while 14 per cent had no income at all.⁸³⁰ Fifty per cent of households with children reported that they did not always have enough food.⁸³¹ The *Needs Assessment* noted that living in poverty often gave rise to mistrust of service providers as Roma families fear that their children may be taken into state care.⁸³²

It is welcome that the DJE has prioritised the areas of social inclusion and employment in the *Needs Assessment*.⁸³³ Six Roma Inclusion projects have been awarded total annual funding of €200,000 from 2018 to 2020.⁸³⁴ In 2019 and 2020, the Department will award funding of €500,000 for seven projects to generate employment for the Roma community.⁸³⁵

► National Traveller and Roma Inclusion Strategy (NTRIS) 2017-2021:

The updated NTRIS was published in June 2017.⁸³⁶ It is organised under 10 strategic themes including a specific theme on children and young people. It contains 149 actions that have 'the potential to improve the situation of Travellers and Roma in Ireland, if implemented'.⁸³⁷ The NTRIS Steering Group is tasked with the development and oversight of the implementation of the actions outlined in the Strategy.⁸³⁸ In 2018, progress was made on 140 of the actions.⁸³⁹ However, to effectively monitor and evaluate the implementation of the Strategy, impact indicators and consultation with Traveller and Roma representatives on the Steering Group are required.⁸⁴⁰ Three sub-committees have been tasked with examining and reporting on the need for the collection of data disaggregated by ethnicity across services; the use of mediation in relation to feuds; and the retention of Traveller and Roma children in the education system.⁸⁴¹ Traveller and Roma representatives on the Steering group have requested government departments and agencies to identify three to five key priorities for 2019 and these will make up the 2019 implementation plan.⁸⁴²

The NTRIS and the *Roma Needs Assessment* identify a number of challenges facing Traveller and Roma children and young people including in the areas of discrimination, education and health. This year's *Report Card* will focus on education and housing.

► Education:

Travellers and Roma experience high levels of educational disadvantage and the focus on school completion in NTRIS is important. It includes 31

824 Hilary Harmon, *Irish Traveller and Roma Children, Shadow Report, A response to Ireland's Consolidated Third and Fourth Report to the UN Committee on the Rights of the Child* (Pavee Point 2015) 22; Pavee Point, *Roma Communities in Ireland: Child Protection Considerations* (Pavee Point, 2014) 11. No separate question exists on the Census form to capture this cohort of the population.

825 Pavee Point & DJE, *Roma in Ireland: A National Needs Assessment* (Pavee Point 2018)

826 Report of Ms Emily Logan published July 2014 and Garda Síochána Act 2005, s 42 (Special Inquiries relating to Garda Síochána) Order 2013 <<http://bit.ly/2kesmW4>> accessed 10 December 2018.

827 Pavee Point & DJE, *Roma in Ireland: A National Needs Assessment* (Pavee Point 2018) 12- 13, 62.

828 *ibid* 10.

829 *ibid* 62.

830 *ibid*.

831 *ibid*.

832 *ibid*.

833 Communication received by the Children's Rights Alliance from the Department of Justice and Equality (DJE), 10 January 2019 and 4 February 2019.

834 *ibid*.

835 *ibid* and 4 February 2019.

836 DJE, *The National Traveller and Roma Inclusion Strategy 2017-2021*, (DJE 2017).

837 Pavee Point, *Civil Society Monitoring Report on Implementation of the National Roma Integration Strategy in Ireland* (European Commission 2018) 7.

838 Minister of State with responsibility for Equality, Integration and Immigration, David Stanton TD, Written Answers, National Traveller-Roma Integration Strategy, 5 July 2018 [29665/18].

839 Communication received by the Children's Rights Alliance from the DJE, 10 January 2018.

840 Traveller and Roma representatives were not consulted on the development of indicators. Pavee Point, *Civil Society Monitoring Report on Implementation of the National Roma Integration Strategy in Ireland* (European Commission 2018), 10-11.

841 Minister of State for Integration, Immigration and Equality, David Stanton TD, Written Answers, Departmental Strategies, 3 October 2017 [41748/17].

842 Communications received by the Children's Rights Alliance from the DJE, 10 January 2019 and 4 February 2019.

education-related actions for Traveller and Roma children. School completion rates have significantly improved for Traveller children but remain significantly lower than the general population, as Traveller boys are four times as likely to leave school at primary level as the general population.⁸⁴³ The *Needs Assessment* found that respondents viewed education as a positive opportunity for their children and parents placed value on their child's education;⁸⁴⁴ 78 per cent of Roma children attended primary school, while 37 per cent of children were in secondary school.⁸⁴⁵ Roma children face significant barriers in education including financial constraints⁸⁴⁶ yet many Roma families are not deemed eligible for Back to School Footwear and Clothing Allowance.⁸⁴⁷ The NTRIS commits to implement community-based supports to assist in the retention of Traveller and Roma children in the education system.⁸⁴⁸

In March 2018, the sub-group on the retention of Traveller and Roma children in education proposed a pilot project to improve school attendance, participation and retention among children and young people in the Traveller and Roma communities.⁸⁴⁹ There has been significant and welcome progress on this cross-departmental pilot. Since March, the sub-group has met eight times and identified four pilot sites.⁸⁵⁰ Each pilot site will undertake a local needs assessment and subsequently develop an action plan to address need⁸⁵¹ with departmental commitments made to appoint 16 dedicated staff members.⁸⁵² All pilot sites are expected to be fully operational by quarter three of 2019.⁸⁵³

Roma and Traveller children are significantly more likely to report being bullied⁸⁵⁴ and many report

€4.5 million

In 2017 local authorities only spent €4.5 million out of a total budget of €9 million on Traveller accommodation

hiding their identity.⁸⁵⁵ Research on the effectiveness of anti-bullying procedures and guidelines, in consultation with Traveller and Roma representative groups, has been commissioned.⁸⁵⁶ The National Council for Curriculum and Assessment (NCCA) is reviewing the intercultural education guidelines in light of the recent recognition of Travellers as an ethnic minority,⁸⁵⁷ as well as conducting an audit of the place of Traveller culture and history in the current school curriculum.⁸⁵⁸ These measures are welcome but it is important that both Traveller and Roma children and parents are consulted as part of the review. Roma history and culture should also be included in any reforms to the current curriculum.

► Housing:

The number of Travellers living in temporary accommodation increased between 2011 and 2016 from 3,560 to 3,718 accounting for 12.2 per cent of all Travellers.⁸⁵⁹ The vast majority of Travellers live in local authority accommodation, with an increase of

843 Central Statistics Office, 'Census of Population 2016 – Profile 8 Irish Travellers, Ethnicity and Religion' <<https://bit.ly/2CGbmTc>> accessed 21 November 2018.

844 Pavee Point & DJE, *Roma in Ireland: A National Needs Assessment* (Pavee Point 2018) 110.

845 *ibid* 83.

846 *ibid* 110 - 111.

847 *ibid* 111.

848 DJE, *The National Traveller and Roma Inclusion Strategy 2017-2021*, (DJE 2017) 26.

849 Communication received by the Children's Rights Alliance from Tusla, Child and Family Agency, 24 December 2018.

850 *ibid*. The pilot sites are Enniscorthy/Bunclody in Wexford; Tuam in Galway; North Dublin (Coolock, Ballymun, Finglas) and; South Dublin (Clondalkin, Tallaght).

851 Communication received by the Children's Rights Alliance from Tusla, 24 December 2018.

852 *ibid*. These will include four Educational Welfare Officers, four Home School Community Liaison Officers and eight Education Workers from the Traveller and Roma communities.

853 *ibid*.

854 DCYA, *State of the Nation's Children*:

Ireland 2016, (DCYA 2016) 58.

855 Pavee Point & DJE, *Roma in Ireland: A National Needs Assessment* (Pavee Point 2018) 115.

856 Communication received by the Children's Rights Alliance from the DES, 1 February 2019.

857 Carl O'Brien, 'Traveller Culture and History Set to Feature on School Curriculum', *The Irish Times*, 27 September 2018.

858 *ibid*.

859 CSO, 'Census of Population 2016 – Profile 8 Irish Travellers, Ethnicity and Religion' <<http://bit.ly/2AtCuoX>> accessed 25 January 2019.

93 families being accommodated by voluntary bodies with local authority assistance from 2016 to 2017.⁸⁶⁰ In 2017, 585 Traveller families lived in unauthorised halting sites, an increase of 49 families on the previous year.⁸⁶¹ Overcrowding remains an issue for Irish Traveller households; 40 per cent live in overcrowded accommodation compared to less than six per cent of all households in the general population.⁸⁶² Traveller families are more at risk of homelessness - while they make up less than one per cent of the population they make up nine per cent of the homeless population.⁸⁶³ They also face the highest levels of discrimination when accessing housing.⁸⁶⁴ It is estimated that half of the families referred to Garda stations where no emergency overnight accommodation is available are Travellers.⁸⁶⁵ Forced evictions over fire safety concerns, from both authorised and unauthorised halting sites, continue to be a threat.⁸⁶⁶

Budget 2019 allocated €13 million to Traveller-specific accommodation, an increase of €1 million on the previous year.⁸⁶⁷ While the increase in funding for Traveller specific accommodation is welcome, in 2017 local authorities only spent half of the €9 million allocated to Traveller accommodation.⁸⁶⁸ Sanctions must be put in place for a failure to address the accommodation needs of Travellers.⁸⁶⁹

The NTRIS highlights the role of the National Traveller Accommodation Consultative Committee (NTACC) in monitoring delivery of the commitments on accommodation informed by the *Review of Funding*. The Minister of State with special responsibility for Housing and Urban Development, Damien English TD established the Traveller Accommodation Expert Group on foot of a recommendation by the NTACC. The group, chaired by David Joyce,⁸⁷⁰ will review the Traveller Accommodation Act 1998 and other relevant legislation which impacts the provision and delivery of accommodation to Travellers.⁸⁷¹ The group met for the first time in October 2018 and has been asked to examine the best way of delivering Traveller accommodation and to develop key actions in the next six months.⁸⁷²

The *Needs Assessment* found that Roma face significant discrimination in accessing accommodation. The majority of interviewees lived in private rented accommodation while 13 per cent were renting from a local authority and six per cent were homeless.⁸⁷³ The living conditions for Roma were found to be very poor with many families living in overcrowded accommodation often without a tenancy agreement.⁸⁷⁴ Many Roma live in accommodation without basic facilities such as a kitchen, cooker, running water or heat.⁸⁷⁵ The *Needs Assessment* reported that some families had their water turned off or fuses removed by landlords when their rent was overdue.⁸⁷⁶ The NTRIS does not include any objectives which specifically support the Roma community in relation to accommodation. Further research should be carried out to ascertain the housing situation of the Roma community.⁸⁷⁷

860 Department of Housing, Planning, Community & Local Government (DHPLG), 'Annual Count 2017 - Total Number of Traveller Families in all categories of Accommodation' <<https://bit.ly/2N7HuWW>> accessed 25 January 2019.

861 *ibid.*

862 CSO, 'Census of Population 2016 – Profile 8 Irish Travellers, Ethnicity and Religion' <<http://bit.ly/2AtCuoX>> accessed 25 January 2019.

863 Raffaele Grotti, Helen Russell, Éamonn Fahey & Bertrand Maitre, *Discrimination and Inequality in Housing in Ireland* (IHREC 2018) ix.

864 *ibid.*

865 Jack Power, 'Half of families sleeping in Garda Stations are Travellers or Romanian', *The Irish Times*, 13 August 2018.

866 Pavee Point, Civil Society Monitoring Report on Implementation of the National Roma Integration Strategy in Ireland (European Commission) <<https://bit.ly/2PmC7Ru>> accessed 15 November 2018.

867 DHPLG, 'Murphy welcomes increase of €725m in Housing, Planning and Local Government funding (+22%) under Budget 2019', 9 October 2018 <<https://bit.ly/2FyEIH3>> accessed 24 November 2018.

868 Minister of State with special responsibility for Housing and Urban Development, Damien English TD, Dáil Debate, Traveller Accommodation, [26818/18], 20 June 2018.

869 Representative groups consulted in the Independent Review stated that the Housing (Traveller Accommodation) Act 1998 should be reviewed to provide for sanctions, penalties or other measures of enforcement for local authorities who do not implement their own targets.

870 David Joyce is a member of the Irish Human Rights and Equality Commission and a solicitor at Mercy Law Resource Centre.

871 Joint Committee on Housing, Planning and Local Government Debate, Traveller Accommodation: Traveller Accommodation Expert Group, 6 November 2018.

872 *ibid.*

873 Pavee Point & DJE, *Roma in Ireland: A National Needs Assessment* (Pavee Point 2018) 85 - 87.

874 *ibid* 88-89.

875 *ibid* 88.

876 *ibid.*

877 *ibid* 92.

Traveller and Roma Children Immediate Actions for 2019



Develop and publish an implementation plan for the NTRIS and allocate the necessary resources for its implementation.

There has been some progress on the NTRIS actions in 2018. However a clear implementation plan with indicators is required as a matter of urgency to ensure all of the Strategy's objectives are fully implemented within the given timeframe. Traveller and Roma children should be consulted as part of the development of the implementation plan to ensure that their voices as ethnic minority groups are heard.



Review the NTRIS to incorporate the recommendations from the *National Roma Needs Assessment*.

Given the concerning levels of discrimination, poverty and marginalisation detailed in the *Needs Assessment*, the planned midterm review of the NTRIS, due to take place in 2019, provides an ideal opportunity for its recommendations to be incorporated into the wider Strategy.



Ensure the research commissioned on the effectiveness of anti-bullying procedures and guidelines is completed in 2019.

It is important that this research informs further actions to address identity bullying experienced by Traveller and Roma children and young people. They should be consulted as part of the research.



Publish the report of the Traveller Accommodation Expert Group as a matter of urgency.

To address the significant accommodation issues faced by Traveller families, the report and recommendations of the Expert Group should be published as a priority. A clear plan should be published detailing timelines and actions for implementation.

6.2 Refugee and Asylum-Seeking Children

Section Grade:

C

➔ Government Commitment

A Programme for a Partnership Government commits to:

Offer safe haven for refugees under EU and UN resettlement and relocation programmes, while promoting the integration of refugees in our communities.

▶ **Progress: Some**

Reform of the Direct Provision system, with particular focus on families and children.

▶ **Progress: Steady**

'Refugee and Asylum-Seeking Children' receives a 'C' grade in *Report Card 2019*, an increase from last year's 'D+' grade. While the Government has met its relocation target for Greece, it has not met resettlement commitments.⁸⁷⁸ The consultation on National Standards for the Direct Provision system is positive but the standards have not been published. From a children's rights perspective, the transposition of the EU Recast Reception Conditions Directive into Irish law is a significant development ensuring that a child's best interests is a primary consideration in relevant decisions on their accommodation and situation while in the protection process. A third increase in the Direct Provision payment to children is also positive.

Every child should be free to enjoy their rights without facing discrimination of any kind irrespective of their race, national or ethnic origin or other status.⁸⁷⁹ Children outside their country of origin seeking refugee protection are entitled to appropriate protection regardless of whether or not they are accompanied by their parents/guardians.⁸⁸⁰ The State must take steps

878 Under the EU's emergency relocation scheme, asylum seekers with a high chance of a successful application are relocated from Greece and Italy to other Member States to have their applications processed and if successful, they will be granted refugee status in those Member States. The resettlement scheme provides legal and safe pathways for displaced persons in need of protection. The European Commission, 'Relocation and Resettlement 13 June 2017' <<https://bit.ly/2tn3YG1>> accessed 25 January 2019.

879 UN Convention on the Rights of the Child (20 November 1989) 1577 UNTS 3 (UNCRC) Art 2(1).

880 *ibid* Art 22(1).

to facilitate family reunification where possible,⁸⁸¹ but in cases where this is not possible, the State must give the same protection to the unaccompanied minor as it would to other children who are separated from their family⁸⁸² or who are placed in state care.⁸⁸³ The child's ethnic, religious, cultural and linguistic background must be considered when deciding what is best for that child.⁸⁸⁴ In 2016, the UN Committee on the Rights of the Child called on the State to bring its 'asylum policy, procedures and practices into line with its international obligations' and ensure asylum seeking and refugee children have the 'same standards and access to support services as Irish children'.⁸⁸⁵

In December 2018, Ireland along with other world leaders adopted the *UN Global Compact for Safe, Orderly and Regular Migration*, the first global agreement on a common approach to international migration in all its forms.⁸⁸⁶ It recognises the need for a cooperative approach to optimise the benefits of migration, alongside addressing the risks and challenges of migration for individuals, communities and states.⁸⁸⁷

In July 2018, Minister for Justice and Equality, Charlie Flanagan TD, signed regulations⁸⁸⁸ transposing the EU Recast Reception Conditions Directive into Irish law.⁸⁸⁹ The Directive seeks to harmonise standards of reception conditions across the EU. The introduction of the right to work through the 2018 Regulations should have a positive effect on children living in Direct Provision as parental access to the labour market is a critical route out of poverty. A Direct Provision resident who has worked for a total of 12 weeks will have their income assessed, and dependent on the level of income their Direct Provision payment may be reduced or stopped⁸⁹⁰ and they may have to pay a contribution towards

881 *ibid* Art 22(2).

882 *ibid*.

883 *ibid*.

884 *ibid* Art 20(3).

885 UNCRC 'Concluding Observations: Ireland' (2016) UN Doc CRC/C/IRL/CO/3-4 para 66.

886 United Nations, 'Global Compact for Migration' (UN 2018) <<https://bit.ly/2phtmzT>> accessed 3 December 2018.

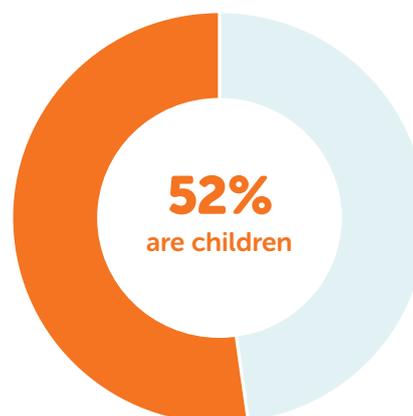
887 *ibid*.

888 European Communities (Reception Conditions) Regulations 2018, SI 230/2018

889 European Commission, 'Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of application for international protection (recast)' *Official Journal of the European Union* L180/96.

890 European Communities (Reception Conditions) Regulations 2018, SI 230/2018, s 5(1).

25.4 million refugees worldwide



accommodation costs.⁸⁹¹ However, children under the age of 18 will retain their Direct Provision payment even if their parents are working.⁸⁹² Similarly no contribution from parents towards the costs of Direct Provision accommodation is required in respect of children living in Direct Provision.⁸⁹³

In addition, the regulations require that the best interests of the child is the primary consideration in decisions that impact on children including those made in relation to their accommodation and family situation.⁸⁹⁴ This means that the possibility of family unity, the child's well-being and social development, safety and security considerations, including the risk of human trafficking, and their views in accordance with their age and maturity must be considered when making decisions about them.⁸⁹⁵

► Irish Refugee Protection Programme (IRPP):

The latest figures show that there are 25.4 million refugees worldwide, 52 per cent of whom are

891 *ibid* s 5(2).

892 *ibid* s 5(1).

893 DJE, 'Information Booklet: Labour Market Access for International Protection Applicants', <<https://bit.ly/2sAKqja>> accessed 18 January 2019.

894 *ibid* s 9(1).

895 *ibid* s 9(2).

Resettlement of Refugees in Ireland

	2015-2017	2018	Number of people due to arrive in 2019	Total
Commitment	1,040	600	600	2,240
Actual number of people arrived	792	338	855	1,985

Source: Information received from the Department of Justice and Equality, 14 January 2019.

children.⁸⁹⁶ Despite a global increase in the numbers of people seeking international protection in 2017, the number of applications for international protection in the EU almost halved, falling from 1.3 million in 2016 to 650,000 in 2017.⁸⁹⁷ The UN High Commissioner for Refugees has calculated that the number of children seeking protection in Europe also decreased by 67 per cent in 2017.⁸⁹⁸ This is a result of an agreement between the EU and Turkey which reduced the number of refugees arriving in Greece by 96 per cent.⁸⁹⁹ An EU action plan to support Italy and reduce the number of refugees crossing the Central Mediterranean has resulted in a decrease in people entering the EU through that route.⁹⁰⁰

As part of its IRPP resettlement commitments, the Government pledged to accept 1,040 programme refugees by 2017.⁹⁰¹ The Government made subsequent commitments to resettle a further 600 refugees in 2018 and 2019 respectively.⁹⁰² The 2018

resettlement figure of 338 includes 255 people who were selected as part of the initial pledge but their arrival was delayed due to Ireland's commitment to the EU Relocation mechanism from Greece.⁹⁰³ In light of this delay the Government has revised its overall resettlement commitment from 2,240 to 1,985.⁹⁰⁴ In relocating 1,022 people from Greece,⁹⁰⁵ Ireland has fulfilled its relocation commitment.⁹⁰⁶ However, it has not met its resettlement commitments and the overall commitment has been revised downwards. The 2019 target to resettle 855 refugees⁹⁰⁷ must be met.

Unaccompanied Minors: In 2018, 5,400 unaccompanied children arrived by sea in Italy and Greece.⁹⁰⁸ Approximately 5,500 unaccompanied children are thought to have reached Spain in 2018.⁹⁰⁹ Children and young people travelling on their own are extremely vulnerable, many fall victim to abuse and violence, or are trafficked into sexual exploitation or forced labour.⁹¹⁰ The Government committed to prioritise unaccompanied minors through the IRPP by relocating 20 unaccompanied minors from Greece⁹¹¹ and up to 200 unaccompanied minors from

896 *ibid.*

897 Eurostat, 'Asylum statistics' (Eurostat 2018) <<https://bit.ly/2RxxxRO>> accessed 26 September 2018.

898 United Nations High Commissioner for Refugees, United Nations International Children's Emergency Fund & United Nations Migration Agency, *Refugee and Migrant Children in Europe: Overview of Trends 2017* (UNHCR 2018) 1.

899 European Commission, *Relocation: EU solidarity between member states* (European Commission 2017) 1.

900 European Commission, 'EU Action in Libya on Migration' <<https://bit.ly/2kuqgGO>> accessed 25 January 2019; United Nations High Commissioner for Refugees, United Nations International Children's Emergency Fund & United Nations Migration Agency, *Refugee and Migrant Children in Europe: Overview of Trends 2017* (UNHCR 2018) 2.

901 Office for the Promotion of Migrant Integration 'Irish Refugee Protection Programme' <<https://bit.ly/20I8IVO>> accessed 25 January 2019.

902 DJE, 'Minister Flanagan and Minister of State Stanton announce new Family Reunification Scheme in support of refugees and their families under the Irish Refugee Protection Programme'

(DJE 2017) <<http://bit.ly/2A4u6Nh>> accessed 16 January 2019.

903 Communication received by the Children's Rights Alliance from the DJE, 14 January 2019.

904 *ibid.*

905 *ibid.*

906 *ibid.*

907 *ibid.*

908 United Nations High Commissioner for Refugees, *Desperate Journeys: Refugees and Migrants Arriving in Europe and at Europe's Borders* (UNHCR 2018) 25.

909 *ibid.* 26.

910 United Nations Children's Fund (UNICEF) & International Organization for Migration (IOM) *Harrowing Journeys: Children and youth on the move across the Mediterranean Sea, at risk of trafficking and exploitation* (UNICEF and IOM 2017).

911 Minister for Children and Youth Affairs, Dr Katherine Zappone TD, Written Answers: Unaccompanied Minors and

France following the dismantling of the unofficial refugee camp in Calais in 2017.⁹¹² In a welcome development, Ireland committed to extending the unaccompanied minors programme in Greece and including Italy with the aim of accepting 60 unaccompanied minors in 2018/2019.⁹¹³

Ireland was unable to meet its commitment to relocate 200 unaccompanied minors from France due to administrative difficulties on the French side and based on a lack of interest expressed by young people in being relocated to Ireland. Irish authorities identified 41 young people who have since been resettled in Ireland from France.⁹¹⁴ The Calais Special Project finished its operations in 2018.⁹¹⁵

Refugees accepted through the IRPP are accommodated in three Emergency Reception and Orientation Centres (EROCC)⁹¹⁶ where they spend an average of 10 months.⁹¹⁷ The initial resettlement timescale anticipated by the Department of Justice

and Equality (DJE) was three to four months.⁹¹⁸

► Children in Direct Provision:

The 2015 Final Report of the Working Group on Improvements to the Protection Process including Direct Provision and Supports to Asylum Seekers, also known as the McMahon report, made 173 recommendations.⁹¹⁹

In 2018, there were 38 Direct Provision accommodation centres nationwide. Of the 5,997 people in Direct Provision, 1,724 are under 18.⁹²⁰ The number of available spaces in the Direct Provision system has steadily decreased resulting in the accommodation of 300 asylum seekers including 44 children, in commercial hotels outside of the Direct Provision system.⁹²¹ Six Direct Provision centres are accommodating more residents than their contracted capacity,⁹²² reflective of the significant strain placed on the system. In December 2018, 12 per cent of the people residing in Direct Provision, over 700 people,

Unaccompanied Minors Arrived in Ireland

	Actual number of arrivals 2015-2017	Actual number of arrivals in 2018	Number of people due to arrive in 2019
Greece	6	0	36
Calais	30	11	0
Malta	0	0	5

Source: Information received from the Department of Justice and Equality, 14 January 2019.

Separated Children, [33522/16], 8 November 2016.

912 Tánaiste and Minister for Justice and Equality, Frances Fitzgerald TD, Dáil Debates, EU Migration Crisis: Motion, 10 November 2016.

913 Communication received by the Children's Rights Alliance from the DJE, 14 January 2019.

914 Minister of State at the Department of Justice & Equality, David Stanton TD, Written Answers, Refugee Data, [48252/18] 20 November 2018.

915 *ibid.*

916 Minister of State at the Department of Justice & Equality, David Stanton TD, Written Answers, Refugee Resettlement Programme, 7 September 2018 [35673/18].

917 Communication received by the Children's Rights Alliance from the DJE, 14 January 2018.

918 Minister for Education and Skills, Richard Bruton TD, Written Answers, Education Schemes, 21 November 2017 [48910/17].

919 DJE, *Working Group to Report to Government Working Group on the Protection Process on Improvements to the Protection Process, including Direct Provision and Supports to Asylum Seekers* (2015). The Working Group was established by the Government in October 2014 and was chaired by former High Court Judge, Dr Bryan McMahon. It comprised a number of representatives from government departments, agencies and non-governmental organisations.

920 Communication received by the Children's Rights Alliance from the DJE, 24 January 2018

921 *ibid.*

922 *ibid.*

have permission to remain in Ireland but cannot move out due to challenges in accessing accommodation.⁹²³

Budget 2019 increased the rate of the weekly Direct Provision allowance for children, increasing it from €21.60 to €29.80 in line with the McMahon Report recommendation.⁹²⁴ This is a positive measure and was the third increase in less than three years to the payment. A review should be conducted to assess the additional social protection needs of children in the Direct Provision system.

National Standards for Direct Provision Centres: National standards are essential to ensure that asylum seeking and refugee children receive a consistent standard of high quality care in all centres and to facilitate open discussion, improve quality, challenge under-performance and provide oversight.⁹²⁵ In August 2018, the DJE published draft National Standards and opened a five-week public consultation period.⁹²⁶ The Standards aim to improve the quality of care and to ensure consistency across all Direct Provision accommodation centres.

The draft Standards are encouraging and include a number of child-specific provisions. They require families to be provided with child-friendly accommodation that 'respects and promotes family life and is informed by the best interests of the child'.⁹²⁷ Service providers will be required to accommodate families in centres with own-door accommodation with access to the families own private living space, alongside additional sleeping quarters and a family bathroom. The draft Standards require that each Centre provides access to cooking and storage facilities either in a self-contained unit or communal kitchen in tandem with catering options.⁹²⁸ In 2016, the UN Committee on the Rights



of the Child called on the State to 'allow for residents [of Direct Provision] to store and cook their own food' as far as possible.⁹²⁹ At the beginning of 2019, 3,232 residents in 18 centres had access to cooking facilities.⁹³⁰ Service providers are required to respect children's rights by explaining their rights in an age-appropriate way, hearing and taking into consideration the views of the child in relation to services provided, including through consultation,⁹³¹ and facilitating and supporting children to exercise their rights.⁹³²

The development of standards is a positive step but to have a real impact on the families and children living in Direct Provision they must be published and an implementation process initiated without delay. It is vital that they inform contractual obligations between the service provider and the Department. A robust monitoring system will be crucial to ensure compliance with the Standards. The draft Standards propose that an independent inspectorate will be put in place to conduct inspections in line with the National Standards.⁹³³ Without an independent inspectorate undertaking

923 Minister of State for Immigration, Integration and Equality, David Stanton TD, Parliamentary Questions, Written Answers, 19 December 2018 [53868/18].

924 At the time of the McMahon report, the recommendation equated to the rate of Qualified Child Increase (QCI). Notably, Budget 2019 increased the Qualified Child Increase rate to €34 (children under the age of 12) and €37 (children over the age of 12) for children of other social welfare recipients. Department of Employment Affairs and Social Protection, 'Budget 2019' <<https://bit.ly/2RDi1rJ>> accessed 27 November 2018.

925 Michele Clarke, *Briefing Paper on the Inspection of Direct Provision* (DJE 2015) 7.

926 Minister for Justice and Equality, Charlie Flanagan TD, Parliamentary Questions, Written Answers, EU Directives [39045/18].

927 DJE, *Draft National Standards for Direct Provision Centres: Public Consultation* (DJE 2018) standard 4.4.

928 *ibid.*

929 UN Committee on the Rights of the Child 'Concluding Observations: Ireland' (2016) UN Doc CRC/C/IRL/CO/3-4 para 66(c).

930 Communication received by the Children's Rights Alliance from the DJE, 25 January 2019.

931 DJE, *Draft National Standards for Direct Provision Centres: Public Consultation* (DJE 2018) Standard 1.2.18.

932 *ibid* Standard 6.1.9.

933 *ibid* 4.



National standards are essential to ensure that asylum seeking and refugee children receive a consistent standard of high quality care in all centres and to facilitate open discussion, improve quality, challenge under-performance and provide oversight.

unannounced inspections, they will lack the necessary oversight to achieve meaningful change. The Health Information and Quality Authority (HIQA) would appear to be the obvious body to undertake such independent inspections.

Child Protection and Welfare Strategy: The UN Convention notes that measures to protect children should, as appropriate, 'include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment'.⁹³⁴

The DJE published its child safeguarding statement in May 2018⁹³⁵ and the new *Child Protection and Welfare Policy and Practice Document* for Direct Provision accommodation centres and EROCs, which supplements the safeguarding statement, was published in July.⁹³⁶

Both the Child Protection and Welfare Policy and Practice Document for Direct Provision are positive steps to ensure the safety of children in Direct Provision. However, more than half of the referrals to Tusla about children in Direct Provision relate to child welfare rather than child protection concerns as highlighted by HIQA in its 2015 report.⁹³⁷ Prevention and early intervention measures are essential to ensure that welfare concerns are addressed in a timely manner and do not escalate.

Families from a refugee background often need support to deal with trauma, to adapt to unfamiliar parenting styles, to find new supports in place of their traditional community and family supports, adjust to new family roles and the influences of a new culture.⁹³⁸

It is important that a Child Welfare and Protection Strategy is developed to complement the existing child protection policies already in place. The new strategy should incorporate the Signs of Safety approach as outlined in Tusla's *Child Protection and Welfare Strategy*⁹³⁹ and focus on prevention and early intervention measures to support families. The Child and Family Unit within RIA usually consists of a child and family services manager seconded from Tusla and two administrative staff. However, the manager role has been vacant since November 2018, which is a concern.⁹⁴⁰

Developing and implementing a strategy with a preventative focus will require a greater compliment of staff with child protection and welfare expertise in the Child and Family Unit. Consideration should be given to providing the unit with additional resources to support the development of a child welfare and protection strategy.

Tusla is currently aligning the Area Based Childhood (ABC) programme with its Prevention, Partnership and Family Support (PPFS) Programme to help embed and enhance the Agency's Prevention and Early Intervention work.⁹⁴¹ An action plan will be developed for the next phase of the ABC Programme as part of the PPFS from 2019 onwards.⁹⁴² The redeveloped PPFS could pay particular attention to the needs of children and parents living in EROCs and Direct Provision accommodation in terms of both universal and targeted services and supports that may be required.

934 UN Convention on the Rights of the Child (20 November 1989) 1577 UNTS 3 (UNCRC) Art 19(2).

935 DJE, 'Child Safeguarding Statement' (DJE, 2018) 2, 46-49. The safeguarding statement sets out the principles and procedures that staff should follow if they become aware of harm, risk or suspicion of harm to a child.

936 DJE, *Child Protection and Welfare Policy and Practice Document for Reception and Integration Agency (RIA), Irish Refugee Protection Programme (IRPP) and Accommodation Centres for persons in the International Protection process under contract to the Department of Justice and Equality* (DJE, 2018). The policy aims to guide the Designated Liaison Person (DLP) on dealing with child welfare and protection concerns specifically arising in accommodation for refugee and asylum seekers. The policy requires two DLPs: one in RIA's Child and Family Services Unit to ensure that child protection and welfare procedures are followed and to keep appropriate records; and a DLP in the accommodation centre responsible for reporting child protection or welfare concerns to Tusla and to the DJE.

937 HIQA 'Report on inspection of the child protection and welfare services provided to children living in Direct Provision accommodation under the National Standards for the Protection and Welfare of Children and Section 8(1) (c) of the Health Act 2007' (25 May 2015) <<https://bit.ly/2TfK114>> accessed 25 January 2019, 12.

938 Kerry Lewig, Fiona Arney and Mary Salveron, *The Working with Refugee Families Project* (University of Australia 2009) 13.

939 Child and Family Agency, Tusla, *Child Protection and Welfare Strategy 2017-2022* (Tusla 2017).

940 Communication received by the Children's Rights Alliance from the DJE, 24 January 2018.

941 Minister for Children and Youth Affairs, Katherine Zappone TD, Written Answers, Area Based Childhood Programme, 18 October 2018 [43139/18].

942 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 20 December 2018.

Refugee and Asylum-Seeking Children

Immediate Actions for 2019



Fulfil commitments under the Irish Refugee Protection Programme.

Ensure the resettlement of 1,985 programme refugees and 60 unaccompanied minors by the end of 2019.



Implement without delay measures to transform the Direct Provision system and end the institutionalisation of children and families. In order to transform the Direct Provision system, as we know it, the Government should:

- Publish and implement the National Standards for reception accommodation centres for people seeking protection as a priority. The standards should inform contractual obligations between the service provider and the Department of Justice and Equality.
- Identify an independent inspectorate to support the implementation of the National Standards, monitor compliance and, ensure that refugee children receive a consistent quality of care in reception accommodation centres for people seeking protection.
- Provide 'own-door' accommodation with private living space for families.
- Given the increase in the Direct Provision allowance for children to the level in the McMahon recommendation, conduct a review to assess the specific social protection needs of children in the Direct Provision system.
- Develop and implement a child welfare and protection strategy with a prevention and early intervention focus to address the particular needs of families living in reception accommodation and in Direct Provision centres. Ensure that the redeveloped Prevention, Partnership and Family Support pays particular attention to the needs of children and parents living in emergency Reception and Orientation Centres and Direct Provision accommodation. Tusla should appoint a child and family services manager for the Child and Family Unit as a priority.

6.3 LGBTI+Children and Young People

Section Grade:

A-

➔ Government Commitment

A Programme for a Partnership Government commits to:

Develop an LGBT Youth Strategy that will encompass education, youth services, mental health and other issues, and to review implementation of the National Action Plan on Bullying as part of this process.

▶ **Progress: Delivered**

'LGBTI+⁹⁴³ Children and Young People' receives an 'A-' in *Report Card 2019*. This grade reflects the publication of the cross-departmental *LGBTI+ Youth Strategy 2018-2020*. Almost 4,000 young people participated in the consultation process for the strategy. However, the National Action Plan on Bullying has not yet been reviewed.

Every child has the right to enjoy their rights without discrimination of any kind.⁹⁴⁴ While the UN Convention on the Rights of the Child does not specifically refer to discrimination on the grounds of sexual orientation or gender identity, the UN Committee on the Rights of the Child has clarified that sexual orientation is included in these grounds.⁹⁴⁵ The UN Committee called on States, when implementing children's rights during adolescence, to 'repeal all laws criminalizing or otherwise discriminating against individuals on the basis of their sexual orientation, gender identity or intersex'⁹⁴⁶

943 The term LGBTI+ is used to denote Lesbian, Gay, Bisexual, Transgender and all other individuals who may identify as intersex etc. The term is inclusive of all sexual orientations and gender identities. This is the preferred term used throughout the section and this has changed from *Report Card 2017* to reflect the official title of the National LGBTI+ Youth Strategy.

944 UN Convention on the Rights of the Child (20 November 1989) 1577 UNTS 3 (UNCRC) Art 2(1).

945 UNCRC 'General Comment No. 4 on Adolescent health and development in the context of the Convention on the Rights of the Child' (2003) UN Doc CRC/GC/2003/41 para 6.

946 Intersex is 'a term used to describe individuals who are born with sex characteristics (chromosomes, genitals, and/or hormonal structure) that do not belong strictly to male or female categories, or that belong to both at the same time'. See Agnes Higgins et al *The LGBTIreland Report: national study of the mental health and wellbeing of lesbian, gay, bisexual, transgender and*

status and adopt laws prohibiting discrimination on those grounds.⁹⁴⁷ States must also 'take effective action to protect all lesbian, gay, bisexual, transgender and intersex adolescents from all forms of violence, discrimination or bullying by raising public awareness and implementing safety and support measures.'⁹⁴⁸

► LGBTI+ Youth Strategy:

In June 2018, the Minister for Children and Youth Affairs, Dr Katherine Zappone TD launched the *National LGBTI+ Youth Strategy 2018 – 2020*. The Strategy is the first LGBTI+ youth strategy in the world. It aims to guarantee a cross-governmental approach to providing additional supports and measures to enhance the lives of LGBTI+ young people and to address some of the key challenges they face in their everyday lives.⁹⁴⁹

The publication of the Strategy is an important milestone for LGBTI+ children, young people and their families. In 2016, the UN Committee on the Rights of the Child called on the State to 'strengthen its efforts to combat discrimination against and stigmatization and social exclusion' of children including that based on their sexual orientation or gender identity.⁹⁵⁰ The Strategy addresses many of these issues and young people have been consulted directly and have informed measures that will improve their lives.

The Strategy was informed by a comprehensive consultation process comprising of seven youth-led consultations held in different locations around the country and an online consultation facilitated by SpunOut.ie.⁹⁵¹ Almost 4,000 young people participated in the consultation process. The results of the final consultation, published by the Department of Children and Youth Affairs (DCYA) in December 2017 revealed discrimination, bullying, isolation, health and mental health as key issues impacting on young LGBTI+ people's lives.⁹⁵²



The Strategy contains three overarching goals: to create a safe supportive and inclusive environment for LGBTI+ young people; to improve the physical, mental and sexual health of LGBTI+ young people; and to develop the research and data environment to better understand the lives of LGBTI+ young people.⁹⁵³ There are 15 objectives with 59 actions outlined to help implement these goals with clear responsibility under each action.⁹⁵⁴ The Strategy is aligned to the five national outcomes of *Better Outcomes, Brighter Futures, The National Policy Framework for Children and Young People 2014-2020*⁹⁵⁵ and will feed into that framework's implementation structures.⁹⁵⁶ Actions in the Strategy also align with a number of other policies including the *National Youth Mental Health Task Force Report 2017* and the *National Sexual Health Strategy 2015 – 2020*.⁹⁵⁷

The *LGBTI+ National Youth Strategy* was developed by the Department of Children and Youth Affairs (DCYA) in the context of the overall *Better Outcomes, Brighter Futures* Framework. Reflecting the cross-government remit of the Framework, comprehensive structures have been established to drive implementation. These

⁹⁴⁷ *intersex people in Ireland* (GLEN and BeLonG To 2016) 19.

⁹⁴⁸ UNCRRC 'General Comment No. 20 on the implementation of the rights of the child during adolescence (2016) UN Doc CRC/C/GC/20 para 34.

⁹⁴⁹ *ibid.*

⁹⁵⁰ Department of Children and Youth Affairs, *National LGBTI+ Youth Strategy 2018-2020: LGBTI+ young people: visible, valued and included* (DCYA 2018) 2.

⁹⁵¹ UNCRRC 'Concluding Observations: Ireland' (2016) UN Doc CRC/C/IRL/CO/3-4 para 28.

⁹⁵² Department of Children and Youth Affairs, *National LGBTI+ Youth Strategy 2018-2020: LGBTI+ young people: visible, valued and included* (DCYA 2018) 10. The online survey received 3,710 responses from young people aged between 16 and 25 years living in Ireland.

⁹⁵³ *ibid.*

⁹⁵⁴ Department of Children and Youth Affairs, *National LGBTI+ Youth Strategy 2018-2020: LGBTI+ young people: visible, valued and included* (DCYA 2018) 15.

⁹⁵⁵ *ibid.*

⁹⁵⁶ *ibid.*; Department of Children and Youth Affairs, *Better Outcomes, Brighter Futures, The National Policy Framework for Children and Young People (2014-2020)* (DCYA 2014).

⁹⁵⁷ Department of Children and Youth Affairs, *National LGBTI+ Youth Strategy 2018-2020: LGBTI+ young people: visible, valued and included* (DCYA 2018) 32.

⁹⁵⁸ *ibid.* 15.



same structures are used to support constituent strategies that sit within the Framework, including the *LGBTI+ National Youth Strategy*. The timelines and Key Performance Indicators that were due to be 'established and agreed for each of the actions included in the implementation plan' have been developed for internal use.⁹⁵⁸ Monitoring of the implementation of the Strategy will be through the Advisory Council on *Better Outcomes, Brighter Futures*.⁹⁵⁹ Olivia McEvoy, Director of Diversity & Inclusion Advisory Services with Ernst & Young, has been appointed to the Council. This is intended to ensure that a member of the Advisory Council has the 'remit to represent the relevant issues from the Strategy in the broader *Better Outcomes, Brighter Futures* context'.⁹⁶⁰ A Youth Forum as well as an annual implementation forum are also due to be established as part of the implementation process.⁹⁶¹ While the Strategy is a positive step forward, adequate

oversight and the development of clear timelines and indicators are key to its successful implementation.

A key theme in the Strategy relates to LGBTI+ young people and educational settings. In consultations, young people highlighted the impact of bullying and harassment, a lack of education on gender, sex and LGBTI+ issues, poor school policies and a lack of gender-neutral bathrooms and uniforms as issues that continue to present challenges.⁹⁶² The Strategy includes welcome actions including the requirement for schools to develop whole-school policies to ensure the inclusion of LGBTI+ young people and explore opportunities for the appropriate inclusion of LGBTI+ lives as part of the curriculum review at both primary and senior-cycle levels.⁹⁶³ Schools will be required to consult with parents and students on all school policies, including on school uniform policies. These actions could help to build a more inclusive environment in formal education settings. However, given the autonomous nature of school governance, the Department of Education and Skills should provide clear guidance and oversight to schools on how to implement these actions in school settings.

958 Department of Children and Youth Affairs, 'Better Outcomes, Brighter Futures: Newsletter on the implementation of the National Policy Framework for Children and Young People and related developments – 2018 Issue 01' <<https://bit.ly/2sHGj51>> accessed 4 January 2019; Communication received by the Children's Rights Alliance from the DCYA, 5 February 2019.

959 *ibid.*

960 Department of Children and Youth Affairs, *National LGBTI+ Youth Strategy 2018-2020: LGBTI+ young people: visible, valued and included* (DCYA 2018) 33.

961 *ibid.*

962 Department of Children and Youth Affairs, *National LGBTI+ Youth Strategy 2018-2020: LGBTI+ young people: visible, valued and included* (DCYA 2018) 10.

963 *ibid.* 19.



An estimated 29,000 young people identify as LGBTI+ representing a sizeable minority of the school population in Ireland. Homophobic bullying is 'directly related to poorer mental health outcomes and higher levels of reported self-harm and suicidal behaviour'.

The Strategy includes a number of actions to address the mental health needs of LGBTI+ young people, including the development of targeted early intervention initiatives and services to reduce the risk of self-harm and suicide.⁹⁶⁴ This is a necessary inclusion because an LGBTIreland Report found that 35 per cent of the LGBTI+ young people they surveyed experienced severe or extremely severe depression and that young LGBTI+ people self-harm at a rate of more than six times that of LGBTI+ people over the age of 46.⁹⁶⁵ In addition, the Strategy commits to advancing the recommendations from the review of the Gender Recognition Act 2015 as quickly as possible.⁹⁶⁶ These include the introduction of a system of gender recognition for children of any age subject to parental consent, or a legal process where consent from both parents is not given.⁹⁶⁷

In launching the Strategy, the Minister for Children and Youth Affairs, Dr Katherine Zappone TD pledged an annual €400,000 to improve youth services, making them more LGBTI+ aware.⁹⁶⁸ As part of the annual allocation for 2018, the Minister announced a €100,000 grant scheme aimed at making local services more accessible to young LGBTI+ people.⁹⁶⁹ The grant scheme aimed to provide funding to 'implement evidence-based training, mentoring, coaching, Continuous Professional Development initiatives' and the development of guidelines for youth services.⁹⁷⁰ A total of €156,388 was distributed for capacity building measures across 39 organisations for youth, health and social service professional groups and organisations.⁹⁷¹ A further €20,000 was allocated to conduct a landscape analysis of existing research and data.⁹⁷² The annual funding for implementation of the Strategy is important. However, a clear process

and timeline for applications for funding or grants would ensure that there is adequate time for relevant organisations to plan their applications and ensure that they can deliver their projects on time.

► Review of the Action Plan on Bullying:

An estimated 29,000 young people identify as LGBTI+ representing a sizeable minority of the school population in Ireland.⁹⁷³ Homophobic bullying is 'directly related to poorer mental health outcomes and higher levels of reported self-harm and suicidal behaviour'.⁹⁷⁴ While initiatives to address homophobic and transphobic bullying in schools exist,⁹⁷⁵ and are supported by the Department of Education and Skills, almost half of the 416 *LGBTIreland Report* participants aged between 14 and 18 years had experienced anti-LGBTI+ bullying, while 67 per cent had witnessed an incident of anti-LGBTI+ bullying.⁹⁷⁶ In relation to LGBTI+ young people, international human rights experts have explicitly stated that 'States must act to overcome prejudice and stereotypes through anti-discrimination initiatives in schools and public education campaigns.'⁹⁷⁷

The review of the *Action Plan on Bullying* is focused on the LGBTI+ specific actions but the Department of Education and Skills should build on this review and consider other forms of bullying and harassment against other children and young people in relation to gender, race, religion or other grounds.

964 *ibid* Goal 2, Objective 11.

965 Agnes Higgins et al, *The LGBTIreland Report: national study of the mental health and wellbeing of lesbian, gay, bisexual, transgender and intersex people in Ireland* (Glen & BeLonG To 2016) 107, 110.

966 Department of Children and Youth Affairs, *National LGBTI+ Youth Strategy 2018-2020: LGBTI+ young people: visible, valued and included* (DCYA 2018) Goal 1, Objective 1, 2, 6, 8.

967 Department of Employment Affairs and Social Protection, *Review of the Gender Recognition Act 2015: Report to the Minister for Employment Affairs and Social Protection* (DEASP 2018) 109.

968 Department of Children and Youth Affairs, 'World's First LGBTI+ National Youth Strategy launched Minister Zappone confirms funding for first actions Young People to be 'Visible, Valued, Included' <<https://bit.ly/2TQ5D59>> accessed 2 October 2018.

969 Department of Children and Youth Affairs, '€100K grant fund to kick-start World's First LGBTI+ National Youth Strategy' (DCYA, 28 August 2018) <<https://bit.ly/2ra9YTj>> accessed 2 October 2018.

970 *ibid*.

971 Communication received by the Children's Rights Alliance from the DCYA, 5 February 2019.

972 *ibid*.

973 Gay and Lesbian Equality Network, 'Being LGBT in School; A Resource for Post-Primary Schools to Prevent Homophobic and Transphobic Bullying and Support LGBT Students' <<http://bit.ly/1Sxsxub>> accessed 3 January 2018.

974 Agnes Higgins et al *The LGBTIreland Report: national study of the mental health and wellbeing of lesbian, gay, bisexual, transgender and intersex people in Ireland* (GLEN and BeLonG To 2016) 8.

975 The *Stand Up!* campaign, run annually by BeLonG To, is a programme aimed at tackling homophobic and transphobic bullying in schools. This campaign has been endorsed in the current national *Action Plan on Bullying*, which recommended that the project be supported by the Department of Education and Skills. BeLonG To 'Stand Up Campaign' <<https://bit.ly/2RQ7uJB>> accessed 25 January 2019. Gay and Lesbian Equality Network, 'Being LGBT in School; A Resource for Post-Primary Schools to Prevent Homophobic and Transphobic Bullying and Support LGBT Students' <<http://bit.ly/1Sxsxub>> accessed 3 February 2017. The Department has also provided funding to BeLonG To to explore the ways in which Stand Up! can be adapted for use in primary schools.

976 Agnes Higgins et al *The LGBTIreland Report: national study of the mental health and wellbeing of lesbian, gay, bisexual, transgender and intersex people in Ireland* (GLEN and BeLonG To 2016) 82.

977 United Nations Human Rights; Office of the High Commissioner, 'Discriminated and made vulnerable: Young LGBT and intersex people need recognition and protection of their rights' (17 May 2015) <<http://bit.ly/1QPqBJv>> accessed 3 February 2017.

LGBTI+Children and Young People **Immediate Actions for 2019**



Publish timelines and Key Performance Indicators online in the first quarter of 2019 for the actions contained in the *LGBTI+Youth Strategy*.

The *LGBTI+ Youth Strategy* is a world first and has the potential to significantly tackle the inequality and discrimination faced by LGBTI+ children and young people within a clear policy framework. To effectively implement the Strategy, clear timeframes, accountability measures and adequate funding are required.

Thank you to our partners in helping to produce *Report Card 2019* including The Community Foundation for Ireland, the Tomar Trust, Pobal, the Department of Rural and Community Development and the Katharine Howard Foundation.

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without the prior permission in writing of the copyright holder, the Children's Rights Alliance.

CHILDREN'S RIGHTS ALLIANCE

Uniting Voices For Children

Founded in 1995, the Children's Rights Alliance unites over 100 members working together to make Ireland one of the best places in the world to be a child. We change the lives of all children in Ireland by making sure that their rights are respected and protected in our laws, policies and services.

**7 Red Cow Lane
Smithfield, Dublin 7, D07 XN29
Ireland**

**Ph: +353 1 662 9400
Email: info@childrensrights.ie**

www.childrensrights.ie