



AN BILLE UM OMBUDSMAN DO LEANAÍ, 2002
OMBUDSMAN FOR CHILDREN BILL, 2002

EXPLANATORY MEMORANDUM

Purpose of the Bill

The purpose of the Bill is to establish the Office of the Ombudsman for Children. In general, children are defined as a person under 18 years of age other than a person who is or has been married.

PART 1

PRELIMINARY AND GENERAL

This part defines the terms used in the Bill and provides for other routine matters.

PART 2

OMBUDSMAN FOR CHILDREN

This part provides for the appointment of and carrying out of the functions assigned to the Ombudsman for Children.

Chapter 1 is concerned with the appointment of the Ombudsman by the President and the conditions attaching to the position of Ombudsman for Children.

Chapter 2 states that the Ombudsman for Children is independent in performing the functions assigned. The Ombudsman for Children will have regard for the best interests of the child taking into account the age and understanding of the child.

Chapter 3 provides the Ombudsman for Children with a promotional role regarding the rights and welfare of children. To achieve this the Ombudsman for Children can, amongst other things, provide advice to the Government, encourage the development of policies, practices and procedures to promote children's rights and welfare, highlight issues that are of concern to children and will monitor and review the operation of legislation insofar as it refers to children.

Chapter 4 outlines the examination and investigatory role of the Ombudsman for Children concerning complaints received. The remit of the Ombudsman for Children extends to public bodies, schools and voluntary hospitals. Complaints can be made by a child, a parent of the child or a person who has either a personal or professional

relationship to the child concerned and is considered a suitable person by the Ombudsman for Children. Before investigating a complaint a parent of the child must be informed. The action complained of must be one which is taken in the performance of an administrative function. This chapter also provides for the exclusion of actions from investigation.

Chapter 5 deals with the examination and investigation of complaints. *Chapter 6* contains provisions that are miscellaneous.

Schedule 1 Part 1 lists the public bodies which are subject to investigation. *Part 2* details bodies under the remit of those in *Part 1* of the schedule which are excluded from investigation.

Schedule 2 lists the public voluntary hospitals under the remit of the Ombudsman for Children.

An Roinn Sláinte agus Leanaí
Feabhra, 2002