



**Oireachtas Committee on Children and Youth Affairs opening statement from  
Ombudsman for Children, Dr Niall Muldoon Tuesday 16<sup>th</sup> January 2018**

I would like to thank the Chair, Deputy Alan Farrell and the Vice Chair, Senator Joan Freeman for inviting me, and my colleagues, to appear today before the Oireachtas Committee on Children and Youth Affairs to present to you the Ombudsman for Children's Office Annual Report for 2016. We were due to present this information in December of last year but due to timing issues, our appearance was postponed. We are pleased to have the opportunity to appear today. Thank you all for the rapid reschedule.

As the committee is aware, the OCO is an independent human rights institution established under the Ombudsman for Children Act 2002. My office has a unique combination of statutory functions. We examine and investigate complaints made by or on behalf of children, and under section 7 of the 2002 Act we promote and monitor the rights and welfare of children and young people in Ireland.

Our Annual Report, which was published in May of 2017, lays out the main work of the Office during 2016. It shows another increase in the number of complaints received by the Office and outlines the work we have done in raising awareness of children's rights through our rights education programme, the advice offered on upcoming legislation and other policy work.

I know you have all had access to our Annual Report but I will mention briefly a few of the key statistics from the report. In 2016, we received 1,682 new complaints, that is an increase of 3% on 2015 and a 47% jump since 2010. 78% of those who contacted us were parents and as has been the case for many years, education was the most complained about issue covering 46% of our complaints. Child protection and welfare accounted for 23% of complaints which was a slight drop on the previous year.

Health complaints were up to 17% from 14% and another area where we noted an increase was in Housing and Planning complaints where there was an increase from 3% in 2015 to 5% in 2016. The majority of people who contacted us came from the main urban centres of Dublin, Cork and Galway.

In 2016 we interacted with over 4,000 children and young people many of whom took part in rights education workshops in our office and others we met at events and seminars all over the country. We advised on a range of legislation and policy in 2016 including the Education (Parent and Student Charter) Bill 2015, the Education (Admission to Schools) Bill 2016, the Criminal Law (Sexual Offences) Bill 2015 and the Age of Digital Consent consultation. We also carried out a wide ranging consultation with young people called Tune In where over 2,000 young people responded to our questions about how they communicate and would like to receive information on rights.

Having read our Annual Report, you will note that we have highlighted a number of key issues using case studies of complaints made to our office on behalf of children. In the case of Ciara, a young girl in need of a hip scan, we found that the process of faxing referrals was

resulting in errors and subsequently delays in diagnosis. We asked the HSE to analyse all similar cases and from the 2,000 they found that the same problem had affected 20 other infants. In this case the HSE put out a national order to stop faxing and introduced a new system. This is an excellent example of how making a single complaint can improve the system for other children and their families.

Other case studies outlined in the report highlight the continuing struggle faced by children with disabilities and their families. Children with disabilities continue to face barriers in trying to access services and to live a normal life. In fact, you may have noted that in recent days we published an investigation involving a young girl with who we have called Molly. Molly is 14 and has Down Syndrome and severe autism. She was abandoned at birth and has been in foster care since she was four months old. We investigated a complaint made by Molly's foster mother about the level of supports and services provided to Molly by the HSE and Tusla, considering her disability. This case is important, not only for Molly but for the approximately 471 other children with severe or moderate disabilities who are in State care and who need additional supports. This case, like those included in our Annual Report, highlight the need for increased and improved interagency cooperation to ensure that the rights of children with disabilities are fully realised in Ireland. It is also important to mention the urgent need to ratify the UNCRPD to promote the rights of these young people.

Homelessness, affecting all children, is an issue that is not going away. Over 3,100 children and young people in Ireland are homeless and trying to live normal family lives while eating their dinner on their knees, sharing a single room with their whole family and having no space of their own. I have been clear in my concerns about the issue of homelessness and how it is affecting children and young people. I do not believe that the measures in place to tackle homelessness have fully addressed the disproportionate and long-term impact that homelessness has on children. I have met with the Minister for Housing, Minister Murphy but still remain concerned about how children and families are going to be helped out of this nightmare and how long it will take.

I appreciate that family hubs are currently being rolled out to address the issue of appropriate emergency accommodation for families who are homeless, and that they offer a better alternative to hotels and B&Bs. However, a commitment on the length of time that children and their families will be expected to spend in these family hubs before finding a permanent home is needed. There is also an urgent need to implement National Quality Standards for Homeless services.

You will see, looking at our Annual Report that children with mental health issues still have to jump hurdles to access necessary supports. The services provided for children need to go to the children who need them when they are needed and in the way in which they need them. This is not what is happening at present. At present, the child must take what the system can offer and make do with what is available. The child is doing all the adapting. Children should not have to wait until they reach breaking point before they get some kind of help. I know you all will be aware of the various committees, reports and taskforces dealing with mental health issues, and I am sure you will share my concerns that all of these mechanisms not only work together, but result in action for the children who are very much in need of support. The National Youth Mental Health Taskforce report published in December included some very positive recommendations and the recent establishment of a

specific Oireachtas Committee on the Future of Mental Health is to be welcomed, but again I implore all members of the house to demand results and outcomes for young people. Many young people have nobody to speak on their behalf or they do not feel able to speak out. You are their voices in the highest place in the land – please use that power effectively.

My Office is currently undertaking a consultation directly with children and young people who rely on mental health services, and there is no doubt whatsoever that the services they receive and supports they avail of, have a profound impact on their long-term outcomes.

As you will see from our Annual Report, education remains a key issue for the Office, due to the number of complaints relating to education and also due to key legislation currently in train. It is not that surprising that many of our complaints relate to education considering the amount of time young people spend in school. It is also worth pointing out that many of the education complaints we receive also overlap with health issues, disabilities or transport. Our recent School Transport In Focus report is testament to this cross over.

The Parent and Student Charter, which has been renamed the Education (Student and Parent Charter) Bill, putting children at the centre, has been broadly welcomed by the OCO. We believe that promoting consistency in complaints handling, improving engagement and addressing issues as early as possible will minimise reliance on formal complaints procedures. If passed, this may, in time, reduce the number of education complaints we receive.

Child protection is always one of my key concerns and while there was a slight drop in the number of complaints relating to child protection in 2016, 23% remains a large proportion. I have been vocal before in my criticism of Tusla's delay in dealing with complaints which come to our Office. However, I am happy to acknowledge a marked improvement in that regard for 2016. The introduction of mandatory reporting may result in an increase in referrals to Tusla, and perhaps a subsequent increase in complaints to my Office. It is essential the adequate resources are provided to deal with this, however the reporting of any and all child protection concerns can, in my view, only be a good thing.

Another area I would like to mention briefly is health. In 2016 we saw an increase in the number of health complaints received by the Office. The health system is still not operating to a satisfactory level and too many children are still getting caught up in administrative problems that are impacting their treatment. Never has this been clearer than in the case of children suffering from scoliosis. In 2016, we received a number of complaints about this issue and in March of 2017 we published a report highlighting scoliosis as a children's rights issue.

Many commitments have been made by Government to meet the demand for scoliosis treatment, but unfortunately there are still issues for children waiting for diagnosis or waiting for surgery. I am concerned that while the numbers on waiting lists are going down, there are children whose surgeries have been outsourced to the UK, France or Germany but who when they get there are deemed unsuitable. Where do these children fit into the waiting list when they come back? We cannot allow waiting lists and administrative practices to worsen an already terrible condition.

A final issue I would like to raise when I have the opportunity is Direct Provision. You will see in our Annual Report 2016, and in previous annual reports, that we have been calling for children in Direct Provision to have the same access to complaints procedures as other children living in Ireland. In April of 2017 the necessary steps were taken to allow us to begin to accept these complaints. Since that time myself and my team have travelled across the country and we have visited all of the centres, including the Emergency Reception and Orientation Centres (EROCs) where children are living. By in large we have observed extremely passionate and hard-working staff in both Direct Provision Centres and EROCs. However, we have been shocked at the difference in standards between centres. It is complete pot-luck whether a child ends up in a warm, pleasant, well-resourced centre or a centre where facilities are simply not to the same standard. There continues to be reluctance among those living in Direct Provision and EROCs to come forward to make complaints. That is a concern to me. It is also clear that the Direct Provision allowance is not adequate to support normal family living, and that the provision to allow people in Direct Provision to work will not, in itself, solve this problem. These are only a few of the issues that have come to my attention since April of 2017. We will continue work in this area in 2018.

I would like to thank you all for taking the time to listen to my contribution. I hope you can see clearly the work that we are doing to promote children's rights and a child centred approach across the public service.