

DÁIL ÉIREANN

AN COMHCHOISTE UM LEANAÍ, COMHIONANNAS, MÍCHUMAS, LÁN- PHÁIRTÍOCHT AGUS ÓIGE

JOINT COMMITTEE ON CHILDREN, EQUALITY, DISABILITY, INTEGRA- TION AND YOUTH

Dé Máirt, 5 Deireadh Fómhair 2021

Tuesday, 5 October 2021

Tháinig an Comhchoiste le chéile ag 3 p.m.

The Joint Committee met at 3 p.m.

Comhaltaí a bhí i láthair / Members present:

Teachtaí Dála / Deputies	Seanadóirí / Senators
Ivana Bacik,	Erin McGreehan,
Holly Cairns,	Ned O'Sullivan,
Patrick Costello,	Lynn Ruane,
Alan Dillon,	Mary Seery Kearney.
Jennifer Murnane O'Connor,	
Mark Ward.	

I láthair / In attendance: Deputy Ruairí Ó Murchú and Senator Paul Gavan.

Teachta / Deputy Kathleen Funchion sa Chathaoir / in the Chair.

Business of Joint Committee

Chairman: Apologies have been received from Senator Sharon Keogan. I will go through a few housekeeping matters. If any members or witnesses participating experience any sound or technical issues, they should let the committee know through the chat function. Otherwise, we will proceed. I advise everyone that as this is a public meeting, the chat function on MS Teams should only be used to advise participants of any technical issues or urgent matters and should not be used to make general comments or statements.

I also remind members who are participating remotely to keep their devices on mute until they are invited to speak. When they are speaking, I ask, where possible, that their cameras are switched on and that they are mindful we are in public session.

In addition, I remind members of the constitutional requirement that they must be physically present within the confines of the place where Parliament has chosen to sit, namely, Leinster House, in order to participate in public meetings. I cannot permit a member to participate where they are not adhering to this constitutional requirement, therefore, any member who attempts to participate in this meeting from outside the precincts will be refused.

For members who are participating in the meeting from the committee room, everybody needs to be mindful of Covid-19. Every second seat has been removed to facilitate social distancing. I urge members not to move any chairs. They should also maintain an appropriate level of social distancing during and after the meeting. Masks, preferably of medical grade, should be worn at all times during the meeting except when speaking.

Regulation and Funding Issues Facing Workers in the Early Years Sector: Discussion

Chairman: We will move straight to session one, which is engagement with SIPTU representatives. I welcome Mr. Darragh O'Connor, head of strategic organising and campaigns, and Ms Deborah Reynolds, an early years professional and SIPTU activist. The purpose of our meeting is to discuss regulation and funding issues facing workers in the early years sector.

I will advise our witnesses of the following on parliamentary privilege. As all the witnesses are appearing before the committee virtually, I need to point out there is uncertainty as to whether parliamentary privilege will apply to their evidence from a location outside the parliamentary precincts. If they are instructed to cease giving evidence on a particular matter, it is imperative they comply with any such direction. They will be allocated three minutes' speaking time each. Due to the time constraints we are under today, I ask that they strictly adhere to that. There will then be a question-and-answer session with members. A speaking rota has been circulated and members will also have three minutes each in which to speak. I call Mr. O'Connor to make his opening statement.

Mr. Darragh O'Connor: I thank the Chair. As she said, I am head of strategic organising and campaigns at SIPTU and I am joined by Deborah Reynolds, an early years professional and SIPTU activist. SIPTU is the union for early years professionals and represents approximately 6,000 educators, room leaders and managers working in community and private early years services throughout Ireland. I thank the Chair and members of the committee for inviting us here today to discuss how low levels of Government funding have resulted in poverty pay for early years professionals and have given rise to an acute staffing shortage.

The pandemic highlighted just how crucial early years services are to children, families and the wider economy. Early years professionals worked on the front line in the depths of the pandemic, caring for and educating the children of other essential workers, as well as vulnerable children. We could not reopen society without reopening early years services. Beyond the pandemic, 50 years of research has shown that high-quality early years education and care enhances children's holistic development, including educational outcomes, reduces child poverty and disadvantage, supports families, promotes social inclusion and enhances future employability. For every €1 invested in high-quality provision, the State can expect a return of €7 to €12 over time. Affordable services also facilitate parents' workforce participation, especially for women, and is a key means of addressing gender inequality.

However, despite the many benefits of high-quality services, and a significant increase in government spending in recent years, Ireland spends just 0.3% of GDP on early years.

This is far below the European average of 0.8% and the UNICEF-recommended benchmark of 1%. This unsustainable funding gap has resulted in a crisis where professionals earn poverty wages, parents pay some of the highest fees in Europe and providers struggle with sustainability. The depth of the crisis for both employees and employers was highlighted in the early years staffing survey for 2021 published by the New Deal for Early Years coalition this October. It revealed that 42% of early years professionals are actively seeking work outside the sector, with 78% stating that if things stay the same, they do not intend to work within the sector in 12 months' time. Pay is by far the biggest factor driving people out of their profession, at 78%, followed by stress at 8%. Some 89% of early years professionals would not recommend a career in early years to a friend or family member.

For managers and owner-managers, the situation is equally as stark. Some 71% found it extremely difficult to recruit new staff over the last 12 months with low pay being the biggest obstacle for 55% of respondents. It was a significant obstacle for an additional 35%. Almost all managers and owner-managers are concerned that problems recruiting and retaining staff will negatively impact on service provision. The top concerns were an impact on quality for children, a reduced number of children that can be cared for, and difficulty maintaining staff. This crisis has been driven by low pay and underfunding. According to the Pobal annual early years sector profile, early years educators, who constitute 55% of all staff working with children, earn just €11.91 per hour on average, 99 cent below the living wage for Ireland in 2021. Managers and owner-managers, who shoulder significant responsibilities, earn on average just €15.28 per hour. Basic conditions like maternity pay, sick pay or a pension are rare. Too many are forced to choose between poverty pay, retraining for a different career or emigrating to a country that properly values qualified and dedicated early years professionals. In preparation for this committee meeting, we asked early years professionals to put in their own words how low pay is affecting them.

Here is a sample of the responses we received. One states:

Many of our Early Childhood Educators are at breaking point. We are physically and mentally drained. I work in a centre with 27 staff and almost 200 children. In the past 2 months, 5 staff members have handed in their notice, some taking jobs as waitresses or bartenders as the pay is much better. We have numerous staff working a second job in the evenings and weekends just to make ends meet. We are losing some of the best childcare workers and will continue to do so until something drastically changes.

Another states:

The low pay in my job has left me wondering how much longer I can stay in this sector.

I'm a single parent of two teenagers. With this comes bigger shopping bills, more money needed for their clothes and my eldest looks like she will definitely be heading to college (hopefully). I presently work for €10.20 per hour, 25 hours per week, and I also get the Working Family Payment. I just finished my Level 6 in childcare and wonder why I bothered. I feel so let down by our government to be honest, they know how things are but still want staff to be highly qualified but pay me less than a supermarket worker. I am presently in debt to my 84 year old mother because I needed a new cooker last year. With bills and a car, I can't pay her back yet. Now I'm buying oil for the house with my children's allowance, so another month goes by with nothing put aside for Christmas and I still don't have money to pay back an elderly parent. Truthfully if there is not substantial change in this budget I will have to consider a better paid job in a supermarket over my preferred career. Something has to change and fast.

Another states:

Paying my staff such low rates of pay is my biggest moral struggle when it comes to running my own preschool sessional service. I ask huge responsibility of them, and I take on huge responsibility, for very little in return. They have to live on very low income and have big outgoings like everyone else in this country. They are not employed for 52 weeks of the year so it limits their life and what plans they can make, for example applying for loans or mortgages. They have no other benefits like maternity pay or sick leave. My latest problem is trying to find a new staff member. I can't find them and let's be honest, with such low staff levels available and very little to actually offer them, it's becoming a scary thought whether my little business will survive.

Chairman: I have to stop Mr. O'Connor there because we are over time for his opening address. We have the rest of it as read. He will get to touch on some more issues as questions come in.

Senator Lynn Ruane: One question comes up when I read this. We know that the gender make-up of childcare workers is primarily women. In Mr. O'Connor's experience, is there a class element too? I know that in many community colleges that serve communities that are less likely to go on to level 8 or level 9 honours degrees, people would be pushed towards childcare, such as in An Cosán. It is sold as a career choice. From the experience of Mr. O'Connor and SIPTU's members, what are the demographics of childcare workers beyond gender? Is there a class element? How professional do we see the sector as being? Are we funnelling working-class people into low-paid jobs even though it is a professional sector?

Mr. Darragh O'Connor: There is a class element. That is an interesting take on it. It rings true to me. You see community colleges or education and training boards where people might qualify with a level 5 or level 6 and go into low-paid jobs. We also see graduates who have gone to Dublin City University or any university around the country which offers this course who also come out into a low-paid job. There is not a substantial difference arising from a person's level of qualification or background. Generally, people working as early years educators, if they have a level 5 or level 6, or a room leader who might have higher qualifications, are all on low rates of pay. The gender dimension is probably the biggest factor. Caring work and educational work are just not valued at all, at least in how that is reflected in people's wages. No one is getting the recognition, no matter what qualification or background they have.

Deputy Holly Cairns: I thank Mr. O'Connor for his opening statement and highlighting the essential role of high-quality early years care and education that we know enhances children's holistic development. His point that the State spends just 0.3% of GDP on early years care is of considerable concern. It is well below the European average of 0.8% and the UNICEF benchmark recommendation of 1%. I take it that we can assume that the rest is left to families to make up the difference, which explains why childcare is so expensive. Mr. O'Connor highlights that pay is the most significant factor for people leaving the profession. If funding was increased for pay in budget 2020, how could we ensure that it goes to staff? We know that this is primarily a female sector, as Mr. O'Connor mentioned. It is important to acknowledge how sectoral pay issues contribute to the gender pay gap, as does the absence of State provision for childcare. A survey that SIPTU released earlier this year showed that 90% of childcare workers struggled to make ends meet. Some 77% have no work sick pay scheme and 10% receive paid maternity leave from their employer. Do we need statutory requirements to address these issues or would other measures help too?

Mr. Darragh O'Connor: I thank the Deputy. Much of it comes down to whether we value early years services as an essential public service. If we do, we have to make sure that we put in adequate investment so that it is affordable and high quality. Do we make that decision for the benefits of children and, obviously, families? If we do, how do we make sure we put the money in where the State is confident that it is able to achieve its policy goals with regard to the delivery of high-quality, affordable and sustainable services?

Certainly, one of the recent developments is the establishment of the joint labour committee for the early years sector. It means that the union employers can negotiate rates of pay for the different grades across the sector. That would give the State the confidence that if it invests additional money, it knows that the money will go towards pay if that is what it is there for. Of course, other money is needed for general sustainability and affordability within the sector as well. That is essentially the decision we have to make. If we think it is an important service, are we going to invest in it? If we do not, we are left with the existing crisis of high fees, which are driving up the cost of living, and low pay, which is forcing high staff turnover and impacting on quality and sustainability.

Chairman: I thank Mr. O'Connor. I call Deputy Murnane O'Connor.

Deputy Jennifer Murnane O'Connor: I thank Mr. O'Connor. It is so important that we appreciate and respect our childcare workers. They are graduated childcare workers. That is where we seem to be falling down. I have a massive issue with this. We saw over the pandemic that they were the front-line workers who allowed our front-line workers to go to work. We must, therefore, now make sure that we work with this budget. I have made several representations to the Minister, Deputy O'Gorman, and the Taoiseach about making sure our childcare sector is not forgotten in this budget. We need to give them the recognition, and, I will say again, the respect they deserve.

I have spoken to many of the childcare workers in my area of Carlow-Kilkenny. It is a worry when we see that they cannot get a mortgage because they are not earning enough money. When they apply for a mortgage or a loan, they cannot access either because of the low pay, which they should not be on. It even worried me when Mr. O'Connor spoke about workers who are leaving the sector. If a person is a childcare worker or a childcare professional, such as we have, that is a dedication and a vocation. When you are dealing with children, you become close to them and become attached. It is a vocation. It is like our own job; it is not just nine-to-five. Crèche owners I met spoke about the amount of weekend work they are doing. Paperwork

is another area that needs to be looked at. These professionals are doing so much paperwork now. There is much after-hours work and some weekend work. That is unacceptable.

I listened to Mr. O'Connor's contribution, which was excellent. I believe that we need to make changes. I firmly hope there are changes in the budget for our childcare professionals, and rightly so, because they deserve that. We spoke about the proposal for pay scales and the best way for a career structure. What does Mr. O'Connor see as the best way for a career structure? I know the model has to change. There is no question that we need to change the model. Unless we change the model, we are not going to sort the issue. Can Mr. O'Connor perhaps outline what kind of model he thinks could be good going forward? He spoke about the joint labour committee for the early years sector that was set up by the Minister, Deputy O'Gorman. I welcome that because it is important. What does Mr. O'Connor think of this on an ongoing basis? As someone who works with our childcare professionals and sees the great job they are doing, does he think this will be part of the solution?

I am a granny. My own daughters are both front-line workers. Without being able to put their two boys into childcare during the pandemic, they would not have been able to work. Childcare affects every family. I am a granny. My daughters are working. They depend on their childcare. Every family is affected.

Chairman: I am sorry; we are out of time.

Senator Jennifer Murnane O'Connor: I am sorry; I thank the Chairman.

Chairman: I have to keep everyone to three minutes.

Senator Jennifer Murnane O'Connor: I understand.

Chairman: I know there are questions for both Ms Reynolds and Mr. O'Connor. I am conscious that Ms Reynolds has not spoken yet. There will be a few more questions first. I know they are important points so I will bring the Deputy back in again at the end. I call Deputy Costello.

Deputy Patrick Costello: I thank SIPTU for coming in today. I will be honest; the presentation has been quite comprehensive. SIPTU has been engaging with all of us on this issue for quite some time. I do not really have any questions. As Deputy Murnane O'Connor said, the fact that SIPTU has been engaging with us for quite some time and nothing has changed is reflective of the need for change.

I will share my experience. The very fact that the system we have at the minute is not working for anyone is really reflective of the sorry mess we are in. We know parents who are struggling to find a crèche place. When they get one, they struggle to pay the bills. We hear that operators are struggling to make ends meet. The staff are incredibly dedicated. Any of the staff I have met are warm and so child-focused and yet they are struggling in terms of their career, salary, and, as Deputy Murnane O'Connor mentioned, being able to buy a house.

The fact that the system is really not working for anyone shows that a huge level of change is needed. I am very grateful to the witnesses for coming in. I have been talking with the Minister, Deputy O'Gorman, about this, as, I know, other members of this committee have. I am grateful to the witnesses for continuing to fight the good fight and continuing with the campaign. I will leave it there and let others use my time.

Chairman: I thank Deputy Costello. I am conscious that I have been cutting Mr. O'Connor off and that Ms Reynolds has not spoken yet. Do they wish to come in on any of those points?

Mr. Darragh O'Connor: I do not mind coming in on the question of the joint labour committee for the early years sector and the development of the workforce. Ms Reynolds could speak about the situation on the ground at the moment.

Ms Deborah Reynolds: I will come in on something Deputy Cairns asked about who makes up the difference and whether parents make up the difference with regard to the low investment that is put into childcare. It is parents who make up the difference but we also make up the difference because we have been on low pay for so long. Our goodwill has been piggybacked on for so long. We are the ones who are making up the difference.

I appreciate that Deputy Costello said we have to keep up the good fight. This is one of the first times that the voices of early years professionals have been heard in the Oireachtas. I hope that we will come in again and that we are heard again, as long as is needed, until we sort this sorry crisis out. It has been going on for so long.

What is happening on the ground is desperate, really. That is the only way to put it. Deputy Murnane O'Connor talked about people having second and third jobs. I am constantly talking to colleagues around the country. I heard about an early years professional who works 39 hours per week in a full day care crèche and then does two ten-hour shifts in a restaurant at the weekend. She gets paid more in the restaurant and she gets tips. That is how people are surviving. People are surviving by scrimping and saving and trying to make ends meet. They cannot do it. It is disgraceful, really.

One of my colleagues and fellow members in SIPTU put it really well the other day. She said that for so long, we have been embarrassed about our bad jobs. We have been embarrassed about trying to scrimp and save, and trying to survive on social welfare payments, when in fact it is the Government that should be embarrassed by the state of what is happening. It is almost laughable how bad it is except we are getting pleas for help from people around the country.

Ultimately, we are here today because the budget is taking place this time next week. When it is all over, my phone will be out and I will either be sending text messages to people celebrating the fact that we have gotten something good, or else, to be honest, if we do not see anything significant ring-fenced in the budget for wages, I am going to get text messages from people saying they are going to type up their letter of resignation. That is simply the way it is. Sometimes, when we see statistics on the staffing crisis, Pobal figures and so on, the reality does not hit. We cannot fix everything next week but we need to plug a leak. Money needs to be ring-fenced for wages in the budget.

I am happy to answer any questions. Mr. O'Connor might want to comment on the joint labour committee, JLC.

Mr. Darragh O'Connor: It is important that early years educators have a space to be able to negotiate their pay and conditions. That is a fundamental right that is afforded to swathes of the economy and most professions have that ability as well. It is a space to be able to stand as an equal and negotiate something that has a very significant impact on your life, and that is the joint labour committee process. It is the most appropriate avenue. There was a very good process involving many stakeholders and this was what emerged. The only thing that holds it back is how much money is in the pot to be able to improve wages, professionalise the sector

and make pay and conditions reflective of the qualifications and experience people have. That is where we are able to put our money where our mouth is when we talk about recognising and professionalising the sector.

There is a great deal of expectation and optimism about this budget. The Minister has been on the record several times about the need to improve wages and how the new funding model, which will see greater investment, is a part of the budget negotiations. Quite rightly, there is optimism there as well, but we need to get it over the line because people have been holding on for some kind of result for a number of years, particularly during the past year, through a pandemic. We can clap all we want but when people are using food banks - which is true; members of ours are using food banks - they need to see some reward in their pay packet. That is the most immediate issue. All the others, relating to maternity leave and sick pay, are significant but pay is streets ahead in every survey we carry out as the biggest issue people are facing.

Deputy Ivana Bacik: I thank Mr. O'Connor and Ms Reynolds for the presentation and for outlining so starkly the staffing crisis. What we are hearing from them and others such as parents, childcare providers and staff is that this is a crisis in the sector beyond just staffing. The current Government policy is failing staff and parents, who are paying the second highest household childcare costs in the OECD, with couples spending an average of 24% of income and single parents spending 29% of their wages on childcare costs. We are also failing providers, which are telling us it is difficult to make ends meet. Our guests presented to us figures from managers and owner-managers, as well as from staff. We are also failing children if we are not providing proper, high-quality and affordable childcare and ensuring that all children are equally provided for.

One of the main issues I am hearing in Dublin Bay South, and I am sure others are hearing it too, concerns the simple lack of places, in particular affordable ones, in childcare facilities and crèches. Clearly, it is very important that we have moved to a living wage and the point about the joint labour committee was well made. Beyond that, I have called for a Donogh O'Malley moment, that is, we need to see a change in Government policy overall such that every child in Ireland will be guaranteed an early years place and the State will ensure that is so. We should move from this piecemeal provision, whereby we rely on private providers, to a State-guaranteed model, as we did with secondary education, in order that the subsidies from the State, which already are considerable, will afford us a better value, State-guaranteed childcare service.

Our guests might wish to comment on that, although it has gone a little beyond the focus of the session. It always seems to me that rather than talk just about wages, although that is very important, we need also to talk more generally about how we need to reform or radically revise the system.

Mr. Darragh O'Connor: Ms Reynolds might wish to come in on this as well but I will comment briefly. The Deputy is correct; everybody is getting a raw deal. Pay is obviously a top concern for our union but for many of our members, in early years and outside it, the cost is a big problem, as is accessibility. The truth is there is a market system in Ireland that is the basis of how childcare has evolved. In general, State money that is invested can be used either to improve pay and quality or to reduce fees. Providers are put in a terrible position of trying to strike a balance between those two policy objectives but they need to be separated out. Our point is there should be dedicated funding lines, particularly for pay, which would reduce out-goings for providers, allow for lower fees and put that regulation on wages in order that people will be properly rewarded. That kind of demarketisation would mean the current providers, private and community, would have a key role to play but in a kind of a partnership with the State.

My greatest fear is that if we take a hands-off approach, we will end up in the space that can be seen in the UK, the US and New Zealand, where there is a financialisation of the early years sector. It is not the little playschool down the road but internationally backed investment funds, which see this as an opportunity and are concerned only about the rate of return. What happens in all those countries is that there will be, embedded and almost impossible to reverse, a small number of very powerful providers - multinationals, in some cases. The high fees and low pay are embedded and it is very difficult to get out of it.

We are certainly at a crossroads. The new funding model has very eminent people on it and we have not seen the details of it. We hope it will address these concerns and we have raised them with those people but we are at a crossroads as to what type of sector we want. Do we want an industry for private finance to be able to make a good rate of return or a profession of which providers and people working on the ground, that is, the professionals themselves, can be proud?

Senator Mary Seery Kearney: I thank Mr. O'Connor and Ms Reynolds for their powerful contributions. I have been a childcare provider and an advocate for the childcare sector and for workers in the sector for some time. I have been a mentor with the childcare committees and a troubleshooter who tries to resolve issues. I understand, therefore, the chronic shortage of staff and the fact that many good people were lost because of a lack of grandfathering practices when the regulations were introduced in 2016, and the burden of administration such that even the preschool regulations seem to be orientated towards avoiding the risk of litigation rather than the practical provision of childcare. Even the manner in which the Garda vetting is conducted, whereby it does not travel with the employee, is in itself causing real difficulty. I am very much aware of the challenges in the sector and greatly value our guests' intervention.

I am part of my party's policy lab committee and over recent months, we have been running a policy lab on the care of the child. One message that has emerged relates to the underdevelopment of early childhood policy and the fact that we need a seismic shift in how we view childcare and how central it needs to be. It needs to be universally available, community based and provided, and operated on a campus model. We have listened to parents, providers and, most important, early years professionals.

I would like to talk about the JLC and my hopes for what will come out of it, such as a standard, a career structure and a career plan in order that people can plan for the rest of their lives and know they can get a mortgage or pay the rent. Early years professionals need to be honoured for the professionalism and the role that they have in our society. I hear tell of the JLC taking a long time. Do the witnesses have any information that could illuminate when we might have an outcome? What outcomes would the witnesses want beyond remuneration, which should be well beyond the living wage, and more? Beyond that, what would the witnesses like to see as a priority in the JLC?

Mr. Darragh O'Connor: I will say a quick couple of words and Ms Reynolds might want to come in as well. Our ambition, along with those of a lot of other organisations in this sector, is that people who have degree qualifications should get degree-levels of pay. Mercer, the consultancy firm, did a benchmarking exercise a couple of years ago and set out what those pay scales should look like. That is our ambition and is where we want to get to. The JLC process is a legal process that has to be endorsed through the Oireachtas. Hopefully, it will be up and running in the next couple of weeks. One of the things that we have been waiting for is to know how much money is in the pot in the budget. We also have been waiting to know about the new funding model and the JLC is integrated into both of those. This can happen relatively

quickly and certainly next year. In the short term, we would hope that people will be above the living wage. However, that is all dependent on the amount of money that goes into the sector. Providers can only pay the money that they have. It is up to the State, which is a key player, although it is not the employer. It funds the vast majority of the sector at the moment. If it wants to help retain staff, drive equality and drive professionalisation, that will cost money. It all depends on how much money the State is willing to put into the sector to make that happen. Ms Reynolds may wish to come in on that as well.

Senator Mary Seery Kearney: The employment wage subsidy scheme, EWSS, has been a type of model that I would like to see continued. I am advocating to see it continued in order that the State absorbs that gap.

Mr. Darragh O'Connor: Very briefly, the EWSS needs to be refined. However, it is interesting and SIPTU has advocated for it. Were the Government to bring in a model, like a primary school model where the State pays the wages, we would need a wage scale to go along with it to make sure that educators were properly rewarded. The way to fix the sector is to support it and to build capacity within the services, rather the subsidy approach. That could end up a little like the housing assistance payment, HAP, where subsidies are chasing rents the whole time. The same could happen within the early years sector.

Chairman: Does Ms Reynolds wish to come in?

Ms Deborah Reynolds: I will revert to Deputy Bacik's comments about quality within the sector. Quality in the sector worries many people. I have been in the sector for 15 years. Policy after policy from the Government has pushed for quality. The one thing that has never happened, despite all that has been asked of us, is pay, that is, a reward for the hard work that we have put in place.

Since 2016, as the staffing crisis has become more apparent, we have seen a challenge to quality. The recent OECD report, the Starting Strong report, talks about process quality. Process quality is what the OECD calls the key driver of children's development, learning and well-being. That will come from interactions, having conversations with children and creating a safe and secure environment for them in order that they can blossom. Sometimes we can get mired in talking about statistics, in what is happening next and in what is happening now. Yet, something that can be done next week - although I know there is a lot to do in the future - is an improvement in pay. An improvement in pay would stop the exodus of staff from the sector. There may still be a few who may go down the road and get a better job in a supermarket or a restaurant, where they can get better pay. However, some people will stay if the Government puts a bit of hope in the budget next week by investing in the JLC.

A by-product of investing in wages and people staying in the sector would be an improvement in quality. If there is an average of 23% turnover in settings and a 40% turnover in some full day care crèches, the process quality must start over and over again each time a new staff member arrives. It is not fair on families, on children or on staff. There are many problems but if we are talking about the future, we can have that conversation. However, in a situation in which staff cannot afford their electricity bill, are struggling to save for Christmas or are unsure whether they will be able to put fuel in their car for next week, were the Government to put pay into the pockets of workers and early years professionals, a by-product of that would be to help the development of quality, which would help children and families. It would develop the quality sector for which the Department pushes constantly. This would help families but it would also help the professionals who work in the sector.

What we are seeking next week is a good foundation on which to build over the next couple of years in order that we can build upon and go back for our next JLC and improve upon it all the time. As we improve the investment into the sector, we should bring our wages up to EU levels. In other EU countries, early years professionals are vastly better paid than we are. I know of people who are at the end of their tether. These are managers and staff who have been working through the pandemic and who are burned out and stressed. They just want a reward. They do not want appreciation or a pat on the back or a “Thank you”. They would like to see something concrete and tangible, namely, an improvement in their wages next week.

Chairman: Thank you. Senator McGreehan has managed to join us. Does she wish to add anything briefly?

Senator Erin McGreehan: I apologise for being late as I got sidetracked in something else. I am glad that I got in to listen to Ms Reynolds’s contribution. I am supportive of what she said. It is important that we start looking after early childcare professionals, because they are professionals and they deserve adequate pay and conditions. We entrust these professionals with our children. Our children deserve the best and so do the people will look after and educate them. I reiterate my support to the witnesses and to the entire sector. I have no need to ask any questions because the witnesses have articulated well all those reasons morale is so low in the sector. If things are not changed, we will see a different sector, because the professionals will leave and go on to different professions, where they are treated better.

Chairman: Would either Mr. O’Connor or Ms Reynolds like to briefly make any final points before we wrap up this session of the meeting?

Mr. Darragh O’Connor: I will make a quick point. Many of the building blocks are now in place to be able to facilitate investment into the sector in this budget. The JLC is place. The new funding model is coming out and will be published imminently. We have been talking about investment. That is all money. That is not a radical demand. There is a commitment in the Government’s First 5 strategy and in the programme for Government, to double funding into the sector by 2028. Let us get on with that. Why not start solving this, and averting the critical crisis that is happening now? This budget presents an opportunity to recognise and reward the sector and the professionals working in it with proper pay and conditions and, hopefully, to avert disaster. We are into the space of living with a crisis and averting disaster. Remedial action is therefore needed straight away.

Chairman: Does Ms Reynolds want to make a point?

Ms Deborah Reynolds: I thank members for hearing the voices of the early years professionals today. It was great to hear Senator McGreehan, who came in at the end.

I am glad that members want to talk about basics. The basis of any sector or workplace is the staff. If we do not have them, there will be full day care crèches with empty rooms and playschools will close. That may sound alarmist but it is the truth. People cannot put up with things any more. I would prefer to celebrate next Tuesday afternoon with my colleagues and I do not want to go through what we went through for the past five years. We need a big change. The JLC needs to be funded. The JLC is great because it is in the current funding model and it can fit into whatever funding model is applied in the future. As Senator McGreehan has said, we need to raise morale and make this work attractive. I feel privileged to work in a room with children aged three to five years but the people who work in my sector also need a good quality of life. In the forthcoming budget we need our pay ring-fenced for the JLC.

Chairman: I thank Mr. O'Connor, Ms Reynolds and members for their contributions. I welcome Mr. Michael Kenny of Urlingford community childcare who is accompanied by Ms Marian Quinn, who is the chairperson of the Association of Childhood Professionals. I also welcome Ms Gillian O'Connor of Dolphin House Homework Club and Ms Amy Carey, who is the CEO of the Solas Project. They are here to represent the Dublin 8 After School Alliance. The purpose of this meeting is to engage with witnesses on changes in the funding structure in the form of the national childcare scheme and its impact on after-school services around the country.

Before I invite witnesses to deliver their opening statements, I wish to advise them in respect of parliamentary privilege. They are protected by absolute privilege in respect of the presentations they make to the committee. This means that they have an absolute defence against any defamation action for anything they say at the meeting. However, they are expected not to abuse this privilege and it is my duty, as Chair, to ensure that this privilege is not abused. Therefore, if the statements are potentially defamatory in respect of an identifiable person or entity, they will be directed to discontinue their remarks and it is imperative that they comply with any such direction. Witnesses are allocated three minutes in which to speak and the same amount of time is allocated for questions and answers with members of the committee. I ask everyone to please, as much as possible, stick to the time limit. I propose we start with Mr. Kenny and invite him to make his opening statement.

Mr. Mick Kenny: I thank the Chairperson and members of the committee for the invitation to speak here today. I am the manager of Urlingford and Johnstown community childcare centres and I am a national council member of the Association of Childhood Professionals, ACP. I am accompanied by my colleague, Ms Marian Quinn, who is the chairperson of the ACP.

The Department of Children, Equality, Disability, Integration and Youth introduced the national childcare scheme, NCS, in November 2019. The scheme provides grants for working parents for the first time. Given the high cost of childcare, due to historic underinvestment by successive Governments, this is a welcome first step towards supporting families to access affordable childcare.

While the NCS has been positive for many families, unfortunately it has negatively impacted thousands of children from disadvantaged and marginalised families. These children and families were previously supported with targeted schemes, which recognised that children from families who are marginalised and disadvantaged require additional supports to provide equity of access, opportunity, participation and outcomes. The scheme helped children to access services that were warm, safe, welcoming, stimulating and child-centred. Children received hot meals, emotional support and were provided with a haven from the stresses in their lives. The amalgamation of these targeted schemes makes it clear that children from households where their parents are unemployed or inactive are at a significantly higher risk of poverty and deprivation. While motivating parents to participate in labour force training and education is one possible solution, it cannot be at the detriment of the child by using a carrot and stick approach. Children must be supported in their own right. The central objective of an early years and after-school policy must be to adhere to a children's rights approach. However, by focusing on activating parents, the NCS broadens the gap of inequity between children and pushes disadvantaged children into a more vulnerable situation.

The policy focus of the NCS discriminates against children based on the status of their parent or guardian, and infringes on children's rights under Articles 2 and 3 of the United Nations Convention on the Rights of the Child. The State is intentionally discriminating against chil-

dren in a bid to motivate their parent or guardian to undertake employment, education or training. Equal access to care and educational supports are being withheld from children because of their parents.

The Government is aware that withholding childcare supports could have a detrimental effect on the welfare and well-being of children who are marginalised and disadvantaged. Access to formative education and care should be a universal right, and not conditional on compliance with a wider Government policy or agenda. The primary objective of the Government should be to support all families and provide extra supports to those most in need. Children should not be used as pawns in a wider Government policy that puts them into a more vulnerable position. We should also not wait until a family is in crisis before we offer enhanced supports similar to those enjoyed by children of a parent or guardian who in employment, training or education.

Early years and after-school care is about much more than work activation. It is about children's well-being and happiness, supports for families, children's rights, reducing child poverty, social justice, and giving all children a good start in life. The First 5 programme is a whole-of-government strategy to improve the lives of babies, young children and their families. It is a ten-year plan to help to make sure all children have positive early experiences and get a great start in life. It must be a plan for all children regardless of the status of their parent or guardian. I thank members for listening and I would welcome questions.

Ms Gillian O'Connor: I thank the committee for the opportunity to make a presentation. I am the team leader of the Dolphin House Homework Club. I am accompanied by Ms Amy Carey, who is the CEO of the Solas Project. We represent the Dublin 8 After School Alliance, which is made up of community after-school projects from across the Dublin 8 area. These services provide vital daily after-school support to over 500 children in areas such as Dolphin House, Oliver Bond Street, Basin Lane, Fatima and St. Michael's Estate.

We are here because the national childcare scheme actively risks the closure of our community-based after-school services. The scheme is a replacement for the community childcare scheme, CCS, which was originally set up to support children from disadvantaged areas who were most at risk. The scheme will have a serious impact on the education and well-being of children in Dublin 8 and of over 5,000 children nationally.

Statistics show that children and young people in urban Delivering Equality of Opportunity in Schools, DEIS, schools only account for 4% of entrants to higher education whereas progression rates to third level are as high as 99% in more affluent areas. We believe that all children in DEIS areas need access to community after-school projects to support their opportunities and minimise structural and educational disadvantage.

The national childcare scheme is a labour activation model where funding is based on the employment status of a parent or guardian. We are here to draw attention to the needs and rights of the most at-risk children and young people in our communities. The children who attend our community after-school services are growing up in communities where there are cycles of generational poverty, educational disadvantage and social exclusion. Some children are homeless or live in overcrowded accommodation. Many of them live in places where there is not enough space for a table on which to do homework or eat a hot meal, never mind a suitable space to play. Many of their parents have also experienced educational disadvantage and struggle to support their children's academic needs. The situation for children is further compounded by issues relating to addiction within families, people living with disabilities, gang-related violence, single parent families and children at risk of early school leaving.

Community after-school centres offer a safe, consistent and welcoming space where children get educational support and space for emotional, social and physical development. Since Covid the gap has widened for children from marginalised communities in terms of education, which means they will fall even further behind the national average for literacy and numeracy.

Statistics show that anxiety and depression are among the biggest health issues affecting both children and adults in Ireland at present. Community after-schools give children a place where their needs are met. The rights of children to play, develop, be creative, be exposed to new experiences and supported to reach their full potential is at the core of this work. After-schools are not childcare. They are an equality measure aimed at reducing the gap of educational disadvantage. Children should not need referral to go to their community centre and into their after-school club. They should not need sponsorship to play with their friends in a safe space. They do not need sponsorship to have their dinner and do their homework. These are fundamental needs and rights of children.

The Dublin 8 After School Alliance calls on the Government to immediately restore adequate funding to ensure the continuation of community after-school projects, to ensure access to community after-school projects for all children in DEIS areas and marginalised rural communities and to work with community services to design a sustainable and appropriate model of core funding for after-schools to ensure equal access to education and opportunities for all children and, in particular, those most at risk.

Chairman: I thank the contributors. I will take questions now. I call Senator Ruane, who will be followed by Senator Seery Kearney.

Senator Lynn Ruane: My questions are for the alliance and either of the witnesses can answer them. I have about five questions but I will probably only get to ask three, so if we can be as quick as possible we might get to them at the end if there is any more time. I will ask the three questions first and let the witnesses reply to them.

First, why do children whose parents are not working need places in community after-schools? What is the impact of the NCS on marginalised communities? Can the witnesses speak further on the sponsorship and why it is not a way forward for children whose parents are not working?

Ms Gillian O'Connor: I will start with the children whose parents are not working needing a place in community after-schools. Community-based after-schools are an equality measure. They are not childcare. What we are trying to do is bridge the gap in marginalised communities caused by generational poverty and educational disadvantage. Currently, we are working to keep children within primary and secondary education; we are working to keep children in the system and in the classroom. The most marginalised children are dropping out of the system. As stated, we are not childcare, but an educational and developmental support that we believe all children, and particularly those most at risk, should be able to access within their communities.

Ms Amy Carey: I will respond on the impact of the NCS. The NCS is currently risking the closure of all our after-school projects. The Dublin 8 alliance represents 500 children in the Dublin 8 area but there are over 5,000 children across the country who will lose their after-school supports if urgent action is not taken on this. At present, we are subsidised by the wage subsidy scheme, which is due to end at the end of October. That has been a plaster on the problem and has kept us going for the last year and a half, but there is a risk that we will not

be sustainable within the next year or two. All after-school projects will be forced to close if a sustainable model is not put in place.

Regarding the sponsorship, we do not see that as an appropriate or suitable way to provide supports for children. It is a hurdle for parents and is very complex. It adds administrative issues for providers and for the sponsorship bodies. We do not believe it is a suitable way. We are calling for a model to be put in place for communities such as ours whereby all children should have access. It should not just be somebody who is referred. As we said, it should not be that one must have a referral from a social worker to access an after-school service. It should be for all children who are affected by disadvantage.

Senator Mary Seery Kearney: I thank all the witnesses. I, too, will focus my questions on the alliance group. If we accept that the definition in the strategy of the Department of Education is that DEIS schools are for delivering equality of opportunity in schools, then a child who is in a DEIS school should automatically require after-school support, and the funding should follow. Indeed, there should be before-school support. It should begin from early in the morning with breakfasts to a full, comprehensive after-school support. The NCS has obviously affected that, albeit unintentionally. As I see it and as we are articulating it in advocating to the Minister, this is about either a youth work support or else a childcare support. It does not matter where the funding stream comes from as long as it is immediately plugged and there is recognition of the need for it. Aligned to that, a couple of weeks ago the Minister for Further and Higher Education, Research, Innovation and Science, Deputy Harris, launched a comprehensive literacy, numeracy and digital literacy programme, which I am assisting in ensuring it gets out to the public and possibly to the parents of these children, therefore also underlining that they need the after-school support, the homework club support or whatever it is. I would welcome the witnesses' thoughts. What are their specific requests on this in light of next week's budget?

Ms Amy Carey: As the Senator said, it needs to go somewhere. The early years sector supports children up to six years of age and youth work starts at the age of ten years up to 25 years, but there is a gap in the middle for after-school services. Six-year-olds to ten-year-olds do not have any statutory supports, particularly when it comes to marginalised communities. We do not mind where it falls but we are asking for a specific, sustainable after-schools funding model that is particularly for after-schools which are supporting young people at risk of educational disadvantage. That is a gap where there are no supports. We are open to whether it might fall under youth work or under early years, but it has to be specific to after-schools. That would be our request.

Ms Gillian O'Connor: At present, the sector is definitely in crisis. There are projects that have closed and will close. There are two pieces to it. We need emergency funding now and for the funding that has been lost to be reinstated. A project in the Dublin 8 After School Alliance had to close its doors to two after-schools. We know that all community after-schools will close their doors within two years unless that specific, sustainable, long-term funding is found. That is the position. In the long term, as Ms Carey said, we want to work to position community after-schools within a long-term, sustainable funding source that is appropriate. As we are not childcare, it is not an appropriate funding source for allocation for us.

Senator Erin McGreehan: This after-school sector for care and education has always been completely neglected. It is a credit to all the witnesses how well they facilitate people and assist young people who are in need. I can only add my support to what the witnesses are saying. I have learned a few things, particularly from Ms O'Connor's contribution. There is a cliff at 2

p.m. and at 3 p.m. and many children just fall off it. As regards staff, I am a major advocate for after-schools throughout the country, particularly to start out in DEIS, and for staffing the need. Where do those staff come from? It is difficult to get staff at present. My question is about the qualifications and the pool of people we get to work in the sector. What qualifications do the witnesses think would be needed to work in after-school care? That point is very important.

Chairman: I will bring Mr. Kenny in on this because he has his hand up. Then Ms O'Connor can respond if she wishes.

Mr. Mick Kenny: I will follow up what the representatives from the Dublin 8 alliance were saying. There are areas around the country that have high social needs and issues. The representatives were talking about the DEIS model and there are other areas to consider. My area, for example, has the highest level of deprivation in County Kilkenny but we are not classified as a DEIS area. We need a new way of funding services and we must go back to the drawing board. There are many ways of locating areas of high disadvantage through census information, as used by Pobal. It has an interactive map demonstrating areas of deprivation around the country.

We should also be aware that this is a children's rights matter. We have disadvantaged and marginalised children living in more affluent or working areas. We must ensure any child who needs support can access it, whether that is through community or private means. Recently, we did a survey of services supporting disadvantaged children around the country and approximately 60% came back as community services, with approximately 40% as private services. We must ensure no child is left out and every child should be able to access services.

This affects the national childcare scheme and after-school care because many of the children who would have been eligible for supports under the targeted schemes are now locked out of the national childcare scheme. They are not entitled to any hours in term time, despite many of us realising that this is when children need most support. They need support with homework and a hot meal coming in from school. They need somewhere to go to mix and socialise in a positive setting with trained professionals who would put in place a programme to support their needs.

Chairman: We will move to the next member, although Ms Quinn has her hand up. I will get people back in as we continue.

Deputy Holly Cairns: I have a question for each group but I hope to be really quick with the questions. I thank the Dublin 8 After School Alliance for highlighting the importance of after-school services as an equality measure aimed at reducing the gaps seen because of educational disadvantage. This demonstrates the absolutely essential role of educational and social centres in supporting young people. They are rightly calling for access to community after-school projects for all children in DEIS areas and marginalised rural communities but what are the main steps that can be taken to help achieve this? I know there was mention of long-term sustainable funding but what specific Departments could make that happen?

The Urlingford community childcare representatives explained how the national childcare scheme has negatively affected thousands of children from disadvantaged and marginalised families. In particular, they indicated how an unemployed parent or parents are entitled to fewer or no subsidised hours of childcare compared with working parents. What must happen immediately to address that?

Ms Gillian O'Connor: As has been stated, community after-school services have kind of fallen between the gaps. As Ms Carey stated, there is provision for children under six and within the youth work provision for those aged ten and over. There are principles and values that sit within the youth work setting but that is not to say there could be provision within the Department of Children, Equality, Disability, Integration and Youth as well. We are not childcare in that sense. For the past number of years there have been talks around regulations and qualifications for community after-school services that we would welcome. This year, after-school services had to register under Tusla and submit policies and procedures to become regulated. However, we also welcome a child-centred or youth work practice approach where we could develop that practice and continuously improve it. Perhaps then we could look for the most appropriate community after-school funding source within that process.

Ms Marian Quinn: I can respond to this question and Senator McGreehan's question on qualifications. It is definitely something being looked at under the workforce development plan and it is about bringing in qualifications. There is a growing recognition of the type of work happening in school-age childcare services and it is about supporting children in educational, social, emotional and cultural disadvantage, etc. A complex skill set is required and this should be phased in over time. Members have just heard about the crisis in the early years sector and by introducing qualifications to the school-age childcare sector, it could bring a crisis if it is not phased in appropriately. Over time we will be looking at qualification requirements comparable with what is in early years, given the complexity of the work done there.

Deputy Cairns asked about where we would situate and what needs to happen now. We must redefine what is school-age childcare. Under legislation, it is very much about support for parents when they are working. It does not have children at its core so we must create a new vision for school-age childcare that has children at its core. It will clearly involve supporting families in engaging in the workforce as well but that cannot be the main thrust. We must have children's rights at its core.

There was mention of the supports required for school-age childcare with respect to the national childcare scheme. Children in crisis may be sponsored and can get their needs met. Children who have a parent or parents working may also get their needs met with enhanced hours during term time. However, children whose parent or parents are not working - for whatever multitude of reasons - do not get support. I know part of the reason for this is us wanting to break the cycle of poverty or intergenerational poverty but we need a multipronged approach. One of those prongs can involve supporting the parent or parents in whatever they need to be able to engage in training, education or work but we must also consider what a child in the here and now needs. A child has one childhood and this is about early intervention and prevention. We could spend much more later on and the child will have lost the potential for a rich childhood he or she should and could have. The process needs to change now.

There are community services representatives here who do significant work but this is about children all over the country. As my colleague, Mr. Kenny, alluded to, the targeted schemes were opened to private providers. The national childcare scheme is also open to private providers. There are pockets around the country where children may not be in crisis but they are in need. We must move from the crisis model, where we only really support families when they are in crisis.

There is an action plan for school-age childcare and there is much planned for that type of childcare. Unfortunately, very often this gets lumped in with early years but these are two very different stages. We must stop doing that. In the meantime, while there is consideration of a

new model for school-age childcare and whether it has a DEIS-type model or not, there will be a few years of development so we must now open to any child who could have availed of supports under the targeted schemes. There are siblings on those legacy targeted schemes but a younger child cannot access them under the national childcare scheme. That must be stopped. We should look at this immediately and while we are working on the best model for children all over. We must ensure any service providing for the needs of children does not close. They must be supported wherever they are as they are vital for early intervention and prevention.

The Department deals with both children and youth. If we are talking about play, youth work and early years skill, the process becomes very complex in terms of who can work in the sector. It would be a multidisciplinary approach. I thank members for listening.

Chairman: We must move on as we still have to hear from several speakers.

Deputy Jennifer Murnane O'Connor: I thank all the witnesses. It is so important that we examine this and address it. In my constituency of Carlow-Kilkenny, I work with after-school groups that each year do not know what funding they will get. It becomes an issue because funding is not guaranteed year to year. The DEIS model in disadvantaged areas was raised earlier. That needs to be a priority. It is not prioritised enough, which is unacceptable. I know of parents who send their children to schools where there are school meal programmes because they are finding it so hard to survive. That is what will happen. There are schools that do not have DEIS status and there are other schools that have free meals. Parents are sending their children to certain schools purely because they have free meals. That is the society we are living in.

Poverty during childhood has both short and long-term negative effects and is associated with the worst outcomes in regard to almost all key aspects of a child's life. The OECD has noted that the pandemic has harmed children's health and social and material well-being, with the poorest children suffering the most. Area-based childhood programmes and targeted supports are needed. I accept they are a priority in the national development plan, the review of which was launched yesterday, but we need to ensure this will happen. Will our guests tell us more about how these targeted programmes disappeared with the formation of the NCS? That issue was raised with me.

Ireland signed up to the European child guarantee in June 2021, which aims to prevent and combat child poverty and social exclusion in the EU. In supporting new types of childcare, do we need to focus more on community-based co-operatives, employer-led schemes and co-location? As Deputies, we are all aware of this issue. On many occasions, families have told me how much they appreciate the homework clubs and the after-school services. They are so important. We cannot end up losing after-school services or homework clubs because of a lack of funding. Funding is the biggest issue. It all boils down to funding but it is also about ensuring that for the children who are marginalised and suffering the most, we will keep the schemes going. They are there for the children but also for the parents.

I thank our guests for their contributions. They have been excellent.

Ms Amy Carey: I will jump in there. As for which area this applies to, the Department in question is called the Department of Children, Equality, Disability, Integration and Youth. It covers many areas. We focus on inequality in communities that are disadvantaged and areas that are marginalised where integration is needed. We look at youth-work models and take a child-centred approach. Like the Deputy, we want children's rights to be brought back to the

centre. The NCS, as a labour activation model, is all about the parents. There are good parts to it and it serves some families well but it is not serving the families in our community. We want to bring it back to a child-centred approach. The funding should fit within the Department of Children, Equality, Disability, Integration and Youth.

Chairman: Before Mr. Kenny responds, I ask guests to be brief in their answers, if possible. I apologise but we are always stuck for time.

Mr. Mick Kenny: The Deputy talked about the changes in the funding that have been seen with the targeted schemes. The initial changes in funding to target disadvantaged children occurred in 2015 or 2016, when the Department started reviewing whether there was a case to recoup funding from the targeted schemes. In 2017, on legal advice, the Department changed the funding rules, where children used to be funded for the place they attend, to an attendance base, which is similar to the national childcare scheme at the moment. In 2018 and into 2019, the Department directed Pobal to carry out compliance visits on services. It was directed to target services that had the highest level of funding, which traditionally were services in disadvantaged areas. It directed Pobal to set the compliance bar quite high, knowing that would be detrimental to many of the services.

We carried out a report on the matter and, in 2018 and 2019, we tracked that about €5.7 million had been withdrawn from about 1,000 childcare services. Nevertheless, while it had technically been withdrawn from the childcare services, in essence it was withdrawn from the children. Having spoken to several services throughout the country, I know they appealed on a children's rights basis. There were complex circumstances and many families were in need of support, but this was not taken into consideration. The rule was the rule. For various issues, such as the child being dropped in late or collected early, funding was withdrawn but that did not take into consideration the wrap-around supports many services provide, such as the hot meals and the parenting supports. Sometimes, a child might need to be in by 9 a.m. but you might be happy to see him or her coming in at 10 a.m. because even at that time, there is an opportunity to support the child and the family. We need that sort of flexibility.

At the moment, with the NCS, many children are locked out of after-school services because they are not entitled to it based on the status of the parent. Even in the early years sector, in the case of many children who had been entitled to substantial funding to support them with breakfast, lunch and hot meals, their funding has been cut right back. The EWSS was a lifeline for many services. Many of them, especially in disadvantaged areas, believe the EWSS is obscuring issues with the national childcare scheme and the loss of the targeted schemes. In our case, it allows us to provide hot meals and supports but the scheme will end eventually. Many services are at that cliff edge. We will not have funding to provide hot meals any more. Services are facing closure, or they could have to restructure to the point where they will stop providing full-day care and the under-three places and move to a more sustainable model of sessional services.

Chairman: I need to move on to the next speaker.

Deputy Patrick Costello: I thank the witnesses for their attendance. It is very important that two different parts of the country are represented at this meeting and both are reporting very similar issues. No doubt, if we were to look wider, we would find many more young children throughout the country who are affected. The figure that was mentioned was 5,000, but behind that are all the families who will be affected by those cuts, as well as those children's children when they grow up. As I am sure has been mentioned, we need to acknowledge the intergen-

erational impact of poverty and social exclusion, which brings us to the point of these purposes. Our guests have stressed they are not childcare and the wider role their services play in that equality, deprivation and anti-poverty work is very important.

We need specific and sustainable funding to be put in place without any gaps. If the NCS is not the appropriate place to fund this, that is fine, but we should not cut the funding until the new funding is in place. We have heard of services closing and of the EWSS, as was described, being the sticking plaster that has covered up that issue. We need to ensure, therefore, that there will be funding to keep open all these services in order that they can keep doing the valuable work they do.

Our guests mentioned the administrative burden in respect of sponsorship but, as Senator Ruane is always at pains to point out, many families do not want to go to Tusla. There is a fear of going to Tusla. As a former Tusla social worker, while I might not agree, I can at least understand where these families are coming from. My experience has been on the other side of the table but I understand fully. Can the witnesses speak about what they view as the problems with the sponsorship model and how it creates an administrative burden on the State and is a burden on families?

The previous group of speakers expressed concern about the monetisation of childcare. I find it quite grim if we view the national childcare scheme and after-school provision simply as a labour activation model. The witnesses have put it best by emphasising that services should be child-centred. I am concerned about describing childcare as a labour activation system because it misses the rights of children and the wonder of childhood, if properly supported. I ask the witnesses to speak about the struggles generated by the sponsorship model. Administrative struggles have been mentioned but I want to hear about the parent and child difficulties in terms of that model.

Ms Gillian O'Connor: The Deputy is right about the sponsorship model, which can come from Tusla, the public health nurse or the Department of Justice. In terms of community after-schools, that piece would come from Tusla. We believe that it is a barrier for many parents. They have fears and concerns about the sponsorship piece. That relates to the holistic approach of community after-schools and the nuanced work that we do with children and their families. We are often based in communities for a long time and so have built and developed relationships. It takes trust and care to be able to ask parents to give information and support the work in that way, particularly for people who live in challenging circumstances or in communities that experience challenges with State agencies across the board and for all sorts of different reasons. We believe it is not an appropriate model or space whereby parents and children need a referral to go to community-based activities, clubs and after-schools. Community projects are at the heart of communities so it is important for us to nurture, develop and retain trust. That is why a funding model needs to be specific to the needs of community after-school care and operate outside that idea of sponsorship.

Ms Marian Quinn: I completely agree with what has been said about the difficulties with sponsorship. We have had examples of where the referral agencies were not quite sure who was the referral person so the time taken to track that information down and access things delayed the whole process. As well as that, it is about stigmatising families. The fear is that an extra layer or barrier will prevent families from engaging. Families want to and are trying to do their best for children but if they must take the referral route they feel that they have left their children down. That is not a reality but families have that feeling and there is a feeling of being stigmatised. As a result, children do not necessarily get the supports they need. It is not good

enough to leave people hanging until they get into crisis and say, yes we will see you again. Alternatively, it could be a family moving out of crisis.

What will happen to the supports that have got them out of crisis? They will be signed off because the situation no longer meets the crisis criteria, thus leaving children on their own again. They, possibly, could go back to into crisis again or be left feeling excluded from their peers and supports in their after-school service or school age childcare service. We need to change our view of what is going on and what children need in terms of that crisis level before we can provide supports.

Deputy Ivana Bacik: I thank the witnesses. It is very helpful to have the documents and the survey compiled by the Association of Childcare Professionals.

My colleague, Senator Sherlock, has raised the issue of unforeseen consequences following the introduction of the national childcare scheme in 2019 and this move, as clearly expressed by the witnesses, from a child-centred scheme to a work activation model plus the move from enrolment to hourly attendance as a basis for the scheme. Clearly, the scheme is having detrimental consequences for children. In particular, the scheme has enhanced inequality and not equality of access for children, which is of real concern. I know many community childcare providers were outside of Leinster House earlier today.

There have been questions about how to change and address this huge problem. The witnesses have called for increased supports on a targeted basis. The main ask is for a return to targeted schemes and for adequate supports to be put in place, particularly for children from a disadvantaged background. Has the Department moved to restore the targeted supports?

In advance of the budget, the witnesses have clearly highlighted the problems and emphasised that not just one area is affected but areas located outside of Dublin. As other have said, it is great to hear from childcare providers who work in Dublin 8 and outside of Dublin so we know that this is a much bigger issue. Not just one community or one group of children are affected but more than 5,000 children nationally.

We must decide what we can do, as a committee, to address these matters. I can see witnesses shaking their heads so there must have been no move made by the Department.

What does this situation say about childcare provision more broadly? We have spoken about this aspect with Mr. Darragh O'Connor from SIPTU. It is deeply frustrating to see that this situation is a consequence of the piecemeal provision of childcare, early years education and school age child care. We have never had joined-up thinking and a coherent vision for early years education, after-school provision and the out-of-school supports that children require in order to enhance children's rights.

Mr. Mick Kenny: The Deputy mentioned targeted supports. I think that targeted supports were created to support families. A lot of services, especially in disadvantaged areas, have said that the removal of supports have had a detrimental impact. We have expressed our concerns about the scheme to the Department and even prior to its launch we had a lot of concerns. Now we are past breaking point. The EWSS is covering the cracks at the moment and something needs to be done immediately to cover up the issue.

In terms of the need for a child-centred approach, our most recent survey, in which 551 services participated, showed that only 4% of services felt that the NCS is child centred. We need to ensure that any new funding model has children at its heart. I acknowledge that there is a

need to support working parents and equality. Earlier, Mr. O'Connor and his colleague spoke, and SIPTU has its Big Start campaign, but we are talking about two halves of the same coin. I mean that childcare policy has been looking at creative ways to stretch inadequate funding further but that has been to the detriment of the children, staff and services. Realistically, as Mr. O'Connor said earlier, we need mass investment in the sector because we are at a crisis point and we are going to start going backwards. For many years, as services that have been working with disadvantaged children and families, we have been talking about intergenerational change. However, what is happening at the moment will undo decades of early intervention work whereby we have seen steady progress in families. Studies have been done on the impact, including the intergenerational impact, of investment to tackle disadvantage. It has supported not only the children but also the children of those children. We need to realise, if we really want to deal with poverty, including intergenerational poverty, that it is a long-term game plan and we need to be setting the scene now.

Chairman: Ms Carey or Ms O'Connor, do either of you wish to come in briefly?

Ms Gillian O'Connor: Yes. Regarding community after-schools, we have always found ourselves in that gap, as we have stated. It is a matter of positioning us with a special funding model for us to be able to support that developmental work. We have continued to state - and it is really important we do so - that we do not provide a childcare service. Our placing is critical to support the developmental work we are doing and the coherent vision that was mentioned such that there is real and sustainable funding and support for this work that is centred on children and young people. It probably makes sense for us to be positioned within the Department of Children, Equality, Disability, Integration and Youth because that is where everything from the funding to the regulations, the qualifications and the development of the understanding of this work can continue.

Deputy Mark Ward: I thank the witnesses. I apologise for having missed the opening statements but I have them in front of me. I have managed most things but co-location is not yet one of them.

I have a lot of grá for Dublin 8. I spent a lot of years working with an addiction service down there. It was a really good service that also had an after-school and a preschool programme in it. It took a holistic approach of developmental work whereby the developmental needs of both the parents and the child were captured under one roof. I have seen the benefits of that over the years. Only today I was talking to someone who was part of that programme and listening to how much that person and their family have progressed, so I absolutely see the need for these programmes.

My constituency, Dublin Mid-West, has some huge areas of disadvantage. I am from an area of high disadvantage and I was one of the children who would have really benefited from having a school lunch. I cannot put words on how much that would have benefited not just me but others. There was no stigma around the disadvantage because we were all in the same boat. The school lunch would have benefited me, my family, my neighbours and anybody I went to school with. We mentioned only last week in the debate on child poverty how difficult it is for children to progress if they do not have food in their stomach and a winter jacket, basic needs that sometimes we take for granted.

As for school completion programmes or after-school programmes, we had in my area a really successful one that was closed two years ago. I visited it just after I got elected. It was an organisation called the Get Ahead Club. It ran a really good programme. Despite my pleas

and other cross-party pleas to the former Minister, it closed. It was one of those organisations whereby you see its benefits while it is there but you see the effects of not having something like it in your area only after it is gone. After the funding ceased, the organisation was no longer there and that has left a big gap in my area. It was literally only across the road from me.

A lot of the questions I was going to ask have been asked, so I will just touch on DEIS. People mentioned the DEIS criteria. I think it was mentioned that all children from marginalised and disadvantaged communities should have access to all community after-school projects in DEIS areas. In one part of my constituency there are four primary schools, three of which have DEIS status and one of which does not. I would not mind but the one that does not has in its catchment area some of the most disadvantaged areas and some of the highest levels of poverty across the whole constituency. It just does not make sense to me that those kids are excluded. I deal with the families. Some have to get food from the local food bank. They are trying to meet their kids' needs, and the fact that their school does not have DEIS status is really difficult. Do the witnesses believe the DEIS criteria and eligibility need to be looked at? Do they need to be widened? What would the witnesses change in the current DEIS eligibility that would make the scheme easier for schools to access?

Ms Amy Carey: I thank Deputy Ward. I really appreciate his passion for Dublin 8. We are very fond of it.

DEIS is not a perfect model by any means, but one of the things Deputy Ward talked about was the lack of stigma in his experience, and the fact that there was access for everyone. Everyone got those various pieces because of the DEIS model. That is what we are saying. We should not have a sponsorship model because this should involve everyone who comes from those communities of disadvantage in order that all children in those communities, or children in rural communities also coming from disadvantaged families, have access to those supports. We do not want them to have to be individually referred. We do not think that works. There needs to be access for all. The Deputy's comments on that part of his experience are very helpful. The DEIS model is not perfect. It is the best we have at the moment. We are not saying we want to emulate it, but it is the structure that is there, so we can see something similar to it in an after-school context. We are conscious that in rural areas that will need to look different, but we do not want each child to need to be individually referred. That is what we want to move away from.

Ms Marian Quinn: The DEIS model is one model and it has worked very well for some children, but other children have been excluded. I am down on the Cork-Limerick border, and in our local town some schools have DEIS designation because the principals were very proactive at the time and got it. The siblings of the children who go to that school go to a different school, where there are no such supports, so children can be left out. In both rural and urban areas there are children and families who need particular supports. They may not be in the catchment area of a DEIS school and may, therefore, have to travel outside of their community and away from their peers in order to be able to access services if they are to be found only under that model. If, however, we restore access to targeted schemes or have a different type of process for children to engage in, we can, in the meantime, look at what innovative model we can get that does not exclude or stigmatise any child. We do not need to piggyback on a model that does not cover that. Mr. Kenny would say he is in an area that does not have DEIS designation but does have a significant level of disadvantage and a significant number of marginalised families. We have time to build a really good comprehensive model, learn from what does not work in the DEIS model and then make sure we do not bring that to the new model. In the

meantime, we have to mind the children who are being excluded from the NCS.

Chairman: Deputy Ó Murchú, who is not a member of the committee, wants to ask a brief question.

Deputy Ruairí Ó Murchú: I have never been brief in my life. Everything about the national childcare scheme has been said. I accept that it replaced community childcare subvention plus, CCSP. There was an element of universality and there was not the sponsorship issue and all the rest of it. The Government accepted that. That is why this got kicked down the road for two years. I will not get into the ins and outs of which Minister then kicked it into action just before the last general election. We are where we are. In fairness, the Minister, Deputy O’Gorman, has dealt with me on the issue. A number of providers in my constituency are impacted by it, whether that is the service in Moneymore, Drogheda, the team project in Muirhevnamore, The House - Cox’s Demesne or a number of other providers. We have failed to put early intervention structures in place over many years. We have also failed to deal with intergenerational deprivation.

This childcare model was working in a number of places. We have now broken it. I accept the Minister has a review in process, and that is brilliant. If that review is to look specifically at DEIS funding, then happy days. If we can take a particular pot of money to deal with these sort of interventions that is great, but at this point in time we are where we are. I understand that there are a number of referrals, that is in respect of the Department of Justice and the councils in very specific sets, and then there is Tusla. For most of the groups who have thought about using Tusla, it is a workaround. I would be quite happy if we could get away with that workaround. I understand most families do not want to touch Tusla. There is probably an element of early interventions that should be removed from the same name as Tusla in its other role, that is when it is dealing with acute situations. This is something that we have to look at into the future.

We are where we are and Tusla is a means of referral. I know that a number of groups were looking at possibly creating a meitheal and not wanting a full case with Tusla and the problem is that a directive has not come from Government, nor has a directive then come from Tusla to the groups as to how that roadmap would work. I accept that it is imperfect but if we could do that until we see the outworkings of the review process, which I would like to think would put specific funding in place, we could then put a better model on the ground. I am in agreement that Tusla is far from the body one would want to deal with as to referrals, but as I repeat myself, we are where we are and we need to get this interim solution in place so that organisations like these, and Hidden Treasures, Lios na nÓg and others in my constituency, do not go to the wall and that we do not fail the children who have failed to get into these groups in the past while

Chairman: I thank the Deputy. We are wrapping up this session now. I will call Mr. Kenny to speak now and if Ms Carey or Miss O’Connor want to come in, they may do so. I ask contributors to be very brief, please. I feel like I spend my whole life saying that, because I do. I call Mr. Kenny first and then either Ms Carey or Ms O’Connor.

Mr. Mick Kenny: I reiterate that many services are looking for workarounds at the moment to try to make the national childcare scheme, NCS, work for these children and families. The contributors from the Dublin 8 After School Alliance said they should not necessarily have to go through a sponsorship model or jump through a hoop. Fundamentally, the issue with the NCS is that it is not child-centred and is not focusing on children’s rights. As we said in our opening statement, we have concerns that the whole ethos around the national childcare scheme is breaching the UN Convention on the Rights of the Child because Article 2 states that children

should not be discriminated against based on the status of the parent. Yet, with the NCS, we see children who, because of the employment status of the parent, are being treated differently, such as children of working parents. My concern is that this scheme is broadening the gap between these children. We have the children who can access our services simply because their parent is working or training but then we have children who cannot attend, get the hot meals, the homework support or the early intervention work. This is going to be detrimental to those children and families. In any approach going forward, we need to be looking at children's rights to ensure that what we do is in the best interests of the child.

Ms Gillian O'Connor: I will reiterate that from our point of view, after-schools are not childcare. They are an equality measure aimed at reducing the gap of educational disadvantage and we do not believe that children should need referral to go to their community centre or into their after-school club, or sponsorship to play with their friends, do their homework or to be able to develop and reach their potential.

Deputy Ruairí Ó Murchú: I am sorry to interrupt but I accept that completely and that the NCS is a job activation model. It is just the fact that people are looking for workarounds and have not got the information from Tusla on the roadmap to do this and whether it is through the Meitheal model. I accept that it is far from perfect and I hope that-----

Chairman: I am sorry Deputy but we really do not have time. We could have a discussion on this issue all day.

Deputy Ruairí Ó Murchú: I am going to stop now. I hope that the review in November will improve all of this.

Chairman: My apologies to Ms O'Connor, but did she wish to finish her point there?

Ms Gillian O'Connor: Community-based organisations are at the heart of communities and we are advocating on behalf of children we work with from the most marginalised communities in Dublin and in support of children across Dublin. We are in Dublin 8, across Dublin, and in marginalised rural areas which do not have a voice at the table and we are trying to carry that child-centred piece for them.

Chairman: I want to say a very sincere thanks to our four witnesses, Mr. Kenny, Ms Quinn, Ms O'Connor and Ms Carey. My apologies for having to rush the item along but it is great that we had the opportunity to have this discussion, in particular also in advance of next week. I thank everybody and our members also.

Adoptee Voices Report: Aitheantas

Chairman: We are going to move into the third session of our meeting with representatives of Aitheantas and I welcome Ms Maree Ryan-O'Brien and Mr. Rody O'Brien. The purpose of this session of the meeting is to engage in respect of the recently published report Adoptee Voices which was based on survey results carried out by Aitheantas on adoptee identity rights.

Before I call on Ms Ryan-O'Brien I will need to read through the parliamentary privilege piece. As all witnesses are appearing before the committee virtually, I need to point out that there is uncertainty if parliamentary privilege will apply to their evidence from a location outside of the parliamentary precincts of Leinster House. Therefore, if they are directed by me to

cease giving evidence on a particular matter, it is imperative that they comply with any such direction.

Our witnesses will have three minutes speaking time and there will then be questions and answers with the members of the committee. Just before I ask our witnesses to give their opening statement, I advise that there is now a session in progress in the Seanad and in the Dáil so some members will be dipping in and out of the meeting. I ask that our witnesses be aware that we will all be paying attention and we can watch back on the contributions. We appreciate both of our witnesses being with us today. I call now on Ms Ryan-O'Brien for her opening statement.

Ms Maree Ryan-O'Brien: I thank the Chairman and all the members of the committee for their kind invitation to discuss our groundbreaking Adoptee Voices report. I would also like to thank the Minister, Deputy O'Gorman, for his and his Department's work. While we might not agree with all aspects of this Bill, or indeed on terminology, we have found the Minister, Deputy O'Gorman, willing to engage and to listen.

Our Adoptee Voices report is based on three surveys we conducted to illustrate the intergenerational impacts of the policies of forced and coercive adoption and how adoption has real life, ongoing, consequences for both adoptees and their families. We are very strongly of the view that existing agencies are no longer fit for purpose and should be replaced by a new agency on the grounds of constitutional principles of fair procedures and centralisation. Many of these concerns are largely practical ones and health concerns for both themselves and their families are a significant issue. Adoptees may often be unaware that they have a full or half sibling who was also placed for adoption. This is information that is rarely directly disclosed but rather discovered through file cross-referencing or commercial DNA testing.

Our recommendations on terminology in the Adoptee Voices report was that research on this area should not be specific to one university but rather stakeholder-led. Our concern with regard to terminology being academic-led is that it gives a proprietorial interest in an issue in which the academics are not direct stakeholders. Given the historically privileged lens this issue has been viewed through, we feel that this approach is simply repeating the mistakes of the past. Individual preferences as regards terminology are a deeply personal issue and this is generally reflective of a number of factors. While there should always be scope within a personal context to respect preferred terms, the majority of respondents in our survey preferred the term "birth mother". The terms "first", "natural" and "real" were not terms generally favoured. Each of these terms are subjective and have a reverse implication as regards our adoptive families, as in: real-unreal, natural-unnatural, first-second. Terms used in legislation must be exact, not subjective, emotive, open to interpretation or contradictory.

The theme of our report is having courage to face up to the past and the social harm that adoption has caused and to change it. This courage needs to be coupled with the political will to transform, significantly, a deeply flawed construct that continues to impact negatively on the lives of adoptees and their children.

We would like to thank the committee staff for their assistance and the committee for the opportunity to discuss our report. We have also outlined in our report concerns as regards the birth information and tracing Bill 2021 and we welcome any questions the committee may have.

Chairman: I thank Ms Ryan-O'Brien. I call Senator Seery Kearney to speak first now.

Senator Mary Seery Kearney: I thank the Cathaoirleach and I thank our witnesses for coming in to the committee. I congratulate our witnesses on an exceptional piece of research and a very comprehensive report. I have three questions which I will try to keep as brief as possible. The first concerns language which Ms Ryan-O'Brien spoke about in her opening statement. I ask her to elaborate upon, specifically, the use of the term "birth mother". I note that Aitheantas sees legislation in this area as transformative and as affording an opportunity for restorative justice. I ask our guests to elaborate on that.

The second point is that Aitheantas holds a strong position regarding the need for a new agency. Its views in that regard are compelling. Perhaps our guests will take the opportunity to elaborate on them.

Finally, the legislation in this area is about a balancing of rights. First and foremost is the unequivocal right to birth information of an adoptee or the person seeking that information. A balancing of rights in the context of privacy also lies at the heart of the legislation. I ask our guests elaborate on their views in that regard as well, please.

Deputy Patrick Costello took the Chair.

Vice Chairman: The witnesses may respond if they wish.

Ms Maree Ryan-O'Brien: More than 468 respondents participated in our primary research. On terminology, the clear preference from the 200 people who replied to this question regarding preferred terms was for "birth mother" or "birth father", followed by "mother" or "father" and then an amalgamation of terms, such as "birth mother" or "biological father". It will be appreciated that the issue around terms is sensitive. Looking at this issue from an adoptee advocate perspective, the reason that the term "birth mother" is used is that for every other term there is an opposite that impacts negatively on our families, our adoptive families, who are recognised as our families in legislation.

The difficulty in this regard lies with balancing needs adequately. I refer to the needs of birth parents and everyone else. A point that came through strongly related to the stigma and shame. Marginalisation also came across very clearly in respect of the feelings of adoptees. We must understand how language feeds into that and how questioning the reality and naturalness of someone's family can impact negatively on adoptees. I doubt if any members have been told that their father or mother is not their real mother or father, but it is not a pleasant position to be put in. I do not think we should be continuing this practice in proposed legislation.

Turning to the term "natural", there is nothing progressive about it. This term has been used in correspondence from the Adoption Board dating back to the 1980s. Therefore, when we are looking at a transformative Bill that we hope will allow adoptees access to long-needed information, we also hope that it will look more constructively at the use of terms and the impact they have in this context. We must understand and realise that adoptees and birth parents are all victims of this system and, consequently, we must have terms that are respectful of both.

Moving to the issue of the agency, perhaps Mr. O'Brien could answer that point more successfully, but there are issues concerning trust. We felt that this would become a barrier to participation in respect of adoptees interacting with a new agency. The model used when adoptees were spoken to regarding files was alarming and concerning. This seemed to be a model of interaction rather than an isolated incident. Given all these circumstances, we felt that it would be best to incorporate all the different facets of this one issue into one agency. That would make

far more sense than having it distributed on a piecemeal basis, as it is now. Mr. O'Brien may wish to take the question regarding the balancing of rights.

Vice Chairman: Does Mr. O'Brien wish to comment briefly? I am conscious that I need to move on to some of the other members.

Mr. Rody O'Brien: Senator Seery Kearney asked several questions. Would the Senator like me to address the agency aspect or which issue would she like me to comment on?

Senator Mary Seery Kearney: My final question was on the balancing of rights.

Mr. Rody O'Brien: I thank the Senator for that clarification. The balancing of rights is the elephant in the room when it comes to getting the legislation on adoption right and the information on tracing in that regard. Most members of the committee will probably, with all the various representations made, be aware of the seminal case heard in the Supreme Court, namely, that of *I.O'T v. B.* That was the case which identified the right to identity for adoptees and people generally. It is an unenumerated personal right in the Constitution under Article 40.3.1°. Since then, the privacy of the birth mother has also been an issue and is also an unenumerated right under the same article.

The difficulty in the context of legislation has been to balance those rights. Our contention and that of all adoptees is that the privacy of birth mothers has been given priority as a right over and above the constitutional right of identity. That right is not only recognised in Ireland but it is also recognised under the European Convention on Human Rights and there is a great deal of case law on this matter. Looking at this in stark terms, for legislators, it is a question of moving the balance in favour of adoptees. If we think of this issue in the context of adoptees and their families, who in many cases do not have access to health information or do not even know their identity in terms of where they come from, this is something that legislators should consider thoroughly and seriously.

It is a practical issue when we think about questions such as "Who am I?" and "Where do I come from?". I remember that I gave a lecture many years ago in University College Dublin to approximately 250 nurses. We spoke about this idea of freedom of information and accessing information in that regard. A case was taken by an adoptee's daughter in a situation where her father had been born in the Rotunda Hospital. He was in his 80s and in poor health. He wanted to know who his mother was. He sought that information from the Rotunda Hospital and it refused to release the information based on the right to privacy of the birth mother. She was long dead at that time. The court still maintained the aspect of privacy in that case. The poor man went to his grave not knowing who he was or the identity of his birth mother. When I mentioned that case in the lecture, I remember all 250 or so students gasping at the concept of not knowing who you are. That is what lies at the heart of this issue. I refer to the political will of legislators to look at rebalancing rights in this regard and to give priority to the right to identity-----

Vice Chairman: I apologise for interrupting, but we are under time pressure and I must move on to some of the other Senators because they are due to speak in the Seanad. I call Senator McGreehan.

Senator Erin McGreehan: I thank the Vice Chairman. The witnesses are welcome. I congratulate them on the report. It is an incredible body of work. There were almost 500 respondents, which is almost the same, if not equal, to the number of respondents involved in the

report of the commission of investigation. A great deal of hard and decent work went into this report and I thank the witnesses for that.

I have two questions that follow on from those put by Senator Seery Kearney. Will the witnesses elaborate on the general data protection regulation, GDPR, issues outlined in the report? What can be done for adoptees to restore some faith in the agencies? I refer to those that have mistreated people. It is well accepted that there has been mistreatment of people who have used the services. There is a serious lack of trust as a result. What actions can be taken now to restore some faith in that regard for adoptees and for mothers to enable them to trust the system? What can be done to ensure that when they are going to get their records and their birth certificates that they feel they are in a safe place, as opposed to being criminalised by those on the opposite side of the table? If amalgamation and a new agency are to happen, it will not be for the next few months. The legislation is a priority. My goal would be for a new agency as well. I agree with the witnesses on that. I do not believe that we are going to get it in the next few months, however. What can we do for Aitheantas in the meantime to restore people's faith?

Ms Maree Ryan-O'Brien: I will take the second part first and Mr. O'Brien will take the question on GDPR, if that is okay.

We touched on the issues around best practice as regards international best practice in the first recommendation in the report. One of the points from which we need to start, and I know this diverges somewhat from a social work model, is that we need to have engagement with people who are outside the remit of the commission. Members might be able to get from the report a very clear sense of the frustration that is felt not just by people who were outside the remit of the commission but people who were in the remit but were unable to participate. I recall that one respondent in particular said, "I thought [that] when ... [my] home ... was included that I could go ... [and give evidence] to them", but that just did not happen. Of all of the respondents to the survey, in which we asked questions about the commission, only 5% were able to take part in the commission's work, even though 50% were eligible to do so. That is a rather stark percentage of people who could not engage on an issue by which they were directly affected.

We need to have pathways to participation for people who did not come not within the remit of the commission and who could not be included. We will begin to see this in a more holistic approach whereby we understand that it is the case that not every home was included under the commission's remit and not every adoptee came through a home. We need people to see the matter in a holistic way - as part of a larger issue. That would be the first step.

The second step is that there needs to be an immediate review of social work practices within Tusla and the Adoption Authority of Ireland. What we came across in the context of our research was across the board, with every agency, from people who interacted with us who were adopted. There was a stark contrast with regard to people who were, say, the children of adoptees; there did not seem to be as much invasiveness, as I would describe it, for them when it came to accessing information. If we were to look at it as a learning process, not just for society at large as to what the experiences of adoptees are but also with regard to the social work model and how that can be improved, there is a great deal that can be learned from this and much of the research we carried out can be of benefit. We really need to see that being taken on board and there must be an acknowledgment of where there have been shortcomings. Obviously, our long-term gain, which I hope will not be too long arriving, would come in the form of a new agency. I will let Mr. O'Brien take over as regards the GDPR aspect.

Mr. Rody O'Brien: I will come in on two points as regards the GDPR and I will then look

at the issue of the agency if the Vice Chairman has time to facilitate that. Up until now, the GDPR and data protection have been used as a restriction to getting information on a person's identity. We are restricted in that and, therefore, they are restricted in the context of their constitutional right to identity. The GDPR is basically being used as an excuse in that regard. It is kind of an *à la carte* interpretation of the GDPR from what I can see, particularly in the context of the proposed legislation, a matter to which we refer to in our report as well.

Adoptees have the right, under Article 15 of the GDPR, to access information of which they are the subject. That is one particular aspect, but I would also like to highlight an important part of the GDPR that is really significant. Article 49 of the GDPR involves a derogation in specific circumstances. This allows an organisation and, therefore, in this instance, the State, when legislators are legislating for access to information in the proposed new Bill, the right to information to be refused. In our view, that represents a way around any restrictions that are put up as obstacles and the issue of privacy rights of other parties. It is really down to what we perceive as the political will to give priority to the right of identity to adoptees, which have always taken second place to the rights of privacy of the birth mother. It is then really a matter of political will as to how the Government wants to proceed.

That is the position on the GDPR. I am conscious of time. I am happy to elaborate on any of the other issues if the committee wishes me to do so. There is also an aspect to Senator McGreehan's question on the agency. I can address that now briefly if there is time to do so.

Vice Chairman: Mr. O'Brien might respond very briefly. It would be good to get an answer but I am conscious that others are waiting to speak. I am too soft.

Mr. Rody O'Brien: That is no problem at all. I am willing to elaborate later if anyone wants to ask me about it.

Senator McGreehan asked about the significant issue of restoring faith or trust. There is a legal problem. Many members will understand this from experience. Senator Seery Kearney, who is a barrister, would know about this particularly well. There is an issue with regard to the constitutional rights of fair procedure, especially where a case has been judged previously, in the context of getting a fair hearing. The idea of bias in a case is an aspect of constitutional justice. If somebody has already sat on a decision to give a person information or decided to withhold information that person's identity, there is a constitutional issue as regards allowing them to revisit the matter. Allowing agencies to revisit issues in respect of which they have already sat, gives rise to issues of either actual bias or perception of bias. The latter can open up major issues going forward. Apart from the trust issue and the legalities of judicial review, everything will end up being judicially reviewed all over the place. It is, therefore, a very unsatisfactory purpose. There is a really strong case for a new agency on the basis of the legal and constitutional issues involved. That is a very brief response on that issue. I am happy to come back if anyone has a question about that.

Vice Chairman: I will move on to Senator Ruane. I apologise for rushing Mr. O'Brien. There is a queue of other people waiting to ask questions.

Senator Lynn Ruane: One of my questions regarding the inclusivity of stakeholders was answered in response Senator McGreehan's questions. I will move on to my second question, which relates to whether the witnesses feel there are enough provisions for oversight and review of the eventual legislation, once it is enacted.

My final question is with regard to the recommendation in the Government's plan to fund scholarships and direct them towards those who are underprivileged. Could the witnesses speak to that a little? Do they feel there is a need for all victims of the institutions to be included in such measures in terms of investing in scholarships and education?

Ms Maree Ryan-O'Brien: I will take the first part, and Mr. O'Brien can handle the legal aspect. As regards scholarships, we feel very strongly that when provision is being made for scholarships or educational supports, these really need to be delivered to the communities that have suffered as a result of these systems. When one reads a report from the children of adoptees, it is very clear how this has impacted on them. It indicates that this trauma dissipates and ripples through generations. Previous speakers spoke about intergenerational poverty. There is no quantifiable research as yet on how this has impacted in an intergenerational sense, but we are certainly getting a view of how this has affected the children of adoptees. This cohort is largely ignored. If it is recommended there will be scholarships, then they will need to be specifically delivered to the communities who need them. The Senator spoke about the wider communities in the context of institutional abuse and the institutions at large. Certainly, these scholarships need to go to the communities. Very often, the underprivileged and those who have come through institutions and mother and baby homes are the same communities that this trauma has rippled through and affected. We need to have those educational supports. We also need to make the point that both adoptees and survivors should be empowered to be educated on the subject at university. We call on any universities, colleges etc., which have this as an area of study, to provide scholarships to these communities to enable adoptees and survivors to be educators about their own history. It is clear from the report that the larger societal context of this as an issue is understood. We understand the significance of it and we appreciate our own role as custodians of our own history. We need to be able to be empowered doing that as opposed to being muted or, again, treated as objects of study.

I will let Mr. O'Brien take over on the second part, which is oversight. However, we have made a call in the report for a review of legislation. We feel it is important to have oversight as regards the legislation, because of what happened with the previous Act in 1952, which was largely left in abeyance. Apart from amendments, it has never been substantively changed. We, therefore, need a review built into the birth information and tracing Bill 2021, so that there will be a review of legislation, in either two or three years, to see what has worked and what has not, and to amend the legislation accordingly.

Mr. Rody O'Brien: Ms Ryan-O'Brien has covered the point. A review period is not in the current Bill. Senator Ruane made a good point from a-----

(Interruptions).

Mr. Rody O'Brien: There have been a few events in the last few years to bring up information tracing as an issue. There were ten or 20 years when nothing happened at all. It is an important point. The Judicial Council Act 2019, of which many members will be aware, has a review period of three years for the new personal injury guidelines. These are the new guidelines which will replace the Personal Injuries Assessment Board, PIAB. Going forward, a good way of legislating is to have review periods, so that the legislation can be reviewed and is not left in abeyance. It would also probably make the work of the members easier. They can revisit something on a periodic basis, rather having to start anew. I would, therefore, echo Senator Ruane's point, which is a good one. A review period could be put into the current Bill, as it is not currently there.

Vice Chairman: I thank Mr. O'Brien and move on to Deputy Cairns.

Deputy Holly Cairns: I thank witnesses for appearing before the committee again today. I commend them and everyone involved in the Adoptee Voices report. When I received the report in July, I put several of the clear and qualified recommendations to the Minister. I received a reply which suggested that the birth information and tracing legislation in its current form would address the issues. However, we know from the witnesses' submissions, as well as from other submissions, that it will not. I wonder whether the Minister replied directly to witnesses on the contents of the report. If so, are they satisfied with the response? Can I also ask them about recommendation 4, for a full investigation into all homes, agencies and institutions involved in historic domestic adoption to include practices within the Adoption Authority of Ireland, AAI, and Tusla - Child and Family Agency? If there is time, could the witnesses outline the importance of such an investigation for adopted people?

Ms Maree Ryan-O'Brien: On terminology, I use the term "adoptee". I do not use the term "adopted people" or "adopted person", because adoption is a legal and a social construct. It is not the language of disability. Rather, it is legal language like, for instance, "adoptee", "arrestee", "divorcee", or "attende". It is a personal preference.

As regards the recommendations to the Minister, we booked the Minister regarding our report. Like every applicant, I am never satisfied with responses. I feel that there is always more to be done and there is more to be given. As regards the requirements for an investigation, which we touched on earlier, there is a huge amount that has not been dealt with. There is a sense that the work has now been done, so we are now in a consultation process for-----

(Interruptions).

Ms Maree Ryan-O'Brien: We need to be aware that thousands of people who have been directly affected by this issue have had no voice or input into this at all. They are now being railroaded forward into different projects on different issues with no input whatsoever. This is a moral wrong. It is no better than what happened in the past if we allow this to continue. We have made that clear.

As regards an investigation, we need to look at that and we need to bring in the-----

(Interruptions).

Ms Maree Ryan-O'Brien: This would include Tusla and the Adoption Authority of Ireland. The reason we make those points is quite simply that when one reads through the report, one sees examples of people's difficult experiences with these agencies. We feel that needs to be investigated further.

Vice Chairman: Did Mr. O'Brien want to reply to any of these questions?

Mr. Rody O'Brien: Ms Ryan-O'Brien has covered them.

Vice Chairman: Thank you. I will move on to Deputy Murnane O'Connor.

Deputy Jennifer Murnane O'Connor: I would like to thank our guest speakers here today. I, too, want to compliment them on the report. I say "Well done" to everyone involved. It is critical that we read the report and that we listen to what people are saying. That is what we need to do. It was vital to hear about the shame and stigma felt by the adoptees. It is so important that we know we listen to people. In my own area of Carlow-Kilkenny, people have

contacted me who have found it difficult. We have to be mindful of that. The Department has established an information management unit, but I have suggested that we ought to look at a liaison officer, maybe through a local authority or the HSE. Do the witnesses think that it would be beneficial to have a local person or office, where adopted people could go in order to access information, or to have support in tracing their records?

The other issue relates to the barriers to how information is provided, for example, in the cases of people who may have literacy difficulties or maybe someone who has an intellectual disability. I asked the Minister last week to consider this, because adopted people and their families may feel left out because of how the information is provided. Maybe one of the witnesses could come back to me on that. I was going to ask about GDPR but I got the answer to that. There was a concern about the term “mother who gave birth” in the legislation, although I know that area has been addressed now. I would like to get some answers to those questions.

Ms Maree Ryan-O’Brien: As regards the HSE or the local authorities, it is important that there be awareness around this particular issue. One of the first steps we took as a group was that we liaised with local county councils through our supporting motions. We secured unanimous support of 20 county councils for supporting motions for open access for adoptees for their own information. In so doing, we created awareness in local authorities around this area. I feel that there would be a lot of support and willingness on behalf of some of these local authorities to educate and support people who are looking for information. The most practical way forward would be what we recommended, namely, an agency to centralise all of these issues. We touched on that with regard to the information units within the Minister’s Department. We felt that it made far more sense to house all of that information in one agency, rather than having it on a piecemeal basis in different Departments. There should be the same standard of access for all people who want to access information, whether they are an adoptee or a family. Everyone should have the same standard of access, as opposed to there being a differentiation in that regard. Overall, the best way to achieve that, so as to support survivors, adoptees and birth parents, is to have a centralisation of all of these issues within one agency. Then, from that, we should have specific outreaches, in order that people could liaise with the agency on somebody’s behalf if there are mobility issues, access issues, or literacy issues. We have also asked that people who have literacy issues, which the Deputy touched on, might be permitted to make video submissions or video requests, as opposed to having to write them. That is something we could look at in a more humanist approach to an improved social work model within a new agency. It has proved to be very onerous and it causes a lot of stress, certainly for elderly survivors who are trying to access information. It was something they were not able to do and they then had to ask somebody to help them, which they were quite distressed about because they had to tell somebody about the background or tell their story. We need to look at it on a practical level and also be very aware of the demographic, the age and the profile of people who are looking for information and to build on that.

I feel there is a willingness in the Minister’s Department to listen to all of these points. We will certainly be bringing it up repeatedly until we get some positive response.

Deputy Ivana Bacik: I thank the witnesses for the great presentation and the report, which is most helpful. I am conscious of the findings and the language, and we had a good look at the language issue, particularly the language of “birth mother”. Do either of the witnesses want to comment on the issue that, in the heads of Bill, it is “birth parent” that is used - the gender-neutral term - and “birth mother” is just used in the interpretation section? Do they feel that is an adequate reflection of the findings they made in the respondent survey?

We have already covered the issue of the balance of rights between the privacy right and the information right. I entirely agree with the witnesses' comments about the need to re-prioritise and to ensure we are now giving recognition to the right of somebody to know his or her identity, in other words, the information right. For far too long, we have allowed privacy rights to trump information rights, and that has to change. As I said, it is something we have covered already.

A key finding is about the lack of trust and that, as was said, adoptees do not trust agencies or social workers. How can we ensure the legislation will be drafted in such a way as to create a sufficient system that will address the issue of trust and will restore the trust of adoptees? I know that is a big question but it is a very pressing issue for us.

Ms Maree Ryan-O'Brien: It was clear from the findings of the report that the preferred term was "birth parent", "birth mother" or "birth father". I suppose, for the sake of brevity, it makes sense that "birth parent" was used. Personally, I use "birth mother" and "biological father". I know the third preference in our survey was for an amalgam of both, "birth mother and biological father". The second preference was "biological mother and biological father". As a general term, "birth parent" would probably sit easily.

On the far more complex issue of trust, it is quite difficult to restore trust in a system that is inherently flawed and has continually denied access to information. I know we have spoken about this issue over recent years when the Deputy was a Member of the Seanad, debating previous Bills and so on. It is the case there is no trust with regard to Tusla and there is no trust with regard to the Adoption Authority of Ireland, and that is very clear. There were 468 respondents to the main survey, the identity rights for adoptees survey. Two of those could have been positive where there were different circumstances, but the vast majority were negative. Again, there is the issue of adoptees being spoken to over files, or having files on the table in front of them while they were spoken over. It is much more like an interrogation technique than a supportive technique.

If we are talking about restoring trust, that would be a very difficult ask because it is clear it is gone. I really do not know how we would restore trust in it except by being open and accepting the difficulties it has caused, the pain and upset it has caused the people who have been on the receiving end of this, the stigmatisation it has caused, the marginalisation they have felt as a result of it and the strain it has put on people's mental health. That should be very clear. When people are telling us in the report they felt criminalised having an interaction with the agencies they are meant to be supported by, I really do not see how there is a comeback from that.

If we are to frame what I believe the Minister hopes is transformative legislation, the only way we can do this successfully is in a new agency with a clean start, a *tabula rasa*, which we were given when we were adopted in that we were wiped clean, we had no past. The same approach needs to be taken with regard to an agency. We need a fresh start. We need a clean break from the past. We cannot keep repeating the same issues because we see now how this impacts, how this hurts, how this goes through generations, and we need at some stage for this to stop. It needs to stop. To do that, we need to move away from agencies with which there are massive issues, such as legal issues and issues in regard to the end users, who at this stage do not trust them.

Vice Chairman: As Vice Chairman, I am in the unenviable position that most of the questions I was going to ask have already been asked. One question I would like to ask is in regard to engagement with the Minister, whether he has been supportive and what more we as a com-

mittee can do to support that. I will put that question out there. I will then come round to other members. If they have further questions, they can raise their hand either virtually or with an enthusiastic wave at the camera.

Ms Maree Ryan-O'Brien: Please do wave. We do not agree with the Minister on everything but we are certainly glad he is listening. Even though I would not agree with the use of the term “natural mother”, I very much appreciate the fact the Minister has taken on board the fact birth mothers had an issue with that, which is clearly an indication he is willing to listen. This is so important. As the committee will understand, it is not always a given. It makes trying to influence legislation and actually have something that delivers for everybody much easier.

That said, we are dealing with a situation where the effects of this issue have become compounded over generations. It has become an intergenerational issue with regard to adoptees and their children. Health concerns are massive with regard to how this impacts not on just adoptees ourselves but on our children with regard to health supports. We have made a very clear list of recommendations and we need to start at No. 1 and work our way through that.

The first recommendation was that we need to look at how we bring in people who were not included within the remit of the commission. There are massive acknowledged issues with regard to the commission, the way it was conducted, the way everything transpired, the report itself, the way the witnesses were treated and the way data were stored, but there are still thousands of people who are directly affected who have had no pathway to inclusion at all - nothing. How do we bridge that gap? How do we bring people on board? If we want to do that, if we want to look at it very constructively, if we want to look at how we might be able to do that, we need to sit down within that construct of a model of participation and look at issues like terminology.

I am fully aware of the issues regarding birth parents and the sensitivity around that. Adoptees and birth mothers are all victims. We are both victims. It is like two sides of the same coin. We need to have a level of understanding. I am very optimistic about the need for engagement and understanding of everybody else's perspective in order that we can work towards something that is inclusive and look at a new terminology on it instead of rehashing what has gone before. Mr. O'Brien might be able to cover the more nuanced parts as regards legislation and what we might be able to do.

Mr. Rody O'Brien: I will be brief because I know the Vice Chairman is conscious of time. I reiterate what Ms Ryan-O'Brien has said. I commend the Minister, Deputy O'Gorman. He has been very accessible and available to discuss this and has been very open to all sides. He is very genuine and has a very strong sense of decency about how he is approaching legislation. We appreciate this. It is a great opportunity for everybody to try, once and for all if there is the political will that we discussed earlier, to prioritise the adoptee and to give adoptees their identity rights as provided for in the Constitution. This will provide an opportunity to move forward. It is all very positive and if we can continue to engage we can come to a solution and move it forward.

Senator Erin McGreehan: As we have a few minutes I want to go back to the report. One of the recommendations is on the apology. Many people felt left out of the apology. I am not degrading the sincerity of the apology but people felt left out of it because they had not been included in the commission's report. How should the State apologise in the correct way to everybody who has been a victim of this? Ms Ryan-O'Brien said in her contribution that both adoptees and mothers are victims in this story. How does the State apologise for this?

The report speaks about language, terminology and attitudes. How can the State educate the next generations on the othering terms I have come to learn about with regard to adoptees, unconscious bias and misunderstanding of the entire horrible history we have in this country? How do we re-educate our population and make us a mature population with regard to our entire adoptive story, for a want of a better description, in this country? It is very important that we stop othering and be mature in our language, how we engage and in our attitudes.

Ms Maree Ryan-O'Brien: With regard to the apology, it was quite significant that every respondent to the context survey felt the Taoiseach's apology was insufficient. They felt it did not sufficiently address it as an issue and it was not cognisant of the fact that a significant portion of people were unable to participate due to the limited remit. This was not that Government's issue as the Taoiseach was not in government when the commission was set up. The recommendation we make is that it needs to be revisited, that it needs to be done in a broader sense and that it needs to be more inclusive. Doing what happened created an artificial stratification of the issue. There were people within the remit and people not within the remit and there were also people who were illegally adopted. All of these people have suffered. Birth parents have suffered, adoptees have suffered and survivors have suffered. This needs to be addressed as one holistic issue. I hope the participation model, what shape it could take and how it should be delivered would be discussed and that there would be input from everybody. The only way we can move towards healing is if we can address these shortcomings and if people feel as if they are being heard and can move on from it. Very much at the core of restorative justice is identifying the harm and repairing it. The harm has not been repaired. The harm has been compounded, ignored and muted.

With regard to the language, we use the example in the report of a sentence said by the former Minister, Katherine Zappone. I was not singling her out in any way. It was simply one that stuck in my mind at that time. She spoke about protecting a small cohort of potentially vulnerable birth parents. Within this was the inference that adoptees were a threat. We need to look at how language has damaged and marginalised. Even if we go back through transcripts of debates in the past, it is very clear that adoptees were presented as a threat and as people who would impinge upon the privacy of another person.

There is also the language around words like "real", "unreal", "natural", "first" and so on. This further contributes to marginalisation from an adoptee's perspective. This is why I feel the language around this needs to be further developed and explored outside of what it is at present into more inclusive terms that are mindful of everybody's position and feelings and are respectful of them. The shame and stigma felt by adoptees, and the feelings and depth of feelings as regards marginalisation, being ignored, being overlooked and not quite fitting in, have not been in any way addressed or identified. They seem to be largely misunderstood or not understood at all. One respondent described it as being a square peg in a round hole. People are looking for mirroring or a biological connection that is not there. Being mindful of all of these issues and the extensive recommendations we have made in the report, we need to take all of them on board and have a model of participation that brings all of these diverse opinions on board. This is very clearly outlined by Dr. Marder in our report. Having a more holistic, broader, accurate and inclusive view of what happened in the past will allow us to move towards the future.

Vice Chairman: I thank Ms Ryan-O'Brien. I will draw the session to a close. I propose that we publish all opening statements to the Oireachtas website. Is that agreed? Agreed. I thank the witnesses for appearing before the committee today. We look forward to ongoing engagement on all of the issues raised in the survey and by the witnesses today. There is much

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work to be done in this area and we look forward to ongoing engagement in general.

The joint committee adjourned at 5.48 p.m. until 3 p.m. on Tuesday, 19 October 2021.