

DÁIL ÉIREANN

AN COMHCHOISTE UM FHORMHAOIRSIÚ AR AN TSEIRBHÍS PHOIBLÍ AGUS ACHAINÍOCHA

JOINT COMMITTEE ON PUBLIC SERVICE OVERSIGHT AND PETITIONS

Dé Céadaoin, 11 Márta 2015

Wednesday, 11 March 2015

The Joint Committee met at 4 p.m.

MEMBERS PRESENT:

Deputy Richard Boyd Barrett,	Senator Trevor Ó Clochartaigh.
Deputy Michael Healy-Rae,	
Deputy Seán Kenny,	
Deputy Michelle Mulherin,	
Deputy Patrick O'Donovan,	
Deputy Jack Wall,	

DEPUTY PÁDRAIG MAC LOCHLAINN IN THE CHAIR.

Role and Remit: Office of the Ombudsman for Children

Chairman: The committee is sitting today in its capacity as a joint sub-committee on the ombudsman, and this is the last in our series of meetings with each of the sectoral ombudsmen to discuss their respective roles and remits. Before introducing the Ombudsman for Children, Dr. Niall Muldoon, and his team, I note that this week is Seachtain na Gaeilge. Tá brón orm but we do not have simultaneous translation services available in the meeting room today. If members wish to put their question in Irish, that is of course their right. However, they should be aware that other members, including me, who do not have fluent Irish will not be in a position to understand their contribution. Moreover, I understand the Dr. Muldoon likewise is not fluent in the language and will be unable to respond in Irish. I propose, therefore, that any members wishing to exercise their right to put their questions in Irish may do so but should also, after the meeting, e-mail their query to the secretariat for submission to the ombudsman. Is that acceptable to Dr. Muldoon?

Dr. Niall Muldoon: Yes.

Chairman: Are members agreeable to the proposal?

Senator Trevor Ó Clochartaigh: Nílím sásta leis sin. Tá sé de cheart agam agus bímid ag plé leis an gCoimisinéir Teanga anseo, bímid ag plé le cúrsaí cearta. Deirtear liom go bhfuil sé de cheart agam mo theanga féin a úsáid i dTithe na Parlaiminte anseo agus tá an Cathaoirleach ag rá liom go bunúsach nach féidir liom é sin a dhéanamh. Táim ag iarraidh é sin a chur ar an taifead. Níl sé sásúil i dTithe an Oireachtais nuair is í an Ghaeilge príomhtheanga na tíre nach bhfuil sé de cheart agam mo theanga féin a úsáid i seomra choiste. Ní aon locht ar an gcoimisinéir nó ar aon duine eile ar an gcoiste é ag is é mo chearta é agus tá mo chearta á shárú orm agus níl mé sásta.

Chairman: I note the Senator's disappointment. Unfortunately, there is nothing we can do today to facilitate members' right to put questions in Irish. As I said, if the Senator submits a question in Irish after the meeting, we will ensure he gets a response in due course.

I am pleased to have an opportunity to congratulate Dr. Muldoon on his appointment. I understand he has an indepth knowledge of the work of the Office of the Ombudsman for Children, having been director of investigations there for more than two years. Dr. Muldoon will make a presentation on the role and remit of the ombudsman and the challenges facing his organisation. He is accompanied today by Mr. Mánuis deBarra, policy and human rights officer, and Ms Deirdre O'Shea, director of investigations. All the witnesses are very welcome. I thank Dr. Muldoon for submitting his presentation in advance of the meeting, which allowed it to be circulated to members in good time. The committee is keen to hear his views and engage with him and his colleagues. We have heard from all the other sectoral ombudsmen as well as the overall public service Ombudsman, Mr. Peter Tyndall. Following today's meeting, we will begin work on a report containing recommendations, to be published in the not too distant future.

Before commencing, I draw the attention of the witnesses to the fact that by virtue of section 17(2)(I) of the Defamation Act 2009, witnesses are protected by absolute privilege in respect of their evidence to the committee. However, if they are directed by the committee to cease giving evidence on a particular matter and they continue to do so, they are entitled thereafter only to a qualified privilege in respect of their evidence. They are directed that only evidence connected with the subject matter of these proceedings is to be given and they are asked to respect

the parliamentary practice to the effect that, where possible, they should not criticise or make charges against any person, persons or entity by name or in such a way as to make him, her or it identifiable. I remind members and witnesses to ensure their mobile telephones are switched off as they interfere with the sound system.

I invite Dr. Muldoon to make his presentation.

Dr. Niall Muldoon: I thank the Chairman for the invitation to meet with the committee this afternoon. Having received my warrant of appointment from the President last month, I welcome the fact that my first appearance before the Oireachtas in my capacity as Ombudsman for Children is to discuss the role and functions of the office.

The Ombudsman for Children's office is an independent human rights institution established under the Ombudsman for Children Act 2002 to promote and monitor the rights of children in Ireland. The office has a unique combination of statutory functions. The one that is perhaps most familiar to the committee is the function to examine and investigate complaints made by or on behalf of children. In carrying out this function, the office observes the fundamental principles of an ombudsman, namely, it is independent and impartial, it is neither an advocate for the complainant nor an adversary to the public body, it seeks at all times to promote the swift resolution of complaints at a local level, where possible, and it aims to achieve systemic change through its investigatory work by tackling the root causes of the complaints we receive.

However, the investigatory mandate set out in the Ombudsman for Children Act also contains a number of distinct elements derived from the UN Convention on the Rights of the Child, namely, the obligation to have regard to the best interests of the child and give due consideration to the wishes of the child when investigating a complaint. My office has developed considerable expertise with respect to engaging directly with children, some of whom are very young, when examining the cases that come to us. This aspect of accessibility has been identified by the UN Committee on the Rights of the Child as an essential component of the work of an ombudsman for children. My office saw a significant rise in the number of complaints received in 2013 with 16% more complaints received than in 2012 and a 28% increase from 2010. The majority of complaints are in relation to education, 43% in 2013, and a significant proportion of complaints received also relate to family support, care and protection issues, 26% in 2013. The vast majority of complaints, 75% in 2013, are brought by parents on behalf of their children.

While we work continuously to provide a high standard of service, the increasing volume and complexity of complaints is placing significant demands on our capacity to respond and I have submitted a business case to the Department of Children and Youth Affairs regarding additional resources to carry out our tasks. I take this opportunity to commend all my staff on their efforts in this regard and must acknowledge that it has put immense pressure on the whole office.

The complaints received range in levels of complexity and the issues raised are often of the most serious nature including complaints about the handling of child protection concerns, services and supports for children in care, access to education, resource allocation for children with special needs, and access to suitable housing. The information gained through examination and investigation of complaints allows my office the opportunity to address the situation for individual children and also to look at systemic change that will improve how the public body interacts with all children and families.

A dominant feature of investigations, with few exceptions, is that they highlight a lack of

awareness about the impact of public administrative decision making on the lives and rights of children and their families. Decision making that affects children directly and sometimes indirectly is often not informed by its impact on the children concerned, nor is it informed by children's rights principles. The procedures, and in some cases those applying them, are not aware of or sensitive to the needs or rights of children or their families or the relationship between timely decision making and good administration. At times, individual children can be largely invisible and decision making can be excessively bureaucratic and lacking in flexibility to meet the individual needs of children. There appear to be few checks and balances in administrative decision-making processes and few mechanisms for challenging the decision or the position adopted.

In addition to examining and investigating complaints, the Office of the Ombudsman for Children is mandated to promote and monitor the rights of all children in Ireland. The Oireachtas conferred a range of functions on the Ombudsman for Children under section 7 of the Act to carry out this complementary role. These functions include advising the Government and the Oireachtas on law and policy affecting children; advising Ministers of the Government on the development and coordination of policy affecting children; promoting awareness of the UN Convention on the Rights of the Child, including among young people; and engaging directly with children and young people to highlight issues relating to their rights that are of concern to children themselves.

The different functions of the office inform and support each other. Work undertaken in accordance with one particular statutory function may trigger complementary work under a different function. Similarly, where there is an obstacle to tackling children's rights issues due to an exclusion to the OCO's investigatory remit, for example, we can use another function to address the problem. An example of this concerns young people in detention. Members of the committee may recall that prior to 2012, the Ombudsman for Children was excluded from investigating complaints from young people in prison. In the absence of being able to receive complaints, the OCO used its statutory function to engage directly with children and young people in order to undertake a consultation with the young people detained in St. Patrick's Institution. The purpose of this work was to give the young people in question the opportunity to highlight concerns they had regarding the institution and put forward concrete suggestions on how their situation might be improved. My intention in setting out this example is to demonstrate that a broad mandate that blends different functions can offer a range of options to address children's rights issues. This is a very important aspect of the strong and robust mandate that the Oireachtas has given my office.

Although that mandate is strong and robust, every year since its establishment in 2004, the Ombudsman for Children's Office has identified areas in which the Ombudsman for Children Act can be further strengthened. Of particular note in connection to this is that the Ombudsman for Children Act obliges me to monitor and review generally the operation of the Act itself and to make recommendations to the Government and to the Oireachtas for amending that legislation. In March 2012, the OCO submitted its first review of the operation of the Ombudsman for Children Act to the Oireachtas, in accordance with that statutory function. The review was informed by the OCO's own experience, international best practice, and the recommendations made by the UN Committee on the Rights of the Child to the State when it last examined Ireland in 2006. The report prepared by the office was supplemented by concrete suggestions for amending the Act in the form of a draft Ombudsman for Children (Amendment) Bill. I am glad to report that many of the changes sought by the OCO in its review of the operation of the Ombudsman for Children Act were achieved through the Ombudsman (Amendment) Act 2012.

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In particular, a number of public bodies previously excluded from the investigatory remit of the office, such as the National Council for Special Education, NCSE, and the State Examinations Commission, SEC, became reviewable agencies.

I take this opportunity to record my office's appreciation for the efforts of the Department of Children and Youth Affairs as well as the Department of Public Expenditure and Reform in facilitating and supporting these amendments to the Ombudsman for Children Act. Nonetheless, a number of issues remain outstanding. I will now set out the principal matters that are in need of further attention.

The independence of my office should be enhanced. Independence has a number of dimensions but one of the most important is having adequate resources to discharge the functions given to the office by the Oireachtas and being free from any potential political pressure that could be applied through changes to the office's financial resources. At present, the OCO receives its funding through the Department of Children and Youth Affairs. In practical terms, the control of the OCO's budget by the Department has not proven to be problematic. However, it is inappropriate for an independent human rights institution to receive its funding through a public body that it can investigate. I believe that the situation should be remedied by providing for the OCO's funding to come directly from the Oireachtas. This was also a recommendation made by the UN Committee on the Rights of the Child. That UN committee will certainly raise the question once again when it examines Ireland in January 2016 regarding its compliance with the UN Convention on the Rights of the Child.

My office's investigatory remit is not as extensive as it should be. The committee is well acquainted with the need for appropriate, independent complaint handling for protection applicants, including those currently residing in the direct provision centres. The long-standing position of my office is that the current exclusion to the investigatory remit of the office in relation to the administration of the law regarding asylum and immigration relates only to decisions on status. My office believes everything else, including issues regarding accommodation, administration processes and internal complaint handling, are in remit. However, the Department of Justice and Equality does not share this understanding. The Office of the Ombudsman for Children has recommended that the Oireachtas put the matter beyond doubt and provide clear, unambiguous access for protection applicants to my office.

I thank the committee for its attention this afternoon. I have only had the opportunity to sketch out a number of issues in general terms. I am happy to address any queries the committee may have in regard to them or to other aspects of my role and functions as Ombudsman for Children.

Chairman: I thank Dr. Muldoon for his presentation. In relation to the issue of legal professional privilege it is most helpful that Dr. Muldoon is before us here today. I am particularly mindful of the March 2012 report by the then Ombudsman, Emily O'Reilly, and it was on the operation of the Ombudsman for Children Act 2002. Section 4 of that report deals with investigation of complaints procedure and access to information. I know Dr. Muldoon does not have the report before him but I draw his attention to points 4.2 and 4.3, which state:

An issue that has arisen in this context is access to documents in respect of which public bodies claim legal professional privilege. It is not uncommon for this office to have difficulty obtaining documents germane to an investigation due to a claim of such privilege. This can give rise to serious concerns if, as has been the experience of ombudsmen in other jurisdictions, such an approach is adopted primarily to frustrate an investigation.

It then goes on to say:

This is not to call into question the importance of legal professional privilege as such. It is to advocate for its proper use. Understanding decision-making by public bodies is the core of the Ombudsman for Children's investigation and there are instances in which much may turn on the legal advice received by a public body. The purpose of obtaining and considering such documentation is to see what light it can cast on the administrative actions of the public body. It should be emphasised that this relates to legal advice received by an organisation under investigation and not any given individual.

I note from that report how the Australian federal ombudsman is empowered by section 9 of the Ombudsman Act 1976 to obtain such information. How much of an issue is this for Dr. Muldoon as a new ombudsman coming in? How does his office find or suspect that the claiming of legal professional privilege is adopted primarily to frustrate an investigation?

Dr. Niall Muldoon: As can be seen from the 2012 report it has been an issue across the office. It is not widespread but certainly it has happened on occasion and we have been able to negotiate our way around it up to now but we would like to put it beyond doubt. The key role of any ombudsman is to find out how a decision was made and why people came to that decision to generate a certain action within a public body. If legal advice guides them in a certain direction it is important that we have that access to that legal advice. We also point out that anything that comes to our attention through an investigatory remit is confidential and so there is no issue in that regard. It is about putting beyond doubt our ability to access. We believe we have this right as it is, but it is important to have it beyond doubt from the point of the public bodies.

Chairman: Are there not already sufficient safeguards regarding confidentiality in the existing legislation? Dr. Muldoon has dealt with this but perhaps he would like to add to it. At what stage in the process is legal professional privilege claimed? Is it during the investigation or when a report is mooted or published?

Dr. Niall Muldoon: The majority of time it is during the investigation process. A report draws on whatever information we have at that stage. We need to look at the legal advice when we go looking for the files and try to create an understanding of what roads lead to a decision. If we have an investigation meeting with somebody from a public body who tells us something is based on legal advice they received, that is when we would seek it. The confidentiality is there, and we are under the belief we have the right to the information at that point in time, but if anything could strengthen this and make it clearer to the public bodies there is no issue, that would certainly be in our favour.

Senator Trevor Ó Clochartaigh: Ba mhaith liom gach rath a ghuí ar an Uasal Muldoon ina ról nua. Tá sé iontach tábhachtach go mbeadh duine cumasach sa ról. Bhí caidreamh an-mhaith againn le Emily Logan ar an gcoiste seo. Rinne sí sár-jab ar fad. Tá mé cinnte ón méid a chloisim faoi cháil an tUasal Muldoon nach mbeidh aon laigeacht ar chor ar bith ar an ombudsman, ar a oifig ná ar an obair a dhéanfaidh sé. Guím gach rath air. Tá mé ag súil le bheith ag obair leis. Ní le haghaidh masla atá má ag labhairt Gaeilge, ach mar gheall go bhfuil ceist faoi chúrsaí Gaeilge agam. Tá cúpla ceist eile agam freisin. Dúirt an ombudsman ina tuairisc go mbaineann 43% nó mar sin de na gearáin a dhéantar le cúrsaí oideachais. An mbeadh sé in ann tuilleadh a rá linn faoi na cineálacha gearáin a thagann isteach? An bhfuil siad ar fad mar a chéile? An bhfuil go leor ceisteanna nó fadhbanna difriúla a thagann chun cinn? Tá mé thar a bheith sásta leis an ráiteas atá déanta ag an ombudsman faoin gcóiriú díreach, nó direct provi-

sion. Aontaím leis go bhfuil sé sin iontach tábhachtach. Dúirt sé nach bhfuil an Roinn Dlí agus Cirt agus Comhionannais ar chomhaintinn leis. An bhfuil an Roinn tar éis é sin a chur i scríbhinn? Má tá, céard í an chúis atá tugtha acu chun é sin a mhíniú? An bhfuil an oifig ábalta déileáil le iarratais as Gaeilge ó thuismitheoirí atá ag iarraidh seirbhísí as Gaeilge ar son a bpáistí?

Chairman: It is of course the Senator's right, particularly during Seachtain na Gaeilge, to conduct his business in his native language. As I pointed out at the start of the meeting, we will e-mail the question to the witnesses and we will obtain a response. The fact I do not have fluent Irish has left me at a little disadvantage here.

Deputy Richard Boyd Barrett: Are we allowed ask general questions about what the Office of the Ombudsman for Children does?

Chairman: Absolutely.

Deputy Richard Boyd Barrett: The main point made by the Ombudsman for Children in his submission is that he is worried about the fact the office is funded by the Department rather than the Oireachtas, and this needs to be addressed so it is fully independent.

Dr. Niall Muldoon: I also mentioned the remit of the office with regard to direct provision.

Deputy Richard Boyd Barrett: At present the Ombudsman for Children is not allowed to do anything about this.

Dr. Niall Muldoon: We do not have a shared understanding with the Department of Justice and Equality. We feel we have the right to look at all administrative actions up to but not including the final decision on immigration, but the Department does not believe this is the case. We have been working in a practical way, but it needs to put beyond doubt that we have a clear remit to take on this role.

Deputy Richard Boyd Barrett: And a remit to look at all issues to do with accommodation and administrative processes.

Dr. Niall Muldoon: Yes.

Deputy Richard Boyd Barrett: Good luck with that. Can we do anything to help in this regard? We should be agreeing with the Ombudsman for Children; I certainly do.

Chairman: Before the Ombudsman for Children responds, the committee is conducting a review of the direct provision system and we have visited four direct provision centres, two of which are for single men based in Galway and Limerick, and two others, in Mosney and Clondalkin, which are for families. The Minister of State, Deputy Aodhán Ó Ríordáin, will come before the committee, as will the Reception Integration Agency. We intend to report on the issue. At this stage, it is fair to say the committee supports the calls made by Emily O'Reilly, Peter Tyndall and, no doubt, Dr. Muldoon to have absolute oversight of the direct provision system, which feeds into why we are doing the review.

Deputy Richard Boyd Barrett: Until it is abolished completely.

Chairman: In the interim we want complete oversight for the Ombudsman and Information Commissioner.

Deputy Richard Boyd Barrett: The role of the Ombudsman for Children includes gener-

ally monitoring the situation of children in the country and advising the Government on policy and legislation to ensure the protection of children. I wish to ask about the position of children in families being pushed through homeless services or having housing difficulties. Is this a significant feature of the complaints the Ombudsman for Children receives or a general concern of his? If it is not I strongly urge him to look at it because the situation is dire.

Many families with children, often with disabilities and special needs, arrive to local authority offices facing homelessness and are told there is nothing for them and to sleep in the car for the weekend, or they are placed in completely unsuitable environments such as hotels or emergency hostel accommodation with people with drug problems. This week I spoke to a young woman with two young special needs children who was placed in a hotel. After she walked through the door, she was offered heroin by the first person she met, in front of her children. This is where the local authority put her. It is absolutely unacceptable for children to be in this environment. Does the Ombudsman for Children receive many complaints in this area? Does he have concerns about it? If so, is he making his views known? Should I encourage people to make complaints to the Ombudsman for Children about the situation, because it needs to be dealt with urgently?

I am also greatly concerned about youth mental health services. Does the Ombudsman for Children receive many complaints in this area and is he concerned? The situation in this regard is also dire. There is a lack of beds for young people with mental health problems, often who are self-harming and possibly suicidal. They are either put in adult hospitals which are totally inappropriate, or told there is nothing for them and are given no supports or resources. I have a very worrying case of a mother who believes her son may commit suicide. He has been self-harming. She has gone to the HSE, and to everybody, but has been told there is nothing for her. I would like the Ombudsman for Children to respond on these two areas.

Chairman: Before Dr. Muldoon responds, I should have asked him whether he is happy for his presentation to be published on the Oireachtas website and to be circulated to the media.

Dr. Niall Muldoon: Absolutely.

Chairman: I apologise.

Dr. Niall Muldoon: With regard to children and families being forced into homeless services, in 2011 the Office of the Ombudsman for Children created a report on concerns about homeless issues for young people. My colleague, Ms O'Shea, led the investigation. We looked at young people aged 16 or 17 coming out of the care system and getting lost and finding themselves homeless. Over the past year or two we have found this has completely changed and the types of people becoming homeless are a different entity. As the Deputy pointed out, it now affects young families who previously would have survived within the rental accommodation scheme. I have noted the issue but I need to examine it in more depth. I cannot provide the precise numbers but I believe we are encountering more than was the case heretofore. The lack of stock, for want of a better word, seems to be exacerbating the issue. It is on my radar but I will have to consider how I might address it properly. I am concerned about the impact on children when families are accommodated in hotels and face the prospect of having to move from one hotel to another, which means that public health services or special needs support, such as speech and language therapy, may not be able to find them again.

Deputy Richard Boyd Barrett: People should not be in this situation because there should be sufficient housing stock. However, given that a crisis does exist, a simple measure that could

be taken is to allow self-referral for families in that situation. In other words, instead of being told by the local authority to move to some completely unsuitable hotel or hostel because the Dublin homeless service happens to have a contract with it, they would be told to find a suitable hotel if they cannot find private rented accommodation or council housing. Within reasonable limits, the accommodation might be more appropriate to children. That would save considerable heartache and prevent children from being endangered, which is the currently the case with many of the referrals made.

Dr. Niall Muldoon: On the issue of youth mental health, I am aware there has been an increase in this area. I have recently engaged with the chief operation officer on mental health issues. The HSE has moved to a lifespan control of mental health services as opposed to aged based systems. We have seen a slight increase in the number of complaints brought to us in that regard and we are aware of the difficulties in accessing adolescent unit beds. Too many young people are still ending up in adult units despite the commitment given in 2011 that it would no longer happen. This issue needs to be investigated more thoroughly. As we change as a society and we start to take away the stigma associated with mental health we need to ensure the youngest and most vulnerable people have the opportunity to rehabilitate and return to health. That will not come from sitting in a pædiatric unit without access to education or proper therapeutic services. I intend to deal with this issue over the course of my term or as soon as possible.

Deputy Richard Boyd Barrett: Does Dr. Muldoon agree that it should be illegal for any State agency to put children in situations that are inappropriate or potentially dangerous, where they are vulnerable? Should we introduce legislation to ensure these situations cannot occur?

Dr. Niall Muldoon: The regulations currently in place always point to putting them in the best possible setting. In practice, decisions are made based on what is available at a given moment in time and where the safest place for the child can be found. I do not know if we need to change the legislation but we need to provide more options for that cohort of people. It is not a large number of young people. There are probably between 300 or 400 young people in that situation. It is a question of creating opportunities so that nobody has to consider putting them into an adult unit or some other inappropriate setting. That is where we are falling down at present.

Chairman: As I pointed out at the outset of the meeting, we have heard from the various sectoral Ombudsman offices. We will be putting together a report on their perspectives on the implementation of their recommendations, any lacunae that might exist in the law and how we can strengthen the current legislation. Dr. Muldoon identified a number of issues in that regard. We are also investigating the level of independence of Ombudsman offices in terms of finance and funding streams. Is it Dr. Muldoon's experience that public bodies implement the recommendations he makes on foot of investigations?

Dr. Niall Muldoon: It is part of our strategy in all investigations that we carry out a six month review after the investigation to ensure we are satisfied with the recommendations and the response to them. As Ombudsman, I would not sign a statement of satisfaction without being happy with what was produced by the public body. That sometimes means we stay on the pitch for up to two years to carry out further reviews and reports and we look for continuous updates.

Chairman: I presume that if recommendations are not implemented, Dr. Muldoon has the option of submitting a special report to the Oireachtas. This committee takes seriously its role of following up recommendations where they are not implemented. In some cases we brought

in Ministers and Secretaries General. We corresponded with the Taoiseach on the lost at sea scheme, in respect of which the previous Ombudsman, Ms Emily O'Reilly, raised concerns. Dr. Muldoon can use that option.

Dr. Niall Muldoon: We have used that option on a number of occasions. My predecessor, Ms Emily Logan, would have written to the appropriate public body to highlight the fact that we could bring a special report to the office. We find that often focuses minds. Ms Logan was able to sign off as satisfied with responses to recommendations subsequent to this. In the nearly 11 years the office has been in existence, we have not needed to prepare a special report but it is an important power for us.

Chairman: I am not certain that my next question applies to the Ombudsman for Children but I am putting it to every Ombudsman. Where public services are delivered by a private body, such as through outsourcing of Government services to private agencies, they are still being delivered on behalf of the public. Does Dr. Muldoon have oversight of that area and does he have any concerns about it?

Dr. Niall Muldoon: In regard to children, it is a situation that has existed for a long time. Many of the services for children with intellectual disabilities and other needs are provided through voluntary organisations, mainly on the basis of service level agreements. We have not encountered any issues in following up investigations. However, the 2012 amendment gives us the ability to designate a body as reviewable if necessary. We take the view that if public funding goes into a private entity to provide a public service, we need to have oversight of it.

Deputy Michelle Mulherin: I welcome Dr. Muldoon and his colleagues and wish them well in carrying out their important role. I am interested in learning more about how Dr. Muldoon views his role in advising Government on policy. We often discuss the issue of child poverty and the immediate reaction is that it is not something we want to happen. However, we know the reality for some families. Based on Dr. Muldoon's advisory role, is there anything in particular about Government policy that should be altered, whether in a minor or a major way, to eradicate child poverty? I accept that is a somewhat general question.

All of us would agree that it is dreadful to have child poverty in our midst. Deputy Boyd Barrett spoke about the issue of homelessness and how that might enter into the equation but in certain parts of the country homelessness is not happening. I am not saying that there are no difficulties with housing, but they are not to such extremes. Anecdotally and from my dealings with families, I have often been struck by how families get the same resources from the State, such as welfare and so on, even when there is child poverty, for example, children are not brought to school on time or to medical appointments. This would add to poverty and to poor outcomes for children, be they education, health or other outcomes.

This relates to another matter. Resources and money are given. I will call the former "money" as well. We often refer to money, but it is needed to address child poverty. I am asking the witnesses and saying something at the same time; these are just thoughts. Is it not correct that child poverty is a complex issue? The family's ability to support a child goes beyond the financial. Beyond the political speak of "child poverty" and "we must", how does Government policy measure up against the policies of countries that we consider progressive? Would the witnesses suggest any action as a particularly good one for the Government to take? How complex is this issue and how is it measured?

Chairman: This is a light subject.

Dr. Niall Muldoon: I hope that I can address it. I am new to this role and have not examined the legislation in that way yet, but my initial thoughts would be that there is already an understanding of child poverty. We have many top class agencies and individuals, including in Departments, who understand how child poverty is happening. It is still increasing. As far as I can tell, what is on the ground and the ability to resource are at issue. There are many programmes, for example, the breakfast clubs run by Barnardos. As Deputy Mulherin mentioned, funding is going to certain areas but is not necessarily being used in the best way. No more than in the case of mental health, support needs to be given to each of these areas. The supports and legislation have been designed, but there is not enough follow-through to prevent child poverty. One needs to start at the earliest possible point to help a family back onto its feet and learn how to assist its children in attending school and how to provide the best possible opportunities. We have those systems in place, but it may be a lack of resources that is the difficulty. It is not my place to comment on where those resources should come from or go and I do not know whether legislation would help the child poverty scenario, but there are opportunities to use what is already in place, make it better and allow those families to gather the supports we have designed and access them properly and in a coherent way, which has not been the case heretofore.

The eradication of child poverty is, as the Deputy mentioned, a large task. Many people are thinking in that direction, but I would need to consider it further before making proper comment.

Mr. Mánuis deBarra: May I add to that?

Chairman: Of course.

Mr. Mánuis deBarra: I thank the Deputy for her question. When we exercise our functions in our general advisory role under section 7 of the Ombudsman for Children Act in the area that she described, we tend to do so in a targeted way, often in response to a request from the Government regarding specific legislation or something of that nature. We have not had occasion to do that kind of work in the context of child poverty to produce the detailed recommendations that the Deputy mentioned. However, we address many of the manifestations of child poverty on an ongoing basis through our complaints process. We have considered the various components of homelessness, family support and the broad range of services that are required to lift people effectively out of poverty - as the Deputy stated, it is not just about money - but we have not done targeted work at the macro level of child poverty yet. We are engaged with the issues, albeit primarily on our complaints side rather than through the advisory functions of the office.

Chairman: I have a linked question. There are many reports of repossessions across the State and various courts being clogged by cases. Has Dr. Muldoon concerns about the implications of repossessions and not having roofs over people's heads for children?

Dr. Niall Muldoon: From my immediate knowledge, nothing directly relating to repossession has come to us, but I would guess that it ties into the homeless complaints we receive. My understanding is that the complaints to date relate more to being priced out of rented accommodation.

Chairman: I thank the Ombudsman.

Deputy Michael Healy-Rae: I congratulate Dr. Muldoon on his warrant of appointment given by the President last month and wish him every good luck in the future. I welcome his officials to this meeting.

Dr. Muldoon is charged with a very important role. In terms of young children and their futures, issues need to be addressed. We are discussing child poverty. It is a particular hang-up of mine that young, beautiful children get up in the morning and, because their parents are experiencing problems with poverty, alcohol abuse, drug abuse or so on, leave home with empty bellies and maybe without clothing that is adequate for wet days, etc. This is a serious concern for us all. I have no doubt that Dr. Muldoon is well competent and capable of fulfilling his responsible role and I have every confidence in him and his officials. Whatever it takes and costs to ensure that young children are taken care of and protected, which are important tasks for which we are responsible, I wish Dr. Muldoon well in his role. As public representatives, we can urge the Government to ensure that budgets are put in place.

The Chairman made an important point about homes that are under threat of repossession and how that affects children. Of course it will have an effect on them. From zero to 90 or 100 years of age, childhood is a short length of time, but zero to 11, 12 or 13 years of age is a terribly important period. Young children will never get those years back. As adults, public representatives, the Ombudsman and his officials, we are charged with doing everything we can to make those 13 years protected, special and important for children. If we can support the Ombudsman in any way, our job is to back him and his officials. It would be no problem.

Dr. Niall Muldoon: I thank the Deputy and appreciate his support. I will echo his comments, in that zero to 18 years of age is a special time. Our society has made strides in terms of early intervention, for example, supporting children at a younger age and supporting early education. We are moving in the right direction, but we have much more to do.

Chairman: On behalf of the joint committee, I thank Dr. Muldoon and his team for attending today. Whenever we complete our report, we will launch it and invite his office to be present to hear our recommendations.

Dr. Niall Muldoon: I thank the Chairman.

The joint committee adjourned at 5 p.m. until 4.10 p.m. on Wednesday, 25 March 2015.