

Is the Government Keeping its promises to Children?



REPORT CARD 2012



The Children's Rights Alliance is a coalition of over 90 non-governmental organisations (NGOs) working to secure the rights of children in Ireland, by campaigning for the full implementation of the UN Convention on the Rights of the Child. It aims to improve the lives of all children under 18, through securing the necessary changes in Ireland's laws, policies and services.

Membership

The Alliance was formally established in March 1995. Many of its member organisations are prominent in the children's sector – working directly with children on a daily basis across the country. The Alliance's policies, projects and activities are developed through ongoing collaboration and consultation with its member organisations.

Vision

Ireland will be one of the best places in the world to be a child.

Mission

To realise the rights of children in Ireland through securing the full implementation of the UN Convention on the Rights of the Child.

23 January 2012

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Foreword



Welcome to *Report Card 2012*, the fourth edition of the Children's Rights Alliance's annual report card series, which scrutinises the Government's own commitments to children in education, health, material wellbeing, safeguarding childhood and realising children's rights.

With a new Government in place, *Report Card 2012* varies from previous editions and has been reformulated to accommodate commitments from the new *Programme for Government*. Unlike previous editions, which examined the implementation of key promises throughout one calendar year, *Report Card 2012* assesses progress from March to December 2011. The process itself has not changed; we continue to offer relevant officials an opportunity to provide information on progress and to verify grades with our External Assessment Panel.

2012 is an important year for the Government as it is now 20 years since Ireland ratified the UN Convention on the Rights of the Child (UNCRC). The UNCRC is the most widely accepted human rights instrument internationally and sets out principles that take account of a child's vulnerability, as well as age-appropriate and developmental needs. Standards from the UNCRC provide the foundation stone for the Alliance's work and form a strong thread throughout the Report Card series.

It is of great satisfaction to me that one of my first tasks as the new Chief Executive of the Children's Rights Alliance is to award the Fine Gael/Labour Coalition Government an overall '**C+**' grade for its progress to date on its key promises to children. This grade indicates 'a satisfactory attempt by Government, though children are still left wanting'. It should be noted that this is the best overall grade in the Report Card series to date. However, the grade would have been higher had it not been for the blistering Budget that left lone parent families battered and bruised, a clear neglect of children aged 16- and 17-years in St. Patrick's Institution (an adult prison), and failure to take adequate steps to address the harmful effects of alcohol on children or to end youth homelessness.

The objective of this publication is to replicate a 'school report card': a measure of performance, which helps children and their parents gauge whether they are exceeding expectations, falling behind with their grades or on the right track. *Report Card 2012* takes this approach

and places much needed pressure on Government to honour its promises to children. It is an effective tool: its impact can be seen in positive policy changes in child literacy, school buildings and mental health, as recommended in previous report cards.

When reading Report Card 2012 you will see that real progress has been made since March 2011, which is deserving of praise. Key among these achievements is the appointment of a Minister for Children and Youth Affairs, Frances Fitzgerald TD, with full status at Cabinet, together with the establishment of a new Department of Children and Youth Affairs on 3 June 2011. We can already see the benefit of the Minister's full status. The Government's energies in strengthening child protection measures – including a new *Children First* national policy and draft legislation on vetting – are impressive. Moreover, the decisions to fund the new Children's Hospital, to maintain support for the free pre-school year, to publish a National Literacy Strategy and invest in school buildings all point to a more child-centred outlook by policy makers. We must acknowledge too that this progress has happened in a period of severe economic challenge.

Most importantly, the new Government has demonstrated its commitment to children early on, by prioritising a referendum on children's rights. This referendum is absolutely necessary to make children visible within the Constitution and ensure they are fully protected by law. It is for this reason that the referendum is widely supported by the Alliance's membership, including those organisations working with children most-at-risk. In addition, it will provide Irish voters with an opportunity to draw a line under Ireland's tragic history of abuse and to build a new legacy for future generations.

Early intervention and prevention is the name of the game and the free pre-school year of Early Childhood Care and Education (ECCE) is frequently cited as the success story. Indeed, Government could get an 'A' grade next year if it continues with its commitment to roll-out the free pre-school year over two years. Ultimately, this policy is a game changer and its impact on literacy, socialisation and child development is powerful and goes some way in dealing with social inequalities early on. There is no doubt that investing in children's early years is a sound investment for all our futures. Indeed, the Government's commitment to a multi-annual budgeting framework, announced in Budget 2012, provides an opportunity for joined-up children's policy focused on smart investment now, and for the future. This should be reflected in the second National Children's Strategy, due in 2012.

Though the Government has received a higher grade than previous years, there are still major shortcomings that

require immediate resolution. Budget 2012 plunged many children and families, particularly lone parent families, into confusion and uncertainty. In times of recession, it is necessary to call for the tightening of belts, but not of those already pushed to the limit and starved of breathing space. Unfortunately, this has become an austerity driven recession, with cuts having a disproportionate impact on the most vulnerable. People are losing their homes, livelihoods and incomes and this is affecting their ability to provide an adequate standard of living for their children. Government must ensure that it frames its economic policies around the State's obligations to respect, protect and fulfil the human rights of everyone. In addition, the Troika (the European Union, the International Monetary Fund and the European Central Bank) in imposing conditions on Ireland must ensure that they do not trample on the rights of children and their families.

Another critical shortcoming has been the Government's failure to commit capital investment to build a new National Detention School in the Oberstown campus, Co. Dublin and the continuing incarceration of young people in St Patrick's Institution – an adult prison. This stark violation of children's rights left us with no option but to award the Government an 'F' grade – a Fail. The lack of action on this matter is short-sighted.

There is no reason why Ireland cannot be one of the best places in the world to be a child. The Government has the chance to make legal and political history for children and their families in 2012 and the Alliance will closely shadow these efforts to make sure that children do not fall off the political agenda.



Tanya Ward
Chief Executive



Introduction

The Children's Rights Alliance works to secure the rights of all children in Ireland by campaigning for the full implementation of the UN Convention on the Rights of the Child. On a practical level, this translates as the Alliance advocating for necessary changes in Ireland's laws, policies and services. Holding the Government to account is a key part of this work.

This is the fourth edition of our annual report card series. *Report Card 2009* examined whether the Government had honoured the promises it had made to children in 2008 and awarded it a 'D' grade. *Report Card 2010* saw deterioration in Government's performance, and reflected that in its 'D-' grade, demonstrating Government's barely acceptable performance and the limited positive impact its policies were having on children's lives. In *Report Card 2011* the Government made no improvement, again getting a dismal 'D-' grade.

Report Card 2012 evaluates the new Government on its progress since taking office in March 2011, based on the commitments it made in its *Programme for Government*. It awards a 'C+' grade, reflecting a satisfactory attempt to date. However, even with this improved grade, the rights of many children continue to be violated in specific areas particularly those experiencing poverty or in detention in St Patrick's Institution.

Commitments in *Report Card 2012* are organised in the same four sections as previous editions: Education, Health, Material Wellbeing and Safeguarding Childhood. A new section on 'Realising Children's Rights' has been added to capture new commitments in this area. While the topics addressed remain broadly the same there are specific changes within sub-sections, based on the new commitments. These are noted in the text. Given these changes, it is not possible to make direct comparisons with grades awarded in previous years.

The Alliance has chosen commitments that have the potential to improve the lives and life chances of all children in Ireland and have endeavoured to ensure that selected commitments are clear and measurable. The Alliance welcomes the opportunity to track the progress of a children's rights referendum and to give a clear focus, for the first time, to the experiences of Traveller and migrant children. There are, however, some key areas that did not feature in the *Programme for Government*, and so there is no commitment for the Alliance to track, for example obesity, play and recreation, and reform of court proceedings involving children. We are calling for these issues to be addressed in the forthcoming second National Children's Strategy.

As a coalition of over 90 member organisations, most of which work directly with children in Ireland, the Alliance is well placed to develop this analysis, as it is able to draw on a wealth of experience and expertise. The research process was rigorous and the grading subject to independent scrutiny. *Report Card 2012* is intended to reflect children's lived experience and the impact of decisions taken at policy level on their daily lives. To illustrate this, local and regional stories are featured throughout *Report Card 2012*, collated from a range of national and local papers. In addition, Ireland's international obligations to children are highlighted in the overview of each section.

Subsequent editions will revisit the same issues until the commitments are honoured. They will also address new issues and commitments as they arise, for example it is likely that the 2013 edition of the Report Card will track commitments made in the forthcoming National Children's Strategy, currently in development.



Acknowledgements

The Children's Rights Alliance wishes to thank all those who contributed to researching and compiling this report. The contribution of individual Alliance member organisations is gratefully acknowledged, as is the generosity of staff in the variety of statutory/non-statutory bodies and independent experts who willingly gave their time and expertise. Particular thanks are due to the Board of the Alliance for their oversight and guidance. The Alliance would like to acknowledge the work of *Children Now* based in California, whose annual report card provided the initial inspiration for this series.

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

- Professor Pat Dolan, UNESCO Chairholder in Children, Youth and Civic Engagement and Director of the Child & Family Research Centre, National University of Ireland, Galway;
- Professor Sheila Greene, Former Director, Children's Research Centre, Trinity College Dublin;
- Professor Colm Harmon, Director of the UCD Geary Institute;
- Professor Áine Hyland, Emeritus Professor and former Vice-President, University College Cork;
- Sally Anne Kinahan, Assistant General Secretary, Irish Congress of Trade Unions;
- Danny McCoy, Director General, Irish Business and Employers' Confederation represented by Kara McGann; and
- Judge Catherine McGuinness, Member of the Council of State.



Grading

Grading For Report Card 2012

AREA	SUBSECTIONS	GRADE	AVERAGE GRADE	
EDUCATION	Early Childhood Care and Education	B	B-	Literacy and Numeracy Strategy, investment in free pre-school year and school buildings to be commended.
	Child Literacy	B+		
	Children with Special Educational Needs	C		
	School Buildings	B		
HEALTH	Primary Care	C-	C	Investment in children's hospital welcome, but children's health needs still left wanting.
	Mental Health	C+		
	Alcohol and Drugs	D		
	Children's Hospital	B		
MATERIAL WELLBEING	Child Poverty	E	D	Harsh measures in Budget 2012 will hit the poorest families hardest.
	Area based approach to tackling child poverty	D		
	Children and the Social Welfare System	C		
SAFEGUARDING CHILDHOOD	Child and Family Support Agency	B	D+	Positive steps in child welfare and protection. Failure to commit funds for children in detention is inexcusable.
	Ryan Report Implementation Plan	C		
	Youth Homelessness	D		
	Children in Detention	F		
REALISING CHILDREN'S RIGHTS	Children's Rights Referendum	B	B	Commitment to referendum and Patronage work to date welcome. Pledges to migrant and Traveller children lack focus.
	Patronage and Pluralism in Primary Education	B		
	Traveller Children	N/A		
	Migrant Children	N/A		

EXPLANATION OF GRADES

A	Excellent, making a real difference to children's lives
B	Good effort, positive results for children
C	Satisfactory attempt, but children still left wanting
D	Barely acceptable performance, little or no positive impact on children's lives
E	Unacceptable, taking steps in the wrong direction, no positive impact on children
F	Fail, taking steps that undermine children's wellbeing
N/A	Not applicable



B-

Education

LOCAL EYE



THE RISING COST OF EDUCATION, *THE CONNAUGHT TRIBUNE*

It was reported in summer 2011 that schools had been urged to set up book rental schemes and to allow for generic uniforms in a bid to cut escalating costs. A report by the Irish League of Credit Unions (ILCU) on back-to-school costs showed that, despite the recession, the cost of sending children to school had not fallen, with parents of primary school children facing an average bill of €320 and €470 for second level school children.

ILCU chief executive Kieron Brennan said some families were forced to get into debt by taking out loans and using credit cards or dipping into savings to meet the escalating costs. He was reported to have said: "The cost of school-going children to parents is considerable and can put significant pressure on household budgets and the ability of some families to pay their essential bills".

Sr Loretto Slattery of Tuam Social Services was also reported to have said that numerous families were suffering in silence: "I wouldn't be surprised that a lot of families are in difficulty when it comes to sending their children back to school, just based on the number of families I meet on a day-to-day basis."

Denise McNamara, 'Schools urged to tackle rising cost of education', *The Connaught Tribune*, 11 August 2011

Overview

The Alliance awarded the new Government an overall 'B-' grade in Education this year, an increase from last year's 'C-'. The protection of the free pre-school year and supports for children with special educational needs from severe budgetary cuts are welcome developments, while the introduction of a National Literacy and Numeracy Strategy and the smart capital investment in school buildings show a willingness to invest even in tough economic times.

However, despite this high grade, there are issues in education that still affect children's ability to fully exercise their right to education, under Article 28 (right to education) and Article 29 (aims of education) of the UN Convention on the Rights of the Child.¹ The UN Committee on the Rights of the Child in its 2006 *Concluding Observations* welcomed efforts to strengthen the legal and policy framework for education in Ireland but noted its concern that the cost of education materials in primary schools is the responsibility of parents. The Committee also noted that the views and specific needs of children are not always adequately taken into account as well as the particularly high dropout rates among children belonging to the Traveller community and children with disabilities. The Committee made a series of recommendations to address these shortcomings, many of which are outstanding.²

How children do at school is the single most important determinant of their future success.³ Education is a proven route out of poverty and is vital to improving children's life chances, yet the high costs mean education remains a struggle for many families.⁴ The cut in the Back to School Clothing and Footwear Allowance in Budget 2012, the only payment dedicated to supporting parents with the cost of school, will seriously affect parents' ability to provide for their children at this important time of year. In addition, the increase in school transport fees will hit rural families particularly hard,⁵ and cuts to teacher numbers will negatively affect some of the neediest schools in the

country.⁶ These measures come on top of cuts made in successive budgets that reduced capitation grants to schools, cut language support teachers, education psychologists and Visiting Teachers for Travellers and abolished grants for music, home economics and school libraries.⁷

Ireland is one of the few European countries where families pay for school books. The 2011 campaign for a national book rental scheme, led by the Society of St. Vincent de Paul, found that by the time they leave school, a family with four children could have spent as much as €3,200 on secondary school books most of which cannot be reused.⁸ Overall, this negative combination of measures goes against international wisdom: a recent Organisation for Economic Co-operation and Development (OECD) report was clear that education is *even more* important during a recession than it is in good times; and cautioned against cutbacks in education spending stressing the link between investment in education and economic growth, productivity, and reducing social inequality.⁹

Spending on education is an investment, not an indulgence and Government policy should reflect that. Yet in Ireland, education has been historically under-funded.¹⁰ A 2011 report indicates that Ireland invests 4.7% of its Gross Domestic Product (GDP) in education, well below the average of 6.2% across the 31 OECD countries,¹¹ ranking Ireland fourth from bottom on education spending, at 27th place. Over the last fifteen years spending on education fell from 19% to 16%; while spending on health grew from 21% to 25% and social welfare spending leaped from 22% to 36%. Commenting on this shift, the Minister for Education and Skills noted that "this dramatic shift has taken place without any real discourse about our national priorities."¹² Investment in Irish education has been reactive, lacking a guiding ideology and overly focused on teacher's pay and pensions.¹³

1 United Nations (1989) *Convention on the Rights of the Child*, <http://www2.ohchr.org/english/law/crc.htm> [accessed 8 January 2012].

2 United Nations Committee on the Rights of the Child (2006) *Concluding Observations: Ireland* (CRC/C/IRL/CO/2 paragraph 59).

3 UK Cabinet Office (2009) *Getting On, Getting Ahead: a discussion paper analysing the trends and drivers of social mobility*, London: Cabinet Office.

4 Barnardos research found that in 2011, going back to school cost €350 for a child in junior infants and €805 for a 1st year pupil in secondary school. **LOCAL FOCUS: *Connacht Tribune*, 'Schools urged to tackle the rising cost of education', 11 August 2011.**

5 Charges for primary school transport were increased from €50 to €100. The family maximum at primary level was increased to €220 from €110. The new measures will be offset by a reduction in concessionary charges at primary level with the charge reducing from €200 to €100.

6 Budget 2012 introduced a new staffing schedule for the 199 DEIS Band 1 Primary schools, based on a general average of one teacher for every 22 pupils. Budget 2012 introduced a more favourable pupil teacher ratio in all 195 DEIS second level schools, from 19:1 to 18.25:1.

7 For details of cuts made in Budgets 2009 (regular and supplementary), 2010, 2011 and 2011 see the Children's Rights Alliance Post-Budget Analyses, www.childrensrightrights.ie.

LOCAL FOCUS: *The Argus*, 'Maintaining top standards amid cuts worries teachers', 22 June 2011.

8 Society of St. Vincent de Paul (2011) 'Help us cut the cost of books', <http://www.svp.ie/books> [accessed 23 December 2011].

9 OECD (2010) *Education at a Glance 2010: OECD Indicators*, Paris: OECD.

10 Spending on education doubled between 1995 and 2007, but as GDP more than doubled in the same period education spending actually decreased.

11 OECD (2011) *Education at a Glance 2011: OECD Indicators*, Paris: OECD.

12 Sean Flynn, 'Quinn faces a reality check in reform drive' *The Irish Times*, 4 August 2011.

13 The education budget exceeds €9 billion, of which almost 80% is allocated to pay and pensions for the 90,000 staff who work in schools, colleges and administration. This money is protected under the Croke Park agreement, which rules out pay cuts until 2014. See Children's Rights Alliance, '20% of Overall Budget Spent on Children Says Alliance with Majority Spent on Teacher Salaries and Pensions' [Press Release] 2 December 2011.

1.1 EARLY CHILDHOOD CARE AND EDUCATION

COMMITMENT	PROGRESS
The <i>Programme for Government</i> commits to maintaining the free pre-school year in Early Childhood Care and Education to promote the best outcomes for children and families; and to improving the quality of the pre-school year by implementing standards and reviewing training options.	Steady.
It also commits that, as resources allow, the Government will invest in a targeted early childhood education programme for disadvantaged children, building on existing targeted pre-school supports for families most in need of assistance such as the <i>youngballymun</i> project.	Awaiting commencement.

full year, 94% of eligible children are availing of the free pre-school year scheme; this is almost 73,000 pre-school children in 4,300 services.¹⁴ Early childhood care and education comes under the responsibility of the Minister for Children and Youth Affairs and expenditure in this area makes up approximately 40% of the Department's overall spend.¹⁵

Providers of the free pre-school year receive a capitation grant from the Department of Children and Youth Affairs,¹⁶ and are obliged to implement an educational programme for children in their pre-school year that adheres to the principles of the Siolta quality standards.¹⁷ Budget 2012 reduced the capitation grant by 3% (€2 per week) and increased the maximum staff to child ratio from 10:1 to 11:1, from September 2012. By August 2012, all pre-school leaders must hold a minimum qualification of Level Five on the National Framework of Qualifications (NFQ).¹⁸ In addition, the 2011 National Literacy and Numeracy Strategy lists a series of actions associated with up-skilling early childhood care and education practitioners.¹⁹

The Government is awaiting evaluation of three Prevention and Early Intervention Programmes, currently in operation in Ballymun, Tallaght and the Northside Communities of Belcamp, Darndale and Moatview in Dublin.²⁰ Findings from these programmes will identify what works most effectively for young children in areas of educational disadvantage, and will, in turn, inform further targeted interventions.²¹ The Community Childcare Subvention (CCS) programme and the Childcare Employment and Training Support (CETS) are the two existing childcare programmes focused on socio-economic disadvantage. Budget 2012 reduced the capitation rate for both programmes, and tightened eligibility criteria for the CCS.²²

What's happening?

Positive new commitments and maintenance of pre-school year in Budget 2012 welcome. Policy gap remains for children under three years.

The *Programme for Government* commitments on early years' care and education demonstrate that the free pre-school year is important for the Government. The Scheme is available for up to three hours a day to all children in the year prior to commencing primary school, regardless of parental income, geography or ability. Now in its second

14 Information received by the Children's Rights Alliance from the Department of Education and Skills, November 2011.

LOCAL FOCUS: *The Donegal Democrat*, 'New childcare centre opened in Ardara, Co. Donegal', 28 Jun 2011.

15 Department of Children and Youth Affairs (2011) *Comprehensive Review of Expenditure: Vote 43, Department of Children and Youth Affairs*. An additional €9.8 million was provided in 2012 to cover the cost of extra children qualifying due to demographic factors.

16 Department of Children and Youth Affairs (2011) 'General Terms and Conditions governing participation in the Early Childhood Care and Education (ECCE) Programme', http://www.dcy.gov.ie/documents/childcare/Terms_and_Conditions_for_ECCE_Scheme.pdf [accessed 22 December 2011].

17 Centre for Early Childhood Development in Education (2006) *Siolta: The National Quality Framework for Early Childhood Education*, www.siolta.ie.

18 Department of Children and Youth Affairs (2011) 'General Terms and Conditions governing participation in the Early Childhood Care and Education (ECCE) Programme', http://www.dcy.gov.ie/documents/childcare/Terms_and_Conditions_for_ECCE_Scheme.pdf [accessed 22 December 2011].

19 For example, the Strategy includes an objective to increase the minimum qualification requirements for Early Childhood Care and Education (ECCE) practitioners over its duration. Department of Education and Skills (2011) *Literacy and Numeracy for Learning and Life – the National Strategy to Improve Literacy and Numeracy among Children and Young People 2011-2020*, Dublin: Department of Education, p. 27.

20 See <http://www.dcy.gov.ie/viewdoc.asp?fn=%2Fdocuments%2Fpolicy%2Fprevproject.htm&mn=chid&nID=3> [accessed 21 December 2011]. These are among a number of prevention and early intervention programmes and projects across the country.

21 Information received by the Children's Rights Alliance from the Department of Education and Skills, November 2011.

22 Budget 2012 reduced the higher capitation rate for the CCS from €100 to €95 for 5 days of full day-care (and pro-rata reductions for half day/sessional places) from September 2012; and reduced the capitation rate for the CETS from €170 to €145. Services in the CETS scheme will be allowed to charge a top-up fee of up to €25 (this is the only contribution payable by trainees to avail of full childcare services). Eligibility criteria for the CCS will be tightened, with a person in receipt of welfare only getting the full rate of subvention if they also qualify for a medical card. If they do not qualify for a medical card then a lower rate of €50 will apply.

Comment

Early Childhood Care and Education was awarded a **'B'** grade this year, the same as last year, to reflect the steady progress and continued investment in this vital area. Specifically stating 'free' in its commitment to the pre-school year is a welcome emphasis on its universality.

International research demonstrates that early years' education and early intervention programmes are effective in promoting social skills, integrating disadvantaged children into mainstream society and reducing criminal activity.²³ High quality Early Childhood Care and Education (ECCE) delivers long-term dividends to children, families and society.²⁴ Money invested early has consistently been shown to reap both economic and social benefits in the longer term. A cost-benefit analysis in 2005 showed that for every €1 invested in ECCE in Ireland, a return of up to €7.10 could be expected.²⁵ Where educational attainment is traditionally low, and unemployment and poverty levels are high, investment in ECCE can be the key to changing the life chances of a generation.²⁶

The decision by the new Government to maintain and support the universal free pre-school year is welcome; though reductions to the capitation grant and increase in the staff to child ratio announced in Budget 2012 are regrettable. However, our welcome comes with a note of caution: early years' education is not just about one year in a child's life, it is about every year of the child's first six years. Disappointingly, the *Programme for Government* makes no reference to care and education services for children under three years. This is despite evidence that more of a child's development takes place in the first three years than the second three years; particularly in language and literacy.²⁷

Given this, the free pre-school year must be seen as just one in a series of integrated policy steps to develop quality early childhood care and education for all children in Ireland, from birth to six years. A combination of measures including quality standards, parental leave and funding for quality early years' services are required to build holistic policies around young children. At present, the system in Ireland is fragmented, with few policies focused on the under threes, and considerable energy and resources channelled into services for three to six year olds. This approach risks separating the education and care elements of ECCE, by channelling qualified staff into pre-school services, leaving unqualified workers tasked with 'minding' younger children.

Quality: Returns on public investment in ECCE may be lost unless young children receive a quality service. However, until recently, quality has not been the principal policy focus in this area.²⁸ Three different sets of standards govern the early years (0-6 years): Siolta (2006),²⁹ Aistear (2009)³⁰ and the 2006 Health Service Executive (HSE) pre-school regulations.³¹ The free pre-school year obliges participating providers to adhere to the principles of the Siolta quality standards and accept visits and advice from Siolta coordinators and County Childcare Committee staff, as well as ensuring that leaders hold National Framework of Qualifications (NFQ) Level Five by August 2012.³² In practice, however, services must only sign up to Siolta and not undertake training in its implementation. Where training in Siolta is available it is limited and financial support is not available to providers or to individual staff for up-skilling.³³ Meanwhile, Aistear is being rolled out in primary schools but not at pre-school level, while the HSE regulations monitor health and safety rather than education standards, and these inspections are not formally integrated with Siolta and Aistear. An audit of Aistear and Siolta was published in 2009, illustrating how the two frameworks could be used

23 National Economic and Social Forum (2005) *Report no. 31: Early Childhood Care and Education*, Dublin: National Economic and Social Forum, p. 12.

24 J. Heckman and D. Masterov (2007) *The Productivity Argument for Investing in Young Children*, Discussion Paper Number 2725, Germany: Institute for the Study of Labor. See also, Start Strong (2009) *Why Early Care and Education?* Available at www.startstrong.ie.

25 National Economic and Social Forum (2005) *Report no. 31: Early Childhood Care and Education*, Dublin: National Economic and Social Forum, p. 143.

26 N. Hayes (2008) *The Role of Early Childhood Care and Education: An Anti-Poverty Perspective*, Dublin: Combat Poverty Agency, p.31.

27 J. Kupcha-Szrom (2011) *A Window to the World*, USA: Zero to Three Policy Center, p.5 <http://www.zerotothree.org/public-policy/policy-toolkit/early-literacywebmarch1-6.pdf> [accessed 12 September 2011].

28 Start Strong (2010) *Children 2020: Planning Now, for the Future, Children's Early Care and Education in Ireland*, Dublin: Start Strong, p.11.

29 Centre for Early Childhood Development in Education (2006) *Siolta: The National Quality Framework for Early Childhood Education*, www.siolta.ie.

30 National Council for Curriculum and Assessment (2009) *Aistear: the Early Childhood Curriculum Framework*, www.ncca.ie

31 Health Service Executive (2006) *Child Care (Pre-School) Regulations 2006*, www.hse.ie.

32 It also provides an increased capitation grant to services where staff are 'highly trained' to incentivise staff and providers to continue up-skilling.

33 There are currently 25 Siolta coordinators working with 135 ECCE services across a broad spectrum of service provision. This is a small number considering an estimated 4,250 services will be contracted under the Free Pre-school Year Scheme for the 2011/2012 year. Completing the Siolta Quality Assurance Programme (QAP) is a twelve step process, whereby an ECCE setting completes a range of activities, supported by a Siolta coordinator. Since 2008 a number of organisations have been undergoing this programme, including the Prevention and Early Intervention Programmes in Darndale, Ballymun and Tallaght. Where it is not possible to undertake the process, Siolta coordinators have held information evenings in locations around the country. These are, however, not sufficient to ensure quality in early years' provision.

together to support the development of early childhood practice across the variety of settings.³⁴ Further action is required to support implementation and evaluation of Aistear and Síolta.³⁵ In addition, level five and six qualifications on the National Framework of Qualifications (NFQ), required by pre-school leaders, should be reviewed; the training delivered to staff to raise quality in early year's services, must itself be of high quality.

Finally, the 2010 *Workforce Development Plan*,³⁶ was expected to focus on developing the workforce through commitments and resources to up-skill staff; but instead it concentrates on standardising qualification and training levels and, regrettably, does not include a timeline for raising minimum staff qualification levels, which remain low.

IMMEDIATE ACTIONS FOR 2012

> **Invest in quality by implementing standards and up-skilling the workforce in early years' care and education**

The benefits associated with ECCE only deliver when services are of high quality,³⁷ yet implementation of Síolta quality standards remains under-resourced. Ensuring that staff are trained in quality standards, that standards are consistently applied and that implementation is continuously evaluated are vital to ensuring positive outcomes for children. Timeframes for raising early years' staff qualification levels are also required.

> **Invest in a targetted early childhood education programme for disadvantaged children, as committed to in the Programme for Government**

Learning from existing programmes and on-going evaluations should be used by Government to develop and roll-out the promised pre-school programme for children experiencing disadvantage, including children with disabilities.



34 National Council for Curriculum and Assessment and Department of Education and Science (2009) *Audit of Aistear and Síolta*, referenced in information received by the Children's Rights Alliance from the Department of Education and Skills, November 2011.

35 Department of Education and Skills (2011) *Literacy and Numeracy for Learning and Life – the National Strategy to Improve Literacy and Numeracy among Children and Young People 2011-2020*, Dublin: Department of Education. Two commitments in the Literacy Strategy are linked to this: "Improve the quality assurance of state-funded ECCE provision by developing and implementing pilot external evaluations of the quality of provision (including the quality of early literacy and numeracy provision) in ECCE settings; Review outcomes of pilot evaluations and use learning to improve quality assurance mechanisms and models." In addition, as part of the Strategy's implementation inspections will be carried out jointly by the HSE Pre-school Inspectorate and the Department of Education and Skills Inspectorate, by the end of the 2011 school year 16 joint inspections will have been carried out.

36 Department of Education and Skills (2010) *A Workforce Development Plan for the Early Childhood Education and Care Sector in Ireland*, Dublin: Department of Education and Skills.

37 K. Sylva, E. Melhuish, P. Sammons, I. Siraj-Blatchford and B. Taggart (2008) *EPPE 3-11: Final Report from the Primary Phase*, London: Institute of Education.

1.2 CHILD LITERACY

COMMITMENT	PROGRESS
<p>The <i>Programme for Government</i> commits to develop a National Literacy Strategy for children and young people as a matter of urgency, with school-level targets that are related to national targets.</p> <p>Every school will be required to have a Literacy Action Plan, with demonstrable outcomes. Responsibility for achieving these outcomes will be vested in the school principals, who will also receive continuing professional development to support the implementation of the strategy.</p>	<p>On track.</p>
<p>The <i>Programme for Government</i> also commits to:</p> <ul style="list-style-type: none"> Improving pre-service and in-service training in the teaching of literacy for all primary and secondary school teachers, with dedicated literacy mentors to work intensively with teachers in the most disadvantaged primary schools. Increasing time spent on literacy: <i>Delivering Equality of Opportunity in Schools</i> (DEIS) primary schools will be required to teach literacy for 120 minutes per day; non-DEIS schools to teach literacy for 90 minutes per day. This time includes incorporating structured literacy tuition into teaching of other subjects. 	<p>On track.</p>

What's happening?

Publication of a comprehensive and ambitious National Literacy and Numeracy Strategy warmly welcomed. Focus is now on its implementation.

Literacy and Numeracy for Learning and Life – the National Strategy to Improve Literacy and Numeracy among Children and Young People 2011-2020, published in July 2011, sets out clear targets for children's literacy performance at primary and second-level, with a view to substantially improving performance by 2020.³⁸ Budget 2012 committed €10 million (generated through savings in the education budget) to commence implementation of actions in the Literacy and Numeracy Strategy, work on Junior Cycle reform and rollout of high speed broadband to second level schools. It is not clear what proportion of this €10 million funding will be allocated to literacy. The Budget also announced the phased withdrawal of 428 'legacy' disadvantaged posts, starting in 2012; of these posts 20 will be re-allocated to provide for the continuing professional development element of the Literacy and Numeracy Strategy.³⁹ Following concern by affected schools and parents, the Minister for Education and Skills announced a school-by-school review of the cut to posts in January 2012. A report is expected by end of January 2012.

The Literacy and Numeracy Strategy outlines a range of reforms in initial teacher education and in continuing professional development for primary and post-primary teachers and principals, guided by the Teaching Council 2011 policy on teachers' education continuum.⁴⁰ It also commits to re-focus the work of existing *Delivering Equality of Opportunity in Schools* (DEIS) advisors and redeploy other posts to create a team of 20 advisors by the end of 2012 to work with DEIS schools, as required by the Literacy Strategy. To date, 19 literacy and numeracy advisors (14 primary and 5 post primary) have been appointed to support implementation of the Strategy; funding for these posts came from a re-prioritisation of spending within teacher education.⁴¹ All 866 DEIS schools have Literacy Action Plans, and every school will be required to have one for the 2012/13 school year.⁴² A departmental circular providing interim advice on increased time allocations to teaching literacy was published in

38 At primary level, the Strategy sets out aims to increase the number of children performing at Level 3 or above (the highest levels) in the national assessments of reading and mathematics by 5 percentage points, and to reduce the percentage performing at or below the lowest level (Level 1) by 5 percentage points. At post-primary level, it aims to increase the number of 15-year-old students performing at Level 4 or above (the highest levels) in the OECD's PISA test of literacy and mathematics by at least 5 percentage points, and halve the numbers performing at Level 1 (the lowest level).

39 These posts were allocated to schools under disadvantage programmes that pre-date DEIS in 2005. For further analysis of Budget 2012 and its impact on children see Children's Rights Alliance (2011) *Analysis of Budget 2012 and its Impact on Children*, www.childrensrights.ie.

LOCAL FOCUS: *Cork Independent*, 'Loss of 40 teachers to double class sizes', 15 December 2011.

40 The Teaching Council (2011) *Policy on the Continuum of Teacher Education*, Dublin: The Teaching Council.

41 Information received by the Children's Rights Alliance from the Department of Education and Skills, November 2011.

42 Information received by the Children's Rights Alliance from the Department of Education and Skills, December 2011.

November 2011, outlining “five areas for immediate action”, which included clear guidelines relating to improved professional development for teachers and increasing time available for teaching literacy and numeracy.⁴³ It is estimated that the Strategy will cost €6 million to implement in 2012, rising to €19 million per annum by 2017.⁴⁴ Teacher Unions have warned that cutbacks in education will compromise schools’ ability to deliver on the Strategy.⁴⁵

Comment

Child Literacy receives a ‘B+’ grade, an increase from last year’s ‘C-’. The structure of this section has changed: the Alliance is no longer tracking ‘language support’ as it was not included in the *Programme for Government*. This year’s higher grade reflects this change and the welcome publication of a National Literacy Strategy in 2011, as recommended by the Alliance in Report Cards 2010 and 2011. This is a vital step towards improving children’s educational outcomes.

The Minister for Education and Skills has stated that improving children’s literacy is an equality issue.⁴⁶ Evidence demonstrates that children with low literacy skills are more likely to experience educational failure and to leave the education system without qualifications.⁴⁷ This, in turn, affects the child’s life chances making them more likely to be long-term unemployed, experience poverty, enter the criminal justice system;⁴⁸ and not participate in civic society. In Ireland, literacy achievement is closely related to socio-economic status: 2005 research by the Educational Research Centre found that while one child in ten leaves

school with literacy problems, this rises to one child in three in disadvantaged communities.⁴⁹

In 2010, the OECD Programme for International Student Assessment (PISA) survey, an authoritative study that tests the ability of 15-year-olds across 39 countries in reading literacy, ranked Ireland in 17th place – a sharp drop from 5th place in 2000.⁵⁰ Ireland’s fall was the worst among all participating countries and suggests that one in six students in Ireland (17%) has poor reading skills. This failure exposed the urgent need for action, and helped drive publication of the Literacy and Numeracy Strategy.⁵¹ The Strategy outlines actions in key areas including early years’ education, teacher professional development, class time spent on literacy, and engaging parents in their children’s literacy development. The inclusion of parental involvement is vital, as it has been proven to have more of an impact on children’s educational outcomes than any other demographic measure including social class, level of parental education or income.⁵²

Since 2005, literacy programmes in schools have been targeted through the DEIS programme. DEIS focused on a selection of schools in areas of ‘concentrated’ disadvantage and was a five year programme, implemented on a phased basis at a total cost of over €900 million. An evaluation of DEIS was undertaken and is currently being reviewed by the Department of Education and Skills. Publication was expected in 2011, but has been delayed and is now expected in early 2012.⁵³ Plans for a follow-up programme from DEIS are not yet known and will be based upon the findings of the evaluation reports.⁵⁴ At present, existing DEIS schools continue to operate the programme with year-to-year funding.

43 The five areas listed are: improved professional development for teachers; increasing time available for teaching literacy and numeracy; improving arrangements for assessment of children’s literacy and numeracy achievement; better arrangement for reporting children’s progress; and co-operating with the administration of national and international assessment studies. Measures outlined in the circular will guide teachers in time allocation, pending the official reallocation of teaching time by the National Council for Curriculum and Assessment (NCCA) expected during 2012.

44 Department of Education and Skills, ‘Minister Quinn launches National Literacy and Numeracy Strategy – Literacy and Numeracy for Learning and Life – the National Strategy to Improve Literacy and Numeracy among Children and Young People 2011-2020 is published’ [Press Release] 8 July 2011. [LOCAL FOCUS: The Connaught Telegraph, ‘Literacy levels need to be maintained and improved’, 21 February 2011.](#)

45 Irish National Teachers’ Organisation, ‘Success or failure of literacy and numeracy plan will depend on school resources’, [Press Statement] 8 July 2011.

46 Department of Education and Skills, ‘2011 - 2031, Twenty Years of Radical Reform’ Speech by Minister for Education and Skills Ruairi Quinn, TD, at the MacGill Summer School, Glenties, Co. Donegal, 27 July 2011.

47 Department of Education and Science (2005) *DEIS Action Plan for Educational Inclusion*, Dublin: Department of Education and Science, p.3.

48 Joint Oireachtas Committee on Education and Skills (2010) *Staying in Education: A New Way Forward, school and out-of-school factors protecting against early school leaving*, p. 19.

49 E. Eivers, G. Shiel and F. Shortt (2005) *Literacy in Disadvantaged Primary Schools: Problems and Solutions*, Dublin: Education Research Centre, p. 6.

50 The OECD Programme for International Student Assessment (PISA) (2010) PISA 2009 Results: *What Students Know and Can Do*, Paris: OECD.

51 Department of Education and Skills, ‘Minister Quinn launches National Literacy and Numeracy Strategy – Literacy and Numeracy for Learning and Life – the National Strategy to Improve Literacy and Numeracy among Children and Young People 2011-2020 is published’ [Press Release] 8 July 2011.

52 C. Clark (2007) *Why Families Matter to Literacy: A brief research summary*, London: National Literacy Trust.

53 Information received by the Children’s Rights Alliance from the Department of Education and Skills, December 2011. The evaluation is being undertaken by the Educational Research Centre (ERC). In addition to the overall DEIS evaluation, the Centre undertook the assessment of the levels of disadvantage in schools for DEIS, and the study of disadvantage in rural schools.

54 The evaluation report in relation to rural schools was completed and published in 2009: S. Weir, P. Archer and D. Millar (2009) *Educational Disadvantage in Primary Schools in Rural Areas Report No. 1: Analysis of English Reading and Mathematics Achievement in Schools in the Rural Dimension of the Schools Support Programme*, Dublin: Education Research Centre. Two additional draft reports by the Department of Education Inspectorate, evaluating the effectiveness of school planning in a sample of 36 DEIS primary and post-primary schools are currently being considered with a view to publication.

Digital literacy: Being literate in the 21st century is increasingly about the ability to understand, access and use technology. For children's future, opportunities information and communications technology (ICT) competence is essential, as it is the basis for a huge number of jobs and, increasingly, drives our day-to-day communication. To date, there have been four reports by the Department of Education and Skills – in 1997, 2001, 2008 and 2009 – outlining policy for technology in education in Ireland.⁵⁵ These reports addressed key issues at different points in time, with varying levels of success. Now, ICT is no longer something that is taught in 'computer class', it is integrated into all subjects as a means to maximise students' educational experience and potential. Achieving this integrated approach depends on a set of interconnected factors: teacher education and professional development to leverage the benefits of new learning technologies; ready availability of appropriate digital content and tools; sufficient computers and supporting ICT equipment in schools; adequate and robust broadband provision; technical support and maintenance of a high standard; structure to implement and support the investment; and support for effect-focused, leading-edge ICT research.⁵⁶ Without each of these mutually reinforcing elements, ICT integration cannot be achieved. *The Programme for Government* commits ending the treatment of ICT in education as a stand-alone issue.⁵⁷ It will be integrated across education policy, linking together digital literacy and reading literacy, two vital aspects of communication for children.

IMMEDIATE ACTION FOR 2012

> Drive implementation of the National Literacy and Numeracy Strategy

To ensure the full implementation of the Literacy and Numeracy Strategy leadership is required along with clear and robust reporting mechanisms. The number of schools with Literacy Action Plans and the achievement of goals within those plans; the delivery of relevant teacher training and evaluation of its effectiveness; and time spent teaching literacy must be prioritised and tracked to effectively measure impact. The Strategy should also be evaluated on an on-going basis.



55 Department of Education and Science (1997) *Schools IT 2000*; (2001) *Blueprint for the Future of ICT in Irish Education Three Year Strategic Action Plan 2001 – 2003*; (2008) *Investing Effectively in Information and Communications Technology in Schools 2008-2013: A Report of the Ministers' Strategy Group*; and (2009) *Smart Schools = Smart Economy: Report of the ICT in Schools Joint Advisory Group to the Minister for Education and Science*.

56 Department of Education and Science (2008) *Investing Effectively in Information and Communications Technology in Schools 2008-2013: A Report of the Ministers' Strategy Group*. Dublin: Department of Education and Science.

57 This will begin with merging the National Centre for Technology in Education with the National Council for Curriculum and Assessment. A new plan to develop ICT in teaching, learning and assessment will be developed. This plan will incorporate the integration of ICT policy across other agencies, such as the Professional Development Services for Teachers, the State Examinations Commission, and Project Maths.



1.3 CHILDREN WITH SPECIAL EDUCATIONAL NEEDS

COMMITMENT	PROGRESS
The <i>Programme for Government</i> commits to publishing a plan for the implementation of the Education for Persons with Special Educational Needs (EPSEN) Act 2004 to prioritise access for children with special needs to an individual education plan. It states that the priority will be to move to a system where necessary supports follow a child from primary to second level and to achieve greater integration of special needs-related services.	Initial steps taken.

Special Needs Assistants: During 2011, a series of changes were introduced to the allocation of special needs supports in schools, impacting on both Special Needs Assistants (SNAs) and resource teaching hours. The *National Recovery Plan* placed a cap on the number of SNAs at 10,575 whole-time equivalents (WTE).⁶⁰ In November 2011, 10,100 of these posts had been allocated, the remaining 475 posts were held back in order to allocate them over the year according to demand (e.g. in case of emergency, appeal, injury or new school entrants with special care needs).⁶¹ Budget 2012 maintained funding for provision of supports to children with special educational needs in schools at 2011 levels.

Resource teaching: Resource teaching hours – provided to children with Special Educational Needs in schools and allocated on an hourly basis on the grounds of assessed need and disability categorisation⁶² – were subject to changes in 2011 based on the Employment Control Framework (ECF) agreed by the Department of Education and Skills for the period 2011-2014. Allocation of resource teaching hours was put on hold in March 2011 to quantify demand and stay within the ECF.⁶³ In 2011, 9,950 learning support/resource teacher posts were provided to schools; this is an increase of approximately 350 on the 2010 allocation.⁶⁴ The General Allocation Model (GAM) was introduced in 2005 to ensure that primary schools have sufficient resource teaching hours to meet the immediate needs of pupils with high incidence special needs and those who require learning support.⁶⁵ A review of the GAM was completed in 2011; its findings are being considered by the Department of Education and Skills and are not yet publicly available.

What's happening?

New plan for the implementation of Education for Persons with Special Educational Needs (EPSEN) Act awaited; no timeline for delivery given. Budget 2012 maintained funding for special needs supports in schools.

The *Programme for Government's* focus on supports following the child from primary to second-level and the need to achieve greater integration of special-needs related services are welcome. A detailed Implementation Plan for the EPSEN Act was published in 2006,⁵⁸ but its delivery was put on hold due to cost. Now, an updated plan is awaited. At present, the Department of Education and Skills is reviewing the parts of the EPSEN Act that have not been implemented; preparing a plan for implementation recognising the fiscal situation; and looking at the elements that can be implemented on a cost neutral basis.⁵⁹ No timeline for implementation is available.

58 National Council for Special Education (2006) *Implementation Report: Plan for the Phased Implementation of the EPSEN Act 2004, as submitted to the Minister for Education and Science, 1 October 2006*, Kildare: NCSE.

59 Information received by the Children's Rights Alliance from the Department of Education and Skills through the Community and Voluntary Pillar Education Linkage Group, October 2011.

60 This is a small increase on the 10,543 SNA posts in place in December 2010. Department of Education and Skills (2011) Circular 0006/2011 *Revised arrangements for the allocation of Special Needs Assistant posts*.

61 Information received by the Children's Rights Alliance from the Department of Education and Skills, November 2011.

62 The National Council for Special Education (NCSE), through its Special Educational Needs Organisers (SENOs) at local level, provides additional resource teaching hours to children with low incidence SEN at primary level and with both low and high level SEN at post-primary level.

63 Applications for the 2011/12 school year were due by May 2011, with 90% of the resource teaching allocation made in September 2011; and 10% held back to ensure sufficient capacity for late application. If demand increases, the 90% may be re-visited. Department of Education and Skills (2011) Circular 0030/2011 *Arrangements for the 2011/2012 School Year in Relation to Learning Support/Resource Teacher (LS/RT) and Resource Teacher (RT) Posts – Full and Part time Posts*; Circular 0037/2011 *Revised Arrangements for the Provision of Resource Teaching Supports for the 2011/12 school year*.

64 Information received by the Children's Rights Alliance from the Department of Education and Skills, November 2011.

65 Department of Education and Skills Circular, SP ED 02/05, *Organisation of Teaching Resources for Pupils who need Additional Support in Mainstream Primary Schools*. The General Allocation Model is intended to make schools truly inclusive. It ensures that schools have a means of providing additional teaching support to pupils with learning difficulties and SEN arising from high incidence disabilities without recourse to making applications on behalf of individual pupils. This should enable schools to be more flexible, efficient and effective in provision of supports.

Comment

This sub-section, Children with Special Educational Needs, gets a 'C' grade this year, an increase from last year's 'D' to reflect the protection of supports for children with special educational needs in Budget 2012 and the commitment to further the implementation of the EPSEN Act.

There are an estimated 190,303 children in Ireland with Special Educational Needs (SEN) – nearly one child in every five.⁶⁶ Historically, many of these children were isolated from mainstream education, as they were not expected to achieve at school, either academically or socially. Now, it is recognised that children with SEN can thrive in a mainstream education environment, once they are properly supported; indeed their presence has been shown to have a positive impact on classmates and the school as a whole.⁶⁷ Exceptionally able or 'gifted' children also have special educational needs, but they are not included in the figure above; these children can become bored and frustrated in school and are often uncomfortable or self-conscious about their ability.⁶⁸ There is no national policy or standardised special educational provision to cater for this group of children in Irish schools.

The EPSEN Act 2004 provides the legislative framework for the assessment of need for children with special

educational needs; the preparation and implementation of individual education plans; and the delivery of services.⁶⁹

To date, only certain sections of the Act have been commenced, primarily those concerned with the establishment of the National Council for Special Education (NCSE).⁷⁰ The key provisions that would make a real difference to the daily lives of children with Special Educational Needs (SEN)⁷¹ – on individual education plans and the appeals process – remain outstanding. When commenced in full, the EPSEN Act will provide additional entitlements to children with special educational needs, and benefit a larger cohort of children than those deemed to have had entitlements under previous statutory provisions.⁷² In 2006, the NCSE estimated that implementation of the Act would cost €397 million over a five year period.⁷³ In 2011, the minimum cost of implementation was estimated at €235 million.⁷⁴

Supports: Children with special care needs arising from a disability, attending a mainstream school, can be allocated a Special Needs Assistant (SNA). SNAs provide care (rather than educational) support, such as assisting a child with eating or visiting the bathroom.⁷⁵ There are over 10,000 SNAs in Irish schools,⁷⁶ supporting over 14,000 individual children with special care needs.⁷⁷ Entitlement to SNA support remains problematic as posts are allocated to schools on the basis of the assessed care needs of children, rather than attaching to a particular child, thus entitlement to SNA support does not transfer with a child

66 National Council for Special Education (2006) *Implementation Report: Plan for the Phased Implementation of the EPSEN Act 2004*, Meath: National Council for Special Education, p. 72. Data on children with Special Educational Needs is scarce, and patchily collected. The National Council for Special Education (NCSE) is going some way towards addressing this with its Special Education Administration System (SEAS), (an administrative and information tool, which will provide a clearer picture of the number of children with SEN being supported by the NCSE); and through current research by the ESRI to estimate the prevalence of SEN.

67 S. Griffin and M. Shevlin (2007) *Responding to Special Educational Needs: an Irish Perspective*, Dublin: Gill and MacMillan, p. 76.

68 National Council for Curriculum and Assessment (2007) *Exceptionally Able Students: Draft Guidelines for Teachers*, Dublin: NCCA.

69 In the absence of full commencement of the EPSEN Act, some steps have been taken: in 2006 the NCSE published guidelines on the individual education plan process and issued them to all schools. The Special Education Support Service (SESS) has commenced a series of training programmes for teachers on the individual education planning process.

70 The following sections of the Education for Persons with Special Education Needs Act, 2004 [no. 30 of 2004] have been commenced – 1, 2, 14(1)(a), 14(1)(c), 14(2) to 14(4), 19 to 37, 40 to 53. These cover the adoption of the policy of inclusive education, the establishment of the NCSE, its staff, functions, etc, the adoption of the policy of detailed record keeping by the NCSE in the interest of provision to children with special educational needs, where requested, the support of local health boards in the work of the NCSE, the establishment of the duty of schools with respect to children with special educational needs and some amendments to the Education Act (1998), e.g. the definition of disability.

71 A child is deemed to have a special educational need if he or she requires substantial additional educational provision in comparison with his/her peers (definition in S. Griffin and M. Shevlin (2007) *Responding to Special Educational Needs: An Irish Perspective*, Dublin: Gill and Macmillan).

72 National Council for Special Education (2009) *Request for tender to conduct a 'Study to estimate the prevalence of special educational needs (SEN) and to examine data issues in relation to SEN and disability in Ireland more generally'*.

73 This sum would cover pre-school provision (€45.25m), building capacity in schools (€194m), developing educational support services (€76m), training and development (€49m) and appeals and mediation (€8m), among other things. National Council for Special Education (2006) *Implementation Report: Plan for the Phased Implementation of the EPSEN Act 2004*, Meath: National Council for Special Education.

74 Information received by the Children's Rights Alliance from the Department of Education and Skills through the Community and Voluntary Pillar Education Linkage Group, October 2011.

75 For full details see: Department of Education and Skills, Circular SP. ED 07/02, *Applications for full-time or part-time Special Needs Assistant support to address the special care needs of children with disabilities*. See also research by Máire A. Bergin 'An Examination of the Definition, Role, Function and Training Needs of Special Needs Assistants in Irish Primary and Secondary Schools (as part of the NDA Research Scholarship Programme).

76 6,532 SNAs in mainstream primary schools, 2,000 SNAs in mainstream post-primary schools and approximately 1,819 SNAs in special schools. Figures received by the Children's Rights Alliance from the Department of Education and Skills, December 2010.

77 Information received by the Children's Rights Alliance from the Department of Education and Skills, December 2010. This figure represents the numbers of children with SEN in mainstream primary and post-primary schools who were in receipt of SNA support allocated through the NCSE in 2009. It does not represent the number of SNAs deployed in mainstream primary and post-primary schools, as individual SNAs may be providing support to more than one pupil.

from one school to the next.⁷⁸ In addition, training is not mandatory and a large number of SNAs have not undertaken training programmes,⁷⁹ and issues have arisen on the clarity of the role among teachers, parents and SNAs themselves.⁸⁰

Children with special *educational* needs, attending a mainstream school, are provided with additional resource teaching hours. Approximately 9,950 learning support/resource teacher posts are allocated to schools to provide additional support to pupils with special educational needs. These posts are an early intervention measure and are vital to supporting children struggling with a particular aspect of learning – for example literacy or Maths. An intervention from a qualified learning support teacher at the right point is an inexpensive support that can make a real difference for a child's educational outcomes.

Effective coordination and integrated working between the Department of Education and Skills and the HSE is essential to providing appropriate, timely and effective services to children with SEN; yet anecdotal evidence suggests that on the ground communication between these two bodies is weak.⁸¹ Now, as resources are tighter collaborative working, integrated services and information sharing is vital. Children with SEN rely heavily on state supports – appropriately provided and administered early – to improve their educational experience and outcomes. The distress and frustration felt by children and their parents when access to these supports is not clear or straightforward is significant.⁸² Provision of special educational needs services to the children that need them is not an optional extra; it is a basic right that must be vindicated by the State.

IMMEDIATE ACTION FOR 2012

> Publish and begin execution of the plan to implement the EPSEN Act

Delivering vital services and supports for children with special educational needs requires a blueprint for action. This has already been delayed for too long. The renewed plan should be published and implemented with speed. The current level of investment and supports for children with special educational needs must be maintained in Budget 2013.



78 Joint Oireachtas Committee on Education and Skills (2010) *First Report – Staying in Education: A New Way Forward, school and out-of-school factors protecting against early school leaving*, p. 110.

79 The minimum educational requirement for SNAs is a grade 'D' at Junior Certificate, the job description states that this is a care role only. The Department of Education and Skills provides an accredited 20 hour induction programme (one week in August and weekend seminars during the year). FETAC level 5-6 training courses are also available, as are courses by private providers. In 2010, just 1,484 SNAs undertook an introductory training programme and 480 had undertaken a certificate programme. Department of Education and Skills (2011) *The Special Needs Assistant Scheme: A Value for Money Review of Expenditure of the Special Needs Assistant Scheme 2007/08-2010*.

80 Máire A. Bergin (2011) 'Special Needs Assistants' Presentation as part of the National Disability Authority Scholarship Seminar Series, 29 June 2011.

81 Information received by the Children's Rights Alliance from Disability Federation Ireland, September 2011.

82 LOCAL FOCUS: *The Leinster Leader*, 'Parents protest at special needs cuts', 12 April 2011 and *The Kilkenny People*, 'Kilkenny parents attend protest over special needs cutbacks', 20 July 2011.

1.4 SCHOOL BUILDINGS

COMMITMENT	PROGRESS
<p>The <i>Programme for Government</i> commits to prioritising school building projects in a revised national development plan. It also makes a series of commitments in relation to school buildings, they include:</p> <ul style="list-style-type: none"> To progressively phase out the inefficient renting of school prefabs. In the interim, negotiation of prefab rental contracts will be part of a reformed public procurement policy to encourage value for money, transparency and reduce dependency on temporary accommodation. To overhaul the Department of Education and Skills' central database of school accommodation to ensure a complete inventory of school buildings and associated structures is maintained so deficiencies are easily identifiable. 	<p>On track.</p>

schools. Multi-annual investment commitments are outlined in the plan and are: €364.5 million in 2012, €364 million in 2013, €464 million in 2014, €471 million in 2015 and €411 million in 2016.⁸⁴ The Budget 2012 allocation was slightly below the promised figure at €362 million for building, equipment and furnishing of primary and secondary schools.

The design of some primary schools (especially older buildings) makes it difficult to fully practise a child-centred curriculum; natural lighting and ventilation, flexibility in temperature control and lack of noise travelling between rooms all enhance teaching and learning activities.

What's happening?

Necessary investment in school buildings maintained in the Government's Capital Development Plan.

Demographic trends signal increased demand for places. The Government's Capital Development Plan, published in November 2011, outlines its commitment to invest in school infrastructure thereby ensuring sufficient places for the estimated 70,000 additional pupils at primary and second-level by 2017.⁸³ This will involve delivery of an additional 40 schools (20 at primary and 20 at second-level) and expansion or new buildings for another 180

In addition, a Department of Education and Skills review of policies and procedures for the provision of temporary classroom accommodation is nearing completion. The review's focus is the development and adoption of practical measures to achieve value for money in temporary accommodation in schools, through standards development, new contractual terms and negotiations with prefab suppliers to buy out existing rental contracts or reduce rents.⁸⁵ In addition, since July 2008, the Department has changed its policy to provide devolved grant aid for the purchase (rather than rental) of additional accommodation, where the need for such accommodation is likely to exist for more than three years.⁸⁶

83 Department of Public Expenditure and Reform (2011) *Infrastructure and Capital Development 2012-2016: Medium Term Exchequer Framework*, Dublin: Stationery Office.

LOCAL FOCUS: *The Drogheda Independent*, 'Work to start on two new schools' 21 December 2011.

84 Department of Public Expenditure and Reform (2011) *Infrastructure and Capital Development 2012-2016: Medium Term Exchequer Framework*, Dublin: Stationery Office.

85 Information received by the Children's Rights Alliance from the Department of Education and Skills, November 2011.

86 The take up of schools opting for permanent builds rather than the purchasing of prefabs is increasing annually: in 2009, of 204 schools approved for devolved funding, 76 opted to purchase prefabs; in 2010, 319 primary schools were approved for funding under the scheme, of those only 50 opted for prefab purchase over permanent builds. Prefab rental is also falling: only 37 new rental contracts at primary level were entered into in 2010, compared with 715 in 2007 (prior to the new purchase policy). In line with this, the number of schools receiving grant-aid towards the cost of rental accommodation is now in decline (918 in 2008, 790 in 2010).

A survey of all school accommodation is underway. Information generated is being linked to data on national demographic trends through a Geographical Information System (GIS).⁸⁷ Together, this material will make up an inventory of key data and statistics on existing school building stock countrywide and will enable the Department to calculate existing capacity and identify where additional accommodation is required. A summary of findings will be published annually and made available to all schools via the Department's 'Esinet' portal. In November 2011, almost 80% of schools had completed or were in the process of completing the survey.⁸⁸

Comment

School Buildings get a 'B' grade, an increase from last year's 'C-' to reflect investment committed to it in the Government's Capital Development Plan and the increased transparency in the planning process. Report Cards 2009, 2010 and 2011 drew specific attention to the need for transparency in relation to school buildings and measures to introduce this are welcome.

There are more than 3,200 primary schools and over 700 second-level schools in Ireland and it is these spaces where children, between the ages of four and 18 years, spend a large part of their week.⁸⁹ Over the years, many of these schools have fallen into a state of disrepair and improving the quality of school buildings still requires urgent and sustained attention.⁹⁰ A 2010 ESRI report found that the design of some primary schools (especially older buildings) makes it difficult to fully practise a child-centred curriculum; natural lighting and ventilation, flexibility in temperature control and lack of noise travelling between rooms all enhance teaching and learning activities.⁹¹

Quantity of places is also a growing challenge. The numbers of children at primary level could grow by 40,000 by 2018, from 515,000 to 555,000; and post primary level by 20,000, from 323,000 to 342,000.⁹² The Forward

Planning Unit at the Department of Education and Skills identified 40 areas of the country that are most likely to require additional primary provision in 2010, 2011 and 2012, and invited school patrons to come forward to fill the gap. The Unit continually monitors demographic trends, based on a number of sources of information, including Census data, Child Benefit data, births data from the General Register of births and information from Local Authorities, in conjunction with the Department's own databases.⁹³

Quantity of places is a growing challenge. The numbers of children at primary level could grow by 40,000 by 2018, from 515,000 to 555,000; and post primary level by 20,000, from 323,000 to 342,000.

The process for allocating funds for investment in school buildings has improved in recent years. Information about schools awaiting renovation or refurbishment is now publicly available and clarity on criteria for prioritisation through the 'banding' system is provided.⁹⁴ However, engaging in the process remains cumbersome for schools, with six stages in the architectural planning process alone. Some progress on streamlining this is required in order to provide clarity on how long the process should take from application to delivery of a new school.

87 A GIS is designed to capture, store, manipulate, analyse, manage, and present all types of geographically referenced data. It is the merging of cartography, statistical analysis, and database technology.

88 Information received by the Children's Rights Alliance from the Department of Education and Skills, November 2011.

89 Department of Education and Skills, '2011 - 2031, Twenty Years of Radical Reform' Speech by Minister for Education and Skills Ruairi Quinn, TD, at the MacGill Summer School, Glenties, Co. Donegal, 27 July 2011.

90 United Nations Committee on the Rights of the Child (2006) *Concluding Observations: Ireland* (CRC/C/IRL/CO/2, p. 13 paragraph 59.b).

91 M. Darmody, E. Smyth and C. Doherty (2010) *Designing Primary Schools for the Future*, Dublin: Economic and Social Research Institute.

92 Minister for Education Ruairi Quinn TD, '2011 - 2031: Twenty Years of Radical Reform' Speech to the MacGill Summer School, Glenties, Co. Donegal, 27 July 2011.

LOCAL FOCUS: *The Galway City Tribune*, 'Students left in limbo as schools are full up', 26 August 2011.

93 Information received by the Children's Rights Alliance from the Department of Education and Skills, November 2011.

94 Each of the schools whose projects are being considered by the Department are rated from bands one to four, with band one regarded as the highest priority. Department of Education and Skills, 'Amended criteria for prioritising large-scale projects (primary and post-primary)' outlines the criteria associated with each band: http://www.education.ie/servlet/blobervlet/pbu_bp_prioritisation_criteria.pdf [accessed 29 September 2010].

IMMEDIATE ACTION FOR 2012

> **Ensure that the promised €364 million is allocated for school buildings in Budget 2013**

The scale of investment required to deliver the necessary number of classroom places of sufficient quality is known. Government must ensure that this investment is committed to and delivered, as has been pledged over five years. A multi-annual funding stream should be established for the refurbishment and renovation of old schools, based on data from the school accommodation survey.



C

Health

LOCAL EYE



INADEQUATE MENTAL HEALTH FACILITIES, *THE CLARE CHAMPION*

It was reported in late 2010 that young people in Clare, suffering from a wide range of mental health problems, were being admitted inappropriately to the acute adult psychiatric unit at Ennis hospital. The practice of admitting young people to adult mental health wards is against Mental Health Commission best practice and guidelines, but there is no appropriate alternative facility available. Dr Bhamjee also told the newspaper that children under the age of 16 years, suffering from serious psychiatric problems, had been admitted to the emergency department in the Mid-Western Regional Hospital, Limerick.

Consultant Psychiatrist Dr Moosajee Bhamjee told the newspaper that there was no dedicated consultant psychiatrist for Clare teenagers between the ages of 16 and 18 years, who have engaged in acts of self-harm. It was reported that, while there are four adult psychiatrists in Clare and two psychiatrists dealing with elderly patients, none have the necessary training or expertise to treat young people. An extra child and adolescent psychiatrist in Clare is much needed.

Dan Danaher, 'Teens admitted to acute adult psych wards', *The Clare Champion*, 30 December 2010

Overview

Health is awarded an overall 'C' grade this year, a jump from last year's 'D-', this reflects steady steps in primary care and mental health and the pledged investment to a new National Children's Hospital. Performance on addressing addiction to alcohol and drugs is disappointing as the new Government has failed to take any meaningful steps to curb alcohol consumption and drug use among adolescents, or to address harmful parental drinking.

The omission of a *Programme for Government* commitment to address the childhood obesity epidemic is a serious oversight, with long-term implications for children's health. The forthcoming second National Children's Strategy must include clear commitments, timelines and budgets for addressing this ticking time bomb.

In its 2006 *Concluding Observations* the UN Committee on the Rights of the Child welcomed the development of a Primary Care Strategy; however it noted the lack of a comprehensive legal framework, as well as the absence of statutory guidelines safeguarding the quality of and access to health care services, particularly for children in vulnerable situations.⁹⁵ The Committee also raised concerns about the on-going practice of treating children with mental health issues in adult in-patient units and the failure to address harmful levels of alcohol consumption by adolescents.⁹⁶

Health, like education, lacks an overall strategic vision guiding the development and implementation of policy. An Expert Group Report in 2010 noted – alarmingly – that there is “no framework that allows for decisions to be taken in an integrated way that links systematically with the overarching principles of the Irish health care system and aligns resources with goals”.⁹⁷ The planning of current and capital infrastructure is not integrated, the planning of public care provision takes no account of private care provision and there is insufficient population health information to support equitable and efficient care planning and delivery.⁹⁸ Ireland should develop a comprehensive health strategy for the delivery of appropriate and adequate healthcare, with particular emphasis on vulnerable groups in Irish society.⁹⁹ The new Government is taking tentative steps towards this, starting with *Your Health is Your Wealth: A Policy Framework for a Healthier Ireland 2012-2020*, an

initiative aimed at improving the general standard of national health. The initiative was launched at consultation in June 2011, and a final policy document is expected in early 2012.¹⁰⁰

In health, as in all aspects of childhood, the early years are vital. Early events and exposures can create problems that carry forward into later life; and just like in education, health outcomes for children are socially structured: poor children have higher likelihood of poor outcomes.¹⁰¹ The new health policy should learn from the findings of *Growing Up in Ireland: the National Longitudinal Study on Children* by acknowledging the social determinants of health and having a commitment to reduce child poverty and social inequalities embedded within it. It should take on a multi-dimensional definition of health and a life cycle approach; adopt agreed, well-defined outcomes and respect children's rights.¹⁰² To truly improve children's health outcomes, especially among the most vulnerable, Government must invest early.



95 For a discussion on this issue see U. Kilkelly (2008) *Children's Rights in Ireland: Law, Policy and Practice*, Dublin: Tottel Publishing.

96 United Nations Committee on the Rights of the Child (2006) *Concluding Observations: Ireland* (CRC/C/IRL/CO/2 paragraphs 50 and 51).

97 A. Brick et al (2010) *Resource Allocation, Financing and Sustainability in Health Care: Evidence for the Expert Group on Resource Allocation and Financing in the Health Sector*, Dublin: Department of Health and Children and the Economic and Social Research Institute.

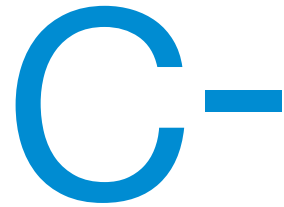
98 *Ibid.*

99 Irish Council for Civil Liberties (2011) *Your Rights. Right Now: Ireland's Civil Society UPR Stakeholder Report*, Dublin: ICCL.

100 Department of Health, 'Your Health is Your Wealth: Policy Framework for a Healthier Ireland 2012-2020 [Press Release] 13 June 2011.

101 *Growing Up in Ireland: National Longitudinal Study on Children* (2011) *The Infant Cohort at 3 Years*, Dublin: ESRI, Trinity Children's Research Centre and the Department of Children and Youth Affairs. This report found that children's weight was related to household social class. 5% of children in families in the professional/managerial group were classified as obese at three years of age compared with 9% of those in the most disadvantaged social class group. Children's consumption of energy-dense foods such as crisps, sweets, chips, and non-diet fizzy drinks increased as parental education fell.

102 Sheila Greene, 'Getting the First Steps Right', Presentation at the Department of Health and Children Consultation, 13 June 2011, Dublin: Trinity Research Centre.



2.1 PRIMARY CARE

COMMITMENT	PROGRESS
<p>The <i>Programme for Government</i> commits to introducing Universal Primary Care and removing fees for General Practitioner (GP) care within this Government's term of office. It also commits that:</p> <ul style="list-style-type: none"> • The legislative basis for Universal Primary Care will be established under a Universal Primary Care Act. • Universal Primary Care will be introduced in phases so that additional doctors, nurses and other primary care professionals can be recruited. 	<p>Some initial steps taken.</p>

population of between 8,000 and 12,000 people.¹⁰⁴ In September 2011, 384 Primary Care Teams were operational; 40 of these teams were located in new Primary Care Centres,¹⁰⁵ while 344 were based in existing HSE accommodation.¹⁰⁶ The remaining 134 Teams are at varying stages of development. €335 million was allocated to primary care in the *HSE National Service Plan 2011*; reduced from €343 million in 2010.¹⁰⁷ The allocation for primary care in 2012 will be stated in the *HSE National Service Plan 2012*, expected in early 2012.

Budget 2012 allocated €15 million to provide free GP care for people on the long-term illness scheme, the first in a series of steps towards removing fees for GP care.¹⁰⁸ The Government Capital Development Plan states that priority will be given to Primary Care Centres and that these centres will facilitate the delivery of multi-disciplinary primary care, re-focusing the health service to deliver care in the most appropriate and lowest cost setting.¹⁰⁹

What's happening?

Budget 2012 did not allocate funding to primary care teams but the Capital Development Plan commits to invest in Primary Care Centres. First step taken towards free GP care.

Towards 2016: National Social Partnership Framework Agreement committed to build a primary care infrastructure, and set a target for delivery of 500 Primary Care Teams (PCTs) by 2011.¹⁰³ The new Government maintained the focus on primary care and worked towards a target of 530 teams by the end of 2011, each serving a



103 A Primary Care Team (PCT) is a multi-disciplinary team of healthcare professionals who work together to meet the health and social care needs of defined population (7,000-10,000). A PCT comprises a core unit of practitioners including General Practitioners (GPs) and Practice Nurses, Public Health Nurses, Community General Nurses, Physiotherapists, Occupational Therapists, Speech and Language Therapists and Home Help staff.

104 This figure is stated in the *HSE Transformation Programme*. See Health Service Executive website http://www.hse.ie/eng/services/Find_a_Service/Primary/. Government's commitment to Primary Care is outlined in the *Programme for Government* and in Department of Public Expenditure and Reform (2011) *Infrastructure and Capital Development 2012-2016: Medium Term Exchequer Framework*, Dublin: Stationery Office.

105 The HSE intends that the majority of Primary Care Centres (PCCs) will be provided by the private sector through leasing agreements. It has developed a generic design model for centres, which accommodates up to three teams per centre. To date, 17 centres have opened under leasing arrangements; a further 21 are due to open by the end of March 2012. Centres in disadvantaged urban and rural areas will continue to be funded from the Exchequer; 15 of these were accommodating PCTs in September 2011. Sean Fleming, TD, Parliamentary Question [23046/11], 14 September 2011, written answers, <http://debates.oireachtas.ie/dail/2011/09/14/unrevised2.pdf>, p. 474 [accessed 9 January 2012].

106 Sean Fleming, TD, Parliamentary Question [23046/11], 14 September 2011, written answers, <http://debates.oireachtas.ie/dail/2011/09/14/unrevised2.pdf>, p. 474 [accessed 9 January 2012]. 'Operational' is defined as teams that are holding clinical meetings, involving GPs and HSE staff.

107 Health Service Executive (2011) *National Service Plan 2011*, Dublin: Health Service Executive.

108 The *Programme for Government* commits to removing fees on a phased basis: "Access to primary care without fees will be extended in the first year to claimants of free drugs under the Long-Term Illness scheme at a cost of €17 million. Access to primary care without fees will be extended in the second year to claimants of free drugs under the High-Tech Drugs scheme at a cost of €15 million. Access to subsidised care will be extended to all in the next phase. Access to care without fees will be extended to all in the final phase."

109 Department of Public Expenditure and Reform (2011) *Infrastructure and Capital Development 2012-2016: Medium Term Exchequer Framework*, Dublin: Stationery Office.

Comment

Primary Care gets a 'C-' grade this year, a small increase from last year's 'D', based on the new Government's clear commitment to build on investment in this area and the steady progress on delivery of primary care teams and centres. To improve next year Government must put greater focus on delivering quality primary care services, given their positive impact on children.

Ireland's primary care infrastructure is still in its infancy and must be nurtured and protected if it is to grow. Without adequate resources, progress made in recent years will be lost. The new Government's aim to provide up to 95% of health and social care needs through primary care – by increasing activity in the primary care setting and redirecting services away from acute hospitals to the community – is welcome.¹¹⁰ For children, community-based, early intervention and preventive healthcare services provided within a primary care structure are critical so that timely and effective services are provided when they need them and close to home.¹¹¹

Primary care is the most basic building block of a successful health service. It comprises a range of services designed to keep people well, from health promotion and screening for diseases, to assessment, diagnosis, treatment, rehabilitation, as well as personal social services. As people's first point of contact with the health system, a well-resourced, responsive and effective primary care service has the potential to prevent the development of conditions that may later require more intensive treatment or hospitalisation, at greater cost to the individual and the State. Primary care services are accessible by self-referral and have a strong emphasis on working with communities and individuals to improve their health and social wellbeing.¹¹² It is vital too that the new Child and Family

Support Agency links with the local primary care infrastructure.

Through the Primary Care Teams, children can visit the GP or see the public health nurse and, where necessary, be immediately referred to further services, such as an occupational therapist, speech and language therapist or psychologist. The decision to exempt these key posts from the public service moratorium and to focus on increasing their numbers within the HSE is welcome.¹¹³ During 2010 and 2011, an additional 68 speech and language therapists and 93 occupational therapists were employed, bringing the total numbers of speech and language therapists employed by the HSE to 851 and occupational therapists to 1,205.¹¹⁴ However, children still face long waiting lists to access basic services and geographical variation in HSE service provision.¹¹⁵ For example, 2011 Healthstat figures show that in relation to speech and language therapy and treatment, 18 of the 32 HSE community areas have an unsatisfactory service, requiring attention.¹¹⁶ Delays in accessing services like these can have devastating life-long consequences, affecting children's health, educational achievement, social development and emotional wellbeing.¹¹⁷

IMMEDIATE ACTION FOR 2012

> Ring-fence multi-annual funding for the delivery of the promised Primary Care Teams

Budget 2012 failed to allocate specific funding to the development of Primary Care Teams. To ensure this vital service is funded on a multi-annual basis a new sub-head should be introduced under the HSE vote (number 39) entitled 'Primary Care.' Further detail on how this sub-head is allocated can be provided in the HSE Service Plan, the key annual HSE document.

110 Department of Public Expenditure and Reform (2011) *Infrastructure and Capital Development 2012-2016: Medium Term Exchequer Framework*, Dublin: Stationery Office.

111 Sheila Greene, 'Getting the First Steps Right', Presentation at the Department of Health and Children Consultation, 13 June 2011, Dublin: Trinity Research Centre.

112 *Ibid.*

113 The general moratorium (introduced in March 2009) on recruitment, promotion and the payment of acting up allowances does not apply to the following specified grades; Medical Consultants; Speech and Language Therapists; Physiotherapists; Occupational Therapists; Clinical Psychologists; Behavioural Therapists; Counsellors (Mental Health and Disability Services); Social Workers; and Emergency Medical Technicians. However, anecdotal evidence suggests that there has been a general slow-down in replacing these posts when they are lost from teams.

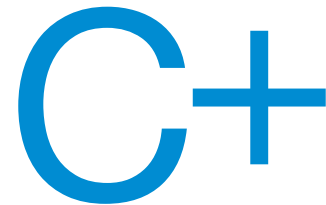
114 Information received by the Children's Rights Alliance from the Health Service Executive, November 2011. In 2010 56 new speech and language therapist posts were recruited into the HSE, this fell to 12 new posts in 2011. In 2010 91 occupational therapist posts were recruited into the HSE, this fell to 2 new posts in 2011. 11 new psychologist and counsellor posts were recruited in 2011.

115 Ombudsman for Children (2011) *Annual Report 2010*, Dublin: Ombudsman for Children's Office.

[LOCAL FOCUS: The Anglo Celt, 'New unit for assessing children to improve service', 13 July 2011.](#)

116 Gordon Deegan, 'Concern over speech therapy', *The Irish Times*, 8 February 2011. In the Healthstat red, amber and green marking system speech and language therapy services in Carlow, Clare, Cork North, Cork North Lee, Cork South Lee, Dublin South City, Dublin South West, Dublin West, Galway, Laois/Offaly, Limerick, Mayo, Roscommon, Tipperary North, Tipperary South, Waterford, Wexford, Wicklow all scored red.

117 Irish Association of Speech and Language Therapists (2007) *Position Paper, Specific Speech and Language Impairment in Children: Definition, Service Provision and Recommendations for Change*, p. 8; and Fiona Gartland, 'Almost 24,000 children on hospital waiting lists', *The Irish Times*, 3 January 2012.



2.2 MENTAL HEALTH

COMMITMENT	PROGRESS
The <i>Programme for Government</i> commits to ring fencing €35m annually from within the health budget to develop community mental health teams and services as outlined in <i>A Vision for Change</i> to ensure early access to more appropriate services for adults and children and improved integration with primary care services. ¹¹⁸	On track.
The Programme for Government commits to review the Mental Health Act 2001 in consultation with service users, carers and other stakeholders, informed by human rights standards and introduce a Mental Capacity Bill that is in line with the UN Convention on the Rights of Persons with Disabilities.	On track.

hospital services.¹¹⁹ In November 2011, there were 61 CAMH teams in operation – 56 based in the community and five within hospital settings.¹²⁰ This is an increase of six teams since November 2010. However, the final figure is disputed, as many of these teams do not have a full complement of staff. In November 2011, team staff levels averaged at 63.8% of the recommended level,¹²¹ a drop from 70.2% in 2010, with the distribution and disciplinary composition of the workforce varying across teams and regions.¹²² Not all teams provide full mental health services to all children up to 18 years. The majority support children up to age 16 years – mirroring the remit of the old health boards – hence difficulties remain in accessing services for children aged 16 and 17 years.¹²³ At present, one third of CAMHS teams do not provide services for 16- and 17-year olds.¹²⁴

A Vision for Change anticipated development revenue of approximately €21m per annum, but this level of funding has not been allocated since 2007, thus delaying the Strategy's implementation.¹²⁵ Further funding for mental health was expected from the sale of psychiatric hospitals and lands; but this scheme has not delivered as planned.¹²⁶

What's happening?

€35 million allocated to developing community mental health teams in Budget 2012; unclear what proportion of this will be allocated to child and adolescent mental health services. Review of the Mental Health Act 2001 undertaken.

A Vision for Change recommends the establishment of 99 specialist Child and Adolescent Mental Health (CAMH) teams providing community, hospital liaison and day

A Review of the Mental Health Act 2001 was announced in September 2011,¹²⁷ to look at the general operation of the Act since its commencement; the extent to which the recommendations of *A Vision for Change* could or should be underpinned by legislation; the provisions of the UN Convention on the Rights of People with Disabilities and the current economic environment.¹²⁸ A steering group was established and submissions sought from stakeholders and the public by October 2011.¹²⁹

118 This commitment aligns with another commitment in Programme for Government, within the Primary Care section which states that: "Ring-fenced funding will be provided to recruit additional psychologists and counsellors to community mental health teams, working closely with primary care teams to ensure early intervention, reduce the stigma associated with mental illness and detect and treat people who are at risk of suicide."

119 Department of Health (2006) *A Vision for Change*, Dublin: Stationery Office.

120 Health Service Executive (2011) *June 2011 Performance Report on the National Service Plan*, Dublin: Health Service Executive.

121 This is equal to 464.74 whole time staff equivalents.

122 CAMH teams should have 13 staff members in total, 11 of whom are clinical. They include one consultant psychiatrist, one doctor in training, two psychiatric nurses, two clinical psychologists, two social workers, one occupational therapist, one speech and language therapist, one childcare worker, and two administrative staff.

123 Current child and adolescent mental health services were originally designed for the 0-15 age group, and run by the former regional health boards. The HSE estimates that extending the service to 16 to 18-year-olds will double the cost of providing the service. From 2006, the practice of teams keeping on existing cases beyond their 16th birthday was extended, without the provision of additional resources at the time. Application of this practice varies countrywide.

124 Information received by the Children's Rights Alliance from the Health Service Executive, December 2011.

125 Department of Health (2011) *A Vision for Change – the Report of the Expert Group on Mental Health Policy, Fifth Annual Report on implementation 2010*.

126 The 'Capital Development Scheme', selling psychiatric hospitals and lands, was expected to deliver €50 million per annum. See RTE news 'The Government is set to lose out on tens of millions of euro it had hoped to secure from the sale of old psychiatric hospitals and lands', 15 September 2011.

127 The Mental Health Act 2001 brings Irish mental health law into line with the European Convention for the Protection of Human Rights and Fundamental Freedoms. The Government made a commitment to "review the Mental Health Act 2001 in consultation with service users, carers and other stakeholders, informed by human rights standards, and introduce a Mental Capacity Bill that is in line with the UN Convention on the Rights of Persons with Disabilities.

128 Text from advertisement placed in national media in relation to the consultation. Department of Health 'Minister of State Kathleen Lynch Seeks the Views of Service Users on the Review of the Mental Health Act 2001' [Press Release] 7 September 2011.

129 The Children's Rights Alliance made a joint submission with Amnesty International Ireland, under the banner of the Children's Mental Health Coalition.

The third *Child and Adolescent Mental Health Services Annual Report* was published in November 2011.¹³⁰ This publication continues to be a welcome example of accountability and transparency, and a vital resource for tracking relevant data annually and highlighting trends in children's mental health.

The HSE, in consultation with the Irish Youth Justice Service, are developing a national specialist multidisciplinary team for children in special care and detention, as committed in the Ryan Report *Implementation Plan*.¹³¹ A Working Group was established in May 2010 and reported in October 2010. The recommended model comprises a national assessment and intervention service for children at risk; on-site therapeutic services for high support and special care units and for the children detention schools; and a forensic child and adolescent mental health service for children and young people with significant mental health needs requiring more specialist input. The necessary funding was provided in the HSE's *National Service Plan 2011* and it was planned to recruit 29.5 whole time equivalents post in 2011. The recruitment process commenced but was put on hold in Summer 2011 due to budgetary issues. All of the 29.5 promised posts were cleared for appointment by the HSE in 2011, but will not be officially appointed until early 2012.¹³²

What's happening?

Some reduction in the number of children admitted to adult psychiatric units, but figures have not reduced nearly enough for the Mental Health Commission deadline to be met. New units in Dublin will not open until 2012.

Just 39 of the promised 108 in-patient hospital beds for children and adolescents with mental health difficulties were available by the end of 2011.¹³³ This inadequate provision meant that children were still placed in adult in-patient units in 2011. The Mental Health Commission's *Code of Practice* states that the placement of children in inappropriate settings will be phased out between July 2009 and the end of 2011,¹³⁴ except in 'exceptional circumstances',¹³⁵ because of the risks these placements pose for children. It should be noted that the Code of Practice is not legally binding.¹³⁶

Between January and September 2011, there were a total of 304 admissions of children and adolescents to approved centres, 199 (65%) of these admissions were to child and adolescent units and 105 (35%) to adult units.¹³⁷ Of the admissions to adult units 68% were 17 years of age, 28% were 16 years of age, 4% were 15 years of age and the remaining 1% were 13 years of age.¹³⁸ The highest proportion of admissions to adult units was in the HSE West region.¹³⁹

COMMITMENT	PROGRESS
The <i>Programme for Government</i> commits to 'endeavour to end the practice of placing children and adolescents in adult psychiatric wards'.	Unsatisfactory

A Vision for Change recommended four inpatient child and adolescent mental health units be provided nationally: in Cork, Galway and two in Dublin. Units in Galway and Cork were delivered in 2010.¹⁴⁰ Two additional units are expected to open in Dublin in 2012.¹⁴¹

130 Health Service Executive (2011) *Third Annual Child and Adolescent Mental Health Service Report 2010-2011*, Dublin: Health Service Executive.

131 Office of the Minister for Children and Youth Affairs (2009) *Report of the Commission to Enquire into Child Abuse, 2009: Implementation Plan*.

132 Information received by the Children's Rights Alliance from the Health Service Executive, December 2011.

133 Department of Health (2011) *A Vision for Change – the Report of the Expert Group on Mental Health Policy, Fifth Annual Report on implementation 2010*, p. 32. There are an additional 26 beds available in the Independent Hospital Sector 12 at St John of God's (Dublin) and 14 at St Patrick's University Hospital (Dublin).

134 The Mental Health Commission pledges that no child under 16 years is to be admitted to an adult unit from July 2009. This pledge would apply to children under 17 in December 2010 and to under-18s by the end of 2011. Accompanying guidance notes provided to psychiatric facilities state that if the admission of a child to an adult unit takes place in contravention of its code of practice, the centre must submit a detailed report to the Commission outlining why the admission took place.

135 It is expected that children and adolescents who live a considerable distance from the approved centres for children will fall under the 'exceptional circumstances' category and will continue to be treated in local approved centres for adults in order to remain close to family support.

136 Only six out of 36 approved centres that admit children were found by the Inspector of Mental Health Services to be fully compliant with the code in 2009: this illustrates the need for stronger provisions in law in this area.

137 Health Service Executive (2011) *Third Annual Child and Adolescent Mental Health Service Report 2010-2011*, Dublin: Health Service Executive. [LOCAL FOCUS: The Clare Champion, 'Teens admitted to acute adult psych wards', 30 December 2010.](#)

138 Health Service Executive (2011) *Third Annual Child and Adolescent Mental Health Service Report 2010-2011*, Dublin: Health Service Executive.

139 *Ibid.*

140 Merlin Park in Galway and Eist Linn in Cork were opened in December 2010, each with 20-bed capacity. A private adolescent in-patient unit, Willow Grove, also opened at St. Patrick's University hospital in 2010: this unit did not receive State funding. It caters primarily for children aged 14-18 years and its multidisciplinary team will work with 150 children each year.

141 One new 12 bed adolescent unit at St. Joseph's Adolescent Unit, St. Vincent's Hospital, Fairview, Dublin North East; an interim 8 bed unit at St. Loman's Hospital, Palmerstown in Dublin mid-Leinster; and following that, a new 24 bed unit in Cherry Orchard, Dublin (currently at design stage).

Comment

Mental health is awarded a 'C+' grade this year, a small increase on last year's 'C'. This is to reflect continued investment in child and adolescent mental health teams and the speedy commencement of a review of Mental Health Act 2001, along with the on-going transparency brought about by the *Child and Adolescent Mental Health Services Annual Report*, first called for in *Report Card 2009*. To improve further, all child and adolescent mental health services must extend their services to cover 16 and 17 year old children.

Children's Rights and Mental Health: In Ireland, law and practice in relation to child and adolescent mental health is not based on the principles of the UN Convention on the Rights of the Child. The Mental Health Act 2001 does not refer to children and is silent on the rights of children and adolescents to be informed about and participate in discussions and decisions about their mental health treatment. The review of the Act, announced in September 2011, is welcome. In its submission to the Review, the Children's Mental Health Coalition highlighted the need for separate provisions in the Act relating to children and recommended that the Act be amended to specifically provide that no child under 18 years be admitted to an adult inpatient unit, save in exceptional circumstances where it would be in his or her best interests to do so.¹⁴² A 2011 Law Reform Commission report noted with concern that "children are being made to fit within the parameters of a law that was drafted with adults in mind."¹⁴³ In practice, this means that children aged 16 and 17 years cannot consent to mental health treatment, despite being deemed capable of consenting to procedures associated with their physical health.¹⁴⁴ On admission to hospital for mental health treatment children are categorised as either 'voluntary' or 'involuntary' patients. The term 'voluntary' is a misnomer, as by law those under 18 years cannot consent to enter – or to leave – hospital and it is their parent or guardian that have the legal entitlement to provide consent on behalf of their child. In addition, 'voluntary' patients do not have the same level of automatic protections and safeguards as those afforded to 'involuntary' patients.¹⁴⁵

A parallel difficulty for this age group is that two thirds of CAMHS teams do not 'agree' to treat 16 and 17 year olds,¹⁴⁶ leaving a dangerous gap in services for vulnerable adolescents seeking support. This situation needs to be addressed as a matter of urgency.

Just 39 of the promised 108 in-patient hospital beds for children and adolescents with mental health difficulties were available by the end of 2011. This inadequate provision meant that children were still placed in adult in-patient units in 2011.

In-patient care: As noted above, the Mental Health Commission committed to ending, by the end of 2011, the placement of children in inappropriate settings, including adult psychiatric units. Placing children in such units poses a child protection risk and is a violation of human rights (a consequence of the shortage of age-appropriate mental health facilities). However, the deadlines set could not be met without significant shifts in the operation of child and adolescent inpatient units, particularly around emergency and short-term admissions, and considerable development of child and adolescent community mental health teams, to allow for a more flexible response to individual children's needs.¹⁴⁷ Distance creates a further issue: for children who live far away from a child and adolescent unit, a package of supports, provided by a combination of child and adolescent and adult mental health services working together, may be more appropriate than a placement far from home.¹⁴⁸

142 The Alliance is a co-founder with Amnesty International Ireland of the Children's Mental Health Coalition and was Chair from December 2009 until December 2011. See Children's Mental Health Coalition (2011) *Submission to the Department of Health on the Review of the Mental Health Act 2001*.

143 Law Reform Commission (2011) *Children and the Law: Medical Treatment*, Dublin: Law Reform Commission.

144 Section 23 of the Non-Fatal Offences Against the Person Act 1997 provides that, in the context of criminal law, consent to medical treatment by a 16 and 17 year old has the same status as if he or she was an 18 year old. The Mental Health Act 2001 makes no reference to children.

145 The safeguards in place for children admitted as involuntary patients are in need of significant reform but at least the presence of such safeguards, regardless of their adequacy, serves to recognise that the rights of children and young people admitted in such circumstances must be protected.

146 Information received by the Children's Rights Alliance from the Health Service Executive, December 2011.

147 Dr. S. E. Bonnar (2010) *Report for the Mental Health Commission on Admission of Young people to Adult Mental Health Wards in the Republic of Ireland*, Dublin: Mental Health Commission.

148 *Ibid.*

IMMEDIATE ACTIONS FOR 2012

> **Provide sufficient funding in Budget 2013 to increase the number of Child and Adolescent Community Mental Health (CAMH) Teams**

There are an additional 38 CAMHs teams required to meet the target of 99 stated in *A Vision for Change*. Budget 2012 was not clear what proportion of the €35 million allocated to mental health will be dedicated to child and adolescent services. This should be stated in the annual Budget or HSE Service Plan and accounted for in the annual *Child and Adolescent Mental Health Services Report*.

> **Complete recruitment of a specialist therapeutic team for children in special care and detention**

The mental health needs of children in special care and detention are well documented.¹⁴⁹ Fulfillment of this commitment will make a tangible difference to the lives of some of Ireland's most vulnerable children and must be prioritised. It is also essential to ensure that detention in either a Special Care Unit or a Children Detention School is truly a therapeutic rather than merely a containment placement.

> **Publish the Review of the Mental Health Act 2001 and draft a Bill to amend the Act**

The Mental Health Act 2001 must be amended to take account of children in mental health treatment settings in line with the principles and provisions of the UN Convention on the Rights of the Child.¹⁵⁰



149 Dr. J.M Hayes and Dr. G. O'Reilly (2007) *Emotional Intelligence, Mental Health and Juvenile Delinquency*, Cork: Juvenile Health Matters.

150 The updated Act should provide a guarantee that an assessment of the child's best interests (Article 3) is informed by the views of the child; the child's evolving capacities (Article 5) are respected as a legislative principle; and the child has access to information and participates in decision making in relation to their mental health (Article 12).

2.3 ALCOHOL AND DRUGS

COMMITMENT	PROGRESS
The <i>Programme for Government</i> commits to ensuring that every Government department, agency or task force responsible for implementing elements of the <i>National Addiction Strategy</i> will be required to account to the Minister for their budget annually and to demonstrate progress on achieving targets.	Unsatisfactory

What's happening?

Still awaiting the promised National Addiction Strategy. No measures to curb access to cheap alcohol in Budget 2012.

The National Addiction Strategy will address alcohol and drug use in a single strategy for the first time. The drugs section of this Strategy, an *Interim National Drugs Strategy 2009-2016*, was published in 2009. It builds on the previous *National Drugs Strategy 2001-2008* and is organised under five pillars: supply reduction, prevention, treatment, rehabilitation, and research. In 2009, a Steering Group was established to develop proposals on alcohol to be included in the National Addiction Strategy.¹⁵¹ The Group's terms of reference include undertaking a review of evidence and best practice, identifying effective policies and actions to tackle alcohol-related harm; and deciding on appropriate structures and frameworks for implementation of the Strategy.¹⁵² The Group was to submit its report to the Minister for Health by October 2010. Its deadline was then extended to the end of September 2011. In November 2011 the report was "nearing completion".¹⁵³ Following submission of the report, the Minister was expected to bring a series of proposals to Government for consideration, which would then form the basis of the new Strategy.¹⁵⁴ Whether the report is published is subject to Government approval: no report was published in 2011. On taking office in March 2011, the Government abolished

the Office of the Minister for Drugs. Responsibility for implementation of the forthcoming Addiction Strategy now rests with the Junior Minister for Primary Care at the Department of Health. The National Advisory Committee on Drugs, the Drugs Advisory Group and the Oversight Forum on Drugs and the Local Drugs Taskforces provide additional institutional support to drive implementation and cross agency working. At Cabinet level, drug and alcohol issues will be the responsibility of the Minister for Health.

Budget 2012 did not increase excise duty on alcohol, however it did announce a commitment to introduce legislation in 2012 to address the low cost of alcohol in supermarkets and off-licences. In December 2011, the Minister for Children and Youth Affairs announced a once-off provision of €200,000 for Youth Cafés. The funding will be channeled to 18 youth projects and will be used to upgrade existing premises and/or purchase additional equipment to provide a safe, alcohol and drug-free meeting space for young people.

Comment

The broader focus in this area to include drugs as well as alcohol this year reflects the Government's commitment to address both issues together in a National Addiction Strategy. This sub-section gets a '**D**' grade, an improvement on last year's 'F' in alcohol, but still a dangerously low grade reflecting the failure to publish the National Addiction Strategy and the lack of budgetary measures to curb access to cheap alcohol.

A National Addiction Strategy is long overdue. Since 1990, eight official committees on alcohol have produced 13 reports.¹⁵⁵ Despite the hundreds of recommendations contained in these reports (the two Reports of the Strategic Taskforce on Alcohol – 2002 and 2004 – made 100 alone), and the UN Committee on the Rights of the Child 2006 recommendations,¹⁵⁶ positive policy change has been minimal.¹⁵⁷

151 It was then referred to as the 'National Substance Misuse Strategy'. The Steering Group is made up of representatives from the Departments of Sport, Tourism and Culture, Environment, Heritage and Local Government, Justice and Equality and Education and Skills along with a representative from the former Department for Community, Equality & Gaeltacht Affairs.

152 See Department of Health (2009) *Steering Group to develop proposals for a National Substance Misuse Strategy* http://www.dohc.ie/consultations/closed/substance_misuse_strategy/terms.pdf?direct=1 [accessed 22 December 2011]

153 Information received by the Children's Rights Alliance from the Department of Health, October 2011.

154 John Perry, TD (on behalf of James Reilly, TD, Minister for Health), Dáil Debate, 14 July 2011, <http://debates.oireachtas.ie/dail/2011/07/14/unrevised1.pdf>, p. 831 [accessed 9 January 2012].

155 Dr. Ann Hope, 'Protecting Children', Presentation at the Children's Rights Alliance AGM, 13 May 2008.

156 United Nations Committee on the Rights of the Child (2006) *Concluding Observations: Ireland*, (CRC/C/IRL/CO/2, paragraph 51).

157 *Ibid.*

Alcohol-related harm: There has been a dramatic increase in alcohol-related harm in Ireland since the 1990s linked to a range of health and social problems, including accidents, injuries, chronic illness, premature death, public safety and violence – affecting the drinker, their family and wider society.¹⁵⁸ Cheap alcohol in Ireland is fuelling a health and crime crisis costing an estimated €3.7 billion a year in health, crime/public order and ancillary costs.¹⁵⁹ Family breakdown, neglect, abuse, financial struggle and stress are just some of the effects that alcohol can have on children's lives.¹⁶⁰ In 2010, between 61,000 and 104,000 children aged under 15 years in Ireland were estimated to be living with parents who misuse alcohol.¹⁶¹ Parental alcohol problems are a key child protection and welfare concern: one in 11 children are impacted negatively by parental alcohol problems and one in every six cases of child abuse is attributed to alcohol.¹⁶² The 2011 *Child Protection and Welfare Practice Handbook* includes a focus on neglect and harm caused to children where parents have alcohol and drug addiction.¹⁶³ In addition, children are affected by parental smoking in cars, this practice should be banned to protect children from passive smoking.

Early substance use is a precursor to more serious forms of use.¹⁶⁴ Teenagers in Ireland are ranked the third highest binge drinkers in the EU,¹⁶⁵ by age 16 years over half (54%) report being drunk at least once.¹⁶⁶ The high level of alcohol consumption has been accompanied by a parallel

increase in the incidence of alcohol-related crime among juveniles;¹⁶⁷ research by the Irish Youth Justice Service found that half of juvenile crime was incidental, opportunistic and drink or drug related.¹⁶⁸

Drugs: The European School Survey Project on Alcohol and Other Drugs (ESPAD) tracks substance use among 15-16 year old school-going students at four-year intervals.¹⁶⁹ The 2007 survey found that the proportion of 15-16 year old school children who reported ever using an illicit drug decreased by 18% (from 40% in 2003 to 22% in 2007) driven mainly by an decrease in the use of cannabis.¹⁷⁰ While cannabis use among adolescents in Ireland is average among ESPAD countries, use of inhalants – by 15% of the surveyed population – is more prevalent than in many other ESPAD countries.¹⁷¹ ESPAD is limited by its school-based focus: there is a strong correlation between early school leaving and early alcohol and drug use.¹⁷² Research from 2010 by the National Advisory Council on Drugs (NACD) identified this reciprocal relationship, finding that 57% of early school leavers surveyed had used cannabis, compared with 24% of school attendees; and 41% of early school leavers have taken other drugs (such as psychedelics, cocaine or heroin) compared to 11% of school goers.¹⁷³ The study found that a positive school experience (including good relationships with teachers) and parental involvement and concern can protect adolescents against the risk of drinking alcohol and using drugs.

158 Department of Community, Rural and Gaeltacht Affairs (2009) *National Drugs Strategy (interim) 2009-2016*, Dublin: Department of Community, Rural and Gaeltacht Affairs, p. 15.

159 Alcohol Action Ireland (2011) *Pre-Budget Submission 2012: Alcohol in Ireland – Finding the Right Measure*, Dublin: Alcohol Action Ireland.

160 For a detailed analysis of this issue, see The Children's Society (2010) *Swept Under the Carpet: Children Affected by Parental Alcohol Misuse* London: Alcohol Concern.

LOCAL FOCUS: *The Leitrim Observer*, 'Drink report reveals child neglect', 10 November 2011.

161 Jennifer Hough, *The Irish Examiner*, 'Up to 104,000 children living with parents with alcohol problems', 29 October 2010.

162 Alcohol Action Ireland, 'One in 11 children impacted negatively by parental alcohol problems – one in every six cases of child abuse attributed to alcohol: new government has opportunity to make the difference' [Press Release] 14 February 2011.

163 Health Service Executive (2011) *Child Protection and Welfare Practice Handbook*, Dublin: Health Service Executive.

164 T. Haase and J. Pratsche (2010) *Risk and Protection Factors for Substance Abuse Among Young People: A Comparative Study of Early School-Leavers and School-Attending Students*, Dublin: National Advisory Council on Drugs.

165 The European School Survey Project on Alcohol and Other Drugs (ESPAD) *The ESPAD Report 2003 on Alcohol and Drug Use among Students in 35 Countries*, Sweden: Swedish Council for Alcohol and Other Drugs (CAN). Data was not available in response to this question in the 2007 ESPAD survey. However Ireland was ranked fifth of the 36 ESPAD countries in the number of teenagers who reported having been drunk during the last 30 days (*ESPAD Report 2007 on Alcohol and Drug Use among Students in 35 Countries*, p.75). United Nations Committee on the Rights of the Child (2006) *Concluding Observations: Ireland* (CRC/C/IRL/CO/2 paragraph 48).

166 The European School Survey Project on Alcohol and Other Drugs (ESPAD) *The ESPAD Report 2003 on Alcohol and Drug Use among Students in 35 Countries*, Sweden: Swedish Council for Alcohol and Other Drugs (CAN).

167 Department of Community, Rural and Gaeltacht Affairs (2009) *National Drugs Strategy (interim) 2009-2016*, Dublin: Department of Community, Rural and Gaeltacht Affairs, p. 15.

168 Irish Youth Justice Service (2010) *Designing Effective Local Responses to Youth Crime*, Dublin: Department of Justice, Equality and Law Reform.

169 The last ESPAD survey was published in 2007, and data collected in 2010 will be published in early 2012.

170 The European School Survey Project on Alcohol and Other Drugs (ESPAD) *The ESPAD Report 2007 on Alcohol and Drug Use among Students in 35 Countries*, Sweden: Swedish Council for Alcohol and Other Drugs (CAN). As the majority of those who have tried any illicit drug have used cannabis (marijuana or hashish), the decrease in illicit drug use was influenced by the considerable decrease in the percentage of students who had tried cannabis at some point in their lives, from 39% in 2003 to 20% in 2007 (European average 19%).

171 *Ibid.*

172 T. Haase and J. Pratsche (2010) *Risk and Protection Factors for Substance Abuse Among Young People: A Comparative Study of Early School-Leavers and School-Attending Students*, Dublin: National Advisory Council on Drugs, p.12.

173 *Ibid.*

Solutions: Education plays a role as a preventive tool in addressing substance misuse; this is taught in schools through the Social Personal and Health Education (SPHE) programme. Though the SPHE curriculum is in line with international best practice, its effectiveness in preventing or delaying the use of substances was questioned during the review of the *National Drugs Strategy 2001-2008*.¹⁷⁴ SPHE has never been subject to a comprehensive evaluation, thus its effectiveness and impact in addressing alcohol and drug use among teenagers is unknown. Many of those most at risk of substance misuse are not regular school attendees. For these children, appropriate services and supports are vital. Alcohol and drug free spaces for young people to socialise locally can be another part of the solution by providing structured programmes of supports – from preventive measures and brief interventions to referral to other services as appropriate.¹⁷⁵ Counselling and family therapies are further important components in treating under-18s who misuse substances.

In 2010, between 61,000 and 104,000 children aged under 15 years in Ireland were estimated to be living with parents who misuse alcohol.

For alcohol, advertising and marketing plays a significant role in adolescents' decision to drink and how they drink.¹⁷⁶ Alcohol advertising is governed by a voluntary code,¹⁷⁷ this is insufficient as voluntary systems do not prevent the kind of marketing which has an impact on children and younger people.¹⁷⁸ The Steering Group on the National Addiction Strategy is reviewing alcohol advertising and sponsorship and is expected to make recommendations on this in its report to Government.

IMMEDIATE ACTIONS FOR 2012

> **Publish a National Addiction Strategy that focuses on the impact of alcohol on children**

The new Strategy must outline a package of policy measures to address societal attitudes to alcohol; reduce children's access to alcohol and drugs; curb the widespread availability of cheap alcohol;¹⁷⁹ restrict the promotion of alcohol; raise awareness of the potential harmful effects of alcohol and drugs and develop youth appropriate addiction treatment services.¹⁸⁰ It must also address harmful parental drinking and its impact on children. The Strategy must be accompanied by a clear plan, with targets, timeframes and accountability structures.

> **Introduce a legislative ban to protect children from exposure to alcohol marketing**

It is well known that alcohol advertising and marketing shape children's attitudes to alcohol from a very early age.¹⁸¹ The current voluntary advertising code is not effective and fails to protect children from the harmful effects of alcohol exposure. If driven by the Minister for Health the introduction of a ban could be done quickly and with significant effect.

174 School-based education programmes, were considered to be very uneven in their delivery and, therefore, in their overall impact. Department of Community, Rural and Gaeltacht Affairs (2009) *National Drugs Strategy (interim) 2009-2016*, Dublin: Department of Community, Rural and Gaeltacht Affairs, p. 30.

175 Youth Cafés are only effective in this regard if they provide tailored services; simply being there and being open late is not, on its own, sufficient to address adolescent substance misuse.

176 Dr. A. Hope (2009) *Get 'em Young: Mapping Young People's Exposure to Alcohol Marketing in Ireland*, Dublin: National Youth Council of Ireland.

177 The text of the voluntary code mirrors exactly that produced by the industry, including grammatical errors, see Fintan O'Toole, 'Caving in to the drinks industry', *The Irish Times*, 20 December 2005.

LOCAL FOCUS: *The Mayo News*, 'Call for alcohol advertising ban', 8 November 2011.

178 World Health Organisation (WHO) (2007) *Expert Committee on problems related to Alcohol Consumption*, 2nd Report, Geneva: WHO.

179 The price of alcohol in off-licences has fallen dramatically in recent years, it now costs more than 50% less to drink at home than it did in 1996. Conor Pope, 'Is alcohol too cheap?' *The Irish Times*, 18 October 2010.

180 Department for Health and Children (2004) *Strategic Taskforce on Alcohol: Second Report*, Dublin: Stationery Office, pp. 23-4.

181 Dr. A. Hope (2009) *Get 'em Young: Mapping Young People's Exposure to Alcohol Marketing in Ireland*, Dublin: National Youth Council of Ireland.

2.4 CHILDREN'S HOSPITAL

COMMITMENT	PROGRESS
The <i>Programme for Government</i> commits that the National Children's Hospital will be built.	On track.

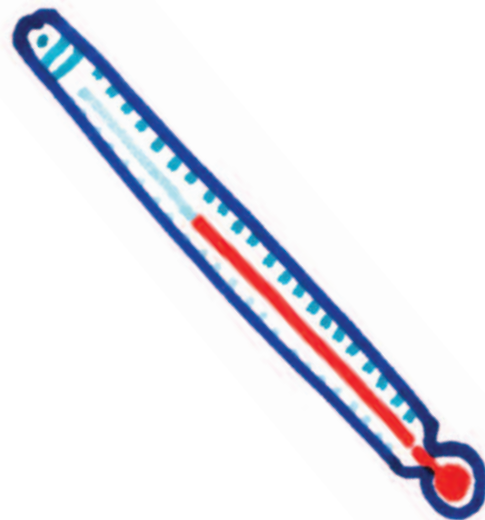
The new Children's Hospital provides an opportunity to address the anomaly in children's hospital services, and bring them in line with the national and international definitions of childhood, by providing services for all children up to 18 years.

What's happening?

Funding for the National Children's Hospital committed to in the 2011 Capital Development Plan.

The new Children's Hospital is intended to be the core component of an integrated healthcare system, by amalgamating acute paediatric services in Dublin into a single hospital, located alongside a leading adult teaching hospital. An independent review of the project to build the National Children's Hospital on the Mater Hospital site, Dublin, was commissioned by the Minister for Health in May 2011. The review's findings, published in July 2011, found in favour of the Mater site, stating that the cost of developing the hospital there is similar to the costs that would be incurred if the project was developed on any of the alternative sites. The Review supported immediate implementation of plans to develop the Mater site.¹⁸²

The Government's Capital Development Plan pledges funding (though it does not state how much) for the development of the new National Children's Hospital.¹⁸³ The cost of this large-scale project will be generated from a large upfront payment arising from the new National Lottery licence, complemented by Exchequer funding. This approach is considered desirable by Government as it will reduce fiscal pressures elsewhere, given current budgetary constraints, and will maintain the integrity and ethos of the National Lottery by ensuring ongoing support for good causes.¹⁸⁴ The Minister for Health has not yet provided costings for the project, stating that it would be unwise to do so before tenders are submitted.¹⁸⁵



¹⁸² Department of Health (2011) *National Paediatric Hospital Independent Review*, Dublin: Department of Health.

¹⁸³ Department of Public Expenditure and Reform (2011) *Infrastructure and Capital Development 2012-2016: Medium Term Exchequer Framework*, Dublin: Stationery Office.

¹⁸⁴ *Ibid.*

¹⁸⁵ Eilish O'Regan and Siobhan Creaton, 'Children's Hospital to open in 2016', *The Irish Independent*, 1 November 2011.

Comment

This is a new commitment in *Report Card 2012*. The Children's Hospital gets a **'B'** grade, to reflect the welcome commitment of funding in the Government's Capital Development Plan.

It is widely accepted that the two main children's hospitals in Ireland (Our Lady's Hospital for Sick Children in Crumlin, Dublin and the Children's University Hospital, Temple Street, Dublin) provide excellent care, but many of their facilities fall well below today's standards for the care of children and their families, and they are in poor structural condition.¹⁸⁶ A new, single national children's hospital was recommended in a 2006 report,¹⁸⁷ since then its location has been subject to ongoing debate and review. Following an independent review, in-patient acute paediatric care will be consolidated in a single National Children's Hospital, located on the Mater Hospital site, in Dublin's north inner-city.¹⁸⁸ In addition, an Ambulatory and Urgent Care Centre will be established at Tallaght Hospital, to provide out-patient, day-care and emergency care services.

The UN Convention on the Rights of the Child must underpin all work undertaken in the field of children's health. This is not limited to the specifics of the "highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health" (Article 24), but also touches upon all aspects of a child's life in the hospital setting, including the voice of the child (Article 12), the best interests of the child (Article 3), the child's right not to be separated from his parents (Article 9), the child's right to rest, leisure, play and recreational activities (Article 31) and the right to education (Article 28).¹⁸⁹ Crucially, Article 1 of the UN Convention states that "a child means every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier."

Age issues: The National Children's Hospital should provide facilities and treatment for all children up to 18 years, consistent with the definition of a child in the *National Children's Strategy*, and with the provisions in legislation affecting children such as the Child Care Act, 1991 and the Children Act, 2001. The age of 18 years should be the

minimum cut-off point in the new hospital.¹⁹⁰ Currently, the three children's hospitals in Dublin have a formal cut-off age of 16 years, with some flexibility for children that are already within the system and deemed not ready to transfer to adult services. The new children's hospital provides an opportunity to address the anomaly in children's hospital services, and bring them in line with the national and international definitions of childhood, by providing services for all children up to 18 years. Doing so would go some way towards addressing the well documented gap in adolescent health services in the existing children's hospitals.¹⁹¹

The UN Convention on the Rights of the Child must underpin all work undertaken in the field of children's health.

Hospital design and experience: The design of the new children's hospital must have the best interests of the child as its underpinning principle. All aspects of the hospital – from the basic design, to medical procedures and day-to-day practice and running of the hospital – must centre upon the needs of the child, and must ensure that, for a child, their environment will never trigger distress or fear; instead, it should facilitate calm and homeliness, and be accessible and navigable for all children. It should build upon the findings of consultations with parents and children undertaken to date.¹⁹² The hospital should facilitate parents and children to stay together, especially when children are very ill. It is important too that hospital services and design are sympathetic to the changing needs of children as they grow older; for example, teenagers' desire for privacy should be recognised and respected. "Play is a natural part of childhood and a vital factor in the mental, social and emotional growth of children."¹⁹³ Play is also how children learn, how they develop relationships, how they understand risks and how they relax, and, as such, it must be a core part of the hospital experience with high-quality, appropriately staffed play facilities, designed in partnership with children and qualified play staff, as a key part of the hospital's workforce.

186 Department of Public Expenditure and Reform (2011) *Infrastructure and Capital Development 2012-2016: Medium Term Exchequer Framework*, Dublin: Stationery Office.

LOCAL FOCUS: *Herald.ie*, 'One thing is for sure: we need that hospital SOON', 8 March 2011.

187 McKinsey and Company (2006) *Children's Health First*, see www.newchildrenshospital.ie [accessed 13 December 2011].

188 The new hospital will bring together services from Our Lady's Hospital for Sick Children in Crumlin, Dublin, the Children's University Hospital, Temple Street, Dublin and Tallaght Children's Hospital.

189 See the United Nations Convention on the Rights of the Child (1989) for the full text of these articles.

190 Beyond this, some flexibility is required in the case of certain young people over 18 years, for example those with intellectual disabilities.

191 Council for Children's Hospital Care (2005) *Background Information on Cut-off age for admission to the Children's Hospital*.

192 Consultations were undertaken in 2009 in relation to the design and experience of the new National Children's Hospital. For further details see http://www.newchildrenshospital.ie/index.cfm/page/_for_parents [accessed 6 January 2012].

193 National Health Service Estates (2003) *Improving the Patient Experience: Friendly Healthcare Environments for Children and Young People*, United Kingdom: The Stationery Office, p. 37.

IMMEDIATE ACTION FOR 2012

> **Begin the process of building the new National Children's Hospital**

The Mater hospital site in Dublin has now been confirmed as the location for the National Children's Hospital. Plans must move to action during this year, with the construction work beginning in 2013, for delivery by 2016. The hospital's design and ethos must meet the needs of children and families, as outlined by them in consultations to date.



D

Material Wellbeing

LOCAL EYE



FAMILY FINANCES IN CRISIS, THE CLARE CHAMPION AND LEINSTER LEADER

In 2011, children were going to school worried about their family's financial situation. Sean McMahon, a central executive committee member of the Irish National Teachers' Organisation in Clare, is reported to have said: "Our members are at the cutting edge in relation to seeing the pressure and stresses on families. Schools are seeing children who are worried because of conversations at home revolving around money and unemployment and fear."

Meanwhile, calls increased by 50% to the regional St. Vincent De Paul office in Naas, which serves the people of Kildare, Laois and Carlow. Michael O'Connor, Regional President of the SVP South Midlands Region, told the *Leinster Leader* that: "Utility bills are high and disconnections are happening regularly. If the household gets disconnected there is the terrible inconvenience of a family with no electricity and there is also an added cost for reconnection." Mr O'Connor continued: "Back to school is a very stressful time for families. Parents will do without themselves to ensure that their children have the uniform and books for September 1. We are assisting many families in this regard."

Nicola Corless, 'Children worried about family finances', *The Clare Champion*, 9 December 2011; *Leinster Leader*, 'Calls to SVP up by 50 per cent', 2 September 2011

Overview

Material wellbeing gets a 'D' grade this year. This section has changed significantly since last year, focusing on three commitments in the new *Programme for Government* that were not previously tracked, therefore a comparison with last year's 'E+' grade in this section is not relevant. This year, again, child poverty remains high: figures released in 2011 show that consistent poverty rates experienced by children are at almost 9%¹⁹⁴ and that poverty rates in families with more than three children increased from 6% to almost 10%.¹⁹⁵ Children remain the group most at risk of poverty in Ireland, with one in every six children – over 185,000 children – living in households where the family income is less than 60% of the national median income per adult.¹⁹⁶

Article 27 of the UN Convention on the Rights of the Child recognises the right of every child to a standard of living "adequate for the child's physical, mental, spiritual, moral and social development".¹⁹⁷ The UN Committee on the Rights of the Child, in its 2006 *Concluding Observations* recognised that the pace of economic development taking place in Ireland at the time had contributed to a reduction in poverty, but noted its concern that a number of children in vulnerable situations continued to live in households on significantly low incomes.¹⁹⁸ In January 2011, the UN Special Rapporteur on extreme poverty and human rights, Ms. Magdalena Sepúlveda Carmona, undertook a mission to Ireland. Her report noted that "recent budgetary adjustments will pose an additional threat to the already precarious situation of children in Ireland" and that cuts will have a disproportionate impact on children living in households that rely on social welfare payments.¹⁹⁹ Like the UN Committee in 2006, she was clear that combating child poverty requires a set of comprehensive measures, including adequate income support and investments in public services such as education and health. She reminded the Irish Government of its obligation to comply with its UN commitments, even during times of economic hardship.²⁰⁰

The choices made in Budget 2012 hit families hard: Child Benefit was cut for larger families; entitlements for lone-parent families' were sharply reduced, with no consideration for these families particular vulnerability to poverty; and the cut to the Back to School Clothing and Footwear Allowance and increase in the cost of school transport added further stress to families with children at school. These cuts to vital supports will push more children and families into poverty: 2010 UNICEF research found that without government intervention in the form of social transfers and taxes, child poverty rates in Ireland would triple.²⁰¹

Evidence from *Growing Up In Ireland: the National Longitudinal Study on Children* illustrates the impact of the recession on families; 2011 findings show that 61% of families of three-year-olds reported experiencing difficulties in making 'ends meet' and almost two thirds (63%) reported that the recession had had a *very significant* or *significant* effect on them.²⁰² Overall, families were worse off in 2011: consumer prices increased by 2.9% in the year, with certain costs associated with children increasing more steeply, including education by 8.9% and housing, water and electricity by 10.6%.²⁰³ Central Statistics Office (CSO) figures from 2010 show that 34% of households were in arrears on utilities, mortgages or other dues, a 15% increase on the previous year.²⁰⁴ Costs for families are set to rise further next year, as budgetary measures – including a 2% increase in VAT – take hold.

194 The consistent poverty measure identifies the proportion of people, from those with an income below 60% of median income, who are deprived of two or more goods or services considered essential for a basic standard of living.

195 Central Statistics Office (2011) *EU Survey on Income and Living Conditions: Preliminary Results 2010*, www.cso.ie.

196 This figure is equal to an annual income of €10,831 in 2010. Central Statistics Office (2011) *EU Survey on Income and Living Conditions: Preliminary Results 2010*, www.cso.ie.

197 United Nations (1989) *Convention on the Rights of the Child*.

198 United Nations Committee on the Rights of the Child (2006) *Concluding Observations: Ireland* (CRC/C/IRL/CO/2 paragraph 56).

199 United Nations General Assembly (2011) *Report of the Independent Expert on the Question of Human Rights and Extreme Poverty, Magdalena Sepúlveda Carmona: Mission to Ireland*.

LOCAL FOCUS: *The Leinster Leader*, 'Calls to SVP up by 50%', 2 September 2011.

200 United Nations General Assembly (2011) *Report of the Independent Expert on the Question of Human Rights and Extreme Poverty, Magdalena Sepúlveda Carmona: Mission to Ireland*.

201 UNICEF (2010) *The Children Left Behind: A league table of inequality in child well-being in the world's rich countries*, Florence: Innocenti Research Centre, p. 22.

202 The most frequently recorded effects were: a reduction in wages (63%); can't afford luxuries (54%), social welfare reduction (53%) and can't afford/cut back on basics (32%). *Growing Up in Ireland: National Longitudinal Study on Children* (2011) *The Infant Cohort at 3 Years*, Dublin: ESRI, Trinity Children's Research Centre and the Department of Children and Youth Affairs.

LOCAL FOCUS: *The Clare Champion*, 'Children worried about family finances', 9 December 2011.

203 Central Statistics Office (2011) *Consumer Price Index: November 2011*.

204 Central Statistics Office (2010) *EU Survey on Income and Living Conditions: 2009*, www.cso.ie.

3.1 CHILD POVERTY

COMMITMENT	PROGRESS
The <i>Programme for Government</i> states that the elimination of poverty is an objective of this Government and that it is committed to achieving the targets in the <i>National Action Plan for Social Inclusion</i> to reduce the number of people experiencing poverty.	Regressed.

What's happening?

Budget 2012 hit the poorest families hardest. Review of national poverty target completed but new target as yet unknown, expected early 2012.

Budget 2012 introduced a series of measures that will impact on children and families experiencing, or at risk of, poverty. The Child Benefit Payment was cut by €19 monthly for the third child and €27 monthly for the fourth and subsequent child. This cut comes on top of cuts to Child Benefit in Budgets 2010 and 2011.²⁰⁵ The Back to School Clothing and Footwear Allowance (BSCFA) was cut by €55 and €50 for a secondary and primary school child,

to €200 and €150 respectively; and the eligibility criteria for the One Parent Family Payment were tightened significantly, reducing the upper age limit for the youngest child from 14 years to 12 years in 2012 and to seven years by 2014, and reducing the earnings disregard associated with the payment from €146.50 to €130 per week in 2012, with plans to reduce it to €60 by 2016.²⁰⁶ Little information on transitional arrangements was provided on Budget day or immediately after.

In the *National Action Plan for Social Inclusion 2007-2016*, the Government commits to reduce the number of people experiencing consistent poverty to between 2% and 4% by 2012, with the aim of eliminating consistent poverty by 2016.²⁰⁷ A review of the national poverty target was announced in September 2011, focused on developing and adopting appropriate and achievable national poverty targets in line with national and EU commitments, specifically the *EU 2020 Strategy* and the new *Programme for Government*.²⁰⁸ The review included consultation with non-governmental organisations (NGOs) and people experiencing poverty, and was overseen by the Minister for Social Protection. It was completed in November 2011 and its findings are expected to be published in January 2012.²⁰⁹



205 Budget 2011 introduced a €10 cut for all children and a €20 cut for third child. Budget 2010 introduced a €16 cut with compensation for those on FIS and QCI. Budget 2009 restricted eligibility for the Child Benefit Payment to those over 18 years (regardless of their status as in full time education).

206 For full analysis of Budget 2012 and its impact on children see Children's Rights Alliance (2011) *Analysis of Budget 2012 and its Impact on Children* www.childrensrightrights.ie.

207 Office for Social Inclusion (2007) *National Action Plan for Social Inclusion 2007-2016*, Dublin: Stationery Office.

208 Department of Social Protection, 'Minister Burton launches public consultation on the Review of the National Poverty Target' [Press Release] 01 September 2011.

209 Information received by the Children's Rights Alliance from the Department of Social Protection, December 2011.

Comment

This is a new commitment in *Report Card 2012* and it gets an 'E' grade, the second lowest grade awarded this year, to reflect Government's punitive budgetary measures that are hitting the poorest children hardest.

Cuts to Child Benefit in Budgets 2010 and 2011 amounted to €26 for every child;²¹⁰ further cuts in Budgets 2011 and 2012 added an additional €39 cut for the third child and a €27 cut for the fourth child. This means that families with three or more children have a cut of more than €80 on their monthly child income support payments.²¹¹ The impact of cuts on this scale on families cannot be under-estimated, especially in the context of reduced employment and cuts to other income supports. Rates of child poverty are alarmingly high in Ireland, with over 19% of children at risk of poverty and almost 9% of children living in consistent poverty.²¹² Children in Ireland are more likely than adults to be persistently poor, to experience recurrent poverty, and to be exposed to sustained persistent poverty.²¹³

Most recent figures show an increase in the number of children experiencing deprivation, from 23% in 2009 to 30% in 2010; and an increase in consistent poverty in households with more than three children, from 6% in 2009 to nearly 10% in 2010.²¹⁴ Poverty fell between 2003 and 2008, mainly due to high employment levels and increases in welfare payments. Since 2008, unemployment has increased three-fold, welfare payments have fallen and further reductions in expenditure are forecast under the EU/IMF programme for Ireland. Children in certain situations are particularly vulnerable to poverty: almost half of all poor children live in lone parent families; these families make up 17% of all those at risk of poverty. Children living

in jobless households are also more likely to experience poverty, with these households making up 14% of those at risk of poverty.²¹⁵ Traveller children, immigrant children, children living in direct provision centres,²¹⁶ children leaving care, children with a disability and homeless children experience high levels of poverty, but large scale studies, such as the EU SILC, fail to capture these children's experiences.²¹⁷ Indeed, current measures of poverty are household-focused, rather than child-focused, and so by using indicators that primarily relate to adults they do not give a clear or full picture of children's lived experiences.²¹⁸ The use of a direct measure of child deprivation would provide a more complete understanding of child poverty.

A child poverty target: Children are the group most at risk of poverty, and, without earning capacity, they are the group most reliant on the State for support. The Alliance, as part of the End Child Poverty Coalition,²¹⁹ has called for a specific child poverty target; such a target – in addition and complementary to the national poverty target – would be a statement of political intent demonstrating Government commitment to addressing this issue. It would act as a means through which progress could be measured, as a tool to inform children's policy development, and would help drive progress towards achieving Ireland's contribution towards the *EU 2020 Strategy* target. Reaching the child poverty target will require an approach that spans a variety of policy areas, and a move away from an exclusive focus on income support, as has traditionally been the case. Given its focus on harmonising policy issues that affect children, the Department of Children and Youth Affairs should lead on delivering the target, supported by an Implementation Plan outlining the objectives, actions and agreed timelines for each Department responsible for elements of delivery.²²⁰

210 Families on social welfare or in receipt of the Family Income Supplement were compensated for the initial €16 cut in Budget 2010, however they were not compensated for further cuts in subsequent budgets.

211 LOCAL FOCUS: *The Anglo Celt*, 'Cavan mothers outraged at Child Benefit cut proposal', 23 November 2011.

212 Central Statistics Office (2011) *European Survey of Income and Living Conditions (EU SILC) Preliminary Results 2010*, Cork: CSO.

213 H. Frazer and M. Devlin (2011) *An Assessment of Ireland's Approach to Combating Poverty and Social Exclusion among Children from European and Local Perspectives*, Department of Applied Social Studies: National University of Ireland Maynooth.

214 Central Statistics Office (2011) *European Survey of Income and Living Conditions (EU SILC) Preliminary Results 2010*, Cork: CSO.

215 H. Frazer and M. Devlin (2011) *An Assessment of Ireland's Approach to Combating Poverty and Social Exclusion among Children from European and Local Perspectives*, Department of Applied Social Studies: National University of Ireland Maynooth.

216 Direct provision is a scheme whereby asylum seekers and people seeking other forms of protection are provided with accommodation on a full board basis with all their basic needs apparently provided for directly. Direct provision residents receive a weekly payment of €19.10 for an adult and €9.60 for a child.

217 H. Frazer and M. Devlin (2011) *An Assessment of Ireland's Approach to Combating Poverty and Social Exclusion among Children from European and Local Perspectives*, Department of Applied Social Studies: National University of Ireland Maynooth.

218 L. Swords et al (2011) *All you need is... Measuring children's perceptions and experiences of deprivation*, Dublin: Trinity Children's Research Centre (commissioned by Barnardos and the Society of St. Vincent de Paul).

219 The End Child Poverty Coalition is a partnership of eight national non-governmental organisations working together to end child poverty in Ireland. The organisations are: Barnardos, Children's Rights Alliance, Focus Ireland, National Youth Council of Ireland, OPEN, Pavee Point, Society of St. Vincent De Paul and Start Strong.

220 Children's Rights Alliance (2011) *Submission to the Department of Social Protection in relation to the Review of the National Poverty Target, November 2011*, www.childrensrights.ie.

Rates of child poverty are alarmingly high in Ireland, with over 19% of children at risk of poverty and almost 9% of children living in consistent poverty

Measuring poverty: There are two measures of poverty in Ireland: 'consistent' poverty and 'at-risk' of poverty. Consistent poverty describes the proportion of people with an income below 60% of median income, who are deprived of two or more goods or services considered essential for a basic standard of living.²²¹ The 'at risk of poverty' indicator identifies all those who fall below an income threshold of 60% of the national median income.²²² Poverty levels are tracked annually through the *European Survey of Income and Living Conditions* (EU SILC), and, since 1997, targets have been set by the previous three governments to reduce poverty. The 1997 *National Anti-Poverty Strategy* aimed to reduce the consistent poverty rate from 9% to 5% and the at-risk of poverty rate from 15% to 10%, in the period 1997-2007.²²³ *Building an Inclusive Society*, the 2002 review of the national anti-poverty strategy, aimed to reduce consistent poverty from 6.2% to 2%, and if possible to 0% between 2002 and 2007.²²⁴ The *National Action Plan for Social Inclusion 2007-2016* aimed to reduce consistent poverty from 7% to 0% by 2016, with an interim target of between 2% and 4% by 2012.²²⁵ Most recently, the *National Reform Programme* aims to reduce poverty by 186,000 people by 2020, in line with Ireland's obligations under the *EU 2020 Strategy*, which commits to lift at least 20 million people out of at-risk of poverty in the EU.²²⁶ None of these targets have been achieved.

IMMEDIATE ACTIONS FOR 2012

> Subject Budget 2013 to a comprehensive child poverty proofing

Measures taken in Budget 2012 were particularly damaging to children and families. This must not be repeated in 2013. Budget 2013 must be subject to a comprehensive child poverty-proofing in advance of publication, to ensure that children and families are protected from unnecessary cuts and associated distress.

> Introduce a specific child poverty target

The forthcoming review of the national poverty target should recommend a child poverty target. Consultation on the target is required, and, once agreed it should be named in both the *National Action Plan for Social Inclusion* and the forthcoming *National Children's Strategy*. Responsibility for meeting the target should rest with the Minister for Children and Youth Affairs and be driven by a Child Poverty Target Implementation Plan, outlining the objectives, actions and agreed timelines for each Department or Agency with responsibility for delivery.²²⁷

221 The consistent poverty measure was devised in 1987 using indicators of deprivation based on standards of living at that time. The Government in 2007 accepted the advice of the ESRI to revise the deprivation indicators to better reflect current living standards and, in particular, to focus to a greater degree on items reflecting social inclusion and participation in society. This resulted in two items being added to the deprivation index, which now comprises the following 11 items: two pairs of strong shoes; a warm waterproof overcoat; buy new not second-hand clothes; eat meals with meat, chicken, fish (or vegetarian equivalent) every second day; have a roast joint or its equivalent once a week; had to go without heating during the last year through lack of money; keep the home adequately warm; buy presents for family or friends at least once a year; replace any worn out furniture; have family or friends for a drink or meal once a month; have a morning, afternoon or evening out in the last fortnight, for entertainment.

222 Median income is the amount that divides the income distribution into two equal parts, half of people having incomes above the median and half having incomes below the median. For more information on poverty measurement see <http://www.socialinclusion.ie/poverty.html> [accessed 08 November 2011].

223 Department of Social, Community and Family Affairs (1997) *Sharing in Progress: the National Anti Poverty Strategy*, Dublin: Stationery Office.

224 Department of An Taoiseach (2002), *Building an Inclusive Society: Review of the National Anti Poverty Strategy under the Programme for Prosperity and Fairness*, Dublin: Stationery Office.

225 Office for Social Inclusion (2007) *National Action Plan for Social Inclusion 2007-2016*, Dublin: Stationery Office.

226 Department of An Taoiseach (2011) *National Reform Programme for Ireland under the EU 2020 Strategy*.

227 For further detail on the Alliance position on a child poverty target see Children's Rights Alliance (2011) *Submission to the Department of Social Protection in relation to the Review of the National Poverty Target*, November 2011, www.childrensrights.ie.

3.2 AREA BASED APPROACH TO TACKLING CHILD POVERTY

COMMITMENT	PROGRESS
<p>The <i>Programme for Government</i> acknowledges that a new approach is needed to break the cycle of child poverty where it is most deeply entrenched. It pledges to adopt a new area based approach to child poverty, which draws on best international practice and existing services to tackle every aspect of child poverty.</p> <p>Initially, this model will be rolled out to up to ten of Ireland's most disadvantaged communities, in cooperation with philanthropic partners to co-fund and manage the project.</p>	<p>Very little.</p>

Three area-based prevention and early intervention projects currently operate in Dublin on a five-year pilot basis: the Childhood Development Initiative in Tallaght; Preparing for Life in the Northside communities of Darndale, Belcamp and Moatview; and youngballymun in Ballymun. A fund of €36 million has been provided by the Department of Children and Youth Affairs and The Atlantic Philanthropies for these projects over five years. The pilot phase is due to conclude by 2013. Evaluation of the projects is on-going, and findings are expected by 2013. These findings are expected to contribute to plans for the area-based child poverty initiatives, along with learning from the free pre-school year, youth work and Family Resource Centres.²³⁰

What's happening?

Very little. Unclear where responsibility for this initiative lies, who will deliver it and what model will be applied.

The *Programme for Government* commits to a new area-based approach to child poverty, however it does not make clear what this approach will look like in practice, or which Government Department – Children and Youth Affairs or Social Protection – will lead on its implementation. Preliminary discussions have taken place at a bi-lateral level,²²⁸ but the selection criteria for the initial ten communities are as yet unknown, as are the philanthropic partners that will co-fund and manage the project. It is also unclear how this commitment will link to another similar commitment in the *Programme for Government*, which promises “a targeted early childhood education programme for disadvantaged children, building on existing targeted pre-school supports for families most in need of assistance, such as the youngballymun project.”²²⁹



228 Information received by the Children's Rights Alliance from the Department of Children and Youth Affairs, December 2011.

229 Government of Ireland (2011) *Programme for Government 2011*, Dublin: Stationery Office.

230 Information received by the Children's Rights Alliance from the Department of Children and Youth Affairs, December 2011.

Comment

This is a new commitment in *Report Card 2012*, and it gets a 'D' grade to reflect the lack of action in progressing this commitment, despite its excellent potential.

International evidence: Achieving the child poverty target (once it is set – see section 3.1) will require a move away from an exclusive focus on income support, as has traditionally been the case and towards an approach that spans a variety of policy areas. The 2010 UK Government *Child Poverty Review* found overwhelming evidence that children's life chances are most heavily predicated on their development in the first five years of life, and recommended a shift in Government policy and spending towards children's early years, specifically calling for investment in providing high quality, integrated services to support parents and improve the abilities of the poorest children during the period when it is most effective to do so.²³¹ Doing this, the review states, will enhance each child's educational and employment prospects, thus addressing the intergenerational cycle of poverty. This approach is in line with the 2005 NESF report, which proposed the establishment of Child and Family Centres in Ireland based on the UK Sure Start Children's Centres;²³² and *Doing Better for Families*, a 2011 OECD Report that recommends the development of integrated services for children and families, to embody 'the three Cs of efficient service delivery: cascading, co-operation and co-location'.²³³

Area-based projects: Area-based projects are one approach among a number of methods to address child poverty. The three existing area-based projects – in Tallaght, Ballymun and Northside Communities of Belcamp, Darndale and Moatview in Dublin²³⁴ – aim to "prevent children from succumbing to the risks associated with disadvantage as well as providing them with the resilience to overcome those risks".²³⁵ Though descriptions of the projects do not mention addressing poverty as an explicit

aim, it is clear that they are focused on breaking the cycle of disadvantage in the chosen communities, and improving the life chances of children and families living there, which is inextricably linked to addressing intergenerational poverty.²³⁶ The projects take a multi-pronged approach, focusing on a range of issues, including improving literacy; improving mental and physical health; increasing school-readiness; increasing pro-social behavior; and providing early years' education and care. A standardised model was not applied across the three projects, and it is intended that learning from each project's experience will be benchmarked and evaluated, to provide learning for future policy and service development, and direct Government investment in children.

IMMEDIATE ACTIONS FOR 2012

> Clarify the Department responsible for leading on the area-based initiative

Cross-departmental working between the Departments of Children and Youth Affairs and Social Protection is required to deliver this commitment. A lead department must be identified and its role clearly set out in an agreed memorandum of understanding. In addition, the link between the area-based child poverty initiatives and the commitment relating to investing in a targeted early education programme for disadvantaged children should be clarified.

> Undertake a review of what works in addressing child poverty at an area-level

Addressing child poverty at an area-based level requires adoption of an appropriate model, followed by planning and implementation. Comprehensive analysis as to what model is best suited to the Irish context is lacking. Before this commitment can be progressed a review is required, to explore the design and effectiveness of international models.

231 Frank Field (2010) *The Foundation Years: preventing poor children becoming poor adults - the Report of the Independent Review on Poverty and Life Chances*; London: Cabinet Office.

232 National Economic and Social Forum (2005) *Report No. 31: Early Childhood Care and Education: NESF Report 31*, Dublin: National Economic and Social Forum.

233 Organisation for Economic Cooperation and Development (2011) *Doing Better for Families*, Paris: OECD, p.60.

234 Childhood Development Initiative in Tallaght, Preparing for Life in the Northside communities of Darndale, Belcamp and Moatview; and youngballymun in Ballymun.

235 <http://www.dcy.gov.ie/viewdoc.asp?fn=%2Fdocuments%2Fpolicy%2Fprevproject.htm&mn=chid&nID=3> [accessed 8 December 2011].

LOCAL FOCUS: *Irish Left Review*, 'Ireland's Child Poverty-Short Term Thinking and Long Term Consequences', 1 March 2011

236 See <http://www.dcy.gov.ie/viewdoc.asp?fn=%2Fdocuments%2Fpolicy%2Fprevproject.htm&mn=chid&nID=3> for further details [accessed 13 December 2011].

3.3 CHILDREN AND THE SOCIAL WELFARE SYSTEM

COMMITMENT	PROGRESS
The <i>Programme for Government</i> pledges that the Commission on Taxation and Social Welfare will examine and make recommendations on the interaction between taxation and the welfare system to ensure that work is worthwhile. In particular, it will examine family and child income supports.	Initial steps taken.

The Group prioritised the area of child and family income supports and its first report was expected in December 2011. This report was not made public. The Group's recommendations will be considered by a steering committee comprising four senior Ministers: the Ministers for Social Protection, Children and Youth Affairs, Finance, and Public Expenditure and Reform. It is not yet known whether the Group's reports will be made public.

What's happening?

Advisory Group on Tax and Social Welfare established; awaiting its recommendations.

An Advisory Group on Tax and Social Welfare was established by the Minister for Social Protection in June 2011. The Group's terms of reference state that it will "constitute a forum to which the Minister [...] may refer specific issues around income supports and tax systems so that they provide good incentives to take up work and to contribute to the reduction of poverty and child poverty in particular."²³⁷

The Advisory Group will examine and make recommendations on issues including child and family income supports, in particular Child Benefit, increases for Qualified Children and the Family Income Supplement.²³⁸ The Group is made up of 15 members,²³⁹ nine of whom are employed in the public service, including a representative from the Department of Children and Youth Affairs. The remaining six members come from academia, business and trade unions. There is no community and voluntary sector representative.



²³⁷ Department of Social Protection (2011) *Advisory Group on Tax and Social Welfare: Terms of Reference*, http://www.welfare.ie/EN/AboutUs/Documents/Terms_of_reference.pdf [accessed 07/11/11]

²³⁸ *Advisory Group on Tax and Social Welfare: Terms of Reference*, http://www.welfare.ie/EN/AboutUs/Documents/Terms_of_reference.pdf [accessed 07/11/11]

²³⁹ Members of the Group are: Ita Mangan, Chair; John Bohan, Principal Officer in the Department of Social Protection; Niall Cody, Assistant Secretary in the Office of the Revenue Commissioners; Micheál Collins, lecturer at the Department of Economics, Trinity College Dublin; John Conlon, Principal Officer in the Department of Public Expenditure and Reform; Catherine Hazlett, Principal Officer in the Department of Children and Youth Affairs; Paul Kealy, Accountant within the Department of Jobs, Enterprise and Innovation; Pat Mahon, Director in the Human Resource Services Practice at Pricewaterhouse Coopers (PwC); Derek Moran, Assistant Secretary in the Taxation Policy Division of the Department of Finance; Brian Nolan, Professor of Public Policy and Head of the School of Applied Social Science in UCD; GERALYN McGARRY, Manager, Social Policy and Research, Citizens Information Board; Aebhrich McGibney, Policy and Communications Director with the Dublin Chamber of Commerce; Mary P. Murphy, lecturer in Irish Politics and Society in the Department of Sociology, National University of Ireland, Maynooth; Marie Sherlock, Economist with SIPTU; John Sweeney, Senior Social Policy Analyst in the National Economic and Social Council; Joan Gordon, Assistant Principal in the Department of Social Protection will act as Secretary to the Advisory Group.

Comment

This is a new commitment in *Report Card 2012*, and is awarded a 'C' grade to reflect the establishment of the Advisory Group on Tax and Social Welfare, but to reflect our disappointment at the failure to appoint a representative from the community and voluntary sector to the Group. To improve further next year, the Group's reports must be published and concrete steps taken towards implementing its recommendations.

The recession has had a deep impact on families and children, with many experiencing poverty for the first time as a result of job losses, falling wages and cuts to take home pay through tax and welfare changes; while others have been pushed even deeper into poverty.²⁴⁰ The social welfare system, however, continues to provide a vital safety net and is responsible for protecting many families from poverty. A 2010 UNICEF report found that in Ireland, without social assistance payments and tax system reliefs, child poverty would be higher than in any of the other 21 OECD countries studied.²⁴¹ Figures from the 2010 European Survey of Income and Living Conditions (EU SILC) show that without social welfare payments, 51% of Ireland's population would be at risk of poverty, an increase from 43% in 2008.²⁴² Poverty traps remain a problem, however, and while the *Programme for Government*, pledges to remove these traps, it has made no progress in moving the One-Parent Family payment to a family-income based parental allowance – a key issue in this area.

Addressing child poverty requires a progressive and integrated tax and benefits system to allow for a more equitable distribution of resources to guarantee that the social welfare system works for those that need it most – vulnerable children and families. The Alliance has long advocated on this issue, calling for the strategic integration of tax and social welfare systems to allow for more efficient targeting of child income supports, by facilitating a move towards an integrated child income support payment. Our

position is built on learning from the United Kingdom, where the Government, having considered integration of tax and social welfare systems, opted for strategic (partial) rather than structural (full) integration. This approach means greater coordination between tax and welfare systems, with closer cooperation on policy, standardisation of information systems and more transfer of information between the agencies concerned, but not full integration of systems and services.²⁴³ A similar shift in Ireland would ensure that the tax and welfare systems work together in relation to child income supports and that poverty and unemployment traps are avoided.

Integrated child income support payment: The successful introduction and administration of a new, integrated child income support payment, as outlined in the Department of Social Protection's 2010 *Policy and Value for Money Review of Child Income Supports and Associated Programmes*, would require significant cooperation between the Department of Social Protection and the Revenue Commissioners. There is precedence for such cooperation: the Revenue Commissioners and the Department of Social Protection currently cooperate in relation to two existing tax credits: the One-Parent Family Tax Credit and the Home Carers' Tax Credit.²⁴⁴ But despite this, 'administrative issues' continue to be cited as a barrier to joint working; though these issues have not been specified or explored, or evidence provided that they are insurmountable.²⁴⁵ The Alliance has developed responses to the potential barriers.²⁴⁶ Moving to a new system would, of course, incur initial costs and take time, but these costs must be considered in the context of the longer-term costs of failing to address child poverty, and the Government's commitment to reduce poverty and to make efficient and effective budgetary decisions, with positive long term savings and impact. ESRI research in 2007, looking at a potential 'second tier' child income support payment, similar to the integrated payment, estimated that this measure would reduce child poverty by 4.5%,²⁴⁷ thus ultimately generating Government savings by reducing the need for State supports, specifically in relation to income, health and justice.

240 LOCAL FOCUS: *The Anglo Celt*, 'Family stress levels rising', 8 December 2011.

241 UNICEF (2010) *The Children Left Behind: A league table of inequality in child well-being in the world's rich countries*, Innocenti Report Card 9, UNICEF: Florence.

242 Central Statistics Office (2011) *European Survey of Income and Living Conditions (EU SILC) 2010, Preliminary Results* Cork: CSO.

243 D. Clinton et al (1994), *The Commission for Social Justice: Integrating Taxes and Benefits?* London: Institute of Public Policy Research. See also M. Taylor (1998), *The Modernisation of Britain's Tax and Benefit System, Number Two: Work Incentives*, London: HM Treasury.

244 See <http://www.revenue.ie/en/tax/it/credits/one-parent-family.html> and <http://www.revenue.ie/en/tax/it/credits/home-carers.html> [accessed 1 March 2010].

245 Administrative issues are cited in National Economic and Social Council (2007) *Ireland's Child Income Supports: The Case for a New Form of Targeting*, Research Series Paper no. 6, NESCC: Dublin, p. 77; in T. Callan et al (2006) *Child Poverty and Income Supports: Ireland in a Comparative Perspective*, ESRI Budget Perspectives 2007; and in Department of Social and Family Affairs (2008) *Child Income Support: Outline note for distribution to the National Children's Advisory Council*.

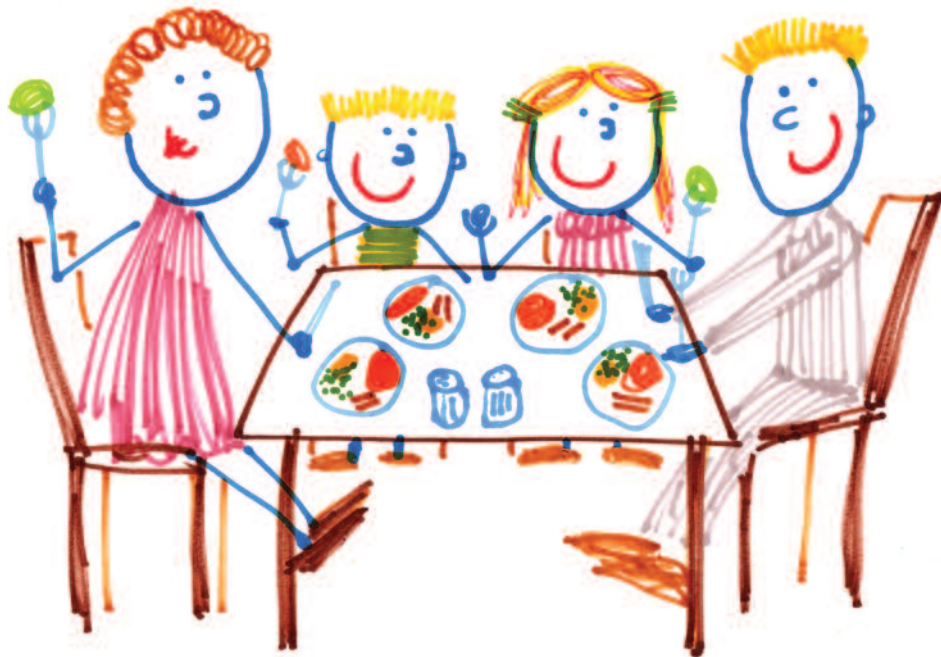
246 Children's Rights Alliance (2010) *Submission to the Department of Social and Family Affairs Value for Money Review of Child Income Supports*, p. 16 www.childrensrights.ie.

247 T. Callan et al (2006) *Child Poverty and Income Supports: Ireland in a Comparative Perspective*, ESRI Budget Perspectives 2007.

IMMEDIATE ACTION FOR 2012

> Commit to strategic integration of the tax and welfare systems by the end of 2012

The current social welfare system is complex and cumbersome. To become more responsive to individual families' needs, it must be reformed, through the strategic integration of the tax and welfare systems.²⁴⁸ The Advisory Group on Tax and Social Welfare should map out the practical steps required to do this. An Implementation Plan should be published, and its delivery driven by the Minister for Social Protection. The Group's reports should also be made public.



²⁴⁸ This would involve greater coordination between the Revenue Commissioners and the Department of Social Protection, with closer cooperation on policy, standardisation of information systems and more transfer of information between relevant agencies, but not full integration of systems and services. It is worth noting that there is already some overlap in the work of the Revenue Commissioners and the Department of Social Protection in relation to two existing tax credits: the One-Parent Family Tax Credit and the Home Carers' Tax Credit. See <http://www.revenue.ie/en/tax/it/credits/one-parent-family.html> and <http://www.revenue.ie/en/tax/it/credits/home-carers.html> [accessed 1 March 2010].

D +

Safeguarding Childhood

LOCAL EYE



WELCOMING THE NEW DEPARTMENT OF CHILDREN AND YOUTH AFFAIRS, *THE WESTMEATH INDEPENDENT*

In March 2011, *The Westmeath Independent* told its readers that the creation of a separate office for the Minister for Children and Youth Affairs was something to be welcomed. “Having previously been lumped in with the Department of Health, it appears the new administration has saw fit to create a department which will deal solely with the needs of children, a move that hopefully signals its intents regarding the rights of children. For too long those under the age of 18 years have had no voice in our country and now there has never been a more important time to ensure that we protect our children. We have heard countless cases over the years of children suffering abuse at the hands of their parents or those charged with their care, cases of children who suffer neglect, who are robbed of a childhood. These cases have highlighted again and again the inadequate system in place, which allows children to be left in situations where they are being abused by those closest to them.”

“The new Minister for Children Frances Fitzgerald has a great challenge before her - first and foremost must be setting a date for the referendum on children's rights, something which has been on the table since the first days of the last Government.”

The Westmeath Independent, 'Department for Children should be welcomed', 11 March 2011

Overview

Safeguarding childhood gets a 'D+' grade, the same grade awarded last year. However, the issues tracked have changed so a comparison of grades with last year's report is not useful. This section focuses once again on the Ryan Report *Implementation Plan* and several of its key commitments, together with three new *Programme for Government* commitments on the new Child and Family Support Agency, youth homelessness and children in detention. An 'F' grade for children in detention, the lowest grade in *Report Card 2012*, highlights Government failure to include a commitment in its Capital Development Plan, published in November 2011, on the building of a new detention facility to end the inappropriate practice of detaining children in St Patrick's Institution.²⁴⁹

In its 2006 *Concluding Observations*, the UN Committee on the Rights of the Child noted its concern at the delays in accessing child protection services and at the detention of children aged 16 and 17 years in St. Patrick's Institution. It recommended comprehensive vetting for those working with children, the development of a child abuse prevention strategy, and a legislative ban on corporal punishment within the family, as well as giving consideration to putting the *Children First Guidelines* a statutory basis.²⁵⁰

2011 was an eventful and exciting year for children's policy and especially the area of child protection and welfare. A milestone event came in March 2011 with the Government announcement that they would establish a Department of Children and Youth Affairs and under its Minister's remit create a dedicated Child and Family Support Agency, removing this function from the HSE.²⁵¹ These were welcome and ambitious steps that have the potential to fundamentally reform the delivery of child protection services.

In parallel, the HSE child and family services progressed its reform programme in 2011 by putting in place a new management structure. This change process and the transition to the new Agency is being led by the HSE National Director for Children and Family Services, Gordon Jeyes, who has brought fresh energy and an open, transparent approach to this work. A key challenge to the success of these reforms is the level of committed financial and human resources.

The *Children First* Guidance and accompanying practitioners' handbook were published in 2011; as well as a Scheme of the National Vetting Bureau Bill, both welcome developments. Another positive development was the establishment of a HSE Oversight Group on an appropriate model for the nationwide roll-out of an out-of-hours social work service.²⁵² In addition, progress on child deaths was made: reports into individual child death cases were published by the HSE in October 2011, along with an Annual Report of the Child Death National Review Panel.²⁵³ The report of the Child Death Review Group, reviewing HSE's investigations into the deaths of children while in State care since 2000,²⁵⁴ is expected to be published in early 2012.

The HSE responded in 2011 to concerns on inadequate aftercare provision by developing and adopting a National Policy on Aftercare Services and establishing an interagency Aftercare Implementation Group which is currently drawing up an implementation plan for the policy. This is due to be completed in Spring 2012 and will standardise aftercare provision.²⁵⁵ During the consultation on the national policy, concerns were expressed on the proposed restricted eligibility criterion for access to aftercare support.



249 Department of Public Expenditure and Reform (2011) *Infrastructure and Capital Development 2012-2016: Medium Term Exchequer Framework*, Dublin: Stationery Office.

250 United Nations Committee on the Rights of the Child (2006) *Concluding Observations: Ireland* (CRC/C/IRL/CO/2 paragraph 37).

251 LOCAL FOCUS: *The Westmeath Independent*, 'Department for Children should be welcomed', 16 March, 2011.

252 Department of Children and Youth Affairs, 'New Oversight Group to evaluate out-of-hours social work pilot projects', [Press Release] 14 November 2011.

253 Children's Rights Alliance 'Alliance Response to HSE Publication of Child Death Reports' [Press Release] 17 October 2011.

254 Geoffrey Shannon, Child Law expert and Norah Gibbons, Director of Advocacy with Barnardos, comprise this panel.

255 Information received by the Children's Rights Alliance from the Health Service Executive, December 2011.

4.1 CHILD AND FAMILY SUPPORT AGENCY

COMMITMENT	PROGRESS
The <i>Programme for Government</i> commits to fundamentally reform the delivery of child protection services by removing child welfare and protection from the HSE, and creating a dedicated Child Welfare and Protection Agency, reforming the model of service delivery and improving accountability to the Dáil.	On track.

What's happening?

Delivery taskforce established. Work plan in development. A budget subhead was created.

The Government has taken active steps to create a dedicated Child and Family Support Agency. From January 2012, a shadow agency will begin to operate within the HSE with a ring fenced budget, and the new Agency will be in place by 2013.²⁵⁶ Once established and operational, the new Agency will come under the remit of the Minister for Children and Youth Affairs.

The Minister for Children and Youth Affairs set up a taskforce on the creation of the Agency in September 2011.²⁵⁷ The purpose of the taskforce – made up of ten members from the public, private and voluntary sectors and academia – is to advise the Department on the transition programme to establish the new Agency.²⁵⁸ Its work is to be based on best practice in child welfare, family support and public administration; consistent with the Government's

public sector reform agenda. The taskforce is currently finalising a detailed work plan.²⁵⁹

Budget 2012 introduced a new sub-head (B.15 Child and Family Services) to the HSE vote (number 39), linked to the establishment of the Child and Family Support Agency.²⁶⁰ The opening 2012 budget for child welfare and protection and family service within the HSE is being addressed as part of the deliberations on the HSE's *National Service Plan 2012*: this process is on-going.

Since 2008, the HSE has been undertaking a reform programme to modernise delivery of the HSE's Children and Families Social Services.²⁶¹ Positive developments in 2011 include the appointment of Regional Directors for Children and Family Services (who are directly accountable to the National Director) and a single lead Children and Family manager in each of the 17 HSE areas.²⁶²



256 Frances Fitzgerald, TD, Minister for Children and Youth Affairs, Dáil Debate, 17 November 2011, <http://debates.oireachtas.ie/dail/2011/11/17/unrevised1.pdf>, p. 45 [accessed 9 January 2012].

257 Membership of the group is made up of: Maureen Lynott (Chair) Management Consultant, and former Chair, Children First National Guidelines; Jim Breslin, Secretary General, Department of Children and Youth Affairs; Prof Pat Dolan, UNESCO Chair and Director, Child and Family Research Centre, NUI Galway; Norah Gibbons, Director of Advocacy, Barnardos; Gordon Jeyes, National Director, Child and Family Services, Health Service Executive; Sylva Langford, former Director General of the Office of the Minister for Children and Youth Affairs; Dr Kevin McCoy, former Chief Inspector, Northern Ireland Social Services Inspectorate; Pat McLoughlin, Chief Executive, Irish Payment Services Organisation Limited; Ellen O'Malley-Dunlop, Chief Executive, Dublin Rape Crisis Centre; Liam Woods, National Director, Finance, Health Service Executive; and Elizabeth Canavan, Assistant Secretary, Department of Children and Youth Affairs.

258 Department of Children and Youth Affairs, 'Task Force on the Child & Family Support Agency' [Press Release] 23 September 2011. The taskforce has been asked to propose a vision and principles to guide operations; advise on the appropriate service responsibilities and how these should be delivered; review existing financial, staffing and corporate resources and propose a methodology for resource allocation; propose an organisational design and operating child welfare and protection service model; prepare a detailed implementation plan; identify the main priorities and core relationships required; and oversee the plan's implementation and monitor progress, pending establishment of the Agency.

259 *Ibid.*

260 Department of Public Expenditure and Reform (2011) *Comprehensive Expenditure Report 2012-14*, Dublin: Government Publications.

261 Health Service Executive (2010) *Report of The Task Force for Children and Families Social Services*, Health Service Executive: Dublin, p. 3-5.

262 Information received by the Children's Rights Alliance from the Health Service Executive, December 2011.

Comment

This is a new commitment in *Report Card 2012* and it gets a 'B' grade to reflect the positive steps taken towards progressing establishment of the new Agency.

The decision to create a new Child and Family Support Agency is welcome.²⁶³ It has the potential to be a powerful vehicle for reform; improve transparency and accountability to the Oireachtas. It is hoped that it will ensure greater integration between child welfare and protection and family support and lead to better outcomes for children and their families.

To date responsibility for child welfare and protection and family support has been split between the Office of the Minister for Children and Youth Affairs; the HSE Children and Family Services; and the Family Support Agency under the Department of Community, Rural and Gaeltacht Affairs. The lack of accountability between the Minister for Children and Youth Affairs and the HSE Children and Family Services was further complicated by the lack of clear political accountability between the HSE and the Minister for Health and Children.²⁶⁴

The new Agency will bring responsibility for legislative and policy development; implementation and service delivery; and funding streams under one Minister – the Minister for Children and Youth Affairs. This is a welcome development, especially given the parallel consolidation of activities for vulnerable and at risk children under the newly created Department of Children and Youth Affairs, which now encompasses the National Education Welfare Board, the Family Support Agency, and the Irish Youth Justice Service.

The momentum generated by the Government decision in March 2011 must be capitalised on and the new Agency

established as planned in 2013, with all actors clear on their roles and responsibilities, in particular the statutory duties outlined under child care legislation. Services to children and families will suffer if there is stagnation midway through this transition period.

Traditionally, contact with child protection services has aroused fear among families that their children will be taken into State care. A public campaign should be run to promote the full breadth of the Agency's work which will include providing family support and services for children in care, as well as child welfare and protection. Addressing a possible perception that the Agency will solely focus on suspected child abuse and neglect cases may be an early challenge for the new Agency. An atmosphere must be created where families and children experiencing difficulties will co-operate with and seek support from the Agency without fear or stigma. Furthermore, the Agency must rebuild public confidence in its work and boost staff morale. Improving public perception of its services will, of course, depend on better experiences and outcomes for children and families and those working in the service.

The establishment of a dedicated subhead in Budget 2012 for Child and Family Services provides enhanced transparency and a clearer basis from which to plan the financial transition to the new Agency.

It is anticipated that the HSE will have overrun its budget for child welfare and protection services by €70 million in 2011 and that this level of expenditure will continue to be required in 2012. This overspend is, in part, attributed to increased pressure on the system and is reflected in an increase in the numbers of children in care.²⁶⁵ In addition, it is estimated that funding of €1m is needed to meet transitional start-up costs for the Agency.²⁶⁶ Child and family services have historically been underfunded, an audit of services is being undertaken which will help paint a clearer picture of current capacity.

²⁶³ LOCAL FOCUS: *Metro Herald*, 'Call for a separate children's agency', 26 May 2011.

²⁶⁴ Children's Rights Alliance (2011) *The Case for Reform: Delivery of Children's Services and Child Protection*.

²⁶⁵ Department of Children and Youth Affairs (2011) *Comprehensive Review of Expenditure Vote 43, Report of the Department of Children and Youth Affairs*, Dublin: Department of Children and Youth Affairs, p. 8.

²⁶⁶ *Ibid.*, p. 39.

The Agency must be adequately resourced to meet its statutory obligations and undertake early intervention and prevention work to reduce the need for more intensive and expensive intervention in future years. In addition, funding is needed to deliver on a number of Government commitments²⁶⁷ and support the ongoing reform process. The Government has made strong statements on child protection since taking up office, it must follow these with adequate resourcing.²⁶⁸ The Minister for Children and Youth Affairs has acknowledged that separating the child and family services budget from the HSE budget is “a very challenging task” and “we must ensure that we have the type of budget that can meet the demands”.²⁶⁹

As a single agency dedicated to the wellbeing of children and their families, the Agency should adopt an early intervention, prevention, outcomes-focused and child-centred approach to its work. It must also ensure quality and consistent provision of services across the country. The Agency should develop structured links, and ideally be co-located, with universal services vital to child wellbeing. Mechanisms will be needed to ensure appropriate information sharing between practitioners to promote effective inter-agency working. Formal collaborative working relationships with An Garda Síochána, the Office of the Ombudsman for Children, the Health Information and Quality Agency (HIQA) and with relevant NGOs will also be required.

Model of service delivery: The creation of a dedicated Agency and the ongoing reform programme offer a further opportunity to introduce a new model of service delivery. For example, four pilot sites have been established to explore the operation in Ireland of new practice models. A Differential Response Model (DRM) site has been established in north Dublin,²⁷⁰ an Alternative Response Model (ARM) site in south Dublin,²⁷¹ an Identification of Need (ION) model site in Sligo/Leitrim²⁷² and a Limerick Assessment Model in Limerick.²⁷³ Evaluations have been completed for each site²⁷⁴ and it is intended that the strengths of each of these models will be drawn upon to develop a composite delivery model in early 2012.

IMMEDIATE ACTION FOR 2012

> Establish a dedicated Child and Family Support Agency to be operational by 2013

A programme of activity on the establishment of the Agency is required to progress this commitment. The new Agency must have a direct line of accountability to the Minister for Children and Youth Affairs. The necessary financial, capital, IT and human resources must be allocated and transferred from the HSE to the new Agency. Budget 2013 should commit sufficient resources, move the Budget vote subhead to the Department of Children and Youth Affairs and ring-fenced staff complement to ensure the effective delivery of the Agency's statutory obligations.



267 *Ibid.*, p. 8. This includes €2 million to provide 10 additional social workers, further development of the out of hours social work service and implementation of the Children First Guidelines (including their incorporation into law), and €0.050m to establish a helpline for missing children.

268 Enda Kenny, TD, Taoiseach, Dáil Debate, 20 July 2011, <http://debates.oireachtas.ie/dail/2011/07/20/00013.asp>, p. 13 [accessed 9 January 2012].

269 Frances Fitzgerald, TD, Minister for Children and Youth Affairs, Dáil Debate, 3 November 2011, <http://debates.oireachtas.ie/dail/2011/11/03/unrevised1.pdf>, p. 600 [accessed 9 January 2012].

270 G. Shannon (2009) *Third Report of the Special Rapporteur on Child Protection, A Report Submitted to the Oireachtas*, p. 27; ‘Tosach Nua, Differential Response Model Pilot Programme Dublin North’, Presentation at HSE Voluntary Forum, 10 May 2011.

271 ‘Alternative Response Model (ARM)’, Presentation at NUIG Conference, 16 June 2011 http://www.childandfamilyresearch.ie/sites/www.childandfamilyresearch.ie/files/arm_presn_16th_june_2011.pdf

272 Dr. C. Forkan and F. Landy (2011) *An Evaluation of the Identification of Need (ION) Process in Sligo/Leitrim and Donegal*, Child and Family Research Centre: National University of Ireland Galway.

273 Information received by the Children's Rights Alliance from the Health Service Executive, December 2011.

274 *Ibid.*



4.2 RYAN REPORT IMPLEMENTATION PLAN

COMMITMENT	PROGRESS
The <i>Programme for Government</i> commits to implementing the recommendations of the Ryan Report including putting the <i>Children First Guidelines</i> on a statutory footing and legislating for the use of “soft information”.	Initial steps taken.

What’s happening?

Progress made in key areas but more needed to consolidate it. Awaiting legislation on Children First and enactment of vetting Bill.

The Ryan Report *Implementation Plan* – published in July 2009 to respond to the recommendations contained in the Ryan Report – identified key weaknesses in the Irish child care and protection system and provides a roadmap for reform.²⁷⁵

The Second Progress Report, published in July 2011, provided an update on each of the *Implementation Plan’s* 99 actions along with a list of key actions to be progressed in 2011.²⁷⁶ It reported that, of the Plan’s 99 actions, 51 were complete, three were partially complete, seven were on target, and 38 were classed as ‘implementation ongoing’ (these are actions which by their nature do not have a defined end date).²⁷⁷ The Report contained some information on budget allocation but it lacked a detailed

breakdown of spending. A total of €23 million has been provided to-date towards the rollout of the actions contained in the *Implementation Plan*: €14 million in Budget 2010 and €9 million in Budget 2011.

Progress made in 2011 includes an invitation to the Children’s Rights Alliance to join the Ryan Report Implementation Plan Monitoring Group as an independent representative;²⁷⁸ publication of *Listen to Our Voices: A report of consultations with children and young people living in the care of the State*;²⁷⁹ publication of revised *Children First* Guidance; publication of the Scheme of the National Vetting Bureau Bill and measures to provide equity of care to separated children within the care system. Unfortunately, the planned recruitment of a national specialist multi-disciplinary team for children in special care and detention, which was fully funded, was stalled due to a pause in HSE recruitment in summer 2011 (see section 2.2).

Also of note was the establishment in November 2011 of a HSE Oversight Group to evaluate the two out-of-hours social work pilot projects in Donegal and Cork²⁸⁰ and make recommendations on an appropriate model for the nationwide roll-out of an out-of-hours social work service commencing in 2012.²⁸¹ At present out-of-hours support is available through the Crisis Intervention Service in the greater Dublin area²⁸² and Emergency Place of Safety Service outside the greater Dublin area.²⁸³

275 The Report of the Commission to Inquire into Child Abuse (known as the Ryan Report) was published in May 2009, revealing horrific wrongdoings perpetrated against children living in institutions during the period 1936 to 2000.

276 Department of Children and Youth Affairs (2011) *Ryan Report Implementation Plan Second Progress Report*, Dublin: Department of Children and Youth Affairs.

277 *Ibid.* 37 of the 99 actions in the Plan have a timeframe of ‘ongoing’; the remaining 64 actions have a specific timescale.

278 This Group is chaired by the Minister for Children and Youth Affairs and comprises representatives from the Office of the Minister for Children and Youth Affairs (OMCYA), and the Department of Education and Skills, the Health Service Executive (HSE), the Irish Youth Justice Service, the Health Information and Quality Authority (HIQA), An Garda Síochána and, as of 2011, the Children’s Rights Alliance.

279 Department of Children and Youth Affairs (2011) *Listen to Our Voices: A report of consultations with children and young people living in the care of the State*, Dublin: Department of Children and Youth Affairs.

280 The Donegal pilot is being conducted in conjunction with the NowDoc service to receive and respond to telephone referrals from the Donegal Garda Síochána using a Social Worker out-of-hours list. The Cork Pilot Project employs HSE social workers, with two staff on call each night and eight staff on call at weekends to cover four shifts.

281 Department of Children and Youth Affairs, ‘New Oversight Group to evaluate out-of-hours social work pilot projects’ [Press Release] 14 November 2011.

282 The Crisis Intervention Service operating in the Greater Dublin Area provides an out-of-hours emergency social work service to young people under the age of 18 who are in crisis.

283 The HSE Emergency Place of Safety Service operates outside the greater Dublin area. Under this service, Gardaí can access emergency placements for children who are found to be at risk out of hours. This service involves the out of hours placement of a child in a family setting until the next working day, when the local social work service assumes responsibility for the case.

Three key commitments contained in the *Implementation Plan* have been selected out for closer examination – focusing on *Children First*, vetting legislation and social worker recruitment.

Children First

July 2011 saw publication by the Department of Children and Youth Affairs of revised and updated *Children First: National Guidance for the Protection and Welfare of Children*.²⁸⁴ The new Guidance is national policy. The two statutory agencies with responsibility for child protection – the HSE and the Gardaí – are subject to it and have incorporated it into their staff policies. The HSE makes compliance with *Children First* a condition of contracting for services with others (including for services outside the child welfare and protection arena). *Children First* is used by both organisations in reviewing performance and it is also used by their respective Ombudsman and Regulation Bodies.²⁸⁵

A handbook for practitioners – *Child Protection and Welfare Practice Handbook* – was also published by the HSE in September 2011 to support implementation of the Guidance.²⁸⁶ It stresses the need to put the interest of the child first and to take into account the views of the child. The HSE National Director of Child and Family Services also issued a series of letters to staff reinforcing the need for consistency in the application of the Guidance. An inter-departmental committee has been established to drive consistent implementation of *Children First* across all sectors involved in the provision of services to children.²⁸⁷

A Bill to put aspects of *Children First* on a statutory footing is included in the Government's legislative programme and work has begun on the Head of Bill which is expected to be published in early 2012.²⁸⁸ It is envisaged that the Bill will provide that all staff employed by the State and those in

organisations in receipt of Exchequer funding have a duty to comply with the *Children First* Guidance; share relevant information and co-operate with other relevant services in the best interests of the child. In a related development, HIQA is developing National Standards for the Protection and Welfare of Children; these are due to be published for consultation in 2012.

Vetting/Soft Information

The Minister for Justice and Equality published the Scheme of the National Vetting Bureau Bill in July 2011. The Bill proposes to place the vetting of personnel working with children and vulnerable adults on a statutory basis and allow for the exchange of 'relevant' or 'soft' information between the National Vetting Bureau and a registered organisation. The Joint Committee on Justice, Defence and Equality Debate invited submissions on the Bill and held hearings on 21 September 2011.

Social Workers

There are 1,201 social workers employed in the HSE Children and Family Services, out of a total of 2,386 social workers employed by the HSE.²⁸⁹ The HSE *National Service Plan 2011* committed to recruit 60 social workers in 2011 bringing the total number of social workers recruited under the *Implementation Plan* to 260.²⁹⁰ The recruitment process commenced but in mid 2011 the HSE placed a 'pause' on any further recruitment due to its severe financial situation. Seven of the sixty staff took up their role in 2011.²⁹¹ As of 23 December 2011, it was reported that the recruitment of the full complement of 60 posts has been cleared and 57 of the 60 posts were either filled or accepted.²⁹²

284 Department of Children and Youth Affairs (2011) *Children First: National Guidance for the Protection and Welfare of Children*, Dublin: Department of Children and Youth Affairs.

285 Information received by the Children's Rights Alliance from the Department of Children and Youth Affairs, December 2011.

286 Health Service Executive (2011) *Child Protection and Welfare Practice Handbook*, Dublin: Health Service Executive.

287 Frances Fitzgerald, TD, Minister for Children and Youth Affairs, Dáil Debate, 3 November 2011, <http://debates.oireachtas.ie/dail/2011/11/03/unrevised1.pdf>, p. 600 [accessed 9 January 2012].

288 *Ibid.*

289 Information received by the Children's Rights Alliance from the Health Service Executive, December 2011. These figures represent whole time equivalent posts.

290 Health Service Executive (2011) *National Service Plan 2011*, Dublin: Health Service Executive. An exemption was made to the moratorium on public service recruitment to facilitate the delivery of these additional social workers in 2009.

291 Information received by the Children's Rights Alliance from the Health Service Executive, December 2011. In addition to these 7 posts, 14 have had contracts issued and a start date agreed and 41 have accepted the posts with final clearances currently taking place.

292 Information received by the Children's Rights Alliance from the Department of Children and Youth Affairs, January 2012.

Comment

This section tracks a new commitment in *Report Card 2012*, one which groups together a number of areas that were covered separately in previous Report Cards. It gets a 'C' grade to reflect positive steps in key areas, but also to note that much remains to be done.

Progress made on a number of the *Implementation Plan* commitments must be built upon during 2011. The inclusion of an independent voice on the Monitoring Group contributed to the improved accountability and quality of the *Second Progress Report*, including outlining key priorities for the year ahead as well as reflecting on the year passed.²⁹³ Delivery of the Plan must remain a priority. Revised targets have been set which is hoped will bring fresh impetus to complete actions in a timely manner and enable ongoing monitoring. The commitments and learning captured in the *Implementation Plan* and within its monitoring mechanism should be streamlined into the programme of work of the new Department and Agency.

Children First

The publication of the revised *Children First* Guidance, practitioner handbook and strong messages communicated in relation to consistent implementation are welcome. Importantly, the revised Guidance includes for the first time a focus on bullying and ongoing neglect and the accompanying handbook for practitioners contains new sections on important issues such as child trafficking and Female Genital Mutilation (FGM). The urgent need to place aspects of *Children First* on a statutory footing and ensure consistent implementation across the country has been identified by numerous expert reviews and reports.²⁹⁴ It is very positive that this need has now been accepted by Government and progress is being made.

Vetting

The publication of the Scheme of the National Vetting Bureau Bill 2011 is welcome. The Alliance has a number of concerns in relation to the Scheme which we believe should be remedied prior to enactment or in relevant Regulations. There is no mandatory provision for periodic re-vetting or vetting of existing staff; child minders are excluded from vetting, the requirement for the vetting of volunteers is unclear; the use of 'relevant' information is limited to those whose work involves regular or on-going

unsupervised contact with children and those in state security positions; and there are several key terms within the Bill that we believe require further clarification.²⁹⁵

Social workers

The 'pause' in recruitment of the promised 60 social workers for children and family services in 2011 is disappointing. The adequate staffing of the social work service is vital to ensure the HSE can meet within a timely manner its significant statutory requirements to children in care and in relation to child abuse referrals.²⁹⁶ Under the *Implementation Plan* commitment, a final 10 social workers are due to be recruited to bring the total to 270 additional social workers²⁹⁷: this commitment should be included in the HSE *National Service Plan* for 2012.

IMMEDIATE ACTIONS FOR 2012

> **Build on progress made in 2011 by bringing to completion key commitments under the *Implementation Plan***

Publish a Bill to place key aspects of the *Children First* Guidance on a statutory footing and consult with key stakeholders through the Joint Committee on Health and Children, and train staff in the use of the new Guidance and Handbook. Enact an amended version of the National Vetting Bureau Bill taking into consideration the concerns and suggestions raised during the consultation phase. Complete the promised recruitment of social workers and audit of service capacity. Momentum has been generated on these issues in 2011 and strong commitments made: the necessary resources – both financial and human – must be found to bring them to completion.

> **Mainstream the commitments and learning from the *Implementation Plan* and its Monitoring Group in the work of the new Department and Agency**

Much has been learned through the development of the *Implementation Plan* and in its delivery and monitoring of the Plan's commitment. The outstanding commitments and learning from this initiative should be mainstreamed into the programme of work for the new Department of Children and Youth Affairs and the Child and Family Support Agency.

4.3 YOUTH HOMELESSNESS

COMMITMENT	PROGRESS
The <i>Programme for Government</i> commits to ending long-term homelessness and the need to sleep rough. To address the issue of existing homelessness it commits to reviewing and updating the existing Homeless Strategy, including a specific focus on youth homelessness, and taking into account the current demands on existing housing and health services with a view to assessing how to best provide additional services.	Initial steps taken.

The National HSE Children and Family Services Working Group on Youth Homelessness completed a review of the *Youth Homelessness Strategy* in 2008 which was signed off on by the HSE in 2011. It highlights several consistent themes most notable relating to prevention, early intervention and longer-term support.³⁰¹

The Ryan Report *Implementation Plan* committed to carrying out a national review of practice under Section 5 of the Child Care Act 1991 (as amended) by December 2009.³⁰² This Review was completed in 2011.³⁰³ It recommends that a new policy is to be developed and implemented on the use of Section 5 during 2012.³⁰⁴ It also makes recommendations about the use of breakfast accommodation and supported lodgings. HSE policies on these issues will be revised in the first quarter of 2012.³⁰⁵

What's happening?

Review of Youth Homelessness Strategy on-going.

The Department of Children and Youth Affairs is currently undertaking a high level review of the *Youth Homelessness Strategy* as a basis for the development of a framework to address youth homelessness over the next five years.²⁹⁸ The review will seek to establish the extent to which the Strategy has been successful, to identify blockages and challenges to its implementation and to make recommendations on a new Implementation Framework. Consultations will be held in early 2012 with relevant service providers, NGOs and young people and the process is due to be concluded by June 2012.²⁹⁹

The *Youth Homelessness Strategy* was published in 2001: it did not include an end date.³⁰⁰ The HSE has primary responsibility for delivering on the strategy, and its implementation is monitored and co-ordinated by the Youth Homelessness Strategy Monitoring Committee, now chaired by the Department of Children and Youth Affairs.



298 Sandra McLellan, TD, Parliamentary Question [30398/11], 20 October 2011, written answers, <http://debates.oireachtas.ie/dail/2011/10/20/unrevised2.pdf>, p. 624 [accessed 9 January 2012].

299 Department of Children and Youth Affairs, 'Minister Fitzgerald announces review of the Youth Homelessness Strategy, New Implementation Framework to be prepared for next 5 years' [Press Release] 20 December 2011.

300 Department for Health and Children (2001) *Youth Homelessness Strategy*, Dublin: Department of Health and Children.

301 Health Service Executive (2008) *Report of the National HSE Children and Family Services Working Group on Youth Homelessness*, p. 11.

302 Office of the Minister for Children and Youth Affairs (2009) *Report of the Commission to Inquire into Child Abuse, 2009: Implementation Plan*, Action 35. The deadline for this action was December 2009.

303 Information received by the Children's Rights Alliance from the Health Service Executive, December 2011.

304 Information received by the Children's Rights Alliance from the Department of Children and Youth Affairs, December 2011.

305 Information received by the Children's Rights Alliance from the Health Service Executive, December 2011.

Comment

This is a new commitment in *Report Card 2012* and it gets a 'D' grade. This low grade reflects the constant state of review in this area and lack of action. To improve next year, the Government must take concrete steps towards implementing the recommendations of its current review.

Homeless children: Homeless children are defined as "sleeping on the streets or in other places not intended for night-time accommodation or not providing safe protection from the elements or those whose usual night-time residence is a public or private shelter, emergency lodging, bed and breakfast or such, providing protection from the elements but lacking the other characteristics of a home and/or intended only for a short stay" and "those in insecure accommodation with relatives or friends regarded as inappropriate, that is to say where the young person is placed at risk or where he or she is not in a position to remain."³⁰⁶

Children can become homeless for several reasons. Many have been in state care or in contact with the justice system³⁰⁷; experience addiction problems, poverty and household instability; poor levels of interaction with the education system and poor physical and/or mental health.³⁰⁸

Youth homelessness services report experiencing a decrease in demand for their services during 2011³⁰⁹: the factors influencing this decrease need to be explored to ensure the decrease is not masking a reluctance to present to services. HIQA found 24 children under 18 to be in hostels for homeless children on the night of 24 November 2010.³¹⁰ The Homeless Agency said no child was found to be sleeping rough in Dublin during their 'Rough Sleepers' count on the night of 9 November 2011.³¹¹ Given the nature and definition of child homelessness, it is very difficult to ascertain figures for child homelessness.

The HSE has a statutory duty of care to all children under

the Child Care Act 1991 and specific duties to children who are in State care. Some homeless children but not all are taken into care. When a child presents as homeless but is not considered to be otherwise at risk, the child is only entitled to accommodation under Section 5 of the Child Care Act 1991 (as amended). This statutory entitlement does not extend to the provision of care to the child, meaning homeless children are not entitled to an allocated social worker and a care plan. Thus there is a danger that a child may 'drift' in homelessness and remain outside of the care system. The completion of a review of practice under Part 5 is welcome. The findings from this review should be made public and relevant stakeholders, including NGOs, should be consulted on the revision of policies on foot of this review.

Children living in homeless families: Children may also find themselves homeless as part of their family. A 2008 survey found that, in Dublin alone, 249 families with 576 dependent children were living in homeless accommodation.³¹² Homeless families are usually provided with private emergency accommodation; for many this means living in a Bed and Breakfast with whole families living in one small room with all of their belongings, leaving children with no space to play or do homework. This accommodation is neither suitable for families with children, nor cost effective for the State. For children, the frequent accommodation moves, and subsequent difficulty in inviting friends over to their home, means they often find it difficult to develop and maintain friendships.³¹³

IMMEDIATE ACTION FOR 2012

> Complete and publish the high level review of the Youth Homelessness Strategy in 2012

The review should provide a framework for a new Youth Homelessness Strategy and reflect learning from research and practice over the past ten years. The new Strategy should outline clear steps required to comprehensively address this issue. Relevant stakeholders should be consulted on the revision of policies.

306 Department for Health and Children (2001) *Youth Homelessness Strategy*, Dublin: Department of Health and Children, p. 11.

307 P. Mayock and E. O'Sullivan (2007) *Lives in Crisis: Homeless Young People in Dublin*, Dublin: The Liffey Press; P. Kelleher, C. Kelleher and M. Corbett (2000) *Left Out on their Own: young people leaving care in Ireland*, Dublin: Oak Tress Press; and EPIC (2011) *Summary of EPIC Research Findings on Outcomes for Young People Leaving Care in North Dublin*, p. 3

308 G. Shannon (2010) *Fourth Report of the Special Rapporteur on Child Protection, A Report Submitted to the Oireachtas*, pp.33-35.

LOCAL FOCUS: Irish Health.com Homelessness - the hidden Ireland,

309 Information received by the Children's Rights Alliance from the Department of Children and Youth Affairs, December 2011 and an NGO, December 2011.

310 HIQA's national census of children's residential centres and hostels found that in the 7 hostels, of the 49 available places, 24 were occupied by children under 18 years. One child was under a Section 5 order, one was unknown and the remaining 22 children were in care under a care order. Information received by the Children's Rights Alliance from the Department of Children and Youth Affairs, December 2011.

311 Information received by the Children's Rights Alliance from the Homeless Agency, January 2012.

312 Homeless Agency (2008) *Counted In, 2008: A Report on the Extent of Homelessness in Dublin*, Dublin: Homeless Agency.

313 A.M. Halpenny, A.F.Keogh and R. Gilligan (2002) *A Place for Children? Children in Families Living in Emergency Accommodation: The Perspectives of Children, Parents and Professionals*, Dublin: Children's Research Centre, Trinity College, p. 39.

4.4 CHILDREN IN DETENTION

COMMITMENT	PROGRESS
The <i>Programme for Government</i> commits to ending the practice of sending children to St. Patrick's Institution.	None.

What's happening?

Commitment to ending this practice is welcome, but no funds allocated in capital development plan and no timeframe for delivery.

On 15 June 2011, there were 41 boys aged 16 and 17 years in St. Patrick's Institution in the Mountjoy Prison complex, Dublin; approximately 225 children are detained there annually on remand or serving a sentence.³¹⁴

The Government has committed to end the practice of detaining children in St Patrick's Institution by accommodating children in a new National Children Detention Facility. This re-iterates a commitment made by the previous Government in 2008 which was not met.³¹⁵ The new facility will be built on a green field site on the Oberstown campus in Lusk, which currently houses three existing child detention schools and is owned by the State. Some preparatory building work was undertaken on the site in early 2011.³¹⁶ Design work for the project to develop the additional capacity required in Oberstown is at an advanced stage and planning approval is in place.³¹⁷

However, the Capital Development Plan for the period 2012 to 2016, published in November 2011, did not allocate expenditure for, nor make a commitment to, the refurbishment of Children Detention Schools or for the building of a new National Detention Facility.³¹⁸ Despite this setback the Minister for Children and Youth Affairs and Minister for Justice and Equality are continuing to seek the

necessary funding,³¹⁹ and the Irish Youth Justice Service (IYJS) has been tasked with progressing the design work and tender documentation for the project during 2012.³²⁰

In parallel, the Minister for Children and Youth Affairs has asked officials from the Irish Prison Service and the Irish Youth Justice Service to continue to explore all possible opportunities for further cooperation and sharing of best practice.³²¹

There was an allocation of €8.2 million in Budget 2010 to the IYJS capital budget, of which €3.6 million was used in relation to Children Detention Schools for improvements to existing schools and to support the design process for the new facility. The balance of the capital funds for 2010 was unused as the design process for the new facility was ongoing and construction had not commenced. A sum of €500,000 was allocated to the IYJS capital budget in Budget 2011 for the Children Detention Schools. However, this allocation was not used, due to the need to seek confirmation of the overall funding package required for the Oberstown redevelopment project. A sum of €350,000 has been allocated to the IYJS capital budget in Budget 2012. This will be used to support priority works required in the existing Children Detention Schools.³²²

The IYJS operates Children Detention Schools and oversees a range of youth justice services, including the Garda Diversion Programme and the Young People's Probation Service. From 1 January 2012, the functions of the IYJS that relate to the Children Detention Schools transferred from the Department of Justice and Equality to the Department of Children and Youth Affairs. The remaining functions of the IYJS will remain under the aegis of the Department of Justice and Equality but will be co-located with the Department of Children and Youth Affairs.³²³ Responsibility for St. Patrick's Institution remains with the Minister for Justice and Equality.

314 This figure is quoted by the Irish Penal Reform Trust based on an analysis of the Irish Prison Service Annual Reports. Irish Penal Reform Trust (2011) *IPRT Briefing on Detention of Children in St. Patrick's Institution*, www.iprt.ie.

315 See *Planning Notice Published for National Children Detention School Facilities* <http://www.iyjs.ie/en/IYJS/Pages/NE10000013> [accessed 13 December 2011].

316 Elaine Keogh, 'Government spends €70,000 on gates into an empty field', *The Irish Independent*, 6 January 2012.

317 Dessie Ellis, Parliamentary Question [37918/11] and [37917/11], Dáil Debate 1 December 2011, <http://debates.oireachtas.ie/dail/2011/12/01/unrevised1.pdf>, p. 689 [accessed 9 January 2012].

318 Department of Public Expenditure and Reform (2011) *Infrastructure and Capital Development 2012-2016: Medium Term Exchequer Framework*, Dublin: Stationery Office.

319 Information received by the Children's Rights Alliance from the Department of Children and Youth Affairs, December 2011. Alan Shatter, TD, Minister for Justice, Equality and Defence, Response to Parliamentary Question 37917/11 from Dessie Ellis, 1 December 2011.

320 Dessie Ellis, Parliamentary Question [37918/11] and [37917/11], Dáil Debate 1 December 2011, <http://debates.oireachtas.ie/dail/2011/12/01/unrevised1.pdf>, p. 689 [accessed 9 January 2012].

321 Information received by the Children's Rights Alliance from the Department of Children and Youth Affairs, December 2011.

322 Information received by the Children's Rights Alliance from the Department of Children and Youth Affairs, January 2012.

323 Department of Children and Youth Affairs (2011) *Comprehensive Review of Expenditure Vote 43, Report of the Department of Children and Youth Affairs*, Dublin: Department of Children and Youth Affairs.

Comment

This is a new commitment in *Report Card 2012* and gets the lowest grade, an 'F' to draw attention to the ongoing violation of the rights of children detained in St. Patrick's Institution, an adult secure prison which operates a penal regime for 16- to 21-year-olds.

Under the Child Care Act 1991 all young offenders under 18 years are to be held in Children Detention Schools. The Criminal Justice Act 2006 (Section 143) includes a transitional arrangement whereby 16 and 17 year old boys can be held in St Patrick's Institution or other place of detention until such time as sufficient places are provided under the Children Detention School model. It is ten years since the enactment of the Children Act 2001 and much progress has been made since then to modernise the youth justice system. However, the detention of children in St Patrick's Institution continues to tarnish Ireland's human rights record and makes no sense economically given the high rates of recidivism following prison detention with its associated human and economic costs. The building of a new unit in Lusk and sustained investment in prevention and diversion projects must be seen as a 'smart' economic investment that will pay dividends in the medium to long term.

Children's rights in detention: Article 40(1) of the UN Convention on the Rights of the Child (administration of juvenile justice) requires that States treat children in conflict with the law in a manner that promotes the child's sense of dignity and worth, reinforces the child's respect for human rights, and takes account of the child's age and the desirability of promoting reintegration. Critical to delivering a child-orientated juvenile justice system is the understanding that, first and foremost, anyone under 18

years is a child.³²⁴ Article 10 (2b) of the International Covenant on Civil and Political Rights (right to liberty) states that: "Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication",³²⁵ however, the Irish Government has a reservation to this article. If the Government is genuine in its commitment to remove children from St. Patrick's Institution, it should urgently withdraw this reservation.

St. Patrick's Institution: The detention of children in St. Patrick's Institution has been widely acknowledged as a glaring human rights violation and in direct contravention to Article 37 of the UN Convention on the Rights of the Child (torture and deprivation of liberty).³²⁶ The UN Committee Against Torture,³²⁷ the Council of Europe Commissioner for Human Rights, Mr. Thomas Hammarberg,³²⁸ the Ombudsman for Children,³²⁹ the Council of Europe Committee for the Prevention of Torture³³⁰ and many others, have expressed concerns about St. Patrick's Institution.³³¹

The detention of children in St Patrick's Institution continues to tarnish Ireland's human rights record and makes no sense economically given the high rates of recidivism following prison detention with its associated human and economic costs.

324 Ombudsman for Children's Office (2011) *Young People in St. Patrick's Institution: A report by the Ombudsman for Children's Office*, Dublin: Ombudsman for Children's Office.

In relation to the link between children's rights and wellbeing see also D. Keenan et al (2011) *A Rights-based Approach to Monitoring Children and Young People's Wellbeing*, National University of Ireland Galway and University of Ulster.

325 International Covenant on Civil and Political Rights can be viewed at <http://www2.ohchr.org/english/law/ccpr.htm>

326 Article 37c states that "Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;"

327 United Nations Committee Against Torture (2011) *Concluding Observations: Ireland* (CAT/C/IRL/CO/1 paragraph 22).

328 Council of Europe (2011) *Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following his visit to Ireland from 1 to 2 June 2011*, Strasbourg: Council of Europe.

329 Ombudsman for Children's Office 'Children's Ombudsman calls on the next Government to expedite closure of St. Patrick's Institution as a place of detention for children' [Press Release] 9 February 2011.

330 Council of Europe (2010) *Report to the Government of Ireland on the visit to Ireland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)*, Strasbourg: Council of Europe.

331 Irish Penal Reform Trust (2011) *IPRT Briefing on Detention of Children in St. Patrick's Institution*, www.iprt.ie.

LOCAL FOCUS: Corkman.ie, Mountjoy 'unsuitable' for juveniles, 15 November 2011.

Steps have been taken to improve conditions for the children detained in St Patrick's Institution. Management and the IYJS share best practice for addressing the needs of 16- and 17-year-olds and the Irish Prison Service is developing a new Child Policy to enhance delivery of age-appropriate services, linking with external services prior to, during and after detention, and ensuring best practice while in detention. Measures have been taken to ensure that, as far as possible, 16- and 17-year-olds are accommodated in a dedicated wing and cared for differently from the adult offenders in the Institution. Steps have been taken to reduce contact with over adults such as establishing a separate tuck shop, laundry and shower facilities – in addition to the separate school opened in 2007. There have also been improvements in recreation facilities, an e-learning project and an information booklet provided on arrival for the 16- and 17-year olds.³³²

At any one time a third of those detained in St. Patrick's Institution request to be held 'on protection'.

Despite these improvements and the reported positive relations between staff and children, the fact remains that St. Patrick's Institution is an adult medium-security prison which operates an adult penal regime. A 2011 report by the Ombudsman for Children outlines a number of cases where children still come into contact with adult prisoners.³³³ Staff members wear uniforms, much of the day is spent locked up and the majority of visits with family

take place behind a perspex screen (no physical contact allowed).³³⁴ Particular problems exist in relation to the conditions of cells given that it is a Victorian era prison. *Listen to Our Voices*, a 2011 Department of Children and Youth Affairs report, highlights the concern felt by 16- and 17-year old boys in St. Patrick's Institution in relation to staff, facilities, freedom issues and alcohol and drugs.³³⁵ 'No screens on visits' was voted the single most important issue by the boys in St. Patrick's Institution.³³⁶

Being on protection involves up to 23-hours a day lock up in single separation cells, with limited access to education, physical activity and association with other prisoners, a request to be placed on protection is associated with the prisoner fearing for their own safety.

332 Information received by the Children's Rights Alliance from the Department of Children and Youth Affairs, December 2011.

333 Ombudsman for Children's Office (2011) *Young People in St. Patrick's Institution: A report by the Ombudsman for Children's Office*, Dublin: Ombudsman for Children's Office. Examples cited include visiting the prison shop and when receiving visits in the 'visiting box' in C Division (for adults) rather than B division (for 16- and 17-year-olds).

334 *Ibid.* Examples cited include visiting the prison shop and when receiving visits in the 'visiting box' in C Division (for adults) rather than B division (for 16- and 17-year-olds).

335 O. McEvoy and Dr. M. Smith (2011) *Listen to Our Voices: Hearing Children and Young People Living in the Care of the State*, Dublin: Department of Children and Youth Affairs, p. 72.

336 *Ibid.*

At any one time a third of those detained in St. Patrick's Institution request to be held 'on protection', often on their committal to the prison.³³⁷ As of 31 October 2011, 8 children were on protection – a restricted regime designed for safety and security reasons.³³⁸ Being on protection involves up to 23-hours a day lock up in single separation cells, with limited access to education, physical activity and association with other prisoners, a request to be placed on protection is associated with the prisoner fearing for their own safety.³³⁹

Complaints: The Ombudsman for Children cannot accept individual complaints from children held in St. Patrick's Institution and has called for an extension of her remit to allow for this, so that she can hear complaints from children held in prison on the same basis as children detained elsewhere. The current discrepancy denies children in St. Patrick's Institution the same rights as other children in detention and needs to be remedied as a matter of urgency.³⁴⁰ The need to close this 'protection gap' was emphasised by the Council of Europe Commissioner for Human Rights in 2008 and again in 2011, and by the UN Committee on the Rights of the Child.³⁴¹ In a positive development, the Minister for Children and Youth Affairs indicated in December 2011 that she will consider, in consultation with the Minister for Justice and Equality in 2012, extending the remit of the Ombudsman for Children to St. Patrick's.³⁴²

IMMEDIATE ACTION FOR 2012

> **Commit capital funds for 2012 to build the National Children Detention Facility and thus end the inappropriate practice of detaining children in St. Patrick's Institution**

Commence building of a new National Children Detention Facility in Lusk, which will operate a child-centred, educational focused regime. As an interim measure, continue to improve the regime experience by children detained in St. Patrick's Institution and extend the remit of the Ombudsman for Children to cover these children.



337 Inspector of Prisons (2010) *The Irish Prison Population – an examination of duties and obligations owed to prisoners*, Tipperary: Office of the Inspector of Prisons, p. 81.

338 Jonathan O'Brien, TD, Parliamentary Question [35646/11], 22 November 2011, written answers, <http://debates.oireachtas.ie/dail/2011/11/22/unrevised2.pdf>, p. 521 [accessed 9 January 2012].

339 Irish Prison Chaplains (2010) *Irish Prison Chaplains Annual Report, Submitted to the Minister for Justice and Law Reform*, p. 17-20.

340 Children's Rights Alliance (2006) *From Rhetoric to Rights: Second Shadow Report to the United Nations Committee on the Rights of the Child*, Dublin: Children's Rights Alliance.

341 Council of Europe (2010) *Report to the Government of Ireland on the visit to Ireland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)*, Strasbourg: Council of Europe; Council of Europe (2007) *Report by the Commissioner for Human Rights Mr. Thomas Hammarberg on his Visit to Ireland 26-30 November 2007*, Strasbourg: Council of Europe; and United Nations Committee on the Rights of the Child (2006) *Concluding Observations: Ireland* (CRC/C/IRL/CO/2 paragraph 73).

342 Pearse Doherty, TD, Parliamentary Question [40373/11], 15 December 2011, written answers, <http://debates.oireachtas.ie/dail/2011/12/15/unrevised2.pdf>, p. 412 [accessed 9 January 2012].

B

Realising Children's Rights

LOCAL EYE



HIGGINS HIGHLIGHTS NEED TO 'CHERISH ALL CHILDREN EQUALLY', THE CLARE CHAMPION

The 2011 Cumann Merriman Summer School in Lisdoonvarna addressed the topic of 'Changing Irish Childhoods'. The four day event was closed by Presidential candidate (now President) Michael D Higgins, who emphasised that achieving "a fulfilling Irish childhood will require more than legal and constitutional change, it will require a change of consciousness at every level".

Mr Higgins welcomed the Government's commitment to a dedicated referendum on children's rights in 2012 as a welcome development which "might certainly be a powerful legal statement on Ireland's values as a society". He also drew attention to the challenges experienced by many children in Ireland, saying: "When one considers the number of children with mental health difficulties who are to be found in adult institutions, the regular progression of children from detention to prison, the number of children who are leaving school early, almost 9,000 every year, the number of unaccompanied minors 'lost' from HSE accommodation – over 500 – and the more than 2,000 children from Traveller families who are deprived of basic facilities, one can see how easy it would be to conclude that the cherishing of all children equally is not yet being realised."

Nicola Corless, 'Higgins highlights need to 'cherish all children equally'', *The Clare Champion*, 26 August 2011

Overview

'Realising Children's Rights' is a new section in *Report Card 2012*, tracking progress on the children's rights referendum, patronage and pluralism in primary education, and issues affecting Traveller and migrant children. The overall 'B' grade is misleading, as we have not graded the commitments on Traveller or migrant children this year; instead these areas are given an 'N/A' mark – not applicable – to draw attention to the vague nature of the commitments, the lack of clarity in relation to timeframe and responsibility for delivery and the difficulty in measuring action. These areas will be graded in *Report Card 2013*; to merit a respectable grade, we call on Government to clarify its intentions by making clear commitments in both of these areas in the forthcoming second National Children's Strategy.

This section draws attention to issues which are fundamental to the realisation of children's rights, and not addressed elsewhere in *Report Card 2012*. The Committee's 2006 *Concluding Observations* note with regret that the recommendations made in its 1998 report had not yet been fully addressed, in particular those related to the status of the child as a rights-holder, the adoption of a child rights-based approach in policies and practices, and the failure to incorporate the UN Convention into domestic law;³⁴³ and urged the Government to make every effort to progress these actions as a matter of priority. The pledged referendum to strengthen children's rights in the Constitution, committed to by the new Government on taking office in March 2011 and expected to take place in 2012, is an important step towards the full implementation of the UN Convention in Ireland.

During 2011, two international processes contributed to raising the profile of human rights issues in Ireland, and within those issues of children's rights. In October 2011, Ireland was reviewed for the first time under the Universal Periodic Review (UPR), an international peer review process through which the human rights records of UN member states are assessed. In March 2011, the UN Committee on the Elimination of Racial Discrimination (CERD) published its *Concluding Observations* to Ireland, following its review in January 2011. Both examinations highlighted core children's rights issues including the ongoing detention of children in St. Patrick's Institution, an adult prison; the

failure to recognise Travellers as an ethnic group; and the cuts to the vital national human rights institutions. The Minister for Justice and Equality pledged at the UPR hearing that a referendum on children's rights would be held in 2012.³⁴⁴

Nationally, the forum on Patronage and Pluralism in the Primary Sector provided an example of a well-planned, well-run, open and engaging consultation process; which drew on knowledge and experience from within the education sector and beyond, and shared its deliberations and findings publicly on an ongoing basis.³⁴⁵ Future consultations can learn from this model.

Ireland's human rights infrastructure has been the victim of severe cuts over multiple budgets. In 2011, the decision to merge the Human Rights Commission and the Equality Authority in one body, the Human Rights and Equality Commission, was announced.³⁴⁶ This new structure must maintain a focus on children and use its mandate to represent their rights to maximum effect.³⁴⁷ In addition, the Government must ensure that in merging the Equality Tribunal into a new employment dispute resolution body that the remedies under the Equal Status Acts 2000-2008 are safeguarded and remain accessible to children.

The *Programme for Government* contains a commitment to 'reform and modernise aspects of family law'. It is disappointing, however, that this commitment did not specifically reference children. The adversarial nature of the court system, the rigid application of the 'in camera' rule, and lack of clarity on the best interest of the child and the voice of the child principles hinder best practice in relation to children within the courts. The forthcoming second National Children's Strategy provides an opportunity to include a clear commitment to reform to ensure children's rights are upheld in judicial settings.

343 United Nations Committee on the Rights of the Child (2006) *Concluding Observations: Ireland* (CRC/C/IRL/CO/2 paragraph 9).

LOCAL FOCUS: *The Clare Champion*, 'Higgins highlights the need to cherish all of the children equally'.

344 United Nations, Human Rights Council, *Draft report of the Working Group on the Universal Periodic Review, Ireland*, (A/HRC/WG.6/12/L.7), 1.A.18, p. 4).

345 See here for all documents associated with the Forum <http://www.education.ie/home/home.jsp?pcategory=10856&ecategory=56743&language=EN> [accessed 22 December 2011].

346 Department of Justice and Equality, 'Government to establish a new enhanced Human Rights and Equality Commission – Shatter' [Press Release] 9 September 2011.

347 For a broader discussion on this merger see Equality and Rights Alliance (2011) *Equality and Rights Alliance Response on Proposed Merger of the Equality Authority and the Irish Human Rights Commission*, Dublin: Equality and Rights Alliance

5.1 CHILDREN'S RIGHTS REFERENDUM

COMMITMENT	PROGRESS
<p>The <i>Programme for Government</i> commits to establishing a process to ensure that the Constitution meets the challenges of the 21st century, by addressing a number of specific urgent issues as well as establishing a Constitutional Convention to undertake a wider review. It also promises to give priority to specific constitutional amendments, including:</p> <ul style="list-style-type: none"> > A referendum to amend the Constitution to ensure that children's rights are strengthened, along the lines recommended by the All-Party Oireachtas Committee. 	<p>On track.</p>

What's happening?

Budget 2012 provided €3 million to hold a children's rights referendum. Government has committed to hold a referendum in 2012.

All-party agreement on wording for a proposed referendum on children's rights was achieved in February 2010.³⁴⁸ The new Government committed in its Programme for Government in March 2011 to hold a referendum to amend the Constitution to strengthen children's rights, along the lines recommended by the Joint Committee on the Constitutional Amendment on Children.³⁴⁹ Political commitment to hold the referendum in 2012 has been clearly stated by the Taoiseach,³⁵⁰ the Minister for Children and Youth Affairs³⁵¹ and the Minister for Justice and Equality.³⁵² Budget 2012 allocated €3 million for the holding of a referendum on children's rights: this sum was also previously allocated in Budgets 2010 and 2011.

The Minister for Children and Youth Affairs is currently reviewing the proposed amendment wording put forward by the Joint Committee along with two previous sets of proposed wording produced by the two previous Coalition Governments. The Minister will be advised by the Attorney General in her deliberations and the wording will be the subject of Cabinet discussions and approval.



348 Government of Ireland (February 2010) *Joint Committee on the Constitutional Amendment on Children, Third Report, Twenty-eighth Amendment of the Constitution Bill 2007, Proposal for a constitutional amendment to strengthen children's rights, Final Report*, Dublin: Stationery Office.

349 Government of Ireland (2011) *Programme for Government 2011*, Dublin: Stationery Office.

350 Enda Kenny, TD, An Taoiseach, Dáil Debate, 6 December 2011, <http://debates.oireachtas.ie/dail/2011/12/06/unrevised1.pdf> p. 851 [accessed 16 January 2012].

351 Minister for Children and Youth Affairs, Frances Fitzgerald, TD, in response to Charlie McConalogue, TD, Parliamentary Question [34135/11], 15 November 2011, written answers, <http://debates.oireachtas.ie/dail/2011/11/15/unrevised2.pdf>, p. 752 [accessed 16 January 2012]; Carl O'Brien, 'Minister insists children's rights referendum to go ahead next year', *The Irish Times*, 19 December 2011.

352 United Nations Human Rights Council (2011) *Draft report of the Working Group on the Universal Periodic Review, Ireland, (A/HRC/WG.6/12/L.7)*, 1.A.18, p. 4.

Comment

This is a new commitment in *Report Card 2012* and it gets a 'B' grade in recognition of Government's stated pledge to hold a referendum in 2012.

Children's rights are almost invisible within the Irish Constitution, the basic law of the State.³⁵³ The only specific reference to children having rights is under Article 42.5 in the context of parental failure. The Alliance has long advocated that a referendum is needed to strengthen and make visible children's rights within the Constitution.³⁵⁴ The public reaction to official reports into institutional, clerical and other child abuse cases has demonstrated a public appetite for constitutional change.³⁵⁵ Constitutional reform in this area has been repeatedly called for in a series of official reports: including, in 1980 by the Task Force on Child Care;³⁵⁶ in 1993 by the Kilkenny Incest Investigation report;³⁵⁷ in 1996 by the Constitution Review Group³⁵⁸ in 1998 by the Commission on the Family;³⁵⁹ in 2006 by the All-Party Oireachtas Committee on the Constitution;³⁶⁰ by the 2006 Joint Committee on Child Protection;³⁶¹ and by the 2010 Joint Committee on the Constitutional Amendment on Children.³⁶² At an international level, the UN Committee on the Rights of the Child in 1998, and again in 2006, added its voice to these cumulative calls to strengthen legal recognition of children's rights.³⁶³

The Irish Constitution was adopted by plebiscite in 1937 and drafted before the emergence of the UN movement. Despite this many provisions in the Constitution have stood the test of time, particularly in relation to fair procedures,

criminal justice and certain personal rights. However, the Constitution has failed to adequately protect children over the same period. For example, the absence of constitutional recognition for children has led to cases about children being decided without reference to the best interests of the child or without hearing from the child in question.³⁶⁴ The invisibility of children in the Constitution is reflective of the historical period in which it was written when it was commonly held that children should be 'seen and not heard'. Much has changed since then, in particular since Ireland ratified the UN Convention on the Rights of the Child in 1992 and has begun to reflect its principles and provision in our laws and practices. Given this new children's rights framework and the societal changes that have occurred over the past 70 years, the Constitution needs to be amended to reflect the value now placed on children and childhood. The Alliance believes that constitutional reform is necessary to affirm the child as an individual with specific rights, given their vulnerability and the fact that they are largely dependent on adults to meet their needs and vindicate their rights.

At present, the Constitution permits discrimination between children of married and non-married families and hinders the application of the best interests of the child principle, with a knock-on impact on the child care and protection system. For example, the current constitutional provisions hamper the adoption of children whose parents are married, affecting an estimated 2,000 children currently in long term foster care. These children have grown up with little or no regular contact with their married birth parents, yet they are blocked from creating legal ties through adoption with a new family: many have lived for most of their lives with foster families, who are often relatives.

353 *Bunreacht na hÉireann – Constitution of Ireland* (1937) Dublin: Stationery Office.

http://www.taoiseach.gov.ie/attached_files/Pdf%20files/Constitution%20of%20Ireland.pdf

354 See Children's Rights Alliance (2010) *Briefing Note: Joint Committee on the Constitutional Amendment on Children and Related Work of the Children's Rights Alliance*.

355 LOCAL FOCUS: *The Westmeath Independent*, 'Children's rights referendum must be held', 20 July 2011.

356 Task Force on Child Care Services (1980) *Final Report to the Minister for Health/Task Force on Child Care Services*, Dublin: Stationery Office.

357 *Kilkenny Incest Investigation: Report presented to Mr. Brendan Howlin TD, Minister for Health by South Eastern Health Board* (1993) Dublin: Stationery Office.

358 *Report of the Constitution Review Group* (1996) Dublin: Stationery Office.

359 *Strengthening Families for Life, Final Report of the Commission on the Family* (1998) Dublin: Stationery Office.

360 The All-Party Oireachtas Committee on the Constitution (2006) *Tenth Progress Report: The Family*, Dublin: Stationery Office.

361 Houses of the Oireachtas Joint Committee on Child Protection (2006) *Report on Child Protection*.

362 Government of Ireland (February 2010) *Joint Committee on the Constitutional Amendment on Children, Third Report, Twenty-eighth Amendment of the Constitution Bill 2007, Proposal for a constitutional amendment to strengthen children's rights, Final Report*, Dublin: Stationery Office.

363 Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child, Ireland*. U.N. Doc. CRC/C/IRL/CO/2, 29 September 2006. In addition, at European level, the Council of Europe has recommended that States guarantee children's rights through explicit recognition in constitutional texts (See Council of Europe, Parliamentary Assembly (1996), Recommendation 1268 on a European Strategy for Children). Children's rights are also recognised in the Charter of Fundamental Rights of the European Union (Article 24).

364 An example is the case of two year old 'Baby Ann'. The case involved a custody dispute between the child's married parents and prospective adoptive parents with whom the child had been living since she was placed for adoption at birth. Justice Catherine McGuinness noted in her judgment that the most striking feature of the case was that the child, whose rights and interests should have been at the very heart of this case, was not separately represented. See McGuinness J., N. & anor. -v- Health Service Executive & ors [2006], IESC 60.

The Joint Committee on the Constitutional Amendment on Children was established in November 2007 to deepen political consensus on wording for a constitutional amendment.³⁶⁵ The Joint Committee's third and final report, published in February 2010, contained all-party agreement on a proposed wording for an amendment to strengthen children's constitutional rights.³⁶⁶ The achievement of an all-party consensus is significant and was further strengthened by a commitment to a referendum in each of the main political parties 2011 General Election manifestos.³⁶⁷

The specific nature of the constitutional change required was mapped out by the Joint Committee.³⁶⁸ The Committee's proposal creates an equitable standard of protection for all children regardless of the marital status of the child's parents, the right to such protection and care as is necessary for his or her wellbeing; it allows the courts to make decisions in the child's best interests and recognises the child's right to be heard. It would provide the State with the necessary tools to develop the very best care, adoption and child protection systems and empower the State to intervene in a proportionate way to protect children.

IMMEDIATE ACTION FOR 2012

> **Hold a referendum as early as possible in 2012 to strengthen children's rights in the Constitution**

Strong wording should be finalised for a proposed amendment to strengthen children's rights in the Constitution, along the lines recommended by the Joint Committee on the Constitutional Amendment on Children. To support people in voting, clear public information should be made available detailing why we are holding the referendum and what legislative changes would be brought about if the amendment is passed. The referendum should not be held alongside another referendum on a complex and contentious issue. Voters must be given adequate time to consider and debate the children's rights amendment.



³⁶⁵ The Committee's terms of reference were to examine, and consider, the proposal for a constitutional amendment to strengthen children's rights contained in the Twenty-Eighth Amendment of the Constitution Bill 2007, and to make recommendations to the two Houses of the Oireachtas. The Committee was originally due to submit its report and recommendations in March 2008 (four months from the date of its establishment). However, this deadline was extended five times with the Committee sitting for a total of 27 months. In total, the Committee met on 62 occasions: in 15 public sessions and 47 private sessions.

³⁶⁶ Government of Ireland (February 2010) *Joint Committee on the Constitutional Amendment on Children, Third Report, Twenty-eighth Amendment of the Constitution Bill 2007, Proposal for a constitutional amendment to strengthen children's rights, Final Report*, Dublin: Stationery Office.

³⁶⁷ The Children's Rights Alliance has created an electronic pledge wall for members of the Oireachtas to indicate their full support for strengthening children's rights in the Constitution. See <http://www.childrensrights.ie/content/childrens-rights-referendum-pledge-wall>.

³⁶⁸ Government of Ireland (February 2010) *Joint Committee on the Constitutional Amendment on Children, Third Report, Twenty-eighth Amendment of the Constitution Bill 2007, Proposal for a constitutional amendment to strengthen children's rights, Final Report*, Dublin: Stationery Office.

5.2 PATRONAGE AND PLURALISM IN EDUCATION

COMMITMENT	PROGRESS
<p>The <i>Programme for Government</i> commits to initiating a time-limited Forum on Patronage and Pluralism in the Primary Sector to allow all stakeholders including parents to engage in open debate on change of patronage in communities where it is appropriate and necessary.³⁶⁹ The Forum will have concise terms of reference and will sit for a maximum of 12 months.</p> <p>The Forum's recommendations will be drawn up into White Paper for consideration and implementation by Government to ensure that the education system can provide a sufficiently diverse number of schools, catering for all religions and none.</p>	<p>On track.</p> <p>*Awaiting commencement.</p>

What's happening?

Forum on Patronage and Pluralism in the Primary Sector established and interim report delivered. Final report expected by the end of January 2012.

The Forum on Patronage and Pluralism in the Primary Sector was established by the Minister for Education and Skills in April 2011.³⁷⁰ The Forum focused on three themes: establishing demand for diversity of patronage; the practicalities of managing the transfer or divesting of patronage; and how diversity can be accommodated in areas without sufficient demand to justify a separate school.³⁷¹ The Advisory Group engaged with stakeholders on a number of occasions between April and November 2011.³⁷² In total, the forum received 220 submissions and consulted with 81 children. An interim Report was published in November 2011, and presented at a public working session.³⁷³ The Group is finalising its report and is expected to submit it to the Minister by the end of January 2012.³⁷⁴

In its interim Report, the Advisory group suggested a 'phased approach' to addressing school patronage, with a first phase involving 47 catchment areas, covering 258 schools, where it seems that there is a need for divesting to allow for diversity of schools. It also drew attention to the issues affecting 'stand alone' schools (where there is no other choice of school nearby) and focused on how these schools can be more inclusive and respect the constitutional rights of all pupils. Moreover, the Advisory group suggested changes intended to help schools cater for pupils of all belief systems other than that of the majority of pupils; and proposed changes to the "Rules for National Schools" and curricular guidelines.³⁷⁵

*Work on the White Paper cannot commence before the findings of the Forum on Patronage and Pluralism are complete. We will track this commitment in *Report Card 2013*.

369 Patronage refers to the ownership and management of schools. In Ireland, the vast majority of primary schools are privately owned and supported by the different churches. The State pays the bulk of the building and running costs and a local contribution is made towards the running costs.

370 The three-person Forum is chaired by Professor John Coolahan. The two other members of the group are Dr Caroline Hussey and Fionnuala Kilfeather.

371 Department of Education and Skills, 'Launch of the Forum on Patronage and Pluralism in the Primary Sector', Speech by Minister for Education Ruairi Quinn TD, 19 April 2011.

372 The Forum invited initial submissions from thirteen key stakeholders in April. The 13 organisations are: National Parents Council – Primary; The Council for Education of the Irish Episcopal Conference; Catholic Primary School Management Association; Association of Trustees of Catholic Schools; The Board of Education of the Church of Ireland; Educate Together; Foras Pátrúnachta na Scoileanna Lán-Ghaeilge Teoranta; Gaelscoileanna Teoranta; Irish National Teachers' Organisation; The Islamic Foundation of Ireland; Irish Vocational Education Association; National Association of Boards of Management in Special Education; Irish Primary Principals' Network. In June it opened the call to other interest groups and the public. Two public working sessions were hosted (in June and November 2011) and further written submissions invited from those attending the public working sessions. The Alliance made a submission to the Group in June 2011. For further details and materials from the public working sessions see <http://www.education.ie/home/home.jsp?pcategory=10856&ecategory=56743&language=EN> [accessed 9 December 2011].

373 Professor John Coolahan, 'Sharing our Reflections', Presentation at the Forum on Patronage and Pluralism 17 November 2011, http://www.education.ie/servlet/blobServlet/fpp_prof_coolahan_address_november_2011.pdf?language=EN [accessed 12 December 2011].

374 Information received by the Children's Rights Alliance from the Department of Education and Skills, January 2012.

375 Professor John Coolahan, 'Sharing our Reflections', Presentation at the Forum on Patronage and Pluralism, 17 November 2011, http://www.education.ie/servlet/blobServlet/fpp_prof_coolahan_address_november_2011.pdf?language=EN [accessed 12 December 2011].

Comment

This is a new commitment in *Report Card 2012* and it gets a 'B' grade, to reflect the speed with which action was taken on establishing the Forum and the openness with which the Forum's activities have taken place.

The UN Convention on the Rights of the Child provides every child with the right to "education" (Article 28), and the right to "freedom of thought, conscience and religion" (Article 14). Article 29 (aims of education) also states that a child's education should be directed to "the development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations".³⁷⁶ From *Rhetoric to Rights* (2006), the Children's Rights Alliance Second Shadow Report to the UN Committee on the Rights of the Child, called for the State to actively promote the establishment of multid denominational and non-denominational schools.³⁷⁷ The Alliance Shadow Report also drew attention to the need to ensure that, within denominational schools, appropriate and sensitive alternative arrangements are made in all cases for children who are not taking part in religious education classes; and urged the Department of Education to consider introducing an ethics curriculum for all schools exploring ethics, along with different religious and cultural practices.³⁷⁸ The Committee's 2006 *Concluding Observations* on Ireland called for the establishment of multid denominational and non-denominational schools and recommended that the existing legislative framework be amended to eliminate discrimination in school admissions.³⁷⁹

The Irish primary education system is 180 years old. During that time it has changed in many ways – most recently adapting to new technologies and their role in children's learning. However, school patronage, a key structural issue, has not been comprehensively reformed to reflect the diversity within the Irish population, both among Irish and migrant families. Today, 96% of schools have a religious patron, with 89.6% of those under the patronage of the Catholic Church.³⁸⁰ The challenge for the Forum on Patronage and Pluralism in the Primary Sector is not to redesign the primary system, but to adapt it to be more inclusive and devise new forms of patronage to meet, as far as possible, the needs of those for whom the

denominational pattern of patronage is not acceptable.³⁸¹ It is positive that the Catholic Church authorities, as largest patron, accept the need for change and endorse the principle of parental choice in education, stating in a 2011 paper that "if sufficient demand for a school under different patronage (from denominational) can be demonstrated then all of the stakeholders should work in partnership towards this goal."³⁸²

A national network of schools should be provided that guarantee equality of access and esteem to children irrespective of their religious, cultural or social background.³⁸³ There are a range of models to learn from. Since the 1970s a number of new forms of patronage developed in Ireland (other than denominational), including Educate Together, Foras Pátrúnachta na Scoileanna Lán Gaeilge, and the Vocational Education Committee Community National Schools. These bodies have built up experience, experimented with new approaches and won the confidence of parental groups. Many schools with religious patrons, in dealing with issues of diversity every day, have developed practical solutions and good practice guidelines as to how best to accommodate the rights and needs of all pupils. While this remains *ad hoc*, it is evidence of how many schools are successfully accommodating greater cultural, ethnic, linguistic and religious diversity within their pupil bodies and should be acknowledged and drawn upon. Finally, it is important to note that the work of the Forum applies to primary education only, taking lessons learned and considering how they can be applied at second-level will be an important next step.

IMMEDIATE ACTION FOR 2012

> Publish the White Paper on Patronage and Pluralism in Primary Education and progress implementation

Momentum gathered in 2011 around this issue must be maintained and deliberation moved to clear recommendations and action. The White Paper should be published in the first quarter of 2012 and Government approval sought by Autumn 2012.

376 United Nations (1989) Convention on the Rights of the Child.

377 The Alliance repeated the recommendation made in the 2005 *Concluding Observations* of the UN Committee on the Elimination of Racial Discrimination (UN CERD) to Ireland.

378 Children's Rights Alliance (2006) *From Rhetoric to Rights: Second Shadow Report to the United Nations Committee on the Rights of the Child*, Dublin: Children's Rights Alliance.

379 United Nations Committee on the Rights of the Child (2006) *Concluding Observations: Ireland* (CRC/C/IRL/CO/2 paragraph 61).

380 Department of Education and Skills (2011) *Public Submissions: Forum on Patronage and Pluralism in the Primary Sector, themes for written submissions*, http://www.education.ie/servlet/blobservelet/fpp_themes_for_written_submissions.pdf [accessed 12 December 2011].

381 For further development on this see: Irish Human Rights Commission (2011) *Religion and Education: A Human Rights Perspective*, Dublin: IHRC. LOCAL FOCUS: *The Drogheda Independent*, 'Positive response to bid for school', 21 December 2011.

382 Catholic Schools Partnership (2011) *Catholic Schools in the Republic of Ireland: A Position Paper*, Kildare: Catholic Schools Partnership.

383 Irish Council for Civil Liberties (2011) *Your Rights. Right Now: Ireland's Civil Society UPR Stakeholder Report*, Dublin: ICCL.

5.3 TRAVELLER CHILDREN

COMMITMENT	PROGRESS
The <i>Programme for Government</i> commits to promoting greater co-ordination and integration of delivery of services to the Traveller community across Government, using available resources more effectively to deliver on principles of social inclusion, particularly in the area of Traveller education.	Not possible to assess.

Rights: The UN Committee on the Rights of the Child has repeatedly expressed its concern about the lack of adequate recognition, action and positive measures taken by Ireland to enhance the rights and life opportunity of Traveller children, with particular reference to access to education, housing and health services.³⁸⁵ This was echoed in the 2011 Universal Periodic Review (UPR) process.³⁸⁶ In 2011, the UN Committee on the Elimination of Racial Discrimination (CERD) Committee found little change in relation to the status of Travellers from its previous examination in 2005 and reiterated its 2005 recommendation that Ireland should continue to engage with the Traveller community and work concretely towards recognising Travellers as an ethnic group.³⁸⁷

What's happening?

Ministerial responsibility for Travellers rests with the Ministers of State at the Department of Health and Department of Justice and Equality, in relation to the Traveller Education Strategy, with the Minister for Education and Skills. At Ireland's hearing for the UN Universal Periodic Review (UPR) in October 2011, the Minister for Justice and Equality announced that the Government was 'seriously considering' conferring recognition of Travellers as an ethnic minority group.³⁸⁴

The call for recognition of Traveller ethnicity echoes that of the Equality Authority,³⁸⁸ the Human Rights Commission,³⁸⁹ the National Consultative Committee on Racism and Interculturalism (NCCRI),³⁹⁰ the UN Human Rights Committee,³⁹¹ the Council of Europe Commissioner for Human Rights³⁹² and the UN Committee on the Rights of the Child.³⁹³ The UN Committee also called on Government to ensure that concrete measures are undertaken to improve the livelihoods of the Traveller community by focusing on improving students' enrolment and retention in schools, employment, access to healthcare, housing and transient sites.³⁹⁴

Comment

This is a new commitment in *Report Card 2012* and it is not awarded a grade this year, due to the vague nature of the commitment and difficulty in tracking progress. This is an area of concern for the Alliance and to get a respectable grade next year, Government must outline clearly the steps it plans to take to improve outcomes for Traveller children.

Policy: Outcomes for Traveller children are almost universally worse than their settled peers. Many Traveller children live in conditions that are far below the minimum required for healthy child development and this is reflected in their health outcomes.³⁹⁵ Data relating to accommodation is out of date, but 2005 figures suggested that 2,000 Traveller children within 750 families lived in caravans on the roadside without basic facilities such as running water, electricity, regular refuse collection, toilets,

384 Pavee Point (2011) *Briefing: Why recognise Travellers as an Ethnic Group?* www.paveepoint.ie.

385 United Nations Committee on the Rights of the Child (2006) *Concluding Observations: Ireland* (CRC/C/IRL/CO/2 paragraphs 45, 58, 59, 78, 79).

386 Irish Council for Civil Liberties (2011) *Your Rights. Right Now: Ireland's Civil Society UPR Stakeholder Report*, Dublin: ICCL.

387 United Nations Committee on the Elimination of Racial Discrimination (2011) *Concluding Observations: Ireland*.

388 The Equality Authority (2006) *Traveller Ethnicity: An Equality Authority Report*, Dublin: Equality Authority, p. 8.

389 Irish Human Rights Commission (2011) *Submission for the Twelfth Session of the Working Group on the Universal Periodic Review: Ireland*, Irish Human Rights Commission: Dublin, p. 11-12.

390 National Consultative Committee on Racism and Interculturalism (2004) *The Importance of Recognising Travellers as an Ethnic Group Submission to the Joint Oireachtas Committee on Human Rights*, Dublin: National Consultative Committee on Racism and Interculturalism.

391 Human Rights Committee (2008) *Concluding Observations: Ireland* (CCPR/C/IRL/CO/3, paragraph C. 23).

392 Council of Europe (2011) *Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following his visit to Ireland from 1 to 2 June 2011*, Strasbourg: Council of Europe

393 United Nations Committee on the Rights of the Child (2006) *Concluding Observations: Ireland* (CRC/C/IRL/CO/2 paragraphs 79).

394 *Ibid*, paragraphs 45, 58, 59, 78, 79.

395 For example, birth weights for Traveller children are significantly lower than those for the population as a whole. The immunisation uptake rate for MMR among Travellers is 52% as opposed to a national figure of 75%. While Travellers have a higher birth rate, they have a low life expectancy with only 3.3% of the population over 65 years as opposed to 11.1% for the general population. Department of Health and Children (2002) *Traveller Health – A National Strategy 2002–2005*, Dublin: Department of Health and Children, p. 53; Census 2002: *Volume 8, Irish Traveller Community*, Table 5, p. 17.

baths and showers, fire precautions or safe play areas.³⁹⁶ At present, 73% of Travellers are living in local authority housing,³⁹⁷ indeed all 34 Local Authority Area Plans emphasise the provision of local authority accommodation for Travellers, rather than culturally appropriate housing schemes or halting sites³⁹⁸ (the lack of provision of Traveller specific accommodation contributes to undermining Traveller children's right to identity).

In education, Traveller children are more likely to leave school early and/or without qualifications,³⁹⁹ and while statistics on the exclusion of Travellers from school are not available, evidence indicates that some Travellers are refused school places.⁴⁰⁰ Three consecutive consultations with children undertaken by Pavee Point in 2006, 2009 and 2011 indicated that discrimination continues in the school system.⁴⁰¹

Despite the very obvious challenges faced by Travellers in education, the Visiting Teachers for Travellers (VTFT) Programme – and the 42 associated posts – was abolished in Budget 2011 with no compensatory measures.⁴⁰² This change was not reversed by the new Government on taking office. This cut was short-sighted and the associated risk, of Traveller children disengaging from education, will cost Government more in the long-run than the continuing the VTFT programme. Traveller organisations have limited or no budget currently to support Traveller education within the policy arena or at grass roots levels. Traveller children are over-represented in the care population – they are six times as likely to be in care when compared to the total population.⁴⁰³

Data: The *Survey of Traveller Education Provision in Irish Schools* (2006) and the *All-Ireland Traveller Health Study* (2010) are important resources, but their findings have not driven new policy initiatives, or improved the welfare of Travellers.⁴⁰⁴ The 2006 *Traveller Education Strategy* has never had a clear implementation plan. The only recommendations which have been implemented relate to

moving from segregated provision to integrated provision which have involved cuts to Traveller education provision and resourcing. While in principle integration is to be welcomed the recommended preparatory steps have not been taken, hence many Travellers are at risk of disengagement from educational services.⁴⁰⁵ The failure to translate research findings into policy was emphasised by UN Committee on the Elimination of Racial Discrimination in 2011, which noted with regret the poor outcomes in the fields of health, education, housing, employment for Travellers as compared to the general population.⁴⁰⁶ *The National Strategy for Research and Data on Children's Lives 2011-2016* does not single out Travellers for focus; nor does *Growing Up In Ireland: the National Longitudinal Study on Children*. The *All Ireland Traveller Health Survey 'Our Geels'*, published in 2010, identified a disproportionate threat to Traveller children's health, due to parents' inability to pay for health care. This finding was unexpected given the number of Travellers entitled to a medical card. The survey also found that Traveller children experience higher rates of speech, hearing and eyesight problems than the settled population. The survey includes a follow-up one-year Birth Cohort Study, but again, the impact of this research on policy designed to improve outcomes for Traveller children is unclear.

Structures: The National Traveller Monitoring and Advisory Committee (NTMAC) was established in 2007 as part of the Social Partnership structures under the *Towards 2016: National Social Partnership Framework Agreement*. It was intended to provide a context for dialogue to improve outcomes for Travellers.⁴⁰⁷ NTMAC has had very limited impact: the committee has no power and is not backed by statute; it can offer advice to Ministers but not demand action, for example it had no impact on the cuts to Traveller education. In 2011, the UN Committee on the Elimination of Racial Discrimination repeated its 2005 recommendation to improve the representation of Travellers in political institutions through temporary special measures.

396 Children's Rights Alliance (2006) *From Rhetoric to Rights: Second Shadow Report to the United Nations Committee on the Rights of the Child*, Dublin: Children's Rights Alliance, p. 78.

397 Information received by the Children's Rights Alliance from Pavee Point, December 2011.

398 *Ibid.*

399 UN Committee on the Rights of the Child (2006) *Concluding Observations: Ireland* (CRC/C/IRL/CO/2 paragraphs 58). In 2007/08 just 102 Travellers completed the Leaving Certificate. This is a completion rate of less than 20%, considerably lower than the national average of 84%. Similarly, only 56% of Travellers completed the Junior Certificate compared with an estimated 96% nationally. See Joint Oireachtas Committee on Education and Skills, First Report (2010) *Staying in Education: A new way forward*, p. 12.

LOCAL FOCUS: *The Galway Advertiser*, 'Galway schools continue to suffer from education cuts', 29 September 2011.

400 Barry Roche, 'School wins appeal in action over admissions', *The Irish Times*, 26 July 2011. See Christian Brothers High School Clonmel -v- Mary Stokes (on behalf of her son John Stokes) [2011] IECC 1.

401 Information received by the Children's Rights Alliance from Pavee Point, December 2011.

402 The éist project, providing training in diversity and equality to staff in the early childhood sector has also been cut, however some of its work has been mainstreamed through diversity and equality training within the County and City Childcare Committees.

403 Pavee Point (2006) *Submission by Pavee Point Travellers' Centre to the Homeless Agency on the Action Plan on Homelessness 2007 – 2010*, Pavee Point: Dublin, p. 4.

404 Information received by the Children's Rights Alliance from Pavee Point, December 2011.

405 *Ibid.*

406 United Nations Committee on the Elimination of Racial Discrimination (2011) *Concluding Observations: Ireland*.

407 http://www.justice.ie/en/JELR/Pages/Traveller_Policy_Division [accessed 23 December 2011].

IMMEDIATE ACTIONS FOR 2012

> **Specify commitments to Traveller children in the second National Children's Strategy, particularly in relation to education and health**

There is no document outlining Government commitments on Traveller children. The National Children's Strategy provides an opportunity to build on research into Traveller children's education⁴⁰⁸ and health⁴⁰⁹ and make clear commitments to improving their outcomes, with associated actions, timeframes and accountability structures.

> **Recognise Travellers as an ethnic group and provide capacity for their representation at national policy level on children's issues**

Recognition of Traveller ethnicity would ensure that consideration of Traveller children's needs in policy would be seen as a right. It would allow Traveller culture to be recognised as valid and improve the self-esteem and self-respect of the community. Representative capacity for Travellers would provide a mechanism through which the impact of policy changes on Traveller children could be highlighted.

> **Evaluate the impact of the Visiting Teachers for Travellers Programme**

The Visiting Teacher for Travellers programme was abolished in 2011. The programme's impact was not evaluated and learning generated through it was not gathered. A small research project is required to establish what was lost with the abolition of this programme, and which elements need to be integrated into the mainstream education system, to ensure adequate support for Traveller pupils.



408 Department of Education and Science Inspectorate: Evaluation Support and Research Unit (2006) *Survey of Traveller Education Provision*, Dublin: Stationery Office.

409 Department of Health (2010) *Our Geels: All Ireland Traveller Health Study*, Dublin: Department of Health.

5.4 MIGRANT CHILDREN

COMMITMENT	PROGRESS
The <i>Programme for Government</i> commits to promoting policies that integrate minority ethnic groups in Ireland, and that promote social inclusion, equality, diversity and the participation of immigrants in the economic, social, political and cultural life of their communities.	Not possible to assess.

What's happening?

In February 2011, the previous Government was examined by the United Nations Committee for the Elimination of Racial Discrimination and the Committee issued its *Concluding Observations* to Ireland in March 2011. Its conclusions singled out the need for legislation that adequately protects the rights of separated/unaccompanied children seeking asylum with international law and recommended that a guardian *ad litem* or advisor be appointed for all separated and unaccompanied children.⁴¹⁰

In March 2011, the new Government abolished the role of Junior Minister for Integration. This role is now undertaken by the Office for the Promotion of Migrant Integration, within the Department of Justice and Equality.⁴¹¹ In June 2011, the Minister for Justice and Equality commenced the holding of 'citizenship ceremonies' to formally mark the granting of citizenship with a civic ceremony.⁴¹² In June 2011, steps were taken to address the complexity of citizenship application forms and thus reduce the backlog in applications for citizenship.⁴¹³

The Equality Authority is an independent body that works towards the elimination of discrimination in employment

and in the provision of goods/services and education. The Authority has been particularly important in supporting individual cases to the Equality Tribunal,⁴¹⁴ including those involving children. In September 2011, the Government announced its intention to merge the two State human rights bodies: the Human Rights Commission and the Equality Authority into a single Human Rights and Equality Commission. Both of these organisations had significant cuts to funding under the previous Government.⁴¹⁵ In October 2011, Ireland's human rights record was examined by other United Nations countries for the first time, under the new Universal Periodic Review (UPR) process.⁴¹⁶ During its hearing in Geneva, the Irish Government stated that treating national, religious or ethnic minorities as inferior was unacceptable, as was discrimination against children and failure to recognise their vulnerability.⁴¹⁷

Comment

This is a new commitment in *Report Card 2012* and it is not awarded a grade, due to the vague nature of the commitment and difficulty in tracking progress. To get a respectable grade next year, Government must outline the steps it plans to take to improve outcomes for migrant children.

The UN Committee on the Rights of the Child, in its 2006 *Concluding Observations* on Ireland, welcomed the 2005 *National Action Plan Against Racism* but noted its concern that the principle of non-discrimination might not be enjoyed equally by all children in the State and that children of different ethnic and minority backgrounds face higher levels of racism, prejudice, stereotyping and xenophobia. It recommended the full implementation of the Plan, and called for particular measures to address racism in primary and secondary education.⁴¹⁸ Ireland's *National Action Plan Against Racism 2005–2008* concluded in 2008.⁴¹⁹ *Migration Nation: Statement on Integration Strategy and*

410 United Nations Committee for the Elimination of Racial Discrimination (2011) *Concluding Observations: Ireland*.

411 The functions of the Office for the Promotion of Migrant Integration include the promotion of the integration of legal immigrants into Irish society, the establishment of new structures for this purpose, the management of the resettlement of refugees admitted as part of the United Nations Resettlement Programme and the administration of funding from national and EU sources to promote integration.

412 Office for promotion of Migrant Integration, 'New Citizenship Ceremony', Speech by Alan Shatter TD Minister for Justice, Equality and Defence, 24 June 2011, <http://www.integration.ie/website/omi/omiwebv6.nsf/page/AXBN-8J5KQX167124-en> [accessed 15 December 2011].

413 Department of Justice and Equality, 'Minister Shatter introduces major changes to citizenship application processing regime' 16 June 2011.

414 The Equality Tribunal is an independent body which was established to mediate, investigate and resolve anti-discrimination cases under the Employment Equality Acts 1998-2008 and the Equal Status Acts 2000-2008.

415 A 32% reduction in grant-in-aid to the Irish Human Rights Commission resulted in 2009 in a funding allocation of €1,596,000. This was further reduced in 2010 to €1,532,000 and in 2011 (by virtue of the Dec 2010 Budget) to €1,463,000. grant-in-aid allocated to the Equality Authority was reduced by 4% in 2009 to €3,333,000. This was further reduced in 2010 to €3,200,000 and in 2011 (by virtue of the Dec 2010 Budget) to €3,057,000.

416 For more information on the Universal Periodic Review process see <http://www.iccl.ie/the-universal-periodic-review.html>

417 United Nations, Human Rights Council, *Draft report of the Working Group on the Universal Periodic Review, Ireland, (A/HRC/WG.6/12/L.7)*.

418 See <http://www.mipex.eu/ireland> [accessed 15 December 2011]. The Migration Policy Index is a project led by the British Council.

419 Department of Justice, Equality and Law Reform (2005) *Planning for Diversity: The National Action Plan Against Racism 2005-2008*, Dublin: Department of Justice, Equality and Law Reform.

Diversity Management was published in 2008 but it has since lost momentum. At present, Government lacks a clear, strategic response to racism. Irish criminal law does not define racist or related hate offences as specific offences and there is limited data on the number of hate crimes experienced by minority groups, despite evidence of high levels of reported racism and discrimination.⁴²⁰ A 2011 survey of nationally elected representatives found that 36% believed raising issues on behalf of migrants would negatively affect their vote-winning capability.⁴²¹

Structures: In its March 2011 *Concluding Observations* to Ireland the UN Committee for the Elimination of Racial Discrimination noted with regret that the economic recession threatens to reverse achievements made to date in efforts to combat racial discrimination.⁴²² The Committee expressed “grave concern” over the disproportionate budget cuts to human rights institutions such as the Irish Human Rights Commission, the Equality Authority and the National Consultative Committee on Racism and Interculturalism (NCCRI).⁴²³ The Committee reiterated that responses to financial and economic crises should not lead to a situation which would potentially give rise to racism, racial discrimination, xenophobia and related intolerance against foreigners, immigrants and persons belonging to minorities; and recommended that enhanced efforts be made to protect individuals from racial discrimination.⁴²⁴ Despite the recommendations, the Government abolished the post of Junior Minister for Integration, a further blow to minority groups.

Integration: Ireland's first *Intercultural Education Strategy 2010-2015* was launched in September 2010,⁴²⁵ however cuts to education funding put the comprehensive implementation of this Strategy at risk. In 2011, an international report found Ireland to be one of the least prepared states to help new immigrants enter the school system and do well at their studies, ranking Ireland 16th out of 31 countries based on 148 areas of integration policy.⁴²⁶ The report found that “boom time funding and projects” did not create systems to enable schools to address and monitor the needs of migrant children and that

the economic crisis is having a further negative impact on the integration of migrants.⁴²⁷ It showed that Ireland's 45,700 migrant pupils at primary level (almost 10%) and estimated 18,000 migrant pupils at second level have fewer educational supports than their European counterparts, particularly with the cut in language support teachers between 2010 and 2014.⁴²⁸ Furthermore, 2010 research drew attention to the issues of racist bullying in schools and the often benign view taken by school principals of this bullying, as well as the confusion and uncertainty felt by teachers in how to cope with race issues.⁴²⁹ Meanwhile, 2011 research among migrant and local children in inner-city Dublin schools found that children can be positive and empathic when encountering children from other ethnic communities, but that tension can also be detected in the social fabric of multi-cultural schools.⁴³⁰

IMMEDIATE ACTIONS FOR 2012

> **Specify commitments to migrant children in the second National Children's Strategy**

There is no document outlining Government commitments on migrant children. The National Children's Strategy provides an opportunity to make clear commitments to improving migrant children's outcomes, specifically in relation to social and cultural inclusion, educational attainment and access to services. Measures to address racism and discrimination should also be addressed.

> **Ensure that the Immigration, Residence and Protection (IRP) Bill is compatible with the UN Convention on the Rights of the Child**

The IRP Bill will establish the legal framework relating to migrant children including separated children and those seeking asylum in Ireland. It is imperative that the Bill is amended to ensure it complies with best practice in the area of child protection and children's rights, as set out in the UN Convention on the Rights of the Child.

420 D. Walsh and J. Schweppe (2008) *Combating Racism and Xenophobia through the Criminal Law* (National Action Plan Against Racism, 2008) Limerick: Centre for Criminal Justice.

421 Noel Baker, 'Migrant issues minor for TDs', *The Irish Examiner*, 12 December 2011.

422 United Nations Committee on the Elimination of Racial Discrimination (2011) *Concluding Observations: Ireland*.

423 *Ibid.* The National Consultative Committee on Racism and Interculturalism (NCCRI) ceased operating in December 2008 when its funding was cut and was not replaced.

424 In light of this, the Committee recommends that budget cuts for human rights bodies should not result in the stifling of their activities to effectively monitor the protection of human rights and particularly racial discrimination. The State party should ensure that the functions of the bodies that have been closed are fully transferred and subsumed by the existing or new institutions.

425 Department of Education and Skills and the Office of the Minister for Integration (2010) *Intercultural Education Strategy 2010-2015*.

426 Migration Integration Policy Index (2011) Ireland, see <http://www.mipex.eu/ireland> [accessed 15 December 2011].

427 *Ibid.*

428 Of the other States surveyed 22 support immigrant languages, and 12 provide outreach to the parents of migrant children. Budget 2011 announced the phased reduction of language support teachers by 500 posts over four years, with 125 posts to be targeted in September 2011.

429 R. Gilligan et al (2010) *In the Front Line of Integration: Young People Managing Migration to Ireland*, Dublin: Trinity College Children's Research Centre (commissioned by Trinity Immigration Initiative Children, Youth and Community Relations Project and Integrating Ireland), p. 68.

LOCAL FOCUS: *The Cork Independent*, 'Racist attacks on special needs boy', 12 August 2011.

430 P. Curry, R. Gilligan, L. Garratt, J. Scholtz (2011) *Where to From Here? Inter-ethnic Relations among Children in Ireland*, Dublin: Liffey Press.

SUMMARY OF RECOMMENDED IMMEDIATE ACTIONS

EDUCATION

Early Childhood Care and Education

- > Invest in quality by implementing standards and up-skilling the workforce in early years' care and education
- > Invest in a targeted early childhood education programme for disadvantaged children, as committed to in the Programme for Government

Child Literacy

- > Drive implementation of the National Literacy and Numeracy Strategy

Children with Special Educational Needs

- > Publish and begin execution of the plan to implement the EPSEN Act

School Buildings

- > Ensure that the promised €364 million is allocated for school buildings in Budget 2013

HEALTH

Primary Care

- > Ring-fence multi-annual funding for the delivery of the promised Primary Care Teams

Mental Health

- > Provide sufficient funding in Budget 2013 to increase the number of Child and Adolescent Community Mental Health (CAMH) Teams
- > Complete recruitment of a specialist therapeutic team for children in special care and detention
- > Publish the Review of the Mental Health Act 2001 and draft a Bill to amend the Act

Alcohol and Drugs

- > Publish a National Addiction Strategy that focuses on the impact of alcohol on children
- > Introduce a legislative ban to protect children from exposure to alcohol marketing

Children's Hospital

- > Begin the process of building the new National Children's Hospital

MATERIAL WELLBEING

Child Poverty

- > Subject Budget 2013 to a comprehensive child poverty proofing
- > Introduce a specific national child poverty target

Area-based approach to tackling Child Poverty

- > Clarify the Department responsible for leading on the area-based initiative
- > Undertake a review of what works in addressing child poverty at an area-level

Children and the Social Welfare System

- > Commit to strategic integration of the tax and welfare systems by the end of 2012

SAFEGUARDING CHILDHOOD

Child and Family Support Agency

- > Establish a dedicated Child and Family Support Agency to be operational by 2013

Ryan Report Implementation Plan

- > Build on progress made in 2011 by bringing to completion key commitments under the Implementation Plan
- > Mainstream the commitments and learning from the Implementation Plan and its Monitoring Group in the work of the new Department and Agency

Youth Homelessness

- > Complete and publish the high level review of the Youth Homelessness Strategy in 2012

Children in Detention

- > Commit capital funds to build the National Children Detention Facility and thus end the inappropriate practice of detaining children in St. Patrick's Institution

REALISING CHILDREN'S RIGHTS

Children's Rights Referendum

- > Hold a referendum as early as possible in 2012 to strengthen children's rights in the Constitution

Patronage and Pluralism in Primary Education

- > Publish the White Paper on Patronage and Pluralism in Primary Education and progress implementation

Traveller Children

- > Specify commitments to Traveller children in the second National Children's Strategy, particularly in relation to education and health
- > Recognise Travellers as an ethnic group and provide capacity for their representation at national policy level on children's issues
- > Evaluate the impact of the Visiting Teachers for Travellers Programme, which has been abolished

Migrant Children

- > Specify commitments to migrant children in the second National Children's Strategy
- > Ensure that the Immigration, Residence and Protection (IRP) Bill is compatible with the UN Convention on the Rights of the Child

ALLIANCE MEMBER ORGANISATIONS

Alcohol Action Ireland
Amnesty International Ireland
Ana Liffey Drug Project
Arc Adoption
Assoc. for Criminal Justice Research and Development (ACJRD)
Association of Secondary Teachers Ireland (ASTI)
ATD Fourth World – Ireland Ltd
Barnardos
Barretstown Camp
BeLonG To Youth Services
Bessborough Centre
Border Counties Childcare Network
Catholic Guides of Ireland
Catholic Youth Care
Child and Family Research Centre, NUI Galway
Childminding Ireland
Children in Hospital Ireland
City of Dublin YMCA
COPE Galway
Crosscare Drug and Alcohol Programme
Crosscare Teen Counselling
DIT – School of Social Sciences & Legal Studies
Doras Luimní
Down Syndrome Ireland
Dublin Rape Crisis Centre
Dun Laoghaire Refugee Project
Educate Together
School of Education, UCD
Enable Ireland
EPIC (formerly IAYPIC)
Focus Ireland
Forbairt Naíonraí Teoranta
Foróige
GLEN – Gay and Lesbian Equality Network
Headstrong – The National Centre for Youth Mental Health
Home-Start National Office Ireland
Inclusion Ireland
Inspire Ireland
International Adoption Association
Irish Association of Social Care Workers (IASCW)
Irish Association of Social Workers
Irish Association of Suicidology
Irish Autism Action
Irish Centre for Human Rights, NUI Galway
Irish Congress of Trade Unions (ICTU)
Irish Council for Civil Liberties (ICCL)
Irish Foster Care Association
Irish Girl Guides
Irish National Teachers' Organisation (INTO)
Irish Penal Reform Trust
Irish Preschool Play Association (IPPA)
Irish Refugee Council
Irish Second Level Students' Union (ISSU)
Irish Society for the Prevention of Cruelty to Children
Irish Traveller Movement
Irish Youth Foundation (IYF)
Jesuit Centre for Faith and Justice
Junglebox Childcare Centre F.D.Y.S.
Kids' Own Publishing Partnership
Kilbarrack Youth Project
Lifestart National Office
Mary Immaculate College
Matt Talbot Community Trust
Miss Carr's Children's Services
Mothers' Union of Ireland
Mounttown Neighbourhood Youth and Family Project
Mymind
National Association for Parent Support
National Children's Nurseries Association
National Organisation for the Treatment of Abusers (NOTA)
National Parents Council Post Primary
National Parents Council Primary
National Youth Council of Ireland
One Family
One in Four
OPEN
Parentline
Pavee Point
Peter McVerry Trust
Psychological Society of Ireland
Rape Crisis Network Ireland (RCNI)
Saoirse Housing Association
SAOL Beag Children's Centre
Sevenoaks Early Education Centre
Society of St. Vincent de Paul
Spunout.ie
St. Nicholas Montessori College
St. Nicholas Montessori Society
St. Patrick's University Hospital
Start Strong
Step by Step Child & Family Project
Súgradh
The Ark, A Cultural Centre for Children
The CARI Foundation
The Childhood Development Initiative
The Integration Centre
The Jack & Jill Children's Foundation
The Unmarried and Separated Families of Ireland
Troiir
UNICEF Ireland
Youth Advocate Programme Ireland (YAP)
Youth Aftercare Support Service (YASS)
Youth Initiative in Partnership
Youth Work Ireland

The *Children's Rights Alliance Report Card 2012* is the fourth of an annual publication that reviews and grades the Irish Government in implementing its own commitments to children. *Report Card 2012* evaluates the new Government on its progress since taking office in March 2011, based on the commitments it made in its *Programme for Government*. In this fourth edition, the Alliance has focused on the areas of education, health, material wellbeing, safeguarding childhood and realising children's rights. With over 90 non-governmental organisations in its membership, it is well placed to provide an honest evaluation of Ireland's treatment of its children.

The Children's Rights Alliance is a coalition of over 90 non-governmental organisations (NGOs) working to secure the rights of children in Ireland, by campaigning for the full implementation of the UN Convention on the Rights of the Child (UNCRC). It aims to improve the lives of all children under 18, through securing the necessary changes in Ireland's laws, policies and services.



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