



## **Opening Statement from the Ombudsman for Children, Dr Niall Muldoon**

### **Oireachtas Committee on Children, Equality, Disability, Integration and Youth**

**Tuesday, 2<sup>nd</sup> July 2024**

I thank the Chair and the committee for inviting us to discuss *Uncertain Times; The Ombudsman for Children's Office 2023 Annual Report*. I am joined by Ms Nuala Ward, Director of Investigations and Ms Aoife Carragher, Head of Communications.

The Ombudsman for Children's Office is this year celebrating our 20<sup>th</sup> Anniversary – we were established in 2004 by the Ombudsman for Children Act 2002. The Ombudsman for Children's Office is an independent statutory body with two main duties, namely, to deal with complaints made by, or on behalf of, children about the actions of public organisations, and to promote the rights and welfare of children under 18 living in Ireland.

In 2023 the OCO received 1,790 complaints and we delivered rights education workshops to 2,090 children and students. Education was again the most complained about issue in 2023, with 40% of complaints relating to education. These complaints were about access to school places, bullying, school transport, the State Exams Commission and access to complaint procedures in schools. Health and Tusla were each the subject of 23% of our complaints respectively. Health complaints were about services within hospitals, CAMHS, Children's Disability Network teams and HSE funded services providing supports for children. Complaints about Tusla, the Child and Family Agency included complaints from children living in residential care and secure care, interagency work between services, complaint processes and access to interventions and supports provided by the agency. Our Office continues to receive complaints from children and families living in Direct Provision and from people seeking passport services. While our Office does not have the remit to examine complaints about Early Learning settings such as crèches, Montessori and pre-schools, it is significant that 4% of complaints to the OCO were about these settings. This is an area where there is no independent, complaint pathway available and something that needs to be addressed.

We noted in 2023 that while the number of complaints has not grown, we are seeing an increase in the complexity of the complaints coming to us, with 1 in 5 relating to multiple agencies.

Uncertain Times also spotlights particular systemic issues that we believe are impacting children's ability to fully enjoy their rights. These include:

- 1) Unequal access to Transition Year for all students
- 2) Children being in Special Care for too long due to lack of stepdown places and;

- 3) Teenagers at risk - a cohort of teenagers in Irish society who are harming themselves, their families and their communities. These are vulnerable children who are often criminally and sexually exploited, and many have left school without qualifications. Their behaviour may well be shaped by traumatic events in their childhood such as death, imprisonment of a parent, addiction, separation and poverty and compounded by intellectual disabilities, mental health problems and their own addiction.

During 2023 we published Ivy's Case, which, once again highlighted the ongoing issues with delays for children waiting for scoliosis surgeries, something we first highlighted in 2017. We also completed a Special Report on Direct Provision (first reported on in 2021), and the "Nowhere to Turn" Report (a follow-up to Jack's Case published in 2020) detailing the cases of children left in hospital by parents who could not secure the services and supports needed to care for them.

I very much welcome the opportunity to appear before this committee again to discuss the OCO Annual Report for 2023. However, I feel compelled to use this platform to express my frustration and disappointment at the lack of progress on a number of issues affecting children. As Ombudsman it is my duty to advocate on behalf of children and to point out where their rights have been compromised. After almost 10 years in this role I find myself still listing many of the same issues with no progress, and even regression to show for the passing of time. Some of these reoccurring issues include mental health services for children, school places for children with additional needs, services to follow assessments of needs, long waiting lists for children awaiting lifesaving spinal surgeries, and the profound adverse impact on children growing up in transitory accommodation such as homeless hubs, hotels, B and Bs. How many times must I appear before this, and other committees, calling for the same changes in the best interests of children?

Uncertain Times is the title of our Annual Report for 2023 as too many children are facing uncertainty in the everyday lives. Children are fighting for Government's attention and our most vulnerable children are not coming out on top.

Legislation impacting children has not progressed as planned; we are still waiting for the review of the Mental Health Act to be published, the Student and Parent Charter has not been finalised and while the Review of the Child Care Act 1991 is underway we hope that in its final iteration it fully addresses the needs of children.

In July 2023 I was honoured to act as an advisor to the Mental Health Commission in the Review of National Child and Adolescent Mental Health Services (CAMHS), carried out by Dr Susan Finnerty. The review told us that the Commission cannot provide an assurance to all parents in Ireland that their children have access to a safe, effective and evidence based mental health service. If these children are not safe, then they are at risk. I called for a radical and brave reimagining of our mental health services for children. The review recommended the regulation of CAMHS, a call repeated in the Mental Health Commission Annual Report published only last week in June 2024. No progress has been made on that recommendation in the past 12 months.

As you can see there is much to be done to protect the rights of children in Ireland and as this Government nears its end it is vital that these issues are at the forefront.

I want to finish on a more uplifting note and mention the OCO's Child Talks event which we host every year to mark World Children's Day. In 2023 we hosted our largest event welcoming 1,000 children to the Helix and streaming into classrooms across the country. This is a special event where inspirational young speakers talk about issues like identity, vaping, neurodiversity and much more - all in their own words.

In July 2023, over 100 children attended a children's conference hosted and facilitated by our Youth Advisory Panel. Children from across Ireland came together to consider the UN Committee on the Rights of the Child's concluding observations to the Irish State and to give their views on what needed to be prioritised. Our YAP were also recently invited to appear before the Oireachtas Committee on Children, Equality, Disability, Integration and Youth and we are so proud of their contributions on AI and discrimination.

These children remind us what it is all about and why we must do everything we can to provide the services and supports children in Ireland need to reach their potential.