

# Report Card

# 2025

Is Government keeping its promises to children?

**CHILDREN'S  
RIGHTS  
ALLIANCE**

Uniting Voices For Children

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# Foreword

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Report Card 2025 is the seventeenth edition for the Children's Rights Alliance and the final under Fianna Fáil, Fine Gael and the Green Party's joint *Programme for Government - Our Shared Future*. The Report Card analyses how the Government performed for children in 2024 and throughout its five-year term. As with previous editions, our independent panel of experts have closely examined the promises made to children and young people and have graded the Government on its efforts to fulfil these commitments.

Reflecting on 2024, we can see positive steps being taken in a number of areas such as early childhood education and care, food poverty, and the provision of free school books.

When we assess the trajectory of the commitments and efforts made from 2020 onwards, progress becomes all the more evident. However, there are several key areas for children and young people that the Government failed to hit the mark on; youth mental health, ending direct provision and family homelessness. Report Card 2025 recommendations provide the incoming Government with a clear roadmap to deliver positive change for children and young people as they embark on implementing the new *Programme for Government: Securing Ireland's Future*.

This year the Government received an '**A+**' grade, the highest of this year's Report Card, for exceeding their *Programme for Government* commitment to introduce a **Free School Books** pilot with the expansion of the scheme to all



**The recommendations outlined in Report Card 2025 should be considered as a roadmap to deliver better outcomes for children and young people.**



children and young people in second level education. This is a gamechanger in addressing the cost of education which has for a long time placed an extensive burden on families every September, particularly families living in poverty. The scheme will benefit 940,000 children and young people in primary, special and post-primary schools in 2025 and is a milestone step in making our education system truly free.

The sustained investment in the **Reform of Early Childhood Education and Care System**, earned the Government a '**B+**' grade for 2024. Over the course of this *Programme for Government*, the Government exceeded its goal to invest €1 billion a year in sector —five years ahead of schedule—with this funding sustained in 2024, with a total of €1.109 billion. Investing in early years is the single most effective action a government can take to break the cycle of poverty. In 2024, the launch of Equal Start was an important step to deliver more targeted supports to the youngest children experiencing poverty. While Budget 2025 committed to increase funding for the programme, there is a need to ramp up investment in order for Equal Start to have the desired impact of breaking the cycle of poverty. The introduction of regulation of childminders is a significant achievement for this Government and an important measure for ensuring that all children can access quality Early Learning and Care (ELC). However, while the Government has made good progress on affordability for parents, the positive impact of this is being eroded by the increased number of children waiting on an ELC place, poor staff retention and the continued high cost of childcare.

Over the lifetime of the Government, we have seen significant progress in the area of **Child Safety Online** through the enactment of the Online Safety and Media Regulation Act and the appointment of the Online Safety Commissioner. These efforts to make the online world a safer space for children have been recognised with a '**B-**' grade in 2024, a decrease from the 'A' grade awarded last year. Despite the monumental progress made in previous years, implementation in 2024 has fallen far short of what is required to ensure the timely, effective, and robust protection of children and young people's rights in the online environment. The Online Safety Code published in 2024 was a missed opportunity to hold online platforms to account as it currently leaves digital platforms with too much scope and discretion to design their own rules on how to address harms on their sites. Further work is needed in areas relating to age verification, robust complaint mechanisms and

addressing illegal content specific to children if we are truly to create a safe digital space for children.

There are several areas where the Government's actions in 2024 have only brought them to the middle of the road in delivering better outcomes for children, particularly for children more marginalised in society. In 2024, a slight improvement can be seen in **Traveller and Roma Education**, earning a '**C+**' grade, up from last year's 'D+'. The landmark publication of the *Traveller and Roma Education Strategy and Strategy Plan for Implementation and Action* is a significant milestone in the year. The combined impact of these and their focus on continued partnerships with the Traveller and Roma community, implementation and an intergovernmental approach, builds the foundation for the work to improve the education experience of the Traveller and Roma communities to continue. The independent evaluation of the Supporting Traveller and Roma (STAR) pilot projects published in January 2025 clearly demonstrates improvements and positive outcomes are already being seen for young Travellers who participated in the pilots. With continued investment and a focus on implementation of the Traveller and Roma Education Strategy, we are hopeful that the tide will turn on the long history of negative experiences in education for young members of Traveller and Roma communities.

The Government are awarded a '**C**' grade on **Constitutional Right to Education for Children with Special Educational Needs**, a decrease from a 'B-' awarded last year. It is important to recognise the substantial investment of over €2.7 billion in Budget 2025, and increased numbers of Special Education Teachers (SET) and Special Needs Assistants. However, unfortunately, there is still a long way to go to build the inclusive education system every child deserves. In September 2024, 126 children with special educational needs were still without an appropriate school place. Even when children have access to a school place, there are practices that can undermine the quality of the education they receive including the use of seclusion and restraint. In December 2024, the Guidelines on Behaviours of Concern were published which frame behaviour as communication, which is important for all children but particularly neurodivergent children and those with other special educational needs. However, there are questions to be answered with regard to the regulatory framework and the need to scale-up/strengthen the inspection and complaints mechanism for when a child or young person is inappropriately subject to the practices of seclusions and restraint.

While movement has been seen in most areas over the course of the *Programme for Government*, some grades have remained consistently poor over the last five years, indicating the lack of urgency in activities carried out on the commitment on behalf of the Government.

Over the lifetime of this Government, child homelessness has hit record highs and the housing crisis continues to spiral. Government received a **'D' grade** in **Family Homelessness** for the lack of progress made in 2024 to address the issue. While families are exiting out of homelessness, stable and sustainable accommodation options remain limited given the scale of building required to meet demand. 4,510 children were living in homeless accommodation in December 2024, the highest level since data collection began in 2014. This represents a stark increase of over 2,000 children over the course of the *Programme for Government*. Children who experience homelessness are more likely to have developmental and learning delays, as well as poorer academic attainment. There is no option but to make addressing child and family homelessness a core priority for the next Government.

**Children in Adult Psychiatric Facilities**, once again receives an **'E' grade**, the lowest in Report Card 2025. After five years, we saw long-awaited progress with significant reductions in child admissions to adult units. In 2024, there were just five child admissions to adult psychiatric units, which marks a decrease from the 27 child admissions to adult units in 2020. This is welcome progress however, in the interim, waiting lists for Child and Adolescent Mental Health Services have skyrocketed, with 3,830 children awaiting a first appointment. Over the lifetime of the Government, the Mental Health (Amendment) Bill lapsed, and while it is positive to see this as a priority piece of legislation for the next Government, its reintroduction in its current format raises concern as it does not legislate to ban admitting children to adult psychiatric ward.

Concerningly, this year's report shows that there has not only been a lack of progress made but retrograde steps being taken on the Government's own promise to **End Direct Provision**. The publication of *The White Paper* in February 2021 earned the Government a high grade of 'B-' in *Report Card 2022*, but the promise it brought to end direct provision has not been kept. As numbers of children seeking international protection have increased in

recent years, so too have pressures and standards for children and young people living in Direct Provision continued to deteriorate this year, **resulting in an 'E' grade**, the lowest in this year's Report Card. This marks the third year in a row that this commitment has received a 'D' grade or worse. The grade comes in light of reports of instances of overcrowding, restricted opportunities for children to play, widespread presence of pests, and evidence of serious child protection issues in accommodation centres. Government have yet to implement the International Protection Child Payment to bridge the financial support gap for these families despite the budget being secured for two consecutive years.

*Report Card 2025* is the last Report Card in this series and through reading it, it becomes clear that although great strides have been made towards fulfilling many of the commitments in *Programme for Government - Our Shared Future*, not all areas have been painted with the same brush. Time and time again, housing, mental health, and direct provision have fallen off the list of Government priorities— consistently leaving the same groups of marginalised children behind. The new *Programme for Government* includes some important commitments to children and young people but what is evident from this analysis is that the new Government will need to work even harder over the next five years to ensure that every child is supported to reach their full potential. The recommendations outlined in Report Card 2025 should be considered as a roadmap to delivers better outcomes for children and young people.



**Tanya Ward**

Chief Executive

# Children's Rights Alliance Members

Founded in 1995, the Children's Rights Alliance unites over 150 members working together to make Ireland one of the best places in the world to be a child. We change the lives of all children in Ireland by making sure that their rights are respected and protected in our laws, policies, and services.

- A.S.S.C Accompaniment Support Services for Children
- Alcohol Action Ireland
- Amber Women's Refuge
- Amnesty International Ireland
- An Cosán
- Anew
- Anne Sullivan Foundation
- Aoibhneas
- Archways
- AslAm
- Association of Occupational Therapists of Ireland (AOTI)
- Association of Secondary Teachers Ireland (ASTI)
- ATD Fourth World – Ireland Ltd
- Atheist Ireland
- Barnardos
- Barretstown
- Bedford Row Family Project
- BeLonG To Youth Services
- Bodywhys
- Breaking Through CLG
- Catholic Guides of Ireland
- Childhood Development Initiative
- Children in Hospital Ireland
- Children's Books Ireland
- Children's Grief Centre
- ChildVision
- Citywise Education
- Clarecare
- COPE Galway
- Cork Life Centre
- Cork Migrant Centre
- Crann Centre
- Crosscare
- CyberSafeKids
- Cycle Against Suicide
- Dalkey School Project National School
- Daughters of Charity Child and Family Service
- Dental Health Foundation of Ireland
- Department of Occupational Science and Occupational Therapy, UCC
- Disability Federation of Ireland
- Doras
- Down Syndrome Ireland
- Dublin Rape Crisis Centre
- Dyslexia Association of Ireland
- Dyspraxia/DCD Ireland
- Early Childhood Ireland
- Early Learning Initiative (National College of Ireland)
- Educate Together
- Empowerment Plus
- EPIC
- Extern Ireland
- FamiliBase
- FASD Ireland
- Féach
- Focus Ireland
- Foróige
- Gaeloideachas
- Galway Traveller Movement
- GIY Ireland
- Good Shepherd Cork
- Helium Arts
- Humanist Association of Ireland
- Hygiene Hub
- Immigrant Council of Ireland
- Inclusion Ireland
- Inner City Organisations Network (ICON)
- Institute of Guidance Counsellors
- Irish Association for Infant Mental Health
- Irish Association of Social Workers
- Irish Congress of Trade Unions (ICTU)
- Irish Council for Civil Liberties (ICCL)
- Irish Foster Care Association
- Irish Girl Guides
- Irish Heart Foundation
- Irish National Teachers Organisation (INTO)
- Irish Penal Reform Trust
- Irish Primary Principals' Network
- Irish Refugee Council
- Irish Second Level Students' Union (ISSU)
- Irish Society for the Prevention of Cruelty to Children
- Irish Traveller Movement
- Irish Youth Foundation
- iScoil
- Jigsaw
- Katharine Howard Foundation
- Kerry Community Youth Service (KCYS)
- Kids' Own Publishing Partnership
- Kinship Care
- Laois Domestic Abuse Services
- Leap Ireland
- Let's Grow Together
- LGBT Ireland
- Meath Women's Refuge & Support Services
- Mecpaths
- Mental Health Reform
- Mercy Law Resource Centre
- Migrant Rights Centre Ireland
- Mothers' Union
- Move Ireland
- Museum of Childhood Ireland
- Music Generation
- My Mind
- My Project Minding You
- National Childhood Network
- National Forum of Family Resource Centres
- National Parents Council Post Primary
- National Parents Council Primary
- National Youth Council of Ireland



- Neurodiversity Ireland
- New Directions
- Novas
- One Family
- One in Four
- Our Lady of Lourdes Community Services Group
- Parents Plus
- Pavee Point
- Peter McVerry Trust
- Prevention and Early Intervention Network
- Psychological Society of Ireland
- Rainbow Club Cork
- Rainbows Ireland
- Rape Crisis Network Ireland (RCNI)
- Realt Beag/Ballyfermot Star
- Respond
- SAFE Ireland
- Saoirse Domestic Violence Services
- SAOL Project
- School of Education UCD
- Scouting Ireland
- Sexual Violence Centre Cork
- Simon Communities of Ireland
- SIPTU
- Social Care Ireland
- Society of St. Vincent de Paul
- SPHE Network
- Sphere 17 Regional Youth Service
- SpunOut.ie
- St. Nicholas Montessori Teachers' Association
- St. Patrick's Mental Health Services
- StartBright Early Learning Centres
- TASC
- Teachers' Union of Ireland
- Teach Tearmainn
- Terenure College Rugby Football Club
- The Ark, A Cultural Centre for Children
- The Irish Red Cross
- The Jack and Jill Children's Foundation
- The UNESCO Child and Family Research Centre, NUI Galway
- The Wheel
- Transgender Equality Network Ireland
- Traveller Visibility Group Ltd
- Treoir
- UNICEF Ireland
- Variety – the Children's Charity of Ireland
- Vision Ireland
- Women's Aid
- YMCA Dublin
- Young Ballymun
- Young Social Innovators
- Youth Advocate Programme Ireland (YAP)
- Youth Work Ireland



# Acknowledgements

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The Children's Rights Alliance would like to thank the Government Departments, statutory and non-statutory agencies for their assistance, comments and co-operation in preparation of this report:

- Department of Children, Equality, Disability, Integration and Youth
- Department of Education
- Department of Environment, Climate and Communications
- Department of Housing, Local Government and Heritage
- Department of Health
- Department of Justice
- Department of Social Protection
- Coimisiún na Meán
- Health Service Executive
- Tusla, the Child and Family Agency

The expert contributions of Children's Rights Alliance member organisations are gratefully acknowledged, in particular:

- AsIAm
- Barnardos
- Childhood Development Initiative
- CyberSafeKids
- Dalkey School Project
- Dublin Rape Crisis Centre
- Educate Together
- EPIC, Empowering People in Care
- Focus Ireland
- Good Shepherd Cork
- Humanist Association of Ireland
- Inclusion Ireland

- Irish Aftercare Network c/o Breaking Through
- Irish Heart Foundation
- Irish Refugee Council
- Irish Traveller Movement
- Mental Health Reform
- National Youth Council of Ireland
- Pavee Point
- Rape Crisis Ireland
- St Patrick's Mental Health Services
- The Early Learning Initiative,
- The Society of St. Vincent de Paul Ireland (SVP)
- National College of Ireland

Particular thanks are also due to the Children's Rights Alliance Board for their support and oversight of the process.

The Alliance would also like to acknowledge the work of Children Now, based in California, whose annual report card provided the initial inspiration for this series.

We extend our thanks to the members of the 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 Assessment Panel comprised:

- Dr Aisling Parkes, Senior Lecturer, School of Law, University College Cork
- Tom Costello, Member of the National Advisory Committee Children and Young People
- Professor Maurice Devlin, Director of the Centre for Youth Research and Development, Department of Applied Social Studies, Maynooth University.
- Áine Hyland, Emeritus Professor of Education and former Vice-President of University College Cork
- David Joyce, Equality Officer, Irish Congress of Trade Unions
- Dr Sindy Joyce, Lecturer, University of Limerick, Human Rights Defender and Member of President Michael D Higgins' Council of State
- Seamus Boland, Chief Executive Officer, Irish Rural Link

Finally, massive thanks go to the Report Card team for their incredible hard work and commitment to produce a superb publication once again this year.

# Research Methodology

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Report Card 2025 is the fifth analysis of the progress for children under the current *Programme for Government: Our Shared Future*.

In Report Card 2021, the Children's Rights Alliance selected 16 commitments in *Our Shared Future* to track over the course of this Government's term in office. Commitments were shortlisted based on several core criteria:

- The commitment directly impacts children, defined as those under the age of 18.
- The commitment wording is clear and measurable.
- The commitment relates to one of the Alliance's strategic goals, or of our members.
- If achieved, the commitment has significant potential to improve the quality of life for children growing up in Ireland.

We sought to ensure that the commitments covered multiple different groups of children, including those who are marginalised; that they related to the whole of a child's development from infancy through to adolescence; and finally, that they spanned multiple different policy areas to reflect the broad range of issues that can affect children's lives.

The research approach comprised of detailed children's rights analysis of relevant legal and policy documents and academic literature which was then supplemented with insights and evidence gained from members and subject specialists. We engaged with relevant Government departments and statutory agencies to capture developments which happened in 2024, as per our research timeframe. This enabled us to draw on the most up to date facts and figures when drafting each commitment section.

As in other years, members, Government officials and sector representatives had an opportunity to feed into our analysis, and once finalised, this went to an independent panel of experts for grading on the progress made in 2024. Details of panel membership are contained in the acknowledgements section.

# Grades Table

Government Commitment, June 2020	2024	2025
Reform the childcare system	A-	B+
Establish a central agency, Childcare Ireland	C	C
Commence a free school books pilot	A-	A+
Introduce national monitoring of reduced school days	B	C+
Ensure each child with a special educational need has an appropriate school place	B-	C
Undertake an independent assessment of the education inclusion pilot for Traveller and Roma children	D+	C+
End the admission of children to adult psychiatric units	E	E
Address food poverty in children	B	B
Introduce a Public Health Obesity Act	D-	D-
Reduce the number of homeless families	D-	D
Develop a National Youth Homelessness Strategy	B-	C
End the Direct Provision system and replace it with a not-for-profit accommodation model	D	E
Create new pathways for long-term undocumented people and their children	B	B-
Enact the Harassment and Harmful Communications Bill	-	-
Enact the Online Safety and Media Regulation Bill and establish an Online Safety Commissioner	A	B-
Enact a Family Court Bill and build a new Family Court Building	C-	C

## ⊕ 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

**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, due to vague nature of Government commitment

# Grades Table

Government Commitment, June 2020	2021	2022	2023	2024	2025
Reform the childcare system	C	B-	B+	A-	B+
Establish a central agency, Childcare Ireland	D	D	C	C	C
Commence a free school books pilot	C-	D-	B	A-	A+
Introduce national monitoring of reduced school days	D-	B-	B-	B	C+
Ensure each child with a special educational need has an appropriate school place	D	C-	C	B-	C
Undertake an independent assessment of the education inclusion pilot for Traveller and Roma children	D+	D	D+	D+	C+
End the admission of children to adult psychiatric units	C	E	E	E	E
Address food poverty in children	D	C+	C+	B	B
Introduce a Public Health Obesity Act	C	D	D	D-	D-
Reduce the number of homeless families	C	E	D-	D-	D
Develop a National Youth Homelessness Strategy	D	D	B	B-	C
End the Direct Provision system and replace it with a not-for-profit accommodation model	C+	B-	D	D	E
Create new pathways for long-term undocumented people and their children	D	B	B+	B	B-
Enact the Harassment and Harmful Communications Bill	B	A	A	-	-
Enact the Online Safety and Media Regulation Bill and establish an Online Safety Commissioner	D-	C-	A	A	B-
Enact a Family Court Bill and build a new Family Court Building	C	C-	C+	C-	C

## ⊕ Explanation of Grades:

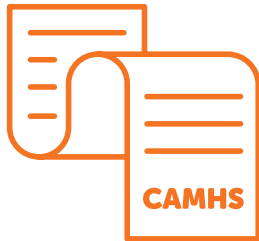
**A:** Excellent, making a real difference to children's lives  
**B:** Good effort, positive results for children  
**C:** Satisfactory attempt, but children still left wanting  
**D:** Barely acceptable performance, little or no positive impact on children

**E:** Unacceptable, taking steps in the wrong direction, no positive impact on children

**F:** Fail, taking steps that undermine children's wellbeing

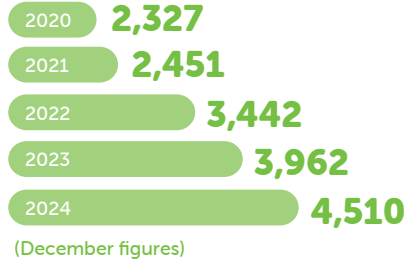
**N/A:** Not applicable, due to vague nature of Government commitment

# Key Facts & Statistics



**3,830**

children waiting on a CAMHS appointment (November, 2024)

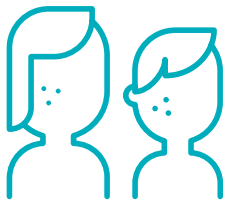


**Children homeless in Ireland**



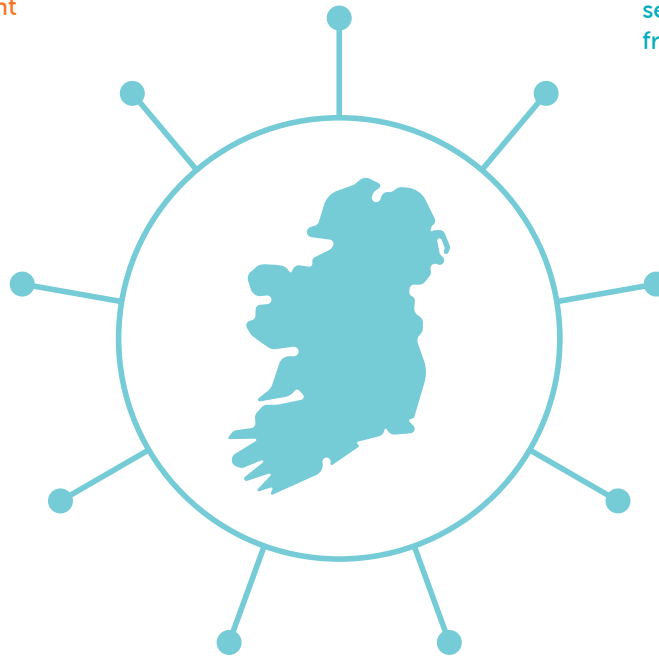
**940,000**

students at primary and secondary level will benefit from the free school books scheme in 2025



**1,775**

number of 18-24 year olds who are homeless (December, 2024)



**126**

children with special educational needs unable to access a school place in September 2024



**82%**

of 8 to 12 year-olds have their own social media/ instant messaging account



**9,015**

children and young people in Direct Provision (December, 2024)



**30,000**

children will benefit from Equal Start



**271,842**

children availing of free hot school meals in 2024/2025 academic year

**1**

# Reform of the Early Childhood Education and Care System

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Section Grade:

**B+**





## The Programme for Government commits to:

Reform the childcare system to create one that brings together the best of community and private childcare provision, is focused on children's rights and quality outcomes, reduces inequalities, supports staff retention, and substantially reduces costs to parents. We will do so in consultation with providers, staff and parents.

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▶ Progress: **Good**

'Reform of Early Childhood Education and Care System' receives a 'B+' grade, a decrease on the 'A' received last year. There has been a sustained increase in investment in this area over the five years of the *Programme for Government: Our Shared Future*. In 2023, the Government achieved its goal to invest €1 billion a year, five years ahead of schedule. Increased investment amounted to a total of €1.109 billion in 2024. This includes further increases to Core Funding, meaning that in Year Four of this funding, the total allocation was almost €400 million. This is a significant increase compared to Year One, when €259 million was allocated. The launch of Equal Start in May 2025 is an important child poverty measure that will deliver

targeted supports for children and families experiencing disadvantage. While a commitment to increase funding in Budget 2025 is welcome, there is a need to ramp up investment in order for Equal Start to have the desired impact of breaking the cycle of poverty. The introduction of regulation of childminders is an important measure for ensuring that all children can access quality Early Learning and Care (ELC). However, while the Government has made good progress on affordability for parents, this has begun to be eroded with an increase in the number of children waiting on an ELC place, the revision of the fee freeze for some providers, and the lack of progress on increasing the threshold for those receiving the maximum National Childcare Scheme subsidy.

## Ireland's duties and responsibilities in international law



The UN Convention on the Rights of the Child (UNCRC) calls for an understanding that early childhood is not merely preparation for adulthood and requires that children, including the very youngest children, be respected in their own right.<sup>1</sup> While Article 5 recognises parents and carers as primary caregivers, Article 18 imposes a duty on States to provide assistance, including quality childcare services.<sup>2</sup> Article 2 clearly requires that no child should experience discrimination in early childhood and that all children should be able to access the vital services that contribute to their survival and development, in line with Article 6.<sup>3</sup> It is acknowledged that potential discrimination is a particular concern in cases 'where health, education, welfare and other services are not universally available and are provided through a combination of State, private and charitable organisations'.<sup>4</sup> Recognising that the traditional divisions between "care" and "education" services have not always been in children's best interests, the Committee recommends a coordinated, holistic, and multisectoral approach to early childhood.<sup>5</sup>

Ireland committed to promote, respect and protect children's rights when it ratified the United Nations Convention on the Rights of the Child (UNCRC) in 1992. As part of this, Ireland agreed to be reviewed every five years on its progress in implementing the rights in the Convention. Ireland was last examined by the Committee on the Rights of the Child in 2023. In its Concluding Observations, the Committee called for increased access to affordable childcare for parents engaged in the labour market, and especially those experiencing disadvantage. The Committee also recommended that the Irish government increase the level of funding allocated to childcare and move towards a publicly funded model of

1 UNCRC, General Comment No.7: Implementing child rights in early childhood' (2006) UN Doc CRC/C/G/GC/7/Rev.1 para 15.

2 *ibid.*

3 *ibid* para 12.

4 *ibid.*

5 *ibid* para 30.

childcare.<sup>6</sup> In relation to children with disabilities, the Committee calls for inclusive education in early childhood by adapting curricula, training specialised teachers, and ensuring reasonable accommodation within school infrastructure and for transportation.<sup>7</sup>

The UN Special Rapporteur on the right to education is currently undertaking work and consultation on the development a new Recommendation on the Right to Early Childhood Care and Education.<sup>8</sup> This will help to further strengthen the rights of children in early childhood.

## ► What is the context for this commitment?

The perinatal, infancy, and early childhood periods are formative times for child development and wellbeing. There is clear evidence that experiences during these early years play a unique role in shaping a child's brain, with long-term consequences for health, wellbeing, and learning.<sup>9</sup> No other stage of life depends more on the external environment for growth and development.<sup>10</sup>

Early Childhood Education and Care (ECEC) is defined as non-parental care provided to children before they enter the formal education system. Historically, Ireland's comparative expenditure on ECEC has lagged behind other countries.<sup>11</sup> Data from the Organisation on Economic Co-operation and Development (OECD) shows that up to a few years ago, Ireland's public spending in this area was the second lowest.<sup>12</sup>

6 UNCRRC, 'Concluding Observations Ireland' (2023) UN Doc CRC/C/IRL/CO/5-6, para 26.

7 *ibid.*

8 UNESCO, *Consultation on the development of Guiding principles on the right to early childhood care and education* <<https://bit.ly/3WSkyh7>> accessed 7 February 2025.

9 Harvard Centre for the Developing Child, 'What Is Early Childhood Development? A Guide to the Science' <<https://bit.ly/4jLuu5Y>> accessed 7 February 2025.

10 J Clinton, A Feller, R Williams, 'The importance of infant mental health' (2016) *Paediatrics & Child Health*, 21(5), 239–241.

11 OECD, 'OECD Family database PF3.1: Public spending on childcare and early education' <<https://bit.ly/3az4cRP>> accessed 7 February 2025.

12 *ibid.*

The OECD states that in order to reduce inequalities governments should invest in a mix of targeted and universal policy interventions.<sup>13</sup>

In 2019, as part of the overall system reform, including to School-Age Childcare (SAC), the Government appointed an Expert Group to develop a set of principles on which childcare in Ireland should be based. The Group would also look at how additional funding should be structured, drawing on international evidence.<sup>14</sup> The Terms of Reference for the Group stated that it was not to propose changes to the current model of delivery (i.e. privately operated provision), but seek to further the policy objectives of quality, affordability, accessibility and contributing to addressing disadvantage in a privately-operated market through increased public funding and public management.<sup>15</sup>

Six months after the establishment of the Expert Group, the *Programme for Government* was published and committed to bring together the best of private and community provision with a focus on children's rights as well as committing to deliver progress in four key domains:

- ▶ **Quality Outcomes**
- ▶ **Inequalities**
- ▶ **Staff Retention**
- ▶ **Cost to Parents**

To facilitate the auditing of progress against each of these aspects, this section considers the context for these four related areas separately.

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13 OECD, *Starting Strong Reducing Inequalities by Investing in Early Childhood Education and Care* (OECD 2025)<sup>10</sup>.

14 *ibid.* The Group was asked to review the existing policy and approach against these principles and its effectiveness in delivering against objectives on quality, affordability, accessibility and contributing to addressing disadvantage; and finally drawing on international evidence, to consider how additional funding could be structured to deliver on the guiding principles and objectives.

15 Department of Children and Youth Affairs, 'Funding Model for Early Learning and Care and School Age Childcare Expert Group: Terms of Reference' <<https://bit.ly/3CHnyWQ>> accessed 7 February 2025.

## Quality Outcomes

In the first few years of life, the brain is at its most flexible and is rapidly developing through new experiences, with more than one million new neural connections formed every second.<sup>16</sup> A crucial element of healthy brain development is the nurturing of high-quality 'serve and return relationships' between children and caregiving adults in their homes and communities.<sup>17</sup> To ensure that all children can achieve their full developmental potential, it is vital that all those in the ecosystem of early childhood education and care are equipped with the requisite knowledge and skills to foster these pivotal relationships.

The UN Committee on the Rights of the Child sets out that:<sup>18</sup>

- ✓ Staff possess the appropriate psychosocial qualities and are suitable, sufficiently numerous and well-trained;
- ✓ Services are appropriate to the circumstances, age and individuality of young children and all staff must be trained to work with this age group;
- ✓ Work with young children is socially valued and properly paid to attract a highly qualified workforce and staff should have an up-to-date theoretical and practical understanding about children's rights and development; and
- ✓ Staff use child-centred care practices, curricula, and pedagogies, and have access to specialist professional resources and support, including a supervisory and monitoring system for public and private services.<sup>19</sup>

Most studies across the whole age range and different types of provisions support that higher pre-service qualifications and additional in-service training or professional development is positively associated with process quality.<sup>20</sup>

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16 Harvard Centre for the Developing Child, 'What Is Early Childhood Development? A Guide to the Science' <<https://bit.ly/4jLuu5Y>> accessed 7 February 2025.

17 Harvard Centre for the Developing Child, 'Serve and Return' <<https://bit.ly/42ijOUe>> accessed 7 February 2025.

18 UNCRC 'General Comment No.7: Implementing child rights in early childhood' (2006) UN Doc CRC/C/G/GC/7/Rev.1 para 28.

19 *ibid* para 23.

20 *ibid*.

## Inequalities

High-quality early childhood education and care is beneficial for all children, but it can be of particular value for more disadvantaged children by helping to redress inter-familial inequalities<sup>21</sup> thereby ensuring all children receive a baseline level of developmental support irrespective of home circumstances and parenting capacity. Experiences of poverty from the age of three can have an impact on both behavioural and cognitive development.<sup>22</sup> Growing up in households with 'bad financial circumstances' is linked to increased rates of consistent poverty, enforced deprivation, and lower life satisfaction in adulthood.<sup>23</sup>

In November 2018, the Government published Ireland's first ever cross-departmental strategy to support babies, young children and their families - *First 5: A Whole-of-Government Strategy for Babies, Young Children and their Families 2019 – 2028*.<sup>24</sup> In the Strategy, there is a commitment to achieving four overarching goals:

- ▶ **Goal A:** Strong and supportive families and communities,
- ▶ **Goal B:** Optimum physical and mental health,
- ▶ **Goal C:** Positive play-based early learning, and
- ▶ **Goal D:** An effective early childhood system.<sup>25</sup>

As part of Goal C, the strategy states that mechanisms will be developed to provide additional supports to Early Learning and Care (ELC) settings with a high proportion of children at risk of poverty to lessen the impact of disadvantage in early years. This work is to be informed by the Delivering Equality of Opportunity In Schools (DEIS) model currently in operation for schools.<sup>26</sup>

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21 A Pearce et al, 'Pathways to inequalities in child health' (2019) *Archives of Disease in Childhood*, 104:998–1003.

22 M Li & Y Chzhen 'Parental investment or parenting stress? Examining the links between poverty and child development in Ireland', 2024, *European Societies*, 26, (4).

23 CSO, *SILC Module on the Impact of Childhood Poverty Experiences on Adult Life 2023* (CSO 2024).

24 Government of Ireland, *First 5: A Whole-of-Government Strategy for Babies, Young Children and their Families 2019 – 2028* (Government of Ireland 2018).

25 *ibid* 28.

26 *ibid* 147.

A review of international evidence from programmes across five countries shows that investing in early years is one of the most effective methods to break the cycle of poverty.<sup>27</sup> Investing in specific programmes with wraparound supports targeted at those living in poverty has demonstrated positive impacts on children's educational attainment, long term employment opportunities, and physical health. Other effects include an increase in lifetime earnings, a reduction in crime and number of lifetime arrests, improved mental health and improved socioemotional skills among others.<sup>28</sup>

## Staff Retention

The latest profile data about early years' workforce relates to 2022/2023. It shows that the workforce is predominantly made up of women, almost 60 per cent are between the ages of 25 and 44, and one-third have been working in the sector for over 10 years.<sup>29</sup> Previous data has shown that the sector has a high staff turnover and considerable variation in wages, depending on regional location.<sup>30</sup> While the latest data on wages is not currently available, the average annual staff turnover was approximately 25 per cent in 2022/2023, with a high of 38 per cent in Dún Laoghaire - Rathdown (Dublin) and a low of 16.4 per cent in Roscommon.<sup>31</sup> Staff retention rates were highest in private services, 50 per cent had no staff leaving in the past 12 months and, in rural based services, 59 per cent retained all of their staff, which was a decrease from the previous 12 months.<sup>32</sup> There was a marginal difference in the staff retention rates across these two categorisations in 2022/2023 compared to 2021/2022.

Prior to embarking on the Workforce Development Plan in 2019, the Government acknowledged that pay levels are likely contributing to the staff turnover rate, but indicated that under a privatised model, the State is constrained in its capacity to introduce measures to improve terms and conditions of employment.<sup>33</sup>

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27 C Cashman, M Buckley and G Mulcahy, *Briefing Document on Early Interventions and Public Childcare Approaches*, (Children's Rights Alliance and UCC 2023).

28 *ibid.*

29 Pobal, *Annual Sector Profile Survey 2022-2023*, <<https://bit.ly/4gu00T9>> accessed 7 February 2025.

30 Pobal, *Annual Early Years Sector Profile Report 2020-2021* (Pobal 2022).

31 Pobal, *Early Learning and Childcare Data* <<https://bit.ly/4aPMIEG>> accessed 7 February 2025.

32 *ibid.*

33 Department of Children, Equality, Disability, Integration and Youth, 'Workforce Development Plan for the ELC/ SAC Sector Background Note and Draft Terms of Reference for the Steering Group'.





**A review of international evidence from programmes across five countries shows that investing in early years is one of the most effective methods to break the cycle of poverty.**

## Cost to Parents

There is a geographic disparity in the level of childcare fees charged to parents, with a huge variance from the national median fees across the country. While the median full-day care fee was €190.00, the variance from this ranges from a high in Dún Laoghaire - Rathdown of €264.79 and to a low of €150.00 in Leitrim. The median fees for part-time care were €110.00, €146.53, and €85.00 respectively.<sup>34</sup> A similar pattern was observed for sessional childcare which had a national median fee of €75.00, the highest median fee was in Dún Laoghaire - Rathdown at €87.69 and the lowest was in Leitrim €64.50.<sup>35</sup>

	Median	Dun Laoghaire Rathdown	Leitrim
<b>Full-day Care</b>	€190.00	€264.79	€150.00
<b>Part-time Care</b>	€110.00	€146.53	€85.00
<b>Sessional</b>	€75.00	€87.69	€64.50*

Source: Pobal Early Learning and Childcare Data 2022-2023 (Pobal 2024).

\*The median sessional fee in Donegal was also €64.50.

The National Childcare Scheme (NCS) has been in operation since November 2019 and is the primary scheme aimed at supporting parents with childcare costs.<sup>36</sup> Under the NCS, parents with the lowest incomes receive the highest subsidy rate in line with the principle of progressive universalism.<sup>37</sup>

Two types of childcare subsidies are available under the scheme:

- ✓ A **universal subsidy** for children under 15 years old. Children over three who have not yet qualified for the ECCE are also eligible. This is not means-tested.
- ✓ An **income-assessed subsidy** for children up to 15 years old.<sup>38</sup>

34 Pobal, *Annual Sector Profile Survey 2022-2023*, <<https://bit.ly/4aMSS39>> accessed 7 February 2025.

35 *ibid.*

36 Department of Children and Youth Affairs, 'Minister Zappone launches communications campaign on the National Childcare Scheme' (Press Release 23 September 2019) <<https://bit.ly/2XZJeFH>> accessed 7 February 2025.

37 Communication received by the Children's Rights Alliance from Department of Children, Equality, Disability, Integration and Youth, 6 November 2020.

38 Government of Ireland, 'National Childcare Scheme: Types of Subsidy' <<https://bit.ly/3rM6E0U>> accessed 7 February 2025.

In addition, the NCS has a Sponsor Referral where special arrangements are made for vulnerable children and families. A referral is required from a Sponsor Body for a Sponsor Referral. The Sponsor Referral addresses instances where childcare is needed on child welfare, child protection, family support or other specified grounds. The decision is based on the particular need of the child in line with their defined criteria.<sup>39</sup>

The full cost of an agreed number of hours of childcare, up to a maximum of 45 hours, is paid for families who are referred to the Scheme by a sponsor body. This provides for the most vulnerable children and families to access childcare and supports.<sup>40</sup>

## ► What has been achieved for children and young people so far?

Since the publication of the *Programme for Government* in mid-2020, there has been substantial progress made on reforming the Early Childhood Education and Care System and School-Age Care (SAC). In 2021, two key reports were published - *Partnership for the Public Good: A New Funding Model for Early Learning and Care and School-Age Childcare* and *Nurturing Skills: The Workforce Plan for Early Learning and Care and School-Age Childcare 2022-2028*.<sup>41</sup> Both of these reports set out an important roadmap for the sector in terms of funding and the development of the workforce. Other significant developments in 2021 included the establishment of a Joint Labour Committee and the publication of the *National Action Plan on Childminding*.<sup>42</sup>

This section tracks progress across the four areas identified in the *Programme for Government* commitment. Upon publication of *Partnership for the Public*

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39 Communication received by the Children's Rights Alliance from Department of Children, Equality, Disability, Integration and Youth, 23 February 2023.

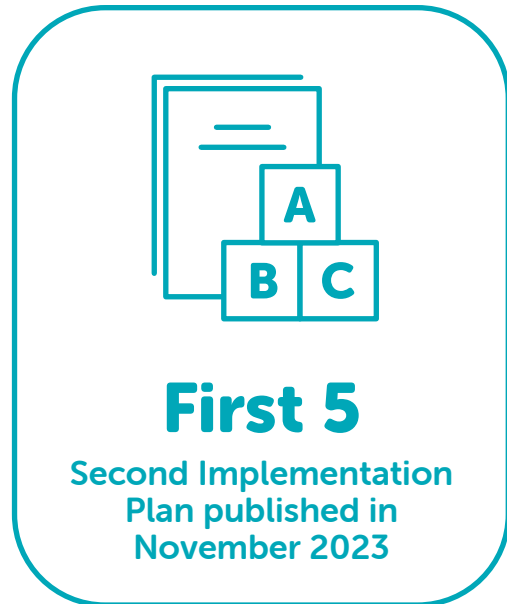
40 Tusla, National Childcare Scheme Tusla Sponsor Referrals Parent Information <[https://www.tusla.ie/uploads/content/Tusla\\_PARENT\\_Leaflet.pdf](https://www.tusla.ie/uploads/content/Tusla_PARENT_Leaflet.pdf)> accessed 24 February 2025.) From September 2024 the rate of the sponsor referral subsidy increased to €5.30 per hour for all children over one. (reference Minister for Children, Equality, Disability, Integration and Youth, Roderic O'Gorman T.D. Dáil Debates, Written Answers, Childcare Services, 9 April 2024 [15167/24])

41 Department of Children, Equality, Disability, Integration and Youth, *Nurturing Skills: The Workforce Plan for Early Learning and Care and School-Age Childcare 2022-2028* (DCEDIY 2021).

42 Department of Children, Equality, Disability, Integration and Youth *National Action Plan for Childminding (2021-2028)* (DECDIY 2021).

*Good*, the Government accepted its recommendations, and the Minister for Children, Equality, Disability, Integration and Youth confirmed that they would be implemented through a partnership approach between the State and providers.<sup>43</sup> The report's recommendations are being implemented on a multi-annual basis with funding available incrementally.<sup>44</sup>

In November 2023, the second *First 5 Implementation Plan* was published. It describes the steps that will be taken over the period 2023 to 2025 to ensure children get the best start in life. Key actions include introducing measures to address food poverty; introducing the new funding model to tackle poverty and disadvantage, now known as Equal Start; expanding supports under the Access and Inclusion Model (AIM); and preparations for the introduction of a legal entitlement to the Early Childhood Care and Education Programme (ECCE) pre-school programme.<sup>45</sup>



## ► **Quality Outcomes**

### **Core Funding**

*Partnership for the Public Good* proposed a new approach to funding early learning and childcare services called Core Funding. The main purpose of the Core Funding stream is to ensure better staff pay and conditions, improved management of fees, and sustainable funding.<sup>46</sup> The funding is linked to quality improvement and fee management. In the first two years of the funding, 95 per cent of ELC and SAC services signed up to Core Funding.<sup>47</sup>

43 Department of Children, Equality, Disability, Integration and Youth, 'Minister O'Gorman launches major reform of funding for early learning and childcare following Report of Expert Group', Press Release, 7 December 2021.

44 Department of Children, Equality, Disability, Integration and Youth, *Nurturing Skills: The Workforce Plan for Early Learning and Care and School-Age Childcare 2022-2028* (DCEDIY 2021).

45 Department of Children, Equality, Disability, Integration and Youth, *First 5: Implementation Plan 2023-2025*, (DCEDIY 2023)

46 Expert Group on the Funding Model, *Partnership for the Public Good: A New Funding Model for Early Learning and Care and School-Age Childcare* (DCEDIY 2021).

47 Communication received by the Children's Rights Alliance from the the Department of Children, Equality, Disability, Integration and Youth, 15 January 2024.

Since the introduction of Core Funding in 2022, there has been a year-on-year increase in funding made available under this programme. An initial allocation of €207 million in Budget 2022 grew to €259 million by the time the first programme year began in September 2022.<sup>48</sup> Year Two of the programme (September 2023 to August 2024) saw funding increase further to €287 million, with a commitment to allocate €331 million for Year Three (September 2024 to August 2025).<sup>49</sup> Year Four of Core Funding is expected to exceed €390 million,<sup>50</sup> with €45 million of this funding specifically ringfenced for improvements of pay and on updated Employment Regulation Orders (EROs).<sup>51</sup>

	<b>Year One</b> Sept. 2022 to Aug. 2023	<b>Year Two</b> Sept. 2023 to Aug. 2024	<b>Year Three</b> Sept. 2024 to Aug. 2025	<b>Year Four</b> Sept. 2025 to Aug. 2026
<b>Core Funding</b>	€259 million	€287 million	€331 million	€390 million

## Workforce Development

Almost two decades after the first ECCE model framework was introduced in 2002, starting the ongoing process of policy reform, a workforce development plan was published in 2021.<sup>52</sup> The report, *Nurturing Skills: The Workplace Plan for Early Learning and Care and School Age Childcare 2022-2028*, *Nurturing Skills* places an emphasis on developing a 'well-qualified, skilled' and graduate-led workforce with career progressions routes 'centred on children's rights, needs and potential'.<sup>53</sup>

48 Communication received by the Children's Rights Alliance from the the Department of Children, Equality, Disability, Integration and Youth, 23 February 2023.

49 Department of Children, Equality, Disability, Integration and Youth, 'Minister O'Gorman welcomes substantial investment under Budget 2024', (Press Release 10 October 2023) <<https://bit.ly/48LWX5R>> accessed 7 February 2025.

50 Communication received by the Children's Rights Alliance from the Department of Children, Equality, Disability, Integration and Youth, 11 January 2025.

51 Communication received by the Children's Rights Alliance from the Department of Children, Equality, Disability, Integration and Youth, 7 February 2025.

52 Department of Children Equality, Disability, Integration and Youth 'Minister O'Gorman launches Nurturing Skills: The Workforce Plan for Early Learning and Care and School-Age Childcare (2022 – 2028)' (Press Release 7 December 2021) <<https://bit.ly/3fTJHCe>> accessed 7 February 2025.

53 Department of Children, Equality, Disability, Integration and Youth, *Nurturing Skills: The Workforce Plan for Early Learning and Care and School-Age Childcare 2022-2028* (DCEDIY 2021), 4.

This Workforce Plan seeks to move to a graduate-led workforce by 2028, in line with the *First 5* target.<sup>54</sup> The actions and recommendations set out in the report seek to address quality through five pillars. These include establishing a career framework for educators and practitioners; raising qualification levels; developing a Continuous Professional Development (CPD) system; supporting recruitment, retention and diversity within the workforce; and moving towards regulation of the profession incrementally over the course of *Nurturing Skills*.<sup>55</sup>

In July 2022, a Monitoring Committee was established by the Department of Children, Equality, Disability, Integration and Youth to oversee the implementation of *Nurturing Skills*.<sup>56</sup> The scope of the Committee's work will include developing a set of indicators to capture progress and submitting an annual progress report to the Minister for Children, Equality, Disability, Integration and Youth.<sup>57</sup> The 2024 Annual Report is expected to be published in early 2025.<sup>58</sup>

In the first quarter of 2024, a new workforce unit was established within the Early Years Division of the Department.<sup>59</sup> The establishment of this Unit is in recognition of the significant programme of work to be undertaken on workforce issues in the coming years as set out in *Nurturing Skills*.<sup>60</sup> In 2024, the priority areas for this Unit included the launch of the *Nurturing Skills Learner Fund*, supporting 350 staff in the early years sector to upskill to degree level qualifications, and assessing over 1,800 qualifications for recognition to meet the requirements to work with children in the sector.<sup>61</sup> The Unit also supported the Early Learning and Childcare Stakeholder Forum Sub-Group on Workforce Recruitment and Retention and worked to secure additional funding to support the promotion of the profession.<sup>62</sup>

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54 Government of Ireland, *First 5: A Whole-of-Government Strategy for Babies, Young Children and their Families 2019 – 2028* (Government of Ireland 2018).

55 Department of Children, Equality, Disability, Integration and Youth, *Nurturing Skills: The Workforce Plan for Early Learning and Care and School-Age Childcare 2022-2028* (DCEDIY 2021).

56 Communication received by the Children's Rights Alliance from Department of Children, Equality, Disability, Integration and Youth, 11 January 2023.

57 Communication received by the Children's Rights Alliance from Department of Children, Equality, Disability, Integration and Youth, 15 January 2024.

58 Communication received by the Children's Rights Alliance from Department of Children, Equality, Disability, Integration and Youth, 11 January 2025.

59 *ibid.*

60 *ibid.*

61 *ibid.*

62 *ibid.*

## Childminding

Further improvements to quality, outside of centre-based care, are outlined in the *National Action Plan for Childminding* published in April 2021.<sup>63</sup> In line with *First 5* commitments and the Programme for Government, the *National Action Plan* sets out how regulation and subsidies will be extended to non-relative childminders with specific regulations expected to come into effect within the first three years of the Plan.<sup>64</sup>

Central to the reform of childminding is the introduction of regulations. Following a public consultation process, the Child Care (Amendment) Act 2024 was enacted in July 2024. New regulations for childminders and relevant parts of the Act came into effect on 30th September 2024. Up until then and, prior to the introduction of the regulations, there were 74 childminders registered in the country.<sup>65</sup> From 1 October until the end of December 2024, seven childminders have been registered.<sup>66</sup> While the initial number is low, it is important to acknowledge that registration can only be completed once mandatory pre-registration training and Garda vetting is complete.<sup>67</sup> Childminders must have insurance, references, and first aid training. Once these are complete, the application is then assessed by Tusla – the Child and Family Agency before registration can be finalised and certificate issued.<sup>68</sup>

The completion of bespoke training for childminders is an important aspect of registration and is one of the actions contained in the *National Action Plan for Childminding 2021-2028*.<sup>69</sup> The Plan sets out that an initial Foundation Training Programme must be completed as a pre-requisite for Tusla

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63 Department of Children, Equality, Disability, Integration and Youth *National Action Plan for Childminding (2021-2028)* (DECDIY 2021).

64 Communication received by the Children's Rights Alliance from Department of Children, Equality, Disability, Integration and Youth, 11 January 2023.

65 Communication received by the Children's Rights Alliance from Department of Children, Equality, Disability, Integration and Youth, 08 January 2025.

66 Communication received by the Children's Rights Alliance from Department of Children, Equality, Disability, Integration and Youth, 07 February 2025.

67 Communication received by the Children's Rights Alliance from Department of Children, Equality, Disability, Integration and Youth, 08 January 2025.

68 *ibid.*

69 Department of Children, Equality, Disability, Integration and Youth *National Action Plan for Childminding (2021-2028)* (DECDIY 2021).

registration and to access the NCS.<sup>70</sup> Following this, a Quality Development Programme will be developed, resulting in a 'special purpose award at Level 5 on the NFQ (National Framework of Qualifications), significantly smaller in scale than a major Level 5 award'.<sup>71</sup> The Plan states that new entrants may still have access to 'phased training requirements' at the end of phase three. Previously, Tusla-registered childminders were required to hold a minimum Level 5 major award in Early Childhood Education and Care if they are working with pre-school children, or a Level 6 if they are offering the ECCE programme. These requirements are the same for practitioners working in centre-based settings.<sup>72</sup>

While it is welcome that the Department of Children, Equality, Disability, Integration and Youth is taking steps to incentivise more childminders to register with Tusla and therefore be subject to regulation and inspection, it needs to be balanced with the rights of young children. While having different training programmes to adapt to the differences in home-based and centre-based care is a sensible approach, the difference in the level of qualification will mean that children being cared for at home may not receive the same standard of care. Young children receiving care and education services in the homes of childminders have the same rights under the UN Convention on the Rights of the Child as children receiving centre-based services, including the right to services that conform to quality standards.

## Inequalities

*First 5* commits to developing a Delivering Equality of Opportunity in Schools (DEIS) type model for early childhood education and care. *Partnership for the Public Good* recognised that it would take time to put in place a dedicated funding stream to tackle disadvantage, based on additional data to identify early years settings with 'high concentrations of disadvantaged children'.<sup>73</sup>

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70 *ibid.*

71 *ibid.*, 50.

72 Department of Children, Equality, Disability, Integration and Youth *National Action Plan for Childminding (2021-2028)* (DECDIY 2021).

73 Expert Group on the Funding Model, *Partnership for the Public Good: A New Funding Model for Early Learning and Care and School-Age Childcare* (DCEDIY 2021) 130.



In May 2024, Equal Start, a funding model and a set of associated universal and targeted measures to support access and participation for children and their families who experience disadvantage, was launched.<sup>74</sup> Supports are provided across three strands:

- ▶ **Strand 1** provides universal measures for every child in every setting. This means that supports are provided to children from disadvantaged backgrounds regardless of the setting they are in. Supports include initiatives aimed at providing information to parents about what services are available to them in their community; supporting services to be more inclusive through Diversity, Equality and Inclusion training; the development of an Inclusion Coordinator role which will strengthen interagency cooperation in child welfare and protection.
- ▶ **Strand 2** provides child targeted measures for every child with a priority designation in all settings. These measures include the provision of semi-flexible funding to support the practical needs of children from priority groups in all settings and developing solutions to tackle barriers to access and participation in ELC and SAC for children from priority groups.
- ▶ **Strand 3** provides targeted measures to settings with a designation status as identified through the Equal Start identification model.<sup>75</sup>

The Equal Start identification model uses a combination of data from the NCS and Pobal's HP Deprivation Index, along with data on the location of accommodation for families experiencing homelessness or applying for international protection. This allows for the identification of the number of children in setting both from disadvantaged communities and priority groups. Priority groups include groups of children experiencing disadvantage as identified through research, the EU Child Guarantee, and national policy responses.<sup>76</sup>

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74 Department of Children, Equality, Disability, Integration and Youth, 'Equal Start for children experiencing disadvantage' Press Release (21 May 2024).

75 Department of Children Equality, Disability, Integration and Youth, *Equal Start*, (DCEDIY 2025) 6-7.

76 *ibid* 5.

An initial allocation of €4.5 million in funding for Equal Start was provided in Budget 2024, equating to €13.5 million in a full programme year.<sup>77</sup> In September 2024, the Minister for Children, Equality, Disability, Integration and Youth announced that 246 settings were designated with Tier 1 status and thus, benefitted from a 15 per cent increase in staffing hours. Similarly, 370 settings were designated as Tier 2, receiving an 8 per cent increase in staffing hours.<sup>78</sup> These designations benefitted 11,000 and 18,000 children respectively.<sup>79</sup>



At this time the Minister indicated that more settings were expected to accept Equal Start designation. The latest available information, in February 2025, is that 770 settings, serving 30,000 children will receive Equal Start supports.<sup>80</sup> This includes 4,700 children from priority cohorts with 3,000 children in Tier 1 settings and almost 1,700 in Tier 2 settings.<sup>81</sup> These services have been objectively identified as operating in the context of concentrated disadvantage have been given 'priority designation' – for a three-year period – and now receive additional supports.<sup>82</sup> In Budget 2025, the Minister announced further funding for Equal Start, bringing investment in 2025 to €17.2 million.<sup>83</sup>

77 Department of Children, Equality, Disability, Integration and Youth, 'Minister O'Gorman welcomes substantial investment under Budget 2024', (Press Release 10 October 2023).

78 Department of Children, Equality, Disability, Integration and Youth '35,000 children experiencing disadvantage to benefit from funding boost for early learning and childcare settings', (Press Release 22 September 2024).

79 *ibid.*

80 Communication received by the Children's Rights Alliance from Department of Children, Equality, Disability, Integration and Youth, 12 February 2025.

81 *ibid.*

82 *ibid.*

83 Sligo County Childcare Committee, 'Budget 2025 letter from Minister O'Gorman and Budget Overview and FAQs' (Sligo County Childcare Committee 2024) <<https://bit.ly/4hxLTNZ>> accessed 7 February 2025.

In the first two programme years of Equal Start a total of €25.2 million will be allocated.<sup>84</sup> This will include an Enhanced Nutrition Programme in Equal Start Priority Settings, which is in addition to the existing regulatory requirements. The provision of meals in early years settings will contribute to the objective of addressing disadvantage.<sup>85</sup> Complementary to the development of Equal Start, a pilot scheme to provide hot meals in ELC settings was initiated and an evaluation published in 2024.<sup>86</sup>

The latest *First 5 Implementation Plan* includes a target to increase the participation rates of Traveller and Roma children so that they are 'more closely aligned to the national average'.<sup>87</sup> Since September 2023, an ethnic identifier has been introduced for applications to the National Childcare and ECCE schemes.<sup>88</sup> The participation rates for Traveller and Roma children are 76 per cent and 70 per cent respectively, compared to an overall participation of 96 per cent.<sup>89</sup> Traveller and Roma children are a key target priority group under Equal Start.

Under *First 5*, the Government committed to undertake an evaluation of the Access and Inclusion Model (AIM) for children with disabilities. The evaluation took place between December 2020 and December 2021,<sup>90</sup> was completed in 2022, and published in January 2024.<sup>91</sup> The evaluation involved almost 2,000 stakeholders, and there were many positive findings. The Department have used the findings from this evaluation to inform the development of AIM including, since September 2024, the extension of targeted supports to ECCE-age children and the publication of *Guidelines Supporting the Inclusion for Autistic Children in Early Learning, School and Childcare Settings*.<sup>92</sup>

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84 Communication received by the Children's Rights Alliance from Department of Children, Equality, Disability, Integration and Youth, 7 February 2025.

85 Communication received by the Children's Rights Alliance from Department of Children, Equality, Disability, Integration and Youth, 11 January 2023.

86 Pobal, *Additional Nutrition Pilot Programme (also known as Hot Meals Pilot Scheme) Evaluation Report* (Pobal 2024) <<https://bit.ly/3QbjRMh>> accessed 7 February 2025.

87 Department of Children, Equality, Disability, Integration and Youth, *First 5: Implementation Plan 2023-2025*, (DCEDIY 2023), 126.

88 *ibid.*

89 *ibid.*

90 Communication received by the Children's Rights Alliance from the the Department of Children, Equality, Disability, Integration and Youth, 11 January 2025.

91 Communication received by the Children's Rights Alliance from the the Department of Children, Equality, Disability, Integration and Youth, 15 January 2024.

92 Department of Children, Equality, Disability, Integration and Youth, *Introductory Guidelines to Support the Meaningful Inclusion of Autistic Children in Early Learning and Care & School Age Childcare* (DCEDIY 2024).

## Staff Retention

*Nurturing Skills* acknowledges that a key enabler of retaining staff is the improvement in pay and employment conditions.<sup>93</sup> In the absence of the state employing early years professionals, it cannot set a wage for the sector. Through the establishment of a Joint Labour Committee (JLC) process, employer and employee representatives can negotiate pay rates for the sector.<sup>94</sup>

The first EROs for the sector came into effect on 15 September 2022 and were supported by Core Funding. The EROs established an hourly minimum rate of pay for several roles across early years and School-Age Childcare services.<sup>95</sup> Two new EROs, which updated the 2022 Orders, came into effect on 24 June 2024.<sup>96</sup>

<b>Role</b>	<b>2022 Minimum Hourly Rate<sup>97</sup></b>	<b>2024 Minimum Hourly Rate<sup>98</sup></b>
Early Years Educators and SAC Practitioners	€13.00	€13.65
Lead Educators (Room Leaders) and School Age Childcare (SAC) Coordinators	€14.00	€14.70
Graduate Lead Educators (Room Leaders) and Graduate School Age Childcare (SAC) Coordinators	€15.50	€16.28
Deputy/Assistant Manager	€15.70	€16.49
Centre Manager	€16.50	€17.33
Graduate Centre Manager	€17.25	€18.11

93 *ibid.*

94 Communication received by the Children's Rights Alliance from the the Department of Children, Equality, Disability, Integration and Youth, 15 January 2024.

95 EROs were established for Early Years Lead Educators/ School-Age Childcare Coordinators; Graduate Early Years Lead Educators/ School-Age Childcare coordinators; Deputy Managers; Managers, and; Graduate Managers.

96 S.I. No. 296/2024 - Employment Regulation (Amendment) Order (Early Years' Service Joint Labour Committee) Order No. 1 2024 and S.I. No. 297/2024 - Employment Regulation (Amendment) Order (Early Years' Service Joint Labour Committee) Order No. 2 2024.

97 S.I. No. 457/2022 - Employment Regulation Order (Early Years' Service No. 1 Joint Labour Committee) 2022 and S.I. No. 458/2022 - Employment Regulation Order (Early Years' Service No. 2 Joint Labour Committee) 2022

98 S.I. No. 296/2024 - Employment Regulation (Amendment) Order (Early Years' Service Joint Labour Committee) Order No. 1 2024 and S.I. No. 297/2024 - Employment Regulation (Amendment) Order (Early Years' Service Joint Labour Committee) Order No. 2 2024.

While the introduction of the EROs in 2022 and 2024 represent a positive development in the sector in terms of pay, there is still much further to go to improve retention in the sector. In 2024, SIPTU carried out a survey of over 1,300 early years workers.<sup>99</sup> Three-quarters of respondents (74 per cent) stated that their biggest work issue is pay.<sup>100</sup> Connected to this, almost one-third of respondents (29 per cent), had great difficulty making ends meet, while a further 62 per cent said they had difficulty making ends meet.<sup>101</sup> In relation to retention of staff, 69 per cent indicated that staff left their service in the past 12 months, with 42 per cent saying this was due to improved pay in another sector.<sup>102</sup> This is further reinforced by the fact that 36 per cent of respondents said that if they intended to leave the sector, it would be due to low pay.<sup>103</sup> Furthermore, since 1 January 2025, the National Minimum Wage (NMW) is €13.50, which means that the hourly rate for Early Years educators is just 15 cent above the NMW.<sup>104</sup> Both this role, and the Lead Educator role, fall below the Living Wage rate for 2024/2025 of €14.75.<sup>105</sup>

## Cost to Parents

An additional allocation of €27.8 million to the National Childcare Scheme has meant that from September 2024, a universal subsidy of €2.14 per hour per child has been in place.<sup>106</sup> Uptake of the NCS continues to grow very significantly, with the number of children availing of the NCS having grown from almost 100,000 to almost 210,000 year-to-date in October 2024.<sup>107</sup>

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99 SIPTU *Early Years Professionals Survey 2024* (SIPTU 2024).

100 *ibid.*

101 *ibid.*

102 *ibid.*

103 *ibid.*

104 Citizens Information, 'Minimum Wage' (Citizens Information 2025) <<https://bit.ly/3QNVznn>> accessed 7 February 2025.

105 Living Wage Technical Group, 'Living Wage Update 2024/25' (Living Wage Technical Group 202) <<https://bit.ly/42KMirW>> accessed 7 February 2025.

106 Communication received by the Children's Rights Alliance from the the Department of Children, Equality, Disability, Integration and Youth, 11 January 2025.

107 Roderic O'Gorman TD, Minister for Department of Children, Equality, Disability, Integration and Youth, Childcare Services, Written Answers 24 October 2024 [43358/24].



**In 2024, SIPTU carried out a survey of over 1,300 early years workers. 74% stated that their biggest work issue is pay.**

According to comparative analysis by the OECD, the introduction of childcare subsidies has substantially reduced costs for low income and one parent families. (Reference OECD, Net childcare costs in EU countries, 2021 (OECD 2022), 17.) However, some middle income families still have high childcare costs.<sup>108</sup>

While the Government has made good progress on tackling the cost to parents, many barriers still exist in terms of ensuring that services are affordable for all parents. The childcare fees charged by providers receiving Core Funding has remained at either the rate charged since 30 September 2021 or at the rate when they first signed up to Core Funding. However, to balance the needs of providers and parents, the Department undertook a fee increase assessment process in the latter half of 2024. In October 2024, the Department indicated that 926 services had applied for a sanctioned fee increase.<sup>109</sup> There were 659 services deemed eligible to move onto the next stage of the process and in the assessment stage.<sup>110</sup> While the fee increase is capped at €33 per week, this erodes any benefit parents were due to receive from the NCS increase applied from September 2024.

Households with a reckonable income below €26,000 per annum qualify for the maximum hourly childcare support subsidy under the NCS.<sup>111</sup> The original design of the scheme proposed that the base income threshold would be set at a rate that would ensure that all families living on incomes below the poverty line would receive the maximum subsidy rate.<sup>112</sup> In the year the National Childcare Scheme was launched, this rate was €26,000 for a household containing two adults and one child.<sup>113</sup> However, the latest data shows this has risen to just over €33,000.<sup>114</sup> The effective freeze on the income thresholds to access higher subsidy rates has been noted by the ESRI as having a negative

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108 *ibid.*

109 Department of Children, Equality, Disability, Integration and Youth, 'Minister O'Gorman welcomes strong commitment from early learning and childcare services to Core Funding for third year running', Press Release (DCEDIY 2024) <<https://bit.ly/4aX3GvG>> accessed 7 February 2025.

110 *ibid.*

111 Government of Ireland, *National Childcare Scheme Policy Guidelines* <<https://bit.ly/42Mpbx5>> accessed 7 February 2025.

112 Department of Children and Youth Affairs, *Policy Paper on the Development of a new Single Affordable Childcare Scheme* (DCYA 2016).

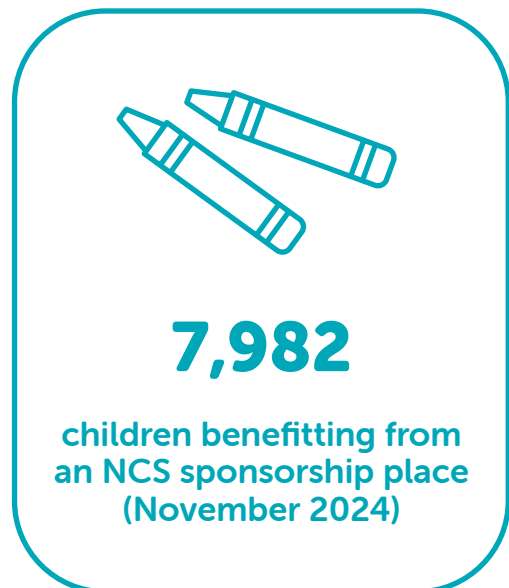
113 Social Justice Ireland, *Poverty Focus 2019* (SJI 2019).

114 Social Justice Ireland, *Poverty in Focus 2024* (SJI 2024).

impact on households with lower incomes, those of which may experience wage inflation and receive less support for childcare costs.<sup>115</sup> For instance, the National Minimum Wage rate has risen from €9.80 per hour in 2019<sup>116</sup> to €12.70 in 2024.<sup>117</sup> The base income threshold should be reviewed to ensure that all families below the current poverty line receive the maximum subsidy rate.

The latest data from Pobal indicates that there are currently over 33,000 children under the age of three years old waiting for an early years place.<sup>118</sup> However, this data is collected from service providers rather than individual families and children. Therefore, it could be an overstatement of the actual need for places as children could be included on the waiting list of multiple providers. For children and their families, without an early years place any action on affordability must be matched with action on supply to ensure that all families that need access to an ELC place can attain it. Work currently being undertaken by the Supply Management Unit on a forward planning model should help to address this.<sup>119</sup>

There were 7,982 children benefitting from an NCS sponsorship place year-to-date in November 2024.<sup>120</sup> Organisations working with families experiencing homelessness have raised concerns about the adequacy of the sponsorship rate and how this interacts with the current demand for childcare places.<sup>121</sup> Of central concern is the challenge in accessing



115 K Doorley, *Post-Budget Engagement: Economic and Social Research Institute*, Committee on Budgetary Oversight (Houses of the Oireachtas 18 October 2023).

116 Workplace Relations Commission, 'Previous rates of pay under the National Minimum Wage' <<https://bit.ly/3QNZd5w>> accessed 7 February 2025.

117 Citizens Information, 'Minimum Wage', <<https://bit.ly/3QNvZnn>> accessed 7 February 2025.

118 Pobal, 'Capacity' (Pobal 2025) <<https://bit.ly/3Euy04E>> accessed 7 February 2025.

119 Communication received by the Children's Rights Alliance from the the Department of Children, Equality, Disability, Integration and Youth, 11 January 2025.

120 Minister for Children, Equality, Disability, Integration and Youth, Roderic O'Gorman TD, Dail Debates, Written Answers, Childcare Services, 6 November 2024 [45318/24]

121 Focus Ireland, *Issues with Childcare Provision for Children in Emergency Accommodation* [unpublished document].



sponsored places for children experiencing homelessness.<sup>122</sup> In some instances, the sponsorship subsidy falls below the actual childcare fee being charged by a childcare provider.<sup>123</sup> In response to these issues, the Minister for Children, Equality, Disability, Integration and Youth indicated that the Department was examining these in the context of Budget 2024.<sup>124</sup> The changes to the rates introduced came into effect in September 2024 and should help to alleviate some of the pressures observed by those working directly with families supported through NCS sponsorship. However, it is critical that there is engagement between the Department and stakeholders to explore whether this has been effective in addressing the concerns raised. An evaluation of the NCS, initially planned for 2024,<sup>125</sup> is now planned for 2025.<sup>126</sup> The evaluation should take account of these barriers and identify solutions to addressing them.

## ► What children and young people need next

Over the lifetime of the *Programme for Government*, significant progress was made in reforming early childhood education and care. The realisation of the goal to invest €1 billion in the sector in 2023, five years ahead of schedule, and a commitment to a sustained increased in investment in the two Budgets that followed, is proof of the commitment to ensure all children get the best start in life. Building on this, it is critical that several key areas are prioritised in 2025 by the Government.

The State needs to provide free or nearly free access to ECEC for children and families living in consistent poverty. This would include children in families currently on welfare payments or in low paid jobs. This is the single most important measure in addressing child poverty based on the evidence that

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122 *ibid.*

123 This is due to the Sponsorship rate being based on the maximum possible NCS subsidy rate plus 15 per cent as opposed to the actual fee being charged. As the rules of the Sponsorship scheme prohibit providers seeking a 'co-payment', they must accept a lower fee income and given the current demand for childcare places there is no financial or other incentive for them to accept children on the Sponsorship Scheme.

124 Minister for Children, Equality, Disability, Integration and Youth, Roderic O'Gorman TD, Dail Debates, Written Answers, Childcare Services, 26 September 2023[41483/23].

125 *ibid.*

126 Communication received by the Children's Rights Alliance from the Department of Children, Equality, Disability, Integration and Youth, 11 January 2025.

providing quality employment alongside quality childcare is what works best.<sup>127</sup> The commencement of the roll out of the first Programme Year of Equal Start in September 2024 is a welcome measure in terms of tackling poverty and disadvantage. However, future budgets will need to commit to increased funding to ensure Ireland can break the cycle of intergenerational poverty.

The UN Committee is clear that, to ensure quality in ECEC, the workforce must be socially valued and properly paid. The development of the EROs for the sector was a landmark event which will make an important contribution towards staff retention and recruitment. It is critical that this is built on further to ensure that pay and conditions continue to improve. The commencement of the regulation of the childminding sector in 2024 is a historic milestone. This will need continued support in the years ahead, with increased investment and resources to ensure that significant numbers of childminders come on stream. This will ensure that all children have access to quality ELC, regardless of the setting.

Increases to the universal element of the NCS have had a positive impact on the amount that parents are paying for childcare. However, the reassessment of the fee freeze for some providers, combined with a failure to increase the income threshold for those receiving the maximum subsidy and the impact that withdrawal from Core Funding will have on affordability, means that there may be limited scope to continued effectiveness of the scheme. In the context of a new Government commitment to progressively reduce the cost of childcare to €200 per month, this will be a key area of reform in the coming years. Consideration of how parental fees are structured will need to be examined in the broader context of funding for the sector and this may take some time.

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<sup>127</sup> M Daly, *Fighting Child Poverty: The Child Guarantee* (European Parliament 2019) 5.

## **➔ Recommendations**

- ▶ In order to meet the commitment to reduce childcare fees to €200 per month, the Government should commence a programme of work to determine how this can be achieved within the existing funding framework for the sector.
- ▶ Ramp up funding for the Equal Start programme as an important measure in terms of breaking the cycle of child poverty.
- ▶ Maintain momentum on the regulation of childminding by increasing resources towards the pre-assessment process in order to efficiently process all applications for registration.

**2**

# **Childcare Ireland Agency**

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**Section Grade:**

**C**



## The Programme for Government commits to:

Establish an agency, Childcare Ireland, to assist in the expansion of high-quality childcare, spearheading leadership, best practice and innovation and professional development in community and private settings. It will also be tasked with developing career paths for childcare staff. Childcare Ireland will be responsible for expanding Síolta.

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▶ Progress: **Slow**

'The establishment of Childcare Ireland' receives a 'C' grade, the same grade as last year. Momentum has been maintained throughout 2024 on the development of a proposal to bring to Government on the establishment of the Agency. Clear milestones have been set over the next two years for the establishment of the Agency. Despite sustained progress, this commitment has not been fully realised in the lifetime of the Government.

## Ireland's duties and responsibilities in international law



The UN Convention on the Rights of the Child (UNCRC) highlights that early childhood is not merely preparation for adulthood and requires that children, including the very youngest children, be respected as persons in their own right.<sup>1</sup> While Article 5 recognises parents and carers as primary caregivers, States have a duty to provide assistance, including quality childcare services under Article 18.<sup>2</sup> Article 2 provides that no child should experience discrimination in early childhood and all should be able to access the vital services that contribute to their survival and development, in line with Article 6.<sup>3</sup> Children's best interests are always the starting point for service planning and provision,<sup>4</sup> and it is essential that the institutions, services and facilities responsible for early childhood conform to quality standards ... and that staff possess the appropriate psychosocial qualities and are suitable, sufficiently numerous and well trained.<sup>5</sup> Work in early years education and care should be socially valued and properly paid, in order to attract a highly qualified workforce, men as well as women.<sup>6</sup>

Ireland ratified the United Nations Convention on the Rights of the Child (UNCRC) in 1992. As part of its commitments, Ireland agreed to be reviewed every five years on its progress in implementing the rights in the Convention. Ireland was last examined by the Committee on the Rights of the Child in 2023. In its Concluding Observations, the Committee called for increased access to affordable childcare for parents engaged in the labour market, and especially those experiencing disadvantage. The Committee also recommended that the Irish Government increase the level of funding allocated to childcare and move towards a publicly funded model as recommended by the

1 UNCRC, General Comment No.7: Implementing child rights in early childhood' (2006) UN Doc CRC/C/G/GC/7/Rev.1 para 15.

2 *ibid.*

3 *ibid* para 12.

4 *ibid* para 22.

5 *ibid* para 23.

6 *ibid.*

Citizens Assembly.<sup>7</sup> In relation to children with disabilities the Committee calls for inclusive education in early childhood by adapting curricula, training specialised teachers and ensuring reasonable accommodation within school infrastructure and for transportation.<sup>8</sup>

The UN Special Rapporteur on the right to education is currently undertaking work and consultation on the development of a new Recommendation on the Right to Early Childhood Care and Education.<sup>9</sup> This will help to further strengthen the rights of children in early childhood.

## ► What is the context for this commitment?

The commitment to establish Childcare Ireland is welcome, as it will help to align policy, practice and inspection in the early childhood education and care (ECEC) sector. The current system is characterised by fragmentation and duplication, which has led to a perception of complexity, confusion and administrative burden for service providers and families.<sup>10</sup> Ireland currently has a private market and community-based model of early childhood education and care using state subsidies, capitation and regulation.

Currently, a number of statutory organisations operating at a national and local level support the operation of early learning and care services.<sup>11</sup> Amongst the existing infrastructure are separate inspectorates led by the Department of Education and Tusla to inspect educational and health and safety aspects of a service respectively.<sup>12</sup> Work on the amalgamation of these two bodies has been undertaken by the Inspection Streamlining and Coordination Working Group.<sup>13</sup>

7 UNCRRC, 'Concluding Observations Ireland' (2023) UN Doc CRC/C/IRL/CO/5-6, para 26.

8 *ibid* para 37.

9 UNESCO, *Consultation on the development of Guiding principles on the right to early childhood care and education* <<https://www.ohchr.org/en/special-procedures/sr-education>> accessed 10 January 2025.

10 Indecon, *Review of Early Learning and Care ('ELC') and School Age Childcare ('SAC') Operating Model in Ireland*, (DCEDIY 2022), p. viii.

11 Government of Ireland, *First 5 Implementation Plan 2023-2025*, (Government of Ireland 2023), 121.

12 Department of Education *A Guide to Early Years Education Inspection* (Department of Education 2024); Tusla 'Early Years Quality and Regulatory Framework' <https://bit.ly/4glrudy> accessed 31 January 2025.

13 Communication from the Department of Children, Equality, Disability, Integration and Youth to the Children's Rights Alliance 15 January 2024.

As an overarching body, Childcare Ireland (the Agency) is expected to expand 'high quality childcare, best practice and innovation in community and private childcare settings'.<sup>14</sup>

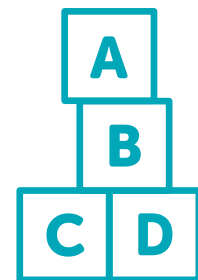
The review of the operating model of both Early Learning Care and School Age Care is a precursor to the establishment of a stand-alone agency.<sup>15</sup> This review includes an analysis of the evidence base to inform the establishment of the Agency.

## ► What has been achieved for children and young people so far?

The *Programme for Government* pledges significant reform of early childhood education and care (ECEC) – see section 1 on [Reform Of The Early Childhood Education And Care System](#) – and an aspect of this is the establishment of Childcare Ireland.<sup>16</sup>

In November 2018, the Government published Ireland's first ever cross-departmental strategy to support babies, young children and their families; *First 5: A Whole-of-Government Strategy for Babies, Young Children and their Families 2019 – 2028*.<sup>17</sup> In the Strategy, there is a commitment to achieving four overarching goals:

- **Goal A:** Strong and supportive families and communities;
- **Goal B:** Optimum physical and mental health;
- **Goal C:** Positive play-based early learning; and
- **Goal D:** An effective early childhood system.<sup>18</sup>



14 Roderic O’Gorman TD, Minister for Children, Equality, Disability, Integration and Youth Childcare Services Written Answers 30 July 2020 [119744/20].

15 Communication received by the Children’s Rights Alliance from the Department of Children, Equality, Disability, Integration and Youth, 18 January 2022.

16 Government of Ireland, *Programme for Government, Our Shared Future* (Government of Ireland 2020) 80.

17 Government of Ireland, *First 5: A Whole-of-Government Strategy for Babies, Young Children and their Families 2019 – 2028* (Government of Ireland 2018).

18 *ibid.* 28.



As part of Goal D, the Strategy states that the Department of Children, Equality, Disability, Integration and Youth (DCEDIY) will undertake a comprehensive review of the operating system that administers all Early Learning and Care (ELC) and School-Age Childcare (SAC) schemes and initiatives, including the establishment of a dedicated standalone agency to oversee the ELC and SAC operating systems.<sup>19</sup>

The review was published in March 2022 and maps out the current operating model, the functions carried out by Pobal, City/County Childcare Committees, and National Voluntary Childcare Organisation and the operational functions performed by the DCEDIY. Based on the analysis of international comparison and consultations with stakeholders, the report developed key components for a proposed operating model and seven options for change.<sup>20</sup>

In assessing the seven options, the report recommends the establishment of a new statutory agency as the optimal way forward in terms of future development of the ELC and SAC model.<sup>21</sup> In setting out the preference to establish a new agency, the report cautions that this option will require legislation that will take time to develop.<sup>22</sup> Furthermore, there are key costs involved in the initial outlay, particularly in relation to staffing, office and IT infrastructure. However, it is envisaged that there will be efficiencies in terms of HR and administration in the future.<sup>23</sup>

Upon publication of the report, the Minister for Children, Equality, Disability, Integration and Youth indicated that the Government had accepted its findings and that a project team had been established to undertake further 'detailed

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19 *ibid.* 154.

20 An international comparison highlighted a range of approaches adopted by comparable countries in relation to ELC and SAC operating. Consultations with stakeholders identified the strengths and weaknesses of the current operating model in Ireland. Through a combination of governance requirements and 'fit for purpose' principles (identified through the national and international analysis), the report develops key components that should be part of a future operating model.

21 *Indecon, Review of Early Learning and Care ('ELC') and School Age Childcare ('SAC') Operating Model in Ireland*, (DCEDIY 2022), p. iii.

22 *ibid.*

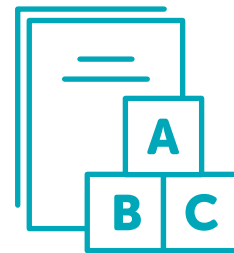
23 *ibid.*

analysis, planning, consultation and engagement with key stakeholders to assess how this recommendation can best be implemented'.<sup>24</sup>

A planning and design programme has been devised to progress the establishment of the new National Early Learning and Childcare Agency.<sup>25</sup> Phase 1 will focus on gathering information, analysis and initial design work.<sup>26</sup> The timeline for Phase 1 is 18-24 months and will take place over 2024 and 2025.<sup>27</sup>

A series of implementation plans outline how the goals of *First 5 will be enacted*. The current plan, *First 5 Implementation Plan 2023-2025*, refers to the establishment of the Agency, noting that it will support the significant agenda for reform of early childhood education and care that is currently underway.<sup>28</sup> The achievement of key milestones over the period 2023 to 2025 will result in an implementation plan brought to Government in 2025.<sup>29</sup>

For 2024, the Implementation Plan committed to ongoing stakeholder engagement to inform the development of a blueprint for the Agency.<sup>30</sup> An external company undertook consultation with key stakeholders on behalf of the Department on



## **First 5 Implementation Plan 2023-2025**

**notes that the Agency will support the significant agenda of reform of early childhood education and care currently underway.**

24 Department of Children, Equality, Disability, Integration and Youth, 'Minister O'Gorman launches findings from review that recommends dedicated State Agency for Early Learning and Care and School-Age Childcare'. Press Release, 29 March 2022.

25 Communication from the Department of Children, Equality, Disability, Integration and Youth to the Children's Rights Alliance 8 January 2025.

26 *ibid.*

27 *ibid.*

28 Government of Ireland, *First 5 Implementation Plan 2023-2025*, (Government of Ireland 2023) 121.

29 *ibid* 87.

30 *ibid.*

the vision, mission and values of the Agency, and the results were published by the Department in April 2024.<sup>31</sup> Other milestones include the mapping of the composition of existing workforce and the completion of interim reports by the consultancy partner on the options and service delivery models for the agency.<sup>32</sup>

Currently, the DCEDIY is engaging with independent consultants to undertake an initial phase of work involving research, analysis and stakeholder engagement to inform the design of the agency.<sup>33</sup> This work is being overseen by a Programme Oversight Board and is focused on five workstreams:

- **Workstream A:** Identifying the functions to be carried out by the national agency;
- **Workstream B:** Mapping the composition of the workforce across the current operating model and undertaking work to identify required staff numbers and other staffing variables;
- **Workstream C:** Identifying options for the new agency in relation to staffing arrangements and required;
- **Workstream D:** Determining the potential optimal models of operating/ service delivery; and
- **Workstream E:** Examining the role of community and voluntary organisations with reference to other national sectors and international examples in the early learning and childcare sector.<sup>34</sup>

Draft reports on the workstreams A, B, and E have been submitted to the Oversight Board but have not yet been published.<sup>35</sup> Reports C and D will be submitted to the Oversight Board in the first half of 2025.<sup>36</sup> A final report on all five workstreams is anticipated to be completed by Quarter 3 of 2025.<sup>37</sup>

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31 Think People, *Summary of Outputs from Vision, Mission & Values Stakeholder Consultation Sessions Dec 2023-Jan 2024* (Department of Children, Equality, Disability, Integration and Youth 2024).

32 Government of Ireland, *First 5 Implementation Plan 2023-2025*, (Government of Ireland 2023) 87.

33 Communication from the Department of Children, Equality, Disability, Integration and Youth to the Children's Rights Alliance 8 January 2025.

34 *ibid.*

35 *ibid.*

36 *ibid.*

37 *ibid.*

Starting in 2025, a second phase of work on a more in-depth design, as well as a costing exercise, will take place and be scheduled for completion after six to nine months.<sup>38</sup> This final piece of work will produce a fully-costed agency design, remit, organisational structure and service delivery model. This will be presented to Government for approval.<sup>39</sup>

## ► What children and young people need next

The *Programme for Government: Our Shared Future* commits to establishing a standalone agency that would oversee the development of high-quality childcare and guide best practice, innovation and professional development across childcare settings. The setting up of this agency has not been achieved in the lifetime of the Government. However, despite the commitment not being delivered, significant groundwork has been laid for the next Government. The review of the operating systems provides an important piece of scoping evidence on the breadth of functions that could come under the agency's remit. Furthermore, progress on the development of an agency has taken place within the context of the overall reform of the early learning and care sector.

The review of the ELC and SAC operating models published in 2022, and the continued progress in 2023 and 2024 in developing what the agency could look like, means the next Government has a clear pathway forward for implementation. At the same time, increased momentum is needed to ensure this commitment is delivered in the lifetime of the next Government. Setting out clear milestones and deliverables will ensure progress can be monitored. It is critical that all work on the development of the agency is informed by the standards set out under the UNCRC on rights in early childhood. This means ensuring that children have access to quality services is a central feature of the agency and its operation. The development of a new recommendation on rights in early childhood education and care can help to further inform work in this area.

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38 *ibid.*

39 *ibid.*

## ➔ **Recommendations:**

- ▶ Given the substantial groundwork undertaken to date, the Government should continue to prioritise the development of a standalone childcare agency. Increased momentum on the development of the agency will further strengthen reform and the development of an affordable, high-quality, accessible early childhood education and care system.

**3**

# Free School Books

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Section Grade:

**A+**



## **The Programme for Government commits to:**

Commence a free school books scheme pilot in September 2020 and, pending a successful review of that pilot, expand the scheme to schools nationwide, as resources allow.

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▶ Progress: **Excellent**

**'Free School Books' receives a 'A+' grade, up from the 'A-' grade received last year. There was a welcome expansion of free school books to all students in Senior Cycle in post-primary school in Budget 2025, going beyond what was committed to in the Programme for Government. The mounting costs of going back to school can place a significant strain on families struggling to make ends meet. The immediate and tangible difference this measure makes to these families is demonstrated by the 20 per cent reduction in calls to the Society of St Vincent de Paul in the first year of the scheme at primary school level. For those with multiple children in school or relying on a single wage, the increased costs at back-to-school time can push families into poverty and compound stigma and inequalities. The provision of free school books as a universal measure addresses some of the biggest financial barriers to participation in education. This aligns with Ireland's commitments under the European Child Guarantee to prevent and combat child poverty and social exclusion.**

## Ireland's duties and responsibilities in international law



Under the UN Convention on the Rights of the Child (UNCRC), every child has a right to education and should have an equal opportunity to participate in education.<sup>1</sup> To give effect to this right, states should 'take appropriate measures such as the introduction of free education and offering financial assistance in case of need.'<sup>2</sup>

The UN Committee on the Rights of the Child has stated that the goal of education is to 'empower the child by developing his or her skills, learning and other capacities, human dignity, self-esteem and self-confidence'.<sup>3</sup> The Committee has recommended that education should go beyond formal schooling to 'embrace the broad range of life experiences and learning processes which enable children, individually and collectively, to develop their personalities, talents and abilities and to live a full and satisfying life within society'.<sup>4</sup>

Ireland ratified the UNCRC in 1992. As part of its commitments, Ireland agreed to be reviewed every five years on its progress in implementing the rights in the Convention. Ireland was last examined by the Committee on the Rights of the Child in January 2023. The issue of education was identified in the Concluding Observations of the Committee as one of six areas where urgent measures should be taken. The Committee called on the Irish State to strengthen measures to ensure all children in disadvantaged groups have equal access to education including providing 'support to cover hidden costs of education'.<sup>5</sup>

1 UN Convention on the Rights of the Child, A/RES/44/25 (20 November 1989) Art 28.

2 *ibid* Art 28(b).

3 UNCRC General Comment No. 1 on Article 29(1) the Aims of Education (2001) CRC/GC/2001/1 para 2.

4 *ibid*.

5 UNCRC, 'Concluding Observations Ireland' (2023) UN Doc CRC/C/IRL/CO/5-6, paras 4 and 37



## ► What is the context for this commitment?

Every child in Ireland has the right to access and receive an education. The Irish Constitution requires the State to 'provide for free primary education.'<sup>6</sup> The Education Act 1998 sets out that children should receive 'a level and quality of education appropriate to meeting the needs and abilities of that person;<sup>7</sup> and guarantees 'to promote equality of access to and participation in education and to promote the means whereby students may benefit from education'.<sup>8</sup> The UNCRC goes further in its wording, calling on States to take steps to achieve the right to education on the 'basis of equal opportunity' and to 'take appropriate measures such as the introduction of free education and offering financial assistance in case of need'.<sup>9</sup>

In Ireland, a person's socio-economic background is identified as a strong determining factor with regard to their experience of the education system and their level of educational attainment.<sup>10</sup> The Higher Education Authority noted that one in ten students were from a disadvantaged background, versus one in five students who were identified as affluent.<sup>11</sup> The *National Access Plan 2022-2028* recognises that people should have equity of access to education independent of their socioeconomic background, ethnicity, gender, geographical location, disability or other circumstances.<sup>12</sup> Living on a low income can also prevent children and young people from participating fully in education.<sup>13</sup>

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6 Irish Constitution, Article 42.4.

7 Education Act 1998, s6(b).

8 *ibid* s6(c).

9 UN Convention on the Rights of the Child, A/RES/44/25 (20 November 1989) Art 28(1).

10 Joint Committee on Education and Skills, *Report on education inequality and disadvantage and barriers to education*, (Houses of the Oireachtas 2019).

11 Higher Education Authority, *Socio-Economic Profiles 2020/21*, < <https://bit.ly/3OeURTO/>> accessed 31 January 2025.

12 Higher Education Authority, *National Access Plan: A Strategic Action Plan for Equity of Access, Participation and Success in Higher Education 2022-2028*, (Higher Education Authority 2022) 20

13 Joint Committee on Education and Skills, *Report on education inequality and disadvantage and barriers to education*, (Houses of the Oireachtas 2019).

For example, according to the Barnardos school costs survey, in 2024 the average cost of a first-year student returning to school was €1,038<sup>14</sup> which was three-and-a-half times greater than the rate of Back to School Clothing and Footwear Allowance for this age cohort.<sup>15</sup>

The European Union (EU)

*Recommendation on Investing in Children* recommends that the State 'provide for the inclusion of all learners, where necessary by targeting resources and opportunities

towards the more disadvantaged'.<sup>16</sup> It further recommends that the State take measures to address barriers that prevent children from attending school, including financial barriers, by providing targeted educational aid.<sup>17</sup> Building on this, in June 2021 the *European Child Guarantee* was adopted by the EU.<sup>18</sup> It aims to prevent and combat child poverty and social exclusion by supporting the 27 EU Member States to make efforts to guarantee access to quality key services for children in need.<sup>19</sup> Under the *European Child Guarantee*, each Member State is required to identify and address financial barriers to participation along with ensuring provision of educational materials.<sup>20</sup>

In the 2023/2024 school year, there were 3,277 primary schools and 670 post-primary schools in the State, of which 964 primary and 232 post-primary were categorised as Delivering Equality of Opportunity in Schools (DEIS).<sup>21</sup> The number of DEIS schools has increased in the past number of years with an additional 280 primary and 38 post-primary schools brought



14 Barnardos, *Back to School 2024*, (Barnardos 2024).

15 Citizens Information, 'Back to School Clothing and Footwear Allowance', accessed 2 January 2025.

16 European Commission, *Commission Recommendation: Investing in children: breaking the cycle of disadvantage* (Brussels 20.2.2013 C(2013) 778) 5.

17 *ibid* 7.

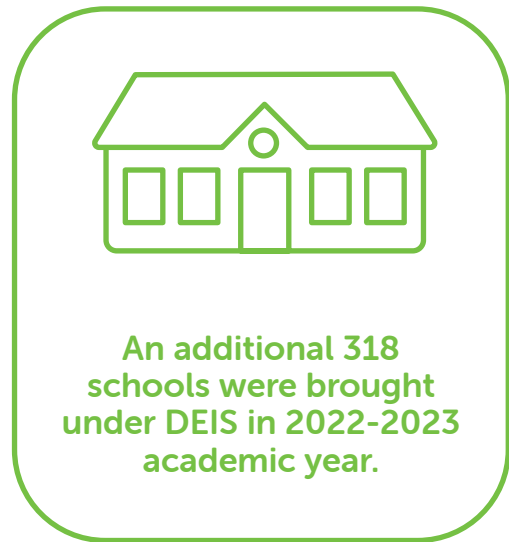
18 European Commission, *Proposal for a Council Recommendation establishing the European Child Guarantee*, (Brussels 24.3.2021 COM(2021).

19 *ibid*.

20 *ibid* 7.

21 Communication received by the Children's Rights Alliance from the Department of Education, 11 December 2023.

in under the programme in the academic year 2022/2023.<sup>22</sup> This increase means more children in areas designated as disadvantaged will benefit from the increased supports and programmes provided by DEIS schools.<sup>23</sup> In July 2024, the OECD published a report reviewing school resourcing to address educational disadvantage, which identified that DEIS supports are viewed positively and are widely sought. However, non-DEIS schools may not have the adequate supports to support children and young people experiencing disadvantage.<sup>24</sup>



## Cost of Education

As far back as 2013, the then Joint Oireachtas Committee on Education and Social Protection called for a five-year template for the delivery of an entirely free school book system, based on the UK model, in place since the 1940s,<sup>25</sup> and to discontinue the use of workbooks in all schools.<sup>26</sup> Prior to the introduction of free school books in 2022, the parents of children in 4th class in primary school were spending an average of €424 on back-to-school costs, with books (at €124) making up almost a third of the total cost



22 Communication received by the Children's Rights Alliance from the Department of Education, 16 November 2022.

23 Supports provided to DEIS schools include access to Home School Community Liaison Services (HSCL); School Meals Programme; supports under the School Completion Programme and literacy/numeracy supports.

24 OECD, *Review of Resourcing Schools to Address Educational Disadvantage in Ireland* (OECD 2024), 24

25 Education Act 1944.

26 Joint Committee on Education and Social Protection, *Report on Tackling Back to School Costs* (Houses of the Oireachtas 2013) 20.

of education.<sup>27</sup> At post-primary level, senior cycle school book costs were €202 in September 2024, with digital costs at €168.<sup>28</sup> With a combined cost of €370, book and digital costs represent the biggest outlay for parents of senior cycle students at second level.<sup>29</sup>

## ► What has been achieved for children and young people so far?

Budget 2020 marked an initial step in providing free school books by allocating €1 million for the development of a new pilot scheme to be administered by 102 primary schools for the school year 2020/2021.<sup>30</sup> In Budget 2023, a commitment to provide 'funding for free school books for all pupils in primary schools within the Free Education Scheme from September' was announced.<sup>31</sup> The scheme, which provides funding directly to recognised primary and special education schools in the free education system, eliminates school book costs for the families of all children attending these schools.<sup>32</sup> Through this funding, schools purchase school books and resources for their classrooms.<sup>33</sup>

In May 2024, the Department of Education announced that more than 563,000 pupils in approximately 3,230 recognised primary schools, including over 130 special schools, will continue to benefit from the scheme from September 2024.<sup>34</sup> The Society of St Vincent de Paul (SVP) recorded a six per cent decrease in calls for support with back-to-school costs in September 2024.<sup>35</sup>

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27 Barnardos, 'Back to School 2022' (Barnardos 2022) 2.

28 *ibid.*

29 *ibid.*

30 Department of Education 'Minister McHugh announces additional funding of €1 million to reduce the cost of schoolbooks in DEIS schools' (Press Release January 2020) <<https://bit.ly/3J7uQAX>> accessed 31 January 2025.

31 Minister for Public Expenditure and Reform, 'Statement by Minister McGrath on Budget 2023', Speech, 27 September 2022 (Houses of the Oireachtas).

32 Communication received by the Children's Rights Alliance from the Department of Education on 16 November 2022.

33 *ibid.*

34 Department of Education, 'Minister Foley announces year 2 of free schoolbooks in primary and special schools', (Press Release 8 May 2024) <<https://bit.ly/3WFs4Mt>> accessed 30 January 2025.

35 St. Vincent de Paul, 'Free schoolbooks scheme contributes to a reduction in back to school calls to SVP', (Press Release 4 September 2024) <<https://bit.ly/3CrK5XC>> accessed 30 January 2025.

This is the second year in a row that back-to-school calls have decreased; last year the charity saw a 20 per cent decrease in calls for help with back-to-school costs.<sup>36</sup> SVP says the free school books scheme for all primary school pupils and for junior cycle pupils in post-primary school is contributing to the reduction in the need for support from SVP.<sup>37</sup> An evaluation of the first year of the scheme at primary level occurred during the academic year 2023/2024.<sup>38</sup> The evaluation included a survey of schools as well as stakeholder interviews with organisations such as Barnardos and the Society of St Vincent de Paul.<sup>39</sup> Further to the review, revised guidance for the 2024/2025 school year was developed to assist primary schools and special schools to implement the scheme in advance of the 2024/2025 school year. As a result of the review, enhanced support for schools is also being provided by increasing the days allocated to administration for larger schools, to take account of additional work needed.<sup>40</sup>

Further investment in Budget 2024 led to the provision of free school books to include Junior Cycle students in post-primary school from September 2024.<sup>41</sup> Over 212,000 students enrolled in approximately 670 post-primary schools benefit from the expansion to Junior Cycle at second level at a cost of an additional €68 million.<sup>42</sup> Special schools in which children and young people with special educational needs are enrolled in Junior Cycle programmes will also benefit from the scheme. In Budget 2025, an additional €51 million funding was made available to extend free schoolbooks to Senior Cycle students in post-primary schools in the free education scheme.

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36 *ibid.*

37 *ibid.*

38 Department of Education, 'Primary School Books Scheme' (May 2024) <<https://bit.ly/421aRAi>> accessed 30 January 2025.

39 *ibid.*

40 Department of Education, 'Minister Foley announces year 2 of free schoolbooks in primary and special schools', (Press Release 8 May 2024) <<https://bit.ly/3WFs4Mt>> accessed 30 January 2025.

41 Department of Education, 'Ministers Foley, Madigan and Byrne announce details of over €10.5 billion education funding in Budget 2024', (Press Release 11 October 2023).

42 Department of Education, 'Ministers for Education launch new scheme providing free schoolbooks to over 212,000 Junior Cycle students', (Press Release 21 August 2024) <<https://bit.ly/4aCxLAu>> accessed 30 January 2025.



**With additional investment, the free school book scheme will now support 940,000 pupils and students in primary, special and post-primary schools.**

This will reduce the cost of education for 200,000 students, bringing total investment in tackling school costs over €164 million.<sup>43</sup> With this additional investment, the scheme will now support 940,000 pupils and students in primary, special and post-primary schools in the free scheme at a cost of over €164 million.<sup>44</sup>

In recognition of the work associated with implementing this scheme, the Department of Education has again put in place a grant payment, based on the number of pupils enrolled in the school, for administrative support in year two of the scheme.<sup>45</sup> The ongoing requirement for this grant in years after the 2024/2025 school year will be kept under review.<sup>46</sup> Any change to the Administration Support Grant after 2024/2025 will be communicated to all primary and special schools and will be published in the scheme guidance.<sup>47</sup> A similar administration grant was provided to post-primary schools for the 2024/2025 school year.<sup>48</sup>

## ► **What children and young people need next**

The UNCRC is clear that children have a right to education on the basis of equal opportunity and that the State has an obligation to offer financial assistance in the case of need.<sup>49</sup> The *Programme for Government* commitment to commence a free school books pilot was a significant one in this regard. However, the realisation of free school books across both primary and post-primary school goes far beyond what could have been envisaged under the initial commitment. The last three budgets have consistently delivered on free school books and facilitated its expansion. This is such an important measure in tackling the financial costs of going to school for students at primary and

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43 Department of Education, 'Ministers Foley, Naughton and Byrne announce details of almost €12 billion education funding in Budget 2025', (Press Release 2 October 2024) <<https://bit.ly/40SLrnu>> accessed 30 January 2025.

44 *ibid.*

45 Department of Education, 'Schoolbooks Scheme Information Hub' <<https://bit.ly/4j7lcAQ>>, accessed 6 January 2025.

46 *ibid.*

47 *ibid.*

48 Communication received by the Children's Rights Alliance from the Department of Education, 11 December 2023.

49 UN Convention on the Rights of the Child, A/RES/44/25 (20 November 1989) Art 28(1).

post-primary level. While every child and young person will benefit from these measures, it is particularly significant for those on lower incomes who may struggle to financially support their children's educational experiences.

## **➔ Recommendations**

- ▶ There should be continued reviews and evaluations by the Department of Education to help inform the future administration of the scheme, ensuring that the scheme responds to any implementation challenges on the ground. These reviews should include engagement with stakeholders including children, parents, teachers, schools and other stakeholders.



4

# Reduced School Days

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Section Grade:

**C+**



## The Programme for Government commits to:

Ensure robust data collection on the use of reduced timetables. Ensure that reduced timetables are only used in a manner that is limited, appropriate and absolutely necessary in line with the Department of Education's rules.

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▶ Progress: **Slow**

'Reduced School Days' receives a 'C+' grade, which is a decrease on last year's 'B' grade. Guidance on reduced school days was issued to schools in September 2021 for implementation from January 2022. In September 2023, the Department of Education, for the first time, published data on the use of reduced school days which provided an important insight into the prevalence of the practice and highlighted the significant overrepresentation of certain vulnerable groups, including Traveller and Roma students and students with special educational needs. The Department has yet to publish the data in relation to the 2023/2024 school year, meaning that it is not clear if reduced school days are only being used in a manner that is limited, appropriate, absolutely necessary and in line with the *Programme for Government* commitment.

## Ireland's duties and responsibilities in international law



Under the UN Convention on the Rights of the Child (UNCRC), which Ireland ratified in 1992, every child has a right to education and the UN Committee on the Rights of the Child is clear that the overall objective of this right is to maximise the child's ability and opportunity to participate fully in their society.<sup>1</sup> Under Article 2 of the UNCRC, States are obliged to ensure that all children can access all their Convention rights in full, without discrimination. In an education context, the Committee on the Rights of the Child is clear that discrimination 'offends the human dignity of the child and is capable of undermining or even destroying the capacity of the child to benefit from educational opportunities.'<sup>2</sup>

The right to education also forms part of the UN Convention on the Rights of Persons with Disabilities (UNCRPD) which Ireland ratified in 2018. This Convention, in Article 24, is clear that children with special educational needs have a right to individualised support and reasonable accommodations to enable their effective participation in the general education system.<sup>3</sup> Placing students with disabilities within mainstream classes without accompanying structural changes to, for example, organisation, curriculum and teaching and learning strategies, does not constitute inclusion.<sup>4</sup> The Optional Protocol to the UNCRPD came into effect in Ireland on 30 November 2024. This means that from 30 November, people in Ireland will be able to rely on the "communication procedure" in the Protocol to bring to the UN Committee's attention alleged breaches of rights under the Convention, usually on the condition that all domestic remedies have been exhausted.<sup>5</sup> The UN Committee can request information from and make recommendations to a State Party.

1 UNCRC General Comment No. 1 on Article 29(1) the Aims of Education (2001) CRC/GC/2001/1 para 12.

2 *ibid* para 10.

3 UN Convention on the Rights of Persons with Disabilities A/RES/61/106 Art 24.

4 Committee on the Rights of Persons with Disabilities, 'General Comment No. 4, Article 24: Right to inclusive education' (2016) UN Doc CRPD/C/GC/4 para 11.

5 Department of Children, Equality, Disability, Integration and Youth, 'Optional Protocol to the Convention on Persons with Disabilities to come into force in Ireland on 30 November 2024' (Press Release 6 November 2024) <<https://bit.ly/3EaeF8v>>, accessed 30 January 2025.

In addition, States Parties may permit the Committee to investigate, report on and make recommendations on “grave or systematic violations” of the Convention through its inquiry procedure.<sup>6</sup>

Ireland was last examined by the Committee on the Rights of the Child in 2023. The issue of education is identified in the Concluding Observations of the Committee as one of six areas where urgent measures should be taken.<sup>7</sup> The Committee calls for the Irish State to collect and analyse disaggregated data in relation to education, including the use of reduced timetables.<sup>8</sup> This data should include information on ethnicity, socioeconomic background and residence status and it should help to inform the development of policies to ensure equal access to quality education.<sup>9</sup> The Committee also recommended that the implementation of the reduced timetable guidelines should be effective and measures should be developed to address their overuse particularly for Traveller children and children with disabilities.<sup>10</sup>

Article 28 of the UNCRC provides that States should ‘encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need.’<sup>11</sup>

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6 National Disability Authority, Ireland to ratify the Optional Protocol to the UNCRPD < <https://bit.ly/40nNf7S> > accessed 07 January 2025.

7 UN Convention on the Rights of the Child, ‘Concluding Observations Ireland’ (2023) UN Doc CRC/C/IRL/CO/5-6, para 4.

8 *ibid* para 37.

9 *ibid* para 37.

10 *ibid* para 37.

11 UN Convention on the Rights of the Child, A/RES/44/25 (20 November 1989) Art 28.

## ► What is the context for this commitment?

The Department of Education defines reduced school days as:

- a reduced day in school where, by arrangement with the school authorities, a student arrives to school after the usual starting time or leaves before the end of the school day, and/or;
- a reduced week where, by arrangement with the school authorities, a student may not attend the full five days each week.<sup>12</sup>

In the 2023/2024 school year, 1,275 children were reported to be put on a reduced school day.<sup>13</sup> The practice is disproportionately affecting children with special educational needs and disabilities and, children of Traveller and Roma heritage. In the 2023/2024 school year, 821 (64.4 per cent) of children with Special Educational Needs and 87 Traveller and Roma children were placed on a reduced school day.<sup>14</sup>



Reduced school days can have a lasting impact on a child's life and can reduce their opportunities to build relationships with their peers and fulfil their full potential.<sup>15</sup> However, in a narrow set of specific circumstances, reduced days may enable the integration or reintegration of children into school life depending on their needs, such as in certain medical situations.<sup>16</sup> The use of reduced days infringes on the child's right to education by inhibiting their access to school. It is of particular concern that children who are already marginalised or vulnerable are at greater risk of discrimination.

12 Department of Education and Tusla Education Support Service, *Guidelines for schools on recording and notification of the use of Reduced School Days* (Department of Education 2021) 3.

13 Communication received by the Children's Rights Alliance from the Department of Education, 6 February 2025.

14 *ibid.*

15 Children's Rights Alliance, *Helpline and Legal Advice Clinics Annual Report 2020* (CRA 2021) 15.

16 Joint Committee on Education and Skills, *Interim Report on the Committee's Examination on the Current Use of Reduced Timetables* (Houses of the Oireachtas 2019) 10.

Under the UNCRC, schools have a duty to be inclusive, enabling all children to fully participate in society.<sup>17</sup> The UNCPRD requires States to ensure that children with additional needs receive individualised support and accommodation to enable full participation - the opposite to informal exclusions. For children facing adversity either in their homes or communities, it is particularly vital that school is an accessible and enabling environment where consistent, safe, stable and nurturing relationships can be cultivated. Schools should be child-friendly spaces that foster a humane atmosphere and allow children to develop according to their evolving capacities without discrimination.<sup>18</sup>

## ► What has been achieved for children and young people so far?

### Guidelines on the Use of Reduced School Days

In September 2021, the Government published guidelines for schools on the use of reduced school days which came into effect on 1 January 2022. The purpose of these Guidelines is to provide clarity to school authorities and parents and guardians on the use of reduced school days and to ensure that this practice is limited to only those circumstances where it is deemed absolutely necessary.<sup>19</sup> Where reduced days are used, schools must put the best interests of the child first.<sup>20</sup> The Guidelines emphasise that reduced school days should only ever be considered in very limited time-bound circumstances<sup>21</sup> and not be used as a punishment, offered as an alternative to a punishment, or used as a behavioural management tool.<sup>22</sup>

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17 UNCRC General Comment No. 1 on Article 29(1) the Aims of Education (2001) CRC/GC/2001/1 para 12. Committee on the Rights of Persons with Disabilities, 'General Comment No. 4, Article 24: Right to inclusive education' (2016) UN Doc CRPD/C/GC/4.

18 UNCRC General Comment No. 1 on Article 29(1) the Aims of Education (2001) CRC/GC/2001/1 para 12. Committee on the Rights of Persons with Disabilities, 'General Comment No. 4, Article 24: Right to inclusive education' (2016) UN Doc CRPD/C/GC/4 para 12 and 10.

19 Department of Education and Tusla Education Support Service, *Guidelines for schools on recording and notification of the use of Reduced School Days* (Department of Education 2021) 3.

20 *ibid.*

21 *ibid.*

22 *ibid.* 2.

The Guidelines put in place a list of requirements which must be met by schools before the decision to put a student on a reduced school day can be implemented. Some of the requirements include that schools must engage with relevant professionals; provide reasons for considering a reduced day; notify Tusla Education Support Service (TESS) of the decision to place a student on a reduced school day; and engage in reviews and keep records of all instances where reduced school days are used.<sup>23</sup> School authorities must obtain the written consent of the student's parents/guardians or, if the student is 18, then the student's consent is required.<sup>24</sup> Importantly, the Guidelines also provide that a student should not be on a reduced school day for more than six school weeks without review and further notification to Tusla.<sup>25</sup>

To implement the Guidelines, the Department of Education published two circulars which provided that the School Inspectorate would engage with management during incidental Inspections conducted during the 2021/2022 school year to ascertain the extent to which, if any, of the schools visited have placed some pupils on reduced days and if the practice followed by a school is in line with the guidelines issued by the Department.

## Data on the Use of Reduced School Days

The Guidelines on the use of reduced school days state that school authorities must inform TESS of the decision to place a student on a reduced school day.<sup>26</sup> When notifying Tusla, a school must include the rationale for use of reduced days; the proposed length of time they will be used for; special educational needs or disability; ethnicity, including Traveller or Roma heritage; and what plan is in place for return to school and supports that will be provided. In the case of children with disabilities, the school is required to

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23 *ibid* 4.

24 *ibid* 7. Consent to a reduced school day can be withdrawn at any time and must be documented by school authorities. Where consent is not given or subsequently withdrawn and the school proceeds or continues with a reduced school day, this is effectively a suspension and the Guidelines set out that an appeal can be made under the Education Act 1998.

25 Department of Education and Tusla Education Support Service, *Guidelines for schools on recording and notification of the use of Reduced School Days* (Department of Education 2021) 4.

26 *ibid* 1.

record if the local special educational needs officer (SENO) has been notified of the reduced school day.<sup>27</sup>

## Reports on the Use of Reduced Schools Days

The most recent statistics for the 2023/2024 school year were due to be published in January 2025.<sup>28</sup> Following feedback to the Department of Education, and to ensure there is as much information available as possible, additional data is being added to the report for the 2023/2024 school year to include geographical breakdowns and information on gender.<sup>29</sup>

Data received by the Children's Rights Alliance from the Department of Education in relation to the 2023/2024 school year indicates an increase in the number of reduced school days being notified to Tusla Education Support Service, from 1,044 in 2022/2023 to 1,275 in 2023/2024.<sup>30</sup> While the data shows a slight increase in the number of notifications in relation to children with special educational needs, (821 in 2023/2024, up from 684 in 2022/2023), this represents a slight reduction of 1.1 per cent in the overall percentage of the student population.<sup>31</sup> However when viewed as a percentage of the student population on reduced school days, this is a disproportionately high percentage of students at 64.4 per cent. In relation to Traveller and Roma children and young people, there has been a slight decrease of three notifications (87 in 2023/2024, down from 90 in 2022/ 2023).<sup>32</sup>

In September 2023, two reports covering the use of reduced school days between January to June 2022, and the 2022/2023 school year were published.

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27 *ibid.*

28 Communication received by the Children's Rights Alliance from the Department of Education, 6 February 2025.

29 Communication received by the Children's Rights Alliance from the Department of Education on 20 December 2024

30 Communication received by the Children's Rights Alliance from the Department of Education, 6 February 2025.

31 *ibid.*

32 *ibid.*





**As a percentage of the student population on reduced school days, there is a high proportion of students who have identified as Traveller or Roma or have special educational needs being placed on a reduced school day.**

The reports found that in the first half of 2022 there were 743 first notifications<sup>33</sup> of students being placed on a reduced school day.<sup>34</sup> Viewed as a percentage of the student population on reduced school days, there is a high proportion of students who have identified as Traveller or Roma or have special educational needs being placed on a reduced school day. Of that number, 527 students (70.9 per cent) had special educational needs and 61 students (8.2 per cent) were Traveller or Roma students.<sup>35</sup> Similarly in the 2022/2023 school year, of the total 1,044 first notifications of students being placed on reduced school days, 684 students (65.5 per cent) had special educational needs and 90 students (8.6 per cent) were Traveller or Roma students.<sup>36</sup>

Across both the first half of 2022 and the 2022/2023 school year, Traveller and Roma students tended to be placed on a reduced school days more often at post-primary level, while students with special educational needs were placed on reduced school days at double the rate in primary schools than they were in post-primary schools.<sup>37</sup>

School Year	Number of First Notifications	Number of Children with Special Educational Needs	Number of Traveller and Roma Children
Jan – June 2022	743	527 students (70.9 per cent)*	61 students (8.2 per cent)*
2022/2023	1,044	684 students (65.5 per cent)	90 students (8.6 per cent)
2023/2024	1,275	821 students (64.4 per cent)	87 students (6.8 per cent)

\* Percentage of all student population. Communication received by the Children's Rights Alliance from the Department of Education, 6 February 2025.

33 After parental consent is gained to place a child on a reduced school day, the school will then notify Tusla Education Support Service (TESS) of its intention to place the student on a reduced school day no later than the start of the first day the reduced school day is due to start. Once in place a plan must be agreed with parents for the period for which the reduced school day will be in place. A reduced school day should not exceed 6 weeks or be carried forward from one school year to the next.

34 Department of Education, *Reduced School Days January to June 2022* (Sept 2023) 6.

35 *ibid.*

36 *ibid* 5.

37 Department of Education, *Reduced School Days January to June 2022* (Sept 2023) 6; Department of Education, *Reduced School Days 2022/2023 School Year* (September 2023) 5-6.

The reports also break down the profile of students placed on repeat reduced timetables with a high proportion of second and subsequent notifications made to Tusla being in respect of children with Special Educational Needs and Traveller and Roma children and young people.

School Year	Second Notifications	Third Notifications	Fourth Notifications
<b>Jan – June 2022</b>	137 second notifications (85.4 per cent SEN students, 4.4 per cent Traveller and Roma students)	46 third notifications (91.3 per cent SEN students, 6.5 per cent Traveller and Roma students)	14 fourth notifications (92.9 per cent SEN students, no Traveller and Roma students)
<b>2022/2023</b>	342 second notifications (69.6 per cent SEN students, 12.6 per cent Traveller and Roma students)	170 third notifications (78.2 per cent SEN students, 11.8 per cent Traveller and Roma students)	86 fourth notifications (88.4 per cent SEN students, 8.1 per cent Traveller and Roma students)
<b>2023/2024</b>	454 second notifications (74.7 per cent SEN students, 7.71 per cent Traveller and Roma students)	239 third notifications (79.5 per cent SEN students, 9.21 per cent Traveller and Roma students)	134 fourth notifications (80.6 per cent SEN students, 8.21 per cent Traveller and Roma students)

\* Communication received by the Children's Rights Alliance from the Department of Education, 6 February 2025.

While it is welcomed that in 2023 the Department of Education, for the first time, published data on the use of reduced school days in primary and post-primary schools, more disaggregated data is needed to ensure that such arrangements are appropriate. For the 2023/2024 school year, the Department has compiled data on the county and gender type of the schools and an analysis of the ethnicity of the students has also been made available.<sup>38</sup> This needs to be built upon further to include the reason for being placed on a reduced school day, and the reason for extending a reduced school day beyond first notification. There is also a need for a further disaggregation of the data by ethnicity between both Traveller and Roma, and Traveller and Roma who do not have special educational needs as well as the reasons for extensions of a reduced school day.

<sup>38</sup> Communication received by the Children's Rights Alliance from the Department of Education, 6 February 2025.

## Oversight and Monitoring Arrangements

The use of Reduced School Days is monitored by the Department of Education through a Steering Group who 'oversee the development and implementation of the Reduced School Day scheme' including representation from across the Department including the Inspectorate and National Educational Psychological Service (NEPS).<sup>39</sup> The Steering Group has also identified the need to improve the management systems for monitoring the use of reduced school days including the:

- ▶ Review of the current notification form to enable the collection of improved data. The form is being amended to enable the accurate collection of data on the reasons for the use of reduced school days and to collect more detail where a special educational need is indicated. Improving the data collection will enhance accuracy, efficiency, and usability.
- ▶ Request more information when the use of reduced school days continues beyond the first six-week notification period.
- ▶ Introduction of a notification system to capture when a student has returned to full time education.<sup>40</sup>

As noted above, the *Guidelines* on the use of reduced school days state that school authorities must inform TESS of the decision to place a student on a reduced school day.<sup>41</sup> TESS engage regularly with the Department of Education throughout the year 'so that trends can be established and circulated to the Steering Group for consideration.'<sup>42</sup> In 2024, the Department of Education engaged with TESS and the National Council for Special Education (NCSE) to ensure the streamlining of the notification process between the two bodies which enables TESS to advise the NCSE directly where a child with special education needs is placed on a reduced school day.<sup>43</sup>

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39 *ibid.*

40 *ibid.*

41 Department of Education and Tusla Education Support Service, *Guidelines for schools on recording and notification of the use of Reduced School Days* (Department of Education 2021) 3.

42 Communication received by the Children's Rights Alliance from the Department of Education, 6 February 2025.

43 *ibid.*

This enables the Special Educational Needs Organisers (SENOs) in the NCSE to automatically engage with a school when a reduced school day is used 'to examine how the school can be best supported to allow the child to return to full attendance.'<sup>44</sup>

Inspectors and NEPS psychologists sometimes raise the use of the reduced school day during their meetings or inspections in schools.<sup>45</sup> The Inspectorate also conducts dedicated inspections in schools with high numbers of children from Traveller and Roma backgrounds.<sup>46</sup> These inspections have a specific focus on attendance, use of reduced school days and literacy for Traveller and Roma children and young people.<sup>47</sup>

## ► **What children and young people need next?**

### **Robust Data Collection**

All children have the right to be free from discrimination,<sup>48</sup> but the use of reduced school days can breach this right. It is welcome that the Guidance on reduced school days was issued to schools in September 2021 and that for the first time, we have data on the use of the measure in schools. This important step provides a key insight into the prevalence of the practice and demonstrates that certain groups such as students with SEN and Traveller and Roma students, are significantly overrepresented.

The Department has yet to publish the up-to-date statistics for the 2023/2024 academic year. While it is welcome that they are working to ensure that the demographic and geographical data is added to the 2023/2024 report,<sup>49</sup> it has created a delay in publishing the report. It is important going forward that the Department meet their own commitment to publishing the data on an annual basis in order that the learning required from how reduced school days are

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44 *ibid.*

45 *ibid.*

46 *ibid.*

47 *ibid.*

48 UN Convention on the Rights of the Child (20 November 1989) 1577 UNTS 3 (UNCRC) Art 2.

49 Communication received by the Children's Rights Alliance from the Department of Education on 20 December 2024

being implemented can be applied for the best outcomes for children and young people.

## Use of Reduced School Days

The statistics published on the use of reduced school days show a high use of a practice that, under the *Guidelines*, is meant to be limited to only those circumstances where it is deemed absolutely necessary.<sup>50</sup> The use of reduced days infringes on the child's right to education by inhibiting their access to school. It is of particular concern that children who are already marginalised or vulnerable including children and young people with a special education need and Traveller and Roma children and young people are disproportionately affected by the use of the practice. Under the UNCRC, schools have a duty to be inclusive, enabling all children to fully participate in society.<sup>51</sup>

While the Department have taken steps to increase parents' awareness of their rights under the *Guidelines*, such as the development of an information video for parents of Traveller children, the onus is very much placed on parents under the *Guidelines* to seek a remedy in instances where the practice is not used appropriately. Under the *Guidelines*, it is envisaged that as the use of a reduced school day must be agreed between the parents and the school, the issue of an appeal should not arise.<sup>52</sup> The *Guidelines* place an obligation on schools to inform parents of their right to withdraw their consent at any time.<sup>53</sup> Where parental consent is not given or withdrawn, then the use of a reduced school day amounts to suspension, and parents can avail of the appeals for suspensions and exclusions mechanism set out under Section 29 of the Education Act 1998.<sup>54</sup>

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50 Department of Education and Tusla Education Support Service, *Guidelines for schools on recording and notification of the use of Reduced School Days* (Department of Education 2021) 3.

51 UNCRC General Comment No. 1 on Article 29(1) the Aims of Education (2001) CRC/GC/2001/1 para 12. Committee on the Rights of Persons with Disabilities, 'General Comment No. 4, Article 24: Right to inclusive education' (2016) UN Doc CRPD/C/GC/4.

52 Department of Education and Tusla Education Support Service, *Guidelines for schools on recording and notification of the use of Reduced School Days* (Department of Education 2021) 6.

53 *ibid.*

54 *ibid.*



**The use of reduced days infringes on the child's right to education by inhibiting their access to school. It is of particular concern that children who are already marginalised or vulnerable are disproportionately affected by the use of the practice.**

The use of this as the remedy for the use of reduced school days requires strong parental awareness of the fact that schools do not have the consent to use reduced school days, that they can withdraw their consent, and of the fact that they can use the Section 29 appeal mechanism if consent was withdrawn. The recent *OECD Review of School Resourcing to Address Educational Disadvantage in Ireland* found that some Traveller and Roma groups are concerned that families are not well informed of this practice and not sufficiently aware of their rights.<sup>55</sup> There is no automatic trigger of an easily accessible remedy where the practice of reduced timetables is used with the onus on parents, some of whom may themselves be vulnerable.

## Supports for Schools

In order for children and young people to be supported in school, it is imperative that the *Continuum of Support*<sup>56</sup> and the *Whole School Approach - Four Key Areas Wellbeing Promotion*<sup>57</sup> are meaningfully and effectively resourced to ensure that the appropriate supports and interventions are being provided directly to the children and young people and that the teaching and leadership within the schools have the supports they need, to ensure the children and young people's needs are being met. The role of the teacher has been found to be paramount to children and young people's wellbeing.<sup>58</sup> The *OECD Review of Resourcing Schools to Address Educational Disadvantage in Ireland* emphasised the need for multidisciplinary teams in school settings.<sup>59</sup>

There is also a need to ensure the availability of multidisciplinary supports as part of an individual education and wellbeing plan for children and young people.<sup>60</sup> Strand 1 of the National Pilot in Schools places specialist emotional counsellors/therapists onsite in schools for specialist one-to-one support for students. This is to be welcomed as is the expansion of this pilot to 60 DEIS

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55 *OECD Review of Resourcing Schools to Address Educational Disadvantage in Ireland* (2024), 26-27

56 Department of Education, *Wellbeing Policy Statement and Framework for Practice 2018–2023 (Revised October 2019)*, 14

57 *ibid* 16

58 OECD, *PISA 2015 Results (Volume III): Students' Well-Being* (Paris: OECD Publishing 2017)

59 *OECD Review of Resourcing Schools to Address Educational Disadvantage in Ireland* (2024).

60 P Downes, *Reconstructing agency in developmental and educational psychology: Inclusive Systems as Concentric Space* (Routledge 2020) 111.



primary schools in Dublin.<sup>61</sup> Schools should not be seen as a homogenous space and if there is a need for a child or young person to be withdrawn from class, there must be other spaces in the school, such as nurture rooms, quiet rooms, multisensory rooms or school gardens where the child can be brought to, to support their engagement in meaningful educational activities and holistic supports.<sup>62</sup> The Department also provide information sessions and training aids to schools and parents to assist them in understanding the *Guidelines* on the use of reduced school days, and share experiences on the effective use of reduced school days as a tool to bring children back to full time education.

### Alternative Education Settings

The mainstream education system does not meet the needs of all children. Some children who experience reduced school days ultimately require an alternative education provision or out of school educational provision. In 2022, the Department of Education published its Review of Out-of-School Educational Provision (otherwise known as alternative education).<sup>63</sup> The Review found that despite Ireland having a high retention rate to Leaving Certificate, there is a small group of students whose individual needs cannot be met by the mainstream system.<sup>64</sup> Out-of-school education settings were found to have the ability to provide 'flexible, individual education plans with



### Review of Out-of-School Educational Provision

**found that despite Ireland having a high retention rate to Leaving Certificate, there is a small group of students whose individual needs cannot be met by the mainstream system.**

61 Department of Education, Minister Foley extends in-school counselling pilot to 61 urban DEIS primary schools (Press Release 22 October) <<https://www.gov.ie/en/press-release/b9862-minister-foley-extends-in-school-counselling-pilot-to-61-urban-deis-primary-schools/>> accessed 12 February 2025.

62 P Downes, Towards a Concentric Spatial Psychology for Social and Emotional Education Beyond the Interlocking Spatial Pillars of Modernism. Eighth Monograph in Resilience and Health, Centre for Resilience and Socio-Emotional Health, University of Malta (2024).

63 Social Inclusion Unit Department of Education, *Review of Out-of-School Education Provision*, Version 2 – October 2022.

64 *ibid* 10.

prolonged support on a one-to-one basis to students' by adopting a wrap-around approach to meeting student needs.<sup>65</sup> However, the review notes that there is no consistent approach applied with regard to education curriculum, certification and education pathways across the sector.<sup>66</sup> The Review recommended the development of a framework of support for students who are at risk of becoming disengaged from education which considers the provision of out-of-school education, improvement in the level of data recording and tracking of students and additional research on the needs, supports and outcomes of students who avail of out of school provision.<sup>67</sup> An Implementation Group has been established to oversee the fulfilment of the recommendations of the Review.

In 2023, the Implementation Group engaged with relevant stakeholders including alternative education providers, school principals and children and young people.<sup>68</sup> The Implementation Group has completed its work.<sup>69</sup> A report has been finalised and a follow up consultation with children and young people is currently being undertaken to seek their views on the groups proposals and actions for the future of the sector. Once that is completed, the action plan will be finalised.<sup>70</sup> It is essential that alternative forms of education provision are adequately funded and available throughout the country to ensure every child has the opportunity to continue with an education that can help them realise their full potential. It is crucial that the details of the report of the Implementation Group, the Action Plan and detail of the supports for young people are made available without delay.

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65 *ibid.*

66 *ibid.*

67 *ibid* 12.

68 Communication received by the Children's Rights Alliance from the Department of Education on 20 December 2024

69 *ibid.*

70 *ibid*

## ➔ **Recommendations**

- ▶ Publish the report on the use of reduced school days for the 2023/2024 as early as possible in 2025. Ensure that full and accurate data is completed by and collected from all schools.
- ▶ Further disaggregate the data collected on reduced school days to separate out data on Traveller and Roma pupils.
- ▶ Introduce a more easily accessible remedy in the instance where the practice of reduced timetables is used not in accordance with the Guidelines.
- ▶ Publish the Report and Action Plan of the Out of School Implementation Group at the earliest time possible.

**5**

# **Constitutional Right to Education for Children with Special Educational Needs**

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**Section Grade:**

**C**



## The Programme for Government commits to:

Ensure each child with a special educational need has an appropriate school place in line with their constitutional right.

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▶ Progress: **Slow**

'Constitutional Right to Education for Children with Special Educational Needs' receives a 'C' grade this year, a decrease from the 'B-' awarded last year. Despite a five per cent increase in spending allocation in Budget 2025, bringing the total spend on special education to over €2.7 billion, there were 126 children without a school place in September 2024. The National Council for Special Education published policy advice in January 2024 that recommended a phased transition to an inclusive education system, with incremental changes taking place over many years, with special schools and classes remaining an important placement option for students and parents.

**The review of the Education for Persons with Special Educational Needs Act was not published in 2024 as committed to. In December 2024, the Guidelines on Behaviours of Concern were published which frame behaviour as communication, which is important for all children but particularly neurodivergent children and young people and those with other special educational needs. However, there are questions on the regulatory framework and the need to ramp up the inspection and complaints mechanism for when a child or young person is inappropriately subject to the practices of seclusions and restraint.**

## Ireland's duties and responsibilities in international law



Every child has a right to education and the UN Committee on the Rights of the Child is clear that the overall objective of this right is to maximize the child's ability and opportunity to participate fully in their society.<sup>1</sup> The Committee is clear that discrimination offends the human dignity of the child and is capable of undermining or even destroying the capacity of the child to benefit from educational opportunities.<sup>2</sup>

Ireland was last examined on progress against the UN Convention on the Rights of the Child (UNCRC) in January 2023. The issue of education is identified in the Concluding Observations of the Committee as one of six areas where urgent measures should be taken.<sup>3</sup> The Committee raised concerns about the establishment of special classes for children with a disability.<sup>4</sup> Furthermore the Committee recommended that Ireland:

- a. Review relevant legislation, including the Equality Acts, Disability Act and Education for Persons with Special Education Needs Act, to bring them in line with a human rights-based approach to disability, particularly with regard to the definition of disability and with due regard to the needs of Roma and Traveller children;
- b. Revise the standard operating procedure for Assessments of Need by the Health Service Executive; and decrease the waiting time for such assessments and diagnoses, with a view to ensuring their prompt access to the necessary services and support, including by urgently addressing the shortage of staff and qualified experts;
- c. Strengthen support for the social integration and individual development of children with disabilities, including by ensuring their access to early detection and early intervention programmes; providing capacity-building to child protection professionals on

1 UNCRC General Comment No. 1 on Article 29(1) the Aims of Education (2001) CRC/GC/2001/1 para 12.

2 *ibid* para 10.

3 UNCRC, 'Concluding Observations Ireland' (2023) UN Doc CRC/C/IRL/CO/5-6, para 4.

4 *ibid* para 36.

the rights and specific needs of children with disabilities; ensuring their personal assistance, rehabilitation and assistive devices; and allocating sufficient resources for the implementation of the Irish Sign Language Act;

- d. Ensure the right of children with disabilities to be heard in all decisions that affect them;
- e. Undertake awareness-raising campaigns to combat discrimination against children with disabilities and promote a positive image of them as rightsholders.<sup>5</sup>

Ireland also committed to making greater efforts towards equality and inclusion when it ratified the Convention on the Rights of Persons with Disabilities (UNCRPD). Article 24 is clear that children with special educational needs have a right to individualised support and reasonable accommodations to enable their effective participation in the general education system. In considering the features of inclusive education,<sup>6</sup> the UN Committee on the Rights of Persons with Disabilities has commented:

- ▶ Persons with disabilities and, when appropriate, their families, must be recognised as partners and not merely recipients of education.
- ▶ Placing students with disabilities within mainstream classes without accompanying structural changes to, for example, organisation, curriculum, teaching and learning strategies, does not constitute inclusion.

## ▶ What is the context for this commitment?

In Census 2022, a total of 210,846 young people aged 0-19 identified as having 'a long-lasting condition or difficulty experienced to some extent, to a great extent, or to any extent'.<sup>7</sup> Disability was defined broadly in the most

5 *ibid* para 29.

6 Committee on the Rights of Persons with Disabilities, 'General Comment No. 4, Article 24: Right to inclusive education' (2016) UN Doc CRPD/C/GC/4, para 11, 32 and 16.

7 Central Statistics Office, Census 2022 Profile 4 – Disability, Health and Carers, < <https://bitly.ws/3cP7U> > accessed 30 January 2025.



recent census as including those who experienced long-lasting conditions or difficulties.<sup>8</sup> The estimated youth population in 2022 was 1,201,618,<sup>9</sup> meaning that 17.5 per cent of young people in Ireland experience a disability. Latest data from the Growing up in Ireland Study found that 23 per cent of children and young people had a disability.<sup>10</sup>

Preliminary data for the 2023/2024 school year shows that almost 26,000 students (2.6 per cent), out of a total primary and post-primary student population of just over 970,000, are enrolled in a special class or special school.<sup>11</sup> 16,548 students attended special classes in mainstream schools and 8,829 students attended 124 special schools.<sup>12</sup>



## Constitutional Right to Education

Children's constitutional right to education is contained under Article 42 and requires the State to 'provide for free primary education'.<sup>13</sup> The Courts have interpreted this to mean that there is no obligation on the State to educate children directly, but they can discharge their obligation by providing financial assistance including paying teachers, providing buildings and school transport, and setting minimum standards.<sup>14</sup>

8 *ibid.*

9 Department of Children, Equality, Disability, Integration and Youth, *State of the Nation's Children – Sociodemographics* (2022) 5.

10 Emer Smyth And Helen Russell, Trends in Disability Prevalence Among Young People: Insights From The Growing Up In Ireland Study (ESRI 2024) 7. The group with a disability (i.e. those who are hampered by a condition) increased from 6 per cent for Cohort '98 to 23 per cent for Cohort '08.

11 Communication received by the Children's Rights Alliance from the Department of Education on 20 December 2024.

12 *ibid.*

13 Irish Constitution, Article 42.4.

14 *Crowley v Ireland* [1980] IR 102, 126.

A series of legal challenges brought by families against the State has delivered some clarity on the entitlement of children and young people with special educational needs. Through these cases, the Courts have explicitly recognised the constitutional right to education of children with severe disabilities and the State's responsibility to provide free primary education accordingly.<sup>15</sup> However, the scope of this right is limited to those under the age of 18, rather than the developmental stage of the child.<sup>16</sup> In keeping with this narrower understanding, in subsequent cases, the Courts have maintained that variations in educational provision, such as class sizes, quality of lessons, or differing approaches to support for children with special educational needs, do not amount to a failure on the part of the State to provide an appropriate education under the Constitution.<sup>17</sup> Parents are not entitled to choose the exact type of care their child receives in the school setting.<sup>18</sup>

The Irish Courts' interpretation of the constitutional right to education is much more limited than the right to education as outlined by the UN Committee on the Rights of the Child (UNCRC).<sup>19</sup> Under the UNCRC, the right to education is considered expansively, and both the Committee on the Rights of the Child and the Committee on Rights of Persons with Disabilities recognise the need for individualised support and reasonable accommodations.<sup>20</sup>

While seeking to ensure compliance with the constitutional right, the Department of Education has noted that it seeks to go beyond the interpretation of the Irish Courts and is 'committed to delivering an education system that is of the highest quality and where every child and young person feels valued and is actively supported and nurtured to reach their full potential' and 'strives to ensure that every child has access to an educational experience that is appropriate to their needs'.<sup>21</sup>

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15 O'Donoghue v Minister for Health [1993] IEHC 2.

16 Sinnott v. Minister for Education [2001] IESC 63.

17 O'C v Minister for Education and Science [2007] IEHC 170.

18 O'Carolan v Minister for Education and Science [2005] IEHC 296.

19 Ó C v Minister for Education and Science [2007] IEHC 170.

20 Committee on the Rights of Persons with Disabilities, 'General Comment No. 4, Article 24: Right to inclusive education' (2016) UN Doc CRPD/C/GC/4; UNCRC, 'Concluding Observations: Ireland' (2016) UN Doc CRC/C/IRL/CO/3-4.

21 Communication received by the Children's Rights Alliance from the Department of Education on 21 February 2023.

## Education Acts and School Admissions

The Education Act 1998 provides the regulatory framework for primary and secondary education and explicitly refers to the provision of appropriate educational supports for children with special educational needs. The Equal Status Acts 2000-2018 require that primary and post-primary schools do not discriminate in student admissions, including on disability grounds.<sup>22</sup> More recently, the Education (Admissions to Schools) Act 2018 and the Education (Provision in Respect of Children with Special Educational needs) Act 2022 have provided the Minister for Education with the power to compel a school to open a special needs class where the National Council for Special Education (NCSE) identifies a need in a given area through the use of the Section 37A process.<sup>23</sup> This legislation also places additional duties on schools, patrons, and boards of management to co-operate with the NCSE in relation to making additional provisions for children with special educational needs.<sup>24</sup>

The 2022 legislation introduced a new streamlined Section 37A process. It is estimated that the new process could be completed within six-to-eight weeks from completion of the initial report by the NCSE.<sup>25</sup> The new process has not been required to be used since 2022 as the Department of Education and NCSE have secured agreement from sufficient numbers of schools nationwide to open special classes at primary and post primary level.<sup>26</sup> The previous version of the Section 37A process had been used on two occasions to compel schools in Dublin to open special classes.<sup>27</sup> On each occasion, the process was described as quite lengthy and cumbersome for the Department, the NCSE, and the schools involved.<sup>28</sup>

Following extensive engagement with a number of schools, the NCSE have used their statutory powers under section 67 of the 2022 Act on nine

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22 Conor O'Mahony in C L Glenn and J De Groof (Eds.) *Balancing freedom, autonomy and accountability in education: Volume 2* (Wolf Legal Publishers 2012) 245-259.

23 Department of Education and Skills, 'Minister Bruton Delivers Historic Reform of School Admissions' (9 May 2018) <<https://bit.ly/2YadvBB>> accessed 30 January 2025.

24 *ibid.*

25 Communication received by the Children's Rights Alliance from the Department of Education on 7 February 2025.

26 *ibid.*

27 Communication received from the Department of Education on 20 December 2024

28 *ibid.*

occasions in the summer of 2024 to direct schools to admit a number of children with special educational needs.<sup>29</sup>

## EPSEN Act 2004

A key piece of legislation, the Education for Persons with Special Educational Needs (EPSEN) Act 2004, remains only partially commenced.<sup>30</sup> The EPSEN Act provides that children with special educational needs should be educated in an inclusive mainstream environment, unless doing so would not be in the best interests of the child.<sup>31</sup> However, the provision for the establishment of the Special Education Appeals Board – the independent mechanism for review and redress – has not been progressed.<sup>32</sup>

In December 2021, it was announced that a full review of the Act would commence in January 2022.<sup>33</sup> The purpose of the review is to ensure that legislation on education for students with special educational needs is up-to-date, fully operational, and reflective of the lived experiences of students and families.<sup>34</sup> Significant engagement and consultations took place as part of the review, with a Steering Group, a Working Group, and an Advisory Group established for the review.<sup>35</sup> Consultations were carried out with over 28,000 stakeholders.<sup>36</sup> The review is considering recent reforms as well as the provision of increased investment in supports and the development of new allocation models.<sup>37</sup> The full review of the EPSEN Act was due to be published

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29 Communication received by the Children's Rights Alliance from the Department of Education on 7 February 2025.

30 D Doyle et al., 'Education in Ireland: accessible without discrimination for all?' (2020) *International Journal of Human Rights*, 11.

31 Education for Persons with Special Educational Needs Act 2004, s2.

32 *ibid* s36 and s37.

33 Department of Education, 'Minister Josepha Madigan launches review of the Education for Persons with Special Educational Needs (EPSEN) Act 2004' (20 December 2021) <<https://bit.ly/3tb5QDV>> accessed 30 January 2025.

34 Communication received by the Children's Rights Alliance from the Department of Education on 22 February 2023.

35 Communication received by the Children's Rights Alliance from the Department of Education on 29 November 2022.

36 Communication received by the Children's Rights Alliance from the Department of Education on 7 February 2025.

37 Communication received by the Children's Rights Alliance from the Department of Education on 17 December 2021.

in quarter three of 2024<sup>38</sup> but is now expected to be provided to ministers in early 2025 for consideration and next steps.<sup>39</sup>

## Autism Innovation Strategy

In August 2024, the Government published the *Autism Innovation Strategy*, which will coordinate actions across many Government departments and State agencies with the aim of improving the lives of Autistic people and families.<sup>40</sup> There are several actions contained in the Strategy which focus on education, including: a commitment to expand the Autism Team in the National Council for Special Education; support schools to implement the Towards Inclusion programme; to continue to work with the Middletown Centre for Autism to guide the development of their service in line with a neuro-affirmative and inclusive education system; and support autistic students and other students with special needs to access the Summer Programme.

## ► What has been achieved for children and young people so far?

In the *Programme for Government: Our Shared Future*, the Government committed to 'ensure each child with a special educational need has an appropriate school place in line with their constitutional right'.<sup>41</sup>

## Access to School Places

Preliminary data for the 2023/2024 school year shows that almost 26,000 students (2.6 per cent) out of a total primary and post-primary student population of just over 970,000 are enrolled in a special class or special school.<sup>42</sup> There is limited data on the percentage of children travelling a long

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38 Communication received by the Children's Rights Alliance from the Department of Education on 4 December 2023.

39 Communication received by the Children's Rights Alliance from the Department of Education on 7 February 2025.

40 Government of Ireland, *Autism Innovation Strategy* (2024) 6.

41 Government of Ireland, *Programme for Government, Our Shared Future* (Government Publications 2020) 96.

42 Communication received by the Children's Rights Alliance from the Department of Education on 20 December 2024.

distance to a school outside of their locality.<sup>43</sup> In September 2024, there were 126 children with special educational needs reported to be unable to access a school place for the coming year.<sup>44</sup> The latest data from the Department of Education shows there are 163 children with special educational needs receiving home tuition, as there was no school place available and/or they were transitioning to an appropriate placement.<sup>45</sup> The NCSE and the Department of Education have worked with a number of schools who were providing new classes to progress their admission processes. These efforts aim to ensure that those children known to the NCSE without a school place during the summer of 2024 were offered a school place during the month of September.<sup>46</sup> The Department also facilitates the continuation of home tuition for transitioning purposes, even where children have secured places, for a small numbers of complex cases in the best interest of the child.<sup>47</sup>



The Government has significantly increased investment in special educational needs support over the last decade. Budget 2024 increased the funding for special education by five per cent, with a total spend on supporting students with special educational needs of over €2.7 billion,<sup>48</sup> amounting to 25 per cent of the Department of Education's total budget allocation. This is an increase of almost €1 billion, or 47 per cent, since 2020.<sup>49</sup>

43 Communication received by the Children's Rights Alliance from Inclusion Ireland 5 February 2025.

44 Ombudsman for Children, *Two Years On Plan for Places*, Ombudsman for Children September 2024) 4

45 Communication received by the Children's Rights Alliance from the Department of Education on 20 December 2024

46 Communication received by the Children's Rights Alliance from the Department of Education on 7 February 2025.

47 *ibid.*

48 Department of Education, 'Ministers Foley, Madigan and Byrne announce details of over €10.5 billion education funding in Budget 2024' (11 October 2023) < <https://bitly.ws/3cPap> > accessed 30 January 2025.

49 *ibid.*



**The latest data from the Department of Education shows there are 163 children with special educational needs receiving home tuition, as there was no school place available and/or they were transitioning to an appropriate placement.**

Under Budget 2024, an additional €82 million was pledged for additional teachers supporting students with special educational needs, to support 744 new special needs teacher posts; as well as 1,216 additional SNAs, providing for 2,700 new places for children with special educational needs.<sup>50</sup>

Budget 2025 increased funding for special education further with a funding package of €2.9 billion.<sup>51</sup> An additional €33 million in funding was announced for an extra 1,600 SNAs and 768 SEN teachers working in special classes, special schools, and mainstream settings, to support children with special educational needs.<sup>52</sup> This will bring the total number of SNAs to over 23,000.<sup>53</sup> Funding was also made available in Budget 2025 to establish a new special education innovation fund<sup>54</sup> and introduce a special education support package for schools to assist primary schools to manage the effective transition of children with the highest level of need into post-primary education.<sup>55</sup>



There has been a significant increase in the number of new special classes in the past year bringing the total number of special classes nationwide to 3,336 (2,339 at primary and 997 at post primary), an increase from 2,921 in 2023/2024 (2,048 at primary and 873 at post primary).<sup>56</sup> Of the 3,336 in operation for the 2024/2025 school year, 2,894 are autism classes (1,992 at

50 *ibid.*

51 Department of Education, 'Ministers Foley, Naughton and Byrne announce details of almost €12 billion education funding in Budget 2025' (Press Release 2 October 2024) <<https://bit.ly/40SLrnu>> accessed 30 January 2025.

52 Budget 2025.

53 *ibid.*

54 Department of Education, 'Ministers Foley, Naughton and Byrne announce details of almost €12 billion education funding in Budget 2025' (Press Release 2 October 2024) <<https://bit.ly/40SLrnu>> accessed 30 January 2025.

55 Budget 2025.

56 Communication received by the Children's Rights Alliance from the Department of Education on 7 February 2025.



primary and 902 at post primary).<sup>57</sup> These autism classes are provided in 1,536 mainstream schools nationwide and in addition to these there are 155 autism early intervention classes in mainstream primary schools.<sup>58</sup>

## National Educational Psychological Service

The budget allocation for the National Educational Psychological Service (NEPS) in 2024 was €32.3 million.<sup>59</sup> The number of educational psychologists currently employed in NEPS stands at 228 whole time equivalents across eight regions. This is the highest number of educational psychologists employed in NEPS since it was established.<sup>60</sup> NEPS operates on a consultative model of service.<sup>61</sup> NEPS psychologists work with schools using a problem-solving model to help schools identify need and interventions to support those needs.<sup>62</sup> This model means that pupils do not need a psychological assessment or a diagnosis of a disability in order to access additional support in school.<sup>63</sup>

Given that NEPS provides a mainly consultative model of service, it is important that a further €5 million was allocated in Budget 2025 for the Counselling in Primary Schools Pilot.<sup>64</sup> The counselling provided in the pilot is not a substitute for services provided by HSE Primary Care Psychology or Child and Adolescent Mental Health Service.<sup>65</sup> The Pilot Programme is an interim measure intended to supplement these services.<sup>66</sup> The pilot, which launched in June 2023, works to support children's wellbeing and mental health in schools.<sup>67</sup> The pilot includes two strands. Strand 1 is the provision of one-to-one counselling support to a small number of primary school pupils in counties Cavan, Laois, Leitrim, Longford, Mayo, Monaghan, and Tipperary.<sup>68</sup>

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57 *ibid.*

58 *ibid.*

59 *ibid.*

60 Budget 2025.

61 Minister for Education, Norma Foley T.D., Dáil Debates, Written Answers, 17 October 2024 [42146/24].

62 *ibid.*

63 *ibid.*

64 Budget 2025.

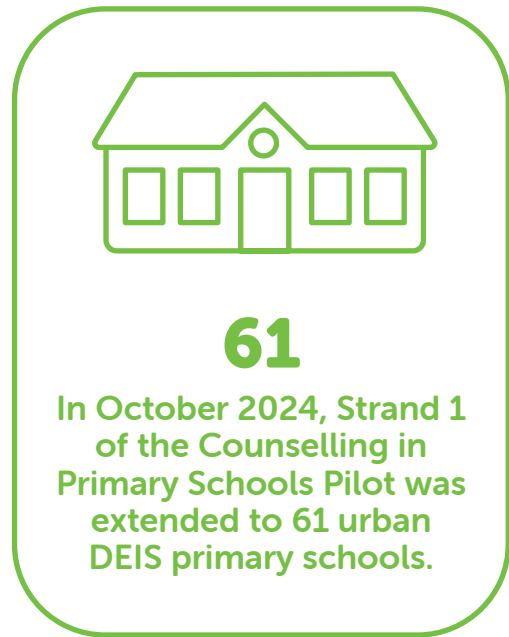
65 Communication received by the Children's Rights Alliance from the Department of Education on 7 February 2025.

66 *ibid.*

67 Department of Education, Counselling in Primary Schools-Pilot (CPS-P) 2023-2025 <<https://www.gov.ie/en/publication/61be8-counselling-in-primary-schools-pilot-cps-p-2023-2025/>> accessed 13 February 2025.

68 *ibid.*

In October 2024, Minister for Education Norma Foley TD announced the extension of Strand 1 of the Counselling in Primary Schools Pilot to 61 urban DEIS primary schools in Tallaght, Clondalkin, Finglas, Ballymun, and Darndale.<sup>69</sup> The schools that will now be included in the pilot have been identified by the Department of Education as supporting children from areas with some of the highest levels of disadvantage in the State.<sup>70</sup> These direct supports will go to children who may have experienced intergenerational trauma, may be experiencing anxiety post-Covid, and/or require a specialist intervention. These supports are crucial to ensure that children benefit from their school place in the optimal way.



In September 2024, Jigsaw were announced as the successful bidder for the tender to deliver NEART, the new national programme of mental health and wellbeing resources and training for post-primary schools.<sup>71</sup> These comprehensive supports have been developed by Jigsaw in partnership with NEPS and with the Department of Education. The programme will complement the supports already available in schools such as the provision of guidance counselling and the work of NEPS, as well as other existing wellbeing programmes and initiatives including Student Support Team training.<sup>72</sup>

## Special Education Teacher (SET) Allocation Model

The vast majority of children with special educational needs are supported to attend mainstream classes with their peers.<sup>73</sup> In order that schools can support

69 *ibid.*

70 *ibid.*

71 Communication received by the Children's Rights Alliance from the Department of Education on 7 February 2025.

72 *ibid.*

73 Minister of State at the Department of Education, Josepha Madigan T.D., Dáil Debates, Written Answers, Special Educational Needs, 20 February 2024 [7445/24].

children and young people, the Department of Education, in conjunction with the NCSE, allocates Special Education Teachers (SETs) and Special Needs Assistants (SNAs). The SET allocation model is designed to distribute additional teaching resources across the entire primary school system.<sup>74</sup> Schools must utilise the Continuum of Support framework to identify those children and young people with the greatest level of need.<sup>75</sup> There is a defined level of resources available to distribute across the whole primary school sector.<sup>76</sup> This is significant as it means additional teaching resources are distributed based on what is available, rather than an analysis of the individual needs of the children and young people in individual schools.

From September 2024, there was a change to the data that was used to make SET allocations.<sup>77</sup> The previous allocation model, in place since 2017, used five inputs:

- ▶ the number of children enrolled,
- ▶ data from the HSE in relation to complex needs,
- ▶ the scores of pupils in standard educational test,
- ▶ social disadvantage and,
- ▶ gender.<sup>78</sup>

Beginning in September 2024, the model began to use school-based data, rather than relying on HSE data, to ensure that children with more complex needs get the special educational support they need. This change in the complex needs data was due to challenges in accessing the data from the HSE.<sup>79</sup> Establishing the supports needed for children with complex needs will

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74 Department of Education, Special Education Teacher Allocation 2024/2025 explained < <https://www.gov.ie/en/service/23210-special-education-teacher-allocation-20242025-explained/> > accessed 11 February 2025.

75 Communication received by the Children's Rights Alliance from the Department of Education on 7 February 2025.

76 Department of Education, Special Education Teacher Allocation 2024/2025 explained < <https://www.gov.ie/en/service/23210-special-education-teacher-allocation-20242025-explained/> > accessed 11 February 2025.

77 *ibid.*

78 *ibid.*

79 *ibid.*

now be informed by those who have been granted an exemption from the standardised tests.<sup>80</sup>

At the system level, the total hours available are allocated on the following basis; 25 per cent to Enrolment, 68.5 per cent to Educational Needs Profile i.e. results of standardised testing, and the remaining 6.5 per cent to support Educational Disadvantage.<sup>81</sup> Once the allocation has been made, it is then apportioned to individual schools based on the schools profile, which was last updated in March 2022.<sup>82</sup> The allocation model provides schools with autonomy to manage and deploy additional teaching support within their school, based on their pupils' identified learning needs.<sup>83</sup>

The Department has recognised that the new allocation model will not lead to any reduction in the overall number of SET teachers.<sup>84</sup> Instead, the new model will allocate them to the schools with the greatest level of needs.<sup>85</sup> One of difficulties with this approach is that while it may serve the system in terms of allocating the available resource across it, based on the three pillars of criteria and their percentages, it is not child-centred in its approach as it is not based on the individual needs of the children presenting in each school. As part of the future development of the SET model, the Department will commence visitations to schools to examine other potential data that may be available which could be incorporated into the model. The research visits to schools will commence in early 2025.<sup>86</sup>

By removing the complex needs category, it is difficult to understand how, with just standardised test results and the level of disadvantage, there could be sufficient data with which to match the resources that are available with the needs in the school.<sup>87</sup>

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80 Communication received by the Children's Rights Alliance from the Department of Education on 7 February 2025.

81 Department of Education, (Primary) Special Education Teacher (SET) allocation model and the calculation of the SET allocation for each school from the 2024/25 school year, Circular 02/2024.

82 *ibid.*

83 *ibid.*

84 *ibid.*

85 *ibid.*

86 Communication received by the Children's Rights Alliance from the Department of Education on 7 February 2025.

87 Dr Joe Travers, Joint Committee on Disability Matters debate, Wednesday, 28 Feb 2024.

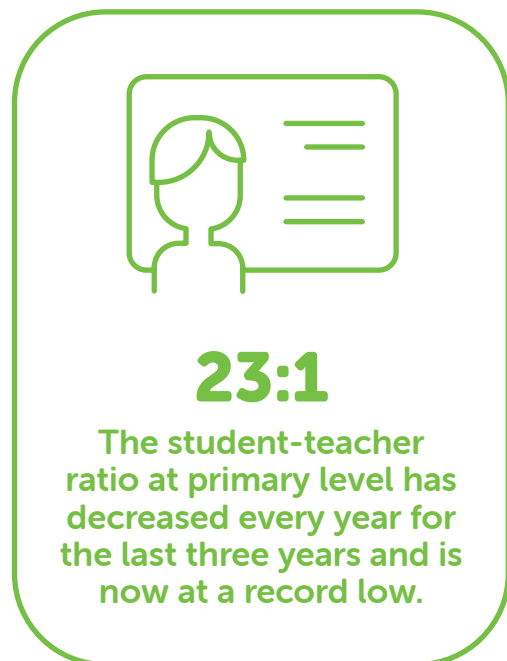


**Without specific information on the individual needs of the children in the school, it is likely that schools will struggle to meet the increasing diversity and complexity of need with the basis of the SET modelling approach.**

The Department of Education has noted that the existing complex needs hours for school leavers were not removed but maintained by each school to support incoming students. Where a school identified greater incoming need, the streamlined review application system was introduced by the NCSE.<sup>88</sup>

The Department acknowledges that this round of allocation of SET resources will see some schools gaining hours while others may see a reduction in hours.<sup>89</sup> For example, where a school's enrolments are declining there may be a reduction in their SET hours.<sup>90</sup> In these circumstances, these hours will be redistributed to schools with a growing enrolment base.<sup>91</sup> This may appear to be a fair way to distribute limited resources, however without specific information on the individual needs of the children and young people in the school, it is likely that schools will struggle to meet the increasing diversity and complexity of need with the basis of this modelling approach, which could directly impact children being able to access an appropriate school place that supports them to have a high quality experience in the education system.

The Department of Education has noted that the teacher has primary responsibility for the education of all pupils in a class, including those with special education needs. The student-teacher ratio at primary level has decreased every year for the last three budgets and is now at a record low of 23:1.<sup>92</sup> They further acknowledge that schools 'can experience unique circumstances that may be difficult to reflect in any standardised method' and to address this, the Department and the NCSE have streamlined the review process.



88 Communication received by the Children's Rights Alliance from the Department of Education on 7 February 2025.

89 DE Circular 02/2024 The Special Education Teacher (SET) allocation model and the calculation of the SET allocation for each school from the 2024/25 school year until further notice.

90 *ibid.*

91 *ibid.*

92 Communication received by the Children's Rights Alliance from the Department of Education on 7 February 2025.

Special education teachers and schools who have any concerns can engage with the NCSE on their allocation.<sup>93</sup> Five per cent of schools requested a review of their allocation and the NCSE completed detailed reviews of the schools' needs between March and June 2024. Where the NCSE identified additional need that required an increase in the school's allocation, they recommended the increase required to the Department of Education, and this was immediately granted by the Department.<sup>94</sup>

In December 2024, the Department issued an updated circular, guidelines and indicators of effective practice to schools to aid schools in supporting all children and young people with an identified special education teaching need.<sup>95</sup> These focused on the proper deployment of the allocation of resources to support the meaningful inclusion of children and young people with special education needs in mainstream classes in schools.<sup>96</sup> Additional guidance for parents and children has been published in relation to SET Deployment schools to support their understanding.<sup>97</sup>

## NCSE Policy Advice Paper

The NCSE was set up to improve the delivery of education services to persons with special educational needs arising from disabilities, with particular emphasis on children.<sup>98</sup> In October 2018, the then Minister for Education and Skills requested the NCSE to advise on the educational provision for students in special schools and classes and to make recommendations on the future provision required to enable them to achieve better outcomes.<sup>99</sup>

The National Council for Special Education (NCSE) published its policy advice paper on special schools and classes, *An Inclusive Education for an Inclusive*

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93 *ibid.*

94 *ibid.*

95 *ibid.*

96 *ibid.*

97 *ibid.*

98 National Council for Special Educational Needs, About Us, <<https://ncse.ie/about-us>> accessed 11 February 2024.

99 Communication received by the Children's Rights Alliance from the Department of Education on 20 December 2024.

*Society*, in January 2024.<sup>100</sup> The NCSE policy advice sought to consider how existing good practices could be incorporated and further developed in the design of an inclusive education system, where children have the opportunity to learn in their local school with their siblings and peers.<sup>101</sup> The policy recommends that to become a “fully inclusive” education system, over the coming years, all students with special educational needs should be educated in mainstream schools, instead of separate special schools and special classes.<sup>102</sup> It further recommends a phased transition, with incremental changes taking place over many years, with special schools and classes remaining an important placement option for students and parents.<sup>103</sup>

In response to the policy advice, the Minister for Education, Norma Foley T.D. indicated that special schools will remain for children with the most complex needs and emphasised the long-term nature of developing new school campuses, which would cater to all students.<sup>104</sup> To assist in responding to the policy advice, the Department applied to the European Union’s Technical Support Instrument (TSI) programme.<sup>105</sup> This programme is available to member states wishing to engage in significant policy development or reform. The European Agency for Special Needs and Inclusive Education (EASNIE) was appointed to support Ireland in the development of a roadmap for inclusion which takes account of the NCSE policy advice.<sup>106</sup> As part of this, education stakeholders, advocacy groups and officials from relevant government departments participated in consultations in June 2024 and consultations with children and young people were held during the autumn term.<sup>107</sup>

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100 *ibid.*

101 *ibid.*

102 *ibid.*

103 *ibid.*

104 Carl O’Brien, All special needs students ‘should be educated in mainstream schools’, council recommends, *Irish Times*, 16 January 2024.

105 Communication received by the Children’s Rights Alliance from the Department of Education on 7 February 2025.

106 *ibid.*

107 *ibid.*



## Special Needs Assistants Workforce Development Plan

Children with special educational needs are currently supported by 22,814 Special Needs Assistant (SNA) posts across mainstream, special class and special school settings.<sup>108</sup> In December 2022, the Department established a dedicated Special Needs Assistant Workforce Development Unit within the Special Education Section, in order to ensure that sufficient time and attention is given to examination of the SNA role and any reform or development required.<sup>109</sup>



Work on the first SNA Workforce Development Plan will address the following key policy areas:

- ▶ **Pillar 1** – Review and development of the SNA role
- ▶ **Pillar 2** – Establish a Quality Framework
- ▶ **Pillar 3** – Establish a SNA Learning & Development programme
- ▶ **Pillar 4** – Support SNA Recruitment, Retention & Diversity
- ▶ **Pillar 5** – Devise a Communications Strategy<sup>110</sup>

The Plan is being developed in consultation and collaboration with stakeholders including children and young people. This has included focus groups with SNAs and with school leaders and, the first national survey of SNAs.<sup>111</sup>

<sup>108</sup> Communication received by the Children's Rights Alliance from the Department of Education on 7 February 2025.

<sup>109</sup> *ibid.*

<sup>110</sup> *ibid.*

<sup>111</sup> *ibid.*

The SNA Workforce Development Unit is currently undertaking a consultation with children and young people, seeking their views on the role of Special Needs Assistants in schools.<sup>112</sup> The consultation involves focus groups with children and young people at eight schools across the country. The consultation is supported by a Child Advisory Group and a Youth Advisory Group established to help with planning the consultation approach for a broader group of children and young people.<sup>113</sup>

Each of these research initiatives helps to develop a deeper insight and understanding of the role of the SNA in the different educational settings and to explore and enhance the role that SNAs play in facilitating inclusion.<sup>114</sup> It is intended that the SNA Workforce Development plan will be launched in September 2025.<sup>115</sup>

## Guidelines on Behaviours of Concern

A survey conducted by AsIAM and Inclusion Ireland in 2023 found that 35 per cent of disabled children experience seclusion, while 27 per cent of disabled children suffer restraint at school.<sup>116</sup> Responses to the survey included stories of children 'locked in rooms alone, sensory rooms being used inappropriately, children dragged across the school floor, and children physically held and/or lifted against their will.'<sup>117</sup> The AsIAM Same Chance Report found that 55 per cent of respondents had experienced seclusion from the classroom and 12 per cent of respondents reported that their child had experienced physical restraint that they did not consent to or were concerned about.<sup>118</sup>

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112 *ibid.*

113 *ibid.*

114 *ibid.*

115 *ibid.*

116 Inclusion Ireland, New survey says 35% of disabled children endure seclusion and 27% suffer restraint at school - Inclusion Ireland (Press Release February 2024) <<https://inclusionireland.ie/news-events/new-survey-says-35-of-disabled-children-endure-seclusion-and-27-suffer-restraint-at-school/>> accessed 11 February 2025.

117 *ibid.*

118 AsIAM, Same Chance Report 2024 <<https://asiam.ie/news/public-perceptions-fall-short-of-societal-aspirations-for-autistic-people-in-ireland>> accessed 13 February 2024.



**A survey conducted by AslAm and Inclusion Ireland in 2023 found that 35% of disabled children experience seclusion, while 27% of disabled children suffer restraint at school.**

Following the most recent examination of Ireland's progress against the United Nations Convention on the Rights of the Child (UNCRC) in January 2023, the Committee called for the State to explicitly prohibit the use of restraint and seclusion in educational settings.<sup>119</sup> The Committee also recommends a strengthening of measures aimed at preventing violence against children, with an emphasis on children in alternative care, children in socio-economically disadvantaged situations, children with disabilities, asylum-seeking children and children of minority groups. It concluded that the State should ensure that all professionals working with, and for, children in education, health, justice and other sectors receive specialised training on identifying and effectively responding to cases of violence, including on applying the *Children First: National Guidelines for the Protection and Welfare of Children*.<sup>120</sup>

Supporting children and young people and establishing a learning environment that is conducive to meeting their needs, is fundamental to ensuring the *Programme for Government* commitment is met. In 2012, the NCSE called on the Department of Education to issue guidance to schools with regard to what was termed at that time, 'children with exceptionally challenging behaviour'.<sup>121</sup>

The *Guidelines on Understanding Behaviours of Concern and Responding to Crisis Situations* were published in December 2024, and are designed to develop and enhance schools' understanding of behaviours of concern and to assist them in managing crisis situations.<sup>122</sup> They focus on the prevention, early intervention, and de-escalation measures which schools should adopt.<sup>123</sup> Additionally, the Guidelines detail how schools should respond in crisis situations where 'behaviours pose imminent danger of serious physical harm to self or others within the school environment'.<sup>124</sup> The Guidelines provide guidance for staff on how to respond when facing crisis situations

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119 UNCRC, 'Concluding Observations Ireland' (2023) UN Doc CRC/C/IRL/CO/5-6, para 36.

120 UNCRC, 'Concluding Observations Ireland' (2023) UN Doc CRC/C/IRL/CO/5-6, para 24.

121 NCSE Policy Advice Paper 3 The Education of Students with Challenging Behaviour arising from Severe Emotional Disturbance/ Behavioural Disorders (NCSE 2024) 7.

122 Department of Education, *Understanding Behaviours of Concern and Responding to Crisis Situations Guidelines for Schools in Supporting Students*, Circular 0081/2024.

123 *ibid.*

124 *ibid.*

where there are concerns regarding physical safety.<sup>125</sup> The Guidelines make clear that physical intervention may only be employed as the last part of a comprehensive, positive, and planned approach by the school.<sup>126</sup>

It is welcome that the Guidelines clearly prohibit the use of seclusion in any recognised school setting i.e. placing a student involuntarily in any environment in which they are alone and physically prevented from leaving.<sup>127</sup> Physical restraint, as defined in the Guidelines, is not permitted within any recognised school setting except in a crisis situation where there is imminent risk to students' physical safety or the safety of others.<sup>128</sup> Under the Guidelines, physical restraint must not be used to punish a student for their behaviour under any circumstances.<sup>129</sup>

The Department published Circular 0081/2024 to accompany the publication of the Guidelines. The Circular noted that where a physical restraint is used in a school, the incident must be reported to the school principal and, subsequently, to the chairperson of the Board of Management.<sup>130</sup> From September 2025, schools are also required to report instances of physical restraint to the NCSE.<sup>131</sup> The purpose of reporting such instances to the NCSE is to allow for the collation of quarterly reports on the extent of the practice being deployed in schools and engagement between the NCSE and individual schools in circumstances where a physical restraint has been used involving students with special educational needs.<sup>132</sup>

There is a lot to be welcomed in the Guidelines in terms of the language used, the focus on prevention, early intervention and de-escalation, the trauma-informed approach and its commitment to being centred on the rights and

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125 Department of Education, 'Understanding Behaviours of Concern and Responding to Crisis Situations', (12 December 2024) <<https://bit.ly/3C1b38f>> accessed 6 January 2025, 40.

126 *ibid.*

127 *ibid.*

128 *ibid* 42.

129 *ibid.*

130 Department of Education, Understanding Behaviours of Concern and Responding to Crisis Situations Guidelines for Schools in Supporting Students, Circular 0081/2024.

131 *ibid.*

132 *ibid.*

wellbeing of the child.<sup>133</sup> However, there are some key areas that will require further examination, thought and clarity in order that the Guidelines can support schools to ensure that children and young people can fully take part in their education.

The resources and training necessary to ensure that the principles evident in the Guidelines can and will be translated into practice in schools nationwide are of paramount importance. The training and the time for reflective practice on implementation, and for the approach to be embedded across the whole school community, will be required. Adequate and realistic timeframes and supports must be afforded to, and provided, in order for school leaders, staff across schools and the wider school community can effectively engage with the Guidelines to support children and young people in a way that can uphold the prevention, early intervention approach.

This requires sustained and long-term commitment and investment. Once-off training will not be sufficient to support the capacity building, knowledge transfer and/or cultural and mind-shift changes that these Guidelines require to be as effective as they potentially could be. Circular 0081/2024 published by the Department to accompany the Guidelines detailed a training programme consisting of online webinars and in-person information sessions to be held in Education Centres. Schools were also encouraged to avail of the full range of training supports provided by the NCSE.<sup>134</sup> Reflecting the fact that some schools require specialist support, the NCSE has procured external training which is being offered to special schools in the first instance.<sup>135</sup> These schools have been granted an exceptional closure day to facilitate this training.<sup>136</sup>

The focus on prevention and early intervention is in line with best practice for working directly with children and young people. However, the Guidelines do not include express accountability measures when the practice of seclusion is used in contravention of the Guidelines and when the practice of restraint is

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133 Department of Education, 'Understanding Behaviours of Concern and Responding to Crisis Situations', (12 December 2024) <<https://bit.ly/3C1b38f>> accessed 6 January 2025, 3.

134 Communication received by the Children's Rights Alliance from the Department of Education on 7 February 2025.

135 *ibid.*

136 *ibid.*

used inappropriately (i.e. in situations where behaviours pose imminent danger of serious physical harm to self or others within the school environment).<sup>137</sup>

Not only can the practices interfere with a child's right to education under the UN Convention on the Rights of the Child,<sup>138</sup> they can also amount to inhuman or degrading treatment.<sup>139</sup> The European Convention on Human Rights (ECHR) is clear 'no one shall be subjected to torture or to inhuman or degrading treatment or punishment.'<sup>140</sup> Inhuman treatment is treatment that causes intense physical or mental suffering. This could include physical assault or psychological abuse. Treatment is considered to be "degrading" when it 'humiliates or debases' a person, showing 'a lack of respect for, or diminishing, his or her human dignity, or arouses feelings of fear, anguish or inferiority capable of breaking an individual's moral and physical resistance'.<sup>141</sup>

Under the European Convention on Human Rights, the State has a positive obligation to establish a legislative and regulatory framework to shield individuals adequately from breaches of their physical and psychological integrity.<sup>142</sup> This includes having effective investigation and remedies.<sup>143</sup> At present, the Guidelines do not specify who has responsibility for inspections.

While the Guidelines provide an obligation on the school to complete forms when seclusion and/or restraint has been resorted to, this is for information purposes for the NCSE and is also intended to trigger engagement between NCSE and school and to inform training provided by NCSE.<sup>144</sup> The Ombudsman for Children has recommended that the Education Inspectorate should specifically have responsibility to inspect practice in this area.<sup>145</sup>

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137 Department of Education, 'Understanding Behaviours of Concern and Responding to Crisis Situations', (12 December 2024) <<https://bit.ly/3C1b38f>> accessed 6 January 2025.

138 Article 28 UN Convention on the Rights of the Child.

139 Article 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment the State; Article 3 European Convention on Human Rights.

140 Article 3 ECHR.

141 European Court of Human Rights, Guide on Article 3 of the Convention – Prohibition of torture, para 19.

142 X and Others v. Bulgaria [GC], 2021, 179.

143 European Convention of Human Rights Art 6 and 19.

144 Communication received by the Children's Rights Alliance from the Department of Education on 7 February 2025.

145 Ombudsman for Children's Office, Statement from the OCO on the new guidelines for schools dealing with behaviours of concern (Press Release 16 December 2024).



**Owing to the seriousness of rights being impacted when the practices of seclusion and restraint are used inappropriately, there is a need for a specialised complaints mechanism to be established.**



Children in schools are extremely vulnerable and inspection type regimes are particularly important in this regard. The Department has noted that the inspectorate will have an important function in monitoring schools' use of restraint once reporting requirements commence in September 2025.<sup>146</sup> However, it is unclear what this is and if it will extend to the use of seclusion.

In terms of other forms of accountability, the Guidelines indicate that for complaints, the parent should be made aware of the school's formal complaints procedure.<sup>147</sup> The challenge with this approach is that if the parent is not satisfied with the outcome of the complaint to the school, beyond making a complaint to the Ombudsman for Children's Office about the manner in which the complaint was handled, the only potential appeal against the outcome of the complaint, and against the use of practice itself, is to the Courts. Seeking a remedy through the Courts can be a daunting experience for families. Furthermore, it is also an expensive one and legal aid thresholds are extremely high meaning most families would be unable to pursue this route.

Under the ECHR, for an investigation to be effective, 'the institutions and persons responsible for carrying it out must be independent from those targeted by it'.<sup>148</sup> It must also be thorough and adequate, meaning it must be capable of 'leading to the establishment of the facts and to a determination of whether the force used was or was not justified in the circumstances and of identifying and – if appropriate – punishing those responsible'.<sup>149</sup>

As they currently stand, the Guidelines do not provide for an adequate investigation and complaints mechanisms as the primary complaint is the made to the Board of the School. This would not be considered 'independent' in line with the State's obligations under the ECHR. Owing to the seriousness of rights being impacted when the practices of seclusion and restraint are used inappropriately, there is a need for a specialised complaints mechanism to be established. This could be within the Department of Education or, another independent body. There is also a need for the Education Inspectorate

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146 Communication received by the Children's Rights Alliance from the Department of Education on 7 February 2025.

147 Department of Education, 'Understanding Behaviours of Concern and Responding to Crisis Situations', (12 December 2024) <<https://bit.ly/3C1b38f>> accessed 6 January 2025, 61.

148 Bouyid v. Belgium [GC], 2015, 118.

149 Labita v. Italy [GC], 2000, 131 and Jeronovičs v. Latvia [GC], 2016, 103.

to have a role in monitoring the implementation of the Guidelines and a whistleblowing provision to be put in place.

The reality is however that most children and families will not make complaints. This is why a focus on the role of the Education Inspectorate is critical to safeguard children's rights in the school setting alongside those of the staff. The Education Inspectorate needs to have responsibility to inspect practice in this area against rules. Given the hidden nature of this practice and the fact that some children are not verbal, consideration should also be given to a whistleblowing procedure. HIQA guidelines on inspections often have such a provision to bring practice in a certain setting to their attention.

## Summer Programme

The Department's Summer Programme provides young people with the most complex special educational needs should have access to a school-based programme.<sup>150</sup> In 2023, the Department's Inspectorate conducted a series of inspector visits to summer programmes<sup>151</sup> and follow-up meetings in September/ October to gather perspectives on how participation on the programme supported the children and young people when they returned to school as well as how the programme might be improved.<sup>152</sup> The Inspectorate found that participation in the Summer Programme supported children when they returned to school and also eased transitions for those commencing post-primary school.<sup>153</sup>

There had been challenges previously in staffing summer programmes; various schools emphasised that staff are 'completely burnt out by the end of June,'<sup>154</sup> to the extent that 'even very dedicated staff do not want to participate'<sup>155</sup> in the Summer Programme. A number of new and targeted measures were introduced which were aimed at encouraging greater

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150 Department of Education, Summer Programme 'Building Confidence and Connections' (Department of Education, March 2024).

151 *ibid.*

152 *ibid.*

153 *ibid.*

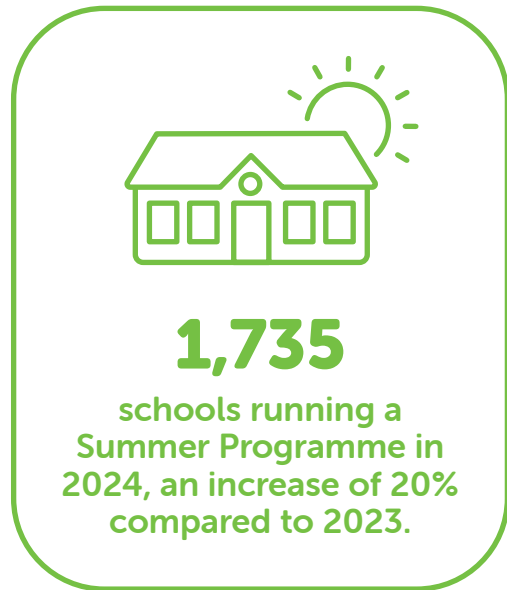
154 Joint Committee on Autism, *Report on the Survey of Special Schools about the Summer Programme 2023* (June 2023) 21, 9, 10, 11, 12, 14, 16, 17, 18, 20, 23, 29.

155 *ibid.* 23.

participation in the 2023 Summer Programme.<sup>156</sup> This resulted in an increase in participation in 2023 and in 2024.<sup>157</sup>

In 2024, the number of schools running a Summer Programme was the highest it has ever been. In 2023, 1,441 programmes were run compared to 1,735 in 2024, an overall increase of 20 per cent.

When compared to 2019, prior to the expansion of the Summer Programme, only 303 schools and 13,000 children participated.<sup>158</sup> In 2024, child participation alone has increased to more than 58,000 children, an increase of almost 350 per cent compared to 2019.<sup>159</sup> In 2024, the Summer Programme was underpinned by €40 million in funding with all of the allocated funding taken up. In Budget 2025, €62 million in funding is being made available for the 2025 Summer Programme.<sup>160</sup>



## Code of Behaviour Guidelines

All schools must have a Code of Behaviour in place under section 23 of the Education (Welfare) Act 2000. The Act requires that the school Code of Behaviour is prepared in accordance with Guidelines issued by the Educational Welfare Service, which now sits under Tusla Education Support Service (TESS). Research published by AsIAM in October 2024 examined 40 schools' Codes of Behaviour and found that they often failed to provide reasonable accommodations for Autistic students, resulting in exclusionary practices such as reduced timetables, suspensions, and, in extreme cases, the use of physical

<sup>156</sup> Communication received by the Children's Rights Alliance from the Department of Education on 4 December 2023.

<sup>157</sup> *ibid.*

<sup>158</sup> Communication received by the Children's Rights Alliance from the Department of Education on 7 February 2025.

<sup>159</sup> *ibid.*

<sup>160</sup> *ibid.*

restraint.<sup>161</sup> The Report also highlights the fact that current Codes of Behaviour frequently promote neurotypical norms while punishing Autistic students for behaviours rooted in their neurodivergence.<sup>162</sup> This system not only exacerbates the challenges these students face, but also leads to harmful outcomes such as Autistic masking, anxiety, and school refusal.<sup>163</sup> In 2023, AsIAM published a report exploring the school experiences of Autistic children and young people which highlighted that young people felt there was a minimal understanding among schools of what equality, diversity and inclusion means in practice.<sup>164</sup> Children and young people also described experiencing school as a battle, where they found themselves “having to fight so hard to get accommodations” such as regular breaks. Young people highlighted the requirement to adhere to a strict school uniforms policy as being in opposition to claims of inclusion as well as being a significant source of tactile discomfort.<sup>165</sup>

The current Code of Behaviour Guidelines for Schools, issued in 2008, are currently under review by TESS and are due to be finalised in 2025. The new Guidelines on Codes of Behaviour need to be cognisant of a child-centred and rights-based approach to ensure that they support children with their school place. Codes of Behaviour should not act as an exclusionary mechanism and need to be written with an awareness of inclusive practices, both in relation to neurodivergent behaviours and other accommodations required by children and young people to access their school place.

## Educational Therapy Support Service

In June 2024, Minister for Education Norma Foley and Minister for Special Education and Inclusion Hildegard Naughton announced the establishment of an Educational Therapy Support Service (ETSS).<sup>166</sup> It will provide a vital service for children and young people in ensuring that they have the supports required to effectively access their school place.

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<sup>161</sup> AsIAM, What We Wish You Knew A rights-based analysis of school codes of behaviour in Ireland (AsIAM 2024).

<sup>162</sup> *ibid.*

<sup>163</sup> *ibid.*

<sup>164</sup> N Delimanta and D Byrne, Exploring the School Experiences of Autistic Children and Young People (AsIAM 2013).

<sup>165</sup> *ibid.*

<sup>166</sup> Communication received by Children's Rights Alliance from Department of Education on 20 December 2024.

The NCSE will appoint 39 therapist and five behaviour practitioner positions on a permanent basis to further develop the ETSS.<sup>167</sup> NCSE/ETSS Therapists will work with teachers in classrooms to collaboratively-design and deliver educationally-relevant interventions for students with a range of needs.<sup>168</sup> This will allow, for example, a teacher and an occupational therapist to explore opportunities to integrate more movement into learning to support regulation, or for a speech and language therapist to model evidence-based vocabulary strategies in the classroom.<sup>169</sup> The NCSE/ETSS has initiated the delivery of therapy services in its Eastern region during term one of the 2024/2025 school year.<sup>170</sup> Limerick has been identified as the most suitable hub for the Western region which includes Kerry, Clare, Limerick, Galway, Mayo, and Roscommon, and it is anticipated that ETSS services will be operational in this region in September 2025. In order to access therapy services, schools need to apply to the NCSE.<sup>171</sup>

## ► **What children and young people need next?**

There have been significant efforts made over the *Programme for Government* to ensure that every child with special educational needs has an appropriate school place in line with their constitutional right. However, in spite of this, in September 2024 there were 126 children with special educational needs reported to be unable to access a school place for the coming year.<sup>172</sup> The latest data from the Department also shows that 163 children with special educational needs are receiving home tuition as there was no school place available and/or they were transitioning to an SEN placement.<sup>173</sup>

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167 *ibid.*

168 *ibid.*

169 *ibid.*

170 *ibid.*

171 *ibid.*

172 Ombudsman for Children's Office, *Two Years On Plan for Places Progress Update on Forward Planning for the Provision of Schools Places for Children with Special Educational Needs (OCO 2024)* 4.

173 Communication received by the Children's Rights Alliance from the Department of Education on 20 December 2024

Year-on-year, we have seen increases in investment in special education with the Budget provided for in 2025 increasing to €2.9 billion.<sup>174</sup> Aligned to this, we have also seen yearly increases in the number of Special Education Teachers (SET), including funding for an additional 768 in Budget 2025, as well as increases in the number of Special Needs Assistants to over 23,000.<sup>175</sup> However, the SET allocation model is not centred on the needs of each individual child, instead resources are being allocated on a whole-school level. This has led to situations where some schools have seen a reduction in the number of SET teachers being allocated to support children and young people with special education needs. While it is welcome that there is a significant increase in Budget 2025 and an increase in the number of Special Education Teacher and Special Needs Assistants, there no disaggregated data on the quality of the educational experience or the educational attainments of disabled children and young people. Consideration should be given to evaluating the current model of special education to inform the NCSE policy advice on *An Inclusive Education for an Inclusive Society*.

It is welcome that the NCSE Policy Advice was published in 2024, providing a roadmap and vision for the future of special education provision. The advice set out that all students with special educational needs should be educated in mainstream schools over the coming years, instead of separate special schools and special classes, to become a “fully inclusive” education system. Special schools and classes should remain an important placement option for students and parents.<sup>176</sup>

The principles and language in the Guidelines on Behaviours of Concern, published in December 2024, signal a positive step towards a more child-centred approach that focuses on understanding all behaviour as communicating a need, and the role of school staff in understanding, supporting and meeting those needs in children and young people. However, owing to the seriousness of rights being impacted where the practices are used inappropriately, there is a need for a specialised complaints mechanism

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174 Department of Education, Ministers Foley, Naughton and Byrne announce details of almost €12 billion education funding in Budget 2025 (Press Release, October 2024) < <https://www.gov.ie/en/press-release/519e2-ministers-foley-naughton-and-byrne-announce-details-of-almost-12-billion-education-funding-in-budget-2025/> > accessed 11 February 2025.

175 *ibid.*

176 *ibid.*

to be established. This could be within the Department of Education or another independent body. There is also a need for the Inspectorate to have a role in monitoring the implementation of the Guidelines and a whistleblowing provision to be put in place.

## ➔ **Recommendations**

- ▶ A detailed action plan should be developed to outline how all children with special education needs can access an appropriate school place in their local community.
- ▶ Consider reviewing and amending the allocation model for Special Education Teachers to ensure that it responds to needs of individual children.
- ▶ Review the Guidelines on Behaviours of Concern and consider separating out the guidance in respect of seclusion and restraint for understanding and responding to behaviours of concern. Alongside this, introduce rules that school practices can be inspected against and ramp up the Education Inspectorates role in this area.
- ▶ Put in place an independent complaints mechanism for when the practices of seclusion and restraint are used in contravention of the Guidelines on Behaviours of Concern.
- ▶ Ensure that a whistleblowing provision is put in place that both families and teachers can use when seclusion and restraint is used on children and young people in schools.
- ▶ Put in place funding to support an independent organisation to provide advocacy support to children, young people and families impacted by the use of seclusion and restraint.

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# Traveller and Roma Education

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Section Grade:

**C+**





## The Programme for Government commits to:

Undertake an independent assessment of the pilot projects aimed at retaining Traveller and Roma children in education.

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▶ Progress: **Good**

The Government commitment in relation to 'Traveller and Roma Education' receives a 'C+' grade, an improvement on the 'D+' received last year. The independent evaluation of the Supporting Traveller and Roma (STAR) pilot projects was published in January 2025. It clearly demonstrates improvements and positive outcomes for young Travellers who participated in the pilot with key learnings to be applied across the wider education system and among whole school communities. Significantly, the *Traveller and Roma Education Strategy (TRES)* and *Traveller and Roma Education Strategy Plan for Implementation and Action 2024–2026* were published in 2024. The combined impact of the TRES and its Plan for Implementation and their focus on implementation, continued partnerships with the Traveller and Roma community, and the emphasis on an intergovernmental approach, suggests that work to improve the education experience of the Traveller and Roma communities will be supported to continue.

## Ireland's duties and responsibilities in international law



Articles 28 and 29 of the UN Convention on the Rights of the Child (UNCRC) provides that all children have the right to quality education, to enable children to maximise their ability and participate fully in their society.<sup>1</sup>

As the UN Committee on the Rights of the Child has noted, discrimination 'offends the human dignity of the child and is capable of undermining or even destroying the capacity of the child to benefit from educational opportunities'.<sup>2</sup> Indigenous children, which includes Traveller children, are particularly at risk of experiencing serious discrimination in accessing their rights, including in education, contrary to Article 2 of the UNCRC. Therefore, the Committee has found that children from minority backgrounds require special measures to ensure they can fully enjoy their rights.<sup>3</sup>

Education is a key enabler of economic, social and cultural rights, and strengthens access to civil and political rights.<sup>4</sup> Full realisation of the right to education for indigenous children is therefore considered by the UN Committee to be essential for achieving individual empowerment and self-determination of indigenous peoples.<sup>5</sup> Ireland committed to promote, respect and protect children's rights when it ratified the UNCRC in 1992. Ireland was last assessed on its progress in protecting the rights contained in the UNCRC in January 2023. The issue of education is identified in the Concluding Observations to the Committee as one of six areas where urgent measures should be taken.<sup>6</sup> The Committee called on the Irish State to strengthen measures to ensure Roma and Traveller children have

1 UNCRC General Comment No. 1 on Article 29(1) the Aims of Education (2001) CRC/GC/2001/1 para 12.

2 *ibid* para 10.

3 UNCRC 'General Comment No. 11 Indigenous children and their rights under the Convention' (2009) UN Doc CRC/C/GC/11 para 5.

4 *ibid* para 57.

5 *ibid*.

6 UNCRC, 'Concluding Observations Ireland' (2023) UN Doc CRC/C/IRL/CO/5-6, para 4.

equal access to quality education.<sup>7</sup> The Committee recommended that Ireland amend school admissions legislation; introduce measures that target improving educational outcomes for Roma and Traveller children, and develop the National Traveller Education Strategy.<sup>8</sup>

The Committee called for the collection of disaggregated data on education, including information on ethnicity, and the use of reduced school timetables.<sup>9</sup> This data should help to inform the development of policies to ensure equal access to quality education.<sup>10</sup> The Committee also recommended that the implementation of the reduced timetable guidelines should be effective, and measures should be developed to address their overuse, particularly amongst Traveller children.<sup>11</sup> The Committee also recommended that Ireland adopt the Traveller Culture and History in Education Bill and set up an advisory group to remove 'racist and negative stereotypes against ethnic minority groups in textbooks and curricula and to develop educational materials that promote intercultural dialogue and foster respect for and appreciation of racial, cultural, gender and other diversities.'<sup>12</sup>

The Committee urged for a timeline to be set for the next National Traveller and Roma Inclusion Strategy and the strengthening of measures to ensure the full enjoyment of Traveller and Roma children of their rights under the UNCRC including equal access to education.<sup>13</sup> The Committee also highlighted the need for clarification on the rights of Travellers as an ethnic minority.<sup>14</sup>

In March 2024 the UN Committee on Economic, Social and Cultural Rights highlighted again the lack of statistical data on school enrolment, dropout and irregular attendance rates across education levels and on educational achievement and results, disaggregated by age, sex, ethnic origin, national

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7 *ibid* para 37.

8 *ibid*.

9 *ibid*.

10 *ibid*.

11 *ibid*.

12 *ibid*.

13 *ibid*.

14 *ibid*.

origin, disability status and socioeconomic status. Two of the concerns it expressed were with regard to a) the persistent obstacles faced by Roma children, Traveller children and children from disadvantaged backgrounds in gaining access to and remaining in the State's education system without discrimination and b) the persistence of significant inequalities in educational attainment in particular for children belonging to ethnic, religious or other minorities and children from low-income families, which has the effect of limiting social mobility.<sup>15</sup>

## ► What is the context for this commitment?

Based on the 2022 census data, just under one per cent of the Irish population (32,949 people) identify as Travellers, which is a six per cent increase since the last census.<sup>16</sup> In contrast to the general population, most Travellers in Ireland are young, with over 50 per cent aged under 25 and almost 40 per cent under 15 years of age.<sup>17</sup> In 2023, data from the Department of Housing, Local Government, and Heritage annual count of Traveller families found that there were 12,367 families across all categories of accommodation.<sup>18</sup>

Census 2022 included Roma as a separate ethnic category for the first time. Just over 16,000 people identified as Roma, or 0.3 per cent of the population.<sup>19</sup>

Traveller and Roma children face significant structural discrimination in Ireland.<sup>20</sup> Persistent discrimination against the Traveller community contributes to poorer outcomes in health, education and employment, and lower life

15 UNESC 'Concluding Observations on the fourth periodic report of Ireland' (2024) UN Doc ESC/C/IRL/12, para 52.

16 Central Statistics Office, 'Census 2022 – Profile 5 Diversity, Migration, Ethnicity, Irish Travellers and Religion' <https://data.cso.ie/> accessed on 15 January 2024.

17 *ibid.*

18 Department of Housing, Local Government, and Heritage, Annual Count 2023, Total Number of Traveller Families in all categories of Accommodation <<https://www.gov.ie/pdf/?file=https://assets.gov.ie/307404/95860c75-ec5d-4122-8797-567b3a6f70d3.pdf#page=null>> accessed 14 February 2025.

19 *ibid.*

20 UNCRC, 'Concluding Observations Ireland' (2023) UN Doc CRC/C/IRL/CO/5-6.

expectancy.<sup>21</sup> Similarly, for the Roma community, persistent poverty and inadequate standards of living jeopardise their health and wellbeing, as well as access to education.<sup>22</sup>

The experience and attainment of Traveller and Roma children at school is of particular concern when compared to the rest of the population.<sup>23</sup> The Department of Children, Equality, Disability, Integration and Youth published a report in January 2025 with an analysis of Roma data from the census<sup>24</sup> which captures the rate of transfer from early years settings to primary school to post-primary school. It should be noted that these numbers are based on the number of people who have self-identified as Roma or Traveller and may not be a full representation of the actual numbers.<sup>25</sup>

Academic Year	<b>Roma Children entering Junior Infants from ECCE/ Pre School setting</b>	<b>Traveller Children entering Junior Infants from ECCE/ Pre School setting</b>	<b>General Population entering Junior Infants from ECCE/ Pre School setting</b>
<b>2022/2023</b>	<b>64.7 per cent</b>	<b>74 per cent</b>	<b>92.3 per cent</b>

\* Department of Children, Equality, Disability, Integration, Youth, *Statistical Spotlight #14: Roma in Ireland* (DCEDIY 2024) 26-27.

Academic Year	<b>Rate of transfer from primary school to post-primary school Roma Children</b>	<b>Rate of transfer from primary school to post-primary school for Travellers</b>	<b>National transfer rate primary to post-primary school</b>
<b>2022/2023</b>	<b>89 per cent</b>	<b>83 per cent</b>	<b>96 per cent</b>

\* Department of Children, Equality, Disability, Integration, Youth, *Statistical Spotlight #14: Roma in Ireland* (DCEDIY 2024) 26-27.

21 Department of Health, *All Ireland Traveller Health Study: Our Geels* (UCD 2010). See also: F Kennedy, A Ward, D Mockle, J Villani, J Broderick, 'Scoping review on Physical Health Conditions in Irish Travellers (Minceiri)' *BMJ Open* 2023 Aug 28; 13(8).

22 Pavee Point & Department of Justice and Equality, *Roma in Ireland: A National Needs Assessment* (Pavee Point 2018) 59-66.

23 Department of Education, *Pupils from the Traveller Community 2016-20* (2023).

24 Department of Children, Equality, Disability, Integration, Youth, *Statistical Spotlight #14: Roma in Ireland* (DCEDIY 2024) 26-27.

25 *ibid.*

Data published in 2024 by the Department of Education found that the lowest retention rates in education by ethnicity were Roma children and young people at 58.9 per cent and Traveller children and young people at 26.5 per cent.<sup>26</sup> The retention rates for Traveller children and young people continue to rise gradually for the Junior Certificate but has decreased for Leaving Certificate completion, a trend which is mirrored in the majority population.<sup>27</sup> There was a total of 766 Traveller first-year students entering post-primary schools in 2017, an increase of 116 pupils since the 2016 entry cohort. Of these, 600 completed the Junior Certificate (78.3 per cent) with 203 students continuing to complete the Leaving Certificate (26.5 per cent).<sup>28</sup> The retention rates for Roma students decreased from 88.0 per cent for the 2016 cohort to 86.8 per cent for Junior Certificate and decreased from 65.0 per cent to 58.9 per cent for the Leaving Certificate. There was a total of 151 Roma first-year students entering post-primary schools in 2017, an increase of 34 students since the 2016 entry cohort. Of these, 131 completed the Junior Certificate (86.8 per cent) with 89 students continuing to complete the Leaving Certificate (89.9 per cent).<sup>29</sup> Less than 1 per cent of new entrants to Higher Education in the 2020/21 academic year were from the Traveller community with 119 Traveller students enrolled.<sup>30</sup>

Significant financial barriers can help explain lower rates of school completion amongst Traveller and Roma children. Traveller families are more likely to experience unemployment and have a greater number of children than the majority population.<sup>31</sup> Similarly, poverty and inadequate standards of living, including overcrowded accommodation, have been identified as significant obstacles to Roma children's attendance and participation in education.<sup>32</sup>

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26 Department of Education, *Retention Rates of Pupils in Second Level Schools, Entry Cohort 2017* (DE 2024) 12.

27 *ibid* 13.

28 *ibid* 13.

29 *ibid* 14.

30 Communication received by the Children's Rights Alliance from the Irish Traveller Movement on 10 February 2025.

31 Kathleen Marie Lawrence, *Traveller outcomes in education: A Traveller perspective* (Maynooth University 2017) 8.

32 Pavee Point & Department of Justice and Equality, *Roma in Ireland: A National Needs Assessment* (Pavee Point 2018) 114.



**Poverty and inadequate standards of living, including overcrowded accommodation, have been identified as significant obstacles to Roma children's attendance and participation in education.**

Aligned to this, the marginalisation of Traveller and Roma culture within the Irish education system adversely affects young people's sense of belonging and place.<sup>33</sup>

In March 2022, DCU's Anti-Bullying Centre published research, commissioned by the Department of Education, on the effectiveness of the Department's anti-bullying procedures on Traveller and Roma experiences in the school system.<sup>34</sup> Traveller pupils described teacher behaviour that was 'demeaning and made them feel unwanted and excluded'.<sup>35</sup> The research found that reports of bullying were not always investigated,<sup>36</sup> and there was also evidence to suggest that being bullied influenced students' attendance and their decision to leave school.<sup>37</sup> This research provided an important evidence base for the development of *Cineáltas*,<sup>38</sup> which sets out a whole-education approach to preventing and addressing bullying in schools.<sup>39</sup>

## ► What has been achieved for children and young people so far?

In the *Programme for Government*, the Government committed to undertaking an evaluation of the pilot projects aimed at retaining Traveller and Roma children in education.<sup>40</sup>

### Supporting Traveller and Roma (STAR) Pilots

A key commitment under the original National Traveller and Roma Inclusion Strategy was that access, participation, and outcomes for Travellers and Roma

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33 Kathleen Marie Lawrence, *Traveller outcomes in education: A Traveller perspective* (Maynooth University 2017); Pavee Point & Department of Justice and Equality, *Roma in Ireland: A National Needs Assessment* (Pavee Point 2018).

34 Communication received by the Children's Rights Alliance from the Department of Education on 29 November 2022. It is important to qualify the results of the research at the outset by acknowledging that the study was not a prevalence study and that due to the size of the sampling used, any prevalence statistics should be interpreted with caution.

35 Dublin City University, *A study into the effectiveness of Anti-Bullying Procedures on Traveller and Roma pupils' experiences in the school system* (2022) 54.

36 *ibid.*

37 *ibid.*

38 Department of Education, *Cineáltas: Action Plan on Bullying*, (Department of Education 2022).

39 *ibid.*

40 Government of Ireland, *Programme for Government, Our Shared Future* (Government Publications 2020) 77.



in education should be improved to achieve outcomes equal to those for the majority population.<sup>41</sup> On foot of these, a number of actions were undertaken or commenced to better understand and address the barriers that Traveller and Roma children face in education, including a pilot project, Supporting Traveller and Roma (STAR), aimed at improving Traveller and Roma attendance, participation, and retention in education.<sup>42</sup> As well as supporting educational participation and engagement, the aim of the pilot is to increase engagement with parents, schools, and the community. The Government has stated that the pilot will inform the development of policy and innovative solutions to issues identified as barriers to participation and engagement.<sup>43</sup>

The 'STAR' pilot began in September 2019 with three sites – Galway, Wexford, and Dublin - with a fourth site in Cork joining in 2020.<sup>44</sup> The specific areas the pilot covers are Tuam, Bunclody / Enniscorthy, Cork and Finglas / Ballymun / Coolock in Dublin. The project was completed in June 2024 with the extension of supports to June 2025.<sup>45</sup> The Department of Education has stated that the pilot project has cost circa €1.1 million per year which is co-funded by the Department of Education and the Department of Children, Equality, Disability, Integration and Youth.<sup>46</sup> This includes funding from the Department of Children for community link workers.<sup>47</sup>

Each pilot area was provided with an additional Educational Welfare Officer, funded by the Department of Education via Tusla Education Support Services (TESS); an additional Home School Community Liaison (HSCL) co-ordinator, funded by the Department of Education and two additional Traveller and Roma education workers, funded by the Department of Children, Equality,

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41 Department of Justice and Equality, *The National Traveller and Roma Inclusion Strategy 2017-2021* (Department of Justice and Equality 2017) 25-26.

42 Communication received by the Children's Rights Alliance from the Department of Education on 17 February 2023.

43 Enda Hughes, Principal Officer, Department of Education, Joint Committee on Education and Skills and Joint Committee on Key Issues affecting the Traveller Community, 3 December 2019.

44 Communication received by the Children's Rights Alliance from the Department of Education on 20 January 2021.

45 Communication received by the Children's Rights Alliance from the Department of Education on 20 December 2024.

46 Communication received by the Children's Rights Alliance from the Department of Education on 13 December 2024.

47 *ibid.*

Disability, Integration and Youth (DCEDIY).<sup>48</sup> Funding provided by the Department of Education is in respect of four Home School Community Liaison Officer posts and Educational Welfare Officer posts at just over €500,000 per year.<sup>49</sup>

In January 2025, the Department of Education the *Evaluation of the STAR Pilot Project Report*, conducted by The Centre for Effective Services (CES).<sup>50</sup> The evaluation team conducted fieldwork across the four STAR pilot sites as part of their qualitative data collection.<sup>51</sup> This included a series of focus groups with children and young people across the four pilot sites, with parents of those in the project, and with STAR teams.<sup>52</sup> Surveys and interviews were also conducted as part of the process.<sup>53</sup>

One of the key findings of the STAR pilot was to consider the potential advantages of community education link workers coming from the Traveller and/or Roma communities to help tackle educational disadvantage among Travellers and Roma.<sup>54</sup> Preliminary evaluation data was acted upon in October 2024 with the announcement of €1.25 million in funding to establish 12 Community Link Worker roles to support Traveller and Roma children at risk of educational disadvantage.<sup>55</sup> Community Link Workers will work across several schools in areas where there are high numbers of Traveller and Roma children and young people.<sup>56</sup> Their roles focus on fostering greater engagement with Traveller and Roma families to facilitate successful communication, promote positive relationships, and to support the learning of Traveller and Roma children and young people.<sup>57</sup> This number of community link workers has

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48 Communication received by the Children's Rights Alliance from the Department of Education on 20 January 2021.

49 Communication received by the Children's Rights Alliance from the Department of Education on 20 December 2024

50 Press Release: Department of Education, Publication Evaluation of STAR Pilot Project Report <<https://bit.ly/4hb4n6L>> accessed 23 January 2025.

51 Centre for Effective Services (CES), *Evaluation of the STAR Pilot Project Report*, (Centre for Effective Services January 2025).

52 *ibid.*

53 *ibid.*

54 *ibid.*

55 *ibid.*

56 *ibid.*

57 *ibid.*

been increased since the initial announcement from 12 to 15 due to additional funding.<sup>58</sup> This is a scaling up of a key part of the work being done in the STAR regional pilot on a national level.<sup>59</sup>

In relation to young Travellers, the evaluation found that there was an increased sense of belonging in school and pride in identity as well as an increased knowledge and awareness of their culture.<sup>60</sup> There was improved learning, school attendance, and access to education and employment.<sup>61</sup> There was also an enjoyability with regard to the STAR pilot project overall.<sup>62</sup> The evaluation outlined the mechanisms that facilitated the outcomes for the young people.<sup>63</sup> These included **a)** delivery of activities that are enjoyable, provide new opportunities, promote skills and personal development, and increase cultural awareness **b)** the provision of support, guidance and encouragement to children/young people from STAR teams **c)** the delivery of attendance incentives/initiatives and the positive attributes of STAR workers and **d)** the development of trusting relationships.

In relation to parents, the evaluation found that there was an increased sense of belonging in their children's school and their ability to navigate the education system.<sup>64</sup> There was an improvement in home-school communication and collaboration.<sup>65</sup> Parents enjoyed the activities and there was both skill and personal development.<sup>66</sup> Significantly, there was parental reassurance around the child's safety and wellbeing.<sup>67</sup> The mechanisms outlined to achieve those outcomes are identified as **a)** the establishment of 'trusting' relationships over time between parents and STAR workers **b)** the provision of guidance and practical support to parents by STAR workers and **c)** the delivery of activities that are new, enjoyable and provide opportunities for skill development, personal development, and social interaction.

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58 *ibid.*

59 *ibid.*

60 *ibid.*

61 *ibid.*

62 *ibid.*

63 *ibid.*

64 *ibid.*

65 *ibid.*

66 *ibid.*

67 *ibid.*

The outcomes for schools participating in STAR included increased engagement and communication with parents, increased visibility, understanding and celebrating of Traveller and Roma cultures throughout the school community and an improved ability among school staff to recognise and respond to barriers relating to attendance, participation, retention, and learning.<sup>68</sup> The improvements were driven by **a)** strong and committed leadership in schools combined with whole school participation, **b)** positive attributes of STAR workers and the establishment and maintenance of positive collaborative relationships with schools and **c)** access to additional resources.<sup>69</sup>

The evaluation also looked at the outcomes in relation to community groups and services. It found that there were improved relationships and trust built between schools, community organisations and services; an increased visibility and understanding of circumstances/barriers experienced by Traveller and Roma community; and an increased visibility of, and access to, services available in the community. Interagency collaboration also improved.<sup>70</sup>

## Traveller and Roma Education Strategy 2024-2030

The *Traveller and Roma Education Strategy (TRES)* was published in July 2024 by the Minister for Education, the Minister for Children, Equality, Disability, Integration and Youth and the Minister for Further and Higher Education, Research, Innovation and Science<sup>71</sup> demonstrating the cross-government and collaborative approach taken and evident in the development of the strategy.

The *Strategy* aims to address barriers and challenges faced by Traveller and Roma learners across the educational life cycle, including early learning and childcare,



68 *ibid.*

69 *ibid.*

70 *ibid.*

71 Government of Ireland, *Traveller and Roma Education Strategy 2024-2030* (Government Publications 2024).

primary and post-primary school, and further and higher education.<sup>72</sup> It also seeks to enhance the educational experience and success of the Traveller and Roma community.<sup>73</sup> The *TRES* presents a significant framework for addressing the lack of cross-governmental collaboration and represents a commitment to address educational inequalities experienced by Traveller and Roma children with a strong focus on working in collaboration with these communities and their representative organisations. The *Traveller and Roma Education Strategy Plan for implementation and action 2024–2026* provides a road map for implementation and evaluation in the initial years of the strategy.<sup>74</sup>

A Traveller and Roma Education Strategy Advisory Group was established to guide, oversee and contribute toward strategy development. This group consisted of Traveller & Roma people, education stakeholders and departmental representatives across the Department of Education, Department of Children, Equality, Disability, Integration and Youth and the Department of Further and Higher Education, Research, Innovation and Science.<sup>75</sup>

Consultation with Traveller and Roma families and communities was organised to ensure maximum engagement, the foundation of which was informed by reports gathered through the development of the second National Traveller Roma Inclusion Strategy.<sup>76</sup> Six consultations took place, four of which were with the Traveller community and two with the Roma community. A public online survey was launched in July 2023 with a social media campaign was run to increase awareness. An independent report was also developed in tandem with Traveller and Roma organisations.<sup>77</sup> In addition, the strategy drew upon research studies conducted in support of Equal Start concerning early learning and childcare and the *National Action Plan for Equity of Access to Higher Education (2022-2028)*.<sup>78</sup>

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72 *ibid.*

73 *ibid.*

74 Department of Education, *Traveller and Roma Education Strategy Plan for implementation and action 2024–2026* (DE 2024).

75 Pavee Point, Note on the National Traveller and Roma Education Strategy (TRES) 2024/2030 and the TRES Plan for Implementation and Action 2024/2026 (November 2024) < <https://www.paveepoint.ie/wp-content/uploads/2024/12/Pavee-Point-Note-on-the-Traveller-and-Roma-Education-Strategy.pdf> > accessed 14 February 2025.

76 Government of Ireland, *Traveller and Roma Education Strategy 2024-2030* (Government Publications 2024) 17-19.

77 *ibid.*

78 *ibid.*



**The *TRES* presents a significant framework for addressing the lack of cross-governmental collaboration and represents a commitment to address educational inequalities experienced by Traveller and Roma children with a strong focus on working in collaboration with these communities and their representative organisations.**

The *TRES* identifies actions under four Pillars - Participation and Experience, Access and Outcomes, Partnership, and Delivering Change.<sup>79</sup> Each Pillar has an associate goal, key actions and outcome. Key actions include:

- ▶ increasing the number of young people remaining in school to 6th year and achieving a Leaving Certificate;
- ▶ promoting inclusion and diversity training through teacher professional learning;
- ▶ addressing racism and discrimination by developing more targeted cultural competence training;
- ▶ teaching Traveller culture and history through the curriculum and introducing initiatives to improve Traveller and Roma's education experience;
- ▶ continuing to develop the range of data related to Traveller and Roma education that is collected, analysed and published, with a focus on making data publicly available where it is used for decision making;
- ▶ increasing the range of disaggregated and qualitative data that is captured; and
- ▶ promoting diversity in the education sector workforce.<sup>80</sup>

The *TRES* also commits to 'work towards equivalent rates of young Traveller and Roma children participating in inclusive, quality early learning and care and school age childcare services to the same level as the general population through the Equal Start funding model and its associated universal and targeted actions.'<sup>81</sup> New link workers and coordinator roles in early learning and care (ELC) and school age childcare (SAC) settings will be introduced. For the school sector, there will be new coordinator roles to drive the implementation of the Strategy. The *TRES* also commits to 'establish a permanent STAR coordinator role to scale the learnings from the STAR pilot project, including expanding the STAR communities of practice and the STAR

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79 Communication received by the Children's Rights Alliance from the Department of Education on 20 December 2024.

80 Government of Ireland, *Traveller and Roma Education Strategy 2024-2030* (Government Publications 2024).

81 *ibid* 29.

Ambassador programme.<sup>82</sup> Importantly, *TRES* also commits to develop a specific consultation and engagement plan through the student participation unit in the Department of Education to ensure that Traveller and Roma children and young people ensure they have continued meaningful participation in the implementation of the Strategy.<sup>83</sup>

The Traveller and Roma Education Forum, which held its first meeting in November 2024, will facilitate continued collaboration with Traveller and Roma organisations.<sup>84</sup> The Forum will also support the development and implementation of two additional *Plans for Implementation and Action (2026-2028 and 2028-2030)*.<sup>85</sup> An Oversight Group has been established to ensure effective governance through regular monitoring and oversight of *TRES* actions and the first meeting took place at the end of January 2025.<sup>86</sup> This group includes members from Traveller and Roma organisations and an independent co-chair.<sup>87</sup> A progress report will be published following each oversight meeting.<sup>88</sup> To avoid duplication and ensure alignment, education-based actions under *NTRIS II* will be monitored within this group and reported to a *NTRIS* steering group.<sup>89</sup>

## Traveller Culture and History

The *TRES* commits to 'progress the work by the National Council for Curriculum and Assessment (NCCA) on supporting teaching and learning about Traveller culture and history within the curriculum, including providing supports for the Traveller community to assist in the development of relevant material for schools'.<sup>90</sup> The *Implementation Plan* sets out that the National

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82 *ibid* 35.

83 *ibid* 36.

84 Communication received by the Children's Rights Alliance from the Department of Education on 20 December 2024.

85 *ibid*.

86 *ibid*.

87 *ibid*.

88 Communication received by the Children's Rights Alliance from the Department of Education on 12 February 2025.

89 Communication received by the Children's Rights Alliance from the Department of Education on 20 December 2024.

90 Government of Ireland, *Traveller and Roma Education Strategy 2024-2030* (Government Publications 2024) 1.5.



Council for Curriculum Assessment (NCCA) will publish classroom exemplars of incorporating Traveller culture and history into the curriculum by December 2024.<sup>91</sup> These have yet to be published. Traveller organisations have expressed concern that these exemplars are not be co-designed with Travellers.<sup>92</sup>

## Other Education Supports for Traveller and Roma children and young people

The Minister for Rural and Community Development announced funding for additional projects related to Traveller and Roma education to be delivered by TESS under the 2024 Dormant Accounts.<sup>93</sup> Funding has been allocated to update and reproduce School Avoidance Packs<sup>94</sup> for all schools; an educational development programme to enhance outcomes for children from Traveller and Roma communities by removing barriers to have a positive impact on attendance; participation and retention in Balbriggan/Skerries and Cavan/Monaghan; and a project to create webinars with themes around diversity and inclusion including a focus on Traveller and Roma young people.<sup>95</sup> In October 2023, the Department of Education issued a once-off payment, the Attendance Campaign Support Grant, to all primary and post-primary schools to support them in tackling attendance challenges.<sup>96</sup> The grant is focused on enhancing and supporting regular school attendance with a particular emphasis on aiding children and young people at risk of educational disadvantage.<sup>97</sup>

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91 Department of Education, *Traveller and Roma Education Strategy Plan for implementation and action 2024–2026* (DE 2024) 15.

92 Communication received by the Children's Rights Alliance from the Irish Traveller Movement on 10 February 2025.

93 Communication received by the Children's Rights Alliance from the Department of Education on 13 December 2023.

94 The pack was developed to provide information and practical tools on how to address emotionally based school avoidance.

95 Communication received by the Children's Rights Alliance from the Department of Education on 13 December 2023.

96 *ibid.*

97 *ibid.*

## Preventing and Addressing Bullying Behaviour

The *Bí Cineálta Procedures to Prevent and Address Bullying Behaviour for Primary and Post-Primary Schools* were published in June 2024 and will take effect from the beginning of the 2025/2026 school year.<sup>98</sup> Implementation of the procedures is supported by a suite of professional learning resources and information sessions for all school staff, board of management members and parents.<sup>99</sup> Oide<sup>100</sup> has also developed a new seminar, "Fostering a Culture of Inclusion," for teachers and school leaders.<sup>101</sup> These are all positive measures. The importance of staff having an intercultural awareness is highlighted by the Irish Traveller Movement<sup>102</sup> as well as in the STAR pilot evaluation, where one of the recommendations calls for cultural competency and anti-racism training to be provided to staff as part of initial teacher education and continuous professional development.<sup>103</sup>

### ► What children and young people need next

The *Traveller and Roma Education Strategy (2024-2030)* represents a critical step toward enacting change to achieve educational equity for Travellers and Roma. The *TRES* seeks to address the specific challenges and barriers faced by these communities to build a system of education that values diversity and creates a learning environment that affords students parity of access and outcome through providing the support, recognition and respect necessary to succeed. It is important that the initial momentum in implementing the *Strategy* is maintained throughout the lifetime of the *TRES*.

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98 Communication received by the Children's Rights Alliance from the Department of Education on 20 December 2024.

99 *ibid.*

100 Oide is a support service for teachers and school leaders, funded by the Department of Education. Oide provides high-quality professional learning supports and services to teachers and school leaders < <https://bit.ly/3PTorVL> > accessed 14 February 2025.

101 Communication received by the Children's Rights Alliance from the Department of Education on 20 December 2024.

102 Communication received by the Children's Rights Alliance from the Irish Traveller Movement on 9 December 2024.

103 Centre for Effective Services (CES), *Evaluation of the STAR Pilot Project Report*, (Centre for Effective Services January 2025), 17.

It is really positive to see the independent evaluation of the pilot projects being published in January 2025 and the positive outcomes associated with STAR in its pilot phase. The evaluation reports that the STAR pilot project has been widely welcomed by service users and that the merits of the project are acknowledged by stakeholders, including school staff.<sup>104</sup> This stands in contrast to the historical experiences of the Traveller and Roma communities in education.<sup>105</sup> Overall, the evaluation found the STAR pilot project to be an innovative, holistic programme that supports individuals and schools and that, with continued investment, commitment and time, has the potential to be transformative for Traveller and Roma communities.<sup>106</sup>

It is crucial that the learnings from the independent evaluation apply to any programmes and interventions that seek to support Roma and Traveller communities' engagement in education, especially the importance of the development of trusting relationships; the increase in cultural awareness and the support; and the guidance and encouragement given to children, young people and their parents from STAR teams. Furthermore, the significance of parents feeling an increased sense of belonging in their children's school and an increased sense of ability to navigate the education system must be acknowledged, in terms of the potential impact of that on the improvements and outcomes for children and young people.

As consideration is given to the various findings and recommendations emerging from the evaluation, it will be important that these are clearly located within the wider education system and explored in terms of how they connect with and indeed strengthen existing relevant policies, guidance, initiatives, and practices.<sup>107</sup> The learning and good practice generated through the STAR pilot project process should also be effectively integrated into the curriculum, mainstream education provision and services, and the wider education system.<sup>108</sup>

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104 Centre for Effective Services (CES), *Evaluation of the STAR Pilot Project Report*, (Centre for Effective Services January 2025) 145.

105 *ibid.*

106 *ibid.*

107 *ibid* 17.

108 *ibid* 21.

## ➔ Recommendations

- ▶ Ensure that the implementation of the *Traveller and Roma Education Strategy (2024-2030)* continues on schedule in line with the targets set out in the *Plan for implementation and action 2024–2026*.
- ▶ Examination and due consideration to be given as to whether additional STAR sites nationally are required to consolidate and extend the positive outcomes already achieved.
- ▶ Ensure that resources are made available to continue the positive impact achieved and to consider the extension of the existing STAR pilot sites beyond June 2025 while the mainstreaming of initiatives and practice occurs.

**7**

# Children in Adult Psychiatric Facilities

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Section Grade:

**E**



## The Programme for Government commits to:

Work to end the admission of children to adult psychiatric units by increasing in-patient beds, as well as examining the model of assigning these beds.

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▶ Progress: **Limited**

'Children in adult psychiatric facilities' receives an 'E' grade, the same as the 'E' grade received last year. There has been a welcome decrease in the number of children admitted to adult psychiatric units in 2024, and indeed over the course of this *Programme for Government*. In 2024, there were 51 operational in-patient beds in four public child in-patient units. As of 2024, these units have begun accepting emergency out-of-hours admissions. Waiting lists remained high in 2024, with 3,830 children awaiting a first appointment with Child and Adolescent Mental Health Services (CAMHS). While the Mental Health (Amendment) Bill lapsed at the dissolution of the 33rd Dáil in November 2024, indications are that it will be a priority piece of legislation in the 34th Dáil. However, its reintroduction to the Oireachtas in its current format is worrying given that the Bill does not legislate to ban admitting children to adult in-patient psychiatric wards.

## Ireland's duties and responsibilities in international law



The UN Convention on the Rights of the Child (UNCRC) affords every child the right to the highest attainable standard of physical and mental health.<sup>1</sup> This right covers the full spectrum of health and wellbeing and fulfilling the right requires 'a comprehensive multisectoral response ... through integrated systems ... that involve parents, peers, the wider family and schools and the provision of support and assistance through trained staff.'<sup>2</sup> The UN Committee on the Rights of the Child endorses a public health and psychosocial support approach to mental health rather than overmedicalisation and institutionalisation.<sup>3</sup>

In order to uphold the right to the best possible health provision for children, treatment facilities should be available to all and staffed by an appropriately trained workforce, with accountability and oversight to ensure that quality assurance standards are met.<sup>4</sup> For children with acute needs who require support in a psychiatric unit, the Committee is clear that adolescents should be separated from adults, where appropriate, and any decision on their care should be made in accordance with their best interests.<sup>5</sup>

Ireland committed to promote, protect, and respect children's rights, including the right to health, when it ratified the United Nations Convention on the Rights of the Child (UNCRC) in 1992. As part of this, Ireland agreed to be reviewed every five years on its progress in implementing the rights in the Convention.

Ireland was last examined by the Committee in 2023. In its Concluding Observations, the Committee expressed serious concerns relating to

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- 1 UN Convention on the Rights of the Child (20 November 1989) 1577 UNTS 3 (UNCRC) Art 24.
  - 2 UN Committee on the Rights of the Child (CRC), *General comment No. 20 (2016) on the implementation of the rights of the child during adolescence*, 6 December 2016, CRC/C/GC/20, para 58.
  - 3 *ibid.*
  - 4 UN Committee on the Rights of the Child (CRC), *General comment No. 15 (2013) the right of the child to the enjoyment of the highest attainable standard of health (art. 24)*, 1 February 2013 CRC/C/GC/15 para 27.
  - 5 UNCRC 'General Comment No. 4 on Adolescent Health and Development in the Context of the Convention on the Rights of the Child' (2003) UN Doc CRC/GC/2003/4 para 29.

mental health policy for children and young people and identified the issue of mental health as one of six areas where urgent measures should be taken.<sup>6</sup>

The Committee raised concerns about insufficient and inadequate services; the long waiting lists; the placement of children in adult psychiatric wards; and the impact that racism and discrimination is having on the mental health of children from ethnic minorities, as well as the slow progress in developing a mental health action plan for Traveller and Roma children.<sup>7</sup>

The Committee recommended that Ireland make revisions to the Mental Health Act and Assisted Decision-Making (Capacity) Act to ensure 'an explicit prohibition of the practice of placing children with mental health issues in adult psychiatric units.'<sup>8</sup> The Committee urged the Irish State to increase its resources in this area, as well as ensure that the number of mental health professionals meets the needs of children.<sup>9</sup> The Committee also called for the allocation of resources to expand the children's mental health advocacy and information service.<sup>10</sup>

## ► **What is the context for this commitment?**

Ending child admissions to adult psychiatric wards is a key commitment to ensuring that all children receive the right support in the right environment for their mental health.

Experience of mental ill-health and poor emotional wellbeing can have a significant adverse impact on children, affecting their experiences and attainment at school, their friendships and family relationships, and their

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6 UNCRRC, 'Concluding Observations Ireland' (2023) UN Doc CRC/C/IRL/CO/5-6, para 4.

7 *ibid* para 31.

8 *ibid* para 32.

9 *ibid*.

10 *ibid*.



day-to-day lives.<sup>11</sup> While there has been some reduction since the start of the decade, 2021 data shows that over eight in every 100,000 young people aged 15 to 19 die by suicide in Ireland.<sup>12</sup> According to the World Health Organisation, suicide is the third leading cause of death for 15- to 29-year-olds globally.<sup>13</sup> While mental health problems are not selective, certain groups of children are at greater risk of poor mental health, particularly children who have experienced abuse or neglect,<sup>14</sup> including domestic abuse,<sup>15</sup> children living in poverty,<sup>16</sup> children who have experienced discrimination, including homophobia or transphobia,<sup>17</sup> and children with chronic physical health conditions.<sup>18</sup>

## ► What has been achieved for children and young people so far?

### Use of Adult Facilities

In 2024, there were five child admissions to adult psychiatric units, which marks a decrease from the 12 child admissions to adult units in 2023. This is in line with the welcome downward trajectory over the past seven years.<sup>19</sup>

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11 JM de Lijster, et al, *Social and academic functioning in adolescents with anxiety disorders: A systematic review*, (2018) *Journal of Affective Disorders*; Whear, Ukoumunne, Bethel, Thompson-Coon, Stein & Ford *School exclusion in children with psychiatric disorder or impairing psychopathology: a systematic review* (2014) *Emotional and Behavioural Difficulties*, 20.

12 CSO, 'Suicide Statistics 2021', (CSO, 2024) <<https://bit.ly/3CjDhuX>> Accessed 22 January 2025.

13 World Health Organisation, 'Suicide', (WHO, 2024) <<https://bit.ly/4hprSIX>> Accessed 22 January 2025.

14 K Sharratt, SJ Mason, N Wager, 'Childhood Abuse and Neglect, Exposure to Domestic Violence and Sibling Violence: Profiles and Associations with Sociodemographic Variables and Mental Health Indicators' (2023) *Journal of Interpersonal Violence* Vol 38, Iss 1-2, 1141-1162.

15 *ibid.*

16 S Wickham, M Whitehead, D Taylor-Robinson, B Barr, *The effect of a transition into poverty on child and maternal mental health: A longitudinal analysis of the UK millennium cohort study* (2017) *The Lancet Public Health*, 2(3).

17 T Dürrbaum, F A. Sattler, *Minority stress and mental health in lesbian, gay male, and bisexual youths: A meta-analysis* (2020) *Journal of LGBT Youth* 17:3; Liu & Mustanski, *Suicidal Ideation and Self-Harm in Lesbian, Gay, Bisexual, and Transgender Youth* (2012) *American Journal of Preventative Medicine*, 42(3).

18 V E. Cobham, et al., *Systematic Review: Anxiety in Children and Adolescents With Chronic Medical Conditions*, (2020) *Journal of the American Academy of Child & Adolescent Psychiatry*, 59(5).

19 Communication received by the Children's Rights Alliance from the Department of Health on 13 January 2025.



**Certain groups of children are at greater risk of poor mental health, particularly children who have experienced abuse or neglect, poverty, discrimination, and children with chronic physical health conditions.**

While young people have described the experience of being placed in an adult psychiatric ward as 'traumatic',<sup>20</sup> of the five child admissions to adult units in 2024, none occurred due to a lack of available beds in a Child and Adolescent Mental Health Services (CAMHS) unit.<sup>21</sup> This is very welcome progress on the enhancement of CAMHS services and improved access to beds, especially considering 31 per cent of child admittances to adult units in 2021 were due to there being no available beds in a CAMHS unit.<sup>22</sup> The five cases in 2024 were instead due to factors such as clinical necessity, the wishes of the young person and their family, and geographical distance to a CAMHS unit.<sup>23</sup> The five children admitted were aged between 16 and 17, and all remained in the adult unit for less than three days.<sup>24</sup> It is positive that the wishes of the young person and their families were taken into consideration, and that the time of admission was short.

### Child Admissions to Adult Units 2018 - 2024

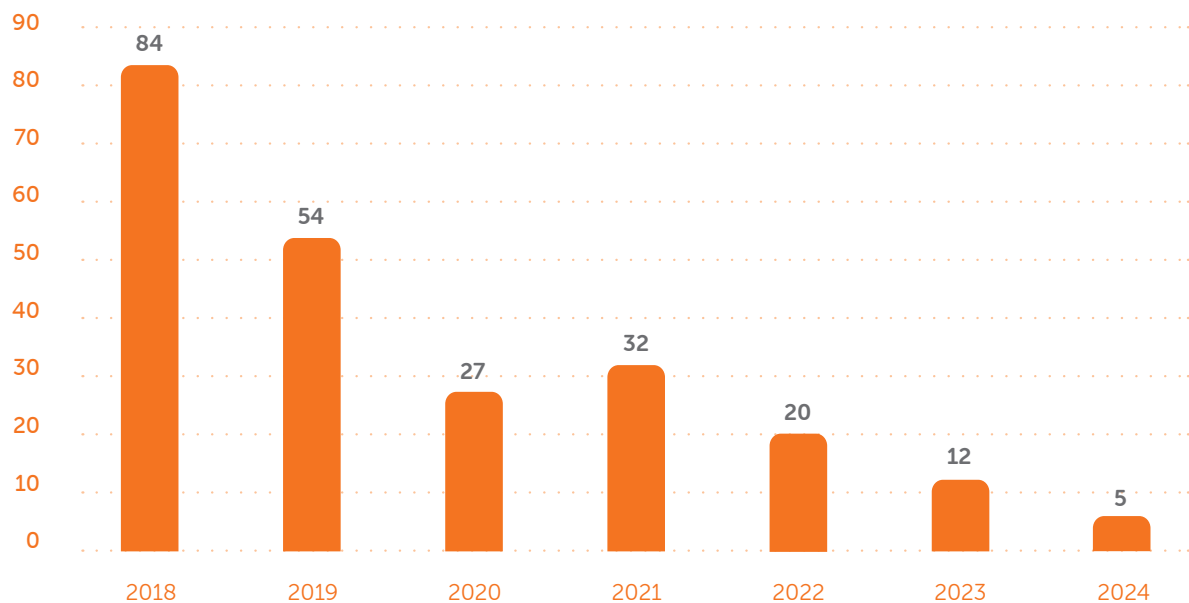


Fig.1 Data Source: Provided from a Communication received by the Children's Rights Alliance from the Department of Health on 13 January 2025.

20 Ombudsman for Children's Office, *'Take My Hand Young People's Experiences of Mental Health Services – A report by the Ombudsman for Children's Office'* (OCO 2018) 40.

21 Communication received by the Children's Rights Alliance from the Department of Health on 13 January 2025.

22 Mental Health Commission, *Annual Report 2021* (MHC 2022) 33.

23 Communication received by the Children's Rights Alliance from the Department of Health on 13 January 2025.

24 *ibid.*

The Mental Health Commission's Code of Practice states that the placement of children in adult wards would be phased out by the end of 2011.<sup>25</sup> Over a decade later, while we have seen significant reductions in the numbers of children placed in adult units, some children continue to be placed in age-inappropriate facilities. The Department of Health has confirmed that, taking into consideration the clinical need of children and the services they require, it may not be the case that Ireland will reach a point where there are absolutely no children using adult facilities.<sup>26</sup> This is reflected in the 2024 figures, where although there was a sufficient number of beds in CAMHS units for the five children, other factors such as geographical location and clinical necessity, prevented admittance in some cases.<sup>27</sup>

The Mental Health Commission observes that a child's 'first introduction to mental health care should not be through a service or building that is not specifically equipped to support their needs'.<sup>28</sup> Children who are placed in adult psychiatric wards are receiving care in a unit which is not designed with their specific needs in mind. The Mental Health Commission has noted its concern that there was zero per cent compliance in 2020,<sup>29</sup> 2021,<sup>30</sup> and 2023.<sup>31</sup> Similarly, only one of nine inspected centres in 2022<sup>32</sup> was in compliance with the Code of Practice on the admission of children to approved centres. This is due to the majority of services not providing age-appropriate facilities or programmes of activities appropriate to children admitted to adult units.<sup>33</sup>

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25 Mental Health Commission, *Code of Practice Relating to Admission of Children under the Mental Health Act 2001: Addendum* (MHC 2009).

26 Communication received by the Children's Rights Alliance from the Department of Health on 29 January 2024.

27 Communication received by the Children's Rights Alliance from the Department of Health on 13 January 2025.

28 Mental Health Commission, *Annual Report 2020* (MHC 2021) 5.

29 *ibid* 20.

30 Mental Health Commission, *Annual Report 2021* (MHC 2022) 21.

31 Mental Health Commission, *Annual Report 2023* (MHC 2024) 44.

32 Mental Health Commission, *Annual Report 2022 (2023)* 23. See also Mental Health Commission, *Code of Practice Relating to Admission of Children under the Mental Health Act 2001* (MHC 2006); Mental Health Commission, *Code of Practice Relating to Admission of Children under the Mental Health Act 2001 Addendum* (MHC 2009).

33 *ibid*.

## Sharing the Vision

The previous mental health policy framework, *A Vision for Change*, had a target of providing 100 in-patient beds in child units, which was based on the child population when it was published in 2006.<sup>34</sup> The updated version of this policy, *Sharing the Vision*, which was published in 2020 and runs until 2030, does not contain any targets for expanding capacity in child in-patient units.<sup>35</sup> *Sharing the Vision* acknowledges that adult in-patient units are not appropriate environments for children and states that where there are no available CAMHS beds 'and short-term admission to an adult unit is the only option, then a range of actions are necessary [...] consistent with the CAMHS in-patient standard operating guidelines to provide appropriate, effective and safe care'.<sup>36</sup>

## In-Patient Capacity

The Mental Health Commission recorded 98 beds in six child in-patient units in 2023.<sup>37</sup> This number has remained the same since 2019.<sup>38</sup> Of these 98 beds, 72 were in public units operated by the Health Service Executive (HSE).<sup>39</sup> However, only 51 of these 72 beds were operational in 2024.<sup>40</sup> Once opened, the National Children's Hospital will have an additional 20 in-patient beds.<sup>41</sup> The National Forensic Mental Health Hospital, which officially opened in November 2022, will also have



34 Government of Ireland, *A Vision for Change: Report of the Expert Group on Mental Health Policy* (2006).

35 Department of Health, *A Vision for Change* (DOH 2006); Department of Health, *Sharing the Vision: A Mental Health Policy for Everyone* (DOH 2020).

36 *ibid* 47.

37 Mental Health Commission, *Annual Report 2023* (2024) 37.

38 Mental Health Commission, *Annual Report 2019* (2020) 17.

39 Communication received by the Children's Rights Alliance from the Department of Health on 13 January 2025.

40 *ibid*.

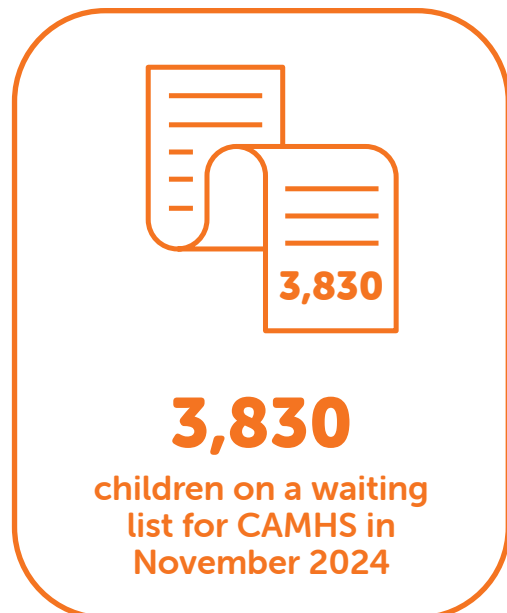
41 Mary Butler TD, Minister for Mental Health and Older People, Mental Health Services, Written Answers 1 June 2023 [26081/23].

an additional 10 in-patient.<sup>42</sup> However, broader staffing issues are affecting the ability of units to open beds. A lack of psychiatric nurses has been impacting the Linn Dara CAMHS facility since May 2022,<sup>43</sup> and it closed 13 of its 24 beds as a result; more than half of its beds.<sup>44</sup> The beds remained closed at the time of writing in January 2025, extending the period of closure to two years.<sup>45</sup>

The total number of in-patient mental health beds nationally is 2,666.<sup>46</sup> Children were estimated to make up 23 per cent of the total population in 2023<sup>47</sup> and yet, the 98 CAMHS beds make up just 3 per cent of the total number of in-patient mental health beds.

### Child and Adolescent Mental Health Services (CAMHS)

The increased need being placed on an already overstretched CAMHS, meant that there were 3,830 children on a waiting list for CAMHS services in November 2024.<sup>48</sup> Of these children, over 500 were waiting for a year or more to be seen.<sup>49</sup> Throughout 2023 and 2024, the waiting list for CAMHS services remained above 3,000.<sup>50</sup> Research in the United Kingdom exploring young adults' experiences of



42 Communication received by the Children's Rights Alliance from the Department of Health on 13 January 2025.

43 Mental Health Commission, *Independent Review of the provision of Child and Adolescent Mental Health Services (CAMHS) in the State by the Inspector of Mental Health Services* (MHC 2023) 105.

44 E O'Regan, 'Children in psychiatric distress are missing out on mental health care due to staff shortages' (The Independent, 25 November 2022) <<https://bit.ly/3EjTO2L>> accessed 30 January 2025.

45 Communication received by the Children's Rights Alliance from the Department of Health on 13 January 2025.

46 Mental Health Commission, *Independent Review of the provision of Child and Adolescent Mental Health Services (CAMHS) in the State by the Inspector of Mental Health Services* (MHC 2023) 37.

47 Department of Children, Equality, Disability, Integration, and Youth, *State of the Nation's Children: Sociodemographics*, (DCEDIY 2024) 5.

48 Communication received by the Children's Rights Alliance from the Department of Health on 13 January 2024.

49 *ibid.*

50 *ibid.*

waiting lists within mental health services found that all participants expressed, in some form, an inability to function sufficiently and the emergence of negative beliefs, emotions, and thoughts while waiting to access mental health services.<sup>51</sup> Ensuring that all children under 18-years-old have equitable and timely access to age-appropriate, quality mental health treatment and services is key to avoiding such negative outcomes.

In its independent review of CAMHS in 2023, the Mental Health Commission consulted with young people and their parents. There were multiple accounts reported of parents concerned that their child was deteriorating while they were on waiting lists.<sup>52</sup> The review highlighted the link between lengthy CAMHS waiting lists and the downstream negative consequences of more children and young people requiring care, including in-patient care, for acute mental health difficulties.<sup>53</sup> The Commission referred to the 'complete unacceptability' of children lingering on long waiting lists until they become seriously ill and/or develop suicidal behaviour, at which point many must resort to making a crisis presentation to the Emergency Department.<sup>54</sup>

#### Children Awaiting CAMHS Services 2020 - 2024

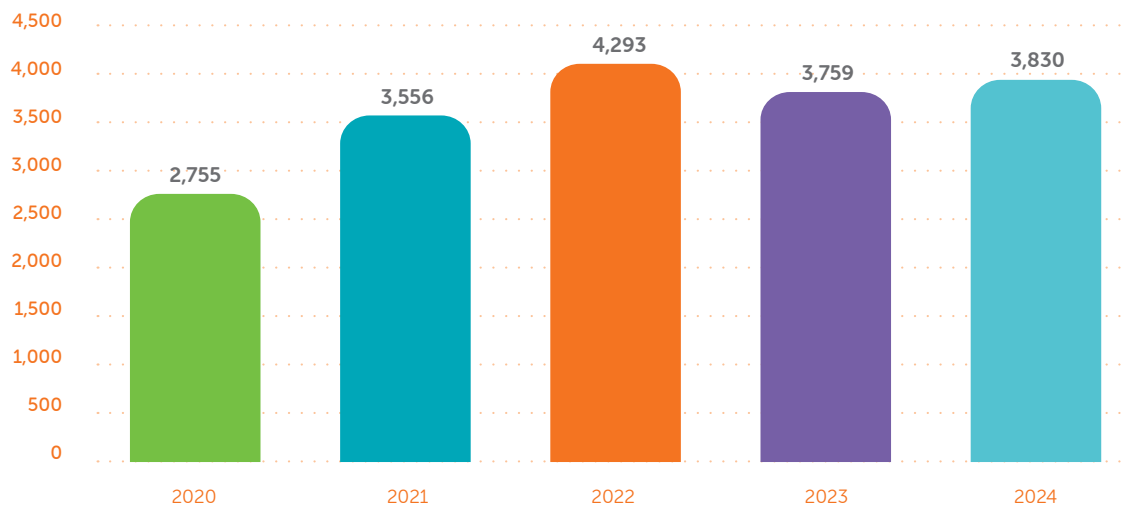


Fig 2. Statistics are taken from Communication received by the Children's Rights Alliance from the Department of Health on 13 January 2025.

51 G Punton, AL Dodd, A McNeill, "You're on the waiting list': An interpretive phenomenological analysis of young adults' experiences of waiting lists within mental health services in the UK' PLoS ONE 17(3): e0265542 (2022) <<https://bit.ly/40EOizi>> accessed 30 January 2025.

52 Mental Health Commission, *Independent Review of the provision of Child and Adolescent Mental Health Services (CAMHS) in the State by the Inspector of Mental Health Services* (July 2023) 63.

53 *ibid* 77.

54 *ibid*.

In January 2022, the *Maskey Report* into South Kerry CAMHS found that the care received by 240 young people did not meet the required standards, with serious clinical and governance failings resulting in unreliable diagnoses; inappropriate and over prescription of medication; the poor monitoring of treatment; and potential adverse effects.<sup>55</sup> In January 2023, the *Interim Report of the Independent Review of the provision of Child and Adolescent Mental Health Services (CAMHS) in the State by the Inspector of Mental Health Services* was published. It demonstrated service failings on the part of CAMHS, most notably a lack of governance and regulation leading to deficits in service provision;<sup>56</sup> 140 young people lost to follow up;<sup>57</sup> many teams not having training to provide standard therapies;<sup>58</sup> a lack of emergency provision, particularly outside of Dublin, resulting in GPs referring young people to emergency departments;<sup>59</sup> and failings in the monitoring of anti-psychotic medication.<sup>60</sup>

In July 2023, the full *Independent Review of the provision of Child and Adolescent Mental Health Services (CAMHS) in the State by the Inspector of Mental Health Services* was published.<sup>61</sup> It found continued failings on the part of CAMHS since the *Interim Report*, including that many teams were operating at less than 60 per cent of the recommended staffing levels under *A Vision for Change*;<sup>62</sup> the only benchmarking for CAMHS staffing nationally.<sup>63</sup> This has not improved in 2024, with one service even operating below 50 per cent.<sup>64</sup>

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55 S Maskey, *Report on the Look-Back Review into Child and Adolescent Mental Health Services County Kerry MHS* (HSE 2022) 49.

56 Mental Health Commission, *Independent Review of the provision of Child and Adolescent Mental Health Services (CAMHS) in the State by the Inspector of Mental Health Services* (July 2023) 3.

57 *ibid* 6.

58 *ibid* 5.

59 *ibid*.

60 *ibid*.

61 Mental Health Commission, *Independent Review of the provision of Child and Adolescent Mental Health Services (CAMHS) in the State by the Inspector of Mental Health Services* (Mental Health Commission 2023).

62 *ibid*. See also: Department of Health, *A Vision for Change* (DOH 2006)

63 Mental Health Commission, *Independent Review of the provision of Child and Adolescent Mental Health Services (CAMHS) in the State by the Inspector of Mental Health Services* (Mental Health Commission 2023).

64 Mental Health Commission, *Annual Report 2023* (2024) 104.



The total allocation in Budget 2025 for mental health services is over €1.48 billion<sup>65</sup> which provides an additional €16 million in funding for a number of initiatives, including for additional CAMHS services and for new beds in the National Forensic Mental Health Service.<sup>66</sup> Budget 2025 also allocates an additional €2.9 million for CAMHS service developments,<sup>67</sup> including funding for eight additional staff to develop a new CAMHS emergency department liaison service and seven additional staff for an extra CAMHS hub.<sup>68</sup>

## Out of Hours

*Sharing the Vision* commits to a 'comprehensive specialist mental health out-of-hours response' for children and young people 'in all geographical areas' and 'in addition to current emergency department (ED) services'.<sup>69</sup> To this end, a further €1 million in ring-fenced funding was announced for ED services in March 2022.<sup>70</sup> Furthermore, *Sharing the Vision* recognises that there should be an out-of-hours service for young people in significant distress across all geographical areas<sup>71</sup> and includes a core commitment to trauma-informed care delivery.<sup>72</sup> These are welcome developments and strengthen the case for ensuring children and young people are supported in age-appropriate and accessible facilities in line with human rights standards<sup>73</sup> and principles of person-centred care.<sup>74</sup>

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65 Department of Health, 'Ministers for Health announce record €25.8 billion budget for the delivery of health services in 2025' Press Release (Department of Health 2024) <<https://bit.ly/4h7stPL>> Accessed 23 January 2025.

66 Department of Public Expenditure, NDP Delivery, and Reform, *Budget 2025: Expenditure Report* (Government of Ireland 2024) 106.

67 Communication received by the Children's Rights Alliance from the Department of Health on 6 February 2025.

68 Department of Health, 'Ministers for Health announce record €25.8 billion budget for the delivery of health services in 2025' Press Release (Department of Health 2024) <<https://bit.ly/4h7stPL>> Accessed 23 January 2025.

69 *ibid.*

70 Department of Health, 'Minister Butler announces ring-fenced funding for eating disorder supports' (March 2022) <<http://bit.ly/3HWyyym>> accessed 30 January 2024.

71 Department of Health, *Sharing the Vision: A Mental Health Policy for Everyone* (DOH 2020) 60.

72 *ibid.* 17.

73 UN Committee on the Rights of the Child (CRC), General comment No. 15 (2013) the right of the child to the enjoyment of the highest attainable standard of health (art. 24) 1 February 2013 CRC/C/GC/15.

74 The Health Foundation, *Person-centred care made simple What everyone should know about person-centred care* (Health Foundation 2016).

Official HSE policy is that children should be placed in adult units 'only after all efforts to place them in Child and Adolescent in-patient units are unsuccessful due to clinical need or capacity'.<sup>75</sup> As of 2024, all four HSE-operated CAMHS units will accept emergency out-of-hours admissions based on clinical presentation and clinical need. In 2023, there were no out-of-hours CAMHS teams operating in any of the Community Health Organisations (CHO) areas.<sup>76</sup> This was despite the commitment in the Health Service Executive Service Plan in 2019 to develop a seven-day-per-week CAMHS service.<sup>77</sup> In this regard, the recent acceptance of emergency out-of-hours admissions is a positive development.

### Update to the Mental Health Act 2001

The Bill to amend the Mental Health Act 2001 was approved and published by the Government in July,<sup>78</sup> over two and a half years after it first went before the Oireachtas Joint Sub-Committee on Mental Health to undergo pre-legislative scrutiny. These delays have meant that the Bill lapsed with the dissolution of the Dáil in November 2024.<sup>79</sup> However, the legislation will continue to be progressed; the Bill was included in the new *Programme for Government*<sup>80</sup> and has been confirmed to be a priority for the incoming Government.<sup>81</sup> The Bill is expected to be reinstated shortly and progress through the remaining stages of the legislative process in the coming months. The Department of Health is currently finalising amendments to the Bill ahead of Committee Stage, which is expected later in the spring.<sup>82</sup>

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75 Communication received by the Children's Rights Alliance from the Department of Health on 13 January 2025.

76 Communication received by the Children's Rights Alliance from the Department of Health on 13 December 2023.

77 HSE, *National Service Plan 2019* (2019) 41.

78 Department of Health, 'Ministers for Health announce government approval to publish Mental Health Bill 2024' Press Release (Department of Health 2024) <<https://bit.ly/4hbno9m>> accessed 23 January 2025.

79 Houses of the Oireachtas, 'Mental Health (Amendment) Bill 2023' (Houses of the Oireachtas 2024) <<https://bit.ly/4jA8rz8>> accessed 7 February 2025.

80 Government of Ireland, *Programme for Government 2025: Securing Ireland's Future* (Government of Ireland 2025) 95.

81 Communication received by the Children's Rights Alliance from the Department of Health on 30 January 2025.

82 *ibid.*



**As of 2024, all four  
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clinical need.**

In its current form, the Bill does not legislate to ban admitting children to adult in-patient psychiatric wards.<sup>83</sup> This is deeply discouraging and a regressive step for children and young people's mental health care.

## ► What children and young people need next

There are several significant barriers to realising the Government commitment to 'work to end the admission of children to adult psychiatric units by increasing in-patient beds as well as examining the model of assigning these beds,' especially given current levels of demand for child in-patient services. These barriers relate to three main areas: investment, workforce development,<sup>84</sup> and referral pathways affected by limited out-of-hours support.<sup>85</sup> Such interdependencies must also be acknowledged if progress is to be made.

There is a lack of clarity on the part of the commitment referring to a model of assigning in-patient beds.<sup>86</sup> This should be examined to ensure that there is a systematic procedure for assigning beds, rather than the emergency procedure currently in place.

In 2019, the HSE committed to developing a seven-day CAMHS service nationwide.<sup>87</sup> The development of an emergency out-of-hours provision in 2024 is to be welcomed, and consideration should be made to expand this further.

The overall decrease in the admittance of children to adult psychiatric units over the lifetime of this *Programme for Government* is welcome. This momentum should not be lost, and work should continue to maintain progress. To ensure that no more children are placed on adult wards, the Government's attention must focus on addressing systemic health policy

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83 Government of Ireland, Mental Health (Amendment) Bill 2023 [as initiated November 2023] (Government of Ireland 2023) <<https://bit.ly/4jA8rz8>> accessed 30 January 2025.

84 Mental Health Commission, *Independent Review of the provision of Child and Adolescent Mental Health Services (CAMHS) in the State by the Inspector of Mental Health Services* (July 2023) 8.

85 *ibid* 17.

86 Communication received by the Children's Rights Alliance from the Department of Health on 4 February 2025.

87 Health Service Executive, *National Service Plan 2019* (HSE 2019) 41.

issues such as resourcing, the referral pathway, and the recruitment and retention of specialist staff. There also needs to be a focus on education pathways to ensure that there are enough people being trained through our third-level education system to work in this area. Addressing these factors will help to mitigate the risk that children and young people reach crisis point and are unable to be cared for in age-appropriate facilities designed to meet their needs.

## ➔ **Recommendations**

- ▶ Set a transparent target for increasing child in-patient unit capacity over the course of this Government based on projected levels of demand for acute psychiatric support.
- ▶ Undertake a recruitment drive to ensure all existing child in-patient units can operate at maximum capacity and provide enhanced clinical supervision and care for staff working in CAMHS to mitigate the risk of burn-out and staff shortages.
- ▶ Ensure that all adult units which are currently providing in-patient support to children adhere to the CAMHS In-patient Code of Governance through regular service inspections.
- ▶ Revise the Mental Health Bill 2024 to include an explicit prohibition on the admission of children to adult units.

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# Food Poverty

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Section Grade:

**B**



## The Programme for Government commits to:

Work across government to address food poverty in children and ensure no child goes hungry.

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▶ Progress: **Good**

Continue to review and expand the rollout of the new Hot School Meals initiative.

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▶ Progress: **Good**

'Food Poverty' receives a 'B', the same as last year's 'B' grade. There has been significant progress in this area with increased investment to €288 million for the Hot School Meals Programme benefitting 271,842 children and completion of the roll-out to all primary schools, as well as the planned continued expansion of the programme to secondary school students. The announcement of a €1.3 million fund for a Holiday Hunger Pilot Programme in Budget 2025 is a very welcome step towards addressing the issue of 'Holiday Hunger'. The Action Plan on Food Poverty published by the Food Poverty Working Group demonstrates a strong commitment to tackle food poverty through cross-government work and is another positive action. However, despite these positive steps, the numbers of children and families experiencing food poverty do not appear to be decreasing.

## Ireland's duties and responsibilities in international law



The UN Convention on the Rights of the Child (UNCRC) provides that every child has the right to enjoyment of the highest attainable standard of physical health and governments have an obligation to combat disease and malnutrition through the provision of adequate nutritious food.<sup>1</sup> The Committee on the Rights of the Child has recommended that, in implementing this right, providing food in school is 'desirable to ensure all pupils have access to a full meal every day,' and recommends that this is combined with education on nutrition and health.<sup>2</sup> The Committee further recommends that this should include the training of teachers in child nutrition and healthy eating habits.<sup>3</sup>

Children also have the right to an adequate standard of living for their physical, mental, spiritual, moral and social development,<sup>4</sup> and States are required to 'take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing'.<sup>5</sup>

Ireland ratified the United Nations Convention on the Rights of the Child (UNCRC) in 1992. As part of its commitments, Ireland agreed to be reviewed every five years on its progress in implementing the rights in the Convention. Ireland was last examined by the Committee on the Rights of the Child in 2023. In its Concluding Observations, the Committee called for policies which ensure all children have an adequate standard of living to be strengthened and that the school meals and programmes that provide access to nutrition are expanded.<sup>6</sup>

1 UN Convention on the Rights of the Child, (20 November 1989) 1577 UNTS 3, (UNCRC) Art 24.

2 UNCRC General comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health (art. 24) CRC/C/GC/15, para 46.

3 *ibid.*

4 UN Convention on the Rights of the Child, (20 November 1989) 1577 UNTS 3, (UNCRC) Art 27.

5 *ibid.*

6 UNCRC, 'Concluding Observations Ireland', (2023) UN Doc CRC/C/IRL/CO/5-6, para 35.



The UN International Covenant on Economic, Social and Cultural Rights recognises the right of everyone to an adequate standard of living, including access to adequate and affordable food.<sup>7</sup> Under the UN Sustainable Development Goals (SDGs) the State has committed to 'end hunger and ensure access by all people, in particular the poor and people in vulnerable situations, including infants, to safe, nutritious and sufficient food all year round by 2030'.<sup>8</sup>

The UN Sustainable Development Goals commit the government to 'end hunger and ensure access by all people, in particular the poor and people in vulnerable situations, including infants, to safe, nutritious and sufficient food all year round by 2030'.<sup>9</sup>

## ► What is the context for this commitment?

### Food Poverty

Food poverty is defined as the inability to have an adequate or nutritious diet due to issues of affordability or accessibility.<sup>10</sup> Food poverty is multidimensional; encompassing a lack of access to a nutritionally adequate diet and how this impacts health and social participation.<sup>11</sup>

According to the European Anti-Poverty Network (EAPN), over 10 per cent of the Irish population is living below the poverty line.<sup>12</sup> In 2023, the consistent poverty rate for the national population was 3.6 per cent, a decrease from 4.9 per cent in 2022.<sup>13</sup> Of the national population experiencing consistent poverty, children experienced the highest rate of all age groups with 4.8 per cent of children experiencing consistent poverty in 2023, a decrease from

7 International Covenant on Economic, Social and Cultural Rights, (16 December 1966) 993 UNTS 3, (ICESCR) Art 11.

8 United Nations Department of Economic and Social Affairs Disability, '#Envision2030 Goal 2: Zero Hunger' <<https://bit.ly/3bhOH2n>> accessed 27 January 2025.

9 United Nations, '#Envision2030 Goal 2: Zero Hunger' <<https://bit.ly/3ASyGe7>> accessed 27 January 2025.

10 Safe Food, *What is the cost of a healthy food basket in 2018?* (Safe Food 2019).

11 *ibid.*

12 European Anti-Poverty Network, *Briefing on 2023 Income and Poverty Data* (EAPN 2024) <<https://bit.ly/4hb6Gqv>> accessed 29 January 2025.

13 Central Statistics Office, 'Survey on Income and Living Conditions, (SILC): Enforced Deprivation 2023' (CSO 2024) <[bit.ly/3PHJBj1](https://bit.ly/3PHJBj1)> accessed 20 January 2025.

7 per cent in 2022.<sup>14</sup> The latest deprivation statistics for 2023 show an increase in the number of people unable to afford basic goods and services which are considered the norm for society.<sup>15</sup> The report states that 17.3 per cent of the overall population was experiencing deprivation in 2023, an increase in the 2022 rate of 16.6 per cent.<sup>16</sup> Of the 17.3 per cent of the population experiencing deprivation, children made up 21.4 per cent in 2023, one of the highest rates among all age cohorts. This is a significant increase from 18.8 per cent in 2022.

Despite the decrease in the rate of consistent poverty, the inability to afford food increased. There was an increase in children experiencing food-related deprivation in 2023. In 2022, 3.6 per cent of children were living in families which were unable to afford a roast once a week. This rose to 4.2 per cent in 2023.<sup>17</sup> The latest statistics available for 2023 show that 4.2 per cent of families consisting of two adults and one to three children were unable to afford a roast once a week; this increased to 7.5 per cent in families headed by a lone parent.<sup>18</sup> A child in Ireland is five times more likely to be living in poverty if they are living in a one-parent household.<sup>19</sup> The consequences of food poverty for children who grow up experiencing it can last a lifetime.<sup>20</sup> A report on Child Food Poverty by UNICEF published in June 2024 states that children deprived of good nutrition in early childhood are less likely to complete education and more likely to earn lower wages when they become adults. This can trap them and their families in a cycle of poverty and deprivation.<sup>21</sup>

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14 *ibid.*

15 *ibid.*

16 *ibid.*

17 *ibid.*

18 *ibid.*

19 UNICEF Innocenti – Global Office of Research and Foresight, *Innocenti Report Card 18: Child Poverty in the Midst of Wealth (2023)* (UNICEF Innocenti) 21 <<https://bit.ly/3PQWXcL>> accessed 27 January 2025.

20 United Nations Children's Fund (UNICEF), *Child Food Poverty: Nutrition Deprivation in Early Childhood*. Child Nutrition Report, (UNICEF 2024).

21 *ibid.*

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**In 2023, 4.2% of families consisting of two adults and one-to-three children were unable to afford a roast once a week, and this increased to 7.5% in families headed by a lone parent.**

Since 2020, the cumulative change in the cost of food saw an average increase of 23.1 per cent for urban households and 17.8 per cent for rural households.<sup>22</sup> In 2024, the Minimum Essential Standard of Living (MESL) food basket for a family of two parents and two children (one in primary and one in secondary school) was €178 for families in urban areas and €205 for families in rural areas.<sup>23</sup> The MESL report indicates that the available income supports for children only cover 84.8 per cent of costs for infants, 87.7 per cent for primary school children, and 62.9 per cent for children in second level education.<sup>24</sup>



This demonstrates that income adequacy and increasing income supports for families with children is an essential tool to eradicate food poverty for children. The limitations of public transport in rural areas means a car is necessary to facilitate the purchase of nutritious food locally or access a local supermarket. MESL reports that car related costs add an additional €80 a week to some households' budgets.<sup>25</sup>

Increased numbers of families experiencing food poverty and food deprivation sits within the context of the consistent inflation of food prices over the last three years. In a 2023 report, the Central Statistics Office (CSO) found that consumer prices have been steadily increasing since 2021. It was also found that food and non-alcoholic beverages were a category that saw one of the highest rates of price increases, rising by 7 per cent in 2023.<sup>26</sup>

22 R Thornton, H Boylan, N O'Carroll, *MESL 2024*, (Vincentian MESL Research Team 2024) iv.

23 *ibid.*

24 *ibid* 52.

25 *ibid* 46.

26 The Central Statistics Office (CSO), *Consumer Price Index October 2023* (CSO 2023) <[data.cso.ie](https://data.cso.ie)> accessed 27 January 2025.

The World Bank's most recent Food Security Update captured a steady increase in Irish food prices over the course of 2024.<sup>27</sup> The CSO noted in their Consumer Price Index report in November 2024 that food prices rose a further 2 per cent in the 12 months from December 2023 to December 2024.<sup>28</sup> Further increases in 2024 continues the pattern of rising food prices into a three-year period.

The *EU Recommendation on Investing in Children* recommends that States 'invest in prevention, particularly during early childhood years, by putting in place comprehensive policies that combine nutrition, health, education and social measures'.<sup>29</sup> Building on the *Recommendation*, in June 2021, the European Child Guarantee was adopted at EU level. It aims to prevent and combat child poverty and social exclusion by supporting the 27 EU Member States to make efforts to guarantee access to quality key services for children in need. In June 2022, Ireland's *National Action Plan* required by the EU Child Guarantee was published.<sup>30</sup> The plan restates the current services, programmes, and supports in place across relevant government departments within the scope of the Guarantee including those that promote healthy eating and the provision of meals in schools.<sup>31</sup> In November 2023, *Young Ireland: National Policy Framework for Children and Young People 2023-2028* was published. This framework further reaffirms the government's commitment to *Ireland's EU Child Guarantee National Action Plan* along with other policy commitments.<sup>32</sup>

In response to the issue of food poverty, the Government has committed in the *Roadmap for Social Inclusion 2020-2025* to develop a programme of work to explore the drivers of food poverty and to identify mitigating actions.<sup>33</sup>

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27 The World Bank, Food Security Update, (The World Bank 2024) 21 <<https://bit.ly/4hgm6de>> accessed 27 January 2025.

28 The Central Statistics Office (CSO), *Consumer Price Index December 2024* (CSO 2024) <[data.cso.ie](https://data.cso.ie)> accessed 22 January 2025.

29 European Commission, *Commission Recommendation: Investing in children: breaking the cycle of disadvantage* (Brussels, 20.2.2013 C (2013) 778 final).

30 Government of Ireland, *EU Child Guarantee Ireland's National Action Plan* (DCEDIY 2022).

31 *ibid* 38.

32 Department of Children, Equality, Disability, Integration and Youth, *Young Ireland: National Policy Framework for Children and Young People 2023-2028* (DCEDIY 2023) 2.

33 Department of Employment Affairs and Social Protection, *Roadmap for Social Inclusion 2020-2025* (DEASP 2020).

This commitment was reasserted in the mid-term review of the roadmap.<sup>34</sup> This will require coordinating activities across a number of government departments. To support this action a Food Poverty Working Group, chaired by then Minister for State with responsibility for Social Inclusion, Joe O'Brien TD, was established in April 2021.

## School Meals

Schools are an excellent setting to reach children, teachers, families, and the surrounding community.<sup>35</sup> They provide a social environment where children can access and enjoy food without financial constraints.<sup>36</sup> Generally, there are two approaches to food education and school food: education separated from school meals, and education integrated into the provision of school meals.<sup>37</sup> A systematic review of 42 European interventions to promote healthy diet and obesity prevention provides strong evidence that multi-component interventions (food availability, education curriculum integration, and parent involvement) had relatively strong effects on dietary improvements among children.<sup>38</sup> The message is that multi-component interventions are more effective than only providing food to children.

Research suggests that school meals programmes can improve children's behaviour and mental health.<sup>39</sup> The 2022 *Evaluation of the School Meals Programme* notes that high levels of hunger amongst children have been associated with poor mental health. The universality of the programme also helps to reduce the stigma associated with accepting meals. This is an important aspect that can further support the mental well-being of children.<sup>40</sup> Assuming this is the case, if the School Meals Programme is effective at

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34 Department of Social Protection, *Mid-term Review of the Roadmap for Social Inclusion 2020 –2025* (DSP 2023).

35 School Meals Coalition, 'Why School Meals' (School Meals Coalition 2024) <<https://bit.ly/4hd88IU>> accessed 16 January 2025.

36 *ibid.*

37 M. Oostindjer and J. Aschemann-Witzel et al, *Are school meals a viable and sustainable tool to improve the healthiness and sustainability of children's diet and food consumption? A cross-national comparative perspective* (2017) *Critical Reviews in Food Science and Nutrition*, 57:18, 3942-3958.

38 *ibid.*

39 RSM Ireland, *Evaluation of the School Meals Programme* (DSP 2022).

40 *ibid* 128.

reducing childhood hunger, 'it has the potential to improve children's mental health outcomes'.<sup>41</sup> This is supported by an American study by the Food Research & Action Center (FRAC) which examines the impact of food insecurity on health. It found that children experiencing food poverty are at risk of mental health issues.<sup>42</sup> A further study found that offering students a free breakfast 'positively impacts children's mental health, including reductions in hyperactivity, anxiety, and depression.'<sup>43</sup>

The Department of Social Protection (DSP) funds the School Meals Programme. The programme provides funding towards the provision of food through the allocation of a per-pupil rate for breakfast, lunch, and dinner. During the 2023/2024 school year 2,410 schools participated in the scheme, benefitting 408,060 students.<sup>44</sup> The objective of the scheme is to provide regular, nutritious food to children who are unable, due to lack of good quality food, to take full advantage of the education provided to them.<sup>45</sup>



## ► What has been achieved for children and young people so far?

### Food Poverty

The *Programme for Government* committed to 'work across government to address food poverty in children and ensure no child goes hungry'.<sup>46</sup>

41 *ibid.*

42 Food Research and Action Centre (FRAC), *The Impact of Poverty, Food Insecurity, and Poor Nutrition on Health and Well-Being*, (FRAC 2018) 2.

43 *ibid* 3.

44 Communication received by the Children's Rights Alliance from the Department of Social Protection 31 January 2025.

45 Heather Humphries TD, Minister for Employment Affairs and Social Protection, School Meals Programme, Written Answers 14 December 2023 [55945/23].

46 Government of Ireland, *Programme for Government, Our Shared Future* (Government Publications 2020) 96.

The Food Poverty Working Group plays an important role in achieving this commitment. The Working Group comprises of representatives from across a number of government departments and representatives from the community and voluntary sector including the Children's Rights Alliance, Society of St Vincent de Paul, and Crosscare.

In 2022, the Department of Social Protection commissioned case study research on the prevalence and drivers of food poverty. This research was published in December 2023 and examines two case studies; one of a rural area, and another of an urban area.<sup>47</sup> It found that despite differences between lived experiences in rural and urban communities, there is evidence in both of food poverty.<sup>48</sup> The report found that nearly all households have been impacted by rising costs and have made significant changes to managing household expenditure. This includes the working population, including those with previously comfortable budgets.<sup>49</sup> The report makes several observations for consideration to the Food Poverty Working Group, including regarding stigma, education, and increased formal support and structure for community-based initiatives. These findings will help to inform the work of the Food Poverty Working Group and the development of a knowledge base for future policy initiatives.<sup>50</sup>

The Working Group has progressed a number of actions in 2024 as part of its work, including the publication of its *Action Plan on Food Poverty* in July. The Action Plan outlines cross-government actions and the relevant responsible departments to tackle food poverty between 2024 and 2027, with some other actions' timelines still to be confirmed.<sup>51</sup>



47 Department of Social Protection, *The Prevalence of Food Poverty in Ireland* (Amárach 2023).

48 *ibid* 7.

49 *ibid*.

50 Communication received by the Children's Rights Alliance from the Department of Social Protection 19 December 2023.

51 Department of Social Protection, *Action Plan on Food Poverty – July 2024* (DSP 2024).



Some of the different areas of action include continuing to expand the Hot School Meals Programme, scoping initiatives to tackle 'Holiday Hunger', and extending the food poverty caseworker programme.<sup>52</sup>

Another action of the Food Poverty Working Group was the launch of the food poverty caseworker programme. This approach enables organisations to address the underlying issues that push families and individuals into food poverty by giving families the opportunity to talk to a caseworker when collecting food supplies.<sup>53</sup> The caseworkers can direct people to appropriate supports and services,<sup>54</sup> and discuss any other issues that have brought them into poverty, such as, the rising cost of living, debt, illness, increasing rents, or lack of access to social welfare.<sup>55</sup> A casework approach to food poverty helps families regain independence.<sup>56</sup> Children who grow up in poverty are less likely to complete education and more likely to earn lower wages when they become adults.<sup>57</sup> Instead of families being reliant on services, the caseworker approach works to break the cycle of poverty and works towards ensuring that children and young people experiencing poverty are less likely to as adults.

The pilot case-worker model to address food poverty commenced in 2023 for an initial period of 18 months. It provides caseworker support through organisations involved in emergency food provision in three regions; Dublin, Cork, and Limerick.<sup>58</sup> By the end of November 2024, almost 500 people attended over 1,000 interviews, and 90 per cent of the allocated funding had been spent.<sup>59</sup> Further funding has been allocated to extend the programme for a further nine months until November 2025.

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52 *ibid.*

53 Y Fleming, 'Making the case for food poverty casework' (Crosscare 2023), <<https://bit.ly/40OzTSb>> accessed 27 January 2025.

54 Joe O'Brien TD, Minister of State at the Department of Social Protection, Food Poverty, Written Answers 25 April 2024 [18664/24].

55 Y Fleming, 'Making the case for food poverty casework' (Crosscare 2023), <<https://bit.ly/40OzTSb>> accessed 28 January 2025.

56 *ibid.*

57 UNICEF, 'More than 1 in 5 children live in poverty in 40 of the world's richest countries' (UNICEF 2023) <<https://bit.ly/3E88HFo>> accessed 27 January 2025.

58 Communication received by the Children's Rights Alliance from the Department of Social Protection 7 January 2025.

59 *ibid.*

An evaluation report on the findings and impact of the pilot programme is expected to be published in the coming months.<sup>60</sup> This pilot scheme is an important step towards addressing the need for long-term sustainable solutions to food poverty, and the extension and upcoming evaluation are both welcome steps towards embedding holistic community-led approaches to tackling food poverty.

## School Meals

In September 2019, the Department of Social Protection launched a hot school meals pilot which initially benefitted 6,744 students for the 2019/2020 academic year.<sup>61</sup> The Programme for Government committed to 'continue to review and expand the rollout of the Hot School Meals initiative'.<sup>62</sup> Since 2019, the government has done significant work in expanding the provision of hot school meals.

There has been an overall expansion of the programme from an initial cohort of 37 schools in 2019,<sup>63</sup> to an expected 3,200 schools by the end of 2025.<sup>64</sup> Budget 2025 allocated €288 million for the School Meals Programme, an increase of €72 million from 2024.<sup>65</sup> Budget 2025 aims to complete the expansion of the Hot School Meals Programme to provide universal provision for primary schools.<sup>66</sup> In the 2023/2024 academic year, over 316,000 pupils were eligible to receive hot school meals, and over 266,000 availed of hot meals.<sup>67</sup> In the academic year 2024/2025, 344,617 children will be eligible to receive a hot school meal and 271,842 are expected to benefit.

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60 *ibid.*

61 Heather Humphries TD, Minister for Employment Affairs and Social Protection, School Meals Programme, Written Answers 14 July 2020 [15434/20]. All primary schools (over 3,000) were invited to apply with 506 schools registering interest, suggesting high demand for the limited pilot. The schools chosen to participate in the pilot were selected randomly, having regard to geographical spread, numbers enrolled, range of suppliers and the overall budget available.

62 Government of Ireland, *Programme for Government, Our Shared Future* (Government Publications 2020) 96.

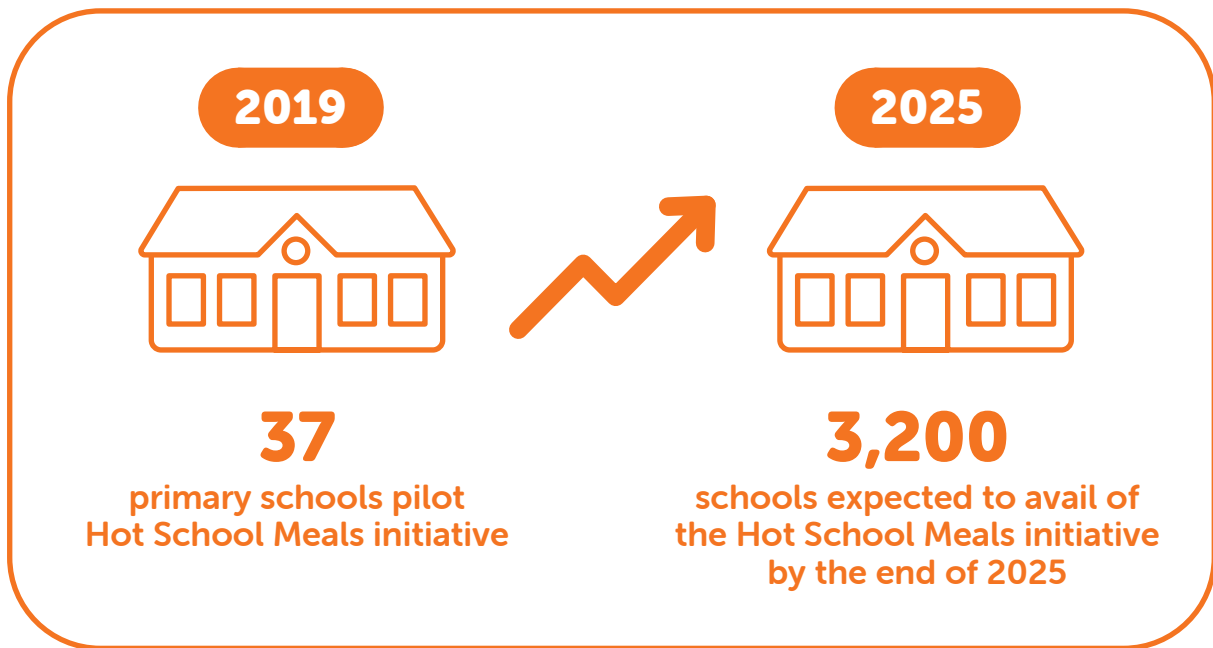
63 Communication received by the Children's Rights Alliance from the Department of Social Protection 16 January 2023.

64 Communication received by the Children's Rights Alliance from the Department of Social Protection 7 January 2025.

65 Heather Humphries TD, Minister for Employment Affairs and Social Protection, Budget 2025, Written Answers 8 October 2025 [40154/24]

66 Communication received by the Children's Rights Alliance from the Department of Social Protection 7 January 2025.

67 *ibid.*



It is expected that hot meals will be available to all children in 2025.<sup>68</sup> The Department is currently working on the development of a school meals programme strategy for up to 2030.<sup>69</sup>

Minister for Social Protection, Heather Humphreys TD, announced in 2023 that she has committed to providing a free hot school meal to every school-going child by 2030.<sup>70</sup> The completion of the expansion to primary level education by 2025 is very good progress as the DSP still has a further five years to expand the programme to all secondary school students in line with the recommendations outlined in the 2022 *Evaluation of the School Meals Programme*,<sup>71</sup> an achievable goal in the context of the successful expansion to date. A detailed timeline outlining the rollout of the programme to secondary schools should be published to ensure that this goal is achieved, as also recommended in the evaluation.

68 Communication received by the Children's Rights Alliance from the Department of Social Protection 31 January 2025.

69 Communication received by the Children's Rights Alliance from the Department of Social Protection 19 December 2023.

70 E O'Kelly, 'Every schoolchild to receive free daily hot meal from 2030' (RTÉ 2023) <<https://bit.ly/4jxF2W3>> accessed 4 January 2023.

71 RSM Ireland, *Evaluation of the School Meals Programme* (DSP 2022) 123..

There has been some concern from experts on the nutritional standards of the food provided under the School Meals Programme. In December 2024, the Health Service Executive (HSE)'s Clinical Lead for Obesity called for an evaluation into the nutritional standards of the hot school meals programme, warning against providing 'ultra-processed' foods under the scheme.<sup>72</sup> These sentiments were echoed by a food policy consultant and lecturer in food policy at University College Cork, who found that some meals provided under the scheme contained additives which are 'disease-promoting and contribute to creating an [Ultra-Processed Food]-based diet for children'.<sup>73</sup>

The DSP has an oversight role in relation to the School Meals Programme and conducts regular inspections of schools.<sup>74</sup> Under the existing process, 400 schools are inspected annually.<sup>75</sup> Inspections for 2024 have concluded and just less than 1 per cent of cases were found to have an issue with menu compliance.<sup>76</sup> Responsibilities and obligations in relation to the nutritional guidelines are outlined in the Service Level Agreement between the School and the Department and adherence to agreed Menu options is monitored.<sup>77</sup> In December 2024 an interdepartmental working group was established to oversee and make recommendations on the operation of the scheme, including in relation to nutrition inspection and evaluation.<sup>78</sup> Membership of the group includes the Departments of Social Protection, Health, Education and Children, Equality, Disability, Integration and Youth.<sup>79</sup>



72 L Fletcher, 'School hot meals need evaluation, says HSE obesity lead', (RTÉ 2024) <<https://bit.ly/3PO8AKS>> accessed 27 January 2025.

73 C Purcell, 'Hot school meals scheme: 'We are institutionalising consumption of ultra-processed food in our children'' (RTÉ 2025) <<https://bit.ly/42tAz0y>> accessed 27 January 2025.

74 Communication received by the Children's Rights Alliance from the Department of Social Protection 31 January 2025.

75 *ibid.*

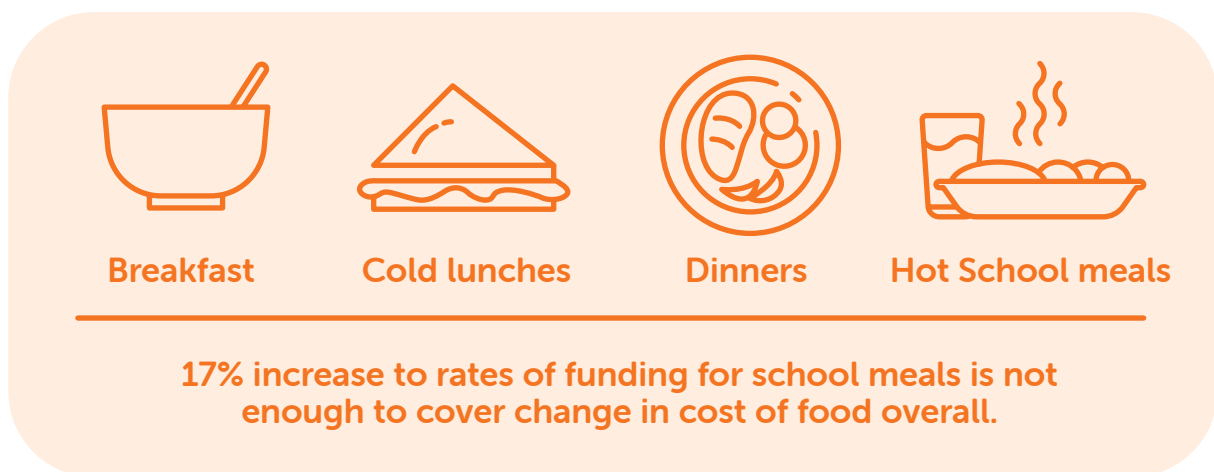
76 *ibid.*

77 *ibid.*

78 *ibid.*

79 *ibid.*

In January 2023, there was an increase in the rates of funding for school meals for the first time since 2003. The rate for breakfasts increased by 15 cent, cold lunches by 30 cent, dinners by 60 cent, and hot school meals by 30 cent.<sup>80</sup> This is an average increase of 17 per cent. While these increases are welcome in the context of inflation and the cost-of-living crisis, they may not be enough. In 2022, school meal suppliers warned that the system was at 'breaking point'; considering that inflation for the cost of food has increased by at least 33 per cent since the last time the prices were increased.<sup>81</sup> A 17 per cent increase to rates is not enough to cover this change.



## Holiday Hunger

Budget 2025 committed €1.3 million in funding to address Holiday Hunger through a summer pilot programme. The Department of Social Protection and Department of Education will cooperate on an initiative which utilises the Department of Social Protection's School Meals Programme and the Department of Education's Summer Programme to implement this pilot Holiday Hunger project. This is expected to take place in Summer 2025.<sup>82</sup> It is expected that this pilot will support up to 40,000 children with complex special educational needs and those at the greatest risk of educational disadvantage.<sup>83</sup>

80 Department of Social Protection, 'Minister Humphreys announces plans for roll-out of Hot School Meals to all Primary Schools' Press Release, (30 March 2023) <<https://bit.ly/4hdeJTG>> accessed 27 January 2025.

81 Carl O'Brien, 'It's at breaking point': Thousands of pupils risk losing school meals' (2022) <<https://bit.ly/3EdcD7P>> accessed 31 January 2025.

82 *ibid.*

83 *ibid.*

In addition to this, the Department of Children, Equality, Disability, Integration and Youth (DCEDIY) will run a pilot programme in 2025 to address food poverty during the summer months among an older cohort of young people, aged 10 to 18 years, who are at risk of not having access to a hot or substantial meal during the school holidays. The pilot is proposed to be carried out by the 16 Education and Training Boards (ETBs) and delivered through the UBU (Your Place Your Space) services.<sup>84</sup> UBU services provide out-of-school supports to young people in their local communities to enable them to achieve their full potential by improving their personal and social development outcomes.<sup>85</sup>

The pilot project will aim to deliver the programme in both urban and rural settings with the potential to reach approximately 1,500 marginalised or vulnerable young people. The pilot will test a range of approaches to providing food for those attending youth services every weekday for the 12-week duration of the secondary school summer holiday.<sup>86</sup> Budget 2025 allocated €500,000 to this pilot project, and it is hoped that, if successful, it will inform how best to operate a larger programme in subsequent years to address Holiday Hunger.<sup>87</sup>

It is welcome that Budget 2025 acknowledges the real and pressing issue of Holiday Hunger and makes steps to bridge the gap left when children and families reliant on school meals cannot access them when schools close for the holidays. It is also very positive to see to cross-government action on this issue.

## Early Years

*First 5* commits to addressing food poverty through measures such as piloting a meals programme in Early Learning and Care (ELC) Settings and an evaluation after one year.<sup>88</sup> The *First 5 Annual Implementation Report*

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84 Communication received by the Children's Rights Alliance from the Department of Children, Equality, Disability, Integration and Youth 8 January 2025.

85 UBU, 'About' (UBU 2025) <<https://bit.ly/40SGPOY>> accessed 27 January 2025.

86 *ibid.*

87 *ibid.*

88 Department of Children, Equality, Disability, Integration and Youth, *First 5: Annual Implementation Report 2021/2022* (DCEDIY 2023), 92.

published in 2023 reported that there is a delay in the complete roll out of this commitment.<sup>89</sup> However, the new Implementation Report published in 2024 reports that Equal Start, the early years DEIS-type programme established in May 2024, will include universal, child-targeted supports and setting-targeted, including funding for meals in Equal Start target settings to address food poverty.<sup>90</sup> Budget 2025 increased funding for Equal Start, to €17.2 million.<sup>91</sup> This includes the introduction of an Additional Nutrition Programme in Equal Start Priority Settings.<sup>92</sup>

## ► What children and young people need next

### Cross-Government Work

The cross-government work led by the Food Poverty Working Group has been very positive. Initiatives such as the caseworker approach appear to have been successful, and there is evidence for continued commitment to cross-government action in the published *Food Poverty Action Plan*. It is essential now that the Action Plan is implemented fully and that evaluations of the different areas of action are published as they are completed. This is one of the strongest ways forward to ensure an all-government and holistic approach to tackling the issue of food poverty.

### School Meals

The Department of Social Protection's *Evaluation of the School Meals Programme* published in 2022 highlights that school meals plays an important role in alleviating parental stress around food poverty.<sup>93</sup> This comes at a time when parents are showing increased worry about providing children with sufficient food.<sup>94</sup> In 2025, it is expected that all primary schools, both DEIS and non-DEIS, which have expressed interest in the hot school meals programme,

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89 *ibid.*

90 Department of Children, Equality, Disability, Integration and Youth, *First 5: Annual Implementation Report 2023*, (DCEDIY 2024) 81.

91 Roderic O'Gorman, TD, Minister for Children, Equality, Disability, Integration and Youth, 'Budget 2025 letter from Minister O'Gorman and Budget Overview and FAQs' Letter, (Sligo County Childcare Committee 2024) <<https://bit.ly/3CnTrUf>> Accessed 23 January 2025.

92 Department of Public Expenditure, NDP Delivery and Reform, *Budget 2025: Expenditure Report* (2024).

93 RSM Ireland, *Evaluation of the School Meals Programme* (DSP 2022) 71.

94 *ibid.*

will be able to implement it;<sup>95</sup> a phenomenal achievement, as this puts the Department ahead of schedule in rolling out the programme to all school-going children by 2030. It is essential that this expansion of the programme continues to all secondary schools, with a priority given to DEIS secondary schools, to ensure that all children and young people receive a meal while attending school as recommended by the UNCRC.<sup>96</sup> It is welcome that the new *Programme for Government: Securing Ireland's Future* commits to this,<sup>97</sup> but it is essential that DEIS secondary schools are prioritised, as recommended in the *Evaluation of the School Meals Programme* in 2022.<sup>98</sup>

In the context of a very successful roll-out of this project, consideration should now be given to evaluating the nutritional standards of the meals provided under the scheme. While it is important that children receive hot and substantial meals in school, it is equally important that these meals are nutritious and healthy. High fat, salt, and sugar (HFSS) foods greatly contribute to overweight and obesity.<sup>99</sup> The latest research by the Childhood Obesity Surveillance Initiative (COSI) found in 2022 and 2023 that one in five primary school children were living with overweight and obesity in Ireland.<sup>100</sup> Obesity and overweight are not only detrimental to children's physical health, but they are also damaging for their social and emotional health, as well as their quality of life.<sup>101</sup>

## Holiday Hunger

The most important next step in tackling food poverty is addressing the issue of 'Holiday Hunger'. Holiday Hunger is the increased risk of food poverty children and families face over the holiday periods, namely Christmas, Easter,

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95 Heather Humphries TD, Minister for Employment Affairs and Social Protection, School Meals Programme, Written Answers 14 December 2023 [55945/23].

96 UNCRC, 'Concluding Observations Ireland' (2023) UN Doc CRC/C/IRL/CO/5-6, para 35.

97 Government of Ireland, *Draft Programme for Government: Securing Ireland's Future* (Government of Ireland, 2025) 101 <<https://bit.ly/3PTanoC>> accessed 27 January 2025.

98 RSM Ireland, *Evaluation of the School Meals Programme* (DSP 2022) 7.

99 World Health Organisation, *Report on the impact of the COVID-19 pandemic on the daily routine and behaviours of school-aged children: results from 17 Member States in the WHO European Region* (WHO Regional Office for Europe 2024), 78.

100 O Kilduff et al., *The Childhood Obesity Surveillance Initiative (COSI) in the Republic of Ireland - Findings from 2022 and 2023*, (HSE 2024).

101 K Sahoo, et al, 'Childhood obesity: causes and consequences', *Family Med Prim Care*. 2015 Apr-Jun; 4(2): 187-192.



and summer. During these times, children are not able to avail of the School Meals Programme. This creates increased financial pressure on parents to provide nutritious food.<sup>102</sup> An increase in need over the school breaks has been particularly evident around Christmas time which must be addressed with sustainable and long-term solutions.<sup>103</sup>

It is very welcome that Budget 2025 acknowledges the pressing issue of Holiday Hunger, and the pilot programme expected to launch in summer 2025 is a very positive step towards tackling the issue. It is essential that this pilot is implemented and that a full evaluation report is published afterwards to examine the benefits of extending and expanding this initiative. Further cross-government action will be key in addressing Holiday Hunger.

## ➔ Recommendations

- ▶ Publish a report on the results of the 2024 inspections of schools and conduct a more comprehensive audit of the nutritional aspects of the meals provided under the school meals programme.
- ▶ Continue the expansion of the School Meals Programme to secondary schools, prioritising DEIS Secondary schools.
- ▶ Publish the school meals programme strategy which will outline the implementation plan for the provision of universal hot school meals by 2030 and the roll-out of the Holiday Hunger Initiatives by the Department of Social Protection and the Department of Children, Equality, Disability, Integration, and Youth, respectively.
- ▶ Implement the Holiday Hunger pilot programme announced in Budget 2025 during the summer of 2025 and publish an evaluation.

102 RSM Ireland, *Evaluation of the School Meals Programme* (DSP 2022) 122.

103 T Ward, 'Food Poverty over the Christmas Period: Children Going Hungry this Christmas', (The Irish Times 2023) <<https://bit.ly/3Ep5iSo>> accessed 27 January 2025.

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# Public Health Obesity Act

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Section Grade:

**D-**



## The Programme for Government commits to:

Work with key stakeholders to introduce a Public Health Obesity Act, including examining restrictions on promotion and advertising aimed at children.

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▶ Progress: **Slow**

'Public Health Obesity Act' receives a 'D-' grade, the same as the 'D-' grade awarded last year. Over the course of this *Programme for Government*, there was no movement on the development of the legislation. There has been some progress over the course of this *Programme for Government* in the development of a joint EU Monitoring Protocol for reducing unhealthy food marketing to children. It has also been successful in the inclusion of certain provisions in the Online Safety and Media Regulation Act 2022 which permit Coimisiún na Meán to set up codes to regulate the advertisement of particular foods or beverages containing fat, trans-fatty acids, salts or sugars to children and young people. However, there has been no other action taken on restrictions on promotion and advertising.

## Ireland's duties and responsibilities in international law



Every child has the right to enjoyment of the highest attainable standard of physical health, and governments have an obligation to combat disease and malnutrition through the provision of adequate nutritious food.<sup>1</sup> Children also have the right to an adequate standard of living for their physical, mental, spiritual, moral, and social development,<sup>2</sup> and States are required to 'take appropriate measures to assist parents and others responsible for the child to implement this right and shall, in case of need, provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing'.<sup>3</sup>

The UN Special Rapporteur on the Right to Food has highlighted five priority actions to combat obesity: regulating the sale of 'junk food'; restricting the advertising of 'junk food'; overhauling agricultural subsidies to make healthier foods cheaper than less healthy alternatives; taxing unhealthy products; and supporting local food production so that consumers have access to healthy, fresh and nutritious food.<sup>4</sup>

The International Covenant on Economic, Social and Cultural Rights recognises the right of everyone to an adequate standard of living, including access to adequate and affordable food.<sup>5</sup> By becoming parties to international treaties, States assume obligations and duties under international law to respect, protect and fulfil human rights. The obligation to protect requires measures to prevent third parties from interfering with the right to health of children, and 'violations can come from omissions, such as the failure to regulate the activities of corporations to prevent them from violating the right to health of others, and the failure to protect

1 UN Convention on the Rights of the Child (20 November 1989) 1577 UNTS 3 (UNCRC) Art 24.

2 UN Convention on the Rights of the Child (20 November 1989) 1577 UNTS 3 (UNCRC) Art 27.

3 *ibid.*

4 Human Rights Council, *Report submitted by the Special Rapporteur on the right to food, Olivier De Schutter* (2012) UN Doc A/HRC/19/59, 17–18.

5 International Covenant on Economic, Social and Cultural Rights (16 December 1966) 993 UNTS 3 (ICESCR) Art 11.

consumers'.<sup>6</sup> Under the UN Sustainable Development Goals (SDGs) the State has committed to 'end hunger and ensure access by all people, in particular the poor and people in vulnerable situations, including infants, to safe, nutritious and sufficient food all year round by 2030'.<sup>7</sup>

## ► What is the context for this commitment?

Over the last three decades, the proportion of children in Ireland who are living with obesity or overweight has increased. The latest research by the Childhood Obesity Surveillance Initiative (COSI) found in 2022 and 2023 that 1 in 5 primary school children were living with overweight and obesity in Ireland.<sup>8</sup> A comparative study published in 2023 tracked trends in the development of overweight and obesity in Ireland between 1990 and 2020.<sup>9</sup>



The findings from this research highlight an upward trend in the percentage of adolescents who are living with overweight or obesity. In 2020, almost one quarter of adolescents in Ireland were living with overweight or obesity,<sup>10</sup> a significant increase in prevalence compared to the 18 per cent of young people living with overweight or obesity in 2006 and 13 per cent in 1990.<sup>11</sup> The World Health Organisation (WHO) reported in May 2022 that not a single Member State of the European Region is currently on track to reach the target of halting the rise in obesity by 2025.<sup>12</sup>

6 Statement by the UN Special Rapporteur on the right to health on the adoption of front-of-package warning labelling to tackle NCDs 27 July 2020, <<https://bit.ly/3YCqIWN>> accessed 27 January 2025.

7 UN, Sustainable Development Goals < <https://bit.ly/3sgsUyW>> accessed 27 January 2025.

8 O Kilduff et al., *The Childhood Obesity Surveillance Initiative (COSI) in the Republic of Ireland - Findings from 2022 and 2023* (HSE 2024).

9 A Moore Heslin, A O'Donnell, L Kehoe, et al., 'Adolescent overweight and obesity in Ireland – Trends and sociodemographic associations between 1990 and 2020' *Paediatric Obesity* 2023 18(2) 1.

10 *ibid.*

11 *ibid.* See also: Healthy Ireland, *The Childhood Obesity Surveillance Initiative (COSI) in the Republic of Ireland* (DOH 2020).

12 World Health Organisation, *European Regional Obesity Report* (WHO 2022) 21. See also: World Health Organisation, *The Challenge of Obesity* (WHO 2024).

Of these Member States, the World Obesity Federation assigned Ireland a zero per cent, or 'very poor' chance, of meeting the UN adult obesity targets for 2025.<sup>13</sup>

A report published by the WHO in April 2024 found that there is a direct link between the Covid-19 pandemic and the increase in the development of obesity in school-aged children in the European Region. It found that while the consumption of healthy foods increased, the consumption of high fat, salt, and sugar (HFSS) foods also rose.<sup>14</sup> The report identified an increase in the use of recreational screentime and a decrease in time spent on outdoor activities.<sup>15</sup> The report concluded that these decreases in physical activity and increases in consumption of unhealthy foods during the Covid-19 pandemic put children at an increased risk of having overweight and obesity.<sup>16</sup>

The experience of having overweight and obesity occurs in children and adults at all levels of the socio-economic spectrum and spans all social classes.<sup>17</sup> However, the occurrence in children is strongly related to the socio-economic status of their parents.<sup>18</sup> An assessment of the link between socio-economic status and the prevalence of living with overweight and obesity was conducted among 120,000 six-to nine-year-olds from 24 Member States in the WHO region. The assessment found that lower parental education is a strong driver of developing overweight and obesity in children, particularly in higher income countries.<sup>19</sup>

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13 H Brinsden, T Lobstein, *Obesity: Missing the 2025 Global Targets* (World Obesity Federation 2020) 122.

14 World Health Organisation, *Report on the impact of the COVID-19 pandemic on the daily routine and behaviours of school-aged children: results from 17 Member States in the WHO European Region* (WHO Regional Office for Europe 2024) viii.

15 *ibid.*

16 *ibid* 78.

17 A Moore Heslin, A O'Donnell, L Kehoe, et al., 'Adolescent overweight and obesity in Ireland – Trends and sociodemographic associations between 1990 and 2020' *Paediatric Obesity* 2023 18(2) 6-7. See also: L Howe, 'Childhood overweight: socio-economic inequalities and consequences for later cardiovascular health, Longitudinal and Life Course Studies', 2013 Volume 4 Issue 1, 4 – 16; Samantha Doyle, et al, 'Caring for Obese Children- A change in Paradigm' 2017 *Irish Medical Journal*, 4.

18 World Health Organisation, *European Regional Obesity Report* (WHO 2022) 26-50.

19 M Buoncristiano, J Williams, P Simmonds, E Nurk, W Ahrens, P Nardone et al., 'Socioeconomic inequalities in overweight and obesity among 6- to 9-year-old children in 24 countries from the World Health Organization European region' *Obes Rev* 2021 22 (suppl 6).

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**Of these Member States, the World Obesity Federation assigned Ireland a zero per cent, or 'very poor' chance, of meeting the UN adult obesity targets for 2025.**

In Ireland, while four per cent of three-year-olds from professional/managerial-headed households were classified as living with overweight and obesity, this figure more than doubled for children whose parents had never worked.<sup>20</sup> A report published in June 2024 from the Childhood Obesity Surveillance Initiative found that children attending schools participating in the Delivering Equality of Opportunity in Schools (DEIS) programme, located in areas of concentrated socio-economic disadvantage, have significantly higher levels of overweight and obesity than children in non-DEIS schools.<sup>21</sup>

When surveying children in first, second, fifth, and sixth classes, over a quarter of children in DEIS schools and over a fifth in newly identified DEIS schools were found to be living with overweight and obesity.<sup>22</sup> This is significantly higher when compared to their peers in schools which have always been non-DEIS schools, of whom just 16.1 per cent were found to be living with overweight.<sup>23</sup> The Childhood Obesity Surveillance Initiative report notes that the relationship between health and social disadvantage documented by the Marmot Review highlights that 'health is closely linked to the conditions in which people are born, grow, live, work and age and inequities in power, money and resources – the social determinants of health'.<sup>24</sup> *Growing Up in Ireland* data found that not only do children in lower socio-economic groups experience higher rates of having overweight and obesity than their more advantaged peers, but their experience is also more profound.<sup>25</sup> This means they are more likely to exceed BMI thresholds and experience persistent overweight or obesity.

The report from the Childhood Obesity Surveillance Initiative also found that amongst all children, there is a significantly greater prevalence of having overweight and obesity in girls than in boys and noted that this is contrary to the findings of other global research.<sup>26</sup>

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20 *Growing Up in Ireland, Key Findings: Infant Cohort (At 3 Years) No. 4 Children's Physical Growth from Birth to Age 3* (DCYA 2013).

21 O Kilduff et al., *The Childhood Obesity Surveillance Initiative (COSI) in the Republic of Ireland - Findings from 2022 and 2023* (HSE 2024)

22 *ibid* 20.

23 *ibid*.

24 *ibid* 25.

25 D Madden, *Childhood obesity and maternal education in Ireland*, Geary WP2016/14 (UCD Geary Institute for Public Policy Discussion Paper Series 2016).

26 O Kilduff et al., *The Childhood Obesity Surveillance Initiative (COSI) in the Republic of Ireland - Findings from 2022 and 2023* (HSE 2024)





**Advertising influences how much children eat and can lead to them 'pestering' parents to buy unhealthy products. At 18 months, children can recognise brands, with preschool children demonstrating preferences for branded products.**

This suggests that social inequality-related overweight and obesity deepens into childhood and becomes more entrenched and more gendered.

Obesity has been described as 'one of the most stigmatising and least socially acceptable conditions in childhood'.<sup>27</sup> It can affect children's social and emotional health, as well as their quality of life. Children can be bullied, experience negative stereotypes, discrimination, and social marginalisation due to their weight.<sup>28</sup> In 2017, of 111 children participating in an obesity treatment programme in an Irish children's hospital, 63 per cent reported being teased about their weight in the past, almost half of them by their peers, with 12 per cent missing days from school as a result of bullying.<sup>29</sup>

In November 2022, results from an Economic & Social Research Institute (ESRI) longitudinal study tracking the changing social lives of nine-year-olds found that engagement in daily sport and physical exercise has decreased by almost a quarter among this age group between the 1998 and 2008 cohort, while there has been a threefold increase in children who never participate in such activities.<sup>30</sup>

Advertising influences how much children eat<sup>31</sup> and can lead to them 'pestering' parents to buy unhealthy products.<sup>32</sup> At 18 months, children can recognise brands, with preschool children demonstrating preferences for branded products.<sup>33</sup> The UN Special Rapporteur on the Right to Health has called for front-of-package warning labelling regulations to tackle the increase in non-communicable diseases which are highly rooted in overweight,

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27 K Sahoo, et al, 'Childhood obesity: causes and consequences', *Family Med Prim Care*. 2015 Apr-Jun; 4(2): 187–192.

28 *ibid*.

29 S Doyle et al, 'Caring for Obese Children - A Change in Paradigm', 2017 *Irish Medical Journal*, 4.

30 Economic & Social Research Institute, *The Changing Social Worlds of Nine-Year Olds* (ESRI 2022) 46.

31 E Boyland, et al, 'Advertising as a cue to consume: a systematic review and meta-analysis of the effects of acute exposure to unhealthy food and non-alcoholic beverage advertising on intake in children and adults', *The American Journal of Clinical Nutrition*, Volume 103, Issue 2, 1 February 2016, 519–533.

32 G Hastings et al, *The extent, nature and effects of food promotion to children: a review of the evidence* (WHO 2006); L McDermott et al, 'International food advertising, pester power and its effects' (2015) *International Journal of Advertising*, 25:4, 513-539.

33 TN Robinson et al, 'Effects of Fast-Food Branding on Young Children's Taste Preference' *Arch Pediatr Adolesc Med*. (2007) 161(8), 792–797.

obesity, and unhealthy diets.<sup>34</sup> In line with this approach, a recent study from the ESRI has demonstrated that consumers purchased healthier snack foods when Nutri-Score labels were applied to products, as well as when there was a higher proportion of healthier foods to choose from. Nutritional labelling continues to have an influence on decisions even when the market changes.<sup>35</sup>

In 2018, the Joint Oireachtas Committee on Children and Youth Affairs recommended the introduction of a statutory code for the advertising and marketing of food and non-alcoholic beverages in the context of non-broadcast media. They also called for an independent monitoring body to be established as a matter of priority to monitor compliance and the effectiveness of the *Voluntary Codes of Practice*.<sup>36</sup> The Joint Oireachtas Committee on Education and Skills has similarly recommended that digital marketing aimed at children by the food and drinks industries be appropriately regulated to reduce its influence on their eating habits.<sup>37</sup> This Committee also called for advertising on school grounds to be banned.<sup>38</sup>

## ► What has been achieved for children and young people so far?

The *Programme for Government* commits to 'work with key stakeholders to introduce a Public Health Obesity Act, including examining restrictions on promotion and advertising aimed at children'.<sup>39</sup> To date there is no indication of a timeline being put in place for the drafting of the general scheme of a Bill, with the Minister of State for the Department of Health, Colm Burke TD, highlighting in June 2024 that the Government is focused on developing legislation relating to promotion and advertising as well as a range of other

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34 Office of the High Commissioner for Human Rights, Statement by the UN Special Rapporteur on the Right to Health on the adoption of front-of-package warning labelling to tackle NCDs, 27 July 2020 <<https://bit.ly/3YCqLWN>> accessed 27 January 2025.

35 Economic Social & Research Institute, Assessing the Impact of Nutri-Score Labelling and Product Availability on Consumer Choice (ESRI 2022) ESRI Working Paper No.736, 18.

36 Joint Oireachtas Committee on Children and Youth Affairs, Report on Tackling Childhood Obesity (Houses of the Oireachtas, 2018) 7.

37 *ibid* 16.

38 Joint Oireachtas Committee on Children and Youth Affairs, Report on Tackling Childhood Obesity (Houses of the Oireachtas, 2018) 16.

39 Government of Ireland, *Programme for Government, Our Shared Future* (Government Publications 2020) 46.

policies and programme measures to tackle obesity.<sup>40</sup> *A Healthy Weight for Ireland: Obesity Policy and Action Plan 2016–2025 (OPAP)* focuses on the prevention of obesity to increase the number of people in Ireland with a healthy weight.<sup>41</sup> The OPAP contains a commitment to 'develop, implement and evaluate a code of practice for food and beverages promotion, marketing and sponsorship'.<sup>42</sup> The OPAP also commits to the development, implementation, and evaluation of calorie posting legislation<sup>43</sup> and the development and implementation of a nutrition policy and action plan.<sup>44</sup>

Under the *OPAP*, an Irish Sugar-Sweetened Drinks Tax (SSDT) was announced in Budget 2018, came into effect on the 1st of May in 2018,<sup>45</sup> and was expanded in 2019.<sup>46</sup> The Irish SSDT aimed to reduce rates of childhood and adult obesity in Ireland by reducing the consumption of sugar sweetened drinks, particularly among young people. An evaluation of the tax was published in September 2024 which credits the SSDT with both the reduction in sugar consumption via carbonated soft drinks and the extensive reformulation of soft drinks in Ireland by manufacturers. The price difference may be due to reformulation of most of these leading products, making the 'full sugar' version more similar to the zero-sugar version than it was previously.<sup>47</sup>

In February 2018, the Department of Health launched the *Non-Broadcast Advertising and Marketing of Food and Non-Alcoholic Beverages, including Sponsorship and Retail Product Placement: Voluntary Codes of Practice*.<sup>48</sup> The challenge with voluntary codes is that they allow for self-regulation, which

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40 Minister for State for the Department of Health, Colm Burke T.D. Dáil Debates, Written Answers, Department of Health, 25 June 2024 [26848/24].

41 Department of Health, *A Healthy Weight for Ireland: Obesity Policy and Action Plan 2016–2025* (Stationery Office 2016).

42 *ibid* Action 3.2.

43 *ibid* Action 2.2.

44 *ibid* Action 5.2.

45 Minister for State for the Department of Health, Colm Burke T.D. Dáil Debates, Written Answers, Department of Health, 25 June 2024 [26848/24].

46 F Houghton et al., *Evaluation of Ireland's Sugar-Sweetened Drinks' Tax (SSDT)* (Department of Health 2024) 4.

47 Communication received by the Children's Rights Alliance from the Department of Health on 22 January 2025.

48 *Healthy Ireland, No-Broadcast Media Advertising and Marketing of Food and Non-Alcoholic Beverages, including Sponsorship and Retail Product Placement: Voluntary Codes of Practice* (Department of Health 2018).

may not sufficiently reduce the advertising of unhealthy foods, nor reduce children's exposure to this type of advertising.<sup>49</sup> The Advertising Standards Authority of Ireland (ASAI) has revised its Code of Standards by incorporating provisions of the *Voluntary Codes of Practice* in relation to the advertisement of HFSS products.<sup>50</sup> Since December 2022, commercial sponsorship of activities or events targeted towards children involving HFSS food have been prohibited.<sup>51</sup> The ASAI will be able to receive complaints on these new provisions. However, the ASAI operates a system of self-regulation, is financed by the advertising industry, and is 'not a law enforcement body'.<sup>52</sup>

The Online Safety and Media Regulation Act 2022 (OSMR) dissolved the Broadcasting Authority of Ireland (BAI) and established a new regulator, Coimisiún na Meán.<sup>53</sup> An Coimisiún has been enabled to make **media codes**; which apply to protect the interests of the audience, including those of children and the general public health interests of children,<sup>54</sup> and **online safety codes**; which may make provision to ensure service providers take measures to make their communications to children appropriate to protect the interests of the child.<sup>55</sup> The Act provides that An Coimisiún may prohibit or restrict communications relating to foods or beverages considered by it to be the subject of public concern in respect of the general public health interests of children; in particular, foods or beverages containing fat, trans-fatty acids, salts or sugars.<sup>56</sup> It is important to highlight that while An Coimisiún has the power to make media codes, it is not obliged to do so in the Act.<sup>57</sup>

On 17 January 2023, the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media, Catherine Martin TD, announced the appointment of the Executive

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49 Communication received by the Children's Rights Alliance from the Department of Health on 22 December 2021. The ASAI Code 'covers commercial marketing communications and sales promotions in all media in Ireland including digital web, social, mobile, in-game ads, influencer marketing (user-generated commercial content), print, outdoor, radio, TV, leaflets/brochures, SMS/MMS, cinema, and direct marketing.'

50 *ibid.*

51 Communication received by the Children's Rights Alliance from the Department of Health on 22 December 2021.

52 Advertising Standards Authority of Ireland, *Section 8: Food and Non-Alcoholic Beverages* (ASAI 2021).

53 Communication received by the Children's Rights Alliance from the Department of Health on 24 November 2022. See also Chapter 15 of this Report Card.

54 Online Safety and Media Regulation Act 2022, s46N(2)(d)i-ii.

55 *ibid* s139K(2)(d).

56 *ibid* s46N(7).

57 *ibid* s46N.

Chairperson and Commissioners to the Online Safety Commission.<sup>58</sup> Niamh Hodnett commenced her duties as the Online Safety Commissioner in mid-February 2023.<sup>59</sup> The first draft of the *Online Safety Code* for video-sharing platform services was published on 8 December 2023.<sup>60</sup> An Coimisiún provides accompanying guidance with the first draft *Online Safety Code* which states that, in relation to commercial communications relating to HFSS foods, it 'strongly

encourages [video-sharing platform service] providers to engage with non-statutory regulatory measures in place for the promotion of foods high in fat, salt and sugar'.<sup>61</sup> A further draft of the *Online Safety Code* was published in May 2024, with the final version published in October 2024. Both omitted any reference to commercial communications relating to HFSS foods or unhealthy foods despite the accompanying guidance with the first draft.<sup>62</sup>

Ireland has engaged with other European Union (EU) countries for the last three years on a joint action called 'Best-ReMaP' and led on a work package called 'Best practices in reducing marketing of unhealthy food products to children and adolescents'.<sup>63</sup> This work included the development of an EU-wide harmonised and comprehensive monitoring protocol for reducing unhealthy food marketing to children.<sup>64</sup> Work on this action commenced in October 2020 and concluded in September 2023.<sup>65</sup> As part of this work, Ireland led on developing guidance for an EU-wide Code of Practice to



**The final Online Safety Code omitted any reference to commercial communications relating to HFSS foods or unhealthy foods.**

58 Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media, 'Minister Martin announces forthcoming appointment of Executive Chairperson and Commissioners in Coimisiún na Meán' (17 January 2023) <<http://bit.ly/3x9h0dl>> accessed 27 January 2025.

59 *ibid.*

60 Coimisiún na Meán, 'Coimisiún na Meán opens public consultation on Ireland's first Online Safety Code' Press Release (8 December 2023) <<https://bit.ly/3PXZJNj>> accessed 27 January 2025.

61 Coimisiún na Meán, Consultation Document – Online Safety, 71.

62 *ibid.*

63 Communication received by the Children's Rights Alliance from the Department of Health on 1 December 2023.

64 *ibid.*

65 *ibid.*

reduce marketing of unhealthy food to children and on developing, testing, and adapting protocols to monitor unhealthy food marketing to children, with a particular focus on digital marketing.<sup>66</sup> Piloting of the draft EU-WHO Monitoring Protocol ran between May 2022 and July 2023.<sup>67</sup> Two monitoring workshops in May 2023 and June 2023 also provided training on the EU-WHO Monitoring Protocol, sharing experiences of the support needed to successfully implement an EU-wide regular monitoring programme.<sup>68</sup> Member states involved felt that the monitoring protocols were useful to effectively monitor unhealthy food marketing to which children are exposed through the internet and TV, as well as outdoor marketing close to children's facilities.<sup>69</sup> The EU Framework for Action was finalised in September 2023 and specifically cites implementing a child rights-based approach as a key action in how the EU and its Member States can protect children from harmful food marketing.<sup>70</sup>

## ► **What children and young people need next**

While there has been no movement in the lifetime of this Government towards the introduction of a Public Health Obesity Act, other important measures have been taken which will aid in the future development of a Public Health Obesity Bill. The conclusion of the EU Framework for Action under the 'Best Re-MaP' is welcome, as it delivers a European-wide monitoring protocol and technical guidance to implement best practices when restricting marketing of unhealthy foods to children.<sup>71</sup>

In relation to advertising, the inclusion of measures which enable An Coimisiún to prohibit or restrict communications relating to foods or beverages considered by it to be the subject of public concern in respect of the general public health interests of children in the Online Safety and Media

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66 Communication received by the Children's Rights Alliance from the Department of Health on 22 December 2021.

67 Communication received by the Children's Rights Alliance from the Department of Health on 1 December 2023.

68 *ibid.*

69 *ibid.*

70 Minister for State for the Department of Health, Colm Burke T.D. Dáil Debates, Written Answers, Department of Health, 25 June 2024 [26848/24].

71 Communication received by the Children's Rights Alliance from the Department of Health on 1 December 2023.

Regulation Act is welcome. However, the Act only enables, and does not require, An Coimisiún to create codes in this regard.

The exclusion of measures related to HFSS marketing in the final version of the *Online Safety Code* is concerning, as An Coimisiún had included it in the first draft of the Guidance accompanying the Code. This first Code provided an opportunity to make use of their statutory powers to prohibit or restrict communications relating to foods or beverages considered by it to be the subject of public concern in respect of the general public health interests of children; in particular, foods or beverages containing fat, trans-fatty acids, salts, or sugars.<sup>72</sup> While there are restrictions on HFSS marketing through the ASAI, a more binding and enforceable set of measures are needed to address this type of marketing. Priority should be given to commencing work on the development a Public Health Obesity Bill in 2025 to ensure action is taken to address the issue of overweight and obesity amongst children. In particular, it is key that the Bill puts in place restrictions on promotion and advertising of HFSS aimed at children.

### ➔ **Recommendations**

- ▶ **Prioritise the preparatory work and publish the proposed Public Health Obesity Bill in 2025 with a focus on restricting the marketing and advertising of HFSS aimed at children.**
- ▶ **Co-ordinate with Coimisiún na Meán to develop a specific online safety code to introduce measures regulating the marketing of HFSS foods to children.**

*For further information, please see [Chapter 8: Food Poverty](#).*

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<sup>72</sup> Online Safety and Media Regulation Act 2022, s46N(7).



# 10

# Family Homelessness

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Section Grade:

# D



## The Programme for Government commits to:

We will focus our efforts on reducing the number of homeless families and individuals and work with local authorities and housing agencies to support them into long-term sustainable accommodation.

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▶ Progress: **Limited**

'Family Homelessness' receives a 'D' grade, an increase on the 'D-' grade received last year. Over the course of the *Programme for Government: Our Shared Future*, family homelessness increased by 87 per cent, with the number of children living in emergency accommodation increasing by over 2,000. According to the latest data, in December 2024 there were 4,510 children in homeless accommodation. Despite these dire statistics, an examination of the data shows that prevention work is having increased impact. In 2024, 56 per cent of families presenting to homeless services were prevented from entering emergency accommodation, compared to 43 per cent in 2023. However, the scale of new presentations to homeless services has meant the net number of families entering emergency accommodation was higher overall in 2024.

**Exits from emergency accommodation to tenancies have increased in the last three years. While there has been a fall in the percentage of these exits to the private rented sector, this has meant a higher proportion of families are exiting to more secure local authority and approved housing body tenancies. Despite these positive measures, the scale of the homelessness problem means that while the Government is making a meaningful effort to support families to exit homelessness into sustainable accommodation, they need to redouble their work to make any progress in addressing the problem.**

## Ireland's duties and responsibilities in international law



Under Article 27 of the UN Convention on the Rights of the Child (UNCRC), all children have the right to a decent standard of living that is good enough to meet their physical and social needs and support their development. In cases where parents or carers are unable to provide this, the State must assist by providing 'material assistance and support programmes particularly with regard to nutrition, clothing and housing'.<sup>1</sup> The UN Committee on Economic, Social and Cultural Rights is clear that the right to housing applies to everyone and must be accessible and affordable to all. The right is only fulfilled if the property is habitable, offers security of tenure and has provision of facilities essential for health, security, comfort and nutrition.<sup>2</sup>

The right to housing also comes with a duty to monitor the numbers of people who are homeless and those at increased risk of being disadvantaged with regard to housing.<sup>3</sup> States then have a responsibility to prevent and address homelessness by, for example, increasing housing infrastructure.<sup>4</sup>

Aligned to this, States bear responsibility under Article 16 of the UNCRC to protect the child's private, family and home life. Given that homelessness deprives families of their own personal space, State failure to address homelessness through providing appropriate housing could be considered an interference with the child's right to privacy, as well as the right to a decent standard of living.<sup>5</sup>

Ireland committed to promote, protect and respect children's rights when it ratified the UNCRC in 1992. As part of this, Ireland agreed to be reviewed every five years on its progress in implementing the rights

1 UN Convention on the Rights of the Child (20 November 1989) 1577 UNTS 3(UNCRC) Art 27.

2 UN Committee on Economic, Social and Cultural Rights, 'General Comment No. 4 on the Right to Adequate Housing (Art 11(1) of the Covenant)' (1991) UN Doc E/1992/23, para 8.

3 *ibid* para 13.

4 UN & Habitat, *The Right to Adequate Housing*, Factsheet No 21/Rev. 1 (Office of the High Commissioner for Human Rights, 2014) 34.

5 UN Convention on the Rights of the Child (20 November 1989) 1577 UNTS 3(UNCRC) Art 16.

in the Convention. Ireland was last examined by the Committee on the Rights of the Child in 2023. In its Concluding Observations, the Committee urged Ireland to 'address the root causes of homelessness among children'.<sup>6</sup> In addition, the Committee called for the phasing out of emergency accommodation and an increase in the supply of long-term social housing.<sup>7</sup>

## ► What is the context for this commitment?

The denial of a child's right to an adequate standard of living, including the right to adequate housing, can have a significant adverse impact on their development and wellbeing.<sup>8</sup> Children who experience homelessness are more likely to have developmental and learning delays, as well as poorer academic attainment.<sup>9</sup> Although the right to housing is absolute and should be accessible to all, there is significant discrimination in the housing market, with one parent families, people with disabilities, and people from lower socio-economic backgrounds all facing high levels of discrimination in access to housing.<sup>10</sup>

Across Europe homelessness is identified as a common occurrence amongst groups that experience disadvantage with trigger events or personal circumstances of these groups increasing the likelihood and risk of homelessness.<sup>11</sup> Since 2014, child and family homelessness had been rising rapidly, and though this trend abated somewhat towards the end of 2019, it increased again and continued to rise from the end of 2021.<sup>12</sup> Research published in 2021 shows that one parent families have a lower rate of homeownership and a higher rate of occupancy in both the private rental

6 UNCRRC, 'Concluding Observations Ireland' (2023) UN Doc CRC/C/IRL/CO/5-6, para 35.

7 *ibid.*

8 Royal College of Physicians in Ireland, *The Impact of Homelessness and Inadequate Housing on Children's Health*, (RCPI 2019).

9 S D'Sa et al, 'The psychological impact of childhood homelessness—a literature review' (2020) *Irish Journal of Medical Science*.

10 H Russell et al, *Monitoring Adequate Housing in Ireland* (ESRI 2021).

11 E O'Sullivan et al, *Homelessness in the European Union* (DG Internal Politics 2023).

12 See Department of Housing, Local Government and Heritage, *Homelessness Data* <https://bit.ly/3GErals> and Focus Ireland, *Knowledge Hub: Latest Figures*, <https://bit.ly/3Z7s33f>, accessed 29 January 2025.

and local authority sectors.<sup>13</sup> These families are also more likely to have more affordability issues and experience housing deprivation, such as an inability to heat their home.<sup>14</sup>

Travellers are more likely to be homeless than the general population, with some Travellers experiencing difficulty in accessing emergency accommodation, a higher level of hidden homelessness, and overcrowding.<sup>15</sup> In one study by Focus Ireland, Traveller families represented a disproportionate number of homeless families. Despite making up less than one per cent of the general population, Traveller families accounted for seven per cent of all homeless families.<sup>16</sup>

A qualitative study of families experiencing homelessness in Dublin found that landlord's selling their property, over crowding and domestic violence were the main causes of homelessness.<sup>17</sup> Families who cannot afford market rents can avail of the Rent Supplement<sup>18</sup> or Housing Assistance Payment (HAP).<sup>19</sup> While the Rent Supplement and HAP are important supports in terms of affordability, many prospective and current tenants face discrimination from landlords who refuse to accept them as a means of rent payment.<sup>20</sup> Discrimination<sup>21</sup> based on the use of these supports is prohibited under the Equal Status Acts.<sup>22</sup> Between 2017 and 2020, the Workplace Relations Commission (WRC) received 329 complaints from tenants who said they

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13 H Russell et al, *Monitoring Adequate Housing in Ireland* (ESRI 2021).

14 *ibid.*

15 Independent Expert Group on behalf of the Minister of the Department of Housing, Planning and Local Government, *Traveller Accommodation Expert Review* (DHPLG 2019).

16 A Long et al, *Family Homelessness in Dublin: Causes, Housing Histories, and Finding a Home* (Focus Ireland 2019) 24.

17 L. O'Donnell, A. Slein, and D. Hoey, *Insights into Family Homelessness in Dublin during 2022 and 2023*. (Focus Ireland 2024)

18 Citizens Information, 'Rent Supplement', <https://bit.ly/42fl3lU> accessed 29 January 2024.

19 Citizens Information, 'Housing Assistance Payment', <https://bit.ly/3Ufnjsj> accessed 29 January 2024.

20 Threshold, *HAP and Rent Supplement Discrimination* (Threshold 2021).

21 Based on nine grounds -gender, marital status, family status, sexual orientation, religion, age, disability, race and membership of the Traveller community. Equal Status Act, 2000.

22 On 1 January 2016, the Equality (Miscellaneous Provisions) Act 2015 introduced "housing assistance" as a new discriminatory ground. This means that discrimination in the provision of accommodation or related service and amenities against people in receipt of rent supplement, HAP or other social welfare payments is prohibited. Further information is available at Irish Human Rights and Equality Commission, 'Housing Assistance Payment' <<https://bit.ly/3rr3nr>> accessed 4 February 2022.

had experienced such discrimination.<sup>23</sup> Rent limits for HAP are set out in regulations published in 2017.<sup>24</sup> To address the insufficiency of the HAP limits, local authorities previously had the discretion to increase the standard rent limits by 20 per cent in order to secure accommodation. In July 2022, the discretion rate was increased from 20 per cent to 35 per cent, along with an extension of the rate paid for a couple to single adult households.<sup>25</sup> While this is a welcome measure, it relates to discretionary practice, and the HAP limits have not increased since 2017 despite substantial increases in market rents.<sup>26</sup> Charities working with vulnerable families have highlighted increased risk of poverty and homelessness as a prominent impact resulting from paying “top-ups” on their rent.<sup>27</sup>

Evidence highlights that people of minority ethnicities in Ireland experience significant discrimination in accessing housing. Black Irish people are three and a half times more likely to experience discrimination than White Irish people and are more likely to be represented among the homeless population.<sup>28</sup> Ethnic groups such as Travellers, Asian and Black minorities are more likely to live in overcrowded accommodation compared to other groups.<sup>29</sup> Migrant groups are also likely to have housing affordability issues.<sup>30</sup> Given the housing crisis, those with refugee status and people granted leave to remain are finding it difficult to leave Direct Provision.<sup>31</sup>

The Department of Housing, Local Government and Heritage has confirmed that ministerial directions remain in place that ensure HAP recipients, should they so choose, can avail of a move to other forms of social housing support

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23 Threshold, *HAP and Rent Supplement Discrimination* (Threshold 2021).

24 S.I. No. 56/2017 - Housing Assistance Payment (Amendment) Regulations 2017.

25 Communication received from the Department of Housing, Local Government and Heritage on 12 January 2024.

26 Daft.ie, *The Daft.ie Rental Price Report - An analysis of recent trends in the Irish residential rental market 2024 Q3*, 8.

27 Society of St Vincent de Paul, ‘SVP Observations on the Homelessness-related aspects of the Housing Act’, (SVP 2023).

28 R Grotti et al, *Discrimination and Inequality in Housing in Ireland* (IHREC and ESRI 2018) 72-73.

29 H Russell et al, *Monitoring Adequate Housing in Ireland* (ESRI 2021) 129.

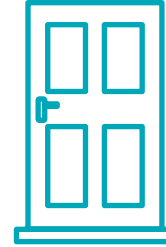
30 *ibid* 76.

31 Minister for Children, Equality, Disability, Integration and Youth, Roderic O’Gorman TD, Dail Debates, Written Answers, *Direct Provision System*, 23 July 2024 [30884/24].

through a transfer list.<sup>32</sup> Recipients should get full credit for the time they spent on the waiting list and be placed on the transfer list with no less favourable terms than if they had remained on the main social housing waiting list.<sup>33</sup>

Since the introduction of HAP in 2014 up to June 2024, 36 per cent of exits from HAP have been to other forms of social housing support.<sup>34</sup> In the first half of 2024, 2,659 transferred to other forms of social housing.<sup>35</sup>

A review of the international evidence suggests affordable rents and legal protections for tenancy rights are key components of effective homelessness prevention strategies.<sup>36</sup> Rights-based policy analysis highlights that an over-reliance on HAP as a primary mechanism to access housing support means the private rental market bears the primary responsibility for addressing homelessness.<sup>37</sup>



**36%**

Since 2014, 36 per cent of HAP exits have been to other forms of social housing supports.

## ► What has been achieved for children and young people so far?

### Number of families and children living in emergency accommodation

Every month, the Department of Housing, Local Government and Heritage publishes a report on the number of people living in emergency

32 Communication received from the Department of Housing, Local Government and Heritage on 12 January 2024.

33 *ibid.*

34 Communication received from the Department of Housing, Local Government and Heritage on 14 January 2025.

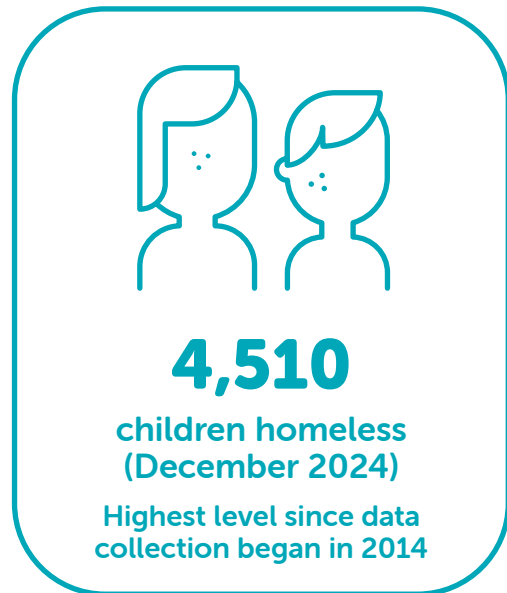
35 *ibid.*

36 N Pleace, *Preventing Homelessness: A Review of the International Evidence* (Simon Communities of Ireland 2019) 7.

37 R Hearne & M Murphy, 'An absence of rights: Homeless families and social housing marketisation in Ireland' (2018) *Administration* 66(2) 27-28.



accommodation. The report includes a breakdown of the number of children and families (including the proportion of one parent families) in this type of accommodation. In 2024, the number of children living in emergency accommodation increased from 4,027 in January<sup>38</sup> to 4,510 in December.<sup>39</sup> The current number of children living in emergency accommodation is at the highest level since data collection began in 2014. During the lifetime of the *Programme for Government - Our Shared Future*, from June 2020 to November 2024, there were an additional 2,000 children living in emergency accommodation.<sup>40</sup>



### Number of children living in Emergency Accommodation (2020 to 2024)

	2020	2021	2022	2023	2024
January	3,574	2,326	2,563	3,431	4,027
April	3,073	2,193	2,944	3,594	4,214
June	2,653	2,167	3,071	3,765	4,404
September	2,583	2,344	3,342	3,904	4,561
<b>December</b>	<b>2,327</b>	<b>2,451</b>	<b>3,442</b>	<b>3,962</b>	<b>4,510</b>

Source: Department of Housing, Local Government and Heritage *Homelessness data* (2020, 2021, 2022, 2023, 2024 and 2025).<sup>41</sup>

At the end of December 2024, there were 2,092 families living in emergency accommodation.<sup>42</sup> This is an increase of 152 families compared to January 2024.

38 Department of Housing, Local Government and Heritage, *Homeless Report January 2024* (DHLGH 2024).

39 Department of Housing, Local Government and Heritage, *Homeless Report December 2024* (DHLGH 2025).

40 Department of Housing, Local Government and Heritage, *Homeless Report June 2020 and November 2024* (DHLGH 2020 and 2025).

41 Department of Housing, Local Government and Heritage, 'Homelessness Data' <<https://bit.ly/3op7UCh>> accessed 3 January 2024.

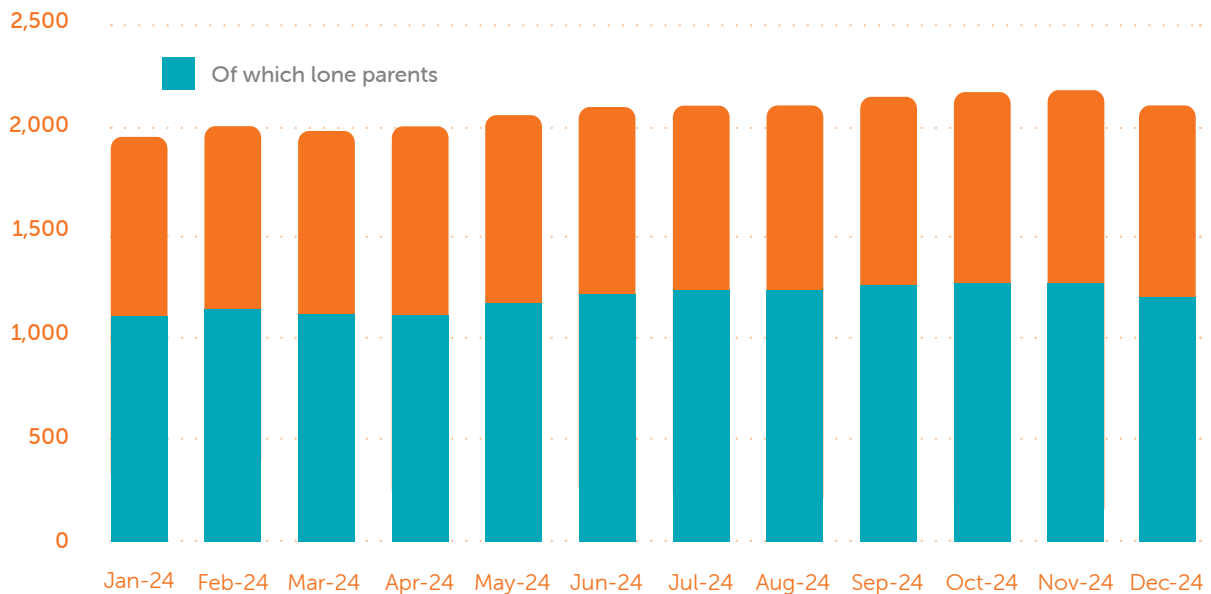
42 Department of Housing, Local Government and Heritage, *Homeless Report November 2024* (DHLGH 2025).



**During the lifetime  
of the *Programme  
for Government:  
Our Shared Future*,  
from June 2020 to  
November 2024, there  
were an additional  
2,000 children  
living in emergency  
accommodation.**

Throughout 2024, over half of the families living in emergency accommodation were headed by a lone parent, a disproportionate figure given the total number of such families in the population.<sup>43</sup>

### Number of families living in homeless accommodation in 2024



Source: Department of Housing, Local Government and Heritage *Homelessness data* (2024 and 2025).<sup>44</sup>

The publication of the Government's strategy, *Housing for All*, in September 2021 had the potential to address the underlying causes of homelessness. The strategy makes an explicit commitment to work towards ending homelessness by 2030, in line with the Government's signing of the *Lisbon Declaration on the European Platform on Combatting Homelessness*.<sup>45</sup> Specific targeted measures are included for those with complex needs.<sup>46</sup> However, aside from two actions (3.16 and 3.18), there is little focus on children specifically. In particular, there is a noted lack of a dedicated actions to tackle family homelessness. The Strategy recognises the importance of early intervention initiatives and the role of family support services, both in terms of preventing homelessness and in providing a pathway to exit emergency accommodation.<sup>47</sup>

43 CSO, *Census of Population 2022 Profile 3 - Households, Families and Childcare*, (CSO 2023).

44 Department of Housing, Local Government and Heritage, 'Homelessness Data' <<https://bit.ly/3op7UCh>> accessed 29 January 2025.

45 Department of Housing, Local Government and Heritage, *Housing for All* (Government of Ireland 2021) 51.

46 *ibid.*

47 *ibid.*

## Homelessness Prevention

Housing for All contains a commitment to prevent entry into homelessness and to help those who are homeless to exit into sustained tenancies.<sup>48</sup>

The *Homeless Quarterly Progress Reports* published by the Department of Housing, Local Government and Heritage provide insights about the number of families presenting to emergency accommodation cumulatively and for each quarter, as well as the number of these families prevented from entering such accommodation.

In 2024, 4,026 families presented for emergency accommodation nationally, with 2,262 (56 per cent) prevented from entering homeless services.<sup>49</sup> In the same period in 2023, 3,264 families had presented for emergency accommodation, and 1,624 (50 per cent) were prevented from experiencing homelessness.<sup>50</sup>

In 2024, 638 more families were prevented from entering homeless services than the previous year. However, an increased number of presentations to emergency accommodation (762 families) means the total number of families entering homelessness was higher in 2024 (1,764)<sup>51</sup> than in 2023 (1,640).<sup>52</sup> Despite the positive impact of prevention work, the scale of presentations to homeless services means that they are not having enough effect.

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48 *ibid.*

49 Department of Housing, Local Government and Heritage, *Homeless Quarterly Progress Report Quarter 4 2024* (DHLGH 2025).

50 Department of Housing, Local Government and Heritage, *Homeless Quarterly Progress Report Quarter 4 2023* (DHLGH 2024).

51 Department of Housing, Local Government and Heritage, *Homeless Quarterly Progress Report Quarter 4 2024* (DHLGH 2025).

52 Department of Housing, Local Government and Heritage, *Homeless Quarterly Progress Report Quarter 4 2023* (DHLGH 2024).

	<b>2022</b>	<b>2023</b>	<b>Difference</b>
Presented to emergency accommodation	4,026	3,264	762
Prevented from entering homeless services	2,262	1,624	638
Percentage of families prevented from entering emergency accommodation	56%	50%	
Net number of families experiencing homelessness	1,764	1,640	124

Source: Department of Housing, Local Government and Heritage, *Homeless Quarterly Progress Report Quarter 4 2024; Quarter 4 2023* (DHLGH 2024 and 2023).

A key preventative measure has been the introduction of the Tenant in Situ scheme. This scheme allows the local authority to purchase a property where a tenant faces eviction due to the landlord selling the property. The scheme has been a measure in preventing homelessness in 2023 and 2024.<sup>53</sup> In 2024, 1,500 homes were acquired under the scheme and there were 1,830 acquisitions in 2023.<sup>54</sup> The scheme is a continued policy priority for the department<sup>55</sup>; however, it is unclear from the Budget documentation what level of funding has been allocated for 2025 or what the target number of acquisitions might be.

## Child and Family Homelessness in Dublin

Three quarters of children living in emergency accommodation are in the four Dublin local authority areas.<sup>56</sup> The Dublin Region Homeless Executive (DRHE) publishes more detailed homeless data for the county than that available in the monthly and quarterly reports published by the Department of Housing, Local Government and Heritage. The DRHE data includes further detail on the reasons families are presenting to homeless services. In the past three years, a large proportion of new families presenting for emergency accommodation are doing so due to receiving a Notice of Termination from a tenancy in the private rented sector. The percentage of families impacted by this in 2024, was

<sup>53</sup> Communications received from the Department of Housing, Local Government and Heritage on 14 January 2025.

<sup>54</sup> *ibid.*

<sup>55</sup> *ibid.*

<sup>56</sup> Dublin Region Homeless Executive, *Monthly Report on Homelessness in the Dublin Region* (DRHE November 2024) 1.

40 per cent,<sup>57</sup> an increase in the 2023 figure of 32 per cent<sup>58</sup> and 39 per cent in 2022.<sup>59</sup> This highlights the insecurity of the private rented sector as a key driver of family homelessness.

## Reasons for Homelessness in Dublin Region

During the six-month moratorium on evictions from October 2022 to March 2023, the percentage of new family presentations due to a Notice of Termination from a tenancy fell to 25 per cent.<sup>60</sup> While the moratorium on evictions reduced the proportion of families presenting to homeless services once it was lifted the numbers rose again. In April 2023, immediately after the moratorium over half (55 per cent) of families presenting to homeless services were due to a Notice of Termination.<sup>61</sup> In May, the figure was 43 per cent.<sup>62</sup>

### Number of new families presenting to emergency accommodation due to Notice of Termination

	2024	2023	2022
Number of new families presenting to emergency accommodation	867	867	847
Number of Notice of Termination	349	281	328
Percentage Notice of Termination	40%	32%	39%

Source: DRHE Monthly Reports (DRHE 2022, 2023, 2024).

## Exits from Emergency Accommodation to Tenancies

Over the last three years, there has been an increase in the number of family households exiting emergency accommodation to tenancies, rising from 880

57 DRHE *Monthly Report on Homelessness In Dublin Region* (DRHE various months in 2024 and 2025).

58 DRHE *Monthly Report Monthly Report on Homelessness In Dublin Region* (DRHE various months 2023 and 2024).

59 DRHE *Monthly Report Monthly Report on Homelessness In Dublin Region* (DRHE various months 2022 and 2023).

60 *ibid.*

61 DRHE *Monthly Report Monthly Report on Homelessness in Dublin Region* (DRHE April 2023).

62 DRHE *Monthly Report Monthly Report on Homelessness in Dublin Region* (DRHE May 2023).

in 2022<sup>63</sup>, to 927 in 2023<sup>64</sup> and 1,213 exits in 2024.<sup>65</sup> There is no comparable data on the number of families exiting from homeless accommodation at a national level prior to 2022. However, trends captured by the Dublin Region Homeless Executive show that while there was a welcome increase in family exits in the last three years, these have not returned to the same levels as 2021 and 2020 and prior to the Covid pandemic.<sup>66</sup>

There has been a significant contraction in the private rental market as an option for families exiting homeless accommodation over the last number of years. In 2024, one-quarter of exits from emergency accommodation were to the private rental market.<sup>67</sup> In the two preceding years, the percentage of exits to the private rented sector was 32 per cent in 2023<sup>68</sup> and 39 per cent in 2022.<sup>69</sup> The fall off in the availability of private rented tenancies for those exiting emergency accommodation is observed in real terms with 341 exits to this type of tenancy in 2022<sup>70</sup>, 296 in 2023,<sup>71</sup> and 205 in the first nine months of 2024.<sup>72</sup>

Conversely, the proportion of exits to local authority lettings, Approved Housing Bodies (AHB) and long-term supported accommodation has increased, which may show an opening up of these tenure types for families exiting from emergency accommodation.

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63 Department of Housing, Local Government and Heritage, *Homeless Quarterly Progress Report Quarter 4 2022* (DHLGH 2023).

64 Department of Housing, Local Government and Heritage, *Homeless Quarterly Progress Report Quarter 4 2023* (DHLGH 2024).

65 Department of Housing, Local Government and Heritage, *Homeless Quarterly Progress Report Quarter 4 2024* (DHLGH 2024).

66 DRHE *Monthly Report Monthly Report on Homelessness in Dublin Region* (DRHE November 2024) 2.

67 Department of Housing, Local Government and Heritage, *Homeless Quarterly Progress Reports 2024* (DHLGH 2024 and 2025).

68 Department of Housing, Local Government and Heritage, *Homeless Quarterly Progress Report Quarter 4 2023* (DHLGH 2024).

69 Department of Housing, Local Government and Heritage, *Homeless Quarterly Progress Report Quarter 4 2022* (DHLGH 2023).

70 *ibid.*

71 Department of Housing, Local Government and Heritage, *Homeless Quarterly Progress Report Quarter 4 2023* (DHLGH 2024).

72 Department of Housing, Local Government and Heritage, *Homeless Quarterly Progress Report Quarter 3 2024* (DHLGH 2024).



**There has been a significant contraction in the private rental market as an option for families exiting homeless accommodation over the last number of years.**



In 2022, there were 311 exits to local authority lettings<sup>73</sup> and 371 in 2023.<sup>74</sup> With 370 exits to this type of tenure in the first nine months of 2024<sup>75</sup> there is an indication that the Government is putting increased resources behind this type of tenure. A similar pattern is observed in relation to exits to AHB lettings and long term supported accommodation.<sup>76</sup> In 2022, there were 228 families exiting to these tenures<sup>77</sup> and this increased to 260 in 2023.<sup>78</sup> There were 299 exits to this type of tenure in the first nine months of 2024.<sup>79</sup> Increased exits to both local authority and AHB lettings is a positive development as this tenure is more sustainable with a lower risk of returning to homeless accommodation.

### Exits from Emergency Accommodation in 2023 and 2024 by tenure type

	2024				2023				2022			
	Q4	Q3	Q2	Q1	Q4	Q3	Q2	Q1	Q4	Q3	Q2	Q1
Local authority lettings	125	131	100	140	123	104	67	77	107	82	69	53
AHB lettings	138	124	87	81	70	63	57	64	91	42	49	46
Long-term supported accommodation	4	2	3	2	0	4	2					
Private rented (including HAP & RAS)	71	70	69	66	73	68	81	74	76	80	84	101
<b>Quarterly Total Exits</b>	<b>338</b>	<b>327</b>	<b>259</b>	<b>289</b>	<b>266</b>	<b>239</b>	<b>207</b>	<b>215</b>	<b>274</b>	<b>204</b>	<b>202</b>	<b>200</b>
<b>Yearly Total Exits</b>	<b>1,213</b>				<b>927</b>				<b>880</b>			
<b>Percentage of exits from each tenure</b>												
Local authority lettings	41%				40%				35%			
AHB & LT Supported Acc. lettings	36%				28%				26%			
Private rented (incl. Hap and RAS)	23%				32%				39%			

73 Department of Housing, Local Government and Heritage, *Homeless Quarterly Progress Report Quarter 4 2022* (DHLGH 2023).

74 Department of Housing, Local Government and Heritage, *Homeless Quarterly Progress Report Quarter 4 2023* (DHLGH 2024).

75 Department of Housing, Local Government and Heritage, *Homeless Quarterly Progress Report Quarter 3 2024* (DHLGH 2024).

76 While exits to AHB lettings and long-term supported accommodation are recorded separately since Quarter 2 2023, prior to this these categories were combined. The two categories are combined here for comparison sake.

77 Department of Housing, Local Government and Heritage, *Homeless Quarterly Progress Report Quarter 4 2022* (DHLGH 2023).

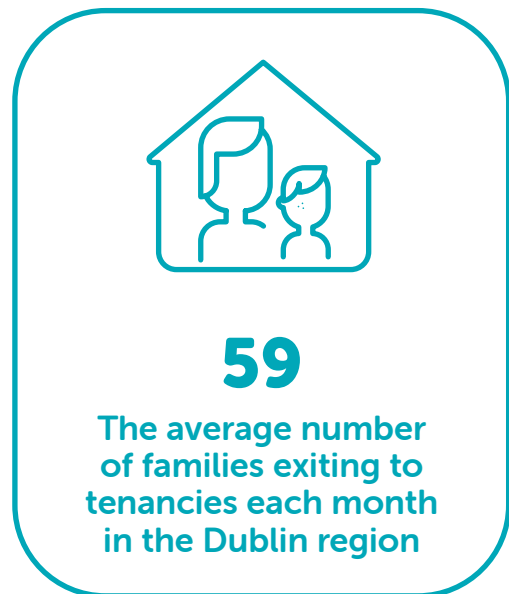
78 Department of Housing, Local Government and Heritage, *Homeless Quarterly Progress Report Quarter 4 2023* (DHLGH 2024).

79 Department of Housing, Local Government and Heritage, *Homeless Quarterly Progress Report Quarter 3 2024* (DHLGH 2024).

## Exits from Homelessness to Tenancies in the Dublin Region

In 2024, the DRHE recorded 708 families exiting emergency accommodation.<sup>80</sup> Similar to the overall figures, 38 per cent (272 families) exited to a local authority letting; 35 per cent (247 families) were accommodated by an AHB or in long term supported accommodation (1 family). A further 26 per cent were accommodated in the private rental sector through the support of HAP (164 families) or Rental Accommodation Scheme (RAS) (3 families).<sup>81</sup> There were also two families accommodated by Housing Agency Acquisitions.<sup>82</sup>

In November 2023<sup>83</sup> and again in November 2024,<sup>84</sup> the DRHE noted that fewer exits to tenancies have been the main driver of the increase in homelessness in the Dublin region, rather than an increase in presentations. The average number of families exiting to tenancies each month in the Dublin region in 2024 was 59.<sup>85</sup> This was higher than the previous three years when the average was 39 in 2023, 33 in 2022, and 57 in 2021.<sup>86</sup> While there has been an increase in the monthly average number of exits to tenancies over the last three years, the number falls far behind 2020 and 2019, which saw an average of 94 and 95 families respectively exiting to tenancies.<sup>87</sup>



80 Dublin Region Homeless Executive, *Monthly Reports on Homelessness in the Dublin Region* (DRHE December 2024).

81 *ibid.*

82 *ibid.*

83 Dublin Region Homeless Executive, *Monthly Reports on Homelessness in the Dublin Region* (DRHE 2024).

84 Dublin Region Homeless Executive, *Monthly Reports on Homelessness in the Dublin Region* (DRHE 2025).

85 Dublin Region Homeless Executive, *Monthly Reports on Homelessness in the Dublin Region* (DRHE December 2024).

86 *ibid* 4.

87 *ibid.*

The collapse of the private rental sector as a pathway out of emergency accommodation is illustrated in research with families experiencing homelessness.<sup>88</sup> In a study of 52 families experiencing homelessness between August 2022 and November 2023, participants highlighted the challenges of trying to find a tenancy with HAP to exit homelessness.<sup>89</sup> Of the 39 families looking for accommodation using HAP, 18 (46 per cent) applied for more than 100 properties, with a further seven families applying to more than seven. Despite applying for such high number of properties, 19 families had just one-to-three viewings and 11 families reported they had zero viewings.<sup>90</sup> While an increase in the number of exits to social housing is a welcome and alternative option, there is a need for a significant ramping up of the numbers of families provided with this option as a pathway out of emergency accommodation.

Despite the large number of families prevented from entering emergency accommodation, as well as the number of exits, 714 families were living in emergency accommodation for more than 12 months at the end of 2024.<sup>91</sup> That is 27 more than at the end of 2023.<sup>92</sup> The year-on-year increase from 2022 to 2023 was higher at 284 families.<sup>93</sup> Larger families are at particular risk of languishing in emergency accommodation for longer periods due to a dearth of accommodation available to meet their needs.<sup>94</sup> An increase in the number of families trapped in emergency accommodation for longer than 12 months is disappointing.

## Limitation of Data

Official statistics published by the Department of Housing, Local Government and Heritage only give a limited view of the prevalence of homelessness in

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88 L. O'Donnell, A. Slein, and D. Hoey *Insights into Family Homelessness in Dublin during 2022 and 2023* (Focus Ireland 2024).

89 *ibid.*40.

90 *ibid.* 58.

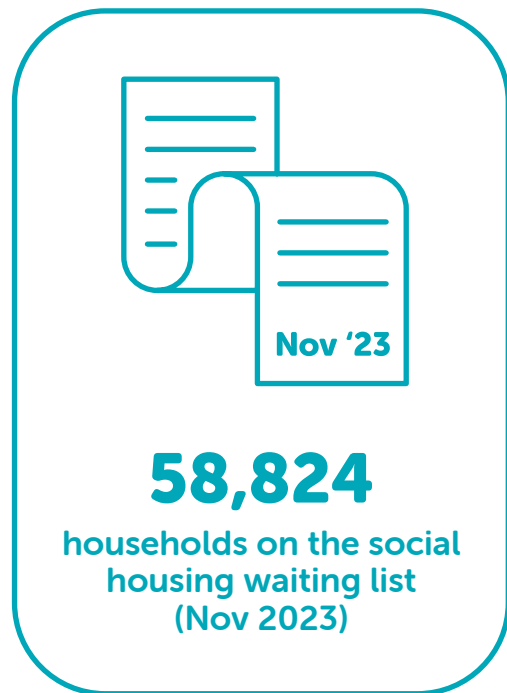
91 Department of Housing, Local Government and Heritage, *Homeless Quarterly Progress Report Quarter 4 2024* (DHLGH 2025).

92 Department of Housing, Local Government and Heritage, *Homeless Quarterly Progress Report Quarter 4 2023* (DHLGH 2024).

93 Department of Housing, Local Government and Heritage, *Homeless Quarterly Progress Report Quarter 4 2022* (2023 DHLGH).

94 L. O'Donnell, A. Slein, and D. Hoey *Insights into Family Homelessness in Dublin during 2022 and 2023* (Focus Ireland 2024)

Ireland.<sup>95</sup> The monthly homeless data report only includes individuals and families living in Emergency Accommodation. They do not include families that are homeless but are accommodated in own-door accommodation or transitional housing. Data collected and monitored by other agencies and departments includes women and children in domestic violence refuges and people who have been granted asylum or some other form of protection but cannot find accommodation outside the Direct Provision system. These figures are not reported on a monthly basis and are therefore not included in media coverage of this issue.



The experience of hidden homelessness such as families who have had to leave their home and are “couch surfing” or relying on friends or family for emergency assistance are also not captured in the monthly statistics. Some insights on the numbers staying with families is provided for in the Social Housing Assessment, a statutory assessment which counts the number of households who qualify for social housing support across the country. The latest data on the social housing need indicated that there were 58,824 households on the housing waiting list in November 2023, 34 per cent of which were living with their parents, relatives and/or friends.<sup>96</sup>

## Reducing the number of homeless families

Prior to the publication of the *Programme for Government: Our Shared Future* in June 2020, a number of measures were introduced in response to the Covid-19 pandemic. The impact of these measures saw a significant decrease in the number of children living in emergency accommodation by the end

95 C Bennett 'Rebuilding Ireland for Everyone: A review of the government's housing strategy for young and old' in Brigid Reynolds and Sean Healy (eds) *The Challenges of Success: Addressing population growth in Ireland* (Social Justice Ireland 2019).

96 Housing Agency, *Summary of Social Housing Assessments 2023* (Housing Agency 2024).

of 2020, and this trend continued into 2021.<sup>97</sup> However, when the numbers began to increase once again, homeless organisations linked the trend reversal to the discontinuation of the pandemic measures, along with an inability to tackle the structural causes of the homelessness.<sup>98</sup> The progress achieved in reducing the number of families living in emergency accommodation in 2020 shows that it is possible to end family homelessness once the correct and dedicated policies and actions are put in place.

In 2022, with the numbers in emergency accommodation on the rise once more, the Government introduced two new measures to address this challenge. The first of these addressed the insufficiency of the HAP limits by giving local authorities the discretion to increase the standard rent limits by 35 per cent from July 2022 (this was previously 20 per cent).<sup>99</sup> Prior to the introduction of this increase, evidence indicated that not all households who could benefit from accessing a higher rate of HAP were actually receiving it.<sup>100</sup> Furthermore, in September 2022, there were no properties available to rent within the standard HAP limits for any household type, and just 35 available within the new discretionary rates.<sup>101</sup> There was a slight improvement 12 months later, when there were three properties to rent within the standard HAP rate and 24 within the discretionary limits.<sup>102</sup> In September 2024, there were 33 properties available to rent within both the standard and discretionary limits.<sup>103</sup> Only three of the properties were within the standard HAP rate.<sup>104</sup> In the Dublin Region, a discretion up to 50 per cent can be applied to Homeless HAP tenancies.<sup>105</sup>

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97 Department of Housing, Local Government and Heritage, 'Homelessness Data' <<https://bit.ly/3op7UCh>> accessed 29 January 2025. For a visual representation see Focus Ireland, 'Latest Figures on Homelessness in Ireland (Family)' <<https://bit.ly/36cayoL>> accessed 29 January 2025.

98 Focus Ireland, 'Homeless numbers increase to 8728 as Focus Ireland calls for a reintroduction of eviction bans and rent freezes due to recent Covid-19 restrictions' (28 August 2020) <<https://bit.ly/2DWsqZV>> accessed 4 February 2022.

99 Housing Assistance Payment (Amendment) Regulations 2022, S.I. No. 342 of 2022.

100 Threshold and Society of St Vincent de Paul, *The Housing Assistance Payment (HAP): Making the Right Impact?* (Threshold and SVP 2019) 11-16.

101 Simon Communities of Ireland *Locked Out of the Market* (Simon Communities 2022).

102 Simon Communities of Ireland *Locked Out of the Market Study in September 2023 The Gap between HAP Limits and Market Rents* (Simon Communities 2023).

103 Simon Communities of Ireland *Locked Out of the Market Study September 2024 The Gap Between HAP Limits and Market Rents Snapshot Study* (Simon Communities 2024) 5.

104 *ibid.*

105 Communications received from the Department of Housing, Local Government and Heritage on 14 January 2025.

A second measure was initiated at the end of October 2022 when the government introduced legislation that would allow for a temporary ban on 'no fault evictions'. Under the Residential Tenancies (Deferment of Termination Dates of Certain Tenancies) Act 2022, 'no fault' tenancy terminations was deferred until after the 31 March 2023.<sup>106</sup> However, the Minister for Housing confirmed the end of the moratorium on evictions on the 7 March 2023 and announced that he would bring forward a number of measures to further support tenants of the private rented sector.<sup>107</sup>

An examination of the Department of Housing's homeless data highlights that over the six-month period of the ban, family homelessness remained fairly steady and increased by just 2 per cent.<sup>108</sup> In the six months following the lifting of the moratorium on evictions, the number of families in emergency accommodation rose at a quicker pace of almost 10 per cent.<sup>109</sup>



## Supply trends in the Private Rental sector

Over the lifetime of the *Programme for Government* there has been a notable contraction of the private rental market, with considerably fewer properties available to rent. In November 2020, there were 4,150 properties available to rent, the highest number since 2011.<sup>110</sup> Two years later, in November 2022, there were just 1,087 properties available nationwide.<sup>111</sup> While supply remains

106 Residential Tenancies (Deferment of Termination Dates of Certain Tenancies) Act 2022.

107 This includes the offer of first refusal to tenants in instances where the landlord has put the property up for sale as well as work to develop a cost rental model for those at risk of homelessness not in receipt of social housing supports. Department of Housing, Local Government and Heritage, 'Minister O'Brien announces additional measures to increase supply of social homes as winter eviction ban is phased out', 7 March 2023.

108 Simon Communities of Ireland Locked Out of the Market Study in September 2023 The Gap between HAP Limits and Market Rents (Simon Communities 2023).

109 Department of Housing, Local Government and Heritage, 'Homelessness Data' <<https://bit.ly/3op7UCh>> accessed 3 January 2024.

110 R Lyons, 'The Daft.ie Rental Price Report: An analysis of recent trends in the Irish rental market 2020 Q3' <<https://bit.ly/2YkA86I>> accessed 4 February, 19.

111 Daft.ie, *The Daft.ie Rental Price Report An analysis of recent trends in the Irish residential rental market 2022 Q3* (Daft.ie 2022).

too low, there are some improvements. In November 2023, there were 1,800 properties available to rent, and over 2,400 in November 2024.<sup>112</sup>

## Targeted supports for families experiencing homelessness

Organisations working with families experiencing homelessness have identified a need for targeted interventions for children living in emergency accommodation.<sup>113</sup> Notably, two Joint Committees in the Houses of the Oireachtas have also called for increased supports for children living in such circumstances, including child support workers<sup>114</sup> and Action 3.16 of *Housing for All* commits to enhance family support and prevention and early intervention, services for children and their families through a multiagency and coordinated response, and disseminate innovative practice.<sup>115</sup> These interventions are critical as they provide tailored support to help children and their families deal with the trauma of homelessness and/or the challenges that they faced before becoming homeless, or in some instances both of these contexts.<sup>116</sup> Such interventions also help children to address some of the negative impacts of homelessness, along with helping to reduce the pressure and stress on parents.<sup>117</sup>

## Work with local authorities and housing agencies to support families into long-term sustainable accommodation

Policy on family homelessness has focused on ensuring that families are in accommodation with access to support specifically designed to meet their

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112 Daft.ie, *The Daft.ie Rental Price Report: : An analysis of recent trends in the Irish residential rental market 2024 Q3'* (Daft.ie 2024).

113 Barnardos, Submission to the Joint Oireachtas Committee on Children and Youth Affairs on the impact of homelessness on children (Barnardos 2019) <https://bit.ly/49bKVm1> accessed 29 January 2025; Focus Ireland, 'Submission to the Department of Children, Equality, Disability, Integration and Youth on the EU Child Guarantee' <https://bit.ly/42iT85F> accessed 29 January 2025.

114 Joint Committee on Children and Youth Affairs, 'Report on the Impact of Homelessness on Children' (Houses of the Oireachtas 2019) and Joint Committee on Housing, Planning & Local Government, 'Family and Child Homelessness' (Houses of the Oireachtas 2019).

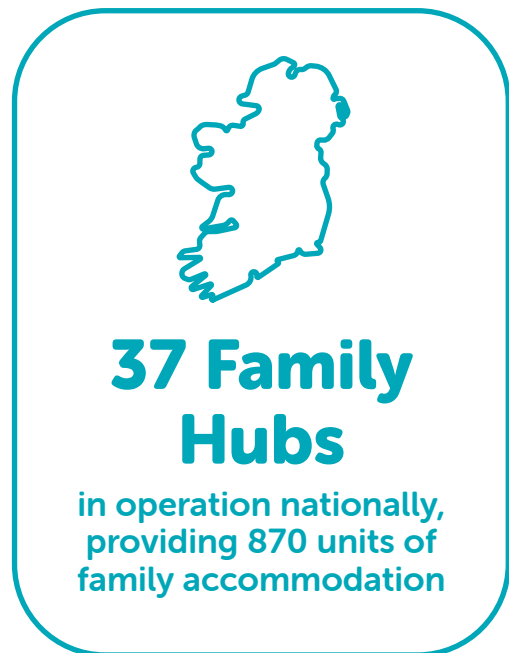
115 Communication received by the Children's Rights Alliance from the Department of Housing, Local Government and Heritage on 3 February 2025.

116 Focus Ireland, 'Submission to the Department of Children, Equality, Disability, Integration and Youth on the EU Child Guarantee' <https://bit.ly/42iT85F> accessed 29 January 2024.

117 *ibid.*

needs, rather than generic emergency accommodation. This has led to the establishment of 'family hubs' that have onsite cooking and laundry facilities for families along with access to support staff and some activities for children.

There are currently 37 family hubs in operation nationally, providing 870 units of family accommodation.<sup>118</sup> Families who are placed in this type of accommodation are provided with access to a support team whose main aim is to exit them from homelessness into appropriate accommodation as soon as possible.<sup>119</sup> While family hubs are an important first response, research with children and parents living in family hubs suggests there are several problems, including a lack of space and privacy.<sup>120</sup>



In recognition of the scale of the housing crisis in Ireland, Budget 2025 provided for an increase of capital funding for local authorities and Approved Housing Bodies to deliver much needed additional social housing and to bring vacant homes back into use.<sup>121</sup> The government has allocated €85.4 million to deliver Cost Rental and Affordable homes and an additional €61 million to support the provision of homeless services, including emergency accommodation, homelessness prevention measures, and tenancy sustainment services.<sup>122</sup> Funding for HAP of €482 million will support 8,400 new households to access this scheme and continue to support over 50,000 existing tenancies by the end of 2025.<sup>123</sup>

118 Communication received by the Children's Rights Alliance from the Department of Housing, Local Government Heritage on 14 January 2025.

119 Communication received by the Children's Rights Alliance from the Department of Housing, Local Government Heritage on 22 February 2023.

120 Ombudsman for Children's Office, *No Place Like Home: Children's views and experiences of living in Family Hubs* (OCO 2019) 14.

121 Department of Housing, Local Government and Heritage 'Department of Housing, Local Government and Heritage budget package of almost €8bn announced', (Press Release) 1 October 2024.

122 Government of Ireland *Budget 2025 Expenditure Report* (Department of Public Expenditure, NDP Delivery and Reform 2024).

123 *ibid.*





**Organisations  
working with  
families experiencing  
homelessness have  
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accommodation.**

An allocation of €101 million for the Rental Accommodation Scheme (RAS) will support 1,600 new tenancies in 2025 and 16,000 active tenancies.<sup>124</sup>

In Budget 2023, a new Rent Tax Credit was introduced to support private renters.<sup>125</sup> In Budget 2025, this credit was increased by €250, meaning that in 2024 and 2025, the tax credit is worth €1,000 for an individual or €2,000 for a couple jointly assessed for tax.<sup>126</sup> However, as families availing of the HAP are in receipt of a social housing support, they will not be eligible to claim this. This is a real concern given that HAP tenancies are the most common pathway out of homelessness.

## Traveller Accommodation

The previous Government published the *Traveller Accommodation Expert Review report in 2019*,<sup>127</sup> and a Programme Board was subsequently established to oversee its implementation.<sup>128</sup> The Programme Board, has progressed the recommendations from the review with 14 of the 32 completed and active progress on a further 14 recommendations as part of its work programme under.<sup>129</sup> As part of the Programme Board's ongoing work programmes, research on the issue of homelessness amongst the Traveller and Roma communities remains under consideration. A representative from the National Traveller Accommodation Consultative Committee has been nominated to the National Homeless Action Committee.<sup>130</sup> This work will include consideration of the recommendation to commission research

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124 *ibid.*

125 Citizens Information, 'Rent Tax Credit' <https://bit.ly/3XjhjMZ> accessed 7 February 2022.

126 Citizens Information, 'Budget 2025' [Budget 2025](#) accessed 08 January 2025.

127 Independent Expert Group on behalf of the Minister of the Department of Housing, Planning and Local Government, *Traveller Accommodation Expert Review* (DHPLG 2019).

128 Communication received by the Children's Rights Alliance Department of Housing, Local Government and Heritage on 28 January 2022 and 8 December 2022. The Board is comprised of two Traveller representatives, two County and City Management Association (CCMA) representatives, two representatives from the Department of Housing, Local Government and Heritage and is independently chaired by the Chair of the National Traveller Accommodation Consultative Committee (NTACC). The Board has met on a total of ten occasions.

129 Communication received by the Children's Rights Alliance from the Department of Housing, Local Government and Heritage on 3 February 2025.

130 Communication received by the Children's Rights Alliance from the Department of Housing, Local Government and Heritage on 12 January 2024.

to better understand homelessness in the Traveller population.<sup>131</sup> There is no national audit or assessment of need of Traveller homelessness. There is a dearth of knowledge on population of Traveller families experiencing homelessness as there is no comprehensive collection of data by services and agencies.

There are some signs of progress, with 2020 being the first year since 2014 that the allocated funding provided for Traveller-specific accommodation was fully drawn.<sup>132</sup> Since then, the budget allocation has continued to rise, with an increase of €23 million allocated in Budget 2025.<sup>133</sup> In the five-year period from 2020 to 2024, over €100 million in capital funding has been drawn down by local authorities.<sup>134</sup> It is important to view this in the context of the Expert Review, which recommends a review to consider restoring funding to levels prior to 2008, when the yearly Traveller accommodation budget was €40 million.<sup>135</sup>

The Ombudsman for Children's Office (OCO) published an investigative report *No End in Site* in 2021, which found serious and significant failings on the part of a local authority in relation to a Traveller halting site. The OCO highlighted the abject failure of the local authority to consider the best interests of children living on the site, including those with additional needs.<sup>136</sup> The report outlines 10 recommendations for the local authorities, and the OCO reported on progress on the implementation of these in November 2022.<sup>137</sup> A final report on their implementation was published in October 2024.<sup>138</sup> Upon publishing the latter report, the OCO noted that the recommendations 'could act as a blueprint for other local authority areas to promote equal

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131 Communication received by the Children's Rights Alliance from the Department of Housing, Local Government and Heritage on 13 January 2021.

132 *ibid*; K Holland, 'Almost €15m spent on Traveller housing, the largest annual spend in decades' *The Irish Times*, 23 December 2020.

133 Department of Housing, Local Government and Heritage, 'Department of Housing, Local Government and Heritage budget package of almost €8bn announced', Press Release, 1 October 2024.

134 Communication received by the Children's Rights Alliance from the Department of Housing, Local Government and Heritage on 3 February 2025.

135 Communication received by the Children's Rights Alliance from the Irish Traveller Movement on 12 November 2022.

136 Ombudsman for Children, *No End in Site* (OCO 2021).

137 Ombudsman for Children, *No End in Site: One Year On* (OCO 2022).

138 Ombudsman for Children, *No End in Site: 2024 Update* (OCO 2024).

access to safe, secure and quality accommodation for Traveller children and their families'.<sup>139</sup> Stage 2 approval for €17.9 million for the redevelopment of this halting site has been approved by the Department of Housing, Local Government and Heritage.<sup>140</sup>

While it is positive to see follow-through on the issues raised through the Ombudsman for Children's investigation and the full draw down of Traveller Accommodation funding at a local authority level progress in this area is lagging other areas of social housing. In May 2024, the Irish Human Rights and Equality Commission (IHREC) published accounts of seven local authority Equality Action Plans dealing with the provision of Traveller accommodation and services. IHREC noted that the publication of these plans highlights the significant barriers that members of the Traveller community face in accessing accommodation including, poor consultation processes; lack of meaningful engagement; inaccessibility of services including homeless services; lack of understanding on the use of the ethnic self-identifier in social housing application forms and blockages in the delivery of Traveller-specific accommodation.<sup>141</sup> Alongside these challenges, individual plans identified good practice such as supporting events celebrating Traveller culture; pro-active engagement with stakeholders on the preparation of the plan and initiation of actions such as an equine project in response to the practical implication of Traveller culture.<sup>142</sup>

There has been piecemeal progress on the delivery of Traveller accommodation units. Research undertaken by Irish Traveller Movement in 2020 found that across 29 Traveller Accommodation Plans from to 2019-2024 there would be a combined total of 3,060 units of Traveller accommodation provided across various outputs over the five years of the plan.<sup>143</sup> Despite this information up to December 2023, (7 months short of the five-year TAP July 2019-2024 ) shows local authorities supplied only 634 of the 3,060

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139 *ibid* 1.

140 Communication received by the Children's Rights Alliance from the Department of Housing, Local Government and Heritage on 14 January 2025.

141 IHREC 'Commission publish Equality Action Plans from seven local authorities on Traveller accommodation' [Press Release, 26 June 2024].

142 *ibid*.

143 Irish Traveller Movement *Review of National Traveller Accommodation Programmes 2019-2014* (ITM 2020).

units planned for nationally.<sup>144</sup> In 2023, local authorities spent €29 million across a variety of 'outputs' for Travellers (i.e. all accommodation delivered, refurbished, adapted or allocated to Travellers including emergency and fire safety upgrades and replacements).<sup>145</sup> Of this figure the four Dublin local authorities delivered only 26 outputs, accounting for €7,180,273 (25 per cent) of the spend nationally.<sup>146</sup> Furthermore, out of a total of 8,110 new build social homes delivered nationally in 2023 just 29 of these units were for Traveller Accommodation.<sup>147</sup> Progress is hampered by a lack of accountability for local authorities to report on progress to central government including the Minister for Housing, the National Traveller Accommodation Consultative Committee and other national entities.

Roma families face similar barriers, and their particular housing needs must receive careful consideration as well. Since the pandemic began, there have been reports that it is increasingly difficult to accommodate homeless Roma families in emergency accommodation if they are not already registered in the PASS (Pathway Accommodation and Support System). This has only exacerbated with time.<sup>148</sup> Furthermore, one of the qualifying criteria for the allocation of social housing is employment,<sup>149</sup> but given that national needs assessments suggest that just 17 per cent of Roma are employed,<sup>150</sup> most Roma will be ineligible for social housing support. Census 2022 highlighted that 652 Roma, or 4 per cent of the entire Roma population in Ireland, identified as homeless.<sup>151</sup>

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144 Alan Dillon TD, Minister of State at the Department of Housing, Heritage and Local Government, Traveller Accommodation, Written Answers 22 October 2024 [42861/24].

145 Alan Dillon TD, Minister of State at the Department of Housing, Heritage and Local Government, Traveller Accommodation, Written Answers 6 November 2024 [45369/24].

146 *ibid.*

147 Darragh O'Brien TD, Minister for Housing, Planning and Local Government, Local Authorities, Written Answers 9 April 2024 [15000/24].

148 Communication received by the Children Rights Alliance from Pavee Point on 16 October 2020.

149 Department of Housing, Local Government and Heritage, 'Circular Housing 41/2012 - Access to Social Housing Supports for non-Irish nationals' <<https://bit.ly/3oLnUSj>> accessed 4 February 2022.

150 Pavee Point & Department of Justice and Equality, *Roma in Ireland: A National Needs Assessment* (Pavee Point 2018) 75.

151 Department of Children, Equality, Disability, Integration and Youth *Statistical Spotlight #14 Roma in Ireland* (DCEDIY 2025) 24.

## ► What children and young people need next

Over the lifetime of the *Programme for Government*, family homelessness has risen by 87 per cent.<sup>152</sup> With an additional 2,000 children over the term of the government experiencing the uncertainty of living in emergency accommodation,<sup>153</sup> it is critical that the new Government prioritise the provision of supports for these children and their families.

Given the increase in the number of families living in emergency accommodation and the insufficiency of pathways to support their exit, the number of children impacted by homelessness continues to rise. It is critical, therefore, that the government provide tailored support to these children to mitigate against the trauma they will experience.<sup>154</sup> Child Support Workers are a vital link and can refer families to further specialist therapeutic supports.<sup>155</sup> They work directly with children, and, by extension, this work can help to alleviate parental pressure and stress.<sup>156</sup>

The insecurity of the private rental sector as a key driver of presentations to homeless services and the contraction of this sector as a means of exiting homelessness requires addressing. In 2021, the Minister for Housing, Local Government and Heritage established a Commission on Housing tasked with examining a wide range of issues including the affordability of private rental accommodation, the role of Approved Housing Bodies in providing housing and the issue of a referendum on housing.<sup>157</sup> In May 2024, the final report of the Housing Commission was published.<sup>158</sup> Amongst the Commission's recommendations are calls for the establishment of a National Traveller Accommodation Authority and an increase in the number of local authority community liaison officers to work with Travellers. The Commission

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152 Department of Housing, Local Government and Heritage, 'Homelessness Data' (various years).

153 *ibid.*

154 Joint Committee on Children and Youth Affairs, 'Report on the Impact of Homelessness on Children' (Houses of the Oireachtas 2019).

155 *ibid.*

156 Focus Ireland, 'Submission to the Department of Children, Equality, Disability, Integration and Youth on the EU Child Guarantee' <https://bit.ly/42iT85F> accessed 29 January 2024.

157 Government of Ireland, *Expressions of interest sought re appointment as Member of the Commission on Housing*, (Government of Ireland 2022).

158 Housing Commission, *Report of The Housing Commission* (Housing Commission 2024).

also calls for new social housing to more closely align with the size of homeless households and families on the social housing waiting list.<sup>159</sup> The implementation of the recommendations in the report should be a priority action for the new government.

Long-term and durable solutions to the housing and homeless crisis will require rethinking the current approach of marketisation of social housing and the effectiveness of the HAP model – particularly when it is not keeping pace with market value – to support low-income families at risk of homelessness. Sustainable and durable progress is needed on homelessness prevention. This requires development of adequate housing supply, affordable rents backed by strong legal protections for tenants, and ancillary rapid-rehousing services for those families who have already become homeless.<sup>160</sup> Unless there is a cohesive policy at a strategic level that recognises and mitigates the multi-faceted drivers of family homelessness, many children and young people will continue to experience insecure or inadequate housing, with wide-ranging adverse impacts on their health and development.<sup>161</sup>

Independent analysis based on population rates estimates that to meet housing demand, 44,000 new dwellings must be built each year.<sup>162</sup> The availability of a sufficient supply of adequate and affordable housing with security of tenure is critical in responding to homelessness. Without the availability of this, preventative actions and other responses will have limited or no impact.<sup>163</sup>

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159 *ibid.*

160 N Pleace, *Preventing Homelessness: A Review of the International Evidence* (Simon Communities of Ireland 2019) 7.

161 A Clair, 'Housing: an Under-Explored Influence on Children's Well-Being and Becoming' (2019) *Child Indicators Research* 12:609–626.

162 A Bergin, P Egan, *Population Projections, The Flow of New Households and Structural Housing Demand* (ESRI 2024).

163 I Baptista et al, *From Rebuilding Ireland to Housing for All: international and Irish lessons for tackling homelessness*. (COPE Galway, Focus Ireland, JCFJ, Mercy Law, Simon Communities of Ireland, and SVP 2022).

## **Recommendations**

- ▶ Ensure that every child living in homeless accommodation has a child support worker to help them to navigate the challenges they face in this situation.
- ▶ Continue to invest in and prioritise homeless prevention services to support families from becoming homeless.
- ▶ Prioritise building social housing and meeting the target of building an average of 10,000 homes each year as outlined in Housing for All.
- ▶ Expedite establishment of the National Traveller Accommodation Authority recommended by the Expert Group on Traveller Accommodation.



**11**

# Youth Homelessness

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**Section Grade:**

**C**



## The Programme for Government commits to:

### Develop a National Youth Homelessness Strategy

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▶ Progress: **Complete**

'Youth Homelessness' receives a 'C' grade, down from a 'B-' grade last year. The implementation of the *Youth Homelessness Strategy* remained a priority for the National Homeless Action Committee (NHAC) in 2024. However, over the lifetime of the Programme for Government youth homelessness has increased by 146 per cent. In 2024, the number of young people aged between 18 and 24 years living in emergency accommodation rose by 183, from 1,592 in January to 1,775 in December. This was a more pronounced rise in youth homelessness than 2023, when the increase between January and December was 158 young people. It is welcome to see the realisation of the Government commitment to develop a National Youth Homelessness Strategy. The Strategy includes a strong foundation to address the complexity of this issue across government departments. However, to date, it has had little impact given the current scale of youth homelessness. A renewed commitment to implementation and further resources are needed by the next government in order to ensure it has the desired impact of reducing the number of young people who are homeless.

## Ireland's duties and responsibilities under international law



The UN Convention on the Rights of the Child (UNCRC) is clear that all children have the right to a decent standard of living<sup>1</sup> and to be safeguarded from any form of abuse.<sup>2</sup> In cases like youth homelessness, where the child is without an obvious caregiver, the State should provide the child with such protection and care as is necessary for their wellbeing.<sup>3</sup> Social policy and practice should reflect a government commitment to meeting child protection rights, and housing is recognised as an area which can have significant bearing on the prevention of violence to children.<sup>4</sup> The UN Committee on the Rights of the Child is also clear that homeless adolescents are particularly vulnerable to the experience of institutional and interpersonal violence and that States must provide special protections to these children to mitigate risk of abuse and exploitation.<sup>5</sup>

The Committee is clear that interventions into youth homelessness are most beneficial when the children are active partners in assessing needs and devising solutions, rather than passive beneficiaries.<sup>6</sup> Authorities and decision-makers should recognise that children living on the streets, while vulnerable, can also be highly resilient,<sup>7</sup> and must consider children's views.<sup>8</sup>

Ireland committed to promote, protect and respect children's rights when it ratified the United Nations Convention on the Rights of the Child (UNCRC) in 1992. As part of this, Ireland agreed to be reviewed every five years on its progress in implementing the rights in the

1 UN Convention on the Rights of the Child (20 November 1989) 1577 UNTS 3 (UNCRC) Art 27.

2 *ibid* Art 19.

3 UNCRC, General Comment No. 13 (2011) on the right of the child to freedom from all forms of violence, CRC/C/GC/13, para 35.

4 *ibid* para 43.

5 UNCRC, General Comment No. 4 (2003) Adolescent health and development in the context of the Convention on the Rights of the Child, CRC/GC/2003/4, para 23, 36.

6 UNCRC, General Comment No. 21 (2017) on children in street situations, CRC/C/GC/21, para 33.

7 *ibid* para 28.

8 *ibid* para 45.

Convention. Ireland was last examined by the Committee on the Rights of the Child in 2023. In its Concluding Observations, the Committee calls on the Irish State to expand access to aftercare for children experiencing homelessness and provide opportunities for young people leaving care to live independently.<sup>9</sup>

## ► What is the context for this commitment?

Evidence suggests that children and young people have a different pathway into homelessness than adults and they have their own distinct needs. Therefore, prevention and responses to youth homelessness should be considered separately to broader homelessness strategies.<sup>10</sup> In a European context, a number of factors have been identified as driving youth homelessness. For instance, young people leaving state care have an increased risk of homelessness, often due to a loss of support of a care worker, social networks, housing or social benefits.<sup>11</sup> Supporting transitions as early as possible are critical to mitigate against these risks.<sup>12</sup> For many young people experiencing homelessness, addressing intersectionality is key.<sup>13</sup> Young people from the LGBTI+ community, those with disabilities, from ethnic minorities, and young women are all groups that are identified as having an increased risk of homelessness.<sup>14</sup> As a result, there is a need for services to address their unique needs.<sup>15</sup> Complexity in family relationships, challenges around mental health and addiction, and discrimination in relation to housing supply are further challenges to addressing youth homelessness.<sup>16</sup>

Irish research into youth homelessness has found comparable issues to those identified at European level. Research published in 2020 examined the self-reported reasons for young people presenting to homeless services. It found that 40 per cent of young people self-reported family circumstances as the

9 UNCRRC, 'Concluding Observations Ireland' (2023) UN Doc CRC/C/IRL/CO/5-6, para 27

10 FEANTSA, *European Framework for Defining Youth Homelessness* (FEANTSA 2019) 4 <https://bit.ly/3waLNJa> accessed 28 January 2025.

11 *ibid* 5.

12 *ibid*.

13 *ibid*.

14 *ibid*.

15 *ibid*.

16 *ibid*.

reason for becoming homeless in the years 2016, 2017 and 2018.<sup>17</sup> Notably, leaving care, being in prison, and addiction or mental health issues were less frequently noted as push factors into homelessness, with all three of these categories identified as the reason for becoming homelessness by 4 per cent of young people (12 per cent in total).<sup>18</sup> However, with almost one quarter of young people not providing a reason for presenting to homeless services, the researchers caution that the low prevalence of leaving state care as a reason for becoming homeless may be due to lack of disclosure, a return to the family home before becoming homeless and an indication of the positive impact of increased supports in this area.<sup>19</sup>

In Ireland, it has been highlighted that a disproportionate number of young people experiencing homelessness who are leaving state care or detention come from a migrant background or identify as LGBTI+.<sup>20</sup> For the latter groups, a lack of acceptance and support for sexual or gender identity has been identified as a reason young people have experienced homelessness.<sup>21</sup> In 2023, of the young people that Empowering Young People in Care (EPIC) worked with through their advocacy service, one-fifth were experiencing homelessness.<sup>22</sup> The number of young people contacting EPIC about homelessness doubled in 2022 compared to 2021, and in 2023 there was a further 10 per cent increase in the number of cases presenting to them on this issue.<sup>23</sup> While EPIC does not work with all young people in care, these figures are illustrative of the issues facing young people leaving care.

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17 C Bairéad and M Norris, *Youth Homelessness in the Dublin Region: A profile of young, single emergency accommodation users in 2016, 2017 and 2018* (Focus Ireland 2020).

18 *ibid.*

19 *ibid.*

20 Irish Youth Homelessness Coalition *Call for government action on homelessness among young adults* (IYHC 2019).

21 A Quilty et al, *A Qualitative Study of LGBTQI+ Youth Homelessness in Ireland* (Focus Ireland and Belong To 2020) 27.

22 EPIC, *National Advocacy Service Report 2023*, (EPIC 2024).

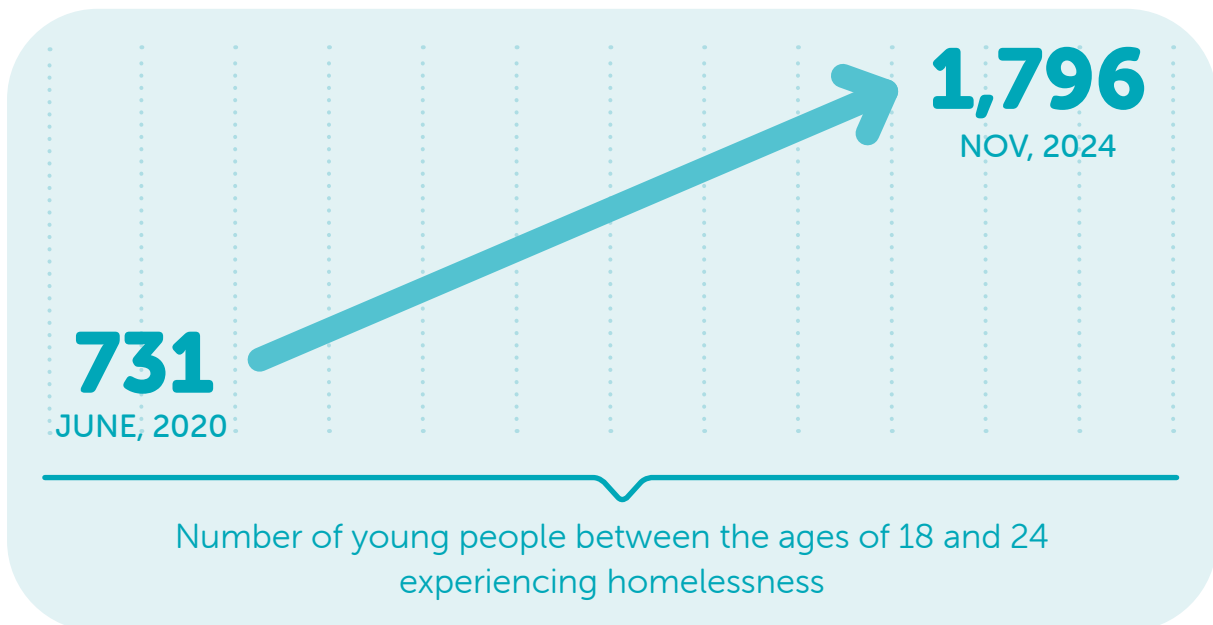
23 EPIC, *National Advocacy Service Report*, (EPIC 2023).



**For many young people experiencing homelessness, addressing intersectionality is key. Young people from the LGBTI+ community, those with disabilities, from ethnic minorities, and young women are all groups that are identified as having an increased risk of homelessness.**

## ► What has been achieved for children and young people so far?

The *Programme for Government – Our Shared Future* commits to develop a new *Youth Homelessness Strategy* with a related commitment to 'ensure that aftercare and transition plans and protocols are developed for vulnerable homeless people or those at risk of homelessness leaving hospital, state care, foster care, prison, or other state settings'.<sup>24</sup> Over the lifetime of the *Programme for Government* there has been a 146 per cent increase in the number of young people between the ages of 18-and 24-years living in emergency accommodation, rising from 731 individuals in June 2020<sup>25</sup> to 1,796 in November 2024.<sup>26</sup>



From January 2024 to December 2024, youth homelessness increased by 183 individuals.<sup>27</sup> This increase was more pronounced than the annual increase for 2023, which saw an additional 158 young people living in emergency accommodation.<sup>28</sup> This data only captures those in homeless emergency accommodation.

<sup>24</sup> Government of Ireland, *Programme for Government, Our Shared Future* (Government Publications 2020) 55.

<sup>25</sup> Department of Housing, Local Government and Heritage, *Homelessness Report June 2020* (DHLGH 2020).

<sup>26</sup> Department of Housing, Local Government and Heritage, *Homelessness Report November 2024* (DHLGH 2025).

<sup>27</sup> Department of Housing, Local Government and Heritage, *Homeless Data* (DHLGH 2024 and 2025).

<sup>28</sup> Department of Housing, Local Government and Heritage, *Homeless Data* (DHLGH 2024).

*Housing for All - A New Housing Plan for Ireland*, the Government's housing policy until 2030, recognises the importance of supporting young people at risk of becoming homeless through strategic interventions which can help avoid a cycle of longer-term homelessness.<sup>29</sup>

In November 2022, the Government published the *Youth Homelessness Strategy 2023-2025*. The development of the strategy included consultations with young people who have experience of homelessness.<sup>30</sup>

Drawing on the results of these consultations the Strategy seeks to address these issues across three Strategic Aims:

- 1. Prevent Young People Entering Homelessness.**
- 2. Improve the Experiences of Young People in Emergency Accommodation.**
- 3. Assist Young People Exiting Homelessness.**

The Strategy identifies specific actions for target groups such as Travellers, members of the LGBTI+ community, care leavers, disabled people and individuals leaving prison services.<sup>31</sup>

### **Strategic Aim 1: To Prevent Young People Entering Homelessness**

The first aim of the Strategy seeks to prioritise the prevention of homelessness as a key priority.<sup>32</sup> Actions under this aim include developing information and awareness campaigns on housing rights that are targeted toward young people.<sup>33</sup> The strengthening of support structures for young people and



29 Department of Housing, Local Government and Heritage, *Housing for All – A New Housing Plan for Ireland* (Government of Ireland 2021).

30 A total of 25 young people, between 19 and 26 years engaged in the consultation process. Nine of those consulted were from the Traveller community. Communication received by the Children's Rights Alliance from the Department of Housing, Local Government and Heritage on 8 December 2022.

31 Communication received by the Children's Rights Alliance from the Department of Housing, Local Government and Heritage on 8 December 2022.

32 Government of Ireland, *Housing for All - Youth Homelessness Strategy 2023-2025* (DHLGH 2022) 60.

33 *ibid.*



their families experiencing relationships breakdown, as well as enhanced connections between local authorities and Tusla, seek to ensure the appropriate supports are provided as early as possible.<sup>34</sup> Specific targeted initiatives include the provision of additional supports to assist young Travellers at risk of homelessness and consideration of measures in the context of young people leaving prison.<sup>35</sup> The finalisation of Tusla's *Strategic Plan for Aftercare* and a review of the Housing Circular on the Protocol on Young People Leaving State Care are important preventative initiatives for care leavers.<sup>36</sup>

## **Strategic Aim 2: To Improve the Experiences of Young People in Accessing Emergency Accommodation**

The second Strategic aim focuses on actions that seek to improve Emergency Accommodation and young people's experience of these services while acknowledging that their stay should be limited.<sup>37</sup> Actions under this aim include establishing an assessment framework to identify supports needed for young people presenting to emergency accommodation.<sup>38</sup> Establishing dedicated accommodation for groups of young people from the LGBTI+ and Traveller communities will ensure a more inclusive ethos is promoted and tailored to their needs.<sup>39</sup> Engagement with LGBTI+ youth will help to inform the development of privacy and safety strategies in emergency accommodation.<sup>40</sup> Ensuring service providers are trained in trauma-informed care and reviewing the availability of mental health supports for young people are other actions under this strategic aim.<sup>41</sup> Young people are to be specifically included in regional Homelessness Action Plans<sup>42</sup> and identified as a vulnerable group along with including them in Traveller Accommodation Programmes.<sup>43</sup>

This aim also includes actions around supporting young people who are, or will soon become, parents.<sup>44</sup>

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34 *ibid* 61.

35 *ibid* 63.

36 *ibid* 62.

37 *ibid* 63.

38 *ibid* 64.

39 *ibid*.

40 *ibid* 67.

41 *ibid* 65.

42 *ibid*.

43 *ibid* 67.

44 *ibid* 66.

### Strategic Aim 3: To Assist Young People in Exiting Homelessness

The strategy commits to piloting a housing-centred approach as a key solution to addressing and ending youth homelessness.<sup>45</sup> The *Supported Housing for Youth* (SHY) initiative is 'a housing-centred solution' which will provide 'a flexible level of supports' for young people experiencing homelessness.<sup>46</sup> The model draws on both international best practice and existing responses in the national context. This includes the *Housing First for Youth* model and the *Limerick Youth Housing initiative*.<sup>47</sup> Other actions include establishment of a tenancy support programme for young people and social housing as shared accommodation.<sup>48</sup> A guide setting out the supports available for young people leaving homeless accommodation and a review of training opportunities and work placements to determine whether they meet the needs of young people experiencing homelessness are also actions under this aim.<sup>49</sup>

### Progress on Implementation of Strategy Actions

Reflecting the direction set out in *Housing for All*, the National Homeless Action Committee (NHAC) was established following its publication.<sup>50</sup> NHAC subsumed the scope of the High-Level Homelessness Taskforce,<sup>51</sup> which gave input into the development of the *Youth Homelessness Strategy*. In 2023, its key priority areas were the actions contained in the Strategy as well as homelessness prevention.<sup>52</sup>

In order to oversee the implementation of the *Youth Homelessness Strategy*, a Steering Group was established in January 2023.<sup>53</sup> An implementation plan has been developed by this group and it is updated on an ongoing basis.<sup>54</sup>

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45 *ibid* 67-68.

46 *ibid* 54.

47 *ibid* 56.

48 *ibid* 68.

49 *ibid* 69.

50 Communication received by the Children's Rights Alliance from the Department of Housing, Local Government and Heritage, 28 January 2022.

51 *ibid*.

52 Communication received by the Children's Rights Alliance from the Department of Housing, Local Government and Heritage, 12 January 2024.

53 Communication received by the Children's Rights Alliance from the Department of Housing, Local Government and Heritage, 14 January 2025.

54 *ibid*.

In June 2024, an 18-month progress report on the implementation of the Strategy was published by the Department of Housing, Local Government and Heritage.<sup>55</sup> At the time of publication all 27 actions under the Strategy had commenced.<sup>56</sup> However, at this mid-point in the lifetime of the strategy, just four actions had been completed.<sup>57</sup> Completed actions included the finalisation of Tusla's *Strategic Plan for Aftercare 2023-2025* which was published in 2023;<sup>58</sup> the inclusion of young people in Regional Homelessness Action Plans; a review of supports that could be made available to young pregnant women in homelessness; and a guide on the supports available to young people leaving homelessness.<sup>59</sup> By February 2025 seven actions were completed.<sup>60</sup>

While there has been some positive development on implementation of actions in the strategy and many are progressing on time, there needs to be a renewed focus on progressing and completing others. For instance, the strategy notes that the review and updating of the Housing Circular related to young people leaving care began in Quarter 1 2024, however, this will not be complete until Quarter 1 2025.<sup>61</sup> The need to progress this in a more timely manner was reflected at a recent meeting of the Dublin City Council Strategic Policy Committee on Housing and Social Inclusion.<sup>62</sup> At this meeting the Director of Dublin Region Homeless Executive (DRHE) highlighted that an increased number of young people leaving care presenting for priority on the social housing list has meant it is unable to process all applications.<sup>63</sup> In some instances these applications have included individuals who left the care

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55 Department of Housing, Local Government and Heritage, *Youth Homelessness Strategy 2023-2025 18-month Progress Report* (Government of Ireland 2024).

56 *ibid* 3.

57 *ibid*.

58 Tusla, *Strategic Plan on Aftercare Services for Young Adults*, (TUSLA 2023).

59 Department of Housing, Local Government and Heritage, *Youth Homelessness Strategy 2023-2025 18-month Progress Report* (Government of Ireland 2024).

60 Communication received by the Children's Rights Alliance from the Department of Housing, Local Government and Heritage, 5 February 2025.

61 Communication received by the Children's Rights Alliance from the Department of Housing, Local Government and Heritage, 14 January 2025.

62 Dublin City Council, 'Housing and Social Inclusion SPC' (Dublin 27 January 2025) <https://bit.ly/4gJR8Jr> accessed 5 February 2025.

63 Dublin City Council, 'Housing and Social Inclusion SPC' (Dublin 27 January 2025) <https://bit.ly/4gJR8Jr> accessed 5 February 2025.

system a number of years ago along with those coming from other counties.<sup>64</sup> The updating of this circular will perhaps provide greater clarity to other local authorities on how care leavers can be prioritised in terms of social housing.

The provision of trauma informed care to service providers is noted as an ongoing action in the strategy. To date the training is underway in Dublin and the City and County Managers Association are in the process of identifying a model of training for all staff engaging with homeless and vulnerable persons.<sup>65</sup> An action on the provision of training to service providers to increase awareness of LGBTI+ issues was originally recorded as taking place in Quarter 4 2023,<sup>66</sup> and the progress report indicates that funding has been provided to two organisations to deliver this training in 2025.<sup>67</sup> Progressing these actions will help to ensure that staff are equipped with the necessary skills to support young people with diverse lived-experiences.

One of the key actions arising under Strategic Aim 3 is the Supported Housing for Youth (SHY) housing-led initiative. This commenced on a pilot basis in 2024 and will be officially launched in the first quarter of 2025.<sup>68</sup> Under the pilot, 25 young people will exit from emergency accommodation in the Dublin region to their own accommodation with wraparound supports.<sup>69</sup> Further details on the pilot will be available following the official launch.<sup>70</sup> While it is welcome to see progress on the development of the SHY pilot, it will need scaling up in order to have an impact on the current scale of youth homelessness.

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64 L Neylon, 'As strategy to end youth homelessness reaches end, many of its promises remain unfulfilled' The Dublin Inquirer (Dublin 29 January 2025) <https://bit.ly/3CH8NDp> accessed 5 February 2025 and Dublin City Council, 'Housing and Social Inclusion SPC' (Dublin 27th January 2025) <https://bit.ly/4gJR8Jr> accessed 5 February 2025.

65 Department of Housing, Local Government and Heritage, *Youth Homelessness Strategy 2023-2025 18-month Progress Report* (Government of Ireland 2024) 11 and Communication received by the Children's Rights Alliance from the Department of Housing, Local Government and Heritage, 5 February 2025.

66 Government of Ireland, *Housing for All - Youth Homelessness Strategy 2023-2025* (DHLGH 2022) 71.

67 Department of Housing, Local Government and Heritage, *Youth Homelessness Strategy 2023-2025 18-month Progress Report* (Government of Ireland 2024) 12.

68 Communication received by the Children's Rights Alliance from the Department of Housing, Local Government and Heritage, 14 January 2025.

69 *ibid.*

70 *ibid.*

## ► What children and young people need next

Two and a half years after the *Programme for Government* was published, the *Youth Homelessness Strategy* was launched in November 2022. Over the second half of the lifetime of the government, youth homelessness has continued to rise.

The Strategy is underpinned by an understanding of the reasons why certain groups of children and young people are at heightened risk of homelessness and clearly identifies actions for particularly vulnerable groups. The delivery of many of these actions is dependent on other government departments and agencies stepping up to prioritise the elimination of youth homelessness.<sup>71</sup>

While strong governance structures to oversee the implementation of the Strategy have been established and a means of tracking progress developed, there is a clear need for substantial resources to be put behind the strategy actions to see a measurable impact on the number of young people being forced to live in emergency accommodation. This Strategy establishes a holistic approach to tackling the issue of youth homelessness with clear cross government actions to be delivered with the potential of having a positive impact on reducing youth homelessness. With the implementation of the Strategy due to conclude in 2025, against a backdrop of rising youth homelessness, it is welcome that the new programme for government, *Securing Ireland's Future*, commits to fully implementing the Youth Homelessness Strategy.<sup>72</sup>

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71 Department of Housing, Local Government and Heritage, 'First Youth Homelessness Strategy in over 20 years launched by Minister O'Brien', Press Release 9 November 2022.

72 Government of Ireland, *Draft Programme for Government 2025 Securing Ireland's Future*, (Government of Ireland 2025), 45.

## ➔ Recommendations

- ▶ Implement the actions in the *Youth Homelessness Strategy* over the lifetime of the next Government. This includes scaling up the impact of the Supported Housing for Youth initiative and reinvigorating the commitment from other government departments and agencies. Prior to the development of a new strategy undertake a review of the existing strategy. Of central importance will be an assessment of the impact of the actions this could be facilitated through a collaborative process between stakeholders and young people with lived experience of homelessness. Building on the foundation developed over the last three years a new strategy could include tangible outcomes and targets to reduce, and ultimately end, youth homelessness.
- ▶ Publish the review and update to the Housing Circular which outlines the Protocol on Young People Leaving State Care to ensure that Housing Delivery Action Plans monitor the provision of appropriate accommodation units for young people leaving care.
- ▶ Continue to publish timely update on progress against the implementation plan developed by the Youth Homelessness Strategy Steering Group.

**12**

# Children in Direct Provision

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Section Grade:

**E**



## The Programme for Government commits to:

Ending the Direct Provision system and replacing it with a new international protection accommodation policy centred on a not-for-profit approach.

We will:

Publish a *White Paper* by the end of 2020, informed by the recommendations of the Expert Group, which will set out how this new system will be structured and the steps to achieving it.

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▶ Progress: **Complete**

In the short term, act on interim recommendations from the Chair of the Expert Group to improve conditions for asylum seekers currently living in the system. This includes vulnerability assessments, the right to work, the ability to apply for drivers' licences and bank accounts, an independent inspection process, measures to reduce the length of time in processing decisions, mental health services and the training of managers of Direct Provision Centres.

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▶ Progress: **Poor**



Implement the measures identified by the Expert Group to ensure that international protection applications are dealt with and brought to finality as quickly as possible, while always ensuring fair procedure and a human rights-based approach.

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▶ Progress: **Limited**

'Children in Direct Provision' receives an 'E' grade this year, down from a 'D' grade last year. In 2024, there was a continued rise in the number of people, including children, seeking refuge in Ireland, with 9,015 children in the international protection accommodation system at the end of 2024, an increase of 3,394 children from the end of 2023. The Health Information and Quality Authority (HIQA) has commenced inspections in permanent IPAS Centres which found that there were serious issues of noncompliance in some, including overcrowding, restricted opportunities for children to play, widespread presence of pests, and evidence of serious child protection issues. The *Comprehensive Accommodation Strategy for International Protection Applicants* was published in 2024 which reduces the

**targets for own-door accommodation and provides for the continued use of emergency accommodation that is not subject to the National Standards or inspections. The €4.7 million allocated in Budget 2024 to the new Child Payment for children in Direct Provision was not implemented in 2024. While a further €8.4 million was allocated in Budget 2025, there is no timeline in place for the introduction of the payment, meaning children and young people in the International Protection system continue to be left behind.**

## Ireland's duties and responsibilities under international law



The UN Convention on the Rights of the Child (UNCRC) requires States to assist all children seeking refugee status and ensure they can access the full range of convention rights, including rights to health, housing, education, and an adequate standard of living.<sup>1</sup> Ancillary to this, States are also obligated to pay particular attention to children experiencing trauma by giving appropriate protection and the special support necessary for recovery under Article 39. These rights apply to children who enter Ireland with their families and unaccompanied asylum-seeking children. Article 20 recognises that States have a duty to provide care and protection to children who are separated from their families. The Committee on the Rights of the Child is clear that equal standards of protection must be provided to every child under 18, infants and adolescents alike, and that child protection and welfare actors should take primary responsibility for children in the context of international migration.<sup>2</sup> Reception conditions for those awaiting status determination must provide adequate space and privacy for children and their families.<sup>3</sup>

Ireland's progress in meeting these Convention rights was last examined by the Committee on the Rights of the Child in 2023. The Committee made a number of recommendations, including that Ireland 'prioritise measures to phase out the direct provision system by 2024, including through clearly defined targets, timelines and sufficient resources, in line with the recommendations of the expert group on direct provision'.<sup>4</sup>

The Committee further recommended that child-friendly vulnerability assessments should be undertaken for all unaccompanied minors, applications for legal residency processed efficiently and that children

1 UN Convention on the Rights of the Child, A/ RES/44/25 (20 November 1989) Art 22.

2 Committee on the Rights of the Child and Committee on the Protection of the Rights of all Migrant Workers Joint General Comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, and No. 23 (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return CMW/C/GC/4-CRC/C/GC/23 para 3 and para 13.

3 Ibid.

4 UNCRC, 'Concluding Observations Ireland' (2023) UN Doc CRC/C/IRL/CO/5-6, para 40.

seeking asylum should have access to social services including social protection, education and housing.<sup>5</sup>

National guidelines on ensuring the rights of unaccompanied children should be developed, and the Committee recommends that a review of the system of family reunification should be undertaken.<sup>6</sup> In relation to an adequate standard of living the Committee calls for a child rights approach in addressing poverty with a particular focus on refugee children and that an assessment is undertaken of the impact of the habitual residence condition and that social welfare payments are amended accordingly to 'ensure that policies do not have a discriminatory effect on such children'.<sup>7</sup>

## ► What is the context for this commitment?

Direct Provision, a system of housing and subsistence provided through segregated, institutional accommodation centres, was introduced in Ireland in April 2000 to accommodate those seeking international protection. There was a substantial increase in the number of people seeking international protection in 2024. At the end of December 2024, there were 9,015 children in the international protection accommodation system,<sup>8</sup> compared to 5,621 in December 2023.<sup>9</sup> This demonstrates an annual increase of 3,394 children.



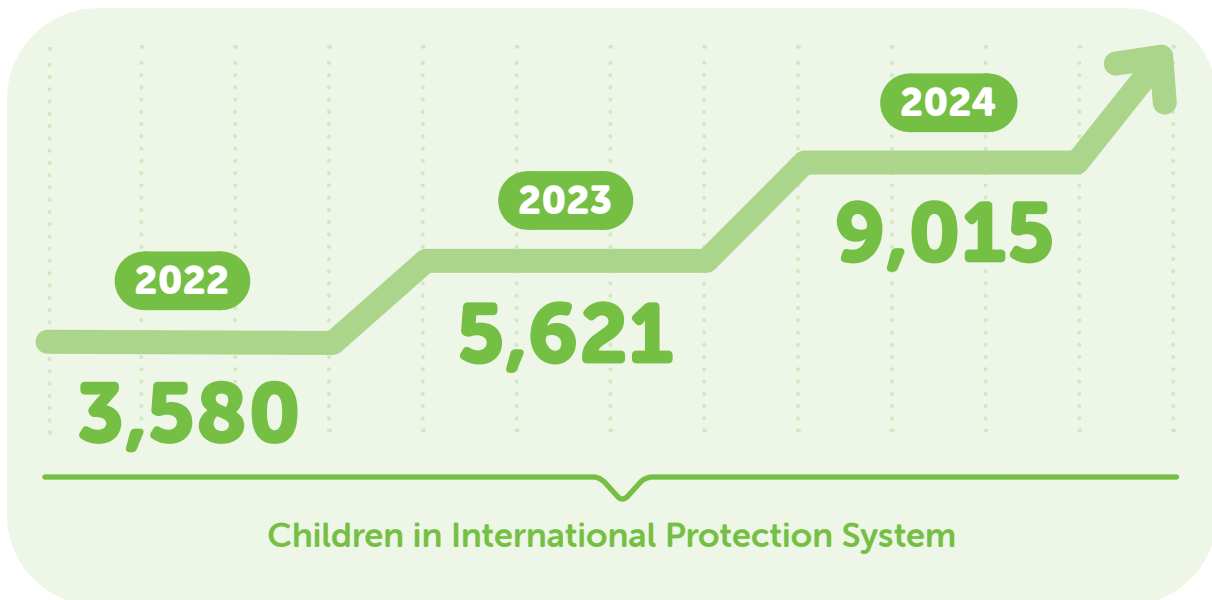
5 UNCRC, 'Concluding Observations Ireland' (2023) UN Doc CRC/C/IRL/CO/5-6, para 40.

6 *ibid* para 40.

7 *ibid* para 35.

8 Department of Children, Equality, Disability, Integration and Youth, IPAS Weekly Accommodation Statistics – 29 December 2024 (DCEDIY December 2024) <<https://bit.ly/3PHWQjz>> accessed 15 January 2025.

9 Department of Children, Equality, Disability, Integration and Youth, IPAS Weekly Accommodation Statistics – 31 December 2023 (DCEDIY December 2023) <<https://bit.ly/4hg7V7c>> accessed 15 January 2025.



Prior to the *Programme for Government* commitment in 2020, some reforms of the Direct Provision system had taken place. These included the introduction of a single procedure for status determination in 2016,<sup>10</sup> the extension of the right to work for international protection applicants in 2017,<sup>11</sup> and the transposition of the EU Recast Reception Conditions Directive<sup>12</sup> into Irish law in 2018, which set out binding minimum standards for reception conditions. These include rights relating to healthcare, accommodation, employment and education.<sup>13</sup> *National Standards for accommodation offered to people in the protection process (The National Standards)*<sup>14</sup> were introduced in 2019 aimed at standardising the quality of care in all accommodation centres irrespective of location, as well as introducing an increase in the residents' weekly allowance to €38.80 per adult and €29.80 per child.<sup>15</sup>

10 The International Protection Act 2015 was commenced on 31 December 2015.

11 Department of Justice, 'Ministers Flanagan and Stanton announce enhanced access to the labour market for asylum seekers' (27 June 2018) <<https://bit.ly/3iZ5xVB>> accessed 4 February 2022. The change in policy occurred because of the Supreme Court decision in *NVH v Minister for Justice* [2018] 1 IR 246, where it was held that the absolute prohibition on the right to work for protection seekers, where there was no temporal limit, was contrary to the applicant's constitutional rights.

12 European Commission, 'Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of application for international protection (recast)' OJEU L180/96.

13 European Communities (Reception Conditions) Regulations 2018, SI 230/2018.

14 Department of Justice and Equality, *National Standards for accommodation offered to people in the protection process* (DOJE 2019).

15 Communication received by the Children's Rights Alliance from the Department of Children, Equality, Disability, Integration and Youth on 18 January 2021.

Both the transposition of the EU Recast Reception Conditions Directive into Irish law, and the introduction of the *National Standards* were crucial steps towards enabling policy reform through a rights-based approach. The *National Standards* are important as they provide a framework for the continual development of person-centred, high quality, safe and effective services and supports for residents living in accommodation centres. They also provide a framework for inspections of accommodation. In general, standards, along with inspections, can and do act to drive consistency, improvement, and safety in personal social services.<sup>16</sup>

The *National Standards* address the rights and needs of children through, for example, the requirement to provide families with own-door accommodation, dedicated space for educational activities, access to cooking facilities and age-appropriate information, and engagement with children on matters affecting them.<sup>17</sup> Across all areas, service providers are also obliged to act in the best interests of the child in line with the UNCRC.<sup>18</sup> The *National Standards* have the ability to improve quality, challenge underperformance, provide oversight, and they are designed help to ensure that there is uniformity in service provision.<sup>19</sup> The Health Information and Quality Authority (HIQA) is the inspection body. The *National Standards* only apply to International Protection Accommodation Services (IPAS) centres and not to emergency centres.

## ► What has been achieved for children and young people so far?

The Government committed during its five-year term to end the Direct Provision system and replace it with a new international protection accommodation policy. To achieve this, it made specific commitments that are examined in detail in the following paragraphs.

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16 Michele Clarke, *Briefing Paper on the Inspection of Direct Provision* (Department of Justice and Equality 2015) 3.

17 Department of Justice and Equality, *National Standards for accommodation offered to people in the protection process* (Department of Justice and Equality 2019) see Theme 4: Accommodation; Standard 4.6; Standard 6.1.9; Theme 5: Food, Cooking and Catering Facilities.

18 UN Convention on the Rights of the Child, A/ RES/44/25 (20 November 1989) Art 3.

19 Michele Clarke, *Briefing Paper on the Inspection of Direct Provision* (Department of Justice and Equality 2015) 7.

## White Paper to End Direct Provision

In February 2021, the Government published *A White Paper to End Direct Provision and to Establish a New International Protection Support Service*.<sup>20</sup> The *White Paper* sets out the Government's approach to fulfilling its commitment in the *Programme for Government* to end Direct Provision and to replace it with a new international protection accommodation policy, centred on a not-for-profit approach. The *White Paper* was informed by the work of the Dr Catherine Day Advisory Group, which demonstrated how the current model could be ended and replaced with a new, more cost-effective model.<sup>21</sup> This model proposes a two-phase approach to accommodating applicants for international protection.

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### Phase 1

- ▶ Vulnerability Assessments will be carried out to determine accommodation and service needs and help define suitable supported pathways for the most vulnerable.<sup>22</sup>
- ▶ Applicants will be initially accommodated in a reception and integration centre for four months before moving on to own-door accommodation for families, and own-room for single people, with specific tailored accommodation for those with identified vulnerabilities.<sup>23</sup>

### Phase 2

- ▶ All accommodation will be own-door and self-contained units and will be situated within the community.<sup>24</sup>
- ▶ Not-for-profit organisations will provide supports for vulnerable people on a contractual basis, with the Department of Children, Equality, Disability, Integration and Youth to facilitate such services at a particular location.<sup>25</sup>
- ▶ Applicants and their families will have the right to access mainstream services, such as education and health.<sup>26</sup>

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*Continued on next page*

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20 Government of Ireland, *A White Paper to End Direct Provision and to Establish a New International Protection Support Service* (Government Publications 2021).

21 Department of Children, Equality, Disability, Integration and Youth, 'Minister O'Gorman and Minister McEntee publish the report by the Advisory Group on Direct Provision and announce a reduction in the waiting period for international protection applicants to access work' (21 October 2020) <<https://bit.ly/3pnMDKu>> accessed 12 February 2025.

22 Government of Ireland, *A White Paper to End Direct Provision and to Establish a New International Protection Support Service* (Government Publications 2021) 29.

23 *ibid* 28.

24 *ibid* 92.

25 *ibid*.

26 *ibid* 30.

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## Phase 1

- ▶ There will be a focus on identifying needs and linking applicants to appropriate services using an approach that seeks to encourage integration.<sup>27</sup>
- ▶ Accommodation will be State-owned and managed by not-for-profit organisations on the State's behalf.<sup>28</sup>
- ▶ Applicants will be provided with information about the international protection process and the services available to them, including access to the Legal Aid Board, the health service, educational supports, childcare, employment, and English-language orientation programmes.<sup>29</sup>
- ▶ Applicants will be offered a health assessment with a particular focus on the needs of children.<sup>30</sup> Applicants will also be eligible for an Irish drivers' licence.<sup>31</sup>

## Phase 2

- ▶ Access to further intensive English-language supports will be provided.<sup>32</sup>
  - ▶ Applicants will receive an income support payment at a similar rate to the Supplementary Welfare Allowance, if they have not yet entered employment.
  - ▶ Applicants with children will also receive a child support payment.<sup>33</sup>
  - ▶ Applicants will be entitled to access employment if they do not receive a first instance decision within six months of applying for protection.<sup>34</sup>
  - ▶ In Phase 1 and Phase 2, Children and Young People's Service Committees (CYPSCs) will ensure that there is a specific focus on the needs of children, young people, and their families in the International Protection Accommodation settings, with the input of Tusla in the key areas of provision, to include Prevention, Partnership and Family Support and Educational Support Services.<sup>35</sup>
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With 9,015 children living in Direct Provision,<sup>36</sup> any plans to transform their lives must start with the system built around them. It is welcome that some key measures for children contained in the *White Paper* have been introduced and implemented in the lifetime of the Government, including increased

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27 *ibid.*

28 *ibid* 92.

29 *ibid* 28.

30 *ibid* 29.

31 *ibid.*

32 *ibid* 53.

33 *ibid* 30.

34 *ibid.*

35 *ibid.*

36 Department of Children, Equality, Disability, Integration and Youth, IPAS Weekly Accommodation Statistics – 31 December 2023 (DCEDIY December 2023) <<https://bit.ly/4hg7V7c>> accessed 15 January 2025.



funding for Children and Young People's Services Committee (CYPSCs) and an additional allocation and rollout of family support practitioners. CYPSCs assist families in Direct Provision by coordinating and providing services and supports from their member organisations already in the community.<sup>37</sup> The rollout of the allocated 17 family support workers to support families in Direct Provision accommodation was an important measure implemented from the *White Paper* in 2024. Family practitioners provided by Tusla – the Child and Family Agency, assist families by providing parenting support, individualised parenting programmes, a Family Support Clinic, and Youth Groups.<sup>38</sup>

The *White Paper* also committed to vulnerability assessments for children and young people seeking international protection. However, these had stalled for resource and operational reasons. These assessments were recommended by the Department of Children, Equality, Disability, Integration and Youth in November 2024,<sup>39</sup> and the Children's Rights Alliance understands that the Department has commissioned an external provider to undertake them.

Despite these positive developments, many commitments in the *White Paper*, particularly in relation to the provision of own-door accommodation, the continued use of emergency accommodation, and the introduction of a child support payment, have stalled. The next section will examine the implementation of the *White Paper*.

## Implementation of Measures under the White Paper in Relation to Children

### International Protection Child Payment

The *White Paper* committed to the introduction of a monthly International Protection Child Payment which would be provided at the same rate as Child Benefit.<sup>40</sup> It was envisioned that while in Phase 2 of a new system,

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37 Department of an Taoiseach, *Breaking the Cycle: New Measures in Budget 2024 to Reduce Child Poverty and Promote Well-being* (November 2023) 15.

38 Communication received by the Children's Rights Alliance from Tusla on 19 December 2024.

39 International Protection Accommodation Services 'Support Services', <<https://bit.ly/4jW83Lv>> accessed 14 February 2025.

40 Government of Ireland, *A White Paper to End Direct Provision and to Establish a New International Protection Support Service* (Government Publications 2021) 64-65.

parents would also be eligible to apply for a means-tested International Protection Payment, which would be aligned with the rate of the Supplementary Welfare Allowance.<sup>41</sup> This has yet to happen. Children in Direct Provision currently receive a Daily Expense Allowance (DEA) weekly payment of €29.80.<sup>42</sup> Historically, the rate of DEA has been significantly lower than other social welfare payments for children. The DEA rate has remained unchanged since 2019 despite increases being applied to the Increase for a Qualified Child (IQC)<sup>43</sup> and a separate rate being established for children under the age of 12 and children over the age of 12.<sup>44</sup>

While families in Direct Provision can also access the annual Back to School Clothing and Footwear Allowance Scheme and the Exceptional Needs Payment Scheme,<sup>45</sup> children in Direct Provision do not have access to the child benefit payment given to all children habitually resident in the State. The Vincentian MESL Research Centre published a working paper in May 2023 on the Minimum Essential Standard of Living (MESL) costs for families in Direct Provision. This desk-based research found that the income supports provided to each individual family member living in Direct Provision accommodation are inadequate to meet their estimated MESL need.<sup>46</sup>

The Minister for Children, Equality, Disability, Integration and Youth secured €4.7 million in Budget 2024 for a new Child Payment for children in Direct Provision.<sup>47</sup> However, this was not implemented in 2024, despite being recommitted to by Government in *the Comprehensive Accommodation Strategy for International Protection Applicants* published in March of that year.<sup>48</sup> The Government again allocated funding, €8.4 million, to the

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41 *ibid* 30, 64-65.

42 Citizen's Information, Direct Provision System <<http://bit.ly/3S3dydD>> accessed 12 February 2025.

43 A social welfare payment is made up of a weekly payment called a personal rate. Parents may also get an extra amount for their child called an Increase for a Qualified Child (IQC) if they are getting certain payments and the child meets certain conditions.

44 Citizen's Information, *Budgets* <<https://bit.ly/3LNBjdj>> accessed 12 February 2025.

45 *ibid*.

46 Vincentian MESL Research Centre, *Estimating the MESL costs for families in Direct Provision* (Vincentian MESL Research Centre 2023).

47 Department of an Taoiseach, *Breaking the Cycle: New Measures in Budget 2024 to Reduce Child Poverty and Promote Well-being* (November 2023) 7.

48 Department of Children, Equality, Disability, Integration and Youth, *Comprehensive Accommodation Strategy for International Protection Applicants* (DCEDIY 2024) 2.

International Protection Child Payment in Budget 2025.<sup>49</sup> However, the payment has still not been implemented by Government. This comes in the middle of a cost-of-living crisis where the last three successive budgets were focused on children in poverty. In Budget 2025, there were two payments of double child benefit and a weekly increase in the Child Support Payment [formerly the Increase for a Qualified Child (IQC)] and a €100 once-off Child Support Payment lump sum.<sup>50</sup> Children and young people in Direct Provision do not qualify for any of this additional financial assistance and have spoken about how a lack of income means they have fewer opportunities to take part in activities with their friends and peers after school.<sup>51</sup>

The failure of the Government to implement this payment is extremely disappointing, especially following the allocation of funding in two successive Budgets. This is in spite of both the commitment made in the *White Paper* and the clear rationale for it given by Government itself in terms of cost effectiveness and reducing child poverty.<sup>52</sup> The International Protection Child Payment must now be implemented as a matter of urgency.

Parents living in Direct Provision have reported the weekly DEA payment of €29.80 is not sufficient to cover their families' basic needs, including appropriate food for their children.<sup>53</sup> In December 2024, the Department of Children, Equality, Disability, Integration and Youth provided the Children's Rights Alliance Christmas Holiday Hunger Scheme with €90,000 for families living in International Protection accommodation. Of the 43 organisations the Alliance funded through this scheme, 26 supported families living in international protection accommodation, with an estimated 966 families in the International Protection system benefitting from the funding. This one-off contribution was very welcome and assisted families to purchase appropriate food in this period when children were out of school and not receiving free school meals.

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49 Department of Children, Equality, Disability, Integration and Youth, 'Minister O'Gorman welcomes record €837m investment from Budget 2025' <<https://bit.ly/4fyJlpH>> accessed 10 January 2025.

50 Department of Social Protection, 'Taoiseach and Minister Humphreys announce over €1 billion in new Social Protection increases now in effect' <<https://bit.ly/3DM3ra2>> accessed 10 January 2025.

51 Ombudsman for Children, *Direct Division Children's views and experiences of living in Direct Provision* (OCO 2020) 28.

52 Government of Ireland, *Budget 2025 Expenditure Report* (Government Publications 2025) 62.

53 Irish Refugee Council, *Living in International Protection Accommodation: Exploring the Experiences of Families and Children in Direct Provision* (IRC 2023) 46.



**Despite an allocation of €4.7 million in Budget 2024 for a new Child Payment for children in Direct Provision, and €8.4 million in Budget 2025, the payment has still not been implemented.**

## Accommodation Strategy

In Phase One of the accommodation model proposed in the *White Paper*, international protection applicants are to be accommodated in an accommodation centre. In Phase Two, after four months, applicants who have not received a positive first-instance decision or are appealing a decision must transition from an accommodation centre to a house, apartment, or own room in an apartment building.<sup>54</sup> The *National Standards*,<sup>55</sup> in place from 2021, are now included in new or renewed contracts, as contractual obligations that must be met by permanent IPAS accommodation providers. The *White Paper* indicates that HIQA will continue to monitor existing centres against the agreed standards as the system transitions, and its expertise will be sought to develop a new and robust inspections system for the new model.<sup>56</sup>

At the end of December 2024, there were 32,702 people living in international protection accommodation, of which 9,015 are children.<sup>57</sup> In 2023, there were 13,277 applications for international protection,<sup>58</sup> rising to 18,561 applications in 2024.<sup>59</sup> The underlying assumption in the *White Paper* was based on 3,500 new arrivals each year.<sup>60</sup> Given the large disparity in numbers, a review of the implementation approach for the *White Paper* was initiated that includes inputs from the White Paper Programme Board and the External Advisory Group.<sup>61</sup>

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54 Government of Ireland, *A White Paper to End Direct Provision and to Establish a New International Protection Support Service* (Government Publications 2021) 30, 42-43.

55 Department of Justice and Equality, *National Standards for accommodation offered to people in the protection process* (DOJE 2019).

56 Government of Ireland, *A White Paper to End Direct Provision and to Establish a New International Protection Support Service* (Government Publications 2021) 66.

57 Department of Children, Equality, Disability, Integration and Youth, IPAS Weekly Accommodation Statistics – 29 December 2024 (DCEDIY December 2024) <<https://bit.ly/3PHWQjz>> accessed 15 January 2025.

58 International Protection Office, Monthly Statistical Report December 2023 (IPO December 2023) <<https://bit.ly/40Z08Wd>> accessed 5 February 2025.

59 *ibid.*

60 Department of Children, Equality, Disability, Integration and Youth, *Comprehensive Accommodation Strategy for International Protection Applicants* (DCEDIY 2024) 2.

61 *ibid.*

As a result of this review, in March 2024 the Department published a *Comprehensive Accommodation Strategy for International Protection Applicants (Accommodation Strategy)*.<sup>62</sup> The *Accommodation Strategy* seeks to address the current accommodation shortfall and maintain the fundamental principles of the *White Paper* while reforming the system over time to ensure the State will always be able to meet its international commitments.<sup>63</sup> It is projected that the system will need to have capacity for up to 35,000 by the end of 2028.<sup>64</sup> The Strategy states that it will scale up to meet this target through a blended model of state-owned accommodation, commercial accommodation, and temporary commercial emergency accommodation.<sup>65</sup> The inclusion of temporary emergency accommodation in this approach is problematic as the Government has not provided appropriate accommodation for children and families to date.<sup>66</sup>

The *Accommodation Strategy* states that accommodation in a Reception and Integration Centre will be available to each international protection applicant for at least six months.<sup>67</sup> During those six months, each applicant will have access to a programme of orientation, integration and supports as described in the *White Paper*. Following this, Accommodation Centres will be required to accommodate/house individuals who have completed the six-month orientation programme in a Reception and Integration Centre, but are awaiting a decision on their application.<sup>68</sup> The delivery of these Accommodation Centres will utilise the existing IPAS centres (a mixture of state-owned and private providers) that are compliant with the *National Standards* and the *White Paper*.<sup>69</sup> The programme already in place to purchase properties for Phase Two of the *White Paper* will also continue, with a focus on larger properties.

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62 *ibid.*

63 *ibid.*

64 This is assuming that an average of 13,000-16,000 persons arrive between 2024 and 2028 and that persons with status move from their accommodation after a specified time (currently one year after grant of status).

65 *ibid.* 4.

66 Ombudsman for Children's Office Safety & Welfare of Children in Direct Provision (OCO 2021).

67 Department of Children, Equality, Disability, Integration and Youth, *Comprehensive Accommodation Strategy for International Protection Applicants* (DCEDIY 2024) 7.

68 *ibid.*

69 *ibid.*

Overall, the new *Accommodation Strategy* proposes to build and contract:

- ▶ State-owned new Reception and Integration Centres and Accommodation Centres for 13,000 people.
- ▶ In-Community Accommodation for vulnerable persons with community and voluntary organisations, up to 1,000.
- ▶ Contingency Accommodation, up to 11,000, with commercial providers.<sup>70</sup>

It is welcome that this accommodation will comply with the *National Standards*, as they provide an important framework to safeguard the rights of children and young people. However, this approach does represent a significant change from the *White Paper*, which recommended the creation of state-owned Reception and Integration Centres (for Phase One) and then, relocation of residents to houses in the community (for Phase Two).

The new *Accommodation Strategy* proposes to reduce in-community or own-door accommodation to accommodate up to 1,000 vulnerable persons. This figure is too low given that the population of people seeking protection includes a significant number of vulnerable persons. Children are recognised as vulnerable by the Government<sup>71</sup> and yet it will not be possible to provide own-door accommodation to all children and families as envisaged in the *White Paper* with the proposed allocation. Own-door accommodation is crucial for children and families as it respects and promotes family life and ensures they have the appropriate space and surroundings to develop and grow. Multiple reports have demonstrated the detrimental impact of lengthy institutionalised living on the welfare of children and young people.<sup>72</sup> In light of this, the Government must re-examine the targets for in-community or own-door accommodation.

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70 *ibid* 8.

71 European Commission, 'Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of application for international protection (recast)' OJEU L180/96 art 21.

72 Ombudsman for Children's Office, *Safety & Welfare of Children in Direct Provision – An Investigation by the Ombudsman for Children's Office* (OCO 2021) 34.

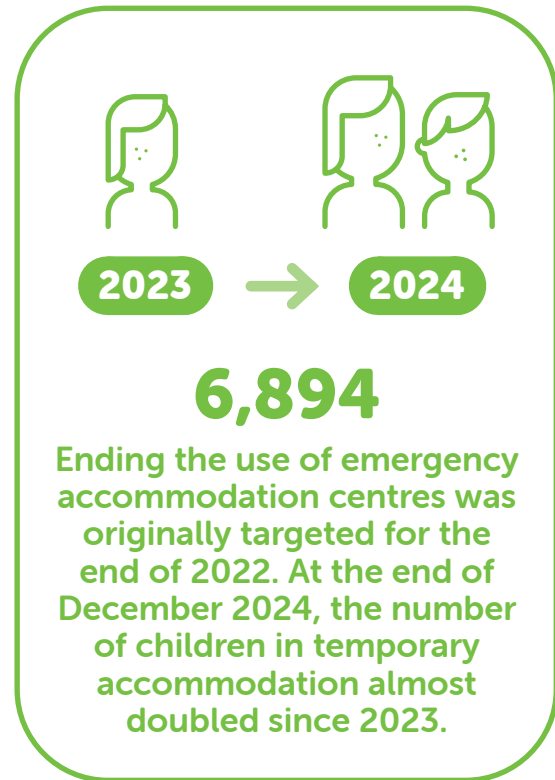


**Own-door  
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The *Accommodation Strategy* also includes provision for up to 10,000 people in emergency facilities, which will not comply with the *National Standards* or be subject to HIQA inspections. This is of great concern given the experience that children and young people seeking protection have had in emergency settings to date.<sup>73</sup>

The only way to guarantee the rights of all people in state-funded accommodation is to contract services that comply with a rules-based system and where inspections by a public body (HIQA, in this instance) take place. Ending the use of emergency accommodation centres was originally targeted for the end of 2022. At the end of December 2024, there were 269 emergency accommodation centres and six tented accommodations<sup>74</sup> with 6,894 children in temporary accommodation, almost double the amount in 2023<sup>75</sup> which was already over double the amount of the previous year.<sup>76</sup> The continued increase in this form of accommodation in the past year, and over the lifetime of the government is of concern.



While emergency centres are not subject to the *National Standards*, they are subject to the *Guidelines for Temporary Accommodation in Existing Buildings – Single Persons and Family Type Accommodation*.<sup>77</sup> The Guidelines contain standards to be followed for the structural condition, sanitation, heating

<sup>73</sup> *ibid.*

<sup>74</sup> Department of Children, Equality, Disability, Integration and Youth, IPAS Weekly Accommodation Statistics – 29 December 2024 (DCEDIY December 2024) <<https://bit.ly/3PHWQjz>> accessed 15 January 2025.

<sup>75</sup> Department of Children, Equality, Disability, Integration and Youth, IPAS Weekly Accommodation Statistics – 31 December 2023 (DCEDIY December 2023) <<https://bit.ly/4hg7V7c>> accessed 15 January 2025.

<sup>76</sup> Communication received by the Children's Rights Alliance from the Department of Children, Equality, Disability, Integration and Youth on 8 December 2023.

<sup>77</sup> Government of Ireland, *Guidelines for Temporary Accommodation in Existing Buildings – Single Persons & Family Type Accommodation* May 2022 (Revised June 2023 and Updated October 2023).

facilities, food preparation and storage, ventilation and lighting, fire safety, and building control regulations to be followed by accommodation providers.<sup>78</sup>

It is important to note that a considerable number of those living in IPAS accommodation have already been granted refugee status<sup>79</sup> and cannot find accommodation to move on. This is despite efforts made by the Government in 2024 to work with local authorities and housing bodies to move applicants with status out of IPAS centres.<sup>80</sup> This, alongside the increase in the number of people seeking asylum, has led to an increase in the number of emergency centres providing accommodation.

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### **International Protection Accommodation Service (IPAS) Accommodation Centres**

- ▶ 2,053 children currently living in IPAS centres.<sup>81</sup>
- ▶ 49 IPAS centres.<sup>82</sup>
- ▶ The *National Standards for accommodation offered to people in the protection process* (The National Standards)<sup>83</sup> apply.

### **Emergency Accommodation Centres**

- ▶ 6,894 children currently living in emergency centres.<sup>84</sup>
  - ▶ 269 emergency centres.<sup>85</sup>
  - ▶ The *National Standards* do not apply.
  - ▶ The *Guidelines for Temporary Accommodation in Existing Buildings – Single Persons and Family Type Accommodation*<sup>86</sup> apply.
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*Continued on next page*

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78 *ibid.*

79 Minister for Children, Equality, Disability, Integration and Youth, Roderic O’Gorman TD, Written Answers, Direct Provision System, 12 December 2023 [55437/23] [55438/23].

80 Minister for Children, Equality, Disability, Integration and Youth, Roderic O’Gorman TD, Dáil Debates, Written Answers, Direct Provision System, 20 March 2024 [1095/24]

81 Department of Children, Equality, Disability, Integration and Youth, IPAS Weekly Accommodation Statistics – 29 December 2024 (DCEDIY December 2024) <<https://bit.ly/3PHWQjz>> accessed 15 January 2025.

82 *ibid.*

83 Department of Justice and Equality, *National Standards for accommodation offered to people in the protection process* (DOJE 2019).

84 Department of Children, Equality, Disability, Integration and Youth, IPAS Weekly Accommodation Statistics – 29 December 2024 (DCEDIY December 2024) <<https://bit.ly/3PHWQjz>> accessed 15 January 2025.

85 *ibid.*

86 Government of Ireland, *Guidelines for Temporary Accommodation in Existing Buildings – Single Persons & Family Type Accommodation* May 2022 (Revised June 2023 and Updated October 2023).

## International Protection Accommodation Service (IPAS) Accommodation Centres

- ▶ HIQA carries out inspections.
- ▶ Many living in IPAS accommodation have already been granted refugee status.<sup>87</sup>
- ▶ IPAS Accommodation Centres are required to provide a Child Safeguarding Statement,<sup>88</sup> and Tusla is empowered to carry out compliance checks on the statement.<sup>89</sup>

## Emergency Accommodation Centres

- ▶ No independent inspections carried out.
- ▶ 6 temporary tented accommodation centres.<sup>90</sup> (No children are based in these centres)
- ▶ Emergency Accommodation Centres are required to provide a Child Safeguarding Statement,<sup>91</sup> and Tusla is empowered to carry out compliance checks on the statement.<sup>92</sup>

## Living Conditions in IPAS Accommodation Centres

There are currently 2,053 children in permanent IPAS accommodation.<sup>93</sup> On 18 December 2023, HIQA was granted the authority to carry out inspections of permanent IPAS centres, which then came into operation in January 2024.<sup>94</sup> The centres are inspected against the *National Standards*. By January 2025, HIQA had inspected 50 IPAS accommodation centres, the majority of which accommodate children and young people.<sup>95</sup> Some centres had no non-compliances against the *National Standards*, including the Didean Centre in Portlaoise,<sup>96</sup> the Eglinton Centre in Galway,<sup>97</sup> and Birchwood House in Waterford.<sup>98</sup>

87 Minister for Children, Equality, Disability, Integration and Youth, Roderic O’Gorman TD, Written Answers, Direct Provision System, 12 December 2023 [55437/23] [55438/23].

88 Children First Act 2015, Part 2, s10-12.

89 *ibid* Part 2, s11(5)(b)(ii); Child and Family Agency Act 2013, s2.

90 Department of Children, Equality, Disability, Integration and Youth, IPAS Weekly Accommodation Statistics – 29 December 2024 (DCEDIY December 2024) <<https://bit.ly/3PHWQjz>> accessed 15 January 2025.

91 Children First Act 2015, Part 2, s10-12.

92 *ibid* Part 2, s11(5)(b)(ii); Child and Family Agency Act 2013, s2.

93 Department of Children, Equality, Disability, Integration and Youth, IPAS Weekly Accommodation Statistics – 29 December 2024 (DCEDIY December 2024) <<https://bit.ly/3PHWQjz>> accessed 15 January 2025.

94 European Communities (Reception Conditions) (Amendment) Regulations 2023 S.I. No. 649 of 2023.

95 HIQA, Inspection Reports <<https://bit.ly/42a3tCH>> accessed 10 January 2025.

96 HIQA, Report of an Inspection of an International Protection Accommodation Centre 25 and 26 September 2024 (2025)

97 HIQA, Report of an Inspection of an International Protection Accommodation Centre 22 – 23 April 2024 (2024)

98 HIQA, Report of an Inspection of an International Protection Accommodation Centre 30 April – 1 May 2024 (2024).

The Inspection Reports overall highlighted areas of good practice including the facilitation of the educational development of children by providing transport to schools, pre-schools, and creche facilities.<sup>99</sup> There were also good examples of the provision of transport to access healthcare, community supports and leisure activities,<sup>100</sup> and in some cases, the facilitation of community supports at the centres themselves.<sup>101</sup> The Inspection Reports also noted that there were some centres where families were all accommodated together away from other residents, and some where residents were provided with kitchens to cook for themselves.<sup>102</sup>

However, the Inspection Reports also showed that in many accommodation centres there are still substantial areas of non-compliance with the *National Standards*. The inspections found that there were serious issues of overcrowding and lack of space for families, including examples of parents having to share beds with their teenage children, and other cases where there was limited space and the closure of afterschool activity rooms,<sup>103</sup> which restricted opportunities for children to play and develop.<sup>104</sup> Risks to the health, safety, and wellbeing of residents including children were also reported by HIQA.



## **HIQA Inspections of IPAS Centres**

**found serious issues with  
overcrowding, lack of  
space for families and  
risks to health, safety and  
wellbeing.**

99 HIQA, Report of an Inspection of an International Protection Accommodation Centre 17 – 18 July 2024 (2024) 20.

100 HIQA, Report of an Inspection of an International Protection Accommodation Centre 17 – 18 July 2024 (2024) 22.

101 HIQA, Report of an Inspection of an International Protection Accommodation Centre 26 – 27 August 2024 (2024) 22.

102 HIQA, Report of an Inspection of an International Protection Accommodation Centre 23 - 24 January 2024 (2024) 21 and HIQA, Report of an Inspection of an International Protection Accommodation Centre 24 - 25 January 2024 (2024) 19.

103 HIQA, Report of an Inspection of an International Protection Accommodation Centre 17 – 18 July 2024 (2024) 16,17.

104 HIQA, Report of an Inspection of an International Protection Accommodation Centre 31 January - 01 February 2024 (2024) 21.

These included the widespread presence of pests in some centres,<sup>105</sup> as well as damp and mould.<sup>106</sup>

These Inspection Reports show that there is a very significant discrepancy in the levels of compliance across IPAS centres. There are examples of best practice that need to be replicated going forward including the Dídean Centre in Portlaoise,<sup>107</sup> the Eglinton Centre in Galway<sup>108</sup> and Birchwood House in Waterford.<sup>109</sup> Providers have submitted compliance plans in order to improve the services they offer and to become compliant with the National Standards, the implementation of which will be closely monitored by HIQA.<sup>110</sup> Given the seriousness of these issues, particularly on child protection, it is important the changes take place via an improvement plan. The Government also needs to move to commissioning through compliant providers it knows can comply with the *National Standards* and consider ceasing to work with non-compliant operators.

## Living Conditions in Emergency Accommodation

There are currently 6,894 children in emergency accommodation.<sup>111</sup> In April 2021, an investigation by the Ombudsman for Children's Office found that child protection obligations are "less robust" in Temporary Emergency Accommodation Centres than in other International Protection Accommodation Services (IPAS).<sup>112</sup> The Ombudsman's Office renewed these

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105 HIQA, Report of an Inspection of an International Protection Accommodation Centre 23 - 24 January 2024 (2024) 19 and HIQA, Report of an Inspection of an International Protection Accommodation Centre 26 – 27 August 2024 (2024) 18.

106 HIQA, Report of an Inspection of an International Protection Accommodation Centre 26 – 27 August 2024 (2024) 18.

107 HIQA, Report of an Inspection of an International Protection Accommodation Centre 25 and 26 September 2024 (2025)

108 HIQA, Report of an Inspection of an International Protection Accommodation Centre 22 – 23 April 2024 (2024)

109 HIQA, Report of an Inspection of an International Protection Accommodation Centre 30 April – 1 May 2024 (2024).

110 HIQA, Report of an Inspection of an International Protection Accommodation Centre 25 and 26 September 2024

111 Department of Children, Equality, Disability, Integration and Youth, IPAS Weekly Accommodation Statistics – 31 December 2023 (DCEDIY December 2023) <<https://bit.ly/4hg7V7c>> accessed 15 January 2025.

112 Ombudsman for Children's Office, *Safety & Welfare of Children in Direct Provision – An Investigation by the Ombudsman for Children's Office* (OCO 2021) 13.

concerns in October 2023 with the release of a Special Report on the safety and welfare of children in Direct Provision.<sup>113</sup> In relation to accommodation, the Ombudsman was not satisfied with the Government's response to its recommendation that 'IPAS cease the use of commercial hotels and plan for accommodation capacity pressures'.<sup>114</sup>

The latest evidence from the end of 2023 shows that conditions in emergency accommodation continue to be poor. Participants from focus groups and surveys conducted by the Irish Refugee Council described conditions of overcrowding in the accommodation, families sharing limited space, and a lack of privacy.<sup>115</sup> There is limited access to shared facilities such as toilets, showers, and kitchens, particularly during peak hours, and in some accommodation, those consulted described a single toilet being used among as many as 14 rooms, with the shower and toilet in the same room.<sup>116</sup> This is especially challenging for young children who 'find themselves having to wait for long periods of time to use the toilet, and this leads to accidents.'<sup>117</sup> One accommodation had a single stovetop for 80 residents.<sup>118</sup> In such conditions, the right to private and family life cannot be exercised. Inadequate heating (especially in winter), lack of adequate nutrition, and the inaccessibility of buildings with several floors without elevators were also described.<sup>119</sup> Participants consistently expressed that there was a lack of space for children to play and that when children are off school in the summer months, many faced periods of confinement, as some centres did not allow people to leave their rooms.<sup>120</sup>

Emergency Accommodation Centres accommodate the vast majority of children in the International Protection system but are not subject to the *National Standards* and HIQA does not have the authority to inspect these centres.

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113 Ombudsman for Children's Office, *Special Report: Safety & Welfare of Children in Direct Provision* (October 2023).

114 *ibid* 3.

115 Irish Refugee Council, *Living in International Protection Accommodation: Exploring the Experiences of Families and Children in Direct Provision* (2023) 30.

116 *ibid*.

117 *ibid*.

118 *ibid* 34.

119 *ibid* 30.

120 *ibid* 37.



**Research conducted by the Irish Refugee Council described conditions of overcrowding in the accommodation, families sharing limited space, and a lack of privacy.**

Emergency Accommodation Centres are generally an unsuitable form of accommodation for those seeking international protection, particularly children, and especially given the length of time children remain in them. The Government must commit to the permanent phasing-out of Emergency Accommodation Centres, supported by increased resources and system capacity and in the interim, develop a set of guidelines and standards for emergency centres.

## Child Protection and Welfare

Tusla, in its role as the Child and Family Agency for the State, supports and promotes the development, welfare and protection of children.<sup>121</sup> Part of this role includes 'providing for the protection and care of children in circumstances where their parents have not given, or are unlikely to be able to give, adequate protection and care'.<sup>122</sup> Under the Children First Act 2015, relevant service providers must undertake an assessment of harm to children availing of their service and prepare a child safeguarding statement.<sup>123</sup> IPAS and emergency accommodation centres are relevant services for the purpose of the Act.<sup>124</sup> Under the Children First Act, Tusla can request a service provider to provide them with a copy of their child safeguarding statement.<sup>125</sup> Where a provider fails to do so, Tusla can serve them with a notice of non-compliance.<sup>126</sup> When a notice of non-compliance is served, the details of the provider are entered on a register of non-compliance maintained by Tusla.<sup>127</sup>

Tusla's Child Safeguarding Statement Compliance Unit (CSSU) conducted a child safeguarding statement (CSS) sector compliance review, published in August 2023, to assess the compliance of 38 designated accommodation centres with the requirements of the Children First Act 2015.<sup>128</sup> The review found that the CSS of the reviewed providers required some development,

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121 Child and Family Agency Act 2013, s8 (1)(b).

122 *ibid* s8 (2).

123 Children First Act 2015 s11.

124 *ibid* Part 2.

125 *ibid* s 11(5)(b)(ii).

126 *ibid* s 12(6).

127 *ibid* s13.

128 Tusla Child Safeguarding Statement Compliance Unit, *Child Safeguarding Statement Sector Compliance Review: International Protection Accommodation Centres (IPAS) (2023)* 3.



and amendments to the statements were required in a significant majority.<sup>129</sup> While many service providers achieved statutory compliance by the end of the review, the CSSU expressed concern over the absence of any powers of compellability to ensure enforcement of standards or implementation of CSS.<sup>130</sup> The CSSU recommended that IPAS centres liaise with training and support from the Department of Children, Equality, Disability, Integration and Youth or Tusla to strengthen the implementation of safeguarding policies.<sup>131</sup>

The HIQA inspections conducted in 2024 found serious issues of non-compliance with the child welfare and protection standards leading to safeguarding issues. The Inspection Reports noted staff having not completed required training on child welfare and protection,<sup>132</sup> a lack of Garda vetting of staff,<sup>133</sup> as well as no risk assessments for staff who had made disclosures during the Garda vetting process.<sup>134</sup> HIQA also found that there was an absence of regular, formal, and recorded supervision for staff members or centre managers as required by the *National Standards* to promote and protect the welfare of children living in the centres.<sup>135</sup>

One of the most serious examples of the lack of safeguarding was noted in a centre where staff were unaware of whereabouts of four children for 15 days.<sup>136</sup> On this specific incident, the report stated that a 'safeguarding incident occurred involving the welfare of four children while their parent was hospitalised, which was found to have been poorly managed. Despite making required reports to the Child and Family Agency (Tusla) and An Garda Síochána, the provider failed to take reasonable and proportionate interim measures to protect the children while in the centre, leading to the staff team being unaware of the children's whereabouts for 15 days. The issue was also not promptly escalated internally, and when it was, no actions were taken

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129 *ibid.*

130 *ibid.*

131 *ibid.*

132 HIQA, Report of an Inspection of an International Protection Accommodation Centre 31 January - 01 February 2024 (2024) 24-25.

133 *ibid.*

134 HIQA, Report of an Inspection of an International Protection Accommodation Centre 17 – 18 July 2024 (2024) 14.

135 *ibid.*

136 *ibid.* 18.

by senior management. Additionally, pre-existing safeguarding issues were not risk assessed'.<sup>137</sup> This was despite procedures existing in the centre for reporting child protection and welfare concerns.<sup>138</sup>

## Unaccompanied and Separated Children

The *White Paper* commits to prioritising the protection applications of unaccompanied and separated children (UASC) and aims to provide a final instance decision to young people before they turn 18.<sup>139</sup> This will be a marked improvement to the current situation, where some young people are still awaiting a decision on their international protection application transfer into Direct Provision accommodation when they turn 18. Transferring to overnight accommodation from foster care or dedicated residential accommodation is particularly challenging for young people who are in Ireland alone, as they are moving from accommodation with dedicated services that support them, to accommodation for the general population of international protection applicants. The number of UASC seeking international protection, who are supported by Tusla, continued to rise in 2024. Tusla received referrals of 619 UASC seeking international protection in 2024, resulting in 570 being accommodated by, or taken into the care of, Tusla.<sup>140</sup> This has risen from 530 referrals in 2023, which resulted in 432 admissions for accommodation and placements.<sup>141</sup> At the end of November 2024, 431 UASC seeking international protection were in the care of Tusla.<sup>142</sup>

	<b>Number of referrals to Tusla of Unaccompanied and Separated Children</b>	<b>Number of referrals of Unaccompanied and Separated Children taken into care by Tusla</b>
<b>2023</b>	530	432
<b>2024</b>	619	570

<sup>137</sup> *ibid* 18.

<sup>138</sup> *ibid* 18.

<sup>139</sup> Government of Ireland, *A White Paper to End Direct Provision and to Establish a New International Protection Support Service* (Government Publications 2021) 61.

<sup>140</sup> Communication received by the Children's Rights Alliance from Tusla on 2 January 2025.

<sup>141</sup> Tusla, 2023 Annual Report and Financial Statements (Tusla 2023) 10.

<sup>142</sup> Communication received by the Children's Rights Alliance from Tusla on 2 January 2025.

Recognising their legal obligation to make international protection applications for UASC and the current backlog of applications that needs to be submitted,<sup>143</sup> Tusla has begun the process of outsourcing a representative service to make international protection applications on behalf of UASC and support them through the application process.<sup>144</sup> It is hoped this will move towards fulfilling the commitment in the *White Paper* to provide a final decision for young people before they turn 18.<sup>145</sup> Tusla has also committed to introducing a family tracing service to support a young person in making and maintaining contact with their family, as well as introducing a family reunification advocacy service to support a young person making an application for family reunification under the International Protection Act 2015.<sup>146</sup> These new developments and commitments by Tusla are very welcome.

## Children and Young People's Service Committees & Family Support Practitioners

In International Protection Accommodation, Children and Young People's Services Committees (CYPSCs) play a role in ensuring there is a focus on the needs of children and families through the creation of an action plan for the coordination and provision of services and supports from CYPSC member organisations.<sup>147</sup> In Budget 2024, €1.5 million was allocated for CYPSCs to work with families living in international protection.<sup>148</sup> It is welcome that each CYPSC will ensure that there is a focus on the needs of children and their families in order to support to asylum-seeking children and young people, both within and outside the work of the CYPSCs.<sup>149</sup>

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143 International Protection Act 2015 s 15(4).

144 Communication received by the Children's Rights Alliance from Tusla on 21 October 2024.

145 Government of Ireland, *A White Paper to End Direct Provision and to Establish a New International Protection Support Service* (Government Publications 2021) 61.

146 International Protection Act 2015 S 56 and Communication received by the Children's Rights Alliance from Tusla on 21 October 2024.

147 Department of an Taoiseach, *Breaking the Cycle: New Measures in Budget 2024 to Reduce Child Poverty and Promote Well-being* (November 2023) 15.

148 *ibid* 15.

149 Communication received by the Children's Rights Alliance from the Programme Board to oversee the transition for the new International Protection Support Service on 25 January 2024.

In 2024, 17 family support practitioners were allocated to work with families living in international protection, to support the pathway for integrated, community-based child and family support services.<sup>150</sup> The practitioners provide support in IPAS permanent centres and all other temporary and emergency centres where families are resident.<sup>151</sup> The family support provided can include parenting support, individualised parenting programmes, a Family Support Clinic, Youth Groups, family support along with the Family Resource Centre in the community for family integration and social supports.<sup>152</sup>

Alongside these practitioners, Tusla's general family support services support families in international protection accommodation. These services include emotional and psychological support including individual and family counselling, practical and social support including assistance with navigating health, education and social welfare systems, and child and family welfare support including responding to child protection concerns and signposting to more specialised services.<sup>153</sup>



## **17 Family Support Practitioners**

**were allocated to work with families living in international protection, to support the pathway for integrated, community-based child and family support services.**

### **► What children and young people need next**

The *Programme for Government* committed to ending the Direct Provision system and replacing it with a new international protection accommodation policy centred on a not-for-profit approach and to improve conditions for asylum seekers currently living in the system.<sup>154</sup> These commitments have not been fully implemented over the course of the lifetime of the government.

150 Communication received by the Children's Rights Alliance from Tusla on 19 December 2024.

151 *ibid.*

152 *ibid.*

153 *ibid.*

154 Government of Ireland, *Programme for Government, Our Shared Future* (Government of Ireland 2020) 76.

## Implementation of White Paper

The *White Paper to End Direct Provision* was published in 2021 and while there has been some progress on implementing the commitments for children and young people including the provision of funding to Children and Young People's Services Committees and the roll out of 17 family support workers to support families in IPAS accommodation, key elements of the *White Paper* remain unimplemented. There needs to be a fresh commitment by the incoming Minister to conduct a review of what commitments for children and young people remain outstanding. Following on from this, an updated plan needs to be developed focusing on measures that can be taken to improve the lives of children and young people in IPAS accommodation.

## Accommodation Strategy

The 2024 *Comprehensive Accommodation Strategy* does not commit to providing adequate numbers of own-door accommodation sufficient to meet the needs of all children and young people in the system. The Government needs to re-examine the targets for in-community or own-door accommodation in the new *Comprehensive Accommodation Strategy* and commit to providing more than 1,000, in line with the provisions in the *White Paper* and the Government's definition of vulnerability (which includes children). Own-door accommodation, as outlined in the *White Paper*, should not be abandoned as it is appropriate, child-friendly accommodation that can adequately meet the needs and rights of children by respecting and promoting family life informed by the child's best interests.

The *Comprehensive Accommodation Strategy* allows for the continued use of Emergency Accommodation Centres without adherence to the *National Standards* with no powers for HIQA to carry out inspections. It is essential that the Government puts in place Standards for accommodation along with an independent inspectorate to ensure compliance.

## Conditions in IPAS accommodation

In 2016, the Committee on the Rights of the Child made specific recommendations with respect to ensuring that “all refugee accommodation centres” were subject to independent inspection.<sup>155</sup> It is welcome that HIQA inspections were introduced in Permanent Accommodation Centres in 2024. However, the HIQA Inspection Reports show there continues to be concerning developments in these centres, particularly around child protection and welfare, which are exposing children to potential harm.

There is a very significant discrepancy in the levels of compliance with the Standards across IPAS centres, though there are examples of best practice that need to be replicated going forward, including the Dídean Centre in Portlaoise,<sup>156</sup> the Eglinton Centre in Galway,<sup>157</sup> and Birchwood House in Waterford.<sup>158</sup> Serious consideration needs to be given to ceasing the use of centres that continue to be non-compliant with the *National Standards*.

## Child Protection and Welfare

The child protection and welfare issues being highlighted in the HIQA inspection reports are very concerning. Consideration needs to be given to introducing a suite of measures to ensure the safety of all children and young people in IPAS accommodation including the establishment of an informal working group in the Department focused on child protection and welfare where groups working with families in IPAS accommodation can bring issues and concerns to their attention. There is also a need to further increase the number of social workers in the Department to ensure they have sufficient capacity to address issues as they arise.

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155 UNCRC ‘Concluding observations on the combined third and fourth periodic reports of Ireland’ 29 January 2016 UN Doc CRC/C/IRL/CO/3-4 para 66.

156 HIQA, Report of an Inspection of an International Protection Accommodation Centre 25 and 26 September 2024 (2025)

157 HIQA, Report of an Inspection of an International Protection Accommodation Centre 22 – 23 April 2024 (2024)

158 HIQA, Report of an Inspection of an International Protection Accommodation Centre 30 April – 1 May 2024 (2024).

There is a need to have a mechanism put in place for organisations who are working with children and families in IPAS accommodation to bring issues and concerns to the attention of the Department. This could be done by establishing an informal working group in the Department which could hear directly from services. In light of the findings of poor compliance with child protection and safeguarding standards in IPAS accommodation by HIQA, consideration should be given to Tusla carrying out a follow-on child safeguarding statement (CSS) sector compliance review. In addition to this a strategy should be put in place to ensure that improvement plans are developed and implemented to address the poor standards of child protection and welfare.

In light of the findings of poor compliance with child protection and safeguarding standards in IPAS accommodation by HIQA, consideration should be given to Tusla carrying out a follow-on child safeguarding statement (CSS) sector compliance review. In addition to this a strategy should be put in place to ensure that improvement plans are developed and implemented to address the poor standards of child protection and welfare.

### **International Protection Child Payment**

While it is welcome that €8.4 million was allocated in Budget 2025 for a new Child Benefit Payment for children in Direct Provision, it is unacceptable that the €4.7 million already allocated in Budget 2024 has not yet been implemented. Children in Direct Provision are the only group of children in successive budgets that have not received any additional support to tackle the increased cost of living. They are living in high rates of deprivation and are being left behind. It is essential that the new Child Payment is implemented as a matter of urgency.

## ➔ **Recommendations:**

- ▶ Implement the €4.7 million and €8.4 million allocated to the International Protection Child Payment from Budgets 2024 and 2025, for all children living in the international protection system as a matter of urgency.
- ▶ Commit to introducing standards and inspections for Emergency Accommodation Centres.
- ▶ Establish an informal working group in the Department of Children, Disability and Equality focused on child protection and welfare where organisations working with families in IPAS accommodation can bring issues and concerns to their attention.
- ▶ In light of the findings of poor compliance with child protection and safeguarding standards in IPAS accommodation by HIQA, consideration should be given to Tusla carrying out a follow on child safeguarding statement (CSS) sector compliance review.



**13**

# Pathways for Undocumented Children

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Section Grade:

**B-**



## The Programme for Government commits to:

Create new pathways for long-term undocumented people and their dependents meeting specified criteria to regularise their status within 18 months of the formation of the Government, bearing in mind European Union and Common Travel Area commitments.

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▶ Progress: **Good**

'Pathways for Undocumented Children' receives a 'B-' grade, a decrease on the 'B' grade awarded last year. The Government Scheme to regularise the status of undocumented people living in Ireland ran for a limited period from January 2022 to 31 July 2022. During this time, applications were received in respect of 8,311 people. The scheme was an important breakthrough, and its implementation has shown significant positive results. However, the *Programme for Government* committed to the creation of multiple "new pathways" for long-term undocumented people and their families to regularise their status. This has not been realised in the lifetime of the Government.

## Ireland's duties and responsibilities in international law



Every child has the right to equal treatment irrespective of the status of their parents or guardian.<sup>1</sup> As part of its commitments when signing up to the UN Convention on the Rights of the Child (UNCRC), Ireland agreed to be reviewed every five years on its progress in implementing the rights in the Convention. Ireland was last examined by the Committee on the Rights of the Child in January 2023. The Committee called for a child rights approach in addressing poverty, with a particular focus on children of ethnic minority groups, and that an assessment is undertaken of the impact of the habitual residence condition.<sup>2</sup> The Committee also called for the amendment of social welfare payments 'to ensure that policies do not have a discriminatory effect on such children'.<sup>3</sup>

### ► What is the context for this commitment?

There continues to be no up-to-date data on the numbers of undocumented people, including children, living in Ireland. As of 2021, there were an estimated 15,000 to 17,000 undocumented people living in the State, including 2,000 to 3,000 children.<sup>4</sup> The latest available data from 2019 is from the Migrant Rights Centre of Ireland (MRCI) which carried out a survey of 108 parents of undocumented children in Ireland. The survey found that 68 per cent of undocumented children had been born



1 UN Convention on the Rights of the Child, A/ RES/44/25 (20 November 1989), Art 2.

2 UNCRC, 'Concluding Observations Ireland' (2023) UN Doc CRC/C/IRL/CO/5-6, para 35.

3 *ibid* para 35.

4 Department of Justice, *Minister McEntee* announces new landmark scheme to regularise long-term undocumented migrants (Press Release 3 December 2021) < <https://bit.ly/3u53QNW> > accessed 17 January 2025.

in Ireland.<sup>5</sup> Of those children born outside Ireland, 78 per cent had been living here for five years or more.<sup>6</sup>

The Platform for International Cooperation on Undocumented Migrants has highlighted that uncertain, precarious, or irregular status has negative impacts on the health and well-being of children and young people.<sup>7</sup> In particular, they are at risk of being deported,<sup>8</sup> and their access to further education, training, employment and vital services is restricted.<sup>9</sup> The Economic and Social Research Institute (ESRI) stresses the insecurity that children with undocumented status experience and how, for this reason, they might not progress from secondary education to further education in the same way as an Irish or an European Economic Area (EEA) student.<sup>10</sup> These children are missing key milestones while watching their peers, with whom they are likely to have spent years with at school, living 'normal lives' and progressing to an adulthood which will not be stunted or diminished by immigration status.<sup>11</sup> Clear status determination procedures that provide children and young people with a secure and long-term residence status are crucial to ensure the full enjoyment of their rights.

## ► What has been achieved for children and young people so far?

The *Programme for Government* committed to creating pathways to regularisation for the undocumented and their dependents.<sup>12</sup> In December 2021, the Government approved the scheme to regularise the status of

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5 Migrant Rights Centre Ireland 'Growing up undocumented in Ireland' <<https://bit.ly/3sSKYil>> accessed on 17 January 2025.

6 *ibid.*

7 Platform for International Cooperation on Undocumented Migrants, *Manual on regularisations for children, young people and families* (PICUM 2018) 6.

8 *ibid.*

9 *ibid.*

10 Economic and Social Research Institute, *Responses to Irregularly Staying Migrants in Ireland* (ESRI 2022) 27.

11 RTE News, 'Migrant group calls for rights for undocumented children' (3 July 2019) <<https://bit.ly/3cegEIQ>> accessed 17 January 2025.

12 Government of Ireland, *Programme for Government, Our Shared Future* (Government Publications 2020)76.

thousands of undocumented people living in Ireland.<sup>13</sup> Importantly, individuals with expired student permissions or those with an existing Deportation Order could apply for the scheme, provided they satisfied the minimum undocumented residence requirement.<sup>14</sup> People with an outstanding application for international protection who had been in the asylum process for at least two years were also eligible to apply for the scheme.<sup>15</sup> The scheme did not create any rights to family reunification with family members who were not already residing in Ireland.<sup>16</sup>

The scheme opened for online applications in January 2022 for a limited period, closing on 31 July.<sup>17</sup> The Department of Justice received 6,548 applications in respect of 8,311 people during this time,<sup>18</sup> with 1,126 children and young people represented as a part of 894 family applications.<sup>19</sup> As of January 2025, a total of 6,521 permissions have been granted under the scheme.<sup>20</sup> Additionally, the International Protection strand of the Regularisation Scheme, which closed on 7 August 2022, recorded 3,250 applications up to September 2023, with 1,608 (49.5 per cent) successful decisions issued and an additional 1,109 (34 per cent) granted an equivalent permission by the International Protection Office.<sup>21</sup> A further 446 applications were deemed ineligible, and 307 applications were withdrawn.<sup>22</sup>

Section 35(b) of the Employment Permits (Amendment) Act 2014, which is yet to be commenced, would allow for children under the age of 16 to register their permission to be in the State with the Garda National Immigration Bureau.<sup>23</sup> The Department of Justice have stated that the modalities involved in the

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13 Department of Justice, 'Minister McEntee outlines draft scheme to regularise undocumented migrants to Cabinet' (23 April 2021) <https://bit.ly/3ALEyFQ> accessed 17 January 2025.

14 Department of Justice, 'Minister McEntee announces new landmark scheme to regularise long-term undocumented migrants' (3 December 2021) < <https://bit.ly/3u53QNW> > accessed 17 January 2025.

15 *ibid.*

16 *ibid.*

17 Communication received by the Children's Rights Alliance from the Department of Justice on 07 December 2022.

18 Communication received by the Children's Rights Alliance from the Department of Justice on 17 January 2025.

19 *ibid.*

20 *ibid.*

21 Communication received by the Children's Rights Alliance from the Department of Justice 25 January 2024.

22 *ibid.*

23 The Employment Permits (Amendment) Act 2014, s35(b).

extension of a registration requirement for children will be addressed in the implementation work this year on the Commission on the Future of Policing in Ireland.<sup>24</sup> Providing for registration for children will ensure their effective participation in any future potential regularisation schemes and would also fulfil the Government's commitment to introduce registration for children in 2022, as detailed in the 2017-2020 *Migrant Integration Strategy*.<sup>25</sup> Registration for children and young people is also important to ensure they have access to all services and supports, including in relation to education and health, as other children and young people in the State.

## ► What children and young people need next

The Committee on the Rights of the Child made recommendations in respect of the regularisation of undocumented children in 2016.<sup>26</sup> In particular, the Committee urged Ireland to adopt a comprehensive legal framework that is in accordance with international human rights law standards. They also urged Ireland to address the needs of migrant children and to take measures to ensure that children in irregular migration situations are provided with independent legal advice and timely clarifications on their migration status.<sup>27</sup>

While the Regularisation Scheme for Long-term Undocumented Migrants in Ireland was a very positive development that enabled 8,311 undocumented people to apply to have their status regularised, it was a once-off opportunity available for just six months. The scheme regularised only one cohort of undocumented children and young people in Ireland, namely children and young people that have a period of three years residence in the State without an immigration permission.<sup>28</sup> Overall, 1,126 children and young people were submitted as part of 894 family applications.<sup>29</sup>

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24 Communication received by the Children's Rights Alliance from the Department of Justice on 7 January 2025.

25 Department of Justice, *Migrant Integration Strategy 2017-2020*, (DOJ 2017).

26 UNCRC 'Concluding observations on the combined third and fourth periodic reports of Ireland' 29 January 2016 UN Doc CRC/C/IRL/CO/3-4 para 68.

27 *ibid* para 67.

28 Department of Justice, *Minister McEntee announces new landmark scheme to regularise long-term undocumented migrants* (Press Release 3 December 2021) < <https://bit.ly/3u53QNW> > accessed 17 January 2025.

29 *ibid*.

A total of 6,521 permissions have been granted under the scheme.<sup>30</sup> There is no data on how many of these were children and young people. The scheme contained no plans for alternative pathways to regularisation or any permanent mechanism to address the long-term issue of other undocumented children and young people growing up in Ireland who fell outside the scope of the scheme. This means that they will continue to have a precarious or irregular status with the associated negative impacts on the full enjoyment of their rights particularly their right to health and education.

The 2020 *Programme for Government* committed to the creation of multiple “new pathways” for long-term undocumented people and their families to regularise their status.<sup>31</sup> This commitment demands a comprehensive approach to the issue of regularisation that is not limited to a single one-off scheme. The learnings from this scheme should be recorded and used to inform the development of further, more permanent pathways for regularisation. Additionally, ensuring children and young people can register with the Garda National Immigration Bureau needs to be prioritised so that they may be able to effectively participate in any future regularisation schemes. The new *Programme for Government 2025: Securing Ireland's Future* does not include any provision for new regularisation schemes.

## ➔ Recommendations

- ▶ Bring forward necessary legislation to advance multiple, sustainable pathways for the regularisation of undocumented children and young people, and not just a once-off time bound scheme.
- ▶ Prioritise the introduction of Irish Residence Permit cards for persons under the age of 16.

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<sup>30</sup> *ibid.*

<sup>31</sup> Government of Ireland, *Programme for Government: Our Shared Future* (Government Publications 2020) 76.

**14**

# Child Safety Online

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Section Grade:

**B-**





## The Programme for Government commits to:

Enact the Online Safety and Media Regulation Bill.

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▶ Progress: **Complete**

Establish an Online Safety Commissioner.

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▶ Progress: **Complete**

'Child Safety Online' receives a 'B-' grade, a decrease from the 'A' grade awarded last year. In 2022, the *Online Safety and Media Regulation Bill* was enacted, which provides for the establishment of an Online Safety Commissioner. The Online Safety Commissioner was appointed in January 2023, and Coimisiún na Meán took up its duties in February 2023. Coimisiún na Meán published Ireland's first binding Online Safety Code in October 2024. While the *Online Safety and Media Regulation Bill* has been enacted and the Online Safety Commissioner established, broader commitments in the *Programme for Government* and subsequent implementation have fallen far short of what is required to ensure the timely, effective, and robust protection of children and young people's rights in the online environment.

## Ireland's duties and responsibilities in international law



All children have the right to be protected from abuse, neglect and sexual exploitation.<sup>1</sup> The UN Committee on the Rights of the Child has noted that '[t]he digital environment is becoming increasingly important across most aspects of children's lives, including during times of crisis, as societal functions, including education, government services and commerce, progressively come to rely upon digital technologies. It affords new opportunities for the realisation of children's rights, but also poses the risks of their violation or abuse.'<sup>2</sup>

The Committee recommended in its 2021 General Comment that 'States parties should ensure that appropriate and effective remedial judicial and non-judicial mechanisms for the violation of children's rights relating to the digital environment are widely known and readily available to all children and their representatives'.<sup>3</sup> The Committee also recommended that 'States parties should review relevant laws and policies to ensure that children are protected against economic, sexual and other forms of exploitation and that their rights with regard to work in the digital environment and related opportunities for remuneration are protected'.<sup>4</sup>

Ireland committed to promote, protect and respect children's rights when it ratified the United Nations Convention on the Rights of the Child (UNCRC) in 1992. As part of this commitment, Ireland agreed to be reviewed every five years on its progress in implementing the rights in the Convention. Ireland was last examined by the Committee in January 2023. In its Concluding Observations, the Committee referred directly to General Comment 25 and recommended that the Irish State further develop measures to promote digital inclusion; protect the rights and safety of children in the digital environment through regulations and safeguarding policies and through the mandate of the Online Safety

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1 UN Convention on the Rights of the Child, A/ RES/44/25 (20 November 1989) Arts 19 and 34.

2 UN Committee on the Rights of the Child, General Comment no 25 (2021) on children's rights in relation to the digital environment, CRC/C/GC/25, para 3.

3 *ibid* para 44.

4 *ibid* para 113.

Commissioner and individual complaints mechanism.<sup>5</sup> The Committee also recommended that laws on the digital environment protect children from harmful content, including through the implementation of the Online Safety and Media Regulation Act.<sup>6</sup> In relation to digital literacy, the Committee recommended that the State continue to take measures to enhance the skills of children, teachers and families.<sup>7</sup>

In 2018, the Council of Europe published its Recommendation, *Guidelines to Respect, Protect and Fulfil the Rights of the Child in the Digital Environment*, which recommends that States oblige businesses to meet their responsibilities by requiring them to implement measures and 'encourage them to co-operate' with the State and other stakeholders, including children.<sup>8</sup> It further recommends that Member States should ensure that a child's right to an effective remedy under the European Convention of Human Rights<sup>9</sup> is respected and protected when their rights have been infringed online.<sup>10</sup> Guidance is given on what constitutes an effective remedy and it includes inquiry, explanation, reply, correction, proceedings, immediate removal of unlawful content, apology, reinstatement, reconnection and compensation.<sup>11</sup> Importantly, it provides that the process should be speedy, child-friendly and provide the appropriate redress.<sup>12</sup>

## ► **What is the context for this commitment?**

As the UN Committee on the Rights of the Child noted, '[t]he digital environment is becoming increasingly important across most aspects of children's lives, including during times of crisis, as societal functions, including education, government services and commerce, progressively come to rely

5 UNCRC, 'Concluding Observations Ireland' (2023) UN Doc CRC/C/IRL/CO/5-6, para 22.

6 *ibid.*

7 *ibid.*

8 Council of Europe, 'Recommendation CM/Rec (2018)7 of the Committee of Ministers to Member States on Guidelines to respect, protect and fulfil the rights of the child in the digital environment' (COE 2018), para 11.

9 European Convention on Human Rights Arts 6 and 19.

10 Council of Europe, 'Recommendation CM/Rec (2018)7 of the Committee of Ministers to Member States on Guidelines to respect, protect and fulfil the rights of the child in the digital environment' (COE 2018), para 24.

11 *ibid.*

12 *ibid.*

upon digital technologies. It affords new opportunities for the realisation of children's rights, but also poses the risks of their violation or abuse'.<sup>13</sup>

As part of the enactment of the *Online Safety and Media Regulation Bill* and the establishment of the Online Safety Commissioner, the *Programme for Government* also committed that it would:

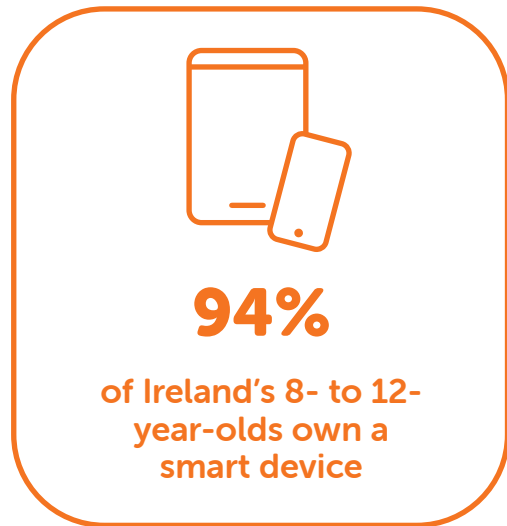
- ➔ Require online platforms to set out the steps they will take to keep their users safe online and to build safety into the design of their platforms.
- ➔ Ensure that new Online Safety Codes can combat cyberbullying material and material promoting eating disorders, self-harm, and suicide.
- ➔ Provide a mechanism for further categories of harmful content to be added following consultation with the Oireachtas.
- ➔ Require that services operate effective complaints procedures.
- ➔ Ensure that advertising, sponsorship, and product placement are not harmful and that they uphold minimum standards.
- ➔ Require platforms to have takedown measures that are timely and effective.
- ➔ Promote positive digital citizenship among children and young people, in conjunction with Webwise and other educational partners, schools, and the Ombudsman for Children.
- ➔ Develop a research programme led by internationally recognised experts to review the existing and developing literature in relation to (a) the consequences, benefits and potential harms to society and children specifically of digital activity and (b) the concept of duty of care and the public interest in the design of online platforms.<sup>14</sup>

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13 UN Committee on the Rights of the Child, General Comment no 25 (2021) on children's rights in relation to the digital environment, CRC/C/GC/25, para 3.

14 Government of Ireland, 'Programme for Government: Our Shared Future. Mission: Building Stronger and Safer Communities', 84-85. <<https://www.gov.ie/en/publication/7e05d-programme-for-government-our-shared-future/>> accessed 7 January 2025.

According to CyberSafeKids *Trends and Usage Report 2023-2024*, 94 per cent of Ireland's 8- to 12-year-olds own a smart device.<sup>15</sup> Recent debates have centred on banning smartphone ownership for this age group,<sup>16</sup> however, smartphones are not the only, nor even the most commonly used devices through which young children access the online world. Tablets and gaming consoles are often children's first devices serving as their initial points of access to the online world and can similarly expose them to online risks and harms.<sup>17</sup> Over half of 8- to 12-year-olds (59 per cent) own tablets, and 57 per cent own gaming consoles.<sup>18</sup> Primary school children reported spending the most time gaming online, with 54 per cent of girls being players of Roblox and 48 per cent of boys engaging with Fortnite.<sup>19</sup>



Smartphone ownership among Irish children aged 8 to 12 is significant and increases with age. Such ownership among 11-year-olds in Ireland is now more prevalent than ever, with 59 per cent owning a smartphone in 2023-2024, up from 52 per cent in 2022-2023. This figure increases to 74 per cent by the age of 12.<sup>20</sup> According to the *National Survey of Children, their Parents and Adults regarding Online Safety*, in 2021, over 90 per cent of Irish adolescents aged 15 to 17 own a smartphone.<sup>21</sup> This high ownership rate

15 CyberSafeKids, *Trends and Usage Report 2023-2024* (2024) <<https://www.cybersafekids.ie/wp-content/uploads/2024/08/CSK-TU-Report-23-24-Final.pdf>> accessed 13 December 2024, 6, Table 1.

16 Department of the Taoiseach, 'Keeping Childhood Smartphone-Free' <<https://www.gov.ie/en/publication/ece25-keeping-childhood-smartphone-free/>> accessed 13 December 2024. Department of Education, 'Ministers Foley, Naughton and Byrne Announce Details of Almost €12 Billion Education Funding in Budget 2025' (Press Release, 2 October 2024) <<https://www.gov.ie/en/press-release/519e2-ministers-foley-naughton-and-byrne-announce-details-of-almost-12-billion-education-funding-in-budget-2025/>> accessed 4 November

17 CyberSafeKids, *Trends and Usage Report 2023-2024* (2024) <<https://www.cybersafekids.ie/wp-content/uploads/2024/08/CSK-TU-Report-23-24-Final.pdf>> accessed 13 December 2024, 6.

18 *ibid* 11.

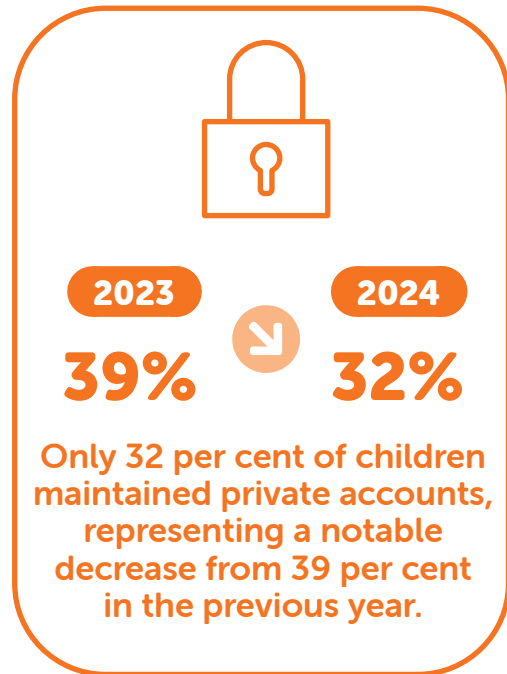
19 *ibid* 6.

20 *ibid* 6.

21 Department of the Environment, Climate and Communications, 'Online Safety and Media Regulation' <<https://assets.gov.ie/204409/b9ab5dbd-8fdc-4f97-abfc-a88afb2f6e6f.pdf>> accessed 13 December 2024.

among older teenagers indicates widespread access to digital technology within this age group. Similarly, social media and messaging applications continue to be prevalent amongst both with 82 per cent of 8-to-12 and 100 per cent of 12-to-14-year-olds having their own accounts.<sup>22</sup>

The CyberSafeKids report also reveals a concerning trend of growing secrecy among children regarding negative online experiences. Only 45 per cent of children reported upsetting online experiences to a parent or trusted adult, a decline from 54 per cent in previous years. Additionally, 36 per cent of children did not disclose these experiences to anyone, marking a 5 per cent increase from the previous academic year.<sup>23</sup> Only 32 per cent of children maintained private accounts, representing a notable decrease from 39 per cent in the previous year.<sup>24</sup>



Additionally, 19 per cent of children were unaware of their privacy settings, indicating a lack of familiarity with features that could offer increased protection.<sup>25</sup> Children with private social media accounts were less likely to experience cyberbullying, with 30 per cent reporting such incidents compared to 40 per cent of those with public accounts.<sup>26</sup> Posting videos of themselves online greatly increased the likelihood of bullying, affecting 46 per cent of children, compared to the 20 per cent who did not share videos.<sup>27</sup> Furthermore, children with unknown friends or followers on social media were significantly more likely to experience bullying, with 47 per cent of children experiencing bullying in this case compared to 19 per cent of children with only known friends or followers.<sup>28</sup>

22 CyberSafeKids, *Trends and Usage Report 2023-2024* (2024) <<https://www.cybersafekids.ie/wp-content/uploads/2024/08/CSK-TU-Report-23-24-Final.pdf>> accessed 13 December 2024, 4.

23 *ibid*, Table 20.

24 *ibid* 8.

25 *ibid* 8.

26 *ibid* 9, Table 10.

27 *ibid* 9, Table 11.

28 *ibid*.

Research by the National Anti-Bullying Research and Resource Centre found that 40 per cent of Irish children have experienced cyberbullying.<sup>29</sup> There is also increasing evidence of pornography's role in shaping and fuelling violence against women and girls.<sup>30</sup> In a recent Irish study, students reported first viewing pornography at a young age – 53.3 per cent of male students and 23.1 per cent of female students said they were aged 10 to 13 when they first viewed pornography.<sup>31</sup> Additionally, the former Special Rapporteur on Child Protection reported concerns about online grooming and exploitation facilitated by these platforms.<sup>32</sup> These findings continue to demonstrate the early and widespread access Irish children and young people have to internet-enabled devices.

## ► What has been achieved for children and young people so far?

The *Programme for Government* committed to the enactment of the *Online Safety and Media Regulation Bill* and the establishment of an Online Safety Commissioner.

### Online Safety and Media Regulation Act

Following public consultation, the General Scheme of the *Online Safety and Media Regulation Bill* was published in January 2020 and updated in December 2020. The *Online Safety and Media Regulation Act* was subsequently enacted on 10 December 2022 and many of the elements, including the parts establishing Coimisiún na Meán and a regulatory

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29 M Foody, M Samara and J O'Higgins Norman, 'Bullying and Cyberbullying Studies in Ireland: A Meta-Analytical Review' (2017) 43 *Aggression and Violent Behaviour* 1.

30 *Facing Reality: Addressing the role of Pornography in the pandemic of Violence against Women and Girls*. R Breslin, M O'Connor Sexual Exploitation Research and Policy Institute. October 2024 <<https://www.womensaid.ie/app/uploads/2024/10/Facing-Reality-Full-Report-October-2024.pdf>> accessed 31 January 2024.

31 K Dawson S NicGabhainn and P MacNeela, 2021. *Porn Report: Surveying Students on Pornography Use and Involving Them in Planning Critical Learning Interventions*. Galway: NUI Galway.

32 G Shannon, 'Report of the Special Rapporteur on Child Protection' (DCEDIY, 2019) <<https://www.gov.ie/en/publication/06ab1d-report-of-the-special-rapporteur-on-child-protection-2019/>> accessed 21 November 2024.

framework for online safety, were activated on 15 March 2023.<sup>33</sup> The Online Safety and Media Regulation Act 2022 requires Coimisiún na Meán to 'protect the interests of the public, including the interests of children... with particular commitment to the safety of children'.<sup>34</sup> To safeguard children's development, the Act requires that programme material be designed to prevent exposure to harmful content.<sup>35</sup>

While the Act states that age-inappropriate online content consists of content that is 'likely to be unsuitable for children' based on their age, development, and sensitivities, potentially harming their well-being or interests, the only content expressly named is pornography and realistic depictions of extreme violence or acts of cruelty. The legislation provides no further detail on what other content is considered to be inappropriate to children.<sup>36</sup> While these are child-specific provisions, other general protections may also protect children and young people, such as those relating to restricting other harmful content.<sup>37</sup>

The Act provided the broad parameters for Coimisiún na Meán to develop regulatory standards for the digital platforms. Between January and July 2023, an Executive Chairperson and four other Commissioners dealing with Online Safety, Media Development, Digital Services, and Broadcasting & Video on Demand were appointed.<sup>38</sup> A Youth Advisory Committee has also been established and has convened on several occasions.<sup>39</sup>

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33 Online Safety and Media Regulation Act 2022 <<https://www.irishstatutebook.ie/eli/2022/act/41/enacted/en/html>> Broadcasting Act 2009 (amended) available at <<https://revisedacts.lawreform.ie/eli/2009/act/18/front/revised/en/html>> accessed 13 December 2024. Press release, 'Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media Catherine Martin TD Signs Orders to Formally Establish Coimisiún na Meán and Commence Key Provisions of the Online Safety and Media Regulation Act 2022' (gov.ie, 15 March 2023). <<https://www.gov.ie/en/press-release/1713e-unpublished-minister-for-tourism-culture-arts-gaeltacht-sport-and-media-catherine-martin-td-signs-orders-to-formally-establish-coimisiun-na-mean-and-commence-key-provisions-of-the-online-safety-and-media-regulation-act-2022/>> accessed 20 January 2025.

34 Broadcasting Act 2009 (amended), s. 7(2)(b).

35 *ibid.* s 46N(2)(c)(ii).

36 *ibid.* s 139D.

37 *ibid.* s 139K.

38 Coimisiún na Meán, *About Us* (Coimisiún na Meán) <<https://www.cnam.ie/about-us/>> accessed 8 January 2025.

39 Coimisiún na Meán, 'Report of the Youth Advisory Committee (May 2024)' (May 2024) <<https://www.cnam.ie/wp-content/uploads/2024/05/Youth-Advisory-Committee-Report.pdf>> accessed 4 November 2024.



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**In a recent Irish study, students reported first viewing pornography at a young age – 53.3% of male students and 23.1% of female students said they were aged 10 to 13 when they first viewed pornography.**

The commencement of this legislation with its broad guidelines for online safety, together with the establishment and funding of Coimisiún na Meán, marked significant steps in Ireland's efforts to enhance digital safety and regulate online services.

## Online Safety Codes

The Online Safety and Media Regulation Act 2022 requires Coimisiún na Meán to develop Online Safety Codes.<sup>40</sup> By the end of 2023, Coimisiún na Meán and its Online Safety Commissioner had engaged in public consultation and presented its first draft of an Online Safety Code, on which it sought further comments from industry, the general public, and interested child advocates in December 2023.<sup>41</sup> This Code binds designated online platforms headquartered in Ireland.<sup>42</sup> The designated entities were notified of their inclusion within the proposed code in December 2023.<sup>43</sup> They included many, but not all, of the large social media platforms and digital platforms accessed by children and young people. Other companies are bound by the regulators of the countries where they have their European headquarters.

A second and final draft of the Online Safety Code was published in May 2024 and was referred to the European Commission to check its compliance with EU legislation.<sup>44</sup> Following this, Coimisiún na Meán published Ireland's first Online Safety Code on 21 October 2024. The publication of the Code was a significant step forward in building safety online.

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40 Broadcasting Act 2009 (amended), s. 139K (empowering the Commission to develop online safety codes), Section 139L (outlining the application of these codes), and s. 139M (detailing the matters to be considered when formulating the codes).

41 Online Safety Commissioner, *Draft Online Safety Code Consultation Document* (Coimisiún na Meán 2023) <[https://www.cnam.ie/wp-content/uploads/2023/12/Draft\\_Online\\_Safety\\_Code\\_Consultation\\_Document\\_Final.pdf](https://www.cnam.ie/wp-content/uploads/2023/12/Draft_Online_Safety_Code_Consultation_Document_Final.pdf)> accessed 31 January 2025.

42 Section 2.2, Online Safety Code, <[https://www.cnam.ie/wp-content/uploads/2024/10/Coimisiun-na-Mean\\_Online-Safety-Code.pdf](https://www.cnam.ie/wp-content/uploads/2024/10/Coimisiun-na-Mean_Online-Safety-Code.pdf)>

43 Coimisiún na Meán, 'Designation Notices' (Coimisiún na Meán) <<https://www.cnam.ie/designation-notices/>> accessed 20 January 2025.

44 Directive (EU) 2015/1535 (the "TRIS Directive") The TRIS Directive is a European Union law which requires Member States to notify draft technical regulations that concern information society services to the EU Commission before these regulations can be adopted into national law. The EU Commission and other EU Member States may make comments or submit opinions on the same. <<https://www.cnam.ie/wp-content/uploads/2024/10/Final-Decision-Online-Safety-Code.pdf>> accessed 7 January 2025.

The Online Safety Commissioner stated that the publication of the Code marked 'the end of the era of self-regulation' by the digital platforms.<sup>45</sup>

The Code is being introduced in two phases. The first, Part A, effective from 19 November 2024, imposes general obligations on the designated video-sharing platforms to safeguard all users, with additional obligations requiring platforms to provide protections for minors against content which may impair their physical, mental, or moral development.<sup>46</sup> While it largely leaves it to each of the regulated platforms to make their own decision as to what constitutes content with the potential to impair children's development, the Code states that 'for the purposes of the protection of minors, provided for in Article 28b(1)(a) of the Directive, the most harmful content shall be subject to 'the strictest measures'.<sup>47</sup>



While the breadth of discretion left to the digital platforms makes it difficult for users to understand how well they are protected, and whether they receive equal protection from each regulated platform, the general obligation that now exists does require the platforms to comply with the regulation and, if the regulator asks, to show how they provide that protection. It is therefore a positive step in obliging the digital platforms to keep the safety of children and young people in mind as a legal obligation.

45 BreakingNews.ie, 'Tech Giants Face Large Fines If They Ignore New Safety Rules: Irish Watchdog' (21 October 2024) <<https://www.breakingnews.ie/ireland/tech-giants-face-large-fines-if-they-ignore-new-safety-rules-irish-watchdog-1685682.html>> accessed 20 January 2025.

46 Coimisiún na Meán, Online Safety Code (October 2024) <[https://www.cnam.ie/wp-content/uploads/2024/10/Coimisiun-na-Mean\\_Online-Safety-Code.pdf](https://www.cnam.ie/wp-content/uploads/2024/10/Coimisiun-na-Mean_Online-Safety-Code.pdf)> accessed 31 October 2024, section 10 transposing Article 28b(1)(a)-(c) AVMS Directive

47 *ibid.* Section 10.8

Part B of the Code, introducing more detailed compliance measures, will not come into force until mid-2025<sup>48</sup> This grace period between October 2024 and July 2025 gives the regulated platforms time to furnish Coimisiún na Meán with a scheme of measures, suitable for each platform individually, to address the overall objective of restricting and removing illegal and harmful content. It defines certain video content as restricted, including what Coimisiún na Meán calls 'associated content'. This includes comments posted on a video or other material that responds in a harmful way to an otherwise harmless video. It then sets out what platforms need to provide in their terms and conditions, content rating, sanction of users, capacity to report, and, for children under 16, parental controls.



This part of the regulation specifies what is considered to be restricted harmful content. This includes content that encourages bullying or humiliation, eating disorders, or content that promotes or encourages self-harm or suicide, or dangerous challenges where such content meets the 'risk test' as defined in the Code.<sup>49</sup> In principle, this should give greater clarity to the regulator, to those using the regulated platforms, and to those designing and managing programmes within those platforms about their obligations. To that extent, this is a positive development. However, it remains to be seen how it is proposed by the platforms to be implemented in practice.

48 Response to Consultation and Decision Coimisiún na Meán, Annex 1 21 October 2024 <[https://www.cnam.ie/wp-content/uploads/2024/10/20241710\\_RTC\\_and\\_Decision\\_Application\\_to\\_VSPS\\_vF.pdf](https://www.cnam.ie/wp-content/uploads/2024/10/20241710_RTC_and_Decision_Application_to_VSPS_vF.pdf)> accessed 31 January 2025.

49 Coimisiún na Meán, Online Safety Code (October 2024) <<https://www.cnam.ie/wp-content/uploads/2024/10/Coimisiun-na-Mean-Online-Safety-Code.pdf>> accessed 31 October 2024, Part B

There is a particular focus in Part B of the Code on those who provide audiovisual commercial communications which are harmful to children.<sup>50</sup> These include communications that directly exploit children's credulity, inexperience, or their trust in adults, or shows them in unnecessarily dangerous situations, or that specifically target them for alcohol advertising. In all of these categories, the platform will only be deemed to be in breach of the Code if they 'specifically' target a child for alcohol or 'directly' exploit children's inexperience or credulity. While in the non-digital world, all alcohol advertising is to be banned on television and radio within certain time 'watersheds'<sup>51</sup> a user concerned about digital advertising will have to prove that an advertiser 'specifically' or 'directly' targeted a child, something that may be particularly difficult to do. OfCom, the United Kingdom's communications services regulator, has strengthened its restrictions on less healthy food and drink, with these rules coming into effect in late 2025.<sup>52</sup> Proposals by the digital platforms to comply with Part B of the Code should be at least as rigorous as those suggested by the Irish legislative 'watersheds' or as robust as the restraint on less healthy food suggested by the UK to protect children's health.

Part B of the Code also specifies that gratuitous violence and pornography are to be subject to the strictest restrictive measures. However, these terms remain undefined and will remain at the discretion of the platforms until, or unless Coimisiún na Meán form a definitive view, either agreeing or challenging how the platforms intend to deal with such content, and what material constitutes 'gratuitous violence and pornography'. This means that, in

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50 Section 11 of the Code identifies commercial communications harmful to children as those which prejudice respect for human dignity, include discrimination against protected groups, encourage unhealthy or unsafe behaviour, grossly harm the environment, are for cigarettes, tobacco, or e-cigarettes, encourage • audiovisual commercial communications which include or promote any discrimination based on: sex, racial or ethnic origin, nationality, religion or belief, disability, age, or sexual orientation, • audiovisual commercial communications which encourage behaviour prejudicial to health or safety, • audiovisual commercial communications which encourage behaviour grossly prejudicial to the protection of the environment, • audiovisual commercial communications for cigarettes and other tobacco products, as well as for electronic cigarettes and refill containers, • audiovisual commercial communications which encourage immoderate consumption of alcoholic beverages, • audiovisual commercial communications for medicinal products and medical treatment available only on prescription in the State.

51 Government of Ireland, 'Minister for Health Commences Broadcast Watershed for Alcohol Advertisements' (gov.ie, 4 November 2023) <<https://www.gov.ie/en/press-release/29396-minister-for-health-commences-broadcast-watershed-for-alcohol-advertisements/>> accessed 20 January 2025.

52 Ofcom, 'Regulation of Less Healthy Food and Drink Advertising' (Ofcom) <<https://www.ofcom.org.uk/tv-radio-and-on-demand/advertising/regulation-of-less-healthy-food-and-drink-advertising>> accessed 20 January 2025.

principle, children's safety and wellbeing may be better protected online than it is now. This has the potential to advance children's rights, but it remains to be seen how practical, transparent and effective the approaches adopted will be and how these are monitored by Coimisiún na Meán.

## Age verification

Given that certain content in the Code is specifically designated as 'adult-only' and requires specific measures to protect children against accessing it, it is unsurprising that the Code addresses the question of age-verification. While Part A contains a general obligation on designated video sharing platforms to 'establish and operate age verification systems for users of [their] video-sharing platforms with respect to content which may impair the physical, mental or moral development of minors',<sup>53</sup> it is only Part B of the Code that explicitly requires the platforms to produce proposals as to *how* they will assure the age of users of their services.

The more detailed requirement of age assurance, contained in Part B, relates solely to 'adult-only content', which is referred to in the Code as video material featuring pornography or realistic depictions of extreme violence or cruelty. However, none of these terms are defined either in the Code or in Statutory Guidance.<sup>54</sup> Additionally, the requirement for enhanced age assurance applies only to platforms that explicitly allow the uploading or sharing of adult-only video content,<sup>55</sup> of which there are few who expressly allow for such content.

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53 Coimisiún na Meán, Online Safety Code (October 2024) <[https://www.cnam.ie/wp-content/uploads/2024/10/Coimisiun-na-Mean\\_Online-Safety-Code.pdf](https://www.cnam.ie/wp-content/uploads/2024/10/Coimisiun-na-Mean_Online-Safety-Code.pdf)> accessed 31 October 2024 Section 10.6(f).

54 Coimisiún na Meán, Online Safety Guidance Materials, October 2024) <<https://www.cnam.ie/wp-content/uploads/2024/10/Online-Safety-Guidance-Materials.pdf>> accessed 6 November 2024.

55 Section 12.10 Online Safety Code, < [https://www.cnam.ie/wp-content/uploads/2024/10/Coimisiun-na-Mean\\_Online-Safety-Code.pdf](https://www.cnam.ie/wp-content/uploads/2024/10/Coimisiun-na-Mean_Online-Safety-Code.pdf)> accessed 31 January 2025.



**'Safety-by-Design' is a proactive approach to user safety that integrates protections and measures to minimise harm into the development, design, and deployment of online products and services from the outset, rather than retrofitting solutions after harm occurs.**

This leaves many, if not most mainstream platforms, where children are also at risk of viewing harmful and illegal content,<sup>56</sup> subject only to the broader and less specific obligations in Part A.

The broadness of Part A, coupled with the narrow conditions of Part B raises concerns about the adequacy of age safeguards across platforms.<sup>57</sup> Although the Online Safety Guidance Materials<sup>58</sup> outline age assurance requirements, they lack specific standards. This leaves platforms with considerable discretion to choose methods of verifying a user's age including the use of credit cards, AI-driven facial analysis, and behavioural profiling, all of which may pose questions of reliability and sufficient privacy safeguards.<sup>59</sup> Although the Online Safety Guidance Materials prohibit age self-declaration<sup>60</sup> and recommend privacy protections for children's data, they fail to specify how platforms should secure this data when using AI-based or data-intensive techniques.<sup>61</sup>

The approach taken by Coimisiún na Meán aims to ensure the platforms are required to engage seriously with the regulator in producing a scheme

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56 Children are increasingly being exposed to harmful content, including pornography and violence, on social media and other online platforms, see Studies have revealed that younger children, even under the age of 10, are at risk of encountering sexual material online, often through coercion and manipulation by online predators. The Internet Watch Foundation reported a significant rise in child sexual abuse imagery in 2023, with many cases involving children as young as primary school age being coerced into creating explicit content, which is then widely shared across criminal networks Internet Watch Foundation, 'Under 10s Groomed Online "Like Never Before" as Hotline Discovers Record Amount of Child Sexual Abuse' (IWF, 25 April 2024) <<https://www.iwf.org.uk/news-media/news/under-10s-groomed-online-like-never-before-as-hotline-discovers-record-amount-of-child-sexual-abuse>> accessed 31 January 2025; NSPCC, 'Children's Experiences of Legal but Harmful Content Online' (NSPCC, February 2022) <<https://learning.nspcc.org.uk/research-resources/2022/helplines-insight-briefing-legal-but-harmful-content>> accessed 31 January 2025.

57 Section 10.6(f) of the Online Safety Code reads 'A video-sharing platform service provider shall establish and operate age verification systems for users of video-sharing platforms with respect to content which may impair the physical, mental or moral development of minor'.

58 Coimisiún na Meán, *Online Safety Guidance Materials*, (October 2024) <<https://www.cnam.ie/wp-content/uploads/2024/10/Online-Safety-Guidance-Materials.pdf>> accessed 6 November 2024.

59 *ibid.* p. 13.

60 *ibid.* p. 12

61 The standards developed by the 5Rights Foundation which sets out 11 common standards that should inform the development of any age assurance mechanism. Those are: Age assurance must be privacy preserving; Age assurance should be proportionate to risk and purpose; Age assurance should be easy for children to use; Age assurance must enhance children's experiences, not merely restrict them; Age assurance providers must offer a high level of security; Age assurance providers must offer routes to challenge and redress; Age assurance must be accessible and inclusive; Age assurance must be transparent and accountable; Age assurance should anticipate that children don't always tell the truth; Age assurance must adhere to agreed standards, 5Rights Foundation, *But How Do They Know It is a Child? Age Assurance in the Digital World* (5Rights Foundation, 2021) 8 <[https://5rightsfoundation.com/uploads/But\\_How\\_Do\\_They\\_Know\\_It\\_is\\_a\\_Child.pdf](https://5rightsfoundation.com/uploads/But_How_Do_They_Know_It_is_a_Child.pdf)> accessed 7 November 2024.



of measures, suitable for each platform individually, to address the overall objective of restricting and removing illegal and harmful content. Age assurance mechanisms are recognised as valuable tools for identifying when children are using digital services, but they are not a comprehensive solution for creating a digital environment suitable for young users. Given that their primary benefit lies in knowing whether a user is a child, this should drive the development of appropriately tailored services. However, age verification measures present broader challenges, including concerns about privacy, digital inclusion, and equitable access to online content, alongside the need to balance safeguarding with children's rights to freedom of expression and participation.<sup>62</sup>

## Recommender systems and online safety

A further distinction, not envisaged by *the Programme for Government*, occurred when Coimisiún na Meán took the view that it would not include harm caused by 'recommender' systems or algorithms in the Online Safety Code. Instead, it turned to the EU Digital Services Act, where Coimisiún na Meán is also the regulator through the Digital Services Commissioner, to regulate platforms in relation to them. Harm stemming from social media does not come from content alone, but also from the design of platforms.<sup>63</sup> This was acknowledged by the express commitment in the *Programme for Government* that the Online Safety Commissioner would require platforms to build safety into the design of their platforms. 'Safety-by-Design' has been defined as a proactive approach to user safety that integrates protections into the development, design, and deployment of online products and services. It emphasises embedding measures to minimise harm and maximise user empowerment from the outset, rather than retrofitting solutions after harm occurs.<sup>64</sup>

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62 5Rights Foundation, 'But How Do They Know It's a Child?' (5Rights Foundation, 2021) <<https://5rightsfoundation.com/resource/but-how-do-they-know-its-a-child/>> accessed 20 January 2025.

63 C McGrath, (2023, September 29). What is online harm: And how do we define it? RTE. <<https://www.rte.ie/brainstorm/2023/0929/1407929-online-harm-ireland-online-safety-and-media-regulation-act-eu-digitalservices/>> accessed 31 January 2025.

64 Australian eSafety Commissioner, Safety by Design: Overview May 2019 <<https://www.esafety.gov.au/sites/default/files/2019-10/SBD%20-%20Overview%20May19.pdf>> accessed 20 January 2025.

Recommender systems, while designed to enhance user experience by tailoring content to individual preferences, can cause significant harm to children.<sup>65</sup> One of the primary concerns is the exposure to inappropriate or harmful content. Algorithms prioritise engagement and often push sensational or extreme content to maintain user attention.<sup>66</sup> As a result, children and young people risk being harmed through exposure to violent, sexual, or otherwise age-inappropriate material.



**Algorithms prioritise engagement and often push sensational or extreme content to maintain user attention. As a result, children risk being harmed through exposure to violent, sexual, or otherwise age-inappropriate material.**

In May 2024, in its response to the industry and public consultations, Coimisiún na Meán expressly acknowledged that 'recommender systems that are not so designed are likely to be unsafe for minors'. Yet, despite this, An Coimisiún determined that recommender systems are more appropriately addressed under the Digital Services Act and that it did not 'propose to take further the possibility of a supplementary Online Safety Code at this time'.<sup>67</sup> The Digital Services Act does indeed provide for supervision of transparency measures for online platforms, including transparency on the algorithms used

65 Evidence suggest that social media algorithms have the potential to significantly harm adolescents, particularly affecting mental health issues like body dissatisfaction, anxiety, and depression. Legal strategies to regulate these harms are more likely to succeed at the state level, with promising solutions including mandatory algorithm risk audits conducted by third parties to protect adolescent mental health see Amanda Raffoul et. al, 'Adolescent Mental Health and Big Tech: Investigating Policy Avenues to Regulate Harmful Social Media Algorithms' (2023) 72 Journal of Adolescent Health S12, <<https://www.jahonline.org/action/showPdf?pii=S1054-139X%2822%2900828-X>> accessed 31 January 2025. Harms result from complex socio-technical systems involving algorithms, platform design, commercial interests, and social practices, not just algorithms alone. The article suggests governance interventions, emphasising the need for external oversight to address the increasing power of platforms alongside correcting algorithmic errors see Saurwein, Florian; Spencer-Smith, Charlotte (2021). Automated Trouble: The Role of Algorithmic Selection in Harms on Social Media Platforms. Media and Communication, 9(4):222-233.

66 E Dujeancourt, M Garz (2023). The effects of algorithmic content selection on user engagement with news on Twitter. The Information Society, 39(5), 263–281. <<https://doi.org/10.1080/01972243.2023.223047>> accessed 31 January 2025.

67 Coimisiún na Meán, 'Response to Consultation' (May 2024) para 4.2 <[https://www.cnam.ie/wp-content/uploads/2024/05/Response-to-Consultation\\_vFinal-3.pdf](https://www.cnam.ie/wp-content/uploads/2024/05/Response-to-Consultation_vFinal-3.pdf)> accessed 9 January 2025.

for recommending content or products to users.<sup>68</sup> However, as this system is almost as new as the Online Safety Code in Ireland,<sup>69</sup> there is little information as yet on how such systems work, how they are regulated, the effectiveness of the monitoring, and how they will keep children and young people in Ireland safe online.

## Reporting and complaints

As the UN Committee on the Rights of the Child and the Council of Europe state, complaint and reporting systems that are accessible, fair, child friendly, safe, appropriate, and which provide effective remedies and redress to someone who has been harmed, are essential.<sup>70</sup> If structured in this way, such complaints and reports systems are not only valuable to the person who makes a report of harm and gets redress but they also help to build trust and accountability within organisations that have such systems in place, as well as leading to better structures and systems throughout whole industries and institutions.<sup>71</sup>

There is currently no standard method of complaint mechanism required by the Online Safety Code. As such, each platform is permitted to devise its own system for presentation and discussion with Coimisiún na Meán by July 2025. This immediately creates a lack of accessibility given that multiple platforms may host the same or similar abusive material. In order for a user to make a complaint, an individual is expected to know and be familiar with each platform's system, as well as needing certain familiarity with the relevant underlying legislation. In addition, an individual seeking a speedy and effective remedy for abusive, harmful or illegal material online which is having

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68 European Commission, 'Questions and Answers on the Digital Services Act' (European Commission, 15 December 2020) <[https://ec.europa.eu/commission/presscorner/detail/en/qanda\\_20\\_2348](https://ec.europa.eu/commission/presscorner/detail/en/qanda_20_2348)> accessed 20 January 2025.

69 While the DSA applied to some very large digital entities before that, it became fully applicable in Ireland following the passage of the Digital Services Act in Ireland in February 2024. <<https://www.irishstatutebook.ie/eli/2024/act/2/enacted/en/html>>

70 UNCRC General Comment 25, para 43-44 Children and young people must also have a right to an effective remedy to justice under the European Convention of Human Rights, and a child-friendly remedy as outlined in the Council of Europe Guidelines on Child Friendly Justice, see Council of Europe, 'Recommendation CM/Rec(2018)7 of the Committee of Ministers to member States on Guidelines to respect, protect and fulfil the rights of the child in the digital environment' (COE 2018), para 44.

71 Ombudsman Model Complaints system, <<https://assets.ombudsman.ie/media/285094/27141f4a-453e-4713-8abe-9fbe409e876a.pdf>> accessed 19 November 2024.

a detrimental impact on them is then required to seek out and understand a platform's systems. This comes at a time when they may be traumatised, frightened and pressurised by the creator of the content, by the person or entity that uploaded it, or those who shared it. As the submission and approval of the platforms' proposed complaints systems has not yet happened, digital services users are not assured of effective complaint or takedown mechanisms.

The proposed system of dealing with complaints is primarily an internal one, where the platform which hosts the illegal or harmful content is the adjudicator. Authorised intermediaries, either trusted flaggers<sup>72</sup> or authorised out-of-court dispute settlement (ODS) bodies,<sup>73</sup> may expedite or review a person's complaint to platforms. However, because they have no legal power, their decisions are not binding. Coimisiún na Meán does have a complaints mechanism, but if an aggrieved person seeks to use it, they need to know that 'it is not part of Coimisiún na Meán's remit to carry out a content moderation role, to act as an appeal body from decisions of providers of online services in relation to illegal content'.<sup>74</sup>

Similarly, Coimisiún na Meán does not provide a mechanism to intervene or moderate any complaint in relation to harmful content under the Online Safety Code. Coimisiún na Meán's role is as regulator. It will gather information and may engage with a regulated platform on a complaint or set of complaints and it is empowered to challenge a platform and to carry out investigations and impose sanctions where appropriate.<sup>75</sup> However, the decision is for the regulator. It does not constitute an objective appeal mechanism for users, nor does the legislation or regulation require it to be one.

For this reason, the 2022 Act also provided for a new individual complaints mechanism to be set up which will allow for specified individual complaints

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72 Article 22 Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Act).

73 Coimisiún na Meán, 'Digital Services Act – Guidance for Industry', (Coimisiún na Meán, 2024) <<https://www.cnam.ie/dsaindustry/>> accessed 13 November 2024.

74 Coimisiún na Meán Webpage, 'Online Complaints', (Coimisiún na Meán, 2024) <<https://www.cnam.ie/onlinecomplaints/>> accessed 13 November 2024.

75 Broadcast Act 2009 (amended), s139R.

to the Online Safety Commissioner.<sup>76</sup> This new system has not yet been established. An Expert Group set up in 2022 by the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media considered the need for and the shape of such a mechanism. The Group advised that Coimisiún na Meán should first develop online safety codes regarding standards in complaints handling, and then monitor compliance over a 12 month period to assess which areas need to be tackled most urgently via the individual complaint's mechanism.<sup>77</sup> Consequently, there is no independent appeal from a platform's decision, and the current system does not constitute an effective system of access to justice for users, including children and young people.

### **Promotion of positive digital citizenship among children and young people**

Several initiatives have been undertaken directly by Government Departments and Agencies and are currently underway. In recognition that there are disparate strands of activity, An Taoiseach held a summit with state actors in September 2024 and a meeting with non-governmental advocates in October 2024 to develop an effective cross-government approach for implementation of an online safety framework.<sup>78</sup> Given the importance of a coordinated response, it is hoped these meetings will continue.

Other initiatives in 2024 included the establishment in September 2024 by the Minister for Health of a Taskforce to provide a dedicated public health response to harms caused to children and young people through certain types of online activity.<sup>79</sup> That Taskforce is due to issue an interim report in spring

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76 *ibid.* s139R.

77 Expert Group on an Individual Complaints Mechanism, Report of the Expert Group on an Individual Complaints Mechanism (Department of Children, Equality, Disability, Integration and Youth, May 2022) <<https://assets.gov.ie/234897/7b1b1a0c-4405-41a2-a942-bcb2c59fabe0.pdf>> accessed 13 November 2024.

78 Government of Ireland, 'Press Release Following Online Safety Summit' (gov.ie, 9 February 2023) <<https://www.gov.ie/ga/preasraitis/bc475-press-release-following-online-safety-summit/>> accessed 20 January 2025; Government of Ireland, 'Taoiseach to Chair Online Safety Meeting with Stakeholders' (gov.ie, 3 May 2023) <<https://www.gov.ie/en/press-release/39e1d-taoiseach-to-chair-online-safety-meeting-with-stakeholders/>> accessed 20 January 2025; Government of Ireland, 'Online Health Taskforce' (gov.ie, 4 September 2024) <<https://www.gov.ie/en/publication/4d506-online-health-taskforce/>> accessed 4 November 2024.

79 Government of Ireland, 'Online Health Taskforce' (gov.ie, 4 September 2024) <<https://www.gov.ie/en/publication/4d506-online-health-taskforce/>> accessed 4 November 2024.

2025, with a final report expected in September 2025.<sup>80</sup> In 2024, Coimisiún na Meán began the publishing of resources for children, parents and educators.<sup>81</sup> Similarly, Webwise, as the Irish Internet Safety Awareness Centre, provides information, advice and resources for schools, families and young people on online safety and digital citizenship.<sup>82</sup>

Promotion of digital citizenship and awareness for children and young people was advanced through strategies, policies and activities, across many State Departments, agencies, and by the regulator over this past year. However, the Government's actions in late 2024 to provide greater coherence in the implementation of its commitments demonstrate the need for greater co-ordination to best maximise and develop digital citizenship, literacy, and safety for children and young people online.

## ► **What children and young people need next**

Fundamentally, children and young people need safe online products. Children need to be able to access such safe online products in order to participate fully and realise their rights in this digital age in which they live. General Comment 25 of the UN Committee on the Rights of the Child has set out the broad framework.<sup>83</sup> A safety-and-child-rights by design approach would go a long way in meeting the obligations of General Comment 25. Requiring digital platforms to adopt child-centred design principles, including real-time interventions and proactive risk assessments, can minimise harm and ensure safe digital spaces. Without robust age verification, respectful of children's privacy rights, platforms cannot differentiate between children and adults, leaving children vulnerable to harmful or illegal content and features.<sup>84</sup>

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80 Government of Ireland, 'Minister for Health Establishes Online Health Taskforce to Develop Response to Harms Caused by Certain Types of Online Activity' (gov.ie, 10 July 2023) <https://www.gov.ie/en/press-release/6e86d-minister-for-health-establishes-online-health-taskforce-to-develop-response-to-harms-caused-by-certain-types-of-online-activity/> accessed 20 January 2025.

81 Coimisiún na Meán, 'Educational Resources' (Coimisiún na Meán) <<https://www.cnam.ie/online-safety/>> accessed 7 January 2025.

82 Webwise, 'Webwise: Internet Safety for Children and Teenagers' (Webwise) <<https://www.webwise.ie/>> accessed 20 January 2025.

83 UN CRC General Comment 25, para 19 and throughout., <[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/GC/25&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/GC/25&Lang=en),> accessed 8 January 2025.

84 *ibid*, para 114.

As the General Comment concludes,<sup>85</sup> the use of digital devices should not be harmful, nor should it be a substitute for in-person interactions among children or between children and parents or caregivers. Effective safety measures must account for the distinct ways children experience online content, dependent on their age.<sup>86</sup>

The 5Rights Foundation highlights critical design risks that must be addressed through regulation. These include disabling 'by-default' features such as infinite scroll; autoplay; in-app purchases; connections with unknown or anonymous users; tagging; popularity signals; recommender systems; and data profiling for child users.<sup>87</sup> Additionally, livestreaming and image sharing should be restricted to known contacts, notifications and excessive usage should be limited, and time breaks should be enforced.<sup>88</sup>

Where children's rights are at risk or are not respected online, children are entitled to effective remedies.<sup>89</sup> These may include speedy and effective access to reporting and complaint mechanisms; immediate takedown of content; sanction of those who post or share such content; and sanction of platforms where necessary. At present, users are obliged to use a platform's internal complaints system, which varies significantly between platforms. This creates barriers to accessibility and consistency. While Coimisiún na Meán oversees compliance with its own codes, the EU rules and seeks to ensure that platforms have functional complaints systems, it does not engage in direct moderation of disputes or provide an alternative to platform decisions.

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85 *ibid*, para 15.

86 *ibid*, para 19-21.

87 5Rights, Web Resource, 'Risky by Design', <<https://www.riskyby.design/friend-suggestions>> accessed 27 September 2024; 5Rights, 'Pathways: How digital design puts children at risk' (2021), <<https://5rightsfoundation.com/wp-content/uploads/2021/09/Pathways-how-digital-design-puts-children-at-risk.pdf>> accessed 31 January 2025; American Psychological Association, 'Potential risks of content, features, and functions: The science of how social media affects youth' (2024), <<https://www.apa.org/topics/social-media-internet/psychological-science-behind-youth-social-media.pdf>> accessed 31 January 2025.

88 5Rights, Web Resource, 'Risky by Design', <<https://www.riskyby.design/friend-suggestions>> accessed 27 September 2024; 5Rights, 'Pathways: How digital design puts children at risk' (2021), <<https://5rightsfoundation.com/wp-content/uploads/2021/09/Pathways-how-digital-design-puts-children-at-risk.pdf>>; American Psychological Association, 'Potential risks of content, features, and functions: The science of how social media affects youth' (2024), <<https://www.apa.org/topics/social-media-internet/psychological-science-behind-youth-social-media.pdf>> accessed 27 September 2024.

89 European Convention of Human Rights Arts 6 and 13; Council of Europe, 'Recommendation CM/Rec(2018)7 of the Committee of Ministers to member States on Guidelines to respect, protect and fulfil the rights of the child in the digital environment' (COE 2018) accessed 8 January 2025, paras 24, 44.



**The lack of a uniform, independent mechanism for timely redress continues to hinder access to an effective remedy, particularly for children and vulnerable users.**



The lack of a uniform, independent mechanism for timely redress continues to hinder access to an effective remedy, particularly for children and vulnerable users.<sup>90</sup>

The publication of Ireland's first Online Safety Code in October 2024 was a significant move forward, even though the whole code will not be fully active until mid-2025. Taken as part of a European Union-wide initiative, where regulators in countries throughout the Union are putting safety codes in place, and taken in conjunction with the early days of implementation of Europe's Digital Services Act, the Online Safety Commissioner's statement that the era of self-regulation is over for the digital platforms is reasonable. It is an important first step forward in advancing our society to a situation where, in this digital environment, the rights of every child can be respected, protected and fulfilled.<sup>91</sup> However, there is still a considerable distance to go to achieve those rights.

Ireland's first Online Safety Code does set out important safety standards to protect users generally, and to protect the physical, mental and moral development of minors in particular. The EU Digital Services Act provides more rights for users, particularly in relation to illegal content and commercial advertising. The implementation of both mechanisms and the regulation of a wide range of platforms rests primarily with Coimisiún na Meán and in particular with its Online Safety and Digital Services Commissioners. While the legislation and regulations leave digital platforms with a lot of scope and discretion, they are both new. If implemented by the regulator with children's rights in mind, they could significantly improve the safety and empowerment of children and young people online.



90 Coimisiún na Meán Webpage, 'Online Complaints' (Coimisiún na Meán, 2024) <<https://www.cnam.ie/onlinecomplaints/>> accessed 13 November 2024.

91 UN CRC General Comment 25, para.4, available at <[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/GC/25&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/GC/25&Lang=en)> accessed 8 January 2025.

It is welcome to see a continued focus on online safety for children and young people in the next *Programme for Government*. The new Government commits to supporting and funding Coimisiún na Meán to enforce the Online Safety Code and to working with the body to inform children, young people, and parents about their rights online. It is also welcome that the new Government will examine ways to enforce age verification obligations on online service providers and hold them to account for failures, as well as work with stakeholders to tackle the use of recommender algorithms to protect children from harmful content. The commitment to act on the Online Health Taskforce's recommendations to improve digital well-being and to deliver a new EU Child Sexual Abuse Directive is also an encouraging step forward.

### **Recommendations**

- ▶ Coimisiún na Meán must ensure that platform proposals for safety features, including age verification and reporting and complaints systems, to be submitted by July 2025, are credible and effective and advance the safety and rights of children and young people.
- ▶ Coimisiún na Meán must design and prepare rules for an individual complaints mechanism in 2025 to be implemented in 2026.
- ▶ Online Safety Commissioner must continue to actively monitor the effectiveness of this first Online Safety Code, including through Coimisiún na Meán's complaint system, to identify whether it is effective for children's protection and their rights and to propose changes to improve it where necessary.
- ▶ The Government must ensure that matters of children's rights online have integrated policy frameworks that combine the policy goals of protecting children online, supporting their digital empowerment, and facilitating their active participation, ensuring policy cohesiveness and effective alignment within Irish and EU policy frameworks.

# 15

# Reform of the Family Law Courts

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Section Grade:

# C



## The Programme for Government commits to:

Enact a Family Court Bill to create a new dedicated Family Court within the existing court structure and provide for court procedures that support a less adversarial resolution of disputes.

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▶ Progress: **Complete**

Build a new Family Law Court building in Dublin and ensure that court facilities across the country are suitable for family law hearings so these hearings can be held separately from other cases.

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▶ Progress: **Not completed in the term of Government**

'Reform of the Family Law Courts' receives a 'C' grade, which is an increase on the 'C-' grade awarded last year. In November 2022, the Department of Justice published its *Family Justice Strategy* with the objective of 'changing how the family justice system works for children and families.' The implementation of the *Family Justice Strategy* has commenced, and in 2024 there has been some movement on key actions related to children and young people, including the publication of the Review of the Role of Expert Reports in the Family Law Process with an allocation of a €3 million budget for its implementation and the establishment of the 'Voice of the Child' working group. In November 2024, the Family Courts Act was signed into law. Planning permission for the Hammond Lane Project was approved in April 2024.

## Ireland's duties and responsibilities in international law



The UN Convention on the Rights of the Child (UNCRC) obliges the State to ensure that the child's best interests are a primary consideration in all actions concerning children, including in courts of law.<sup>1</sup> In examining Ireland's progress under the UNCRC, the Committee on the Rights of the Child expressed concerns at the delays in hearing family law cases and that judges in family law cases are not provided with 'systematic training for dealing with cases concerning children'.<sup>2</sup> The Committee recommended that sufficient resources be provided to train judges hearing family law cases involving children and that these cases 'are prioritised in the court system'.<sup>3</sup>

Ireland committed to promote, protect and respect children's rights when it ratified the United Nations Convention on the Rights of the Child (UNCRC) in 1992. As part of this commitment, Ireland agreed to be reviewed every five years on its progress in implementing the rights in the Convention. Ireland was last examined by the Committee in January 2023. In its Concluding Observations, the Committee noted the publication of the Family Court Bill and called on the State to prioritise reform in this area so that proceedings are resolved efficiently in a child-friendly manner.<sup>4</sup>

The Council of Europe's *Guidelines on Child-Friendly Justice* provide that States should ensure that proceedings involving children are dealt with in 'non-intimidating and child-sensitive settings'.<sup>5</sup> The Guidelines recommend that interviewing and waiting rooms for children 'in a child-friendly environment' be provided in court settings.<sup>6</sup> They recommend that children should be familiarised with the court setting, the layout and the roles and identities of officials ahead of attending proceedings and

1 UN Convention on the Rights of the Child (20 November 1989) 1577 UNTS 3 (UNCRC) Art 3.

2 UN Committee on the Rights of the Child, Concluding observations on the combined third and fourth periodic reports of Ireland (2016) CRC/C/IRL/CO/3-4, para 47.

3 *ibid* para 48.

4 UNCRC, 'Concluding Observations Ireland' (2023) UN Doc CRC/C/IRL/CO/5-6, para 26.

5 Council of Europe, *Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice* (COE 2010) 29.

6 *ibid*.

that court sessions involving children should be adapted to the child's pace and attention span with planned regular breaks and hearings that are limited in duration.<sup>7</sup> The *Guidelines* also recommend that all proceedings involving children should be heard in a speedy manner and that the urgency principle should be applied.<sup>8</sup> States should establish 'a system of specialised judges and lawyers for children' and 'further develop courts in which both legal and social measures can be taken in favour of children and their families'.<sup>9</sup>

Under Article 42A of the Irish Constitution, in all proceedings concerning the guardianship, adoption, custody of or access to a child, the best interests of the child must be a paramount consideration, and their views must be ascertained (if capable of forming their own views) and given due weight having regard to their maturity and age.<sup>10</sup>

## ► What is the context for this commitment?

Ireland does not have a dedicated system for hearing family law proceedings. Outside of Dublin, while there are designated family law days, the same courts hear both family law cases and all other legal cases, including criminal law cases, that fall within its jurisdiction.<sup>11</sup> In Dublin, there are dedicated courts that only hear family law cases. Most child and family proceedings are heard by the District Court, a generalist court of first instance, which also hears criminal, civil, and licensing matters. The District Court comprises of 23 Districts, and different practices have developed in the different districts. For example, in child care proceedings, variations have been observed in relation to the type and nature of the order sought and granted, how the views of the child are heard, and the reviews of orders by the court.<sup>12</sup>

7 *ibid.*

8 *ibid* 28.

9 *ibid* 33.

10 Bunreacht na hÉireann, Article 42A.

11 Houses of the Oireachtas, Joint Committee on Justice and Equality, *Report on Reform of the Family Law System* (Houses of the Oireachtas 2019) 22.

12 Carol Coulter, 'Second Interim Report' (Child Care Law Reporting Project 2014); Conor O'Mahony and others, 'Representation and Participation in Child Care Proceedings: What about the Voice of the Parents?' (2016) 38(3) *Journal of Social Welfare and Family Law* 302-322; Maria Corbett, 'An Analysis of Child Care Proceedings Through the Lens of the Published District Court Judgments' (2017) 20(1) *Irish Journal of Family Law* 7-14.

The District Court is overworked and under resourced.<sup>13</sup> There can be lengthy waits to secure a date for a hearing and extensive case lists.<sup>14</sup> Many courts outside Dublin only deal with family law cases once or twice per month, which can lead to different waiting times for courts across the country and long lists of sometimes up to 80 cases a day.<sup>15</sup>

In the *Family Justice Strategy*, the Department of Justice has acknowledged that most court buildings are not suitable for family law cases, with many buildings used 'originally designed for criminal trials and do not have adequate facilities for solicitors to meet their clients privately or do not have waiting areas suitable for children or those with mobility challenges'.<sup>16</sup> Research published in 2022 found that there is a 'stark absence' of the voice of infants and young children under six in decision-making processes on contact arrangements for separated families in the Irish context.<sup>17</sup> The Child Law Clinic at University College Cork notes that a lack of clarity and transparency of process results in inconsistent practices in hearing the views of the child in the current system.<sup>18</sup>

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13 Maria Corbett, 'Child Care is Crying Out for a Specialist, Separate, Supported and Unified Family Court', *Irish Journal of Family Law* (2022) 25(1) 7.

14 Child Care Law Reporting Project, *Ripe for Reform: An Analytical Review of Three Years of Court Reporting on Child Care Proceedings* (CCLRP, 2021) viii.

15 Department of Justice, 'Family Justice Strategy 2022 – 2025 (2022)', 8.

16 Department of Justice, 'Family Justice Strategy 2022 – 2025 (2022)', 11.

17 S McCaughren, S Holt, A Parkes, S Gregory, 'Research report on guidance on contact time for infants and young children in separated families' (December 2022) 3 < <https://bitly.ws/3aHvM> > accessed 31 January 2025.

18 Child Law Clinic (School of Law UCC), 'The Voice of the Child in Private Family Law Proceedings: A Comparative Review' (August 2023) 35 < <https://bitly.ws/3aHCe> > accessed 24 January 2024.



**Most court buildings are not suitable for family law cases. Many buildings do not have adequate facilities for solicitors to meet their clients privately or do not have waiting areas suitable for children.**



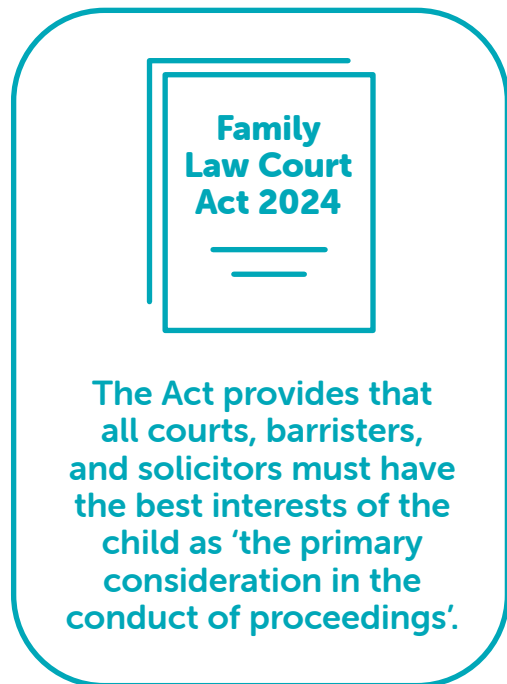
## ► What has been achieved for children and young people so far?

### Family Law Court Act 2024

The *Programme for Government* committed to enact a Family Law Court Bill that will create a new dedicated Family Court and will provide for court procedures that 'support a less adversarial resolution of disputes'.<sup>19</sup> Specialised family court systems are commonplace in most legal systems, though the form can vary from specialist divisions in existing court structures to separate specialist courts.<sup>20</sup>

In September 2020, the Government published the Heads of Bill to provide for the establishment of a District Family Court,<sup>21</sup> a Circuit Family Court,<sup>22</sup> and a Family High Court<sup>23</sup> within existing court structures. The General Scheme of the Family Court Bill was referred to the Joint Oireachtas Committee on Justice for pre-legislative scrutiny<sup>24</sup> which concluded in December 2021.<sup>25</sup> The Family Courts Bill 2022 was published in December 2022, passed through the houses of the Oireachtas in 2024, and signed into law by the Presidency in November 2024.

The Act also includes a requirement for judges to have some level of suitability to become a judge in the Family Law Courts, including a requirement to undergo training to ensure that they have the necessary skills for engaging



19 Government of Ireland, *Programme for Government, Our Shared Future*, 85.

20 Consultative Council of European Judges *Opinion (2012) No. 15 of the Consultative Council of European Judges on the Specialisation of Judges* (Council of Europe 2012) <<https://bit.ly/3pkuihB>> accessed 16 December 2024.

21 Family Court Bill General Scheme (September 2020) Head 6.

22 *ibid* Head 11.

23 *ibid* Head 16.

24 *ibid* Head 16.

25 Joint Oireachtas Committee on Justice, Letter to Minister for Justice Helen McEntee 16 December 2021 <<https://bit.ly/3G2za2g>> accessed 25 January 2024.

with children and young people.<sup>26</sup> This implements the provision in the Council of Europe's *Guidelines on Child-Friendly Justice* which provides that States should establish 'a system of specialised judges for children'.<sup>27</sup> While barristers and solicitors who work in the area are not required to undertake such training, the requirement for them to abide by the guiding principles on equal terms as that of the judiciary is a very positive development.<sup>28</sup>

In line with the commitment to construct a separate Family Court Complex at Hammond Lane as set out in the *Family Justice Strategy*, the Act provides that sittings of the Court will either be held in a different building or room from sittings of other matters or on different days and at different times.<sup>29</sup> The Act also provides that sittings will be run as informally as possible, without gowns or wigs.<sup>30</sup> This further reflects the principles of child-friendly justice<sup>31</sup> and will enable more accessible and effective communication with children and young people.

Provision is made in the Act for the establishment of a Family Law Rules Committee, or in the alternative Family Law Sub-Committees of existing Rules Committees, which would develop a comprehensive set of overarching rules and practice guidelines.<sup>32</sup> This is a welcome measure to work towards consistency in the new system.

Section 8(2)(a)(i) of the Act provides that any proceedings where the welfare of a child is involved or is 'likely to be affected by the outcome,' the best interests of the child are to be 'a primary consideration in the conduct of the proceedings'. This reflects the language of Article 3 of the UN Convention on the Rights of the Child, which sets out that the best interests of the rights of the child shall be a primary consideration in all actions concerning children

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26 Family Courts Act 2024, s9(1), s15(1), s16(1), s28(1), s29(2), s47(1), s48(2).

27 Council of Europe, *Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice* (COE 2010) 33.

28 Family Law Courts Act s8.

29 This is provided for in Section 10 (inserted section 8C of the Courts (Supplemental Provisions) Act 1961) with respect to the Family High Court; section 25 with respect to the Family Circuit Court and in section 40 (inserted section 26C of the Courts of Justice Act 1953) regarding the Family District Court.

30 Family Courts Act 2024, s10, s24, s39.

31 Council of Europe, *Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice* (COE 2010).

32 Family Courts Act 2024, s51.

and young people. The concept of the child's best interests is a procedural rule which should be followed in all decisions that may have an impact on the rights of children. In 2013, the Committee on the Rights of the Child issued General Comment No. 14 to clarify how this complex principle should be interpreted.<sup>33</sup> The Committee is clear that it should be determined on a case-by-case basis and 'should be adjusted and defined on an individual basis, according to the specific situation of the child or children concerned, taking into consideration their personal context, situation and needs'. The best interests principle has a three-fold meaning as it is:

- a. A substantive right:** The right of the child to have his or her best interests assessed and taken as a primary consideration when different interests are being considered in order to reach a decision on the issue at stake, and the guarantee that this right will be implemented whenever a decision is to be made concerning a child, a group of identified or unidentified children or children in general.
- b. A fundamental, interpretative legal principle:** If a legal provision is open to more than one interpretation, the interpretation which most effectively serves the child's best interests should be chosen.
- c. A rule of procedure:** Whenever a decision is to be made that will affect a specific child, an identified group of children or children in general, the decision-making process must include an evaluation of the possible impact (positive or negative) of the decision on the child or children concerned. Assessing and determining the best interests of the child require procedural guarantees.<sup>34</sup>

The Act provides that all courts, barristers, and solicitors must have the best interests of the child as 'the primary consideration in the conduct of proceedings.'<sup>35</sup> This is a positive development placing an obligation on all actors in the family justice system to consider what is best for children in court proceedings and, if implemented, will help to ensure that children and young people are not as invisible in the conduct of proceedings. However, it does not

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<sup>33</sup> UN Committee on the Rights of the Child (2013) *General Comment No. 14: The right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1)*, CRC/C/GC/14.

<sup>34</sup> *ibid.*

<sup>35</sup> Family Courts Act 2024 s8(2)(a)(i).

provide a comprehensive definition of best interests to courts, barristers and solicitors such as that provided for in the Children and Family Relationships Act 2015.

The Act also sets out that when a child is capable of forming their own views, there is an obligation to ensure 'as far as practicable that the views of the child are ascertained and given due weight having regard to the age and maturity of the child'.<sup>36</sup> The Act also encourages the facilitation, in so far as is possible, of the parties to proceedings to achieve consensus, to resolve their family law disputes without recourse to the courts as a guiding principle. This includes alternative dispute resolution methods such as mediation.<sup>37</sup>

## Family Law Court Complex

The *Programme for Government* also committed to constructing a new Family Law Court building in Dublin and to ensuring that court facilities outside of Dublin are suitable for Family Law hearings.<sup>38</sup> In 2015, it was announced that a site purchased by the Office of Public Works (OPW) in Hammond Lane, Dublin would be used for building a purpose-built family law complex. The Hammond Lane complex will replace the present facilities for family law in central Dublin at Dolphin House, Chancery Street, Phoenix House, and in the Four Courts.<sup>39</sup> The Children's Court, which is the dedicated Court in Dublin for youth justice matters, will not form part of the Hammond Lane site.<sup>40</sup>

The projected completion date for the project is 2028.<sup>41</sup> Planning permission was granted for the project in April 2024, and in July 2024 the first stage of the Contract Notice to initiate the first stage of the Public Private Partnership (PPP) procurement process was published.<sup>42</sup>

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36 *ibid* s8(2)(a)(iii).

37 *ibid* s8(2)(b).

38 Government of Ireland, *Programme for Government, Our Shared Future* (Government Publications 2020) 85.

39 Communication received by the Children's Rights Alliance from the Department of Justice, 1 December 2022.

40 Government of Ireland, *Performance Delivery Agreement between the Courts Service and the Department of Justice* (2021).

41 Courts Service of Ireland, another step forward for new Dublin Family Courts complex, July 2024 <<https://www.courts.ie/news/another-step-forward-new-dublin-family-courts-complex>> accessed 16 December 2024.

42 Communication received by the Children's Rights Alliance from the Department of Justice on 20 January 2025.

Detailed plans and layouts for the Family Courts building have been prepared by the OPW and include a five-storey over basement building, comprising 19 courtrooms, consultation rooms/spaces, staff and judicial accommodation, space for mediation and domestic violence support services, accommodation for legal practitioners, and custody facilities.<sup>43</sup> In developing and designing the new family courts, all stakeholders should be consulted including legal professionals, families and those who work to support them. It is essential that the opportunity to provide a child-friendly environment is not missed. The Council of Europe's *Guidelines on Child-Friendly Justice* should inform the design of the new court building, in particular, to ensure that interview and waiting rooms for children are provided 'in a child-friendly environment' in court settings.<sup>44</sup>

A number of courthouses outside of Dublin<sup>45</sup> were refurbished in 2018 to provide 'state of the art' family law court facilities.<sup>46</sup> The updated *National Development Plan (NDP) 2021 – 2030*, published in 2021, reiterates the commitment to provide new or refurbished courthouses in regional cities and towns, where facilities remain substandard,<sup>47</sup> including the development of a new Children's Court in Dublin.<sup>48</sup> In January 2025, the Department of Justice confirmed that a number of sites have been purchased at Tralee, Portlaoise, Roscommon, Wicklow, Naas, and a site adjacent to the existing Children's Court in Dublin, and sites at other locations, including Galway City are actively being sought.<sup>49</sup> There is no timeline available for when work will commence on these sites.

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43 Communication received by the Children's Rights Alliance from the Department of Justice on 25 January 2024.

44 Council of Europe, *Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice* (COE 2010) 30.

45 In Wexford, Waterford, Letterkenny, Mullingar and Drogheda.

46 Communication received by the Children's Rights Alliance from the Department of Justice, 21 January 2021.

47 Department of Public Expenditure and Reform, *National Development Plan 2021-2030* (Government of Ireland 2021) 153. These include Galway City, Wicklow Town, Portlaoise, Tralee, Roscommon, Naas, Bray, Navan, Swords, Tallaght & Dun Laoghaire.

48 Communication received by the Children's Rights Alliance from the Department of Justice on 20 January 2025.

49 *ibid.*



**The Council of Europe's  
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## Family Justice Strategy

The Government established a Family Justice Oversight Group in 2020 to agree on a high-level vision and medium- and long-term objectives for the development of a national family justice system, in parallel with the establishment of a dedicated Family Court structure. In November 2022, the Department of Justice published its *Family Justice Strategy*. The Strategy contains a vision and nine goals, including one focused on supporting children, with the descriptor of 'ensuring' that the needs of children are at the centre of the family justice system, that their voices are heard and considered, and that they are supported in their own individual journey through the system.<sup>50</sup>

Under the *Family Justice Strategy*, the Department of Justice has committed to, among other things:

- ➔ Develop and pilot mechanisms to enhance hearing the voice of the child in all family justice matters.<sup>51</sup>
- ➔ Produce child-friendly and accessible material to explain family justice judgments and decisions (where appropriate and feasible) tailored to children.<sup>52</sup>
- ➔ Deliver common child-focused training to all professionals working within the family-justice sector.<sup>53</sup>
- ➔ Review the enforcement of child maintenance orders and, if required, identify proposals for reform.<sup>54</sup>
- ➔ Research on how Child Liaison Officers (CLO) are used in other jurisdictions, identifying potential opportunities where a CLO could assist children and their families in the current system and reporting on the outcome.<sup>55</sup> If deemed appropriate, develop role requirements for potential CLOs and implement a pilot demonstration project on a CLO.<sup>56</sup>

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50 Minister for Justice, Helen McEntee TD, Dáil Debates, Written Answers, Legislative Matters, 10 December 2020 [41560/20].

51 Department of Justice, *Family Justice Strategy 2022 – 2025* (2022), Action 1.1.

52 *ibid.* Action 1.2.2.

53 *ibid.* Action 2.5.

54 *ibid.* Action 1.9.

55 *ibid.* Action 4.1.

56 *ibid.* Action 4.2.

- ➔ Engage with educational and professional bodies and associations to develop and implement training across professions in core family justice areas, e.g. child-centred approaches and dispute resolution.<sup>57</sup>

The publication of the *Family Justice Strategy* is an extremely welcome step, as it outlines a much-needed vision for change in our family justice system to ensure that it is one that works for children and families. It is welcome that there is a focus on child-friendly information and Child Liaison Officers. According to the Council of Europe's Guidelines on Child-Friendly Justice, children should be promptly provided with information on their rights, the legal system and the procedures involved.<sup>58</sup>

While there is a strong focus on the need to develop child-friendly information and guidelines for professionals within the strategy, it is essential that the Government also look to the physical environment and what improvements are needed. Further consideration also needs to be given on how to ensure that key services are developed to support families going through the courts system.

Under the first year of the *Family Justice Strategy*, a Policy Review on Parental Alienation was completed, and a new plain English family law information hub was developed by the Courts Service.<sup>59</sup> As part of the service, information is provided on the potential use of mediation in family law. It also signposts mediation on guardianship, custody, access, and maintenance court forms.<sup>60</sup> The *Family Justice Strategy* also committed to commissioning research to examine the operation of the *in-camera* rule which looks at the operation of the rule and analysing the issues with current statutory exceptions which permit research and reporting on cases and recommend any legislative changes.<sup>61</sup> The *in-camera* rule was introduced to protect the identity and privacy of the parties including children involved in-Court proceedings.

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57 *ibid.* Action 5.1.3.

58 Council of Europe, *Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice* (COE 2010) 20.

59 Minister for Justice, Helen McEntee T.D., Written Answers Departmental Policies, 12 December 2023 [55165/23] [55166/23].

60 Minister for Justice, Helen McEntee T.D., Written Answers Department of Justice and Equality Legislative Reviews, 5 December 2023 [53310/23].

61 Department of Justice, 'Family Justice Strategy 2022 – 2025 (2022), Action 6.2, 32.



However, the actual nature and scope of the rule's application is unclear<sup>62</sup> and there is limited visibility as to how the courts are operating as all cases are held in private.

The tender for the research was awarded to a team from University College Cork and Trinity College Dublin in April 2024. The research will involve 'a literature review, a comparative review to examine any learnings from other jurisdictions, and primary research with key stakeholders, including adults with experience of family law proceedings'.<sup>63</sup> This research will be one of the first in Ireland to examine how the *in-camera* rule operates practically in Irish family law proceedings. It involves research with stakeholders including parents, social and legal professionals, judges, researchers and media on how they experience the 'perceived limitations and strengths of the *in-camera* rule'. It is important that this work is published in 2025 so that light can be shed on what is happening behind closed doors and the impact this has had on children and young people.

The *Review of the Role of Expert Reports in the Family Law Process* was published in June 2024 and examined the commissioning, availability, content, and use of reports that may be ordered by the court on any aspect of the child's welfare (welfare reports) or on their views and wishes ('voice of the child' reports).<sup>64</sup> The Review set out 20 recommendations for reform, which include the establishment of a panel of assessors<sup>65</sup> who are required to undergo training.<sup>66</sup> The Review recommended that guidelines are developed on the commissioning, content and use of expert reports<sup>67</sup> and that reports ordered by the court from an expert on the panel are publicly funded.<sup>68</sup> It was also recommended that a 'Voice of the Child' report template be developed as

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62 University College Cork, 'In camera' rule in Irish courts to be examined by new research project' (July 2024) <<https://www.ucc.ie/en/news/2024/in-camera-rule-in-irish-courts-to-be-examined-by-new-research-project-.html#:~:text=The%20project%2C%20entitled%20Research%20examining%20the%20operation%20of,who%20encounter%20it%20and%20work%20within%20the%20courts>> accessed 31 January 2025.

63 Department of Justice, Family Justice Strategy Progress Report August 2024 (DOJ 2024) 15.

64 Department of Justice, Review of the Role of Expert Reports in the Family Law Process (DOJ 2024)

65 *ibid.* 50.

66 *ibid.* 51.

67 *ibid.* 48.

68 *ibid.* 52.

'having a standardised template would assist the child, assessor and court in knowing what questions will be asked and answered'.<sup>69</sup>

The Review also recommended that a Children's Court Advocate Pilot Project be developed. The Review sets out that the Advocate could be responsible for the provision of information to children involved in family law proceedings and assisting children to have their voice heard in proceedings.<sup>70</sup> It was outlined that a Children's Court Advocate should be a 'CORU registered Social Worker, CORU registered Social Care Worker, Speech and Language Therapist or teacher registered with the Teaching Council, with at least three years of relevant experience of working directly with children in the previous five years'.<sup>71</sup> It is envisaged that all Advocates appointed would be Garda vetted and be required to undergo intensive training before taking up the role.<sup>72</sup>

In October 2024, Minister for Justice, Helen McEntee TD, announced that €3 million was being allocated for the implementation of the recommendations of the Review, including for the pilot of the Children's Court Advocate project and commencement of a scheme to fund expert reports from 2025.<sup>73</sup> A 'Voice of the Child' working group has also been established and began its work in October 2024. Its role includes 'examining the effectiveness of the current arrangements for hearing the voice of the child in private family law cases and alternative dispute resolution (ADR) processes, if appropriate. The group will also develop aspects of the Children's Court Advocate pilot project'.<sup>74</sup>

## ► What children and young people need next

Reform of the Family Law System and the building of the new Family Law Courts are long overdue. However, the *Programme for Government* commitment to build a new Family Law Court building in Dublin and ensure

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69 *ibid.* 54.

70 *ibid.* 54-55.

71 *ibid.* 56.

72 *ibid.*

73 Department of Justice, Funding for pilot project to support voice of children (Press Release, 9 October 2024) <<https://www.gov.ie/en/news/faf60-funding-for-pilot-project-to-support-voice-of-children/>> accessed 17 December 2024.

74 *ibid.*

that court facilities across the country are suitable for family law hearings has not been achieved in this term of Government. Hearings involving family law matters are still being held in facilities that are not suitable for children and young people.

The Council of Europe's *Guidelines on Child-Friendly Justice* provide that States should ensure that proceedings involving children are dealt with in 'non-intimidating and child-sensitive settings'.<sup>75</sup> The Guidelines recommend that interviewing and waiting rooms for children 'in a child-friendly environment' be provided in court settings.<sup>76</sup>

While it is positive that planning permission has been granted and a completion date of 2028 has been set, a clear timeline is needed for how the building works are going to progress on the new Family Law Complex. There needs to be an increased focus placed on developing court facilities outside of Dublin as a matter of priority with a need in particular to ensure that interview and waiting rooms for children are provided 'in a child-friendly environment' in court settings.<sup>77</sup>

## Family Courts Act

The signing of the Family Courts Act into law in November 2024 is an important and welcome step, placing the consideration of the best interests of the child as a guiding principle in the legislation. However, it does not provide a comprehensive definition of best interests to courts, barristers and solicitors such as that provided for in the Children and Family Relationships Act 2015.

While it is very positive that the Act requires judges to undergo training to ensure that they have the necessary skills for engaging with children and young people,<sup>78</sup> it is disappointing that there is no similar requirement for

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75 Council of Europe, *Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice* (COE 2010) 29.

76 *ibid.*

77 Council of Europe, *Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice* (COE 2010) 30.

78 Family Courts Act 2024, s9(1), s15(1), s16(1), s28(1), s29(2), s47(1), s48(2).

solicitors and barristers. The Council of Europe's *Guidelines on Child-Friendly Justice* provide that States should establish 'a system of specialised judges and lawyers for children'.<sup>79</sup> Currently, there is no obligation on solicitors and barristers to undergo specialist training in this area. Consideration needs to be given to requiring specialist training of all professionals working in the family law courts, reflecting child-friendly justice principles and how to communicate with children and young people, to improve children's experiences of engaging with the system.

The *Guidelines on Child-Friendly Justice* also provide that services such as family support and other services have a 'role to play in the follow-up of family conflicts, to ensure the best interests of the child'.<sup>80</sup> These ongoing reforms present an opportunity to house key ancillary services and agencies under the one roof and develop a new model that will promote an interdisciplinary system as recommended by the Joint Oireachtas Committee on Justice and Equality.<sup>81</sup> This may mean that family law judges could refer parties to skilled personnel to draw up parenting plans; carry out assessments such as parenting capacity assessments; implement supervised access orders; and monitor custody and access orders and facilitate their restoration if they break down.<sup>82</sup>

## Family Justice Strategy

The publication of the *Family Justice Strategy* in November 2022 provided an important vision for change in the family justice system. Implementation of the Strategy has now begun, with key developments for children and young people having commenced in 2024. The establishment of the Voice of the Child working group to oversee the development of a Children's Court Advocate Pilot is a significant development, as it will have the potential to support children to have a more positive engagement with the courts system. Children and young people have a right under the UN Convention on the

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79 Council of Europe, *Guidelines of the Committee of Ministers of the Council of Europe on child friendly justice* (COE 2010) 33.

80 *ibid.* para 136.

81 Houses of the Oireachtas, Joint Committee on Justice and Equality, *Report on Reform of the Family Law System* (Houses of the Oireachtas 2019) 43.

82 *ibid.*

Rights of the Child to have their voices heard 'in any judicial and administrative proceedings affecting the child, either directly or through a representative or an appropriate body'.<sup>83</sup>

Children and young people were consulted as part of the development of the Strategy and highlighted that they would like better communication in child-friendly language about the process and the different professionals they will encounter in the system.<sup>84</sup> They also emphasised the importance of having their voices heard as part of the process and spoke about wanting to have more of an input on what is decided about their lives. They also wanted to have different options available to them for how they could have their voices heard.<sup>85</sup>

According to the Council of Europe's *Guidelines on Child-Friendly Justice*, at the outset of any legal process, children should be promptly provided with information on their rights, the system, and procedures involved. The child's role should also be explained to them and the parties involved along with any existing support mechanisms and the appropriateness and possible consequences of using in-court or out-of-court proceedings such as mediation for proceedings involving children.<sup>86</sup> It is important that this is reflected in the Pilot.

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83 UN Convention on the Rights of the Child, Article 12.

84 Department of Justice, Children's Consultation Report (DOJ 2022).

85 *ibid.*

86 Council of Europe, *Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice* (Council of Europe 2010) 20-21.

## ➔ Recommendations

- ▶ Ensure that the reforms of the Family Law system and the design of the new Family Law Complex are informed by the Council of Europe's *Guidelines on Child-Friendly Justice* to ensure that children and young people's rights are central to the process. Aligned to this, there needs to be an increased focus placed on developing court facilities outside of Dublin as a matter of priority, with a particular need to ensure that interview and waiting rooms for children are provided 'in a child-friendly environment' in court settings.
- ▶ Commence the pilot of the Children's Court Advocate Project in early 2025.

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Founded in 1995, the Children's Rights Alliance unites over 150 members working together to make Ireland one of the best places in the world to be a child. We change the lives of all children in Ireland by making sure that their rights are respected and protected in our laws, policies and services.

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