

2009

Annual Report | Tuarascáil Bhliantúil

Ombudsman for Children's Office Annual Report 2009

This is the fifth Annual Report of the Ombudsman for Children.

It has been submitted to the Oireachtas pursuant to Section 13(7) of the Ombudsman for Children Act, 2002.

The report covers the period 1 January 2009 to 31 December 2009.

Emily Logan
Ombudsman for Children

Ombudsman for Children's Office
Millennium House
52-56 Great Strand Street
Dublin 1

Phone	01 865 6800
Complaints free phone	1800 202040
Email	oco@oco.ie
Web	www.oco.ie

Staff

Adrian Martin
Aoife Greene
Bernard McDonald
Charles Reid
Deirdre O'Shea
Karen McAuley
Mánus de Barra
Marianne Cassidy
Mary Kearns
Mary Heery
Nikki Gallagher
Sophie Magennis

YAP (Youth Advisory Panel) members

All of whom give their time and energy generously and on a voluntary basis.

Ahmed Ali (Dublin)
Aoife Cotter (Cork)
Ben English (Wicklow)
Cara Sanquest (Cork)
Ciarán Nolan (Donegal)
Hannah Gribbin (Dublin)
Inga Dalzell (Dublin)
Kim O'Shea (Waterford)
Leylah Mohammed (Dublin)
Lorna Sweetman (Dublin)
Méabh Kinsella (Donegal)
Michael (Mikey) Walsh (Galway)
Mícheál Callaghan (Monaghan)
Niall Fitzgerald (Limerick)
Nichola Moran (Limerick)
Patrick O'Sullivan (Cork)
Pauline Farrelly (Cavan)
Róisín Reynolds (Dublin)
Saoirse Smith (Dublin)
Shauna Watson (Wexford)
Síona Cahill (Longford)
Thomas Collins (Dublin)

contents

1. role of the office	7
2. message from the ombudsman for children	9
3. organisational development	15
- Reappointment of the Ombudsman for Children	15
- Human resources	15
- Volunteer & internship programmes	16
- Website and new media	16
- Training and professional development	16
- Stakeholder engagement	17
- Conferences and awareness raising	17
- Media	17
- Ethics committee	18
- The report of the Special Group on Public Service Numbers and Expenditure Programmes	18
- Financial control	19
- Legal services	19
4. complaints and investigations	21
- Distinct provisions	21
- Complaints and investigations	21
- Work to date	22
- Number of complaints from 2004 to 2009	22
- Complaints by category	23
- Complainants	23
- General summary of main issues raised	24
- Issues raised directly by children and young people	24
- Emerging issues	25
- Own volition investigations	31
- Delays/lack of co-operation	31
- Complaint materials and publications	33
- Case studies	34

5. policy and legislation	47
- The policy role of the Office	47
- Advice to Ministers of Government on proposed legislation	47
- Adoption Bill 2009	47
- Spent Convictions Bill 2007	48
- Child death review	49
- Separated Children Seeking Asylum project	50
- Consultation	52
- Accounting to the Oireachtas	52
- International information exchange and co-operation	52
6. participation and education	55
- Encouraging positive practice	55
- Promoting awareness of children's rights	58
- Involving young people and promoting children's right to be heard	58
- Hearing and highlighting children's concerns	61
appendix	65

role of the office

The Ombudsman for Children is statutorily charged with promoting and safeguarding the rights and welfare of children and young people up to eighteen years of age. The Ombudsman for Children is independent of Government and other civil society actors and is accountable to the Oireachtas. The main functions are:

- to provide an independent complaints-handling service regarding public bodies;
- to promote children’s rights, including through participation and communications activities;
- to monitor and review legislation concerning matters that relate to the rights and welfare of children;
- to advise any Minister on any matter relating to the rights and welfare of children; and
- to ensure that law, policy and practice meet the highest standards and obligations in accordance with the UN Convention on the Rights of the Child.

The Ombudsman for Children’s Office (OCO) was established in April 2004 under primary legislation: the Ombudsman for Children Act, 2002.

Emily Logan assumed her post as Ireland’s first Ombudsman for Children in April 2004 and was reappointed for a second term in December 2009.

2

message from the ombudsman for children

I am pleased to present to the Oireachtas my fifth annual report.

This reporting period covers January to December 2009.

2009 was a year in which the children's rights landscape in Ireland changed radically. The publication of the Ryan Report in May 2009, followed by the Murphy Report in November 2009, altered the parameters of our thinking about children and placed our society's failure to protect them in stark relief. Although the reality of the abuse suffered by thousands of children had been known for some time, the sheer scale of that abuse and the full revelation of the culture of impunity which sustained it left our country reeling.



The degradation of children chronicled in the Ryan Report was total. Even more than the appalling material conditions, this was accomplished by the assault on the self-worth of the children. They were very deliberately made to feel worthless. For many of them, this was compounded by systematic physical, emotional and sexual abuse which represented the final erosion of dignity and annihilation of their most basic human rights.

These children were failed by many people, in many ways. It should be recalled, however, that responsibility did not rest with members of the clergy alone. Abuse and neglect perpetrated on this scale would not have been possible if those involved in public administration and public life more generally were not in some way complicit. It was no coincidence that the vast majority of children who suffered in this way came from marginalised backgrounds. It is self-evident that it is easier to violate the human rights of people who are not socially powerful.

As the nature of the work in our Office becomes more complex, we continue to see the exercise of power by those who have it over those who don't. Children rely on adults to vindicate their rights and welfare and for most children it is their parents who are their principal advocates. In my submission to the Oireachtas Committee on the Constitutional Amendment on Children of February 2008, I emphasised that based on the experience of my Office in examining the acts and omissions of public bodies, I am of the view that the main reason for seeking a change to our Constitution is that there should be a positive obligation on organs of the State to support families in a proportionate manner and to ensure that they are bound to respect the general principles of the UN Convention on the Rights of the Child. This is especially important in contexts where young people are vulnerable and where they either do not have a parent or advocate, or where their parents are themselves marginalised and encounter obstacles in advocating on behalf of their children.

I was pleased that, following the publication of its second interim report on 7 May 2009, the Oireachtas Committee on the Constitutional Amendment on Children proceeded to consider the broader children's rights provisions of the 28th Amendment to the Constitution Bill 2008. It is entirely appropriate in the period following the publication of the Ryan and Murphy Reports that the State reviews its relationship with children and that we as a people get an opportunity to have our say on the matter. I am hopeful that 2010 will bring that opportunity.

Hearing the voices of children and young people

One of the principles which should be central to any Constitutional amendment on children's rights is the right of children and young people to have their voices heard in matters which affect them. This is a principle which also underpins the work of the Ombudsman for Children's Office.

Creating a culture where children's rights are respected takes time. Promoting children's rights, including their right to be heard, involves both encouraging and challenging decision makers to put children's best interests first, and furthermore, to take appropriate account of what children have to say in what can be life-changing decisions.

During 2009, our second youth advisory panel reached the end of its two-year term with the OCO. We are really grateful to our YAP members for their commitment and the generosity with which they volunteered their time, energy and creativity to work with the Office. We are very aware that in Ireland, participation is very much in the early stages of development as a way of working with children and we continue to learn much ourselves in the process of improving our approaches to working with children and young people.

Inclusion is a core principle informing our work to provide for and promote children's and young people's participation. We are fully committed to making every effort to ensure that our work to hear and highlight children's and young people's views is inclusive. We are also aware that certain participation mechanisms, while they may accommodate diversity, are not always readily accessible or do not necessarily appeal to all children and young people. Among them are some of the most vulnerable children and young people and, as such, the very children and young people who are most at risk of not having their voices heard. During 2009, the OCO further developed its approach to providing for children's and young people's participation. Two groups that we have done projects with this year are: separated children living in Ireland; and young people who are detained in St. Patrick's Institution, a medium-security prison for 16 to 21 year olds.

Policy work

In addition to working directly with children and young people in advancing children's rights issues, we also seek to work in a constructive and collaborative fashion with public bodies in the development and coordination of policy relating to children. On the issue of child death review for example, I initially raised my concern for the lack of any mechanism

to investigate the deaths of children in April 2007. My Office brought together key statutory bodies in April 2008 to discuss how a standing child death review mechanism could be established in Ireland such as those found in other jurisdictions.

This dialogue proved to be very fruitful and my Office published an options paper in February 2009 on foot of those discussions which outlined the main questions which would have to be addressed prior to the establishment of such a mechanism in Ireland. I presented this options paper to the Oireachtas Committee on Health and Children in June 2009 and my Office offered its advice to the Health Information and Quality Authority (HIQA) on its guidance for the HSE on the investigation of child deaths, which was prepared following a commitment by the Government to do so in the Ryan Implementation Plan.

Complaints and investigations

Encouraging public bodies to develop policies, practices and procedures designed to promote the rights and welfare of children is also an important part of the complaints and investigations function of my Office.

Since the OCO was established in 2004, we have seen an increase from an annual figure of 94 complaints to an annual figure of 912 in 2009.

As with previous years, the majority of complaints received are made by parents and extended family members. It has been our consistent experience that parents are the principal advocates for children's rights and welfare. However, in addition, professionals such as social workers, medical staff, teachers and school principals also continued to contact the Office. In the main, they are either supporting children to bring their own complaint, or submitting complaints on behalf of children that are often the most vulnerable: those without parental care or an adult to advocate on their behalf.

Without these professionals' involvement, such children may have remained voiceless.

The OCO has devoted a good deal of its energy to raising awareness of its complaints function among young people and professionals who work on their behalf, and to making that function accessible.

The future of the OCO

Turning to organisational matters, 2009 was also the year in which the OCO faced the challenge of being merged with a number of other bodies in line with the recommendation contained in the Report of the Special Group on Public Service Numbers and Expenditure Programmes. Had this recommendation been accepted by Government, it would have meant that the only independent statutory body with a mandate to promote the rights and welfare of children and to highlight issues of concern to them would have ceased to exist as a separate institution.

Clearly, the Oireachtas saw a need for a distinct Children's Ombudsman with unique powers and functions because, 22 years after the passing of the Ombudsman Act 1980, it established the Ombudsman for Children's Office. In 2002 during Oireachtas debates on the Ombudsman for Children Bill, the then Minister of State with responsibility for Children, Mary Hanafin TD, stated that:

"...one of the many problems in children's policy development has been the challenge of co-ordination and delivery of services for children. Meeting this challenge will involve a cross-sectoral approach which is emphasised in the national children's strategy and will be led by the national children's office. The introduction of an Ombudsman for Children will assist this process and provide an independent mechanism to vindicate the rights of children. The establishment of such an office is in recognition of the need for an independent person to act as a powerful advocate for children and promote the welfare and rights of the child."

While adults and children alike need independent human rights institutions to promote and protect their rights, additional justifications exist for ensuring that the rights of children are given special attention. These include the facts that:

- children's developmental state makes them particularly vulnerable to human rights violations;
- their opinions are still rarely taken into account;
- children cannot vote and cannot play a meaningful role in the political process that determines Governments' response to human rights;
- children encounter significant problems in using the judicial system to protect their rights or to seek remedies for violations of their rights; and
- children's access to organisations that may protect their rights is often limited.

The United Nations Committee on the Rights of Child has consistently held the view that every State needs an independent human rights institution with responsibility for promoting and protecting children's rights. The Committee's principal concern is that the institution, whatever its form, should be able, independently and effectively, to monitor, promote and protect children's rights. It has also continually emphasised the importance of the visibility and accessibility of that organisation, particularly to vulnerable children.

Following the publication of the Report of the Special Group on Public Service Numbers and Expenditure Programmes we were overwhelmed by the level of support for our work expressed both publicly and privately by a wide-range of stakeholders including politicians from all political parties; colleagues in the NGO community; children's rights advocates; and the media. The result was an explicit statement of support for the work of the Office expressed in the Renewed Programme for Government published in October 2009.

While I am well aware of the difficult economic times we all have to operate in, I do not think it should ever allow our thinking to be limited and there are a number of improvements to the work of the OCO which I would like to implement if there were greater human and financial resources available to me. They include, to:

- be more responsive to children who need to make a complaint to the Office;
- significantly reduce the time it takes to carry out an investigation affecting a child;
- develop a network and points of presence outside of Dublin;
- provide training & support to people working with children on human rights issues;
- be able to travel more to where children are to hear their experiences and views; and
- be able to carry out more systemic investigations that will influence public policy.

At the start of 2009 the budget allocation was 2.377m. This was reduced over the course of 2009 to 2.310m.

While I have not until now expressed concern for the future of the Office I am concerned about the ability of my Office to deliver the kind of response that I think is needed with the current resources. The fact is that the workload of one of our three core functions – that of investigations, has increased substantially with less resources.

I wish to place on the public record that while I believe I am meeting my statutory obligations, I have concerns about our ability as a team to respond to the increasing demand for our work, particularly the investigation function of the OCO. It is no longer possible to fulfil this in a way that I believe as Ombudsman for Children is satisfactory. Our work is taking much longer than it should, despite it being supplemented by the contribution of volunteers and interns who have been recruited for the first time to assist the Office with its work. I think it is evident from complaints contained in this annual report that children continue to need an independent mechanism of redress and will continue to do so in this State for some considerable time.

A handwritten signature in black ink that reads "Emily Logan". The signature is written in a cursive style and is positioned above a thin horizontal line.

Emily Logan
Ombudsman for Children

3

organisational development

The OCO was in its fifth year of operations in 2009.

Reappointment of the Ombudsman for Children

Emily Logan's first six-year term as Ombudsman for Children concluded on 17th December 2009. Emily was subsequently reappointed to this post for a further six years following resolutions passed by both Houses of the Oireachtas. The Ombudsman for Children is a presidential appointment and reports directly to the Oireachtas.

Human Resources

Although the Ombudsman for Children's Office has a staff complement of fifteen, including the Ombudsman for Children, this staff allocation was agreed in advance of the original appointment of the Ombudsman for Children in 2003. However, the scope and scale of the work carried out by the OCO has grown significantly since its establishment due to a number of factors, including increasing public awareness and understanding of its role and remit and greater interest in and awareness of the rights and welfare of children; a growing international dimension to activities; expanding education, participation and policy activities and the changing socio-demographics of Ireland.

Despite the increasing demands facing staff, there has been no increase in staff numbers allocated to the OCO. This has impinged on its ability to deliver on its statutory mandate, particularly in relation to the Complaints and Investigation function. A business case for additional investigation staff, which was originally devised in early 2008, was amended to take account of the increasingly difficult economic situation facing the country and was presented to the Department of Health and Children in mid 2008. This business case outlined the factors driving the need for additional resources, particularly in the area of investigations and complaints, and explained how the OCO would be significantly constrained in its functioning in a number of key areas without additional staff. However, this business case has not been progressed. In the summer of 2009 an application was made to the Department of Finance, supported by the Secretary General of the Department of Health and Children for two additional staff for the complaints team but this was refused. The Ombudsman for Children will continue to progress the matter through the Department of Health and Children.

The lack of an Oireachtas vote, and being considered as part of the Department of Health and Children's numbers is now considered an impediment to the development of the Office. In the first instance, 2009 saw two investigations by this Office which involved the administrative actions of the Department of Health and Children. It is not considered appropriate that that same department should determine the resources for this Office into the future.

This is merely a comment on the practical disadvantage to the Office of being considered part of the Department of Health and Children numbers and is not a comment on the relationship between the OCO and the Department of Health and Children.

Despite these difficulties the OCO is fortunate to still retain staff with a wide range of experience and expertise which includes child health, education, youth participation, human rights law, communications, new media, human rights education, social work, psychotherapy, social policy, health promotion and public administration.

Volunteer & internship programmes

Following many requests for internships in the Office, the OCO recruited a small number of interns to support its complaints and investigations work and its Participation and Education function. It also ran a competition to recruit volunteers to enhance other aspects of its work. The volume of applications and the calibre of applicants to both the intern and volunteer programme has been exceptionally high.

Website and new media

The Ombudsman for Children's Office has a statutory mandate set out in the Ombudsman for Children Act, 2002 to consult with children on issues that are important to them and to highlight their concerns. New media technologies are an efficient, young people-friendly and cost effective way to do this. In early 2009, the OCO developed a tool that allows young people visiting the OCO to leave video, audio or text-based messages on a range of relevant issues. These messages can be easily transferred to other fora if and when appropriate.

OCO tendered for a new Content Management System (CMS) for the OCO's website. CombinedMedia was the successful tenderer and in December 2009 provided the OCO with an open-source CMS. This has allowed the OCO to take the vast majority of its website management in-house which will reduce costs associated with the website for 2010.

Training and professional development

The OCO recognises the importance of ongoing professional development for its entire staff. To support this objective a Training Needs Assessment was carried out in 2008 in consultation with all staff members and in 2009 a training and development plan was developed to begin implementation of the findings of the assessment.

During the year training and development opportunities were provided to staff across a range of relevant knowledge and skill areas. While we continued training, budgetary constraints mean it was done in a more limited way and included OCO's core activities such as; child protection, legal aspects of the work of the OCO and evolving approaches to participation.

Stakeholder engagement

In the normal course of the OCO's strategic work programme, the Ombudsman for Children and her staff met with a large number of stakeholders throughout Ireland who are interested in, affected by and involved in promoting children's rights.

Following the publication of the Report of the Special Group on Public Service Numbers and Expenditure Programmes the OCO was overwhelmed by the level of support for its work expressed both publicly and privately by a wide-range of stakeholders including politicians from all political parties; colleagues in the NGO community; children's rights advocates; and the media. The Children's Ombudsman and her staff are immensely grateful for all of the support and encouragement received for the ongoing work of the Office and for the importance of children's rights.

Conferences and awareness raising

The Ombudsman for Children was honoured to be able to accept a number of significant engagements in 2009.

Substantial numbers of invitations to speak at conferences, to attend launches and to participate in other events continue to be received by the Ombudsman for Children. It is extremely important for us to meet with as many children and young people, families and professionals working with children as possible. As a national organisation, we also endeavour to attend events right across the country. However, as the number of requests has increased over the six years of operation it is not possible to accept every invitation or attend each event. We make decisions to accept or decline invitations based on our strategic priorities and our own resources.

As with most organisations in 2009, financial restraints and a reduced budget also became factors in decision-making around public events.

Media

As with previous years, there was significant interest in and wide-spread coverage of the OCO's work. In 2009, media coverage of a number of issues was of particular assistance in raising the levels of awareness of issues affecting children and in advancing the OCO's calls and recommendations for positive change.

Ethics Committee

The role of the Ethics Committee is to facilitate good practice in respect of consultation with and participation of children and young people in the work of the OCO. This is achieved through external critique of our practices. Following the implementation of the ethical guidelines for children's involvement in the research, policy, communication and participation work of the OCO in 2008, the Ethics Committee continued to support OCO staff to develop and implement consultation/participation processes involving children and young people in an appropriate manner.

The Committee also monitors and reviews the guidelines on an ongoing basis. The Committee is composed of OCO staff with an interest and expertise in the area of ethics and external members from academic departments in Trinity College Dublin and the National University of Ireland, Galway. Both of the external members have extensive experience of working on children's issues and the OCO is grateful for the external advice and support they bring to our direct work with children and young people.

The Report of the Special Group on Public Service Numbers and Expenditure Programmes (July 2009)

In January 2009 the Department of Finance requested information from the OCO as part of its initial data collection exercise for the Special Group on Public Service Numbers and Expenditure Programmes, commonly known as An Bord Snip Nua. The OCO response gave an account of the role, functions, legislative mandate and operational working of the Office including information regarding staff numbers and annual budget. It also emphasised its statutory provisions for complaints including the fact that children can make a direct approach to lodge a complaint with the Office, that the Ombudsman for Children is obliged to have regard to the best interests of children and that the Ombudsman for Children is obliged to consider the wishes of the child in any investigation.

In July 2009 the An Bord Snip Nua report proposed to merge the OCO with other organisations and to alter its free-standing status. The Ombudsman for Children was firmly against this proposal. In a memorandum outlining the key reasons why an independent Ombudsman for Children's Office was needed, it was pointed out that the OCO provided access to vulnerable children to a mechanism that can help them and had developed expertise and processes to enable them to be heard. The memorandum also set out the investigatory, monitoring, advisory and reporting roles under the Ombudsman for Children Act, 2002 which equipped the OCO to ensure accountability in the State for the protection of the rights of children.

The Ombudsman for Children welcomed the commitment to the ongoing work of the Office and its inclusion in the renewed programme for Government in October 2009.

Financial control

The Ombudsman for Children's Office original allocation was €2.377m at the start of 2009. In line with the reduction of budgets across the public sector this was reduced later in the year to €2.310m.

The Ombudsman for Children is responsible for preparing the Financial Statements as set out in the Ombudsman for Children Act, 2002 and for ensuring the regularity of transactions. The Ombudsman for Children prepares the Financial Statements in accordance with Generally Accepted Accounting Practice in Ireland. The accounting responsibilities are set out in the Ombudsman for Children Act, 2002. The Office is responsible for the operational elements of its finances. This includes day-to-day financial procedures including payments, tendering processes, the operation of payroll and compilation of monthly returns, all in accordance with best audit practice.

Crowleys DFK provides accountancy services to the Ombudsman for Children's Office.

The Financial Statements are subject to audit by the Office of the Comptroller and Auditor General. During this reporting period, the audit by the Comptroller and Auditor General for 2008 took place in September and October 2009. Financial Statements are generally not audited at the time of the annual report publication.

However, once approved by the Office of the Comptroller and Auditor General, they are published on the OCO's website. Financial accounts for 2004/2005 and 2006, 2007 and 2008 are available at www.oco.ie

Legal Services

Ronan Daly Jermyn continue to provide legal services to the Ombudsman for Children's Office since being awarded a three-year contract in 2008 following an open tender competition.

In the past year our legal costs have also increased. This is as a result of the increase in complaints but more importantly a range of more complex legal issues raised by complainants and public bodies. On one occasion the Ombudsman for Children was made a notice party to proceedings. This cost €40,000. She received fifty per cent of her costs. These matters are elaborated under the complaints and investigations section in this report.

4

complaints and investigations

The complaints and investigation function is a core and busy function of the Office. Under the Ombudsman for Children's Act 2002, the OCO can investigate complaints made by children and young people, or by adults on their behalf, about public organisations, schools or hospitals. This is a free, independent and impartial service.

Distinct provisions

The 2002 Act provides for the operation of complaints and investigations functions by the Ombudsman for Children. These legislative provisions set out standard maladministration grounds for the review of complaints and the conduct of investigations. Given that the effect of an action on a child must be the subject of any investigation conducted by the Ombudsman for Children and that children themselves can bring complaints to the Office, the Act sets out a range of specific legislative provisions which take account of the particular vulnerability of children.

1. Obligation to have regard to best interests of the child

The Act provides that in the performance of her complaints and investigations functions, the Ombudsman for Children shall have regard to the best interests of the child.

2. Obligation to give due consideration to the child's wishes

The Act provides that in the performance of her complaints and investigation functions, the Ombudsman for Children shall, in so far as is practicable, give due consideration, having regard to the age and understanding of the child, to his or her wishes.

Complaints and Investigation

The OCO investigates individual complaints about the administrative actions of a public body. There is a two tier threshold for intervention; that the action of a public body may or has adversely affected the child in question and there may be maladministration. While the work of the Office is focused on ensuring the best outcomes for the child, we aim to respect the bodies complained against and support them in understanding the issues, advising on changes to systems and processes where necessary.

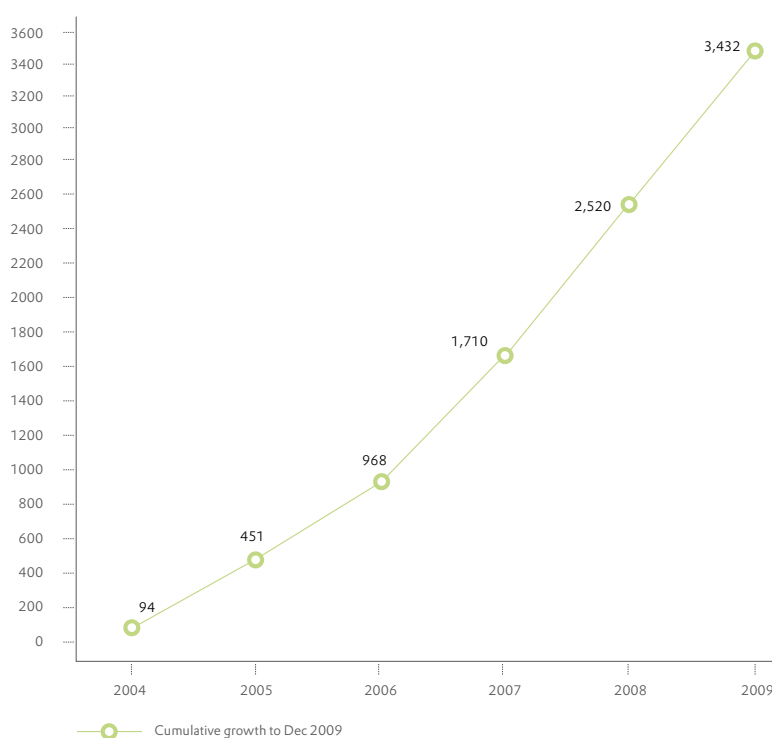
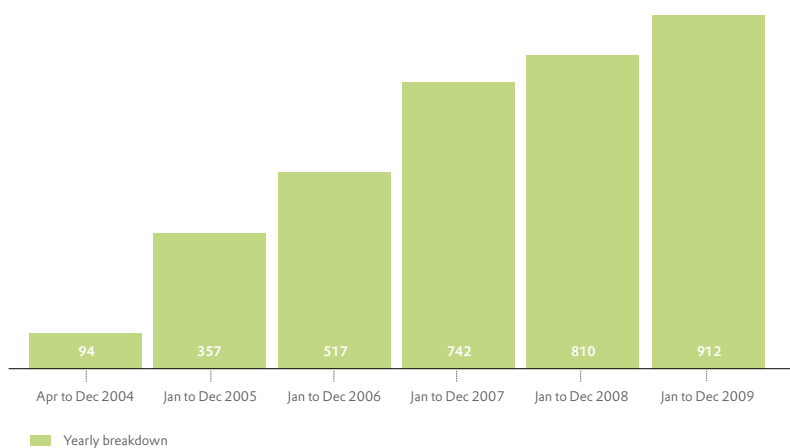
The OCO makes every effort to ensure that the process is a constructive rather than an adversarial one, so as to achieve the most positive results for the individual child concerned, the public body at the centre of the complaint, and in a broader sense, all children in contact with that body.

Work to date

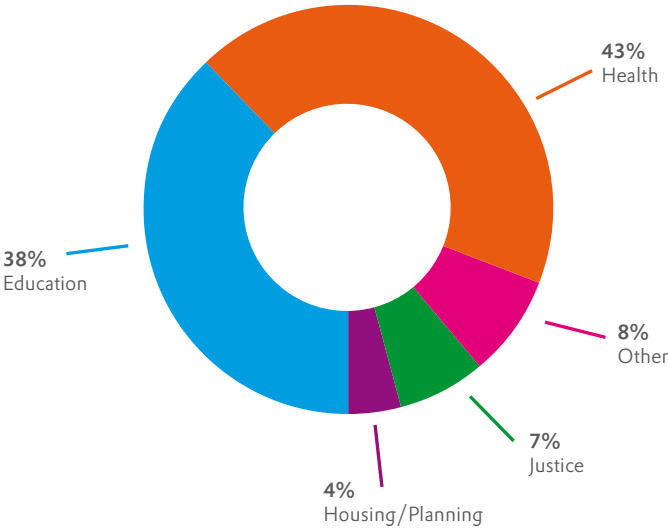
Since the OCO was established in 2004, we have dealt with 3432 complaints to the Office. Information obtained through the complaints and investigation function provides a growing body of knowledge on children's experiences of service provision. This knowledge assists the work of the Office in the development of policy, practice and procedures that reflect principles of good administration and the best interests of children.

In 2009 we dealt with 912 complaints. As well as a rise in volume, the year has also seen a continuation in the trend of increasing complexity of the complaints.

Number of complaints dealt with

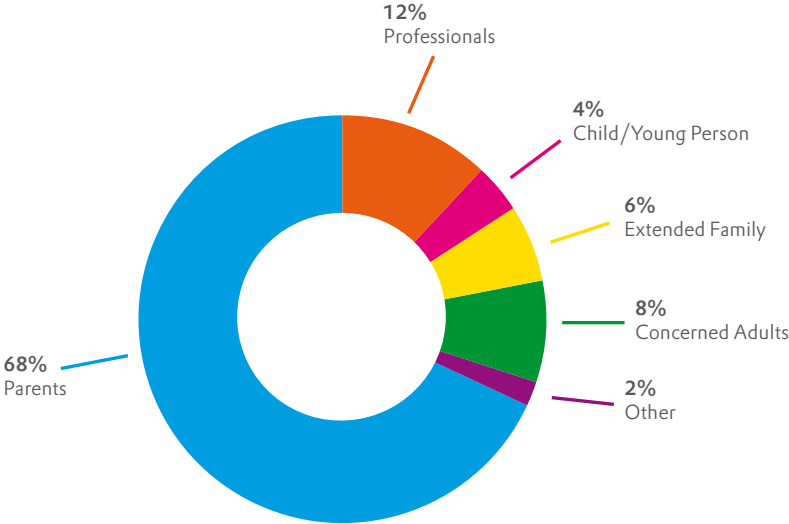


Complaint category January-December 2009



As with previous years, the majority of complaints received are made by parents and extended family members. It has been our consistent experience that parents are the principal advocates for children’s rights and welfare. However, in addition, professionals such as social workers, medical staff, teachers and school principals also continued to contact the Office. In the main, they are either supporting children to bring their own complaint, or submitting complaints on behalf of children that are often the most vulnerable: those without parental care or an adult to advocate on their behalf. Without these professionals’ involvement, such children may have remained voiceless.

Complainants January-December 2009



General summary of the main issues raised

In the Health category the main issues that arise are:

- Adequacy of HSE services
- Decisions regarding children in care
- Child protection

There has been an increase in the number of complaints regarding adequacy of HSE services. These relate both to difficulties in accessing appropriate services for children and young people and also delays in the provision of those services. There have also been increases in the number of complaints regarding child protection and decisions about children in care. The Office also had a substantial increase in the number of complaints received following the findings of the Commission to Inquire into Child Abuse (Ryan Report).

In the Education category the main issues that have arisen are:

- Special needs allocation
- Mechanisms for handling inappropriate behaviour towards children
- School transport
- Handling of complaints by boards of management

In the Housing/Planning category, the majority of complaints relate to access and suitability of local authority/social housing for children with disabilities. This year the Office issued a special report on the matter, discussed in further detail later in this section.

In other categories, most complaints relate to social welfare payments/allowances - which are outside the remit of our Office - and other organisations or issues that fall outside the remit of the Office.

Issues raised directly by children and young people

As in previous years, the majority of children contacting the OCO directly are in the care of the State. The issues raised by children include:

- Young people's voices not being heard in care planning and decisions that affect them, especially decisions to find or change their placement;
- Delays and lack of clarity in care planning, particularly onward placements;
- Absence of any aftercare provision or delays in aftercare planning;
- Not having an allocated social worker; and
- Accommodation and supports available for young people who are homeless.

This year a number of separated children seeking asylum also contacted the Office raising the following concerns:

- The process followed for age assessment;
- The asylum determination process;
- The lack of services and supports provided to ‘aged out minors’ i.e. young people who reach the age of 18 years; and
- Separation from and access to siblings.

The OCO’s report on Separated Children in Ireland is described in more detail in the policy & legislation section.

Education was often a significant concern in complaints received directly from children and young people, with issues commonly including bullying, adequacy of school facilities and school policies.

Other issues raised by young people included:

- Concerns about the accessibility of mental health support for young people when there are worries about suicide and self harm;
- Concerns relating to child welfare and protection issues;
- Concerns about the length of time for which young people are remanded; and
- Concerns about accommodation for Traveller children and their families.

Emerging issues

• *Access to Special Care placements*

Over the past two years the Office has received a number of complaints about HSE service provision for children and young people who present with multiple and complex needs. Offering appropriate support services to such young people poses many challenges, in particular, the provision of Special Care placements. Issues with these have arisen both in contact from professionals working in the area and in the process of investigations being carried out by the Office. Special Care placements involve a short period of civil detention of a young person (usually for 3 to 6 months) in a Special Care Centre and are sought when there are concerns that a young person is in need of a period of stabilising care and protection. It is considered a placement of last resort, as the young person’s liberty is restricted, so therefore other alternatives should have been attempted prior to such a placement. Approval for Special Care Placement must be sought from HSE national and then an application made to a High Court judge for the making of a Special Care Order.

The OCO has recently completed a number of investigations into HSE service provision for children/young people with complex needs and where Special Care placements have been sought. Particular concerns have arisen from these investigations regarding difficulty

accessing Special Care placements, in particular for young people involved in the criminal justice system. It appears that, following a number of High Court Judgements in 2007, the HSE and Children's Act Advisory Board have revised the admissions criteria. In practical terms this has resulted in children/young people involved in ongoing criminal proceedings being unable to avail of such a placement until the criminal proceedings are concluded. In effect this can result in the anomaly whereby they cannot avail of such a placement whilst the criminal proceedings are ongoing but can avail of the placement when convicted (where custodial sentences are not given).

This Office has expressed concern to the HSE that the High Court Rulings on these matters have had unintended policy consequences which prevent appropriate responses to the needs of some children. Legislation regarding Special Care has been passed, but not yet implemented, and thus matters relating to special care have been dealt with by the High Court. As part of the Child Care (Amendment) 2009 Bill, a statutory scheme for Special Care provision is currently under consideration by the Department of Health/Office of the Minister for Children and Youth Affairs. The advice of this Office will be submitted shortly in this regard.

In addition, the HSE recently took a decision to close Ballydowd, one of the three Special Care units, following a HIQA inspection. This Office was subsequently contacted by both young people and professionals raising their concerns about this, specifically the level of consultation with children about changes in the units and the short notice for such changes. The Office has sought further information from the HSE in respect of its actions and will continue to monitor the situation.

• *Homelessness and children needing crisis intervention*

During 2009, the Office received a number of complaints made directly by or on behalf of young people who were homeless and/or accessing Crisis Intervention and out-of-hours services. The complaints generally related to difficulties experienced accessing the appropriate supports, therapeutic interventions and placements to cater for their needs. Moreover, through its investigation work, the Office has become aware of children availing of out-of-hours services for extended periods of time either continuously or intermittently. These are clearly very vulnerable young people.

The UN Convention in the Rights of the Child (article 20) provides that: "A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State".

In Ireland, this is principally the remit of the HSE. The HSE has an obligation under the Child Care Act 1991 to identify children in need of care and protection and to provide child care and family support services for any such children. If a child is

homeless but not already in care, the HSE has an obligation to try to reunite the child with his/her family. They are also authorised to take such a child into care if necessary, but can consider alternative methods of provision for them, including finding suitable non-care accommodation.

In some cases, the children concerned were already in the care of the HSE. Hence, these children were already identified as needing care and protection from the State. For these children, the main difficulties lay in finding suitable placements and adequate support given their often complex needs; including experiences of trauma; mental health difficulties; problems engaging with the relevant professionals; and difficulties with drug and alcohol addiction.

Through investigation, the Office found that in some cases social work practitioners experienced difficulties identifying and/or accessing placements for these children because of waiting lists or unavailability. The children in question often continued to access the out-of-hours services during this time.

In one particular case, the Office found that a child had restricted access to the out-of-hours accommodation and was only allowed admission late at night, after 11.30pm. In other cases, it came to our attention that children did not have an allocated social worker prior to or while accessing the out-of-hours services. This is of serious concern as these are young people who, by the very nature of their circumstances, are most in need of appropriate advocacy and support.

Homeless children not formally in the care of the HSE also contacted the Office about their difficulties accessing placements and adequate supports for their needs. In these cases, the Office noted that unsuccessful attempts were made by the HSE to reunite the child with his/her family and the children continued to access the out-of-hours services for extended periods of time. Because these children were not formally in the care of the HSE, they did not appear to benefit from being part of the 'through-care' model of care. Such homeless children are not then subject to regulation, care plans or aftercare provision, and are particularly vulnerable if their relationship with their family has broken down. One such young person who came to the Office had spent 10 months in crisis intervention/out-of-hours services before turning 18 and could not access any aftercare provision as she had not been formally in the care of the HSE.

• *Aftercare*

The issue of provision of care and support to young people in the care of the State when they reach the age of 18 years has previously been raised by this Office both with the Irish Government and the UN Committee on the Rights of the Child. The Office understands that work is underway in both the statutory and voluntary sector to look into and improve aftercare provision.

However, during 2009, the Office continued to receive complaints, primarily from children and young people, about the aftercare provision available to them following their discharge from care. Concerns related to delays and inadequacies in aftercare planning, lack of an allocated social worker and a lack of support generally. During the course of examining these complaints, the Office became aware of a wide variation in aftercare service provision nationally, with some areas having an aftercare policy and dedicated staff, while other areas had no clear policy and limited services available.

There is a clear imperative to progress the standardisation of aftercare service provision nationally and to ensure that all young people leaving care are provided with adequate support services. The Ombudsman for Children continues to be of the view that legislation needs to be stronger than the current provisions and should provide for a statutory responsibility for aftercare.

• *Delays in accessing the required health services*

During 2009 the Office received a number of complaints regarding delays accessing suitable health services for children and young people. The complaints were brought primarily by parents on behalf of their children who were awaiting services such as Speech and Language therapy, Occupational therapy, Psychology services, Child and Adolescent Mental Health services and hospital services. Parents reported significant waiting times for their children to be seen.

In one case where a child required a psychological assessment, the parent was advised that the waiting time was two years due to staffing shortages. In another investigation, a child, following a diagnosis of autism, waited for three years prior to receiving Speech and Language therapy due to the length of the waiting list and difficulties with staff recruitment for vacant posts.

It appears that there can be significant regional variations in service provision. In one particular circumstance, a child was seen by a community speech and language therapy team within three months of referral, while in another area there was a two year wait for even high priority cases. Child and Adolescent Mental Health Services have seen similar discrepancies. From the cases investigated it appears that difficulties have arisen filling vacant posts due to budgetary constraints. This has resulted in a significant impact on services available in some areas, with differing strategies being used to deal with the problem. Some areas have lengthy waiting times to be seen, whilst others have cancelled services for some groups of children completely. The complaints received by this Office have underlined the impact this can have on young people requiring these services.

• *Fragmentation of service delivery*

During 2009, concerns were raised with this Office by a substantial number of families and advocates regarding difficulties accessing integrated services to meet their children's

needs. The needs identified typically fell into the categories of education, health and housing. The majority of the complaints received were made on behalf of children with special needs who required a range of services from various public bodies across these three broad categories.

Both families and professionals advocating on behalf of such children reported difficulties in accessing a coherent and coordinated support framework for those children. On a number of occasions the Office was contacted by families who found themselves in a position where they had to choose between which of their children's needs to prioritise.

A good example of how a coordinated approach would best serve the needs of a child can be illustrated by the problems that face parents of children with special needs when choosing a school. A special needs entitlement to school transport is dependent on the identification of the nearest recognised school (mainstream, special school or unit) that is, or can be, resourced to meet the child's needs, as recommended by the National Council for Special Education (NCSE). However, often the school to which the child is entitled to transport is not the one recommended/serviced by the HSE professionals involved, or where the HSE services (such as occupational therapy and speech and language therapy) needed by the child are available. In a number of cases, the Department of Education and Science (DES) and NCSE have both indicated that HSE services were a matter for the HSE alone and the provision of such supports is not considered when making determinations of school transport.

Similarly, in one particular case which was received at this Office, a child availed of respite care from the HSE; however the school transport provided by the Department of Education and Science was subsequently taken away on the grounds that transport is only provided from the child's home to school.

There are also issues regarding professional opinions either sought by families or offered as part of the application process for special educational needs resources, specifically, professionals making recommendations about required resources that are not consistent with DES policy. This has led to a perception of inequity by complainants in the distribution of resources to provide for special educational and care needs. On examination, the Office found in some cases that a lack of clear communication in the application, decision-making and review process contributed to the difficulties. The full enactment of the Education for Persons with Special Educational Needs (EPSEN) Act, 2004 may address some of these issues by providing for a more comprehensive and transparent framework for addressing special educational needs. This enactment is unfortunately still pending.

It is the view of the Office that the above complaints illustrate a 'systems' approach rather than a child-centred approach to service provision. In 2009, this appears to have

been exacerbated by a tightening of resources which curtails any flexibility that was previously possible.

While, on examination, the bodies concerned may have individually followed the correct administrative procedures set by their own agencies, the Office found that in a number of cases, no consultation appeared to have taken place between those bodies to deliver services to children more coherently. Thus the best interest of the child as a whole was often not considered, which itself is in contravention of the UN Convention on the Rights of the Child.

• *Difficulties facing parents seeking services for children and young people*

In considering the complexity and depth of complaints received by the Office, it is clear that the role of an effective advocate is crucial to addressing issues facing children and young people. This need is evident throughout a range of complaints and is not confined to any particular category.

While the primary focus of the complaints and investigation function of this Office is the determination of adverse effects on the child as a result of the administrative action of the public body, we are increasingly seeing situations where it is apparent that the amount of time, energy and resources devoted by parents or guardians to advocating on behalf of the child is also having an effect on family life.

A substantial part of the daily routine may already be taken up by providing direct care for the child and arranging transport to and from educational or therapeutic provision. While it is clearly a natural role for parents or guardians to engage in such advocacy for a child, there are instances when the efforts that such advocacy involves is clearly impacting on the quality of family life.

In one particular complaint, a parent was actively liaising with professional groups and bodies from 24 different health specialties on behalf of two children, each with their own wide-ranging complex medical needs. The pursuit and organisation of medical and educational intervention for the two children took the form of constantly following up on the transfer of files, coordinating the relevant information, arranging and rearranging assessments and tests and generally petitioning for services on their behalf. It appeared to the Office that the complainant was not being assisted by an administrative system which sought to reduce the burden on those it deals with. It was also clear that but for the high degree of advocacy undertaken by that parent, the children would not be benefiting from the current level of services.

This then leads to the question of children who do not have a parent to fight their cause. In simple terms, children without effective advocates may not have their voices heard and sufficiently considered. Where children are already vulnerable due to their special needs or care circumstances, this Office is concerned that they may miss out.

Own volition investigations

The Ombudsman for Children Act 2002 provides that the Ombudsman for Children may initiate an investigation where it appears that an investigation is warranted, without having received a specific complaint. The OCO has initiated a number of 'own volition' investigations, several of which have recently been completed.

An investigation into the state of implementation of Children First: National Guidelines for the Protection and Welfare of Children by the HSE was initiated in November 2008 and involved a systemic national investigation into its operation.

The investigation focused on the HSE, as the statutory agency responsible for the implementation of the Children First Guidelines, and the Department of Health and Children/Office of the Minister for Children and Youth Affairs (OMCYA), which is responsible for its monitoring.

The investigation was initiated following concerns raised through the complaints and investigations function, coupled with the disturbing results of the 2008 review which was undertaken by the OMCYA. The Office had previously completed a Special Report on Child Protection in 2006.

The purpose of this 'own motion investigation' was to provide a measure of independent oversight of this area to ensure the promotion of the rights and welfare of children in very vulnerable situations.

The Ombudsman for Children's Office was pleased with the level of cooperation from Child Care Managers and by mid 2009 the OCO had received all of the information requested. Information has also been provided by the OMCYA, other professionals working in the area of child protection and members of the public.

It is expected that this investigation will be concluded in early 2010.

Delays – lack of co-operation

There are occasions when there have been delays in carrying out investigations. These are generally managed by pursuing the public body directly. However, on two occasions the OCO experienced significant delays relating to investigations.

1. In January 2009 the Ombudsman for Children initiated an own volition investigation into the handling of the HSE audit of the Catholic Church Dioceses by the Department of Health and Children and the HSE.

Four months from the outset of the investigation the Ombudsman for Children wrote to the CEO of the HSE expressing concern that no information had been received from the HSE and that the HSE did not inform her of existing difficulties or problems. She also indicated that if the HSE was experiencing difficulties in relation to the request,

then that is a matter that could in the first instance be discussed with her directly. The Office subsequently received a single document entitled "HSE Audit of Catholic Church Diocese". This document had already been published and was in fact the very document that had given rise to the concerns of this Office to the initiation of the preliminary examination. As a result, on 5 May 2009 the Ombudsman for Children wrote to the Head of the HSE and to the Director of the Office of the Minister for Children and Youth Affairs indicating that she was suspending her investigation. The Ombudsman for Children then took the unprecedented step of suspending the investigation and making a public statement detailing her reasons for suspending her investigation. The Ombudsman for Children made this decision because as an Officer of the State and the head of an organisation that is in receipt of public funds, she felt it incumbent on her to account publicly for the manner in which she dispatches the resources at her disposal.

On the 8 May 2009 a copy of all the relevant documentation was provided to the Office. The HSE subsequently indicated that there had been an administrative error by the legal firm representing them resulting in the Office not receiving the file that the HSE had intended to send.

2. In a separate case, the Office experienced significant difficulty in progressing an investigation due to difficulties in cooperation from the public body concerned, the HSE. The complaint in this case was received by the Office in June of 2007 from the mother of a child who died in State care.

A significant delay was encountered by the HSE in providing a response to the original statement of complaint, and also in providing the papers necessary for this Office to pursue the preliminary examination. Such papers were only furnished in March 2008. Following notification that the Office was proceeding with a full investigation in August 2008, further difficulties ensued. The HSE informed OCO that it had sought legal advice and that in the interim HSE staff would not be in a position to furnish any further documentation or attend meetings.

This further resulted in the decision by the HSE to commence High Court proceedings to challenge the power of the Ombudsman for Children to investigate the matter at all. The High Court proceedings were ultimately determined in November 2009. Only then did the investigation process proceed.

Delay in securing information often deprives it of value, and any delay that OCO faces frustrates the fulfilment of its statutory obligations and the completion of its investigations as quickly and as efficiently as possible. While this Office appreciates that any public body is entitled to some consultation about complex matters, it is nevertheless considered to be unacceptable that an investigation should be delayed to this extent. Not only did this serve to frustrate the work of this Office, it also served to cause further upset for the child's mother.

Complaints publications

- *Report to the Oireachtas – A review of complaints on behalf of children with special needs regarding the provision of housing*

In September 2009 the OCO published a special report on the provision of local authority housing for children with special needs. It was based on a review of the complaints received by the Office regarding that issue, and the results of a consultation exercise with such children themselves and their parents. The report sought to communicate the central importance of a suitable home to children and inform future policy and practice in this area. The recurring themes that emerged from the complaints and consultations included: difficulties with the assessment and prioritisation of special needs; delays in provision of housing; lack of a child-centred approach; disagreements regarding housing standards and often poor communication with families; inadequate housing stock; and problems with the Housing Adaptation Grant.

In light of the concerns raised, the report recommended that children with special needs should be central to the process of allocating housing to their family; consultation and engagement with families should be improved; and the specific requirements of children with special needs should be recognised in the development and review of national housing policy, particularly in the Housing Strategy for People With Disabilities. The report also highlighted the fact that childhood is short, and housing requirements need to be dealt with in a timely manner lest children suffer significant negative impacts to their development while waiting for claims to be resolved.

The Ombudsman for Children met with the Minister of the Environment, Heritage and Local Government to discuss and progress the recommendations.

- *A Guide to Investigations*

This year the OCO produced a booklet aimed at public bodies within the remit of the Office, outlining the policies and procedures of its investigation function. It sought to explain more fully the OCO's remit and mandate as a complaint handling body, and provided information on the processes of and criteria used in the course of investigations.

- *Materials for Children & Young People*

Complementing the material aimed at public bodies, a set of information materials explaining how to make a complaint and the complaints process itself was also produced, aimed at children and young people themselves. Two sets of materials, one outlining how to make a complaint, and the other detailing what happens when the Office receives a complaint, were produced and distributed around the country, accompanied by a DVD. The disc included three short films, telling the story of three complaints to the Office and the effect of their outcomes on the children and young people involved. These materials were distributed to youth groups, organisations and centres around the country, raising awareness among young people of the complaints function of the OCO.

Case Studies

Case study School Transport

Complaint:

A mother suffering from Multiple Sclerosis brought a complaint to the OCO on behalf of her 5 year-old son. She had applied for concessionary transport as she was worried that she would be increasingly unable to bring her son to school herself. However, she was informed that her application would only be considered on receipt of a signed 'Evidence of Agreement Form' from the nearest primary school, as her son was not attending the nearest school to the family's home.

The chairperson of the closer school refused to sign the required form on the basis that the Board of Management had 'no function in the matter'. However, the Department of Education & Science reiterated their position that written agreement from the nearest primary school was necessary. The mother requested that the Department write to the Board of Management to clarify their role, but received the response that the Department would not intervene in such cases. As a result, the mother had not been able to have her application for concessionary transport considered.

Investigation:

The OCO contacted both the Department of Education & Science and the Board of Management of the school concerned to ascertain their positions.

The DES confirmed that concessionary fare-paying transport may be allowed where pupils are not attending their nearest school, provided that the written agreement of the Board of Management of the nearest school is secured.

In their reply, the chairperson of the Board of Management of the nearer school stated that the Board was "strongly of the opinion that as the matter of transport is the responsibility of Bus Éireann in normal circumstances... it is the responsibility of them alone, whenever circumstances are found to be unusual." The chairperson stated that signing the form would be taking upon himself the right to decide whether or not the child should have access to public transport and that Bus Éireann should not leave difficult decisions to a Board of Management.

The OCO then wrote to the Department of Education & Science to clarify whether they were in a position to explain to the Board of Management their prescribed role in the provision of concessionary transport. It was queried whether the consent requirement could be dispensed of in a situation where a school is not willing to acknowledge their role.

The Department's response stated that verbal communication had been made with both the Principal and chairperson of the Board of Management of the school explaining their role in the provision of concessionary transport. It also stated that a Board meeting was to take place and that the issue would be discussed at that point. The Board would revert to the Department, who would subsequently make the decision known to the OCO.

Outcome:

The mother of the affected child was contacted by the Department of Education & Science and informed that her son would be able to avail of concessionary school transport scheme. Following the intervention by the OCO it has been resolved at local level and it was determined that no further intervention was required into the matter.

Case Study

Education - Home Tuition Grant for a child with Autism

Complaint:

The parents of a boy, aged 4, submitted a complaint to the OCO, raising concerns that their child, who has been diagnosed with autistic spectrum disorder and a moderate intellectual disorder, had been refused at short notice a Home Tuition Grant (HTG) for the coming school year, as the Department of Education & Science had stated that a placement was available for him in a mainstream primary school.

The complaint contended that the placement in the school was unsuitable for the child's needs as he was a non-verbal child, not yet toilet-trained, suffered from a feeding disorder and had temper and screaming tantrums when agitated and frustrated. Documentation was attached from the principal of the school in question, the child's doctor, and the HSE's Early Years Support Team, all supporting the position that the child was not ready for primary school. In addition, the complainants expressed the opinion that placement in the school's ASD unit would be inappropriate as all the children attending the class were 7 or 8 years old, were all verbal and toilet-trained.

Furthermore, the complainants stated that the primary school was over 25 miles away from the family home. Due to the distance and time that would be involved in transporting the child to school, and in light of his specific needs and circumstances, the complainants expressed the opinion that it was not a feasible arrangement for the child to make the trip to and from school on a bus, or in a car with his parents, at this stage in his development.

Their Home Tuition Grant had previously been used to pay for a tutor in a private autism specific pre-school facility. As such, the parents contended that, given the child's apparent unreadiness for primary school, and the fact that without the grant, they could no longer afford the specialised pre-school, the removal of the grant would have a serious adverse effect on the child's development. They also argued that the timing of the decision to

refuse the grant, communicated to them on the 1st September 2009, meant that there would be no transition period for the child between pre-school and mainstream primary school. The redress sought by the complainants in this case was the approval of a Home Tuition grant on behalf of their son for at least another year.

Investigation:

Following receipt of the complaint, the OCO initiated a preliminary examination and wrote to the Department of Education & Science, seeking an outline of their understanding of this particular case.

The OCO also requested an account of the process of finding, applying and enrolling in a school a child with a diagnosis such as this, as well as information on how the appropriateness of an educational placement is determined, including details of the liaison process that takes place between the relevant HSE professionals when deciding whether a child should attend preschool or primary school.

Given concerns raised by the parents regarding the distance of the school and the travel arrangements for this child, the OCO sought confirmation that the school selected, 25 miles away, was the nearest suitable school and if the child was entitled to school transport. The OCO queried if any other school nearer to the child was considered.

The OCO had previously been advised by the Department of Education & Science that over half of children enrol in primary school in the September following their fifth birthdays and that there is evidence to suggest that this later start in school is of benefit to children both educationally and socially. The Office thus sought clarification of the rationale for this child with autism to be enrolled in primary school at age four.

Outcome:

In response, the Change Management Unit of the Department of Education & Science stated that it was their belief that the Home Tuition Grant had in fact been approved in respect of this case, despite the existence of correspondence from the Department which stated that the Grant had been refused. The following day, the complainants phoned the OCO to state that the HTG had been granted for the school year and that the payment was backdated.

It was concluded by this Office that the Department of Education & Science had now offered adequate redress in the matter for the complainant.

Case Study

School - Complaint handling process

Complaint:

A complaint was received from a mother on behalf of her 10-year-old daughter, regarding the handling by her daughter's school of an incident in class. It was alleged that the child was struck on the hand by her teacher and subsequently 'harassed' in an inappropriate way by both the teacher concerned and the Assistant Principal. This culminated in her offering an apology for alleging the teacher had hit her. Furthermore, it was contended that despite the child expressing a wish to talk to her mother and go home, no contact was made with the mother by staff. The parent expressed disappointment that in its handling of this complaint, as well as a previous incident, the school had been difficult to contact and procedures had not been made clear.

Investigation:

In accordance with the Ombudsman for Children Act 2002, the OCO determined that a preliminary examination would be commenced to assess the admissibility of the complaint, to better understand the issue from the perspective of all parties involved and to decide on the level of intervention, if any, required from the Office.

Three main issues were identified as examinable by the OCO. These were:

- the nature of the interview which took place with the complainant child by the teacher concerned and the Assistant Principal;
- the concern that parental consent was not obtained before this interview took place;
- the adverse affect that the school's administrative actions may have had on the child.

The OCO had no authority to determine whether the alleged incident involving the child and the member of staff actually occurred or not. The Office was aware that the Board of Management was satisfied, on the evidence available, that there was no inappropriate behaviour on behalf of the teachers concerned. However it was made clear to the Office that this was not accepted by the complainant. The role of the OCO, therefore, was to examine the administrative actions of the school and subsequently the Board of Management in dealing with the alleged incident.

Firstly, the Office did not find evidence of maladministration in the Board's handling of the formal complaint with respect to their own complaints procedure. However, administrative questions remained regarding the original interview/investigation process that took place on the afternoon of the alleged incident. After careful consideration of the information received during the course of the preliminary examination, the Office was sufficiently satisfied to determine that:

- The child was involved in an interview/investigation with the Assistant Principal and the member of staff about whom the allegation was made, which focused on the substantive issue of whether the alleged incident occurred or not.
- Parental consent was not obtained for this investigation meeting with the child.
- The child got upset during this interview.

The information provided by the school did not specifically identify any administrative procedures for interviewing a child in such circumstances. In general, the OCO is aware of a lack of guidelines pertaining to how schools should determine the circumstances and manner in which children should be interviewed. This is a matter that the Office has raised directly with the Department of Education & Science.

After examination, the OCO was of the view that a school seeking to conduct an investigation into circumstances such as these should ensure, in the interests of impartiality and fairness of procedure, that any staff member who is the subject of an allegation should not be present when the complainant is being interviewed.

From the information provided by the school, the OCO understood that the issue of contacting parents at the request of pupils is dealt with on grounds of reasonableness, and judged at the discretion of the staff concerned. It is the view of this Office that if the school was insistent in conducting the investigation interview in this way then parental consent should have, in the first instance, been sought and obtained. It appears to the Office that this failure to seek consent was an undesirable administrative action.

The Office noted from the information received that the child protection policy of the school is reviewed on a regular basis. The OCO encouraged the school to consider the above points when reviewing both its child protection policy and general policies related to conducting interviews and contacting parents.

The OCO understood that the child was upset during this particular interview process, but could not, however, determine whether the adverse effect which occurred was due to the inherent nature of a child being subjected to an interview/investigation process, the nature of what occurred during that interview, or if it was linked to the original alleged incident.

Outcome:

After a full examination, it was considered that further investigation of these matters was not required by the Office at this time. The OCO commented, however, on the administrative actions taken and encouraged further action by the school to address the issues raised. The OCO wrote to the school, informing the Principal and Board of Management of the conclusion of the preliminary examination and outlining the findings and views of the Office as detailed above. This correspondence afforded the opportunity for the school to respond to the OCO with any comment that they wished to make regarding any of the findings.

The school responded accordingly and indicated that the suggestions made by the Office are to be taken on board. The Office understood that the matter was to be discussed and progressed at the next Board meeting.

Case Study

Out of Hours Services / Aftercare / Social Care Services

Complaint:

A 16-year-old young person who had been availing of HSE out of hours/crisis intervention services contacted the Office. One of her parents had died and the other lived in another jurisdiction. Due to family difficulties she alleged that it was not viable for her to live with the remaining parent. She initially stayed with friends to whom she paid lodgings. When this broke down, she moved to live with her 19-year-old sibling, to whom the HSE provided aftercare. After a few months, this placement also broke down and the 16-year-old became homeless, accessing HSE out of hours services.

She heard of the OCO in her school and complained to the Office about a lack of support from the HSE, especially difficulties in getting social work support and having her phone calls returned. She explained that she felt alone and unwanted.

Investigation:

The OCO directed the young person to relevant support groups and also initiated an examination of the case.

In their response, the HSE outlined their attempts to reunify the child with her parent, which the child refused. In the seven month period from the time the HSE became aware that she was on her own to the time she began to access the out of hours services, this included five phone calls to various parties and two meetings. The HSE also wrote a letter to renew the child's medical card.

While the HSE explained to the child that it would be usual to contact the social services from the other jurisdiction to facilitate the reunification, there was no indication that contact took place to either assist such reunification or to establish if this was appropriate, given the child's claims that she had been abandoned there on several occasions. Equally, no action appears to have been taken to check if the placement with the 19-year-old sibling was suitable.

Outcome

During the course of the OCO's investigation, the child initiated legal proceedings with the help of support groups, on foot of which she moved from out of hours accommodation to HSE-supported independent living. Nonetheless, the details of the case raised concern about the level of support provided to the young person by the HSE, particularly given her isolation and possible vulnerability.

Case Study

Department of Education - July Provision for a child with Autism Spectrum Disorder

Complaint:

A mother contacted the OCO on behalf of her son, aged 12 at the time and diagnosed with an Autistic Spectrum Disorder since 2002. He had been attending mainstream primary school and in receipt of maximum resource teaching hours since 2003 as a result of this diagnosis. In 2006 she became aware of the availability of home-based tuition under the July Provision scheme, administered by the Department of Education and Science.

This scheme provides for the extension of educational provision through the month of July for children with a diagnosis of severe to profound learning disability and for children with a diagnosis of autism. This is usually provided by the school, though where the child's school does not participate, the family can apply for a grant for home tuition.

The mother's complaint related to a lack of information and awareness about her son's entitlement to apply for this service and the Department's refusal to offer retrospective payment for the years he had missed out on the scheme.

Investigation:

The Office sought information from the Department of Education and Science, including the scope of the July Provision scheme, criteria for eligibility, and the process for informing potential recipients of its availability.

Having investigated the matter, the Office found that the administrative actions of the Department of Education and Science had adversely affected the child concerned, were the result of negligence or carelessness and were based on an undesirable administrative practice.

During the investigation the Office was advised that the July Provision scheme was initially developed for children with severe to profound learning disability. In 2000 the scheme was extended to enable children in autism classes to benefit from additional educational input. The DES initially advised special schools and mainstream primary schools with special classes of the availability of this scheme for children with autism. In 2002 grant aid was provided to facilitate home-based provision in order to ensure that children were not disadvantaged if their school did not participate in the scheme.

The Office found that a central issue pertaining to this complaint appears to have been that children with a diagnosis of autism attending mainstream school were not considered when the initial administration of the home-based tuition scheme was introduced.

However, when parents of such children did apply, these applications were sanctioned by the Department where the eligibility criteria were met. Nonetheless, this lack of planning resulted in parents of children with autism attending mainstream school not being notified of its existence, and moreover, there seemed to be no mechanism in place able to identify these families in the first instance.

Recipients of the scheme in these circumstances only became aware of its availability by word of mouth and their applications dealt with individually. Thus, it appeared to the OCO that there had been inadequate planning by the DES with respect to identification of children who could benefit from the scheme when it was introduced, specifically children with a diagnosis of autism attending mainstream school. This has resulted in children whose families were unaware of the scheme's availability being disadvantaged.

Outcome:

During the course of this investigation, the DES took steps to improve the process of identifying children who may benefit from the July provision scheme and communicated its availability to all primary schools in receipt of resource hours for children with autism.

The Office also recommended that the DES:

- ensure that all children who are entitled to apply for the July Provision scheme are made aware of its availability;
- consider developing programmes for raising awareness of services available;
- develop policies and guidelines specifically in relation to the July Provision scheme in order to ensure its appropriate administration; and
- with regard to retrospective payment, the Office encouraged the Department of Education and Science to give consideration to what alternative measures could be taken to remedy or mitigate the adverse effect for this particular child.

In response, the Department of Education and Science advised that steps were taken to ensure that all children attending mainstream primary school who are entitled to apply for the July Provision scheme are made aware of its availability, specifically special schools, schools with special classes and mainstream schools receiving additional resources for children with autism. The Office also expressed concern regarding the communication of the availability of home-based provision to pupils at post-primary level, and was subsequently advised that in 2008 the DES had taken similar steps to communicate the availability of the scheme as had been undertaken for primary schools.

The Department also indicated that:

- Consideration would be given to the publication of a circular in relation to the July Provision scheme; and
- Any new service or scheme administered by the Special Education section will be advertised on the website.

The Office expressed concern regarding the adequacy of the latter and encouraged the Department to reconsider this proposal in line with the more comprehensive approach taken currently to communicating the availability of the July Provision scheme at primary level. The Department subsequently advised that there is a range of mechanisms for communicating availability of new schemes.

The Department also advised that a review of the July Provision scheme is currently under way.

This Office has expressed concern regarding the adverse effect on the child at the centre of this complaint, due to not being able to avail of his entitlement to home tuition under the July Provision scheme during 2003-2005. The Department has advised that as it is not in a position to measure the adverse effect, if any, and it considers that adequate resources are available to the child in his current placement, it is thus of the view that alternative measures are not warranted. The Office accepted that it may not be possible to quantify and measure the exact extent of this adverse effect and determine whether this can be recuperated at a later date. Notwithstanding the difficulties in determining the extent of the adverse effect, the Office nonetheless considers that this does not represent a bar to a public body attempting to offer redress. Given the resources being provided to the young person in the current placement and the extension of the July provision scheme to post-primary schools, no further steps were recommended by the Office.

Case Study

Concessionary transport for a child with special needs

Complaint:

A father contacted the OCO on behalf of his daughter who, as a result of her medical condition, has profound special needs. The complaint related to the lack of provision of concessionary school transport for her to attend the family's choice of school. The school was chosen by the parents as it was deemed at that time to be the most appropriate special educational setting to assist her development and welfare.

Concessionary transport is where a seat on a school bus is made available for a child even though that child is attending a school that is not their nearest school. It is dependent on the availability of spare seats after fully eligible children have been accommodated on

the scheme. Obtaining a concessionary seat does not give rise to any entitlement to a seat the following year. The family accepted these conditions and sought a concessionary place on a school bus already running to and from their desired special school from a nearby town. Their proposal involved bringing their daughter to and from the pick up point in that town and paying for the ticket. Their proposal was refused even though there was a space available, the bus was wheelchair accessible and there would be no further cost to the State.

In the absence of school transport, the family brought their daughter to and from school. As a result of the distances involved, school attendance was sporadic and family life was affected due to the time it took up.

Investigation:

The OCO sought information from the Department of Education and Science specifically in relation to what had occurred in this matter and generally with respect to how children with special needs may avail of school transport in such instances. While there was no specific policy relating to the decision not to allow such transport, the Department of Education and Science did provide a number of sample issues which outline potential difficulties that could occur if children with special needs were allowed transport in this way. These issues related to the administration of the scheme, the health and safety of the child, and the uncertainty attached to such concessionary transport.

However, having carefully considered all the information received, the Office found that the administrative actions of the Department of Education and Science, in refusing such transportation on those grounds, had adversely affected the child concerned and were improperly discriminatory. It was found to be such because this general approach appeared to be a disproportionate response to the possible problems, given the intended aim of providing assistance to children with special needs to attend school. Moreover, it did not allow individual children the opportunity to overcome any of the potential barriers posed. The complainant had indicated throughout the process that they fully accepted the terms of concessionary transport and that they were able to overcome all the potential barriers placed before them. The OCO understood that there are circumstances when the concessionary transport arrangement may not be suitable for a particular child but was concerned that the child's individual circumstances should be adequately considered rather than a general prohibition applied.

Outcome:

The Ombudsman for Children recommended that the Department of Education and Science revise their existing policy on school transport to allow concessionary transport in certain circumstances for children with special needs through the special school transport scheme. This revision should fairly reflect the differing circumstances in the child's special transport needs that may exist, including the supports and abilities that such a child may

have. This would result in a significant benefit to parents seeking to secure the best educational facilities for their children.

In response the Department of Education and Science advised that it fully agreed to implement all the recommendations made and that they would change the current conditions of the school transport scheme for children with special needs in time for the 2011 / 2012 school academic year.

The Department further advised that they would consult with both the NCSE and Bus Éireann as part of formalising this aspect of school transport.

This Office, satisfied with the outcome on that basis, concluded the investigation and will review the progress made ahead of the implementation date. This Office is of the view that this new aspect of the scheme should prove to be of considerable benefit to a number of children throughout the country.

5

policy and legislation

In order to protect and promote children's and young people's rights and welfare, it is crucial that the OCO's work is based on careful and insightful policy development. The reality is that for a number of complex reasons, many children are vulnerable in Ireland today. This needs to change. We work hard to ensure that legislation, national policy and State services to children and young people meet the highest international human rights standards; in particular that they fulfil Ireland's obligations under the UN Convention on the Rights of the Child.

The policy role of the Office

The Ombudsman for Children Act, 2002 sets out the policy and research role of the OCO. This role includes:

- advising Ministers on the development and co-ordination of policy relating to children;
- monitoring and reviewing the operation of legislation relating to the rights and welfare of children;
- monitoring and reviewing the operation of the Ombudsman for Children Act and, whenever necessary, making recommendations for amending it;
- undertaking, promoting and publishing research into any matter relating to the rights and welfare of children; and
- exchanging information with Ombudspersons for Children of other states.

In addition, the Act makes clear that the Ombudsman for Children may give advice to Ministers on any matter relating to the rights and welfare of children. This includes the important function of advising Ministers on the implementation of relevant legislative proposals with specific regard to their implications for children and their wellbeing.

Advice to Ministers of Government on Proposed Legislation

Full documents are available in the publications section of our website www.oco.ie

Adoption Bill 2009

The Adoption Bill was published on 23 January 2009 by the Minister for Children and Youth Affairs. The stated aim of the Bill is to consolidate and modify existing adoption legislation, as well as to give effect to the Hague Convention on the Protection of Children and Co-operation in respect of Intercountry Adoption 1993.

Although the Bill was not formally referred to the Ombudsman for Children's Office for comment, the OCO prepared advice on the proposed legislation for the Minister's consideration in accordance with section 7(4) of the Ombudsman for Children's Act 2002, which provides that the Ombudsman may on her own initiative give advice to a Minister of Government on any matter relating to the rights and welfare of children, including the probable effect on children of any proposed legislation.

The OCO submitted its advice to the Minister for Children and Youth Affairs on the Adoption Bill in November 2009. In its submission, the OCO welcomed the direct incorporation of the Hague Convention into Irish law but pointed to a number of areas in which the Bill could be enhanced to better serve the interests of the children who will be affected by it. Furthermore it indicated how the Bill could ensure full compliance with the UN Convention on the Rights of the Child and other international instruments relevant to the question of adoption. The specific issues addressed in the Ombudsman for Children's advice on the Adoption Bill were: making the legislation fully child-centred; providing for the adoption of children of marital families; enhancing the provisions relating to consultation and consent to adoption; extending the eligibility criteria for prospective adopters; providing for open adoptions; guaranteeing the right of adopted people to information regarding their birth and origins; placing the operation of tracing services on a statutory basis; and providing for post-adoption services.

Spent Convictions Bill 2007

The Spent Convictions Bill was introduced as a Private Member's Bill in October 2007 and was subsequently taken over by the Government. It provides for relieving certain qualified persons of the obligation to disclose convictions for specified offences, following a prescribed rehabilitation period.

The original text of the Bill was referred to the Ombudsman for Children's Office for its consideration in January 2008 by the Department of Justice, Equality and Law Reform, with the OCO submitting its views on the Bill that March. Having completed the second stage in Dáil Éireann and been amended significantly, the Bill was referred once again to the OCO in February 2009 for consideration in light of the revisions which had been incorporated into the text. The OCO submitted its supplementary advice on the Bill in June 2009.

The core issue in the Bill which arose with respect to the rights of children and young people was that of child protection. In its initial observations, the OCO drew attention to the issues of which sentences are to be excluded, which employments are to be excluded, and the relationship between spent convictions and the vetting system. While some of the OCO's concerns with regard to excluded employments (those for which individuals are never relieved of the obligation to disclose previous convictions, even if they satisfy the general criteria set out in the Spent Convictions Bill) were reflected in the amended Bill, others were not. The OCO's supplementary advice on the Bill of June 2009 highlighted those outstanding issues, as well as indicating how the Bill's provisions regarding the definition of excluded sentences and the operation of the Garda Vetting Unit could be enhanced.

Child death review

As outlined in previous annual reports, the Ombudsman for Children launched an initiative in April 2007 aimed at examining the possibility of establishing a standing child death review mechanism in Ireland, such as those found in other jurisdictions. The Ombudsman undertook this initiative in accordance with her role under section 7(1) of the Ombudsman for Children Act 2002 to advise Ministers of Government on the coordination of policy relating to children.

The OCO conducted a focused consultation with key stakeholders to seek their views in relation to the initiative. That period of consultation culminated in the convening of a high-level seminar on child death review on 28 April 2008 for representatives of statutory bodies and state agencies to consider the possibility of establishing a mechanism to examine systematically child deaths in Ireland. The aim of the seminar was to bring together organisations that could potentially have a role in such a mechanism in order to facilitate an initial discussion about current practice and possible changes that could be implemented.

In February 2009, the Ombudsman for Children's Office produced an options paper setting out what aspects of child death are already being examined in Ireland and what issues should be considered in the context of establishing a child death review mechanism in this jurisdiction. The principal issues identified in the paper were the scope of the review, the composition of the review team, information sharing, data protection, the involvement of family members and the pathways for recommendations. The options paper was circulated to all key stakeholders, including the Minister for Children and Youth Affairs. In June 2009, the Ombudsman for Children presented the paper to the Oireachtas Committee on Health and Children and discussed its contents and recommendations with the Committee.

In the implementation plan based on the recommendations of the Commission to Inquire into Child Abuse (commonly known as the Ryan Report) the Government committed to establishing a mechanism for examining the deaths of children in care and in detention. Although the proposed mechanism is more limited in scope than child death review processes in many other jurisdictions, this is a positive step forward in adopting a consistent approach to the examination of child deaths in Ireland.

Separated Children Seeking Asylum project

Separated children are children without the care and protection of a parent or legal guardian. In the vast majority of cases they are seeking asylum and have arrived in Ireland either alone or accompanied by an adult who is unable or unsuitable to assume responsibility for their care. All separated children who enter Ireland are placed in the care of the HSE, with approximately 175 children in care at the time of the project. Separated children are, in many cases, the victims of trafficking, sexual exploitation, or severe deprivation. Furthermore, upon arrival in Ireland, all separated children face considerable difficulties accessing appropriate services – such as housing, healthcare and education – to which they have a right under national and international law. Separated children are at risk of racism, poverty, social exclusion and discrimination. Serious child protection issues also arise with regard to their accommodation, supervision and overall care.

The OCO's Separated Children Project ran from January to October 2009. It aimed to better understand the lives and experiences of separated children in Ireland by engaging with a group of these young people and hearing their personal stories and experiences. The OCO consulted widely amongst the separated children's peer group and the professionals who work on their behalf. The Office also visited the accommodation centres at which the vast majority of separated children are housed.

The project commenced with an 'open day', to which separated children were invited, which included a discussion about the issues of most concern to them. The findings from this preliminary discussion gave the OCO a first-hand insight into the experiences of separated children from within the system that has been put in place to care for them.

A range of issues were raised by the young people who attended this open day, including:

- being separated from siblings even though siblings are often the only family member that a separated child will have in Ireland;
- the lack of respectful and/or fair treatment from some hostel staff, including concerns about threatening behaviour from staff and, in some cases, a lack of privacy;
- difficulties in observing religious practices and customs;
- poor food, hygiene and general accommodation standards; and insufficient allowances for basic needs such as clothing;
- the lack of information in respect of entitlements, and an absence of support in dealing with official documentation;
- delays in receiving medical treatment and scheduling GP appointments;
- particular problems faced by separated children who themselves may be parents, including the inability to remain in full-time education due to childcare costs;
- the lack of concern from hostel staff if separated children are absent from school, and the fact that some separated children do not have an allocated social worker.

Over the course of several months, the young people came to the OCO on a regular basis to discuss in greater detail the issues that were of concern to them. In addition, they worked on a number of projects, including:

- writing an orientation book for separated children on living in Dublin;
- preparing a book expressing in their own words what they feel about living in Ireland; and
- building a model city in collaboration with the Hugh Lane Municipal Gallery.

Arising from this special project, the OCO has identified a number of areas of concern. These include:

- The lower standard of care that separated children receive when compared with those in the mainstream care system, including the fact that the ratio of separated children to care workers is far higher than for other children in care.
- The lack of inspection of unregistered hostels where separated children are accommodated, which is of grave concern to the OCO and is unacceptable from a child protection standpoint.
- The lack of supervision of separated children including the unacceptable situation where no care staff are on duty overnight in many hostels at which these young people are accommodated.
- The numbers of separated children that are missing, including the alarming fact that from the end of 2000 to June 2009 at least 419 separated children have gone missing.
- The legal status of separated children outside the asylum process. In particular, the situation that those whose application for asylum or humanitarian leave to remain fails, have no legal status and are left without a process to apply for regularisation of their immigration status.
- The lack of a guardian or advisor to work with separated children, to advocate on their behalf, and provide them with support, assistance and information.
- The absence of a complaints mechanism to allow separated children to voice their concerns regarding issues which are of worry to them.

The final report was launched on 19 November 2009 to mark Universal Children's Day, along with the orientation book for separated children and "All I Have to Say", the publication setting out their stories in their own words.

The Ombudsman for Children is pleased to report progress on this matter since the commencement and publication of the project. Although the standard of care afforded to separated children seeking asylum does not yet match that afforded to Irish children in care, there has been a marked improvement since the publication of the OCO's report in November 2009. The proportion of separated children in hostel accommodation has

decreased, care staff have been placed in the remaining hostels and progress towards moving all separated children into the mainstream care system continues.

The OCO will follow up on the recommendations contained in the report through its ongoing contacts with the statutory authorities with responsibility for the care of these young people, and through its membership of the Child Trafficking Working Group established under the Government's National Action Plan Against Trafficking in Human Beings.

Consultation

Part of the OCO's mandate is to encourage public bodies to develop policies, practices and procedures designed to promote the rights and welfare of children. To that end, the OCO occasionally appoints representatives to sit on advisory groups established by statutory bodies or Departments of State which look at particularly significant children's rights issues, with due regard to the need for the Office to maintain its independence.

During the course of 2009, the OCO sat on the advisory group established by the Health Information and Quality Authority (HIQA) to advise on the drafting of the national quality standards for services for children. The OCO also sat on the Child Trafficking Working Group established by the Department of Justice, Equality and Law Reform as part of the National Action Plan to Combat Trafficking in Human Beings.

Accounting to the Oireachtas

The Ombudsman for Children reports directly to the Houses of the Oireachtas. In addition to her statutory obligation to lay her annual report before the Houses each year, the Ombudsman for Children welcomes any opportunity to meet with members of Oireachtas to discuss her work. In June 2009, the Ombudsman for Children and members of her staff met with the Joint Oireachtas Committee on Health and Children to outline areas of the OCO's work that was pertinent to that of the Committee, including child protection, child death review and residential services for children with intellectual disabilities.

The full text of the speech is available at www.oco.ie

International information exchange and co-operation

BINOCC

The British and Irish Network of Ombudsmen and Commissioners for Children (BINOCC) brings together the Ombudsman for Children's Office with the Commissioners for Children and Young People from Northern Ireland, Scotland, England and Wales. The network provides a very useful and effective forum for the exchange of information and collaboration on issues of common concern.

The network's 2009 annual conference was hosted by the Ombudsman for Children's Office and focused on common challenges faced by members of the network, and how best to effect change using the particular powers conferred on independent statutory bodies with a mandate to promote children's rights.

Through the annual conference and ongoing contact with other members of the network throughout the year, membership of BINOCC afforded the Ombudsman for Children's Office the opportunity to share information about: new approaches to participation; investigations; new media; different approaches to interfacing with international human rights monitoring mechanisms; and addressing negative perceptions of young people.

ENOC

The Ombudsman for Children's Office held the Chair of the European Network of Ombudspersons for Children until September 2009. The Ombudsman represented the network at a range of international fora, including the European Council, UNICEF, the EU Forum on Children's Rights, the Council of Europe, the EU Steering Group, and CRONSEE (the South East Europe Children Ombudspersons' Network). Her responsibilities also included chairing and hosting the Annual Conference in 2008 and chairing ENOC Bureau meetings throughout 2008 and 2009.

6

participation and education

The Ombudsman for Children's Office has a statutory responsibility to promote the rights and welfare of children and young people under 18 years of age living in Ireland. According to Section 7 of the Ombudsman for Children Act 2002, giving effect to this mandate includes:

- encouraging public bodies, schools and voluntary hospitals to develop policies, practices and procedures designed to promote children's rights and welfare;
- promoting awareness among members of the public, including children and young people, of matters relating to children's rights and welfare, including the UN Convention on the Rights of the Child;
- highlighting issues relating to the rights and welfare of children that are of concern to children themselves; and
- establishing structures to consult with children for the purposes of the Office's work promoting children's rights and welfare, giving due weight to children's views in accordance with their age and understanding.

As such, the OCO has a positive obligation to encourage awareness of and respect for children's rights, to provide for children's participation in its own work and to promote children's right to be heard in matters that affect and concern them.

Our approach to fulfilling this obligation encompasses all of our core functions under the 2002 Act. This approach is informed by a commitment to building a culture where children's rights become sufficiently recognised and respected in law, policy and practice as to be integral to children's and young people's daily life.

Creating a culture where children's rights are respected takes time. Promoting children's rights, including their right to be heard, involves both encouraging and challenging decision makers to put children's best interests first, and furthermore, to take appropriate account of what children have to say in what can be life-changing decisions.

Encouraging positive practice

• *Connecting Communities*

In 2009, the OCO ran Connecting Communities, a national initiative focused on recognising and encouraging the provision of innovative community-based services for children and young people.

The Children's Research Centre in Trinity College Dublin was commissioned to conduct focus group consultations with children, young people and parents. In total, 133 children and adults living in different parts of the country were asked for their views on what they felt was good about their local community and how it could be improved. The findings

of this consultation, combined with feedback arising from our 2007 Big Ballot project, informed the initiative's subsequent development.

An advisory panel was set up, consisting of parents, professionals, academics, community development professionals and young people themselves. What differentiated Connecting Communities from other community-oriented awards schemes was the active participation of children and young people from the very beginning; in addition to taking part in the original consultation, they named the initiative, participated in defining nomination categories, nominated local projects for recognition and sat on the assessment panels to identify finalists.

Applications were invited from any not-for-profit community and voluntary projects and initiatives that aim to improve the experiences of children, young people and their families in local communities. 43 projects applied in total, and were assessed by the advisory panel based on the positive impact they had on children's lives; innovation of approach; opportunities for children to be heard and participate; and adaptability of their working model to other projects. In June 2009, the Connecting Communities event was held in the OCO. Five projects received merit awards: North Side Youth Café (Limerick); The Harry Clarke Project (Dublin); The YARD Centre (Donegal); Education Action Research (EAR) Project (Westmeath); and One Book One (Limerick). There were four category winners:

- *The Safer Community*: Irish Girl Guides Road Safety Syllabus
- *The Family-Friendly Community*: Knockanrawley Resource Centre, Co. Tipperary
- *The Community which Promotes Play & Leisure*: Moneymore After-school Club, Drogheda
- *The Inclusive Community*: Changes Mural Project, Drimnagh, Dublin

The overall winner was Buí Bolg, a project based in Clonard, Co. Wexford, which provides opportunities for young people from across the community to participate in street arts and, in so doing, build unity, develop greater self-esteem and support young people's creative and social skills. Buí Bolg also won a special category for projects nominated by children and young people themselves.

- Supporting children's participation

We are very aware that in Ireland, participation is very much in the early stages of development as a way of working with children. We continue to learn much ourselves in the process of improving our approaches to working with children and young people. We are supported in this regard by a procedural framework which includes our child protection policy, and where appropriate, by the input of our Ethics Committee. The Committee provided advice on two major projects in 2009: the Separated Children in Ireland project and a consultation project with young people in St Patrick's Institution.

We also remain committed to sharing our learning with others and hopefully encouraging those who may be apprehensive about embarking on participative work with children and young people for the first time. As in previous years, we received regular requests during 2009 for information and guidance on approaches to facilitating participation. These requests came from a wide range of organisations both in Ireland and abroad who work in key areas for children and young people, such as health and alternative care. Given the diverse areas in which these organisations operate, it is notable that a consistent focus of the requests we received during 2009 concerned the 'how' of participation, such as mechanisms and methods that can be used to effectively facilitate children's contribution.

In addition to providing information and advice, we also facilitated the Law Reform Commission in holding a consultation day with young people in August 2009 on the issue of young people's consent to medical treatment. The young people's views were integrated into the Law Reform Commission's 'Consultation Paper on Children and the Law: Medical Treatment', which was launched in December 2009 and forms part of the Commission's 'Third Programme of Law Reform 2008-2014'.

- Research Studentship Award

In October 2009, the Office announced a new studentship for doctoral research on children's rights and welfare, in conjunction with Trinity College Dublin and NUI Galway. The award has been established to promote research capacity in relation to children's rights and welfare in Ireland and, in particular, research relevant to the OCO's mandate. The Children's Research Centre in TCD and the Child and Family Research Centre in NUIG this year jointly launched a new Structured PhD in Child and Youth Research. The OCO studentship offers a full fees and maintenance grant to a researcher enrolled in this programme and conducting work that is directly connected to the Office. Following an application process, the first studentship has been awarded to a researcher whose doctoral research will focus on children's right to be heard in the primary school setting.

Promoting awareness of children's rights

• *Educational resource materials*

During 2009, the OCO produced a DVD and accompanying quiz book called *Voices & Views*. The aim of these materials is to facilitate professionals working in formal and non-formal education contexts to briefly introduce children and young people to children's rights and the OCO. In addition to disseminating *Voices & Views* to schools and centres that participated in the OCO's Big Ballot consultation, we provide the resource on an ongoing basis to teachers, youth workers and other professionals that work with children and young people.

In 2009, we also worked on the development of more in-depth educational materials relating to children's and young people's rights in Ireland. An updated and extended version of materials designed to facilitate children's and young people's participation in the Big Ballot, the *What do you say?* resources will enable teachers and educators to explore children's rights issues with children and young people, including in the context of curriculum teaching and learning.

• *Children's rights in the curriculum*

During 2009, the OCO commissioned the National Council for Curriculum and Assessment (NCCA) to undertake a report identifying curricular opportunities for children's rights learning in the context of the formal education system. This provided a detailed map of these opportunities in early childhood, primary and post-primary education, as well as an assessment of broader developments in education. The NCCA's report and corresponding recommendations will thus be a reference point for the future planning of the OCO's engagement with schools and the formal education system.

In light of one of the recommendations made in the report, the Office made a submission to the NCCA in November 2009 in the context of the consultation on the draft syllabus for a new senior cycle subject titled 'Politics and Society'.

Involving young people and promoting children's right to be heard

• *Youth Advisory Panel*

Since the OCO's establishment, our Youth Advisory Panel (YAP) has been a principle mechanism to support young people's participation in the Office's development. Our second YAP, which commenced in 2008, included over twenty young people from rural and urban areas throughout Ireland, whose circumstances and experiences broadly reflect the current diversity in Irish society.

During 2009, our YAP members participated in a range of activities, including:

- featuring in and contributing to the production of the *Voices & Views* DVD;
- featuring in a new DVD of three case stories, which aim to give children, young people and their advocates information about how to make a complaint to the OCO;
- representing the Office at events such as Young Social Innovators’ annual showcase;
- supporting our Connecting Communities initiative, including sitting on the assessment panel; and
- taking part in the Law Reform Commission’s consultation with young people on the issue of children’s consent to medical treatment.

During 2009, our second panel reached the end of its two-year term with the OCO. We are really grateful to our YAP members for their commitment and the generosity with which they volunteered their time, energy and creativity to work with the Office. Individually and collectively, our YAP members vividly brought to life one of the reasons that initially motivated several of them to join the panel, namely a wish to counterbalance negative images of young people by participating in initiatives that afford them opportunities to demonstrate young people’s interest in and commitment to active, concerned citizenship.

In October 2009, we held a special wrap-up event at the OCO to mark the end of their term. From our own and others’ work, we understand the importance of marking the conclusion of participative projects with the children and young people concerned as an opportunity to reflect on their achievements and to express appreciation for their contribution.

• *Participation project with young people in St. Patrick’s Institution*

Inclusion is a core principle informing our work to provide for and promote children’s and young people’s participation. We are fully committed to making every effort to ensure that our work to hear and highlight children’s and young people’s is inclusive. However, we are also aware that certain participation mechanisms, while they may accommodate diversity, are not always readily accessible or do not necessarily appeal to all children and young people. Among them are some of the most vulnerable children and young people and, as such, the very children and young people who are most at risk of not having their voices heard. During 2009, the OCO further diversified its approach to providing for children’s and young people’s participation by adding a new strand of work focused on hearing and learning from the experiences and concerns of vulnerable groups of young people.

One such group is 16 and 17 year old young people who are detained in St. Patrick’s Institution, a medium-security prison for 16 to 21 year olds. Under the exclusions set out in Section 11 of the Ombudsman for Children Act, 2002, these young people are outside

the OCO's investigatory remit. Correspondingly, the OCO decided to conduct a targeted participation project with young people detained in the Institution in accordance with its statutory obligations under Section 7 of the 2002 Act to:

- consult regularly with groups of children and young people;
- highlight issues relating to children's rights and welfare that concern children and young people themselves;
- advise Ministers on matters relating to the rights and welfare of children;
- monitor and review the operation of legislation relating to children; and
- encourage public bodies to develop policies, practices and procedures that promote children's rights and welfare.

The overall aim of the project is to facilitate participating young people to communicate their experiences of and perspectives on life in the Institution. Doing so will enable the OCO to highlight young people's concerns and to make recommendations about ways in which their situation and conditions in the Institution may be improved.

Direct work with participating young people commenced in November 2009. Drawing on national and international standards concerning the detention of young people, aspects of prison life that young people expressed an interest in sharing their views on include:

- arrival, orientation and sentence planning;
- physical environment (accommodation, privacy, personal belongings, clothing, etc.);
- health care;
- education, training and recreation;
- contact with family, community and the outside world;
- safety and protection;
- inspections and complaints; and
- leaving and planning for reintegration.

The OCO would like to thank the Governor of St Patrick's Institution, the Assistant Governor responsible for B Division and, in particular, the education staff working with young people in B Division for facilitating the OCO's work on this project. We look forward to collaborating with the staff in St. Patrick's Institution in developing a culture that respects the rights of children and young people in St. Patricks.

It is planned to report the outcome of the project during 2010.

Hearing and highlighting children's concerns

During 2009, we continued to welcome children and young people to the Office through our visits programme. Open to school groups, children's projects and youth services nationwide, this programme facilitates face-to-face work with children and young people at the Office. It involves taking an activity-oriented approach to developing children's understanding of the OCO's work and children's rights, and also helps build our awareness of children's concerns and perspectives.

In 2009, hundreds of children and young people between 5 and 18 years of age living in different parts of the country visited the OCO and shared their concerns with us. Taken together, the issues they raised and viewpoints they shared with us indicate the diversity of experience among children and young people living in Ireland today. Yet, amidst this diversity, there remain areas of shared experience, interest and concern. Below is a small sample of what children and young people told us during 2009.

Discrimination

- the importance of treating all children and young people equally, respectfully and fairly;
- negative stereotyping of young people, including at community level, and its impact on young people; and
- young Travellers' experiences of being discriminated against because they are Travellers, and their work to promote respect for all people, including Travellers.

Education

- the risks of young people leaving school early due to families' difficulties in meeting the costs of education;
- the importance of schools providing breakfast clubs and homework clubs to support children's participation in education; and
- the negative impacts of budgetary cuts on education.

Health

- the harmful effects of children being exposed to drug use in their local community;
- challenges young people face in accessing information relating to sexual health issues;
- the negative effects on young people of peer pressure;
- the damaging impact that peer-bullying has on children and young people and the importance of work to combat bullying; and
- the importance of promoting positive mental health among young people and the vital roles that positive relationships within families, among friends and between adults and young people can have in supporting young people's mental health.

Housing

- every child should have a place to live where they feel safe and protected;
- the damaging impact on young people’s health of poor housing conditions; and
- the importance of their homes being accessible to children and young people with physical disabilities.

Play and leisure

- children need safe, fun, affordable places to play in the communities where they live; and
- there is a lack of places to go and things to do for young people at local community level.

Safety and protection

- the right to be protected from hurt or neglect is really important;
- safe communities are places where there is no violence and where children and young people cannot get drugs; and
- all children should be able to live without fear of being harmed.

Having a voice and being heard

- young people need opportunities to be heard because they do not want other people speaking for them;
- children and young people should have encouragement from older people to express their opinions and take part;
- adults need to listen to what children and young people have to say if they are to understand their lives and experiences; and
- the voting age should be lowered.

The groups and organisations we met with in 2009

- Adelaide Health Policy Initiative
- Amnesty
- Arts Council
- ASTI
- Barnardos
- BeLonG To
- BINOCC
- Cari
- Catholic Girl Guide Association
- Child Abuse Prevention Programme
- Child and Family Research Centre, NUI Galway
- Children Acts Advisory Board
- Children’s Research Centre, Trinity College Dublin
- Children’s Rights Alliance
- City of Galway VEC
- Club4U
- Colaiste Ard Alainn
- College of Education, Rathmines
- CONCERN
- Council of Europe
- CRONSEE
- CSPE Conference
- Department of Education and Science
- Dr. Ursula Kilkelly Research Project
- Drumcondra Education Centre, St. Patrick’s
- Edmund Rice Awards
- ENOC
- EU Steering Group
- Fighting Words
- Finglas Child & Adolescent Centre
- Foróige
- French Children’s Commissioner
- An Garda Síochána
- Head-Start Preschool, Tallaght
- Hill Street Resource Centre
- HSE
- IFCO
- IHRC
- Include Youth, Belfast
- International Day for Eradication of Poverty
- INTO
- Irish Association of Physiotherapists
- Irish Association of Young People in Care
- Irish Catholic Bishops’ Conference
- Irish Centre for Talented Youth
- Irish College of General Practitioners
- Irish Council for Civil Liberties
- Irish League of Credit Unions
- Irish Medical Organisation
- Irish Penal Reform Trust
- Irish Primary Principals’ Network

- ISPCC
- Irish Wheelchair Association
- Irish Women’s Lawyers Association
- Irish Youth Justice Service
- Junction Garda Project, Galway
- Knocknaheeny Justice Project
- Law Reform Commission
- Léargas
- Marino College
- Merriman Summer School
- National Council for Curriculum and Assessment
- No Name Club, Galway
- National Paediatric Hospital Development Board
- NUI, Maynooth
- Ógra Chorcaí
- Oireachtas Committee on Health & Children
- One in Four
- Ombudsman for Children’s Office, Norway
- Our Lady of Victories NS, Ballymun
- Patrician College, Finglas
- Peter Mc Verry Trust
- Scottish Children’s Commissioner
- South Dublin County Council
- Special Rapporteur on Child Protection, Geoffrey Shannon
- St John of God Hospital, Stillorgan
- St Patrick’s Institution
- St. Gabriel’s School Ballyfermot
- Stuart & Isabelle Williams, ATD Fourth World
- Swedish Parliamentary Ombudsman
- TASC
- The Inspector of Prisons
- Traveller Visibility Group, Cork
- World Conference Girl Guides
- Youth Advocate Programme Ireland
- Youth Information Initiative, Northside Partnership
- Youthreach Ballinasloe
- Youthwork Ireland

Oifig an Ombudsman do Leanaí Tuarascáil Bhliantúil 2009

Seo Cúigiú Tuarascáil Bhliantúil an
Ombudsman do Leanaí.

Cuireadh í faoi bhráid an Oireachtais de
bhun Alt 13(7) den Acht um Ombudsman
do Leanaí, 2002.

Cuimsíonn an tuarascáil seo an tréimhse
1 Eanáir 2009 go dtí 31 Nollaig 2009.

Emily Logan
An tOmbudsman do Leanaí

Oifig an Ombudsman do Leanaí
Teach na Mílaoise
52-56 Sráid na Trá Móire
Baile Átha Cliath 1

Teileafón 01 865 6800
Gearáin -
saorfhón 1800 202040
Ríomhphost oco@oco.ie
Gréasán www.oco.ie

Foireann

Adrian Martin
Aoife Greene
Bernard McDonald
Charles Reid
Deirdre O'Shea
Karen McAuley
Mánus de Barra
Marianne Cassidy
Mary Kearns
Mary Heery
Nikki Gallagher
Sophie Magennis

Baill YAP (Painéal Comhairleach na nÓg)

Oibríonn gach ball den phainéal seo go
deonach agus cuireann a gcuid ama agus
fuinnimh ar fáil go fial flaithiúil.

Ahmed Ali (Baile Átha Cliath)
Aoife Cotter (Corcaigh)
Ben English (Cill Mhantáin)
Cara Sanquest (Corcaigh)
Ciarán Nolan (Dún na nGall)
Hannah Gribbin (Baile Átha Cliath)
Inga Dalzell (Baile Átha Cliath)
Kim O'Shea (Port Láirge)
Leylah Mohammed (Baile Átha Cliath)
Lorna Sweetman (Baile Átha Cliath)
Méabh Kinsella (Dún na nGall)
Michael (Mikey) Walsh (Gaillimh)
Mícheál Callaghan (Muineachán)
Niall Fitzgerald (Luimneach)
Nichola Moran (Luimneach)
Patrick O'Sullivan (Corcaigh)
Pauline Farrelly (An Cabhán)
Róisín Reynolds (Baile Átha Cliath)
Saoirse Smith (Baile Átha Cliath)
Shauna Watson (Loc Garman)
Síona Cahill (Longfort)
Thomas Collins (Baile Átha Cliath)

An Clár

1. ról na hoifige	7
2. teachtaireacht ón ombudsman do leanaí	9
3. forbairt na heagraíochta	17
-Athcheapadh an Ombudsman do Leanaí	17
-Acmhainní Daonna	17
-Cláir dheonacha & intéirneachta	18
-Suíomh gréasáin agus meáin nua	18
-Oiliúint agus forbairt ghairmiúil	18
-Rannpháirtíocht na bpáirtithe leasmhara	19
-Comhdhálacha agus feasacht a spreagadh	19
-Na Meáin	19
-An Coiste Eitice	20
-Tuarascáil an Ghrúpa Speisialta maidir le Líon Foirne na Seirbhíse Poiblí agus Cláir Chaiteachais	20
-Rialú airgeadais	21
-Seirbhísí dlí	21
4. gearáin agus imscrúduithe	23
- Forálacha ar leith	23
- Gearáin agus imscrúduithe	23
- Obair go dtí seo	23
- Líon na gearán ó 2004 go 2009	24
- Gearán de réir catagóire	25
- Gearánaithe	25
- Achoimre ghinearálta ar na príomh-shaincheisteanna a ardaíodh	26
- Saincheisteanna a d'ardaigh leanaí agus daoine óga go díreach	27
- Saincheisteanna ag teacht chun cinn	28
- Imscrúdaithe féin-tola	34
- Moill/easpa comhoibrithe	34
- Ábhair gearáin agus foilseacháin	36
- Cás-staidéir	37
5. polasaí agus reachtaíocht	49
- Ról polasaí na hOifige	49
-Comhairle d'Airí Rialtais maidir le reachtaíocht bheartaithe	49
-An Bille Uchtála 2009	49
- An Bille um Chiontuithe Spionta 2007	50
-Athbhreithniú ar Bhás Leanaí	51
-An tionscadal Leanaí Scartha ag Lorg Tearmainn	51
-Comhairliúchán	54
-Tuairisciú don Oireachtas	54
-Malairt idirnáisiúnta eolais agus comhoibriú	55

6. rannpháirtíocht agus oideachas	57
-Cleachtas dearfach a spreagadh	57
-Feasacht i leith cheart leanaí a chothú	60
-Daoine óga a bheith páirteach agus ceart éisteachta leanaí a chothú	60
-Éisteacht le cúiseanna imní leanaí agus béim a leagan orthu	63
aguisín	67

ról na hoifige

Tá dualgas reachtúil ar an Ombudsman do Leanaí cearta agus leas leanaí agus daoine óga go hocht mbliana déag d'aois a chosaint. Tá an tOmbudsman do Leanaí neamhspleách ar an Rialtas agus ar ghníomhairí eile na sochaí sibhialta agus tá freagrach don Oireachtas. Seo a leanas príomhfheidhmeanna an Ombudsman do Leanaí:

- seirbhís neamhspleách láimhseála gearán a sholáthar do chomhlachtaí poiblí;
- cearta leanaí a chur chun cinn, lena n-áirítear gníomhaíochtaí rannpháirtíochta agus cumarsáide;
- monatóireacht agus athbhreithniú a dhéanamh ar reachtaíocht a bhaineann le cearta agus leas leanaí;
- comhairle a sholáthar d'aon Aire ar chúrsaí a bhaineann le cearta agus leas leanaí; agus
- a chinntiú go gcloíonn dlí, polasaí agus cleachtas leis na caighdeáin agus dualgais is airde de réir Choinbhinsiún na NA um Chearta an Linbh.

Bunaíodh Oifig an Ombudsman do Leanaí (OCO) i mí Aibreáin 2004 faoi reachtaíocht phríomhúil: An tAcht um Ombudsman do Leanaí, 2002.

D'imigh Emily Logan i mbun a poist, i mí Aibreáin 2004, agus í ar an gcéad Ombudsman do Leanaí agus athcheapadh í dá dara téarma i mí na Nollag 2009.

2

teachtaireacht ón ombudsman do leanaí

Is cúis áthais dom é mo chúigiú tuarascáil bhliantúil a chur faoi bhráid an Oireachtais.

Clúdaíonn an tréimhse tuairisce seo Eanáir go Nollaig 2009.

Is mór an t-athrú a tháinig ar chearta leanaí in Éirinn le linn 2009. Ó foilsíodh Tuarascáil Ryan i mí Bealtaine 2009 agus ansin Tuarascáil Murphy i mí na Samhna 2009 d'athraigh an bealach ina smaoinimid ar leanaí agus ba ríléir go raibh ag teip ar an tsochaí iad a chosaint. Cé gur maith a bhí fhios againn le fada an lá go raibh drochúsáid leanaí ag tarlú, ba scanrúil é nuair a cuireadh in iúl dúinn méid na drochúsáide sin agus an cultúr a d'fhág na ciontóirí saor ó phionós.



I dTuarascáil Ryan cuireadh síos ar an díghráid ar leanaí – díghráid amach is amach a bhí ann. Cé go raibh na coinníollacha ábhartha go hainnis - níorbh sin an cás ba thromchúisí. Níorbh ea – ach an t-ionsaí ar fhéinmheas na leanaí, agus seo d'aon ghnó. Roinnt mhaith de na leanaí seo, cuireadh go mór leis an drochíde seo le drochúsáid chórasach fhisiceach, mhothúcháinach agus ghnéis. Baineadh an bonn deiridh óna ndínit agus scríosadh ar fad an ceart daonna is bunúsaí.

Rinne an iliomad daoine faillí ar na leanaí seo, ar an iliomad bealaí. Ní ar bhail an chléir amháin a bhí an fhreagracht, agus níl foláir dúinn é sin a thabhairt chun cuimhne. Ní fhéadfaí drochúsáid agus faillí mar seo a dhéanamh ar an scála seo ach go gcaithfidh go raibh páirt acu siúd sa riarachán poiblí agus sa saol poiblí sa scéal. Ní haon ionadh gur tharla an drochúsáid seo do leanaí a tháinig ó chúlaí imeallaithe éigin mar sin. I léir mar sin go bhfuil sé níos éasca cearta daonna a ionsaí i measc daoine nach bhfuil cumhachtach go sóisialta..

De réir mar a éiríonn obair na hOifige níos casta, bíonn úsáid na cumhachta follasach i gcoinne daoine nach bhfuil aon chumhacht acu. Bíonn leanaí ag brath ar dhaoine fásta a gcearta agus a leasa a chosaint agus d'fhormhór leanaí is iad a dtuismitheoirí na príomhphléadálaithe ar a son. San aighneacht a chuir mé faoi bhráid Choiste an Oireachtais um Leasú an Bhunreacht ar Leanaí i mí Feabhra 2008, leag mé béim ar eispéireas m'Oifige agus scrúdú á dhéanamh againn ar bhearta agus faillí comhlachtaí poiblí. Táim den tuairim gurb í an phríomhchúis go bhfuilimid ag iarraidh go n-athrófaí an Bunreacht ná go mbeadh dualgas dearfach ar fhorais Stáit tacú le teaghlaigh ar bhealach comhréireach agus a chinntiú go bhfuil siad ag cloí le prionsabail ghinearálta Choinbhinsiún na NA um Chearta an Linbh Tá tábhacht ar leith ag baint leis seo i gcomhthéacsanna ina bhfuil daoine óga leochaileach

agus i gcásanna nach bhfuil tuismitheoirí nó pléadáláí acu, nó i gcásanna go bhfuil a dtuismitheoirí féin imeallaithe agus go bhfuil bac leo pléadáil ar son a leanaí.

Is cúis áthais dom é, tar éis fhoilsiú a dhara tuarascáil eatramhach ar an 7 Bealtaine 2009, go ndearna an Coiste Oireachtais um Leasú an Bhunreatha ar Leanaí breithniú ar fhorálacha cearta leanaí i gcoitinne mar atá sonraithe sa 28th Leasú ar an mBille um an Bunreacht 2008. Is iomchuí mar sin, sa tréimhse tar éis fhoilsiú Thuarascálacha Ryan agus Murphy, go ndéanfadh an Stát athbhreithniú ar a ghaol le leanaí agus go bhfaighimis an deis, mar phobal, ár gcuid a rá faoi seo. Táim cinnte go mbeimid in ann an deis sin a thapú i 2010.

Éisteacht lena bhfuil le rá ag leanaí agus daoine óga

Ar na prionsabail ba chóir bheith ag croílár leasú ar an mBunreacht tá cearta leanaí agus an ceart atá ag leanaí go dtabharfaimis cluas le héisteacht dóibh i gcás nithe a théann i gcion orthu. Seo prionsabal atá mar bhonn is mar thaca ag obair Oifig an Ombudsman do Leanaí.

Ní thar oíche a chruthaítear cultúr de mheas ar chearta leanaí. Ní foláir cinnteoirí a spreagadh agus dúshlán a thabhairt dóibh tús áite a thabhairt do leasa leanaí, ionas gur féidir cearta leanaí a chur chun cinn. De bhreis air sin, caithfear a chur san áireamh go hiomchuí a bhfuil le rá ag leanaí faoi nithe a d'fhéadfadh an saol a athrú dóibh.

Le linn 2009, tháinig ár ndara painéal comhairleach go deireadh a théarma dhá bhliain leis an OCO. Táimid tar a beith buíoch de bhail YAP as a ndíograis agus a bhflaithiúlacht agus chuir siad a gcuid ama, fuinnimh agus cruthaitheachta ar fáil dúinn anseo san Oifig go deonach. Tuigimid in Éirinn, go bhfuil rannpháirtíocht ag na céimeanna tosaigh ina bhealach oibriú le leanaí agus leanaimid orainn ag foghlaim fúinn féin sa phróiseas mar a gcuirimid feabhas ar ár gcur chuige agus muid ag obair le leanaí agus daoine óga.

Tá an chuimsitheacht ina chroíphrionsabal san obair a dhéanaimid chun tacú le rannpháirtíocht leanaí agus daoine óga agus sin a chur chun cinn. Táimid tiomanta amach is amach gach iarracht a dhéanamh a chinntiú go bhfuil ár gcuid oibre a bhaineann le héisteacht lena bhfuil le rá ag leanaí agus daoine óga ina obair chuimsitheach. Tuigimid freisin gur féidir le modhanna rannpháirtíochta, cé go bhfreastalaíonn siad ar ilchineálacht, gan a bheith inrochtana i gcónaí nó nach dtaitníonn siad le gach leanbh agus duine óg. Ina measc siúd tá roinnt dár leanaí agus daoine óga is leochailí, agus mar sin, i gcás na leanaí agus daoine óga is mó i mbaol ní chloistear a bhfuil le rá acu siúd. Le linn 2009, chuir an OCO lena cur chuige chun soláthar do rannpháirtíocht leanaí agus daoine óga. Dhá ghrúpa a ndearnamar tionscadail leo i mbliana ná le leanaí scartha in Éirinn agus daoine óga arna gcoinneáil in Institiúid N. Pádraigh, príosún meán-slándála do dhaoine idir 16 agus 21 bliain d'aois.

Obair Pholasáí

Ní hé amháin go mbímid ag obair go díreach le leanaí agus daoine óga chun saincheistanna faoi chearta leanaí a chur chun cinn, ach féachaimid freisin le hobair ar bhealach cuiditheach comhoibritheach le comhlachtaí poiblí chun forbairt agus comhordú a dhéanamh ar pholasáí i ndáil le leanaí. Maidir leis an athbhreithniú ar bhás leanaí, chuir mé mo chúis imní in iúl den chéad uair i mí Aibreáin 2007 nach raibh modh ann chun imscrúdú a dhéanamh ar bhás leanaí. Thug m’Oifig le chéile forais lárnacha reachtúla i mí Aibreáin 2008 chun plé a dhéanamh ar bhunú modh athbhreithniúcháin seasta in Éirinn cosúil leis na modhanna atá ar fáil i ndlínsí eile.

D’éirigh thar barr leis an idirphlé seo agus d’fhoilsigh m’Oifig páipéar roghanna i mí Feabhra 2009 de bhun an phlé seo. Sa pháipéar sonraíodh mo phríomhcheistanna a gcaithfí dul i ngleic leo sula bhféadfaí a leithéid de mhodh a bhunú in Éirinn. Chuir mé an páipéar roghanna seo faoi bhráid an Choiste Oireachtais um Shláinte agus Leanaí i mí an Mheithimh 2009 agus chuir m’Oifig comhairle ar fáil don Údarás um Fhaisnéis agus Cáilíocht Sláinte (HIQA) faoina threoir don FSS maidir le himscrúdú a dhéanamh ar bhás leanaí – treoir a ullmhaíodh tar éis ghealltanais an Rialtais déanamh amhlaidh i bPlean Feidhmithe Ryan.

Gearáin agus Imscrúduithe

Mar chuid thábhachtach d’fheidhm ghearáin agus imscrúduithe m’Oifig tá comhlachtaí poiblí a spreagadh le polasaithe, cleachtais agus gnáthaimh a cheapadh a chuirfidh chun cinn cearta agus leas leanaí.

Ó bunaíodh an OCO sa bhliain 2004, tháinig méadú ar an líon bliantúil gearán ó 94 go 912 sa bhliain 2009.

Mar a tharla i mblianta roimhe seo, déanann tuismitheoirí nó gaolta eile formhór na ngearán. Inár dtaithe is iad tuismitheoirí príomhphléadálaithe chearta agus leas leanaí. Chomh maith leis sin, ámh, bíonn gairmithe cosúil le hoibrithe sóisialta, foireann leighis, múinteoirí agus príomhoidí scoile i dteagmháil leis an Oifig. Go príomha, bíonn siad ag tacú le leanaí a ngearán féin a dhéanamh, nó ag cur isteach gearáin thar ceann linbh – agus is minic na leanaí sin ina leanaí leochaileacha: iad siúd gan cúram tuismitheora nó duine fásta le pléadáil ar a son. Gan rannpháirtíocht na ngairmithe seo, d’fhéadfadh roinnt mhaith leanaí bheith gan ghuth.

Tá roinnt mhaith ama agus fuinnimh caite ag an OCO i spreagadh feasacha faoina feidhm ghearáin i measc daoine óga agus ghairmithe a oibríonn ar a son, agus chun an fheidhm sin a dhéanamh inrochtana.

Todhchaí an OCO

Maidir le cúrsaí na heagraíochta, ní beag an dúshlán a raibh ar an OCO aghaidh a thabhairt orthu le linn 2009 – bhí an seans ann go ndéanfaí an oifig a chónascadh le roinnt foras eile de réir na moltaí a bhí i dTuarascáil Speisialta an Ghrúpa um Uimhreacha Seirbhísí Poiblí agus Cláir Chaiteachais. I gcás go raibh an Rialtas tar éis glacadh leis an moladh sin ní bheadh foras neamhspleách ann níos mó leis an sainchúram cearta agus leas leanaí a chur chun cinn agus bheimis tar éis scor d'fheidhmiú mar institiúid ar leithligh.

Ba léir don Oireachas go raibh gá le hOmbudsman do Leanaí ar leithligh, le cumhachtaí agus feidhmeanna sonracha, 22 bliain tar éis rith an Achta um Ombudsman, 1980, bunaíodh an Oifig um Ombudsman do Leanaí. Sa bhliain 2002 le linn dhíospóireachtaí an Oireachtais faoin mBille Leanaí, dhearbhaigh an tAire Stáit a bhí ann ag an uair le freagracht as Leanaí, Mary Hanafin TD, an méid seo a leanas:

"...one of the many problems in children's policy development has been the challenge of co-ordination and delivery of services for children. Meeting this challenge will involve a cross-sectoral approach which is emphasised in the national children's strategy and will be led by the national children's office. The introduction of an Ombudsman for Children will assist this process and provide an independent mechanism to vindicate the rights of children. The establishment of such an office is in recognition of the need for an independent person to act as a powerful advocate for children and promote the welfare and rights of the child."

Cé go bhfuil gá ag daoine fásta agus leanaí araon le hinstiúidí chun a gcearta a chur chun cinn agus a chosaint, tá boinn chirt eile ann chun tacú le cearta leanaí agus tugtar aird ar leith orthu siúd. Ina measc:

- Ag a gcéim forbraíochta tá siad níos leochailí do shárú cearta daonna;
- Is annamh a chuirtear a dtuairimí san áireamh;
- Níl cead vótála ag leanaí agus ní féidir leo ról suntasach a bheith acu sa phróiseas polaitíochta chinneann freagra an Rialtais ar chearta daonna;
- Bíonn ar leanaí aghaidh a thabhairt ar fhadhbanna suntasacha in úsáid an chórais bhreithiúnachta chun a gcearta a chosaint agus chun réitigh a lorg ar shárú a gceart; agus
- Níl ach rochtain theoranta ag leanaí ar eagraíochtaí a d'fhéadfadh a gcearta a chosaint.

Bhí Coiste na Náisiún Aontaithe um Chearta an Linbh i gcónaí den tuairim go bhfuil gá ag gach Stát le hinstiúid neamhspleách cearta daonna le freagracht as cearta leanaí a chothú agus a chur chun cinn. An phríomhchúis imní ag an gCoiste i leith na hinstiúide sin,

cibé cineál a bheadh i gceist, ná go mbeadh sí in ann feidhmiú go neamhspleách agus go héifeachtach, chun monatóireacht, cothú agus cosaint a dhéanamh ar chearta leanaí. . Leag sé béim i gcónaí ar thábhacht na feicseannachta agus na hinrochtana ar an eagraíocht sin, go háirithe do leanaí leochaileacha.

Tar éis fhoilsiú Thuarascáil Speisialta an Ghrúpa um Uimhreacha Seirbhísí Poiblí agus Cláir Chaiteachais ba mhór againn an leibhéal tacaíochta dár gcuid oibre a fuaireamar, idir thacaíocht phoiblí agus thacaíocht phríobháideach, ó raon leathan páirtithe leasmhara lena n-áirítear páirtithe polaitíochta, comhghleacaithe sa phobal ENR; pléadálaithe cearta leanaí; agus na meáin. Mar thoradh air seo eisíodh sainráiteas ag tacú le hobair na hOifige sa Chlár Leasaithe um an Rialtas i mí Dheireadh Fómhair 2009.

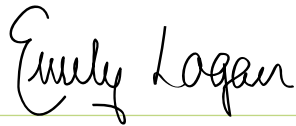
Cé go bhfuilim in iúl ar na deacrachtaí eacnamaíochta ina bhfuilimid ag feidhmiú faoi láthair, ní dóigh liom gur féidir leis sin riamh a chur orainn smaointeoireacht chúnga theoranta a bheith againn agus tá roinnt mhaith feabhsúcháin a d'fhéadfaí a chur ar obair an OCO – ba mhaith liom iad seo a chur i bhfeidhm dá mbeadh tuilleadh acmhainní daonna agus airgeadais ar fáil dúinn. Ina measc tá:

- Bheith níos sofhreagraí do leanaí ar ghá dóibh gearán a chur faoi bhráid na hOifige;;
- At t-am a thógann sé imscrúdú ar ní atá ag dul i gcion ar leanbh a laghdú go suntasach;
- Líonraí agus pointí láithreachta a fhorbairt lasmuigh de Bhaile Átha Cliath;
- Oiliúint agus tacaíocht a sholáthar do dhaoine atá ag obair le leanaí ar shaincheisteanna cearta daonna;
- Bheith in ann taisteal níos mó chuig áiteanna ina bhfuil leanaí chun a n-eispéiris agus a dtuairimí a chlos; agus
- Bheith in ann imscrúduithe níos córasaí a dhéanamh a rachadh i bhfeidhm ar pholasaí poiblí.

Ag tús 2009 fuaireamar leithdháileadh de 2.377m. Laghdaíodh sin le linn 2009 go dtí 2.310m.

Cé nár léirigh mé imní go dtí anois faoi thodhchaí m'óifige, táim buartha faoi chumas m'Óifige an cineál freagartha a thabhairt a bhfuil gá leis, bunaithe ar na hacmhainní atá againn faoi láthair. I gceann dár trí chroífheidhm – imscrúduithe, mhéadaigh an t-ualach oibre go suntasach, ach laghdaigh acmhainní.

Ba mhaith liom go mbeadh sé ar an taifead poiblí go bhfuilim ag comhlíonadh mo dhualgas reachtúil. Tá imní orm faoinár gcumas mar fhoireann freagairt don éileamh méadaitheach ar ár gcuid oibre, go háirithe feidhm imscrúduithe an OCO. Ní féidir linn a thuilleadh é seo a chomhlíonadh ar bhealach a bheadh sásúil d'Ombudman do Leanaí. Tá sé ag tógáil níos mó ama ar gcuid oibre a chur i gcrích, d'ainneoin go bhfuil oibrithe deonacha agus intéirnaigh ag cuidiú linn – a d'earcaigh an Oifig seo den chéad uair chun cuidiú linn leis an obair. Measaim go bhfuil seo follasach ó ghearáin atá sa tuarascáil bhliantúil seo go bhfuil gá ag leanaí le modh neamhspleách chun réiteach a fháil dóibh agus leanfaimid den obair seo sa Stát a fhad is féidir linn é.



Emily Logan
An tOmbudsman do Leanaí

3

forbairt na heagraíochta

Bá é 2009 an cúigiú bliain a bhí an OCO ag feidhmiú.

Athcheapadh an Ombudsman do Leanaí

Bhí deireadh leis an gcéad tréimhse sé bliana ag Emily Logan mar Ombudsman do Leanaí ar 17 Nollaig 2009. Ina dhiaidh sin athcheapadh Emily sa phost seo ar feadh sé bliana eile de bhun rúin a ghlac an dá Theach den Oireachtas. Is ceapachán uachtaráin é an tOmbudsman do Leanaí agus tuairiscíonn an tOmbudsman go díreach don Oireachtas.

Acmhainní Daonna

Cé go bhfuil foireann de chúigear déag in Oifig an Ombudsman do Leanaí lena n-áirítear an tOmbudsman do Leanaí féin, aontaíodh an leithdháileadh foirne seo roimh an mbuncheapadh mar Ombudsman do Leanaí sa bhliain 2003. Ach tá raon agus scála na hoibre a dhéanann an OCO tar éis dul i méid go mór ó bunaíodh í ar roinnt cúiseanna, lena n-áirítear feasacht agus tuiscint níos mó an phobail ar a ról agus a sainchúram, spéis níos mó i gcearta agus leas leanaí agus feasacht níos mó orthu sin; gné idirnáisiúnta níos mó na ngníomhaíochtaí; gníomhaíochtaí oideachais, páirtíochta agus polasaí atá ag leathnú agus sochdheimeagrafaic na hÉireann atá ag athrú.

Cé go bhfuil an obair atá le déanamh ag an bhfoireann ag dul i méid i gcónaí, ní raibh aon mhéadú ar líon na mball foirne a leithdháileadh don OCO. Chuir sé seo isteach ar a cumas a sainordú reachtúil a chomhlíonadh, go háirithe i leith na feidhme Gearán agus Imscrúduithe. Leasaíodh an cás gnó a ceapadh an chéad uair go luath sa bhliain 2008 le haghaidh breis foirne imscrúdaithe, ag féachaint do staid dheacair gheilleagar na tíre agus cuireadh faoi bhráid an Roinne Sláinte agus Leanaí i lár 2008. Léirigh an cás gnó seo na tosca taobh thiar den ghá le breis acmhainní, go háirithe sa réimse gearán agus imscrúduithe, agus mhínigh sé an chaoi a mbeadh srian shuntasach le feidhmiú an OCO i roinnt réimsí lárnacha gan breis foirne. Níl aon dul chun cinn déanta ar an gcás gnó seo, áfach. Cuireadh iarratas chuig an Roinn Airgeadais i samhradh 2009, le tacaíocht ó Ard-Rúnaí na Roinne Sláinte agus Leanaí, ar bheirt bhall foirne bhreise le haghaidh fhoireann na ngearán ach diúltaíodh é. Leanfaidh an tOmbudsman do Leanaí ag cur na saincheiste chun cinn tríd an Roinn Sláinte agus Leanaí.

Pléitear leis an Oifig mar chuid den Roinn Sláinte agus Leanaí agus meastar anois gur bac é seo maille leis an easpa vóta Oireachtais ar a forbairt. Ar an gcéad ásc, rinne an Oifig seo dhá imscrúdú sa bhliain 2009 a bhain le gníomhartha riaracháin na Roinne Sláinte agus Leanaí. Meastar nach cuí go bhfuil an roinn chéanna ag cinneadh acmhainní na hOifige seo amach anseo.

Is ráiteas ar an míbhuntáiste praiticiúil a bhaineann leis an Oifig a bheith mar chuid den Roinn Sláinte agus Leanaí é seo amháin agus ní ráiteas ar an gcaidreamh idir an OCO agus an Roinn Sláinte agus Leanaí.

D'ainneoin na ndeacrachtaí seo tá an t-ádh leis an Oifig sa chaoi is go bhfuil foireann le raon fairsing de thaithí agus de shainoilteacht fós inti lena n-áirítear sláinte leanaí, oideachas, páirtíocht ógra, dlí chearta an duine, cumarsáid, meáin nua, oideachas maidir le cearta an duine, obair shóisialta, sícíteiripe, beartas sóisialach, chur chun cinn na sláinte agus riarachán poiblí.

Cláir Dheonacha & Intéirneachta

Tar éis don Oifig an-chuid iarratas ar intéirneachtaí a fháil, d'earcaigh an OCO líon beag d'intéirneach chun tacú lena hobair Gearán agus Imscrúduithe agus le feidhm na Páirtíochta agus Oideachais. Rith sí comórtas freisin le hoibrithe deonacha a earcú chun cur le gnéithe eile den obair. Tá líon na n-iarratas an-mhór agus caighdeán na n-iarratasóirí an-mhaith ar fad ar an gclár intéirneachta agus ar an gclár deonach araon.

Suíomh Gréasáin agus Meáin Nua

Tá sainordú reachtúil ag Oifig an Ombudsman do leanaí arna leagan amach san Acht um Ombudsman do Leanaí, 2002, dul i gcomhairle le leanaí maidir le ceisteanna atá tábhachtach dóibh agus béim a leagan ar na nithe a bhaineann leo. Is modh éifeachtach cost-éifeachtach tarraingteach do dhaoine óga é na teicneolaíochtaí meán nua chun é seo a dhéanamh. Go luath sa bhliain 2009, d'fhorbair an OCO uirlis a thugann an deis do dhaoine óga a thugann cuairt ar an OCO teachtaireachtaí físe, fuaimne nó téacs a fhágáil ar raon de shaincheisteanna ábhartha. Is éasca na teachtaireachtaí seo a aistriú go fóraim eile de réir mar is cuí.

Rinne an OCO tairiscintí a lorg ar Chóras Bainistíochta Inneachair (CMS) nua do shuíomh Gréasáin an OCO. Ba é CombinedMedia an tairgeoir a bhuaigh agus chuir sé CMS Foinse Oscailte ar fáil don OCO i Nollaig 2009. Mar thoradh air seo bhí an OCO in ann formhór bhainistíocht an tsuímh Ghréasáin a dhéanamh go himhneamhach, rud a laghdóidh na costais a bhaineann leis an suíomh Gréasáin go mór do 2010.

Oiliúint agus Forbairt Ghairmiúil

Aithníonn an OCO an tábhacht a bhaineann le forbairt ghairmiúil leanúnach dá foireann ar fad. Chun tacú leis an aidhm seo rinneadh Measúnú ar Riachtanais Oiliúna sa bhliain 2008 i gcomhairle leis an bhfoireann go léir agus sa bhliain 2009 forbraíodh plean oiliúna agus forbartha chun cinntí an mheasúnaithe a chur i bhfeidhm.

Le linn na bliana cuireadh deiseanna oiliúna agus forbartha ar fáil don fhoireann i raon réimsí ábhartha eolais agus scileanna. Cé gur leanamar leis an oiliúint, rinneadh é seo ar chaoi níos teoranta mar gheall ar na srianta buiséid, agus áiríodh lárghníomhaíochtaí an OCO lena n-áirítear cosaint leanaí, gnéithe dlí d'obair an OCO agus cineálacha éagsúla cur chuige don pháirtíocht atá ag teacht chun cinn.

Rannpháirtíocht na bPáirtithe Leasmhara

I rith na gnáthoibre a bhain le clár oibre straitéiseach an OCO bhuaile an tOmbudsman do Leanaí agus a foireann leis an iliomad páirtithe leasmhara ar fud na hÉireann a bhfuil spéis acu i gcur chun cinn chearta leanaí, atá páirteach ann nó a mbaineann an cur chun cinn seo leo.

I ndiaidh fhoilsiú na tuarascála Report of the Special Group on Public Service Numbers and Expenditure Programmes chuir leibhéal na tacaíochta a léirigh an iliomad páirtithe leasmhara go poiblí agus go príobháideach araon dá hobair ionadh ar an OCO lena n-áirítear na daoine seo a leanas: polaiteoirí ó na páirtithe polaitíochta go léir; comhghleacaithe sa phobal eagraíochtaí neamh-rialtasacha; tacadóirí cearta leanaí; agus na meáin. Tá an tOmbudsman do Leanaí agus a foireann thar a bheith buíoch as an tacaíocht agus an spreagadh go léir a fuair siad d'obair leanúnach na hOifige agus do chearta leanaí.

Comhdhálacha agus Feasacht a Spreagadh

Ba mhór an onóir don Ombudsman do Leanaí bheith in ann glacadh le roinnt cuirí chuig imeachtaí suntasacha sa bhliain 2009.

Faigheann an tOmbudsman roinnt mhaith cuirí labhairt ag comhdhálacha, freastal ar sheoltaí agus páirt a ghlacadh in imeachtaí eile i gcónaí. Tá sé rithabhachtach dúinn bualadh leis an líon is mó agus is féidir de leanaí agus de dhaoine óga, de theaghlaigh agus de ghairmithe a oibríonn le leanaí. Déanaimid iarracht freisin, mar eagraíocht náisiúnta, freastal ar imeachtaí ar fud na tíre. Ach, toisc go bhfuil méadú ar líon na n-iarratas le linn na sé bliana feidhmithe, ní féidir glacadh le gach cuireadh nó freastal ar gach imeacht. Déanaimid cinntí maidir le glacadh le cuirí nó diúltú dóibh de réir ár dtosaíochtaí straitéiseacha agus ár n-acmhainní féin.

Mar a tharla i bhformhór na n-eagraíochtaí le linn 2009, tháinig srianta airgeadais agus an buiséad laghdaithe le bheith ina dtosca i ndéanamh cinntí maidir le himeachtaí poiblí.

Na Meáin

Mar a tharla i mblianta roimhe seo bhí spéis shuntasach in obair an OCO agus tuairiscíodh go fairising uirthi. Sa bhliain 2009, ba chabhair shuntasach é tuairisciú na meán ar raon saincheisteanna chun feasacht a spreagadh ar shaincheisteanna a bhaineann le leanaí agus chun iarratais agus moltaí an OCO maidir le dea-athrú a chur chun cinn.

An Coiste Eitice

Is é ról an Choiste Eitice ná an dea-chleachtas a éascú maidir le dul i gcomhairle le leanaí agus le páirtíocht leanaí agus daoine óga in obair an OCO. Déantar seo le léirmheas seachtrach ar ár gcleachtais. I ndiaidh chur i bhfeidhm na dtreoirlínte eiticiúla do pháirt leanaí in obair thaighde, pholasaí, chumarsáide agus pháirtíochta an OCO sa bhliain 2008, lean an Coiste Eitice ag tacú le foireann an OCO chun nósanna imeachta comhairliúcháin agus rannpháirtíochta a bhfuil leanaí agus daoine óga páirteach iontu ar dhóigh chuí.

Déanann an Coiste monatóireacht agus athbhreithniú ar na treoirlíne ar bhonn leanúnach freisin. Tá an Coiste comhdhéanta d'fhoireann an OCO a bhfuil spéis acu i réimse na heitice agus saeolas acu air agus de bhaill sheachtracha ó rannóga acadúla i gColáiste na Tríonóide, Baile Átha Cliath, agus Ollscoil na hÉireann, Gaillimh. Tá taithí fhairsing ag an mbeirt bhall sheachtracha bheith ag obair ar shaincheisteanna leanaí agus tá an OCO buíoch as an gcomhairle agus an tacaíocht sheachtrach a thugann siad dár n-obair le leanaí agus daoine óga.

Tuarascáil an Ghrúpa Speisialta maidir le Líon Foirne na Seirbhíse Poiblí agus Cláir Chaiteachais (Iúil 2009)

In Eanáir 2009 d'iarr an Roinn Airgeadais eolas ón OCO mar chuid dá bailiú tosaigh sonraí don Ghrúpa Speisialta maidir le Líon Foirne na Seirbhíse Poiblí agus Cláir Chaiteachais, ar a dtugtar an Bord Snip Nua. Bhí cur síos i bhfreagra an OCO ar ról, feidhmeanna, sainordú reachtúil agus feidhmiú oibríochtúil na hOifige lena n-áirítear eolas ar líon na foirne agus ar an mbuiséad bliantúil. Leag sé béim freisin ar fhorálacha reachtúla maidir le gearáin ag áireamh go bhfuil leanaí i dteideal teagmháil go díreach leis an Oifig chun gearán a thaisceadh agus go bhfuil oibligeáid ar an Ombudsman do Leanaí aird a bheith aici ar mhianta an linbh in aon imscrúdú.

In Iúil 2009 mhol tuarascáil an Bhoird Snip Nua an OCO a chumasc le heagraíochtaí eile agus a stádas neamhspleách a athrú. Bhí an tOmbudsman do Leanaí go daingean i gcoinne an mholta seo. I meamram ag léiriú na bpríomhchúiseanna a bhfuil gá le hoifig neamhspleách Ombudsman do Leanaí, léiríodh freisin go bhfuil teacht ag leanaí leochaileacha tríd an OCO ar mheicníocht a d'fhéadfadh a bheith ina chabhair dóibh agus go bhfuil saeolas agus nósanna imeachta forbartha aici a chiallaíonn go n-éistear leo. Leag an meamram amach na ról imscrúdaithe, monatóireachta, comhairleacha agus tuairiscithe faoin Acht um Ombudsman do Leanaí, 2002 a chuireann ar chumas an OCO a chinntiú go bhfuil cuntasacht sa Stát maidir le cearta leanaí a chosaint.

Chuir an tOmbudsman do Leanaí fáilte roimh an tiomantas d'obair leanúnach na hOifige agus roimh chur san áireamh an tiomantais i gclár athnuaithe an Rialtais i nDeireadh Fómhair 2009.

Rialú airgeadais

Ba é leithroinnt bhunaidh Oifig an Ombudsman do Leanaí ag tús 2009 ná €2.377m. Ar aon dul le laghdú na mbuiséad ar fud na hearnála poiblí laghdaíodh seo go €2.310m níos déanaí sa bhliain.

Tá an tOmbudsman do Leanaí freagrach as ullmhú na Ráiteas Airgeadais faoi mar atá leagtha amach san Acht um Ombudsman do Leanaí, 2002 agus i rialtacht na n-idirbheart a chinntiú. Ullmhaíonn an tOmbudsman do Leanaí na Ráitis Airgeadais de réir Chleachtas Cuntasaíochta a bhfuil Glacadh leis go Ginearálta in Éirinn. Tá na freagrachtaí cuntasaíochta leagtha amach san Acht um Ombudsman do Leanaí, 2002. Tá an Oifig freagrach as eilimintí oibriúcháin a cúrsaí airgeadais. Tá nósanna imeachta airgeadais ó lá go lá san áireamh maidir leis seo lena n-áirítear íocaíochtaí, nósanna imeachta tairisceana, oibriú an phárolla agus tiomsú an tuairisceáin mhíosúil, go léir de réir an deachleachtais iniúchóireachta.

Solathraíonn Crowleys DFK seirbhísí cuntasaíochta d'Oifig an Ombudsman do Leanaí. Tá na Ráitis Airgeadais faoi réir iniúchadh Oifig an Ard-Reachtair Cuntas agus Ciste. Le linn na tréimhse tuarascála seo tharla iniúchadh Oifig an Ard-Reachtair Cuntas agus Ciste do 2007 i Meán Fómhair agus Deireadh Fómhair 2009. De ghnáth ní dhéantar iniúchadh ar ráitis airgeadais ag tráth foilsithe na tuarascála bliantúla.

Nuair a fhaomhann Oifig an Ard-Reachtair Cuntas agus Ciste iad áfach, foilsítear iad ar shuíomh Gréasáin an OCO. Tá cuntais airgeadais do 2004/2005 agus 2006, 2007 agus 2008 ar fáil ag www.oco.ie

Seirbhísí Dlí

Tá Ronan Daly Jermyn fós ag soláthar seirbhísí dlí d'Oifig an Ombudsman do leanaí ó bronnadh conradh trí bliana orthu sa bhliain 2008 i ndiaidh comórtas tairisceana oscailte.

Tháinig méadú ar ár gcostais dlí le bliain anuas. Seo de bharr an mhéadaithe ar líon na ngearán ach, níos tábhachtaí, mar thoradh ar an raon saincheisteanna dlí níos casta a d'ardaigh gearánaithe. Uair amháin bhí ar an Ombudsman do Leanaí bheith ina páirtí fógra in imeachtaí. Bhí costas €40,000 air seo. Fuair sí caoga faoin gcéad dá costais. Tá níos mó eolais ar na nithe seo faoin bhfeidhm Ghearán sa tuarascáil seo.

4

gearáin agus imscrúdú

Is lárfheidhm ghnóthach de chuid na hOifige í an fheidhm Gearán agus Imscrúduithe. Faoin Acht um Ombudsman do Leanaí, 2002, is féidir leis an OCO imscrúdú a dhéanamh maidir le gearáin a dhéanann leanaí agus daoine óga, nó a dhéanann daoine fasta ar a son, i dtaobh eagraíochtaí poiblí, scoileanna nó ospidéal. Is seirbhís neamhspleách neamchlaonta atá saor in aisce í seo.

Forálacha ar leith

Forálann Acht 2002 d'oibriú feidhmeanna gearán agus imscrúduithe ag an Ombudsman do Leanaí. Leagann na forálacha reachtaíochta seo forais chaighdeánacha drochriaracháin amach d'athbhreithniú gearán nó d'imscrúduithe a dhéanamh. Ní mór go mbeidh éifeacht aon chaingne ar leanbh mar ábhar aon imscrúdaithe a dhéanann an tOmbudsman do Leanaí agus gur féidir leis na leanaí féin gearáin a thabhairt don Oifig, agus mar sin, leagann an tAcht amach raon sainfhorálacha reachtaíochta a thugann aird ar an leochaileacht ar leith atá i gceist le leanaí.

1. An oibligeáid aird a thabhairt ar leas an linbh

Forálann an tAcht go dtabharfaidh an tOmbudsman do Leanaí, i bhfeidhmiú a feidhmeanna gearán agus imscrúduithe, aird ar leas an linbh.

2. An oibligeáid aird a thabhairt ar mhianta an linbh

Forálann an tAcht go dtabharfaidh an tOmbudsman do Leanaí, i bhfeidhmiú a feidhmeanna gearán agus imscrúduithe, a mhéid is indéanta sin, aird chuí, ag féachaint d'aois agus do thuiscint an linbh, ar mhianta an linbh..

Gearáin agus Imscrúdú

Déanann an OCO imscrúdú ar ghearáin aonair maidir le gníomhartha riaracháin comhlachta phoiblí. Tá tairseach dhá shraith ann maidir le hidirghabháil; go bhféadfadh gníomh an chomhlachta phoiblí dochar a dhéanamh don leanbh i gceist nó go ndéarna sé sin agus go bhféadfadh drochriarachán a bheith ann. Cé go bhfuil obair na hOifige dírithe ar an toradh is fearr agus is féidir don leanbh a chinntiú tá sé d'aidhm againn meas a thabhairt ar na comhlachtaí a ndearnadh na gearáin ina gcoinne agus tacaíocht a thabhairt dóibh chun saincheistanna a thuiscint, agus comhairle a thabhairt maidir le hathruithe ar chórais nó nósanna imeachta, nuair is gá.

Déanann an OCO gach iarracht a chinntiú gur próiseas dearfach atá ann in ionad próiseas sáraíochta, ionas go mbaintear na torthaí is dearfaí agus is féidir amach don leanbh i gceist, don chomhlacht poiblí lena mbaineann an gearán, agus, ar bhonn níos leithne, do na leanaí go léir a bhfuil baint acu leis an gcomhlacht sin.

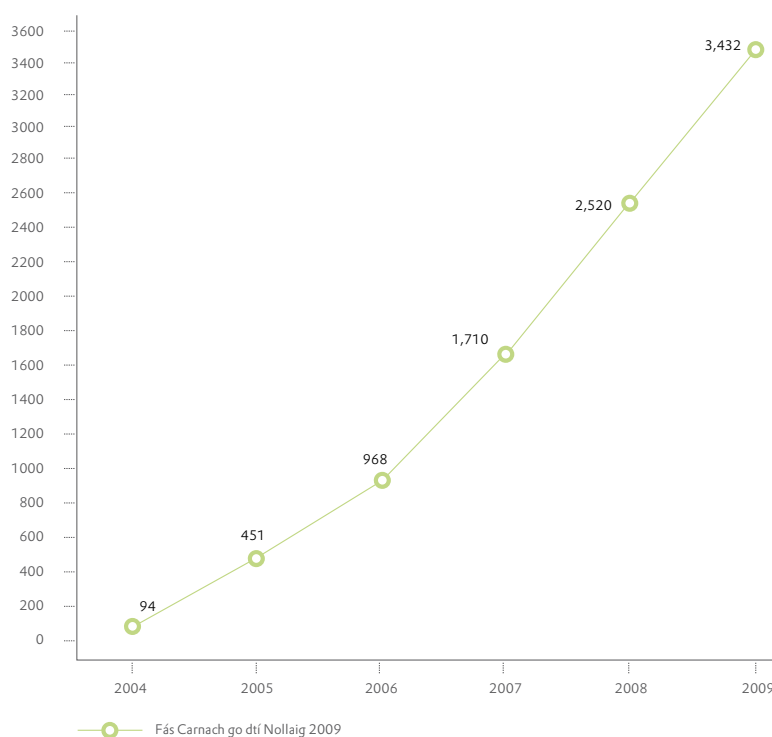
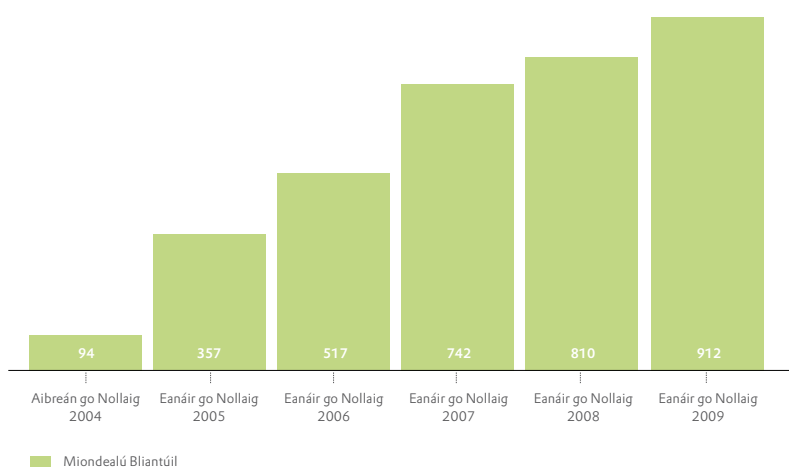
Obair go dtí seo

Ó bunaíodh an OCO sa bhliain 2004, táimid tar éis deileáil le 3432 gearán a cuireadh faoi bhráid na hOifige. Is ionann an t-eolas a fuarthas tríd an bhfeidhm gearán agus imscrúduithe carn eolais atá ag dul i méid i gcónaí ar eispéireas leanaí ó thaobh soláthar

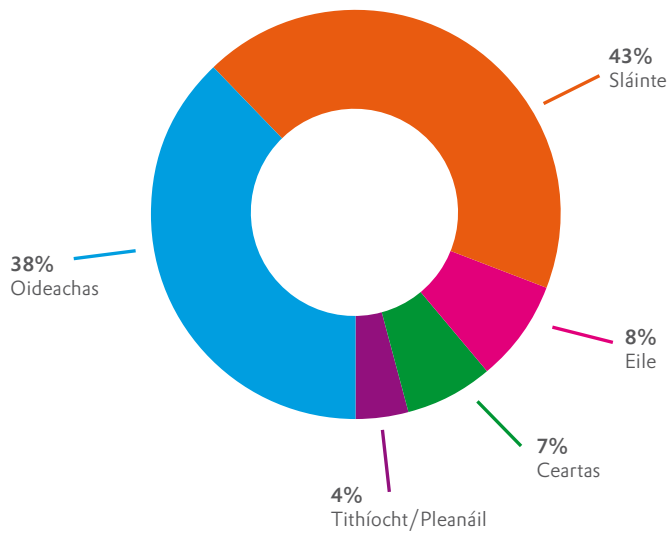
seirbhíse. Cuidíonn an t-eolas seo leis an Oifig i bhforbairt polasaí, cleachtais agus nósanna imeachta a fhreagraíonn do phrionsabail an dea-riaracháin agus leas leanaí.

Chomh maith le méadú ar an líon gearán, tá na gearáin féin ag éirí níos casta i gcónaí. Phléamar le 912 gearán sa bhliain 2009.

Líon na nGearán a ndéileáladh leo

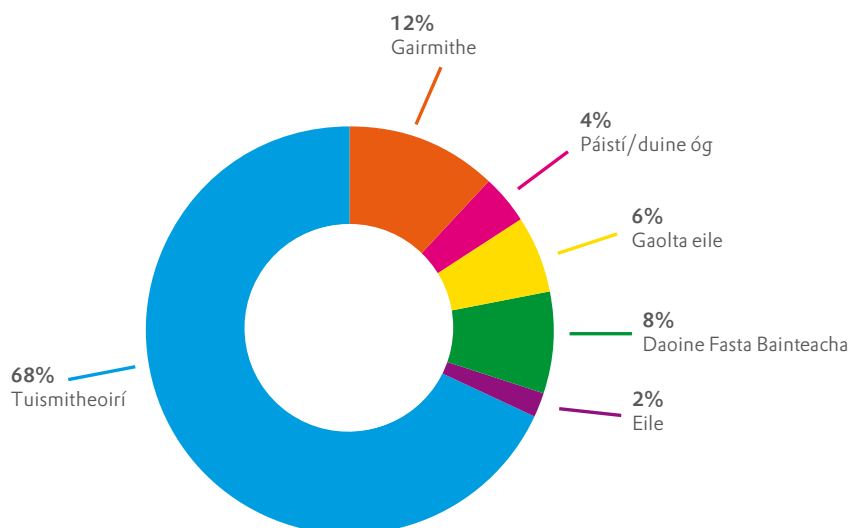


Catagóirí na nGearán Eanáir – Nollaig 2009



Mar a tharla i mblianta roimhe seo, déanann tuismitheoirí agus gaolta formhór na ngearán a fuarthas. Is é an rud atá feicthe againn go leanúnach ná gurb iad na tuismitheoirí príomhthacadóirí chearta agus leas leanaí. Chomh maith leis sin, áfach, lean gairmithe mar oibrithe sóisialta, foireann leighis, múinteoirí agus príomhoidí ag teagmháil leis an Oifig. Den chuid is mó, tá siad ag tacú le leanaí i dtabhairt a ngearáin féin, nó ag cur gearáin isteach ar son leanaí arb iad go minic na leanaí is soghontaí; dóibh siúd nach bhfuil cúram tuismitheoirí acu nó nach bhfuil duine fásta acu le pléadáil ar a son. Gan páirt na ngairmithe seo, d’fhéadfadh sé go mbeadh na leanaí seo gan ghuth.

Duine a rinne teagmháil Eanáir – Nollaig 2009



Achoimre ghinearálta ar an príomh-shaincheisteanna a ardaíodh

Sa chatagóir Sláinte is iad na príomh-shaincheisteanna a thagann aníos ná:

- Leorgacht sheirbhísí FSS;
- Cinntí maidir le leanaí faoi chúram;
- Cosaint Leanaí.

Den chéad uair ó bunaíodh an OCO is ionann líon na ngearán a bhaineann le Sláinte agus an céatadán is mó de shaincheisteanna a ardaíodh. Tá méadú ar líon na ngearán maidir le leorgacht sheirbhísí FSS. Baineann siad leis na deacrachtaí teacht ar sheirbhísí cuí do leanaí agus do dhaoine óga agus do mhóil ar sholáthar na seirbhísí seo. Tá méadú freisin ar líon na ngearán i leith cosaint leanaí; nósanna imeachta ginearálta FSS; agus cinntí maidir le leanaí faoi chúram. Tá méadú suntasach freisin ar líon na ngearán a fuair an Oifig i ndiaidh foilsithe chinntí an Choimisiúin chun Drochúsáid Leanaí a Fhiosrú (Tuarascáil Ryan).

Sa chatagóir Oideachais is iad na príomh-shaincheisteanna a tháinig aníos ná:

- Leithroinnt do riachtanais speisialta;
- Meicníochtaí chun deileáil le hiompraíocht mhí-chuí i leith leanaí
- Iompar Scoile
- An chaoi a ndeileálann boird bhainistíochta le gearáin.

Sa chatagóir Tithíochta/Pleanála, baineann formhór na ngearán le rochtain ar thithíocht údaráis áitiúla/ shóisialta do leanaí faoi mhíchumas agus d’oiriúnacht na tithíochta sin. Chuir an Oifig tuarascáil speisialta amach ar an ábhar seo i mbliana, a phléitear níos faide ar aghaidh sa chuid seo.

Sna catagóirí eile, bhain formhór na ngearán le híocaíochtaí/liúntais leasa shóisialta atá lasmuigh de shainchúram ár nOifige - agus le heagraíochtaí nó saincheisteanna atá lasmuigh de shainchúram na hOifige.

Saincheisteanna a d'ardaigh Leanaí agus Daoine Óga go díreach

Mar a tharla sna blianta roimhe seo, tá formhór na leanaí a dhéanann teagmháil dhíreach leis an OCO faoi chúram an Stáit. I measc na saincheisteanna a d'ardaigh na leanaí tá na nithe seo a leanas:

- Nach n-éistear le daoine óga maidir le pleanáil cúraim agus cinntí a bhaineann leo, go háirithe cinntí maidir le suíomh a aimsiú nó a athrú;
- Go bhfuil moill agus doiléireacht ag baint le pleanáil cúraim, go háirithe maidir leis an gcéad suíomh eile;
- Easpa soláthar iarchúraim nó moill le pleanáil iarchúraim;
- Nach bhfuil oibrí sóisialta sannta aige/aici;
- An lóistín agus tacaíocht ar fáil do dhaoine óga gan dídean.

I mbliana rinne roinnt leanaí dealaithe ag iarraidh tearmainn teagmháil leis an Oifig chun na saincheisteanna seo a leanas a ardú:

- An nós imeachta a leantar maidir le haoiseanna a mheas;
- An nós imeachta a bhaineann le cinneadh tearmainn;
- Easpa seirbhísí agus tacaíochta do mhionaoisigh a bhfuil 18 mbliana d'aois bainte amach acu;
- Dealú ó shiblíní agus teagmháil leo

Tá cur síos níos mine ar Thuarascáil an OCO ar Leanaí Dealaithe in Éirinn sa chuid Polasaí & Reachtaíocht.

B'ábhar suntasach na ngearán a fuarthas go díreach ó leanaí agus daoine óga é an t-oideachas agus ba iad na saincheisteanna a bhí i gceist go minic ná: bulaíocht; leorgacht saoráidí scoile; agus polasaithe scoileanna.

I measc na saincheisteanna eile a d'ardaigh daoine óga bhí na nithe seo a leanas:

- Imní maidir le tacaíocht mheabhairshláinte a fháil do dhaoine óga nuair atá imní ann go gcuirfidís lámh ina mbás féin nó go ndéanfaidís dochar dóibh féin;
- Imní maidir le saincheisteanna leas leanaí agus cosanta leanaí;
- Imní maidir le fad na dtréimhsí a athchuirtear daoine óga i gcoimeád;
- Imní maidir le cóiríocht do leanaí ar taistealaithe iad agus a dteaghlach.

Saincheisteanna ag teacht chun cinn

• *Fáil ar shocrúcháin Cúraim Speisialta.*

Le dhá bhliain anuas cuireadh cúpla gearán faoi bhráid na hOifige faoi sholáthar seirbhíse FSS do leanaí agus do dhaoine óga a bhfuil riachtanais iolracha chasta acu, agus a thagann chuig FSS ag lorg cúnamh. Tá an iliomad dúshlán ag baint le seirbhísí tacaíochta iomchuí chur ar fáil do na daoine óga sin, go háirithe socrúcháin Cúraim Speisialta a chur ar fáil. Tháinig saincheisteanna chun cinn sa réimse seo nuair a tháinig gairmithe atá ag obair sa réimse seo i dteagmháil linn agus le linn don Oifig imscrúduithe a dhéanamh. Is éard atá i gceist le socrúcháin Cúraim Speisialta ná tréimhse ghearr de choinneáil shibhialta an duine óig (de ghnáth idir 3 agus 6 mhí) in Ionad Cúraim Speisialta agus lorgáítear iad seo i gcás go bhfuil imní ann go bhfuil gá ag an duine óg le tréimhse de chúram cobhsaíochta agus cosanta. Meastar gurb é an socrúchán an rogha dheiridh, sa mhéid go gcuirtear srian ar shaoirse an duine óig, agus mar sin ba chóir triail a bhaint as roghanna eile sula roghnófaí a leithéidí de shocrúchán. Ní foláir faomhadh a lorg le haghaidh Socrúchán Cúraim Speisialta ó FSS náisiúnta agus ansin iarratas a chur faoi bhráid breithimh den Ardchúirt le go ndéanfaid sé/sí Ordú Cúraim Speisialta..

Le déanaí chuir an OCO i gcrích roinnt imscrúduithe ar sholáthar seirbhíse FSS do leanaí/dhaoine óga a bhfuil riachtanais chasta acu agus i gcás gur lorgáodh socrúcháin Cúraim Speisialta. D'eascair cúiseanna imní áirithe ó na himscrúduithe seo maidir leis an deacracht a bhaineann le socrúcháin Cúraim Speisialta a mheas, go háirithe do dhaoine óga atá páirteach sa chóras ceartais choiriúil faoi láthair. Tá an chuma ar an scéal, tar éis roinnt Breithiúnas den Ardchúirt sa bhliain 2007, go ndearna FSS agus Bord Comhairleacht Acht na Leanáí leasú ar na critéir iontrála. I dtéarmaí praiticiúla, mar thoradh air seo, ní raibh fáil ag leanaí/daoine óga a bhí páirteach in imeachtaí coiriúla ar shocrúchán mar seo go dtí go mbeadh na himeachtaí coiriúla i gcrích. Bhí aimhrialtacht mar thoradh air seo – níl fáil acu ar shocrúchán nuair atá na himeachtaí coiriúla idir lámha, ach a luaithe is a chúisítear iad tá fáil acu ansin ar an socrúchán (i gcás nach dtugtar pianbhreith choimeádta).

Chuir an Oifig cúis imní in iúl don FSS go raibh iarmhairtí polasaí ag na Rialuithe Ardchúirte seo nach raibh i gceist a bheadh agus cuireann siad cosc le freagairt go cuí do riachtanais roinnt leanaí. Ritheadh reachtaíocht i ndáil le Cúram Speisialta, ach níl sé curtha i bhfeidhm go fóill, agus mar sin ní foláir don Ardchúirt déileáil le nithe a bhaineann le cúram speisialta. Mar chuid den Bhille um Chúram Leanáí (Leasú) 2009, tá scéim reachtúil do sholáthar Cúraim Speisialta á breithniú faoi láthair ag an Roinn Sláinte/Oifig an Aire Leanáí agus Gnóthaí Óige. Cuirfear comhairle na hOifige seo maidir leis an gceist faoina mbráid go luath.

Chomh maith leis sin, ghlac FSS cinneadh le déanaí Baile Uí Dhúda a dhúnadh, atá ar cheann de trí aonad Cúram Speisialta, tar éis iniúchadh a rinne An tUdarás um Fhaisnéis agus Cáilíocht Sláinte. Ina dhiaidh sin, rinne an duine óg agus gairmithe teagmháil leis an Oifig seo ag cur a gcúiseanna imní faoi in iúl dúinn, go háirithe an leibhéal comhairliúcháin le leanaí faoi aistriú aonaid agus an fógra gearr d'aistriú dá leithéid. Lorg an Oifig tuilleadh eolais ón FSS i ndáil leis an dá bheart agus coinneoidh súil ar an scéal.

• *Easpa Dídine agus leanaí a bhfuil gá acu le hidirghabháil éigeandála*

Le linn 2009, chuir daoine óga gan dídean agus/nó daoine óga atá ag iarraidh rochtain a fháil ar Idirghabháil Ghéarchéime agus seirbhísí iar-ama, gearán faoi bhráid na hOifige, nó rinneadh seo ar a son. Bhain na gearáin d'fhormhór le deacrachtaí teacht ar na tacaí iomchuí, ar idirghabhálacha teiripeacha agus ar shocrúcháin chun freastal ar a riachtanais. De bhreis air sin, trí mheán a hoibre imscrúdaithe, cuireadh in iúl don Oifig go bhfuil leanaí áirithe ag úsáid seirbhísí iar-ama do thréimhse fadaithe nó go headrannach. Is léir gur daoine óga thar a bheith leochaileach iad seo.

Forálann Coinbhinsiún na NA um Chearta an Linbh (airteagal 20) seo a leanas "A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State".

In Éirinn, seo sainchúram Fheidhmeannacht na Seirbhíse Sláinte (FSS). Tá dualgas ar an FSS faoin Acht um Chúram Leanaí 1991 leanaí a aithint a bhfuil gá acu le cúram agus cosaint agus cúram leanaí agus seirbhísí tacaíochta a sholáthar do na leanaí sin. I gcas linbh atá gan dídean ach nach bhfuil faoi chúram go fóill, tá dualgas ar an FSS an leanbh sin a athaontú lena t(h)eaghlach. Tá siad údaraithe freisin an leanbh sin a chur i gcúram más gá, ach féadfaidh siad modhanna roghnacha a bhreithniú, lena n-áirítear cóiríocht neamhchúraim oiriúnach a aimsiú.

I roinnt cásanna, bhí na leanaí i gceist faoi chúram FSS cheana féin. Mar sin, bhíothas tar éis na leanaí seo a aithint cheana féin mar leanaí a raibh gá acu le cúram agus cosaint ón Stát. An phríomhdheacracht do na leanaí seo ná socrúcháin oiriúnacha agus tacaíocht imleor a fháil i gcomhthéacs a riachtanas casta; lena n-áirítear eispéiris cosúil le tráma; deacrachtaí meabhairshláinte; fadhbanna caidrimh le gairmithe cúí; agus deacrachtaí le drugaí agus andúil alcóil.

Trí mheán an imscrúdaithe, fuair an Oifig i roinnt cásanna go raibh deacrachtaí ag cleachtóirí oibre sóisialta socrúcháin a roghnú nó a fháil do na leanaí toisc liostaí feithimh fada nó toisc nach raibh siad ar fáil. Is minic a lean na leanaí i gceist ag rochtain seirbhísí iar-ama le linn na tréimhse sin.

I gcás áirithe amháin, fuair an Oifig go raibh rochtain shrianta ag leanbh ar lóistín iar-ama agus nach raibh cead acu isteach sa lóistín sin go dtí déanach san oíche, tar éis 11.30i.n. I gcásanna eile, tháingamar ar an eolas nach raibh oibrí sóisialta sannta do leanbh le linn don leanbh sin a bheith ag úsáid seirbhísí iar-ama nó roimh ré. Seo cúis mhór imní sa mhéid gurb iad na daoine óga seo, toisc a gcúinsí, is mó a bhfuil gá acu le pléadáil iomchuí agus tacaíocht.

Rinne leanaí gan dídean, nach bhfuil faoi chúram foirmiúil an FSS, teagmháil leis an Oifig freisin faoi na deacrachtaí acu teacht ar shocrúcháin agus ar thacaí dá riachtanais. Sna cásanna seo, fuair an Oifig amach go ndearna an FSS iarracht na leanaí a athaontú lena dteaghlaigh ach nár éirigh leis sin agus lean na leanaí ag úsáid seirbhísí iar-ama ar feadh tréimhse fhada. Toisc nach raibh na leanaí seo faoi chúram foirmiúil an FSS, bhí an chuma air nach sochar dóibh siúd as an tsamhail "tréchúraim". Dá bhrí sin, níl na leanaí gan dídean faoi réir rialacháin, pleananna cúraim nó soláthar iarchúraim, agus tá siad thar a bheith leochaileach toisc gur chlis ar a gcaidreamh lena dteaghlaigh. I gcás duine óg amháin mar seo a tháinig chun na hOifige bhí 10 mí caite aici san idirghabháil ghéarchéime/seirbhísí iar-ama sula raibh 18 mbliana d'aois bainte amach agus ansin ní raibh fáil ar sholáthar iarchúraim mar go raibh sí anois lasmuigh de chúram foirmiúil an FSS.

• *Iarchúram*

D'ardaigh an Oifig seo an tsaincheist a bhaineann le soláthar cúraim agus tacaíochta do dhaoine óga atá faoi chúram an Stát nuair atá 18 mbliana d'aois sroichte acu, le Rialtas na hÉireann agus le Coiste na NA um Chearta an Linbh. Tá an Oifig ar an eolas anois go bhfuil an obair sin ar bun san earnáil reachtúil agus dheonach araon le hiniúchadh a dhéanamh ar fheabhsú an tsoláthair iarchúraim.

Cibé scéal é, le linn 2009, lean an Oifig ag fáil gearán, go príomha ó leanaí agus ó dhaoine óga, faoin soláthar iarchúraim atá ar fáil dóibh tar éis iad a bheith scaoilte as cúram. Bhain na cúiseanna imní le moill easnamh sa phleanáil iarchúraim, nár sannadh oibrí sóisialta agus easpa tacaíochta i gcoitinne. Agus na gearáin seo á n-iniúchadh ag an Oifig, tháingthas ar an tuiscint go bhfuil éagsúlacht mhór ann sa soláthar seirbhíse iarchúraim ar bhonn náisiúnta, agus i roinnt áiteanna tá polasaí iarchúraim ann agus foireann thiomnaithe, ach in áiteanna eile níl aon pholasaí soiléir ann agus tá na seirbhísí teoranta.

Is léir gur ghá dul chun cinn a dhéanamh ar chaighdeánú an tsoláthair seirbhíse iarchúraim agus a chinntiú i gcás gach linbh atá ag fágáil cúraim go bhfuil seirbhísí tacaíochta imleora ann dóibh. Tá an tOmbudsman do Leanaí fós den tuairim go gcaithfidh an reachtaíocht a bheith níos láidre ná na forálacha reatha agus gur chóir go bhforálfaí do fhreagracht reachtúil as iarchúram.

• *Moill sa rochtain ar na seirbhísí sláinte riachtanacha*

Le linn 2009 cuireadh roinnt gearán faoi bhráid na hOifige i ndáil le moill a bheith ar rochtain seirbhísí sláinte iomchuí do leanaí agus daoine óga. Is tuismitheoirí thar ceann a leanaí is mó a thug na gearáin – leanaí a bhí ag feitheamh i gcomhair seirbhísí cosúil le Teiripe Urlabhra agus Teanga, Teiripe Shaothair, seirbhísí Síceolaíochta, seirbhísí Meabhairshláinte do Leanaí agus Ógánaigh agus seirbhísí ospidéal. Thuairiscigh tuismitheoirí faoi amanna feithimh suntasacha do choinne dá leanaí. I gcás amháin bhí gá ag an leanbh le measúnacht síceolaíochta, agus cuireadh in iúl don tuismitheoir go mbeadh tréimhse feithimh de dhá bhliain i gceist toisc easpa foirne. In imscrúdú eile, bhí ar an leanbh feitheamh ar feadh trí bliana, tar éis diagnóis uathachais a fháil, sula bhfuair siad teiripe Urlabhra agus Teanga toisc fhad an liosta feithimh agus na ndeacrachtaí le hearcú foirne do phoist fholmha.

Tá an chuma air go bhfuil éagsúlachtaí móra ann ó réigiún go réigiún i soláthar seirbhíse. I gcás áirithe amháin, fuair leanbh coinne le foireann teiripe urlabhra agus teanga tar éis trí mhí ón am a atreoraíodh iad, ach i gcás eile bhí gá fanacht dhá bhliain, fiú i gcásanna ardtosaíochta. Tá neamhréireachtaí cosúla i Seirbhísí Meabhairshláinte do Leanaí agus Ógánaigh. Ó na cásanna a ndearnadh imscrúdú orthu is léir go raibh deacrachtaí ann poist fholmha a líonadh toisc srianta buiséid. Mar thoradh air seo bhí tionchar mór aige ar roinnt áiteanna, le straitéisí éagsúla a n-úsáid chun déileáil leis an bhfadhb. I roinnt áiteanna bhí amanna feithimh fada ann, agus in áiteanna eile cuireadh na seirbhísí ar ceal ar fad do roinnt grúpaí leanaí. Leag na gearáin a cuireadh faoi bhráid na hOifige seo béim ar an tionchar is féidir leis seo a bheith aige ar dhaoine óga a bhfuil gá acu leis na seirbhísí sin.

• *Ilroinnt an tsoláthair seirbhíse*

Le linn 2009, cuireadh cúiseanna imní faoi bhráid na hOifige seo faoin líon mór teaghlach agus pléadálaithe i ndáil leis an deacracht a bhain le rochtain a fháil ar sheirbhísí comhtháite chun freastal ar riachtanais a leanaí. I gcás na riachtanas a luadh bhí a bhformhór sna catagóir oideachas, sláinte agus tithíocht. I gcás fhormhór na ngearán a rinneadh ba ghearáin iad déanta ar son leanaí le riachtanais speisialta a raibh gá acu le raon seirbhísí ó chomhlachtaí poiblí éagsúla ar fud na dtrí chatagóir leathana seo.

Luaigh idir theaghlaigh agus ghairmithe ag pléadáil ar son na leanaí sin deacrachtaí le rochtain a fháil ar chreat tacaíochta comhleanúnach comhordaithe le haghaidh na leanaí. I roinnt cásanna rinne teaghlaigh teagmháil leis an Oifig ar teaghlaigh iad a raibh orthu cinneadh a dhéanamh cén ceann de riachtanais a leanaí ba ghá dóibh tús áite a thabhairt dó.

Sampla maith a léiríonn conas a fhreastalódh cur chuige comhordaithe níos fearr ar riachtanais linbh ná na fadhbanna a bhaineann le scoil a roghnú. Braitheann teidlíocht i leith iompar scoile ar an scoil is cóngaraí a aithint (scoil phríomhshrutha, speisialta nó aonad) a bhfuil na hacmhainní aici, nó a bheidh, chun freastal ar riachtanais a linbh, mar atá molta ag an gComhairle Náisiúnta um Oideachas Speisialta (CNOS). É sin

ráite, is minic nach í an scoil a bhfuil teidlíocht taistil ag an leanbh di an scoil a mholann na gairmithe an FSS, nó áit a bhfuil seirbhísí an FSS (amhail teiripe shaothair agus teiripe urlabhra agus teanga) a bhfuil gá ag an leanbh leo. I roinnt cásanna, dúirt an Roinn Oideachais agus Eolaíochta (ROE) agus CNOS gur chúis don FSS iad seirbhísí an FSS agus nach gcuirtear soláthar na dtacaíochtaí sin sa áireamh nuair atá cinneadh á dhéanamh faoi iompar scoile.

Ar an gcaoi chéanna, i gcás áirithe amháin a bhí idir lámha ag an Oifig seo, bhain leanbh fónamh as cúram faoisimh ón FSS; ach tarraingíodh siar iompar scoile a bhí ar fáil ón Roinn Oideachais agus Eolaíochta roimhe sin ar an bhforas nach gcuirfí iompar ar fáil ach chuig an scoil is cóngaraí do bhaile an linbh.

Tá saincheisteanna ann freisin i ndáil le tuairimí gairmiúla a lorg teaghlaigh nó a thug siad mar chuid den phróiseas iarratais d'acmhainní riachtanais speisialta oideachais, go háirithe, gairmithe ag déanamh moltaí faoi acmhainní riachtanacha nach raibh i gcomhréir le polasaí an ROE. As seo d'éascair an dearcadh i measc gearánaithe go bhfuil éagothroime ann i leithdháileadh acmhainní d'oideachas speisialta agus riachtanais chúraim. Tar éis iniúchadh a dhéanamh ar an scéal fuair an Oifig go raibh easpa cumarsáide ann i gcur i bhfeidhm, i gcinnteoireacht agus sa phróiseas athbhreithniúcháin agus chuir sé seo leis na deacrachtaí. Féadfaidh go ndéanfaidh achtú iomlán an Achta um Oideachas do Dhaoine a bhfuil Riachtanais Speisialta Oideachais Acu (ODRSO) 2004 dul i ngleic le roinnt de na saincheisteanna seo trí chreat trédhearcach cuimsitheach a sholáthar chun dul i ngleic le riachtanais speisialta oideachais. Táthar ag feitheamh leis an achtú seo fós, faraor.

Is í tuairim na hOifige ná go léiríonn na gearáin thuasluaite cur chuige 'córtais' seachas cur chuige leanbh-láraithe i leith soláthar seirbhíse. Sa bhliain 2009, bhí an chuma air go ndeachaigh an scéal in olcas toisc acmhainní a bheith níos teirce rud a chuireann srian ar sholúbthacht a bhíodh ann roimhe seo.

Tar éis iniúchadh a dhéanamh ar an scéal, fuair an Oifig cé go mb'fhéidir gur lean na forais i gceist na gnáthaimh riaracháin chearta ar bhonn indibhidiúil – gnáthaimh arna leagan síos ag a ngníomhaireachtaí féin - níl an chuma air go raibh aon chomhairliúchán ann idir na forais sin chun seirbhísí a sholáthar do leanaí ar bhealach níos comhtháite. Mar sin, is minic nár breithníodh leas is fearr an linbh, agus ann féin sáraíonn sin Coinbhinsiún na NA um Chearta an Linbh.

• *Deacrachtaí ag tuismitheoirí atá ag lorg seirbhísí do leanaí agus do dhaoine óga*

Is léir, ón mbreithniú ar chastacht agus ar dhoimhne na ngearán a chuirtear faoi bhráid na hOifige, go bhfuil ról an phléadálaí éifeachtaigh ina ról ríthábhachtach má táthar chun dul i ngleic le saincheistanna a gcaithfidh leanaí agus daoine óga dul i ngleic leo. Tá an gá seo follasach sna gearáin iomadúla agus níl sé teoranta d'aon chatagóir ar leith.

Cé go bhfuil sé mar phríomhfhócas ag feidhm ghearáin agus imscrúduithe na hOifige seo scrúdú a dhéanamh ar thionchair neamhfhabhracha ar leanaí mar thoradh ar bheart riaracháin a rinne comhlacht poiblí, tá sé ag éirí níos follasaí dúinn gur léir go bhfuil tionchar ar shaol an teaghlaigh ag nithe eile amhail an méid ama, fuinnimh agus acmhainní a chaitheann tuismitheoirí nó caomhnóirí ar son an linbh agus iad ag pléadail ar a son.

Is minic cuid mhaith den ghnáthamh laethúil a bheith caite ag soláthar cúram díreach don leanbh agus ag socrú cúrsaí iompair chun na háite ina bhfuil an soláthar oideachais nó teiripe ar fáil. Cé gur ról nádúrtha é do thuismitheoirí nó caomhnóirí a bheith ag pléadail ar son an linbh, tá cásanna ann inar léir go bhfuil an phléadail sin ag dul i bhfeidhm ar cháilíocht an tsaoil sa bhaile.

Tháinig gearán amháin ó thuismitheoir a bhí i dteagmháil go gníomhach le grúpaí agus forais ghairmiúla ó 26 speisialtacht sláinte éagsúil, thar ceann a beirte leanaí, agus bhí riachtanais chasta leighis acu beirt. De réir mar a bhí na tuismitheoirí ag lorg idirghabháil leighis agus oideachais don bheirt leanaí bhí gá cúram leantach a dhéanamh chun a chinntiú gur aistríodh comhaid, gur comhordaíodh eolas, gur eagraíodh agus atheagraíodh measúnachtaí agus tástálacha agus tríd is tríd bhí gá pléadail le haghaidh seirbhísí ar son na leanaí. Ba léir don Oifig nach raibh tacaíocht á fháil ag an ngearánaí ón gcóras riaracháin atá ann chun an t-ualach a laghdú orthu siúd lena mbíonn sé ag déileáil. Ba léir freisin nach mbeadh na leanaí ag baint sochair as na seirbhísí atá ar fáil cheana féin ach leibhéal ard stocaireachta an tuismitheora sin ar son an linbh.

Mar sin, as seo eascraíonn an cheist – cad faoi leanaí nach bhfuil tuismitheoir ann chun pléadail ar a son. I dtéarmaí simplí, mura bhfuil daoine ann chun pléadail éifeachtach a dhéanamh ar son leanaí, ní gá go gcloisfí a nguth agus go mbreithneofaí a bhfuil de thuairim acu go sásúil. I gcás go bhfuil leanaí leochaileach cheana féin toisc a riachtanas speisialta nó a gcúinsí cúraim ar leith, tá imní ar an Oifig seo go mbeidh éagóir á dhéanamh orthu.

Imscrúduithe féin-tola

Forálann an tAcht um Ombudsman do Leanaí 2002 go bhféadfadh an tOmbudsman do Leanaí imscrúdú a thionscnamh i gcás go bhfuil an chuma ar an scéal go bhfuil gá le himscrúdú, gan gearán sonrach a bheith faighte. Thionscain an OCO roinnt imscrúduithe ‘féin-tola’, agus tá roinnt de na himscrúduithe sin i gcrích.

Tionscnaíodh imscrúdú ar chaoi ar cuireadh i bhfeidhm na treoirlínte Children First: National Guidelines for the Protection and Welfare of Children arna fhoilsiú ag an FSS i mí na Samhna 2008 agus is éard a bhí i gceist leis ná imscrúdú córasach náisiúnta maidir lena fheidhmiú.

Dhírigh an t-imscrúdú ar an FSS, mar an ghníomhaireacht reachtúil atá freagrach as cur i bhfeidhm na dtreoirlíne Children First, agus ar an Roinn Sláinte agus Leanaí/Oifig an Aire Leanaí agus Gnóthaí Óige (OALGÓ) atá freagrach as monatóireacht a dhéanamh air. Tionscnaíodh an t-imscrúdú tar éis cúiseanna imní a fháil tríd an bhfeidhm ghearáin agus imscrúduithe, chomh maith leis na torthaí tromchúiseacha ó athbhreithniú 2008 a rinne OALGÓ. Roimhe seo chuir an Oifig i gcrích Tuarascáil Speisialta ar Chosaint Leanaí sa bhliain 2006.

Is é ba chuspóir leis an ‘imscrúdú féin-tola’ seo ná léargas neamhspleách a sholáthar ar an réimse seo chun a chinntiú go mbeadh cearta agus leas leanaí leochaileacha á gcothú. Ba chúis áthais d’Oifig an Ombudsman do Leanaí an leibhéal comhoibriúcháin le Bainisteoirí Cúraim Leanaí agus faoi lár 2009 bhí gach eolas faighte ag an OCO a lorg an Oifig. Chuir an OALGÓ, gairmithe eile atá ag obair i réimse na cosanta leanaí agus baill an phobail eolas ar fáil freisin.

Táthar ag súil go mbeidh an t-imscrúdú i gcrích faoi dheireadh 2010.

Moill – easpa comhordúcháin

Uaireanta bíonn moill le cur i gcrích imscrúduithe. De ghnáth déantar iad seo a bhainistiú ach dul ar thóir an chomhlachta phoiblí féin go díreach. In dhá chás, ámh, bhí moill ann na himscrúduithe a chur i gcrích.

1. I mí Eanáir 2009 thionscain an tOmbudsman do Leanaí imscrúdú féin-tola maidir leis an gcaoi ar láimhseáil an FSS iniúchadh ar Dheoisí na hEaglaise Caitlicí a rinne an Roinn Sláinte agus Leanaí agus an FSS.

Ceithre mhí tar éis thús an imscrúdaithe scríobh an tOmbudsman do Leanaí chuig Príomhfheidhmeannach an FSS ag cur in iúl a cúis imní nach raibh aon eolas faighte ón FSS agus nár chuir an FSS í ar an eolas faoi na deacrachtaí ná na fadhbanna reatha. Chuir sí in iúl freisin, i gcás go raibh deacrachtaí ag an FSS i ndáil leis an iarratas, go bhféadfaí sin a réiteach ar an gcéad ásc ach plé léi go díreach. Ina dhiaidh sin fuair an Oifig cáipéis amháin dar teideal “HSE Audit of Catholic Church Diocese.” Tá an cháipéis seo foilsithe cheana féin agus is éard a bhí ann ná an cháipéis chéanna as ar eascair cúiseanna imní na hOifige ónar eascair an chéad imscrúdú. Mar thoradh air

seo, ar an 5 Bealtaine 2009, scríobh an tOmbudsman do Leanaí chuig Ceann an FSS agus chuig Stiúrthóir Oifig an Aire do Leanaí agus Gnóthaí Óige ag cur in iúl gur raibh an t-imscrúdú á chur ar fionraí aici. Ansin, thóg sí céim nár tógadh cheana – eadhon an t-imscrúdú a chur ar fionraí agus ráiteas poiblí a dhéanamh ag sonrú a cúiseanna an t-imscrúdú a chur ar fionraí. Rinne an tOmbudsman do Leanaí an cinneadh seo toisc, mar Oifigeach Stáit agus ceann eagraíochta a fhaigheann maoiniú poiblí, go raibh sí den tuairim go bhfuil sé de dhualgas uirthi bheith cuntasach go poiblí don chaoi a n-úsáideann sí na hacmhainní atá faoina cúram.

Ar an 8 Bealtaine 2009 cuireadh cóip den cháipéisíocht chuig go léir a ar fáil don Oifig. Ina dhiaidh sin chuir an FSS in iúl go ndearna gnólacht dlí an earráid riaracháin agus iad ag feidhmiú ar son an FSS agus mar thoradh air sin ní bhfuair an Oifig an comhad a bhí i gceist ag an FSS a sheoladh chuig an Oifig.

2. I gcás eile, bhí deacracht ar leith ag an Oifig imscrúdú a bhrú ar aghaidh toisc na ndeacrachtaí comhoibriú a fháil ón gcomhlacht poiblí i gceist, an FSS. Fuair an Oifig an gearán seo i mí an Mheithimh 2007 ó mháthair linbh a fuair bás agus an leanbh sin faoi chúram an Stáit.

Bhí moill shuntasach ar fhreagra a fháil ón FSS maidir leis an ráiteas bunaidh gearáin, agus chomh maith leis sin i soláthar na bpáipéar riachtanach don Oifig ionas go bhféadfaí réamhscrúdú a chur i bhfeidhm. Níor cuireadh na páipéir sin ar fáil go dtí Márta 2008. Tar éis fógra a thabhairt go raibh an Oifig chun tabhairt faoin imscrúdú iomlán i mí Lúnasa 2008 tharla deacrachtaí eile. Chuir an FSS in iúl don OCO go raibh comhairle dlí lorgtha acu agus sa tréimhse eatramhach nach mbeadh an FSS in ann aon cháipéisíocht bhreise a sholáthar ná freastal ar chruinnithe.

Dá bharr seo, ghlac an FSS cinneadh imeachtaí Ardchúirte a thionscnamh chun dúshlán a thabhairt do chumhacht an Ombudsman do Leanaí imscrúdú a dhéanamh ar an gás ar chor ar bith. Bhí an FSS den tuairim, sa mhéid go raibh na nithe faoi imscrúdú ina n-ábhar in imeachtaí Ardchúirte cheana féin, go raibh saincheisteanna íogaire, rúnda nó sonraí, cáipéisíocht nó eolas rúnda faoi chaibidil.

Tugadh breithiúnas ar na himeachtaí Ardchúirte ar deireadh thiar i mí na Samhna 2009. Níor thosaigh an próiseas imscrúduithe go dtí sin.

Go minic nuair a bhíonn moill le heolas a fháil baintear ó luach an eolais sin, agus i gcás moille, ní féidir leis an OCO a dualgais reachtúla a chomhlíonadh agus a imscrúduithe a chur i gcrích chomh gasta agus chomh héifeachtach agus is féidir. Cé go dtuigeann an Oifig seo go bhfuil aon chomhlacht poiblí i dteideal roinnt comhairliúcháin faoi chúiseanna casta, mar sin féin níl sé inghlactha go gcuirfí moill chomh mór leis seo ar chúrsaí. Ní hé amháin gur chuir seo bac le hobair na hOifige, ach chuir sé isteach níos mó ar mháthair an linbh.

Foilseacháin faoi Ghearáin

- *Tuarascáil don Oireachtas – Athbhreithniú ar ghearáin thar ceann leanaí a bhfuil riachtanais speisialta acu i ndáil le soláthar tithíochta.*

I mí Mheán Fómhair 2009 d'fhoilsigh an OCO tuarascáil speisialta maidir le soláthar tithíochta an údaráis áitiúil do leanaí a bhfuil riachtanais speisialta acu. Bhí sé bunaithe ar athbhreithniú ar na gearáin a fuair an Oifig i ndáil leis an gceist agus ar thoradh comhairliúcháin leis na leanaí féin agus a dtuismitheoirí. D'fhéach an tuarascáil le tábhacht lárnach baile oiriúnach do leanaí a chur ina luí ar dhaoine agus bonn agus taca a sholáthar do pholasaí agus cleachtas sa réimse seo sa todhchaí. Ar na téamaí coitianta ó na gearáin agus na comhairliúcháin bhí: deacrachtaí le measúnacht agus tús áite a thabhairt do riachtanais speisialta; moill ar sholáthar tithíochta; gan cur chuige leanbh-lárnach a bheith ann; easaontais i ndáil le caighdeán tithíochta agus droch-chumarsáid le teaghlaigh; stoc tithíochta easnamhach; agus fadhbanna leis an Deontas Athchóirithe Tithíochta.

I gcomhthéacs na gcúiseanna imní a cuireadh in iúl, moladh sa tuarascáil go mbeadh leanaí a bhfuil riachtanais speisialta acu lárnach sa phróiseas mar a leithdháiltear tithíocht ar a dteaghlach; go gcuirfí feabhas ar an gcomhairliúchán le teaghlaigh; agus go n-aithneofaí riachtanais shonracha na leanaí a bhfuil riachtanais speisialta acu i bhforbairt agus in athbhreithniú an pholasaí náisiúnta tithíochta, go háirithe an Straitéis Tithíochta do Dhaoine faoi Mhíchumas. Leagadh béim freisin sa tuarascáil ar go bhfuil an óige ina tréimhse ghearr, agus go gcaithfí déileáil le riachtanais tithíochta go tráthúil nó go mbeadh tionchar diúltach suntasach aige ar leanaí ina bhforbairt agus iad ag feitheamh ar éilimh a bheith réitithe.

Chas an tOmbudsman do Leanaí leis an Aire Comhshaoil, Oidhreachta agus Rialtais Áitiúil chun na moltaí a phlé agus a chur chun cinn.

- *Treoir d'Imscrúduithe*

I mbliana chuir an OCO leabhrán ar fáil atá dírithe ar chomhlachtaí poiblí atá laistigh de shainchúram na hOifige – leabhrán ag cur síos ar na polasaithe agus na gnáthaimh a úsáidtear dá feidhm imscrúduithe. D'fhéach an leabhrán le míniú níos iomláine a thabhairt ar shainchúram agus ar mhandáid an OCO mar fhoras a láimhseálann gearáin, agus chuir eolas ar fáil mar gheall ar phróisis agus ar chritéir a úsáidtear le linn na n-imscrúduithe.

• *Ábhar do Leanaí agus do Dhaoine Óga*

Chun dul leis an ábhar a bhí dírithe ar chomhlachtaí poiblí, cuireadh sraith d'ábhar eolais ar fáil faoin gcaoi le gearán a dhéanamh agus faoin gcóras gearáin féin, agus seo dírithe ar leanaí agus ar dhaoine óga iad féin. Cuireadh dhá shraith d'ábhair ar fáil, ceann amháin faoin gcaoi le gearáin a dhéanamh agus an ceann eile ag cur síos ar cad a tharlaíonn nuair a fhaigheann an Oifig gearáin agus dáileadh iad seo ar fud na tíre, in éineacht le DVD. D'áirigh an diosca trí scannán ghearra, ag insint scéil faoi thrí ghearán a cuireadh faoi bhráid na hoifige agus an tionchar a bhí ag a dtoradh ar na leanaí agus na daoine óga lenar bhain. Scaipeadh na hábhair seo i measc grúpaí óige agus ionaid óige ar fud na tíre, chun feasacht a spreagadh i measc daoine óga faoi fheidhm gearáin an OCO.

Cás-Staidéir

Cás-staidéar Iompar Scoile

Gearán:

Chuir máthair, ar a bhfuil Scléaróis Iolrach, gearán faoi bhráid an OCO thar ceann a mic atá 5 bliana d'aois. Bhí sí tar éis cur isteach ar iompar lamháltais mar go raibh sí buartha nach mbeadh sí in ann a mac a thabhairt ar scoil í féin. Cuireadh in iúl di ámh, nach bhféadfaí a hiarratas a mheas ach amháin dá bhfaighfí 'Foirm Fianaise ar Chomhaontú' sínithe ón mbunscoil is cóngaraí di, mar nach raibh a mac ag freastal ar an scoil is cóngaraí do bhaile an teaghlaigh.

Dhiúltaigh cathaoirleach na scoile is cóngaraí an fhoirm a shíniú ar an mbonn nach raibh 'aon fheidhm sna cúrsaí seo' ag an mBord Bainistíochta. Dúirt an Roinn Oideachais agus Eolaíochta arís, ámh, go mbeadh gá an comhaontú i scríbhinn seo ón mbunscoil is cóngaraí a fháil. D'iarr an mháthair go scríobhfadh an Roinn chuig an mBord Bainistíochta chun a ról a shoiléiriú, ach fuair an freagra nach bhféadfadh an Roinn idirghabháil i gcásanna mar seo. Mar thoradh, ní fhéadfaí breithniú a dhéanamh ar iarratas na mná seo le go gcuirfí iompar lamháltais ar fáil.

Imscrúdú:

Rinne an OCO teagmháil leis an Roinn Oideachais agus Eolaíochta agus le Bord Bainistíochta na scoile chun a ndearcadh ina leith a fháil.

Dhearbhaigh an ROE go bhféadfaí iompar táille íoctha lamháltais a cheadú i gcás nach raibh daltaí ag freastal ar an scoil is cóngaraí dóibh, ar an gcoinníoll go bhfaighfí comhaontú ó Bhord Bainistíochta na scoile is cóngaraí.

Sa fhreagra a sheol siad, dar le cathaoirleach Bhord Bainistíochta na scoile is cóngaraí go raibh sé “strongly of the opinion that as the matter of transport is the responsibility of Bus Éireann in normal circumstances... it is the responsibility of them alone, whenever circumstances are found to be unusual.” Luaigh an cathaoirleach, dá síneadh sé an fhoirm go mbeadh sé ag glacadh air féin an ceart a chinneadh cibé acu ar chóir don leanbh rochtain a bheith aige ar iompar poiblí agus nár chóir do Bus Éireann cinntí deacra mar sin a atreorú chuig an mBord Bainistíochta.

Scríobh an OCO ansin go dtí an Roinn Oideachais agus Eolaíochta chun a fháil amach an raibh siad ábalta a mhíniú don Bhord Bainistíochta an ról forordaithe acu i leith sholáthar iompair lamháltais. Ceistíodh an bhféadfaí scor den cheanglas i gcás nach raibh an scoil sásta a ról a aithint.

I bhfreagra na Roinne luadh go ndearnadh cumarsáid ó bhéal le príomhoide agus le cathaoirleach Bhord Bainistíochta na scoile ag míniú a ról i ndáil le soláthar iompair lamháltais. Luaigh siad freisin go raibh cruinniú Boird le tarlú agus go bpléifí an cheist ag an staid sin. Bhí an Bord le teagmháil a dhéanamh leis an Roinn, agus chuirfeadh an Roinn an cinneadh deiridh in iúl don OCO ansin.

Toradh:

Rinne an Roinn Oideachais agus Eolaíochta teagmháil le máthair an linbh agus chuir in iúl di go mbeadh a mac in ann fónamh a bhaint as an scéim iompair lamháltais scoile. Tar éis idirghabháil an OCO tá réiteach faighte ag an leibhéal áitiúil agus ní raibh gá le haon idirghabháil bhreise.

Cás-staidéar

Oideachas - Deontas Oideachais Baile do leanbh le huathachas

Gearán:

Chuir tuismitheoirí linbh 4 bliana d’aois gearán faoi bhráid an OCO, ag cur in iúl a gcúiseanna imní faoina leanbh, le diagnóis de neamhord ar speictream an uathachais agus neamhord intleachtúil measartha, ar diúltaíodh di, ar ghearrfhógra, Deontas Teagaisc sa Bhaile don bhliain scoile le teacht, agus luaigh an Roinn Oideachais agus Eolaíochta go raibh socrúchán ar fáil don leanbh i mbunscoil phríomhshrutha.

Dar leis an ngearánaí ní bheadh an socrúchán sa scoil oiriúnach do riachtanais an linbh mar gur leanbh neamhbhriathartha é, nach raibh oiliúint leithris air go fóill, agus a raibh neamhord cothaithe aige. De bhreis air sin d’éiríodh sé feargach agus bhíodh taghdanna feirge aige agus é corraithe nó frustrachas air. Bhí cáipéisíocht faoi iamh ó phríomhoide na scoile i gceist, ó dhochtúir an linbh, ó Fhoireann Tacaíochta Luath-óige an FSS, agus thacaigh an cháipéisíocht uile sin leis an dearcadh nach raibh an leanbh seo ullamh don bhunscoil. Chomh maith leis sin, chuir na gearánaithe in iúl an tuairim nach mbeadh

socrúchán in aonad ASD na scoile oiriúnach mar go raibh na leanaí ag freastal ar an rang sin idir 7 agus 8 mbliana d'aois, agus bhí siad go léir briathartha agus oiliúint leithris orthu.

De bhreis air sin, luaigh na gearánaithe go raibh an bhunscoil breis is 25 míle ón mbaile. Toisc an achair agus an méid ama a thógfadh sé an leanbh a thabhairt ar scoil, agus i gcomhthéacs a riachtanas speisialta, dar leis na gearánaithe ní raibh sé indéanta socrú go rachadh an leanbh an t-aistear sin chun na scoile agus abhaile arís ar an mbus, nó i gcarr lena thuismitheoirí, ag an gcéim seo dá fhorbairt.

Roimhe seo bhain siad úsáid as an Deontas Teagaisc sa Bhaile chun íoc as teagascóir i saoráid réamhscoile phríobháideach uathachais. Mar sin, bhí na thuismitheoirí den tuairim, i bhfianaise neamh-ullmhacht an linbh don bhunscoil, nach mbeadh an deontas ar fáil dóibh agus nach bhféadfaidís íoc as an réamhscoil speisialta a thuilleadh, go mbeadh tionchar tromchúiseach neamhfhabhrach aige ar fhorbairt an linbh. Luaigh siad freisin, gur chiallaíodh tráth an chinnidh an deontas a dhiúltú, arna chur in iúl dóibh an 1 Meán Fómhair 2009, nach mbeadh tréimhse aistrithe ann don leanbh idir an réamhscoil agus an bhunscoil phríomhshrutha. An réiteach a bhí á lorg ag na gearánaithe sa chás seo ná go ndéanfaí faomhadh ar feadh bliana eile ar a laghad ar dheontas Teagaisc sa Bhaile ar son a mic.

Imscrúdú:

Tar éis an gearán seo a fáil, thionscain an OCO réamhscrúdú agus scríobh chuig an Roinn Oideachais agus Eolaíochta, ag lorg cur síos ar a dtuiscint ar an gcás seo.

Lorg an OCO freisin cuntas ar an bpróiseas mar a ndearnadh scoil a aimsiú don leanbh agus cur isteach ar chlárú sa scoil sin i bhfianaise na diagnóise aige, chomh maith le heolas ar an gcaoi a ndéantar oiriúnacht do shocrúchán oideachais a chinneadh, lena n-áirítear sonraí faoin bpróiseas idirchaidrimh a tharlaíonn idir na gairmithe FSS iomchuí nuair atá cinneadh á ghlacadh cibé acu ar chóir do leanbh freastal ar réamhscoil nó ar bhunscoil.

I gcomhthéacs na gcúiseanna imní ag na thuismitheoir maidir le fad na scoile ón mbaile agus na socrúithe taistil don leanbh, lorg an OCO dearbhú gurb í an scoil a roghnaíodh, 25 míle ón mbaile, an scoil oiriúnach ba chónaraí nó nárbh í agus cibé acu an riabh an leanbh i dteideal iompar scoile nó nach raibh. D'fhiosraigh an OCO an raibh siad tar éis breithniú a dhéanamh ar scoil níos cóngaraí do bhaile an linbh.

Roimhe seo bhí an Roinn Oideachais & Eolaíochta tar éis a chur in iúl don OCO go gcláraíonn breis is leath de leanaí na tíre i mbunscoil i Meán Fómhair bhliain a 5ú breithlá agus go bhfuil fianaise ann go bhfuil an tús níos déanaí seo ar scoil chun sochair leanaí, ar bhonn oideachais agus sóisialta araon. Lorg an Oifig seo soiléiriú faoin mbunús a bhí le leanbh le huathachas a chlárú i mbunscoil ag aois a ceathair.

Toradh:

Mar thoradh, luaigh Aonad Bainistithe Athraithe na Roinne Oideachais & Eolaíochta go raibh siad den tuairim go raibh Deontas Teagaisc sa Bhaile faofa i ndáil leis an gcás seo, d'ainneoin comhfhreagrais ón Roinn a shonraigh go raibh an Deontas diúltaithe. An lá dár gcionn, chuir na gearánaithe glaoch ar an OCO ag cur in iúl go raibh an DTB ceadaithe don scoilbhliain agus go ndéanfaí fócaíocht a shiardhátú.

Mar thátal, tá an Oifig seo den tuairim go bhfuil an Roinn Oideachais & Eolaíochta anois tar éis réiteach imleor a sholáthar ar an scéal don ghearánaí.

Cás-staidéar

Próiseas mar a ndéantar láimhseáil ar ghearáin scoile

Gearán:

Tháinig gearán ó mháthair thar ceann a hiníne 10 mbliana d'aois, maidir leis an gcaoi ar láimhseáil scoil a hiníne le tarlú sa rang. Bhí sé líomhanta gur bhuail múinteoir an leanbh ar a lámh agus ina dhiaidh sin go ndearna an múinteoir i gceist agus an Príomhoide Cúnta araon í a 'chiapadh' ar bhealach míchuí. Mar chríoch ar an scéal ghabh an cailín leithscéal gur chuir sí i leith an mhúinteora í a bhualadh. De bhreis air seo, cé gur chuir an leanbh in iúl gur theastaigh uathi labhairt lena máthair agus dul abhaile, ní dhearna an fhoireann aon teagmháil lena máthair. Chuir an tuismitheoirí díomá in iúl faoin gcaoi ar láimhseáladh an gearán seo, chomh maith le tarlú roimhe sin, agus go raibh sé deacair teagmháil a dhéanamh leis an scoil agus nach raibh gnáthaimh na scoile soiléir.

Imscrúdú:

De réir an Achta um Ombudsman do Leanaí 2002, chinn an OCO go gcuirfí tús le réamhscrúdú chun inghlacthacht an ghearáin a mheas, chun an tsaincheist a thuiscint níos fearr ó dhearcadh na bpáirtithe uile i gceist agus chun cinneadh a dhéanamh ar an leibhéal idirghabhála, más iomchuí, a mbeadh gá leis ón Oifig.

Ainmníodh trí phríomh-shaincheist mar cheisteanna is imscrúdaithe ag an OCO. Seo a leanas na saincheisteanna sin::

- An cineál agallaimh a tharla idir an leanbh-ghearánaí agus an múinteoir i gceist agus an Príomhoide Cúnta;
- Imní nach bhfuarthas toiliú tuismitheora sular tharla seo;
- An tionchar neamhfhabhrach a d'fhéadfadh bheith ag bearta riaracháin na scoile ar an leanbh.

Ní raibh aon údarás ag an OCO a chinneadh cibé acu ar tharla an tarlú líomhanta idir an leanbh agus an ball foirne nó nár tharla. Bhí an Oifig in iúl go raibh an Bord Bainistíochta sásta, bunaithe ar an bhfianaise ar fáil, nach raibh aon iompar míchuí ann ó na múinteoirí

i gceist. Bhí an gearánaí soiléir, ámh, nach rabhthas ag glacadh leis seo. An ról a bhí ag an OCO, mar sin, ná scrúdú a dhéanamh ar bhearta riaracháin na scoile agus ina dhiaidh sin an Bhoird Bhainistíochta, ag déileáil leis an tarlú líomhanta.

Ar dtús báire, ní bhfuair an Oifig aon fhianaise go raibh aon drochriarachán ann sa chaoi ar láimhseáil an Bord an gearán foirmiúil i ndáil lena ngnáthamh gearán féin. Bhí ceisteanna riaracháin fanta, ámh, maidir leis an bpróiseas bunaidh agallaimh/ imscrúdaithe a tharla ar thráthnóna an tarluithe líomhanta. Tar éis breithniú cúramach a dhéanamh ar an eolas a fuarthas le linn an réamhscrúdaithe, bhí an Oifig sásta na nithe seo a leanas a chinneadh:

- Bhí an leanbh páirteach in agallamh/imscrúdú a rinne an Príomhoide Cúnta agus an ball foirne faoin líomhain a rinneadh, a dhírigh ar an bpríomhcheist cibé acu ar tharla an tarlú nó nár tharla.
- Ní bhfuarthas toiliú an tuismitheora faoin gcruinniú imscrúdaithe leis an leanbh;
- D'éirigh an leanbh corraithe le linn an agallaimh.

San eolas a chuir an scoil ar fáil níor sonraíodh aon ghnáthaimh riaracháin ar leith chun agallamh a chur ar leanbh i gcúinsí mar seo. I gcoitinne, tuigean an OCO go bhfuil easpa treoirilínte ann faoin gcaoi ar chóir do scoileanna cinneadh a dhéanamh faoi na cúinsí agus an chaoi ar chóir agallamh a chur ar leanaí. Seo ceist a d'ardaigh an Oifig go díreach leis an Roinn Oideachais & Eolaíochta.

Tar éis scrúdú a dhéanamh ar an gceist, bhí an OCO den tuairim i gcás scoile a bhí ag iarraidh imscrúdú a réachtáil faoi tharlú cosúil leis an gceann seo, gur chóir don scoil sin a chinntiú, ar mhaithe le neamhchlaontacht agus cothroime, nár chóir d'aon bhall foirne arb é nó í ábhar na líomhna a bheith i láthair agus an gearánaí á c(h)ur faoi agallamh.

Ón eolas a chuir an scoil ar fáil, tuigean an OCO, maidir leis an gceist a bhain le teagmháil a dhéanamh leis na tuismitheoirí ar iarratas ón dalta, go ndéileáiltear lena leithéid ar bhonn réasúntachta, agus go gcinntear air sin ag brath ar réiteach ciallmhar an bhaill foirne. Tá an Oifig seo den tuairim, i gcás go raibh an scoil tiomanta de agallamh imscrúdaithe a réachtáil ar an mbealach seo, go raibh sé de cheart acu toiliú tuismitheora a fháil, ar an gcéad ásc. Is léir don Oifig gurb ionann an teip seo toiliú a fháil agus beart riaracháin neamh-inmhianaithe.

Thug an Oifig faoi deara ón eolas a fuarthas go ndéantar polasaí cosanta leanaí na scoile a athbheithniú ar bhonn rialta. Rinne an OCO tathant ar an scoil na pointí thuas a bhreithniú agus a polasaí cosanta leanaí agus polasaithe ginearálta na scoile á mbreithniú acu, ar polasaithe iad a bhaineann le hagallaimh a réachtáil agus dul i dteagmháil le tuismitheoirí.

Tuigeann an OCO go raibh an leanbh corraithe le linn an phróisis agallaimh áirithe seo, ach ní fhéadfaí a chinneadh, cibé acu ar tharla an éifeacht neamhfhabhrach ar an leanbh toisc gur cuireadh an leanbh faoi phróiseas agallaimh/imscrúdaithe, chomh maith lenár tharla le linn an agallaimh sin, nó ar tharla sé toisc an tarluithe líomhanta bunaidh.

Toradh:

Tar éis scrúdú iomlán a dhéanamh beartaíodh nach mbeadh gá ag an Oifig tuilleadh imscrúdaithe a dhéanamh ar na cúrsaí seo faoi láthair. Thagair an OCO, ámh, do na bearta riaracháin a glacadh sa scoil agus rinne tathant ar an scoil dul i ngleic leis an cheist a ardaíodh. Scríobh an OCO chuig an scoil, ag cur an Phríomhoide agus an Bhoird Bhainistíochta ar an eolas faoi chonclúid an réamhscrúdaithe ag cur síos ar thorthaí agus ar dhearcadh na hOifige mar atá sonraithe thuas. Chuir an comhfhreagras seo an deis ar fáil don scoil freagairt don OCO agus aon tuairim a bhí acu i leith na dtorthaí a chur in iúl.

D'fhreagair an scoil dá réir agus léirigh go mbreithneofaí moltaí na hOifige. Cuireadh in iúl don Oifig go bpléifí an cheist agus go gcuirfí chun cinn í ag an gcéad chruinniú Boird eile.

Cás-staidéar

Seirbhísí iar-ama/larchúram/Seirbhísí Cúraim Shóisialta

Gearán:

Rinne duine óg, 16 bliana d'aois, teagmháil leis an oifig. Bhí an duine óg seo tar éis fónamh a bhaint as seirbhísí iar-ama/idirghabhála géarchéime an FSS. Bhí duine dá tuismitheoirí tar éis bás a fháil agus bhí an tuismitheoir eile ag cónaí lasmuigh den dlínse. Toisc deacrachtaí teaghlaigh, líomhain sí nach raibh sé indéanta cónaí leis an tuismitheoir a mhair. Ar dtús báire d'fhan sí le cairde agus d'íoc as a lóistín. Nuair a chlis air seo, bhog sí isteach lena siblín 19 mbliana d'aois, a raibh an FSS ag soláthar iarchúraim dó/di. Tar éis cúpla mí, chlis ar an socrúchán seo agus bhí an duine óg 16 bliana d'aois anois gan dídean, ag rochtain seirbhísí iar-ama FSS.

Chuala sí trácht ar an OCO ar scoil agus chuir sí gearán faoi bhráid na hOifige faoin easpa tacaíochta ón FSS, go háirithe deacrachtaí tacaíocht oibrí shóisialta a fháil agus freagra a fháil ar a glaonna gutháin. Chuir sí in iúl gur mhothaigh sí aonraithe agus gan iarraidh.

Imscrúdú:

D'atreoraigh an OCO an duine óg chuig na grúpaí tacaíochta iomchuí agus thionscain scrúdú ar an gcás.

Sa fhreagra a sheol siad, chuir an FSS síos ar a n-iarrachtaí an leanbh a athaontú lena tuismitheoirí, ach dhiúltaigh sí. Sa tréimhse seacht mí ón uair a bhí an FSS in iúl ar go raibh sí ina haonair agus an tráth ar thosaigh sí ag úsáid na seirbhísí iar-ama, bhí cúig cinn de ghlaonna gutháin tarlaithe idir na páirtithe éagsúla maille le dhá chruinniú. Chomh maith leis sin, scríobh an FSS litir chun cárta leighis an linbh a athnuachan.

Cé gur mhínigh an FSS don leanbh gur gnáth an rud é go rachfaí i dteagmháil le seirbhísí sóisialta ón dlínse eile chun éascú a dhéanamh ar an athaontú, ní raibh aon fhianaise gur tharla teagmháil chun chuidiú le hathaontú nó chun a chinneadh, más iomchuí é, i bhfianaise éilimh an linbh gur tréigeadh í ansin cúpla uair. Ar an gcaoi chéanna, ba dhealraitheach nár tharla aon ní chun a sheiceáil cibé acu an raibh an socrúchán leis an siblín 19 mbliana d’aois oiriúnach.

Toradh:

Le linn imscrúdú an OCO, thionscain an leanbh imeachtaí dlí le tacaíocht roinnt grúpaí, agus dá bhun sin bhog sí ó lóistín iar-ama an FSS chuig socrú maireachtála tacaithe neamhspleách. D’ainneoin sin, ba chúis imní sonraí an cháis seo ó thaobh leibhéal na tacaíochta arna soláthar don duine óg ón FSS, go háirithe i bhfianaise go raibh sí aonraithe, leochaileach.

Cás-staidéar

An Roinn Oideachais - Soláthar lúil do leanbh le Neamhord ar Speictream an Uathachais

Gearán:

Rinne máthair teagmháil leis an OCO, thar ceann a mic 12 bhliain d’aois ag an uair, le diagnóis de Neamhord ar Speictream an Uathachais. Bhí sé ag freastal ar bhunscoil phríomhshrutha agus ag fáil uaireanta teagaisc acmhainní uasta ón mbliain 2003 i leith mar thoradh ar an diagnóis sin. Sa bhliain 2006 tháinig sí ar an eolas go raibh teagasc sa bhaile ar fáil faoin scéim Soláthair lúil arna Riar ag an Roinn Oideachais agus Eolaíochta.

Forálann an scéim seo do shíneadh an tsoláthair oideachais trí mhí lúil do leanaí le diagnóis de mhíchumas foghlama ginearálta trom agus do leanaí le diagnóis d’uathachas. De ghnáth soláthraítear seo tríd an scoil, ach i gcás nach bhfuil an scoil ar a bhfreastalaíonn an leanbh páirteach sa scéim, féadfaidh an teaghlach cur isteach ar dheontas do theagasc sa bhaile.

Bhain gearán na máthar le heaspa eolais agus feasacht faoi theidlíocht a mic cur isteach ar an tseirbhís agus ar dhiúltú na Roinne Íocaíocht Shiarghabhálach a sholáthar do na blianta nach raibh fhios aici faoin scéim.

Imscrúdú:

Lorg an Oifig eolas ón Roinn Oideachais agus Eolaíochta, lena n-áirítear raon na scéime Soláthair Lúil, critéir incháilitheachta, agus an próiseas mar a gcuirtear faighteoirí féideartha in iúl ar infhaighteacht na scéime.

Tar éis imscrúdú breise a dhéanamh ar an scéal, fuair an Oifig go raibh bearta riaracháin na Roinne Oideachais agus Eolaíochta tar éis tionchar neamhfhabhrach a bheith acu ar an leanbh i gceist, mar thoradh ar fhaillí nó neamhchúram ar chleachtas riaracháin neamh-inmhianaithe.

Le linn an imscrúdaithe cuireadh in iúl don Oifig gur forbraíodh an scéim Soláthair Lúil ar an gcéad ásc do leanaí le míchumas foghlama ginearálta trom. Sa bhliain 2000 cuireadh le raon na scéime ionas go bhféadfadh leanaí le cineálacha uathachais sochar a bhaint as an ionchur breise oideachais. Ar dtús báire chuir an ROE in iúl do scoileanna speisialta agus do bhunscoileanna príomhshrutha le ranganna speisialta go raibh an scéim seo ar fáil do leanaí le huathachas. Sa bhliain 2002 cuireadh cúnaimh deontais ar fáil chun éascú a dhéanamh ar sholáthar teagaisc sa bhaile d'fhonn a chinntiú nach mbeadh leanaí faoi mhíbhuntáiste mura raibh a scoil páirteach sa scéim.

Fuair an Oifig gurb í an phríomhcheist a bhain leis an ngearán ná nár breithníodh leanaí le diagnóis d'uathachas a bhí ag freastal ar scoil phríomhshrutha sa riarachán tosaigh nuair a tugadh isteach an scéim teagaisc sa bhaile. Cibé scéal é, i gcás gur chuir tuismitheoirí na leanaí sin isteach ar an scéim, cheadaigh an Roinn na hiarratais i gcás gur comhlíonadh na critéir incháilitheachta. Mar thoradh ar an easpa pleanála seo, amh, níor cuireadh tuismitheoirí leanaí le huathachas, a bhí ag freastal ar scoil phríomhshrutha, ar an eolas, agus de bhreis air sin, is dealraitheach nach raibh aon mhodh ann chun na teaghlaigh sin a aithint ar an gcéad dul síos.

Níor bhfuair faighteoirí faoin scéim seo amach faoi infhaighteacht na scéime ach ó bhéal agus níor déileáladh lena n-iarratais go hindibhidiúil, Mar sin, ba léir don OCO nach raibh an phleanáil a rinne an ROE leordhóthanach i ndáil le leanaí a aithint a d'fhéadfadh sochar a bhaint as an scéim nuair a thabharfaí isteach í, go sonrach leanaí le diagnóis d'uathachas ag freastal ar scoil phríomhshrutha. Mar thoradh air, bhí leanaí ann a bhí faoi mhíbhuntáiste sa mhéid nach raibh a dteaghlaigh in iúl ar infhaighteacht na scéime.

Toradh:

Le inn an imscrúdaithe seo, ghlac an ROE céimeanna chun feabhas a chur ar an bpróiseas mar a ndéantar leanaí a aithint a d'fhéadfadh sochar a bhaint as an scéim Soláthair Lúil agus chuir a hinfaighteacht in iúl do gach bunscoil a fhaigheann uaireanta acmhainní do leanaí le huathachas.

Chomh maith leis sin mhol an Oifig na nithe seo a leanas don ROE:

- A chinntiú i gcás gach linbh atá i dteideal cur isteach ar an scéim Soláthair Lúil go gcuirff infhaighteacht na scéime in iúl dóibh;
- Breithniú ar chláir a fhorbairt chun feasacht a spreagadh i ndáil leis na seirbhísí atá ar fáil;
- Polasaithe agus treoirlínte a fhorbairt go sonrach i ndáil leis an scéim Soláthair Lúil d'fhonn a chinntiú go ndéanfaí riarachán iomchuí uirthi;
- I ndáil le híocaíocht shiarghabhálach, rinne an Oifig tathant ar an Roinn Oideachais agus Eolaíochta breithniú a dhéanamh ar bhearta roghnacha chun an tionchar neamhfabhrach ar an leanbh seo a réiteach nó a mhaolú.

Mar fhreagra, luaigh an Roinn Oideachais agus Eolaíochta gur glacadh céimeanna chun a chinntiú go gcuirff in iúl do gach leanbh atá ag freastal ar bhunscoil príomhshrutha agus atá i dteideal cur isteach ar an scéim Soláthair Lúil, go bhfuil an scéim ar fáil, go sonrach scoileanna speisialta, scoileanna le ranganna speisialta agus scoileanna príomhshrutha atá ag fáil acmhainní breise le haghaidh leanaí le huathachas. Chomh maith leis sin, léirigh an Oifig seo cúis imní i ndáil leis an gcaoi a gcuirtear infhaighteacht an tsoláthair teagaisc sa bhaile do dhaltáí iar-bhunleibhéil in iúl, agus ina dhiaidh sin mhol, sa bhliain 2008, go mbeadh céimeanna glactha ag an ROE chun infhaighteacht na scéime a chur in iúl mar a rinne do bhunscoileanna.

Chuir an Roinn na nithe seo a leanas in iúl freisin:

- Dhéanfaí breithniú ar fhoilsiú ciorcláin i ndáil les an scéim Soláthair Lúil;
- Dhéanfaí aon seirbhís nó scéim nua arna riar ag an rannóg Oideachais Speisialta a fhógairt ar an suíomh gréasáin.

Chuir an Oifig cúis imní in iúl faoi leorgacht an ní dheireanaigh seo agus d'iarr ar an Roinn athbhreithniú a dhéanamh ar a mholadh de réir an chuir chuige níos cuimsithí atá i bhfeidhm faoi láthair – eadhon infhaighteacht na scéime Soláthair Lúil ag an mbunleibhéal a fhógairt. Ina dhiaidh sin, luaigh an Roinn go raibh raon modhanna ann chun infhaighteacht scéimeanna nua a fhógairt.

Luaigh an Roinn freisin go raibh athbhreithniú ar an scéim Soláthair Lúil ar bun faoi láthair.

Chuir an Oifig seo cúis imní in iúl i ndáil le héifeacht neamhfabhrach ar an leanbh is ábhar an ghearáin, toisc nach bhféadfadh an leanbh sin fónamh a bhaint as an teidlíocht teagasc a fháil sa bhaile faoin scéim Soláthair Lúil le linn 2003-2005. Níl an Roinn den tuairim gur ghá aon bhearta roghnacha sa mhéid nach bhfuil sé indéanta an éifeacht neamhfabhrach sin a mheas, má ann di, agus measann go bhfuil acmhainní imleora

ar fáil don leanbh sa socrúchán reatha. Ghlac an Oifig nach bhféadfaí méid beacht na héifeachta neamhfhabhraí a chainníochtú agus a mheas agus a chinneadh an féidir sin a leigheas amach anseo. D’ainneoin na ndeacrachtaí méid na héifeachta neamhfhabhraí a mheas, tá an Oifig den tuairim, mar sin féin, nach cúis mhaith go leor ann féin é sin le go gcoiscfí comhlacht poiblí ó chúiteamh a sholáthar. I bhfianaise na n-acmhainní arna soláthar don duine óg sa socrúchán reatha agus gur cuireadh le raon na scéime Soláthair Lúil le go gcuimseofaí iar-bhunscoileanna, níor mhol an Oifig seo aon chéimeanna breise.

Cás-staidéar

Iompar lamháltais do leanbh le riachtanais speisialta

Gearán:

Rinne athair teagmháil leis an OCO, thar ceann a iníne, mar thoradh ar a riocht leighis – riachtanais throma speisialta. Bhain an gearán le heaspa soláthair iompair scoile lamháltais di ionas go bhféadfadh sí freastal ar an scoil a roghnaigh an teaghlach. Roghnaigh na tuismitheoirí an scoil sa mhéid go raibh siad den tuairim gurb í sin an scoil is oiriúnaí a fhreastalaíonn ar oideachas speisialta chun cuidiú le forbairt agus leas.

Is éard is iompar lamháltais ann ná suíochán ar bhus scoile a bheith ar fáil do leanbh fiú mura bhfuil an leanbh ag freastal ar an scoil is cóngaraí. Braitheann seo ar infhaighteacht suíocháin shaora tar éis freastal ar leanaí lán-incháilithe ar an scéim. Má fhaightear suíochán lamháltais bliain amháin ní thugann sin teidlíocht an suíochán a fháil an bhliain dár gcionn. Ghlac an teaghlach leis na coinníollacha seo agus lorg áit lamháltais ar bhus scoile a bhí ag taisteal cheana féin chuig an scoil a roghnaigh siad ó bhaile cóngarach. Is éard a bhí i gceist lena moladh ná a n-iníon a thabhairt chuig an bpointe bailithe sa bhaile sin agus íoc as ticéad. Diúltaíodh dá moladh cé go raibh spás ar fáil, bhí an bus inrochtana do chathaoireacha rothaí agus ní bheadh aon chostas breise ar an Stát.

In éagmais iompar scoile, thug an teaghlach a n-iníon chun na scoile agus abhaile arís gach lá. Mar thoradh ar an achar taistil i gceist, níor fhreastal sí ar an scoil ach ar bhonn treallach agus cuireadh isteach ar an saol sa bhaile de bharr an méid ama a bhí i gceist leis.

Imscrúdú:

Lorg an OCO eolas ón An Roinn Oideachais agus Eolaíochta go háirithe i ndáil le céard a tharla maidir leis an gceist seo agus i gcoitinne i ndáil leis an gcaoi ar féidir le leanaí a bhfuil riachtanais speisialta acu úsáid a bhaint as iompar scoile i gcásanna mar seo. Cé nach bhfuil aon pholasaí sonracha ann i ndáil le cinneadh a leithéid d’iompar a cheadú, chuir an Roinn Oideachais agus Eolaíochta roinnt saincheisteanna samplacha ar fáil de na deacrachtaí a d’fhéadfadh a theacht chun cinn dá ligfí do leanaí le riachtanais speisialta taisteal ar an gcaoi seo. Bhain na saincheisteanna seo le riar na scéime, le sláinte agus sábháilteacht an linbh, agus leis an éiginnteacht a bhain le hiompar lamháltais.

Cibé scéal é, tar éis breithniú cúramach a dhéanamh ar an eolas a fuarthas, fuair an Oifig go ndeachtaigh bearta riaracháin na Roinne Oideachais agus Eolaíochta, trí dhiúltú iompar a sholáthar ar na forais seo, isteach go neamhfhabhrach ar an leanbh i gceist agus go raibh an Roinn leatromach ar bhealach míchuí. Fuarthas go raibh sin amhlaidh toisc an chuir chuige ghinearálta a bheith ina fhreagra díréireach ar fhadhbanna féideartha, i bhfianaise na haidhme beartaithe – is é sin cúnamh a thabhairt do leanaí le riachtanais speisialta freastal ar scoil. De bhreis air sin, níor thug sé an deis do leanaí indibhidiúla aon bhac féideartha a sháru. Tríd an bpróiseas, chuir an gearánaí in iúl gur ghlac siad go hiomlán le téarmaí an iompair lamháltais agus go raibh siad in ann gach bac féideartha a sháru. Tuigeann an OCO go bhfuil cásanna ann nach bhfuil an socrú d’iompar lamháltais oiriúnach do leanbh áirithe ach bhí an Oifig den tuairim gur chóir cás indibhidiúil linbh a chur san áireamh go himleor seachas toirmeasc ginearálta a chur i bhfeidhm.

Toradh:

Mhol an tOmbudsman do Leanaí go ndéanfadh an Roinn Oideachais agus Eolaíochta leasú ar a bpolasaí reatha faoi iompar scoile ionas go bhféadfaí iompar lamháltais a cheadú do leanaí le riachtanais speisialta trí scéim iompair scoile speisialta. Ba chóir go léireodh an leasú seo go cóir riachtanais speisialta taistil an linbh, lena n-áirítear tacáí agus cumais a d’fhéadfadh bheith ag an leanbh. Mar thoradh air seo, bheadh sochar suntasach ann do thuismitheoirí chun na háiseanna is fearr oideachais a fháil dá leanaí.

Mar fhreagra dúirt an Roinn Oideachais agus Eolaíochta gur aontaigh siad go hiomlán na moltaí a chur i bhfeidhm agus go n-athrófaí na coinníollacha reatha i scéim iompair scoile do leanaí le riachtanais speisialta don scoilbhliain 2011/ 2012.

Luaigh an Roinn go rachaidís i gcomhairle leis an NCST agus le Bus Éireann freisin mar chuid de dhéanamh foirmiúil an ghné seo d’iompar scoile.

Mar thátal, agus sásta leis an toradh ar an mbonn sin, chuir an Oifig an t-imscrúdú i gcrích agus déanfaidh athbhreithniú ar an dul chun cinn roimh dháta a feidhmithe. Tá an Oifig seo den tuairim go mbeidh an ghné nua seo den scéim ina shochar suntasach do leanaí ar fud na tíre.

5

polasaí agus reachtaíocht

D'fhonn cearta agus leas leanaí agus daoine óga a chur chun cinn, tá sé ríthábhachtach go mbeadh obair an OCO bunaithe ar fhorbairt chúramach léargasach polasaí. Ar chúiseanna casta, tá an iliomad leanaí in Éirinn an lae inniu ina leanaí leochaileacha. Ní foláir d'athrú teacht ar an scéal. Oibrímid go dian lena chinntiú go gcloíonn reachtaíocht, polasaí náisiúnta agus seirbhísí Stáit leis na caighdeáin is airde ó thaobh cearta daonna idirnáisiúnta de; go háirithe go gcomhlíonfaidís dualgais na hÉireann faoi Choinbhinsiún na NA um Chearta an Linbh.

Ról polasaí na hOifige

Leagtar amach san Acht um Ombudsman do Leanaí, 2002 an ról polasaí agus taighde atá ag an OCO. Áirítear na nithe seo a leanas sa ról sin:

- Comhairle a sholáthar d'Airí ar fhorbairt agus ar chomhordú polasaí a bhaineann le leanaí;
- Monatóireacht agus athbhreithniú ar oibriú na reachtaíochta a bhaineann le cearta agus leasa leanaí;
- Monatóireacht agus athbhreithniú a dhéanamh ar oibriú Acht an Ombudsman do Leanaí agus, i gcás gur féidir é, moltaí a dhéanamh chun é a leasú;
- Dul i mbun taighde, é a chur chun cinn agus a fhoilsiú ar aon ábhar a bhaineann le cearta agus leas leanaí; agus
- Eolas a mhalartú leis na hOmbudsmen do Leanaí i stáit eile.

De bhreis air sin, déanann an tAcht soiléir go bhféadfaidh an tOmbudsman do Leanaí comhairle a sholáthar d'Airí ar aon cheist a bhaineann le cearta agus leas leanaí. Áiríonn seo an fheidhm thábhachtach comhairle a sholáthar d'Airí faoi chur i bhfeidhm tograí reachtúla iomchuí le haird ar leith ar a n-impleachtaí do leanaí agus dá bhfolláine.

Comhairle i gcomhair Airí Rialtais faoi Reachtaíocht Bheartaithe

Tá cáipéisí iomlána ar fáil ar rannóg na bhfoilseachán ar ár suíomh gréasáin www.oco.ie

An Bille Uchtála 2009

D'fhoilsigh an tAire Leanaí agus Gnóthaí Óige an Bille Uchtála ar an 23 Eanáir 2009. Is í aidhm shonraithe an Bhille comhdhlúthú agus leasú a dhéanamh ar reachtaíocht uchtála, agus éifeacht a thabhairt do Choinbhinsiún na Háige um Chosaint Leanaí agus Comhoibriú i ndáil le hUchtú idir Thíortha 1993.

Cé nár atreoraíodh an Bille go foirmiúil go dtí Oifig an Ombudsman do Leanaí le haghaidh ráitis, d'ullmhaigh an OCO comhairle faon reachtaíocht bheartaithe le go ndéanadh an tAire breithniú air de réir alt 7(4) den Acht um Ombudsman do Leanaí 2002, a fhorálann

le go bhféadfaidh an tOmbudsman as a stuaim féin comhairle a sholáthar d'Aire Rialtais ar aon ní a bhaineann le cearta agus leas leanaí, lena n-áirítear an éifeacht dhóchúil a bheadh ag aon reachtaíocht bheartaithe.

Chuir an OCO a comhairle faoi bhráid an Aire Leanaí agus Gnóthaí Óige faoin mBille Uchtála i mí na Samhna 2009. San aighneacht, d'fháiltigh an OCO roimh ionchorprú díreach Choinbhinsiún na Háige i ndlí na hÉireann ach luaigh roinnt réimsí ina bhféadfaí feabhas a chur ar an mBille ionas go mbeadh sé ag feidhmiú níos fearr ar mhaithe le leasa leanaí ar leanaí iad a rachadh sé i gcion orthu. De bhreis air sin, léirigh sé an chaoi a bhféadfadh an Bille comhlíonadh iomlán Choinbhinsiún na NA um Chearta an Linbh a chinntiú chomh maith le hionstraimí idirnáisiúnta iomchuí eile a bhaineann le huchtáil. Seo a leanas na saincheisteanna sonracha a ndeachthas i ngleic leo i gcomhairle an Ombudsman do Leanaí maidir leis an mBille Uchtála: reachtaíocht a bheith go hiomlán leanbh-láraithe; soláthar d'uchtáil leanaí ó theaghlaigh phósta; feabhas a chur ar fhorálacha a eascraíonn ó chomhairliúcháin agus toiliú don uchtáil; cur le critéir incháilitheachta do dhaoine a d'fhéadfadh uchtáil amach anseo; an ceart a rathú do dhaoine uchtáilte eolas a fháil maidir lena mbreith agus lena mbunadh; feidhmiú na seirbhísí aimsithe teaghlaigh a chur ar bhonn reachtúil; agus seirbhísí iar-uchtála a sholáthar.

An Bille um Chiontuithe Spíonta 2007

Tugadh an Bille um Chiontuithe Spíonta isteach mar Bhille ó Chomhalta Príobháideach i mí Dheireadh Fómhair 2007 agus ina dhiaidh sin thóg an Rialtas i gcúram é. Forálann sé d'fhuascailt daoine cáilithe áirithe ón dualgas ciontuithe do choireanna sonracha a nochtadh, tar éis tréimhse athshlánaithe fhorordaithe.

D'atreoraíodh An Roinn Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí téacs bunaidh an Bhille do dtí Oifig an Ombudsman do Leanaí le breithniú i mí Eanáir 2008, agus chuir an OCO a tuairimí faoin mBille isteach i mí an Mhárta. Tar éis an dara céim a chur i gcrích i nDáil Éireann agus tar éis leasú suntasach a dhéanamh air, atreoraíodh an Bille arís chuig an OCO i mí Feabhra 2009 le breithniú i bhfianaise na leasuithe a ionchorpraíodh sa téacs. Chuir an OCO a comhairle fhorlíontach leis an mBille i mí an Mheithimh 2009.

An chroí-shaincheist sa Bhille i ndáil le cearta leanaí agus daoine óga ná cosaint leanaí. Ina breithniúcháin tosaigh, dhírigh an OCO aird ar shaincheisteanna a bhain le cad iad na breitheanna atá le cur as an áireamh, cad iad na fostaíochtaí atá le cur as an áireamh, agus cén gaol atá idir ciontuithe spíonta agus an córas seiceála. Cé go raibh roinnt de chúiseanna imní an OCO i ndáil le fostaíochtaí as an áireamh (dóibh siúd nár fuasclaíodh riamh iad ón dualgas ciontuithe roimhe seo a nochtadh, fiú dá sásóidís na critéir ghinearálta arna leagan amach sa Bhille um Chiontuithe Spíonta) le sonrú sa Bhille leasuithe, ach ní raibh i gcás roinnt eile. Leagadh béim sa chomhairle fhorlíontach a chuir an OCO ar fáil faoin mBille i mí an Mheithimh 2009 ar na saincheisteanna gan réiteach, chomh maith le cur in iúl conas a d'fhéadfaí feabhas a chur ar fhorálacha an Bhille i ndáil le sainmhíniú ar bhreitheanna as an áireamh agus feidhmiú Aonad Seiceála na nGardaí.

Athbhreithniú ar bhás leanaí

Mar a sonraíodh i dtuarascála bliantúla roimhe seo, sheol an tOmbudsman do Leanaí tionscnamh i mí Aibreáin 2007 a bhí dírithe ar an bhféidearthacht modh seasta a bhunú in Éirinn le hathbhreithniú a dhéanamh ar bhás leanaí, cosúil leis na modhanna seasta atá le fáil i ndlínsí eile. D'imigh an tOmbudsman i mbun an tionscnaimh seo de réir a róil faoi alt 7(1) den Acht um Ombudsman do Leanaí 2002 chun comhairle a sholáthar d'Airí Rialtais faoi chomhordú polasaí i ndáil le leanaí.

Reáchtáil an OCO comhairliúcháin spriocdhírthe le páirtithe leasmhara lárnacha chun a ndearcadh a fháil maidir leis an tionscnamh. Mar thoradh ar an tréimhse chomhairliúcháin sin tionóladh seimineár ardleibhéil faoi athbhreithniú ar bhás leanaí ar an 28 Aibreán 2008 d'ionadaithe na bhforas reachtúil agus na ngníomhaireachtaí stáit chun a bhreithniú a bhféadfaí modh a bhunú chun scrúdú córasach a dhéanamh ar bhásanna leanaí in Éirinn. An aidhm leis an seimineár ná eagraíochtaí a thabhairt le chéile a d'fhéadfadh ról a bheith acu i modh mar sin d'fhonn éascú a dhéanamh ar phlé tosaigh faoin gcleachtas reatha agus faoi athruithe a d'fhéadfaí a chur i bhfeidhm.

I mí Feabhra 2009, chuir Oifig an Ombudsman do Leanaí páipéar roghanna ar fáil a leag amach cad iad na gnéithe de bhás leanaí a bhí faoi scrúdú cheana féin in Éirinn agus cad iad na saincheistanna ar ghá a bhreithniú i gcomhthéacs modha chun athbhreithniú a dhéanamh ar bhás leanaí a bhunú sa dlínse seo.

Ar na príomh-shaincheistanna arna sonrú sa pháipéar bhí raon an athbhreithniúcháin, comhdhéanamh na foirne athbhreithniúcháin, eolas a roinnt, cosaint sonraí, rannpháirt bhaill an teaghlaigh agus bealaí le moltaí a dhéanamh. Scaipeadh an páipéar roghanna i measc na bpáirtithe leasmhara go léir, lena n-áirítear an tAire Leanaí agus Gnóthaí Óige. I mí an Mheithimh 2009, chuir an tOmbudsman do Leanaí an páipéar faoi bhráid an Choiste Oireachtais um Shláinte agus Leanaí agus phléigh an páipéar agus a mholtaí leis an gCoiste.

Sa phlean forfheidhmiúcháin bunaithe ar mholtaí an Choimisiúin chun Drochúsáid Leanaí a Fhiosrú (ar a dtugtar go coitianta Tuarascáil Ryan) gheall an Rialtas go mbunófaí modh chun scrúdú a dhéanamh ar bhás leanaí faoi chúram agus faoi choinneáil. Cé go bhfuil an modh molta níos teoranta ina raon ná na próisis athbhreithniúcháin i ndlínsí eile, seo céim dhearfach chun tosaigh i nglacadh cur chuige atá de réir a chéile i leith scrúdú a dhéanamh ar bhásanna leanaí in Éirinn.

An tionscadal Leanaí Scartha ag Lorg Tearmainn

Is éard atá i gceist le leanaí scartha ná leanaí gan cúram agus gan cosaint tuismitheora nó caomhnóra dhlíthiúil. I bhformhór na gcásanna tá siad ag lorg tearmainn agus shroich Éire ina n-aonar nó i dteannta duine fásta nach bhfuil ábalta nó oiriúnach bheith freagrach as a gcúram. I gcás gach linbh a shroicheann Éire cuirtear iad faoi chúram an FSS, agus bhí

tuairim is 175 leanbh faoin gcúram seo tráth an tionscadail. Go mion minic, is íospartaigh na leanaí scartha den gháinneáil, den dúshaothrú gnéis, nó de ghéardhíothacht. De bhreis air sin, tar éis dóibh Éire a shroicheadh, tá an iliomad deacrachtaí i ndán do na leanaí seo ó thaobh rochtain a fháil ar sheirbhísí – cosúil le tithíocht, cúram sláinte agus oideachas – nithe atá de cheart acu a fháil faoin dlí náisiúnta agus idirnáisiúnta. Tá leanaí scartha i mbaol ó chiníochas, ó mbochtaineacht, ón eisiámh sóisialta agus ón leatrom. Féadfaidh saincheisteanna tromchúiseanna cosanta leanaí eascairt as a lóistín, a maoirseacht agus as a gcúram i gcoitinne.

Reachtáladh Tionscadal Leanaí Scartha an OCO ó mhí Eanáir go mí Dheireadh Fómhair 2009. An aidhm a bhí leis ná tuiscint níos fearr a fháil ar shaol agus ar eispéiris na leanaí scartha in Éirinn trí idirchaidreamh le grúpa de na daoine óga seo agus éisteacht lena scéalta agus a n-eispéiris phearsanta. D'imigh an OCO i gcomhairle le piarghrúpa na leanaí scartha agus le gairmithe a oibríonn ar a son. Thug an Oifig cuairt freisin ar ionaid a chuireann lóistín ar fáil áit a bhfuil formhór na leanaí scartha ina gcónaí.

Thosaigh an tionscadal le 'lá oscailte' agus tugadh cuireadh do na leanaí scartha freastal air seo. Ag an lá oscailte seo bhí plé ann faoi na saincheisteanna is mó is cúis imní dóibh. Thug torthaí an réamhphlé seo léargas don OCO bunaithe ar thaithí phearsanta faoi eispéiris na leanaí scartha ó laistigh de chóras a cuireadh i bhfeidhm chun cúram a chur ar fáil dóibh.

D'ardaigh daoine óga a d'fhreastail ar an lá oscailte roinnt saincheisteanna, ina measc bhí:

- Scaradh iad óna siblíní cé gurbh iad na siblíní sin an t-aon bhall eile den teaghlach a bhí ag an leanbh scartha in Éirinn.
- Ní i gcónaí a chaith foireann na mbrúnna áit a rabhadar in gcónaí leo le meas agus/nó go cothrom, lena n-áirítear cúiseanna imní faoi iompraíocht bhagrach i gcás roinnt ball foirne, agus easpa príobháideachta.
- Deacrachtaí cloí le cleachtais agus gnáis reiligiúnacha.
- Droch-chaighdeán bia, sláinteachais agus cóiríochta; agus liúntais neamhleora do riachtanais bhunúsacha cosúil le héadaí.
- Easpa eolais faoi theidlíochtaí, agus easpa tacaíochta chun déileáil le cáipéisíocht oifigiúil.
- Moill ar chóireáil leighis a fháil agus coinní GP a sceidealú.
- Fadhbanna áirithe ag leanaí scartha ar tuismitheoirí iad féin, lena n-áirítear gan a bheith ábalta fanacht in oideachas lánaimseartha toisc na gcostas cúraim leanaí.
- Ba chuma le roinnt d'fhoireann an bhrú i gcás go raibh leanaí scartha as láthair ón scoil, agus uaireanta ní raibh oibrí sóisialta sannta do leanaí scartha.

Thar thréimhse cúpla mí, tháinig na daoine óga go dtí an OCO ar bhonn rialta chun na saincheisteanna a phlé go sonrach – na saincheisteanna ba chúis imní dóibh. Chomh maith leis sin, d’oibrigh siad ar roinnt tionscadal, lena n-áirítear:

- Leabhar treoshúimh a scríobh do leanaí scartha ag cónaí i mBaile Átha Cliath;
- Leabhar a ullmhú lena dtuairimí pearsanta faoi bheith ag cónaí in Éirinn; agus
- Samhail-chathair a thógáil i gcomhar le Dánlann Chathrach Hugh Lane.

Ag eascairt ón tionscadal speisialta seo, tá roinnt réimsí ar cúiseanna imní iad dar leis an OCO: Áiríonn siadsan:

- An caighdeán níos ísle cúraim a chuirtear ar fáil do leanaí scartha i gcomparáid leosan atá i gcóras cúraim príomhshrutha, lena n-áirítear go bhfuil an cóimheas de leanaí scartha le hoibrithe cúraim i bhfad níos airde ná do leanaí eile faoi chúram.
- Is cúis thromchúiseach imní í don OCO an easpa iniúchta ar bhrúnna neamhchláraithe áit a bhfuil leanaí ina gcónaí agus níl seo inghlactha ó thaobh cosaint leanaí de.
- An easpa maoirseachta ar leanaí scartha lena n-áirítear gan foireann chúraim a bheith ar dualgas thar oíche i roinnt mhaith brúnna áit a bhfuil na daoine óga seo ina gcónaí – níl seo inghlactha.
- An líon leanaí scartha atá ar iarraidh, lena n-áirítear gur imigh ar a laghad 419 leabh scartha ar iarraidh ó dheireadh 2000 go dtí Meitheamh 2009 – fíric scanrúil.
- Stádas dlíthiúil na leanaí scartha lasmuigh den phróiseas tearmainn. Go háirithe, i gcás na leanaí a dteipeann ar a n-iarratas ar thearmann nó cead daonnúil, níl aon stádas dlí acu agus níl aon phróiseas fágtha le cur isteach le go ndéanfaí athbhreithniú ar a stádas inimirce.
- Gan caomhnóir nó comhairleoir a bheith ar fáil chun oibriú le leanaí scartha, chun pléadail ar a son, agus chun tacaíocht, cúnaimh agus eolas a sholáthar dóibh.
- Gan modh gearáin a bheith ann chun go bhféadfaidís a gcúiseanna imní a chur in iúl i ndáil leis na saincheisteanna is cúis imní dóibh.

Seoladh an tuarascáil deiridh ar an 19 Samhain 2009 ar Lá Uilíoch na Leanaí, maille leis an leabhar treoshúimh do leanaí scartha agus “All I Have to Say”, an foilseachán a chuir i láthair a scéalta ina bhfocail féin.

Is cúis áthais don Ombudsman do Leanaí tuairisciú ar dhul chun cinn na tuarascála ar na cúrsaí seo ó thús agus fhoilsiú an tionscadail. Cé nach bhfuil an caighdeán cúraim a fhaigheann leanaí scartha atá ag lorg tearmainn ar chomhchéim leis an gcaighdeán cúraim a fhaigheann leanaí Éireannacha i gcúram, tháinig feabhas suntasach air ó d'fhoilsigh an OCO an tuarascáil i mí na Samhna 2009. Laghdaigh céatadán na leanaí scartha ag cónaí i mbrúnna, cuireadh foireann chúraim sna brúnna eile agus tá dul chun cinn á dhéanamh chun gach leanbh scartha a chur isteach sa chóras cúraim príomhshrutha.

Déanfaidh an OCO cúram leantach de na moltaí sa tuarascáil trí theagmháil rialta leis an húdarás reachtúla a bhfuil freagracht orthu as cúram na ndaoine óga seo, agus trína ballraíocht ar an nGrúpa Oibre um Gháinneáil Daoine.

Comhairliúchán

Mar chuid de shainchúram an OCO tá tathant ar chomhlachtaí poiblí polasaithe, cleachtais agus gnáthaimh a fhorbairt a cheaptar chun cearta agus leas leanaí a chothú. Chuige seo, ó am go chéile ceapann an OCO ionadaithe le bheith ar ghrúpaí comhairleacha arna mbunú ag forais reachtúla nó Ranna Stáit a fhéachann ar shaincheistanna suntasacha faoi leasa leanaí, le haird chuí ar an ngá go bhfanadh an Oifig neamhspleách.

Le linn 2009, bhí an OCO ar ghrúpa comhairleach arna bhunú ag an Údarás um Fhaisnéis agus Cáilíocht Sláinte (HIQA) chun comhairle a sholáthar maidir le dréachtú na gcaighdeán cáilíochta náisiúnta do sheirbhísí do leanaí. Bhí an OCO ar nGrúpa Oibre um Gháinneáil Leanaí arna bhunú ag an Roinn Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí mar chuid den Phlean Gnímh Náisiúnta i gcoinne Gháinneáil Daoine.

Cuntasacht don Oireachtas

Tuairiscíonn an tOmbudsman do Leanaí go díreach do Thithe an Oireachtais. Chomh maith lena dualgas reachtúil a tuarascáil bhliantúil a chur faoi bhráid gach Teach den Oireachtas gach bliain, fáiltíonn an tOmbudsman do Leanaí roimh aon deis casadh le baill den Oireachtas chun a hobair a phlé. I mí na Mheithimh 2009, bhuail an tOmbudsman do Leanaí agus baill dá foireann leis an gComhchoiste Oireachtais um Shláinte agus Leanaí chun réimsí a phlé d'obair an OCO atá ábhartha dóibhsean ag an gCoiste.

Malartú eolais agus comhoibriú ar bhonn idirnáisiúnta

BINOCC

Tugann The British and Irish Network of Ombudsmen and Commissioners for Children (BINOCC) le chéile Oifig an Ombudsman do Leanaí le Coimisinéirí do Leanaí agus Daoine Óga ó Thuaisceart Éireann, Albain, Sasana agus an Bhreatain Bheag. Cuireann an líonra fóram úsáideach éifeachtach ar fáil chun eolas a mhalartú agus chun comhoibriú ar shaincheisteanna ar chomhchúis imní iad.

D'óstáil Oifig an Ombudsman do Leanaí comhdháil bhliantúil 2009 an líonra agus dhírigh ar na dúshláin chomóna ag baill an líonra, agus an chaoi is fearr athrú a chur i bhfeidhm ag baint úsáide as na cumhachtaí atá tugtha d'fhorais reachtúil le sainchúram cearta leanaí a chothú.

Trí mheán na comhdhála bliantúla agus na teagmhála ar bhonn leanúnach le baill eile den líonra i rith na bliana, thug ballraíocht ar BINOCC an deis d'Oifig an Ombudsman do Leanaí eolas a roinnt faoi roinnt cur chuige nua i leith na rannpháirtíochta; imscrúduithe; meáin nua; roinnt cur chuige éagsúil i leith an úsáid modhanna idirnáisiúnta monatóireachta cearta daonna; agus dul i ngleic le dearchtaí diúltacha ag daoine óga.

ENOC

Bhí Cathaoirleacht an European Network of Ombudspersons for Children ag Oifig an Ombudsman do Leanaí go dtí Meán Fómhair 2009. Rinne an tOmbudsman ionadaíocht ar an líonra ag raon fóram idirnáisiúnta lena n-áirítear an Chomhairle Eorpach, UNICEF, Fóram an AE um Chearta Leanaí, Comhairle na hEorpa, Grúpa Stiúrtha den AE, agus CRONSEE (the South East Europe Children Ombudspersons' Network). D'éirigh a freagrachtaí freisin cathaoirleacht a dhéanamh ar an gComhdháil Bhliantúil sa bhliain 2008 agus cathaoirleacht ar chruinniú Bhiúró ENOC le linn 2008 agus 2009.

6

rannpháirtíocht agus oideachas

Tá freagracht reachtúil ar Oifig an Ombudsman do Leanaí (OCO) as cearta agus leas leanaí agus daoine óga faoi bhun aois a 18, atá ina gcónaí in Éirinn, a chur chun cinn. De réir Alt 7 den Acht um Ombudsman do Leanaí 2002, chun éifeacht a thabhairt don sainchúram sin ní foláir na nithe seo a leanas a dhéanamh:

- Tathant ar chomhlachtaí poiblí, ar scoileanna agus ar ospidéalí dheonacha polasaithe, cleachtais agus gnáthaimh a fhorbairt chun cearta agus leas leanaí a chothú;
- Feasacht a spreagadh i measc an phobail, lena n-áirítear leanaí agus daoine óga, faoi nithe a bhaineann le cearta agus leanaí, lena n-áirítear Coinbhinsiún na NA um Chearta an Linbh;
- Béim a leagan ar shaincheisteanna a bhaineann le cearta agus leas leanaí is cúis imní do leanaí iad féin;
- Struchtúir a bhunú chun dul i gcomhairle le leanaí chun obair na hOifige maidir le cearta agus leas leanaí a chur chun cinn, tábhacht chearta a chur le tuairimí leanaí de réir a n-aoise agus a dtuisceana.

Mar seo, tá dualgas dearfach ar an OCO feasacht a spreagadh maidir le cearta leanaí maille le meas ar a gcearta, soláthar do rannpháirtíocht na leanaí ina hobair féin agus an cearta ag leanaí go dtabharfaí cluas le héisteacht dóibh a chothú ar nithe a théann i gcion orthu agus ar cúis imní iad dóibh.

Cuimsíonn ár gcur chuige i gcomhlíonadh an dualgais seo gach ceann dár gcroí-fheidhmeanna faoi Acht 2002. Tacaítear leis an gcur chuige seo trí ghealltanas cultúr a chothú ina dtugtar aitheantas imleor do chearta leanaí agus ina n-urramaítear na cearta sin sa dlí, i bpolasaí agus i gcleachtas ionas go mbeidh siad ina mbunchuid de shaol laethúil na leanaí agus na ndaoine óga.

Ní thar oíche a chruthaítear cultúr ina n-urramaítear cearta leanaí. Chun cearta leanaí a chothú, lena n-áirítear an cearta atá acu go dtabharfaí cluas le héisteacht dóibh, ní foláir cinnteoirí a spreagadh agus dúshlán a thabhairt dóibh tús áite a thabhairt do leasa is fearr leanaí agus de bhreis air sin, a bhfuil le rá ag leanaí a chur san áireamh go hiomchuí - uaireanta i gcás cinntí a d'fhéadfadh an saol a athrú dóibh.

Cleachtas dearfach a spreagadh

• *Pobail a Nascadh*

Sa bhliain 2009, reáchtáil an OCO 'Connecting Communities', tionscnamh náisiúnta a bhí dírithe ar sheirbhísí pobalbhunaithe nuálaíocha do leanaí agus do dhaoine óga a aithint agus tacú leo.

Rinneadh coimisiúnú ar Ionad Taighde Leanáí i gColáiste na Tríonóide, Baile Átha Cliath, chun comhairliúcháin i ngrúpaí fócais a réachtáil le leanáí, daoine óga agus a dtuismitheoirí. San iomlán, lorgaíodh tuairimí 133 leanbh agus duine fásta ag cónaí in áiteanna éagsúla ar fud na tíre, faoi cad a bhí go maith, ina dtuairim, faoina bpobal áitiúil, agus conas a d'fhéadfaí feabhas a chur air. Baineadh úsáid as torthaí an chomhairliúcháin seo, chomh maith le haiseolas ón tionscadal i 2007 An Bhallóid Mhór, d'fhorbairt an tionscnaimh ina dhiaidh sin.

Bunaíodh painéal comhairleach, ar a raibh tuismitheoirí, gairmithe, lucht acadúil, gairmithe forbartha pobail agus na daoine óga iad féin. An chaoi a raibh Connecting Communities éagsúil le scéimeanna gradaim pobaildírithe eile ná rannpháirtíocht ghníomhach na leanaí agus na ndaoine óga ón tús ar fad; chomh maith le bheith páirteach sa chomhairliúchán tosaigh, d'ainmnigh siad an tionscnamh, glac siad páirt i sainiú na gcatagóirí ainmniúcháin agus bhí ina mbaill ar na painéil mheasúnachta chun na buaiteoirí a roghnú.

Tugadh cuireadh do thionscadail agus tionscnaimh phobail agus dheonacha iarratais a chur isteach – ar tionscadail agus tionscnaimh iad a bhfuil mar aidhm acu feabhas a chur ar eispéiris leanáí, dhaoine óga agus a dteaghlach sna pobail áitiúla. San iomlán chuir 43 tionscadal isteach air, agus rinne an painéal comhairleach iad a mheas bunaithe ar an tionchar dearfach acu ar shaol leanaí; ar nuálaíocht an chuir chuige; ar na deiseanna do leanáí go bhfaighidís cluas le héisteacht agus páirt a ghlacadh; agus in-oiriúnacht na samhla oibre do thionscadail eile. I mí an Mheithimh 2009 réachtáladh an ócáid Connecting Communities san OCO. Bronnadh gradaim fiúntais ar chúig thionscadal: North Side Youth Café (Luimneach); The Harry Clarke Project (Baile Átha Cliath); The YARD Centre (Dún na nGall); Education Action Research (EAR) Project (An Iarmhí); and One Book One (Luimneach). Bhí 4 bhuaiteoir catagóire ann:

- *The Safer Community*: Siollabas Sábháilteachta Bóthair Bhantreoraithe na hÉireann
- *The Family-Friendly Community*: Ionad Acmhainn Chnoc an Ráiléigh, Co. Thiobraid Árann
- *The Community which Promotes Play & Leisure*: Club Iarscoile Mhuine Mór, Droichead Átha
- *The Inclusive Community*: Tionscadail Múrmhaisithe 'Changes', Droimneach, Baile Átha Cliath

Fuair an Buí Bolg a phríomhdhuais – seo tionscadal atá bunaithe i gCluain Ioraird, Co. Loch Garman, a chuireann deiseanna ar fáil do dhaoine óga ó gach cuid den phobal páirt a ghlacadh in ealaín sráide, agus ar an gcaoi sin, aontacht a chothú, féinmheas níos fearr a fhorbairt agus tacú le scileanna cruthaitheacha agus sóisialta na ndaoine óga. Bhuaigh Buí Bolg freisin sa chatagóir do thionscadail arna n-ainmniú ag na leanáí agus daoine óga iad féin.

• *Tacú le rannpháirtíocht leanaí*

Tuigimid in Éirinn, go bhfuil an rannpháirtíocht tábhachtach sna céimeanna tosaigh agus muid ag obair le leanaí. Leanaimid ag foghlaim an-chuid fúinn féin sa phróiseas mar a gcuirimid feabhas ar ár gcur chuige ag obair le leanaí agus daoine óga. Tacaítear linn maidir leis seo trí chreat a áiríonn ár bpolasaí cosanta leanaí, agus más iomchuí, le hionchur ár gCoiste Eitice. Chuir an Coiste comhairle ar fáil ar dhá mhórtionscadal sa bhliain 2009: tionscadal na Leanaí Scartha in Éirinn agus tionscadal comhairliúcháin le daoine óga in Institiúid N. Pádraig.

Táimid tiomanta freisin dá bhfuil foghlamtha againn a roinnt le daoine eile agus tá súil againn daoine nach bhfuil muiníneach tabhairt faoi obair rannpháirtíochta a spreagadh le bheith ag obair le leanaí agus daoine óga den chéad uair. Mar a tharla i mblianta roimhe seo, fuaireamar iarratais rialta le linn 2009 le haghaidh eolais agus treorach faoi roinnt cur chuige a éascódh rannpháirtíocht. Tháinig na hiarratais sin ó raon leathan eagraíochtaí in Éirinn agus thar lear a oibríonn ar phríomhréimsí le leanaí agus daoine óga, amhail sláinte agus cúram. I gcomhthéacs na réimsí ilchineálacha ina bhfeidhmíonn na heagraíochtaí seo, is díol suntais é gur dírfódh go minic sna ceisteanna a fuaireamar le linn 2009 ar 'conas' bheith páirteach cosúil leis na meicníochtaí agus na modhanna is féidir a úsáid chun éascú éifeachtach a dhéanamh ar rannpháirt leanaí.

Chomh maith le heolas agus comhairle a sholáthar, d'éascaíomar freisin go reáchtálfadh an Coimisiún um Athchóiriú an Dlí lá comhairliúcháin le daoine óga i mí Lúnasa 2009 ar an tsaincheist a bhain le toiliú daoine óga cóireáil leighis a fháil. Rinneadh tuairimí na ndaoine óga a chomhtháthú le páipéar an Choimisiúin um Athchóiriú an Dlí 'Consultation Paper on Children and the Law: Medical Treatment', a seoladh i mí na Nollag 2009 agus atá ina chuid de 'Third Programme of Law Reform 2008-2014' de chuid an Choimisiúin.

• *Dámhachtain Scoláireachta Taighde*

I mí Dheireadh Fómhair 2009, d'fhógair an Oifig scoláireacht nua do thaighde dochtúireachta ar chearta agus leas leanaí, i gcomhar le Coláiste na Tríonóide, Baile Átha Cliath agus OÉ, Gaillimh. Bunaíodh an dámhachtain chun cumas taighde a chothú i ndáil le cearta agus leas leanaí in Éirinn, agus go háirithe, taighde a bhaineann go sonrach le sainchúram an OCO. Sheol Ionad Taighde Leanaí i gColáiste na Tríonóide agus an tIonad um Thaighde Teaghlaigh in OÉ Gaillimh PhD Struchtúrtha nua i dTaighde Leanaí agus Óige. Tá an OCO ag tairiscint deontas lán-táillí agus cothabhála do thaighdeoir a bheadh cláraithe sa chlár seo agus ag déanamh oibre atá bainteach go díreach leis an Oifig. Tar éis an phróisis iarratais, bronnadh an chéad scoláireacht ar thaighdeoir a ndíreoidh a t(h) aighde dochtúireachta ar an gceart atá ag leanaí go n-éistfí leo i suíomh na bunscoile.

Feasacht i leith chearta leanaí a chothú

• *Ábhair acmhainne oideachais*

Le linn 2009, chuir an OCO DVD agus leabhar quiz ag gabháil leis ar fáil dar teideal *Voices & Views*. An aidhm leis na hábhair sin ná éascú a dhéanamh ar ghairmithe ag obair i gcomhthéacsanna oideachais foirmiúla agus neamhfhoirmiúla chun cearta leanaí agus daoine óga agus an OCO a chur i láthair go hachomair. Chomh maith le scaipeadh *Voices & Views* i measc scoileanna agus ionad atá bhí páirteach i gcomhairliúchán 'An Bhallóid Mhór' de chuid an OCO, cuirimid an acmhainn seo ar fáil ar bhonn leanúnach do mhúinteoirí, do dhaoine a oibríonn leis an aos óg agus do ghairmithe eile a bhíonn ag obair le leanaí agus daoine óga.

Sa bhliain 2009, d'oibríomar freisin ar fhorbairt ábhar oideachais níos sonraí ag baint le cearta leanaí agus daoine óga in Éirinn. Le leagan uasdátaithe de na hábhair cuideofar le múinteoirí agus oideachasóirí éascú a dhéanamh ar rannpháirtíocht leanaí agus daoine óga sa Bhallóid Mhór - na hacmhainní *What do you say?* – agus iniúchadh a dhéanamh ar shaincheistanna faoi chearta leanaí leis na leanaí agus daoine óga, lena n-áirítear na nithe sin i gcomhthéacs an churaclaim teagaisc agus foghlama.

• *Cearta leanaí sa churaclam*

Le linn 2009, choimisiúnaigh an OCO an Chomhairle Náisiúnta Curaclaim agus Measúnachta (CNCM) tuarascáil a scríobh a chuirfeadh in iúl na deiseanna curaclaim a bheadh ann chun foghlaim faoi chearta leanaí i gcomhthéacs an chórais oideachais fhoirmiúil. Sa tuarascáil seo bhí mapa sonrath de na deiseanna sa luath-óige, san oideachas bunscoile agus san oideachas iar-bhunscoile, chomh maith le measúnacht ar fhorbairtí níos leithne san oideachas. Mar sin beidh tuarascáil an CNCM agus na moltaí a ghabhann leis ina phointe tagartha don phleanáil sa todhchaí den rannpháirt a bhíonn ag an OCO le scoileanna agus leis an gcóras foirmiúil oideachais.

I bhfianaise cheann amháin de na moltaí sa tuarascáil, chuir an OCO aighneacht faoi bhráid an CNCM i mí na Samhna 2009 i gcomhthéacs an chomhairliúcháin ar an dréacht-siollabas don tsraith shinsearach nua dar teideal 'Polaitíocht agus an tSochaí'.

Daoine óga a bheith páirteach agus ceart éisteachta leanaí a chothú

• *Painéal Comhairleach na nÓg*

Ó bunaíodh an OCO bhí Painéal Comhairleach na nÓg (YAP) ina phríomh-mhodh againn chun tacú le rannpháirtíocht daoine óga i bhforbairt na hOifige. Cuireadh tús lenár ndara YAP sa bhliain 2008, agus ar an bpainéal sin tá breis is fiche duine óg ó áiteanna iargúlta agus uirbeacha in Éirinn, a léiríonn a gcúinsí i gcoitinne an ilchineálacht atá i sochaí na hÉireann faoi láthair.

Le linn 2009, ghlac ár mbaill YAP páirt i raon gníomhaíochtaí, lena n-áirítear:

- Bheith ar na DVDanna agus bheith páirteach i dtáirgeadh Voices & Views;
- Bheith ar DVD nua de thrí chás, a bhfuil mar aidhm acu eolas a thabhairt do leanaí, do dhaoine óga agus dá bpléadálaithe a fháil amach conas gearán a chur faoi bhráid an OCO;
- Ionadaíocht a dhéanamh thar ceann na hOifige ag imeachtaí cosúil le taispeántas bliantúil Young Social Innovators.
- Tacú lenár dtionscnamh Connecting Communities, trí bheith ar an bpainéal measúnachta;
- Páirt a ghlacadh sa chomhairliúchán leis an gCoimisiún um Athchóiriú an Dlí le daoine óga faoin tsaincheist a bhaineann le toiliú daoine óga cóireáil leighis a thógáil.

Le linn 2009, tháinig ár ndara painéal chuig deireadh a théarma dhá bhliain leis an OCO. Táimid thar a bheith buíoch de bhaill an YAP as a dtiomantas agus a bhflaithiúlacht mar gur chuir siad a gcuid ama, fuinnimh agus cruthaitheachta ar fáil go deonach don Oifig. Ar bhonn indibhidiúil agus mar ghrúpa, tugann baill YAP chun beatha ceann de na cúiseanna a spreag iad le bheith ar an bpainéal, is é sin gur mhian leo cur i gcoinne na n-íomhánna diúltacha faoi dhaoine óga, trí pháirt a ghlacadh i dtionscnaimh a thugann an deis dóibh suim daoine óga a léiriú i saoránacht ghníomhach chásmhar agus bheith tiomanta dó sin.

I mí Dheireadh Fómhair 2009, reáchtálar imeacht speisialta deiridh ag an OCO mar aitheantas ar dheireadh a dtéarma. Ónár n-obair féin agus ó obair daoine eile, tuigimid an tábhacht a bhaineann le ceiliúradh a dhéanamh ar thionscadail rannpháirtíochta a chur i gcrích le leanaí agus daoine óga chun deis a thabhairt siarmhachnach ar a bhfuil bainte amach acu agus buíochas a ghabháil leo as a gcion.

• *Tionscadal rannpháirtíochta le daoine óga in Institiúid N. Pádraig*

Tá cuimsitheacht ina chroí-phrionsabal atá mar bhonn agus mar thaca ag ár gcuid oibre a bhaineann le soláthar do rannpháirtíocht leanaí agus daoine óga agus é sin a chothú. Táimid tiomanta go hiomlán do gach iarracht a dhéanamh a chinntiú go bhfuil an obair a dhéanaimid chun éisteacht le leanaí agus daoine óga ina obair chuimsitheach. Cibé scéal é, tuigimid gur féidir le modhanna rannpháirtíochta, cé go bhfreastalaíonn siad ar ilchineálacht, gan a bheith inrochtana i gcónaí nó nach dtaitníonn siad le gach leanbh agus duine óg. Ina measc siúd tá roinnt dár leanaí agus daoine óga is leochailí, agus mar sin, i gcás na leanaí agus daoine óga is mó i mbaol ní chloistear a bhfuil le rá acu siúd. Le linn 2009, chuir an OCO le héagsúlacht a chuir chuige soláthar do rannpháirtíocht leanaí agus daoine óga ach snáithe nua d'obair dírithe ar éisteacht le daoine óga agus foghlaim óna n-eispéiris agus ó chúiseanna imní grúpaí agus daoine óga leochaileacha.

Ar cheann de na grúpaí sin tá daoine óga 16 agus 17 mbliana d'aois atá á gcoinneáil in Institiúid N. Pádraigh, príosún meán-slándála do dhaoine idir 16 agus 21 bliain d'aois. Faoi na heisiaimh arna leagan amach in Alt 11 den Acht um Ombudsman do Leanaí, 2002, tá na daoine óga seo lasmuigh de shainchúram imscrúdaitheach an OCO. Mar sin, bheartaigh an OCO tionscadal spriocdhírthe rannpháirtíochta a reáchtáil le daoine óga arna gcoinneáil san Institiúid de réir na gceanglas reachtúil faoi Alt 7 d'Acht 2002 chun:

- Dul i gcomhairle go rialta le grúpaí leanaí agus daoine óga;
- Béim a leagan ar shaincheistanna a bhaineann le cearta agus leas leanaí ar cúiseanna imní iad do na leanaí féin;
- Comhairle a sholáthar d'Airí faoi chúrsaí a bhaineann le cearta agus leas leanaí;
- Monatóireacht agus athbhreithniú a dhéanamh ar fheidhmiú na reachtaíocht i ndáil le leanaí;
- Tathant ar chomhlachtaí poiblí polasaithe, cleachtais agus gnáthaimh a fhorbairt a chothaíonn cearta agus leas leanaí.

Is é aidhm fhoriomlán an tionscadail éascú a dhéanamh ar rannpháirtíocht daoine óga chun a n-eispéiris a chur in iúl maille lena ndearcadh faoin Institiúid. Cuideoidh sin leis an OCO béim a leagan ar chúiseanna imní daoine óga agus moltaí a dhéanamh faoi na bealaí a bhféadfaí a gcúinsí agus na coinníollacha san Institiúid a fheabhsú.

Thosaigh an obair dhíreach le daoine óga rannpháirteacha i mí na Samhna 2009. Ag baint fónaimh as caighdeáin náisiúnta agus idirnáisiúnta faoi choinneáil daoine óga, luaigh na daoine óga roinnt gnéithe den saol sa phríosúin ar theastaigh uathu a dtuairimí ina leith a chur in iúl:

- Sroicheadh, treoshuíomh agus pleanáil na breithe;
- An timpeallacht fhisiceach (cóiríocht, príobháideacht, maoin phearsanta, éadaí, srl.);
- Cúram sláinte;
- Oideachas, oiliúint agus caitheamh aimsire;
- Teagmháil le teaghlach, leis an bpobal agus leis an saol lasmuigh;
- Sábháilteacht agus cosaint;
- Iniúchtaí agus gearáin;
- Fágáil agus pleanáil don imeascadh sa phobal arís.

Ba mhaith leis an OCO buíochas a ghabháil le Gobharnóir Institiúid N. Pádraig, leis an nGobharnóir Cúnta atá freagrach as Rannóg B agus, go háirithe, an fhoireann oideachais atá ag obair le daoine óga i Rannóg B as éascú a dhéanamh ar obair an OCO ar an tionscadal seo.

Tá sé beartaithe tuairisciú ar thoradh an tionscadail i gcéad leath de 2010.

Éisteacht le cúiseanna imní leanaí agus béim a leagan orthu

Le linn 2009, leanamar orainn ag fáiltiú roimh leanaí agus dhaoine óga ag an Oifig trínár glár cuairteanna. Tá an clár seo oscailte do ghrúpaí scoile, do thionscadail leanaí agus do sheirbhísí óige ar fud na tíre, agus éascaíonn sé obair duine-le-duine le leanaí agus daoine óga san Oifig. Is éard atá i gceist leis ná cur chuige gníomhaíocht—bhunaithe a ghlacadh i leith na tuisceana atá ag leanaí ar obair OCO agus ar chearta leanaí, agus cuidíonn sé linn bheith in iúl ar chúiseanna imní agus ar dhearcadh na leanaí.

Sa bhliain 2009, thug na céadta leanbh agus duine óga idir 5 agus 18 atá ag cónaí in áiteanna éagsúla sa tír cuairt ar an OCO agus chuir in iúl dúinn a gcúiseanna imní. Le chéile, léiríonn na saincheisteanna agus na tuairimí a chuir siad in iúl dúinn go bhfuil an iliomad eispéireas ann i measc leanaí agus daoine óga atá ina gcónaí in Éirinn an lae inniu. Fós féin, fiú san ilchineálacht sin, tá eispéiris, leas agus cúiseanna imní coiteanna ann. Seo thíos sampla beag de na nithe a dúirt leanaí agus daoine óga linn i rith 2009.

Leatrom

- An tábhacht a bhaineann le caitheamh le leanaí agus daoine óga go comhionann, go hurramach agus go cóir, cothrom;
- Steiréitíopáil daoine óg, ag leibhéal an phobail freisin, agus go bhfuil tionchar aige seo ar dhaoine óga; agus
- Eispéiris bhail óga den Lucht Taistil toisc gur Taistealaithe iad agus a gcuid oibre chun meas an phobail a chothú faoi gach duine, Taistealaithe san áireamh.

Oideachas

- An baol go bhfágfadh daoine óga an scoil go luath toisc dheacrachtaí a dteaghlaiigh íoc as costais oideachais;
- An tábhacht a bhaineann le go gcuirfeadh scoileanna clubanna bricfeasta agus clubanna oibre baile ar fáil chun tacú le leanaí páirt a ghlacadh san oideachas; agus
- Tionchair dhiúltacha a bhí ag ciorruithe buiséid san oideachas.

Sláinte

- Na héifeachtaí dochracha ar leanaí atá faoi lé drugaí ina bpobal áitiúil féin;
- Na dúshláin a gcaithfidh daoine óga aghaidh a tabhairt orthu ag rochtain eolais i ndáil le saincheisteanna sláinte gnéis;
- Na héifeachtaí dochracha ar dhaoine óga atá faoi bhrú a bpiaraí;
- An tionchar damáisteach atá ag bulaíocht óna bpiaraí ar leanaí agus ar dhaoine óga agus an tábhacht a bhaineann leis an obair i gcoinne bulaíochta; agus
- An tábhacht a bhaineann le meabhairshláinte dhearfach a chur chun cinn i measc daoine óga agus na ról ríthábhachtacha atá ag caidrimh dhearfacha i dteaghlaigh, i measc cairde agus idir dhaoine fásta agus daoine óga ag tacú le meabhairshláinte dhaoine óga.

Tithíocht

- Ba chóir go mbeadh áit chónaithe ag gach leanbh agus go mbraithfidís slán, cosanta;
- An tionchar dochrach ar shláinte an duine óig atá ag droch-choinníollacha tithíochta; agus
- An tábhacht le go mbeadh a dtithe inrochtana do leanaí agus do dhaoine óga faoi mhíchumais fhisiceacha.

Súgradh agus Caitheamh Aimsire

- Tá gá ag leanaí le háiteanna sábháilte taitneamhacha inacmhainne le beith ag súgradh sna pobail ina bhfuil cónaí orthu; agus
- Tá easpa áiteanna ar féidir le daoine óga dul mar chaitheamh aimsire ag an leibhéal pobail áitiúil.

Sábháilteacht agus cosaint

- An tábhacht a bhaineann leis an gceart a bheith acu nach ngortófaí iad nó nach ndéanfaí faillí orthu;
- Is éard is pobal slán ann ná áit nach bhfuil aon fhoréigean agus nach féidir le leanaí agus daoine óga drugaí a fháil; agus
- Ba chóir go mbeadh gach leanbh in ann maireachtáil gan bheith buartha go ndéanfar dochar dóibh.

Guth a bheith acu agus go n-éistfí leo

- Tá gá ag daoine óga le deiseanna chun go n-éistfí leo mar nach dteastaíonn uathu go mbeadh daoine eile ag labhairt ar a son;
- Ba chóir do dhaoine níos sine leanaí agus daoine óga a spreagadh lena dtuairimí a chur in iúl agus le bheith rannpháirteach;
- Ní foláir do dhaoine fásta éisteacht lena bhfuil le rá ag leanaí agus daoine óga má tá siad lena saoil agus a n-eispéiris a thuiscint; agus
- Ba chóir an aois vótála a ísliú.

Ná grúpaí agus na heagraíochtaí ar bhuaileamar leo sa bhliain 2009

- Tionscnamh Polasaí Sláinte Adelaide
- Amnesty
- An Chomhairle Ealaíon
- ASTI
- Barnardos
- BeLonG To
- BINOCC
- Cari
- Cumann Caitliceach Bhantreoirithe na hÉireann
- An Clár um Chosc Dhrochúsáid Leanaí
- An tIonad Taighde Leanaí agus Teaghlach, OÉ Gaillimh
- Board Comhairle um Achtanna Leanaí
- Ionad Taighde Leanaí, Coláiste na Tríonóide, Baile Átha Cliath
- An Chomhghuaillíocht um Chearta Leanaí
- Coiste Gairmoideachais Chathair na Gaillimhe
- Club4U
- Coláiste Ard Álainn
- Coláiste Oideachais, Ráth Maoinis
- CONCERN
- Comhairle na hEorpa
- CRONSEE
- Comhdháil CSPE
- An Roinn Oideachais agus Eolaíochta
- Tionscadal Taighde an Dr. Ursula Kilkelly
- Ionad Oideachais Dhroim Conrach, Coláiste Phádraig
- Gradaim Edmund Rice s
- ENOC
- Grúpa Stiúrtha an AE
- Fighting Words
- Ionad Leanaí & Ógánach Fhionnghlas
- Foróige
- Coimisinéir Leanaí na Fraince
- An Garda Síochána
- Réamhscoil Head-Start, Tamhlacht
- Ionad Acmhainne Shráid an Chnoic
- FSS
- IFCO
- IHRC
- Include Youth, Béal Feirste
- Lá Idirnáisiúnta do Dhíothú na Bochtaineachta
- INTO
- Cumann Fisiteiripeoirí na hÉireann
- Cumann na hÉireann do Dhaoine Óga i gCúram
- Comhdháil Easpaig Chaitliceacha na hÉireann
- Ionad na hÉireann d'Óige Cumasach
- Coláiste Liachleachtóirí na hÉireann
- Comhairle um Chearta an Duine

- Conradh na hÉireann do Chomhair Chreidmheasa
- Cumann Leighis na hÉireann
- Iontaobhas na hÉireann um Athchóiriú an Chórais Choiriúil
- Líonra Príomhoidí Bunscoile Éireann
- ISPCC
- Cumann Cathaoireacha Rothaí na hÉireann
- Cumann Bhan-aturnaetha na hÉireann
- Seirbhís Ceartas Óige na hÉireann
- Tionscadail Gabhail an Gharda, Gaillimh
- Tionscadal Ceartais Chnoc na hAoine
- An Coimisiún um Athchóiriú an Dlí
- Léargas
- Coláiste Marino
- Scoil Samhraidh Merriman
- An Chomhairle Náisiúnta Curaclaim agus Measúnachta
- No Name Club, Gaillimh
- Bord Forbartha an Ospidéil Náisiúnta Péidiatraice
- OÉ, Maigh Nuad
- Ógra Chorcaí
- An Coiste Oireachais um Shláinte agus Leanaí
- One in Four
- Oifig an Ombudsman do Leanaí, An Iorua
- Scoil Náisiúnta Our Lady of Victories, Baile Munna
- Patrician College, Fionnghlas
- Iontaobhas Peter Mc Verry
- Coimisinéir Leanaí na hAlban
- Comhairle Contae Bhaile Átha Cliath Theas I
- Rapporteur Speisialta ar Chosaint Leanaí, Geoffrey Shannon
- Ospidéal St John of God, Stigh Lorgan
- Institiúid N. Pádraig
- Scoil St. Gabriel’s Baile Formaid
- Stuart & Isabelle Williams
- Ombudsman Parlaiminteach na Sualainne
- TASC
- TCD
- Cigire na bPríosún
- Grúpa Feicseannachta an Lucht Taistil, Corcaigh
- Comhdháil Dhomhanda na nBantreoraithe
- YAP
- Clár Pléadála Óige na hÉireann
- Tionscadal Eolais Óige, Comhpháirtíocht Thuaisceart Bhaile Átha Cliath
- Partnership
- Ógtheagmháil Béal Átha na Sluaighe
- Youthwork Ireland

