Alcohol, Smoking and Drugs
Immediate Actions for 2016

ENACT THE PUBLIC HEALTH (ALCOHOL) BILL 2015.
The Public Health (Alcohol) Bill 2015 should be progressed through the Houses of
the Oireachtas by the next Government as a matter of priority. Furthermore measures
should be taken to address the digital marketing of alcohol.

CONTINUE THE IMPLEMENTATION OF TOBACCO FREE IRELAND: REPORT OF
THE TOBACCO POLICY REVIEW GROUP AND COMMENCE THE PUBLIC HEALTH
(STANDARDISED PACKAGING OF TOBACCO) ACT 2015.
2014 and 2015 were landmark years for the introduction of policies and legislation to
deter young people from smoking. It is essential that the Public Health (Standardised
Packaging of Tobacco) Act 2015 is commenced as a matter of urgency and that the
momentum behind the implementation of Tobacco Free Ireland is continued.

ADOPT A SPECIFIC FOCUS ON CHILDREN AND YOUNG PEOPLE WHEN
DEVELOPING THE NEW NATIONAL DRUGS STRATEGY.
The Government is urged to adopt a specific focus on children and young people
when developing the new National Drugs Strategy to reflect Article 33 of the UN
Convention on the Rights of the Child which obliges states to protect children from
the illicit drug use and production and trafficking of such substances.

4. RIGHT TO AN
ADEQUATE STANDARD
OF LIVING

“Every day in our service we witness the lasting impact of
poverty on children, including social and emotional
problems, early school leaving, unemployment,
substance misuse and criminal activity. We have
witnessed children steal food because they are hungry.
We know children who don’t have a proper warm coat
in the winter. Increases in welfare and child benefit
alone will not help children out of poverty. In our
experience in many cases these benefits don’t actually
reach the child, especially if there is a substance misuse
problem at home. Prevention and early intervention
work helps to support children and families out of
poverty. Departments and agencies must work together
in an integrated way to break the child poverty cycle.”

Geraldine O’Driscoll, Centre Manager, Realt Beag, Ballyfermot
Child and Family Centre

Right to an Adequate Standard of Living

Every child has the right to a standard of living that is
adequate to their development – physical, mental, spiritual,
moral and social. While parents and guardians have the
primary responsibility to provide for the child’s material
needs, the State also has the responsibility to assist parents
and guardians to alleviate poverty where needed.

Summary of Article 27 of the UN Convention on the
Rights of the Child
Children’s Rights Alliance
Report Card 2016

HOMELESS CHILDREN WORRIED 
SANTA WON'T FIND THEM

Kidnare Now, 15 December 2015

Homeless children in Co Kildare are worried that Santa will not be able to find them, according to a new ISPCC report.

As the ISPCC launches a new Childline service, dedicated to providing emotional support to homeless children, it has highlighted the type of worries for children who find themselves in temporary accommodation.

Speaking today at the launch of the new service, ISPCC CEO Graina Long said: “Losing a home is traumatic at any age, but for a child it can be extremely destabilising. Childline is a national listening service, and our volunteers have lots of experience in supporting children through difficult times. That’s why we are launching a service that will give homeless children the opportunity to talk.

Some children miss toys that have been packed away, others worry whether Santa will find them in their new home, and some worry about noise and new environments. Many children report feeling uncertain about the future, and are often worried about their parents and siblings as they see the level of stress they are under.”

The service will provide non-directive listening: it is intended to complement child and family support services provided by other agencies and is not an alternative to one-to-one support, which will remain a key requirement for families living in temporary accommodation. (…)

This is the final year being analysed in the Report Card series under the Programme for Government 2011-2016, in which the objective was to eliminate poverty and to achieve the targets in the National Action Plan for Social Inclusion. The Plan contains a commitment to reduce the number of those experiencing consistent poverty to between two and four percent by 2012, with the aim of eliminating consistent poverty by 2016 which has since been revised. The National Social Target for Poverty Reduction sets a target to reduce consistent poverty to four per cent by 2016 and to two per cent or less by 2020, from the 2010 baseline rate of 6.3 per cent. While the Plan did not contain a child specific target it contained four high level goals relating to children, three of which relate to education and one was concerning income supports.

Child poverty has deepened in Ireland during the Programme for Government. In 2011 9.3 per cent of children were living in consistent poverty and this rose to 11.2 per cent in 2014. Children in certain situations are particularly at risk of poverty, including children in lone parent families, children in jobless households, Traveller and Roma children, children living in direct provision centres, children with a disability and homeless children.

4.1 Child Poverty

GOVERNMENT COMMITMENT
The Programme for Government 2011-2016 states that the elimination of poverty is an objective of this Government and that it is committed to achieving the targets in the National Action Plan for Social Inclusion to reduce the number of people experiencing poverty.

Progress: Unsatisfactory

‘Child Poverty’ gets an ‘E-’ grade in Report Card 2015, a slight increase from the ‘F’ grade awarded in 2015. Despite the positive measures contained in Budget 2016 and a small improvement in the rate of child poverty, over 11 per cent of children are living in consistent poverty (an indicator that measures both poverty and deprivation).

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332 Central Statistics Office, Survey on Income and Living Conditions (SILC) 2014 (CSO November 2015). Consistent poverty is measured using income and 11 deprivation indicators – 4 on material deprivation (clothing, footwear and furniture), 2 on food poverty, 2 on energy poverty and 3 on the ability of a child to participate in normal childhood social activities, such as buying a birthday present or going on a family outing. For more see: Department of Social Welfare, ‘What is Poverty?’ <http://www.socialinclusion.ie/poverty.html> accessed 29 January 2016.


335 The Office of Social Inclusion, National Social Target for Poverty Reduction sets a target to reduce consistent poverty to four per cent by 2016 and to two per cent or less by 2020, from the 2010 baseline rate of 6.3 per cent. While the Plan did not contain a child specific target it contained four high level goals relating to children, three of which relate to education and one was concerning income supports.


339 Ibid 55.

340 Health and Information Quality Authority, Report on inspection of the child protection and welfare services provided to children living in direct provision accommodation under the National Standards for the Protection and Welfare of Children, and Section 8(1) (c) of the Health Act 2007 (HIQA, 25 May 2015) 14.


342 Ibid 55.
The Government must uphold its international obligations, including those under Article 4 of the UN Convention on the Rights of the Child to ensure the implementation of children’s economic, social and cultural rights to the fullest extent possible, even when resources are limited.

The Department of Social Protection is leading the preparation of a whole-of-government Implementation Plan to meet the child poverty target. This work was adopted as one of five key priorities for 2015 under the National Policy Framework.353 The Implementation Plan for the national child poverty target should use the European Commission Recommendation on Investing in Children as a roadmap and adopt the three pronged approach.354

Key challenges for families on low income include the cost of housing, healthcare, education and childcare. The implementation plan must include a focus on improving the affordability of key public services for families with children as well as a focus on child and family income supports.

The European Commission has set two Country Specific Recommendations for Ireland including a recommendation on child poverty where it calls on the Government to take steps to ‘block low work intensity of households and address the poverty risk of children through tapered withdrawal of benefits and supplementary payments upon return to employment.’355 Secondly, it recommends that Government improve access to affordable and full-time childcare, in particular for low income families.356

Income Supports: The European Commission Recommendation on Investing in Children places a significant focus on both supporting parents’ participation in the labour market and supporting families through adequate benefits and minimum income schemes.357 Budget 2016 maintained the weekly rate of payment for the majority of primary social welfare payments and reduced the Universal Social Charge (USC) for all workers in Budget 2016, meaning more money in people’s pockets.358 There was an increase of 50 cent per hour for low-paid workers, increasing their weekly wage bringing it to €9.15 per week. While this is a very positive step, it is still well below the living wage (the wage which makes possible a minimum acceptable standard of living) of €13.50 per hour.359 In another positive development, 2015 saw the establishment of the Low Pay Commission360 to advise on the appropriate rate of the National Minimum Wage. It published its first report on the National Minimum Wage in July 2015.361

In Budget 2016, the Child Benefit payment was increased by €5 per month to €140 per child. Child Benefit is designed to assist parents with the cost of raising a child while also helping to alleviate child poverty and is a key mechanism through which the State can fulfil its duty to give ‘appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities,’ under Article 18 of the UN Convention on the Rights of the Child. However, an ongoing concern is that certain children are excluded from availing of this crucial support as their parents do not meet certain qualifying criteria set out in social welfare legislation.362 In some cases, children of migrant parents, including the children of all asylum seekers, are prevented from accessing the payment on the basis of their parent’s immigration status which contravenes the non-discrimination principle in Article 2 of the UN Convention. Once again in Budget 2016 the Government failed to address this important issue.

347 Ibid 3-4.
348 Ibid 4-5.
349 Ibid 3-4.
350 Department of Social Protection (2012) ‘National Social Target for Poverty Reduction: Policy Briefing on the Review of the National Poverty Target’ Dublin: Department of Social Protection p.3. The Irish figure is based on the 2001 baseline rate of 6.3 per cent. The EU will be tracking the ‘at risk of poverty’ measure.
351 Department of Children and Youth Affairs, Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014-2020 (Department of Children and Youth Affairs 2014), p.41. This target includes reducing the higher constant poverty rate for households with children as compared to non-child households (8.8 per cent compared with 4.2 per cent) and for children as compared to adults (9.5 per cent compared with 6 per cent).
352 Communication received by the Children’s Rights Alliance from the Department of Social Protection, 2 December 2015.
353 The Department is working with five partner departments to develop and implement a whole-of-government, multi-dimensional approach to tackling child poverty. This group has met twice with a child poverty subgroup convened by the Department of Social Protection and the Children’s Rights Alliance as part of the National Advisory Council for the Implementation of the National Policy Framework.
355 Ibid.
357 Ibid.
358 Ibid.
359 From January 2016, gross incomes below €13,000 will be exempt from USC, ensuring 700,000 earners will not be liable to USC. There will be a reduction of 1% in the rate of USC paid on incomes under €12,012, reduction of 3% on incomes from €12,013 to €28,668, and a reduction of 5.5% on incomes from €28,669 to €70,044. The Living Wage is a wage which makes possible a minimum acceptable standard of living. In principle, a living wage is intended to establish an hourly wage rate that should provide employees with sufficient income to achieve an agreed acceptable minimum standard of living. In that sense it is an income floor, representing a figure below which employees afford the essentials of life. Earnings below the living wage suggest employees are forced to do without certain essentials so they can make ends meet. For more information see: Living Wage <www.livingsage.ie> accessed 7 January 2016.
360 Ibid.
361 Ibid.
363 Ibid.
364 The Habitual Residence Condition (HRC) is set out in Section 246 of the Social Welfare (Consolidation) Act 2005. At the end of 2009, the legislation was changed to exclude anyone in the asylum process from being habitually resident.
to reverse the cuts to the means-tested Back to School Clothing and Footwear Allowance which removed income from vulnerable households. The current payment of €100 for a child under 11 years and €200 for a child of 12 years or over does not cover the average cost of clothing and shoes for school-going children. In 2015, the average costs of a primary school child’s clothing or uniform and shoes cost between €150 and €165 and the costs for a secondary school pupil was €255.364 The Back to School Clothing and Footwear Allowance is a means-tested payment so it is a targeted method of supporting parents with the cost of sending their children to school and of addressing child poverty.

The social welfare system provides an important safety net for many families.365 However the increases in Budget 2016 did not go far enough to address the gap that has deepened between social welfare rates and the cost of living.366 Households with adolescent children are experiencing the greatest shortfall of income.367 Aside from the Back to School Clothing and Footwear Allowance, child income supports, including the Child Benefit payment, do not take account of the increase in cost for adolescent children. An age differential should be introduced to take account of this reality.

In-kind Benefits: The European Commission Recommendation on Investing in Children places a significant focus on complementing cash income with in-kind benefits and highlights in particular nutrition, childcare, education, health, housing, transport and access to sports or socio-cultural activities.368 Budget 2016 contained a number of welcome measures including the extension of the Free GP Care scheme to children aged between 6 and 12,369 improvements to the Community Childcare Subvention programme,370 and the extension of the Early Childhood Care and Education Scheme.371 Two particular aspects of child poverty will now be examined – lone parent families and food poverty as these are areas that are continuously raised by our members in consultations on poverty.

One Parent Families: One parent families have the highest consistent poverty rate of any household type at 22.1 per cent.372 Supporting the employability and participation of single parents in the workforce is a key action in the European Commission’s Recommendation on Investing in Children. Until 2012, the One Parent Family Payment was available to a lone parent of a child up to the age of 16 years who satisfied the qualifying criteria and means-test. Since then a series of measures have been introduced the final phase of which set the age threshold of the youngest child for new recipients to seven years in July 2015.373 Although lone parents may be eligible for other social welfare payments, they continue to face structural barriers which hinder their engagement in the labour market. Key among these barriers is access to affordable high-quality childcare and after-school supports, affordable housing and well paid family-friendly employment opportunities.374

One parent family households have the highest consistent poverty rate of any household type at 22.1 per cent.

Food poverty has been exacerbated by the recession. Since 2010, the percentage of people experiencing food poverty in Ireland has risen from 10 to 13.2 per cent. A 2015 report found that 22 per cent of children aged between 10 and 17 years have gone to school or to bed hungry because there was not enough food at home.

Budget 2016 provided some positive measures for lone parent families and lone parents on low incomes,375 including an €18 million increase in the Family Income Supplement (FIS),376 weekly income thresholds by €5 for a family with one child and by €10 for a family with two children or more from January 2016,377 and an increase in the earnings disregard for the Jobseeker’s Transitional Payment from €60 to €90, with effect from January 2016 for existing and new recipients.378

Food Poverty: Food poverty has been exacerbated by the recession. Since 2010, the percentage of people experiencing food poverty in Ireland has risen from 10 to 13.2 per cent.379 A 2015 report found that 22 per cent of children aged between 10 and 17 years have gone to school or to bed hungry because there was not enough food at home.380 There is no national strategy on food poverty. Research found that the rate of social welfare payments and level of earnings based on the minimum wage in Ireland are such as to make eating a healthy diet difficult.381 The risk of low income families experiencing food poverty is related to the age of their children, with expenditure greatest when a child is an infant (who has specific dietary requirements) or a teenager (who need to consume more food) in the household.382

The School Meals Programme, funded through the Department of Social Protection, continues to be a positive way of ensuring regular food services for disadvantaged school children. In 2015, over 217,000 children in over 1,700 schools and local organisations benefitted from this programme.383 A total of €42 million has been allocated to the School Meals Programme for 2016, an increase of €3 million on 2015. However, the programme does not cover the cost of kitchen equipment, facilities or salaries, training for staff or repurposing of space within the school to provide food in a safe and social way. This forces schools to take from their core budget or charge students to implement the programme.384 Unlike other European countries, Ireland has a poor infrastructure of kitchen facilities in schools.385 The School Meals Programme is not universal, an application process is in place and priority is given to schools which are part of the DEIS initiative.386 There are no mechanisms to support non-formal education and early-years settings to address food poverty.
PUBLISH AN AMBITIOUS IMPLEMENTATION PLAN TO ACHIEVE THE CHILD POVERTY TARGET.
The implementation plan to achieve the Child Poverty Target currently being developed under the National Policy Framework for Children and Young People 2014-2020 should be rights-based and mirror closely the EU Recommendation on Investing in Children with a focus on access to adequate resources, access to affordable quality services and the child’s right to participate.

INTRODUCE AN AGE DIFFERENTIAL IN CHILD INCOME SUPPORTS FOR FAMILIES WITH CHILDREN OVER 12 YEARS.
Aside from the Back to School Clothing and Footwear Allowance, child income supports, including the Child Benefit payment, do not take account of the increase in cost for adolescent children. An age differential should be introduced to take account of this reality.

TAKE MEASURES TO ADDRESS POVERTY AMONG ONE PARENT FAMILIES.
One parent family households have the highest consistent poverty rate at 22.1 per cent. A review should be undertaken to assess the impact of the One Parent Family Payment reforms on child poverty rates and work activation and to recommend measures that can address poverty among these families.

REMODEL THE FUNDING SYSTEM FOR THE SCHOOL MEALS SCHEME.
The School Meals Scheme should be remodelled to cover both capital and non-food operating costs. Extend the scheme to enable the provision of affordable and nutritious breakfast, lunch and dinner meals in DEIS schools and more limited provision to all publicly-funded schools. Extend access to the Scheme to early years and non-formal education settings for young people. Develop a cross-departmental national strategy on school food provision and food poverty with the Department of Social Protection, the Department of Health and the Department of Education and Skills.

‘Children and the Social Welfare System’ gets a ‘D’ grade, a fall from last year’s ‘D+’ grade. The Government has fulfilled its commitment to have the Commission on Taxation and Social Welfare examine and make recommendations on the interaction between the tax and welfare system. However, no action has been taken on the report’s recommendations.

This is the final year being analysed in the Report Card series under the Programme for Government 2011-2016, in which the objective was set to examine and make recommendations on the interaction between taxation and the welfare system to ensure that work is worthwhile. Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014-2020 commits the Government to determine the optimal design of child and family income supports to maximise their effectiveness and efficiency in reducing child poverty, while improving employment incentives.  

Article 27 of the UN Convention on the Rights of the Child provides that every child has the right to a standard of living adequate for the child’s physical, mental, spiritual, moral and social development. While the provision recognises that parents and guardians have the primary role in providing financially for a child, the State must take appropriate measures to assist parents and guardians according to its means, including the provision of material assistance and support programmes. Article 27 is a qualified right, subject to the economic, social and cultural conditions of the State. That said, children should not disproportionately bear the brunt of budgetary cuts. The UN Committee on the Rights of the Child has stated that no matter how limited their economic circumstances, States must take steps to uphold the economic, social and cultural rights of children.

An Advisory Group on Tax and Social Welfare – established by the Minister for Social Protection, Joan Burton TD, in June 2011 and chaired by Ita

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391 A qualified right is a right that the State can lawfully interfere with in certain circumstances where the public or state interest, on balance, overrides those of the individual.
The report recommended retaining a universal Child Benefit paid at a reduced rate coupled with the introduction of a ‘second tier’ child income support to replace Qualified Child Increases (QCI) and Family Income Support (FIS) for qualifying families. The recommendations have not as of yet been accepted or acted on by Government. It is understood that a Government decision on how to proceed will be taken following publication of the Advisory Group on Tax and Social Welfare report on working-age income supports.

Mangan – has now concluded its work on child income support with its report being published in February 2013. The report recommended retaining a universal Child Benefit paid at a reduced rate coupled with the introduction of a ‘second tier’ child income support to replace Qualified Child Increases (QCI) and Family Income Support (FIS) for qualifying families. The recommendations have not as of yet been accepted or acted on by Government. It is understood that a Government decision on how to proceed will be taken following publication of the Advisory Group on Tax and Social Welfare report on working-age income supports. This report has been completed and is with the Minister for Social Protection for her consideration.

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Area Based Approach to Tackling Child Poverty

GOVERNMENT COMMITMENT

The Programme for Government 2011-2016 acknowledges that a new approach is needed to break the cycle of child poverty where it is most deeply entrenched. It pledges to adopt a new Area Based Approach to Child Poverty, which draws on best international practice and existing services to tackle every aspect of child poverty. Initially, this model will be rolled out to up to ten of Ireland’s most disadvantaged communities, in cooperation with philanthropic partners to co-fund and manage the project.

Progress: Steady

‘Area Based Approach to Tackling Child Poverty’ gets a ‘C+’ grade in Report Card 2016, the same grade awarded last year. This grade recognises the fact that all 13 projects are now under contract and have commenced operations. It also reflects the robust framework in place for evaluation and management.

This is the final year being analysed in the Report Card series under the Programme for Government 2011-2016 in which a commitment was made to adopt a new area based approach to child poverty, drawing on international best practice and existing services to tackle every aspect of child poverty. The Government committed to roll this model out in up to ten of Ireland’s most disadvantaged communities. In April 2014, the Government reiterated its commitment to implement the ABC programme in Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014-2020 as a way to address ‘the impact of child poverty and improve child outcomes’, and committed to ‘mainstream the learning from the programme to services throughout the country’.

The UN Committee on the Rights of the Child recognises the negative impact of growing up in poverty. The UN Human Rights Council has stated that ‘equitable, continuous and broad-based investment in children can level the playing field by providing every child with the same opportunities for survival and development’ and noted that ‘inadequate investment, especially in the most vulnerable and marginalized, can perpetuate the intergenerational transmission of poverty and inequality, leading to irreversible negative impact on children’s development’.

Following a public call for proposals in April 2013, the Department of Children and Youth Affairs selected

394 ibid 28 - 29.
395 Recommendations included retaining a universal Child Benefit paid at a reduced rate coupled with the introduction of a ‘second tier’ child income support to replace Qualified Child Increases (QCI) and Family Income Support (FIS) for qualifying families.
396 Communication received by the Children’s Rights Alliance from the Department of Social Protection, 26 November 2015.
In 2015, the Department of Children and Youth Affairs established the ABC Programme ‘Mainstreaming the Learning’ Task Group to explore the issue of mainstreaming. The Task Group is examining the challenge of how to mainstream the learning of the processes and programmes that worked into mainstream provision, rather than committing to replicate the approach of an individual site on a national basis. The Task Group comprises representatives from a number of ABC and former Prevention and Early Intervention Programme (PEIP) sites, the Centre for Effective Services, Pobal and nominees from the Department of Children and Youth Affairs and The Atlantic Philanthropies. In November 2015, the Task Group presented its initial discussion paper outlining feasible options in relation to mainstreaming to the ABC Interdepartmental Project Team. This paper will be further informed by the hosting in Dublin in February 2016 of an EU Peer Review event on effective prevention and early intervention for children, particularly those at risk of poverty, and strategies adopted in mainstreaming this learning.

This paper will be further informed by the hosting in Dublin in February of this year of an EU Peer Review event on effective prevention and early intervention for children, particularly those at risk of poverty, and strategies adopted in mainstreaming this learning.

Evaluation: An evaluation approach for the ABC Programme has been agreed. It adopts a standardised approach across the 13 sites and employs a shared measurement framework, detailing common measures to be collected on core outcomes and implementation processes. Analyses of outcomes data will be conducted for each site, in addition to aggregated analyses of the overall outcomes achieved by the ABC Programme.

The purpose of the evaluation is to determine how the outcomes for children and families in ABC Sites change, to what extent did the ABC Programme make progress in implementing evidence-informed programmes and approaches, and what were the costs of services provided.

The evaluation will examine outcomes, implementation and cost using a range of quantitative and qualitative methods including pre- and post-outcomes assessments, online surveys, focus groups and interviews. The evaluation will consider the implementation from both local and national perspectives. National interim reports will be provided from mid-2016. The final national evaluation reports will be produced in 2018.
'Child and Youth Homelessness' receives an 'F' grade in Report Card 2016, a fall from last year’s ‘D+’ grade. Homelessness among families with children has reached crisis point with numbers increasing month on month.

This is the final year being analysed in the Report Card series under the Programme for Government 2011-2016, in which the objective was set to end long-term homelessness and the need to sleep rough. To achieve this the Government committed to review and update the existing Homeless Strategy, including a specific focus on youth homelessness, and taking into account the current demands on existing housing and health services with a view to assessing how to best provide additional services.

GOVERNMENT COMMITMENT
The Programme for Government 2011-2016 commits to ending long-term homelessness and the need to sleep rough. To address the issue of existing homelessness it commits to reviewing and updating the existing Homeless Strategy, including a specific focus on youth homelessness, and taking into account the current demands on existing housing and health services with a view to assessing how to best provide additional services.

Progress: Unsatisfactory

Under Article 27(3) of the UN Convention on the Rights of the Child states have an obligation to assist parents and guardians and shall ‘in cases of need provide material assistance and support programmes particularly with regard to nutrition, clothing and housing.’ Furthermore, children have a right to adequate housing under Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) which the UN has stated should not be interpreted in a restrictive manner but should be seen as ‘the right to live somewhere in security, peace and dignity.’ For housing to be deemed adequate it should be: accessible; habitable; affordable; households should have legal security.
of tenure; should contain certain facilities essential for health and safety, comfort and nutrition; and be in a location which allows access to employment options, health-care services, schools, childcare centres and other social facilities. 430

In 2015 the Committee on Economic, Social and Cultural Rights expressed concern at the increased cost of renting in the face of reduced family incomes and the ineffective support programmes which do not reflect rent increases and the growing number of families and children that are homeless or are at risk of homelessness as a result of the lack of social housing and the inadequate levels of rent supplement. 431 The Committee made a number of recommendations, including to review policies to make housing more affordable for disadvantaged and marginalised groups in society, to step up efforts to increase the number of social housing units so as to satisfy the high demand and to reduce the long waiting list and increasing rent supplement levels. 432

Homeless Families with Children: The number of families experiencing homelessness has increased dramatically. In October 2015, there were 774 families, with 1,638 children, living in emergency accommodation. 433 The number of children becoming homeless rose by 90 per cent during 2015 and children now account for almost one-third of the homeless population. The majority of these homeless families were in Dublin. 434

The quality of emergency accommodation being offered to families – in hotel rooms and bed and breakfast (B&B) accommodation – is sometimes inappropriate for family life. Children are living in unsuitable temporary accommodation that is not designed for homeless families, and is usually provided without appropriate housing management or support services. 435 Many families are living in one room with no privacy and no access to safe cooking and washing facilities. 436 The lack of available accommodation means that families have become stuck in emergency accommodation for months on end. 437 There is often no safe and secure areas for children to play or do homework, in many cases children have to travel long distances to remain in the school which they were attending prior to their family becoming homeless. 438 Long-term living in inappropriate emergency accommodation is not conducive to a child’s development, well-being, health and education.

Child welfare and protection issues arise where families are living in shared emergency homeless accommodation, such as hotels and B&B accommodation, with staff who are not Garda vetted to assess their suitability for working in proximity to children. 439 It is imperative that Tusla - the Child and Family Agency, conducts a children’s rights audit of emergency homeless accommodation placing a particular focus on child protection, welfare and development. The purpose of this audit would be to identify risks and best practice. Following the audit, minimum child protection standards should be put in place for any temporary accommodation used by families with children to ensure compliance with the Children First national guidelines. 440 These standards should include the appointment of a Designated Liaison Person to receive information on child protection issues and link with Statutory Agencies; establishment of a Complaints Procedure, measures to ensure the owner/proprietor meets a ‘fit and proper person’ test; and that there is a secure area for children to play and that this place is only for children and accompanying adults (not for other guests). 441 Any child subject to child protection measures should not be moved outside of their local area as this would undermine the licence to services and consistent intervention by Tusla. 442

A 20 point Action Plan agreed at the end of 2014 contained a commitment that Tusla and Dublin City Council will coordinate operations to ensure that services are fully responsive to the protection and welfare needs that might arise for families in emergency accommodation. 443 Work has commenced on the creation of a multi-agency protocol to clarify individual agency and multi-agency responsibilities in regard to homelessness being led by Tusla. 444 Tusla has also put in place a number of new initiatives working with relevant services to maximise supports available to families who are homeless. 445 Measures include: the establishment of a Homelessness Liaison Officer to lead Tusla engagement with other services, particularly in relation to child protection, linking with the Dublin Region Homeless Executive to ensure access for children and families to Family Resource Centres and guidance from the Children’s Rights Alliance Liaison and School Completion staff on helping children and families to maintain regular school attendance.

Housing: Budget 2016 saw an additional €17 million allocated to address homelessness, bringing the 2016 allocation to €70 million. In addition, €811 million was allocated for housing programmes. 446 In addition to the new Capital Plan (Building on Recovery: Infrastructure and Capital Investment 2016-2020) which pledged funding of almost €3 billion in support of the Social Housing Strategy 2020, 447

The rise in homelessness is set against the backdrop of a very large number of households on the social housing waiting list – 89,872 households in 2013, with 47 per cent waiting seven years or more. 448

In October 2015, the Government approved an immediate initiation of a programme for the early delivery of 500 units of modular housing. 449 The first 22 homes were expected to be completed in 2016. 450 In February 2016 there were 128 units to be delivered by February 2016 on various sites in the Dublin City Council. 451 None of the modular housing units have yet been delivered. 452

420 Ibid para 8.
422 Ibid para 27.
424 Ibid.
426 The lack of available social housing and the inadequate levels of rent increases and the growing number of families and children that are homeless or are at risk of homelessness as a result of the lack of social housing and the inadequate levels of rent supplement.
427 Ibid para 27.
429 Ibid.
430 Ibid.
432 Ibid.
433 Minister for Children and Youth Affairs, Dr James Reilly TD, Dáil Debates, Written Answers 18 November 2015 (40745/15).
434 Tusla Tusla working with relevant services to maximise supports available to families who are homeless. 445 Measures include: the establishment of a Homelessness Liaison Officer to lead Tusla engagement with other services, particularly in relation to child protection, linking with the Dublin Region Homeless Executive to ensure access for children and families to Family Resource Centres and guidance from the Children’s Rights Alliance Liaison and School Completion staff on helping children and families to maintain regular school attendance.
435 The rise in homelessness is set against the backdrop of a very large number of households on the social housing waiting list – 89,872 households in 2013, with 47 per cent waiting seven years or more.
436 In October 2015, the Government approved an immediate initiation of a programme for the early delivery of 500 units of modular housing. 449 The first 22 homes were expected to be completed in 2016. 450 In February 2016 there were 128 units to be delivered by February 2016 on various sites in the Dublin City Council. 451 None of the modular housing units have yet been delivered. 452
437 Homelessness Rates by Gender and Age, Ireland 2016, < http://www.dubaingov.ie/tusla-working-homeless-services-maximise-supports-available-families-hotels> accessed 29 January 2016. 453 A commitment was also made in the Budget to provide over 9,500 social housing units by 2018, funded through direct recipient and private partnership, with over 3,000 of those social housing units to be provided in 2016.
438 Under Public Private Partnership, €500 million will be invested in social housing which is expected to deliver 1,500 social housing units. In addition, the National Asset Management Agency will facilitate the completion of 4,500 new residential units in the Dublin area by to the end of 2016. Department of Public Expenditure and Reform, Capital Plan (Building on Recovery: Infrastructure and Capital Investment 2016-2021) (DEPER 2015) 32.
The introduction of these units is to be welcomed as an immediate interim measure to tackle the high numbers of families currently living in emergency homeless accommodation.

For the past two decades, the State has relied on the private rented sector to provide accommodation for people on lower incomes, using rent supplementation schemes to enable households to pay their rent. There is a widening disparity between the rate of Rent Supplement and the cost of renting.445 In March 2015, the Department of Social Protection ruled out any increase in Rent Supplement to address this.446 However, discretion is exercised on a case-by-case basis for people that are at risk of homelessness as a result of demands for increased rents from landlords.447

In a positive initiative, the Housing Assistance Payment (HAP) is currently being introduced for people who have a long-term housing need and who qualify for social housing support.448 Issues in the private rented sector, including the lack of rent regulation, poor controls on quality and standards, and limited rights for tenants,449 and the lack of long-term tenancies need to be addressed.

Youth Homelessness: A child or young person who is homeless without their family is extremely vulnerable and the State is obliged under the UN Convention on the Rights of the Child to provide special protection to any child deprived of their family environment (Article 20). Much progress has been made in the area of youth homelessness over the past number of years. However, the lack of a national out-of-hours social work service in Ireland means that some newly homeless children still must access emergency accommodation through the Garda Síochána (police).450

Aftercare: In 2006, the UN Committee called on Ireland to strengthen its efforts to ensure and provide for follow-up and aftercare to young persons leaving care centers.451 At the end of September 2015, 1,737 young adults aged between 18 and 23 years were receiving an aftercare service.452 The Child Care (Amendment) Act 2015 was signed into law in December 2015. The Act provides for a statutory right to the preparation of an aftercare plan. The Act places a statutory duty on the Child and Family Agency to prepare an aftercare plan for each eligible young person and sets the grounds for eligibility based on the length of time a child has been in care.453 While the Act’s provisions represent significant improvement on the existing legislative situation, they do not provide the young person with an entitlement to access services, only an entitlement to have a plan drawn up.

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Children’s Rights Alliance
Report Card 2016

Immediate Actions for 2016

CONDUCT A CHILDREN’S RIGHTS AUDIT WITH A PARTICULAR FOCUS ON CHILD PROTECTION, WELFARE AND DEVELOPMENT AND PUT IN PLACE STANDARDS FOR TEMPORARY ACCOMMODATION PROVIDED TO FAMILIES WITH CHILDREN. Tusla, the Child and Family Agency, must ensure that every child removes themselves from any accommodation without their family and not-for-profit voluntary housing bodies.

ENACT LEGISLATION TO PROHIBIT THE PLACEMENT OF FAMILIES WITH CHILDREN IN INAPPROPRIATE EMERGENCY ACCOMMODATION, INCLUDING HOTEL ROOMS. The Government should provide appropriate, family-friendly emergency accommodation and enact legislation to prohibit the placement of families with children in inappropriate emergency accommodation, including hotel rooms. In addition, legislation should set a limit on the time families can spend in emergency accommodation.

CONTINUE TO INVEST IN PROVIDING FAMILIES WITH AFFORDABLE AND SECURE SOCIAL HOUSING. Continue in the roll out of the Social Housing Strategy 2020 to provide families with access to affordable and secure social housing accommodation. Increase the proportion of such accommodation delivered through local authorities and not-for-profit voluntary housing bodies.

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443 See generally: Simon Communities of Ireland, Locked Out of the Market II (Simon Communities 2015).
445 Under Tenancy Sustainment initiatives, increases in the level of Rent Supplement normally allowable have been granted to approximately 6,000 clients (of which 4,500 were in 2015). Communication received by the Children’s Rights Alliance from Department of Environment, Community and Local Government, ‘Housing Assistance Payment’ <http://www.environ.ie/en/DevelopmentHousing/Housing/SocialHousingSupport/HousingAssistancePayment/> accessed 29 January 2016.
447 Consideration should be given to amending the Residential Tenancies Acts 2004–2015, so that where financial institutions are permitted by agreement of the landlord, or by order of court, to sell a property, the protections outlined in the Residential Tenancies Acts, in particular notice to quit requirements, should apply.
448 The Nightlight Project, based in Lefroy House in Dublin’s city centre, is the primary centre providing accommodation for homeless children between the ages of 12 to 17 years. Children known to the service can access it directly during specific hours.
451 Tusla, Quarterly Management Data Activity Report, Quarter 1 2015 (Tusla 2015) 11.
452 Tusla, Quarterly Management Data Activity Report, Quarter 1 2015 (Tusla 2015) 11.
5. RIGHT TO PROTECTION FROM ABUSE AND NEGLECT

Having an allocated social worker is one essential protective factor to help ensure that a child is safe, has a voice and is safeguarded from abuse. As we commemorate the centenary of 1916 where the Proclamation promised a State ‘cherishing all the children of the nation equally’, the Government must now commit to ensuring that every child at risk has a social worker, an action identified in the Ryan Report as far back as 2009.”

Jennifer Gargan, Director, EPIC

Right to Protection from Abuse and Neglect

Every child has the right to be protected from all forms of abuse, violence, punishment and neglect, whether physical or mental. The State has the responsibility to provide support for children who experience abuse and their carers, as well as mechanisms for prevention, reporting, investigation and treatment.

Summary of Article 19 of the UN Convention on the Rights of the Child