

Introduction

The Background to this Report

The campaign to establish an Office of Ombudsman for Children in Ireland dates back to 1995. Over the intervening years, the Children's Rights Alliance, a coalition of 75 Irish non-governmental organisations concerned with the rights and needs of children, has campaigned strongly for the Office.

The Alliance commissioned research on possible models for a Children's Ombudsman's Office in Ireland.¹ The Alliance also made a number of submissions to Government including detailed legislative proposals when the Bill to set up the Office of Ombudsman for Children was published in 2002.

Now that the Office is a reality, the Alliance believes that the Ombudsman for Children can and must be a strong, independent ally who will champion the rights of children and defend their interests in all aspects of public life and policy that affect children.

The Irish Ombudsman for Children joins a growing group of independent human rights institutions around the world that are charged with promoting and protecting the rights of children, in line with the United Nations Convention on the Rights of the Child. Some of these Offices have been operating for many years, while others are quite new. Together they have amassed considerable experience in taking action on behalf of children. A core purpose of this report was to tap in to that experience, draw on the learning about what has worked well for children, particularly those experiencing poverty and social exclusion, and make those insights available as part of the Alliance's contribution to the early work of the new Children's Ombudsman's Office in Ireland.

The members of the Alliance have extensive collective experience of the areas where children's rights are especially vulnerable in Ireland, and where the welfare of children is most at risk. A further purpose of this report was to draw on this experience and make it available in order to highlight those critical areas where the Ombudsman could make the most powerful impact on children's welfare and well-being in the early months of the Office.

The Ombudsman for Children and Children's Commissioner Offices

Children's Commissioners and Ombudsmen for Children in Europe, New Zealand, and in a number of Australian states were approached and invited to contribute their learning about effective actions taken, particularly in support of children living in poverty or in circumstances of disadvantage, and about problems encountered in achieving the mission of their Office.

¹ Cousins, M. *Seen and Heard: Promoting and Protecting Children's Rights in Ireland*. Children's Rights Alliance, 1996.

The approach was confined to Offices in those areas because of their relatively similar cultural and economic backgrounds. The Offices in these areas include a useful cross section of long-established and relatively new Offices, larger organisations, and some quite small organisations. Eight Ombudsmen and/or their senior staff (France, Sweden, Norway, Iceland, New Zealand, Denmark, Wales and New South Wales) participated in the project. Interviews were held with the two former Irish Ombudsmen, Michael Mills and Kevin Murphy. In addition, discussions took place with a small number of individuals from public sector bodies, research agencies, and civil rights organisations.

Web-based searches and written materials supplied by Offices were used to supplement the information provided in interviews.

The Irish contributors

The Irish contributors included members of the Executive of the Children's Rights Alliance, advisors to the Alliance, and others working in a cross-section of organisations that support children in particularly vulnerable circumstances.

Information was gathered by interview or in written feedback. The contributors were asked to identify areas where action by the Ombudsman for Children could make a major difference for children, quickly. They were especially asked to identify any embedded practices (or omissions) that serve to deny children's rights, and which could be drawn to the attention of the new Ombudsman for early action.

The young people who are members of Comhairle na nOg in Carlow gave over part of their regular meeting to give their views as to what the Ombudsman should do first.

Terminology

The Human Rights Institutions that contributed to this project are known by a variety of titles, and have differing structures. For example, in Denmark, the structure is that of a National Council for Children rather than an Ombudsman. In France the Office has the title of Defender of Children. For simplicity, the term 'Ombudsman' is used throughout when the Offices are being referred to collectively.

The Report

The Executive Summary provides a brief overview of the main ideas that emerged from the discussions with the various contributors in Ireland and abroad.

Chapter 1 of the report describes the feedback from Ombudsmen's Offices about the broad strategies which they have employed to achieve their mission, and which they consider to have been very important for success.

This Chapter also describes a range of specific actions taken successfully by Ombudsmen in order to address matters that were especially important in their country.

Chapter 2 gives an account of matters that the Irish contributors believe should be addressed by the new Ombudsman in the first twelve to eighteen months of office. These are the areas that the contributors believe are urgent, and where the rights and welfare of children, including those experiencing poverty or social exclusion, are particularly pressing. Included in this section also are any views that were given about the wider strategic approach that the Ombudsman should adopt.

Chapter 3 contains the views of Ombudsmen (and some Irish contributors) about how the office of Ombudsman should operate. This section is mainly concerned with administrative matters, such as staffing, funding, and planning.

Thanks

Sincere thanks is due to all those who gave their time, expertise and insight for this report. A list of those who gave interviews and who provided material for the report in other ways is contained in Appendix 1.

Executive Summary

The lessons from abroad

The Children's Ombudsmen who contributed to this report see their Offices as Human Rights Institutions. They treat the UN Convention on the Rights of the Child as their benchmark, and as a living strategic tool in their work.

Some have succeeded in having the Convention integrated into domestic law; others use it as a lens through which they analyse and comment on the status of children's rights and well-being; many engage actively in helping to embed the Convention in the work of public servants and service providers through information, training and monitoring activities.

Great store is placed by Children's Ombudsmen on working strategically, and positioning the Office as a lever to effect wider social change on behalf of children. This approach calls for careful balancing of the work on individual complaints and specific issues with the role as influencer, monitor, commentator, and change agent.

One of the core strategies used by Offices is to draw on and research the trends in individual complaints, to use these as a source of early warning about flaws in systems and practices affecting children, and to go on to tackle these flaws before they become embedded as organisational practice.

Some new Offices have opted to begin their work with an evaluation of 'where things are at' for children. This then becomes a benchmark against which to measure progress. Examples are the systematic review of complaints procedures in all areas of service delivery to children being undertaken by the Wales Commissioner for Children (beginning with local authority social services) and, in Northern Ireland, a planned review of how the Convention on the Rights of the Child is being implemented.

Many Offices carry out in-depth inquiries from time to time on very important aspects of children's lives, or on matters affecting very vulnerable children. These inquiries and reviews become the lever to press for policy changes. An example is the Danish review of provisions for children's right to be heard in all decisions that deeply affect their lives, including custody, adoption, school matters, and local democracy. Another example is the Australian inquiry into child homelessness.

Beginning big public debates, leading out public opinion, and challenging public opinion are seen as key actions of the Ombudsman. One example of radical thinking aimed at creating a new status for children as citizens is the emerging thinking of the Norwegian Children's Ombudsman concerning children's right to a vote from birth.

All of the Children's Ombudsmen, and our own former Ombudsmen, place the highest possible priority on the independence of the Office. The right and duty of the Office to engage in independent analysis and critique of government and service

providers is foundational. The Office must also be distinguished in the eyes of the public, and especially in the eyes of children, from other agencies working for children. The Human Rights focus, and the focus on the Convention on the Rights of the Child as the frame for the work, helps to give the Office a clear identity.

All Offices have set up good ways of listening to children, consulting them, involving them in the work, and giving feedback. They see this as the bedrock of the work. Most have their own systems for communicating independently with children, and set great store by getting out to meet children and young people in their own communities. This ‘living’ contact gives the Offices up-to-date insight into current issues, in a way that research may not be able to do as quickly, and helps Offices to react quickly to new needs. This connectedness also informs the choice of work priorities.

The report gives a brief overview of some of the very wide-ranging initiatives that have been successfully taken by the Children’s Ombudsmen. These include securing changes to legislation, taking actions on behalf of vulnerable groups of children, the use of inquiries and promotional work, and successful actions to change policies and procedures. These initiatives reflect the particular social circumstances and priorities in the various countries, and are a response to the issues raised by children and young people in those countries. They demonstrate the wide scope and potential of the Office of Children’s Ombudsman.

Priorities for the Irish Ombudsman for Children

The Irish contributors to this report were asked to identify what they saw as the top priorities for the incoming Ombudsman – the actions that could make the biggest difference in the shortest time for children. In particular, they were asked to point to practices and policies that undermine children’s rights in a fundamental way.

Inevitably, the list of priorities was a long one. Some people focused on big, strategic issues and actions; others highlighted deep-seated problems affecting particular groups of children. People also highlighted ways of working that should be the hallmark of the Office. One of the key messages coming through was the need to give a very high priority to the situation of children experiencing poverty and social exclusion. The need to create a culture of respect for children was also strongly underlined, especially by the children themselves, who feel they are neither respected nor trusted by adults.

System-wide changes that should be prioritised

- Advocate for incorporation of children’s rights into the Constitution
- Press for building the UN Convention on the Rights of the Child into domestic law
- Press for child impact analysis of all policy, especially budgetary policy
- Monitor the National Children’s Strategy and other policy commitments, especially commitments to eliminate child poverty

- Promote support systems for parents and families
- Press for effective complaints mechanisms for children on all matters that affect them
- Press for a child-centred health service planning, and a child-centred review of paediatric services.

Ways of Working

- Be an Office for all children
- Take an integrated, whole-child approach to all matters
- Have a child-centred approach to addressing complaints and not an administration-led approach
- Press for the child's right to be heard to be embedded in all areas of policy development and service provision that affects children's lives
- Look for explanations to be given to children when Government breaks its promises to children
- Understand the needs of particular groups of children, for example, the needs of Traveller children as an ethnic minority

Taking action for children, especially those experiencing poverty or social exclusion

Many urgent actions were named. These were the main ones:

- Prioritise the situation of children experiencing poverty and social exclusion
- Take action to pursue the commitments to eliminate child poverty given in the National Children's Strategy, the National Anti-Poverty Strategy, and the national partnership agreement *Sustaining Progress*
- Press for the promises to extend the Medical Card to 200,000 low-income households, prioritising families with children, to be kept
- Challenge the practice of using bed and breakfast placements as a way of housing families
- Be an advocate to make sure that no child is homeless
- Act against child abuse and bullying
- Take action on play and recreation spaces and places
- Conduct an early review of the overall care system for children
- Take speedy action to secure children a right to be heard in high conflict divorce cases, in decisions to do with their care and protection, and in school decision-making
- Press for early implementation of legislation affecting vulnerable children, especially the Children Act, 2001, the Education Welfare Act, 2000 and the provisions in education legislation affecting children with disabilities
- Highlight the mental health needs of children and young people, especially children with disabilities
- Check that services are culturally appropriate to the needs of ethnic minority children and their families
- Advocate for Irish citizen children of non-national parents who are threatened with deportation and for asylum-seeking children who are alone in Ireland.

Setting up the Office

All of the contributors from Ireland and abroad recognise that the setting up of a new Office represents a major piece of organisational development work. They stress also that the way in which the Office conducts its business is as important as the content of the work done.

Contributors highlight the need to take time to plan, and to avoid taking on an impossible volume of work before the Office is ready for that; they advocate having excellent systems and procedures in place for managing children's complaints, but also stressed the need for a child-centred approach to this work, where children are always heard and supported, rather than passed back and forth among agencies who have roles in dealing with complaints. This in particular will be a test of the child-centeredness of the Office.

Among the most important set-up tasks mentioned was the need for formalised protocols for working with other agencies whose remit may possibly link or overlap with the Ombudsman for Children Office, for example, state agencies and Departments which operate complaints procedures on matters relating to children.

Staffing levels, staff skills, and staff profiles vary a great deal from Office to Office; key points made about staffing were the need to have a range of expertise, reflective of the holistic nature of children's needs. All emphasised the fact that the Ombudsman must have independence in setting out the profile of staff needed and in the selection of staff.

Of course, resources were named as key to the effectiveness of the Office. Budgets both reflect and shape the standing of the Office. While comparisons are difficult to make with accuracy, the budgets provided to the Offices contacted for the purpose of this report give a broad indication of the level at which resource allocation is pitched, having regard to the child population and the role of the Children's Ombudsman. A key piece of advice from many sources concerned the importance of securing the necessary resources for the work of the Office right from the start.

And finally....

All contributors, at home and abroad, warmly welcomed the setting up of the Office of Ombudsman for Children in Ireland, and pledged support for the incoming Ombudsman. Expectations are high. The commitment to supporting the Children's Ombudsman in making the Office a major source of system change for children, a powerful advocate for them, and an accessible ally is also very strong.

Chapter 1: Learning from other Ombudsmen for Children

Overview

Children's Ombudsmen were asked to describe the actions that had worked very well and made a difference for all children, and, in particular, for children living in poverty or disadvantage.

The choices that Ombudsmen have made as to their priorities for action have been influenced by many factors. Their legal mandate, the cultural and historical context, and the social and economic circumstances of the country have had a bearing on what work has been done and how it is done.

The size of the Offices, and the resources provided for the work, have shaped choices made. The network of agencies surrounding the Ombudsman, including other Human Rights Institutions or other forms of Ombudswork in a particular country will also have influenced both the work done and the ways of working. All of these factors need to be kept in mind when looking at possibilities for transferring learning to the Irish context from the successes achieved or challenges faced elsewhere.

It was notable that much of the feedback focused on *broad processes and strategies* that had been adopted, and that were working effectively; contributors were more inclined to identify these broad approaches, rather than to describe particular actions that they regard as successful. The contributors placed a very strong emphasis on the way they have built relationships with a range of other 'actors' involved with children's rights issues and with meeting children's needs. This theme was dominant in all the conversations. Good ways of consulting children were seen by all as a key to effective working.

The various Offices have taken actions for children who face difficult social or economic circumstances, including children who have been victims of abuse or neglect, children in care, children in detention, and children whose circumstances may be caused by poverty. However, it is notable that the Offices rarely have a specific focus on child poverty as a broad theme or issue. This is partly due to relatively favourable economic conditions in some countries; in others it reflects a strategic decision to work at a broader level to improve the position and status of all children, including children who may be living in poverty.

The feedback from the conversations held and the material supplied is described here under two main headings:

- Section 1.1: Broad strategies for achieving the mission of the Ombudsman
- Section 1.2: Specific actions that have worked well

1.1 Broad Strategies for Achieving the Mission of the Children’s Ombudsman

The broad strategies identified by Children’s Ombudsmen fell into three main groupings:

- Placing strategic focus on Human Rights and on the UN Convention
- Having clear strategic approaches to selecting priorities
- Having ways of working that are in harmony with the mission of the Ombudsman for Children

Using the UN Convention on the Rights of the Child as a strategic tool

Several Offices use the UN Convention on the Rights of the Child as a ‘living’ strategic tool in their work. The Convention is used as a frame of reference for giving views, monitoring legislation, and analysing children’s living conditions.

The Danish Council puts a good deal of store by enabling or empowering others to integrate the Convention into their work, and to self-monitor, rather than having the Convention used only by the Council itself as a measuring or monitoring tool. The Council believes that ‘Ministers should be under an obligation to make a systematic evaluation of applicable rules and draft legislation on the basis of the spirit and letter of the Convention’. The Council sets particular store on the use of the Convention by local municipalities; pilot projects are used to test ways of using the Convention. While this approach may be slow, it is successful, and is appropriate to the circumstances of the Council, which has a small staff. The strategy here is to ‘throw a stone into water’.

Similarly, the New Zealand Commissioner places strong emphasis on helping Public Authorities to take their responsibilities under the Convention seriously. The Commission is now ensuring that Government Departments have templates for applying the Convention in their particular area of responsibility. The Commission runs progressive programmes of training for community organisations on children’s rights issues.

The Convention is used as a tool for monitoring existing legislation in Sweden, as well as being a benchmark for critiquing draft legislation.

Using the reporting responsibility as a tool to advance the mission

Most Offices, including our own former Ombudsmen, see the formal reporting responsibilities as a very important tool in achieving their mission, and have used their reports strategically. The main reports are the annual report to Parliament or to Government or to a particular Minister (depending on the legal arrangements for reporting) and the report to the UN Committee on the Rights of the Child, commenting on the Government’s report on progress in implementing the UN Convention on the Rights of the Child.

The Annual Report is usually used both to report on individual work (where that is one of the tasks of the Ombudsman) but also to analyse a particular area of children's lives and to comment on this.

The French Office uses the annual report to deliver one important message each year. For example, the most recent report concentrated on children's health, focusing particularly on adolescents. In Sweden, the formal evaluation of the work of the Office identified the report to the UN Committee as a platform for discussion with Government, and an annual 'rolling' report on progress towards implementing the Convention.

Ensuring children are heard

All children, but especially children in vulnerable situations, can benefit from strong processes that ensure their right to be heard. The report from the Danish National Council for Children to the UN Committee on the Rights of the Child in 2000 contained a very detailed review of the provisions in Denmark for the child's right to be heard in all the areas where decisions are taken that deeply affect the child. The areas examined included custody, adoption, health services, social legislation, school matters, leisure matters and local democracy, as well as an overall evaluation of the position. This report provides a baseline for measuring future progress. It provides a precise definition what 'being heard' means²; it identifies anomalies in the application of the right to be heard in different areas of social life and argues for consistency of approach in every area.

A strategic approach to complaints

One of the strategic approaches an Ombudsman may use to ensure that children's concerns are dealt with is to undertake an Inquiry into the arrangements in place for children to bring complaints more locally. Carrying out such a review would appear to be a very good way of 'benchmarking' the position with regard to children's access to complaints procedures, while at the same time promoting better practice in dealing with issues at a local level and before problems escalate.

The first report from the Wales Commissioner, 'Telling Concerns', dealing with complaints procedures and arrangements for representations, whistleblowing, and advocacy in local authority social services, has just been published. It will be followed by reports on all areas of service that affect children's lives. The report gives examples of good practice in providing opportunities for children to voice their concerns and complaints.

² Three formal levels of being heard are described. *Joint influence* means the child has the right to express a view; *participation* means that the child has a right to express a view and give consent; *self-determination* entitles the child to legal autonomy. These rights attach to different criteria (age, maturity), which can vary according to the area, e.g. custody, adoption.

A child-centred approach to managing complaints

The Ombudsman for Children's approach to managing individual complaints should keep the best interests of the child in clear focus and model child-centred practice, rather than adopting an administration-friendly approach.

The Children's Law Centre in Belfast, in their submission on the legislation setting up the Office of the Commissioner in Northern Ireland, had serious concerns about how children will react when they find that they cannot be heard directly by the Children's Ombudsman, but must go through several other procedures first. Their experience in the Children's Law Centre has been that children have to be supported to take complaints; they are unlikely to persist, and jump through administrative hoops attached to standard complaints and appeals mechanisms. This experience has prompted thinking about the potential for a strategic approach to individual cases, using a comprehensive audit of children's complaints to identify cases that highlight key issues and priority areas. This approach would need to be backed up with a range of measures, such as child-friendly signposting to other procedures, so as to ensure that individual children's concerns are not 'lost' in the system.

A strategy for advocacy

Another strategy is to ensure that children get help in dealing with their concerns or bringing complaints. Advocates may be provided as a legal right for children in certain circumstances such as being in local authority care (as in Wales) and the Ombudsman may use some of the resources of the Office to monitor how those advocacy services are working, or press to have the right to an advocate extended. Some Offices provide community advocates. For example, the French Ombudsman has set up a country-wide network of volunteer advocates to help to deal with the volume of individual complaints. The New Zealand Commissioner has also set up a network of Community Advocates. In El Salvador, the Human Rights Commission brought together a network of 200 young people and gave them training to work as peer advocates and to help raise awareness at local level about children's rights.

Achieving balance in the work

One of the strongest challenges for an Ombudsman, it seems, is achieving balance among competing approaches, competing priorities, and competing relationships; this 'juggling act' at many levels was highlighted in the feedback from several Offices, and comes through in accounts of choices that have been made by Ombudsmen about how they work. The strategies that were described concern where and how to focus the time, energy and resources of the Office; how to maximise the impact of the Office; how to create a clear identity for the Office and how to differentiate its work from the work of the many agencies concerned with children's well-being.

Having a strategic approach to selecting work priorities

The range of areas of children's lives that might warrant the attention of the Children's Ombudsman is extensive. All of the contributors caution against spreading the influence of the Office too thinly. This raises the question of how priorities for action are selected. Most contributors say that the best way to determine priorities is to have very good ways of listening to children and young people. When the issues pursued come from children, the Ombudsman has a strong moral authority. For this reason, the Offices have all invested a great deal of energy and resources putting arrangements in place to listen to children. These cover arrangements for regular contact with a representative sample of children across the age groups, use of questionnaires on particular issues three or four times a year, interactive websites, children's parliament, formal and informal visits by the Ombudsman around the country. In many countries, this feedback from children has put important issues on the agenda. For example, in Sweden, the question of children's psychological well-being, and, in particular, their experience of the school environment, is a focus of work now, arising from the consultation with children.

Analysis of the complaints from individual children is a key pointer to the wider systemic issues needing to be addressed. Indeed, one view was that these complaints are the most relevant and legitimate guide, and that an Ombudsman should rely heavily on these.

The UN Convention on the Rights of the Child is a basic tool for helping to decide on priorities. For example, the Northern Ireland Commissioner intends to review the level of implementation of the Convention, as a means of helping to choose early priorities for the new Office. This approach could be particularly promising since it would locate the work of the Children's Ombudsman firmly in a rights framework. It could be especially helpful in relation to children experiencing poverty and social exclusion, since the Convention explicitly stipulates the social and economic rights of children.

All children or vulnerable children?

Balancing a 'universal' focus on all children with a focus on vulnerable children represents a particular strategic choice-making process. While all Offices work at both of these levels, the emphasis appears to vary a good deal; one Office, that of the Children's Commission in New South Wales, described an explicit strategy guiding its view on how to balance these two levels of work:

While the Commission's legislation requires it to place an emphasis on vulnerable children, it generally works from the position that the best way to help vulnerable children is to promote better policies, services and decision making for all children and young people in NSW. This means improving mainstream services and supports, such as families, schools, and community structures (Gillian Calvert, New South Wales Commissioner).

Having a whole-child focus

One of the hallmarks of a Children’s Ombudsman’s Office is that the Office must see the child in the family and in the wider society, and both transcend and challenge sectoral views that say to a child, ‘you don’t fit my picture’.

Knowing about the situation of children and giving people new knowledge

The Ombudsman for Children needs to have an in-depth knowledge of what is happening in the lives of children generally and to share that knowledge with a wider public. Many contributors highlighted the importance of research, and some expressed concern that the research side can be neglected. Ombudsmen need full knowledge of the situation of children in their country. They need to know about research carried out by others, as well as doing their own research. There were differences of view as to how much research the Ombudsman’s Office should initiate, and some caution against using resources to undertake major research projects. According to one view, the Office should try to influence the research agenda of other agencies. However, another view was that the Office needs to be able to comment independently on issues, and this may necessitate doing some independent research.

The New South Wales Commissioner uses some interesting strategies to spread new knowledge about children’s lives, including starting messages that spread by word of mouth, and amplifying or dampening public debate on an issue.

Starting ‘big debates’

The Ombudsman for Children is well placed to start big public debates on issues concerning children, and, in this way, to lead and influence public opinion. The Norwegian Ombudsman, for example, has used this strategy extensively, and in a radical way. The Office created an ethical debate about smoking – not about what should be allowed, but about the ethical question of exposing a child to passive smoking. A debate has been prompted about the cosmetics industry, and about how aggressive the industry should be allowed to be. This is seen as a values-led debate. The idea of a contract between divorcing couples, making joint commitments in relation to parenting, is also being discussed.

A debate is now being mooted about voting rights for children. The Ombudsman has floated the idea of children having the right to vote from birth, which could, in the early years, be exercised on their behalf, but which would be exercised directly from quite an early age.

Shaping or changing other people’s agendas or priorities

The New South Wales Commissioner names this approach as one of her key strategies. It covers a lengthy list of actions, of which only a few can be named here:

- Through publications or public statements, helping people to replicate the behaviour of other organisations
- Joining or setting up committees – or leaving them or closing them down
- Reporting positively or negatively about organisations, in Parliament or elsewhere
- Being prepared to make negative statements about organisations where required
- Negotiating consensus on issues

Creating a strong, clear identity

The Office of the Ombudsman for Children needs a clear identity that distinguishes it in the eyes of the public and in the eyes of children from other organisations and institutions working for children. Having such a clear identity helps direct the energy and resources of the Office. One of the messages coming from other Offices is, ‘don’t reinvent the wheel.’

Highlighting the identity of the Office as a Human Rights Institution is one of the strategies used to differentiate it; the focus on the UN Convention on the Rights of the Child, and the human rights perspective embedded in it is one of the ways in which the Office can distinguish its approach from that of other agencies and organisations working to improve children’s lives. The New South Wales Commissioner describes the identity of the Office in terms of promoting respect for children as citizens:

While a variety of different approaches exist among organisations set up to promote the safety, welfare, and well-being of children and young people, the Commission takes the approach that children and young people are a class of people whose status as citizens is not fully respected by others. Since parents are not in a position to advocate on behalf of children and young people, as a group, children and young people need systemic advocates. The Commission aims to be such a systemic advocate.

Building a high public profile for the Office in the media, right from the start, and going ‘out and about’ to meet children and members of the public, is seen as very important by most Children’s Ombudsmen and Commissioners.

Keeping the balance in favour of broad promotional work over individual casework is also seen as an important way of ensuring that the identity and profile of the Office is maintained, for the benefit of children.

Building relationships

All of the people who contributed to this report underlined how important it is for the Children’s Ombudsman to build relationships with key people right from the start. But there are quite different views about how those relationships should work. Delicate balances have to be achieved in these relationships.

Some make a case for developing close working relationships with Government and key public servants. Others make the case for keeping an arm's length relationship with Ministers and officials.

In dealing with complaints, the Ombudsman must be seen to be fair and impartial, both to children and to public bodies, while in advocating for children generally, the Ombudsman must be firmly on the side of children. The role of the Ombudsman in the process of policy development needs to be teased out at an early stage. Although the Ombudsman has a remit to provide advice, there is, according to one contributor, a tricky relationship to be worked out – if the Ombudsman is to be a biased advocate for children, can they also be an impartial advisor on policy development?

People spoke about the importance of working closely with Non-Governmental Organisations (NGOs), but also talked about the need to ensure that the agenda of the Ombudsman is an independent one.

The relationship with the media is generally seen as a crucial means of keeping the work and role of the Ombudsman in public view. However, the Ombudsman may also want to educate the media towards portraying positive and true images of children, rather than, as one person put it 'as pet, or victim, or criminal.' Sometimes, the best strategy may be to ignore news or media items. On occasion, it may be the actions of the media that need to be challenged. In New Zealand, for example, the Children's Commissioner took a high profile and successful stance in relation to the right to privacy of two child celebrities.

One guiding principle governing all relationships is the independence of the Ombudsman. Everyone agrees that the success of the Office depends on having a strong, and clearly independent Ombudsman. The Ombudsman must be independent of Government and service providers, and independent in their judgement, with the right to pursue what they intend to pursue, and to handle issues as they see fit.

Section 1.2: Examples of Successful Initiatives by Children's Ombudsmen

Introduction

The accounts of initiatives that have worked well are those given by the various Children's Ombudsmen's offices, or documented in their reports. Other parties in the countries concerned might have identified different successes, or had different criteria for measuring success.

Much of the ongoing work of Ombudsmen is to comment on legislation, raise issues, and put proposals into the public domain. Most Offices report on this work on an ongoing basis, but may have to wait months and years to see how their intervention has fared. The task of changing and orientating a culture in favour of children's rights or helping to bring about shifts in public opinion is a slow process, and success is neither easily measured nor easily attributed.

Contributors have also pointed out that the success of a particular action can depend on many factors. Support from other people and agencies, and joint working may be a factor in many instances. Sometimes, the seeds of success of a particular action have been sown for many years, and come to fruition when the timing is favourable. The political climate, the resource climate, and public opinion are all factors that can play a part in the outcomes achieved. The social, economic, and political culture in a country will favour some actions that might fail in another environment.

Some successful initiatives elsewhere would not have application in Ireland, because they relate to very particular legal or other circumstances in another country. These contextual factors are highlighted to caution that the learning from the successes on a particular matter may not readily be transferred or replicated in another country. However, they do give a very useful flavour of areas where successes can be achieved and where Ombudsmen have made a difference for children.

Some trends

There is, as would be expected, a strong focus on actions in support of particularly vulnerable children, as well as on actions aimed at benefiting all children.

Children's mental health appears to be a concern for Ombudsmen in several jurisdictions. The situation of foreign and unaccompanied minors has also been the focus of attention in a number of jurisdictions.

All Offices have been involved in setting up formal arrangements of various kinds and at all levels in order to consult children, and view these arrangements as part of the key successes of the Office.

Influencing legislation

Influencing new legislation or achieving change in existing legislation, in line with the UN Convention, is a key part of the work of all Ombudsman Offices. Examples of successful initiatives to influence legislation include the following:

- Amendments to the tax law, abolishing the link between child benefit and parents' assets (Iceland)
- A Bill introduced setting up a professional public family counselling system that will be accessible to both children and adults in cases of divorce or separation (Iceland)
- Provisions proposed by the Ombudsman have been included in a new Broadcasting Act. The Ombudsman linked her position to the protection of children against damaging information, in line with Section 17 of the Convention, as well as EU Directive EU/89/552 (Iceland)
- National Children's Council instrumental in securing legislative change banning physical punishment (Denmark)
- UN Convention on the Rights of the Child fully integrated into Human Rights legislation (Norway)
- Education legislation amended to include the right of each child to a good environment for learning. This provision covers the emotional environment as well as light, air, the physical environment; it is a strong element of the campaign against bullying (Norway)
- Successful intervention to secure rights of young people with learning difficulties in relation to control over their own fertility – a landmark case (New Zealand)
- Interventions to ensure that minors are imprisoned only as a last resort and only in exceptional circumstances, in line with CRC; successful action to secure improved standards and provisions for those who are imprisoned, and successful steps towards ensuring that all Government Departments have legal personnel who specialise in law for minors (France)
- Successful pressure to speed up the implementation of laws benefiting children, e.g., law dealing with assistance given to victims of sex offences (France)

- No minor may now be placed in an institution which treats persons hospitalised due to mental disorders without the medical authorisation of a physician outside the institution, and that minor may not be kept for more than fifteen days. A medical opinion on the part of the psychiatrist in the institution is then necessary to extend this period for renewable periods of one month (France)
- New law expanding families' right to access social worker files on their cases (France)
- New law improving access to family records of children given up at birth (France)
- Improved legal protection for minors against all forms of sexual exploitation (France)
- 'Ad hoc' administrator must now be appointed for each unaccompanied foreign minor in 'waiting areas' in airports, and those seeking refugee status; the administrator accompanies and represents the minor in all administrative and jurisdictional proceedings (France)
- Successful action to embed the UN Convention on the Rights of the Child in the law; the principle of the child's best interests is now described as the preamble to the Code of Parenthood and Guardianship, the Aliens Act and the Social Services Act; the child's right to express opinions is also now formulated in each of these (Sweden).

Changes in procedures, practices or policies

- New procedures have been introduced for Customs inspection of young people travelling unaccompanied. A Bill in support of these changes is being considered (Iceland)
- Actions taken by the Ombudsman have influenced new banking rules dealing with children's business relationships with banks (Iceland)
- New rules have been introduced to regulate the working procedures of the police, because of alleged violations of the rights of children who are too young to stand trial. These rules apply to both child victims and alleged child perpetrators (Iceland)
- Action on behalf of unaccompanied foreign minors in danger, up to age 18; as a result it has been possible to avoid forced deportation of very young children (France)
- Action taken to provide alternatives to prison for minors, as a result of intervention of Ombudsman (France)

- Successful action taken to protect young celebrities from the media (New Zealand).

Studies, inquiries, policy development, promotional work

- Major Inquiries into child homelessness, age discrimination, rural and remote education (Australia)
- The situation of children born in prison, children sent to prison, children with a parent in prison and alternatives to prison for minors have been priorities for the French Defenseur (France).
- Collaborative study on the impact of domestic violence on children, following repeated focus by the Ombudsman on this area (Iceland)
- Working Group on mental health policy concerning children and adolescents has been set up, following repeated requests from Ombudsman (Iceland)
- The Big Mission to end Bullying in all schools within two years; a manifesto against bullying initiated by Ombudsman, and signed up to by the Prime Minister, Trade Union leaders, parliamentarians, municipalities and school principals (Norway)
- Debate on bullying has been initiated by the Ombudsman, and a study initiated by the Education Ministry, on foot of Ombudsman's inquiry (Iceland)
- National Children's Council has succeeded in creating strong focus at Ministerial level on the psychological environment of the school and teacher/student relationships (Denmark)
- Increased children's right to be heard in casework; children now have the right to be asked about their wishes, including in divorce situations (Denmark)
- Successful action concerning child safety and accident prevention (Sweden)
- Strong action to promote higher levels of student participation at school level (Sweden)
- Inquiry into the best means of assisting children and young people with no-one to turn to, and publicising findings (New South Wales)
- Research and promotion of ways to reduce death, suicide and risk-taking behaviour among children and young people (New South Wales)
- Work with industry and consumer groups to promote better practices relating to the sale of mobile phones to young people (New South Wales).

Chapter 2: Priorities for the Irish Ombudsman for Children

Introduction

A cross-section of people working directly with children, or involved with organisations concerned with children's rights and well-being, were asked for their views as to what the priorities of the Irish Children's Ombudsman should be during the first 12 to 18 months of the Office.

Those interviewed included children and young people, members of the Executive Committee of the Children's Rights Alliance, advisors to the Alliance, and representatives of organisations who work with especially vulnerable, disadvantaged, or socially excluded children.

People were asked to identify public policies or practices that undermine children's rights and well-being in a fundamental way. Because the majority of the people interviewed work with the interests of vulnerable children, there is a strong emphasis in the feedback on actions that would improve the circumstances of those children.

The people interviewed also gave views about broadly based strategic actions that the Children's Ombudsman could usefully adopt in order to maximise the impact of the Office in its early months. The views expressed are summarised below.

What the children and young people said

Children and young people who are members of the County Carlow Comhairle na nOg talked about what the Ombudsman should do during the first twelve to eighteen months after being appointed.

One of their general concerns was that the Ombudsman would do something about the lack of trust in children and young people, and the lack of respect for them. They told stories about their experience of not being trusted or respected.

They also wanted to see practical action in several areas that affect children. This is their list of priorities:

- No child should be homeless
- Children living in poverty should get their rights seen to
- Drugs and drink problems with young people
- Teacher bullying
- When teachers are not suitable
- No football for girls, no places to play
- No recreation places for older children
- More Stay Safe programmes in school
- Help for children in hospital especially A&E
- Help to end child abuse

Creating a culture of respect for children

One of the themes running through the contributions was the need for the Children's Ombudsman to begin early to help to promote and build a culture of respect for children, and to press for support to change adult views about children's status and standing in society.

The children and young people who contributed felt strongly about this. Their stories highlighted their experiences of not being respected, and not being trusted. Other contributors spoke about the lack of respect for children's capacity to make wise decisions, for example, in relation to their own medical treatment.

Incorporating children's rights into the Constitution

The Irish Constitution recognises only one type of family, the family based on marriage. The parents in the marital family are afforded inalienable and imprescriptible rights, while there is no reference in the Constitution to children's rights. As a result, the rights of the child are always subordinate to parental rights. The Ombudsman should push for Constitutional change to ensure that children's welfare is given the paramountcy it deserves.

Incorporating the UN Convention on the Rights of the Child into domestic law

While the Convention on the Rights of the Child is binding on the State as international law, it needs to become part of domestic law. The Ombudsman for Children can play a key role in advocating for this to happen, in relation to both new and existing legislation. Success at this level could generate significant wide scale strategic change for children.

An Office for all children

The Office should be an Office for all children, and a focus kept on issues that affect all children; there was a view that the Office should relate to the public, to the general mass of people, and not only to interest groups; equally the Office should be an Office for all children, and not for middle class children, or exclusively for poor or disadvantaged children.

All children living in Ireland should have the same status. The concept of an Office for all children will mean that the Ombudsman must look especially at areas where some children are treated unequally and where practices embed different standards and unequal treatment. Examples given were the practices of housing asylum-seeking mothers and children in residential institutions; the practice of getting permission from tenants or residents before allocating standard housing to Traveller families and the practice of centralising welfare services to Traveller families in one city centre location.

Appraising social and economic policies for their impact on children and families

There was a view that a key role for the Children's Ombudsman, from the start, will be to appraise and comment on social and economic policy from the perspective of its impact on children and families.

The Ombudsman would look for the child's interest in all policy areas. For example, in the area of early education, the Ombudsman would pursue the question of the quality of provision; in the childcare area, the Ombudsman's focus would be on children's needs, rather than on the needs of the economy, or on the equality issue for women.

The Ombudsman should tease out the implications for children of particular government policies and spell these out, so that the electorate has a clear choice; the Ombudsman should challenge the political system to be clear about the consequences of the economic choices we make, as a society. This applies in particular to budgetary policy and strategy. Policy makers should be thinking about the implications of their decisions for children, and the Department of Finance, in making budgetary policy, should hear the voices of children.

The Ombudsman should draw attention to the impact (either positive or negative) of particular policies, it was argued. For example, the benefits of investment in early and primary education should be made clear; equally, the negative impact on children of poor housing, overcrowding, parents having to live long distances from their workplace should be highlighted; security of tenure in the private rented sector is presently considered from an economic perspective, rather than looking at children's best interests.

As part of this strategy, there was a view that **poverty should be a top priority** for the Ombudsman, on account of its pervasive effect on all aspects of children's lives and their life chances.

Promoting an integrated, holistic, and ecological view of what needs to be done

There was a view that, strategically, the Children's Ombudsman should take an integrated and holistic approach to the work of the Office, rather than an issue-based approach; one of the facets of such an integrated approach would be to promote interdepartmental thinking about children, rather than having an isolated focus on particular dimensions of children's lives.

Contributors gave several examples of circumstances where institutionalised practices should change in order to adopt a holistic way of working with children. For example, it was suggested that there is a tendency for child-care placements to be 'bed-driven' rather than taking account of the wider holistic needs of the child; when there is huge pressure to find places for children, the need for the 'bed' becomes paramount.

The use of bed and breakfast accommodation, and other short-term approaches to accommodating children whose families are homeless, was another example given of an embedded practice that fails to take account of the needs of the whole child within the family. The disruptive effect on children's education, the impact on health and on social development, and the lack of being part of a supportive community, as well as the more immediate impact of having no place to go during the day, were some of the more damaging aspects of this practice which could be highlighted by the Ombudsman.

Supporting parents and families

There was a view that one of the most effective strategic ways of promoting children's rights and well-being will be to look to the ways in which families are supported.

The Children's Ombudsman should advocate for policies and projects that help families, provide early intervention, and address poverty, such as the Springboard project.

Monitoring the National Children's Strategy and other policy commitments

It was felt that the Ombudsman has a key role to play in monitoring the National Children's Strategy. The Strategy is Government's promise to children and the Children's Ombudsman should play a part in assessing the extent to which that promise is being kept. The Ombudsman's office must have a strong commitment to the Strategy, and attend to the vision of the Strategy – is it making a difference to children? Where the Strategy needs more radical action, the Office should pursue and promote such action. An example given of where more radical action is needed is in the area of child benefit.

The Ombudsman should be concerned with any promises made to children by Government, and should model good behaviour by pressing for reasons to be given to children if promises made are not kept.

Influencing the development of children's well-being indicators

The Children's Ombudsman could play an important role in making sure that well-being indicators are of value to children experiencing poverty and social exclusion. The Ombudsman could look particularly to ensuring that the indicators incorporate a rights-based approach, they are an effective tool in helping to understand the needs of children living in poverty, and in ensuring that those needs are routinely examined, measured, and ultimately addressed.

Embedding children's right to be heard

Several contributors prioritised the need for formal measures to ensure that children have the right to be heard, especially when decisions are taken that have a serious impact on their lives and life situation. In some circumstances, this may involve new legislation. In others it would mean exerting pressure for the implementation of existing legislation.

The absence of a clear legal infrastructure through which health boards in particular would provide for children's right to be heard was highlighted; this is of special concern for children at risk, children in care and children with behavioural problems.

It was pointed out that Section 26 of the Child Care Act (1991) provides for the concept of representation. However, no infrastructure is in place for this and this is seen as having a greatly detrimental effect on children's rights.

In particular the views of children being placed in care about their placement should be heard as a matter of right; the experience has been that, although there is general acceptance of the need for this, it is not general practice.

Guidelines from the Social Services Inspectorate on consultation with children point out that young people have a right to be consulted on matters concerning their care and protection, as part of the health board's general duty to give due consideration to the wishes of the child under the Child Care Act (1991). The guidelines also underline the fact that this right to be consulted is strengthened by Article 12 of the UN Convention on the Rights of the Child.

In high conflict divorce cases, the view was that children are invisible in the process; the legislative framework exists to enable this to happen, but is not operational. A clear legal framework is also needed to underpin children's right to give consent to medical treatment.

Children whose parents wish to educate them at home should also have the right to be heard, and their wishes taken into account. At a broader level, the Ombudsman should champion the child's right to participate in school-based decision making.

Ensuring that the child's voice is heard will necessitate cultural change. For example, in the case of children's future following divorce, the mindset needs to shift from an adult focused view ('who gets the children?') to a focus on determining the best interests of the child, and the child's role in determining what is in his or her best interests. It was felt that the Ombudsman could play an important role in bringing about such a culture change.

Pressing for the speedy implementation of legislation

When legislation has been passed that would protect children, and where that legislation is not being implemented, vulnerable children lose out. The Children's

Ombudsman could play a very valuable role early on by pressing for the implementation of existing legislation concerning children's welfare. The speedy implementation of the Children Act (2001) was one of the main examples given, where the Ombudsman could promote early implementation of the State's responsibility to children. The use of Family Welfare Conferences, and proper resourcing of these would advance the situation of a group of very vulnerable children.

Early implementation of the support provisions of the Education Welfare Act (2000) would assist another group of vulnerable young people who are at risk of being educationally disadvantaged. Access to appropriate education for children with disabilities, as provided for in the Education Act (1998), is a further area where contributors felt that wider implementation of an existing legal provision could be pursued.

Reviewing complaints procedures

Several of those interviewed believe that the Children's Ombudsman should act quickly to ensure that children to have access to effective complaints procedures in their own right, and that those complaints procedures be child-centred.

The need for an independent complaints process for children in care was raised. It was pointed out that, for a child in care to have to take a complaint through internal mechanisms, and then to the health board, may be very difficult indeed; sometimes the child may want to complain about the person to whom the complaint must be made; children in foster care may find it especially difficult to make a complaint, especially if they do not have a social worker assigned to them.

The need to distinguish between a grievance and a complaint was also raised (an issue which is addressed in the report of the Children's Commissioner for Wales on complaints procedures in Wales).

These matters highlight a valuable role for the Children's Ombudsman in reviewing both the arrangements for making complaints and the way in which these arrangements operate, with the child's best interests as the focus of such a review.

It was proposed that children in vulnerable situations should have access to child advocates or children's rights officers and that the Ombudsman should pursue this.

Children's material needs and child poverty as a priority

There was a strong view among contributors that the material requirements for children's well-being should be a key concern for the Ombudsman for Children, since material status underpins to such a strong extent the psychological, emotional, educational, social and physical well-being of children. The Ombudsman should highlight Government commitments to an adequate income for families, and should pursue Government to keep promises made in relation to ending child poverty.

Promises and commitments to eliminate child poverty have been made in the National Children's Strategy, the National Anti-Poverty Strategy, and the national partnership agreement *Sustaining Progress*. Contributors felt that the Ombudsman must highlight the extent to which these commitments, such as the Child Benefit targets, have not been met; the freezing of Child Dependent Allowances should be a particular concern, given the impact of this policy on the poorest families. When the family income falls further below poverty lines children risk being embedded in deep and persistent poverty.

Advocating for children's health

The current access to healthcare by ability to pay was of particular concern to contributors. It was felt that the Ombudsman could open up honest debate on the value we place on good health for all children, alongside pushing for the implementation of outstanding Government commitments, especially commitments made to extend the medical card scheme to children under 18. The question was asked 'if we can set standards for educational attainment for children and make schooling compulsory, why are good health outcomes for children seen as optional?'

Prioritising the situation of children in care

There was a strong view, expressed by most contributors, that the situation of children in care should be a clear priority for the Ombudsman.

The case was made that there is no process in the system for overseeing the quality and appropriateness of a placement into care and to ask the question 'is this placement the right placement'. In a similar vein, it was suggested that short term placements tend to become long-term placements; with energy and resources expended on finding placements for young people in care and there is little time or resources left for planning for children to come out of care.

One role suggested for the Ombudsman would be to conduct an early review of the overall care system from the child and family perspective. Why do children stay in care for so long? How is the time in care used? How are families, especially fathers, helped to stay connected? How can children be kept out of high support units? What else can be done to refocus efforts on helping families to cope better? How is the role of health boards in relation to aftercare being addressed? The way in which the care system is fragmented, and the absence of coherent tracking systems should be highlighted as part of such a review. If the Ombudsman for Children were to state that children in care are a priority, this, of itself, could make a difference.

The situation of children with disabilities

The Children's Ombudsman should pursue with vigour the implementation of Article 23 of the Convention, which states the right of a child with a disability to 'enjoy a full

and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community'.

In prioritising the situation of children living in poverty, it was felt that the Ombudsman should acknowledge the extra risk of poverty faced by children with disabilities and advocate strongly for implementation of programmes and strategies to address this risk.

Some specific urgent issues named in relation to issues for children with disabilities were the need for implementation of the Education Act (1998) to ensure provision of appropriate education, and the need for improved mental health services for children and young people with learning disabilities. The situation of disabled children who are themselves carers for other family members needs to be examined and highlighted.

A child-centred review of paediatric services, and child-centred health service planning

The Children's Ombudsman should press for strategic planning for levels, location, and operation of paediatric services, focused on the safety and well-being of children. This review, which has been proposed in the Health Strategy *Quality and Fairness*, should lead to a coherent child-centred policy framework, and the development of protocols and guidelines that have statutory force (current guidelines are purely advisory), as well as setting out arrangements for best possible practice in hospital based services for children and young people.

The review of paediatric services is seen as especially important for children with disabilities, on account of the high level of dependency of disabled children on the health services and hospital services. The provision of mental health services for young people, and especially for teenagers with an intellectual disability, were considered to be a priority area for the Ombudsman.

It was also proposed that the Ombudsman should act quickly to ensure that the reforms of the health service, which are under way at the moment, should have a focus on how the health needs of children, as a key population group, will be addressed and protected into the future within any new institutional framework.

Understanding the needs of Traveller children and their families

It was felt that the most important action that the Children's Ombudsman could take in relation to Traveller children would be to understand their needs as an ethnic minority and the consequences that flow from their position as such an ethnic minority.

The Ombudsman should promote the development of culturally appropriate services, and highlight areas of discrimination and exclusion from civil society, such as the area of leisure provision for young Travellers. The accommodation situation of Traveller children was highlighted as a particularly important area of priority.

Examples of the implications for children of their ethnic minority status were given. The situation of women and children experiencing domestic violence was such an example. Women tend to go later for help for cultural reasons; their male children over 12 years are not accepted in some refuges, with the result that women will not leave without these children.

Addressing the rights of Irish children of non-national parents and unaccompanied asylum-seeking children

Two groups of asylum-seeking children should be the focus of attention for the Children's Ombudsman, in the view of contributors. The first group are the unaccompanied minors, numbering in the region of 1,000 children at the moment. . The Ombudsman should ensure that unaccompanied minor children enjoy the same basic rights to housing, education, and other services as other children living in Ireland, in line with the UN Convention on the Rights of the Child.

The second group are the citizen children of non-national parents, many thousands of whom are now facing deportation. The Ombudsman should ensure that before non-national parents of an Irish child are denied leave to remain, a review should be undertaken to determine whether such a decision would jeopardise the rights of the child, particularly in light of the Government's policy of requiring deported parents to take their children with them.

Chapter 3: Setting up the Office

Overview

Current and former Ombudsmen stressed that *how* the Office works influences its effectiveness just as strongly as *what* it works on. They said that if working processes are set up right from the start, the scope for success would be all the greater.

These Ombudsmen drew on their experiences of setting up and building their organisations and highlighted some of their most important learning about what had made a difference to the effectiveness of the Office. The key areas they raised included planning, setting up systems and procedures, staffing, and resources. Arrangements for managing the relationships and interface with other agencies were also raised.

Time to plan

The Children's Ombudsman is in the business of setting up a new organisation, and this is a major piece of organisational development work. Contributors were clear that the Ombudsman should take the time to get set up well, and should not feel under pressure to be 'open for business' until the organisation is ready. As one contributor stated, 'you don't want to get off to a bad start by having a volume of work that you cannot deal with.' There was a view that having a Development Plan for the first phase of the work would be very helpful. Everything tends to be slower than one expects in the set-up stage and that this should be factored in to the planning process.

Achieving balance between individual work and advocacy work

Achieving balance between work on complaints from individual children and wider promotional work has presented a challenge for many of those Offices whose role involves them in both kinds of work; this is especially the case where staffing resources are limited. The need to avoid being drawn in to a strongly reactive role through undue investment of resources in individual casework was stressed by several contributors.

Systems and procedures

The need for good systems and procedures for working with individual children's complaints was stressed by both of the former Irish Ombudsmen, and reinforced by other Offices who deal with individual complaints.

A manual of procedures was seen as an essential tool for both preliminary and formal investigations. A 'period of watchfulness' was advised, during which ground rules would be worked out, and the strategy for working with individual complaints developed. In the Irish context, both former Ombudsmen stressed the value of

drawing on work already done by the general Ombudsman since the time that Office had come into operation.

A concern was expressed about possible tensions between the advocacy role and the investigative role of the Ombudsman under the Irish legislation. There was a view that the procedures for hearing complaints will have to be very well worked out, with legal advice, in order to ensure the integrity and impartiality of the investigation process. Avoiding overlap with other agencies responsible for investigating complaints will be especially important; in particular, the view was that the Ombudsman should avoid ‘competing for business’ with other entities.

Managing the interface with other agencies

Several contributors suggested the need for clear agreements with other key agencies about the boundaries of the role of the Office and the interface with those agencies. Agencies mentioned in this context included the general Office of the Ombudsman, the Equality Authority, the Human Rights Commission, the Social Services Inspectorate, as well as Government Departments that deal with a high volume of appeals. A Memorandum of Understanding was seen as an effective tool to manage these relationships. The other key relationship to be worked out, it was suggested, is the relationship with the sponsoring Department.

Staffing levels and arrangements

The capacity of an Office to work effectively depends in large measure on the levels, skills, and experience of staff. Staffing levels and staff profiles vary considerably from Office to Office.

Contributors highlighted the need for a range of expertise in the Office, including expertise in communication and consultation with children, skills in working with the media, research and evaluation skills, legal knowledge, policy knowledge and skills; some Offices have people with backgrounds in particular service areas such as child health, education, child care. It was pointed out that certain expertise, for example legal expertise, need not necessarily reside entirely within the Office, but can be secured in other ways.

Some Children’s Ombudsmen employ a Director or Chief Executive who is responsible for managing the work of the Office, while others undertake this role themselves. A key point raised was that the Children’s Ombudsman should have the independence to decide on the staffing profile of the Office, within the framework of the resources provided.

The need for training for staff was stressed strongly, especially for those who will be working on individual children’s complaints.

The New South Wales Commissioner described an interesting policy of *Kids Time*, which allows staff to spend up to 70 hours a year doing work directly with children

and young people. Examples of the kind of work staff have undertaken include sports coaching, working at a child care centre, scribing for young people with learning difficulties at exam time, and working in primary school breakfast programmes and reading programmes.

The New South Wales Commission employs three trainees (young people who have recently completed their secondary schooling) each year in the Policy, Community Education, and Administration teams.

Modelling child-centred values in the way the office does its business

All Offices stressed the importance of working in a child-centred way. This principle will influence the day-to-day business processes, as well as shaping the choices made about priorities.

Several Offices have a permanent reference group of children and young people, who act as a sounding board, as well as having a range of ways of consulting with children on an ongoing basis.

In New South Wales, children and young people's views were sought in relation to the location and design of the Commission's offices. As a result, the Commission is located in an area that is readily accessible to young people, and in a friendly, non-threatening environment. The offices include a children's area and children's paintings are hung throughout the Commission.

Raising awareness about the Office

Many contributors emphasised the need to raise awareness through various strategies including a strong launch for the Office.

Resources

Resources are key to the effectiveness of the Office, and there was a general view that the Ombudsman should try to have a level of resources that will allow the Office to function at a high level from the start.

Valid comparisons of the resources provided to Ombudsmen's Offices in different countries are difficult to make. The budgets are affected by cost of living levels and salary levels; statements of funding from the State vary in terms of what is included, and what costs are met in other ways, for example by direct payment of some salaries or provision of cost-free accommodation. The importance attached to the work of the Office in a country is also likely to be a factor in the level of resources given to the Office. Where there are other Ombudsmen Offices, costs and certain core services may be common.

The role assigned to the Ombudsman could be expected to have an impact on the size of the budget, but this does not necessarily appear to be the case. For example, some

of the relatively well-funded Offices do not do individual case-work, yet have comparatively high numbers of staff, while Offices that have quite high levels of work on the individual complaints side may have relatively smaller staff.

It seems there is a level of core cost relating to good promotional work, research, consultation processes and foundational work that must be met irrespective of the size of the population in a country.

Feedback suggests that the initial level of budget is hugely important, as increases tend to be incremental, based on the initial allocation, and it is hard to make a significant step up in budget in later years.

Table 1: Budgets / staffing in nine countries

Country	Budget	Staffing	Number of children (U18)
Northern Ireland	€2.7m (when fully staffed) €2m (2003)	Evolving	451,514
Wales	€2m	21(25 full complement)	700,000
New South Wales	€3m	33	1.6m
Sweden	€2.1m	22	1.9m
France	€10m*	25	14 m
Iceland	€270,000	2	78,000
New Zealand	€800,000	12	
Denmark	€471,000	8 (5 full time)	892,000
Norway	€838,000**	14	1.067m
Ireland			1.07m (1996)

* net of accommodation costs and costs of approximately half the staff, who are paid from other budgets

** figure for 2001

Appendix 1: Contributors

Ombudsmen/Ombudsmen's Offices

Claire Brisset, Defendeur des Enfants, France
Gillian Calvert, New South Wales Commissioner for Children
Peter Clarke, Wales Commissioner for Children
Bente Ingvarsen, Director, Danish National Council for Children
Roger McClay, New Zealand Commissioner and senior colleagues
Michael Mills, Former Ombudsman, Dublin
Kevin Murphy, Former Ombudsman, Dublin
Jorge Rivera, Swedish Commissioner for Children's Office
Trond Waage, Norwegian Ombudsman

Other contributors

John Angus, Principal Advisor, Ministry of Social Development, New Zealand
Nicola Drennan, Children and Young People's Unit, Northern Ireland
Gerison Lansdown, Independent Researcher (Innocenti Research Centre Project on Children's Human Rights Institutions)
Paddy Kelly, Children's Law Centre, Northern Ireland

Irish contributors

Deirdre Carrroll, National Association for Mental Handicap in Ireland
Catherine Carty, Irish Association of Young People in Care
Comhairle na nOg, Carlow
Ray Dooley, Children's Rights Alliance
James Doorley, Disability Federation of Ireland
Noirin Hayes, Dublin Institute of Technology
Owen Keenan, Barnardos
Liz Kerrins, End Child Poverty Coalition
Fionnuala Kilfeather, National Parents Council (Primary)
Peter McVerry, S.J., Arrupe Society
Colette Murray and colleagues, Pavee Point
Mary O'Connor, Children in Hospital Ireland
Geoffrey Shannon, Law Society of Ireland