CHILDREN'S RIGHTS ALLIANCE

Pre-Budget 2014 Submission

September 2013

The Children's Rights Alliance unites over 100 organisations, working together to make Ireland one of the best places in the world to be a child. We aim to improve the lives of all children and young people by campaigning for the full implementation of the UN Convention on the Rights of the Child, through securing the necessary changes in Ireland's laws, policies and services.

Members

Alcohol Action Ireland
Amnesty International Ireland
Ana Liffey Drug Project
Arc Adoption
The Ark, A Cultural Centre for Children
Assoc. for Criminal Justice Research and Development (ACJRD)
Association of Secondary Teachers Ireland (ASTI)
ATD Fourth World – Ireland Ltd
Barnardos
Barretstown Camp
BeLonG To Youth Services
Bessborough Centre
Border Counties Childhood Network
CARI Foundation
Carr's Child and Family Services
Catholic Guides of Ireland
Catholic Youth Care
Childhood Development Initiative
Childminding Ireland
Children in Hospital Ireland
City of Dublin YMCA
COPE Galway
Crosscare
DIT – School of Social Sciences & Legal Studies
Doras Luimni
Down Syndrome Ireland
Dublin Rape Crisis Centre
Dun Laoghaire Refugee Project
Early Childhood Ireland
Educate Together
School of Education UCD
Enable Ireland
EPIC (formerly IAYPIC)
Focus Ireland
Forbairt Naíonraí Teoranta
Foróige
GLEN - Gay and Lesbian Equality Network
Headstrong - The National Centre for Youth Mental Health
Home-Start National Office Ireland
Immigrant Council of Ireland
Inclusion Ireland
Inspire Ireland
Institute of Community Health Nursing
Integration Centre
International Adoption Association
Irish Association of Social Care Workers (IASCW)
Irish Association of Social Workers
Irish Association of Suicidology
Irish Autism Action
Irish Centre for Human Rights, NUI Galway
Irish Congress of Trade Unions (ICTU)
Irish Council for Civil Liberties (ICCL)
Irish Foster Care Association
Irish Girl Guides
Irish National Teachers Organisation (INTO)
Irish Penal Reform Trust
Irish Premature Babies
Irish Refugee Council
Irish Second Level Students' Union (ISSU)
Irish Society for the Prevention of Cruelty to Children
Irish Traveller Movement
Irish Youth Foundation (IYF)
Jack & Jill Children's Foundation
Jesuit Centre for Faith and Justice
Junglebox Childcare Centre F.D.Y.S.
Kids' Own Publishing Partnership
Kilbarrack Youth Project
Lifestart National Office
Marriage Equality – Civil Marriage for Gay and Lesbian People
Mary Immaculate College
Matt Talbot Community Trust
Mental Health Reform
Mothers' Union of Ireland
Mounttown Neighbourhood Youth and Family Project
MyMind
National Association for Parent Support
National Organisation for the Treatment of Abusers (NOTA)
National Parents Council Post Primary
National Parents Council Primary
National Youth Council of Ireland
One Family
One in Four
OPEN
Parentline
Parentstop
Pavee Point
Peter McVerry Trust
Psychological Society of Ireland
Rape Crisis Network Ireland (RCNI)
Realt Beag
Saoirse Housing Association
SAOL Beag Children's Centre
Scouting Ireland
Society of St. Vincent de Paul
Sonas Housing Association
SpunOut.ie
St. Nicholas Montessori College
St. Nicholas Montessori Society
St. Patrick's University Hospital
Start Strong
Step by Step Child & Family Project
Sugradh
The UNESCO Child and Family Research Centre, NUI Galway
Treoir
UNICEF Ireland
Unmarried and Separated Families of Ireland
youngballymun
Youth Advocate Programme Ireland (YAP)
Youth Work Ireland

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Pre-Budget 2014 Submission

Who we are

The Children's Rights Alliance unites over 100 organisations, working together to make Ireland one of the best places in the world to be a child. We aim to improve the lives of all children and young people by campaigning for the full implementation of the UN Convention on the Rights of the Child, through securing the necessary changes in Ireland's laws, policies and services.

Introduction

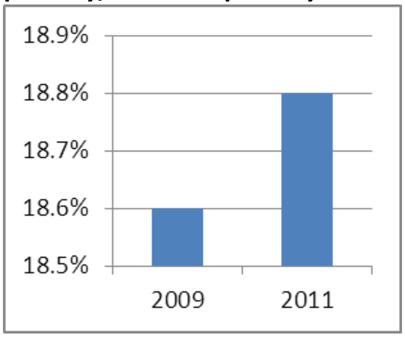
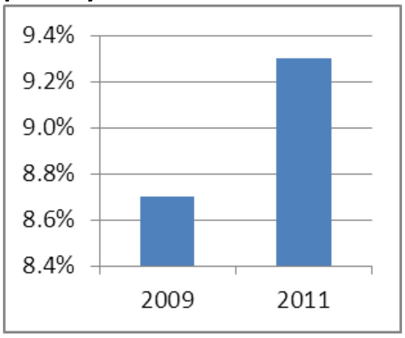
The Alliance welcomes the opportunity to submit its views to the Department of Social Protection in relation to the development of Budget 2014. We are mindful of the stringent economic context in which the Government is operating, and recognise that the Department faces extremely difficult choices in compiling this year's budget. However, we emphasise that even in straitened times, Ireland has an international legal obligation to protect the right of the child to an adequate standard of living.

The Alliance urges the Minister for Social Protection to consider the effect of her budgetary decisions will have on the child's right to grow up free from poverty; the impact of those decisions on the increasing number of children growing up poor in Ireland; and how she can limit the already devastating impact of the recession on children and their families. There is a moral and legal obligation on the Government to deliver a children's rights-budget, protecting children from the impact of further cuts to vital supports and services.

The Alliance believes that a children's rights-budget can be achieved by the following actions:

- Proof all Budget 2014 proposals for their impact on children's rights in advance of budgetary decision-making, with a particular focus on poverty proofing
- Reform the Child Income Support system: retain a universal approach to Child Benefit payments, introduce a second-tier child income support system for low income families, and maintain additional and adequate supports for low income families in work
- Maintain Child Benefit at its current level unless it is reformed in a manner that retains a universal payment and provides additional supports to low income families
- Maintain Family Income Supplement or introducing an adequate alternative – and support its increased uptake – to support families with children in low paid work
- Retain the real value of the Qualified Child Increase in Budget 2014 by adjusting the payment to compensate for any changes to the rate of, or eligibility criteria for, the Child Benefit payment or social welfare payments
- Restore the Back to School Clothing and Footwear Allowance to the 2012 rate, to begin to reverse the regressive cuts in Budgets 2012 and 2013
- Avoid any cuts to existing child and family services and produce clear proposals for the redirection of resources to ensure better services and better outcomes for children including adequate resource allocation to the soon-to-be-established Child and Family Agency
- Adopt a national sub-target on child poverty as recommended by the European Commission Recommendation's "Investing in Children: Breaking the Cycle of Disadvantage".

1. State Obligation to Children in Tough Economic Times

% of children living in deprivation[1]	% of children in relative poverty/at risk of poverty[2]	% of children in consistent poverty[3]
		

The statistics on child poverty in Ireland are stark and show a substantial decline in the welfare and standard of living of children in recent years.[4] The Department of Social Protection's own research shows that households worst affected by the main welfare and direct tax measures of Budget 2013 were those with children, particularly lone parent families.[5] Employed lone parents suffered the most, with a loss of 1.4% in their average income.[6] Other households with high losses include non-earning couples with children (loss of 1.3%); non-earning lone parents (loss of 1.2%); dual earner couples with children (loss of 1 to 1.2%); and single earner couples with children (loss of 1.2%).[7]

> "… Ireland's human rights obligations apply even during times of economic hardship, and […] recovery measures must not disproportionately impact the poorest segments of society […]. The State must comply with these obligations to the maximum extent of its available resources (art. 4), even during times of economic hardship."
>
> UN Independent Expert on Human Rights and Extreme Poverty, 2011[8]

Child poverty is not just a charitable issue; it is a human rights issue.[9] In ratifying the UN Convention on the Rights of the Child, Ireland undertook to implement its provisions. Under the Convention, Ireland has an obligation to undertake targeted measures to move as expeditiously and effectively as possible towards the full realisation of the economic and social rights of children. This is particularly true in times of economic hardship and such crises cannot be used as a reason to postpone the State's obligations and actions to tackle child poverty.[10] The UN Independent Expert on Human Rights and Extreme Poverty reiterated this point on her trip to

1 CSO; EU Survey on Income and Living Conditions (SILC) 2011 & revised 2010 results http://www.cso.ie/en/media/csoie/releasespublications/documents/silc/2011/silc_2011.pdf Deprivation is defined as 'Those who may be excluded and marginalised from participating in activities which are considered the norm for other people in society…'; and measured using a set of eleven basic deprivation indicators.' These indicators include the ability to heat the home and to have adequate meals.

2 *Ibid*. At Risk of Poverty is defined as '…the share of persons with an equivalised income below a given percentage (usually 60%) of the national median income. It is also calculated at 40%, 50% and 70% for comparison. The rate is calculated by ranking persons by equivalised income from smallest to largest and then extracting the median or middle value. Anyone with an equivalised income of less than 60% of the median is considered at risk of poverty at a 60% level.'

3 *Ibid*. 'The consistent poverty measure looks at those persons who are defined as being at risk of poverty and experiencing enforced deprivation.'

4 CSO; EU Survey on Income and Living Conditions (SILC) 2011 & revised 2010 results http://www.cso.ie/en/media/csoie/releasespublications/documents/silc/2011/silc_2011.pdf

5 Department of Social Protection, 'Social impact assessment of the main welfare and direct tax measures in Budget 2013' March 2013, p. 1.

6 *Ibid*., p. 8.

7 *Ibid*., p. 8.

8 United Nations Human Rights Council, *Report of the independent expert on the question of human rights and extreme poverty, Magdalena Sepúlveda Carmona – Mission to Ireland*, 17 May 2011, UN Doc: A/HRC/17/34/Add.2

9 Article 27, Right to an adequate standard of living, UN Convention on the Rights of the Child (1989).

10 UN Committee on the Rights of the Child, Day of General Discussion on "Resources for the Rights of the Child – Responsibility of States". September 2007, para. 48.

Ireland in 2011.[11] Despite this, the Government continues to cut socio-economic rights-related programmes and services, asserting that it is justifiable to bring about economic recovery.

Under Article 4 of the Convention, Ireland is obliged to undertake measures to implement the Convention rights to the maximum extent of available resources. The Child Benefit payment is the State's universal income mechanism for supporting all parents with their child rearing duties. This is in line with Article 18 of the UN Convention on the Rights of the Child, which obliges states to support parents and legal guardians in caring and providing for their children.

Cuts to Child Benefit in four consecutive budgets have reduced monthly child income supports by almost €100 for families with three or more children. The failure in Budgets 2011, 2012 and 2013 to compensate those on the lowest incomes for these cuts interferes with a child's right to an adequate standard of living under Article 27 of the Convention.

The year-on-year cuts to the Back to School Clothing and Footwear Allowance, the only payment dedicated to supporting low-income parents with the cost of school, will hinder children from fulfilling their right to education under Article 28, and their right not to be poor.

Measures taken in Budget 2013 were, again, damaging to children and families. The UN Committee on the Rights of the Child is clear that, even in a crisis, it is not permissible to take steps that disproportionately impact on vulnerable groups, including children. Budget 2014 must take into account the cumulative effects of previous cuts, the identified priorities for children's welfare and development and be cognisant of the potential impact of any further cuts from this and other departments that impact on children and their families.

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11 United Nations Human Rights Council, *Report of the independent expert on the question of human rights and extreme poverty, Magdalena Sepúlveda Carmona – Mission to Ireland*, Ibid.

2. What Does a Children's Rights-Budget Look Like?

"Economic policies are never neutral in their effect on children's rights"

UN Committee on the Rights of the Child, Day of General Discussion on *Resources for the Rights of the Child – Responsibility of States*.

Children's rights-budgeting is about making policy and budgetary decisions that improve outcomes for children through efficient use of public resources. Early intervention and prevention is its foundation stone, and investing in children through 'smart' policy choices will have a positive impact across the life cycle. Providing for children's safety, health and education now will equip them to lead fulfilled lives as citizens, parents and workers when they grow-up.

Children's rights have been heavily impacted by the Government's recent economic policies. There is a clear need to rigorously monitor the effects of policy changes on children's economic and social rights.[12] This monitoring must track steps taken at all levels of Government and across all departments to ensure that economic and social planning and budgetary decisions affecting children are undertaken with the best interests of children as a primary consideration, and that children, particularly marginalised and disadvantaged children, are protected from the adverse effects of economic policies or financial downturns. Children's rights-budgeting allows States to identify and analyse the proportion of national and departmental budgets allocated to children directly and indirectly and to measure the impact of the allocation on children's rights and progress towards their realisation.[13] Some States now publish annual 'children's budgets' to track this and to ensure the visibility of children in the budgetary process.[14]

The budgetary process should be based on the principles of participation, transparency, accessibility and universality. In order to be effective, this would require greater coordination between the government departments and agencies involved in the execution of the budget as well as an increased awareness of Ireland's children's rights obligations. To ensure that vulnerable groups of children and their families no longer continue to bear the brunt of savings, the principle of non-discrimination should be central to the process. The ability to access judicial remedies on economic and social rights at national and local level and the availability of reliable and accurate data are also critical.

The 2013 European Commission Recommendation, "Investing in Children: Breaking the Cycle of Disadvantage", lays out the ways and means by which Member States can introduce reforms and measures to reduce child poverty.[15] Such best-practice recommendations should be considered and incorporated into the future budgetary planning of the Irish Government, beginning with Budget 2014. A national sub-target on child poverty is also recommended under the European Commission Recommendation. We encourage the Minister and her officials to include the target in their work on Budget 2014 and beyond and to consider the implementation of children's rights-budgeting, putting the principle of the best interests of the child at the heart of the budgetary decisions affecting children.

There are three main areas in which the Alliance believes Budget 2014 can protect and promote children's rights:

- Child Income Supports
- Back to School Clothing and Footwear Allowance
- Investment in Services for Children

12 United Nations Committee on the Rights of the Child (2003) 34th session, General Comment No. *5, General measures of implementation of the Convention on the Rights of the Child.*

13 UN Committee on the Rights of the Child, Day of General Discussion on "Resources for the Rights of the Child – Responsibility of States". September 2007, para. 30.

14 UN Committee on the Rights of the Child (2003) General Comment No. 5: General measures of implementation of the Convention on the Rights of the Child, CRC/GC/2003/5, Art. 51.

15 European Commission Recommendation, *Investing in Children: Breaking the Cycle of Disadvantage,* 20 February 2013.

3. Child Income Supports

The provision of child income supports is a clear statement by Government that it values all children. It is a key buffer protecting children from the worst of the economic crisis. In 2010, UNICEF found that without government intervention in the form of social transfers and taxes, child poverty rates in Ireland would triple.[16] The decisions made in recent budgets – in particular to cut Child Benefit and the Back to School Clothing and Footwear Allowance – have had a real impact on families with children, already struggling to make ends meet, in particular lone parent families. Budget 2014 must not push children and their families deeper into poverty.

The first Report of the Advisory Group on Tax and Social Welfare on child and family income support payments (Mangan Report), published in March 2013, proposed that while Child Benefit should be maintained on a universal basis, reform should be undertaken to better target families on low incomes. The Alliance welcomes the proposal to retain a universal approach to Child Benefit and in principle supports the introduction of a two-tier child income support system. However, the proposal set out in the Mangan Report needs to be revisited, in particular in relation to supporting low paid families in employment; and the setting of the income threshold for means-testing Child Benefit at €25,000 (gross household income per annum) – this is too low and will result in below average earning families no longer qualifying for the payment and struggling further.

3.1 Child Benefit

Since Budget 2009, €618.5 million has been cut from Child Benefit payments representing a staggering 24% drop in the payment over five years.[17] Child benefit is the only regular, reliable payment that goes to all families regardless of employment status, income or means. As income is in flux for all kinds of families, child benefit is more important than ever.

Bottom line:

- Child Benefit must be maintained at its current level unless it is reformed in a manner that retains a universal payment and provides additional supports to low income families.

3.2 Family Income Supplement

Family Income Supplement (FIS) is an important in-work benefit support specifically designed to assist low wage-earning employees with children. Reform of 'in-work' income supports, for example by introducing a refundable working tax credit, is urgently needed. As FIS is both a child and employment support payment any reform of the payment would require both a child and an employment response. Department of Social Protection analysis found that over 80% of parents in receipt of FIS would lose some portion of their income supports as a consequence of introducing a two-tier child income supports payment.[18] Thus while the Alliance welcomes the introduction of a modified two-tier system, we are concerned that such a system, as proposed by the Mangan Report, would have an undue negative impact on FIS recipients, unless measures are taken to acknowledge and prevent such an effect.

Measures for reform and increasing take-up of FIS should include:

- Simplify the application process, as highlighted by the Advisory Group on Tax and Social Welfare[19]
- Introduce self-assessment for claiming FIS; and use the 'sign off' from the Live Register as a trigger.[20]
- Adjust the thresholds for the FIS to compensate for any changes in the rate of, or eligibility criteria for, income tax or the Child Benefit payment
- Reduce the minimum weekly hour requirement for eligibility for FIS for a set period of time in light of the reduction in working hours that many low paid workers now experience.

Bottom line:

- Maintain FIS or introduce an adequate alternative – and support its increased uptake – to support families with children in low paid work.

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16 UNICEF (2010) The Children Left Behind: A league table of inequality in child well-being in the world's rich countries, Florence: Innocenti Research Centre, p. 22.
17 The overall cost of Child Benefit to the State in 2009 was €2.5 billion, in 2013 it was €1.9 billion.
18 Advisory Group on Tax and Social Welfare, 'First Report: Child and Family Income Support', p. 28
19 *Ibid.*
20 As recommended by the Expert Group on Integrating Tax and Welfare, 1996

3.3 Qualified Child Increase

The Qualified Child Increase (QCI) supports children that live in families that rely on social welfare as their only income, often due to a parent's illness or disability, or full time caring responsibilities. QCI should be maintained at existing levels. It is a critical targeted measure for addressing child income poverty. For these families, adult social welfare rates are the key component of household income and are, therefore, critical in reducing child poverty. The impact on children must be considered when making any changes to adult payments. Given the current uncertainty and unpredictability of the economy, the social welfare system must be able to respond to trends in patterns of employment, such as the growth in atypical employment.

Bottom line:

- Budget 2014 should maintain the real value of the Qualified Child Increase by adjusting the payment to compensate for any changes to the rate of, or eligibility criteria for, the Child Benefit payment or social welfare payments.

3.4 Back to School Clothing and Footwear Allowance

The Back to School Clothing and Footwear Allowance (BSCFA) is the only payment dedicated to supporting parents with the cost of school, helping families meet the cost of uniforms and footwear for children going to school. In 2011, an estimated 195,605 families received the payment.[21] Research shows that, in 2012, going back to school cost €355 for a child in senior infants and €770 for a 1st year pupil in secondary school.[22] While the cost of clothing and footwear has fallen over the past number of years,[23] this does not mean that families with children do not struggle with the cost of sending their children back to school each September.

The BSCF Allowance was cut in both Budgets 2012 and 2013 resulting in an overall reduction of €105 (34%) for children aged 12 or more and €100 (50%) for children aged 4-11 years. In Budget 2013, the State allocated €48.8 million, a reduction of almost €17 million (25%) from the €65.7 million it spent in 2012. Budget 2012 saw reductions of €55 for children aged 12 or more (18%) and €50 (25%) for those aged 4 to 11 years.

In addition, there is an anomaly with the payment whereby income thresholds differ between two-parent and one-parent families, making it more difficult for one-parent families – who face the greatest risk of poverty – to access the payment.[24]

Bottom line:

- The Back to School Clothing and Footwear Allowance should be restored to the 2012 rate, to begin to reverse the regressive cuts in Budgets 2012 and 2013
- Ensure that additional staff are deployed to process the payment in June, July and August 2013 to enable the payment to be paid on time to eligible families
- Bring the income limits for BSCFA in line with those for the Family Income Supplement (FIS) and make the income limits the same for one- and two-parent families.

21 Department of Social Protection (2011), '2011 Statistical Information On Social Welfare Services'
22 Barnardos, *School Costs Survey 2012* www.barnardos.ie
23 December 2012 Consumer Price Index indicates that the overall cost of clothing and footwear has fallen by over 28% since December 2006
24 This means that a couple with one child can earn €563.60 and be eligible for the payment, while the earnings threshold for a lone parent is €410.10. This trend continues as family size grows. This discrepancy was noted in the Joint Committee on Social Protection (2010) Fourth Report, Financial Disincentives to Cohabitation and Marriage, but no clear recommendations were made to address it.

4. Investment in Services for Children

Savings from cuts to child income supports over the past five years have resulted in €450 million for the Exchequer.[25] Children and struggling families have not seen the benefit of these savings. It is time that these savings were made to work for children for example, through provision of school books, free quality-assured childcare or enhanced healthcare.

The Alliance warmly welcomes the introduction of the Children Plus Initiative in Budget 2013, with its investment in afterschool places, school meals and area-based poverty initiatives.[26] However, the cuts to Child Benefit and the Back to School Clothing and Footwear Allowance in Budget 2013 amount to savings of €153 million in 2013, but only €18.5 million – 11.6% – was redirected into services and programmes for children under the Children Plus Initiative.[27] A broader and more ambitious approach to investment in services is required.

The nature of poverty has shifted considerably in recent years. Poverty is no longer confined to specific post codes. Research from 2009 from the ESRI showed that 61% of students from disadvantaged backgrounds do not live in programme areas or attend programme based schools such as DEIS[28] schools.[29] To reach children who do not fall into traditional or obvious poverty categories such as attending a school in a disadvantaged area, services need to be either universally available or targeted in an manner that reaches into all families in need.

Poverty will not be solved by child income supports alone. The provision of key public services – in the areas of education, health, childcare, housing and disability – is essential to tackling Ireland's rising child poverty rate. An implementation plan for achieving the national sub-target on child poverty should be integrated into the forthcoming National Children and Young People's Policy Framework. This plan should encompass measures on both child income supports and services to address child poverty.

4.1 Child and Family Agency

The Child and Family Agency Bill 2013[30] is currently before the Oireachtas and represents an important step in fulfilling one of the Government's own commitments outlined in the Programme for Government 2011-2016.[31] However, it is essential that there are no cuts to existing and continuing Budget lines while at the same time adequate funding and resources must be allocated to the Agency in the upcoming Budget so it can function efficiently and effectively from its inception. The Alliance welcomed the establishment of a dedicated sub-head for Child and Family Services in Budget 2012, however, it also noted that there was a reduction of €5 million in Budget 2013 primarily due to a change in headings within the HSE's own budgeting system.[32] There must be no further reduction in this essential funding for children and families.

HIQA in its report *National Standards for the Protection and Welfare of Children*[33] published in July 2012 outlined the values which must underpin activities carried out by the HSE and Family Services including the need for adequate and effective use of resources:

> A well run service uses resources effectively and seeks opportunities to provide an improved service to achieve better outcomes for children and families. Resource decisions take account of the needs of

25 End Child Poverty Coalition, *Position Paper on Reforming Child Income Supports*, April 2013.

26 The Children Plus Initiative is a new initiative funded by the Department of Social Protection to be run jointly with the Department of Children and Youth Affairs providing: 6,000 afterschool childcare places for children in primary schools aimed at low-income families where the parents are availing of an employment opportunity; A school meals programme; Area-based poverty initiative to build on and continue the work of the Prevention and Early Intervention Programme (PEIP).

27 Savings over a full year to Child Benefit are worth €142 million and to the Back to School Clothing and Footwear Allowance amount to €17 million.

28 The Delivering Equality of Opportunity in Schools (DEIS) programme aims to address the educational needs of children and young people from disadvantaged communities, from pre-school through second-level education. It is implemented on a phased basis at a total cost of €900 million.

29 Economic and Social Research Institute (2008) *The School Leavers' Survey 2007*. Dublin: Economic and Social Research Institute.

30 The Child and Family Agency Bill can be found here: http://bit.ly/12w1jo6

31 Government of Ireland (2011) *Programme for Government 2011*, Dublin: Stationery Office

32 See Children's Rights Alliance (2013), *Report Card 2013*. Dublin: Children's Rights Alliance

33 Health Information and Quality Assurance (2012) *National Standards for the Protection and Welfare of Children.* Dublin: HIQA.

children and families and the levels of demand on the service. Individuals making decisions on the use of resources must be accountable for the decisions made and ensure these decisions are well informed.[34]

HIQA explicitly states that there must be "effective management and deployment of resources – with the child always at the centre of everything that is done".[35] The Agency will undertake many of the activities envisaged in the HIQA report so an assessment of its requirements must be undertaken at this stage to ensure that it will receive adequate funding in Budget 2014.

Bottom line:

- Clear proposals are needed for the redirection of resources to ensure better services and better outcomes for children.
- There must be no cuts to existing budget lines for child and family services and ensure that the Child and Family Agency is adequately resourced from its establishment.

34 *Ibid*, p. 40.
35 *Ibid*, p.3.