



Disability Federation of Ireland's Submission to the  
Department of Children and Youth Affairs

On the Review of the Child Care Act 1991

11<sup>th</sup> of September 2020

Disability Federation of Ireland, DFI, is an umbrella body, dedicated to promoting the rights and recognition of people with disabilities, working to change harmful beliefs and values around people with disabilities and their rightful role in society. We work to shape and promote an equal society which is fully inclusive of people with disabilities, through our work with individuals and organisations.

DFI works for an equal society for all people with disabilities. Some of members include groups that work with children with disabilities, parents with disabilities, and parents of children with disabilities. In the context of mainstreaming, we believe it is important that all of their voices are heard, and their needs are represented in any child care legislation.

DFI has experience of working with and representing people with disabilities at the local, national, and international level. We work with local authorities and local disability activists. We also work with government to improve disability representation and policy. At the international level, we are a member of the European Disability Forum.

#### Guiding Principles

DFI welcomes the addition of a set of guiding principles for the Act. We also welcome that acknowledgement of the importance of the views and voice of the child, including the voice of children with disabilities that may be more difficult to access. We recommend that a guiding principle on equality be added. The principles should commit to giving both children and parents whatever supports or accommodations they may need to participate in the process and ensure that the child's voice is heard. This will help both children and parents with disabilities to be heard during any proceedings. It would also be in line with Ireland's commitments under the UN Convention on the Rights of Persons with Disabilities, UN CRPD. Article 7 of the UN CRPD addresses the rights of children with disabilities. This article requires that states provide children with disabilities with all support needed to ensure that their voice is heard on an equal basis with all other children. Article 23, on respect for the home and family, requires state parties to ensure that people with disabilities are not discriminated against in any matter relating to family or the raising of children. These issues could all be addressed easily with a guiding principle of equality and support.

#### Interagency coordination and collaboration

DFI agrees that interagency coordination is important in guarding the welfare of children. It is particularly important for children with disabilities, who may be receiving a wide range of services, both in and out of school. Coordination between Tusla and the HSE is mentioned, which is important. However, it is also important to work with other

organisations that may be providing a child with services, for instance disability organisations such as Enable Ireland. These organisations may be able to provide important information about children, and ensuring continuity of services can be important.

A notable and troubling example of why the coordination of services is so important for children with disabilities, is the 'Molly Case' , investigated by the Ombudsman for Children, who published a comprehensive and damning report into the case in 2018.<sup>1</sup> In this case, a child in state foster care did not receive appropriate services because neither the HSE nor Tusla took all of her life circumstances into account. The Ombudsman's recommendations are comprehensive and significant, as he found that the administrative actions of both agencies had a negative effect on the child, that the services and supports provided by both agencies were insufficient, and as a result 'Molly' could not reach her full potential. Moreover, this was not a one-off issue, and the Ombudsman's office found that this problem affected many children with disabilities in care.

#### Early Intervention and Family Support

DFI understands that it may create unnecessary constraints to set out specific early intervention measures. However, we do feel that the Act should specify that early intervention should include, if needed, timely assessment and support of children with disabilities. Currently, children with disabilities are overrepresented among children in care. Early intervention to support such children and their families may help to address this. Early intervention for a child with a disabilities can also have a huge impact on their entire life course. It should therefore be explicitly included in the early intervention measures.

#### Conclusion

By and large, DFI feels that the changes to the Child Care Act are necessary, and a move in the right direction. However, we would like to see more explicit and detailed thought given to the particular circumstances of children and parents with disabilities, and assurances in the act that their need for support and accommodation will be prioritised and addressed in the system.

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<sup>1</sup> <https://www.oco.ie/app/uploads/2018/01/OCO-Investigation-Mollys-Case-Jan-2018.pdf>



**DFI is about making Ireland fairer for people with disabilities.**

**We work to create an Ireland where everyone can thrive, where everyone is equally valued.**

**We do this by supporting people with disabilities and strengthening the disability movement.**

**There are over 120 member organisations in DFI. We also work with a growing number of other organisations that have a significant interest in people with disabilities.**

**DFI provides:**

- Information
- Training and Support
- Networking
- Advocacy and Representation
- Research, Policy Development and Implementation
- Organisation and Management Development

**Disability is a societal issue and DFI works with Government, and across all the social and economic strands and interests of society.**

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