

**Written responses to questions from the**  
**UN Committee on Economic, Social and Cultural Rights**  
**which were unanswered due to time constraints during the third periodic review of Ireland,**  
**Geneva, 8 – 9 June, 2015**

**Contains:**

Access to rural broadband.....	2
Collective complaint to the European Committee of Social Rights.....	5
Magdalen Laundries.....	5
National Women’s Strategy.....	8
Employment legislation.....	9
National Minimum Wage.....	16
Exempted categories of employees under National Minimum Wage.....	16
Comparisons between National Minimum Wage and the cost of living.....	18
Zero Hour Contracts and temporary and informal contracts.....	19
Provision of childcare.....	27
Corporal punishment of children.....	36
Positive parenting.....	37
Right to Education.....	39
Intercultural Education Strategy.....	40
Traveller Education.....	40
Diversity of Patronage.....	42
Admissions Bill.....	44
Social Welfare - Decision-making and appeals (incl. legal representation at appeals).....	46
Habitual Residence Condition and victims of domestic violence.....	48
Youth Unemployment and the Youth Guarantee.....	49
Poverty trends.....	51
Mortgage Arrears.....	53
Child and Adolescent Mental Health Services.....	55

**Issue raised: Access to broadband in rural areas**

**There appear to be some problems with access to broadband in rural areas – can the delegation comment on this? What is Government planning to ensure access?**

**Response:**

Ireland's telecommunications market has been liberalised since 1999 and has developed into a well-regulated market, supporting a multiplicity of commercial operators providing services over a diverse range of technology platforms.

The Government can only intervene, subject to EU State aid rules, in cases of clear market failure. Key interventions undertaken to date include:-

- 2002-2009 Metropolitan Area Networks - the provision of State-owned wholesale, open access fibre networks in 94 regional towns and cities, aimed at driving competition in the regions and facilitating telecommunications operators, large and small, in providing high speed broadband services without having to build their own networks.
- 2008-2014 National Broadband Scheme - the provision of minimum guaranteed broadband services in certain designated areas of rural Ireland (1,028 Electoral Divisions) where broadband coverage was deemed, at the time of the launch of the Scheme, to be insufficient.

Combined with private investment, the National Broadband Scheme allowed Ireland to meet the EU Commission's "Digital Agenda for Europe" (DAE) target of having a basic broadband service available to all areas by 2013.

Over the period of the Scheme, total broadband subscriptions increased on a national basis by over 40% from 1.2m to 1.7m subscriptions. At end December 2014, household broadband penetration reached 80%, which was ahead of the EU average of 78% for the first time.

With the widespread availability of basic broadband services throughout Ireland, the Government is now focused on the provision of high speed broadband services in rural parts of the country where commercial operators are unlikely to invest due to poor commercial returns.

***High Speed Broadband Coverage***

The Government's National Broadband Plan (NBP), published in August 2012, aims to ensure that every citizen and business, regardless of location, has access to a high quality,

high speed broadband service. This will be delivered through a combination of commercial investments and a State-led intervention in areas where commercial services will not be provided.

The commercial telecommunications sector is currently investing some €2.5 billion in network upgrades and enhanced services, with approximately 1.6 million of the 2.3 million addresses in Ireland expected to have access to commercial high speed broadband services by the end of 2016.

These very significant investments represent a step-change in the quality of broadband services available. Consumers are subscribing to high speed broadband as they become available - at the end of 2014, 45% of the 1.7m subscriptions were for speeds greater than 30mbps (compared with 35% at end 2013).

The Government's State-led intervention under the National Broadband Plan envisages dealing conclusively with rural connectivity issues. The Government's intention is to ensure that current and future generations will have a guaranteed access to high speed broadband. The network to be built under the intervention will therefore be scalable and capable of meeting future anticipated traffic growth and will be required to deliver a minimum of 30 Mbps from the outset.

The Government's intervention will cover ALL areas that will not be served by commercial operators. Last November, the Department of Communications, Energy and Natural Resources published a national high speed coverage map for 2016. This map is available at [www.broadband.gov.ie](http://www.broadband.gov.ie). The areas marked BLUE represent those areas that will have access to commercial high speed broadband services by end 2016. The map will be updated in the coming months in light of further commercial developments, once these developments have been fully assessed.

The AMBER area shows the target areas for the State intervention. All premises within the AMBER areas will be included in the State's intervention.

Currently, the BLUE area comprises approximately 1.6m addresses. This represents 70% of the addresses in Ireland and these will have access to high speed services of at least 30mbps by end 2016. The AMBER area comprises approximately 700k addresses (30% of the addresses in Ireland) and these are the target for the proposed State intervention.

Eircom, the incumbent operator, recently announced an investment that may address a further 300,000 premises with fibre-to-the-premises. The Department will be rigorously examining the assurances from eircom in relation to these new plans, which is a requirement for all operators, and will review how this impacts the proposed intervention area in terms of reducing the footprint for the proposed State intervention.

Intensive design and planning work is underway in the Department to produce a detailed intervention strategy for the AMBER area. Following a public consultation process on the draft Intervention Strategy this summer, it is hoped to move to formal procurement phase towards the end of this year in order to select a preferred bidder or bidders. In this regard, the tender will be designed in a way that maximises efficiencies and keeps the cost to taxpayers as low as possible.

It is expected that the physical build of the network will begin in late 2016, and it will take between three and five years to fully complete – depending on the details of the bid or bids selected.

Consumers can be assured that through the combination of commercial and State-led investment, the Government intends to ensure that everyone can access high quality broadband services, regardless of where they live or work.

Bringing high quality broadband is about equity and quality of life. It is also about jobs in the rural economy. By ensuring access to high quality broadband, it will help attract investment, and ensure that businesses in rural Ireland can stay in rural Ireland.

Furthermore, the Government's National Digital Strategy which complements the aforementioned National Broadband Plan aims to increase digital adoption, with a view to ensuring that citizens and businesses realise the full potential of a digitally connected economy and society. It is focussed on getting more businesses trading online, more citizens online, and enhancing the use of ICT in the school environment.

**Issue raised: collective complaint to the European Committee of Social Rights**

Can you provide an update on Ireland's response to the following:

**COLLECTIVE COMPLAINT to the EUROPEAN COMMITTEE OF SOCIAL RIGHTS; Council of Europe, Strasbourg; France; lodged under the 1995 Additional Protocol to the European Social Charter Providing for a System of Collective Complaints and in compliance with Rules 23 and 24 of the Rules of the Committee. FIDH (International Federation for Human Rights) v. Ireland 18 July**

**Response:**

Ireland's response to this complaint is currently being prepared and is targeted for submission to the European Committee of Social Rights by the end of this month.

**Issue raised: Magdalen Laundries**

**Magdalens need for a further and comprehensive investigation, the Government should reconsider its rejection of the call for a further statutory inquiry, and introduce a system of thorough reparation.**

**Response:**

*Quirke Ex Gratia Scheme*

A system of thorough reparation has been introduced for the benefit of the women that were admitted to the Magdalen laundries.

On 19 February 2013, on foot of the findings of the McAleese Report which established the facts concerning the Magdalen laundries, the Taoiseach made an apology in Irish Parliament (Dáil Éireann) and it was decided that a non adversarial scheme should be introduced. Judge Quirke was asked to recommend an appropriate Scheme.

Judge Quirke submitted his report in May 2013 and in June 2013, the Government announced a scheme of lump sum payments and supports for women who were admitted to and worked in the Magdalen Laundries, St Mary's Training Centre Stanhope Street, and House of Mercy Training School, Summerhill, Wexford.

The Department of Justice and Equality then started work immediately on setting up a scheme. It is a non-adversarial scheme and applicants do not have to prove that they suffered any abuse or damages. The manner of their referral to the institution is also not considered

relevant. All that has to be established is that a woman was admitted to and worked in a relevant institution. Once this has been established, the woman is eligible for a payment of between €11,500 and €100,000 depending on length of stay.

In the course of their work both Mr McAleese and Judge Quirke consulted with several hundred women who were in the Laundries and these consultations informed the recommendations made by Judge Quirke. The Scheme being implemented by the Irish Government was welcomed by the majority of the woman concerned. It is also important to take into account the opinion of the group representing the largest number of women who were in Magdalen laundries, Irish Women Survivors Support Network, who have stated their hope that time is not wasted calling for more statutory inquiries or demanding yet more bureaucratic statutory processes. In their advanced years, the women have repeatedly told us they have no wish for conflict or confrontation.

The Scheme established by Government is holistic in nature and reflects the wish of the Irish Community to reduce the hurt and pain suffered by the Magdalen women by providing them with lump sum payments as well as other State supports to ensure that the remainder of their lives will be made as comfortable as is reasonably possible. To date, a decision has been made on over 90% of the 787 applications that have been received (164 from UK, 4 from Australia, 2 from Cyprus, 1 from Switzerland and 11 from USA), and 533 applicants have received their lump sum payments at a cost of nearly €20m. The remaining applications are being dealt with as quickly as possible. Also, the Scheme remains open to new applications.

In addition to the lump sum, each woman is entitled to a top up payment to bring her weekly income from the Irish State up to the equivalent of the Irish Contributory Pension, €230.30 if 66 or over and €100 if under that age. This is in recognition of the fact that the women were not paid for the work they did while in the laundries.

The women are also being provided with an enhanced medical card which will allow them access to a range of medical services free of charge. The required legislation has now been enacted and the women will receive their enhanced medical cards in the coming weeks. Women residing abroad will also receive equivalent health services under the Scheme. The health services being provided are exactly those recommended by Judge Quirke.

*Mc Aleese Report - the facts concerning the Magdalen laundries*

In June 2011, the Irish Government tasked an Inter-Departmental Committee with establishing the facts concerning the Magdalen laundries. Their Report – the McAleese Report – was published on 5 February 2013. The contents of the report, which runs to 1,000 pages, have been fully accepted by the Irish Government as a comprehensive and objective report of the factual position prepared under the supervision of an independent chairperson. The McAleese Report brought into the public arena a considerable amount of information not previously known.

### *Allegations of abuse*

The Committee had no remit to investigate or make determinations about allegations of torture or any other criminal offence. However, it did take the opportunity to record evidence and testimony that might throw light on allegations of systematic abuse. In this context 118 women who had been in these institutions agreed to complete a questionnaire on conditions (food, punishment etc.) in these institutions and/or to meet with and discuss these issues with the independent Chair.

No factual evidence to support allegations of systematic torture or ill treatment of a criminal nature in these institutions was found. The majority of women did report verbal abuse but not of a nature that would constitute a criminal offence. There is no doubt that the working conditions were harsh and work physically demanding. A small number of women did describe instances of physical punishment during their time in the institutions. However, the large majority of women said they had neither experienced nor seen other girls or women suffer physical abuse in the Magdalen Laundries. The majority of women who engaged with the Committee had been at Reformatory or Industrial Schools prior to their admission to a Magdalen Laundry. They stated clearly that the widespread brutality which they had witnessed and been subjected to in Industrial and Reformatory Schools was not a feature of the Magdalen Laundries.

The Committee interviewed a number of medical doctors who had attended the women in the Magdalen laundries and who had in some cases reviewed earlier records. They did not recall any indication or evidence of physical maltreatment

No individuals claiming to be victims of criminal abuse in Magdalen laundries have made any complaints or requests to the Department of Justice and Equality seeking further inquiries or criminal investigations.

In light of facts uncovered by the McAleese Committee and in the absence of any credible evidence of systematic torture or criminal abuse being committed in the Magdalen laundries, the Irish Government considers that no useful purpose would be served by a further statutory enquiry. It is satisfied that the existing mechanisms for the investigation and, where appropriate, prosecution of criminal offences can address individual complaints of criminal behaviour if any such complaints are made.

**Issue raised: National Women's Strategy**

**Is the National Women's Strategy for all, or just for women? What is the involvement of men? What about men in work-life balance, for example?**

**Response:**

The National Women's Strategy is a positive action measure specifically aimed at alleviating gender inequality where it disadvantages women, as national statistics tend to show that women are still behind men in many areas of life. Nevertheless, many of its objectives also benefit men and boys. For example, initiatives to address gender stereotypical educational and career choices open new opportunities to both males and females, while work under the National Strategy on Domestic, Sexual and Gender-based Violence takes a whole-of-government response to violence against women and men.

The Strategy also encourages sharing of family and caring responsibilities in its aim to enhance the work/life balance for women and men and ensure that childcare services are optimised to meet the needs of parents and children alike. The introduction of two weeks' paid paternity leave is currently under active consideration.



**Issue raised: Employment legislation**

**Please provide more detail on the Industrial relations (Amendment) Bill 2015 and on the National Minimum Wage (Low Pay Commission) Bill 2015**

**Response:**

*1. Industrial relations (Amendment) Bill 2015*

The Industrial relations (Amendment) Bill 2015 was published on 14 May 2015. It is currently before the Oireachtas (Parliament) and is expected to be enacted by Summer 2015. This Bill makes provisions in respect of two important industrial relations and wage setting issues.

**A. Collective Bargaining**

*Programme for Government, Ryanair and ILO*

The proposals for legislation are in fulfilment of the Programme for Government Commitment to “reform the current law on employees' right to engage in collective bargaining (the Industrial Relations (Amendment) Act 2001), so as to ensure compliance by the State with recent judgments of the European Court of Human Rights”. In addition, the ILO, in 2012 issued its report in response to a complaint referred to it by ICTU and IMPACT arising from the 2007 Ryanair Supreme Court judgment. As part of the Government’s response to the ILO Report, it indicated that these matters would be addressed in the context of the Programme for Government commitment.

*Overview*

The proposals respect Ireland’s voluntary IR system but ensure that where an employer chooses not to engage in collective bargaining either with a trade union or an internal ‘excepted body’ the 2001 Act will be remediated to ensure there is an effective means for a union, on behalf of members in that employment, to have disputed remuneration, terms and conditions assessed against relevant comparators and determined by the Labour Court if necessary.

It will also ensure that if an employer chooses to collectively bargain with an internal ‘excepted body’, as opposed to a union, that body must pass tests as regards its independence.

Provisions are included to ensure the Act is used appropriately and not abused in any way. There are provisions to ensure cases dealt with are ones where the numbers of workers are not insignificant; provisions to ensure elements of remuneration and conditions of employment are not challenged without regard for the totality of remuneration and conditions of employment; provisions to manage the frequency of reassessment of the same issues.

Additional protection by way of interim relief is proposed where a union member, identified in the course of use of the process under the Act, is to be dismissed.

#### *Specific Provisions: Definition of Collective Bargaining*

In the Ryanair case, the Supreme Court found that the Labour Court cannot conclude that a trade dispute is in existence without first establishing that collective bargaining is in place and that internal machinery (if any) for resolving the perceived problem has been exhausted. In looking at how the case had been progressed, the Supreme Court found that the Labour Court had erred in law in its construction of the relevant provisions of the 2001 Act and the hearing of the case had been procedurally flawed.

As there was no definition of collective bargaining in the Act, as part of the decision, the Supreme Court found that the Labour Court was in error in utilising the “industrial relations” concept of collective bargaining and that instead, an ordinary, dictionary definition should apply. To address this lacuna the following definition will apply for the purposes of the Industrial Relations Act 2001 (as amended).

For the purposes of this Act, ‘collective bargaining’ comprises voluntary engagements or negotiations between any employer or employers' organisation on the one hand and a trade union of workers or excepted body to which this Act applies on the other, with the object of reaching agreement regarding working conditions or terms of employment, or non-employment, of workers.

#### *Excepted Body*

Under industrial relations legislation it is not lawful for a body to bargain collectively unless it has a negotiation licence (e.g. a trade union of employers or employees). The Trade Union Act 1941, in introducing “excepted bodies”, provided for a situation where both employer and employees in an individual firm wanted to negotiate terms and conditions in a situation where the employer or employees would not be acting illegally for not having a negotiation licence under that Act.

It is not proposed to amend the definition of excepted body other than, for the purposes of the 2001 Act (as amended) to reflect the concept of voluntary negotiations or engagements as contained in the collective bargaining definition above.

However, the legislation will address the status of the “excepted body” insofar as ensuring that it is genuinely free of employer influence in terms of negotiating and agreeing on wages or other conditions of employment. The following legislative provision will address this:

In determining if the body is an excepted body within the meaning of the 2001/2004 Acts the

(Labour) Court shall have regard to the extent to which the body is independent and not under the domination and control of the employer or trade union of employers with which it engages or negotiates, in terms of its establishment, functioning and administration.

#### *Remove Right of Access for Excepted Bodies*

Given that excepted bodies, by their nature, are involved in collective bargaining as defined above, they will no longer have a right of access under the Act. This in effect means that it will be a matter for a trade union alone to initiate the processes under the legislation.

#### *Establishing Trade Dispute and Access to Labour Court*

While restoring and improving the operation of the Acts, it is recognised that the processes under this legislation are not appropriate to disputes involving very small numbers of workers. For this reason the legislation will ensure that the Court shall decline to conduct an investigation of a trade dispute under the Act where it is satisfied that, in the context of the dispute, the number of workers party to the trade dispute is insignificant.

To avoid a situation arising where, in the context of the totality of terms and conditions having been recently assessed by the Labour Court it is proposed that, other than in exceptional circumstances, the Labour Court shall not admit an application by a, grade, group or category of worker to which the trade disputes applies where the Court has made a recommendation or determination in relation to the same group, grade or category of worker in respect of the same employer in the previous 18 months.

#### *Initiating Process*

For the purpose of initiating a process of establishing the position when referring the matter to the Labour Court the following process will apply:

A statement made under the Statutory Declarations Act 1938 by the General Secretary or equivalent of the trade(s) unions concerned, setting out the number of its members and period of membership in the group, grade or category to which the trade dispute refers and who are party to the trade dispute, shall be admissible in evidence without further proof.

The employer may request the Labour Court to satisfy itself that the contents of the declaration are correct. In carrying out an examination, the Labour Court will ensure that the identities of trade union members are protected.

This brings clarity to the process and obviates the need for protracted procedures early in the process and removes the need for workers to be identified at an early stage.

### *Proof that Collective Bargaining with an Excepted Body is Taking Place*

In the course of the consultations there was all party agreement that bringing further clarity to the above process could help avoid lengthy and potentially acrimonious hearings at the Labour Court. The following provision will assist in this regard:

Where an employer asserts to the Labour Court that it is the practice of the employer to engage in collective bargaining with an excepted body in respect of the grade, group or category of workers concerned, it is a matter for the employer to satisfy the Labour Court that this is the case.

### *Labour Court: Policies and Principles in Context of Establishing Remuneration and Conditions*

Related decisions of the High and Supreme Courts indicated that further guidance to the Court was needed by way of primary legislation in terms of what the Court should take into account when looking at terms and conditions of the workers party to the trade dispute. Accordingly, the legislation will specify that:

When examining the terms and conditions of any employer the Labour Court will take into account the totality of remuneration and conditions of employment, and in doing so, look at comparators, where available, which can comprise both unionised and non-unionised employers.

In addition, in making any recommendation or determination under this Act, the Labour Court shall have regard to the sustainability of the employer's business in the long-term.

### *Victimisation of Workers*

The legislation will enhance protection for victimisation of individuals who are victimised as a result of invoking through the trade union, or acting as witness, comparator for the provisions of the 2001/2004 Acts are incorporated in the Bill.

Protection will be provided by way of allowing interim relief to be applied for in the Circuit Court in circumstances where a dismissal is being challenged on the grounds of unfairness arising from an individual believing that he/she is being victimised as a result of invoking through the trade union, or acting as witness, comparator for the provisions of the 2001/2004 Acts.

Where such relief is granted the case itself will be dealt with by the Adjudicator arm of the Workplace Relations Commission that is to be established in the near future.

## **B. Registered Employment Agreements/Sectoral Employment Orders**

In the judgement delivered on 9 May 2013 in McGowan and others v The Labour Court, Ireland and the Attorney General, the Supreme Court held that Part III of the Industrial Relations Act

1946 was invalid having regard to Article 15.2.1 of the Constitution. That Article provides, in effect, that the exclusive power to make laws is vested in the Oireachtas. The Supreme Court took the view that Registered Employment Agreements are instruments having the status of laws made by private individuals, subject only to a limited power of veto by a subordinate body. While the Constitution allows for the limited delegation of law making functions, the provisions of the 1946 Act went beyond what is permissible under the Constitution.

The effect of this decision was to invalidate the registration of employment agreements previously registered under Part III of the 1946 Act. In consequence the Labour Court no longer has jurisdiction to enforce, interpret or otherwise apply these agreements. As a result, all such agreements no longer have any application beyond the subscribing parties and are not enforceable in law.

However, existing contractual rights of workers in sectors covered by Registered Employment Agreements were unaffected by the ruling. Contractual rights can be altered only by agreement between the parties involved.

Prior to the 2013 Supreme Court ruling there were six sectoral REAs extant which had been registered or varied by the Labour Court in recent years: two in the Construction Sector and one each covering Electrical Contracting, Printing, Overhead Powerline Contractors and Dublin Drapery, Footwear and Allied Trades. It is estimated that between 70,000 and 80,000 workers were covered by these sectoral agreements.

The striking down of the REAs means that, since May 2013, new employees in those sectors can be hired at a rate of remuneration agreeable between workers and their employers. This is subject only to the provisions of the National Minimum Wage Act, 2000.

While the Supreme Court ruling arose from a legal challenge by a group of electrical contractors to Part III of the 1946 Industrial Relations Act, the striking down of the totality of Part III also had the effect of rendering invalid all enterprise-level REAs that had been registered by the Court even though these were not the subject matter of the appeal to the Court. (There were over 50 such employment agreements registered by the Court under the 1946 Act).

The main purpose of the Part 3 of the Industrial Relations (Amendment) Bill 2015 is twofold. Firstly, it will provide for the reintroduction of a mechanism for the registration of employment agreements between an employer or employers and trade unions governing terms and conditions in individual enterprises. Such agreements will not be legally binding beyond the subscribing parties.

The Bill provides for the reintroduction of a mechanism for the registration of employment agreements between an employer or employers and trade unions governing terms and conditions in individual enterprises. Such agreements will not be legally binding beyond the subscribing parties.

The Bill also provide for a new statutory framework for establishing minimum rates of remuneration and other terms and conditions of employment for a specified type, class or group of – in effect a framework to replace the former sectoral REA system. In this context, the new framework proposes a mechanism whereby, in future, at the request, separately or jointly from organisations substantially representative of employers and/or of workers, the Labour Court can initiate a review of the pay and pension and sick pay entitlements of workers in a particular sector and, if it deems it appropriate, make a recommendation to the Minister on the matter. If the Minister is satisfied that the process provided for in the new legislation has been complied with by the Labour Court, he shall make the Order. Where such an order is made it will be binding across the sector to which it relates, and will be enforceable by the National Employment Rights Authority.

## 2. *National Minimum Wage (Low Pay Commission) Bill 2015*

### *Statement of Government Priorities and Government Decision*

The Statement of Government Priorities 2014–2016 includes a commitment “(to) establish a Low Pay Commission on a statutory basis as an independent body to make annual recommendations to the Government about the appropriate level of the minimum wage and related matters”.

The National Minimum Wage (Low Pay Commission) Bill, which gives effect to the commitment, was published on 13 May 2015. It is currently before the Oireachtas (Parliament) and will be enacted by summer 2015.

### *Membership of Low Pay Commission (LPC)*

The Commission will be a nine member body comprising an independent chair, three members with an understanding of the interests of low-paid workers, three members with an understanding of the interests of employers, in particular those operating in traditionally low-pay sectors, and two members with relevant academic backgrounds.

The Commission, which will be chaired by Dr Donal de Buitléir, was officially launched on 26<sup>th</sup> February by the Government to operate on an interim administrative basis, and the Commission held its first meeting the same day. The Commission has progressed its work. It has received a significant number of submissions in response to its public consultation. As part of its public

consultation the Commission has engaged in face to face meetings with stakeholders including civil society organisations. The Commission is expected to submit its first report by the middle of July 2015.

### *Functions of LPC*

The principal function of the Low Pay Commission will be, on an annual basis, to examine and make recommendations to the Minister on the national minimum hourly rate of pay that—

- is designed to assist as many low paid workers as is reasonably practicable,
- is set at a rate that is both fair and sustainable,
- where adjustment is appropriate, is adjusted incrementally, and
- over time, is progressively increased,

without creating significant adverse consequences for employment or competitiveness.

Alongside examining the National Minimum Wage, the Low Pay Commission will also be tasked with examining matters related generally to the functions of the Commission under the Act. This work programme will be agreed by Government and presented to the Commission in February of each year.

The legislation provides for a set of economic factors that the Commission will be required to take into account before making a recommendation to the Minister, including changes in earnings and currency exchange rates, international comparisons, particularly with the UK, the need for job creation, levels of employment and unemployment and national competitiveness.

The Minister will have power to accept, reject or vary the recommendations of the Commission, for stated reasons. Changes to the minimum wage will be made by statutory order. The Minister will make a statement in the Oireachtas setting out the basis for any rejection or variation of a recommendation by the LPC. In the unlikely event of the Commission failing to make any recommendation within the statutory timeframe, the Minister retains the power to make an Order, subject to the defined criteria, setting a minimum wage.

The Commission will be statutorily independent in the performance of its functions. While not provided for in the Bill, it is intended that the LPC will adopt a consensus-based approach to its reports and recommendations.

### *Consultation*

The Low Pay Commission will be required to ensure that any advice or recommendations it makes to Government is evidence-based; utilising agreed data, carrying out research and consultations with employers, workers and their representatives and taking written and oral evidence from a wide range of organisations.

#### *Review*

The Low Pay Commission will be required every three years to report generally on the operation of this Act, including in particular on the impact of orders made under this Act on low pay, income distribution and employment costs.

### **Issue raised: National Minimum Wage**

#### **General information:**

The current rate for the National Minimum Wage (NMW) in Ireland is €8.65 an hour for an experienced adult worker.

The NMW in Ireland is relatively high by international standards. The most recent figures published by Eurostat show that Ireland's rate is the fifth highest among the 22 EU Member States that have a National Minimum Wage. When the cost of living is taken into account, Ireland's rate is the sixth highest. A recent OECD survey has shown that when social benefits are included the minimum wage in Ireland is particularly effective at moving minimum wage workers above the poverty line.

### **Issue raised: How many people are currently living on NMW?**

#### **Response:**

The most recent figures from the Central Statistics (Quarterly National Household Survey) show that just under 4.4% (70,376) of all employees were being paid the adult experienced national minimum wage of €8.65 per hour, or the sub-minima, in Q4-2014.

### **Issue raised: Are there any plans to eliminate the exempted categories of employees under NMW and if not why not?**

#### **Response:**

There are currently no plans to eliminate exempted categories of workers from the NMW. Exempted Categories cover close family members and apprentices. The principle of excluding an employee who is a close relative of an employer from certain employment rights legislation was established prior to the National Minimum Wage Act.



By their nature and scope flexible working arrangements involving close relatives, include evening, weekend and summer work, or assistance at critical times, are a practical option for all concerned in a family situation. Such arrangements reflect national custom and practice in Ireland and the State does not consider it desirable to deem such arrangements as constituting a criminal offence if the minimum wage was not paid for work undertaken by a close relative in these circumstances.

Apprentices were excluded from the scope of the National Minimum Wage as there had been a separate long-standing statutory wage setting mechanism covering apprentices – Registered Employments Agreements. While the REA system was struck down in 2013 by the Supreme Court, new legislation (The IR Amendment Bill 2015) is currently before the Irish Parliament which will provide for, inter alia, a new mechanism providing for statutory pay and pension provisions for workers in particular sectors, including provisions for apprenticeship rates.

**Issue raised:** Please provide any data that makes direct comparisons between NMW and the cost of living?

*Response:*

IRELAND'S NATIONAL MINIMUM WAGE VS INFLATION					
Date	Ireland			INFLATION	
	Rate	% change		HICP	CPI
1st April 2000	€5.58		2014	-0.27%	-0.30%
1st July 2001	€6.00	7.5%	2013	0.37%	0.20%
1st October 2002	€6.35	5.8%	2012	1.68%	1.22%
1st February 2004	€7.00	10.2%	2011	1.42%	2.45%
1st May 2005	€7.65	9.3%	2010	-0.19%	1.29%
1st January 2007	€8.30	8.5%	2009	-2.58%	-5.00%
1st July 2007	€8.65	4.2%	2008	1.31%	1.15%
1 February 2011	€7.65	-11.6%	2007	3.18%	4.70%
1st July 2011	€8.65	13.1%	2006	2.98%	4.93%
Today	€8.65	0.0%	2005	1.92%	2.36%
<b>Change 2015/2000</b>		<b>55.0%</b>	2004	2.38%	2.65%
			2003	2.99%	2.02%
			2002	4.57%	4.96%
			2001	4.30%	4.18%
				<b>24.06%</b>	<b>26.81%</b>

**Issue raised:** How was the figure of €8.65 arrived at previously?

*Response:*

The NMW rate of €8.65 first came into effect on 1 July 2007. The rate was set on the basis of a recommendation by the Labour Court following a review undertaken by the Court under the provisions of the National Minimum Wage Act 2000.

**Issue raised: What role will the Low Pay Commission have in relation to the exempted categories of employees under NMW?**

**Response:**

The principal function of the Low Pay Commission will be, on an annual basis, to examine and make recommendations to the Minister of the day on the appropriate level of the national minimum wage.

Alongside examining the National Minimum Wage, the Low Pay Commission will also be tasked with examining matters related generally to the functions of the Commission under the Act. With the exception of 2015, this work programme will be agreed by Government and presented to the Commission in February of each year. It is not possible to pre-empt at his stage what specific matters the Government will decide to request the Commission to consider.

**Issue raised: Zero Hour Contracts**

**Response:**

One of the key commitments of the Statement of Government Priorities 2014-2016 is to commission a study into the prevalence of zero-hour and low-hour contracts and their impacts on employees. The study has already been commissioned. The University of Limerick (UL) was appointed in February of this year to carry out the study. The study is underway and is expected to be completed before the end of the summer (Q.3 2015).

The study will have a broad scope, covering both the public and private sectors, with a particular focus on the retail, hospitality, education and health sectors. The study will examine how zero and low hour contracts operate in practice and how they impact on employees. It will assess the advantages and disadvantages from the perspective of employer and employee and assess the current employment rights legislation as it applies to employees on such contracts. The study will also consider recent developments in other jurisdictions, including the UK in particular. Further, the terms of reference for the study allow for recommendations to be made as to how the information gap surrounding these contracts might be addressed in the future.

A key element of the study is stakeholder engagement which will provide insights into how such contracts are operating in practice, particularly in respect of their impact on employees.

A wide range of stakeholders is being canvassed to contribute to the study, including trade unions, employer representative bodies, civil society organisations and relevant Government departments and agencies.

It would be inappropriate to anticipate the outcome of the study or the Government's consideration of the study's findings.

**Issue raised: How is the State party presently taking steps towards guaranteeing that the right to just and favourable conditions of work is guaranteed to those working under zero-hour contracts?**

**Response:**

Irish employment law provides a range of robust protections to part-time workers including those on zero hour contracts. The following are the main statutes to note:

The Protection of Employees (Part Time Work) Act 2001 is the main piece of legislation establishing the employment rights of part-time employees. The Act implemented EU Council Directive 97/81/EC into Irish law. The purpose of the Directive was to implement the Framework Agreement on part-time work concluded by the European social partners (UNICE, CEEP and the ETUC). The Act provides a wide degree of protection for part-time employees, including the general protection that a part-time employee shall not be treated in a less favourable manner in respect of his/her conditions of employment than a full time employee.

Two other Acts of note are the Organisation of Working Time Act 1997 and the Protection of Employees (Temporary Agency Work) Act 2012.

Section 18 of the Organisation of Working Time Act 1997 (OWTA) provides for a specific protection for employees on zero hours contracts. Where an employee suffers a loss by not working hours he/she was requested to work or be available to work, the zero hours provisions of the Act ensure that he/she is compensated for 25% of the time which he/she is required to be available or 15 hours whichever is the lesser. If the employee got less than 25% of the scheduled work, the compensation would bring the employee's pay up to 25% (or 15 hours). Further, the Act provides that a person who believes his/her rights have been infringed may take a case, pursuant to section 27 of the OWTA, to a *Rights Commissioner*, who can award compensation of up to two year's pay to the employee.

The Protection of Employees (Temporary Agency Work) Act 2012 provides rights regarding equality of treatment to temporary agency workers, many of who may be part-time workers. The Act gives all temporary agency workers the right to equal treatment with directly-employed workers from their first day at work in respect of key terms and conditions of work, including pay, the duration of working time, rest periods, night work, annual leave and public holidays. Under the Act, temporary agency workers must also have equal access to facilities such as childcare and must be informed of permanent employment opportunities. It should be reiterated that an important element of the study on zero hour and low hour contracts is to examine how the existing protections in Irish employment law are operating in practice, to ensure that the legislation remains effective and appropriate.

**Issue raised: What specific steps have been taken to prevent temporary contracts from being used to obstruct the enjoyment of labour rights?**

**Response:**

The Protection of Employees (Fixed-Term Work) Act 2003 provides that fixed-term employees may not be treated less favourably than comparable permanent employees, unless the employer can objectively justify the different treatment. Any justification offered cannot be connected with the fact that the employee is on a fixed-term contract.

The 2003 Act also establishes a framework to prevent abuses arising from the use of successive fixed-term employment contracts. The Act provides that where an employee has been on two or more continuous fixed-term contracts, the total duration of those contracts may not exceed four years. After this, if the employer wishes to renew the employee's contract, it must be an open-ended contract, unless there are objective grounds justifying the renewal of the contract for a fixed term only.

The Unfair Dismissals Act 1977 as amended contains a provision aimed at ensuring that successive temporary contracts are not used in order to avoid that legislation. It provides that where a fixed-term or specified-purpose contract expires and the individual is re-employed within 3 months, the individual is deemed to have continuous service for the purposes of that Act.

**Issue raised: What kind of social protection is enjoyed by informal and temporary workers?**

**Response:**

All workers, including temporary or casual workers, over the age of 16 and under pensionable age (currently 66 years) who are in insurable employment, have access to social insurance provided their weekly earnings exceed €38.

Insurable employment means employment in the State under any contract of service or apprenticeship, written or oral, whether express or implied.

The payment of social insurance contributions on earnings means that the worker can establish entitlement to a range of social insurance benefits, including benefits relating to unemployment and illness. The payment of social insurance contributions also allows the worker to build up entitlement to State pension.

Social insurance contributions are payable at the rate of 4% by the employee provided weekly earnings exceed €352 and by the employer at the rate of 8.5% where earnings are between €38 and €356 and at the rate of 10.75% for weekly earnings in excess of €356.

**Issue raised: What is a zero hour contract and what is the rationale for the study?**

**Response:**

There is no common European definition of zero hour contracts. Indeed the difficulties that surround the definition of such contracts have led to considerable variances in statistics of the prevalence of such contracts in other jurisdictions.

In an Irish context, a zero hour contract of employment is a type of employment contract where the employee is available for work but does not have specified or guaranteed hours of work. These types of contracts are normally found in sectors such as retail and hospitality and the health and education sectors.

The European Commission's 2006 Green Paper on modernising labour law identified that "*fixed-term contracts, part-time contracts, on-call contracts, zero-hour contracts, contracts for workers hired through temporary employment agencies, freelance contracts, etc., have become an established feature of European labour markets*" and had occurred "*in the absence of a more comprehensive adaptation of labour law and collective agreements to rapidly changing developments in work organisation and society*".<sup>1</sup>

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<sup>1</sup> [European Commission, \*Modernising labour law to meet the challenges of the 21st century, Green Paper COM\(2006\) 708 final\*](#), p. 9.

Over the past few years, there has been increasing debate, nationally and internationally, regarding zero-hours contracts. There has been extensive coverage particularly in the British media relating to the situation pertaining in the UK and extent of this form of working. Unlike the situation in Ireland, where an employee who suffers a loss by not being given hours he/she was requested to work or be available to work, is compensated for 25% of the time which he/she is required to be available or 15 hours whichever is the lesser, in the UK, employees on zero hours contracts are only paid for time spent working and, if they are not given any hours by their employer, they receive no compensation.

Clearly, the Irish labour market has continued to evolve since the establishment of the current legislative regime and there is a current imperative to map and better understand the prevalence and impact of zero hours contracts in Irish employments, to better understand their impact on employees and establish if any new policy responses are required. Against the above background, the Government made the following commitment in its Statement of Government Priorities, July 2014: *“To conduct a study on the prevalence of zero hour contracts among Irish employers and their impact on employees and make policy recommendations to Government on foot of this.”*

**Issue raised: What are the advantages and disadvantages of these contracts?**

Response:

It is recognised that for employers, they can provide flexibility, efficiency in human resource management, more resilience in downturns and greater competitiveness. Disadvantages for employers include a limited integration of workers in the business, lower motivation and poorer work quality.

For workers, the flexibility offered can help in reconciling work and family life or studies, and can serve as a stepping stone to enter the labour market. Negatives can include lower levels of job/income security, potential lack of benefits, lower job satisfaction and the risk of becoming trapped in a succession of short-term, low quality jobs with inadequate social protection.

**Issue raised: How will key objectives of the study be achieved?**

Response:

The key objectives of the study are:-

- To fill the gap that currently exists in terms of the hard data and information that is available concerning the prevalence of zero hour and low hour contracts in the Irish economy and the manner of their use.
- To assess the impact of zero hour and low hours contracts on employees.
- To enable the Minister to make any evidence-based policy recommendations to Government considered necessary on foot of the study.

In pursuit of these key objectives, the study aims to

- Collect and collate data/information through surveys or other appropriate means of the extent to which zero hour and low hours contracts are used by employers operating in the Irish economy.
- Collect and collate data/information about the manner in which zero hour and low hours contracts are used by employers operating in the Irish economy.
- Assess the main features of such contracts and how they operate in practice.
- Assess the advantages and disadvantages of such contracts from the perspective of both the employer and the employee.
- Assess the impact of such contracts on employees.
- Assess current employment rights legislation as it applies to employees on zero hour and low hours contracts.
- Consider recent developments in other jurisdictions, including the UK in particular.

**Issue raised: What are the expected outcomes of the study?**

Response:

The study will help to fill the information gap that currently exists around the use of zero hour and low hours contracts in Ireland.

It will provide the Minister and Government with evidence of the prevalence or otherwise of such contracts in the Irish economy, the practices associated with such contracts and their impact on employees. The study may also identify how the information/data collection gap might be addressed in the future. Ultimately, the study will provide the Minister with a basis on which to consider what, if any, policy recommendations should be brought to Government to address issues relating to the use of these contracts and their impact on employees.

**Issue raised: How are persons on zero hours contracts treated for the purposes of social welfare?**



Response:

A primary function of the social welfare system in relation to persons of working age is to support persons and their families where they have lost or are unable to attain employment, with supports also being available to working age persons facing other contingencies such as illness, disability and child birth. Consistent with this role, the system also helps persons to attain and maintain a foothold in the labour market, subject to income tests and other criteria. In general these supports are available to persons engaged under so called zero hours contracts in the same way as they are available, subject to individual scheme criteria, to other persons of working age.

**Issue raised: Levels of part-time/casual work in the economy**

**What is the Government doing to address levels of part-time or casual work in the economy?**

Response:

Since 2012, the Action Plan for Jobs (APJ) has put in place a comprehensive set of measures agreed by Government to promote job opportunities and employment growth in all parts of the country.

Approximately 95,000 more people are at work since the launch of the first Action Plan for Jobs in 2012. This increase has been in full-time jobs rather than casual or temporary jobs, with full time jobs accounting for 86% of the jobs growth.

While the proportion of Irish workers on temporary contracts rose slightly during the economic crisis, reaching 10.5% in 2011, it has since fallen back to the pre-crisis level of 9.5% and remains significantly below the EU average of 14.4%.

The CSO data for April 2015 indicates that the share of casual and part-time workers on the Live Register was down over 10.4% on April 2014, equivalent to 8,184 workers. The cumulative decrease is 18,728 workers since April 2013. The CSO data further indicates that the rate of unemployment has declined from a peak of 15.1% at the start of 2012 to less than 10% in May 2015. The latest Quarterly National Household Survey figures show that, for the year to end Q4 2014, the numbers of people in employment increased by 29,100, which was represented by an increase in full-time employment of 39,600 and a decrease in part-time employment of 10,500.

The Action Plan for Jobs process is working and the Government is determined that this progress continues so that full employment can be achieved by 2018. In 2014, client companies of Enterprise Ireland and IDA Ireland (the Government agencies responsible for supporting and promoting job creation in the indigenous and multinational sectors) created 8,476 and 7,131 net new jobs respectively; this represents the highest levels of net new job creation by agency client companies in over a decade and most of this employment growth was in full-time employment.

The 2015 Action Plan for Jobs, which was launched on January 29<sup>th</sup>, contains a suite of 380 actions to ensure we deliver the promised 100,000 additional jobs by 2016, with the target to create 40,000 jobs this year. Specifically, in 2015, Enterprise Ireland will target the creation of 13,000 gross new full-time jobs in indigenous firms. IDA Ireland will target the creation of 14,000 gross new jobs in multinationals. It is estimated that every direct job created in agency assisted firms indirectly supports another job in the wider economy thereby making a strong contribution to the overall target of achieving full employment in 2018.

**Issue raised: provision of childcare**

**For working parents, are there enough childcare facilities for single or working parents?  
Is it affordable? How many facilities are private and public?**

**Response:**

*National Childcare Investment Programme (NCIP) 2006-2010*

During the period 2000-2011, approximately €415 million in capital funding was invested under the EOCP and NCIP. This investment is estimated to have created in the region of 65,000 additional full-time equivalent childcare places, with almost 25,000 of these places resulting from NCIP funding.

The National Childcare Investment Programme (NCIP) 2006-2010 was a multi-annual programme designed to improve the availability and quality of childcare, primarily through capital grant aid for the construction and refurbishment of childcare facilities. The NCIP was fully funded by the State. €185 million in capital funding was spent under the NCIP.

From 2011 onwards, smaller annual capital programmes were delivered, primarily intended to maintain the existing infrastructure. The 2015 allocation for childcare capital funding totals €7 million.

Approximately three quarters (approximately 73%) of Ireland's 4,500 centre-based early years settings are privately owned (i.e. for profit). The remainder - of which one quarter is community-based and one per cent publicly provided through the school system as a result of the Early Start Programme - are not for profit.

*Childcare Support Programmes*

Approximately €260 million is invested annually by the Government specifically to support the provision by the DCYA of childcare support programmes – the Early Childhood Care and Education (ECCE) Programme, the Community Childcare Subvention (CCS) Programme and the Training and Employment Childcare (TEC) programmes. The childcare programmes funded by the DCYA support the provision of childhood care and education for more than 100,000 children each year.

*Early Childhood Care and Education (ECCE) Programme*

The free pre-school year under the Early Childhood Care and Education (ECCE) Programme was introduced in January 2010. Almost every pre-school service (more than 4,300) in the State is participating with up to 68,000 children, or 95% of the eligible age cohort, expected to avail of the Programme in 2015. The objective of the Programme is to make early learning in a formal setting available to eligible children in the year before they commence primary school. This Programme represents an annual investment of approximately €175 million. The support is provided through capitation payments paid to services in advance of and during each school term. Participating services currently receive a capitation fee of €62.50 per week per qualifying child attending. A higher capitation fee of €73 a week is available to services with more highly qualified staff.

#### *Community Childcare Subvention (CCS) programme*

The Community Childcare Subvention (CCS) Programme provides funding to community childcare services to enable them to provide quality childcare at reduced rates to disadvantaged and low income working parents. Parents qualify as disadvantaged or low income on the basis of means-tested entitlements. In the case of full day care, parents qualifying for the higher rate of subvention under the CCS Programme can have up to €95 per week deducted from the overall charge for childcare in the participating childcare facility. To ensure that access to subvention funding is not a disincentive for parents to return to employment, the CCS Programme allows a parent who is in receipt of the higher level of subvention support, and who secures employment, to retain that level of funding support until the end of that school year in the same service, and also to have a reduced level of funding support for one further school year following that. About 25,000 children are catered for under the CCS Programme each year in almost 900 community childcare services. The Programme has an annual budget of €45 million.

The Training and Employment Childcare (TEC) programmes are the following:

#### Childcare Education and Training Support (CETS) Programme

Under the CETS Programme, childcare services are contracted to provide childcare places to qualifying Solas or Education and Training Board (ETB) trainees or students for the duration of their courses. This Programme also provides part-time and after-school places. Under the Programme, €145 per week is provided towards the cost of a full day childcare place and the service is permitted to charge the parent up to a further €25 per week towards the cost of the place. The Programme has a budget of €17 million per year and in the region of 8,000 children are catered for annually.

### After-School Childcare (ASCC) Programme

The After-School Childcare (ASCC) Programme is designed to support low-income and unemployed people to take up a job, increase their days of employment or take up a place on a Department of Social Protection Employment programme. The ASCC provides after-school care for primary school children of eligible parents for a period of 52 weeks. The Programme contributes €40 per week for an after-school place or €80 per week in situations where a pick-up service is required to take the child from school to the childcare provider. The Programme also provides a full day care rate of €105 per week, for a maximum of 10 weeks, to cater for school holiday periods. In all cases, the maximum fee payable by parents is €15 per week per child. The Programme has a funding allocation of €1.32 million in 2015, which will provide between 300 to 500 places, depending on the mix between after-school and after-school with pick-up places.

### Community Employment Childcare (CEC) Programme

The Community Employment Childcare (CEC) Programme is targeted specifically at participants in the Community Employment (CE) schemes operated by the Department of Social Protection. Under the Programme, €80 per week is provided for pre-school places for children up to the age of 5 and €40 per week for after-school places for primary school children up to the age of 13, with a set charge of €15 per week to the parent in either case. The Programme also provides a part-time day care rate of €80 per week, for a maximum of 10 weeks, to cater for school holiday periods. Places are approved for 50 weeks. The CEC Programme has an annual budget of €7.5 million to provide 2,000 places.

### *Inter-Departmental Group (IDG) on Future Investment*

The Minister for Children and Youth Affairs established the Inter-Departmental Group (IDG) on Future Investment in Early Years and School-Age Care and Education in February 2015. Membership of the IDG includes representation from right across Government, including the Departments of Children and Youth Affairs, Education and Skills, Jobs and Innovation, Justice and Equality, Social Protection and as well as the Departments of Public Expenditure and Reform, Finance and an Taoiseach.

The IDG is tasked with exploring ways of ensuring that current (and future) investment delivers more affordable, accessible and high quality early years and school-age care and education. The work of the Group is being informed by research and evidence of best practice and by existing policy commitments, including those set out in Better Outcomes, Brighter Futures, the National Policy Framework for Children and Young People.

To inform its work, the Group has already solicited the views of key stakeholders, interested parties and the general public through a number of consultative processes, including an Open Policy Debate on Future Investment in Early Years and School-Age Care and Education Services, which was hosted by the Department of Children and Youth Affairs on 31st March 2015 and attended by some 40 invited representatives including parents, providers, academics, childcare committees, and NGOs.

It has also held a series of bilateral discussions with relevant Government Departments, including the Departments of Arts, Heritage and the Gaeltacht, Education and Skills, Finance, Jobs and Innovation, Justice and Equality, Public Expenditure and Reform and Social Protection.

Two separate online consultation processes - one with the early years sector and one with parents and guardians have also taken place and the approximately 400 submissions received from the early years sector and almost 1,000 submissions received from parents and guardians are currently being analysed. Reports on these consultations and the Open Policy Debate are currently being compiled and will be published in due course. The IDG will submit a series of options for future investment to Government at the end of June 2015.

#### *Supply and Demand of Childcare*

According to the Annual Survey of Early Years Services (which was conducted by Pobal in 2014 and achieved a response rate of 63.9% of all services), less than one-third (30.8%) of providers reported their services to be 'full'. The proportion of community-based providers reporting that they are full was 28.4% and among private providers it was 31.8%.

#### *Waiting Lists*

Services that reported being full were then asked how many (if any) children are on waiting lists for places required immediately in their facilities (as distinct from those waiting for places at a later date). Data regarding waiting lists must be interpreted with some caution as the same child may be on waiting lists for more than one service at any point in time.

A total of 4,396 children were reported to be on waiting lists, an average of 1.6 children per service. As this figure comes from 63.6% of all services, it can be extrapolated that, nationally, there may be up to 6,912 children on waiting lists. Of the total number on waiting lists, 38.9% (1,709) are on waiting lists for sessional places. This is followed by part-time places (26.2%; 1,153). Those waiting for school age places make up the smallest category (12.6%; 555).

62.0% (2,725) of those on waiting lists are waiting for a place in an urban-based childcare service. In terms of the community/private distribution, over half of all children on waiting lists (54.1%) are waiting for a place in a community service; this despite the fact that private services outnumber community services by two to one among respondents. The spread of numbers on waiting lists also varies considerably between community and private settings; 54.0% (1,089) of those waiting on places in private services are seeking a sessional place, whereas in community services, those awaiting places are more evenly spread across the different service types (sessional, full time and part time). Once again, this is at least partly explained by the fact that far more community services offer, for example, part time places than is the case among private providers.

Waiting Lists	Full-Time	Part-Time	Sessional	Afterschool	Totals	%
Community-Based	564	856	620	340	<b>2,380</b>	<b>54.1%</b>
Private Provider	415	297	1,089	215	<b>2,016</b>	<b>45.9%</b>
Urban	652	749	1,028	296	<b>2,725</b>	<b>62.0%</b>
Rural	327	404	681	259	<b>1,671</b>	<b>38.0%</b>
Total	<b>979</b>	<b>1,153</b>	<b>1,709</b>	<b>555</b>	<b>4,396</b>	<b>100.0%</b>

All Respondents	Number of Places Sought	Places Sought as % of Total Places Sought
Full-Time	979	22.3%
Part-Time	1153	26.2%
Sessional	1,709	38.9%
Afterschool	555	12.6%
Totals/ All:	<b>4,396</b>	<b>100.0%</b>

### *Vacancies*

The (1,769) services that reported being “not full” were then asked to give a breakdown of the numbers (if any) of vacancies they had, broken down by childcare type. The figures are shown in the Table below. Services reported a total of 19,809 vacant childcare places. This represents an on-going and significant level of over-supply of childcare places within the sector, even more significant when it is considered that this represents only 63.6% of the

sector; an extrapolation would suggest that nationally there could be over 31,146 vacant childcare places.

Over two-thirds (70.3%) of these vacant places are in private childcare services and 62.7% (12,419) of all vacancies are in rural areas. In summary, the data suggests that at the end of 2014, there remained significant on-going challenges facing some parts of the childcare sector as a result of the economic downturn and reduced family incomes translating into reduced demand for centre-based childcare. Approximately half (50.5%; 10,009) of all vacant childcare places are sessional places. The remainder are spread relatively evenly across full-time, part-time and school age services.

**Table 3: Vacancies by Childcare Type for those who reported not being “Full” – Community/Private, Urban/Rural and all Services**

Vacancies	Full-Time	Part-Time	Sessional	Afterschool	Totals
Community-Based	728	1,328	2,666	1,156	<b>5,878</b>
Private Provider	2,526	1,822	7,343	2,240	<b>13,931</b>
Urban	1,611	1,344	3,245	1,190	<b>7,390</b>
Rural	1,643	1,806	6,764	2,206	<b>12,419</b>
Total	<b>3,254</b>	<b>3,150</b>	<b>10,009</b>	<b>3,396</b>	<b>19,809</b>

**Table 4: Vacancies by Childcare Type – Number and Percentage**

Childcare Type	Number of Vacant Childcare Places	% of all Vacancies
Full-Time	3,254	16.4%
Part-Time	3,150	15.9%
Sessional	10,009	50.5%
Afterschool	3,396	17.1%
Totals/ All	<b>19,809</b>	<b>100.0%</b>

*Access to Early Years Services for Children with Disabilities or Special Needs*

There are a number of measures currently in place in the Department of Children and Youth Affairs to ensure that the free pre-school year is more accessible to children with special needs. These include an exemption from the upper age limit where a child would benefit from starting primary school at a later age. In addition, children with special needs can apply



to have the pre-school year split over two years on a pro-rata basis, for example availing of the programme for 2 days a week in the first year and for 3 days a week in the second year.

Further, while the Health Service Executive has no statutory obligation to provide assistant supports for children with special needs wishing to avail of the free pre-school year, it does work at local level and in partnership with the relevant disability service providers to address individual needs as they arise. This is done, for example, by funding special pre-schools that cater specifically for children with disabilities. In some limited cases at local level, disability services have also facilitated children with disabilities in some instances to attend mainstream pre-schools by providing assistant supports where possible and subject to resources. Improving access to the pre-school year for children with special needs is a priority for the Department of Children and Youth Affairs.

The inter-sectoral work done under the chairmanship of the Office of the Minister for Disability and Mental Health and through the Cross-Sectoral Team on children's disability issues agreed that the best approach to meeting the needs of children with a disability of pre-school age was through mainstream pre-school services, but no agreement was reached on what the model of provision would be, or, who would lead out on developing this.

The Secretary General of the Department of Children and Youth Affairs has recently agreed with his counterparts in the Departments of Health and Education and Skills that it will seek to gain agreement, in a relatively short time-frame, between the three sectors (children, education, health) on the most appropriate, workable model for supports to pre-school children with special needs. This will be followed by very close co-operation between the sectors in defining/developing the model and in making an agreed cross-departmentally supported proposal for the resources required to implement it. The team will use information from recent consultations with parents and providers to inform their work and will conduct further consultation as the tight time-frame allows.

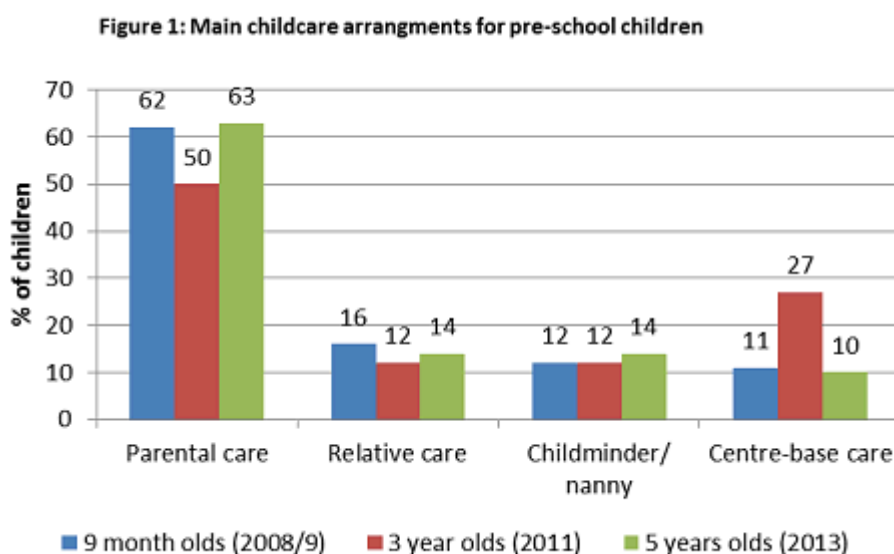
There will be several challenges to agreeing an appropriate and workable model – including reviewing existing resources in the system to determine how they can best meet children's' needs, and accessing the additional investment needed. The Department of Children and Youth Affairs has committed to leading this process and it is intended that a proposal will be available in time for the Estimates process.

*Patterns of parental, formal and/or informal childcare in Ireland*

Pre-school children: Data on the main childcare arrangements for pre-school children are presented in Figure 1. These data are drawn from Growing Up in Ireland and relate to data collection with the infant cohort at three different ages (i.e. at ages 9 months, 3 years and 5 years) and at three different points in time (i.e. 2008/9, 2011 and 2013).

At 9 months of age, 62% of pre-school children were cared for at home by a parent and just 11% were in centre-based settings (i.e. formal care). By age 3, the percentage cared for at home by a parent fell to 50% while the percentage in centre-based settings rose to 27%. By 5 years of age, the majority of children in the infant cohort (who had not yet started primary school) were cared for a home by a parent (i.e. 63%) and 10% were in centre-based care. The increase at age 3 relates, in part, to participation in the free pre-school year.

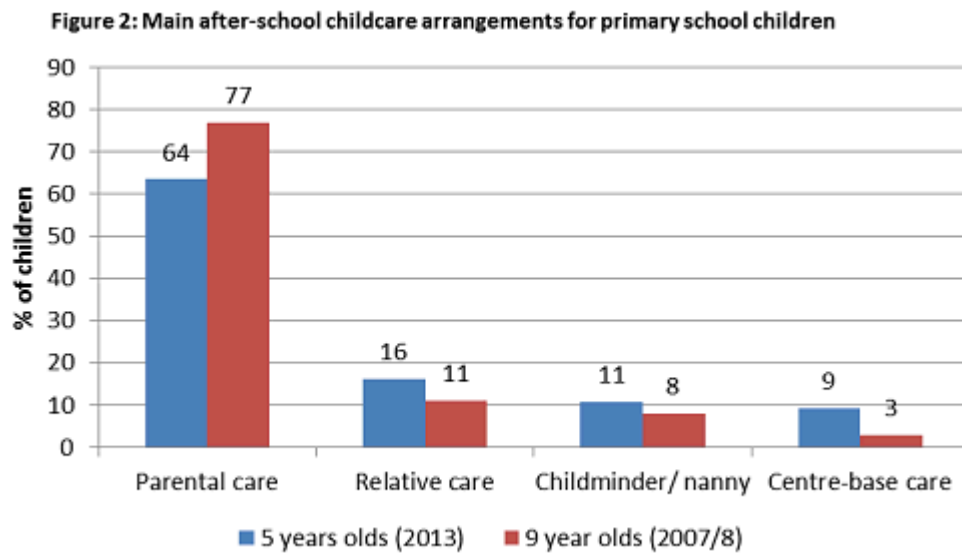
The proportion of pre-school children in informal childcare arrangements (i.e. with a childminder or a relative) remained fairly stable. Approximately one in four children at 9 months, three years and 5 years were in such informal childcare arrangements.



Primary-school children: Data on the main after-school childcare arrangements for primary-school children are presented in Figure 2. These data are also drawn from Growing Up in Ireland and relate to data collection with the infant cohort (at age 5), which was conducted in 2013 and data collection with the child cohort (at age 9), which was conducted in 2007 and 2008.

At 5 years of age, 64% of the infant cohort (who had started primary school) were cared for at home by a parent after school, 27% were in informal after-school childcare arrangements and

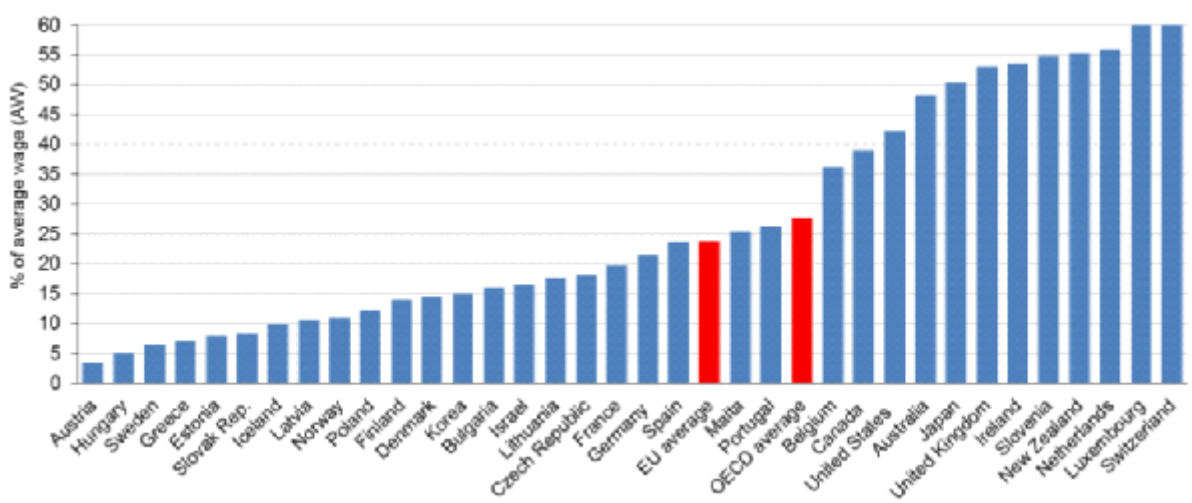
9% were in centre-based settings. At 9 years of age, the percentage of primary school children cared for at home by a parent after school was 77% while the percentages in informal and formal after-school care arrangements were 19% and 3% respectively.



### Affordability

Figure 3 below shows that, across OECD countries, the average ‘typical’ childcare fee paid for a two-year old in full-time care is just over 27% of the average wage. However, there is wide variation across countries. This amount ranges from around 5% of the average wage or less in Hungary and Sweden to above 50% in Japan, Ireland, Luxembourg, the Netherlands, New Zealand, Slovenia, Switzerland and the United Kingdom.

**Figure 3: Gross childcare fees as a percentage of the average wage per two-year old attending accredited early-years care and education services (2012).**



**Issue raised: Corporal punishment of children**

**There have been many recommendations on a ban on corporal punishment. However, Ireland has only partially prohibited it – can you give more information on this please?**

**Response:**

Ireland is fully committed to working towards the elimination of corporal punishment. Considerable progress has been made to restrict the use of corporal punishment in Ireland.

*Children in State Care*

Corporal punishment has been explicitly prohibited in certain care settings by way of administrative arrangements. Notwithstanding this, the Minister for Children and Youth Affairs has instructed officials of his Department to prepare regulations to explicitly prohibit the use of corporal punishment in the care settings involved. This will result in an explicit prohibition, in law, covering children in foster care, the foster care of relatives and in residential centres. Together with existing prohibitions in other non-family settings, this will constitute a prohibition on the use of corporal punishment of all children placed in State care.

*Corporal Punishment in the Home*

The issue of corporal punishment of children within the family setting is also currently receiving consideration. Corporal punishment in the home, while not specifically outlawed, is subject to provisions of certain laws - the Non-Fatal Offences Against the Person Act, 1997, (which deals with assault of any person) and Section 246 of the Children Act, 2001, (which deals with cruelty to children).

In the case of parents, or persons acting in *loco parentis* (other than teachers), a common law defence of reasonable chastisement may be available where a prosecution arises. However, the defence is not an immunity and it is a matter for a court to objectively determine if any such defence applies having regard to the circumstances of the case and in the context of the currently applicable social norms.

The issue of corporal punishment in the home engages different Constitutional considerations involving parents, children and the State. Any proposals for legislative change in this area require careful consideration due to the special protection afforded to the family under the Constitution (Articles 41 and 42). While there is no existing jurisprudence of the Supreme

Court around these Articles from a corporal punishment perspective, the jurisprudence that does exist gives weight to the family not being subjected to undue interference by the State.

The Department of Children and Youth Affairs, in consultation with the Department of Justice and Equality, has commenced an examination of the potential, under the Irish legal framework, to remove the common law defence and thereby provide children with an unqualified protection under the law.

The policy, legal and constitutional issues involved continue to be kept under review and significant progress continues to be made in relation to the Government's commitment to protect the rights of children, including the amendment to the Constitution in relation to children's rights, progress in relation to fundamental reform of the child protection services, the establishment of the Child and Family Agency and drafting legislation in relation to putting Children First on a statutory basis.

**Issue raised: positive parenting**

**Please elaborate upon measures taken by the State Party to support parents to adopt positive parenting practices**

**Response:**

The Child and Family Agency have published a Parenting Support Strategy (PSS) - launched in October 2013. This strategy gives a mandate for the commissioning of evidence based parenting support programmes in all of the Agency's 17 administrative areas. Also, the effectiveness of parenting support is to be monitored and evaluated. The theme of Positive Parenting is specifically addressed in many evidence based parenting programmes. Also, supporting children's self-discipline and behaviour by a 'learning' strategy rather than by a 'punishment' strategy is strongly and effectively advocated by many Parenting Support Programmes (for example the Lifestart Growing Child Programme, a home-based programme for parents of children aged from birth to five years).

The Child and Family Agency have launched a 50 Key Messages document (part of the Parenting Support Strategy) which is an evidence informed guide for parents and practitioners of key messages that are important for raising children well. Central to these messages are the 31 messages that include 7 general messages and 24 messages that address parenting

children across the lifecourse - from 'preparing for parenthood' through to parenting teenagers. One of the key general messages is 'a Positive Parenting Style Works'.

The Child & Family Agency have incorporated these key 31 messages into a user-friendly branded section ([www.tusla.ie/parenting-24-seven](http://www.tusla.ie/parenting-24-seven)) of the Agency's website. This initiative was recently launched as part of a new Prevention Partnership and Family Support Programme. This will be followed up by a number of related initiatives including practitioner and parent training, parental participation projects and the recruitment of parenting support champions. These initiatives will be monitored and evaluated along with other Family Support work.

Parenting Programmes, including those with a focus on alternatives to Corporal Punishment, are regularly delivered by Family Resource Centres which are funded by the Child and Family Agency. There are 107 Family Resource Centres throughout the country. Barnardos Children's Charity, which receives funding from the Child and Family Agency, has a range of targeted programmes that advocate positive parenting and have also produced a series on Parenting Positively which is available for download on the Agency website.

## **Issue raised: right to education**

### **Response:**

#### **General Information:**

The Minister's introductory speech at Ireland's review referred to the growth in pupil numbers in Ireland. The number of births in Ireland in 2000 was 54789. By 2009, this had increased to 75554, which was a record number of births since the establishment of the State. These children are now in the education system, which has resulted in primary pupil numbers increasing by over 25,000 between 2011 and 2014. Post primary pupil numbers have increased by over 10,000 in the same period. New schools are being established to accommodate them, while existing schools are also expanding. The Minister referred to the planned expenditure of €2bn in capital projects in order to ensure that these children have schools and classrooms to meet their needs.

In the context of the financial pressures outlined, the provision of education services was prioritised in order to protect the right to education. The pupil teacher ratio for the majority of schools has remained the same since 2009 and the number of teachers in the system has increased in recent years, with 1400 additional posts being approved each year in 2013, 2014 and 2015.

Some Committee members asked about the abolition of grants to schools. There were some specific grants to schools which were abolished. However, this was offset by an increase in general grant aid to schools, which allowed schools the freedom and autonomy to apply resources according to their own priorities, based on their local knowledge of their own circumstances, rather than being required to spend the grant aid in specified ways, with no flexibility for reallocation of resources.

#### **Special Education:**

The amount being spent on special education is €1.37bn in the current year. This represents c. 15% of gross expenditure on education. This provision is in line with expenditure in recent years and shows that the overall level of funding for special education has been protected, despite the ongoing severe financial position.

The Committee may also be interested to learn that an additional 365 Special Needs Assistant (SNA) posts were approved for 2015, bringing the total number to over 11,300.

**Issue raised: Intercultural Education Strategy:**

**Response:**

The Intercultural Education Strategy published in 2010 covers all sectors of education from pre-school through to further and higher education. The key theme permeating the Strategy is the development of an inclusive, integrated and intercultural learning environment. The strategy is in line with the main educational goals that the Department of Education and Skills has set out in its Strategy Statement 2015 – 2017.

As indicated to the Committee, the Department of Justice and Equality is currently overseeing the development of a new National Integration Strategy. A Cross Departmental Group, on which the Department of Education and Skills is represented, is undertaking a work programme which includes public consultation, thematic meetings, presentations to and from key Government Departments and stakeholder consultation.

Following the publication of a new national strategy, the Department will evaluate the Intercultural Educational Strategy in that context.

**Issue raised: Traveller Education**

**Response:**

Current Department of Education and Skills policy in relation to Traveller education is underpinned by the Report and Recommendations for a Traveller Education Strategy, which is based on the principle of inclusion. In keeping with this principle, additional resources provided in the education system are allocated on the basis of identified individual educational need rather than that of ethnic or cultural background. This policy involves the phasing out of segregated provision or its integration into mainstream provision.

As part of this phased approach, the Department continues to fund additional dedicated resources for Traveller children, including financial resources in the form of additional Traveller Capitation and teaching resources in the form of Alleviation Posts in schools with the highest concentration of Traveller pupils. This additional provision is allocated to ease the impact of the implementation of the strategy and the withdrawal of segregated Traveller provision.

Ongoing engagement between the Department and the Traveller community is facilitated through the Traveller Education Strategy Advisory and Consultative Forum. As part of the



work of the Forum the Department will continue to work with relevant stakeholders and Traveller representative groups to explore ways in which the needs of Traveller children and their families can be met within the new integrated model for delivery of educational welfare services.

The National Traveller & Roma Inclusion Strategy Steering Group, which has been established by the Department of Justice and Equality, met for the first time in March 2015 and the consultation process on the proposed revision of the National Traveller & Roma Inclusion Strategy has commenced. The Department of Education and Skills participates in this forum along with all relevant Departments and stakeholders.

#### Travellers and Further Education:

In 2013 SOLAS – the Further Education and Training Authority was established following the introduction of the Further Education and Training Act 2013 and they published a five year strategy in May 2014. The overall aim of the Strategy is to develop a world-class integrated system of further education and training in Ireland, which will promote economic development and meet the needs of all citizens including Travellers and Roma.

#### Travellers and Higher Education:

The first national target to increase entry to higher education by Irish Travellers will be included as part of a new National Plan for Equity of Access to Higher Education (2015 - 2019), which the Department is currently developing with the Higher Education Authority (HEA) following a wide consultation process in 2014.

Based on available data, it is estimated that a very small number of Traveller students access higher education each year. Therefore, a numerical rather than percentage target will be set to increase participation by Travellers; from 35 to 80 new entrants to higher education in five years' time. To help achieve this target, over the course of the next plan, the HEA and higher education institutions plan to work with Traveller representative organisations and other education partners to consolidate and enhance existing access initiatives.

**Issue raise: Diversity of Patronage, Divesting of Patronage, Multidenominational Education and the Admissions Bill:**

**Response:**

The Government and the education stakeholders generally recognise that education system needs to respond appropriately to the changes in Irish society.

The lack of diversity of patronage in the primary education sector was an area that needed to be addressed. The Government established a Forum on Patronage and Pluralism in the Primary Sector in 2011. The Forum involved public sessions and widespread consultation with stakeholders on the issues arising.

The Forum Report can be accessed at <https://www.education.ie/en/Press-Events/Conferences/Patronage-and-Pluralism-in-the-Primary-Sector/The-Forum-on-Patronage-and-Pluralism-in-the-Primary-Sector-Report-of-the-Forums-Advisory-Group.pdf>

Following on from the Forum Report, there are three main elements:

*1. Diversity of Patronage in the establishment of new schools*

The growth in pupil numbers in Ireland in recent years has necessitated the establishment of new schools. The New School Establishment Group has advised on this process. Between 2011 and 2016, 20 new primary schools will be established. All of these new primary schools will be multi-denominational<sup>2</sup>.

In the same period, 26 new post primary schools will be established, of which 22 will be multi-denominational.

These changes demonstrate the steps being taken to provide a greater diversity of patronage and plurality of patronage types at primary level.

In areas of population growth, the new Schools Establishment Group takes account of the views of parents in recommending patronage for new schools. The diversity of patronage of the new schools in many of these areas reflects the diversity of the population and the

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<sup>2</sup> Multi-denominational education in Ireland is generally defined as being the provision of education in a spirit or ethos which provides for children of all faiths and none.

diversity of views expressed by the parents. This includes those from different faith and non-faith perspectives, traditions and backgrounds.

## *2. Divesting of Patronage*

In addition to providing greater diversity of patronage in areas of new population growth, where new schools are being established, the Forum recognised that there may be demand for plurality of patronage in areas of stable demographics. The Forum recommended exploring options for existing patrons to divest the patronage of existing schools in order to increase the diversity of available patronage.

Therefore, 43 areas in the country were identified where existing patrons may be willing to divest themselves of patronage of their schools. Surveys were undertaken in these areas and in 28, viable levels of demand for alternative patronage were identified.

A number of schools have been identified for divesting as part of this process. In 2014, four new schools commenced operation under the patronage of Educate Together as multi-denominational schools.

On 13 February 2015 the Minister for Education and Skills announced that a further four new multi-denominational primary schools are expected to open in September 2015 under the patronage divesting process.

Work will continue with the main Patron bodies in other areas to advance alternative patron choices in those areas for 2016 and beyond.

## *3. Existing Schools*

In recognition of the fact that in some areas, due to population dispersal, it may not be possible to ensure a choice of patronage within reasonable travelling distances, the Minister organised a public consultation on promoting inclusivity in all primary schools.

In July 2014, a paper entitled *Forum on Patronage and Pluralism in the Primary Sector: Progress to Date and Future Directions* was published in 2014. The paper gives an update on the progress made to date on implementing the Forum's recommendations, with a particular focus on inclusivity and diversity.

The paper outlines good practice and options for promoting diversity in all schools, regardless of whether or not the school has a highly diverse student population. This was informed by the public consultation held in 2013 that asked parents, in particular, to submit their views on how primary schools can make all children feel included and involved. This included issues such as how best to accommodate students of various belief systems and traditions and how schools have developed and implemented policies on marking religious celebrations and the display of religious symbols in the school.

The paper encourages school authorities to engage in consultation with stakeholders and to review their policies and practices on an ongoing basis to ensure that they remain suitable for the school population that they serve.

The paper can be accessed at <http://www.education.ie/en/Press-Events/Conferences/Patronage-and-Pluralism-in-the-Primary-Sector/Progress-to-Date-and-Future-Directions-Forum-on-Patronage-and-Pluralism-in-the-Primary-Sector.pdf>

### **Issue raised: Admissions Bill**

#### **Response:**

The State recognises its responsibility to ensure that schools in an area can, between them, cater for all pupils seeking school places in the area. Parents can choose which school to apply to and where the school has places available the pupil should be admitted. However, in schools where there are more applicants than places available a selection process may be necessary. This selection process and the enrolment policy on which it is based must be non-discriminatory and must be applied fairly in respect of all applicants. However, this may result in some pupils not obtaining a place in the school of their first choice.

The Government gave approval in March 2014 for drafting the Education (Admission to Schools) Bill. The Bill was published in April 2015 and can be accessed at <https://www.education.ie/en/The-Education-System/Legislation/Education-Admission-to-Schools-Bill-2015.pdf>

The objective of the Admissions to School Bill is to provide an over-arching framework to ensure that how schools decide on who is enrolled and who is refused a place in schools is more structured, fair and transparent.

As noted above, the Government is working to increase the level of choice of school patronage type to increase parental choice and offer greater diversity of patronage. This includes a significant capital programme involving the establishment of new schools.

**Issue raised: Social welfare - decision-making and appeals**

**Response:**

The Department of Social Protection processes around 2 million new claims each year. About 85% of these are successful, i.e. the customer receives the relevant payment.

The Department has established a Decisions Advisory Office (DAO) to assist decision-makers to make decisions which are consistent and of good quality and to offer advice to decision makers on the interpretation of legislation and “best practice”. To this end, it publishes guidelines and bulletins. Recently, its remit has expanded to include reviewing sample decisions files to identify and address common issues and to improve the quality of decision-making.

The Department undertakes two comprehensive fraud and error surveys each year. Although the primary purpose of the surveys is to identify potential risk areas in payments, the surveys also give statistics on errors in decisions. The level of Departmental error found through the surveys is consistently very low.

The Department’s Regional Support Unit and SWA Policy Unit also provide procedural advice, clarification on scheme rules and support to decision-makers

Officials of the Department meet regularly with the Social Welfare Appeals Office and feedback on appeals is provided to relevant scheme areas and included in the Department’s guidelines, which are kept under constant review and regularly updated

Management checks at local level are designed to ensure the consistency and quality of frontline decision-making.

A range of other mechanisms are in place to ensure that the Department delivers the highest level of service to customers. These include:

- Surveying customers and holding ongoing discussions with customer representative groups with a view to continuous improvement of the quality of the service provided;
- Seeking feedback and suggestions from customers as to how service provision and delivery can be improved through the Department’s comments and complaints system;
- Ongoing training of staff.

The Department considers that these measures are appropriate and proportionate to the level of problems identified. Like all areas of the Department’s business, this is kept under review.

The Social Welfare Appeals Office operates independently of the Department of Social Protection. It aims to provide an independent, accessible and fair appeals service for entitlement to social welfare payments and to deliver that service in a prompt and courteous manner.

The number of appeals lodged by customers was 32,777 in 2013 and 26,069 in 2014. These figures cover both new claims and appeals against changes to existing claims. Therefore, it is estimated that fewer than 10% of those who are refused a new claim, appeal this decision. So, the conclusions of the Appeals Office in relation to the cases which the office deals with are based only on the small number of cases who are not satisfied with their original decision.

They are *not* indicative of the quality of all decisions taken in the Department.

It is also important to note that the fact that an Appeals Officer overturns the original decision does not mean that the original decision was wrong. Some reasons for this would include:

- Customers often produce fresh evidence for the appeal which was not available to the original decision maker;
- The time lag between the original decision and the appeal might, in itself, be relevant to the entitlement. For example, in the case of certain invalidity/caring payments, the time lag between claim and appeal might represent additional evidence of a longer duration of illness/disability than had originally been expected.
- The role of the Appeals Officer is to examine the case “de novo”, not simply to check that the original decision was valid. As there is a degree of subjectivity in some of the criteria for payment, it is reasonable that in some cases a second decision maker would take a different decision to the first.

Customers have direct access to the appeals system and can be supported by friends, relatives or third parties. There are many reasons why legal aid is not provided for customers making appeals:

- If they were legally represented at appeals, it is likely that DSP staff may also require legal representation and that the department’s submissions to the Appeals Office may have to be legally drafted (or at a minimum legally cleared).
- Legal representation would have resource implications and would slow down the system.
- Not all matters determined at appeal are of a legal nature that would require legal argument and submissions in the same way as in the Courts.

- The relatively informal system allows appellants a great deal of freedom to present their position in support of their appeal in a relatively informal setting.

Therefore, it would not be in the customer's interest to replace the current relatively informal appeals system with a formal legally based one.

**Issue raised: The Habitual Residence Condition (HRC) and victims of domestic violence**

**Response:**

The Habitual Residence Condition (HRC) was first introduced in Ireland in 2004 and amended in subsequent years, most recently in 2014. The HRC is provided for in Irish legislation in full accordance with EU legislation and with European Court of Justice jurisprudence. It applies equally to all, regardless of nationality.

It is legitimate for the Irish authorities to make entitlement to a social assistance payment conditional on a residence requirement, on the basis of objective considerations independent of nationality, while ensuring a genuine link between the applicant or recipient for such an allowance and the particular country.

Comprehensive Guidelines on the HRC have been drawn up by the Department of Social Protection. The Guidelines which are used by Deciding Officers and Designated Persons are also available to be accessed by the general public via the Department's website. They are regularly updated to take account of changes at both national and EU level.

Ongoing training is provided to Deciding Officers and Designated Persons in relation to the HRC, the Guidelines and any changes made in policy or legislation both at national and EU level.

Deciding Officers and Designated Persons, when determining whether a person is habitually resident in the State for social welfare purposes, will take into consideration all of the person's circumstances including the following factors:

- Length and continuity of residence in Ireland or in any other particular country
- Length and purpose of any absence from Ireland
- Nature and pattern of employment
- Applicant's main centre of interest
- Future intention of applicant concerned as they appear from all the circumstances.



There is no minimum period of residence in the country required to satisfy the HRC. A reference to a person being "...present in the State or any other part of the Common Travel Area for a continuous period of 2 years...", which was redundant in practice for some time, was removed from the legislation underpinning the HRC in 2014.

The Guidelines provide specific advice in relation to victims of Domestic Abuse and Violence which includes a link to the INIS website. The INIS website specifically states in relation to migrants - "you do not have to remain in an abusive relationship in order to preserve your entitlement to remain in Ireland".

Once a victim of abuse or violence has applied for and obtained the right to reside in his/her own right and the right to work should this be necessary, it is then possible for the Department of Social Protection to consider the person's circumstances from a HRC perspective.

The Department of Social Protection provides a range of income supports including the Supplementary Welfare Allowance scheme (SWA). SWA is considered the "safety net" scheme in the State: it provides immediate and flexible assistance to eligible people whose means are insufficient to meet their needs and those of their dependants. Department officials administering SWA have discretionary powers to expedite the award of a payment where a claimant's safety and wellbeing are at risk due to domestic violence.

Under the SWA scheme, the Department issues Exceptional Needs Payments (ENPs) to help meet essential and unforeseen needs that target those most in need of assistance. ENPs are not subject to the HRC. In 2014 there were 107,000 ENPs issued.

Officials of the Department have met with agencies dealing with domestic violence on a number of occasions and are available to discuss issues on request.

**Issue raised: Youth unemployment and the Youth Guarantee**

**Response:**

The most up-to-date figures on youth unemployment are as follows:

- The under-25 age group had an unemployment rate of 20.3% at the end of 2014, down from a peak of 33% in early 2012. This compares to an unemployment rate of 10.4% for

prime age workers (ages 25–54). About 38%, on average, of the young unemployed in 2014 were out of work for more than one year.

- The absolute number of young unemployed people has fallen substantially – from close to 80,000 on average in 2009 to 47,000 on average in 2014. The most recent figures show youth unemployment down by 10,000 year-on-year to 39,000 in Q4 2014. As a result of this fall, young people now represent 19% of all the unemployed, down from a share of 35% in mid-2008. Based on current trends and projections, the youth unemployment rate should fall below 20% in 2015.

The Government’s primary strategy to tackle youth unemployment is through policies to create the environment for a strong economic recovery by promoting competitiveness and productivity.

The Youth Guarantee Implementation Plan identifies measures to build on services and initiatives already in place and to increase their impact by tailoring them to address the particular challenges of youth unemployment.

The Youth Guarantee sets a medium-term objective of ensuring that young people 18-25 receive an offer of employment within four months of becoming unemployed. Due to the universal nature of the unemployment benefits available to young people in Ireland (subject to meeting eligibility criteria on the basis of means), most of those classified as not in education, employment or training are registered with the public employment service. The main plank of the guarantee therefore is assistance to young people 18-25 in finding and securing sustainable jobs through the public employment service.

For those who do not find employment, additional offers are provided, with most offers (over 70%) in further education or training. Others are in community-based employment programmes such as CE, Gateway and Tús, or through the JobsPlus employment subsidy for private employment. During 2014, almost 25,000 places were taken up under the Youth Guarantee.

Relevant reforms implemented in 2014 include:

- Engaging earlier and faster with young people under Intreo;
- Reserving places on existing programmes for young people who are already long-term unemployed;
- Developing variants of these programmes/offers tailored specifically for unemployed young people.

Expenditure on programmes providing employment, training and further education opportunities for young people will be in excess of €500m in each of the years 2014 and 2015. The education and training system will support the Youth Guarantee through providing quality training and education opportunities.

In addition to youth 18-25 who are unemployed, youth 15-17 who are early school leavers are a focus of the Youth Guarantee. Here the key objective is to provide second-chance education and learning and training opportunities through the following programmes:

- *Community Training Centres:* SOLAS and the Education and Training Boards (ETBs) in partnership with Community Training Centres (CTCs) provide a range of learner centred, proactive training and related services, to assist early school leavers enter the labour market or progress to further education and training.
- *Youthreach:* The Youthreach programme provides two years integrated education, training and work experience for unemployed early school leavers without any qualifications or vocational training who are between 15 and 20 years of age.

### **Issue raised: poverty trends**

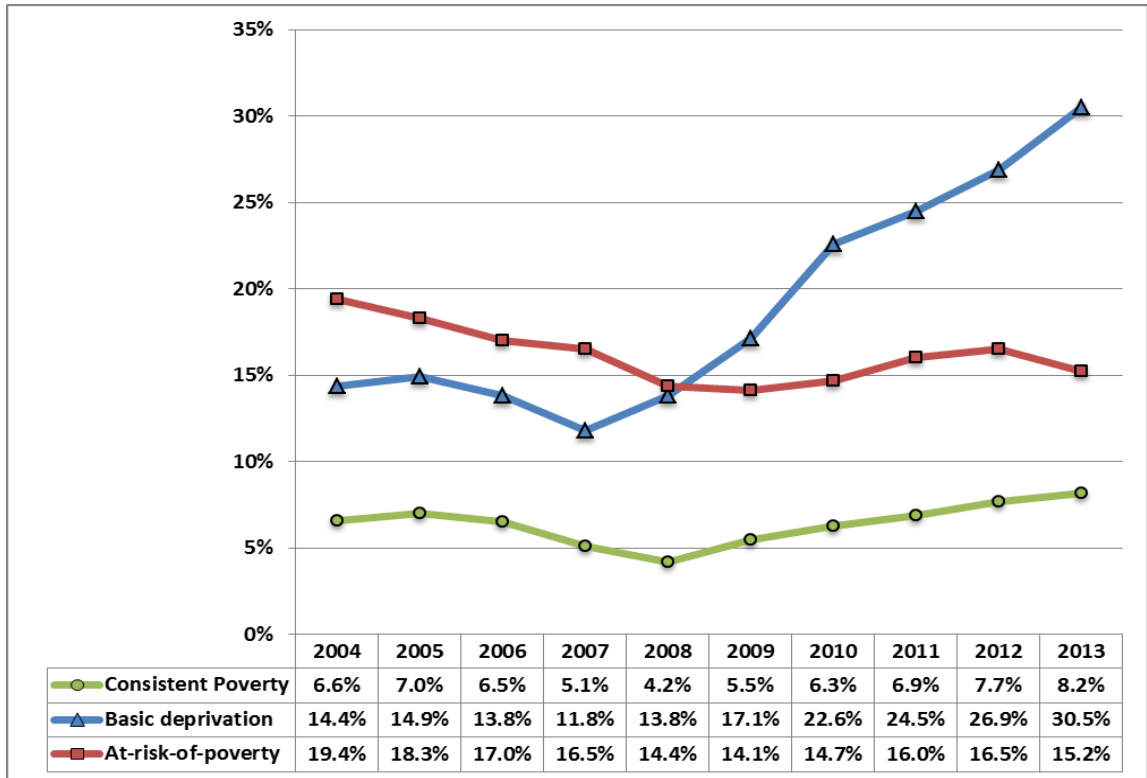
#### **Response:**

The consistent poverty rate fell from 6.6 per cent in 2004 to a low of 4.2 per cent in 2008. With the onset of the economic crisis poverty rates increase. In 2013, the rate was 8.2 per cent.

Basic deprivation declined from 14.4 per cent in 2004 to 11.8 per cent in 2007. The social impact of the crisis is particularly noticeable with this indicator, as it has risen to 30.5 per cent in 2013.

At-risk-of-poverty fell from 19.4 per cent in 2004 to 14.1 per cent in 2009. It subsequently increased to 16.5 per cent in 2012. 2013 saw a reduction in the rate to 15.2 per cent.

#### ***Trends in poverty rates, 2004 to 2013***



Source: Central Statistics Office, Survey on Income and Living Conditions

## **Issue raised: Mortgage Arrears**

### **Response:**

The Government is acutely conscious of the impact of debt on families across the country and is determined to see it resolved. People need to move forward with their lives.

The priority has been and remains keeping people in their homes whenever this is possible.

The Government has put in place a broad strategy to address the problem of mortgage arrears and family home repossessions. This has included an extensive suite of interventions designed to address the problem including specific Central Bank targets for the banks through the Mortgage Arrears Resolution Targets (MART), the Code of Conduct on Mortgage Arrears (CCMA), extensive recasting of the personal insolvency legislation, the provision of advice through Department of Social Protection-led initiatives and the mortgage to rent scheme which is designed to assist borrowers in an unsustainable mortgage position to remain in their homes through the involvement of social housing agencies.

The Government announced a number of new measures to further strengthen the framework to support mortgage holders who are in arrears on 13 May 2015. Building on action previously taken, the measures aim to increase the supports available to people in arrears and to increase the numbers of people availing of them.

This package will reform the Personal Insolvency framework to give Courts the power to review, and where appropriate, to approve insolvency deals that have been rejected by creditors.

The Mortgage to Rent (MTR) scheme will also be expanded and the scheme will be made more accessible.

It was also agreed that the Money Advice and Budgeting Service (MABS) will play a greater role in offering information, advice and assistance to borrowers in arrears. This will help to ensure that borrowers have access to information on the range of supports and options available, advice on the ones best suited to their needs, and assistance in pursuing options, where necessary.

The latest data released by the Central Bank on 4<sup>th</sup> June shows that:

- The number of mortgage accounts for principal dwelling houses (PDH) in arrears continued to fall in Q1 2015, marking seven consecutive quarters of decline;
- PDH mortgages in arrears over 90 days also continued to fall for the sixth consecutive quarter;
- 86% of borrowers are up to date with their payments, often with considerable personal sacrifice on the part of those concerned.
- Just over 104,000 mortgages are in arrears out of almost 760,000 mortgages in total.
- Mortgages in arrears for more than 720 days remain a challenge, with an increase of 155 accounts in the last quarter. The pace of the increase in this category has reduced significantly however.
- We have also been making steady headway in getting people back on track – as over 117,000 mortgages have been categorised as restructured.
- This package strikes a balance – it enables those in difficulty to access independent advice and support, while also ensuring that secured lending to young families, a vital engine of economic and social progress, continues.

**Issue raised: Child & Adolescent Mental Health Services**

**Please provide information regarding the ongoing situation whereby children and adolescents are admitted to Adult Psychiatric Units.**

**Response:**

*Admissions of children to Adult Psychiatric Units*

The reduction in children admitted to adult psychiatric units has been a focus for the HSE Mental Health Services over recent years. There were 89 admissions of children to adult psychiatric units in 2014. The majority of these admissions were voluntary with parental consent. Approximately 85% of these were 16/17 year olds, a third of these were discharged within 2 days of admission and two thirds within a week. This is slightly down from the figure of 91 in 2013 and continues the trend since 2008 of the number of admissions to adult units decreasing annually. It will be seen that there has been significant progress in this area in recent years. (See Table below)

*No. of admissions of children*

	2007	2008	2009	2010	2011	2012	2013	2014 (Draft No.)
<b>Total Admissions</b>	352	392	371	430	430	428	408	431
<b>Total Child Unit Admissions</b>	135	145	166	274	298	322	317	342
<b>Total Adult Unit Admissions</b>	217	247	205	156	132	106	91	89

This issue remains a key priority for improvement in the HSE Service Plan 2015, which aims for full appropriate placement of children in 2015 and has set a target of 95% appropriate admissions of children in 2015, as a percentage of total admissions of children to mental health acute inpatient units (this allows for some necessary emergency placements in adult units). It will be challenging for the HSE to meet the 95% target this year, from the latest position of 72%, but it is a key priority for the Executive.