



ombudsman
do leanaí
for children

An Investigation by the
Ombudsman for Children's Office

Children homeless for
two years after suffering
domestic abuse



The issue:

Mother complains to the OCO after she and her children become homeless due to domestic violence. Mother unhappy about delay in securing a home for her children, and with the quality of emergency accommodation.

Our findings:

The administrative actions of the Dublin Regional Homeless Executive (DRHE) and Fingal County Council negatively impacted on the children.

Our recommendations:

- Develop and roll out National Quality Standards Framework for Homeless Services.
- Consider children's needs in all policies affecting them.
- Review application procedures for families who have experienced domestic violence to ensure that children's best interests are prioritised.
- Put procedures in place to ensure government circulars are implemented.

Contents

Summary	2
1 Complaint details	4
2 Legislation and policy	6
3 Complaint review	8
4 Findings	9
Adverse effect	9
Administrative actions	9
Provision of emergency accommodation	9
Quality of emergency accommodation	14
Application for social housing	15
5 Summary and conclusion	18
6 Recommendations	19
7 Public bodies' response to recommendations	20

Abbreviations

Central Placement Service	CPS
Dublin Regional Homeless Executive (DRHE)	DRHE
Fingal County Council	FCC
Habitual Residence Condition	HRC
New Communities' Unit	NCU
Ombudsman for Children's Office	OCO
United Nations Convention on the Rights of the Child	UNCRC

Summary

This report provides details of an investigation we carried out on a complaint we received in October 2014.

We received this complaint from a parent on behalf of her children. She told us that she and the children had left their home due to domestic violence and waited almost two years to be housed. They stayed in a women's refuge for three months and emergency accommodation for a year and a half. She advised that she was not happy with the length of time that she and her children were in emergency accommodation and the quality of accommodation provided. Three public bodies were involved:

1. Fingal County Council (FCC): this local authority is responsible for providing social housing support for people who cannot provide it for themselves.
2. New Communities' Unit (NCU): This unit was set up in the late 1990s by the then health boards to cater for people leaving the direct provision system. Its primary function is to ensure that anyone entitled to social welfare benefits receives them. The Department of Social Protection assumed responsibility for the NCU in 2011.
3. Dublin Regional Housing Executive (DRHE): The DRHE was established in 2011 and replaced the Homeless Agency. It is the lead statutory authority for homelessness in Dublin and adopts a shared service approach across the four Dublin local authorities - Dublin City Council, South Dublin County Council, Dún Laoghaire-Rathdown County Council and FCC.

The Ombudsman for Children Act 2002 provides the mandate for our complaints work. The Act allows us to investigate a public body, school or voluntary hospital where we believe that its administrative actions have or may have adversely affected a child. We investigated this complaint by gathering information and meeting relevant people so that we could understand what happened and establish whether it matched what should have happened under the legislative and policy framework in place at the time.

We concluded that the children were without a stable home for 20 months and that may have been linked with:

1. FCC's decision to refer their mother to a unit for non Irish families despite the fact that she had legal residency.
2. DRHE's delay in developing national quality standards for emergency accommodation.
3. The bureaucracy associated with amending her application for social housing so that her ex partner's name could be taken off.

We want to encourage public organisations to work in ways that promote children and young people's rights and welfare. This is set out in our *Strategic Plan 2016-2018*.¹ Therefore, we try to ensure that our recommendations following investigations are fair and helpful for all concerned. Our independent role facilitates this and we are neither an advocate for children nor an adversary to public bodies throughout our complaints work.

We recommended that the DRHE should coordinate policy and practice for the four Dublin local authorities, develop standards for emergency accommodation and ensure that children's needs are explicit in any policy and procedural documents as required by the United Nations Convention on the Rights of the Child and national children's policy – *Better Outcomes Brighter Futures*.² Recommendations for FCC included the need to develop local guidance to ensure staff comply with government circulars and policy direction from DRHE and to review application procedures following domestic violence.

1 www.oco.ie/wp-content/uploads/2016/07/OCO_Strategic_Plan_240516.pdf

2 www.dcy.gov.ie/documents/cypp_framework/BetterOutcomesBetterFutureReport.pdf

1. Complaint Details

- 1.1. We received a complaint from a parent on behalf of her children in October 2014. The children's ages ranged from five to 17 years. The complainant advised that she wanted to make a complaint about Fingal County Council (FCC) as they had failed to house the family. She told us that:
 - She and her children had been in emergency accommodation for over a year while waiting to be housed.
 - They had been placed in a number of hotels and B&Bs and often had to move around.
 - The children were not able to have friends around or play the way they could in a family home.
- 1.2. The complainant provided the following background:
 - In May 2013, she and the children had to leave their family home due to domestic violence.
 - They stayed in a women's refuge until August 2013 when she presented to the homeless section of the local authority.
 - At the time she became homeless, she and her partner had a joint application for social housing with FCC. They had been on the housing list since 2006.
 - FCC staff advised her to go to a unit in Dublin called the New Communities' Unit in August 2013 where she could access temporary accommodation.
 - Staff in the New Communities' Unit booked emergency accommodation for the family from August 2013 until February 2014 when the Central Placement Service managed by the Dublin Regional Homeless Executive (DRHE) took on this role.
- 1.3. The complainant reported that she was not satisfied with the length of time she and her children had to stay in emergency accommodation. She advised that she had submitted all necessary documentation to FCC to support her application for social housing. This included details of her application for Irish citizenship and evidence that she was legally living in Ireland.³

³ The complainant's passport had a Stamp 5. According to www.inis.gov.ie (accessed 16/08/2016), Stamp 5 is placed on the passport of someone who has completed eight years (96 months) of legal residency in Ireland. The stamp states 'the holder of this passport is permitted to remain in Ireland without condition as to time'.

- 1.4. She also expressed concern about the quality of some of the accommodation. At the time she made the complaint, she and her children had been in emergency accommodation for 14 months. At one stage, the family had to stay in one room with four sets of bunk beds. She told us that her children had nowhere to play and were tired of moving around. The family had to leave one hotel for three days as it had been pre-booked, move to a B&B and then back to the hotel. She said that the mattresses were dirty and blood stained in the B&B. She was also unable to provide home cooked meals for the children as there was no access to kitchen facilities in any of the emergency accommodation provided.
- 1.5. Three public bodies were involved in this complaint.
1. The New Communities' Unit: This unit has been managed by the Department of Social Protection since 2011. It offers assistance to families who are primarily non Irish and homeless and its main focus is to ensure that people entitled to benefits receive them.⁴ It was established circa 1999/2000 by the then health boards to cater for people leaving the direct provision system.
 2. Dublin Regional Homeless Executive (DRHE). The DRHE was established in 2011 and replaced the Homeless Agency. It is provided by Dublin City Council as the lead statutory authority in the response to homelessness in Dublin. The DRHE adopts a shared service approach across four local authorities including FCC.⁵ It also manages the Central Placement Service (CPS), which organises temporary accommodation for homeless people in Dublin.⁶
 3. Fingal County Council (FCC): this local authority is responsible for providing social housing support for people who cannot provide it for themselves.

4 <http://www.homelessdublin.ie/new-communities> (accessed 20/07/2016).

5 <http://www.homelessdublin.ie/about-drhe> (accessed 20/07/2016).

6 A written response from the DRHE to OCO dated 06/10/2016 states 'since 2011, the CPS is responsible for the daily placement into emergency accommodation of all households assessed as homeless in Dublin.'

2. Legislation and policy

- 2.1. Our role is set out in the Ombudsman for Children Act 2002.⁷ This states that we may investigate a public body, school or voluntary hospital where we believe that its administrative actions have or may have adversely affected a child. This means that we review complaints related to organisational actions or decisions to see whether they have already had or might have a negative impact on a child.
- 2.2. The Act sets out the focus for our investigations. We aim to determine if a child has been adversely affected by a public service's administrative actions. The Act lists seven areas whereby organisational actions might be:
 - i. Taken without proper authority
 - ii. Taken on irrelevant grounds
 - iii. The result of negligence or carelessness
 - iv. Based on erroneous or incomplete information
 - v. Improperly discriminatory
 - vi. Based on an undesirable administrative practice or
 - vii. Otherwise contrary to fair or sound administration
- 2.3. We review public bodies' administrative actions against relevant international and national legislation and policy alongside local policies and procedures.
- 2.4. Some are wide ranging and refer to all individuals' rights and public bodies while others are specific to children. For example, the Lisbon Treaty became law in Ireland in December 2009 and made the *EU Charter of Fundamental Rights* legally binding. Article 41 refers to individuals' rights to good administration.⁸ This means that there is an onus on public bodies such as the three involved in this complaint to promote good administrative practice and specifically to ensure people's rights to have their 'affairs handled impartially, fairly and within a reasonable timeframe by the institutions and bodies of the Union'.

⁷ Ombudsman for Children Act 2002, sections 8-16

⁸ Article 41 at http://www.europarl.europa.eu/charter/pdf/text_en.pdf (accessed 16/08/2016).

- 2.5. Children’s rights are articulated in the *United Nations Convention of the Rights of the Child (UNCRC)*.⁹ Article 3 emphasises that ‘the best interest of the child shall be a primary consideration’ in all actions concerning children undertaken by ‘administrative authorities’ such as the three public bodies concerned in this investigation. Article 27 says that children have a right to a standard of living ‘adequate for the child’s physical, mental, spiritual, moral and social development.’ Parents have the primary responsibility to provide this and the State has a duty to help parents to fulfil this right where necessary.
- 2.6. In January 2016, the UN committee met to review Ireland’s record on children’s rights. As part of their concluding observations, the committee expressed that it was ‘deeply concerned at reports of families affected by homelessness facing significant delays in accessing social housing and frequently living in inappropriate, temporary or emergency accommodation on a long term basis.’¹⁰ The report also states:

The committee urges the State party to undertake measures to increase the availability of social housing and emergency housing support. In doing so, the State party should ensure that the housing and support provided through those measures are appropriate to the needs of the children affected and subject to adequate safeguards, reviews and evaluations.

- 2.7. Finally, we looked at legislation, policy and other procedures related to housing and homelessness. For example, *Sustaining the Pathway to Home: the Homeless Action Plan for Dublin 2014-2016* was in place during the timespan of the complaint. A key policy objective outlined is the elimination of long term homelessness and ensuring no one spends more than ‘six consecutive months in any one episode prior to a departure to independent living’.

9 http://www.childrensrights.ie/sites/default/files/submissions_reports/files/UNCRCEnglish_0.pdf (accessed 12/08/2016).

10 <http://www.barnardos.ie/assets/files/Advocacy/UNCRC%20Concluding%20Observations%20Ireland%204.2.16.pdf> (accessed 12/08/2016).

3 Complaint review

- 3.1. Our first step was to contact the public bodies to gather information so that we could understand the complaint better. We wrote to the three public bodies and asked them to respond to the complaint and identify if redress was possible.
- 3.2. We reviewed the information provided and remained concerned about the delay in housing the family. We believed that the processes and procedures involved in addressing the family's need for emergency accommodation might have delayed their allocation of social housing. Therefore, we felt that the complaint required further investigation as the administrative actions of the three public bodies may have negatively affected the children.
- 3.3. During this time, the family was housed by FCC. They moved into their new home in February 2015. Despite this, we felt that it was important to proceed with our investigation. We did this due to the length of time the children were without a stable home and so that we could highlight any areas of maladministration to prevent other children being affected in the future. Influencing positive change for children is one of the key objectives set out in our *Strategic Plan 2016 – 2018*.¹¹
- 3.4. The particular administrative actions we wanted to explore further related to the family's application for social housing and provision of emergency accommodation.

¹¹ Available at <https://www.oco.ie/wp-content/uploads/2014/03/OCOSTrategicPlan07-10.pdf>

4 Findings

- 4.1. Findings of our investigations relate to whether public bodies' administrative actions have adversely affected the children concerned.

Adverse effect

- 4.2. The children were without stable accommodation for 20 months. They had left their home in May 2013 and spent three months in a women's refuge with their mother. They then spent 17 months in emergency accommodation.

Administrative actions

- 4.3. Our investigation focused on how FCC, the DRHE and New Communities' Unit provided emergency accommodation for the family and handled the family's application for social housing.

Provision of emergency accommodation

- 4.4. The complainant had been on FCC's social housing list with her then partner since 2006. When she presented to the council as homeless in August 2013, she was referred to the New Communities' Unit.
- 4.5. FCC told us that it was standard practice across the four Dublin local authorities at the time to refer any person who presented as homeless and who wasn't Irish to the New Communities' Unit. However, the complainant had lived in Ireland for a long time and should have been assessed according to Circular 41/2012 which indicates that she was eligible to be considered for housing support.
- 4.6. FCC acknowledged that the complainant clearly was eligible for social housing as she had been on the list with her ex partner since 2006. FCC advised that under Circular 41/2012 issued in December 2012, her application for social housing supports should have been dealt with in the same way as an Irish person. However, they explained that there is a transitional period when new circulars are issued and that it takes time for practice to change.

- 4.7. FCC told us that the complainant presented to its homeless section in August 2013. While this is in the same building as the social housing allocation section, the applicant was met by different staff. Staff provided advice regarding the Homeless Helpline, contacting Threshold to assist with sourcing private rented accommodation and referred her to the New Communities' Unit in line with practice at the time. At the time, checks were not made regarding the complainant's existing application for social housing. FCC advised that 'the agreed practice for non nationals without Irish citizenship who presented as homeless was to refer them to the New Communities Unit despite the fact that they were already on their housing list. FCC advised that the central database records (PASS) show that Dublin City Council (DCC), the lead authority charged with the responsibility for provision of emergency accommodation at the time was aware of the referral.
- 4.8. FCC advised that practice has now changed and if the complainant presented today she would be referred to the Central Placement Service and not the New Communities' Unit. This is administered by the DRHE and provides emergency accommodation for all homeless people in the Dublin region.
- 4.9. In its written response to us, the DRHE advised that the complainant had been referred to the New Communities' Unit to see if she satisfied the habitual residence condition (HRC). Their response states:

Prior to Circular 41, 12 being issued (December 2012), agreed practice in place between the four Dublin local authorities was to refer all non Irish national households seeking access to homeless and related services to the New Communities Unit to ensure compliance with the terms of the HRC.

- 4.10. DRHE reported that it had called representatives from FCC and the New Communities' Unit to a meeting to review this case following our request for information and to ensure that any learning from the case could be shared. In a written response, DRHE reported:

The case review identified the period prior to the adoption of Circular 41/2012 in December 2012 as being one of transition and learning for housing practitioners in local authorities. Certainly, in the absence of formal policy on access to social housing supports for non Irish households and households with 'stamp 4' on their passports, discretionary decision making by local authorities under the relevant sections of the 1988 Housing Act emphasised the need to have the possibility of the HRC affirmed or negated by the appropriate body – in this case, the Department of Social Protection via the New Communities' Unit. Once this was negated, [the complainant's] case as an applicant for social housing support was discharged in full.¹²

- 4.11. However, the New Communities' Unit told us that their role is primarily to assess and ensure that anyone who is entitled to social welfare benefits receives them. The unit had a placement function prior to its transfer to the Department of Social Protection in 2011. The Central Placement Service assumed responsibility for placement in 2011 but not for non Irish nationals according to the New Communities' Unit. This meant that in the absence of any alternative, the unit had to keep this function on while notifying bookings to the DRHE who sourced and funded the accommodation. They advised us that habitual residence is not related to homelessness or housing and they were not sure why FCC staff asked them this.¹³ However, they confirmed that they had told FCC staff that the complainant satisfied the condition regarding habitual residence by email dated 08/08/2013.

¹² As per Footnote 5, the complainant's passport was marked with Stamp 5 indicating that she could live in Ireland without any time conditions.

¹³ The HRC is included in the particular section of the Social Welfare Consolidation Act 2005, as amended, listing the conditions of entitlement for relevant schemes. For example, in relation to Jobseeker's Allowance, section 141 (9) provides: "A person shall not be entitled to jobseeker's allowance under this section unless he or she is habitually resident in the State" See <http://www.welfare.ie/en/Pages/Habitual-Residence-Condition--Guidelines-for-Deciding-Offic.aspx> (accessed 17/08/2016).

- 4.12. When the DRHE met us, they confirmed that the habitual residence condition was not related to provision of emergency accommodation. They advised that it was likely that FCC staff referred the complainant to the New Communities' Unit so that staff there could confirm if she was 'HRC compliant' as they were trying to determine her status. The DRHE advised that since then staff in local authorities have become more aware of how to assess non Irish people's eligibility for social housing due to training and because Circular 41/12 has become practice.
- 4.13. Both FCC and DRHE advised that it is important to consider the context in 2013 of increasing number of families presenting as homeless. We recognise that this is a potentially stressful area of work particularly when children are involved. We acknowledge that staff made the decision to refer the complainant to the New Communities' Unit in line with practice at the time and to prevent the family's immediate risk of homelessness. However, once the immediate crisis was over the New Communities' Unit should have been able to transfer her case to the Central Placement Service for ongoing intervention and support.
- 4.14. The Central Placement Service works 'to simplify the journey for people who present as homeless, ensuring that they have an initial assessment in place, their temporary accommodation needs are met and their long-term accommodation options can be met'.¹⁴ The New Communities' Unit was not responsible for meeting the family's long term accommodation needs.
- 4.15. The Central Placement Service assumed responsibility for placing the family in February 2014. It appears that this happened after Focus Ireland's case management team began working with the complainant in January 2014. This is a service provided based on the *Pathway to Home* model of service delivery on behalf of the DRHE.

¹⁴ <http://www.dublincity.ie/main-menu-services-housing-homeless-services/how-dublin-city-council-responds-homelessness> (accessed 17/08/2016).

- 4.16. DRHE advised in its written response that the transfer to the Central Placement Service ‘was required due to the daily challenges of maintaining access to adequate accommodation for a household with a large number of young dependents.’ However the same response states that ‘since 2011, the Central Placement Service is responsible for the daily placement into emergency accommodation of all households assessed as homeless in Dublin.’ Therefore, the Central Placement Service was the appropriate service to source and manage the family’s emergency accommodation from the time of initial presentation in August 2013.

Finding 1: Provision of emergency accommodation

- 4.17. We find that FCC’s decision to refer the complainant to the New Communities’ Unit was based on ‘erroneous or incomplete information’ as set out in section 8(b)(iv) of our legislation. We can’t say definitively that this caused the delay in the family being housed as FCC explained that there was limited housing stock for large families. However, we are confident that the referral to the New Communities’ Unit meant that the family’s application for social housing was not as seamless as it should have been. The family was already on FCC’s list for social housing and therefore the question of whether she was Irish or non Irish should not have arisen. Even if it did arise, FCC staff should have considered Circular 41/12 and referred the family to the Central Placement Service and continued to process the application for social housing. It was six months before the Central Placement Service assumed responsibility for managing the family’s emergency accommodation. In that time, the family was without a stable home and the children’s mother had to present to the New Communities’ Unit every week. This was difficult in the context of being the sole carer of the children as she had to travel into the city centre in order for her accommodation to be rebooked.

Quality of emergency accommodation

- 4.18. The family was in emergency accommodation for 17 months. This meant that the children were in temporary accommodation and moving about. DRHE told us that there were a number of reasons for this. These included:
- Unavailability of accommodation due to previous booking (this occurred at Christmas and meant that the family had to move out for three days).
 - Complaints made against the family by an accommodation provider (one of which followed an assault on the applicant by her ex partner and which resulted in An Garda Síochána being called and the applicant having to go to A&E).
 - The applicant's refusal to stay in one of the accommodation offered (she subsequently advised that this was because a friend of her ex partner's lived there).
- 4.19. As stated previously, DRHE also said that it is important to view this complaint in the context of increasing families presenting as homeless in 2013. This has meant that the State has had to rely on placements in hotels and B&Bs in lieu of access to temporary supported lodgings as identified in the *Pathway to Home* model.
- 4.20. While we acknowledge that there was a housing crisis at the time and which is ongoing – clearly evident by the Government's establishment of a senior ministry for housing in 2016 – we believe that there should be oversight of the quality of emergency accommodation offered. We asked the DRHE about this when we met as they are responsible for developing a *National Quality Standards Framework for Homeless Services*.¹⁵ This is a government commitment cited in *A Way Home: A Strategy to Address Adult Homelessness in Ireland 2008-2013*¹⁶ and in the national implementation plan. When we met, the DRHE advised that work is ongoing regarding standards and that while the *National Quality Standards for Homeless Services* are not operational nationally, the four Dublin local authorities are implementing them. The DRHE also advised that the draft quality standards framework is being piloted with 20 homeless services nationally with a view to full implementation in 2017.

15 <http://www.homelessdublin.ie/dublin-joint-homelessness-consultative-forum> (accessed 17/08/2016).

16 <http://www.housing.gov.ie/housing/homelessness/way-home-strategy-address-adult-homelessness-ireland-2008-2013>

- 4.21 The DRHE website states that it ensures compliance with all statutory health and safety standards for homeless service provision and notes there is formal policy for providers of emergency accommodation in terms of standards required. A regional facilities management team is in place to both inspect and enforce standards in emergency accommodation. It further notes that ‘where there is continuous poor performance or where we are not satisfied in relation to conditions, actions relating to the closure of facilities and / or suspension of funding is taken’.
- 4.22. The DRHE advised that all documentation regarding its work developing the national quality standards framework is available on its website while acknowledging that the website may not be easy to navigate.

Finding 2: Quality of emergency accommodation

- 4.23. We find the DRHE’s delay in developing national quality standards to be an example of an ‘undesirable administrative practice’ and contrary to section 8(b)(vi).

Application for social housing

- 4.24. DRHE advised that its view is that when the case manager from Focus Ireland began working the case things began to improve and that this was an example of good practice from the sector. The aim of the *Pathway to Home* case manager was to support the family in securing permanent housing.
- 4.25. The case manager worked to regularise the complainant’s original 2006 application to allow it be in her sole name. This ‘was completed in March 2014 and the household was placed on FCC’s waiting list with homeless priority for a four bedroom residential property with no loss of time on list since the original application and documentation to demonstrate the household’s experience of domestic violence was assembled and submitted to FCC in August 2014.’

- 4.26. While in the end there was no loss of time, the applicant did not know this at the time and this must have undoubtedly been a stressful time for her and her children. She did not know from August 2013 until March 2014 when she went on the FCC social housing list that this would happen – a time span of seven months. Furthermore, she still had to gather documentation regarding the domestic violence that she had experienced and this wasn't completed until August 2014 which also may have delayed her housing allocation. A written response from DRHE states that they had:

Received written assurance from FCC (dated 2/10/15) that following [the complainant's] initial referral to the NCU that this 'did not cause a substantive delay in allocating her and her children suitable accommodation.' Further, FCC also note that 'due to the limited availability of four bedroomed (sic) properties in addition to the fact that we had other families on an existing priority list, it was a number of months before a suitable offer could be made' (i.e. following the amended application to FCC for social housing that was concluded in August 2014).

- 4.27. DRHE and FCC explained that it was important to seek the applicant's ex partner's consent to remove his name from the list in order to protect his rights. FCC explained that to remove his name from the application without his consent would have been unfair. We think that this was unnecessarily bureaucratic and not in the children's best interests. Similarly, the need to submit documentation relating to the family's experience of domestic violence was burdensome. The fact that the family lived in a refuge for three months and the complainant had already submitted information regarding the safety order against her ex partner should have been sufficient to demonstrate domestic violence. FCC clarified that 'applications in respect of domestic violence cases are treated on a case by case basis' and that it is standard practice for the Council to seek copies of separation agreement or an affidavit confirming the separation. FCC also advised that 'the operational aspects of dealing' with the application were for the applicant's protection 'so as to ensure that when she was allocated accommodation, the tenancy would be in her sole name.'

Finding 3: Application for social housing

- 4.28. Again, we can't say for certain that this bureaucracy delayed the family's application given FCC's explanation that there was a dearth of housing stock to accommodate large families. However, we believe that state services have an onus to consider child friendly administration as required under national policy in *Better Outcomes Brighter Futures* and international requirements set out in the *UNCRC*. This is especially true for vulnerable children such as the children in this complaint who experienced domestic violence and homelessness – both topics raised by the UN committee that reported on Ireland's progress regarding children's rights in 2016. Therefore, we find this to be based on 'undesirable administrative practice' and contrary to section 8(b)(vi) of our Act.

5 Summary and conclusion

- 5.1. Following our investigation, we find that the children in this complaint have been adversely affected by the administrative actions of the DRHE and FCC. Our findings can be summarised as:
- Finding 1: FCC's decision to refer the complainant to the New Communities' Unit was 'based on erroneous or incomplete information' as set out in section 8(b)(iii) of the Ombudsman for Children Act 2002.
 - Finding 2: The DRHE's delay in developing national quality standards is an example of 'an undesirable administrative practice' as described in section 8(b)(vi) of our legislation.
 - Finding 3: The bureaucratic nature of amending applications for social housing following domestic violence represents 'undesirable administrative practice' as set out in section 8(b)(vi).
- 5.2. We aim to make recommendations that are fair for all parties. We acknowledge that the DRHE chaired a multiagency review of this case so reflection and learning could occur. Also at meetings with us, the DRHE and FCC reported that what happened in this case would not happen again as awareness has increased and practice has changed. However, there are no written guidelines for staff in FCC and we believe that there should be for good administrative practice, which everybody is entitled to under the *EU Charter of Fundamental Rights*.
- 5.3. Also, staff from the New Communities' Unit said that they believed that people were still being referred to their service inappropriately. We have not made a finding against the New Communities' Unit and therefore cannot make a specific recommendation. However, we think that the Department of Social Protection should clarify its role and transfer any booking function regarding emergency accommodation to the DRHE's Central Placement Service.

6 Recommendations

- 6.1. In coordinating policy and practice for the four Dublin local authorities regarding homeless services, the DRHE should prioritise:
 - a. Ensuring local authorities are competent and equipped to implement government circulars when they are issued. This should include written implementation plans and procedures so that staff in local authorities are clear about what should happen and when.
 - b. Ensuring children's needs are explicit in any policy or procedural documents as required by relevant international and national documents such as the UNCRC and *Better Outcomes Brighter Futures*. This could be raised at the Dublin Joint Homelessness Consultative Forum and Management Group so that senior managers in each of the local authorities are aware of children's needs.
 - c. Ensuring the timely development of the *National Quality Standards Framework for Homeless Services* including recommendations for implementation to the Department of Housing, Planning, Community and Local Government and including them as part of the new statutory action plan for homelessness 2017.
- 6.2. FCC should prioritise:
 - a. Developing local procedures to ensure staff compliance with circulars issued by the Department of Housing, Planning, Community and Local Government and any policy or procedural documents issued by the DRHE.
 - b. Reviewing application procedures for families who have experienced domestic violence to ensure that children's best interests are prioritised.

7 Public bodies' response to recommendations

DRHE

- 7.1. Recommendation 6.1(a) addresses local authorities' ability to implement government circulars when they are issued. The DRHE responded:

On receipt of government circulars, the DRHE ensure they are passed on to all relevant local authority staff and homeless service providers. In addition a free annual training session has been offered by the DRHE since 2016 focussing specifically on new and existing government policies and procedures. From 2017, the DRHE will ensure that this training session will include an element on the development of implementation plans and procedures in relation to newly issued government circulars. The DRHE will also include government circulars as a standing item on the agendas of both the Dublin Joint Homelessness Consultative Forum and Statutory Management Group.

- 7.2. In 6.1(b), we recommended that the DRHE ensure that children's needs are explicit in policy and procedural documents as set out in international and national documents. The DRHE's response focused on child protection and welfare. We think that policies and procedures should reflect children's broader needs but that this represents a good start. The DRHE also invited us to a meeting of the Dublin Joint Homelessness Consultative Forum and Statutory Management Group to talk about this issue.

The DRHE is committed to ensuring that children's needs are explicit in all policy and procedural documents. Since June 2016, a joint protocol between Tusla and the DRHE has been in operation. The aim of this protocol is to assist both services to ensure appropriate responses to the child protection and welfare issues that may arise within the homeless population. There is a representative from Tusla on both the Dublin Joint Homelessness Consultative Forum and Statutory Management Group in order to ensure that expertise is available in this regard. The development of the new statutory action plan for homelessness which will cover the period 2017-2020 has commenced. The DRHE acknowledges the need for this statutory plan to reflect the changing nature of the homeless population which now includes many more families with children than at the time of the previous plan (2013-2014).

In addition, the DRHE are committed to ensuring that a range of training opportunities are available to staff in local authorities and staff in homeless services. An annual programme of in house training courses is provided by the DRHE. This programme includes specific sessions on child protection and welfare. The DRHE also provides two accredited training options for staff in local authorities and staff in homeless services. These courses include classes on child protection and welfare. All in-house courses are provided free of charge to participants. All accredited course are funded by the DRHE and in part by the employer of the staff member. This employer will be a local authority or a provider of services to people experiencing homelessness.

- 7.3. Recommendation 6.1(c) focused on the National Quality Standards Framework in terms of its development. The DRHE advised:

The National Quality Standards Framework for Homeless Services is currently in its final test phase. As part of this phase, the framework is currently in use in 30 services nationally. A report on the testing of the framework will be presented to the Department of Housing, Planning, Community and Local Government in mid-2017 with a view to the framework being completed and rolled out by the end of the year.

FCC

- 7.4. Recommendation 6.2(a) tasks the FCC with developing local procedures to ensure staff comply with government circulars or DRHE procedures. FCC advised:

Local procedures have been put in place to ensure staff compliance with circulars issued by the Department of Housing, Planning, Community and Local Government together with policy and procedural documents issued by the DRHE. This is evidenced by focused team meetings, staff email and document shared library. In addition, staff training has taken place and is ongoing to ensure that all relevant staff are trained on the implementation of policy appropriate to their respective areas. The operational managers (administrative officers) for each area have overall responsibilities in this regard.

- 7.5. Finally, we recommended that FCC should review application procedures for families who have experienced domestic violence so that children's best interests can be prioritised. FCC reported that:

The Council has a dedicated domestic violence officer, who in conjunction with the housing welfare officer, has responsibility for adjudicating on applications from persons who present as having experienced or are currently experiencing domestic violence. The Council's Allocation Scheme for Social Housing Support specifically references persons who are victims of domestic violence and priority may be awarded following assessment.



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