The Joint Committee met at 3.30 p.m.

MEMBERS PRESENT:

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<tr>
<th>Deputy Kathleen Funchion,</th>
<th>Senator Maria Byrne,</th>
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<td>Deputy Catherine Martin,</td>
<td>Senator Paul Gavan.</td>
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<td>Deputy Tony McLoughlin,</td>
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<td>Deputy Jan O’Sullivan,</td>
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In attendance: Senator John Dolan.

DEPUTY FIONA O’LOUGHLIN IN THE CHAIR.
Chairman: As we have a quorum, I call the meeting to order. I remind members to please turn off their mobile phones. Apologies have been received from Deputy Thomas Byrne and Senators Robbie Gallagher and Lynn Ruane. We will go into private session. The joint committee went into private session at 3.37 p.m until 3.50 p.m. and resumed in public session at 3.53 p.m.

Delivery of Services for Students with Down’s Syndrome: Discussion

Chairman: I remind members and witnesses to turn off their mobile phones or to switch them to flight mode. Mobiles phones interfere with the sound system and make it difficult for the parliamentary reporters to report the meeting. Television coverage and web streaming will also be adversely affected.

We have reached the sixth item on our agenda which is engagement with stakeholders on the delivery of services for students with Down’s syndrome. The purpose of this part of the meeting is to have an engagement in respect of the delivery of services for students with Down’s syndrome. On behalf of the committee, I wish to welcome Ms Fidelma Brady, national education officer with Down Syndrome Ireland, Ms Moira Leydon, assistant general secretary of the Association of Secondary Teachers in Ireland, ASTI, who has been before this committee on a number of occasions, Mr. Colm Kelly, from the Teachers Union of Ireland, TUI, Ms Maeve McCafferty, from the Irish National Teachers Organisation, INTO, and Mr. Eddie Ward, principal officer with the Department of Education and Skills, who has also been with us before.

The committee is eager to examine the challenges and opportunities for students with Down’s syndrome as they access educational services. We have spoken about this topic often in the past. Research has shown that the vast majority of children with Down’s syndrome enrol in their mainstream local primary school and are progressing to mainstream post-primary education, if there is a place locally providing that opportunity. However, quite often we find there are not doing that. All students and teachers need our support. The success of inclusive education in Ireland is testament to the professionalism and commitment shown by teachers and school staff to students with special educational needs. Special needs assistants, SNAs, also play an important role. One of the main reasons for this meeting is to discuss individualised education plans and inequality of access to an extended school year, which is the July provision, for students with Down’s syndrome. We look forward to examining all those issues in key detail.

The format of the meeting is that I will invite all the witnesses to make a brief opening statement of a maximum of three minutes, which will be followed by an engagement with members of the committee. I will take a series of questions or comments from members before I go back to witnesses. We are joined by Senator John Dolan who is not a member of the committee but who has a keen interest in this area. Once we have had the opportunity to hear questions and observations from the members of the committee, I will bring in the Senator.

Before we begin, I draw the attention of witnesses to the fact that by virtue of section 17(2)(l) of the Defamation Act 2009, they are protected by absolute privilege in respect of their evidence to the committee. However, if they are directed by myself as Chairman of the committee
to cease giving evidence on a particular matter and they continue to do so, they are entitled thereafter only to a qualified privilege in respect of their evidence. They are directed that only evidence connected with the subject matter of these proceedings is to be given and they are asked to respect the parliamentary practice to the effect that, where possible, they should not criticise or make charges against any person, persons or entity by name or in such a way as to make him, her or it identifiable. I advise them also that any opening statements they make to the committee will be published on the committee’s website following the meeting.

Members are reminded of the long-standing parliamentary practice to the effect that they should not comment on, criticise or make charges against a person outside the House or an official either by name or in such a way as to make him or her identifiable.

Without any further ado, I call Ms Fidelma Brady to make her opening statement on behalf of Down Syndrome Ireland.

Ms Fidelma Brady: I thank the Chairman for this opportunity. Students with Down’s syndrome have the right to be educated in their local mainstream school under the UN Convention on the Rights of Persons with Disabilities, UNCRPD, but currently schools are encouraged rather than obligated to provide an individual education plan. The answer to a recent parliamentary question about the implementation and resourcing of the Education for Persons with Special Educational Needs, EPSEN, Act 2004 makes it clear that the Minister accepts that the funds needed for its full implementation have not, and will not, be provided. The current Department of Education and Skill’s position seems to be that schools are encouraged to implement large parts of the EPSEN Act without having the necessary resources. Down Syndrome Ireland has long campaigned for the EPSEN Act to be fully enacted so that the rights of students with additional educational needs are enshrined in law, rather than depending on encouragement from the Department and the goodwill of schools and teachers.

However, in Down Syndrome Ireland we cannot stand by while teachers’ unions advise members to take action which discriminates against students who have intellectual disabilities. We believe that students with Down’s syndrome will suffer and will struggle to be successful in education if they do not have a structured individualised education plan in place. Planning for this needs to be co-ordinated by teachers who are given the training, resources and non-contact time necessary to carry out this duty effectively. In this regard, we need an acknowledgement that fully inclusive education is a right, not a privilege, and for a plan to be initiated immediately to ensure that teachers are resourced and trained to meet the needs of all their students.

Regarding the July provision, it provides funding for an extended school year for children with a severe to profound general learning disability, GLD, or children with autism spectrum disorder, ASD. We recognise that there are faults with the July provision scheme. In its current form, it is discriminatory because it excludes most students with Down’s syndrome. Like ADS, students with Down’s syndrome have complex educational needs and they are likely to regress educationally unless they have some support in place for a portion of the summer break. Like students with ASD those with Down’s syndrome have complex educational needs and are likely to regress educationally unless they have some level of support in place for a portion of the summer break. We have been told many times by teachers and parents that the long summer break is detrimental to the learning and retention of skills. We have questioned the Department of Education and Skills and various members on this matter and the response we receive is that the provision scheme is under review and no revisions will happen until the review is complete. In the meantime, students continue to progress through the educational system without the supports they need in order to reach their potential. It is not acceptable to Down’s syndrome
Ireland that such discrimination continues while a review of the scheme is carried out. Our experience of previous departmental reviews is that they take a considerable length of time to lead to action, sometimes many years. We are calling for an interim agreement to be put in place to meet the needs of our members with July provision to be made immediately available to all students with Down’s syndrome regardless of their intellectual ability.

Ms Moira Leydon: It is nice to be back here discussing a really serious issue. Ms Brady started us off on the right note when she prefaced her contribution with the phrase “right to education”. That is an absolutely core element of our engagement with students with special and additional needs. I looked at the Down’s syndrome Ireland website this morning and read the very pertinent point that we were one of the last countries to ratify the UN Convention on the Rights of Persons with Disabilities. We have considerable ground to make up. We can all, however, justifiably say that inclusion is one of the success stories in Irish education. Over 90% of young people with special educational needs are in mainstream schools. That is phenomenal and is a testament to teachers, parents, legislators and Ministers for Education over the decades.

One of the challenging aspects of special educational needs in our system is that the definition in our legislation means that there is a very high prevalence, estimated between 20% and 25%. This is a systemic challenge. How does a school system provide additional resources and supports for almost a quarter of the student cohort at any given time?

Second, the system change to support this inclusion process has been significant. The recent school admissions legislation will make sure that every school and every sector of education play by the same rules. There has been curriculum change for level 1 and 2 programmes, which are a huge development on what we have had in the past. It is really significant that, with departmental recommendations and system research, we have seen that the withdrawal method, taking students out of mainstream classes, is not the best way forward. The best way is for students to be in the mainstream with the additional supports, with teacher differentiation, etc.

We are here because we have a problem. As Ms Brady said, the second level teacher unions have reached an almost critical point in what our members tell us about our capacity to implement the new model whereby classroom teachers are required to engage in extensive planning for individual pupils. I must put on record that there is absolutely no objection to planning for students with special educational needs. Students have a right to education and schools and teachers must make sure that right is vindicated. However, the teacher unions at second level are saying that they do not have the training or the dedicated time and at the moment they do not have clear enough guidance. One of the challenging issues for second level schools, which are very complex institutions, is that there is no dedicated co-ordination time to co-ordinate not just the liaison between teachers around planning but more significantly the liaison between teachers and the external agencies, particularly for students who have more profound needs. These are the classics of investment in education. Teachers need time, which means less teaching time, more time for planning. That requires investment. We need training and we also need better communication strategies from the Department with the school system. The co-ordination time is problematic for us. The Department issued a circular which states that to make sure that resources are used for teaching purposes, co-ordination time should be kept to a minimum. We find that particularly challenging because in complex institutions such as schools with between 700 and 1,000 pupils, dedicated planning time is needed.

Mr. Colm Kelly: The TUI represents more than 17,000 teachers and lecturers employed by education and training boards, ETBs, voluntary secondary schools, community and comprehensive, C&C, schools and the institutes of technology. We also have a small number of
members teaching in special schools. The TUI welcomes this opportunity to make a submission to the committee on the delivery of services for students with Down’s syndrome. Some 0.18% of all children are diagnosed with Down’s syndrome, which equates to approximately 1,600 students in primary and post-primary schools. We are not aware of any specific data for the post-primary sector alone.

Data clearly show that students with special educational needs, SEN, such as those with Down’s syndrome, are far more likely to attend ETB and C&C schools than voluntary secondary schools. The TUI believes that all students should be able to access mainstream schools unless the needs of the students are so serious that they could not cope in a mainstream school. For this to happen, it must be supported by the resourcing of both schools and support services.

Staff who pursue additional qualifications in the area of SEN must be recompensed. It is important to note that the role of the teacher is to support the education of the child while the SNA, if applicable, can cater to the care needs of the child. All schools should accept students with SEN.

A commitment to implementing the EPSEN Act 2004 is essential if provision for students with SEN is to be adequately and appropriately addressed. However, full implementation will only be possible when sufficient resources are allocated. More than ten years ago, the TUI emphasised that schools were not sufficiently resourced to implement individual education plans for SEN students. The TUI has been calling for the full implementation, and resourcing, of the EPSEN Act for almost 15 years. We have reiterated that call four times in the past year alone. However, we have been told by successive Governments that the funding is not available to enact the remaining provisions of the legislation. In the absence of appropriate resourcing, TUI members cannot be required to implement individual education plans. To do so would create the false impression for parents and guardians that a school has a developed capacity to deliver the level of service promised in the EPSEN Act. It is the moral and legal responsibility of the State, acting through the Department, to provide the necessary resources. The TUI cannot, and will not, countenance an opportunistic transfer of that responsibility, or of any associated culpability, from the State to teachers. We have informed members that our objection to a medicalised, administratively heavy individual education plan process does not apply to normal, professionally appropriate and sustainable classroom planning by teachers for differentiated teaching and learning that takes due account of the strengths and needs of the students they serve and of the contexts in which they teach.

We would like to make the following recommendations to the committee: recent changes in guidance provision, Circular 12-2017, and middle management posts, Circular 3-2018, are not enough to support fully students with SEN. A much larger move in terms of restoration of both is also needed. Teachers should be able to access continuing professional development, CPD, to best support students with SEN; schools should be able to access support from the significantly under-pressure support services. Education, at all levels, should be available to every child, the deciding factor being what is in the best interests of the child.

The Department of Education and Skills must make clear, once and for all, if it ever intends to fully implement and resource the EPSEN Act. If it cannot implement and resource EPSEN as originally intended, then will it join us in examining a more appropriate method of supporting students with Down’s syndrome to achieve a better outcome for the students?

Ms Maeve McCafferty: The INTO thanks the Oireachtas for the opportunity to be here as representatives for more than 35,000 primary teachers in the South of Ireland. Currently,
children with Down’s syndrome attend both special and mainstream schools. Their educational placement is determined by their needs and by the choice of their parents. The learning ability of children with Down’s syndrome varies from severe and profound general learning disability to mild general learning disability. Therefore, the learning needs of children with Down’s syndrome also vary. Children with Down’s syndrome who attend special schools are in classes of approximately six to eight pupils. Children with Down’s syndrome in mainstream schools could be in classes of 30 pupils or more and usually receive additional support from the special education team. The INTO is of the view that educational provision for children with Down’s Syndrome should be in a continuum, depending on their unique needs. The greatest lacuna in providing support for children with special educational needs, including children with Down’s syndrome, is the lack of therapies. Children with special educational needs often require speech and language therapy, occupational therapy or other therapies such as behavioural therapy and counselling. The INTO welcomes the piloting of a model to provide school based therapy services. Not all children with Down’s syndrome require therapies, but when they do, they should be available, regardless of whether the children attend special or mainstream schools.

The Special Education Support Service, SESS, which is now part of the National Council for Special Education, NCSE, provides professional development opportunities for teachers. While the SESS provides valuable and high quality professional development opportunities, they are insufficient. In addition to courses and seminars, there is a need to develop in-school sustained support services. All newly qualified teachers have studied special and inclusive education as part of their initial teacher education courses, but it is important that teachers have opportunities throughout their career to continue their learning and development in the area of special education. The certificate and diploma courses provided by colleges of education are highly regarded, but they are only accessible to teachers in special education posts. Given the policy focus on inclusion, all teachers - mainstream and special education - should have access to certificate and diploma courses in special education.

The July provision scheme is very valuable for children with severe and profound learning disabilities and ASD as it allows for continuity and as little interruption as possible in the education of children who require stability and consistency. However, the fact that the July provision scheme is confined to children with severe and profound learning disabilities and ASD is seen as excluding other children with learning disabilities such as children with Down’s syndrome. In its policy advice on the education of children with ASD the NCSE recommended that the July provision scheme be reviewed. There are many practical issues to be addressed such as who should be entitled to additional educational provision during the summer, what the nature of summer educational programmes supported by the State should be and the practical arrangements to be made pertaining to the curriculum, employment and location. The INTO welcomes the proposal to review the operation and purpose of the July provision scheme.

Children with Down’s syndrome thrive in schools, be they special or mainstream, where teachers have been afforded the opportunity to avail of appropriate professional development courses on the education of children with Down’s syndrome and suitable supports are in place.

Chairman: I invite Mr. Ward to make his opening statement.

Mr. Eddie Ward: I thank the joint committee for the invitation to present to it. Government policy on supporting children with special educational needs aims to ensure all children with special needs, including children with Down’s syndrome, have access to an education appropriate to their needs. The policy is to provide for inclusive education to ensure the maximum possible integration of children with special needs into ordinary mainstream schools. Where pupils
require more targeted interventions, special class or special school placements are also provided. Significant financial provision is made to ensure all children with special educational needs can access education. The Department of Education and Skills spends approximately €1.75 billion, or almost 19% of its total educational budget, annually in making additional provision for children with special educational needs. The main supports provided with this funding are over 13,400 special education teachers in mainstream schools who provide additional teaching support for pupils with special needs, 15,000 special needs assistants, 125 special schools and over 1,450 special classes in mainstream schools. Other supports include a funding scheme to provide assistive technology and fund special school transport arrangements. A significant amount of time is put into the development of a new curriculum and innovation in that regard. Professional development opportunities are provided for teachers, as well as teacher training. Support for schools, including the July provision scheme, is also provided. The Department’s national educational psychological service provides support and advice for schools.

The Department has established the NCSE to advise it on policy in meeting special educational needs and to develop and deliver a variety of support services for children and their families. For example, schools and teachers can apply to the NCSE for help from its support service, including specialist support and guidance in all areas of special education, including children with Down’s syndrome. Support can take the form of workshops tailored to the needs of a school and the teachers in particular communities. Approximately 2,500 applications were received for school supports in the 2017-18 school year.

The NCSE also develops courses. There is a particular course dedicated to dealing with children with Down’s syndrome. The NCSE has collaborated with Down Syndrome Ireland in the development of a number of differentiated lessons that are available to teachers and parents. As part of its policy-making remit, from time to time the NCSE develops policy papers and advises the Department. In so doing it conducts a lot of consultations with the various stakeholders. Down Syndrome Ireland is one of the key organisations it consults. Examples include the policy paper on the provision of education for children with autism spectrum disorder, the 2018 comprehensive review of the special needs assistant scheme and, more recently, the policy being developed on special schools and classes.

The Department aims to improve educational outcomes for all children, including those with special educational needs, and significant investment has been made. I agree that providing for inclusion in schools has been one of the major successes in recent times. As policies evolve and services develop, the Department and the NCSE will consult and work with all stakeholders, including Down Syndrome Ireland, to achieve the best possible educational outcomes for all children.

Chairman: I thank Mr. Ward for his presentation.

Deputy Catherine Martin: Gabhaim buíochas leis na finnéithe as ucht a gcur i láthair in-niu. I thank the delegates for their presentations. I have a couple of questions, most of which are for the Department.

The Department describes a plan to record the support schools provide for pupils with special educational needs as beneficial both for schools and children and best practice. However, as the Education for Persons with Special Needs, EPSEN, Act 2004 has not been fully implemented, it is not yet a statutory requirement for schools to have individual educational plans, IEPs, in place. How many students with special educational needs do not have an individual learning plan? We know that there is a need to put structured IEPs in place as such plans are
essential for students with Down’s syndrome. All of the stakeholders are in agreement that IEPs must be co-ordinated by teachers who should be given non-contact time and provided with training and, critically, resources. How does the Department plan to ensure all of this will happen? Let us remember that we are talking about a fundamental human right. When, if ever, does the Department intend to fully implement the EPSEN Act? If it does not do so, the legislation is not worth the paper on which it is written. It is appalling that it still has not been fully implemented in 2019.

The NCSE has recommended that an equitable day activity scheme be developed for all students with complex and special educational needs. I understand an implementation group has been convened. What is the timeframe for completion of the review? What are possible solutions in the interim?

**Deputy Kathleen Funchion:** I welcome the opportunity to have all of the main stakeholders present. Instinctively I always support trade unions. I worked in one and come from a very strong trade union household. However, I do not agree with the union’s position on withdrawing IEPs, although I totally support its call for the provision of extra training, resources and anything else that is needed. I am always an advocate for workers’ rights, but the stance taken singles out a group of vulnerable students who probably have had to battle through a lot in their lives. Their parents have also had to battle on their behalf. Therefore, I do not think the stance taken is fair. I would support the union fully if it were to take action, but in doing so it should not single out the students in question. The position should be the same for every student. I would be more supportive if workers sought to go on strike, work to rule or take other forms of industrial action if they did not completely withdraw that option, although the system is not perfect. The stakeholders are the ones that deal with this matter on a daily basis and, therefore, know a lot more about it. Obviously, there is a need for a lot more investment and more work to be done. That is my question for the Department. As I said, I strongly disagree with the stance taken because it was not the right thing to do. I want to put that on the record because I feel strongly about it. The Department is standing over a situation where these children are being left behind completely. One of the most significant queries we deal with, regardless of whether it involves children with Down’s syndrome or children with additional needs, is the constant battle they face to get anything to which they are supposed to be entitled. We cannot talk about education being a right and about being inclusive if children are being left behind, which is what is happening. It is not good enough. This needs to be addressed right now and a timeframe regarding when it will be sorted out needs to be provided. It should not be something that will drag on so that we will be sitting here in two years talking about the same thing with all those children having been failed. We are constantly talking at this committee about different systems where children are falling through the cracks and we cannot allow it to keep happening. I would stress this to the Department.

I was going to ask about the EPSEN Act but Deputy Catherine Martin asked about that in terms of the timeframe for its full implementation. We asked a question about it last week and one part of the answer stated that the Department believed level of investment required could be significantly greater than that envisaged in the NCSE report. Is the Department saying that it will just cost too much money and that it will not bother with it? It should at least be honest about that if that is the answer. We need action on all of these issues.

**Senator Maria Byrne:** I thank the five contributors. We are all concerned about July provision. This is where we are coming from regarding the Department’s appearance. The son of a friend of mine has Down’s syndrome. He is an intelligent child with an awful lot to contribute
but his parents find it frustrating that he does not quality for July provision yet a child down with road with autism does. While my question is principally for the Department, could all the witnesses outline alternatives they would come up with? Why do children’s with Down’s syndrome not qualify for July provision? It is so important because they have so much to learn from it. Many skills are taught during those couple of weeks. Children with Down’s syndrome can find summer very long whereas if they are coming to training courses such as baking, they are learning a skill. They enjoy learning life skills during that period. Mr. Kelly referred to alternative proposals. What are they?

Chairman: Commencement of the provisions of the EPSEN Act can only be implemented by the Minister, not by officials within the Department. I wish to make it clear that it is a political decision that must be made as opposed a decision made by the Department because it can only follow the policy of the Minister.

Mr. Colm Kelly: I will clarify an issue raised by Deputy Funchion. It is not that the TUI is taking any action. In fact, it has not taken action on the issue of individual education plans, IEPs, since 2004. The TUI has not taken action in that it has not implemented it because the Legislature has not implemented the relevant sections of EPSEN Act. Our advice to our members, and it is advice rather than a directive or action, has been the same since 2004, which is that until Government through the Department properly resources the style of IEPs that are set out in sections 8 and 9 of the Act, our members are not properly resourced to implement that particular style of planning. However, our members have consistently planned differentiated strategies for SEN students in their classes. They are professionals who would not renege on their responsibilities in that regard. I want to make it clear that no action is being taken here. We are simply continuing to teach but within the structures we have in the absence of resources to implement what is in the EPSEN Act.

Ms Maeve McCafferty: Teachers plan for special education, including completing an individualised education plan, IEP, in consultation with parents where the need arises. It does not happen in all cases; completing an IEP depends on the level of need. However, there is certainly planning for special education for all special educational needs.

On the July provision, we certainly welcome the review. We would like to see it broadened and the roles clarified.

Ms Moira Leydon: I am listening to and hearing what Deputy Funchion has said. I sense the frustration and possibly anger in her comments, which is very legitimate. What has precipitated this issue is that we now have a new allocation of teachers to schools, which as the Department has pointed out is a significant investment by the State. Unfortunately, unlike other initiatives, such as the junior cycle or Project Maths, that new model has not been underpinned by a training roll-out. It has not been underpinned by clarity of instruction as to where the roles fall. To be fair to the Department, it provided some clarification to us some weeks ago on who was expected to do the educational planning and how it might best be co-ordinated within the school context.

We now have a new model and a new inspection regime introduced in January 2019 to see how the new model is working. It will look at deployment of resources but more significantly it will look at learning outcomes for students with special needs. I think teachers got worried that we now have an evaluation model, which is a very serious process, but they are not sure how it works and, more significantly, they do not feel they have been trained sufficiently to be able to do the type of complex planning required. The planning is not just a sheet of paper. We
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are talking about a continuum-of-support model with a continual iterative process of review of the students’ progress etc.

Those are the factors behind the advice issued to members. It is critical for all the stakeholders to sit down and work out a solution to the very clear-cut problems we have identified of time, training and co-ordination. Teachers need incentives to engage in this further learning. Because of its complex nature most of the training provided for special educational needs is at graduate diploma or postgraduate level and very costly to engage in. We really need to underpin this type of complex learning by teachers by enabling them to access these programmes of learning at little or no cost. I think there are very practical solutions to the impasse we are in, but we need to move on rather quickly. The word the Deputy used is appropriate. We need action.

**Chairman:** Well said.

**Ms Fidelma Brady:** I agree with what Deputy Funchion has said. Rather than getting wrapped up in the Education for Persons with Special Educational Needs, EPSEN, Act, which is a big issue of course, we need to remember that the right to inclusion has been enshrined in the convention regardless of whether the EPSEN Act is enacted. The convention lists the barriers to inclusion. As Deputy Catherine Martin has pointed out, we need the appropriate funding and the correct approaches. There is a list of approximately ten barriers to inclusion. If these barriers are not removed, not only will the convention not be enacted, but we would certainly be in trouble with the EPSEN Act. Inadequate funding mechanisms are listed. Without the incentives for the training to be provided, it will not be.

We talked a bit about the training provided for teachers. My background is as a primary teacher. I carry out a lot of training in schools as part of my job. I go to primary and post-primary schools giving teachers a bit of training and information to give them some kind of foothold as they have children with Down’s syndrome in their mainstream schools. Very often that is the only option for schools. My colleague from the Department referred to the special education support services, SESS, quotas. As they would say in the country, they are like hens’ teeth. People cannot get on a course. There could be a two-year waiting list to try to get somebody to come in and do a little bit of training on Lámh. We need to be realistic. We need adequate funding. Even before my time in the organisation, Down Syndrome Ireland has been calling for a roll-out of training and not just continuous professional development where teachers can do certain courses. We need to look at initial teacher training. What is going on in training college?

On my behalf and on behalf of Down Syndrome Ireland, I emphasise I am not coming down hard on teachers in this. I want to make that clear to all the unions. I find that teachers bend over backwards to work with these children, but in very difficult situations. It is impossible to find enough time in the day. For many years I was a teaching principal in a primary school and I found it impossible. If I was not given extra time I do not know where I would even start to do IEPs. We are looking at the training time, the non-contact time and the resources to be put in place. I would call for a national roll-out of training for teachers before setting unrealistic expectations for what they can produce.

**Mr. Eddie Ward:** I wish to address the issue of planning in schools. Since the enactment of the Education Act 1998, schools have been obliged to plan and ensure an appropriate education is provided to all children attending the school. In that way teachers know their children’s needs and provide for them in accordance with the resources available to them. Reference has
been made to the individual education plan provided for in the 2004 EPSEN Act. That section of the Act was not commenced at the time. It reflected the thinking at the time that a student’s needs were assessed and then resources were allocated to the child on the basis of the assessment. It is fair to say that policy has evolved and practice has changed considerably since then. I again emphasise the level of investment that has taken place in schools with additional teachers and SNAs since that time. In particular, since 2011 the number of special education teachers has increased by more than 40%. Likewise the number of SNAs has increased.

Reference was made to how we allocate teaching resources to schools. A new model has now meant that additional teachers are preloaded into the system in accordance with the school profile. It is then left to the school to use its professional judgment with the guidance and support available to it in allocating those resources to the children most in need. The research done by the NCSE to support this model found this to be by far the best way of doing it. The resources are allocated to the school and when the child comes to the school the resources are in place along with the supports for the teachers and the schools in making decisions on allocating the resources available to them.

Planning is a normal part of school life. Schools must ensure that every child receives an appropriate education. Considering the resources given to schools since 2011, it would be ridiculous if the school did not have planning in place to ensure the best possible allocation of those resources, resulting in the best possible education given to the children who are most in need. Planning is essential and is also good professional practice.

One of my colleagues raised the issue of planning time. All the Department’s circulars about giving the additional resources to schools provide for additional planning time, but schools need to make a judgment as to what is appropriate to their needs. Clearly the amount of time needed will vary from school to school. The people on the ground are in the best position to decide how much co-ordination time is required.

The Department, the National Educational Psychological Service, NEPS, and the NCSE provide a range of supports, guidance and professional developments for teachers and schools. The view of the Department’s inspectorate which inspects schools up and down the country on a regular basis is that planning is taking place and that resources are being used well. While we continually need to tweak and enhance the guidance we give and the professional development training we provide, we are on an upward trajectory in what we want to do in providing for children with special needs. Reference has been made to therapeutic supports. The Department has taken a very innovative approach in that regard. Reference has been made to a project under way in the Kildare and Wicklow area. In-school therapies are being used to good advantage to secure better outcomes for children.

On the July provision, we take on board the point made by members. The NCSE flagged that there was an issue of equity in that regard. The provision is confined to two categories of special needs - children with severe and profound intellectual disabilities and students with autism spectrum disorder. We have a group looking at the issue. More than 9,000 students avail of the provision each year and our view is that it should be broadened to make it more equitable. Somebody summed it up very neatly when they asked who should avail of it, what the content should be and how it should be rolled out. They are very good questions and considering them will put us on a good path. When we develop proposals, something we expect to do in the coming months, we will consult on them. There will not be changes this year, but we can faithfully say we will move on the issue and that there will be some change in the next 12 months.
Chairman: I thank Mr. Ward for the clarification.

Deputy Catherine Martin: Mr. Ward has mentioned that planning is essential and that it is part of good professional practice. As someone who comes from the teaching profession, I take it as a slight on teachers who are not being given the time needed to engage in such professional planning. That is part of the frustration among parents and teachers who do not have the time they need to engage in the planning needed to give the children the proper and thorough education they deserve.

Mr. Ward mentioned the many resources made available up to 2011. If we reflect on what has happened in the past eight years, how many initiatives have been brought forward in schools since 2011? There is an overload. I have only been out of the teaching profession for three years since I was elected to the Seanad. Mr. Ward mentioned circulars. I had reached circular overload by 2016, by which time I had been involved in teaching for 20 years. Overload seems to have been reached since 2011. Teachers were reaching initiative and circular overload because the resources needed were not being put in place. Teachers are being told to implement these initiatives; they are being told about the drive-bys and that they face inspection after inspection. They know, however, that it is just a case of filling in a sheet or a form, but they cannot give children the proper education they deserve and should experience because they do not have the resources to do so. They need that non-contact time and funding. Essentially, they need training.

I worked in a DEIS school with many fantastic children who enriched my teaching experience because of their vast array of special educational needs. That is why I loved where I was teaching. However, it was frustrating as we only received a certain level of continuing professional development training. Someone would come in the afternoon, or when a specific need had presented in the school, rather than training being provided at the very beginning, as Ms Brady suggested. Teachers do not need to be trained when a specific need presents, rather they need to be armed with all of the training they need in order that when an issue presents, they will be ready to hit the ground running. That is what every teacher in a primary and secondary school wants and what every parent of a child with special educational needs wants. It is also what the parents of a child who does not have special educational needs wants. For children to receive their fundamental human right to a proper, inclusive and thorough education, teachers must be resourced. They must have the non-contact time they need and it is essential that they be trained properly. I know that this is not Mr. Ward’s decision to make but the Minister’s. He must prioritise our children with special educational needs. That means not passing the buck and saying it is down to the school to allocate the resources when they present themselves. We have had enough of that approach in our schools and it is not working. I ask Mr. Ward, as a result of this meeting, to pass the buck to the Minister and put the proper resources in place.

Deputy Jan O’Sullivan: The answers have clarified what page we should all be on and shown that, while it seemed as if there were differences, we are all agreed that we need to provide resources, planning, teachers and teacher time to achieve the rights of children with a variety of disabilities, including Down’s syndrome, in our schools. Ms Brady placed importance on the ratification of the UN Convention on the Rights of Persons with Disabilities. The Education for Persons with Special Educational Needs Act is also relevant but, as has been said, elements of that legislation have still not been implemented. The ratification of the UN convention has placed this issue in a rights based context. From the point of view of the committee’s report, we need to focus on how we put in place the resources, time, etc., that are required in order for children to vindicate that right. It is about funding, teacher time, initial teacher training and...
education and continuous professional development for teachers in the system.

Most of my questions are for Mr. Ward or anybody else who has information on quantifying what resources are available. It has been said that some of the planning happens in the schools but I agree with other members who say that, for teachers to do that, they need time to plan. Is there any assessment on the actual resources required in terms of extra planning hours for teachers, training hours and the funding for all of this? Such an assessment will be required if we are to implement this properly.

It is obviously correct to say that significant resources have been put into special education since 2011 but we are in a new place now in the sense that we have the new model and the UN convention has been ratified. We also have a recovering economy and should be able to put the necessary resources in place.

I want to ask more about July provision because it has not received as much attention as the individual education plan. It is really important for young people to have the opportunity to access July provision where it would be helpful to them. Access is highly restricted at the moment, however. Mr. Ward told us that a review is under way and would be concluded in the coming months. Could he give an idea as to when he expects recommendations to be forthcoming? The benefits of July provision are evident from anybody who accesses it. It gives continuity through the summer months that is particularly needed for children with learning difficulties of one kind or another. I would like to see progress on that. Has there been an assessment on the kinds of resources that would be needed in terms of funding, training and teachers? There is, or was, a list of people who give July provision. Is that still the case? Is there a shortage of teachers for July provision? It is not a scheme that many people know about but it is extremely beneficial to many children. I would not like to think we have put very little focus on July provision today because it is an important scheme.

**Senator Paul Gavan:** I thank all the witnesses for their attendance. They all provided valuable information and I thank them for that.

I want to reference something Mr. Ward said early on in his statement. He said: “Government policy on supporting children with special educational needs aims to ensure that all children with special needs, including children with Down’s syndrome, can have access to an education appropriate to their needs.” How does he reconcile that statement with what we have heard today? There care clearly significant gaps in the system 15 years after the Education for Persons with Special Educational Needs Act came into being. I struggle to see how one can reconcile that statement, however well intentioned, with the reality of what we have heard here.

There seems to be a consistent message from everybody that there are real issues in terms of training. A couple of key points were made in that regard, one of which was that there are barriers to continuous professional development. It would be helpful if Mr. Kelly would expand on that. Ms Leydon said that we should have a continuum of support model in place for training and that sounds absolutely right. What plans does the Department have to address the training deficit? It is clear that there is a training deficit that we have to address if we are to resolve this issue.

Ms Brady mentioned that schools are encouraged, rather than obligated, to provide an individual educational plan. That is not good enough as a model. If we are serious about implementing rights, surely encouragement is not enough. We still have to address the key resource issues that have been validly outlined by all of the teacher unions today but if we are to truly
implement a rights based programme, it is not enough to encourage schools. There needs to be a level of obligation.

I have a couple of simple questions about July provision. When did the review begin? Was there an end date in mind when it began? Any work I have ever done has had a start date and an end date. What is the end date? Mr. Ward should be able to tell us that now. Like everyone, I want to know when the valuable July provision scheme will be expanded. I met representatives from Down Syndrome Ireland last week and there is a fear that this review will take too long and not provide the very real and necessary additional supports quickly. We all recognise there is a problem that needs to be fixed and I cannot understand why it would take so long. Will Mr. Ward tell us when the review began and what is the finish date for it? Surely that date is already in place so that at least the people leaving this meeting today will have a clear idea of when we can expect recommendations and action.

Senator John Dolan: I thank the representatives from Down Syndrome Ireland and three trade unions, officials from the Department of Education and my colleagues for their serious engagement on this issue.

It was not until just before 4.30 p.m. today that the UN Convention on the Rights of Persons with Disabilities was first mentioned. We had gone through a full round of questions and were back on supplementary questions. I want to come to the convention. There is no beating around the bush in Article 24 under the simple heading, Education. It starts with a reference to “States Parties”, which can be substituted with “Ireland” now that we have ratified the convention, so that the article reads:

[Ireland] recognizes the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, [Ireland] shall ensure an inclusive education system at all levels and lifelong learning directed to:

a. The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;

b. The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;

c. Enabling persons with disabilities to participate effectively in a free society.

I will not read the whole article but it continues: “In realizing this right, [Ireland] shall ensure that ...”. I am inserting “Ireland” where the convention uses the term “States Parties” because we have ratified the convention.

We need to remind ourselves of that. It states:

a) Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;

b) Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live;

c) Reasonable accommodation of the individual’s requirements is provided;
d) Persons with disabilities receive the support required, within the general education system, to facilitate their effective education;

e) Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.

I have laboured that a little. It is interesting that the Department could participate in this without a mention of the fact that a year ago this week the Dáil passed a motion unanimously to ratify the convention, and, 13 months from now, in April of next year, each Department will make its first report on implementation saying what has changed. We need to be clear that there are standards and that it took us 11 years to get to the point of saying we would have them, and that brings us to the phrase “encourage and not obliged”. This is giving the lie to the idea that our standard would be what we encourage. Our standard is that we are obliged. Of course there are steps to the stairs but we have to go beyond encouragement. Teachers encourage children to do things but Ireland has said it is doing it and is on the road to it.

Putting my head in the place of a parent of a child with Down’s syndrome or another disability, this is like a nil-all draw in sporting parlance. The Department has a position; the teachers have a position. I see this too in the Department of Communications, Climate Action and Environment which will not provide a house that is accessible until the Health Service Executive, HSE, tells it that it has all the personal supports ready. The HSE will not provide all the personal supports until the Department of Communications, Climate Action and Environment tells it that the house is ready. Everyone is committed but no one has moved. Ms Leydon said some practical things need to be done. I ask the two key parties - the Department and the trade unions - what are those practical things? They need to start talking about them now. What gets us going out of this room without the two parties feeling happy that they have held up their sides? We need to move them. The movement may not be ideal in the short term but something has to give, sooner rather than later, because right now the kids and their families are losing out.

Mr. Kelly referred to teachers being professionals. That is a given. Are the trade unions being professional at this stage? It sounds to me like the approach of last in, first out. Supports for people with disabilities are relatively recent and we get the response, “We cannot do this until...”. Why cannot something else begin to give a bit in the system?

Thirty years ago the Department was arguing in the courts that certain people were ineducable in the Sinnott case. We have moved on from that. From the Department’s point of view that means getting to essential rather than mandated, rather than it would be nice if it could be done. The Department is under the cosh of what the Houses of the Oireachtas have agreed to. I do not get a sense a year later that any urgency has been put into that. This might seem stinging but for people with disabilities to hear the litany of how much money is being put into disability - we hear it from the Department of Health - can sound as if they need to be grateful. It is not intended that way but people need to see services improving. How will the Department start doing something to shift this, to give that little impetus to move it on and to give people hope? Right now, dare I say it, it seems we are smug. We are doing this, the other side is saying it is doing that but it is not going any place for people. Perhaps that is a plea as much as a question.

The Minister needs to visit this committee, sooner rather than later, because, as the Chairman said, the unlocking of the EPSEN Act has waited a decade and a half and there is still loads of the Disability Act 2005 locked up. These things need to shift at a political level. I put that request to the committee for its consideration.

Chairman: The Senator has put his finger on the pulse for all of us in everything that he
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has said. This is something that I feel very deeply and passionately about. I have personal and professional experience in the area. I have a much-loved brother with Down’s syndrome. I was a primary school teacher and will always remember a situation that arose before anyone had heard of July provision, individual education plans or SNAs. There was a little girl with Down’s syndrome in second class, along with 35 other students, who had no resources or supports. I honestly believed at that time, and still believe, that I failed that child. I still think about everything that she needed and deserved but did not have. One could well ask why did she arrive in second class without those supports but she had been in a special school up to that point, when her parents decided they would like to place her in a mainstream school because her twin brother was in it. We can all understand that she did not want to feel different from her brother. I remember the bus coming from the special school to bring her back for the Christmas party and she did not want to go. She did not necessarily want to stay but she was completely caught between the two education worlds. It is something that I think about regularly, although it was many years ago. Then I worked with the Special Olympics and athletes with intellectual disability, many of whom had Down’s syndrome. That is the type of experience that informs me in respect of special educational needs. I am on the Oireachtas Disability Group, which Senator Dolan chairs well. Anytime we have the opportunity to consider different areas we do so and today we are considering education for those with Down’s syndrome, bearing in mind that much of what we are saying is for the benefit of all students with intellectual disability, particularly in regard to the July provision and the IEPs.

While members of the committee have outlined eloquently where we as a society are failing these children, when I look back to when my brother was born and to when I was teaching that child or even ten or 15 years ago, we have come a long way and we have to acknowledge that. It is about continuing to improve and ensuring all children with Down’s syndrome and intellectual disabilities have the chance to shine. It is within all of them to shine. Educators and legislators must ensure everything is in place to ensure that will happen, as well as ensuring teachers will have a positive educational experience in teaching children with Down’s syndrome.

I accept that there is a review under way of the July provision scheme. What is the rationale for not allowing children with Down’s syndrome to avail of the scheme? It makes no sense that, at one point, a decision was made that children with Down’s syndrome would not be able to avail of it.

Every child in the education system should have an individual education plan. What resources are needed to specifically provide for this? I agree that there has to be planning in every school and classroom. To a certain extent, there is also a need for planning for every single child. How else does the teacher relate to a child’s progress, or the lack of it, at a teacher-parent meeting? Some plan has to be in place to assess and support a child in his or her progress. I cannot understand why a plan cannot be put in place for children with Down’s syndrome. Like my colleague Deputy Funchion, I cannot understand why the teacher unions would, more or less, not recommend this. I also agree with my colleague Deputy Catherine Martin on the terminology used, that a plan such as this is recommended but not mandatory. I accept that up to 86 circulars were issued last year to teachers. However, we have to close the circle. We need to look at the resources and training teachers need to ensure plans will be put in place.

Mr. Ward outlined some of the courses available. When are teachers able to avail of them? For example, can they avail of them during working hours? If so, are they eligible for the provision of substitute cover? An issue which has been raised at the committee is that while provision is made for training for teachers, no substitute cover is supplied. That is wrong. I accept
that it is difficult to find substitutes, but that is another issue. In principle, substitute cover has to be provided for teachers to support them and give them the resources they need. If individual education plans are not put in place, what alternatives do the TUI and the ASTI suggest?

The Minister has replied to several parliamentary questions by stating the EPSEN Act will not be commenced for some time. Has a cost been put on the necessary measures which need to be put in place to implement it? If so, we need to know what they are. We need to engage with the Minister on this issue. As Senator Dolan said, it is 15 years since the Act was passed. It is more than regrettable that it is not in place. It is completely wrong that it is not. If individual education plans are not put in place, what alternatives do the TUI and the ASTI suggest? Generally speaking, a child with Down’s syndrome or an intellectual disability will not be able to follow the full curriculum in a classroom. Extra thought has to put into the type of curriculum for some – not all -subjects which a child with Down’s syndrome or an intellectual disability would be able to follow. Some planning has to be done to ensure a child with Down’s syndrome or an intellectual disability has the opportunity to fulfil his or her potential.

Ms Maeve McCafferty: On the resources teachers need, last Saturday the INTO held its special education conference in Cork with over 300 teachers in attendance. We had one workshop on planning and special education. It was an attempt at responding to the needs of our members who are looking for support in planning and special education. It was the one workshop for which we probably needed security on the door to control the stampede, such is the appetite among teachers for continuing professional development, CPD, in this area.

We should be clear that teachers are dedicated to this. We have heard much about planning. We do not want to lose focus either on high-quality teaching, however. Planning is critical and a central part of teaching and learning. Teachers plan conscientiously but, at the same time, we do not want our teachers to become administrators. They are already floor with paperwork and bureaucracy. The real focus should be on high-quality teaching to support children with Down’s syndrome.

Mr. Colm Kelly: I neglected to answer a question put to me by Senator Byrne earlier. My wife is a special educational needs co-ordinator and a teacher in a greenfield site in Dublin. As a matter of course in her role, she engages in individual planning for students. The individual planning in which she engages for her students is not consistent, however, with the individual education plans set out in the EPSEN Act, yet she does it and her colleagues do it. Our members in schools all over the country plan for individual students.

The TUI represents members delivering in Youthreach centres. Up to 20 Youthreach centres receive supplementary funding from the special educational needs initiative to implement individual learning plans, ILPs. We are used to acronyms in the TUI, which itself is an acronym. The individual learning plan tracks a student’s progress and sets out a plan of education for a student through second chance education. Our members engage in that in 20 Youthreach centres because they are resourced for it but not in the others, which are not.

The concept of the individual education plan, as set out in the EPSEN Act, is 15 years old. Educational theory, philosophy and practices have come a long way since the EPSEN Act was drafted. Senator Byrne asked what we would suggest instead. Right now we do not know. Our members, however, are already working on this. Our members are in schools tracking students and supporting them. They are coming up with innovative ways of differentiating for those students. Our members have a wealth of knowledge that we can offer to the National Council for Special Education, NCSE. It is to our regret that the Minister did not see fit to put any of our
representatives on to the NCSE in the last round of invitations for seats on the NCSE. Nonetheless, we are available to the Department, to the NCSE and to the other stakeholders to discuss alternatives to the EPSEN Act that would be more forward thinking than simply implementing a 15 year old Act.

Senator Gavan asked about continuing professional development, CPD. I will relate my wife’s experience and what she utilises when planning for these students. Teachers are by their nature life-long learners and my wife has amended her practice over the past five years as she has continued to learn as a teacher. My wife has a basis on which to build, namely, a postgraduate diploma in special education that she received from the Church of Ireland College of Education, which is now in DCU. As my colleague from the ASTI mentioned, these are postgraduate diploma level 9 courses. They are intense courses. Deputy Function and I did a level 9 course together some years ago in employment law. It took up a vast amount of our time that year. These courses are intense with regard to time and costs.

After completing one’s free education and getting an undergraduate degree, to become a teacher a person now has to engage in a two-year postgraduate diploma in education. This costs our members in excess of €10,000 and two years of their lives. Following that, when they start teaching, and in order to undertake the post graduate diploma in special education, it is another added cost of at least €5,000 per year. It is also a cost with regard to their time, at a time in their lives when they are trying to save for houses and settle down and start families. Something needs to be done to address the availability of that training, the funding for it and the time made available.

At the point at which my wife received that particular allowance some ten years ago, there was a financial benefit to her, which was recognised as a qualification allowance by the Department of Education and Skills in its business case to the Department of Public Expenditure and Reform in 2012. This fundamentally was a misnomer of what that special educational needs allowance was for. While it was only available to persons who had undertaken the qualification in special educational needs, in order to retain the allowance there was a requirement on the person to be engaged in the delivery of education to students with special educational needs directly within his or her school for a minimum of five years and to participate in the planning and delivery of that education. It was a complete misnomer on the part of the Departments of Education and Skills and Public Expenditure and Reform to see it solely as a qualification allowance. That allowance was available to people to do the kind of work we are talking about today, and it was withdrawn in 2012. The Department and the committee must give this point some serious consideration.

Chairman: I thank Mr. Kelly. That was enlightening.

Ms Moira Leydon: Further to Ms McCafferty’s point that we really should not lose focus on quality teaching, what precipitated the angst and this movement of concern was that teachers now would be required to engage in bureaucratic compliance with medicalised type assessments of pupils, as Mr. Kelly referred to earlier, instead of engaging in what they are best at, which is the classroom teaching. That is where they are instinctively and professionally doing the differentiating and their plans. Teachers must have term plans and annual plans for each class group and each year. Planning is being done but I believe the expectation of the model of planning now required of schools has precipitated these concerns. This is what trade unions do. We must listen to our members’ concerns and must be able to seek to advance them. Giving the advice was the first step. What is the next step? This has been a very productive meeting. We have all listened to one another. I put it to Senator Dolan that the worst-case scenario is
nil nil. That would be a cop out on both sides. We now need to work together. The ASTI has written to the Department of Education and Skills to seek a meeting to look at the issues we want addressed. These issues cover the co-ordination time, the planning time, the allowance, which is a very significant issue, and also the whole area of a revised planning model. We are seeking to advance it but I believe we are now coming into the last tranche of the school year and it behoves all of us in the system to address it. I am sure Mr. Ward will take this back to his colleagues in the Department of Education and Skills. We need to get this sorted out this year. I refer to the school year. We cannot be in the business of going back into schools in September with this simmering nil-nil status still there. It is not acceptable.

Ms Fidelma Brady: I agree with Ms McCafferty on her statement that we do not want to lose sight of the fact that we need high-quality teaching. I have been a teacher for many years and I cannot teach without planning. Planning informs my teaching and informs me day to day what it is I have to do.

I agree with what everyone has said here today. I love the nil-nil imagery. It is excellent. It would be regrettable if we left here today without feeling that we had moved forward in any shape or form. I agree that the Minister needs to be here to meet with us and discuss the matters with the committee.

I wish to make a comparison about how Down Syndrome Ireland feels about this. Allowing a student to struggle academically or socially when all that is needed for success are appropriate accommodation and explicit instruction is no different from failing to provide a ramp for a person with a wheelchair. Down Syndrome Ireland feels very strongly about this. We take very seriously the issues our parents raise.

There are two things that angered us to a degree, which were the two directives before Christmas. I am now aware they were advice but at the time in the media and in the public domain they were identified as directives issued by the teacher unions. We were very distressed about these. Reference was made to this already, but a reply to a parliamentary question, No. 95 on 6 March 2019, reads: “The Circulars note that educational planning is an essential element of a whole-school approach to meeting pupils’ needs.” Two lines later the reply goes on to read: “All schools are therefore encouraged to use Education Plans”. Where is the tie between “essential” and “encouraged”? We should not have to “encourage” anybody to do something that is essential. To ensure the essential needs are met, I go back again to the need for training, resources and time. I should hope that this meeting will provide an impetus and be a starting point for moving forward with this as we all work together.

I agree with Mr. Kelly that it is regrettable about the seats on the National Council for Special Education, NCSE. I too was not invited to sit on the NCSE this year through its latest appointments. It must be Mr. Kelly and me.

Mr. Colm Kelly: And the ASTI.

Ms Fidelma Brady: It raises the question, with regard to the people who are on the ground and working in the areas of special needs, who the advisers are who were appointed. That is not sour grapes. It is a question I would always ask. There are consultations, but who is being consulted? We have questions on that, but I could be here all night.

Chairman: We are not being critical of those who were appointed.

Ms Fidelma Brady: Obviously not.
Chairman: I just wanted to make that clear. I genuinely acknowledge the excellent work teachers do in this area. I get to witness it on an ongoing basis. The compassion, understanding and commitment of the teachers for special needs students in our schools is excellent. I will give the final word to Mr. Ward.

Mr. Eddie Ward: At the outset, I have to acknowledge that this outing has been informative and helpful. I was particularly interested in Senator Dolan’s input, which was inspirational. Sometimes people think that because we are in policymaking or whatever we are insulated from the realities of life, but we all have our own story around these matters. The Senator’s input was informative. I am only new to this brief but I have visited a number of schools since I took it over and what I saw were very dedicated people doing a job and an air of calmness in schools dealing with children with special needs. I was totally convinced that those children were in the best place possible and that good things were happening in the schools.

I believe it is all about quality, teaching and learning and, as a Department, we have to have a way of ensuring that is happening. Our inspectorate gives us positive feedback that good things are happening in our schools in an objective way. Planning is happening. There is a formula in the legislation that goes back a bit, and Mr. Kelly said that formula needs to be looked at, but, internationally, practice might have moved on from that formula that was enshrined in that particular legislation.

The issue of July provision was raised. To address it briefly, the review was done by the National Council for Special Education, NCSE, a number of years ago as part of its autism review and it said the July provision scheme was inequitable. A working group is looking at how to come up with a scheme that might be more equitable. The NCSE recommendation was that the scheme should be for children with complex needs. It did not say who those children might be or identify the categories. Currently, the scheme is provided for two categories: children with severe and profound learning disabilities and students with autism spectrum disorder. Deputy Jan O’Sullivan asked who delivers it currently. There is a school strand and a parents strand. It costs €14 million, not that that money should necessarily be a big part of it but it certainly comes into the mathematics in terms of dividing a pie. A working group is looking at it. The NCSE hinted in its advice that the programme might be broader than just school curriculum issues and might be more activity based.

In terms of the work done so far, there has been consultation with a number of other Departments and State agencies as to the direction in which we might be going. I would hope that the group will have recommendations internally in the coming months. We should be able to talk to stakeholders later in the year, perhaps in September or October, with a view to making sure that we have a revamped programme to offer for July of next year. That is the tentative plan but there has been some work done on it in terms of devising a programme. An estimate is that something short of 2,000 children are in receipt of sports in our schools. We have to ask how we will prioritise the investment and whether we will cover everybody. If we are covering 9,500 students at a cost of €14 million, the Deputy can do the sums. Some decisions will have to be made and some priorities struck but I am anxious to move it on and I have taken on board what the committee is saying. We need to give it more urgency and we will do that.

On the bright side, we started off talking about the success of inclusion. I have children and they are now adults but things have changed inexorably from the time they were in primary and post-primary school. The number of supports and the amount of training and development, even if it is still inadequate, have increased proportionately. The level of commitment and information given to parents and engagement with parents has also improved.
We are going through a spot of innovation in the Department. That is assisted hugely by the development of the NCSE. If any member wants to know the membership of the NCSE, it is available on its website, including the backgrounds of the members. I can assure the members that they all have a background in and experience and knowledge of special education and related matters. The in-school therapy project will innovate and test a model for in-school, occupational and speech and language therapies, and how agencies collaborate and work in schools. It is a test which we will probably enhance later in the year. There will be further announcements and engagement on that. We are trying to test a model that we can ultimately make mainstream, which will be evidence-based and will have the confidence of all stakeholders including parents and teachers. That is a very positive development. The National Council for Special Education, NCSE, and its establishment have been crucial to this new evidence-based focus on how we make policy and develop services.

The second matter to bring to the attention of the committee is that the NCSE is currently looking at the role of special schools and special classes, and how that is taking shape. There have been consultations about that policy review already. We expect that it will be delivered towards the middle of next year. Policy makers and practitioners will be looking at the impact of that in the years ahead. It is a good place to be because at least now we have the people with the expertise to look at these kinds of developments and to look at what we are doing locally and what international trends are, taking into account our local legislation, UN conventions and such, to make sure that we are in a good place in future.

Chairman: I think that was a very informative engagement. The committee will discuss this further and will issue a report and recommendations. It is important that we consider writing directly to the Minister, both to look for a meeting on this and to address other policy issues which we feel it is important to engage on. I thank stakeholders for giving us their time, experience and expertise this afternoon. I also thank members.

The joint committee adjourned at 5.30 p.m. until 3.30 p.m. on Tuesday, 26 March 2019.