

**Teachers’ Union of Ireland (TUI) response to the call for submissions by the National Council for Special Education (NCSE) on the topic of special classes and special schools.**

**(December 2019)**

**Introduction**

The TUI represents teachers, lecturers and staff (19,000+) in out of school services employed by Education and Training Boards (ETBs), voluntary secondary schools, Community and Comprehensive (C&C) schools, Youthreach, institutes of technology and technological universities. Many of our members teach in special classes in mainstream schools. We also have a small number of members teaching in special schools.

Close examination of all relevant data indicates that schools in the ETB and C&C sectors enrol, by far, the largest proportion of students with special needs and coming from areas of educational and economic disadvantage. ETB schools are two to four times more likely to be designated DEIS as other school types (DES statistics, 2018).

**Background**

Ireland has an internationally acknowledged, high-performing education system and a respected teaching profession (Teaching Council, 2010; OECD, 2013; DES, 2018a; OECD, 2015a; OECD, 2009; NAPD, 2016; Comhairle na nOg, 2017; Growing Up in Ireland, 2017; IPSOS MRBI Trust in the Professions Survey, 2017; Boyle, 2017; Scanlon & McKenna, 2018; EU Commission/EACEA/Eurydice, 2018; Kantar Millward Brown, 2018; EU Commission, 2018; EU Commission, 2019a; EU Commission, 2019b; Social Progress Initiative, 2018; United Nations Development Programme, 2018, Irish Survey of Student Engagement 2018; HEA, 2019; Coolahan, 2017; Eivers, 2019; CSO, 2019) despite spending relatively little on education (OECD, 2015b; SJI, 2018, NERI, 2018, OECD, 2019a; UNDP, 2019) and historic underinvestment (DES, 2018b). Indeed citizen satisfaction with the education system in Ireland is the highest of any of 22 European countries studied (Boyle, 2018). It is also worthwhile noting that 2019 data (OECD, 2019b) shows that both citizen satisfaction with the education system, and the economic return to the taxpayer of investment in education, are both extraordinarily high in Ireland compared to international norms. An Ipsos MRBI survey in 2019 found extraordinarily high levels of public trust in teachers, much higher than for journalists, Gardai, civil servants, politicians, business leaders, social media influencers, bankers or even the “ordinary person in the street” (Irish Times January 31st 2019).

The growing economy (ESRI, 2017; OECD, 2017; IMF, 2017; EU Commission, 2017; EU Commission, 2019; NERI, 2018; ESRI, 2019) means that Government is in a good position to make a meaningful contribution to continue supporting students with special educational needs (SEN).

Ireland has a very young population (Eurostat, 2015). In 2008, we had the second highest proportion of 10-14 year olds in the European Union (CSO, 2009). The high birth rate in Ireland (CSO, 2017; Eurostat, 2017) indicates that the population of young people is likely to remain high for the foreseeable future. The DES (2012, 2017) suggests that the number of students in the primary school system will rise by forty-nine thousand (516,460 to 565,696) from 2011 to 2019 and by almost one hundred thousand in second level from 2011 to 2025 (322,528 to 416,897). In this context, it is not sufficient to suggest that a world-class child centred society can be achieved with inadequate resources of time, money or personnel. NCSE (2014; 2018a), Barnardos (2008) and Growing Up in Scotland (2012) all show that between a quarter and a fifth of all students in the school system have special needs. Recent research in Scotland (Times Education Supplement April 13th 2018) suggests that the proportion of students with additional support needs was 18% in 2012 and 27% in 2017. NCSE (2018a) shows clearly that students with SEN are significantly more likely to attend ETB schools than other types of post-primary schools. Furthermore, the same report shows that a student with SEN is approximately one and a half times as likely to attend a DEIS school as a non-DEIS school.

The above leads to considerable variation in the additional support required by individual students and schools in order that special needs be addressed effectively and in a manner that ensures all students are appropriately supported in achieving their potential. As cited in Fischer (2016: 167)

“community schools and vocational or technical schools under VEC (and now ETB) management cater for a much more diverse school population and for a disproportionate number of immigrants or children of immigrants, as the results of the 2008 Department survey clearly showed.”

Some 2% of all children are currently being educated in special schools and special classes (NCSE presentation, December 13th, 2019). This equates to almost 20,000 students across primary and post-primary sectors. The TUI is not aware of any specific data for the post-primary sector alone.

Schools rely heavily on support agencies, especially when working with students with special needs or students experiencing crisis. Vulnerable students require the presence of ex quota guidance teachers but also other specialist agencies. Guidance staff in schools, and principal teachers, often find it very difficult to access outside support when needed as the agencies themselves are under significant pressure.

Many of these support services are vital if a student with SEN is to be adequately supported. For example, in 2015, less than half of the recommended 127 specialist Child and Adolescent Mental Health Services (CAMHS) teams had been established, 472 children in care did not have a social worker, 673 children in care did not have a care plan whilst there are 8,161 child protection cases which had not been allocated a social worker including 2,829 deemed ‘high priority’ (Children’s Rights Alliance, 2015). In March 2018, 2,691 children and young adults were waiting for a CAMHS appointment, including 386 who were waiting more than 12 months and 128 who were waiting more than 18 months (Irish Times September 10th, 2018). In January 2019 the situation was only very slightly better with 2,523 children on a HSE CAMHS waiting list (PSI, 2019). The Inspector of Mental Health Services has stated that only 49% of HSE mental health rehabilitation teams have been established (RTE, 10th October 2019). In November 2018, 37,473 children were “in some health queue waiting for an assessment for mental health, disability or speech and language problems” (Irish Independent Nov 28th, 2018). Schools are trying to support a child in accessing speech and language therapy for example (Irish Examiner, September 22nd, 2014). Children’s Rights Alliance (2018) highlights the 314 children who have been waiting over one year for a speech and language therapy assessment.

As stated by the Children’s Commissioner (2019: 2)

“Across a typical class of thirty students:

* 6 are growing up at risk due to family circumstances, of whom 4 are living in a household where domestic violence, substance misuse and/or severe mental health problems are present.
* 4 children have an identified special educational need.
* 4 children have a mental health issue, but only 1 will be accessing mental health services.”

The Irish Human Rights and Equality Commission has, on a number of occasions, outlined its concerns about inadequate community adolescent mental health services. Indeed, IHREC (2019: 28) stated clearly that

“There were 6,811 children awaiting a psychology appointment across all Community Healthcare Organisations at the end of July 2017, of which 2,186 were waiting more than a year. There is no primary care psychology service to refer children to in North Dublin.”

In January 2019, there were 29 vacant posts of child and adolescent psychiatrists across the country (RTE News, February 1st, 2019). Furthermore, in a study of 33 countries, Ireland had the seventh highest ratio of students to school psychologists i.e. 5,298:1 as opposed to 927:1 in Denmark for example (Jimerson et al., 2009). The average in the study was 3,709:1. For Ireland to reach reasonable rate of 2500 students per psychologist, taking into account demographic group, would require the employment of 267 more psychologists by 2021 (Impact, 2015). Understaffing in National Educational Psychological Service (NEPS) is also a concern of the Oireachtas (2018). In 2017, there were 2,767 children waiting for a first appointment with CAMHS whilst Ireland has the fourth highest incidence of teenage suicide in the European Union (Children’s Rights Alliance, 2018). OCO (2018:4) made clear that it is “concerned with staffing problems in the Child and Adolescent Mental Health Services which means that children experiencing escalating levels of stress and anxiety are often unable to access the emergency supports they need.”

This is all within the context that during 2014, the then Tusla Chief Executive publicly stated that the Agency required additional funding of €45 million “just to stand still” (Irish Times, December 30th, 2014). Indeed, Tusla (2018) stated that “while additional funding has been agreed for 2018, significant additional funding will be required for 2019 and 2020”. Budget 2019 did give Tusla an increase in its budget of €30m to €786m (Irish Examiner October 9th 2018) but gaps remain. As recently as March 2018, Tusla was short almost three hundred social workers (TheJournal.ie March 28th, 2018) and more than 4,000 children who were referred to protection and welfare services were waiting to be allocated a social worker (Irish Independent March 29th, 2018). In 2018 Tusla recruited 150 social workers, but in the same time frame lost 150 social workers through resignation or retirement (Oireachtas, 2019).

Concerns about mental health, and the adequacy or otherwise of support services have also been expressed in Reilly (2015), Mental Health Reform (2018), Mental Health Commission (2018) and RCSI (2013). The Programme for Government 2016-2018 promised 238 psychologists in NEPS by 2018. In October 2018 there were only 172 wholetime equivalents in post (DES, 2018c).

RTE News (September 23rd, 2018) reported that less than 10% of the number of staff required for CAMHS intellectual disabilities were in place. This compounds difficulties in schools caused by the loss of pastoral supports such as Assistant Principal positions, a situation that the DES (2014) itself described as “unsustainable”. In October 2018, 36,531 people were waiting for speech and language therapy (SLT) with a further 32,103 waiting for occupational therapy (OT). One-quarter of those waiting for an OT assessment had been waiting more than a year (Sunday Independent, December 16th, 2018).

In many cases Educational Welfare Officers seem to be leaving Tusla as fast as they can be recruited. Hence vacancies, both permanent and temporary, have not been filled. Furthermore, School Completion programmes have been stripped back and the lack of standardisation of SCP roles means vital supports to students and schools are been lost. Cuts to the SCP programme amount to approximately one-quarter of its pre-recession budget (Irish Times, April 22nd 2017).

It is important to note that in some circumstances, parental expectations of post-primary schools may exceed what is feasible in the school given the resources available. For example, whilst many teenagers are very supportive of students with SEN, some students will not always socialise with students with SEN and when they do it will only be for short periods of time. In primary school the gap is not too big but every year of post-primary it gets larger. There is also a difficulty with ‘special classes’ being used to support students with ASD for long periods of time – a use to which these special classes were never intended. The TUI has raised this issue on many occasions including recently in TUI (2018). A student spends most of their time in the special classroom, which is contrary to the NCSE regulations (2016).

In relation to parental expectations of mainstream schools, it is important to note that parents should have a vision of what type of education they would like the school to provide for their child. For example, sometimes the traditional academic Leaving Certificate may be appropriate for a child with many different forms of SEN but sometimes it may not be. It is important to assess what is in the best interests of the child. This also applies to education and training options after leaving post-primary education. The TUI strongly believes that post-school options should be available to all students regardless of whether the student has SEN or not. In this context the TUI has repeatedly suggested that the NCSE enact that part of its remit which allows it to support students in further education as well as primary and post-primary education. In terms of options for schooling, it is important that all options be available to a student with SEN, whether mild, moderate, severe, profound etc. Hence, both mainstream and special school options should be available and the deciding factor should be what’s in the best long-term interest of the child.

**Individual Education Plans and Implementation of the EPSEN Act**

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 toprimary and post-primary schools. Over ten years ago, TUI (2006) emphasised that schools were not sufficiently resourced to implement specific elements of the EPSEN Act, in particular designing and delivering Individual Education Plans (IEPs) for SEN students. In the absence of adequate resourcing, many of the needs of students with special educational needs are falling on parents. The TUI has been calling for the full implementation, and resourcing, of the EPSEN Act for almost fifteen years. We have reiterated that call five times in the last year alone. However, we have been told by successive governments that the funding is not available to enact the remaining provisions of the legislation.

It is very important to note that a statutory entitlement to an IEP does not currently exist and will not exist until the relevant sections of the Act are commenced by Ministerial order. In an answer to a parliamentary question on March 6th 2019, the Minister for Education and Skills stated that

“*Legal advice provided to the Department also indicated that the EPSEN Act, as it is currently constituted, may not be implemented on a phased, or age cohort, basis*.”

The same parliamentary answer also stated that

“*The view of the Department was that the level of investment required* (to fully implement EPSEN) *could be significantly greater than that envisaged*” in 2006 i.e. €235m per annum.

Moreover, until and unless the DES/Government provides the requisite resourcing, particularly with regard to time and training, it is neither realistic nor manageable to introduce IEPs. Therefore, in the absence of appropriate resourcing, TUI members cannot be required to implement IEPs. To do so would create the false impression for parents/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 DES, to provide the resources that will facilitate effective introduction of the requisite range of supports - including IEPs - for students with SEN.

The TUI cannot countenance an opportunistic transfer of that responsibility (or of the associated culpability) from the State to teachers. We have informed members that our objection to a medicalised, administratively heavy IEP 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.

**Recommendations**

In the interest of students, the TUI supports the full implementation of the EPSEN Act 2004 and embraces the core concepts of integration, inclusion, early intervention, individualised planning and monitoring of progress. It is regrettable that implementation of the EPSEN Act was never fully funded and hence couldn’t be carried out. The DES has informed us on a number of occasions that in recent years, legal issues have arisen which raise questions as to whether the EPSEN Act can ever fully be implemented. The TUI would like to see these legal and financial issues resolved so that all students with SEN can be fully supported in the education system.

If it is not possible for Government to fully implement and resource the EPSEN Act, then the TUI would be interested to furthering its existing discussions with relevant stakeholders to assess if it is possible to support the education of children with SEN without trying to implement the highly medicalised and administratively top-heavy IEPs. The question which the TUI believes is most important is whether a better result can be achieved in another way. Following fifteen years of asking for EPSEN to be implemented fully, the TUI is deeply frustrated that resources are not forthcoming. The TUI would like to know if the DES has any intention of fully enacting and implementing EPSEN. If not, then the TUI would ask the Oireachtas to examine is there another way that can be implemented so that we can support students without impossible and unfunded burdens being put open schools. The TUI believes that the outcome for children is much more important than whether a particular document got us there.

Schools need to be supported to ensure that all students with SEN can access education appropriate to their needs. This access should be through the mainstream system unless the needs of the students are so great that special school provision is the best option for the child. Furthermore, it is essential that students with SEN be able to access further education and training opportunities. Those teachers who have acquired additional postgraduate qualifications in special needs education should receive the relevant additional allowance for same. It is deeply regrettable that that allowance was abolished, for new entrants and those existing teachers who moved school, in recent years. It is also essential that schools can access advice, as and when needed, from agencies such as the NCSE, NBSS/ISS, NEPS etc. Despite the best efforts of all involved, many of these agencies have found themselves under resourcing pressure recently. Training for teachers is essential.

Furthermore, it is essential that vital support structures within schools be restored. This includes, but is not limited to, guidance support and middle management posts.

**Conclusion**

Data clearly shows that students with SEN 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 couldn’t cope in a mainstream school. The TUI believes that inclusive education is essential but that inclusion must be supported by the resourcing of schools but also the resourcing of support services. Staff who pursue additional qualifications must be recompensed. The role of the teacher is to support the education of the child whilst the SNA (if applicable) can cater to the care needs of the child (Circular 30/14 and the May 2018 NCSE review of SNA scheme). As set out in an answer to a parliamentary question on February 27th, 2019, the qualification required of an SNA is three passes at Junior Cycle, QQI level 3, or equivalent (see also NCSE, 2018b). The TUI is aware that these requirements are currently changing.

All schools should accept students regardless of the origins of the child. Schools can be supported in doing so through the Education (Admission to Schools) Act 2018. Whilst most discussion about the Act has been about the ‘baptism barrier’ and quotas relating to children of former students, less note has been made of the important power in the Act that would allow the NCSE to require schools to take students with SEN. This should lead to a more level playing field for students with SEN. Interestingly, the Joint Oireachtas Committee on Education and Skills (2018) found evidence of ‘soft barriers’ in relation to the enrolment of children with SEN in some schools.

Recent changes in guidance provision (Circular 12/2017) and middle management posts (Circular 3/2018) also are a very small step in supporting students with SEN. However, a much larger move in terms of restoration of both is also needed. Teachers should be able to access CPD in order to best support students with SEN. Schools should be able to access support from the significantly under-pressure support services. It is also important to ensure that all forms of education are available to the child and that the deciding factor is what is in the best interests of the child. Most importantly, governments of all hues have failed to implement and fund the EPSEN Act. The DES must make clear if it ever intends to fully implement and resource the EPSEN Act. If the DES cannot implement and resource EPSEN as originally intended, then will the DES join us in examining whether other methods of supporting students may achieve a better outcome for the student?

Provision of special schools and special classes should continue to exist until a viable, and fully resourced, alternative can be provided.

Ends

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**Glossary**

ACCS Association of Community and Comprehensive Schools

ADHD Attention Deficit and Hyperactivity Disorder

CAMHS Child and Adolescent Mental Health Service

C&C Community and Comprehensive

DES Department of Education and Skills

DPER Department of Public Expenditure and Reform

EPSEN Education for Persons with Special Educational Needs

ESOL English for Speakers of Other Languages

ETB Education and Training Board

ETBI Education and Training Boards Ireland

EU European Union

GDP Gross Domestic Product

H. Dip. Higher Diploma

HEA Higher Education Authority

HSE Health Service Executive

INTO Irish National Teachers’ Organisation

ICT Information and Communications Technology

ISS Inclusion Support Service

JMB Joint Managerial Body

NAPD National Association of Principals and Deputy Principals

NBSS National Behaviour Support Service (now part of the NCSE)

NCSE National Council for Special Education

NEPS National Educational Psychological Service

NERI Nevin Economic Research Institute

OCO Ombudsman for Children’s Office

OECD Organisation for Economic Co-operation and Development

OT Occupational Therapy

PAC Postgraduate Applications Centre

PME Professional Master of Education

RCSI Royal College of Surgeons in Ireland

SCP School Completion Programme

SEN Special Educational Needs

SESS Special Education Support Service (now part of the NCSE)

SJI Social Justice Ireland

SNA Special Needs Assistant

SLT Speech and Language Therapy

TUI Teachers’ Union of Ireland

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