

1. RIGHT TO EDUCATION

Chapter Grade

C



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We need to be trauma informed in our education system & we need to tackle gross inequalities #advocacyweek



2 Nov 2017

Right to Education

Every child in Ireland has the right to access education and to be educated. The aim of the right to education goes beyond academic achievement to the development of the child's personality, talents and abilities to their fullest potential, and to providing them with the tools to live a full and responsible life within society.

Summary of Articles 28 and 29 of the UN Convention on the Rights of the Child



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IN THE NEWS

MORE THAN 1,000 EXTRA SPECIAL NEEDS ASSISTANTS ALLOCATED FOR NEXT YEAR

Irish Times, 06 December 2017

More than 1,000 extra special needs assistants are to be allocated next year to help ensure all children who require support can access it.

The investment reflects the growing participation of children with special needs in schools, along with greater awareness of conditions and a rising child population. (...)

The move was welcomed by the Special Needs Parents Association which said it would provide much greater certainty for children, parents, schools and SNAs.

Mr Bruton said the new allocations will see the total number of SNAs rise to more than 14,100 by the end of the current school year.

"This investment ensures that every child that needs SNA support can get one," Mr Bruton said.

"I secured an additional €30 million in Budget 2018 to fund the continued development of the SNA scheme with more than 1,000 additional SNA posts being provided for from that funding.

"Furthermore, I have listened to the concerns of schools and of special needs assistants themselves and we are now ensuring that SNA allocations are done earlier in the year, to give certainty to school communities for the following school year." (...) There are 700 more children with special needs entering third level now than two years ago, up 31 per cent.



1.1

Educational Disadvantage

GOVERNMENT COMMITMENT

A Programme for a Partnership Government commits to:

- > Publish a new updated Action Plan for Educational Inclusion within 12 months, narrow the gap between DEIS and non-DEIS schools, and examine how students outside of DEIS can be better supported.



Progress: Steady

- > Publish a new School Completion Strategy



Progress: Some



'Educational Disadvantage' receives a 'C' grade in Report Card 2018, an improvement on last year's 'D' grade. The publication in 2017 of an updated plan for the Delivering Equality of Opportunity in Schools (DEIS) Programme is a positive development. However, the plan does not address how disadvantaged children not attending a DEIS school can be better supported. Reforms of the School Completion Programme are underway and the recommendations of an Expert Group are due for consideration by the Minister for Children and Youth Affairs. There is uncertainty as to whether a formal School Completion Strategy will be published.

Every child has a right to education and should have an equal opportunity to participate in education.¹ The UN Committee on the Rights of the Child has stated that the goal of education is to 'empower the child by developing his or her skills, learning and other capacities, human dignity, self-esteem and self-confidence.'² The Committee further states

that education goes beyond formal schooling to embrace the broad range of life experiences and learning processes which enable children, individually and collectively, to develop their personalities, talents and abilities and to live a full and satisfying life within society.³ States are required to take measures to 'encourage regular attendance at schools and the reduction of drop-out rates'.⁴

Educational Disadvantage: In Ireland, a person's socio-economic background remains a strong determining factor in their educational attainment. A person is almost three times more likely to go on to higher education if their parents have higher education than is someone whose parents have not completed second-level education.⁵

Since 2005, the Delivering Equality of Opportunity in Schools (DEIS) Programme has been the State's main vehicle for supporting children who experience educational disadvantage. *Better Outcomes, Brighter Futures: The National Policy Framework for Children*

1 UN Convention on the Rights of the Child, A/RES/44/25 (20 November 1989) Art 28.
 2 UNCRC General Comment No. 1 on Article 29(1) the Aims of Education (2001) CRC/GC/2001/1 para 2.
 3 *ibid.*
 4 UN Convention on the Rights of the Child, A/RES/44/25 (20 November 1989) Art 28(e).
 5 OECD, 'Ireland in Education at a Glance 2017: OECD Indicators' (2017) <<http://dx.doi.org/10.1787/eag-2017-52-en>> accessed 1 November 2017, 6.

and *Young People 2014–2020* commits to ‘consider the recommendations of the review of the DEIS Programme and use it as a platform for the new initiatives to deliver better outcomes for students in disadvantaged areas.’⁶ It also commits to ‘strengthen social inclusion measures and re-invigorate efforts to improve educational outcomes among, and integration of, Travellers, Roma and migrant children and young people.’⁷

The *DEIS Review* and the *Delivering Equality of Opportunity in Schools (DEIS) Plan 2017*, which were promised in the *Action Plan for Education 2016–2019*,⁸ were both published in February 2017. The *Review* proposed an objective, statistics-based assessment model to identify and decide on schools for inclusion in the DEIS Programme, based on the socio-economic demographic of each school. It also proposed that the database to support the assessment model be capable of being expanded to provide the Department with the capacity to map the full range of resources available to schools. A further proposal was the development of a Monitoring and Evaluation Framework ‘to ensure the effective and efficient use of the significant resources allocated to schools and to ensure value for money.’⁹

The findings of the *Review* informed the *DEIS Plan 2017* which sets out five key goals with 108 associated actions. These goals include:

- > Implementation of a more robust and responsive Assessment Framework to identify schools and effectively allocate resources;
- > Improve the learning experience and outcomes of pupils in DEIS schools;
- > Improve the capacity of school leaders and teachers to engage, plan and deploy resources to their best advantage;
- > Support and foster best practice in schools through interagency collaboration; and

- > Support the work of schools by providing the research, information, evaluation and feedback to achieve the goals of the Plan.¹⁰

The targeted approach to supporting schools with ‘the highest concentrations of pupils at greatest risk of educational disadvantage’¹¹ is welcome. The review of the new model of resource allocation at the end of the 2017/18 academic year, coupled with improved school data, is also welcome as these should provide a greater insight into the efficiency of the DEIS measures and ensure they are sufficiently targeted. However, while there is a need to increase the number of DEIS schools in the context of increased child poverty rates following the economic crash, there are concerns that resources will be taken from existing DEIS schools to be given to new DEIS schools: were this to happen it would create instability and potentially impact on the lower pupil/teacher ratios in DEIS schools.¹²

In the 2016/17 academic year, 825 schools were included in the DEIS Programme, comprising 640 primary schools (328 in urban areas and 312 in rural locations) and 185 post primary schools.¹³ From September 2017, following the Ministerial announcement, a total of 79 additional schools are included in the DEIS Programme for the first time and 30 Urban Band 2 DEIS schools have been upgraded to Urban Band 1.¹⁴ The schools included for the first time, or upgraded to Band 1 from September 2017, are those which have been identified as being at the same level as the current DEIS category for schools serving the highest concentration of disadvantage. Census 2016 data and 2017 school census returns data will be used to undertake a further assessment of all schools.¹⁵

The gap between DEIS and non-DEIS schools has narrowed in terms of academic achievement, in particular in maths and reading, but the performance of DEIS schools still falls below the overall achievement levels in other schools.¹⁶ Improved retention rates to Leaving Certificate in DEIS schools are evident, with the gap between DEIS and non-DEIS schools

6 Department of Children and Youth Affairs, *Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014–2020* (DCYA 2014) Commitment 2.16.

7 *ibid* Commitment 2.22.

8 Department of Education and Skills, *Action Plan for Education 2016–2019* (DES 2016) 60.

9 Department of Education and Skills, *Report of the Review on DEIS* (DES 2017) 35.

10 Department of Education and Skills, *DEIS Plan 2017* (DES 2017) 9.

11 *ibid* 19.

12 Paul Downes, ‘New DEIS action plan: Strengths, weaknesses, issues for further consideration’, *InTouch Magazine* (Dublin, April 2017) 47.

13 Department of Education and Skills, ‘DEIS: Delivering Equality of Opportunity in Schools’ <<http://bit.ly/2kzf8gn>> accessed 27 September 2017.

14 Communication received by the Children’s Rights Alliance from the Department of Education and Skills, 1 December 2017.

15 *ibid*.

16 Department of Education and Skills, *DEIS Plan 2017* (DES 2017) 24.



halving between 2001 and 2010, falling from 16.8 to 8.5 per cent.¹⁷ However, the average rate of school completion for DEIS schools continues to fall below that of non-DEIS schools.¹⁸ It is welcome that the recent evaluation of the DEIS programme adopted a participatory approach and engaged with children and young people and presented their attitudes and educational expectations.¹⁹ While it is positive that more pupils in DEIS schools than ever before aspired to third level education and had similar aspirations to children in other schools, it is concerning that fewer of them actually expected to be able to go to college.²⁰ Given the targets for increased participation rates in higher education for students from groups which have been

heretofore under-represented,²¹ it is important that young people are encouraged and supported to attend third level education.

A Programme for a Partnership Government also commits to examining how to better support students outside of DEIS, given that a 'significant proportion' of disadvantaged students attend non-DEIS schools.²² The reduction in pupil/teacher ratios in non-DEIS schools due to come into effect in the 2018/2019 academic year,²³ as well as the expansion of the School Meals Programme in 2017 to 180 non-DEIS schools for an additional 35,000 children,²⁴ will go some way towards supporting disadvantaged pupils in all schools but there is no evidence yet of the impact these changes have had. The measures taken by the Department of Education and Skills to reduce school costs,²⁵ and the 25 per cent increase in the Back to School Clothing and Footwear Allowance in 2017,²⁶ are both welcome but have yet to be assessed for impact.

Key strengths of the *DEIS Action Plan 2017* include the commitment to introduce school-based speech and language therapists in line with the Government's commitment to introduce a new in-school speech and language service at primary level²⁷ and the extension of behavioural supports to primary schools.²⁸ However, while mental health services are recognised as important for students, in particular those at higher risk of educational disadvantage, the provision of counselling and other therapeutic supports is not adequately addressed by the new *DEIS Plan*.²⁹ This is despite a growing recognition that emotional and mental health issues, such as anxiety, depression, loneliness, school bullying and violence, school climate, may have a

17 Department of Education and Skills, *Retention Rates of Pupils in Second-Level Schools: 2010 Entry Cohort* (DES November 2017).

18 *ibid.*

19 Department of Education and Skills, *DEIS Plan 2017* (DES 2017) 24.

20 Lauren Kavanagh, Susan Weir and Eva Moran, *The evaluation of DEIS: Monitoring achievement and attitudes among urban primary school pupils from 2007 to 2016* (Educational Research Centre 2017) 37.

21 Department of Education and Skills, *DEIS Plan 2017* (DES 2017) 8.

22 Emer Smyth et al, *Review of the School Completion Programme*, Research Series Number 44 (ESRI 2015) 79.

23 Communication received by the Children's Rights Alliance from the Department of Education and Skills, 1 December 2017.

24 Department of Education and Skills, 'Ministers Varadkar & Bruton announce €3M expansion of school meals programme' <<https://www.education.ie/en/Press-Events/Press-Releases/2017-Press-Releases/PR17-03-27.html>> accessed 8 November 2017.

25 Department of Education and Skills, 'Circular 0032/2017: Measures to be adopted by schools to reduce the cost of school uniforms and other costs' <<http://bit.ly/2AWBxXM>> accessed 8 November 2017.

26 Department of Social Protection, 'Varadkar increases Back to School allowance by 25%', <<http://bit.ly/2kBWGeR>> accessed 12 December 2017.

27 Department of the Taoiseach, *A Programme for a Partnership Government 2016* (Department of the Taoiseach, 2016) 76.

28 Paul Downes, 'New DEIS action plan: Strengths, weaknesses, issues for further consideration', *InTouch Magazine* (Dublin, April 2017) 46.

29 *ibid.*

significant impact on a child's well-being and success at school³⁰ as well as being risk factors for early school leaving.³¹

Implementation of the *DEIS Plan 2017* began in the 2017/18 school year. Additional funding of €5 million was provided in 2017, bringing the total to €115 million in a full year.³² A further €11.5 million will be provided in 2018.³³ While the dedicated funding is welcome, the previous DEIS plan specified funding over a five-year period.³⁴ A similar timeframe is not articulated in the new *DEIS Plan*.

School Completion: In the context of a general improvement in second-level retention rates, the stated policy aim is to increase the rate of 82.7 per cent in DEIS schools to the national norm of 90.2 per cent, by 2025.³⁵ Overall, Ireland has the third highest completion rates for girls at 92 per cent and the second highest for boys at 90 per cent 'among countries and economies with comparable data' in the OECD.³⁶

The current School Completion Programme (SCP) was established in 2002 and expanded to include all DEIS schools under the 2005 *DEIS Action Plan* with the aim of increasing the number of young people completing primary and second level schooling. The Programme has 124 local projects and operates in 467 primary schools, 224 post-primary schools nationwide and is linked to 12 projects funded under the SCP.³⁷ Funding in the 2017/18 academic year for SCP is €24.756 million while funding for the following year is

under consideration.³⁸ The Programme fulfils a critical role in improving school retention rates: not only is it concerned with monitoring attendance, but it also aims to foster 'socio-emotional wellbeing through in-school support and therapeutic interventions' and to provide in-school learning supports and interventions, such as homework clubs.³⁹

Informed by a 2015 review by the Economic and Social Research Institute (ESRI),⁴⁰ the SCP is now undergoing reform, in particular in relation to its governance structure and revised model of employment.⁴¹ In summer 2017, an Expert Group, established to consider priority recommendations,⁴² submitted proposals to the Board of the Child and Family Agency, Tusla and the Minister for Children and Youth Affairs.⁴³ These proposals are being considered by the Minister.⁴⁴ In light of ongoing reform, the recognition by the Minister that the 'emotional stability of the young person is critical' to ensuring continued engagement and school completion,⁴⁵ is welcome. While it is positive that there is a clear commitment to consult widely with the educational welfare sector and experts in early 2018,⁴⁶ reform of the SCP must also be child-centred and informed by a meaningful consultation with children and young people.

A Programme for a Partnership Government committed to publishing a School Completion Strategy intended to deal with issues related to funding, management, governance and the delivery of core and optional activities to be provided under the SCP.⁴⁷ As well as

30 Rodger Kessler, 'Identifying and screening for psychological and comorbid medical and psychological disorders in medical settings', *The Journal of Clinical Psychology*, (Wiley-Blackwell 2009) 65(3), 253–267.

31 C.V. Quiroga et al, 'Grade retention and seventh-grade depression symptoms in the course of school dropout among high-risk adolescents', (*Psychology* 2012) 3, 749–755.

32 Communication received by the Children's Rights Alliance from the Department of Education and Skills, 1 December 2017.

33 *ibid.*

34 Department of Education and Science, *DEIS (Delivering Equality of Opportunity in Schools) An Action Plan for Educational Inclusion: Summary* (DES 2005) 5.

35 Department of Education and Skills, *Strategy Statement Action Plan for Education 2016–2019* (DES 2016) 28. The current rate of retention is 84.1 per cent for DEIS schools (2010 entry cohort) compared to the national norm of 91.2 per cent. Department of Education and Skills, *Retention Rates of Pupils in Second-Level Schools 2010 Entry Cohort* (DES 2017) 3.

36 OECD, Education at a Glance 2017 – Country Note: Ireland <<http://bit.ly/2k295cs>> accessed 6 November 2017.

37 Information provided by Tusla Education Welfare Service to the National Advisory Council on Children and Young People, 22 November 2017.

38 Minister for Children and Youth Affairs, Dr Katherine Zappone TD, Written Answers, School Completion Programme, 25 October 2017 [45200/17].

39 Emer Smyth et al, *Review of the School Completion Programme*, Research Series Number 44 (ESRI 2015) x.

40 *ibid.*

41 Minister for Children and Youth Affairs, Dr Katherine Zappone TD, Priority Questions, School Completion Programme, 28 November 2017 [50382/17].

42 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 1 December 2017. The Child and Family Agency, Tusla and the Department of Children and Youth Affairs prioritised the recommendations for consideration by the Expert Group.

43 *ibid.*

44 *ibid.*

45 Minister for Children and Youth Affairs, Dr Katherine Zappone TD, Priority Questions, School Completion Programme, 28 November 2017 [50382/17].

46 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 1 December 2017.

47 Department of Education and Skills, *DEIS Plan 2017* (DES 2017) 50.

improved pupil retention in schools, the stated aim of the proposed strategy was to avoid duplication, provide greater out-of-school activities, and improve collaboration between relevant government departments and Tusla in the delivery of the School Meals Schemes.⁴⁸ While the *DEIS Plan 2017* reiterated the commitment to a strategy and set a target date of 2017 for it to be published, the Department of Children and Youth Affairs has since indicated that a decision on 'progressing or otherwise with a formal strategy' will be made only once a decision is made on reform of the SCP.⁴⁹ The drawback of focusing on the SCP is that this programme is limited to DEIS schools, whereas an overarching strategy could address school completion across all schools.⁵⁰

Supports to improve school completion and retention rates, including the SCP, must go beyond the current model to encompass more than formal education, in keeping with the definition of education set out by the UN Committee.⁵¹ High rates of school suspensions and expulsions must be addressed to enhance young people's experience of school⁵² and the Education and

Welfare Service must be adequately staffed to ensure that it can manage an increasing workload.⁵³ While there is an understandable focus on the numbers of children missing school or leaving before they complete their Leaving Certificate, there is a need for a greater emphasis on identifying and addressing the reasons why some children and young people disengage from the formal education system and why their needs are not being catered for in the mainstream system.⁵⁴

Overall, Ireland has the third highest completion rates for girls at 92 per cent and the second highest for boys at 90 per cent 'among countries and economies with comparable data' in the OECD.

48 *ibid.*

49 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 1 December 2017.

50 Minister for Children and Youth Affairs, Dr Katherine Zappone TD, Written Answers, School Completion Programme, 28 March 2017 [15223/17].

51 UNCRC 'General Comment No. 1 on Article 29(1) the Aims of Education' (2001) CRC/GC/2001/1 para 2.

52 Aine Hyland, 'Opinion: We have an unacceptably high level of school suspensions and expulsions', *The Journal.ie* (27 November 2017) <<http://bit.ly/2CzSMKF>> accessed 18 December 2017.

53 By the end of 2017, the Education and Welfare Service will have 90 Education Welfare Officers (EWOs) and this is due to rise to 100 by the end of 2018. Currently, the EWO staffing level means that the pupil-EWO ratio is 50:1 and the increase will reduce the ratio to 40:1. Information provided by Tusla Education Welfare Service to the National Advisory Council on Children and Young People, 22 November 2017.

54 Department of Education and Skills, 'Reports on School Completion and School Leaving show majority of students entering Higher and Further Education' (24 March 2016) <<http://bit.ly/2kimUOK>> accessed 2 February 2017.

Educational Disadvantage

Immediate Actions for 2018



IMPLEMENT THE DEIS PLAN AND MONITOR ITS EFFICACY IN IMPROVING OUTCOMES FOR PUPILS.

Ensure that an adequate monitoring and evaluation system is put in place with tangible indicators to monitor ongoing implementation, in order to improve and adapt the system and ensure the continuous improvement of the DEIS scheme.

COMPLETE THE REFORM OF THE SCHOOL COMPLETION PROGRAMME IN 2018.

Reforms in school completion should be prioritised to ensure that the School Completion Programme is effectively run, adequately staffed with trained personnel, and sufficiently funded to work with children and young people at risk of early school leaving.

1.2

Religious Diversity in Schools

GOVERNMENT COMMITMENT

A Programme for a Partnership Government commits to:

- > Work with stakeholders to facilitate the phased transfer of Catholic schools to new patrons, where support of communities exists and to consider new approaches.



Progress: Limited

- > Increase the number of non-denominational and multi-denominational schools to 400 by 2030.



Progress: Slow

- > Publish new School Admissions and Excellence legislation and enact this legislation for the beginning of the school year 2017.



Progress: Some

'Religious Diversity in Schools' receives a 'C-' grade in Report Card 2018, a slight improvement on a 'D' grade last year. This reflects the clear commitment from Government to enact promised legislation and address the so-called 'baptism barrier'. However, the revised School Admissions and Excellence Bill has not been published. While some new multi-denominational schools have opened, the number falls below the Government's own target and there has been little movement to progress the divestment of Catholic schools to new patrons.

Every child has a right to education 'on the basis of equal opportunity'⁵⁵ and the right to respect for their freedom of thought, conscience and religion.⁵⁶ Children have the right to be free from discrimination

of any kind, irrespective of, amongst other things, the child's or their parent's or guardian's religion or beliefs. The State is under a duty to 'take all appropriate measures' to ensure that the child is protected against all forms of discrimination based on their beliefs or expressed opinions.⁵⁷ In 2016, the UN Committee on the Rights of the Child encouraged Ireland to promote the establishment of non-denominational or multi-denominational schools and to amend existing legislation to eliminate discrimination in school admissions.⁵⁸ Census 2016 highlights the increase in the number of people who identified as having no religion or a religion other than Catholic. People who have no religion represent 10 per cent of the general population.⁵⁹ In 2016, there was a 28 per cent increase in the number of people identifying as Muslim and a

55 UN Convention on the Rights of the Child, A/RES/44/25 (20 November 1989), Art 28(1).

56 *ibid* Art 14(1).

57 *ibid* Art 2.

58 UNCRRC 'Concluding Observations Ireland,' (2016) CRC/C/IRL/CO/3-4 para 64(a).

59 Central Statistics Office, 'Census 2016 – Chapter 8 'Census 2016 - Irish Travellers, Ethnicity and Religion', (Central Statistics Office 2017).



PRIMARY SCHOOLS HAVE RELIGIOUS PATRON

37 per cent increase in people identifying as Orthodox, each representing just over one per cent of the population.⁶⁰

Non- and multi-denominational schools: The UN Committee's 2016 recommendation called on the State to 'expeditiously undertake concrete measures to significantly increase the availability of non-denominational and multi-denominational schools'.⁶¹ A non-denominational school is defined as a school under the patronage of a secular body and has a secular ethos.⁶² Multi-denominational schools 'do not provide religious education as formation, during the school day, but do provide education about religions

and beliefs.⁶³ Both *A Programme for a Partnership Government* and the *Action Plan on Education 2016–2019* commit to a target of 400 multi- and non-denominational schools by 2030.⁶⁴ This equates to approximately 18 schools per year; to date, eight multi-denominational primary schools and 10 multi-denominational post-primary schools have opened.⁶⁵

The majority of publicly funded schools in the Irish education system are denominational in nature with 95.8 per cent of primary schools in the 2017/18 academic year having a religious patron.⁶⁶ Ninety per cent of all primary schools remain under the patronage of the Catholic Church and six per cent are run by minority religions.⁶⁷ At post-primary level, 49 per cent of denominational schools are run by the Catholic Church with a further four per cent run by another denomination.⁶⁸ There are over 3,000 primary schools overall, of which 113 are multi-denominational,⁶⁹ and 19 are described as inter-denominational⁷⁰ but in five counties in Ireland, there is no alternative to denominational primary school provision.⁷¹ In a welcome development, the Education and Training Boards (ETBs) announced in September 2017 that children in its 11 multi-denominational Community National Schools would no longer be separated for faith formation and sacramental preparation.⁷² However, the continued reliance on religious patrons to run the public education system, in particular the Catholic Church, means that children of no faith or minority religions, depending on where they live, may be very limited in their choice of a school that reflects their own belief system.

60 *ibid.*

61 UNCRRC 'Concluding Observations Ireland,' (2016) CRC/C/IRL/CO/3-4 para 64(a).

62 The Forum on Patronage and Pluralism in the Primary Sector, *Report of the Forum's Advisory Group* (DES 2012) 5.

63 *ibid.*

64 Department of Education and Skills, *Action Plan for Education 2016–2019* (DES 2016) 42.

65 Communication received by the Children's Rights Alliance from the Department of Education and Skills, 1 December 2017.

66 Department of Education and Skills, 'Minister Bruton Sets Out Approach to Remove Religion as a Criteria in Admissions process' (28 June 2017) <<http://bit.ly/2op5tpo>> accessed 16 October 2017.

67 *ibid.*

68 Communication received by the Children's Rights Alliance from the Department of Education and Skills, 1 December 2017.

69 *ibid.*

70 Department of Education and Skills, 'Minister Bruton Sets Out Approach to Remove Religion as a Criteria in Admissions process' (28 June 2017) <<http://bit.ly/2op5tpo>> accessed 16 October 2017. The 19 schools with inter-denominational ethos include 13 Irish-medium primary schools under the sole patronage of An Foras Pátrúnachta. The remaining inter-denominational schools are under the joint patronage of a Catholic Bishop and Church of Ireland Bishop or the joint patronage of the Church of Ireland and the Presbyterian Church in Ireland.

71 Communication received by the Department of Education and Skills, 1 December 2017.

72 RTE News Online, 'Community schools to phase out religious separation' (RTE 22 September 2017) <<http://bit.ly/2yuSKCS>> accessed 18 December 2017.

One third of the 2030 target of 400 schools is expected to be achieved through the opening of new schools;⁷³ the New Schools Reconfiguration process, announced by the Minister of Education and Skills in January 2017, is aimed at delivering the target.⁷⁴ However, it is essential to ensure that the new Schools Reconfiguration process includes both multi-denominational as well as non-denominational schools to ensure that no child faces discrimination based on their religion or that of their parents.

Divestment/Reconfiguration: The Forum on Patronage and Pluralism in the Primary Sector, established in 2011, examined how the education system could best provide a sufficiently diverse number and range of schools nationwide for children of all religions and none. To date, only 10 schools have been divested to multi-denominational patrons.⁷⁵ In January 2017, the Minister for Education and Skills, Richard Bruton TD, announced the New Schools Reconfiguration for Diversity process to provide more multi-denominational and non-denominational schools by working through the ETBs.⁷⁶ The ETBs were asked to identify schools for transfer where there is a level of parental demand to warrant it, by consulting patrons on how existing schools could be reconfigured.⁷⁷ Protocols to cover the identification phase by ETBs and the execution of transfer are in development.⁷⁸ Transfers will be managed by the existing patrons in conjunction with school communities and prospective patron bodies.⁷⁹ However, the decision-making power afforded to the current landowner, in many cases the existing patron, to determine the multi-denominational patron to which a school will be transferred is at odds with the constitutional right of parents to decide the type of school their children attend.⁸⁰ Given that the vast majority of primary schools in the country are under the patronage and ownership of one denomination, decisions on patronage should be undertaken by an independent body to ensure a more transparent and independent approach.

Publicly funded education should be based on the rights and needs of children and, in particular, on the best interests of the child, rather than those of patrons. While these may overlap, the child's best interests should always be the starting point. The wishes of parents as well as children and young people themselves should be at the forefront of any plan in this area and the decision-making process on patronage should be transparent, independent and fair.

School Admissions: The Equal Status Acts 2000–2015 prohibit religious discrimination in the provision of goods and services but provide an exemption to schools with a religious ethos to give preference to students of that religious denomination, or refuse admission to students of other or no religion in order to preserve the school's ethos.⁸¹ This barrier is often referred to as the 'baptism barrier' due to the high proportion of Catholic schools and the lack of alternatives for families of different or no faiths. In cases of oversubscription in a denominational school, it can prioritise the admission of a child with a baptismal certificate over a child of a different or no religion. In one study, a quarter of parents stated that they baptised their child to ensure that they got a place in a local school.⁸² In 2016, the UN Committee recommended that the State amend the 'existing legislative framework to eliminate discrimination in school admissions,

The decision-making power afforded to the current landowner, in many cases the existing patron, to determine the multi-denominational patron to which a school will be transferred is at odds with the constitutional right of parents to decide the type of school their children attend.

73 Department of Education and Skills, 'Minister Bruton announces new plans to accelerate provision of multi- and non-denominational schools' (30 January 2017) <<http://bit.ly/2kOoRsL>> accessed 1 February 2017.

74 Communication received by the Children's Rights Alliance from the Department of Education and Skills, 22 December 2017.

75 Minister for Education and Skills, Richard Bruton TD, Written Answers, School Patronage, 22 November 2017 [49523/17].

76 Department of Education and Skills, 'Minister Bruton announces new plans to accelerate provision of multi- and non-denominational schools' (30 January 2017) <<http://bit.ly/2kOoRsL>> accessed 1 February 2017.

77 *ibid.*

78 Communication received by the Children's Rights Alliance from the Department of Education and Skills, 1 December 2017.

79 *ibid.*

80 Irish Constitution, Art 42.3.1°. This provision states that 'The State shall not oblige parents in violation of their conscience and lawful preference to send their children to schools established by the State, or to any particular type of school designated by the State.'

81 Equal Status Act 2000, s 7.

82 EQUATE, *Religion and School: Parents' voices* (EQUATE 2017) 11.

including the Equal Status Act.⁸³ *Better Outcomes, Brighter Futures: The National Policy Framework on Children and Young People 2014–2020* commits to reducing discrimination and intolerance of all types experienced by marginalised groups including those from religious minorities.⁸⁴

The Education (Admission to Schools) Bill 2016 aims to 'increase the transparency and fairness of school admissions'.⁸⁵ It proposes to ban school admission waiting lists and admission fees. However, section 7 of the Bill, as originally published, retained the exemption, set out above, under the Equal Status Acts.⁸⁶ To address the baptism barrier, in January 2017, the Minister for Education and Skills, Richard Bruton TD, initiated a public consultation based on four potential options to address the issue.⁸⁷ In response, more than 1,000 submissions made to the Department of Education and Skills, revealed no consensus on a preferred approach to address the role of religion in admissions policies for schools.⁸⁸

In June 2017, the Joint Oireachtas Committee on Education and Skills following its pre-legislative scrutiny process, recommended that 'the relevant legislation is, at the very least, amended so that no child is denied admissions to a State funded school on the basis of their religion or beliefs'.⁸⁹

The Minister has indicated that the Attorney General is considering proposals to introduce an amendment to the Education (School Admissions) Bill to ensure that a child is not refused admission to an oversubscribed school on the basis of religion.⁹⁰ However, there will continue to be two exceptions to this provision; firstly, where it is deemed necessary to protect minority religions and secondly, to ensure that the ethos of a school is not threatened.⁹¹

The proposed repeal of the exemption in the Equal Status Acts and the proposed amendment to the Education (School Admissions) Bill represent a positive step to address and end religious discrimination in schools. The clear commitment by the Minister for Education and Skills to address the baptism barrier is welcome. This commitment must be delivered on as a matter of urgency to ensure that another cohort of children of no religion, or faiths other than the majority Catholic faith, do not face discrimination when enrolling in school.

83 UNCRC 'Concluding Observations: Ireland' (2016) UN Doc CRC/C/IRL/CO/3-4, para 64(a).

84 Department of Children and Youth Affairs, *Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014–2020* (DCYA 2014) Commitment 5.6.

85 Department of Education and Skills, 'New law will make process of school admissions easier for children and parents – Minister Bruton' (6 July 2016) <<http://bit.ly/2kDywjM>> accessed 6 December 2016.

86 Education (Admission to Schools) Bill 2016, s7. See also Department of Education and Skills, 'New law will make process of school admissions easier for children and parents – Minister Bruton' (6 July 2016) <<http://bit.ly/2kDywjM>> accessed 1 February 2017.

87 The four options are: a catchment area approach; a 'nearest school rule'; a quota system, which would allow a religious school give preference to children of its own religion in respect of only a certain proportion of places, meaning that the remaining places would be allocated based on other admissions criteria; the fourth approach is for an outright prohibition on religious schools using religion as a factor in admissions, meaning that all places would be allocated based on other factors. Carl O'Brien, 'Bruton plans removal of 'baptism barrier' in schools' *The Irish Times*, 16 January 2017.

88 Minister for Education and Skills, Richard Bruton TD, Seanad Debates: Commencement Matters, 12 October 2017.

89 Joint Oireachtas Committee on Education and Skills, *Report on scrutiny of the Education (Admission to Schools) Bill 2016* (Houses of the Oireachtas 2017) 15.

90 Minister for Education and Skills, Richard Bruton TD, Seanad Debates: Commencement Matters, 12 October 2017.

91 *ibid.*

Religious Diversity in Schools

Immediate Actions for 2018



RE-STATE THE PLAN FOR THE TRANSFER OF EXISTING SCHOOLS FROM RELIGIOUS PATRONAGE TO ENSURE THAT DECISIONS ARE MADE IN THE BEST INTERESTS OF CHILDREN.

Proposals to provide for the transfer of existing schools from religious patronage to other patrons should be based on the rights and needs of children rather than those of patrons. The decision-making process on patronage should be transparent, independent and fair. Children and young people should be consulted.

PUBLISH A PLAN TO INCREASE THE NUMBER OF MULTI- AND NON-DENOMINATIONAL SCHOOLS TO 400 BY 2030.

A clear plan involving all patrons and setting out the phases of development, with timelines and a monitoring structure, is required to provide greater clarity on how the target is to be achieved. Ensure that non-denominational schools are an explicit part of the plan. It should also identify how many of the schools are to be primary and post-primary.

URGENTLY AMEND THE EQUAL STATUS ACTS 2000–2015 AND THE EDUCATION (ADMISSION TO SCHOOLS) BILL 2016 IN ADVANCE OF ENACTMENT TO ENSURE THAT NO CHILD FACES DISCRIMINATION ON THE BASIS OF RELIGION WHEN ACCESSING PUBLICLY FUNDED EDUCATION.

The exemption provision in s 7(3)(c) of the Equal Status Acts allows schools of a particular religious ethos to give preference to students of that religious denomination, or to refuse admission to students of other or no religion in order to preserve the school's ethos. The legislation should be amended to ensure that no child faces discrimination on the basis of religion when accessing publicly funded education. Likewise, section 7 of the proposed Education (Admission to Schools) Bill 2016 should be amended to remove this protection.

1.3

Disability and Additional Needs in Education

GOVERNMENT COMMITMENT

A Programme for a Partnership Government commits to:

- > Examine the adequacy of current special education access and funding provision.



Progress: Complete

- > Consult with stakeholders with regard to how best to progress sections of the Education of Persons with Special Educational Needs Act 2004 that were introduced on a non-statutory basis



Progress: Limited

- > Introduce a new in-school speech and language service at primary level and to support children in early years.



Progress: Some

'Disability and Additional Needs in Education' receives 'B-' in Report Card 2018, an improvement on the 'C+' grade awarded last year. This grade reflects the implementation of a new resource allocation model and the increase in the number of Special Needs Assistants.

Every child has a right to education regardless of their needs or ability.⁹² The aim of this right is to 'empower the child by developing his or her skills, learning and other capabilities, human dignity, self-esteem and

self-confidence'.⁹³ The right extends beyond formal school to embrace a wide range of life experiences and learning processes to enable children 'to develop their personalities, talents and abilities and to live a full and satisfying life within society'.⁹⁴ States must ensure, as a priority, that children with disabilities 'have equal opportunities to participate fully in education and community life, including by the removal of barriers that impede the realisation of their rights'.⁹⁵ Children with special educational needs have a right to individualised support and reasonable accommodations to ensure

92 UNCRRC 'General Comment No. 9 on the rights of children with disabilities' (2006) UN Doc CRC/C/GC/9 para 62. All children in Ireland up to the age of 18 have the right to primary education under Article 42 of the Irish Constitution.

93 UNCRRC 'General Comment No. 1 on the Aims of Education Article 29(1)' (2001) UN Doc CRC/GC/2001/1 para 2.

94 *ibid.*

95 UNCRRC 'General Comment No. 7: Implementing child rights in early childhood' (2006) UN Doc CRC/C/G/GC/7/ Rev.1 para 36(d).

that they can be reasonably accommodated in the general education system.⁹⁶ In addition to rights in education, children with education needs and disabilities have, like other children, the basic right to development and the State must ensure that every child's right is vindicated to the maximum extent possible, regardless of their ability.⁹⁷

In 2016, the UN Committee on the Rights of the Child recommended that Ireland 'adopt a rights based approach to disability'.⁹⁸ Furthermore, the Committee recommended that Ireland 'establish a comprehensive strategy for the inclusion of children with disabilities in mainstream education and the encouragement of their autonomy' and 'train and employ a sufficient number of specialised teachers and professionals in order to provide special needs education support'.⁹⁹

Access and Funding Provision for Special Education:

A Programme for a Partnership Government commits to examine the adequacy of current special education needs access and funding provision. The majority of students with special educational needs attend mainstream schools with additional supports.¹⁰⁰ The National Council for Special Education (NCSE) has found that the number of students receiving low-incidence supports (for physical disabilities, hearing impairments and autism) in mainstream schools increased from 30,000 in 2011 to 43,600 in 2016.¹⁰¹ In 2017, the Department of Education and Skills' budget for special education was €1.68 billion, which represents 19 per cent of the gross budget for

education and training, and an approximate 10 per cent increase in spending provision since 2016.¹⁰²

In 2013, the NCSE recommended the development of a new resource allocation model based on the profiled need of each school, without the need for a diagnosis of disability.¹⁰³ In 2016, the Department of Education and Skills successfully piloted the new model in 47 schools;¹⁰⁴ following a review of the pilot by the Department's Inspectorate,¹⁰⁵ the new model was introduced across primary and post primary schools in September 2017.¹⁰⁶

The new model is welcome as it marks a shift away from the diagnostic or medical approach used previously for the provision of supports.¹⁰⁷ The old model was problematic for a number of reasons.¹⁰⁸ First, it meant that families who could not afford to get a private diagnosis immediately, had to wait for the necessary professional assessment and thus experienced delays in accessing supports. It also meant that there was a risk that children were being diagnosed for the purposes of resource allocation and being labelled with a disability just to receive extra teaching support. Children were receiving the same level of support despite a spectrum of ability and disability and there was no systematic assessment of outcomes for students to whom resources were allocated.¹⁰⁹

Under the new model, Special Needs Teachers are allocated to schools based on the profiled needs of each school rather than assigned to individual

96 UN Convention on the Rights of Persons with Disabilities A/RES/61/106 (3 May 2008) Art 24.

97 Convention on the Rights of the Child (20 November 1989) 1577 UNTS 3 (UNCRC) Art 6.

98 UNCRC 'Concluding observations on the combined third and fourth periodic reports of Ireland' 29 January 2016 UN Doc CRC/C/IRL/CO/3-4, para 48.

99 *ibid*, para 47.

100 Department of Education and Skills, *Review of the Pilot of a New Model for Allocating Teaching Resources to Mainstream Schools to Support Pupils with Special Educational Needs* (Department of Education and Skills 2016) 1.

101 Communication received by the Children's Rights Alliance from the Department of Education and Skills, 6 December 2017.

102 *ibid*.

103 Department of Education and Skills, *Review of the Pilot of a New Model for Allocating Teaching Resources to Mainstream Schools to Support Pupils with Special Educational Needs* (Department of Education and Skills 2016) 3.

104 Minister for Education and Skills, Richard Bruton TD, Dáil Debates, Special Educational Needs Data, 29 November 2016 [37321/16].

105 Department of Education and Skills, 'Better outcomes for children with special educational needs is the key goal of the new model – Minister Bruton' (DES 2017) <<https://www.education.ie/en/Press-Events/Press-Releases/2017-Press-Releases/PR2017-01-18.html>> accessed 25 October 2017.

106 *ibid*.

107 Department of Education and Skills, *Review of the Pilot of a New Model for Allocating Teaching Resources to Mainstream Schools to Support Pupils with Special Educational Needs* (Department of Education and Skills 2016) 2.

108 *ibid* 3–4.

109 *ibid*.

children.¹¹⁰ Learning Support and Resource Teaching posts have been merged into a single Special Education Teacher post.¹¹¹ A school can appeal to the NCSE if it considers that incorrect data, or incorrect estimates, were used to calculate its Special Needs Teaching support.¹¹² Schools may also ask the NCSE to review their allocation or how it is utilised in circumstances where they consider that exceptional circumstances have arisen in the school subsequent to the allocation being assigned.¹¹³ Under the new model, schools are allocated resources reflective of their profiled needs but if a parent is unhappy with their child's support allocation they have no way to seek a review or appeal the decision. While the new model encourages dialogue between parents and schools, there is the potential for tension if they disagree.

The new model is expected to 'provide a greater level of autonomy for schools' in how they manage additional teaching supports.¹¹⁴ It should result in a better use of resources and better outcomes for children and young people. To support the efficient roll-out of the new model, parents should be provided with comprehensive and clear information so they are aware of their rights and entitlements. Schools should be supported to engage with parents to ensure that all children receive the supports they need.

In September 2017, an additional 975 SNA posts were introduced bringing the total number of SNAs to 13,990,¹¹⁵ an increase of over 32 per cent since 2011.¹¹⁶ There are 13,400 Special Education Teachers in mainstream schools, a 37 per cent increase since 2011.¹¹⁷ Budget 2018 provided for the recruitment of an additional 1,091 SNAs, 200 new teachers in special education classes and special schools, and 100 new Special Education Teachers from September 2018.¹¹⁸ The NCSE has previously highlighted that some

schools erect overt and/or 'soft' barriers to prevent or discourage enrolment of children with special educational needs, by suggesting to parents that a different school is more suitable or has more resources for supporting students with additional needs.¹¹⁹

The NCSE is currently undertaking a comprehensive assessment of the SNA Scheme.¹²⁰ It has established a Working Group to assist in developing a better model of care for children with special educational needs who also have additional care needs.¹²¹ The Working Group and comprehensive assessment reports are due to be completed in spring 2018.¹²²



IN SCHOOLS SINCE 2011

110 Department of Education and Skills, 'Better outcomes for children with special educational needs is the key goal of the new model – Minister Bruton' (18 January 2017) <<http://bit.ly/2AVfRLN>> accessed 25 October 2017.

111 Department of Education and Skills, *DES Circular 0013/2017 for primary schools* (DES 2017) 2.

112 Communication received by the Children's Rights Alliance from the Department of Education and Skills, 6 December 2017.

113 *ibid.*

114 Department of Education and Skills, *DES Circular 0013/2017 for primary schools* (DES 2017) 2.

115 Minister for Education and Skills, Richard Bruton TD, Dáil Debates, Special Educational Needs Staff Data, 28 September 2017 [41198/17].

116 Communication received by the Children's Rights Alliance from the Department of Education and Skills, 6 December 2017.

117 *ibid.*

118 Department of Education and Skills, 'Over 2,000 new Teachers and SNAs in largest ever Education Budget' (10 October 2017) <<http://bit.ly/2j70tQR>> accessed 24 October 2017.

119 National Council for Special Education, *Supporting Children with Special Educational Needs in Schools*. NCSE Policy Advice Paper No. 4 (NCSE 2013) 90.

120 Minister for Education and Skills, Richard Bruton TD, Dáil Debates, Special Educational Needs Staff Data, 28 September 2017 [41198/17].

121 *ibid.*

122 *ibid.*

Consultation on the Education for Persons with Special Educational Needs Act 2004: *A Programme for a Partnership Government* commits to stakeholder consultation on the progression of the Education for Persons with Special Educational Needs (EPSEN) Act 2004. The 2004 Act, the key statute providing for the education of children with special needs,¹²³ provides for 'inclusive education', in line with the UN Convention on the Rights of Persons with Disabilities (CRPD)¹²⁴ and the Salamanca Statement on Principles, Policy and Practice in Special Needs Education.¹²⁵ However, despite its enactment more than 13 years ago, key provisions of the EPSEN Act 2004 remain unimplemented and the full education rights of children with disabilities and special educational needs remain unfulfilled. Furthermore, Ireland remains the only European Union Member State that has not yet ratified the CRPD.

In 2008, due to budgetary constraints, the Government deferred implementation of the Act.¹²⁶ In light of the significant increase in the 2018 special education budget to €1.68 billion,¹²⁷ detailed costings to implement the EPSEN Act should be calculated and published. Implementation of the EPSEN Act would bring transparency and clarity as to how the system operates.

The Government's commitment to consult on the EPSEN Act does not go far enough and falls short of the *Better Outcomes, Brighter Futures: The National Policy*

Framework for Children and Young People 2014–2020 commitment to 'prepare and implement a plan, guided by the National Council for Special Education (NCSE) policy advice, on how aspects of EPSEN Act can be implemented'.¹²⁸ Without full commencement of the Act, measures progressed on a non-statutory footing run the risk of being removed at any time by a change in policy and children will have no right to redress.

While some sections of the 2004 Act have been commenced,¹²⁹ other provisions have been introduced on a non-statutory, or policy, basis.¹³⁰ The provisions in regard to statutory entitlement to an educational assessment, individual educational plan and delivery of services on foot of the plan, remain unimplemented.¹³¹ The NCSE has indicated that this is due to 'current economic circumstances'.¹³² An individual educational plan is a written document which specifies the learning goals that are to be achieved by the student over a set period of time and outlines the supports that should be put in place.¹³³ While it is estimated that 90 per cent of children with special educational needs receive an individual educational plan,¹³⁴ all children who require one should be able to access it. Where individual plans currently exist they are not automatically provided to parents and any consultation on implementation of the EPSEN Act should consider how these can be automatically provided to parents. Although the Act provides for the establishment of a Special

123 Education for Persons with Special Educational Needs Act 2004, s 2. This section, which has been commenced, provides that 'a child with special educational needs shall be educated in an inclusive environment with children who do not have such needs unless the nature or degree of those needs of the child is such that to do so would be inconsistent with— (a) the best interests of the child as determined in accordance with any assessment carried out under this Act, or (b) the effective provision of education for children with whom the child is to be educated'.

124 UN Convention on the Rights of Persons with Disabilities A/RES/61/106 (3 May 2008) Art 24.

125 World Conference on Special Needs Education Access and Quality, *The Salamanca Statement and Framework for Action on Special Educational Needs* (UNESCO 1994). The UN Committee on the Rights of the Child has stated that inclusive education should be the goal of educating children with disabilities. The manner and form of inclusion must be dictated by the individual educational needs of the child, since the education of some children with disabilities requires a kind of support which may not be readily available in the regular school system. UNCRC 'General Comment No. 9 on the rights of children with disabilities' (2006) UN Doc CRC/C/GC/9, para 66.

126 Communication received from the Department of Education and Skills further to a bilateral of the Community and Voluntary Pillar of social partnership on 4 November 2015.

127 *ibid.*

128 Department of Children and Youth Affairs, *Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014–2020* (DCYA 2014) commitment 2.21.

129 The following sections of the EPSEN Act have been implemented: s 1 (definitions), 2 (education in mainstream school), 14 (duty of schools), 19–37 (establishment of National Council for Special Education and its functions), 39 (duty of Health Service Executive), 40–53 (transfer from the former body to the NCSE), and Schedules 1 (membership and meeting of Council) and 2 (Chief Executive Officer).

130 A number of sections of the EPSEN Act have been progressed on a non-statutory basis. The Department of Education and Skills has introduced measures to provide for educational plans to be prepared for all students accessing Special Needs Assistant (SNA) support. Minister for Education and Skills, Richard Bruton TD, Dáil Debates, Special Educational Needs Services Provision, 19 October 2016 [31092/16].

131 Minister for Education and Skills, Richard Bruton TD, Dáil Debates, Special Educational Needs Services Provision, 19 October 2016 [31092/16].

132 National Council for Special Education, 'About Us' <<http://ncse.ie/about-us>> accessed 18 December 2017.

133 Education for Persons with Special Educational Needs Act 2004, s 9.

134 Special Needs Parents Association, 'Individual Educational Plans' <<http://bit.ly/2k2jaWP>> accessed 15 November 2017.

Education Appeals Board, and specifies that decisions on assessments and plans can be appealed, it is not operational and no independent appeals mechanism exists for parents.¹³⁵ While schools can appeal a decision under the new resource allocation model, parents do not have the same right. Commencing the relevant provisions of the EPSEN Act would provide for a statutory, independent appeals mechanism where parents would not be reliant on schools or have to resort to the court to appeal decisions made in relation to support for their child.

The commitment to consult on the EPSEN Act was reiterated in the National Action Plan for Education, published in September 2016.¹³⁶ The Department consulted with education partners and stakeholders on the development of the new allocation model for special education teachers introduced in September 2017 with further consultations planned as part of the comprehensive review of the SNA scheme.¹³⁷ However, outside of the special education teachers and SNA reforms, it is not clear what further consultations will take place on how best to progress other sections of the EPSEN Act introduced on a non-statutory basis.

In-school speech and language service: *A Programme for a Partnership Government 2016* commits to introduce a new in-school speech and language service at primary level and to support children in their early years. Speech and language services are currently provided by the Health Service Executive (HSE). Approximately six per cent of children in Ireland between the ages of two and five years 'experience difficulties with language development'.¹³⁸ In June 2017, 314 children were waiting over 12 months for an initial speech and language assessment and required a multi-disciplinary team assessment.¹³⁹ Variations in waiting lists and HSE responses across the country have been reported and

In 2017, the HSE engaged in a review of current speech and language therapy provision based on international best practice to inform the development of a new delivery model.

some parents have to pay privately for diagnosis and treatment because poor public access means that early intervention may not take place.¹⁴⁰

Internationally, children with speech and language difficulties are the largest single group of all children with additional needs.¹⁴¹ These difficulties are among the most common neuro-developmental disorders of childhood,¹⁴² although the prevalence in Ireland is unclear.¹⁴³ Typically, these difficulties first become apparent in a child's preschool years.¹⁴⁴ Where they can be resolved by the age of five, a child is unlikely to experience long-term effects, whereas the later the intervention, the more likely the child is to experience long-term academic and/or social difficulties.¹⁴⁵ Therefore, the introduction and location of in-school speech and language services in early years and at primary level is particularly important.¹⁴⁶

In 2017, the HSE engaged in a review of current speech and language therapy provision based on international best practice to inform the development of a new delivery model. A joint Working Group comprising the HSE, the NCSE, the Department of Health and the Department of Education and Skills has been established to develop the new model. Budget 2018 allocated €2 million¹⁴⁷ to develop and rollout a pilot scheme in 2018.¹⁴⁸

135 Education for Persons with Special Educational Needs Act 2004, s 6, s 12 and s 36.

136 Department of Education and Skills, *Action Plan for Education 2016–2019* (DES 2016) Action 50.

137 Communication received by the Children's Rights Alliance from the Department of Education and Skills, 17 January 2017.

138 Mary Rafferty, 'A brief review of approaches to oral language development to inform the Area Based Childhood Programme' (Centre for Effective Services 2014) 4.

139 Health Service Executive, *Health Service Performance Profile – April to June 2017 Quarterly Report* (HSE 2017) 16.

140 Kitty Holland, 'Over 15,000 people waiting for speech assessment' *The Irish Times*, 3 May 2016.

141 Dublin South-West Inner City NEYAI Consortium, *Preschoolers Get Talking and Communicating* (Dublin South-West Inner City NEYAI Consortium 2013).

142 Noirin Hayes et al, *Evaluation of the Early Years Programme of the Childhood Development Initiative* (Childhood Development Initiative 2013) 7.

143 *ibid.*

144 Dublin South-West Inner City NEYAI Consortium, *Preschoolers Get Talking and Communicating* (Dublin South-West Inner City NEYAI Consortium 2013).

145 Noirin Hayes et al, *Evaluation of the Early Years Programme of the Childhood Development Initiative* (Childhood Development Initiative 2013) 7.

146 Child Development Initiative, 'Chit Chat: Early Intervention Speech and Language Therapy Model and linkages to the Education Sector' (CDI 2016) <<http://bit.ly/2k1HrMM>> accessed 13 February 2017.

147 Minister for Finance and Public Expenditure and Reform, Paschal Donoghue TD, Budget Statement 2018, 10 October 2017.

148 Minister of State for Disabilities, Finian McGrath TD, Dáil Debates, Speech and Language Therapy Provision, 10 October 2017 [42832/17].

Disability and Additional Needs in Education

Immediate Actions for 2018



PROVIDE CLARITY AND INFORMATION TO SUPPORT THE ROLL-OUT OF THE NEW RESOURCE ALLOCATION MODEL.

The continued roll-out of the new model should be supported by ensuring parents are given clear and comprehensive information and schools are supported to engage with parents to ensure that all children receive the supports they need.

DEVELOP AND PUBLISH DETAILED COSTINGS FOR IMPLEMENTING THE EPSEN ACT IN FULL WITH A VIEW TO COMMENCING ALL OF THE PROVISIONS IN 2018.

The rights of children with special educational needs should be placed on a statutory footing by implementing the EPSEN Act 2004.

IMPLEMENT THE PILOT OF THE IN-SCHOOL SPEECH AND LANGUAGE SERVICE WITH A VIEW TO NATIONWIDE ROLL-OUT.

Continue the development of the new model informed by outcomes from the pilot scheme provided for in the 2018 Budget.