

**Consultation for the Forum on Patronage and Pluralism in the Primary Sector**

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Personal [ ] On behalf of an organisation [x]

## **Submission to the Forum on Patronage and Pluralism in the Primary Sector**

**June 2011**

The National Council for Special Education welcomes the establishment of the Forum on Patronage and Pluralism in the Primary Sector by the Minister of Education and Skills and the appointment of the Independent Advisory Group to oversee the process. The Council notes that in launching the Forum, the Minister recognised that the wishes of parents to have the special educational needs of their children met within a mainstream classroom must be addressed in any change of patronage or school reconfiguration. In addition, it is noted that specific comments were invited in relation to enrolment issues under theme two, 'managing the transfer/divesting of patronage'.

The Council's submission includes a focus on the need for Patrons to act as leaders in driving the pre-disposition towards inclusion as set out in Section 2 of the Education for Persons with Special Educational Needs (EPSEN) Act (Gov of Ireland, 2004). The submission also highlights certain patronage-related aspects of recent policy advice submitted by the Council to the Minister for Education and Skills on the future role of special schools and special classes. Finally, Council wishes to emphasise that special schools are designated as primary schools and are part of the primary sector. Any decisions taken by the Forum regarding patronage and pluralism need to be proofed in the context of their applicability to the Patrons of special schools, as well as the Patrons of all other schools which enrol pupils with special educational needs.

### **1. Inclusive Education**

The EPSEN Act (Gov. of Ireland, 2004) was enacted to make further provision for the education of people with special educational needs. Section 2 of the Act states 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.'*

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Council is aware, both anecdotally and through the direct experience of Special Educational Needs Organisers (SENOs) that at times, certain schools have sought to place conditions on the basis on which they will enrol a child with special educational needs. For example, a school may advise parents that it is willing to enrol their child but only on the basis that a specific quantum of additional teaching and/or care support, such as a full-time Special Needs Assistant (SNA), is sanctioned. The Council is of the view that the conditions for recognition, as a Patron of either a mainstream or special school, must include an agreement that the Patron's school(s) will enrol pupils with special educational needs from their community on the basis that all schools are resourced in line with the prevailing Ministerial policy.

Under section 15 (d) of the Education Act 1998, Boards of Management are required to:

***'publish, in such manner as the board with the agreement of the patron considers appropriate, the policy of the school concerning admission to and participation in the school, including the policy of the school relating to the expulsion and suspension of students and admission to and participation by students with disabilities or who have other special educational needs, and ensure that as regards that policy principles of equality and the right of parents to send their children to a school of the parents' choice are respected .....***

As enrolment of pupils is currently a matter for each individual board of management, Patrons of schools should be required to ensure that Boards of Management of their schools comply with the above section, both in terms of policy and practice. Patrons should ensure that the language used in admissions policies serves to welcome and include children with special educational needs rather than to exclude them. In addition, Patrons should direct school management boards and staffs to put in place school policies and provisions that are designed to ensure that all pupils, including pupils with special educational needs, participate in and benefit from attendance at the school. School management should be directed to ensure that the resources available in the school are deployed in accordance with best practice and official circulars and guidance documents from the Department of Education and Skills and its agencies. Admission policies should clarify how the school's assessment and participation practices are designed to bring about the inclusion of all pupils and to address their academic, social and emotional needs.

Patrons should also commit to ensuring unequivocally that no "soft barriers" to enrolment are put in place by any of their schools. An example of a "soft barrier" is where schools advise parents to enrol their children with special educational needs in certain other schools on the grounds that these schools would suit their children better because they are 'better resourced' or have a 'less academic focus' or because their teachers have 'more experience in catering for the needs of children with special educational needs'. The State must take steps to avoid a situation where, in

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an altered patronage system, certain primary schools are perceived to be more desirable than other schools and as a consequence a two tiered system of primary education is created within which some schools become elitist. The ethos of primary schools should promote a culture of inclusion and they should be supported by resourcing models which facilitate such inclusion.

The Council particularly welcomes the emphasis in the Minister's speech on the importance of ensuring that schools of different patronage types remain inclusive and reflect the communities in which they are situated. The Council supports recommendations contained in the recently published Report of the Commission on School Accommodation: Revised Criteria and Procedures for Establishment of New Primary Schools (DES, 2011). This report recommends that the following conditions, among others, should be met by prospective Patrons in making applications for recognition:

- Confirmation that the prospective patron is willing to accept and open special education facilities
- Confirmation of willingness to enrol children for whom the Department has identified the need for a school
- Confirmation of willingness to be part of a campus development with other primary or post-primary schools as identified by the Department

## **2. Patronage of Special Schools**

Council recognises that there are children with complex special educational needs of such nature and degree that it would not be in their best interests to be educated alongside their peers in mainstream settings. Council also recognises that there are children whose inclusion in a mainstream class would, despite the provision of additional supports, be inconsistent with the effective provision of education for children with whom the child is to be educated. Council therefore is of the view that special schools should continue to form one element of a planned response within an overall continuum of provision catering for the needs of children with special educational needs.

Special schools in Ireland are designated as primary schools catering for a particular category of disability and operate under the Rules for National Schools (Dept. of Education, 1965). Currently there are 105 recognised special schools for children and young people with disabilities, with a further thirteen schools with temporary recognition as special schools. These special schools operate under the aegis of a number of different Patrons, including a range of voluntary bodies. In relation to the patronage of special schools, Council notes that the Report of the Commission on School Accommodation (DES, 2011) envisages that the patron selection procedures for primary schools outlined in their report should apply in the case of special schools as they are

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recognised on the same basis as other primary schools and are bound by the same rules and regulations.

In recent advice to the Minister for Education and Skills on the future role of special schools and special classes, Council has proposed that special schools should, within their local communities, expand their remit to meet the needs of all those pupils who have complex special educational needs and who require a special school placement. The Council is aware that recent Irish research clearly demonstrates that many special schools have already moved in this direction and are currently enrolling children with a wider range of special educational needs than those categories specified according to their original designations.

Over time Council believes that such an expansion in remit will ensure that most children with complex special educational needs, who require a special school setting, will be able to attend the special school that is closest to where he/she lives, regardless of the diagnosed category of disability. However, Council recognises that such an expansion of remit may prove challenging for those Patrons of special schools that have a focus on a specific disability and whose special schools only cater for children with that specific disability.

### **Implications of above recommendations for the patronage of special schools**

A key differentiation for many special schools is the availability of multi-disciplinary teams provided through the Patron Body or through the Health Service Executive. Many of the existing special schools were established under the patronage of voluntary organisations which had, or have, a focus on particular disabilities. Hence the schools were set up to serve children with a particular disability and support services were provided by the voluntary organisation's 'health' staff to support this cohort of children. The Council acknowledges the significant contribution made by voluntary bodies to the development of special schools both historically and at the present time.

Children in special schools often need a high level of support, requiring physiotherapy, speech and language therapy, medical and nursing support and so on. There are two main routes through which multi-disciplinary support, funded by the HSE, is delivered to pupils in special schools. It is either provided directly from the HSE through community services or through an intermediate service provider which most often is the school's patron body. Gaining access to this multi-disciplinary support can be a major issue for parents of children with special educational needs in special schools and special classes, for example:

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- Health funded support services are available to children within certain categories of disability but not to others.
  - Pupils may attend their nearest special school but, because they live outside the catchment area of the school Patron's health funded services, they may not have access to the multi-disciplinary support. This may have an effect on a school's enrolment practice where the school only approves the enrolment of children for whom they know that health supports are available in the school.

Council considers that it is a fundamental principle that any child who attends a special school should have access to the services provided in that school, irrespective of where the child lives or their category of disability. Council believes therefore that the enrolment policy of a special school should not be determined or influenced by the provision of health services or the disability focus of the Patron. A school should not refuse enrolment on the basis that a child isn't attached to a particular service. Neither should a special school accept a child for enrolment but then not allow the child to access services provided to the school. Furthermore, appropriate health and education supports should be available to children with special educational needs regardless of the setting in which they are being educated. Council believes that these principles are in accord with the report of the HSE Reference Group on Multidisciplinary Disability Services for Children aged 5-18 (HSE, 2010) which recommends that health service interventions should be based in the school whenever appropriate to meet the child's needs (Section 3.6.2)

Council recognises that there are challenging cross-sectoral issues to be addressed. However, Council considers that Patrons should ensure that pupils, who could be appropriately placed for educational reasons in a special school, should not be excluded from attending the special school because they do not live in the area supported by the provider of therapeutic supports to the school. Council considers that Patrons should ensure that all pupils in their special schools have equal access to available multi-disciplinary supports.

Council recommends that any review of the patronage of special schools should address all of the above matters.

### **3. Shared Campus Arrangements**

In the spirit of the EPSEN Act, 2004, Council believes that in the future, where educational provision for children with complex special educational needs cannot be made within mainstream classes, provision should be made locally in so far as is possible, either in special classes in mainstream schools or in special schools that are situated on the same campus as mainstream

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schools, in order to maximize opportunities for inclusion. It seems appropriate therefore that any new special schools planned in the future should be located on the campus of a mainstream school rather than in a separate location.

Policy on the establishment of special schools and special classes will need to continue to take into account the uneven population distribution across the country. In some areas there will be an insufficient number of children with complex and severe needs to warrant the provision of a separate special school. Council proposes that suitable and equitable provision can be made for children with special educational needs in these areas within the context of a mainstream school or within a special class/unit attached to a mainstream school which takes into account the distance that children will have to travel to school.

The proposal to locate educational provision for children with complex special educational needs on the campus of mainstream schools means that children with, and without, special educational needs will be educated together on the same campus. This should provide increased opportunities for children with special educational needs to be included in activities with their peers. It also may afford an opportunity for mainstream children to learn about and understand children with special educational needs. Such planning would also address the concerns of parents who, throughout the consultation process conducted in preparation of the NCSE policy advice, expressed serious reservations about the distances that some children with complex needs had to travel to schools.

Council recommends that in the future, educational provision for children with special educational needs should generally be provided on the same site as mainstream schools, where this is seen to be consistent with their best interests and the effective provision of education to the children with whom they are to be educated. This facilitates flexibility and interaction in terms of the continuum of provision, opportunities for inclusion and enables pupils' movement and progression between the different types of provision. Council is aware that the plans for many new school buildings include special education provision. However, Council considers that the Minister's school building programme should also plan for the inclusion of potential special school provision in any proposal for a new school or major extension to an existing school. Consideration should also be given to the inclusion of special schools in a single management structure for new schools and any consequent implications arising for patronage examined. The National Council for Special Education is available to assist in this process.

The Report of the Commission on School Accommodation (DES, 2011) outlined the advantages of shared campus arrangements and considered that guidelines should be developed by the

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DES in consultation with stakeholders. Issues to be addressed in such guidelines include the protection of individual school ethos/spirit, sharing of facilities and the management of campus arrangements.

Council is of the view that the adoption of a policy position by the Department of Education and Skills on the future location of special schools on the same sites as mainstream schools will open the need for discussion with the Patrons of existing special schools in relation to the future management and patronage of these schools. The possibility of linking or integrating the management of special schools as part of a single school management structure can then be given consideration. Council is of the opinion that from now on, the Patronage and management arrangements for any new special schools built on the campus of a mainstream school should be closely linked or integrated into the management structure of that mainstream school.

Council is aware that it will take some time to realise this vision. Council welcomes the opportunity afforded by the Forum to focus on patronage matters as they relate to special schools and would be willing to engage in further discussion in the future.

**Exemplars of Best Practice to Accommodate Inclusivity:**

The Council wishes to respond to the invitation to include exemplars of best practice to accommodate inclusivity and has selected a partnership between a mainstream primary school, Scoil na Naomh Uilig Primary School, Newbridge and the local voluntary body, KARE.

Scoil na Naomh Uilig was established in September 2007. At that time the school set up a special class for children with severe and profound general learning disabilities, in partnership with the local voluntary body, KARE and with the support and approval of the Department of Education and Skills. KARE undertook to provide clinical and nursing support to the children and parents were given an assurance that their children's needs would be met to the same extent as if they were attending the local special school. The Patrons of both the local special school and the mainstream primary school were leaders of this development and were fully supportive of the partnership from the outset. The mainstream school's Parents Association was also very supportive of inclusion and agreed that children with special needs should be able to attend their local primary school with appropriate levels of supports.

A group was established to develop and monitor the inclusion process with representation from the staff of the mainstream school, KARE and the principal of the local special school. A special class for children with autistic spectrum disorder (ASD) was established in September 2008.

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Beechpark Services followed in Jan 2009 to provide support for children with mild general learning disability and autism. A second ASD class was opened in 2010/2011. There are six children enrolled in each of the three special classes.

The school enrolled two children with moderate general learning disability (GLD) in the mainstream junior infants class in the 2009/2010 school year, with a third child with moderate GLD enrolled in mainstream junior infants in the 2010/2011 school year. The National Council for Special Education (NCSE) sanctioned resource teaching and SNA support to these children, with clinical support provided by KARE. Beechpark Services provide support to six children in the school with Autism and mild GLD, with KARE providing support to thirteen children overall in the school. Clinical supports are also provided by Enable Ireland and the HSE schools' team.

Special class teachers completed an Induction Course for children with moderate to severe/profound special educational needs in St. Patrick's College, Drumcondra, Dublin. Training was also provided by the Special Educational Support Service (SESS) in relation to TEACCH, PECS, ABA, Social Stories and writing IEPs. Two teachers have completed a postgraduate diploma in teaching children with special educational needs. Relevant staff members receive additional discrete tuition in Lámh and one teacher is undergoing tutor training in Lámh. Special class teachers provide information sessions for all school staff explaining the holistic, multi-sensorial approach and outlining daily timetables and programmes of work with particular reference to the curriculum.

Two multi-sensory rooms, equipped in January 2011, were fully funded by the Board of Management. These rooms are used as a base for reverse inclusion. They can also be used by children in the mainstream school, as required, for behavioural management programmes.

The children from the special classes join the age equivalent mainstream classes for morning activities, music, art and SPHE, with the inclusion of each child adjusted according to individual need. The mainstream children are also taught about how to engage with or respond to children from the special class. Questions posed about the children's disabilities are answered as honestly as possible. Reverse inclusion is also in place and involves children from the mainstream class joining children in the special class for activities such as cooking. A whole school assembly is held every week. Children from the special classes are included, where feasible, with the full school population in the main yard for breaks. A Buddy system for yard time has been established in the school, with children from 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> classes helping with children on a rota basis. Children are given responsibility for assisting children from the special classes to walk to the yard, aiding those with mobility difficulties and enabling play in the

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playground. This Buddy system enables all children with special educational needs to be on the playground at yard times.

The school's aims and objectives include the following statements in relation to inclusion:

- All pupils will be valued equally
- Educational inclusion is about equal learning opportunities for all pupils whatever their impairment, ethnicity or social background
- School and classroom practices will not transcend the individual needs of pupils
- Every effort will be made to provide full access to the curriculum for all pupils through differentiated planning by class teachers and other support staff
- The school allows disabled children access to all areas of the school and is committed to ensuring that this universal access is developed to the fullest extent.
- Inclusion in curriculum subjects will be encouraged to the greatest extent possible even if such inclusion may be limited in extreme cases. The level of inclusion will be informed by the individual needs of the child.
- Teaching methods will be adapted to take account of the special needs of children. This differentiated approach may involve modifying learning objectives, teaching styles and the strategies that enable children to access learning. Account will be taken of sensory impairments, mobility impairments and other specific learning difficulties.

The Council would like to highlight the following positive features as being central to the successful inclusion of pupils with complex special educational needs in Scoil na Naomh Uilig:

1. Leadership shown by the Patron Bodies and school management in establishing and supporting inclusive principles and practices.
2. Commitment to inclusion evident throughout the school community and reflected in the school's formal statements of policy and practice
3. Partnership between the local Voluntary Body and the school in the delivery of health supports.
4. Engagement of the school staff in continuing professional development
5. Sharing of professional knowledge across the whole school staff
6. Work done with mainstream children to help them develop their understanding of special educational needs

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## References

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