

**NCSE Council Meeting 26<sup>th</sup> June, 2019**  
**113<sup>th</sup> Meeting of the Council**

**Trim Castle Hotel, Trim**

**Attendance:**

Council Members

Joe Hayes (Chairperson)  
Don Mahon (Deputy Chairperson)  
Anne Tansey  
Antoinette Nic Gearailt  
Áine Lynch (present items 7-15)  
Peter Archer  
Deirbhile Nic Craith  
Pat Goff  
Eileen Daly  
Dharragh Hunt  
Eamon Clavin (withdrew from meeting for part of item 11)  
Carol Cuffe

**Apologies:**

Clodagh Ní Mhaolchiaráin

**Also in Attendance:**

Teresa Griffin, Chief Executive  
Mary Byrne, PO  
Jennifer Doran, PO & Board Secretary  
Mary McGrath, PO  
Tadgh O'Leary, PO

**1. Reminder – Declaration of interests (standing governance item)**

The Chairperson reminded members about declaring interests, as per the Code of Conduct for Council members. There were no items to declare.

**2. Draft minutes of the meeting on 19<sup>th</sup> and 20<sup>th</sup> March and matters arising**

The draft minutes were approved. One item was raised under matters arising- an update was sought on progressing matters relating to the Disability Act. Council were informed that there have been more inter-departmental meetings on the matter but that no specific timeline has been set yet to clarify the roles and actions required for the Act.

**3. Chief Executive Report**

The report was circulated with the papers. There were a number of further updates added at the meeting:

- ***Information under this item/point relates to an ongoing legal matter and is thus not being published.***
- The NCSE has received sanction to recruit additional permanent administration staff to replace those in the education centres that have been providing support to the NCSE since the integration of services in 2017.
- The memo for Government to replace the temporary operational and practice management structure with a permanent arrangement is expected to go to Government next week for approval.
- The CEO and the Head of Operations met with TDs and Senators on 14<sup>th</sup> May to discuss our work and the issue of special classes was raised. Support was expressed at the

meeting to use the legislative powers to oblige schools to open special classes under the Admissions Act.

- In relation to communications and branding, central government has decided that all government departments and agencies will need to come under the Government of Ireland brand. There was concern about this given our independent status, particularly with regard to our policy advice work. The NCSE will need to consider the matter further.
- In relation to IT, the NSCE is upgrading our system and all technology will need to be upgraded as part of this. Members were asked to leave their equipment to progress this work and arrangements will be made to ensure any documentation will be sent securely until the equipment is returned.

Council noted the CEO report and agreed that updates on risks will be provided by the Chief Risk Officer under the ARC item of the agenda for future meetings.

**4. Report and discussion on school visits**

***Information under this item/point relates to an ongoing deliberative process and is thus not being published at this time.***

**5. Strategy and Policy Committee report**

There have been three S&P Committee meetings since the last Council meeting and the minutes of these were circulated with the papers.

A proposal for an outline of the progress report for the policy advice was circulated for Council views. A number of comments followed:

- The paper will include current statistics on provision and change over time. It was suggested to extend the time frame enabling the fact to be underlined that although the number of children in mainstream has increased, the number in special schools/class settings has not declined. It was also suggested to project forward when considering trends.
- The Inspectorate is currently undertaking an evaluation of SEN provision in schools. This includes 65 primary schools and 20 post-primary schools with special classes. Data will be drawn from these evaluations and provided to the NCSE by the end of August as an information source to inform the policy advice.
- The definition of inclusion needs to be considered, particularly in the context of the UN Convention.

Council approved the outline of the paper and were invited to provide further views in advance of the next meeting.

**6. Presentations on research and consultation to date and UNCRPD**

Presentations on the initial findings from the research and consultation to date were provided to members.

A summary of the issues arising out of Article 24 in the UN Convention on the Rights of Persons with a Disability was also provided by a Council member. Ireland is due to submit its first report to the UN in 2020. The UN Committee consider the report and make conclusions and recommendations. The Committee may conduct a review following this which will involve a country visit. While there are no legal obligations to implement UN Committee recommendations, there are reputational ramifications where the response is considered insufficient and not in keeping with the Convention.

The UN have been clear in stating that a separate and a mainstream system is not compatible with the UN Committee's view of inclusion. Parallel systems are not considered inclusive. However, the concept of progressive realisation acknowledges that significant change takes time to implement and the concept permits countries to signal their policy intent and how the system will change over time.

**7. Discussion on presentations and advice paper**

***Information under this item/point relates to an ongoing deliberative process and is thus not being published at this time.***

**8. Audit and Risk Committee report**

There were two meetings since the last Council meeting and the minutes of these were circulated with the papers; the main points from the meetings were highlighted by the Chair.

The Committee reviewed the terms of reference for the ARC and sought Council approval of the change as circulated.

Council approved the change to the terms of reference.

**9. Review of the Effectiveness of the System of Internal Control**

The process for the review of the effectiveness of the SIC was outlined. The paper containing NCSE controls and systems along with an assessment of its effectiveness as conducted by NCSE senior management was reviewed by the ARC and provided with the papers.

The ARC suggested the inclusion of an additional control relating to the management of seconded teachers who are not covered by the same civil service guidance as part of the new HR processes. Council agreed to this additional control.

Council noted their role in governance and commended the NCSE executive in the review process and controls and arrangements in place. Council noted that the good governance arrangements are in place.

**10. Operations update**

- An update was provided on a case that featured in one of the newspapers on the day of the meeting.
- Schools were notified of SNA allocations the end of May.
- It is expected that 150 special classes will open this year, which is a 10% increase on last year. Two-thirds are at primary and one third at post-primary level; most of the classes are for ASD.
- A new special school will be opening in September in the Dublin 15 area, where there is a shortage of special class/school places. This will cater for forty children and a package of support is being put together for the staff in the school.
- ***Information under this item/point relates to an ongoing operational process and is thus not being published at this time.***
- The therapy demonstration project is on-going and has been extended for another year. There are on-going staff management issues here with dual professional and management roles between the HSE and NCSE. The problem is being reviewed by the Working Group.
- The Working Group for the School Inclusion Model (SIM) has not yet been established and full sanction to recruit the new staff for SIM has not been received yet. The delay in progress creates challenges to commencing the project by September. Members

acknowledged the work of the NCSE to prepare for the SIM and the capacity challenges this presents without sanction for staff.

**11. Consultative Forum- appointment of proposed nominations**

The nominations and appointment process was outlined and the proposed appointments were circulated in advance. The S&P Committee reviewed all nominations received and put forward sixteen nominations for consideration.

Council approved these nominations and noted and approved the appointment of the NCSE staff member to the Forum.

Three other members are appointed directly by the Minister. As one of the proposed ministerial appointments is also a Council member, the member left the meeting while these appointments were discussed. It was noted that having the same person on both Council and the Forum is unusual and the matter was raised with the DES. The Minister's office is currently considering a possible replacement for this nomination to the Forum.

It was noted that the agreed procedure to replace any members that may retire or leave their post, would be a matter for the Council to decide rather than the original nominating body.

The previous Council proposed that the new Council consider appointing a Council member as Chair of the Forum to ensure a strong link between the two bodies. Council agreed this proposal and Don Mahon, Council deputy Chair, was appointed Chair to the Forum.

Action Point 2: JD to write to nominees re the outcome of the appointment process.

**12. Performance Delivery Agreement and Oversight Agreement**

The documents were circulated with the papers and members were reminded of the purpose and content of the agreements. These have been developed following extensive engagement with the DES.

The PDA and Oversight Agreement were agreed and approved by Council.

**13. Finance Committee report**

**13.1 2019 Budget and expenditure**

The finance report was circulated with the papers and the main points were highlighted by the Chair.

- It was noted that some of the 2019 budget is ring fenced for projects, such as the SIM and that some of this budget also includes the budget for external elements of the scheme such as NEPs and nursing services, so the DES have to clarify how these payments will be made or transferred back from the NCSE budget.
- The profile of expenditure to date appears low, though expenditure usually increases as the year progresses. The finance unit will meet with the section lines to do a detailed mid year review of expenditure to identify any potential savings and re-assign budgets for priority alternative spending.

Council noted the budget allocation and expenditure to date.

### **13.2 2018 Accounts**

In relation to the 2018 accounts, the C&AG have been delayed in their final review and approval of the accounts due to capacity issues. At this point, there are no significant material changes to the accounts- two of the main adjustments were outlined.

The value of services deemed non-compliant with procurement guidelines has increased from the figure in the draft accounts. The nature of these was outlined and Council noted the revision to be included in the revised Statement of Internal Control. It was noted that this is a disclosure requirement and does not change the accounts or require any adjustments.

As previously agreed by Council, the CEO and the Chair can approve and sign the accounts subject to no significant changes and this will be done subject to the final review of the C&AG and no significant changes.

The Council noted the status of the accounts, the revised procurement disclosure as per the Statement of Internal Control and the final approval and signature process for the accounts.

### **14. Research Committee report and draft RFT on SIM evaluation**

An initial meeting between the Chair and the executive took place on 10<sup>th</sup> April and a Research Committee meeting took place on 14<sup>th</sup> June- the minutes will be circulated when approved. The following items were discussed/reviewed at the meeting:

- The draft report on provision in other countries as per the presentation earlier was discussed and feedback provided to the executive.
- There was a discussion on the draft conference agenda and the options for the two slots that remain to be filled.
- An update on the other commissioned projects was provided.
- Topics for the Consultative Forum to consider were discussed and will be considered as part of a series of suggestions for the Consultative Forum.
- The Committee reviewed the draft RFT for the SIM evaluation and the suggested changes made at the meeting are included in the draft circulated with the papers. It was noted that the Working Group for the SIM are due to have their first meeting in the coming weeks and their feedback would be required on the RFT.

The draft RFT was approved. It was noted that a revised draft will be circulated to members following the WG review for approval. This will be done via email as the next Council meeting is not until September and the RFT will need to be advertised before this date.

Action Point 3: JD to forward revised RFT to Council for approval once reviewed by the Working Group.
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### **15. Update on expansion of services and regional teams**

The temporary interim structure remains in place. The sanction for permanent structure is pending as noted earlier.

We have outline approval to recruit the additional therapy and behavioural staff to populate two of our teams specifically for the SIM project. Once approval is provided for the job specs and grades, it is expected that advertising will commence in July.

Regarding our location, we are looking to integrate staff as much as possible as many of them are working from home or in single occupancy offices. It is intended to look to co-locate with

other agencies such as NEPs as much as possible. Council will be briefed at future meetings with regard to progress on our locations.

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**Joseph Hayes**  
**Chairperson**  
**11<sup>th</sup> September, 2019**

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**Teresa Griffin**  
**Chief Executive**  
**11<sup>th</sup> September, 2019**