

Special Needs Parents Association

Submission to the Joint Oireachtas Committee on Education

16th December 2010

Foreword

The Special Needs Parents Association (SNPA) is a national parent-run organisation, which provides support and information for families who have children with disabilities and special needs. The Association aims to represent parents who feel strongly about their children's access to the Irish education system as well as to society in general. This year, children with special needs and disabilities are having previously allocated services from the State withdrawn. The effect of this has been to make access to required educational facilities and services even more difficult to obtain.

Parents were also aware that no other Irish organisation exists representing the views of parents of children with disabilities and special needs. The voices of individual parents were not being heard due to the number of separate organisations lobbying in the disability arena. We also represent the many people without 'labels'. We strive for an inclusive educational system for Special Needs children with the protection of the welfare of the individual, while continuing to seek ways to develop and improve educational provision for children and adults with disabilities

Introduction

This submission on behalf of the members of SNPA recognises the fiscal constraints that the State has now got to operate under due to the current economic emergency.

SNPA recognises that the current proposals contained in the December 2010 budget arise from the Report of the Special Group on Public Service Numbers and Expenditure Programmes (hereinafter 'the Special Group'),¹ specifically relating to particular areas of education provision.

Whilst it is acknowledged that Ireland faces unprecedented economic constraints and concerns we do caution against the policy changes that are now due to be implemented as part of the reforms in the area of educational provision as a result of financial considerations in the recent budget.

SNPA are concerned that the measures relating to specific educational entitlements may actually threaten the constitutional rights of some of the most vulnerable individuals in Ireland, either directly or indirectly, with the resulting undesirable long term consequences for society, extending far beyond the timeline of the current economic readjustment.

We also feel that the NCSE has been negligent in the composition of its consultative forum which "Under Section 22 of the EPSEN Act the Council is required to establish a formal national Consultative Forum representative of all the stakeholders to consult directly on any matters related to carrying out its functions" Instead this forum is more representative of Governmental Social Partnership than of the stakeholders. This has led to processes that are not inclusive of parental

involvement and obstructions in the parental input regarding allocation of appropriate education for their children.

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Report of the Special Group on Public Service Numbers and Expenditure Programmes (Dublin 2009)

<http://www.finance.gov.ie/documents/pressreleases/2009/bl100vol1fin.pdf> - last accessed 11th

December 2010

The 2011 Budget

The Report of the Special Group in 2009 recommended, inter alia, that there is “scope to reduce the number of Special Needs Assistants (SNA’s) by up to 2,000”.

“The Group also recommends a slowdown in the planned recruitment of additional psychologists”.

Additionally, the Special Group recommended that the “costs relating to the School Transport Scheme should be recouped to a greater extent, with parents required to pay €500 a year for the service (i.e. about half the economic cost), at both primary and post primary level, subject to standard means-tested exemptions. In principle, the Group considers that the very high needs of special needs school transport (typically taxi based) should also be subject to means-tested contributions”.

All these recommendations are now to be enacted albeit with a reduction in the school transport recommendation.

SNPA believes that the proposals to reduce the number of SNAs even further could seriously affect children’s access to both inclusive and special education by forcing parents into making decisions for their child’s education based solely on whether they will be adequately and safely supported in the school.

“The reduced 2011 allocation of just over €18 million for the National Educational Psychological Service (NEPS) takes account of €3 million in savings to be secured through capping at 178 the number of psychologists in the service.”²

SNPA submits that if you are a child with special educational needs and if your capacity to participate in and benefit from education is restricted due to an enduring physical, sensory, mental health or learning disability you need to have a psychological assessment from a recognised psychologist or medical specialist.

At present, each school is entitled to up to three appointments with a NEPS psychologist to assess a child’s requirements for assistance. This number has now been capped at 178 posts. The effect of capping the number of NEPS will have the effect of preventing such children from accessing a standard of education appropriate to their needs. If a child cannot get an Assessment of Needs then there will be no requirement on the state to provide the service. This cloak and dagger approach is a disingenuous way to avoid being required to provide access to children to appropriate educational

services. NCSE Circular 03/08 instructed HSE medical staff not to state educational requirements for people leaving it up to the SENO to decide what supports a child requires based upon a psychological report and recommendations.

The process of an application is a further example of the difficulties facing parents. All applications for assistance must be made through the school. If an application is not successful the result is indicated to the school and not the parent.

If a parent wishes to appeal a decision it has to be done through the school. We have had cases where the school have not informed parents of the results of applications and appeals.

Parents have requested to the NCSE to put a place a transparent method of communications where they are informed of all communications appropriate to their child between the NCSE and the school.

There is no independent appeals process in place even though Mr Pat Curtin of the NCSE told the meeting of the Joint Committee on Education in March this year that this would be in place by September 2010.

“The 2011 estimate for school transport services is €180 million compared to an allocation for 2010 of €186 million. €4.5 million in savings will be secured in 2011 (Rising to €17 million in 2014), through a combination of increases in charges and the implementation of measures identified in a value for money review of the school transport scheme. With effect from the 2011/2012 school year a transport fee of €50 per annum will be introduced for primary school pupils, with a maximum family charge of €110 applying. This charge is being introduced to ensure that school transport provided for eligible primary pupils is fully utilised. The annual charge for post-primary pupils will be increased by €50 from €300 to €350. The combined maximum overall family charge will remain at €650.”

SNPA believes that the transport service for special needs pupils is an area that already causes great concern. Cost of transport is not the only issue that affects parents and children. Many children with Special Needs have to travel to schools outside their local area. We have seen many cases where the SENO has told parents that the child should not go to X school as there is Y school nearer, even though it does not offer appropriate facilities for the child. We have also had cases where parents have to drive a child on round trips of up to an hour to get to school because the SENO will not approve a place on a school bus even though it goes past the child's home. Or the failure to provide an SNA to travel on the bus for medical reasons and the refusal of the bus company to allow the child to travel without an SNA resulting in the parent having to reduce the time the child spends in school so as to be able to collect their other children from another school in a different area.

The NCSE

The National Council for Special Education (NCSE) was set up to improve the delivery of education services to persons with special educational needs arising from disabilities with particular emphasis on children. The Council was first established as an independent statutory body by order of the Minister for Education and Science in December 2003.

The NCSE states it is an independent body from the Department of Education and skills. This has proven not to be the case as operates under close direction from DES.

A recent case in St Joseph's Special School, Balrothery is proof of this.

Approximately 20 children with special needs were turned away from the school on its first day back on Thursday 2nd September 2010. Parents were told that the local Special Educational Needs Organiser (SENO) had decided that children previously earmarked for the school would now need to await a decision later in September to determine whether or not they could attend St Joseph's. The school principal and staff, as well as parents were, until the day before, under the impression that the children were approved for attendance at the school. The majority of the children concerned had been in mainstream schools last year and their parents had agreed to the huge step to move them to St Joseph's. Uniforms were bought, transport arrangements were made and the children were all set for the year ahead when they were told the devastating news. This resulted in confused Special Needs children in floods of tears coming out of the school on what should have been their first day. After a campaign by SNPA and other groups, a decision at Ministerial level resulted in the Department of Education and Skills intervening and telling the school that all pupils were to attend on the Monday 6th September.

The very existence of St Joseph's was put under severe threat in February 2010 due to Government cutbacks. At the time, the NCSE stated its intentions to cut 2/3 of the teaching and support staff, including a reduction from 16 to 6 teachers, The school was also told it would lose 12 out of 17 Special Needs Assistants, although the cuts were somewhat alleviated on foot of a vocal campaign by parents and school staff.

The composition of the NCSE Consultative forum does not display an inclusive approach with regard to the involvement of ALL stakeholders. Reading the list of members is like a 'who's who' of social partnership. Examples of this are: ASTI, TUI, INTO, NABMSE, ACCS, NAPD, IPPN, JMB, and CPSMA, along with the four Ministerial appointments. This leaves five places for people representing Disability interests and ONE parents group, which represent all children in Primary school. Not necessarily a Special Needs parents group. There is no representative group for parents in post-primary, vocational or third level, let alone a Special Needs parental representative.

SNPA did propose two potential representatives for the consultative forum with the support of many politicians but were unsuccessful.

S. Meegan & A. MacPhail, "Inclusive Education: Ireland's Education Provision for Children with Special Educational Needs", (2006) 25 (1) Irish Educational Studies 53, 60.

9 Authors Emphasis

10 M Smyth, "The Legislative and Policy Context of Special Educational Rights in Ireland", (2009) 20 Irish Law Times 221, 222.

11 [2007] IEHC 170

Conclusion

The recent budget has seen some further clarification of the proposed cuts in the area of Special Needs education.

SNPA believes that the current outlook for children with Special Needs in Ireland is now regressing back to the dark days of a distant Ireland. Whilst there is recognition by the State of the importance of educating the population to better prepare them for the difficult economic times we are experiencing, the budgetary constraints have led to cloaked ways of withdrawing the provision of a standard of education appropriate to their individual needs as ALL citizens are entitled to under the Constitution