



## **ANED country report on equality of educational and training opportunities for young disabled people**

**Country:** Ireland

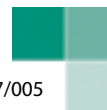
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The information contained in this report was compiled by the Academic Network of European Disability experts (ANED) in May 2010.

The [Academic Network of European Disability experts](#) (ANED) was established by the European Commission in 2008 to provide scientific support and advice for its disability policy Unit. In particular, the activities of the Network will support the future development of the EU Disability Action Plan and practical implementation of the United Nations Convention on the Rights of Disabled People.

This country report has been prepared as input for the Thematic report on the implementation of EU Equality of educational and training opportunities in European countries with reference to equality for young disabled people.

The purpose of the report ([Terms of Reference](#)) is to review national implementation on equality of educational and training opportunities for young people, and in particular the National Strategic Reports of member states from a disability equality perspective in education and training, and provide the Commission with useful evidence in supporting disability policy mainstreaming.



## Section 1: Executive summary and conclusions

The last decade has seen very significant policy and legislative changes in relation to the provision of education for disabled people, culminating in the Education of Persons with Special Educational Needs Act 2004. While this Act represents significant progress, the key provisions of the Act have yet to be commenced and implementation has been indefinitely delayed. Furthermore, the Act is not truly rights based as the most significant rights are limited to the availability of resources. Another shortcoming of the act is that it allows for a number of opt-out clauses whereby a child with special educational needs may not be educated in an inclusive environment, which falls short of the standards set by the UN Convention. Finally, the Act is limited to children under the age of 18, which limits the right to education for a large proportion of children with disabilities.

While current Government policy in Ireland is to encourage the maximum possible level of inclusion for students with disabilities in mainstream schools, a recent Report has found that special schools will continue to play an important role in the provision of special education. This provides a challenge for the goal of inclusive education in line with Ireland's obligations under the Convention

The National Disability Strategy contains many positive goals in relation to education and training of people with disabilities. However, there is no separate sectoral plan in relation to education and training, which means that the relevant goals are disparate and spread over a number of government departments. The implementation of the 2004 Act should be complemented by comprehensive efforts to plan for each child's continuing education and training once they have attained the age of 18 years and increased investment in higher education for people with disabilities.

In relation to data collection, the results of the National Disability Survey will need to be further analysed in relation to participation rates and outcomes for young people with disabilities participating in education and training. It is difficult to assess participation rates of young disabled people in different age categories in various types of education and training as compared to non-disabled people as the relevant data is not available in this format.

While there has been progress in relation to access for disabled people to third level institutions, this has mainly focused on those with physical and sensory disabilities and additional supports and resources are required to ensure inclusion of people with an intellectual disability. While the numbers of students accessing higher education has increased in the last number of years, there are concerns in relation to the level of funding to support these students. Improvements are also needed in relation to vocational training to ensure that greater places are available and also that they are specifically tailored to individual need to ensure better completion rates and outcomes for participants.



## Section 2: Legal and policy context

### The Irish Constitution

The right to education is dealt with specifically by article 42 of the Irish Constitution<sup>1</sup>, although other articles are also relevant, such as Article 41 on the Family. The essential elements of the right to education have been interpreted by the Irish Courts through case law. Under the Constitution, the family is the primary educator of the child. The State may require that all children receive a ‘certain minimum education’, however, the State may not, except in exceptional circumstance, force parents to send a child to any school, or any particular type of school.<sup>2</sup> While the choice of school lies with the parents, schools also have a choice as to whether to accept a particular child. The State is obliged to provide for free primary education up to the age of eighteen. Children with disabilities are equally entitled to this provision. Free primary education does not have to be directly provided by the State but it must ensure that all children can access this education.

### Recent Policy Changes in the provision of education for disabled people

The last decade has seen very significant policy changes in relation to the provision of education for disabled people, particularly in relation to provision for children under 18 years of age. The provision of education to children with disabilities aged 4-18 was characterised by special national schools until the early nineties when the number of students attending mainstream primary schools began to increase. This followed an international trend favouring the integration of children with special educational needs into mainstream schools<sup>3</sup>. At that stage, an ad hoc system of provision for students with special educational needs developed whereby provision of services was made in response to demand and without adequate co-ordination or resources.

A comprehensive review of the provision of special education for all categories of disabled children was published in 1993 and recommended improved levels of special educational provision, placing particular importance on the integration of students with special educational needs into mainstream schools. However, the level and quality of provision was constrained by resources and remained inadequate. This led to a significant level of litigation by individual parents to fight for improved special educational provision on behalf of their child.

The Report of the Commission on the Status of People with Disabilities<sup>4</sup> published in 1996 reiterated the inadequate provision of supports for children with special educational needs, particularly the lack of cooperation between mainstream schools and special schools.

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<sup>1</sup> <http://www.constitution.ie/reports/ConstitutionofIreland.pdf>

<sup>2</sup> Parents may choose to home school their children, however if they do so, the child must still receive a ‘certain minimum education’.

<sup>3</sup> Which was the backdrop for the Salamanca Statement in 1994

[http://www.unesco.org/education/pdf/SALAMA\\_E.PDF](http://www.unesco.org/education/pdf/SALAMA_E.PDF)

<sup>4</sup> [http://www.pwdi.ie/news\\_events/publications/strategy\\_equality/strategy\\_for\\_equality.pdf](http://www.pwdi.ie/news_events/publications/strategy_equality/strategy_for_equality.pdf)

The first significant piece of legislation to address the right to education of children with disabilities was The Education Act 1998<sup>5</sup> which requires the Minister for Education to ensure that a level of quality education appropriate to meet the needs and abilities of each person resident in the State is available, including persons with disabilities or special educational needs. A policy decision by Government in October 1998 also marked a shift in the provision of services in that, for the first time, the Department of Education and Science began to automatically provide limited supports to students attending mainstream national schools. Recent years have seen the beginning of a move away from the 'deficit' model of provision for children with special educational needs to the recognition that a more systemic approach is required.<sup>6</sup> This is reflected in the introduction of new legislation and also, to some extent, in the allocation of resources to support those in mainstream settings.

#### The Education of Persons with Special Educational Needs Act 2004

In July 2004, the Education for Persons with Special Educational Needs Act 2004<sup>7</sup> was signed into law. The Act establishes a new body, the National Council for Special Education<sup>8</sup> (NCSE). As the provisions of the Act come into force, responsibility for special education will evolve from the Department of Education and Science to the NCSE. Under the 2004 Act, three separate ministers have responsibilities in relation to special educational provision: the Minister for Education and Science, the Minister for Health and Children and the Minister for Finance. The Act recognises the need for health services to be involved in the provision of supports and resources to enable some children to maximise their participation in education. This would mark an improvement from the current system in which care and education have been segregated in two separate systems rather than integrating these two elements of the child's development to best meet the child's needs.

The functions and responsibilities of the NCSE are set out in the Act and include the following:

- Planning and co-ordinating provision of education and support services to children with special educational needs
- Assessing and reviewing resources required by children with special educational needs
- Ensuring that progress of students with special educational needs is monitored and reviewed
- Reviewing education provision for adults with disabilities.<sup>9</sup>

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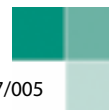
<sup>5</sup> <http://www.irishstatutebook.ie/1998/en/act/pub/0051/index.html>

<sup>6</sup> Implementation Report of the EPSEN Act 2004, National Council for Special Education, 2006, p.46

<sup>7</sup> <http://www.irishstatutebook.ie/2004/en/act/pub/0030/index.html>

<sup>8</sup> <http://www.ncse.ie/>

<sup>9</sup> The Act focuses primarily on education in first and second levels, with only a few brief references to further and adult education. (See "Education and Disability", National Disability Authority, Disability Agenda, Issue 2.2, August 2005, p.2)



The NCSE also has additional specific functions in relation to the various rights provided for under the 2004 Act. The key focus of the Act is the right to an appropriate education in an inclusive setting wherever possible<sup>10</sup> and to this end, the Act sets out a number of key provisions to ensure that persons with special educational needs have the same right to education as their peers without special educational needs. Section 10 of the 2004 Act provides for the NCSE to designate a particular school to which a child should be admitted, taking into account the needs of the child, the wishes of the parents<sup>11</sup> and the capacity of the school to accommodate the child and meet the child's needs. This section has not yet been implemented. In its implementation report, the NCSE states that "[t]he manner in which this section of the Act is implemented will have a significant bearing on how the principle of inclusion is addressed".<sup>12</sup> The NCSE referred to concerns about the development of so-called 'magnet schools', an issue that was raised in submissions received by the NCSE, whereby schools in a local area may have an over-representation of children with special educational needs and other schools in the same area have a significant under-representation. The NCSE noted that this is an indication that inclusive education is not yet working in practice and that there is a need to ensure that all schools comply with the 2004 Act. However, the Report also states that in developing protocols in relation to the designation of schools, the right to education under the Constitution, the right of choice of parents and the right of schools to apply an enrolment policy will have to be considered.<sup>13</sup>

The 2004 Act does not define the term education, but it does define the term "child" as "a person less than eighteen years of age" The Act focuses on first and second level education and there are very few references to further or adult education. The NCSE Implementation Report acknowledges that as more children with special educational needs become included in mainstream education, their participation in further education, training and transfer to the workplace will become much more of an issue. The Report states that while there has been progress in relation to access for disabled people to third level institutions, this has mainly focused on those with physical and sensory disabilities. The NCSE states that while some third level settings have begun working to create an environment necessary for the inclusion of people with an intellectual disability, this will require additional supports and resources in the future.<sup>14</sup>

The Education of Persons with Special Educational Needs Act 2004 provides for the assessment of a child on an in-school basis<sup>15</sup>, by the health services or at the direction of the NCSP.

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<sup>10</sup> See preamble of Education for Persons with Special Educational Needs Act 2004.

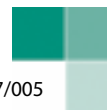
<sup>11</sup> Section 10 (6) If the Council fails or refuses to make a designation at the request of a parent or fails or refuses to make such a designation of a particular school specified in their request the parents may appeal to the Appeals Board against that failure or refusal.

<sup>12</sup> Implementation Report of the EPSEN Act 2004, National Council for Special Education, 2006, p. 53.

<sup>13</sup> Ibid, p.53-54.

<sup>14</sup> Ibid, p.46

<sup>15</sup> This is one of the ways in which a child can be assessed but there are other ways which are discussed in greater detail below.



Where the child is identified as having special educational needs, an individual education plan<sup>16</sup> will be prepared by the principal of the relevant school, in consultation with a Special Needs Organiser (SENO) and the child's parents. The Act also provides for circumstances where the NCSE, rather than the school, shall prepare the individual education plan. In these cases, the NCSP delegates this task to the Special Needs Organiser, who convenes a team to prepare the education plan for the child, to include the parents, the principal or teacher, the NEPS psychologist or someone of equivalent experience and which may also include the child. This plan should not be limited to the child's educational needs.

While the 2004 Act represents significant progress in the provision of education for children with special educational needs, the key provisions of the Act have yet to be commenced. Although some of the provisions of the Act have come into force, these relate mainly to the establishment of the infrastructure to implement the provisions of the Act. The provisions which give rights to students to assessments<sup>17</sup> and individual education plans and the corresponding services have not yet come into force. The Government had initially committed to a five-year implementation phase of the provisions of the Act to be completed by 1 October 2010. Unfortunately, in November 2008, the Government announced an indefinite deferral of the provisions of the Act. The renewed programme for Government has committed to identifying priority provisions of the Act with a view to progressing implementation. Given the current economic climate in Ireland, the implementation of the Act could be delayed by a number of years. Furthermore, the provision of resources, services and supports to be provided to a child under the Act are subject to the availability of resources. In this regard, even where necessary supports are identified in the assessment process, it is possible that they may not form part of the individual education plan if resources are not available. Any decisions made by the Minister for Education and Science or the Minister for Health and Children under the Act are subject to the approval of the Minister for Finance. Therefore, while the Act is often described as being rights-based, those rights are limited to the availability of resources and therefore the Act is not rights-based in the true meaning of this concept.

Section 15 of the 2004 Act relates to the future education needs of students that have reached the age of 18 years of age<sup>18</sup>. It provides for a review of the student's individual education plan, to assess the extent to which goals were met, the reasons for any failures and a future plan to address any failures. This review should include an assessment of what is needed to assist the student to continue education and training and steps should be taken to ensure such progression can take place. This section is not in force.

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<sup>16</sup> Referred to in the 2004 Act as an education plan

<sup>17</sup> Assessments can still take place even if the child is not a student under Section 4(1) where the relevant health board is of the opinion that the child has or may have special educational needs.

<sup>18</sup> Under Section 15(3) in preparing or carrying out a review of an education plan, the child does not necessarily have to be 18, they may reach 18 within the following 12 months.



The National Council for Special Education has produced a set of Guidelines<sup>19</sup> on the Individual Education plan process to provide good practice guidelines for schools.<sup>20</sup> It is intended that these guidelines will provide a standardised methodology and will have statutory effect when the relevant provisions of the 2004 Act have been commenced.

### The Equal Status Act

The Equal Status Act, 2000<sup>21</sup> was amended by the Equality Act, 2004<sup>22</sup> and, as amended, it is entitled the Equal Status Act, 2000-2004. The Act prohibits discrimination in a number of areas. It relates mainly to the provision of services, including education services. Section 7 of the Act prohibits discrimination at an 'educational establishment'. This term is broadly defined to ensure that all educational establishments, private and public, from pre-school facilities through to third level institutions come within the definition of an 'educational establishment'. The Act prohibits discrimination on nine grounds including the ground of disability. The Act prohibits a number of actions including: direct discrimination, indirect discrimination, the procurement of discrimination, harassment, victimisation, and requires the provision of reasonable accommodation.

Educational establishments are prohibited from directly and indirectly discriminating in relation to: admission or the terms and conditions of admission; access to any course, facility or benefit provided; any other terms or condition of participation and expulsion of a student or any other sanction. When it comes to education this relates to: admission or the terms and conditions of admission to school; access of a student to a course or facility or benefit; terms or conditions of participation; expulsion or other sanction.

There are a number of derogations specific to disability within the Act. Difference in treatment to the extent reasonably necessary is permitted where a person has a disability that could cause harm to themselves or others, difference in treatment is permitted to the extent reasonably necessary to prevent such harm.<sup>23</sup> An educational establishment will also be considered not to discriminate against a student with a disability if they can demonstrate that not to discriminate would have a seriously detrimental effect on or make impossible the provision of services to other students.<sup>24</sup> This defence is only in relation to individual students and cannot be used to exclude, for example, all students with a specific disability from a particular course of study.

<sup>19</sup> [http://www.ncse.ie/uploads/1/final\\_report.pdf](http://www.ncse.ie/uploads/1/final_report.pdf)

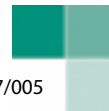
<sup>20</sup> The NCSE have also recently produced Guidelines 2010-2011 Information and Guidelines for Primary, Post-Primary Schools and Special Schools in Processing Applications for Resources for Pupils with Special Educational Needs. [http://www.ncse.ie/for\\_schools/NCSEGuidelines.asp](http://www.ncse.ie/for_schools/NCSEGuidelines.asp)

<sup>21</sup> <http://www.irishstatutebook.ie/ZZA8Y2000.html>

<sup>22</sup> <http://www.irishstatutebook.ie/2004/en/act/pub/0024/index.html>

<sup>23</sup> Section 4(4), Equal Status Act

<sup>24</sup> Section 7, Equal Status Act



Under the Equal Status Act, if an educational establishment does not do all that is reasonable to accommodate a student with a disability<sup>25</sup>, this will amount to discrimination. This accommodation can be by means of providing special treatment or facilities if, without such accommodation it would be impossible or unduly difficult for the person to avail of the service provided by the educational establishment. However, the educational establishment will not have to provide that accommodation if it gives rise to more than a 'nominal cost'. While such accommodation may be provided through funding such as the Special Fund for Students with Disabilities at Third Level (see below in this report), the educational establishment must also cover any other costs up to a 'nominal level'.

### Part M of the Building Regulations 2000

Part M of the Building Regulations deals with access for people with disabilities. By 31 December 2015 all public buildings, including educational institutions, must comply with Part M by ensuring that all buildings are accessible to students, staff and visitors with disabilities with ease and dignity. There are some exceptions to this rule, such as if the building does not justify refurbishment on cost grounds with regard to the use of the building.

### National Disability Strategy

The National Disability Strategy was launched by the Government in September 2004.<sup>26</sup> The government stated that strategy would build on the existing strong legislative and infrastructural framework for equality, add to that framework of new supports for people with disabilities and establish rights to assessments and services in the health and education sectors.<sup>27</sup> The Strategy has a number of key components:

- Disability Act 2005<sup>28</sup>, which provides for independent statutory assessment of disability service needs, and the delivery of services to meet those needs, subject to the availability of resources and services.
- The Education of Persons with Special Education Needs Act, 2004, which provides for assessment of children's educational needs and the allocation of resources to meet those needs, with an emphasis integrating children into mainstream education where appropriate.

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<sup>25</sup> There does not seem to be any provision requiring pre-emptive accommodation as in order for there to be discrimination an individual must be in the position to argue that such accommodation has not been provided in the situation they are in.

<sup>26</sup> See *National Disability Strategy* (2004). Available at:

[http://www.justice.ie/en/JELR/Pages/National\\_Disability\\_Strategy](http://www.justice.ie/en/JELR/Pages/National_Disability_Strategy)

<sup>27</sup> Speech given by Minister Willie O'Dee on September 21 2004. Available at:

<http://www.nda.ie/cntmgmtnew.nsf/0/A7317F78E8F7919380256F18005A5CFC>

<sup>28</sup> <http://www.irishstatutebook.ie/2005/en/act/pub/0014/index.html>



- The Citizens Information Act 2007<sup>29</sup>, which gives legislative responsibility to the Citizens Information Board<sup>30</sup> to develop advocacy services for people with disabilities, particularly a personal advocacy service to deal with the most complex cases.<sup>31</sup>
- Six sectoral plans, which are statutory action plans in six key government departments
- A multi-annual investment programme for disability support services. The National Development Plan (2007-2013)<sup>32</sup> made a commitment of €18.8 billion for disability services needs.
- Section 31 of the Disability Act requires six of the key government departments to publish a Sectoral Plan which relates to matters specified in the Act.<sup>33</sup>

The first Sectoral Plans were adopted in October 2006 from each of the departments. The plans set out targets and timetables covering vital areas of communications, health, social welfare, work and training, the accessibility of the environment, local government services and transport.<sup>34</sup> While the Education of Persons with Special Educational Needs Act 2004 is a key legislative element of the National Disability Strategy, there is no requirement for the Department of Education and Science to produce a sectoral plan.

#### Department of Enterprise, Trade and Employment Sectoral Plan

The plan<sup>35</sup> contains a number of initiatives which are relevant to equality of education and training opportunities. The plan contains commitments to enhancing the effectiveness of employment programmes and vocational training, including implementation of the new FÁS Vocational Training Strategy<sup>36</sup>, which has been developed by FÁS under the following headings:

The FÁS Training Strategy contains a number of recommendations under the following headings: Mainstreaming; Training Programmes and Delivery; Facilities; Training Supports and Costs. The Strategy notes that much training for disabled people is not mainstreamed.

<sup>29</sup> <http://www.irishstatutebook.ie/2007/en/act/pub/0002/index.html>

<sup>30</sup> The Citizens Information Board also provides summary descriptions of educational and vocational training schemes on their website <http://www.citizensinformation.ie/categories/education>

<sup>31</sup> See Citizens Information Board Advocacy Guidelines (revised edition 2007). Available at: [http://www.citizensinformationboard.ie/publications/advocacy/social\\_speaking\\_up\\_for\\_advocacy.html](http://www.citizensinformationboard.ie/publications/advocacy/social_speaking_up_for_advocacy.html)

<sup>32</sup> <http://www.ndp.ie/>

<sup>33</sup> The six departments which are required to publish sectoral plans are as follows: Department of Health and Children, Department of Social and Family Affairs, Department of Transport, Department of Communications, Marine and Natural Resources, Department of Environment, Heritage and Local Government

<sup>34</sup> Links to each of the Sectoral Plans can be found on the National Disability Authority website at <http://www.nda.ie>

<sup>35</sup> [http://www.entemp.ie/publications/labour/2010/DETE\\_Review\\_of\\_Sectoral\\_Plan.pdf](http://www.entemp.ie/publications/labour/2010/DETE_Review_of_Sectoral_Plan.pdf)

<sup>36</sup> [http://www.fas.ie/en/pubdocs/disability/Vocational\\_Training\\_Strategy.pdf](http://www.fas.ie/en/pubdocs/disability/Vocational_Training_Strategy.pdf)



In outlining the implementation of the FAS Training Strategy, the Department of Enterprise Trade and Employment Sectoral Plan states that FÁS will closely monitor referral patterns, participation rates and successful completion of training courses by disabled people on a six-monthly basis with a view to assessing the need to develop better strategies and to ensure that training better meets the needs of disabled learners.<sup>37</sup> The Sectoral Plan states that such monitoring by FÁS was due to commence in 2007.<sup>38</sup> Despite a commitment in the Sectoral Plan that the outcomes of such a review will be made publicly available, this has yet to occur.

The Strategy acknowledges that a range of initiatives are required to increase the numbers of disabled people utilising FÁS' training services. FÁS has pledged to work with other stakeholders to improve take-up on training programmes by people with disabilities. Targets for disabled persons' participation will be set in all training programmes. Under the Strategy, an annual budget will be allocated to pilot innovative and flexible means of training and to pilot the designing and delivering of new approaches for such training. FÁS have also committed to increasing the focus of both training and employment programmes on progression to local labour market employment.

The Government established a Senior Officials Group on Disability to monitor progress on the implementation of the National Disability Strategy. The group reports to the Cabinet Committee on Social Inclusion and consists of representatives of the six government departments responsible for implementing the Sectoral Plans, officials from the Department of An Taoiseach (Prime Minister), the Department of Justice, Equality and Law Reform, the Department of Education and Science and the Department of Finance. Progress reports on the sectoral plans are to be prepared after 3 years (2009) and the Disability Act is to be reviewed after 5 years (2010). These progress reports have yet to be published. The Senior Officials Group is also part of a wider group was established to monitor progress on the overall implementation of the strategy. This National Disability Strategy Stakeholder Monitoring Group is also comprised of a number of stakeholder groups, the National Disability Authority, the Irish Congress of Trade Unions and the Irish Business and Employers Confederation.

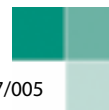
### The Disability Act 2005

This Act is designed to support the provision of disability specific services to disabled people and to improve their access to mainstream public services. Key features include provision for an independent assessment of individual needs and a related service statement, statutory basis for access to public buildings, services and information (which are time-specific in providing accommodations) and a 3% quota on public bodies for the employment of people with disabilities.

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<sup>37</sup> Department of Enterprise Trade and Employment Sectoral Plan, p.16,  
[http://www.entemp.ie/publications/labour/2010/DETE\\_Review\\_of\\_Sectoral\\_Plan.pdf](http://www.entemp.ie/publications/labour/2010/DETE_Review_of_Sectoral_Plan.pdf)

<sup>38</sup> Ibid, p. 16



The Act also contains the outline for sectoral plans for 6 key Departments which aim to ensure that access for people with disabilities will become an integral part of service planning and provision. The Disability Act covers all public bodies. The Act also extends the powers of the Office of the Ombudsman to investigate complaints in relation to determinations by inquiry officers and in relation to sectoral plans.

There are many references to education within the Act, principally to ensure that there is no overlap between the provisions of this Act and the EPSEN Act 2004. The Act establishes the provision of an assessment of needs and, where appropriate, this will address the education needs of a person with disabilities. An assessment report forms the basis of a service statement, which should establish what services will actually be provided to a person. The Act does provide an internal redress mechanism, and does not provide access to the Courts system.

The Disability Act establishes a procedure for the provision of service statements on completion of an assessment report which is forwarded to either the Health Services Executive or the CEO of the Education body and the applicant. The relevant person on receiving this report will then appoint a liaison officer to prepare a service statement specifying the health or educational need, or both, services which will be provided to the applicant and the timeframe within which the services will be provided (in relation to education this will be the Individualised Education Plan). In preparing a service statement, the liaison officer must have regard to: the assessment report; the eligibility of the applicant for services; the approved codes of practice; the practicability of providing the services identified; and resource issues for the HSE or the education service provider.<sup>39</sup> Once the assessment provisions of the Disability Act have been implemented, the service statements will also apply to higher education institutions who will also be required to meet the relevant services under the statement.

#### National Action Plan for Social Inclusion 2007-2016<sup>40</sup>

In 2006 Ireland prepared its National Action Plan for Social Inclusion which was developed over a longer time period than the previous two year plans. The current plan runs until 2016 to complement the social partnership agreement. There is a significantly greater emphasis on disability issues in the two preceding agreements of 1997 and 2002.<sup>41</sup> The plan has established ten high level goals to be achieved over the period, with corresponding actions and targets to be implemented in order to achieve these high level goals.<sup>42</sup> The plan has adopted the lifecycle approach as developed in the partnership process.

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<sup>39</sup> Implementation Report, p.82-87

<sup>40</sup> Available at <http://www.socialinclusion.ie/documents/NAPinclusionReportPDF.pdf>

<sup>41</sup> Fitzgerald, "Disability and Poverty" in Mel Cousins (ed), *Welfare Policy and Poverty*, Institute of Public Administration, Combat Poverty Agency 2007, p246.

<sup>42</sup> *National Report for Ireland on Strategies for Social Protection and Social Inclusion 2008-2010*, p.6.

The lifecycle stages are identified as children, people of working age, older people and people with disabilities (who, in accordance with the policy of mainstreaming, will benefit from measures at all stages of the lifecycle.)<sup>43</sup> Each lifecycle has identified a number of high level goals and a range of targets necessary to achieve these goals.

Disability Issues are addressed in Chapter 5 of the National Action Plan for Social Inclusion. The vision as set out in the beginning of the chapter states as follows:

“The vision, as set out in Towards 2016, is of an Ireland where people with disabilities have, to the greatest extent possible, the opportunity to live a full life with their families and as part of their local community, free from discrimination”<sup>44</sup>

The “high level goal” identified in this chapter is entitled “Employment and Participation” and aims to promote equal opportunities for people with disabilities in the open labour market supported by enhanced vocational training, employment programmes and further development of supports. The immediate objective is to increase the employment of people with disabilities who do not have a difficulty retaining a job<sup>45</sup> by ensuring that an additional 7,000 are employed by 2010. The longer term target is to raise the employment rate of people with disabilities from 37% to 45%, and the overall participation rate in education, training and employment to 50% by 2016.<sup>46</sup> The chapter also incorporates commitments made in *Towards 2016*, the sectoral plans and the National Development Plan 2007-2016.

### Mainstreaming

In June 2000, the Government launched its policy of “mainstreaming” policies and services for people with disabilities on an administrative basis by incorporating them into the mainstream work of government departments and policies. Section 26 of the Disability Act 2005 has given statutory effect to the policy of mainstreaming.<sup>47</sup> However, the National Disability Authority has raised concerns that Government Departments are taking a narrow view of their responsibilities towards mainstreaming. The NDA’s Mainstreaming Position Paper (2006)<sup>48</sup> called on Government to make a clear commitment to resources towards mainstreaming and recommended that Sectoral Plans and Departmental Statements of Strategy should include specific measurable targets for mainstreaming and targets for its implementation.

<sup>43</sup> Social Partnership Agreement 2006-2015

<sup>44</sup> *National Action Plan For Social Inclusion, 2007 – 2016*, p.55.

<sup>45</sup> Sometimes referred to as ‘cherry picking’ those closest to the market

<sup>46</sup> *Ibid*, p.56.

<sup>47</sup> Section 26(1) of the Disability Act 2005 states: “Where a service is provided by a public body, the head of the body shall—(a) where practicable and appropriate, ensure that the provision of access to the service by persons with and persons without disabilities is integrated”. Section 26(1)(a) provides for assistance, where requested, to the person with a disability in accessing the service where practicable and appropriate.

<sup>48</sup> <http://www.nda.ie/cntmgmtnew.nsf/0/E51F60A937C22740802571850050BC75?OpenDocument>



The Position paper also recommends that mainstreaming should be evaluated through consultation with people with disabilities and that the impact of mainstreaming actions should be measured through data collection.<sup>49</sup>

#### Towards 2016 – Ten-Year Framework Agreement 2006-2016<sup>50</sup>

The social partnership process has played a key role in the development of social policy in Ireland. The process involves negotiation between Government and social partners, which include trade unions, employers, farming organisations, and the community and voluntary sector, resulting in framework agreements on social policy issues which outline government commitments over a particular timeframe. The current Framework Social Partnership Agreement runs from 2006- 2015 and outlines key objectives for economic and social development over that time period. The current framework adopts a lifecycle approach, which is a new social policy perspective that places the individual at the centre of policy development. This lifecycle approach includes people with disabilities, who should also be incorporated into policies at all stages of the lifecycle in accordance with the policy of mainstreaming.

Policies and goals in relation to people with disabilities are addressed in section 33 of the Agreement, which sets out a vision and a number of long-term goals towards achieving this vision. One of these goals is that every person with a disability would, in conformity with their needs and abilities, have access to appropriate care, health, education, employment and training and social services. Another long-term goal envisages that every person with a disability would be supported to enable them, as far as possible, to lead full and independent lives, to participate in work and society and to maximise their potential.

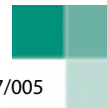
The agreed focus of the Partnership Agreement is the implementation of the National Disability Strategy, particularly through sectoral plans and other relevant mechanisms. The agreement contains commitments to monitor progress of the implementation of commitments. Four progress reports in relation to the Towards 2016 Agreement have been published.

The first formal review of the Agreement took place between February and November 2008, during which time there was a dramatic deterioration in the economic climate in Ireland. The review resulted in the *Towards 2016 Review and Transitional Agreement 2008-2009*. The review acknowledges that “Ireland faces a particularly difficult and uncertain point of transition which requires a re-prioritisation of public expenditure”. While this Agreement confirms a commitment towards the long-term goals set out in the *Towards 2016* Agreement, it recognises that they pose major challenges in terms of the availability of resources, building the necessary infrastructure and integrated service delivery.

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<sup>49</sup> National Disability Authority, *Mainstreaming Position Paper* (2006). Available at [http://www.nda.ie/cntmgmtnew.nsf/0/E51F60A937C22740802571850050BC75/\\$File/mainstreaming\\_pos\\_pap\\_06\\_06.htm](http://www.nda.ie/cntmgmtnew.nsf/0/E51F60A937C22740802571850050BC75/$File/mainstreaming_pos_pap_06_06.htm)

<sup>50</sup> [http://www.taoiseach.gov.ie/attached\\_files/Pdf%20files/Towards2016PartnershipAgreement.pdf](http://www.taoiseach.gov.ie/attached_files/Pdf%20files/Towards2016PartnershipAgreement.pdf)



Areas of particular concern in the Transitional Agreement are the deferral of commitments in relation to the implementation of key sections of the Disability Act 2005 and the EPSEN 2004 Act. The Government had committed to commencing the Disability Act 2005 in respect of children aged 5 to 18 in 2010, in tandem with the EPSEN Act. However, since this would have involved significant additional investment in 2009 and 2010, the Agreement states that it is not possible to proceed with implementation as originally envisaged. The Agreement states that Government remain committed to the full implementation of this legislation at the earliest possible date. It is clear, however, that implementation has been indefinitely deferred as no target dates are provided<sup>51</sup>.

#### Programme for Government 2007-2012<sup>52</sup>

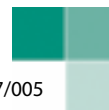
Following the General Election in 2007, the three parties in Government negotiated a five year Programme for Government which sets out a number of policy commitments in relation to educational and training commitments for people with disabilities Among the commitments are to:

- Commence, by June 2007, the provision for an independent assessment of need for all children with disabilities under five years as a legal right.
- Build on this by providing a legal right to independent assessment of need for all persons with disabilities.
- Complete the roll out of the Education for Persons with Special Educational Needs Act, giving all children with special needs the right to an Individual Education Plan to ensure the best outcome for them, and putting in place a new appeals procedure.
- Ensure that all teachers and assistants have access to specialist training.
- Provide for improved access to lifelong learning for adults with disabilities.
- Ensure that people with disabilities have full access to accessible vocational training.

In light of the current economic crisis in Ireland, most of these commitments have been deferred. The Government have announced that drastic cuts in public expenditure will continue to be required and it is therefore difficult to envisage the implementation of these commitments. The Government produced a renewed programme for Government in 2009 which commits to publishing a “National Disability Strategy Recession Implementation Plan”, central to which will be the availability of accessible public and social services to vindicate the rights of people with disabilities to full participation within the State. This renewed program also states that the Government will develop a costed multi-annual plan to implement some priority aspects of the Education of Persons with Special Educational Needs Act 2004, focusing on measurable, practical progress in education and health services for children with special needs.

<sup>51</sup> Particularly when considering the impact of the economic crisis

<sup>52</sup> [http://www.greenparty.ie/government/agreed\\_programme\\_for\\_government](http://www.greenparty.ie/government/agreed_programme_for_government)



### The National Plan for Equity of Access to Higher Education 2008-2013<sup>53</sup>

The key objective of this Higher Education Authority Action Plan in relation to people with disabilities is that the higher-education rates of people with disabilities will be increased through greater opportunities and supports. The Plan states that despite progress over recent years, current participation rates (15-17% for people with sensory disabilities and 14-16% for people with physical disabilities in 2006) are significantly below the current national entry rates of 55% and lower than the entry rates of any socio-economic group. Opportunities for students with special learning difficulties from lower socio-economic groups are of particular concern. The Plan highlights the need for greater coherence between service providers and education levels. A particular issue of concern is the absence of established funding for learning supports for part-time students with disabilities in higher education.<sup>54</sup>

The plan outlines a number of action points which include:

- Ensuring that all higher-education institutions have designated a disability officer with responsibility for coordinating supports and accommodations.<sup>55</sup>
- Ensuring reasonable accommodation, particularly in relation to course materials, course assessments and the training of all staff in inclusive teaching and institutional practice.
- Ensuring access to support for those who return or continue with education through part-time courses,
- Reviewing the Fund for Students with Disabilities to include reviewing the balance between individualised and institutional funding for disability support.
- Ensuring greater coherence in assessments and provision of supports across different levels of education

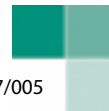
### ***New ideas and policy claims***

Ireland has a large number of organisations which represent, work on behalf of, and provide services to people with disabilities. There are many active non-governmental organisations which promote disability rights. After a failure at a first attempt to enact disability laws in 2003, a consultation group was set up by the Irish Government which included key stakeholders in the disability community called the Disability Legislative Consultative Group. This Group provided recommendations to Government on the key elements which such laws should contain. While members of the Group were ultimately dissatisfied with elements of the subsequent legislation, particularly the fact that it was not sufficiently rights-based, the Group did have a significant impact in moving forward inclusive policies.

<sup>53</sup> [http://www.heai.ie/files/files/file/National\\_Access\\_Plan\\_2008-2013\\_\(English\).pdf](http://www.heai.ie/files/files/file/National_Access_Plan_2008-2013_(English).pdf)

<sup>54</sup> The Higher Education Authority, National Plan for Equity of Access to Higher Education 2008-2013, p.52-53.

<sup>55</sup> Currently, each Higher Education institution in Ireland has an access service, including an access officer. Each of the seven Universities and the Dublin Institute of Technology has specific services for students with Disabilities, including a disability officer.



People with Disabilities in Ireland is an umbrella organisation which brings people together locally and nationally to work on common issues that affect all people with disabilities. Inclusion Ireland is a national voluntary organisation working to promote the rights of people with intellectual disability in Ireland to ensure their equal participation. Both of these organisations, and many others, have been active in campaigning and lobbying work to promote the rights of disabled people to equality in education.

AHEAD is an independent non-profit organisation working to promote full access to and participation in tertiary education for students with disabilities in Ireland. The overall objective of this organisation is to ensure full access to and full participation of people with disabilities in the area of higher education and employment. AHEAD has produced a number of publications and actively campaigns for the rights of disabled people to inclusive education and training.

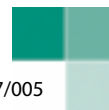
***How does the current state-of-the-art in your country compare with the expectations of the UN Convention? Has the Convention had any impact in discussion of reform to education and training policies?***

While many of the statutory commitments made under the Education of Persons with Special Educational Needs Act 2004 would seem to compare favourably with the expectations of the UN Convention on the Rights of Persons with Disabilities, in many cases, relevant sections of the Act have yet to be implemented or some other limitation to their application applies.

Section 2 of the EPSEN Act states that ‘a child with special educational needs shall be educated in an inclusive environment with children who do not have such needs’. This statement is in line with the commitment of the State under Article 24(1) of the Convention to ‘ensure an inclusive education system at all levels’. However, section 2 of the EPSEN Act proceeds to outline a number of situations where a child with special educational needs may not be educated in an inclusive environment, namely, where ‘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...or (b) the effective provision of education for children with whom the child is to be educated’. These opt-out clauses from the obligation to ensure an inclusive education for children with special educational needs would not seem to be compatible with Ireland’s obligations under the Convention.

As noted in discussion of the Act above, section 3 of the EPSEN Act concerns the assessment of children with special educational needs and the preparation of individual education plans. The National Council for Special Education has produced a set of good practice guidelines for schools in implementing this section of the Act.





These actions would imply that the State is working towards meeting its obligations under Article 24(2)(d) and (e) of the UN Convention to ensure that persons with disabilities receive the support required, within the general education system, to facilitate their effective education and to ensure that effective individualized support measures are provided in environments that maximise academic and social development, consistent with the goal of full inclusion. However, this key section of the EPSEN Act has yet to be commenced and as a result, Ireland may be failing to meet its obligations in this regard under the Convention.

It should also be noted in relation to the EPSEN Act, that the Act is only concerned with children with special educational needs and not all persons with disabilities. For the purposes of the Act, a child is a person not more than 18 years of age. This narrow application of the Act may conflict with Ireland's commitments under the UN Convention to ensuring lifelong learning. Nonetheless, the State has committed to taking a number of other measures which may contribute to meeting the obligations set down in the Convention in this regard. For example, a number of the commitments made by the State in the Department of Enterprise, Trade and Employment Sectoral Plan, relating to the FAS Vocational Training Strategy, will, if implemented, contribute to the State meeting its commitments under Article 24(5) to ensuring that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others.

In relation to the requirement under Article 24(2)(c) of the Convention, it should be noted that section 7 of the Equal Status Act 2000 prohibits discrimination at an 'educational establishment' on nine grounds including disability. As noted in discussion of the Equal Status Act above, educational establishments are prohibited from directly and indirectly discriminating in relation to admission or the terms and conditions of admission; access to any course, facility or benefit provided; any other terms or condition of participation and expulsion of a student or any other sanction. Again however, a number of derogations (which are discussed above) are permitted in relation to persons with disabilities which may undermine the extent to which the State is meeting its obligations under the Convention.



### Section 3: Evidence of outcomes and progress towards equal opportunities

Current Government policy in Ireland is to encourage the maximum possible level of inclusion for SEN students in mainstream schools and to establish the necessary supports to facilitate this development. This has given rise to an uncertainty around the role and operation of special schools and special classes. The National Council for Special Education commissioned a review of special schools and classes and to examine their future role in addition to their role in the current educational context. This report was published in May 2010<sup>56</sup>

The Report found that special schools in Ireland are an important part of the continuum of educational provision for pupils with special educational needs. The Report gives a detailed analysis of the role of special schools and of special classes in mainstream schools and makes a number of observations and recommendations. There are currently 124 special schools in Ireland. In 2007, special schools catered for 6,578 students.<sup>57</sup>

Figures in relation to how much is spent on segregated schools are unavailable. However, there were 1,159 teachers employed in Special Schools in 2009 at a cost of €69.5m. Enhanced capitation levels for special schools and special classes attached to mainstream schools were €7.9m 2009 and approximately €50m was spent on transport arrangements for special schools.<sup>58</sup>

People with disabilities have lower levels of participation at all stages of education, but particularly higher education. It is clear that progress has been made in the last ten years and the participation rate of students with disabilities in higher education has almost trebled from 1.1% in 1998/1999 to 3.2% in 2005/2006. The *National Plan for Equity of Access to Higher Education 2008-2013* highlighted that people with physical and sensory disabilities continue to have very low participation rates.

Since 2007, HEA colleges have been collecting information at registration time in relation to incidence of disability. Equal access information is also being collected by the Central Applications Office this year as part of the college application process. It can be seen from the collection of this data in 2007/2008 of full-time, undergraduate, new entrants to higher education, that there were 1,389 students with disabilities entering the 24 institutions examined. This represents 4.2% of the total new entrant population to the 24 institutions in 2007/2008. While the data demonstrates the continued increases in participation for students with disabilities, certain disabilities continue to have lower education participation rates, for example those who are blind, deaf or have a severe vision or hearing impairment.<sup>59</sup>

<sup>56</sup> "Research Report on the Role of Special Schools and Special Classes in Ireland", St. Patrick's College, Principal Investigator, Dr. Jean Ware, available at: <http://www.ncse.ie/research/researchreports.asp>

<sup>57</sup> Department of Education and Skills, Statistics website. Available at: <http://www.cso.ie/px/des/database/des/des.asp>

<sup>58</sup> Figures provided by the Special Education section of the Department of Education and Skills in May 2010.

<sup>59</sup> See HEA National Access Office at <http://www.heai.ie/files/files/file/HEAFacts0708.pdf>



There has been a significant expansion of opportunities in adult and further education in recent years and the Department of Education and Science indicates that 8,840 people with disabilities or specific learning needs accessed further education programmes in 2008.

Figures from the 2006 Census show that 36% of people with disabilities ceased education at primary level compared to 15% for the total population aged 15 and over. The Census shows that around half (8.3%) the number of people with disabilities had a third-level degree or higher compared to the total population aged 15 and over (16%). A Report published by the National Disability Authority in 2007<sup>60</sup> shows that 50.8% of people with disabilities aged 15-64 have no formal second-level education compared with 18.8% of people without a disability. The Report also noted that 27% of young people with disabilities aged 15-19 years had left full-time education compared to 19% of non-disabled people in the same age bracket.

#### Data from the National Disability Survey 2006

The Central Statistics Office conducted a National Disability Survey after the 2006 Census of Population. The main purpose was to establish the severity and impact of disability.

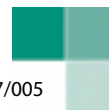
The Second Report of the National Disability Survey<sup>61</sup> examines the situation of disabled people in a number of areas, including Education and Work and training. That section of the Report examines participation in education by people with a disability. For persons aged 5 and over whose disability affected them before they completed full time education, the NDS asked about the level of education they were at when they began to have difficulty with their disability; the mainstream and special classes that they attended; the adaptations and facilities that they required to enable them to participate in education; the overall extent to which their disability curtailed their participation in education and, finally, the specific reasons for this. The Report notes that the experiences reported by older respondents may relate to some considerable time in the past and that some of the services and facilities asked about may not have been available at that time.

The NDS asked respondents whether or not their disability had limited or affected them before they completed their full-time education. 28% of all persons with a disability were limited or affected by their disability before completing their full-time education. With the exception of the 5-17 age group, males in the age groups up to 55 years were more likely to have been limited or affected by their disability before they completed their full-time education.

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<sup>60</sup> National Disability Authority, *A Strategy of Engagement Towards a Comprehensive Employment Strategy for People with Disabilities*, 2007, page 31

<sup>61</sup> [http://www.cso.ie/releasespublications/documents/other\\_releases/nationaldisabilityvol2/NDS2006Publication.pdf](http://www.cso.ie/releasespublications/documents/other_releases/nationaldisabilityvol2/NDS2006Publication.pdf)



There was substantial variation by main disability type. A very high proportion of persons whose main disability was Intellectual and learning (94%) reported that their disability limited or affected them before leaving full-time education, while 61% of those whose main disability was Speech were affected at this stage. This may be related to the fact that 38% of persons whose main disability was Intellectual and learning, and 29% of those whose main disability was Speech were under 18. This compares with an overall average of 10% across all main disability groups.

Those who were limited or affected by their disability before leaving full-time education were asked what level of education they were in at the time they began to have difficulty due to their disability. Of all persons aged 5 and over, 14% were first limited or affected by their disability before school age and a further 9% were limited or affected at primary school. People living in hospitals, nursing homes and children's homes were limited or affected earlier in their education.

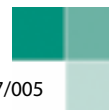
People who were limited or affected by their disability before completing full-time education were asked which classes they were attending or had attended in the past. Overall, three-quarters of persons aged 5 and over who were limited or affected by their disability before completing full-time education attended, or had previously attended, Mainstream/regular primary. The next most frequently attended type of class was Mainstream/regular secondary (44%). Around 21% of persons aged 5 and over who were limited or affected by their disability before completing full-time education attended, or had previously attended, a Special school (primary or secondary).

There was significant variation between the main disability groups in the proportion of persons who attended, or who had previously attended, the different types of class. Higher proportions of those with Intellectual & learning, Speech or Remembering & concentrating as their main disability participated in special classes and classes in special schools. Around 30% of those whose main disability was Intellectual & learning reported that they had attended a special school, while the figures for those with Speech or Hearing as their main disability were 27% and 25% respectively.<sup>62</sup> People with Speech or Intellectual & learning as their main disability were less likely to attend Third level. For example, 2% of persons who were limited or affected by disability before completing full-time education with Speech as their main disability attended Third level compared with the average of 14%.

The Report also contains a section on Work and Training. Two-thirds of adults with a disability in private households said that their disability limited or affected them before the age of 65. Almost a quarter of adults aged 18-34 year olds said that their disability did not impact on their labour market participation.

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<sup>62</sup> The figures are that of 16% and 20% for those with visual or physical impairments respectively.



Adults who said that their disability limited or affected them before the age of 65 were asked their current main activity status. In the 18-34 year old category (30,600 people out of 173,600 who were questioned), the main activity status was as follows: 31% were working for payment and profit; 3% were looking for their first regular job; 9% were unemployed; 37% were unable to work due to permanent illness or disability; 5% were looking after the family/home and 10% were students/pupil.

Following on from the previous questions, Respondents who said that their disability limited or affected them before they reached the age of 65 and categorised their main activity as one of the above were asked if they had ever worked in a job or business. Of the 130,200 adults not at work who were questioned, those who fell under the 18-34 category and had previously worked comprised of 60% and 17% had not. Of those who had previously worked in this category, just over 70% had left their last job due to their disability. Of the 7,300 18-34 year olds in this category who had left their last job due to disability, poor health was by far the most common reason at 55%. The next most common reason was that the job was too difficult or they could not cope at 18%, followed by isolation/bullying at 10%, job not accommodating disability at 8%, inadequate transport at 1% and 'other' reasons at 8%.

In the section of the Report on work-related training, adults who said that their disability limited or affected them before they reached the age of 65 were asked, since they began to have difficulty with their disability, had they taken any work-related training courses to either improve their skills or to learn new skills. Overall, around 37% of the 18-34 category had taken work-related training courses to either improve their skills or to learn new ones.

Adults who said that they had taken work-related training courses to either improve their skills or to learn new skills were asked if the training was mainly for people with a disability or mainstream for all persons. 63% of respondents aged 18-34 had taken mainstream work-related training courses. The younger age groups had the highest proportions who had taken work-related training courses mainly for people with a disability. Adults who said that they had taken work-related training courses to either improve their skills or to learn new skills were asked the type of programme - Specific job skills training; General training; and Employment Scheme (e.g. Community Employment). Specific job skills training to either improve their skills or learn new skills (61%) was the most popular work-related training courses taken by 18-34 year olds. General work-related training courses were taken by 47% of 18-34 year olds followed by 23% for Employment scheme



#### Section 4: Types of support for students and trainees

Teachers in Ireland are not required to have a specialist qualification in addition to the basic teacher qualification required of all teachers in order to work in a specialist role such as learning support/resource teacher, or in a special setting such as a special class or school and there remains variation in practice across the colleges of education. As a result, teachers have different experiences, levels of knowledge and competencies in terms of teaching pupils with SEN.

Ireland has provided Continuing Professional Development for teachers of pupils with special educational needs in general since 1961. There was only one full-time one year course, open to primary teachers only, until 2001 when a course for second level resource teachers became available at another teaching college. A further expansion followed in 2003, with courses for resource teachers being provided by a further three colleges and further funding becoming available from the TES. The Special Education Support Service was established in 2003 to provide expert support, professional development and training opportunities in special education for school staff. From 2003, there has been a significant increase in the availability of funded courses<sup>63</sup> as a response to the rapidly increasing numbers of teachers with specialist roles for teaching pupils with SEN in mainstream schools. In 2008, the service filled over 23,280 teachers training places. €5.8m has been allocated in 2009 to provide this support and professional training.<sup>64</sup>

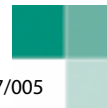
Additionally, a fully funded, post-graduate, in-service course in special education was established. Over the same time period CPD was gradually provided for Remedial Teachers (subsequently, Learning Support Teachers) until by 2001 there were six such courses, fully funded by the state. In 1990 approximately 50% of teachers working in special education held the diploma and the majority of those in learning support positions had a learning support qualification. In 2006, courses were combined into the combined Post-Graduate Diploma Programme of Continuing Professional Development for Teachers involved in Learning Support and Special Education which, since that date has been offered at seven colleges, giving a total of 300 places per annum. In addition, graduate certificate courses in ASD have been offered in two colleges of education; again, these courses are funded by the State. Between 2004 and 2009, the DES funded a full-time Masters for teachers who had completed a special education diploma in any of the Irish colleges of education and, in 2007, the DES part-funded a new online course for class teachers on special/inclusive education (SIE).

There is now significant support by the state of professional development for teachers in specialist SEN roles, delivered and certified by third level institutions. In addition to these accredited courses, the state has funded Induction Courses lasting five to seven days for teachers with a variety of SEN roles.

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<sup>63</sup> Information available at <http://www.european-agency.org/country-information/ireland/national-overview/teacher-training-basic-and-specialist-teacher-training>

<sup>64</sup> Figures provided by the Special Education Support Service



Many hundreds of teachers have participated in such courses. For example, between 1995 and 2009 some 350 teachers participated in the seven day induction course for teachers of pupils with severe and profound learning difficulties.<sup>65</sup>

### Supports available to disabled children in mainstream schools

At primary level, students with special educational needs are catered for on an inclusive basis in the mainstream system or in special classes attached to mainstream primary schools. All primary schools are provided with a General Allocation to support inclusive education. This model provides permanent teachers, on the basis of general student enrolment, to cater for the needs of pupils with learning difficulties and special educational needs arising from high-incidence disabilities. In addition, resource teaching hours and/or Special Needs Assistants are allocated in respect of pupils who meet Department of Education and Science eligibility criteria. The allocation of resources for SNA's was recently reviewed<sup>66</sup> and although the process was firmly embedded there were changes made such as greater capacity for parents to be involved in the review process.

Students who attend mainstream schools on a fully inclusive basis are supported by the resource teacher service and/or special needs assistants. Students with visual or hearing impairment attending mainstream schools are provided with additional specialist support by the Visiting Teacher Service<sup>67</sup>. Special Needs Assistants (SNAs) are allocated, based on individualised applications, subject to eligibility criteria laid down by the Department of Education and Science<sup>68</sup>. SNAs are recruited specifically to assist in the care needs of pupils with special educational needs and their duties are of a non teaching nature. Evidence must be provided by a professional who has assessed the child describing the special care needs giving the reasons why the support of an SNA is necessary and the benefits the child would receive from such care in the school setting.

At post primary level, students with special educational needs are catered for in mainstream schools or in special classes and are supported by resource teachers and/or special needs assistants. SNAs are allocated to post-primary schools on the same basis as primary schools. The level of support provided to the school in relation to each student depends on the category of assessed needs of the individual student.

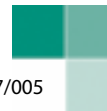
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<sup>65</sup> This information on training and education for school teachers has been sourced in the Research Report on Special Schools and Special Classes, see above.

<sup>66</sup> The Report on NCSE Review of SNA Allocation to Schools April 2009-March 2010  
[http://www.ncse.ie/uploads/1/Report\\_on\\_Review\\_of\\_SNA\\_Allocation\\_to\\_Schools.pdf](http://www.ncse.ie/uploads/1/Report_on_Review_of_SNA_Allocation_to_Schools.pdf)

<sup>67</sup> [http://www.citizensinformation.ie/categories/education/primary-and-post-primary-education/educational-supports/visiting\\_teacher\\_service\\_for\\_children\\_with\\_visual\\_impairments\\_in\\_ireland](http://www.citizensinformation.ie/categories/education/primary-and-post-primary-education/educational-supports/visiting_teacher_service_for_children_with_visual_impairments_in_ireland)

<sup>68</sup> Department of Education's Circular 07/02  
[http://www.education.ie/servlet/blobServlet/spedc07\\_02.pdf](http://www.education.ie/servlet/blobServlet/spedc07_02.pdf)



Additional funding is also available in the form of special material and equipment for students with disabilities and their teachers; special capitation grants in respect of all students attending special schools and special classes; special school transport service, home tuition and the provision of classes in July for children with severe and profound disabilities.

Students with disabilities can also apply to the State Examinations Commission for examination accommodations and supports. This includes the option that a student is exempt from taking a certain exam or part of an exam. The number of reasonable accommodations provided for State examinations in 2007 was 14,708.<sup>69</sup>

Places in higher education courses are decided on a points-based system based on the points achieved by a student in accordance with their performance in the Leaving Certificate examinations. This application is managed by the Central Applications Office (CAO). The CAO have developed a Supplementary System for entry to higher education courses with some institutions whereby they take account of the impact of the student's disability on their educational performance. This initiative is known as DARE (The Disability Access Route to Education). In 2008, 135 students with disabilities secured a place on a higher education course with reduced points using this mechanism.<sup>70</sup>

### Support at colleges and universities

The Fund for Students with Disabilities<sup>71</sup> allocates funding to further and higher education colleges for the provision of services and supports to full-time students with disabilities. Eligible students can receive assistance from the Fund from Post Leaving Certificate level right up to doctoral level. The types of supports and assistance for which funding can be sought fall into three broad categories: Assistive technology equipment and software (e.g., laptop, printer, Dictaphone, specialist software), Personal and academic support (e.g., Personal Assistant, Note-taker, Subject-specific Tuition, Learning Support) and Transport costs.<sup>72</sup> Applicants to the fund are not means tested, however a minimum age does apply and those who are enrolled in part-time courses, access or foundation courses are not eligible. This fund is funded by the Irish Government and part-funded by the European Social Fund under the Human Capital Investment Operational Programme 2007-2013.

Depending on the college and the resources available, colleges may offer a range of additional services and supports above and beyond what is eligible for funding under the Fund for Students with Disabilities. These include:

- Disability service with dedicated disability support staff
- Measures to enhance the accessibility of buildings

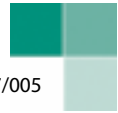
<sup>69</sup> Information provided by the National Access Office, Higher Education Authority.

<sup>70</sup> See <http://www.accesscollege.ie/dare/availability.php> which highlights the quota of places available through DARE

<sup>71</sup> <http://www.studentfinance.ie/mp7575/fund-for-students-with-disabilities/index.html>

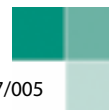
<sup>72</sup> Those not funded include grant resources for the provision of any medical equipment, assistance or support or course-related equipment, materials or software





- Non-standard admissions procedures, whereby students with disabilities may be admitted to a course without necessarily having achieved the full CAO points level for that course
- Tailored induction programmes for students with disabilities or students with specific categories of disabilities
- Access to student accommodation units (on campus or otherwise) reserved specifically for students with disabilities
- Psycho-educational assessment for students experiencing problems associated with specific learning difficulties/dyslexia

See below for information in supports in relation to vocational training schemes.



## Section 4a: Financial support

### Primary and Post-primary level

State funding makes provision for mainstream classroom supports, additional special class support, assistive technology and individual supports in accordance with the needs of the students. The allocation of funding varies depending on the particular requirements of the students at each level of the education cycle. The Department of Education and Science spent a total of €706m on special education at primary and post-primary levels in 2006. This figure increased to a total of €838m in 2007 and over €900m in 2008.<sup>73</sup>

### Higher Education<sup>74</sup>

#### *Fund for Students with Disabilities*

As discussed previously, the Fund for Students with Disabilities is allocated to students with a disability who require additional supports and services in further or higher education. This fund provides funding to both further and higher education institutions for the provision of services and supports for full-time students with disabilities. Most full-time Post-Leaving Certificate, undergraduate and postgraduate qualifications in Ireland are covered under the fund. In addition, eligible students pursuing many full-time undergraduate or some postgraduate courses in Northern Ireland can be supported under the fund. Eligible Irish students pursuing full-time undergraduate courses in publicly-funded institutions in the United Kingdom and other EU countries can also be considered.

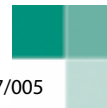
The fund is aimed at students with disabilities who have specific support needs. The Fund for Students with Disabilities is managed by the National Access Office on behalf of the Department of Education and Science. The programme is funded by the government, with assistance from the European Social Fund.

The application to the Fund is made by the college on the student's behalf and colleges are responsible for managing this approved funding. The application is completed by the Disability or Access Officer in the college with the student and is then submitted to the National Access Office, which processes the application and informs the colleges of the allocations to be made. A needs assessment and supporting documentation with the student's diagnosis of disability must accompany the application form. On average about 5% of applications are not approved each year as their supporting documentation has failed to meet criteria.<sup>75</sup> The allocation to be made is calculated by the rates applicable for the particular support which is to be provided.

<sup>73</sup> Figures provided to the author by the Department of Education and Science in May 2010.

<sup>74</sup> Information provided by the National Access Office of the Higher Education Authority. See also AHEAD, 2008 *Good Practice Guidelines for the Providers of Supports and Services for Students with Disabilities in Higher Education*. Available at <http://www.ahead.ie/publications.php>

<sup>75</sup> Information received by the author from the Higher Education Authority Access Office in May 2010.



Recently, per-capita allocations have been made for certain categories of disabilities. Funding is allocated to the college and not the student and the college is responsible for the management of the fund. The college generally organizes supports and services or sources equipment as required in consultation with the successful applicant.

A total of 3,848 applicants were approved under the fund in the year 2008-2009 with a total allocation of €11.74 million. For 2009-2010 a total of 12.2 million is being allocated to 5,100 approved applications.<sup>76</sup>

Recurrent funding for access is provided annually to universities, institutes of technology and other designated colleges by the Higher Education Authority (HEA). From 1996-2005, the HEA also supported the development of access programmes through its targeted initiative funding programme which has allowed institutions to develop infrastructure and programmes to support wider access for under-represented communities, including people with disabilities. In 2006 this funding was mainstreamed through the core, annual recurrent grant to higher education institutions and a new funding model was introduced for the university sector linking the number of students from under-represented groups in each institution. The HEA is also developing a new funding model for the Institute of Technology sector. Responsibility for this sector was transferred to the HEA from the Department of Education and Science in 2006.

An independent review of disability funding in higher education is currently underway to analyse both recurrent funding and the Fund for Students with Disabilities to ensure the most strategic use of resources.<sup>77</sup>

The organisation AHEAD has been critical of the new funding allocation model which is based on different models of funding for two different categories of student: those with visible disabilities and high support needs and those with hidden disabilities and lower support needs. AHEAD states that maintaining the funding at current levels as proposed by the Higher Education Authority will result in a 25% reduction in funding for students with visible disabilities and a 65% reduction in funding (compared to two years ago) for students with specific learning disability.<sup>78</sup>

### Vocational and other training for disabled people<sup>79</sup>

FÁS is the training and employment authority in Ireland and comes under the aegis of the Department of Enterprise, Trade and Employment. Its role includes responsibility for assisting people with disabilities in preparing for employment, via training or an employment programme. The country is divided into eight regions and services for disabled people are mainstreamed within this context.

<sup>76</sup> Information received by the author from the Higher Education Authority Access Office in May 2010.

<sup>77</sup> Higher Education Authority, National Action Plan 2008-2013

<sup>78</sup> See "AHEAD Response to the proposed model for the Fund for Students with Disabilities in 2009/2010" at <http://www.ahead.ie/events.php?month=9year=2010&ynd=news&id=30>

<sup>79</sup> See <http://www.fas.ie/en/Equality/Disability/default.htm>

FÁS Employment Service Office or Local Employment Service Office provides information, advice and guidance to a person with disabilities in relation to training and employment under FÁS programmes and services.

#### *Specialist Training Providers*

FÁS contracts with Specialist Training Providers (STPs), such as the National Learning Network, to deliver vocational and rehabilitative training to disabled people who require more intensive support than would be available in the general options. This training is provided exclusively to people with disabilities within a segregated setting and courses include artlink, catering, desktop publishing and graphic design .A review of Vocational Training and Rehabilitative Training Services for people with Disabilities published in January 2007 found there are 57 separate agencies providing rehabilitative training services in 90 different centres. In relation to Vocational Training, there were 38 agencies providing training services, providing 45 courses in 54 centres.<sup>80</sup>

#### *National Learning Network<sup>81</sup>*

National Learning Network, the training and employment division of Rehab Group, is Ireland's leading non-government provider of inclusive training, education and employment access services, offering innovative training options in over 50 locations around the country. Every year, the organisation provides vocational and rehabilitative training to more than 5,000 people with disabilities<sup>82</sup>, people with mental health difficulties and others who are distant from the labour market. Funded by FÁS and also by the Health Service Executive (HSE), National Learning Network's courses are flexible and responsive to accommodate the different ability levels and other circumstances of learners. All courses are provided in the community and students are encouraged to take part in as wide a range of community activities as possible. The organisation offers a wide range of training, education and employment supports, including Vocational Training, which aims to equip students with skills for the workforce.

Figures in relation to the numbers of disabled people participating in the various types of training provided by FAS are not available in any FAS publications. Expenditure on Disability-related FAS Programmes is available in the FAS annual reports but it is not further broken down into types of training and numbers of participants.

<sup>80</sup> Study of the Efficiency and Effectiveness of Vocational Training Services and Rehabilitative Training Services as Provided by Specialist Training Providers, prepared by Indecon International Economic Consultants, 2007, p. 4 Available at <http://www.deti.ie/labour/strategy/indeconreport.pdf>

<sup>81</sup> <http://www.nln.ie/>

<sup>82</sup> See <http://www.nln.ie/Learning-and-Assessment-Services/Disability-Support-Service.aspx>  
<http://www.cdvec.ie/uploads/publications/Disability%20Service%20-%20Report%2005-07.pdf>

A Review of the Vocational Training Provision for People with Disabilities in Ireland was carried out in 2002-2003 and made a number of recommendations, many of which have been incorporated into the FAS Vocational Training Strategy for Disabled People.<sup>83</sup> This review does contain some data in relation to numbers of participants in different types of training and corresponding expenditure.

The Indecon Review of the Efficiency and Effectiveness of Vocational and Rehabilitative Training provides detailed information in relation to funding allocation and participation rates for the years 2005-2006. The Report states that core funding for Rehabilitative Training amounted to €34 million in 2005 and the funding per approved place was €13,633 in 2006. There was also additional funding of training bonuses and training co-coordinators and guidance officers that amounting to an additional €6.8 million. The number of approved places for Vocational Training was 1,973 in 2005 which were provided at a cost of over €25 million.<sup>84</sup> In 2008 FÁS funded 20 Specialist Training Providers in 54 locations to provide a total of 1,972 places, of which 1,660 were provided by the National Learning Network at a cost of €55m.<sup>85</sup>

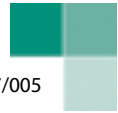
The Indecon Review contains detailed findings in relation to outcomes for trainees who participated in rehabilitative training and vocational training, as well as analysis of spending on both types of training. The two main disability groups served by rehabilitative training are mental health (44%) and intellectual disability (37%) Trainees with a physical disability, account for almost 15% of all participants. A small percentage of participants (4.3%) leave the course before it starts (0 months in training), leaving training provision completely or returning to a different course. A quarter of participants are in training for between 1 and 6 months, 18% for between 7 and 12 months with a further 21% of participants in training for between 1 and 2 years. Almost one-third of participants are in training for periods over 2 years. The percentage of participants who exit after a short period (less than 6 months) highlights the need for ongoing investment and enhancement of the referral and assessment process and tailoring of courses to the individual needs of learners.

Over one-third of leavers (34.7%) completed their rehabilitative training, while almost one-quarter (23.1%) transferred to other training. 33.8% of those who complete rehabilitative training enter some form of supported/sheltered/open employment The main categories of post-training outcomes are supported employment (12.3%), sheltered work services (14.9%), further training (23.9%), unoccupied/home life (14.9%) and illness (11.8%). Other categories include open employment (6.6%), day activity (6.4%) and education (4.8%).

<sup>83</sup> Bearing Point, *Review of Vocational Training Provision for People with Disabilities in Ireland*, Executive Summary to this report can be found as an appendix to the FAS Vocational Training Strategy, FAS (April 2006) *Vocational Training Strategy for Disabled People*. Available at [http://www.fas.ie/en/pubdocs/disability/Vocational\\_Training\\_Strategy.pdf](http://www.fas.ie/en/pubdocs/disability/Vocational_Training_Strategy.pdf)

<sup>84</sup> Study of the Efficiency and Effectiveness of Vocational Training Services and Rehabilitative Training Services as Provided by Specialist Training Providers, prepared by Indecon International Economic Consultants, p. 4 Available at <http://www.deti.ie/labour/strategy/indeconreport.pdf>

<sup>85</sup> FAS Annual Report 2008. Available at [http://www.fas.ie/en/PubDocs/AnnualReports/ANNUAL\\_REPORT08/community\\_services.htm](http://www.fas.ie/en/PubDocs/AnnualReports/ANNUAL_REPORT08/community_services.htm)



This post-outcome analysis is based on the data provided. The Review includes results from a survey of the National Learning Network Centres which indicates that funding and availability of places are inadequate and that likely growth rate in demand over 5 years (from 2007) will be over 25%.

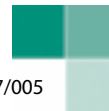
In relation to Vocational Training, the review found that almost one-third of persons with disabilities are in training for between 1 and 6 months while 28% of trainees are in training for 7 to 12 months or 13 to 24 months. 11% of trainees take the training for more than 2 years. The Review is positive about the impact of Vocational Training, particularly in light of the high percentage of trainees that progress to employment and further education and training (62%). The Review found that approximately one-third of all participants' progress to further training and a further 30% are subsequently employed. However, the Review highlighted the fact that 19% cease to attend because of medical problems. The Survey of National Learning Centres included in the Review indicated while vocational training is effective across a number of dimensions, funding and availability of places are inadequate given the demand for places relative to supply. The demand in Vocational Training is predicted to grow by over 25% over the 5 years from 2007 based on survey responses of centres in the Review.<sup>86</sup>

The Indecon Review made 19 recommendations, particularly in the areas of funding, selection and assessment of applicants and transparency and accountability. FAS is currently working on implementing these recommendations<sup>87</sup> although there are no progress reports available in relation their implementation.

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<sup>86</sup> Study of the Efficiency and Effectiveness of Vocational Training Services and Rehabilitative Training Services as Provided by Specialist Training Providers, prepared by Indecon International Economic Consultants, 2007, p. vi- x. Available at <http://www.deti.ie/labour/strategy/indeconreport.pdf>

<sup>87</sup>FAS Annual Report 2008. Available at [http://www.fas.ie/en/PubDocs/AnnualReports/ANNUAL\\_REPORT08/community\\_services.htm](http://www.fas.ie/en/PubDocs/AnnualReports/ANNUAL_REPORT08/community_services.htm)



## Section 4b: Personal assistance, equipment and adaptations

### Primary and Post-primary level<sup>88</sup>

A number of additional supports are available to both primary and post-primary Schools as outlined below.

The Computer Applications for Individual Pupils with Special Needs at Primary Level provides primary school funding for the use of assistive technology. An application for this funding scheme must be supported by the school principal, teacher and other personnel who might be dealing with the student, and submitted to the Special Educational Needs Organiser (SENO) with responsibility for the school.

At post-primary levels, there are grants towards the purchase of equipment for pupils with a disability. Examples of such equipment include computers, tape-recorders, word processors, induction loops, Braille equipment and software. The equipment remains the property of the school and will be available for allocation to subsequent pupils with similar disabilities. Equipment purchased should normally be kept in the school. However, with the consent of the management authority, the pupil may use the equipment at home. The amount of grant available in respect of any pupil is the cost of the equipment subject to a maximum grant of €3,800. In certain circumstances a higher grant may be considered. All applications for special equipment must be submitted by school management authorities to the SENO with assigned responsibility for the school. Supporting documentation must also be submitted.

There are a range of supplemental funding schemes which both primary and post-primary schools can avail of, including home tuition, visiting teacher services, and school transport services.

#### Home Tuition

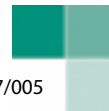
Home tuition can provide an educational service to children who may be unable to attend school, or who may be absent for a significant portion of the school year as long as they receive a 'certain minimum education' as stipulated in the Irish Constitution. This can include children with a significant medical condition, and can also apply as an interim measure for children with special educational needs or children who have been diagnosed with Autistic Spectrum Disorder and who are awaiting an appropriate educational placement.

#### School Transport

The Department of Education and Science provides a school transport service for students with special educational needs in both primary and post-primary schools.<sup>89</sup> Applications for special transport are made through the Special Educational Needs Organiser (SENO) who has been allocated responsibility for the school.

<sup>88</sup> Information in this section is provided by the Department of Education and Science.

<sup>89</sup><http://www.education.ie/robots/view.jsp?pcategory=17216&language=EN&category=42741&link=link001&doc=38944>



If a special transport system is not available, a grant may be applied to help with the cost of private transport. Approximately €50m was spent on school transport for students with special educational needs in 2009.<sup>90</sup>

#### Visiting Teacher Service

The visiting teachers provide advice and assistance in relation to the education of children with a visual or hearing impairment at the pre-school, primary and post-primary school levels. Such assistance is also available when a child is making the transition from primary to post-primary level. The visiting teachers provide advice to schools on the inclusion of these children in learning programmes and in other school activities and on the use of assistive technology. The cost for the service is approximately €6m per annum.<sup>91</sup>

#### Third-Level Education

The sections above outline the practical assistance with learning available at third level, which includes personal assistance, equipment and adaptation. AHEAD Good Practice Guidelines, published in 2008 provide a detailed guide to all forms of supports, equipment and adaptation which can be provided.<sup>92</sup>

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<sup>90</sup> Figures provided by the Department of Education and Science to the author in May 2010.

<sup>91</sup> Figures provided by the Department of Education and Science to the author in May 2010.

<sup>92</sup> Good Practice Guidelines for the Providers of Supports and Services for Students with Disabilities in Higher Education, AHEAD, 2008. Available at <http://www.ahead.ie/publications.php>





## Section 5: Evidence of good practice

### The National Institute for Intellectual Disability, Trinity College Dublin: Certificate in Contemporary Living<sup>93</sup>.

The National Institute for Intellectual Disability (NIID) was established at Trinity College Dublin in 2004 with the aim of translating the rights of people with intellectual disabilities into reality. Through activities in education, research and advocacy the aim of the NIID is “to create a paradigm shift in opportunity, policy and service provision that will enable people with intellectual disability to have a voice, be self-determining and participate without stigma in an equal and inclusive Ireland.”

The Certificate in Contemporary Living is a full-time course for people with intellectual disabilities<sup>94</sup> which pioneers an innovative approach to study within third level settings. The Certificate focuses on academic, work related and social skills as well as the enhancement of independent living skills. This is a two year course with class contact on three and a half days per week. As part of the course the students work with various departments within Trinity College and complete two work placements.

The Certificate focuses on academic learning, personal growth and skills development for students and consists of modules across the areas of social sciences, expressive arts and career planning. The aim of the course is to promote the full inclusion of individuals with intellectual disabilities and facilitate their lifelong learning, providing them with the strategic skills to become independent self-reliant adults and to give them the potential to contribute fully in society.

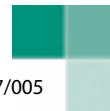
The Certificate aims to enable the students to make the transition to independent living. Students are supported in securing work placements in diverse areas such as office work, retail, catering, hospitality, childcare and voluntary and community organisations. This experience is of huge benefit for the students in terms of increased independence, autonomy and self-esteem and has opened up pathways for graduates to further education and training, to volunteering opportunities and in some cases to permanent employment.

Since 2008, two cohorts of students, 40 in total, have successfully graduated from the programme.<sup>95</sup> The Certificate has received the approval of the Trinity College Council. Under a Strategic Innovation Fund grant, the NIID has been working with other third level institutions across the country to promote education opportunities for people with intellectual disabilities and helping to train and develop other third

<sup>93</sup> <http://www.tcd.ie/niid/lifelong/certificate/> See <http://www.tcd.ie/niid/>

<sup>94</sup> While the approach of catering for people with intellectual disabilities at odds with the inclusive goals of the UN Convention on one level, this course does take place in a University setting and the aims of the certificate in terms of the benefits to the participants are very much in tune with the goals of the Convention.

<sup>95</sup> In a pilot programme ran in 2005, all 20 candidates successfully completed the programme with the ASDAN and the Open University.



level staff. This roll out project aims to develop a national network of third level institutions providing courses for people with intellectual disabilities.

The Institute is funded through a combination of philanthropic funding and State funding, including The Atlantic Philanthropies, The Ireland Funds, Joe Corcoran, The Kathleen Rooney Miller Fund, Special Olympics Ireland, Denis O'Brien and Thomas Crosbie Holdings, The Department of Education and Science, Higher Education Authority, European Commission Marie Curie Fellowships, National Disability Authority, National Council for Special Education and The Fulbright Commission.



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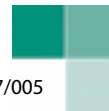
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