

**Teachers’ Union of Ireland**

**Opening Statement to the Joint Oireachtas Committee on Education and Skills regarding** ‘**delivery of services for students with Down syndrome’ (March 2019)**

**Introduction**

The TUI represents teachers and lecturers (17,000+) employed by Education and Training Boards (ETBs), voluntary secondary schools, Community and Comprehensive (C&C) schools and the institutes of technology. We also have a small number of members teaching in special schools.

The TUI welcomes this opportunity to make a submission to the Committee in relation to ‘**delivery of services for students with Down syndrome’.**

Some 0.18% of all children are diagnosed with Down syndrome (www.downsyndrome.ie). This equates to approximately 1,600 students across primary and post-primary. The TUI is not aware of any specific data for the post-primary sector alone.

**Inclusion**

Data clearly shows that students with SEN, such as those with Down Syndrome, are far more likely to attend ETB and C&C schools than voluntary secondary schools. The TUI believes that all students should be able to access mainstream schools unless the needs of the students are so serious that they couldn’t cope in a mainstream school. For this to happen, it must be supported by the resourcing of both schools and support services.

Staff who pursue additional qualifications in the area of SEN must be recompensed. It is important to note that the role of the teacher is to support the education of the child whilst the SNA (if applicable) can cater to the care needs of the child (Circular 30/14 and the May 2018 NCSE review of SNA scheme). All schools should accept students with SEN.

**Individual Education Plans (IEPs) and Implementation of the EPSEN Act 2004**

A commitment to implementing the EPSEN Act 2004 is essential if provision for students with SEN is to be adequately and appropriately addressed. However, full implementation will only be possible when sufficient resources are allocated. Over ten years ago, TUI emphasised that schools were not sufficiently resourced to implement Individual Education Plans for SEN students. The TUI has been calling for the full implementation, and resourcing, of the EPSEN Act for almost fifteen years. We have reiterated that call four times in the last year alone. However, we have been told by successive governments that the funding is not available to enact the remaining provisions of the legislation.

In the absence of appropriate resourcing, TUI members cannot be required to implement IEPs. To do so would create the false impression for parents/guardians that a school has a developed capacity to deliver the level of service promised in the EPSEN Act.

It is the moral and legal responsibility of the State, acting through the DES, to provide the necessary resources. The TUI cannot countenance an opportunistic transfer of that responsibility (or of the associated culpability) from the State to teachers. We have informed members that our objection to a medicalised, administratively heavy IEP process does not apply to normal, professionally appropriate and sustainable classroom planning by teachers for differentiated teaching and learning that takes due account of the strengths and needs of the students they serve and of the contexts in which they teach.

**Recommendations**

We would like to make the following recommendations to the committee:

* Recent changes in guidance provision (Circular 12/2017) and middle management posts (Circular 3/2018) are not enough to support fully students with SEN. A much larger move in terms of restoration of both is also needed.
* Teachers should be able to access CPD in order to best support students with SEN.
* Schools should be able to access support from the significantly under-pressure support services.
* Education, at all levels, should be available to every child - the deciding factor being what is in the best interests of the child.

The DES must make clear, once and for all, if it ever intends to fully implement and resource the EPSEN Act. If the DES cannot implement and resource EPSEN as originally intended, then will the DES join the TUI in examining whether other methods of supporting students with Down syndrome may achieve a better outcome for the student? Is the medicalised, administrative process of IEPs more important than the actual outcome for the child, or vice versa?

**Ends**

**Additional note**

In an answer to a parliamentary question on March 6th 2019, the Minister for Education and Skills stated that

“*Legal advice provided to the Department also indicated that the EPSEN Act, as it is currently constituted, may not be implemented on a phased, or age cohort, basis*.”

The same parliamentary answer also stated that

“*The view of the Department was that the level of investment required* (to fully implement EPSEN) *could be significantly greater than that envisaged*” in 2006 i.e. €235m per annum.

**Appendix**

Section 9 of the Act specifies the following elements that must be contained in the IEP:

(a) the nature and degree of the child’s abilities, skills and talents;

(b) the nature and degree of the child’s special educational needs and how those needs affect his or her educational development;

(c) the present level of educational performance of the child;

(d) the special educational needs of the child;

(e) the special education and related support services to be provided to the child to enable the child to benefit from education and to participate in the life of the school;

(f) where appropriate, the special education and related services to be provided to the child to enable the child to effectively make the transition from pre-school education to primary school education;

(g) where appropriate, the special education and related support services to be provided to the child to enable the child to effectively make the transition from primary school education to post-primary school education, and

(h) the goals which the child is to achieve over a period not exceeding 12 months”.

**Glossary**

C&C Community and Comprehensive

DES Department of Education and Skills

EPSEN Education for Persons with Special Educational Needs

ETB Education and Training Board

IEP Individual Education Plan

NCSE National Council for Special Education

SEN Special Educational Needs

SNA Special Needs Assistant

TUI Teachers’ Union of Ireland