

**Teachers’ Union of Ireland (TUI) response to the call for submissions by the Department of Education and Skills (DES) on the topic of exemptions from the study of Irish.**

**(January 2019)**

The TUI represents teachers, lecturers and staff in out of school services (18,000+) employed by Education and Training Boards (ETBs), voluntary secondary schools, Community and Comprehensive (C&C) schools, Youthreach and institutes of technology. Exemptions from the study of Irish arise mainly, though not exclusively, from the issue of special educational needs (SEN) and migration. Close examination of all relevant data indicates that schools in the ETB and C&C sectors enrol, by far, the largest proportion of students with SEN. As cited in Fischer (2016: 167)

“community schools and vocational or technical schools under VEC (and now ETB) management cater for a much more diverse school population and for a disproportionate number of immigrants or children of immigrants, as the results of the 2008 Department survey clearly showed.”

**Background**

Ireland has an internationally acknowledged, high-performing education system and respected teaching profession (Teaching Council, 2010; OECD, 2013; DES, 2018a; OECD, 2015a; OECD, 2009; NAPD, 2016; Comhairle na nOg, 2017; Growing Up in Ireland, 2017; IPSOS MRBI Trust in the Professions Survey, 2017; Boyle, 2017; Scanlon & McKenna, 2018; EU Commission/EACEA/Eurydice, 2018; Kantar Millward Brown, 2018; Social Progress Initiative, 2018; EU Commission, 2018; United Nations Development Programme, 2018; Irish Survey of Student Engagement 2018; Growing Up in Ireland, 2018) despite spending relatively little on education (OECD, 2015b; SJI, 2018, NERI, 2018) and historic underinvestment (DES, 2018b). Indeed citizen satisfaction with the education system in Ireland is the highest of any of 22 European countries studied (Boyle, 2018).

Ireland has a very young population (Eurostat, 2015). In 2008, we had the second highest proportion of 10-14-year olds in the European Union (CSO, 2009). The high birth rate in Ireland (CSO, 2017; Eurostat, 2017) indicates that the population of young people is likely to remain high for the foreseeable future. The DES (2012, 2017) suggests that the number of students in the primary school system will rise by forty-nine thousand (516,460 to 565,696) between 2011 and 2019 and by almost one hundred thousand in second level between 2011 and 2025 (322,528 to 416,897). In this context, it is not sufficient to suggest that a world-class out of school support system can be sustained with inadequate resources of time, money or personnel. For example, NCSE (2014), Barnardos (2008) and Growing Up in Scotland (2012) all show that between a quarter and a fifth of all students in the school system have special needs.

A commitment to implementing the EPSEN Act 2004 is essential if provision for students with special educational needs is to be adequately and appropriately addressed. However, full implementation will only be possible when sufficient resources are allocated toprimary and post-primary schools. Over ten years ago, TUI (2006) emphasised that schools were not sufficiently resourced to implement specific elements of the EPSEN Act, in particular designing and delivering Individual Education Plans (IEPs) for SEN students. In the absence of adequate resourcing, many of the needs of students with special educational needs are falling on parents, as seen in Scotland. Failure to meet the needs of children can, as noted by the charity Action for Sick Children Scotland, result in students missing up to a year in school (Times Education Supplement Scotland, August 18th, 2017).

Cutbacks in educational supports are compounded for students with special educational needs as they also rely heavily on support services from the health sector. Many of these support services are vital if a student with special needs is to be adequately supported. For example, in 2015, less than half of the recommended 127 specialist Child and Adolescent Mental Health Services (CAMHS) teams had been established, 472 children in care did not have a social worker, 673 children in care did not have a care plan whilst there are 8,161 child protection cases which had not been allocated a social worker including 2,829 deemed ‘high priority’ (Children’s Rights Alliance, 2015). In March 2018, 2,691 children and young adults were waiting for a CAMHS appointment, including 386 who were waiting more than 12 months and 128 who were waiting more than 18 months (Irish Times September 10th, 2018). In November 2018 37,473 children were “in some health queue waiting for an assessment for mental health, disability or speech and language problems” (Irish Independent Nov 28th 2018). Furthermore, in a study of 33 countries, Ireland had the seventh highest ratio of students to school psychologists i.e. 5,298:1 as opposed to 927:1 in Denmark for example (Jimerson et al., 2009). The average in the study was 3,709:1. For Ireland to reach a reasonable rate of 2500 students per psychologist, taking into account demographic group, would require the employment of 267 more psychologists by 2021 (Impact, 2015). Understaffing in NEPS is also a concern of the Oireachtas (2018). In 2017, there were 2,767 children waiting for a first appointment with CAMHS whilst Ireland has the fourth highest incidence of teenage suicide in the European Union (Children’s Rights Alliance, 2018). OCO (2018:4) made clear that

“This Office is concerned with staffing problems in the Child and Adolescent Mental Health Services (CAMHS) which means that children experiencing escalating levels of stress and anxiety are often unable to access the emergency supports they need.”

This is all within the context that during 2014, the then TUSLA Chief Executive publicly stated that the Agency required additional funding of €45 million ‘just to stand still’ (Irish Times December 30th, 2014). Indeed, TUSLA (2018) stated that

“While additional funding has been agreed for 2018, significant additional funding will be required for 2019 and 2020 to continue to grow Tusla as a self-sufficient organisation. It will also be important to be able to continue to respond to new Government policy and legislative requirements as they emerge.”

Budget 2019 did give Tusla an increase in its budget of €30m to €786m (Irish Examiner 9/10/2018) but gaps remain.

RTE News (September 23rd 2018) reported that less than 10% of the number of staff required for CAMHS intellectual disabilities were in place. This compounds difficulties in schools caused by the loss of pastoral supports such as Assistant Principal positions, a situation that the DES (2014) itself described as “unsustainable”.

The Tusla budget has increased since 2014 but as recently as March 2018 Tusla was short almost three hundred social workers (TheJournal.ie March 28th 2018) and more than 4,000 children who were referred to protection and welfare services were waiting to be allocated a social worker (Irish Independent March 29th 2018).

In October 2018, 36,531 people were waiting for speech and language therapy (SLT) with a further 32,103 waiting for occupational therapy (OT). One-quarter of those waiting for an OT assessment had been waiting more than a year (Sunday Independent December 16th 2018).

Many of the above difficulties also arise when schools are trying to support a child in accessing speech and language therapy for example (Irish Examiner, September 22nd, 2014). Children’s Rights Alliance (2018) highlights the 314 children who have been waiting over one year for a speech and language therapy assessment. It is interesting to note that Finnish schools have access to a school psychologist, school social worker, study counsellor, school dentist, school nurse, speech therapist and family counsellor. All of these specialists are either based in one school or, in areas where schools are smaller (over 30 percent of Finnish schools have only three or four permanent teachers), they split their time between several schools. “The multi-disciplinary group known as the child welfare team is a cornerstone of Finnish education, and it is a legal requirement to have one in every school. In big schools, this group must meet weekly for a two-hour meeting.” (Crehan, 2016: 28)

It is also interesting to note that Irish students have lower levels of school-related anxiety than their peers in Australia, Canada, New Zealand, UK, USA. (OECD, 2017)

**Inspectorate Research Report**

The TUI has given careful consideration to the research report written by the Inspectorate on this matter. The TUI takes particular note of the following:

* Nine percent of the student population at post-primary are exempt from the study of Irish.
* Current circulars are silent on some forms of SEN e.g. autism.
* Twelve percent of post-primary students were not born in Ireland but 17% of the overall school population is foreign-born. Hence the post-primary system will soon see a dramatic increase in the number of students who were not born in Ireland. This will lead to huge pressure on allocation as an alternative subject will need to be offered due to numbers.
* Forty percent of the marks at Leaving Certificate relate to the externally assessed oral component. The TUI is on record as being determined that this oral component must continue in its current form if the language is to be protected. The revised Junior Cycle regrettably removed the oral component from the State certified results of that examination and made it only a classroom based assessment. Unfortunately the revised Junior Cycle also removed the Foundation Level programme which was useful in supporting students to gain some level of knowledge of the Irish language.
* The authority to grant an exemption is currently delegated to the board of management of the school.
* The very nature of autism is that there is a spectrum from high functioning to low functioning, and a consequent variation in the ability of a student to access the curriculum. Sometimes there is inconsistency in psychological reports.
* A large proportion of students taking both Junior Certificate and Leaving Certificate examinations do not sit the Irish examination but don’t actually have an exemption.
* Parents are already exerting considerable pressure on schools to grant exemptions, even where the school does not believe that an exemption is applicable.
* Many parents, especially in DEIS schools or schools with a high proportion of English as a Additional Language students, have little interest in their children learning the Irish language. Parents support their children in their unwillingness to do Irish which causes huge issues in term 1 after transition points. Parental support to the school is essential.
* In many cases post-primary schools do not believe that a particular child is entitled to an exemption from the study of Irish, but find that the child was granted an exemption in primary school. This creates obvious difficulties in terms of perceptions of parents and the ability of the child to take up the language in post-primary. The TUI believes that there is potentially a role for the SENO and /or NEPS to identify such issues prior to transition.
* Many students who have exemptions are then taken out of Irish class to attend learning support. Some parents put schools under pressure to provide ‘extra’ Maths or English classes for example. This causes significant difficulties for schools, not least of which is that a perception can be created that ‘academic advantage’ can be bestowed on the child exempted from Irish. Furthermore, smaller schools with a high concentration of SEN and large numbers of students without exemptions makes learning support unwieldy and schools have added an additional subject opposite Irish.
* Up to half of existing exemptions have not been in accordance with existing guidelines.
* Appeals are currently processed by the DES. There are usually less than 100 appeals in post-primary each year so the workload for the DES is not significant.
* Psychologists reported parents viewing an exemption as an entitlement and that exemptions conferred an advantage on children.
* Psychologists reported being put under pressure to conduct/provide assessments for the sole purpose of applying for exemptions. This may be wasteful but it is not appropriate to put this pressure on schools.

**Changed society**

It is important to note that Irish society has changed dramatically since the current circulars on exemptions from the study of Irish were published. There is a much better understanding of SEN now. Furthermore, many more students with SEN are now participating fully in mainstream schooling. It is interesting to note that Wright (2015:42) noted that students with some forms of SEN do not “do not have more severe foreign language learning problems than their peers solely because of their learning disabilities”. Sparks (2009) questions the validity of a diagnosis of ‘foreign language learning disability’. Sparks (2016: 255) states that “empirical evidence has shown that students classified as learning disabled do not regularly fail foreign language courses and that, in fact, most secondary and postsecondary students classified as learning disabled pass foreign language courses.” The composition of Irish society has also changed. For example, a high proportion of the population have migrated into the country, but also have migrated out of the country for a period of time before returning. When returning to Ireland they often have young children who received much of their schooling in another country.

**Proposed Circular**

The TUI would like to put on record that it is not satisfactory for the DES to move additional work on to schools. Schools are already under significant pressure from initiativitis (Fullan, 2008). This was acknowledged recently by the Minister for Education and Skills in his address to the National Association of Principals and Deputy Principals on October 19th 2018, and again in his address to the Principals and Deputy Principals Association of the TUI on November 16th 2018.

The TUI has a workload agreement with the DES and it is not acceptable for the DES to do anything to breach the terms of the agreement. If new work is to be foisted on hard pressed schools then some existing work must be removed.

**Possible Solutions**

* There continues to be a need for educational psychologists to carry out assessment in order to support schools to provide the best education possible to children with SEN.
* NEPS needs to be provided with significantly more resources in order to provide this support to schools.
* Clear guidance needs to be set down for psychologists in private practice as to when an exemption is warranted.
* Clear guidelines should be issued to schools and parent’s groups outlining when an exemption is warranted. This process must start in primary school.
* Guidelines for primary and post-primary schools should be identical. A section on transition must be included in those guidelines.
* The DES should have a greater, not lesser, role in the granting of exemptions.
* Third level exemption processes should be in line with school exemption processes.
* Fee-paying schools, both primary and post-primary, should be encompassed by the circular.
* Autism/mutism/verbal dyspraxia etc should be encompassed in the circular. Children with such difficulties should have an entitlement to a NEPS assessment, thereby determining whether their level of need would require the granting of an exemption from the study of Irish.
* There is justification in moving from an age of 11 to an age of 12 in terms of students who were educated primarily or entirely abroad prior to then. This may usefully be processed at school level but it is important that the DES issue clear guidelines as to what supporting documentation parents must provide to a school to support such a claim for an exemption.
* The TUI is concerned that, as set out in the DES consultation paper, the number of applications for exemptions rises considerably in exam years. The TUI believes that the circular should strongly recommend that exemptions should be made in the year prior to entering post-primary if they haven’t been made before then. There may be circumstances in which applications need to be made during the years of post-primary education, e.g. emerging SEN or migrating families, but such circumstances should be exceptional and not the norm in applying for exemptions especially in the year of State exams.
* The circular should strongly remind primary schools of the need to communicate information about student exemptions from Irish to the relevant post-primary school at the earliest reasonable opportunity.
* The TUI agrees that exemption from the study of Irish should no longer apply in post-primary school where the medium of instruction is Irish. However, there is a need to retain an exceptional needs element in this context.
* The TUI agrees that the issue of exemptions from Irish for students in special schools or special classes should be determined on the basis of the learning needs of the individual child.
* The TUI strongly disagrees that the appeals process should be moved from the DES to the local level. There are issues here of administrative overload and double jeopardy at local level. However, even more importantly, there is currently a difficulty with a lack of consistency across the system in how exemptions are operated. This is noted by the DES in the Inspectorate report and in the consultation paper. Such inconsistency cannot be eliminated if there is no central system of appeals.
* Schools sometimes feel that there is a possible culture of some parents
strategically opting for schools where exemptions are granted effortlessly. Furthermore, a small number of schools grant exceptions without teachers of Irish being consulted.
* Schools are under significant pressure and do not need the additional parental pressure that could come with a call from some parents for the child to be granted ‘extra’ Maths or English classes instead of learning a language such as Irish.

**Conclusion**

As the Inspectorate report states (DES 2018c: 89) “the issue of language exemptions is complex and there are no simple solutions”. The TUI agrees that an ad hoc system of exemptions has taken over from the practice in the original circulars. New forms of need have arisen and a new Ireland is evident. The proposed circular is well-intended and does address issues of new forms of SEN for example. However, it is not acceptable to take the role of the DES and NEPS and simply move it on to already hard-pressed schools.

**Ends**

**David Duffy (Education/Research Officer, TUI),** dduffy@tui.ie**, 01 4922588**

**Glossary**

C&C Community and Comprehensive

DES Department of Education and Skills

ETB Education and Training Board

EPSEN Education for Persons with Special Educational Needs Act 2004

NEPS National Educational Psychological Service

SEN Special Educational Need

TUI Teachers’ Union of Ireland

**References**

Barnardos (2008), *Tomorrow’s Child*, Dublin: Barnardos

Boyle (2017), *Public Sector Trends 2017*, Dublin: Institute of Public Administration

Boyle (2018), *Public Sector Trends 2018*, Dublin: Institute of Public Administration

Children’s Rights Alliance (2015), *Are We There Yet? Parallel Report to Ireland’s Third and Fourth Combined Report under the UN Convention on the Rights of the Child*, Dublin: Children’s Rights Alliance

Children’s Rights Alliance (2018), *Report Card 2018*, Dublin: Children’s Rights Alliance

Comhairle na nOg (2017), *So, How Was School Today?* Dublin: Department of Children and Youth Affairs

Crehan, L. (2016), *Cleverlands*, London: Unbound

CSO (2009), *Children and Young People in Ireland 2008*, Cork: Central Statistics Office

CSO (2017), *Vital Statistics Yearly Summary 2016*, Cork: Central Statistics Office

DES (2012), *Projections of Full-Time Enrolment: Primary and Second Level 2012-2030*, Dublin: Department of Education and Skills

DES (2014), *Organisation and Current Issues: briefing note to the Minister*, Dublin: Department of Education and Skills

DES (2017), *Projections of Full-Time Enrolment: Primary and Second Level 2017-2035*, Dublin: Department of Education and Skills

DES (2018a), *Chief Inspector’s Report 2013-2016*, Dublin: Department of Education and Skills Inspectorate

DES (2018b), *Opening Statement to the Joint Oireachtas Committee on Education and Skills,* August 29th 2018

DES (2018c), *Review of Policy and Practice in Relation to Exemptions from the Study of Irish*, Dublin: Department of Education and Skills Inspectorate

EU Commission (2018), *Labour Market Policy Thematic Review 2018*, Luxembourg: Publications Office of the European Union

EU Commission / EACEA / Eurydice (2018), *The European Higher Education Area in 2018: Bologna process implementation report*, Luxembourg: Publications Office of the European Union

Eurostat (2015), *Being Young in Europe Today*, Luxembourg: Publications Office of the European Union

Eurostat (2017), *Fertility Statistics*, Luxembourg: Publications Office of the European Union

Fischer, K. (2016), *Schools and the Politics of Religion and Diversity in the Republic of Ireland*, Manchester, UK: Manchester University Press

Fullan. M. (2008), *What’s Worth Fighting For in Headship?* London: McGraw Hill Higher Education

Growing Up in Ireland (2017), *Key Findings: Infant cohort at 7/8 years, School and learning*, Dublin: ESRI

Growing Up in Ireland (2018), *The Lives of 13-year-olds*, Dublin: ESRI

Growing Up in Scotland (2012), *Early Experiences of Primary School*

Impact (2015), *The Way Forward, A school psychological service for all children and young people*, Dublin: Impact

Jimerson, S. R., Stewart, K., Skokut, M., Cardenas, S & Malone, H. (2009), “How Many Psychologists are there in Each Country of the World? International estimates of school psychologists and school psychologist to student ratios”, *School Psychology International*, 30, 555-567

Kantar Millward Brown (2018), *Our Faith in Institutions*, Dublin: Kantar Millward Brown

NCSE (2014), *Delivery for Students with Special Educational Needs*, Trim: National Council for Special Education

NERI (2018), *Quarterly Economic Observer, Summer 2018*, Dublin: Nevin Economic Research Institute

OCO (2018), *Annual Report 2017*, Dublin: Ombudsman for Children’s Office

OECD (2009), *Education at a Glance*, Paris: Organisation for Economic Co-operation and Development

OECD (2013), *Education at a Glance*, Paris: Organisation for Economic Co-operation and Development

OECD (2015a), *Government at a Glance 2015*, Paris: OECD Publishing

OECD (2015b), *Education at a Glance 2015*, Paris: OECD Publishing

OECD (2017), *PISA 2015 Results (Volume 3): Students’ Well-Being*, Paris: OECD Publishing

Oireachtas (2018), *Final Report, Joint Committtee on the Future of Mental Health Care*, Dublin: Oireachtas

Scanlon, G. & McKenna, G. (2018), *Home Works: A study on the educational needs of children experiencing homelessness and living in emergency accommodation*, Dublin: Children’s Rights Alliance

SJI (2018), *Poverty Focus 2018*, Dublin: Social Justice Ireland

Social Progress Initiative (2018), *Social Progress Index 2018*, Washington DC, USA: Social Progress Imperative

Sparks, R. (2009), “If you don’t know where you’re going, you’ll wind up somewhere else: the case of foreign language learning disability, *Foreign Language Annals*, 42 (1), 7-26

Sparks, R. (2016), “Myths about foreign language learning and learning disabilities”, *Foreign Language Annals*, 49 (2), 252-270

Teaching Council (2010), *Evaluation of Public Attitudes to the Teaching Profession*, Maynooth: Teaching Council

TUI (2006), *Submission to the Department of Education on the Implementation of the Education for Persons with Special Educational Needs Act, 2004*, Dublin: Teachers’ Union of Ireland

TUSLA (2018), *Corporate Plan 2018-2020*, Dublin: TUSLA, Child and Family Agency

United Nations Development Programme (2018), *Human Development Indices and Indicators: 2018 statistical update*, New York: United Nations

Wrght, C. (2015), “Students with Learning Disabilities in the Foreign Language Learning Environment and the Practice of Exemption”, *Foreign Language Annals*, 48 (1), 39-55