



**TITHE AN OIREACHTAIS**

**AN COMHCHOISTE UM  
NITHE A BHAINNEANN LE MÍCHUMAS**

**CONTRIBUTION TO THE PUBLIC CONSULTATION ON THE REVIEW OF THE  
EDUCATION FOR PERSONS WITH SPECIAL EDUCATIONAL NEEDS  
(EPSEN) ACT 2004  
MARCH 2023**

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**HOUSES OF THE OIREACHTAS**

**JOINT COMMITTEE ON  
DISABILITY MATTERS**

**RANNCHUIDIÚ LEIS AN GCOMHAIRLIÚCHÁN POIBLÍ AR AN  
ATHBHREITHNIÚ AR AN ACHT UM OIDEACHAS DO DHAOINE A BHFUIL  
RIACHTANAIS SPEISIALTA OIDEACHAIS ACU, 2004  
MÁRTA 2023**

## Introduction

1. The United Nations Convention on the Rights of People with Disabilities (UNCRPD) is a landmark Convention that aims to transform the approach to disability from a medical model to the social or human rights model that views these individuals as citizens, as having rights capable of contributing to society and living independently.
2. The remit of the Joint Committee on Disability Matters is to consider all disability matters including monitoring the implementation (by Ireland) of the UNCRPD. This includes monitoring implementation of Article 24 Inclusive Education under this Convention. Article 24 requires State Parties not only to ensure an inclusive education system at all levels and lifelong learning, but to ensure that this system enables persons with disabilities to participate effectively in a free society. In this regard, it closely follows the social model of disability, since it requires Parties to achieve a truly inclusive non-discriminatory educational system by removing all the barriers to participation. In other words, in order to achieve an inclusive educational system States Parties must ensure that persons with disabilities can access an inclusive, quality and free primary and secondary education on an equal basis with others.<sup>1</sup>
3. Article 24 of the UNCRPD highlights that segregation occurs when the education of students with disabilities is provided in separate environments designed or used to respond to a particular or various impairments, in isolation from students without disabilities.
4. The States delivery of inclusive education through the continuum of provision i.e., mainstream schools, special classes and special schools therefore does not line up with the CRPD Committees (which is responsible for monitoring the Convention) interpretation of inclusive education.
5. Markus Schefer member of the CRPD Committee, at the Joint Committee on Disability Matters public meeting, 27 May 2021, highlighted the difficulty of State Parties in meaningful implementation of Article 24 and stated that the CRPD committee has not reviewed any country thus far where it has not found serious deficiencies in the education system.
6. The Joint Committee on Disability Matters acknowledge the Government's commitment to moving from a medical to a human rights approach to inclusive education and the Minister of State with responsibility for Special Education achievements in this regard including;
  - supporting mainstream placement as a first option
  - mainstreaming early intervention through the development of the Special Education Teachers (SET) and Special Needs Assistants (SNA) models to enable mainstream primary and post-primary school's greater levels of autonomy in supporting inclusive education without the need for a formal diagnosis which supports early intervention.
  - increased role and funding of NCSE for direct engagement with schools
  - development of the Summer Provision to tackle regression
  - development of standard professional training including autism training for SNAs
7. The EPSEN Act 2004 (the Act) which was introduced to formally address the issue of inclusion and support children with SEN to leave school with the skills necessary to participate, to the level of their capacity, in an inclusive way in the social and economic activities of society and to live independent and fulfilled lives. However, in reality the Act does not deliver meaningful inclusion for the reasons

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<sup>1</sup> D. Ferri (2017). Article, Department of Law, Maynooth University. *Unveiling the Challenges in the Implementation of Article 24 CRPD on the Right to Inclusive Education. A Case-Study from Italy*. Retrieved from [Unveiling the Challenges in the Implementation of Article 24 CRPD on the Right to Inclusive Education. A Case-Study from Italy \(maynoothuniversity.ie\)](https://www.maynoothuniversity.ie/unveiling-the-challenges-in-the-implementation-of-article-24-crpdp-on-the-right-to-inclusive-education-a-case-study-from-italy)

outlined below and there is a need to ensure that the Act is updated to align with the UNCRPD, particularly art. 24 and General Comment 4 (2016) of the CRPD Committee.

### **Need for appropriate assessment and supports**

8. For the Act to align with the UNCRPD and art. 24 it would need to ensure that children with disabilities are meaningfully included by enabling access to a range of services in schools that are necessary to support that inclusion and meaningful participation in society.
9. Due to financial constraints, sections of the Act that deal mainly with the right to be educated in an inclusive manner, the duties of schools and the establishment of the NCSE have been commenced while sections of the Act which have not yet been implemented include those which would have conferred a statutory entitlement to;
  - a) an educational assessment for all children with SEN.
  - b) consequent development of a statutory individual educational plan (IEP)
  - c) the delivery of detailed educational services on foot of this plan.
  - d) independent appeals process.<sup>2</sup>
10. While IEPs were not fully mandated under the Act they are considered best practice both nationally and internationally depending on the quality of assessment and adoption evidence-based practices within a process of continual innovation, evaluation and renovation. Teachers, school personnel and the child work together to develop a portfolio of the child's strengths and needs, using a continuum of assessment methodologies.<sup>3</sup>
11. In this regard, IEPs and their development along with appropriate assessment and supports are crucial to realise meaningful inclusion of children with SEN in schools. With no statutory entitlement to educational assessment, consequent development of a statutory IEP and detailed educational services, inclusive education has no means of execution and is impossible to realise in schools. This means that the level of inclusion as outlined in art. 24 highlighted further below which requires significant change in school culture, structures, practices and curricula cannot even begin to be reached if the basic structures and execution for individual assessment, based on the needs of the child, with access to educational services on foot of this plan, is not available as a standard in schools. The Committee are aware that the Department has been rolling out the SNA and SET allocation models as a non-statutory response to ensure supports for children with SEN. The lack of standard IEP process coupled with the lack of a whole system approach ensures that Ireland is far from a good position to deliver inclusive education as per UNCRPD.

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<sup>2</sup> Dáil Éireann Debate, Wednesday, 17 February 2021, Questions (466), *Special Educational Needs*. Retrieved from [Special Educational Needs – Wednesday, 17 Feb 2021 – Parliamentary Questions \(33rd Dáil\) – Houses of the Oireachtas](#)

<sup>3</sup> Howe, C., Griffin, C. (2021). *Is Ireland at a Crossroads of Inclusive Education?* REACH: Journal of Inclusive Education in Ireland, 33(1), 44–56. Retrieved from <https://reachjournal.ie/index.php/reach/article/view/8>

## Sustaining the segregation of children with SEN

12. The Joint Committee on Disability Matters are concerned as the current model of SEN provision is supporting the segregation of children with SEN in Irish schools and local communities. Section 37 of the Education Act 1998 (as inserted by Section 8 of the Education (Admission to Schools) Act 2018), whereby the Minister can compel a school to take children with special needs if they are not doing so, is also not fit for purpose as it takes 2/3 years to work.<sup>4</sup> This highlights the deeper issue of the lack of embedding inclusion in schools across institutional culture, policies and practices. If the model of SEN provision was developed across institutional culture, policies and practices across schools in line with art. 24, schools would be supported to undertake the necessary transformation. Compelling schools to open special classes when the policies and practices have not been developed and standardised will not ensure culture change and inclusive education. SEN education will continue to be an 'add on' instead of being implemented as a standard along with necessary cultural shift.
13. The ineffectiveness of the current model of SEN provision and the lack of a standard of individual assessment and supports for children with SEN in schools can therefore be considered as sustaining the lack of mainstream placement as a first option. The substantial increases in the number of special classes in mainstream primary, the opening of temporary special schools, the increase in the lack of school placements in the local community and parents and children having to travel significantly without transport supports are also sustained by the current model. Dependence on reduced timetabling, exclusion and home tuition, over concentration of pupils with disabilities in schools designated as disadvantaged, incoherent approach to reasonable accommodation in Leaving Cert and lack of transition approach where children are offered mainstream primary class but none in post primary are also sustained by the current model.
14. Another significant issue is the lack of joined up thinking and working between health and education. The NDA note that the original intention was that the EPSEN Act 2004 (education) and the Disability Act 2005 (health) would operate in tandem and provide people with disabilities and SEN with a joined-up approach to assessment and support provision. This is not happening currently. Parents may not need a diagnosis to access supports in schools however the Committee heard that parents need a diagnosis to secure school placement and considering the significant delay with assessments under the Progressing Disability Services (PDS), this means that parents are not receiving diagnoses in time to secure a school placement. There are many other challenges including the separation of on-site health services in schools from the multidisciplinary approach under the PDS model. The Department must work better with the Department of Health in delivering early intervention, inclusive education and positive life outcomes for children with SEN.
15. As the current model of SEN provision is sustaining the segregation of children with SEN, these children are locked in pathways that do not support meaningful participation in society and further impacts alignment with art. 24. Children with SEN that are segregated throughout primary and post primary and have no meaningful access to the local school continue on a segregated path to day services, with a lack of further education and employment opportunities. This leads to a lack of quality-of-life outcomes for these children. The Committee also heard that some young adults with disabilities may complete their Leaving Cert and still end up in day services which is considered a regression in their education. The Department must develop a more forward-thinking approach to ensure better

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<sup>4</sup> The Ombudsman for Children, Press Release, 22 June 2022, *Plan for Places: OCO report highlights need for adequate forward planning to ensure children with SEN receive equal access to education*. Retrieved from [Plan for Places: OCO report highlights need for adequate forward planning to ensure children with SEN receive equal access to education | Ombudsman for Children](#)

quality of life outcomes for these children and develop a joined-up approach by working with other relevant Departments to ensure better outcomes for these individuals.

16. The Ombudsman recent report, *Plan for Places: Forward Planning for the provision of school places for children with Special Educational Needs (SEN)* has also highlighted the lack of appropriate places in primary and secondary schools stating that when children with SEN are not included within the mainstream school system, it "constitutes discrimination". The Joint Committee on Disability Matters support the Ombudsman's recommendations in this regard particularly the publication of a plan to ensure that there are enough school places to meet the forecasted needs of children with special educational needs in local communities. In addition, that data on the number of children without an appropriate school place is published centrally every year and the need for appropriate school places to be made available for children with special educational needs close to their homes.

### **Seclusion, restraint and safeguarding**

17. The Joint Committee on Disability Matters recent report 'Aligning Disability Services with the UNCRPD' highlights how the use of exclusion and restraint in Irish schools is impacting the rights of children. To inform this report, the Committee heard evidence from the Autistic Paddies at the public meeting, 04 November 2021, that;  
    'Isolation, seclusion, and restraint of disabled people are employed by schools and care services across Ireland as standard practice and can cause extreme trauma and have long-term mental health impacts. These practices are disproportionately used against intellectually disabled, neurodivergent and ethnic minority children.'
18. The Committee are aware, as highlighted by Inclusion Ireland in their report 'Shining a light on seclusion and restraint in schools in Ireland: The experience of children with disabilities and their families' that there are rules on seclusion and restraint where children are in services run by the State. However, there are no rules on how people working in schools should use seclusion and restraint on children. Inclusion Ireland further highlight in this report that the Department of Education has been repeatedly asked to issue guidelines to schools on the issue of restraint and seclusion. Inclusion Ireland's report notes that the National Council for Special Education (NCSE) highlighted the seriousness of the situation around supporting children with "challenging behaviours in school" and that these students require specialist supports but are being supported by SNA staff without specialist training in behaviour management and called for "immediate action", warning of "very serious consequences for students and staff".
19. Of further concern to the Committee, as highlighted by Inclusion Ireland in their report 'Shining a light on seclusion and restraint in schools in Ireland', is that there is currently no obligation for parents or guardians to be informed about the use of restraint or seclusion on their child in school. There is need for an obligation to inform guardians to be included in these guidelines along with mandatory reporting to guardians to ensure that they have the information they need to safeguard the child's wellbeing and use the reporting mechanism in cases where it is necessary.
20. The Autistic Paddies also highlighted to the Committee that service providers need to consider the impact of the environment when an autistic child or individual is in distress and not try and change the individual through seclusion and restraint. The Committee note the application of seclusion and restraint in response to autistic children, or children with disabilities behaviour often reflects a medicalised response. A social model response could consider the school environment, as highlighted by AsIAM in their Autism Guidance for Teachers, as the learning experience is more challenging for

autistic students, for example the sensory environment, transferability of skills from subject to subject or lack of direct or clear instruction. Sometimes autistic students might need more learning reinforcement to cement the concepts they are learning.

21. The Department of Education and schools must ensure compliance with the Children First Act 2015 and practice obligations as set out in Children First: National Guidance for the Protection and Welfare of Children 2017. The Department of Education must also develop specific policies and procedures on how to create a safe environment to prevent deliberate harm or abuse to the children using their services. Each school must have a Designated Liaison Person (DLP) in place for dealing with child protection concerns, with responsibility for ensuring that the standard reporting procedure is followed, so that suspected child protection concerns are referred promptly to the designated person in TUSLA, the Child and Family Agency or in the event of an emergency and the unavailability of TUSLA, to An Garda Síochána.
22. It is noted that the UN Committee on the Rights of the Child under their Concluding observations on the combined fifth and sixth periodic reports of Ireland recommended that State Parties explicitly prohibit the use of restraint and seclusion in educational settings.<sup>5</sup> The Joint Committee support this recommendation and further recommend that the Department of Education must ensure that the EPSEN Act is developed to deliver this recommendation as well as aligning with all other recommendations in this report.
23. The Department of Education has not yet published guidance on the use of seclusion and restraint in schools. The Committee recommend that the Department issue this guidance immediately, and that this guidance should include an obligation that all uses of restraint or seclusion in schools be reported to the student's guardians as soon as possible. The guidance must prohibit the use of restraint and seclusion in educational settings. Training to support teachers and Special Needs Assistants (SNAs) on how to appropriately deal with behavioural issues is required. A standard reporting mechanism must also be introduced where parents, children or young adults can report concerns regarding the inappropriate use of seclusion or restraint in schools to the DLP, who can refer to TUSLA where necessary. This must include mandatory reporting to guardians to ensure that they have the information they need to safeguard the child's wellbeing and use the reporting mechanism in cases where it is necessary.
24. Any development of the EPSEN Act must ensure the prohibition of restraint and seclusion in educational settings as well as providing appropriate supports for children and necessary training for all teachers. All institutional culture, policies and practices currently in place in schools must also be considered in terms of whether they support the medical approach to disability and to determine development needed, and provision under the Act, to align with art. 24. and Concluding Observations of the UN Committee on the Rights of the Child.

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<sup>5</sup> Department of Children, Equality, Disability, Integration and Youth, Press Release, 9 February 2023, *United Nations Committee on the Rights of the Child publishes its Concluding Observations on the combined fifth and sixth periodic reports of Ireland*. Retrieved from [gov.ie - United Nations Committee on the Rights of the Child publishes its Concluding Observations on the combined fifth and sixth periodic reports of Ireland \(www.gov.ie\)](https://www.gov.ie/en/united-nations-committee-on-the-rights-of-the-child-publishes-its-concluding-observations-on-the-combined-fifth-and-sixth-periodic-reports-of-ireland/)

## Ensuring a whole system approach to inclusive education

25. As highlighted the current model of SEN does not deliver meaningful inclusion of children with SEN in schools because the standard for delivery has not been developed through individual assessment and educational plans and supports. The Department must develop this standard of individual assessment and use a whole system approach to deliver significant change in institutional culture, policies and practices and embed inclusion in schools.
26. General Comment 4 (2016) of the CRPD Committee highlights the need for inclusive practices and how states must enable inclusive education through developing a whole systems approach and capacity building in schools. This whole systems approach requires that all resources are invested in advancing inclusive education and in introducing and embedding the necessary changes in institutional culture, policies, and practices. The CRPD Committee also highlights that a whole educational environment is required that reflects a commitment of educational institutions to inclusion, but most importantly, a whole person approach is required that recognises of the capacity of every person to learn.
27. The CRPD Committee also highlights that inclusive education system can only be realised by ensuring that all teachers and other staff receive education and training to give them the core values and competencies to accommodate inclusive learning environments, which include teachers with disabilities.
28. Article 24, Inclusive Education, reflects this whole system approach and delivery of the right to inclusive education in all formal and informal educational environments to accommodate the differing requirements and identities of individual students, together with a commitment to remove the barriers that impede that possibility. This involves strengthening the capacity of the education system to reach out to all learners and seeks to enable communities, systems and structures to combat discrimination, including harmful stereotypes, recognise diversity, promote participation and overcome barriers to learning and participation for all by focusing on well-being and success of students with disabilities. It requires an in-depth transformation of education systems in legislation, policy, and the mechanisms for financing, administration, design, delivery and monitoring of education.<sup>6</sup>
29. However, achieving success in Ireland at this level and in implementing these inclusive practices, requires fundamental changes in relation to school cultures, structures, practices and curricula.<sup>7</sup>
30. The Committee are aware that the continuum of provision of special education in Ireland has generally been accepted, without serious questioning, as being necessary and in the best interest of students who attend these settings and that schools are inclusive because the students who attend there are meaningfully engaged in school activities and have access to a full and broad curriculum.
31. Research highlights that significant progress has been made in supporting inclusive education including developing opportunities for early intervention, overcoming pupil 'labelling' with the new model of SET allocation, capacity-building and coordination between different levels of the education system and research-informed evidence as well as the revision of primary curricula. However, questions regarding special schools and special classes, and the dichotomy between differentiation and a universal design for learning framework still need to be addressed. Research further

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<sup>6</sup> CRPD Committee, General Comment No. 4 (2016). *Article 24: Right to inclusive education*

<sup>7</sup> Murphy, M., Thompson, S., Doyle, D., & Ferri, D. (2022). *Inclusive education and the law in Ireland*. International Journal of Law in Context, 1-21. doi:10.1017/S1744552322000180



highlights that when the above issues are addressed, inclusive education may become a reality rather than a vision in all Irish classrooms.<sup>8</sup>

32. The Joint Committee on Disability Matters are aware that the School Inclusion Model which is currently being piloted as highlighted by the NCSE offers the best option for inclusion both inside and outside of the classroom<sup>9</sup>, with a purpose to build the capacity of participating schools so they can support the inclusion of all children particularly those with SEN.<sup>10</sup> A whole system approach would ensure effective working with the Department of Health and HSE to deliver assessment, early intervention, appropriate school placement and supports. The Joint Committee on Disability Matters recommend that the Department of Education develop a national strategy to transition Ireland to an inclusive education system in conjunction with the Department of Children, Equality, Disability, Integration and Youth, the Department of Health and HSE, in consultation with children with disabilities and their DPOs. The EPSEN Act 2004 must be updated to align with the UNCRPD, particularly Article 24 and General Comment 4 (2016) of the CRPD Committee and to deliver a standard of individual assessment, based on the needs of the child, with access to educational services on foot of this plan. The review of EPSEN Act 2004 must also be undertaken in tandem with the Disability Act 2005.
33. The UN Human Rights Office of the High Commissioner have developed indicators for progress against Article 24 of the UNCRPD which are outlined in Table 1 below. The Joint Committee on Disability Matters have indicated progress against each indicator and reflected the challenges with regard this progress. Please note that the Joint Committee on Disability Matters have limited access to data on education and the information is indicative only and progress in relation to each indicator has been populated with evidence of the challenges that the Committee has heard.

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<sup>8</sup> Howe, C., Griffin, C. (2021). *Is Ireland at a Crossroads of Inclusive Education?* REACH: Journal of Inclusive Education in Ireland, 33(1), 44–56. Retrieved from <https://reachjournal.ie/index.php/reach/article/view/8>

<sup>9</sup> NCSE, 5 August 2020, Press Release. *The National Council for Special Education (NCSE) welcomes the continuation of pilot School Inclusion Model for forthcoming school year.* Retrieved from [NCSE-Press-Release-5-August-2020-Pilot-SIM.pdf](#)

<sup>10</sup> Dáil Éireann Debate, Tuesday, 24 May 2022. Questions (354) *Special Educational Needs*. Retrieved from [Special Educational Needs – Tuesday, 24 May 2022 – Parliamentary Questions \(33rd Dáil\) – Houses of the Oireachtas](#)



## Recommendations

1. Update the EPSEN Act to deliver access to children with SEN to their local schools and communities including;
  - a) a whole system and whole school approach in line with art. 24 of the UNCRPD and General Comment 4 (2016) of the CRPD Committee
  - b) focus on developing unsegregated pathways including additional mechanisms at educational transition points so that children with SEN have more opportunities for further education and employment as well as meaningful participation in local communities
  - c) include provision for execution and expansion through the SIM
2. Develop a national strategy to transition Ireland to an inclusive education system in conjunction with the Department of Children, Equality, Disability, Integration and Youth, the Department of Health and HSE, in consultation with children with disabilities and their DPOs and in line with art. 24 of the UNCRPD and General Comment 4 (2016) of the CRPD Committee. This plan must include the development of;
  - a) school culture, structures, practices and curricula to deliver inclusive education
  - b) how inclusive education will be monitored and evaluated on a regular basis to ensure that segregation or integration is not happening either formally or informally
  - c) additional funding, capacity building and training for all schools in line with art. 24 including training for all teachers and staff on disability awareness, supporting SEN children and inclusive education, including autism training
  - d) standard community of practice for teachers
  - e) better transition planning
3. Commence the sections of the Act 2004 that confer statutory rights on the child including commencement of statutory entitlement to educational assessment, consequent development of a statutory individual educational plan (IEP) and detailed educational services on foot of this plan
4. Reform the EPSEN Act 2004 in tandem with the Disability Act 2005 and ensure additional collaboration and co-operation between health and education systems on both policy and operational levels
5. Any development of the EPSEN Act must ensure the prohibition of restraint and seclusion in educational settings as well as providing appropriate supports for children and necessary training for all teachers. All institutional culture, policies and practices currently in place in schools must also be considered in terms of whether they support the medical approach to disability and to determine development needed, and provision under the Act, to align with art. 24. and Concluding Observations of the UN Committee on the Rights of the Child.
6. Develop EPSEN Act in line with the Article 24 indicators from the UN Human Rights Office of the High Commissioner as outlined in the Table 1 below.

	Attributes/ Indicators	Subcategories	Indicative Status	Challenges
Structure	<b>Inclusive education system</b>	Legislation enacted that ensures inclusive education for all students, including students with disabilities in public and private settings across all levels of education		<ul style="list-style-type: none"> <li>• All children in Ireland up to the age of 18 have the right to primary education under Article 42 of the Irish Constitution</li> <li>• Education (Welfare) Act 2000 parents must make sure that their children get a certain minimum education from the age of 6 to the age of 16</li> <li>• Article 24 UNCRPD right of persons with disabilities to education</li> <li>• Need to update EPSEN Act 2004 to align with art. 24 UNCRPD and ensure access to services that deliver inclusion</li> <li>• Some children in designated centres are not actively supported to access a programme of education. (HIQA 2021)</li> <li>• Children who start their lives in segregated educational settings can become locked into a pathway of segregation that continues to day services and residential services</li> </ul>
	<b>Inclusive education system</b>	No provision in legislation excludes any person on the basis of disability from any form or level of education, field of study, or form obtaining certification on an equal basis with others.		<ul style="list-style-type: none"> <li>• Equal Status Acts</li> <li>• Education Act 1998</li> <li>• Education for Persons with Special Educational Needs Act was passed 2004 (not fully commenced)</li> <li>• EPSEN Act must be updated to ensure that children with SEN are included and institutional culture, policies and practices in schools reflect meaningful inclusion</li> </ul> <p><b>FOR INFORMATION PURPOSES ONLY</b></p>

Process	<b>Inclusive education system</b>	Percentage of children aged 3-5 years who are attending an early childhood education programme (UNICEF MICS indicator) disaggregated by sex, age and disability		<ul style="list-style-type: none"> <li>• Access and Inclusion Model/ Early Childhood Care and Education Programme (ECCE)</li> <li>• Lack of provision of special needs assistants (SNAs) in preschool education/ The provision of SNAs to preschools has been at the discretion of each HSE region with no access to these supports from the Department of Education</li> </ul>
	<b>Inclusive education system</b>	Proportion of schools with access to; <ul style="list-style-type: none"> <li>a) Electricity</li> <li>b) The Internet for pedagogical purposes</li> <li>c) Computers for pedagogical purposes</li> <li>d) Adapted infrastructure and materials for students with disabilities</li> <li>e) Basic drinking water</li> <li>f) Single sex basic sanitation facilities</li> <li>g) Basic handwashing facilities (as per WASH indicator definitions) (SDG indicator 4.a.1)</li> </ul>		<ul style="list-style-type: none"> <li>• Digital divide in schools</li> <li>• Lack of standard implementation, training and funding of Universal Design Learning (UDL) in conjunction with reasonable accommodation</li> </ul>
	<b>Inclusive education system</b>	Percentage of schools that provide life skills-based HIV and sexuality education inclusive of students with disabilities (UNESCO indicator)		<ul style="list-style-type: none"> <li>• Lack of implementation of sex education for all students with disabilities</li> </ul>
	<b>Inclusive education system</b>	Percentage of students experiencing bullying, corporal punishment, harassment, violence, sexual discrimination and abuse (UNESCO indicator) by sex, age, disability, type of educational institution (public/private, primary/secondary/ tertiary/vocational).		<ul style="list-style-type: none"> <li>• Education (Welfare) Act requires schools to prepare a code of behaviour that specifies the standards of behaviour to be observed by students</li> <li>• Announcement of new action plan to tackle bullying in schools promises a nationally rolled out approach to protecting young people</li> </ul>

**FOR INFORMATION PURPOSES ONLY**

Structure				<ul style="list-style-type: none"> <li>Objective Sex Education Act/amending the Education Act to guarantee the right of students to receive factual and objective relationships and sexuality education</li> </ul>
	<b>Inclusive education system</b>	Education expenditure per student by level of education and source of funding (UNESCO indicator) by sex, age, disability		<ul style="list-style-type: none"> <li>A total of €7.1 billion was spent on disability and special education related supports in 2020. Over the period 2011 to 2020, total expenditure on disability and special education related supports has increased by €2.4 billion or 51% (Spending Review 2021 – Disability and Special Education Expenditure: Lifecycle of Supports)</li> </ul>
	<b>Inclusive education system</b>	Number of mainstream schools compared to number of special schools.		<ul style="list-style-type: none"> <li>Approx. 140 special schools</li> <li>Decrease in mainstream primary schools</li> <li>Increase in post-primary schools - the number of secondary schools has been gradually rising in recent years from a low of 699 in 2012 to 730 in the current school year.</li> <li>Waiting lists for special classes and dependence home tuition</li> </ul>
	<b>Quality and free primary and secondary education</b>	National strategy/plan led by the Ministry of Education to transition to an inclusive system		<ul style="list-style-type: none"> <li>Currently there is no national plan for inclusive education in Ireland</li> <li>The Joint Committee on Disability Matters recommend a national strategy to transition Ireland to an inclusive education system in conjunction with the Department of Children, Equality, Disability, Integration and Youth, the Department of Health and HSE, in consultation with children with disabilities and their DPOs</li> </ul> <p><b>FOR INFORMATION PURPOSES ONLY</b></p>

	<b>Quality and free primary and secondary education</b>	Programmes established for the early identification of children with disabilities and their support needs for their effective participation in mainstream schools.		<ul style="list-style-type: none"> <li>• New Allocation model for SEN Teaching Resources</li> <li>• SIM/AIM</li> <li>• Lack of implementation of AON/early intervention under PDS model</li> <li>• Lack of standard assessment of education needs under the AON process</li> </ul>
<b>Process</b>	<b>Quality and free primary and secondary education</b>	Proportion of students with disabilities benefitting from individual education plans, support measures and other accommodations, disaggregated by sex, ag, disability and geographical location		<ul style="list-style-type: none"> <li>• Some children in designated centres did not have a school placement or an individual education plan (HIQA 2021)</li> <li>• Statutory entitlement to an educational assessment for all children with SEN and consequent development of a statutory individual educational plan (IEP) and the delivery of detailed educational services on foot of this plan not commenced</li> <li>• Where appropriate, especially in the case of complex disabilities, the IEP process on the education side and the service plan process on the health side will need to be integrated in order to ensure coherent approaches to the implementation of the EPSEN Act, 2004 and of the Disability Act (NCSE 2006)</li> </ul>
	<b>Quality and free primary and secondary education</b>	Proportion of deaf students receiving education in sign language		<ul style="list-style-type: none"> <li>• Mainstream schools are environments that often do not provide adequate access to and direct instruction in sign language, including instruction from deaf teachers (Irish Deaf Society)</li> <li>• Accommodations such as interpreters and note takers must be accompanied by opportunities to study with other deaf students and with teachers, including deaf teachers, who are themselves fluent in sign language, by the provision of bilingual learning materials, and by opportunities to study sign language as a school subject to a high level of academic proficiency (Irish Deaf Society)</li> </ul> <p><b>FOR INFORMATION PURPOSES ONLY</b></p>

	<b>Quality and free primary and secondary education</b>	Proportion of certified sign language interpreters employed in mainstream educational facilities		<ul style="list-style-type: none"> <li>• Under Article 24.3(4) of the UNCRPD, the State is required to take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language, and to train professionals and staff who work at all levels of education.</li> <li>• Teachers in mainstream schools may not be qualified to teach children who are deaf or hard of hearing so it is important that you make them aware of the additional support that the child may need</li> </ul>
	<b>Quality and free primary and secondary education</b>	Proportion of students with visual impairments benefitting from educational materials in formats that are readily accessible		<ul style="list-style-type: none"> <li>• 4,700 children of school-going age in Ireland who are blind/visually impaired and about 280 in higher education, most recent figures indicate (Equitable Education report from the National Council for the Blind in Ireland (NCBI) )</li> <li>• Challenges include movement between classes and navigating new buildings; Identifying the placement of objects, papers, materials etc on a desk; Access to and viewing the white board or other printed materials; Use of assistive technology including set up and packing away; Reading aloud in class; Participation in all teaching, delays in getting schoolbooks in accessible formats at the beginning of each school year, lack of assessments and supports to meet a child's individual needs and inadequate accommodations in State exams to inconsistencies in how further and higher education colleges support such students.</li> </ul> <p><b>FOR INFORMATION PURPOSES ONLY</b></p>

<b>Structure</b>	<b>Access to tertiary, vocational training and lifelong learning</b>	National strategy/plan on vocational and technical education and lifelong learning, involving both informal and non-formal learning, which explicitly refers to and is inclusive of persons with disabilities		<ul style="list-style-type: none"> <li>Further Education 2014 – 2019, Further Education and Training Strategy 2014 – 2019 and Training Strategy indicator includes a higher proportion of those who engage in FET, including those with barriers to participation such as persons with a disability</li> </ul>
<b>Process</b>	<b>Access to tertiary, vocational training and lifelong learning</b>	Participation rate of youth and adults in formal and non-formal education and training in the previous 12 months, by sex (SDG Indicator 4.3.1) and disability		<ul style="list-style-type: none"> <li>Increase of 268% in the number of students with disabilities registered with disability support services in higher education institutions in the last twelve years</li> <li>Significant under-representation of those who are Deaf or Hard of Hearing (D/HH) accessing higher education in Ireland, although there has been some recent increase in numbers alongside increasing availability of interpreters. (AHEAD <a href="#">20/21 Report on Numbers of Students with Disabilities in HE - AHEAD</a>)</li> </ul>
<b>Structure</b>	<b>Inclusive teaching</b>	Mandatory pre- and in-service training for inclusive education for all teachers and personnel at all levels of education		<ul style="list-style-type: none"> <li>No UNCRPD implementation plan and no standard disability awareness training</li> <li>No plan for inclusive education</li> </ul>
<b>Process</b>	<b>Inclusive teaching</b>	Proportion of teachers and school staff at all levels trained for inclusive education and the provision of reasonable accommodation		<ul style="list-style-type: none"> <li>Training Programme for SNAs</li> <li>Pilot online training programme for special needs assistants</li> <li>No standard training on inclusive education and reasonable accommodation</li> </ul> <p><b>FOR INFORMATION PURPOSES ONLY</b></p>



	<b>Inclusive teaching</b>	Proportion of teachers with disabilities disaggregated by sex, age, disability, minority or indigenous background, and type of educational institution where employed		<ul style="list-style-type: none"> <li>A number of barriers face people with disabilities who wish to enter teacher training courses in Ireland. These barriers include stereotypical attitudes and concerns about fitness to practice and maintaining robust standards of care as well as the use of assistive technology in the classroom.</li> <li>Because of these barriers, it is almost unheard of to have a teacher with a disability in front of a classroom (AHEAD - <a href="#">Can people with disabilities become teachers? - AHEAD</a>)</li> </ul>
<b>Structure</b>	<b>All</b>	National curriculum incorporates inclusive education standards that reflect the diversity of learning needs of all learners and allows for modifications and adaptations to curricula tailored to each learner.		<ul style="list-style-type: none"> <li>Despite Ireland's policy commitment to inclusive education, Universal Design for Learning (UDL) has been traditionally focused on the higher education sector with little discussion about the role UDL can play at primary and second-level education to achieve inclusion.</li> <li>Furthermore, there has been no research to date on the extent to which education policy reforms are introducing part, or all, of the aspects of the UDL framework. (Universal Design for Learning: Is It Gaining Momentum in Irish Education?)</li> </ul>
	<b>All</b>	National accessibility standards established and applied to all educational environments and materials including for extra-curricular activities		<ul style="list-style-type: none"> <li>No national plan for accessibility as recommended by the Joint Committee on Disability Matters</li> <li>No UDL framework</li> </ul>
	<b>All</b>	Legislation enacted that prohibits violence, corporal punishment, bullying and harassment in educational environments including on the basis of disability		<ul style="list-style-type: none"> <li>Safety, Health and Welfare at Work Act, 1989 and the Safety, Health and Welfare at Work (General Application) Regulations, 1993 require school management authorities in their role as employers to ensure the safety and health of their employees. This imposes a duty of care not alone for employees but also for other persons present in the school</li> </ul>
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				<ul style="list-style-type: none"> <li>National strategy for domestic, sexual and gender-based violence - Primary and secondary school children will be taught about consent and abusive relationships as part of a landmark plan to end violence against women/includes HE</li> </ul>
Process	All	Awareness raising campaigns and activities to promote inclusive education and inform students, education staff, families and the general public of the duty to provide, and the right to inclusive education and related benefits for society.		<ul style="list-style-type: none"> <li>No national disability awareness strategy as recommended by Joint Committee on Disability Matters</li> <li>No national plan for inclusive education as recommended by Joint Committee on Disability Matters</li> </ul>
	All	Budget allocated to ensure the right of persons with disabilities to inclusive education in mainstream settings, as compared to budget allocated to segregated/separated education settings, whether in mainstream or special schools.		<ul style="list-style-type: none"> <li>The State currently spends in excess of 25% of its annual education and training budget (€9.2 Billion) on making additional provision for children with special educational needs</li> <li>This represents an increase of over 60% in total expenditure since 2011, at which point €1.247 Billion per annum was provided</li> <li>There are approx. 140 special schools providing specialist education for pupils with special educational needs, including hospital schools and Child and Adolescent Mental Health Services (CAMHS) units with over 1,500 teachers. (Annual Report DES 2021)</li> <li>Two new special schools opened in Cork and Dublin for the 2021/22 schoolyear</li> </ul>
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	<b>All</b>	Consultation processes undertaken to ensure the active involvement of persons with disabilities, notably children with disabilities, including through their representative viii organizations, in the design, implementation and monitoring of laws, regulations, policies and programmes, related to education initiatives and reform		<ul style="list-style-type: none"> <li>• No Government Disabled Persons Organisation (DPO)</li> <li>• Lack of meaningful consultation between DES and DPOs</li> </ul>
	<b>All</b>	Proportion of received complaints on the right to education alleging discrimination on the basis of disability and/or involving children and adults with disabilities that have been investigated and adjudicated; proportion of those found in favour of the complainant; and proportion of the latter that have been complied with by the government and/or duty bearer (e.g., private school); each disaggregated by kind of mechanism		<ul style="list-style-type: none"> <li>• Ireland have not ratified Optional Protocol to UNCRPD so individuals cannot complain to the CRPD committee if they feel their right to education has been breached</li> </ul>
	<b>Outcomes</b>	Rates of persons with disabilities relating to children with disabilities out of school, rate of enrolment, attendance, promotion by grade, completion, ix and drop out in mainstream primary, secondary, tertiary educational institutions, vocational training, lifelong learning courses, as compared to others, disaggregated by sex, age, disability, minority or indigenous background, grade and level of education.		<ul style="list-style-type: none"> <li>• Outcomes - For consideration by Department of Education</li> </ul> <p><b>FOR INFORMATION PURPOSES ONLY</b></p>

	<b>Outcomes</b>	Proportion of children and young people: (a) in grades 2/3; (b) at the end of primary; and (c) at the end of lower secondary achieving at least a minimum proficiency level in (i) reading and (ii) mathematics, by sex (SDG indicator 4.1.1) disability and minority or indigenous background. (Idem 7.25)		<ul style="list-style-type: none"> <li>Outcomes - For consideration by Department of Education</li> </ul>
	<b>Outcomes</b>	Proportion of population in a given age group achieving at least a fixed level of proficiency in functional literacy and numeracy skills, by sex (SDG indicator 4.6.1), disability and minority or indigenous background.		<ul style="list-style-type: none"> <li>Outcomes - For consideration by Department of Education</li> </ul>
	<b>Outcomes</b>	Proportion of youth and adults with information and communications technology (ICT) skills, by type of skill (SDG indicator 4.4.1) disaggregated by sex, age and disability.		<ul style="list-style-type: none"> <li>Outcomes - For consideration by Department of Education</li> </ul> <p><b>FOR INFORMATION PURPOSES ONLY</b></p>