



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

TUAIRISC OIFIGIÚIL—*Neamhcheartaithe*  
(OFFICIAL REPORT—*Unrevised*)

Civil Law (Miscellaneous Provisions) Bill 2022: Second Stage . . . . .	735
Education (Provision in Respect of Children with Special Educational Needs) Bill 2022: Second Stage. . . . .	760
Health (Miscellaneous Provisions) (No. 2) Bill 2022: Second Stage . . . . .	800

# DÁIL ÉIREANN

*Dé hAoine, 1 Iúil 2022*

*Friday, 1 July 2022*

Chuaigh an Cathaoirleach Gníomhach (Deputy Bernard J. Durkan) i gceannas ar 9 a.m.

***Paidir.***

***Prayer.***

---

## **Civil Law (Miscellaneous Provisions) Bill 2022: Second Stage**

**Minister for Justice (Deputy Helen McEntee):** I move: “That the Bill be now read a Second Time.”

In light of the omnibus nature of the Civil Law (Miscellaneous Provisions) Bill, I will share time with my colleagues, the Minister for Children, Equality, Disability, Integration and Youth, Deputy O’Gorman, and the Minister of State at the Department of Transport, Deputy Naughton, who will speak to the Parts in the Bill under their remit. This a cross-government domestic response to the crisis in Ukraine, with legislation covering my Department and measures related to the work of the Department of Children, Equality, Disability, Integration and Youth and the Department of Transport. The Bill also addresses matters relating to the Stardust inquest. The urgency of this legislation is in light of the emergency domestic response required across government to the Ukraine crisis and the need to facilitate the progression of the Stardust inquest. I thank the Members of the House for facilitating this urgent Bill.

The Bill will provide for key supports to temporary protection beneficiaries who have fled the war in Ukraine. A whole-of-government response is being mobilised to implement the practical arrangements. These give effect to the commitments made following the extraordinary meeting of the Justice and Home Affairs Council on 4 March. A number of legislative gaps were identified and the Bill provides for appropriate legal underpinnings. The Government and communities throughout the country have been doing their utmost to facilitate the arrival and roll-out of services and assistance for people fleeing Ukraine. The Bill is one of the measures to help that effort.

I will outline the main provisions of the Bill on the Parts relating to the Department of Justice. Part 1, preliminary and general, is a technical Part with standard provisions for the Bill dealing with the Short Title and commencement.

Part 8 is titled, Stardust Inquest (Special Jury Provisions). I will address the provisions related to the Stardust inquest initially. I want to acknowledge the suffering of the families of

all the victims of the Stardust tragedy and to reiterate my sincere sympathy to all those affected. The holding of fresh inquests into the Stardust fire tragedy represents an exceptional situation, having regard to the history of previous investigations and the large number of fatalities. The fresh inquests were directed by the then Attorney General in 2019 on the basis that the original inquests were an insufficient inquiry.

Concerns were raised with me by the legal representatives of the victims' families and others that the current method of empanelling a jury for the inquests under section 43 of the Coroners Act 1962 is not sufficient to guarantee a representative jury. This matter was also the subject of a Seanad Private Members' Bill on 23 February of this year. Part 8 responds to those concerns with new provisions for the empanelling and summoning of the jury for the new Stardust inquest and to require that the wages of persons so selected are paid.

Essentially, Part 8 will provide for a bespoke approach for the empanelling and summoning of the jury for the new Stardust inquest; in section 48, for the disapplication of certain provisions of the Coroners Act 1962 and the Juries Act 1976, as necessary; in section 50, for the Dublin coroner to seek the assistance of the Courts Service and county registrar for Dublin in empanelling and summoning a jury by ballot drawn from the electoral register for Dáil elections in a manner broadly similar to that in civil or criminal proceedings under the Juries Act 1976, but with any necessary amendment; in sections 52 to 55, inclusive, the process of determining eligibility and selection or disqualification or excusal of potential jurors and service of summons, adapted from the Juries Act 1976; and in section 58, a requirement that employers should continue to pay the wages of persons summoned to serve on the Stardust inquests jury, a provision similar to that contained in the Juries Act.

Section 60 provides that if the jury at a Stardust inquest fails to agree on a verdict, a majority verdict shall be accepted by the Dublin coroner. In the event of a jury failing to reach a verdict, this section provides for the holding of a new inquest at the discretion of the coroner. This replaces a provision which would have required the automatic holding of a new inquest in such circumstances.

Jurors will not be directly remunerated by the State for service at a Stardust or any other inquest as it could undermine the concept of jury service as a civic duty and give rise to significant costs for all juries. I emphasise that the special jury provisions in Part 8 will apply only to the new Stardust inquests given the extraordinary circumstances involved.

I also emphasise that my proposals respect that the Stardust inquests, as with all inquests, must be conducted under the independent direction and control of the coroner. The proposals at Part 8 respect that independence to ensure, insofar as possible, that the process is not subject to challenge.

At Part 4, the other main provisions under the remit of my Department relate to accessing the immigration services. In light of the significant increase in persons engaging with the immigration system, greater efficiencies for registering and processing across the immigration and social welfare system, and in regional locations, are being facilitated. Part 4 provides for amendment of the Immigration Act 2004 and other enactments relating to the registration of non-nationals. These amendments will facilitate the operation of the registration function jointly by the immigration service delivery function of the Department of Justice, and An Garda Síochána, and will support online registration processes.

1 July 2022

I will now outline the main provisions of Part 4. Section 30 amends section 9 of the Immigration Act 2004, which provides for registration of non-nationals. The main purpose of the amendments is to remove the references to registration districts. The effect will be that a person will not be required to register in the Garda district where he or she resides but can register with a registration officer anywhere in the State. The amendments will enable information required for registration to be provided by electronic means.

Section 31 inserts a new section 9B into the Immigration Act 2004 to provide for the appointment of registration officers. The new section will enable the Minister for Justice to appoint multiple registration officers, who may be either members of An Garda Síochána or officials of the Department of Justice.

Section 34 amends section 19 of the Immigration Act 2004, which provides for the charging of fees under the Act. The purpose of the amendment is to clearly provide that regulations may prescribe different fees to be paid for registration certificates in different circumstances.

Section 38 revokes the registration provisions of the Aliens Order 1946. While that order has not been used to register non-nationals since the Immigration Act 2004 came into operation, the registration provisions remain in place. Revoking those provisions means that there will no longer be two parallel systems of registration on the Statute Book. The other provisions of Part 4 that I have not already mentioned contain amendments to legislative provisions and transitional provisions consequential on the amendments to section 9 of the Immigration Act 2004 and the Aliens Order 1946.

The purpose of Part 5 on the processing of certain personal data is to allow for the establishment of a one-stop-shop service to persons fleeing Ukraine who are seeking temporary protection, a personal public service number, PPSN, and income support. It is aimed to make the process more customer-friendly and easier to operate. To enable this, the Bill will allow relevant justice sector and social protection officials to gather relevant information on each other's behalf. This co-operation between the Departments of Justice and Social Protection will ensure greater efficiency.

Section 41 is a standard provision, and contains definitions of several words and phrases used in this Part. Section 42 provides for a key element of this Part to allow for collection of personal data by a relevant officer for relevant immigration and social welfare enactment. Essentially, this allows for the Department of Justice to collect data for the Department of Social Welfare and *vice versa*. The purpose of this collection is also set out. The relevant officer will be acting in accordance with the general data protection regulation, GDPR, and the Data Protection Act of 2018 and subject to suitable and specific measures.

Section 43 provides for the processing of personal data collected in this Part. The processing can only be undertaken by the persons who have relevant functions to process the information under relevant enactments. Section 44 provides that the Minister for Justice may, by regulation, with the consent of the Minister for Social Protection, prescribe an immigration enactment to be a relevant immigration enactment for the purposes of this Part. This regulatory power is subject to a number of prescribed safeguards.

The provisions in Part 4 and 5 will enhance efficiencies in the immigration service throughout the country. I thank colleagues for their consideration of this Bill and look forward to hearing from Deputies.

**Minister for Children, Equality, Disability, Integration and Youth (Deputy Roderic O’Gorman):** I am pleased to address the House on Part 2 of the Civil Law (Miscellaneous Provisions) Bill 2022 in this Second Stage debate. The purpose of this Part is to provide for a financial contribution of €400 per property for those providing accommodation to temporary protection beneficiaries from Ukraine. It is available whether the accommodation is pledged or provided by private arrangement and whether the accommodation is a vacant property or a room in a shared property. Since the outbreak of the conflict in Ukraine, my Department has worked as part of the Government response with a particular focus on meeting the immediate temporary accommodation needs of those fleeing the conflict.

To date, almost 75% of the beneficiaries, more than 28,000 people, who have arrived in Ireland have been referred to my Department for accommodation. The majority of these have been accommodated in hotels and similar accommodation throughout the country. Officials in my Department are also working closely with the Irish Red Cross to utilise the accommodation that has been pledged. To date, almost 1,900 Ukrainians have been accommodated in pledged accommodation. We are also aware that accommodation is being provided to those fleeing the conflict in Ukraine by private arrangement. The financial contribution scheme recognises the value and generosity of those pledging their accommodation and providing it by private arrangement.

The Government is keenly aware that there are costs for people who make accommodation available to temporary protection beneficiaries. I want to be clear, however, that there is no link assumed between the payment under this scheme and actual costs incurred. This is simply not possible. It is essentially a recognition payment recognising the generosity and kindness of those offering up or opening their homes to others in their time of need.

I now turn to the main provisions in this Part. Section 4 sets out the qualifying period for the scheme, which essentially means that claims for the contribution can be made in respect of accommodation provided from March 2022, and provides an end date for the scheme of 31 March 2023. That end date will be subject to review.

Section 6 provides for the conditions to be satisfied by a person in order to be entitled to a financial contribution. This includes that he or she completes a declaration as part of the application process. Section 7 requires an application for a financial contribution in respect of an eligible dwelling to be made to the Minister for Social Protection. Applications will be made online and applicants will be required to self-declare regarding a number of matters set out in section 7, including that they have the authority or consent to provide the accommodation and are willing to offer the accommodation for a minimum period of six months.

Section 8 provides that where an applicant satisfies the conditions in respect of an eligible dwelling, a financial contribution in respect of the dwelling for the calendar month will be payable to the applicant by the Minister for Social Protection. Section 9 sets the monthly financial contribution at €400 and further provides the amount can be amended by order and the process for doing so.

Section 10 provides for the designation by the Minister for Social Protection of staff as appointed officers to make decisions in respect of applications. Section 11 provides for the notification of decisions to applicants. Section 12 provides for the appointment of appeals officers by the Minister for Social Protection. Section 13 provides for an appeals process. Section 14 requires an applicant to notify the Minister for Social Protection of a change in circumstances

1 July 2022

affecting his or her eligibility for a financial contribution. Section 15 provides for the recovery by the Minister for Social Protection of financial contributions where there was no entitlement to such contributions. Section 16 provides for the sharing of information between the relevant bodies in respect of the scheme. This includes my Department, the Department of Social Protection, the Department of Justice and the Revenue Commissioners.

Section 17 provides for offences and penalties, while section 18 provides for the prosecution of offences under Part 2. Section 19 provides that payments under the financial contribution scheme will be exempt for the purposes of means testing in respect of a benefit granted by a public body.

Section 20 provides for the process of notifications under Part 2 will be in writing. Section 21 creates a regulation-making power for the Minister for Children, Equality, Disability, Integration and Youth, with the consent of the Minister for Social Protection, in relation to the application and appeals processes. Section 22 provides that the payment of a financial contribution will not create a landlord and tenant relationship. Section 23 clarifies that a financial contribution in respect of an eligible dwelling under this Act will be exempt from income tax.

Section 24 provides for an amendment to the Residential Tenancies Act 2004 to prevent the unintentional creation of a landlord and tenant relationship where accommodation is provided to a temporary protection beneficiary for six months or more. My Department is working with the Department of Social Protection on an early commencement of the scheme and the development of communications. My Department is also working with the Department of Housing, Local Government and Heritage on accommodation standards for accommodation that is the subject of a claim under the scheme.

I acknowledge the work already under way to activate pledges for accommodation by the Department's implementing partners - the Irish Red Cross, local authorities, the International Organization for Migration and the Peter McVerry Trust - and the generosity shown by those who have offered up or opened their homes to those in need.

I will now move to Part 3. Section 25 is an amendment of the Childcare Support Act 2018 to ensure that families who are temporary protection beneficiaries in the State can receive financial support with the cost of early learning and childcare costs under the national childcare scheme, NCS. The NCS is the Government's key mechanism to reduce the cost of childcare to parents by subsidising childcare fees set by providers. The level of subsidy is based on parental income and the level of childcare required. Subsidies range from a universal subsidy of 50 cent per hour up to the maximum targeted subsidy, which can cover the full cost of childcare. Access to the NCS will help families who are temporary protection beneficiaries to access childcare, which will support parents and guardians to engage in work, study or training, while attendance at high-quality early learning and childcare services will give their children security, stability and a chance to play and learn with other children.

**Minister of State at the Department of Transport (Deputy Hildegard Naughton):** I thank the Minister for Justice for bringing this important Bill before the House. The Bill represents a comprehensive and co-ordinated Government response to address a number of important issues flowing from the Ukraine crisis. I will speak about Parts 6 and 7.

Part 6 puts the licensed haulage emergency support scheme on a legislative footing. This scheme provided emergency financial support to the licensed haulage sector following the sharp



and sudden increase in fuel prices in March 2022 caused by the war in Ukraine and actions arising from it. Part 7 will provide the Minister for Transport with the power to issue an order that will allow people - not just Ukrainians - admitted to the State under a temporary protection directive, as per section 60 of the International Protection Act 2015, to drive here on their national driving licence without the need to exchange the licence for the period of temporary protection.

Brexit and Covid-19 have shown the importance of the Government taking appropriate and timely actions to safeguard our essential sectors from external shocks. While the Ukraine crisis is of an entirely different nature, the same principle is true. Our licensed haulage sector plays an invaluable role in facilitating our normal day-to-day lives. We rely on it for the delivery of foods and goods, including essential items, into and around the State. The sector is of national strategic importance. It is a critical enabler of a functioning supply chain, helping to support key infrastructure and enabling the maintenance of economic and social activity. Therefore, on 15 March 2022, in response to increasing fuel costs resulting from the Ukraine crisis, the Minister for Transport and I proposed to the Government an emergency support measure for the sector. The licensed haulage emergency support scheme provided a support of €100 per week for eight weeks for each eligible heavy goods vehicle authorised on the licence of a road haulage operator as of 11 March 2022. The scheme was administered by my Department and was open for applications between 5 April and 6 June 2022. It is now closed. The scheme was an important and responsive measure that enabled the Government to act quickly to provide short-term financial support to the sector, helping to ensure the continued operation of the national haulage fleet by assisting eligible operators with cost pressures, ensuring liquidity for business and compensating operators for the additional costs incurred due to the increased fuel prices. Over €15 million in grants has been made available to eligible operators to date. Section 45 of the Bill now provides the necessary legal underpinning for the scheme.

Part 7 deals with the recognition of foreign driving licences held by people arriving in Ireland under the temporary protection directive. Visitors to Ireland can drive here on their national licences for up to a year. This is possible under the 1949 Geneva Convention on Road Traffic. Following recent case law, however, non-EU citizens granted temporary residence in Ireland may not drive here on their national licence and must obtain an Irish licence. Although a foreign licence can be recognised for exchange purposes in certain circumstances, there is currently no provision in the Road Traffic Acts to recognise a non-EU driving licence for use. Section 46 will introduce a new section 23B into the 1961 Road Traffic Act which will allow the Minister for Transport to respond immediately to large and sudden movements of people to Ireland under the temporary protection directive, following urgent humanitarian crises. This new provision will grant, by an order of the Minister, the immediate ability to drive in Ireland on a licence or permit issued by a non-EU state. The foreign licence will be recognised without the need to exchange it for an Irish licence and will be tied to the permission to reside granted under section 60 of the 2015 International Protection Act. Once the protection permission ceases or is revoked, the licence is no longer recognised.

The definition of a driving licence in sections 38 and 40 of the 1961 Act will be expanded to require that a driving licence recognised under the new section 23B must be accompanied by a permission to reside.

Section 47 amends sections 60 and 61 of the Road Traffic Act 2010. This amendment clarifies that if a driving licence recognised under the new section 23B is seized by a member of An Garda Síochána, only the driving licence is retained and not the permission to reside.

1 July 2022

While Parts 6 and 7 are not big, they deal with important issues. The haulage scheme provided the agile response and much-needed temporary assistance to the licensed haulage sector when it was facing sudden, sharp increases in fuel costs.

Part 7 will provide the Minister for Transport with the necessary powers to react quickly in any future situations when people unfortunately need to come here under a temporary protection directive, by enabling them to use their national licence while in the State for the period of temporary protection. I hope the Bill will be progressed quickly.

**Deputy Martin Kenny:** I welcome this Bill and the moves to resolve many of the issues outlined.

I will deal first with the issue of the Stardust inquest and the coroner's court. The Stardust tragedy happened 41 years ago when 48 people went for a night out and did not come home. It has influenced and impacted not just the people of Artane and that part of Dublin but the whole country. I remember that Saturday morning. A television programme was on, the exact name of which I forget but Aonghus McAnally used to be on it. I think it was called "Anything Goes". As children we used to get up early on a Saturday morning to watch television and there was then a newflash in the middle of the programme. This terrible horror that had happened was reported. It had a huge effect on people because there is a sense of injustice surrounding it as it was never properly dealt with. There were several inquests and other things were done but there is a strong feeling throughout the nation that there was an injustice and the tragedy was never dealt with properly. I welcome the advances that have been proposed in the Bill.

The coroner's courts are a problem that needs to be dealt with in a broader way, particularly the issue of juries. While the best approach is probably taken in Dublin, it is dealt with in a more slipshod manner in many other areas. I know there are proposals to deal with the issue. The specific proposal in the Bill for selecting jurors for the Stardust inquest is progress and a way forward, and has been welcomed by the families. They feel, at last, that something is happening. It is vital that we all ensure the families do not feel at the end of this process, again, that it has not been done properly or there is anything they could question.

I will add one caveat related to the selection of the juries. In civil and criminal cases, there is an opportunity to reject a certain number of jurors. I ask that the Minister of State clarify whether that is the case in this particular inquest. It would be appropriate to provide for that. My colleagues will also speak on the Stardust issue.

Other issues have been raised regarding the thousands of people from Ukraine who have come here. In most cases, they have enhanced our communities and have been very welcomed. In my community, the local parochial house has been 14 years without a priest. We got a bit of inspiration and turned it into a family home. Last week, a family from Ukraine drove from near Kharkiv all the way across Europe to Rosslare and then up through the country. They arrived in the parochial house where they are being looked after. Relatives may join them later on. They have children in the house which is a great thing. We had a three-teacher school in the parish but it is now a two-teacher school. In another ten years, if we do not families, there will be no school. We were delighted to see children coming. That is the case in many rural areas. We need to see new people coming and we welcome that.

There are, however, pressures in other areas which have overcrowded schools and problems with healthcare. I raised this matter with the Minister previously and it needs to be dealt with,



particularly where large numbers of Ukrainians are staying in hotels. Many of these people have medical issues and problems and there are no GPs in many parts of the country to deal with those kinds of issues.

The proposed €400 payment is welcome. I note it will be backdated to March. I assume there will be some process to backdate it and that people looking for this money will have to provide some evidence of when the family arrived and so on. The process involved in that regard needs to be made clear.

Many of the people from Ukraine staying in hotels are receiving social welfare and are being very well looked after. We have to avoid creating a different category of asylum seeker, refugee or person seeking international support and protection. We have people from Ukraine who have fled a war staying in hotels, receiving social welfare payments and being well looked after, while people coming from another part of the world who are in similar situations are not getting exactly the same treatment. That is an issue that needs to be dealt with.

I know there are moves afoot to sort out the whole issue of direct provision and the problems associated with it. The situation has improved but there is still a fair distance to go, as I am sure the Minister will acknowledge. The problems we need to address also involve ensuring there is no conflict and no sense among communities that people are getting things they do not deserve or receiving attention that others do not receive. All public representatives are being contacted people saying they cannot get a medical card, yet somebody from Ukraine can get one straightaway. This type of thing creates an issue. I know this is about entitlements and that people working here face certain income barriers, etc. That said, we need to be cautious that we do not create splits or divisions in our society and communities. That is important.

The vast majority of people who are coming are looking for work. Many of them want to drive trucks and I have come across some of them in my area. They have issues with licences and so forth. Our laws around that are strict because we must be conscious of road safety. We also need to ensure that when people come here, from whatever part of the world, and want to use their driving licence to drive articulated trucks and heavy goods vehicles, they are competent to do so. I am not sure if such a measure is in the Bill but the issue needs to be covered somewhere. Perhaps the regulations will include measures to ensure people the competency their driver licence suggests they have.

The availability of childcare is a problem for everyone in Ireland but particularly for people who come here as asylum seekers and refugees. We need to put in place provisions to provide for them and I am glad there is a move to do that in the Bill.

Overall, as I believe others will acknowledge, it is not good policy to bring forward Bills that have a little bit of everything in them. However, we understand this is an emergency and we are almost at the end of the Dáil term. In the long run, however, we need to see proper legislation laid down to deal with these issues as we move forward. This particular legislation does that and is beneficial in that respect.

The Stardust inquest is probably the issue in the Bill to which most people will pay attention. The clear reason for that is the injustice attached to the Stardust case.

The issues are clear. Sinn Féin supports the Bill and wants it to work but we need some assurance regarding the few small points I raised.

**Deputy Denise Mitchell:** I welcome this Bill. I will speak specifically to Part 8, which addresses many of the issues raised by the families of the victims and survivors of the Stardust fire. I commend the Minister for Justice, Deputy McEntee, and her Department officials on their efforts and on bringing forward this legislation in response to some major concerns that were raised. I mention also my Sinn Féin colleague, Senator Boylan, who pushed for change on behalf of the families and has been a fantastic advocate for them over many years.

I hope this Bill removes all the remaining stumbling blocks for the families. I hope the inquest will be thorough, human rights compliant and will set the standard for how inquests will be conducted in the future. I hope, too, that it will deliver the answers to the questions the families and survivors have sought for more than 41 years. I know they are happy that this legislation is now progressing. It is not before time, given that they have been deeply frustrated in the past by delay after delay. While it is welcome that we have movement now, it must be said that the manner in which some previous Ministers for Justice treated this issue was unacceptable and insulting at times. There have been many unnecessary delays in getting this inquest off the ground. That has to be acknowledged by the Government.

This inquest will draw eyes from all around the world and it is important that we get it right. Again, I commend the Minister, Deputy McEntee, on taking the lead on this. I know the families of the victims and survivors are grateful. It is difficult for any of us to imagine the trauma and experience of those who suffered and were in the Stardust fire on that tragic night. Many people will have very vivid memories of that night and the days and weeks that followed it. It was a night that completely rocked our community and, to this day, it leaves an emotional scar on so many people. We had 48 young people lose their lives and hundreds of others injured. There is no doubt that this process will be emotionally draining for all involved, with many having to relive a night that is etched in their minds for all the wrong reasons.

I will speak briefly to sections 51 and 61. The new proposals will see a change in how a jury is selected for this inquest by disapplying section 43 of the Coroners Act 1962. It will make this inquest all the more valid because of the jury and the independence of its selection. The jury members will also have their income protected for the duration of the inquest, meaning those who are selected will not be put in a precarious financial position, which will give them the time to properly consider the evidence and verdict without the pressures of strict deadlines.

I hope this Bill passes without delay. Some relatives of the 48 young people who were killed that night have passed away in recent months and years. They have gone to their graves with no peace or closure. Justice for the families and survivors has been a long time coming. I hope this is the beginning of a process that will deliver answers for so many people.

**Deputy Seán Crowe:** Believe it or not, I was head of Sinn Féin Youth in 1981. For a whole generation, particularly in Dublin, who at that time were teenagers or in our early 20s, the fire in the Stardust complex changed us forever. Forty-eight people died and 214 were injured on that fateful St. Valentine's night. Now, 41 years later, the families who fought tirelessly for answers have still not got the full truth about how their loved ones died.

The fire on St. Valentine's night 1981 changed many of us from that generation; an innocence was lost. We never felt quite the same or relaxed in crowded halls or rooms after that. I remember being in a club in Galway years later and becoming increasingly uncomfortable. A group of Dublin friends all agreed afterwards that they felt the same. Collectively, without any discussion, we left the place and on the way out we saw, again, a lock and chain on the fire exit

door we had unconsciously passed on the way in.

The original inquest into the fire was held just a year after the blaze when very little was known about the events of that night. I remember some of the appalling coverage in the media and how it described young people who were trying to save people that night. For anyone who wants to look back on that period, the way they were described was absolutely appalling. They were described as robbers. They were young people who were desperately trying to save their friends and they were vilified in the official media. I got to know many of those young people.

Rather than providing rational answers, the original inquiry only raised more questions about the totally inadequate way in which the tragedy was investigated and dealt with by the institutions of the State. In the 41 years since, much more detail and new evidence have come to light. The Stardust victims and relatives deserve some semblance of truth and justice. The families of the 48 people who died in the Stardust fire in Artane and the hundreds who were injured, many of whom received life-changing injuries, including third-degree burns, never stopped campaigning for a proper and in-depth inquest into the tragedy. I met many of the families over the decades. I have seen their highs and experienced their lows. I have always been humbled by their relentlessness, determination, courage and passion for justice. Today, I am conscious that many of the parents and siblings of the young people who died have passed away without the necessary answers they fought for to their questions about what caused the fire and who was ultimately responsible for their loved ones being caught in that fire trap.

Like others, I commend my Sinn Féin colleague, Deputy Mitchell, and I also commend Senator Boylan on her tireless work and advocacy on behalf of the families, which included a very successful postcard campaign around the issue. Senator Boylan also brought a Bill to the Seanad earlier this year and sought to ensure that the jury would be selected in the same manner as a jury in a criminal case.

The original Keane inquiry into the Stardust fire claimed it was probable arson. That finding was overturned in 2009 as a result of the independent investigation. This led to a correction of the public record, which exonerated all those present in the Stardust nightclub from any blame. This was important but it was not and cannot be where the journey for truth into what happened that night ends. Knowing that the Stardust inquest will be held before a jury which will be independently selected will be a huge relief to the families and their supporters. The families and friends of the 48 young people who never came home have a right to the full truth about what happened on that awful night. It was a tragedy that haunted a generation of teenagers who are now near pension age. It is said that justice delayed is justice denied, and I dearly hope this is an opportunity for the families to get some of the answers they seek. There have been too many false dawns for the Stardust families. Perhaps today we have a chance to start undoing the pain and to right the wrongs that official Ireland imposed on these families and their loved ones.

**Deputy Aodhán Ó Ríordáin:** I thank the Minister for bringing forward this legislation, which the Labour Party welcomes. I will first deal with the Ukrainian situation. In fairness to the Ministers who are present, they have worked hard to listen about the fall gaps for those who are trying to live lives here and who are trying to get accommodation and employment here. They have picked through all those issues and come up with solutions. As has been said, this has been a massive effort across all Departments and across society.

We often criticise the political system and we are often very self-critical in Ireland, but we have to take a moment to realise we probably stand alone in Europe as being the only country

1 July 2022

that does not have immigration at the top of the political debate list. We do not discuss it. It is not a political debating point. It never comes up at elections. There is no political entity here that wants to score points over immigration. We should seize that, recognise it and not be complacent about it. It is something that gives us all credit. As far I know in my political time, there has been no voice here that has sought to limit numbers or sought to create division. That is outside of the referendum in 2004, which I considered a dark period. It is almost 20 years from that and it is to our credit in Ireland that when it comes to our moral and historical obligation to open our doors, our families and our communities, we step up and it is not a point of political debate.

However, the point has been made about ensuring we do this correctly and ensuring those who have come to Ireland seeking asylum do not feel there is an injustice in how they are being treated compared with the programme refugees we have from Ukraine. There have been suggestions that in the education system, for example, it is easier to access language supports for Ukrainians than for other children in the system. That is something we have to guard against. All the practical measures the Government has taken here, ranging from the €400 in respect of accommodation to drivers' licences and childcare provision, are absolutely necessary. The Government has responded to the issues and is producing legislation to give legislative underpinning for these things. That is to be commended and the Labour Party supports the Ministers on that.

Regarding the Stardust, I do not think anybody could imagine, and people still cannot get their heads around it 41 years later, the magnitude of what happened. If we woke up this morning and learned that 48 people had been burned to death last night, can you imagine how the country would feel? That is exactly what happened 41 years ago. It is a failure for all of us that this has not been resolved and the truth has not come out. What clings to this entire discussion is the sense that they did not get justice because of where they were from - working-class kids from working-class communities on the northside of Dublin. If that fire had happened anywhere else in Ireland, they would have known the truth by now.

That is the sense the communities and the families have. It is hard to shake that off when you read about it and when you talk to the parents, families and relatives who have gone through it, as I have done, and the local people who are concerned about it. The overriding sense of injustice is that they were just not powerful enough to get the answers at the time. Even the finding of probable arson stinks of saying it is their own fault and they probably set fire to it themselves. It is probable arson. Again, that just speaks to total social injustice, if the Minister understands what I mean. I know that finding was overturned, but that is the overriding sense. Families have been told to stop campaigning and to give it up so we can all move on, but I do not believe anybody could ever move on from 48 people being burned to death. The communities and families cannot move on from that, nor should they. None of us should move on from that until we have absolute truth and understanding of what happened.

The Minister has listened to the families, to their concerns, to their representatives and to their legal counsel and she has responded. That is to be commended and the Labour Party supports her on that. I ask that Deputies from the local area such as me, Deputy Mitchell and others be involved in this process and that we talk to each other as we go through it. We want to be helpful in this and to be consulted as much as is reasonable, because we want to be part of the solution as well. When it comes to other legislative measures that are required, I am sure a briefing for local Deputies would be beneficial because we are part of the solution here.

To conclude on these two matters, the Ministers are to be commended. They have listened to the fall gaps in terms of what Ukrainian individuals and families are going through in Ireland and they have put forward legislative underpinnings for certain requirements they have. They have also listened about the Stardust and have made the changes that are required. All any of us can hope, and both of these issues come from a very different but very real sense of injustice, is that those fleeing war will find comfort and love here and find their time here to have been empowering, loving and caring and that if they get the chance to go home at some point, they will have fond reflections on their time here in Ireland, and for the families of the Stardust victims, that they can look at their State and their legislative bodies and say that in the end they did listen and we did work together to find the truth.

**Deputy Mark Ward:** I will focus the little time I have on the part of this Bill that attempts to deal with the Stardust tragedy. I was only six years old in 1981 and I do not remember the tragedy happening. What I remember is the lingering conversations over the years about how 48 young people went to a St. Valentine's eve disco and never came home. I remember how the adults in my life were upset not just by the fact that so many young lives had been lost but also that there was no justice for their families. I am from a similar working-class community to that of many who died in the Stardust, albeit on the opposite side of the city, and there has always been the question that families from working-class areas just did not count.

Since 1981, the families of the young people who died in the Stardust have had to face many obstacles to get justice. The first inquest focused solely on the medical cause of death and did not focus on any of the surrounding factors related to the fire. As I grew older, I remember the anniversaries of the Stardust and how the families marked them at ten years, 20 years, 30 years and 40 years. Forty years have passed without justice for these grieving families. A ruling from the Attorney General in 2020 noted that the original inquests amounted to an insufficient inquiry and called for a fresh inquest. We welcome the inclusion of provisions for the inquests, although there are some issues regarding jury selection that still have to be resolved. I met with the families and campaigners for justice a number of times over the years. I remember a family fun day in my area, Bawnogue, on the other side of the city that I spoke about. The Stardust families were there making the next generation aware of their loss and their fight for justice. Let us hope the families do not have to inform any more generations about this quest for justice. Some family members I met that day, tragically, have passed away and are no longer here.

I commend the families of the 48 young people who never came home, and the communities they come from, on their tireless efforts over the past four decades. I also commend my colleague, Senator Boylan, on her consistent and insistent calls for justice and the support she has given the families over the years. I am often very critical of the Government, but I also acknowledge and commend the Minister on bringing this Bill forward. It is to be hoped the families will get an answer at the end of this process.

**Deputy Catherine Murphy:** I assume the Minister appreciates it is quite difficult to know where to begin with this legislation because it is multifaceted. It is rushed but there is an emergency nature to it at the same time. I accept that is the case. We know mistakes will be made, even if we cannot identify them at this stage, because this legislation is being passed at break-neck speed. I am not referring to this specific Bill, but even in situations where there are issues with rushed legislation that can be identified at the time it is being debated, the Government is very often not disposed to accepting amendments. I have concerns. This time of the year, just before the recess, is always problematic when it comes to rushed legislation. If we were to go back and take a look, it is the time when most mistakes are made.



1 July 2022

On housing, I am glad to see the €400 flat payment for host families. That support is welcome. It has been announced and I am glad to see it is backdated. Host families are showing an incredible level of generosity in taking refugees into their homes and should not be under financial strain. We all accept it is not just about the war environment but is a cost-of-living issue as well. I will highlight some concerns. The Bill is very explicit in laying out that the payment is not to establish a landlord-tenant relationship between host families and refugees. That is fine and it is right to do that, but we must be cautious about placing refugees in living situations where they have no rights. Where do they go if the arrangement does not continue? We all know there is a housing crisis at present. We have to ask what protections are in place on the other side for people who have been pledged accommodation. Are there clear avenues, for example, if things do not work out or if there are complaints? Are there procedures to remove people from poor living conditions, if they arise? Is the Minister satisfied that provisions are robust enough to ensure all the accommodation is of a certain standard?

While this legislation excludes access to this payment for hosts who have drawn up official rental agreements with refugees, I do not see an acknowledgement in the Bill regarding informal payment arrangements that are in place. Some host families have verbal agreements with refugees that include making a contribution to the family household. I am concerned we could be creating a situation where, between the Government subsidy and informal arrangements, some hosts could essentially be receiving a rental income. We have to be careful. There will always be a very small number of people who will take advantage of a situation. That is, in essence, what I am trying to draw attention to. If it exists at all, it will be a tiny number, but we should not exclude the possibility.

To date, approximately 1,500 families have been placed in pledged housing. The Government target was to reach 6,000 by the end of August. At the beginning of the invasion of Ukraine, the Red Cross was flooded with 25,000 pledges of accommodation. Of course, it is natural that when people think about it, there will be a fall-off, but we need to understand, should something similar happen in future, which I hope it does not, and I am not necessarily talking about a war situation, how we handle this at the beginning. Many people complained the contacts made with them were very slow. People then believed the accommodation they pledged was not required or wanted. We lost some opportunities as a consequence of that. At the beginning, a little more than 50 people made follow-up calls, 40 from the Defence Forces and 15 from call centres. Many homeowners complained they were never contacted or were not contacted for a considerable period.

An article by Mr. Jack Power in *The Irish Times* earlier this month was very insightful in highlighting the issues facing us as regards housing Ukrainian refugees. It is clear that the Department of Children, Equality, Disability, Integration and Youth was overwhelmed at the beginning of the war. The Department of Housing, Local Government and Heritage should have stepped in and played a much bigger role, given its close links with local authorities. Some very good things were learned at the early stages of the pandemic about very direct involvement at local government level. The Government probably should have learned from the mistakes made at the very beginning of the pandemic from that point of view because the Department of Health was landed with everything. In essence, it was exactly the same and we repeated that mistake. We need to recognise that and not do it again if we find ourselves in a situation where we need to have a whole-of-government approach early on.

Certain issues, such as hotel quarantining, would have been better handled by the Department of Transport, but in the pandemic crisis, as in this one, there seemed to have been an at-



titude in Government that shunted the vast majority onto the one Minister, namely, the Minister for Health. *The Irish Times* article I referenced reported overcrowding in hotels, which provided the bulk of the accommodation for refugees. One such example was 40 people being placed in an unused building with only one working toilet and no cooking facilities. We all understand the urgency of the crisis, and I do not doubt that people were doing their absolute best and scrambling to put roofs over people's heads, but we have to set a clear and acceptable standard for the accommodation we put people into, even if it is very temporary accommodation. We cannot repeat the sins of direct provision in this system. Yes, we have a moral obligation to take in refugees. I do not dispute that at all, but we also have a moral and legal obligation to ensure they are treated with dignity and respect when they are here.

I will move on to the issue of driving licences. This Bill will allow the Minister to sign an order that will recognise Ukrainian driving licences. The current arrangements, which have been in place since April, are that Ukrainians have the ability to exchange their licences for Irish licences that will be valid for a year. What has happened since that was announced in April? Was there no legal underpinning? Have issues arisen as a consequence of that?

We have seen that access to driving licences is fundamental for direct provision residents. It allows people independence and freedom of movement throughout the country. Of course, many refugees have no say over where they are placed in Ireland. Many will live in rural areas without access to public transport or with limited public transport, at least. The difference, however, is that asylum seekers are asked to go through the Irish system to gain driving licences, unlike Ukrainian refugees. I understand the sheer number of Ukrainians entering the country would make that near impossible to do in a timely way on an administrative level. I accept that. However, it really is a contrast for people who have been asylum seekers compared with the people who are here as refugees from the war in Ukraine.

*10 o'clock*

There are people who have had to fight battle after battle with the Government to achieve what is now rightly being granted automatically to Ukrainian refugees.

Aside from the importance of freedom of movement, road safety is another issue. There is a possible issue here. Was the Road Safety Authority consulted on this decision? Did it raise any issues with regard to road safety? The data I can find show there is three times the rate of fatalities in Ukraine in comparison with Ireland. Even if there is a temporary arrangement, there should be some other arrangement if there are road safety issues. The whole idea is to keep our roads safe for everybody who will use them. I accept there is an urgency about this, but it would be wrong not to flag it as requiring some consideration when we inevitably deal with some more permanent arrangements.

Of the nearly 39,000 Ukrainian refugees who have arrived so far, an estimated 25% are under the age of 13, with 50% being over the age of 20. As such, access to the national childcare scheme is vital and I welcome that element of the Bill. The difficulties Ukrainian women are having accessing childcare highlights the systemic issues in childcare provision for families throughout the country. Childcare costs are insurmountable for many in Ireland, let alone for refugees who are here without the family support systems they could have relied on at home and many of them will not have an income stream.

Lack of childcare is one of the biggest barriers between Ukrainian parents and access to

work, education and training. Cost is a bigger issue for those who are not proficient in English. Regardless of their level of education or professional experience, without English, their access to well-paying employment will be limited. However, accessing English language classes is near impossible without access to childcare, which they cannot afford because they cannot get a well-paying job. The issue is kind of circular. Ukrainian women have been caught in the vicious catch-22 that is affecting many families in Ireland. Are particular supports being put in place to navigate the childcare system? If so, will the Minister outline them to us?

Cost is not the only barrier. There is an overall shortage of childcare spaces. It is difficult to navigate for those who have knowledge of the system, let alone those who do not. This is an urgent issue in the summer months when children are out of school. The Government needs to increase funding significantly into the early childhood care and education, ECCE, sector in the upcoming budget. I know there have been changes but there are also problems. A lack of access to childcare has an incredible knock-on effect on families throughout Ireland and, of course, it has a disproportionate impact on women.

With regard to Stardust, a section of the Bill makes provisions for the jury at the Stardust inquest. I welcome this long-awaited legislation and pay tribute to the families of the victims of the Stardust fire who have campaigned tirelessly for this inquest.

We also have to acknowledge that there are officials in some of the Departments who have had to do an incredible amount of work at a very challenging time, especially in the Department that has done the heavy lifting on this. While I will be drawing attention to some things that need to be done and shortcomings in the legislation, it is important to balance that with acknowledgment that there has been a considerable additional burden on staff in that Department. Lessons have to be learned about spreading that burden and about where there has to be the overall responsibility. The whole-of-government approach has to kick in at a much earlier stage than happened on this occasion.

**Deputy Neale Richmond:** I appreciate the opportunity to contribute to this very important debate. We have all accepted it is wide ranging. The expeditious nature and requirement of passing this legislation is not lost on anyone in this House, but there are a few points and questions I wish to put to the Minister and the Minister of State, and perhaps they could respond in due course. We should never let a difficulty be lost with regard to justice and the parts that allow for alterations and efficiency in terms of the registration of people coming to Ireland. This is an opportunity to look at the wider immigration system and how this could be applied, not just to those fleeing Russia's brutal war in Ukraine, but also to those fleeing other conflicts such as in Afghanistan or sub-Saharan Africa and our moral responsibility to them and, indeed more widely, to those who want to come here legally, who are not fleeing conflict but very much want to come to this country. Perhaps this is an opportunity to look at what is working in the emergency response to the conflict in Ukraine and see how that can be put into the wider immigration system.

I appreciate this is the legislative underpinning of vital responsibilities on the State, but it has to be said there is an element of fatigue across focus on this conflict. There is an element of fatigue in this Chamber. We have heard some comments from certain Members that were, frankly, downright nasty. Those Members are not in the Chamber or in the groups represented here at present, but those comments are unfortunately feeding an online narrative that was inevitable. It was going to come. We all have to push back against this especially nasty narrative. This is our absolute moral responsibility to the people who are being bombed out of their homes

in Ukraine. We have not just that responsibility but that ability to cater for those needs. Therefore, this legislation is vitally important. We can truly be proud of the one-stop-shop initiative put in place by my the Minister, Deputy McEntee, in co-operation with the Minister, Deputy Humphreys. I have spoken to a number of colleagues, on a European basis, who are looking at the Irish example and seeking to replicate that in other EU member states in terms of how to approach this in a more efficient way.

I had queries with regard to the transport and children aspects of the legislation. I will ask the Minister of State, Deputy Naughton, about the first area, transport, given that she is in the Chamber. In her opening address, she spoke at length about the difficulties the haulage sector has been facing in Ireland over the past 18 months. The Minister of State and I have discussed this a number of times. Of course, these difficulties are seen across the world, not just in the EU. We see them in America and many other places.

We must look at that opportunity, not just to support the haulage sector, but also to co-ordinate the opportunities presenting to attract more people into that sector. We talk about encouraging more people into the profession, the training and the apprenticeship scheme in the medium term through the Departments of the Minister of State and the Minister, Deputy Harris. We must also look at how we attract people from non-EU and non-EEA countries to come to Ireland to do those jobs, cognisant that many people from those countries have previously driven out of the United Kingdom but find that opportunity is no longer open to them.

The second area is with regard to driving licences. This is acutely important, given the fact so many people fleeing the conflict in Ukraine are finding themselves settled in more remote areas where there was a spare home or outside of the main urban or city centres. It is very important to ensure they have the ability to drive and to access transport by all the means possible. I had a query in terms of co-operation with the authorities in Northern Ireland to ensure licences will be valid there. There is an obvious reason. If a Ukrainian family have found themselves accommodated in Lifford and need to do their weekly shop in Strabane, they want to make sure, if they have access to a car, they continue to drive legally. I would appreciate clarification when summing up.

With regard to childcare provision and the area under the responsibility of the Minister, Deputy O’Gorman, there are a couple of areas that are unique to this current situation. However, as was touched on by Deputy Catherine Murphy, they apply more generally to the pressures the early years sector is under at present. It is certainly something that comes up quite a bit in this Chamber as well as in all of our daily lives. It is also about looking at making sure service providers are not just willing to take into their services children from the families of Ukrainian refugees but also about making sure they are able to do so, not just in terms of financial return or space but also that the language supports being given at primary school level are also being made available during early years. One mild anomaly that comes into the provision of childcare and education more generally is that language supports are provided in a unique scheme for Ukrainian refugees coming from the conflict. We must also bear in mind that, due to this conflict, there are a considerable number of Russian refugees who are finding their way into this country. They had either been resident in Ukraine for a considerable time or, understandably, they want to flee from Vladimir Putin’s vicious dictatorship. They should be welcomed too and they should not be forgotten in this discussion.

The other concern that would come under the Minister, Deputy O’Gorman, is the €400 grant. We acknowledge that so many people signed up to this scheme and the 1,900 Ukrainians

who have been accommodated so far have been hosted by people who had no concern for a €400 grant. It is something people were wary of and concerned about but they did not necessarily want to raise it in case there was a perception of mean-spiritedness, where there is none. People want to ensure they have the ability to meet the costs and, more appropriately, ensure they can provide the level of accommodation that is required for people who are fleeing this unique conflict. I do not know if the Minister is returning or if any of the other Ministers of Ministers of State will be able to tell me if there is provision for the €400 grant to be backdated to people who have provided or offered accommodation prior to this announcement and prior to this legislation going through the vital Stages. It is not necessarily something people are looking for, but if people have gone out of their way to make rooms in their house available or to make second homes or holiday homes available and they are eligible for the grant, they should be entitled to draw it down. That is not only in their interests but it is also in the interests of the refugees who have come into their homes to ensure those homes are kept up to scratch.

This is a welcome Bill and there is a duty on all of us not just to see it pass quickly through this House but to see that it is truly implemented. We must ensure we play our role as public representatives, not just for the citizens of Ireland but for all those resident here, including our guests from Ukraine, to ensure they know exactly what their rights are.

**Deputy Patricia Ryan:** This amendment Bill contains a number of changes to various laws on topics as varied as the Stardust inquest and the crisis in Ukraine. It contains provisions for the Department of Justice, the Department of Children, Equality, Disability, Integration and Youth, and the Department of Transport. I welcome the provision to empanel and summon a jury for the Stardust inquiry. Forty-eight young people went to a Valentine's disco in 1981 and they never came home. For anyone who is of an age with me, I was also out that night and I came home. I would certainly think that if I did not come home, my family would be looking for answers, and the families of the Stardust victims deserve answers. It is almost three years since that inquest was announced and it needs to happen as soon as possible. Many of their parents are elderly and, sadly, some have died without those answers. We need to ensure this inquest is prioritised. The families have waited far too long already.

I welcome the provision to pay expenses to jurors in this inquest. It is something that should be extended to all jurors at inquests where they last for a number of days, which is not the case at the moment. Jurors are vital to our justice system and our coroners' courts, and they must be treated with respect.

The Bill also contains a number of provisions to make easier the lives of our Ukrainian brothers and sisters who have come to Ireland in search of refuge. In the domestic response to the Ukrainian crisis, a number of legislative gaps were identified relating to benefits under the national childcare scheme and in the recognition of driving licences, as previous speakers have mentioned. The legislation will allow for a more efficient process for the registering and processing of Ukrainians' immigration and social protection needs. It will allow for people fleeing Ukraine to register with the immigration services at regional hubs, removing the need for people to travel to Dublin to register. It will also establish a one-stop-shop service, including at regional hubs, for people fleeing Ukraine who are seeking temporary protection, a PPSN and income support, which will make the process more customer-friendly and easier to operate. This Bill will also enable the payment of €400 per month to families who welcome refugees from Ukraine into their homes and it is right that these payments will not affect means-tested payments. The Government needs to go further and remove the means test for the likes of carers. Carers are saving the State millions of euro every day and they deserve to be treated with

respect. That is something we need to be looking into down the road. The Government must also ensure any income that Ukrainian refugees may have is not included in differential rent calculations by local authorities.

I commend those who have already welcomed people from Ukraine into their homes, and the groups that are assisting them. These include people like Richard Daly, the principal of Athy College, who has done tremendous work. These people must be supported in their efforts. The Department has been slow on some occasions in coming forward with information. We need to identify the roadblocks in the way of those assisting refugees of all origins and remove them as soon as possible.

**Deputy Paul Donnelly:** I wholeheartedly welcome the Bill and I would like to take time to speak on Part 8 of it, which deals with the tragic fire in the Stardust disco in Artane in 1981, 41 years ago. There have been 41 years of families seeking answers on the events of that tragic night and on the circumstances around the deaths of their loved ones. At every turn the families have met obstacles in trying to get justice for their loved ones who lost their lives on that fateful night. The owners of the property still avoid any responsibilities. It is widely known there were serious breaches of basic health and safety on the night, and the families and survivors need justice to allow them to rest after 41 years of campaigning and to give them the comfort of knowing they have got justice for their families.

Mixed into this Bill in some flowery language is the right for an inquest to be held before a jury. This is the right and proper course. For far too long laws have prevented the Stardust families from getting full disclosure and I welcome the legislation which implores a coroner's court to play its full part in any inquest. No persons or bodies that may have information that could bring about the closure the families deserve should be excluded from, or have any way to exclude themselves from, any inquiries. I call on all parties, including the Garda, the coroner's court, the owners of the property, and anyone who may have any information to step up and bring this overdue and heartbreaking inquest to a successful conclusion for those who lost their loved ones that night. I ask the Minister not to allow subsections in this Bill to provide any loophole for any parties not to play their full parts in the inquiry and to put the full weight of her office behind supporting the quest of the Stardust families for justice. I wish the Stardust families well and I send my condolences for the 48 children who never came home. As always, the families have our full support.

**Deputy Thomas Pringle:** I am grateful for the opportunity to speak on this Bill. Sometimes I wonder if we should be thankful for the opportunity to speak on it because it has been such a rushed job to get here. I condemn the way the Government has made a complete farce of the legislative process this week. We had a committee meeting that was forced to suspend yesterday after discovering that the deadline for Opposition amendments had passed before the committee ended its pre-legislative scrutiny. In the Seanad, the Government guillotined Committee Stage of the circular economy Bill without giving Senators the opportunity to debate the amendments they had submitted. In the Dáil yesterday evening, we took Second Stage of the mica Bill, despite the fact that the deadline for amendments had been earlier that day. We were only made aware on Monday that we would sit today and discuss three Government Bills that had not yet even been published.

Not only does it put incredible stress on the Bills Office and Oireachtas staff, it makes a joke of the whole process when legislation is treated in this way and we do not properly and fully engage with all legislative Stages. It takes away the opportunity for proper scrutiny, which is a



1 July 2022

fundamental role of Opposition Deputies. Maybe that is the reason it is being rushed through and this deadline has been imposed. Opposition Deputies were willing to cancel constituency appointments and sit later or longer, but not giving us the opportunity to scrutinise all this legislation being rammed through is not acceptable and it happens every year. It shows complete contempt for the parliamentary process.

**Acting Chairman (Deputy Bernard J. Durkan):** I am sorry to interrupt. I recognise what the Deputy is saying but it is important, from the point of view of the House, that the House does not always spend its time wisely. There are many delays. The message that goes out from here, which the Deputy is referring to at the moment, is not the fault of the House. The House provides the accommodation to move legislation forward when it should be moved forward in the interests of the State. The balance between debate and the movement of legislation, which may not always be one and the same thing, needs to be recognised. That is from my experience in this House. We can spend all the time we want wasting time and all the really urgent stuff can be pushed to one side. I do not think it is a good thing and I know the Government is aware of this. The Opposition needs to be aware of it as well.

**Deputy Thomas Pringle:** That is an interesting intervention. I do not think I said it was the responsibility of the House for any of this; I clearly said it was the responsibility of the Government. The Government is treating the House contemptuously in this process.

**Acting Chairman (Deputy Bernard J. Durkan):** We were in here until midnight the other night play-acting. It was a total waste of time.

**Deputy Thomas Pringle:** That took about 40 minutes; there are 168 hours in a week.

**Acting Chairman (Deputy Bernard J. Durkan):** It took two hours and a bit.

**Deputy Thomas Pringle:** I will happily have this discussion with you at a different stage and on a different Bill because what you are saying is completely spurious and it is ridiculous.

**Acting Chairman (Deputy Bernard J. Durkan):** I beg your pardon.

**Deputy Thomas Pringle:** What is happening here is that the Government is treating this House with contempt. That is the situation we are talking about.

**Acting Chairman (Deputy Bernard J. Durkan):** Hold up for a moment. I am sorry about that.

**Deputy Thomas Pringle:** You have intervened in this debate when you had no call to intervene. I am not going to-----

**Acting Chairman (Deputy Bernard J. Durkan):** Just a minute, I happen to be in the Chair.

**Deputy Thomas Pringle:** What?

**Acting Chairman (Deputy Bernard J. Durkan):** The message that goes out from the House at all times is what prevails and what happens in the House. The public outside gets the message. I have to bring to the Deputy's attention that it is all very fine to blame Government or Opposition in the course of debates but the purpose of this discussion is not to blame Government or Opposition - either one; the purpose is to address the content of the Bills. There are three important Bills.



I am sorry. The Deputy may think that is funny but it is not. He knows that from his constituency work. Can we deal with the important Bills before the House? They have been spoken about by several Members and the Deputy very graciously was available to speak in the House on the Bill.

**Deputy Thomas Pringle:** I ask for some of the your divine wisdom to advise me on how to conduct myself in this debate. Can I not discuss, when talking about a Bill, the context of how we arrived here?

**Acting Chairman (Deputy Bernard J. Durkan):** No.

**Deputy Thomas Pringle:** Is that not allowed?

**Acting Chairman (Deputy Bernard J. Durkan):** No. We are supposed to talk about the Bill.

**Deputy Thomas Pringle:** Will you be very clear on that in everything that you do?

**Acting Chairman (Deputy Bernard J. Durkan):** There is no use wasting time and, at the same time, blaming the House for not facilitating you.

**Deputy Thomas Pringle:** When did I waste time? Point out when I wasted time.

**Acting Chairman (Deputy Bernard J. Durkan):** You did not up to now but you are heading into it.

**Deputy Thomas Pringle:** Point out when I wasted time.

**Acting Chairman (Deputy Bernard J. Durkan):** You are normally very astute-----

**Deputy Thomas Pringle:** You are making accusations that are completely wrong and unfounded.

**Acting Chairman (Deputy Bernard J. Durkan):** -----and very responsible.

**Deputy Thomas Pringle:** When did I waste time?

**Acting Chairman (Deputy Bernard J. Durkan):** Hold on a second. Will Members resume their seats?

**Deputy Martin Kenny:** I suggest that the Member should make his contribution without interruption.

**Acting Chairman (Deputy Bernard J. Durkan):** He can make his contribution without interruption. He and everybody else can make their contributions but they just cannot wander around the whole country in the making of them.

**Deputy Martin Kenny:** It is a Second Stage debate.

**Deputy Thomas Pringle:** Where did I wander around the whole country?

**Acting Chairman (Deputy Bernard J. Durkan):** In passing you can do it. I am surprised at the Deputy. You are normally a responsible guy.

1 July 2022

**Deputy Thomas Pringle:** I am surprised at you.

**Acting Chairman (Deputy Bernard J. Durkan):** Please proceed on the Bill.

**Deputy Thomas Pringle:** I am glad you are disappointed in me and that you do not see me as responsible because that is a good measure of it. Now we can get on to the Bill after that intervention.

I support that this Bill aims to give further support to those settled here under the temporary protection directive but one would have to ask why the Bill is urgently needed to come in the week before the adjournment during a Friday sitting. Is that okay to ask about?

**Acting Chairman (Deputy Bernard J. Durkan):** In passing.

**Deputy Thomas Pringle:** Fair play to you. Thanks for giving me the direction. One would wonder why that is. None of these provisions is new or newly foisted on the Government. The issues addressed in this have been around for a long time, since the Ukrainian crisis arose. The Stardust issues, unfortunately, have been around for an awful lot longer. This Bill could have been introduced in a timely fashion and been discussed during the normal sittings, instead of us taking statements for weeks on end. Why has the Government waited for the jaws of the summer recess to foist it upon us and say it has to be rushed through?

It is great to see so many Ukrainian people settled within our communities and I know many communities, like mine in Killybegs, have done all they can to make them feel welcome and safe in their temporary home. That is vital. Fleeing war is an incredibly traumatic experience and we must do all we can to ensure these people are supported fully. To do this it is important that those living here under this temporary protection directive have all the tools and supports necessary to fully participate in our society. It is important to say that, unfortunately, Ukrainians are in some cases being taken advantage of by unscrupulous employers and stuff like that. What needs to be made available to them, and maybe they are looking at it, is access to the protections they require to ensure this does not happen. Unfortunately, in every situation we get, this is what we get in our societies.

I reiterate my call to extend this directive beyond Ukrainians to all those living in Ukraine. Citizenship should not matter when you are fleeing war and seeking protection. We should extend the directive even further and implement its provisions in response to various other humanitarian crises too. Everyone deserves safe and humane living conditions no matter what their citizenship or which country they are fleeing from. One of the most depressing things in the Ukrainian situation was that citizens of other countries living and working in Ukraine were refused entry to the European Union, including Ireland, because they were non-Ukrainian citizens. You would have to say sadly that it is because they were not white. They happened to be living in Ukraine, suffered the consequences of the war as much as any Ukrainian citizen did and had to leave. I had a case of someone whose brother was living and working in Ireland and would have been able to look after them and take them in, but they were refused entry because they were not Ukrainian. That is wrong. We have to look at and address that in the future.

I am heartened by the response of so many in this country who opened their homes to Ukrainians fleeing the war. They have demonstrated the kindness of Irish people and I know that, if given the opportunity, they would happily open their homes to others fleeing war. I am glad the Bill proposes to give them a monthly contribution of €400. We should do all we can to support Irish families in their effort to support Ukrainian families.

Although I am glad that Part 4 is taking the opportunity to do so now, I am disappointed that it has taken this crisis to address long-standing issues within our immigration system. Allowing for registration with immigration authorities throughout the country, rather than in Dublin only, will make a huge difference, particularly to immigrants in my constituency of Donegal, where this is a huge barrier. I hope this will be available to all immigrants, rather than just Ukrainian immigrants.

I also support the Bill's provisions for the appointment of more registration officers and the introduction of an online registration process. Online registration for those engaging with the immigration process should have been introduced a long time ago. It would make registration much more accessible and would significantly help with the language barrier experienced by many when engaging with the immigration process. The explanatory memorandum states that in response to the Ukrainian crisis "a number of legislative gaps were identified". I do not believe that these gaps were only identified following the Ukrainian crisis. We have long known of gaps in the system but, sadly, there just has not been any will to address or close them before now.

I have concerns about data protection with regard to Part 5. I do not see why so much documentation is required. I also do not believe that seven days is sufficient to produce such documentation and I hope the Minister looks into extending this to 30 days instead.

I fully support this Bill's special provisions for the empanelling and summoning of a jury for the Stardust inquest. Like other speakers, I was approximately the same age, although slightly younger, as the people who died in the Stardust tragedy. It is shocking that it has taken this long to resolve the issues and to go through the process. Those families have suffered greatly and have had to wait a very long time for the issues to be dealt with. I hope that this will remove the last barrier and ensure that they can have the full process they deserve. This is something that impacted on everybody in the State. It is difficult to accept that it has taken so long to get it resolved. Some 14 pre-hearing meetings have been held but no jury hearings have yet taken place. I support the amendments to current legislation to ensure that a person empanelled to an inquest hearing will continue to be paid by their employer for the duration of the inquest since this is the standard procedure for jury trials in the court system. We must ensure that jury selection is completely transparent and that the inquest proceeds as planned in September to ensure no more pain is inflicted on the Stardust families, who have been fighting for the truth for more than four decades.

**Deputy Bernard J. Durkan:** I am happy to be in a position to debate the merits or demerits of the timing of this legislation openly with anybody in the House. It is very important legislation that needed to have been brought forward long before this. For that reason, we should attribute to it the importance it deserves.

I will deal with the issues one after the other. I remember the Stardust fire well. I remember meeting the relatives and friends. The time it has taken for them to get to the position we are now in has resulted in people passing away in the meantime. It has been a long, long time and, during that time, there was no way to assuage their concerns, their loneliness and the loss they had to suffer. I thank the Minister for bringing forward this legislation, along with all those involved in lobbying over the years.

With regard to the refugee system, like everybody else in this House, I have dealt with a fair number of refugees over the years. There were gaps in the system. I am happy to congratulate

1 July 2022

the Minister for addressing those issues in recent times. The only thing I am a little concerned about is that some of the gaps may continue. I have discussed this with the Minister and she is investigating the matter. It is possible that some people who made decisions some years ago may make the same decisions again, which will not advance the cause at all. One of my most challenging, worrying and embarrassing moments ever was when an older woman of African origin got down on her knees begging not to be returned to her own country. It was upsetting and appalling to see a person in that situation but she was in it, as were many others. Some have long since been deported. I again emphasise the position on deportees to the Minister. This was long before her time but I ask that particular attention be paid to those who may be due for deportation on the basis of a decision made 20 years ago. It is so far out as to be unbelievable. That will have to suffice because I cannot go into it in any more detail in the time available to me.

The other issue I will refer to is the welfare of children. It is very important that this legislation is before the House now because the various Departments need to work together on this. They are doing so, which is good to see. We need to pay careful attention to issues regarding the welfare of children, both domestically and on the immigration side. Very often, children who come before the courts find themselves in a vulnerable position even after the courts have reached a decision. That is not supposed to happen but it does. As a result, small children may be left in a very vulnerable position. Even in the past week, I have dealt with the case of a child who was already in the care of the courts. The child, who is nine years of age, tried to run away. There should not be this silo mentality whereby different Departments do not come together to address these kinds of situation in a more elaborate way. All Ministers need to be alert to the issues running parallel to their own responsibilities at any particular time. The Acting Chairman has considerable experience of the courts himself. While I am sure he cannot really agree with me, this is something that needs to be watched. The individual situations and the consequences of decisions, or the lack of decisions, need to be borne in mind at all times.

My next point again relates to asylum seekers, refugees and non-EU workers operating in this State. It is ironic that we have a labour shortage and have had such a shortage for a good number of years despite the ups and downs of the economy. It is sad to see that, in many cases, industries that required employees offered, for humanitarian reasons, employment to people who were not legally resident in the country and that now, 20 years later, many of these people are of pension age and do not qualify for a full pension because they do not have sufficient contributions. They do have the contributions but were not eligible for residency in the State at the time. It is an issue the Departments need to bear in mind. It can cause a great deal of hardship to individual families. The fact of the matter is that those people paid their taxes and complied with everything but did not have a right to residency. I ask that this be borne in mind.

My very last point again relates to children. I am not satisfied that children, especially small children, and vulnerable families receive the required level of urgency in their care and attention at all times. I recall several occasions of seeing really small children, in what was a strange country to them, not knowing where they were going or if they were ever going to receive any official status. Some of these were as young as two or three. I am talking about toddlers walking around with their parents or, very often, with one parent in the hope that this free country might be in a position to give those parents the kind of status they wanted.

I again congratulate the Minister for bringing forward many of these provisions to deal with issues that need to be dealt with. I also congratulate her colleagues who were here at the beginning of the discussion. I issue the warning that we need to be vigilant where kids and their wel-

fare are concerned, even where they may be coming through, or have gone through, the courts.

**Minister for Justice (Deputy Helen McEntee):** I thank all colleagues for their contributions and for their support for this Bill. Without wading into a debate about timelines, while some might say what happened in Ukraine was predictable, a lot of us did not expect it to happen in the way it did. At a national level, a European level and internationally, we have responded in a quick manner. We have put measures in place as quickly as possible. In the Department of Justice, and in many other Departments, the priority was to put the structures in place, get the one-stop shops up and running, get the online process moving, engage with other Departments and get the process of putting people into accommodation in place. That was done on an administrative basis and we then had to then identify how to copper-fasten it in our legislation. We would have brought this Bill forward quicker if we could have. My officials and teams, and those in other Departments, have worked hard on this and have done things as quickly as they could. I appreciate the support from colleagues in making sure this Bill is passed and that it does not move on into September or October.

I thank colleagues for a thoughtful and considered discussion on Part 8. It is always difficult to recount what happened 41 years ago. I can only imagine what it is like for families when they do that on a daily basis. They want answers; we all do. We all want to get this right, including everyone who has been involved in this inquest from the outset. I hope these changes and provisions, in particular those relating to the empanelling of juries, will help that process along. This Part will allow the Dublin coroner to seek the assistance of the Courts Service and put a similar process in place to that which applies in civil and criminal proceedings. These provisions are bespoke to Stardust but that is an acknowledgement of the significance of what we are dealing with here. As the Deputy opposite has acknowledged, significant preparation is currently under way in my Department on a general review and reform of the coroner service. That will include juries and many other elements. I hope to be in a position to engage with Deputies on that after the summer recess. Regarding section 59(2) and whether someone can be disappplied from a jury or if there can be an objection, it is the role of the coroner to allow for that objection or to object to an individual. The coroner can take a request or an observation from either family members or the legal representatives of those family members, where there a reason is given, and will consider that. A decision can then be taken in that regard.

With regard to the Ukraine crisis, the Bill will put the provisions we have put in place around the one-stop shop, the online transfer of information and all the different resources that have been provided on a legislative footing. On Deputy Richmond's point, we are learning from the processes that have been put in place. We will improve our overall international protection system and process. That work was under way prior to this war coming to our doors. We will make sure the lessons are learnt and improve our overall system and process so it applies to as many people as possible.

Moving to the financial contribution for those hosting temporary protection beneficiaries, which is the responsibility of the Minister for Children, Equality, Disability, Integration and Youth, this is a contribution to recognise the support people are providing. It will be backdated to 4 March to acknowledge that some people took people into their homes from the outset. The intention is to activate the accommodation pledges as quickly as possible. The process has amended slightly so we can move through that as quickly as possible. It provides for the appropriate data exchanges, making sure we can identify the individuals who are in homes so there is no abuse. It is important to make sure those who go into homes are not abused in any way. A regulation is currently being worked on to develop standards for the accommodation being



provided to those who are in temporary protection. It is important that people are not living in substandard accommodation and that others are not benefiting financially from that.

The amendments to the Childcare Support Act are a pragmatic solution to make sure those who have come from Ukraine can avail of the childcare support scheme. It is about making sure they have access under the Act to universal and means-tested subsidies to help with the cost of childcare. The vast majority, perhaps two thirds, of those who have come from Ukraine are women and children. It is not easy for all of those women to find jobs and to access childcare, which many of them want to do. We need to be as practical as possible in this regard. One Deputy asked about the supports and the funding. This provision can provide subsidies to cover up to the full cost of childcare. That will ensure people in low-paid jobs can access and afford childcare but can also work. The national network of childcare communities will provide support to families who find childcare to apply for subsidies under the national childcare scheme. As much work as possible is being done to make sure this can be accessed by people under the temporary protection mechanism so they can get the financial supports to allow them to work.

The licensed haulage emergency support scheme was established to support the licensed haulage sector post Brexit, post Covid and following the invasion of Ukraine. It is about acknowledging the significant role hauliers play. I acknowledge, in particular, the role they played throughout Covid-19, when all our shops and shelves continued to be stocked. Without our farmers, those in the agricultural sector and our hauliers, that would not have been possible and, therefore, I pay tribute to them. This is an acknowledgement of how vital they are in the supply chain. We must support them as much as possible.

The section relating to the Road Traffic Act will allow for the recognition of certain non-EU driver's licences for use in Ireland. This is so we can respond to those who are here under the temporary protection directive, some of whom drove for days, weeks or months to get here. Non-EU citizens with permission to live in Ireland must have an Irish driver's licence to live here. This recognition will avoid the need to exchange foreign licences for an Irish licence. This provision will apply for the period of temporary protection only and will maintain the integrity of the Irish driver's licence process. A number of questions were asked about this. The RSA has been consulted on this matter. That is why it applies to cars and light vehicles, that is, category B licences, only. That change was made following consultation with the RSA. On Northern Ireland, my understanding is that if someone exchanges their licence for an Irish licence, he or she can drive in Northern Ireland, in the same way people can currently drive in Northern Ireland or any other country within the EU on an Irish licence. If the person lives in Northern Ireland they must have a UK licence and that would not be applicable here. In national law, we can only approve Ukrainian licences for driving in this jurisdiction. However, the EU Commission is currently considering EU-wide recognition during temporary protection. There is work ongoing to make this work as much as possible. These regulations were put in place on 22 April. Like so much of this Bill, we are just copper-fastening what has been *in situ* for a number of months and making sure it is legally underpinned.

Due to the nature of this Bill, a number of different Departments and issues are involved. Deputies will appreciate the importance of getting this passed before the summer recess, particularly with regard to the Stardust inquiry so that can continue as quickly as possible. I thank Deputies for their time and for the discussion today. I also thank my colleagues in the Departments of Justice, Transport and Children, Equality, Disability, Integration and Youth. A huge amount of work has gone into this legislation.



**Acting Chairman (Deputy Colm Burke):** I thank everyone who took part in the debate this morning.

Question put and agreed to.

## **Education (Provision in Respect of Children with Special Educational Needs) Bill 2022: Second Stage**

**Minister for Education (Deputy Norma Foley):** I move: “That the Bill be now read a Second Time.” I appreciate the opportunity to introduce and speak on this important legislation, the Education (Provision in Respect of Children with Special Educational Needs) Bill 2022. I fully recognise the importance of inclusive education for all children. It is my primary objective as Minister for Education to promote and support actions that will ensure the school setting is a welcoming and inclusive environment for all.

My Department is committed to delivering an education system that is of the highest quality, where every child and young person feels valued and is actively supported and nurtured to reach his or her full potential. We strive to ensure that all children have access to an educational experience that is appropriate to their needs and supports both their academic and personal development. Our policy, which is set out in the Education of Persons with Special Educational Needs Act 2004 is that children with special educational needs should be educated in mainstream placements with additional supports provided as appropriate. Where children require more specialised educational settings, such as special classes or special schools, the Department and National Council for Special Education, NCSE, ensure the necessary resources and supports for such placements are provided in line with the needs of the child. The active collaboration of school communities to this end is essential and the importance of a welcoming and inclusive environment cannot be overstated.

Within this context, providing for an appropriate school placement for every child with special educational needs in a timely and supported manner is a key priority for the Department and the National Council for Special Education. The National Council for Special Education is statutorily responsible for planning and co-ordinating provision at both a local and a national level and advising the Department in this regard. The Department continues to work closely with the NCSE and other key stakeholders in relation to the requirements for special class and special school places and the more strategic and longer term requirements.

The legislation which I am bringing to the House today is an important step in ensuring that children with special educational needs are provided a school place appropriate to their needs. This legislation means a child-centred and child-focused approach is taken to the provision of special education classes. I am confident we all share a common goal to do everything within our power to ensure every child with special educational needs who requires a special class or special school placement is provided for as a priority.

The Department of Education currently invests more than €2 billion in additional provision for children with special education needs. This represents more than 25% of the Department’s total annual budget. Access to education by every child with special education needs is designed to provide the appropriate and necessary supports to ensure the fullest potential of every

1 July 2022

child is achieved. For the coming school year, at least 315 additional new special classes have been sanctioned by the National Council for Special Education, catering for more than 1,800 additional students, bringing the total number of such classes to almost 2,500, providing for more than 14,000 students. While this illustrates the strong evidence of the progress made in meeting the needs of children with special educational needs in recent years, there is no doubt more work needs to be done. The National Council for Special Education advises that just over 100 children remain without an appropriate special educational need placement for the coming school year.

I acknowledge the excellent work of so many school communities across the country on special education provision. The Minister of State, Deputy Madigan, and I have visited many of these schools and have seen first-hand the outstanding work being done every single day across the country. However, despite all efforts, there has been an inability to deliver the final number of places required as the number of children with special educational needs continues to increase. My Department and the National Council for Special Education will continue to engage intensely with school authorities to open new special classes. This legislation can also play a key role in helping us with those efforts.

Where efforts to work with schools to open new special classes are not sufficient to meet the demand for places, this legislation provides for a much shorter process than currently exists to allow for schools to be directed to open additional classes. The Department and I intend that the provisions within this legislation, once enacted, will be used to ensure that an adequate supply of special class places are available to students.

I confirm to the House that when a special class is established, the Department of Education provides funding for new staff. For example, certain special classes will consist of six students, one teacher and at least two SNAs. There will be support from the planning and building unit of the Department for any physical alterations required to the school building, a grant for equipment, enhanced capitation, support from the National Educational Psychological Service and a range of training courses provided by the National Council for Special Education.

Budget 2022 already provides for a significant increase in the number of special class and special school places for children. As a consequence, my Department envisages that the cost of providing additional special classes for children for the start of the coming school year will be met within the Department's existing budgetary allocation.

There are 12 sections in the Bill and the Minister of State, Deputy Madigan, will shortly set out for Members' information and consideration the provisions under each section of the Bill. The key provision in this legislation provides for a truncated Section 37A process, whereby the Minister can direct a school to make additional provision for children with special educational needs. It is envisaged that this new process can lead to a ministerial direction to be served on school within six to eight weeks of receiving a report from the NCSE setting out its opinion that there are insufficient schools places in a certain area. Where the existing section 37A process has been used twice already, those processes took between six and 18 months. This clearly underlines the need for a new, speedy and more time-efficient process. I appreciate that that is what we are setting out to achieve today.

I invite the House to note that the new shortened process will still allow two opportunities for school patrons and boards of management to make representations to the Minister ahead of a direction issuing. This is an important consideration and assurance for both school patrons

and boards of management. In drafting the legislation, the Office of the Attorney General and my Department also took the opportunity to add additional functions to school patrons, schools and school boards. This relates to co-operating with the National Council for Special Education to provide additional capacity for children with special educational needs when requested, and compliance with a ministerial direction to open new classes or a direction from the National Council for Special Education to provide for a child with special educational needs. The legislation also provides for school admission policies to include a positive declaration setting out that schools will provide for children with special educational needs.

The legislation provides for an explicit function to allow the National Council for Special Education to manage and co-ordinate the admission of children with special educational needs in co-operation with parents and schools where necessary. This will reduce the burden on parents and I think we are all supportive of any mechanism or measure that will assist parents and guardians of children and young people with special education needs.

I acknowledge the significant work of the Attorney General and his officials, who worked with my Department to draft this important legislation in such a short period.

*11 o'clock*

I express my sincere appreciation to the members of the Joint Oireachtas Committee on Education, Further and Higher Education, Research, Innovation and Science for agreeing to a waiver of the requirement for pre-legislative scrutiny of this Bill given the urgency of the situation. I look forward to working with colleagues in both Houses to progress this important legislation and I thank Members in advance for their co-operation.

**Minister of State at the Department of Education (Deputy Josepha Madigan):** As the Minister of State with responsibility for special education and inclusion, I am very pleased to update the House on how this legislation is intended to work to support children with special educational needs to gain access to specialist class placements that can meet their needs. There are 12 sections to the Bill and I will set out more detail on the key provisions under each section.

Section 1 provides a definition in the Bill that any reference to the “Act of 1998” means the Education Act 1998. Section 2 defines “special class” for the purposes of the Education Act 1998 in line with the definition already set out in the Education (Admission to Schools) Act 2018. This defines a special class as a class that has, with the approval of the Minister, been established by a school to provide an education exclusively for students with a category or categories of special educational needs specified by the Minister.

Section 3 provides for an amendment of section 8 of the Education Act 1998 to set out additional functions for school patrons relating to special educational needs. These functions require school patrons to co-operate generally with the National Council for Special Education, NCSE, in particular by providing and operating special classes when requested to do so by the NCSE; ensure that the admission policy of the school accommodates the admission of children with a disability or other special educational needs; and comply with any direction given under section 37A to make provision for children with special educational needs.

Section 4 provides for an amendment of section 9 of the Education Act 1998 to set out an additional function of a school and amend an existing function. This function requires schools to co-operate generally with the NCSE, in particular by providing and operating special classes in accordance with any directions given to a patron or a board under section 37A and in accor-

dance with any direction served by the NCSE under section 67(4B) to admit a particular child. The amendment to the existing function requires schools to establish and maintain an admissions policy which provides for maximum accessibility to school, including to students with a disability or other special educational needs.

Section 5 provides for an amendment of section 15 of the Education Act 1998 to set out additional functions for school boards relating to special educational needs. These functions require school boards to co-operate generally with the NCSE, in particular by providing and operating special classes when requested to do so by the NCSE; ensure that the admissions policy of the school accommodates the admission of children with a disability or other special educational needs; and comply with any direction given under section 37A to make provision for children with special educational needs and any direction served by the NCSE under section 67(4B) to admit a particular child. While the vast majority of our schools provide for children with special educational needs, it is worthwhile to make these functions explicit for all schools. That is why we are adding these new functions for schools, boards of management and patrons.

Section 6 provides for the substitution of the current section 37A of the Education Act 1998 to provide a shorter and truncated section 37A process. The substituted section 37A provides that where the NCSE is of the opinion that there is insufficient capacity in an area in relation to the provision of education for children with special educational needs, it shall prepare and submit a detailed report on the matter to the Minister. The NCSE report shall specify details on the existing provision in the area concerned; any relevant proposed or existing school building projects which may affect capacity; any schools in the area the NCSE considers could meet additional demand; which schools the NCSE considers should be requested to make additional provision; and such other matters as the NCSE considers appropriate. On receipt of a report, and where the Minister is of the opinion that a relevant person, defined as a patron, board or any other person with a vested interest in the school premises, should make additional provision for children with special educational needs, the Minister may issue a notice in writing. A notice shall set out the Minister's opinion that the relevant person should make additional provision for children with special educational needs and state the reason for his or her opinion, include a copy of the NCSE report, specify details of the measures to be taken by the relevant person, detail the resources to be provided to the school, detail any property arrangements to be made, including any arrangements in relation to the school accommodation, and direct the patron or board to share the notice with any other person to whom the ownership of the school premises is vested where that person is not known to the Minister.

The substituted section 37A also provides that a relevant person on whom a notice is served may make representations on any matter set out or specified in the notice within 14 days. After consideration of any representations received, and where the Minister remains of the opinion that a school should make additional provision for children with special educational needs, the Minister may serve a copy of a draft direction on a relevant person. A relevant person on whom a copy of a draft direction is served may make representations in relation to the draft direction within 14 days. After consideration of any representations received in relation to the draft direction, and where the Minister remains of the opinion that a school should make additional provision for children with special educational needs, the Minister may serve a direction on a relevant person. The direction shall set out the measures to be taken by the relevant person in relation to making additional provision for children with special educational needs, the period during which such measures shall be taken and any other relevant matters. The relevant person shall comply with such a direction.

The substituted section 37A also provides that all notices issued, representations received, draft directions and ministerial directions shall be published on a website maintained by or on behalf of the Minister. The Minister shall review this provision within three years of its commencement and shall furnish a report to each House of the Oireachtas of his or her findings and conclusions resulting from that review. A transitional provision is also provided for, which allows any work undertaken by the NCSE in preparing a detailed report under the existing section 37A process to be deemed a report for the purposes of section 37A (1), as amended.

Section 7 provides for an amendment of section 61 of the Education Act 1998 to require schools to include a further statement in the admission statement, which is part of their admission policy, setting out that the school shall co-operate with the NCSE generally and, in particular, in relation to the provision and operation of a special class or classes when requested to do so, and a further statement that the school shall co-operate with any ministerial direction under section 37A and any direction by the NCSE or Tusla under section 67.

Section 8 relates to section 67 of the Education Act 1998 which provides for the NCSE or Tusla to designate a school place for a particular child. To date, this section of the Act has not been commenced. Section 8 provides for the amendment of section 67 of the Education Act 1998 by removing the provision for an appeal by a school board against a decision of the NCSE or Tusla - “the Agency” - to designate a school place for a child.

The provision allowing a parent to appeal a decision of the NCSE or Tusla not to make a decision to designate a school place when requested by a parent to do so is also being removed. It is considered that this provision is not necessary given the option available to a parent to appeal a decision of a school board to refuse to admit under section 29 of the Education Act 1998 and the fact that it is expected that the NCSE will make a decision to designate a special class or special school place in situations where there are places available. Where there is a lack of places, this can be addressed through the section 37A process.

Provision is also made to allow a school board to make representations to the NCSE or Tusla where a school is directed to admit a child. Where the NCSE or Tusla, after consideration of any representations, remains of the opinion that the designation is necessary, it shall confirm the direction in writing to the board. A board shall comply with such a direction. It is my intention to commence section 67 once this legislation is enacted. This will provide an important new power to designate a school place for a child with special educational needs.

Section 9 provides for a minor consequential amendment to section 68 of the Education Act 1998 arising from the amendment to section 67. Section 10 provides for a minor consequential amendment to section 69 of the Education Act 1998 arising from the amendment to section 67. Section 11 provides for two amendments of the Education for Persons with Special Educational Needs Act 2004, EPSEN. A minor amendment is made to section 14(1)(c) to ensure consistency between the additional function of a school board being provided for under section 15 of the Education Act 1998 and similar functions of a school board under section 14 of the EPSEN Act 2004.

The second amendment provides for an additional function of the NCSE to co-ordinate and manage, having regard to section 37A and Part X of the Education (Admission to Schools) Act 1998, the admission of children to special classes and to special schools. This will allow the NCSE to play a greater role, where necessary, in supporting parents and schools with admission. To put this new provision into operation, the NCSE will need to engage with school



authorities and parents. The provision may be particularly useful in particular locations and it should ease the burden on parents in terms of school admission. Section 12 sets out details on the Short Title and the commencement of the Bill.

I look forward to working with colleagues in both Houses of the Oireachtas to progress this urgent legislation before the current Dáil term ends. With regard to possible amendment of the Bill, I ask Deputies to understand the very short timeframe that is available to us. It might not be possible to accept a number of amendments to the Bill. Where an amendment is accepted, it may be necessary for the officials to engage directly with Deputies to ensure its wording works in tandem with other provisions in the Education Act 1998 and other legislation. I commend the Bill to the House.

**Deputy Donnchadh Ó Laoghaire:** I will pick up on the point just made by the Minister of State on amendments. We have submitted five amendments. If it is of assistance to the Minister and the Minister of State, I can send the amendments to them directly. If they are of use, they may want to consider them and make any technical adjustments that might be needed. If it is not possible to agree them in the Dáil, there will be an opportunity to do so in the Seanad. I appreciate the tight timescale. If it is of assistance, I can send on the amendments.

I welcome the legislation. It is something that we called for in a Private Members' motion several weeks ago. We have called for it in the Dáil on several occasions so it would be churlish not to acknowledge that it is a positive step. It will not solve all the issues but it will be a useful tool. It is illustrative that the Minister said that on one occasion, it took 14 months to conclude a section 37A process. This is not acceptable. It is clear that the process is excessive and needs to be truncated and condensed. I welcome the Bill and I thank the Minister and Minister of State for bringing it forward. I also thank Ms Martina Mannion and Mr. Martin McLoughlin for the briefing during the week to help us get our heads around what is a technical Bill. It was appreciated. There is a fair bit of detail in this legislation, which we must deal with in a relatively short timeframe. We appreciate the co-operation of the Department.

A number of issues need to be addressed. We support the Bill. Tá sé luachmhar agus tá ciall leis. Cuireann sé an próiseas chun cinn agus ní bheidh sé chomh fada agus a bhí. Níl an iomarca céimeanna ann anois, mar a bhíodh ann. Tá sé tábhachtach go mbeadh an próiseas seo sciobtha. Fundamentally, at the heart of this are children who have a constitutional right to an appropriate education. They are children who deserve the same chance that every child in the State is entitled to, which is to be educated in a suitable setting with suitable resources and to be able to reach their fullest potential. This is what this is about. We are debating this at a time when there are parents, particularly in Dublin but also in Kildare, Meath, Cork and other places, who do not have a school place for their children for September. That is not acceptable.

The Ombudsman for Children's report was published recently and the Minister of State, Deputy Madigan, accepted that it was discriminatory that the State did not have adequate places for these children. This is an unacceptable set of circumstances. I know it is not a situation anyone wants to be in and we have not arrived at this point deliberately. However, it is still the case that it is the failure of politics and policy that on 1 July there are parents who do not know where their children will go to school in September. This is something we need to work to eliminate entirely. This process can help in the short term but we need much more than this.

When debating the motion we tabled two weeks ago I highlighted the lack of planning on the part of the NCSE and the Department that has led us to this position every summer for the

past five or six years. We need to ensure the NCSE and the Department are in a position to use the information at their disposal to make decisions at the earliest possible stage about school places the following September. One of the amendments I have tabled for Committee Stage is to require the NCSE to publish an evaluation of the adequacy of school places in the September of the previous year. Next September, I would like to see the Department and the NCSE publish their prediction of how many places will be needed in September 2023 and September 2024. It should not be just a matter of knowing the capacity exists. Parents want to be able to plan a year in advance and we need to get to this position. I believe the NCSE has the scope to gather this information. It has some of the information already. Working with the CSO, the HSE, Tusla, schools and the early years sector, it should be possible to make an accurate prediction.

I would like to see a situation where instead of speaking about special education next May, June and July, the discourse would be wrapped up by Christmas and we would have a picture of how many places are needed. Not only should we have that picture but it should be an accurate analysis. Any section 37A process, even the shortened version put in place by the Bill, should have begun and be well under way at that stage, so it would be all wrapped up and schools and parents would be in a position to prepare. That is how this should work. That is where we need to get to. I will table amendments in this regard. I am conscious that section 37A cannot be a political pressure release valve. This is a useful Bill but it is late in the day and it will not solve all of the issues for September. This will require legislation certainly but it will also require work on the ground, area by area, to identify places in special classes and special schools. I urge that we try to address this in advance.

This issue is fundamentally about planning. I believe the resources exist. In Dublin there are 800 or 900 schools and between 100 and 150 students who do not have a place. Is there capacity with adequate planning? Are the resources there? I am absolutely certain they are. I am not sure this is a budgetary issue. Budgetary issues absolutely have to follow, as resources will have to follow, and I will return to this but we need to get far enough ahead of the curve. Tá sé fíorthábhachtach go dtógfaimis an deis pleanáil cheart a dhéanamh luath go leor. Ba cheart go mbeadh an cinneadh déanta bliain roimh ré más féidir, nó sa bhreis air sin, dhá bhliain roimh don leanbh dul ar scoil, idir bunscoil nó meánscoil, ionas go mbeidh na spásanna ann. Ba cheart go mbeimid in ann brath ar an gcinneadh sin, agus ar an tuarascáil agus an léargas. Tá leasuithe curtha chun cinn agam ionas go mbeidh an NCSE ag tuairisciú ar na háiteanna a mbeidh gá leo.

The impression I have been given during the briefing and my first reading of the Bill is that consultation is being consolidated and many things that could happen subsequent to each other are happening concurrently. The INTO has analysis that suggests this is not the case and that some opportunities for consultation are not available. I will not offer a view on that at this point but I acknowledge that view exists and I will consider it further before Committee Stage, Report Stage and when the Bill goes to the Seanad. It is important that we get the balance right. We cannot allow consultation to drive the process into sclerosis and knot it up. We do not want to see that but it is important that we get the balance right. I know this would be the objective of the Minister and the Minister of State but it is important that we ensure it is the case.

A point that has rightly been made in recent days and weeks is that a school place is not just four walls. It is not simply a classroom. It is about ensuring there are adequate resources, the children are part of the school community and that there are physical resources and human resources, including special needs assistants, special education teachers and therapists. It is not in the remit of the Department but it is relevant in a whole-of-government approach. The Minister's speech identified the resources but did not mention therapists. The Minister mentioned

1 July 2022

special needs assistants, the planning and building unit, the National Educational Psychological Service and training courses. That is all welcome, albeit I am not sure it is readily and speedily available, particularly when it comes to training issues. Therapies are an essential part of ensuring these children can thrive. The feedback I got from groups, including groups in Deputy Ward's area, is that access to therapies is going backwards. Parents have described the Danu special school in Dublin 15 as a school that is special in name only. Three years after it was established parents are still fighting for their children to receive basic supports so that they can be educated. One of the parents talked about it being an approach of containment rather than education. The HSE apologised to families who had a poor experience in trying to access care and information. I am sure none of that is the fault of the staff of the school. Fundamentally it comes down to inadequate therapies - speech and language, occupational therapy, psychiatry, psychology and physiotherapy.

In my experience the community disability national teams are going backwards. Parents do not know how to navigate it and feel lost in the system. It is a very serious problem and I ask the Minister to address it. Some of the amendments I will be tabling will address that to some extent. Obviously, I cannot propose amendments that place a cost on the Exchequer, but I am trying to address it as best I can. It is important that we get a response to that. People need to have confidence.

I welcome the announcement last night of a special school in my own area. It will not be open until January 2023 which comes back to the issue of planning. However, I welcome it and it will offer important places. I know the Cork ETB is a very professional organisation which I am sure will organise it well. It is vital that it is more than just the physical space.

**Deputy Mark Ward:** I welcome this emergency legislation to shorten the notice period for schools being instructed to accommodate pupils with special educational needs. As my colleague Deputy Ó Laoghaire said, Sinn Féin has been calling for this for many weeks. While it will not solve every issue, it will be an important step forward. I commend the campaign by parents of children with special educational needs who have been tireless in their efforts to ensure their children's educational needs are met. I have met representative groups such as Families Unite for Services and Support, FUSS, and the Clondalkin Autism Parents Support Network in my area. I have stood with them on protests as they demand that their children's basic needs are met. These parents have to fight for services just so their children can reach their full developmental milestones. It is energy consuming enough to have a child with additional needs without having to go out and fight for what really should be a right.

We do not treat all the children of this island as equal. That is an abject failure of the flip-flopping governments of Fianna Fáil and Fine Gael since the inception of the State. The State has a dark history of how we treat our most vulnerable. Unless we get it right for children with disabilities now, this dark history will be a dark future. This must not happen and Sinn Féin in government will ensure it does not happen. Until that happens, we will work with the Government in a practical way to ensure these solutions are delivered urgently for the children affected.

Everything possible should be done and must be done to ensure families get action as soon as possible. I am concerned at the Government's chaotic approach to this issue which is causing unnecessary stress for families who are simply trying to secure appropriate education for their children as is their human right. We have all heard the stories of parents trying to get special educational places for their children with some parents contacting more than 20 schools, desperate for a place. With each attempt, that child is moving further away from his or her com-

munity. Children with additional needs must be part of our school community not apart from our school community.

A recent report published by the Ombudsman for Children stated that the Department of Education is failing children with special educational needs particularly in black spots such as Dublin and Cork regarding the provision of suitable school places. I have said this numerous times but I will say it again. My area of Dublin Mid-West currently has 17 primary schools with 29 ASD classes. They accommodate 174 primary schoolchildren with ASD in ASD classes. However, the area has five secondary schools which accommodate 45 children. It is common sense to me that if 174 children with special educational needs are currently in primary school, we will need much more than 45 secondary school places. Unfortunately, common sense is not very common when it comes to this Government. Where was the forward planning?

Any more delays in providing these places are unnecessary and cannot continue. The Government must show the urgency needed to deliver solutions now. We will work with it to ensure this happens. I again met the campaign groups this week. I commend them on the pressure they have put on the Government to move things forward. This Bill would not have been discussed today were it not for them and their tireless campaign. While this Bill is not a panacea for all the problems children with disabilities have, it is a welcome step forward. As he outlined, my colleague Deputy Ó Laoghaire has tabled a number of amendments to improve the Bill and I hope the Government will take them on board. I commend families who have been working tirelessly to ensure fair treatment for their children.

**Deputy Martin Kenny:** I welcome the Bill. As has been said, a few weeks ago we tabled a motion which set out the major problems with this issue across the country. We all acknowledge the serious lack of investment in special needs education over the years. The provisions in the Bill dealing with special needs education go some way to dealing with that. The section 37A process gives a lever for a Minister to try to make things happen, which is welcome. Parents, particularly in a rural constituency like Sligo-Leitrim, trying to find a place for a child often have to travel long distances because the class in the local school is full. This means significant cost for the State because transport needs to be provided for that child. That happens regularly. Most of these children would like to go to the school where their siblings are but owing to lack of space they need to travel further. That is an issue.

That said, progress is being made. Last Friday, I was in Drumshanbo where the Minister of State, Deputy Madigan, opened an excellent facility. It is very good to see progress like that happening. However, principals have a resistance to this because they fear they will not get the supports they need. They fear that there will be an enormous workload. While the facilities may be delivered, they fear they will not get the backup services regarding staff etc. In her contribution, the Minister said that the funding for new staff provided that for six students there would be one teacher and two SNAs. While that is all well and good, often those six children might need one SNA each. We need to acknowledge that and we need a more comprehensive system for families to apply to get that level of service put in place as quickly as possible.

The other services related to this have also been mentioned. We have a big issue with the community disability network teams. They are trying to play a role in this but in many cases, they do not have even half the capacity they should, which is a problem.

It will take time to sort out the issues. I believe we need to put a major emphasis on this, particularly here in Dublin where there is a serious problem. The absence of forward planning

is the main problem we encounter. As was said earlier, despite knowing the number of children in primary school in a catchment area often the facilities in secondary school are simply not there. That is one of the serious problems we have. The fact that planning is not in place for that is a problem. There is no adequate planning for primary school places. Children should not have to search around the country for a school place when they are within a year of needing one. That place should be available to them to ensure we can treat all children not just equally but adequately, particularly children with disabilities or different abilities. We need to ensure they are adequately catered for and looked after, not just in their first year or early years in school but throughout their school experience, because it should not be the case that when they have to go into secondary school, all of a sudden, they fall off a cliff and have to fight for services. I accept that the Minister of State is doing her best to make this happen given we are coming from a very low base.

We support the Bill. Amendments may be needed. I know the Minister mentioned in her opening speech that there may be issues with amendments because we have so little time for them, but if we co-operate, we can deliver something better for all our children.

**Deputy Duncan Smith:** It is good to see this Bill coming before the House, although it is a shame it is happening on 1 July amid a bundle of other legislation that is coming through the House at breakneck speed as we rattle towards the Dáil recess. I accept what the Minister of State said about amendments. We have two amendments that will be submitted in the name of Deputy Ó Ríordáin that I might send directly to the Minister of State in an attempt to improve this much-needed and important Bill, which has the capability to bring about quite strong structural legislative change regarding the progression of much-needed school places.

Will it be enough for 100-plus pupils waiting on places for this September? The answer is probably not, which is why I would like clarity from the Minister of State in her closing remarks about the proposal that has not been totally discounted, namely, the warehousing proposal involving centres of special education. Are they still on the table or will they not go ahead? We hope they will not because the plans outlined were totally inadequate.

All this is happening as emergency legislation at the start of July 2022 because we are and have been failing when it comes to providing special needs education. I am not just talking about pupils who do not have spaces for the coming September. There are 15,500 children and young people forced to leave their catchment areas, some travelling in excess of 100 km, to access education. We heard of a number of different cases over recent weeks. During the debate on the Labour Party's Autism Bill on Wednesday, we spoke about families who have had to go to 25 different schools to get a place, which is a real failure on the part of our entire system. Among students who have found a place, some have to operate on reduced timetables, which again does not meet their needs and is not equitable treatment of young people who at the very least need basic equality with their peers but are not receiving it.

This imbalance of rights needs to be addressed and this Bill has the capacity to do so, but it needs to be followed through not just with the Minister of State pushing and activating it but also with the schools and their boards of management and patron bodies getting on board. It is all well and good for Opposition spokespeople or Deputies to talk about how everything is a failure but it is the special needs educators who are saying it loudly as well. There was a very strong letter in *The Irish Times* yesterday from Grace Shorten, who works as a special education teacher in a mainstream school, describing how she and her colleagues in her school and other schools do their best to meet the needs of their pupils with additional needs, with a great



deal of time spent preparing, teaching and learning, and the extra work they do fighting with the Department and other State services for basic needs.

The Minister of State said that if a special class is created, the Department will give resources in terms of schools and special needs assistants, SNAs, and mentioned the National Educational Psychological Service, NEPS, being involved. This all sounds great if it is delivered, but the reality is NEPS and HSE services are so chronically underfunded and understaffed that children are languishing on waiting lists. We all have the discussions about waiting lists. Waiting lists do not exist in isolation. These children are awaiting special education provision. Children with serious mental health difficulties are not even placed on a child and adolescent mental health services, CAMHS, waiting list because they do not meet the criteria, which we all know are undefined and, to use the words of Grace Shorten in her letter, mysterious. If they do secure a place on the list, they could be waiting years and age out of the particular service. Very spurious reasons for rejecting applications for assistive technologies are given, denying a child access to a potentially life-changing laptop for the sake of saving the Department of Education a few hundred euro.

They are the realities of what special education teachers are experiencing. It is not about the work they are doing in the class, which is difficult, challenging, rewarding and of the utmost value. Rather it is about the fight they have after hours with the Department for basic services and the waiting lists across other areas. For this Bill to work, all these services and resources need to be put in place. The letter from Grace Shorten ended by talking about how this was the context in which the unedifying issue about the naming of the four schools by the Minister of State occurred. The naming of the schools was completely regrettable, should not have happened and should never happen again. If for any reason the Minister of State needs to interact with a school about this or any other issue, it should not take place in the media but should take place directly with the school. The Minister and the Minister of State have enough powerful levers to do that effectively. We need to move on from that and get this Bill passed. We will take the Minister of State at her word when she says she will engage with the amendments that will come through. Sinn Féin is bringing forward five while we are bringing forward two. I am sure there will be a number of others. We are not talking about dozens of amendments. There will be a small number of amendments and they should be given due time and consideration because we all want to make this work not just for the students waiting for places in September but all the students who will come on with additional needs in the coming months and years so that we are not here next July with other emergency legislation or longer waiting lists or having the same conversation again.

**Deputy Brendan Smith:** Like other speakers, I welcome this legislation. To a certain extent, it is unfortunate we need it but I must compliment the Minister and Minister of State on bringing forward legislation to enable them to put in place the structures to ensure no child is denied a place in an appropriate setting in school. I welcome the comments of the Minister of State that it is intended this legislation will work to support children with special educational needs to gain access to specialist class placements that can meet their needs. She also stated she looks forward to working with colleagues on all sides of both Houses to ensure this legislation is passed and put in place before the Dáil and Seanad terms end. It is welcome in that respect.

Having interacted over the years with the National Council for Special Education, NCSE, I welcome the recent appointment of the new chief executive, John Kearney, who I knew as chief executive of Cavan and Monaghan Education and Training Board and who served as a school principal. I know that public representatives and Cavan and Monaghan Education and

Training Board have worked together over the years to ensure we got those additional autism spectrum disorder, ASD, units, special classes and additional resources. Mr. Kearney has been in the classroom and has led an education and training board. The schools under the remit of Cavan and Monaghan Education and Training Board show a great attachment to equality and diversity in their provision to ensure children who need that additional support are given it to the best extent possible. Over the years, we have seen a very significant growth in the number of units and special needs classes at different schools.

I saw a figure recently where, since this Government has taken office, something like 1,165 additional special needs assistants have been appointed. That is a very welcome development. There are almost 20,000 special needs assistants in our education system at present, and they are necessary.

I remember my early days as a Member of this House where the big campaign for all public representatives at that time was to have special needs assistants appointed. It was a rare school that had even one. Thankfully, there have been much-needed improvements and all of us, regardless of what side of the House we sit on, endeavour to ensure every child gets that necessary support.

Only a few weeks ago we had the privilege of having the Minister, Deputy Foley, in Cootehill, County Cavan, performing the official opening of the Holy Family School there. That school was established on a voluntary basis back in the 1960s to serve the needs of Cavan and Monaghan children. One of the former distinguished Members of this House, my friend and former Dáil colleague, Dr. Rory O'Hanlon, was one of the half-dozen people who set about establishing that school and had it then put then under the remit of the Department of Education. It is now a model school in the delivery of special education and is a great source of pride to all of us who have worked along with the boards of management and with successive parents' associations to have that new school in place. Thankfully, that school has marvellous facilities today. The Minister, in an inspirational speech that day, spoke about the need and the value of special education and what it does for children, families and communities.

Often in this House, through parliamentary questions and Topical Issue debates, I have raised the need to put those new facilities in place because we had seen a growth in the level of temporary accommodation over the years. Thankfully, we have that school in place today with the most modern and up-to-date facilities, which are good for the children and for the teachers delivering the service.

I welcome the comments of the Minister that she, her Department, and the Minister of State, Deputy Madigan, "recognise the importance of inclusive education for all children". She stated it is a primary objective of hers as Minister for Education "to promote and support actions that will ensure the school setting is a welcoming and inclusive environment for all". She also stated that "providing for an appropriate school placement for every child with special educational needs in a timely and supported manner is a key priority for the Department and the National Council for Special Education". It is very important that key priority and strategy is implemented.

Deputy Ó Laoghaire referred to the shortage of therapists. Only yesterday I raised questions with the Minister for Further and Higher Education, Research, Innovation and Science on the need to ensure we increase the number of places in universities and institutes of technology to train more therapists. We have all been campaigning with parents to have assessments carried

out for children who need them before they can get a place in a special school or special class. I have schools in my area of Cavan-Monaghan that are looking for special classes and an autism spectrum disorder, ASD, unit.

I have one case where I have been in contact with both the Minister and the Minister of State where an early intervention class has been approved for a school but the school does not have the follow-on ASD class. Some parents who may have intended to send their child to the early intervention class may consider that, if there is no follow-on class, they are perhaps better going to the school that has both the early intervention and ASD classes. From that point of view, it is important children can attend a school as much as is possible within their local community and that siblings, where possible, attend the same school. This is a case where I met the principal, the staff, and some of the parents and it is one where we have the additional accommodation that is needed to establish the class. In such instances where a principal has a particular knowledge of special education, there are very supportive staff who want the class, and there is the extra accommodation, we should ensure such classes are approved without delay.

On the issue of DEIS schools and additional support for children, I welcome that €32 million extra has been allocated to the Department for the extension of the programme. I also welcome the inclusion of a number of schools in my constituency in the extended programme, but again, like others, I am disappointed with the appeals process. I do not know how this algorithm, which the Department and the officials quote, works. We have schools that are drawing pupils from the same community where one school in the town or parish has DEIS status and the other does not. One principal wrote to me and made the point very succinctly:

Disappointingly we have not been accepted to the DEIS scheme. We must not be regarded as having equal disadvantage as the other primary schools in the centre of town.

We have schools drawing pupils from the same catchment area but having different status. I say to the Ministers that whatever algorithm or model is used, it needs to be revised. The DEIS programme is particularly beneficial to many children and families. I sincerely hope in the context of the new census figures being available that index that is often quoted can be revised somewhat, that we have the Pobal HP deprivation index revised, and that we have a different model put in place.

I welcome today's legislation. Like other Deputies, we all represent children who need access to special classes, and the more classes and units that are established, the better to meet the needs of those children.

**Deputy Ruairí Ó Murchú:** We are all here for the one reason. We want to see the spaces and places provided for some of our citizens, that is, children with disabilities. Up to this time, we have not had the necessary planning to deliver that. We all welcome this legislation and, if it streamlines the section 37A process, then that needs to be done because it seems to be a process that is far too long with far too many steps in delivering these places. We all know, however, there is a wider issue.

I welcome what the Minister said, that she is willing to work with people across the Oireachtas. Deputy Ó Laoghaire and others have tabled a small number of amendments tabled, and most of them relate to ensuring we have that planning piece in play. This is about ensuring we have a review system in September to see what places will be available for the following September. That is the piece we need to address to ensure the National Council for Special Edu-

1 July 2022

cation and the Department have all of the information required and all of the necessary steps are taken so that we do not end up in a situation, which often happens, where either schools or parents have to play the role of campaigners. We all commend them on that work but we would much prefer if they were able to get what they should be entitled to as of right and that we no longer fail these particular citizens.

I raise the particular issue of Scoil Náisiúnta Talamh na Manach in north County Louth where ten children with autism have been enrolled. The school is to open on 30 of August and, I believe, the school was requested on 26 January to have two classrooms specific to children with autism. At this time there has been a great deal of engagement with the Department by the school and by Síle Murnaghan, the príomhoide. The difficulty is it is one-way traffic. There may be very many disappointed children and parents now on the basis these classrooms do not exist. The school is willing, able and wants to deliver, so we need to ensure we see delivery in this case. This is just another example of where we are failing children with disabilities. I am asking the Minister and I will speak to her afterwards so that we might have an intervention to ensure we deliver for these children.

**Deputy Gary Gannon:** In April of this year, when the Ombudsman for Children report entitled *Mind The Gap: Research on Barriers to the Realisation of Rights of Children with Disabilities in Ireland* was published, the Ombudsman for Children, Dr. Niall Muldoon, talked about how children with disabilities are not seen, not heard and not counted by the State.

These children and their families face so many barriers day in, day out. They must fight so many battles, whether that is looking for diagnostic assessments or delays with service provision. Despite having a constitutional right to an education, for too many children, it also includes battling for an appropriate school place.

We understand the rationale for bringing forward this emergency legislation and we will be supporting this Bill, although we believe the amendments are necessary and that more resources are required. I want to point out for the sake of all those children and their families, who have had to endure sometimes years without a school place, that this is an issue that has failed to be addressed for some time now.

It is thanks to the persistence of families, hard-working advocacy groups, all the disability groups, schools and the Ombudsman for Children, who ensured this issue is now on the political agenda and is considered a problem worthy of a solution, that we are here today. I commend each and every one of them for consistently raising their voices and for never giving up. No child or family should ever have to endure such stress and anguish again. They deserve so much better than that.

It is thought that approximately 100 children are currently without a school place for this coming September. Again, I will point out that this number is not exact. While data capture has improved somewhat over recent years, much more work must be done to ensure those data are centralised, up to date and exact. I hope the Minister can speak to this further. What, if anything, does the Department plan to do about this? Will the Minister follow the recommendations of the Ombudsman for Children's report that was published a very short while ago?

It is imperative the Minister and the Department recognise the extreme difficulties some schools face when seeking suitable resources for children with special education needs. Every school wants to provide every child with as high a standard of education as is possible. To do

this for all children, in particular those with special educational needs, it is vital that appropriate resources are made available to schools. That may include specialised equipment, enough special education teachers, SNAs, suitable accommodation, sensory rooms, access to timely multidisciplinary assessment for children, assistive technology and software and wrap-around services such occupational therapy, psychology, speech and language therapy etc.

In the case where a school has a legitimate concern about a lack of resources to be able to meet the needs of a child or several children, what is the plan to manage this going forward? Schools must be supported when opening special classes. The reality is too many are not receiving the resources they need to deliver the education every single child deserves.

Every one of us in this House has heard from families whose children have been denied a school place. We have heard how difficult it is to get information, how special educational needs organisers are attached to schools and not individual children, and about the delay in receiving a diagnosis that then outlines what educational setting is best for a child. Every one of us also hears from schools regarding how difficult the process is to request resources and appeal the decisions that denied them those resources. We hear how time-consuming it is and how they wait months for a response only to receive “No” for an answer. Then, they must apply for an exceptional review and wait all over again to get the same answer, or an increase so small it makes no difference to their lived experience.

To truly end this emergency, places must be made available and resources provided as needed. There can be no other way. We know some schools have done much of the heavy lifting in the provision of special classes up to now. Schools have a disproportionately high number of children with special educational needs in mainstream classes in some areas, in particular DEIS and developing schools. All the while, we know some established schools in more affluent areas have no special classes at all. If we are to be able truly to resolve this issue, all schools should be treated equally and mutual trust and respect must be restored.

Significant damage has been done over recent days, which I will talk about a little bit later in my commentary. The ball is in the Minister’s court to ensure any school that accepts children with special educational needs in mainstream classes, or that is opening a special class in September 2022 or later years, is provided with the resources it needs. We must remember that not all resources can be determined in advance. Flexibility must be provided to these children. This is not one-size-fits-all scenario. This is how allocations are currently decided and this has to change.

One of the major concerns I have around this Bill is that it does not appear to do anything to ensure children who require a place in a special class will be entitled to attend a school in their local community. The Ombudsman for Children estimates that 15,500 school-aged children have to travel outside of their school catchment areas to get to school. Families and advocacy groups have spoken at great length as to how important it is that children are educated within their communities. Children must often travel long distances to get to school each day. They drive past the local school their brothers and sisters and many children in their community attend. They are missing out on opportunities to make friends with children who live nearby and establish a support network. They are missing out on being part of the area and feeling valued and included. They are being denied a sense of belonging and identity to their community as a consequence. They then arrive at their school tired and anxious as a result of this long journey. It is not exactly a great start to their day. It is heartbreaking to think about this but that is the reality for 15,500 children and their families each and every day. How will this Bill seek to rec-



tify this issue? Has the Minister any plans to address this? How will she ensure these children are able to attend their local school just like any other child?

While this Bill does not explicitly exclude post-primary schools, we know from the briefing note that the intention of the Bill is to address capacity within primary and special schools. Post-primary schools are not mentioned at all. If we think the lack provision of special classes at primary level is bad, the numbers at post-primary level are worse again. Will the Minister reassure us this Bill will apply to all schools and that all schools will be adequately resourced based on the needs of each child?

Another issue that must be discussed, which goes hand in hand with this, is the delays children face in accessing diagnostic reports that outline which educational setting will best suit their needs. Will the Minister please advise if her intention is to review the Disability Act 2005 and to seek to commence all parts of the Education for Persons with Special Educational Needs Act 2004? Will schools be able to access timely multidisciplinary assessment as and when required?

Another major concern relayed to us by parents is that special classes be opened in appropriate settings. I know, and I am sure others have heard, of special classes that have been opened in kitchens, offices and classrooms that are too small. These were intended to be temporary but children have spent their entire primary school years there. They do not have the space. There is no quiet room, office for staff to work in or PE hall. They do not have access to a sensory room. How long will children have to spend in inappropriate settings such as kitchens rather than classrooms? These very legitimate concerns have been flagged by many schools and the question deserves a comprehensive response.

Will the Minister confirm that any other works required to make such spaces usable can be managed by a project manager provided by the Department of Education if schools require assistance to get projects over the line in time for September? Will she confirm that, where extensions are necessary for schools to be able to provide special classes, the Department and schools will be adequately equipped and resourced to ensure these can be built as quickly as possible? Again, I believe it is vital a project manager be provided by the Department to schools in this instance.

We know of schools that have been waiting one to two years for extensions to be completed. A number of schools are running into difficulty managing projects. Principals are spending much of their time chasing the Department, architect or builder. They are battling against supply chain issues, inflationary pressures and difficulties in sourcing tradespeople to carry out works. Will the schools be able to access full support from the Department, especially when such difficulties arise? I believe it is urgent given the timeframe of September 2022.

We know from parents, teachers and school leaders that many children with special educational needs are not currently in the right setting to meet their needs. We know this is caused by a number of factors including the lack of appropriate special places up to now, the fact we have too few special schools, and because children are waiting too long for diagnostic assessments not only to outline their needs but also to set out which educational setting is most appropriate for a child. Does the Minister have any plans to tackle this issue? Will she confirm whether it will be possible for schools to recruit all the staff they will need in time for the opening in September?

I have a number of questions relevant to this issue but I end by expressing my concerns around how four schools were publicly named and shamed on the Department's website and how this has been handled by the Minister of State over recent days. One of these schools is in my constituency. I understand the incredible work it does and the difficult scenarios under which that work is carried out, so I feel obligated to raise it here. This sort of thing is deeply frustrating and unhelpful. I will quote what the Minister of State said last Saturday:

They are not saying anything at the moment, they are just ignoring correspondence, that is not good for us, it's a bit of a red flag so if we do not hear from them with a willingness to open a special class then we will move to section 37A process.

One of those schools is in my area so I feel obligated to raise this issue. Each of these four schools was able to show clear engagement to the Department. It is my view they have been misrepresented. One of the schools even had a visit from a Department official just one day before its name was published. Many of these schools already have a special class and have first-hand experience of being under-resourced. What surprised me most is the fact that some of the established schools nestled within the leafy suburbs of Dublin, which have no special classes at all, have not received the same treatment. I do not believe this is helpful in any way, shape or form. The relationship between the Minister, the Department and schools is vitally important to maintain and protect.

*12 o'clock*

The school community is united in feeling angry and frustrated about how this was handled, as are the parents.

The Minister has to accept responsibility for this emergency. There must be an acknowledgement from her that the failure, time and again, to resource our schools properly is a significant part of the problem. She will say how much more money is being spent, but the reality is that it is not enough and the system is not working. Schools want to provide the decent level of education that each child deserves, and that goes a long way to explaining the lack of places at present. It is to be hoped this Bill will go some way to rectifying that. We will support it, but questions need to be answered.

**Deputy Brian Stanley:** I thank the Acting Chairman for facilitating my contribution. The debate on the Bill has moved more quickly than I expected.

This is a very important subject and it is welcome that both the Minister and the Minister of State are in the Chamber. The Bill, which Sinn Féin supports but which it will seek to amend, is welcome. The idea of children with a certain level of special needs being segregated is not on, but if we are going to have them in mainstream schools, we must make provision for that. There are shortfalls in staff and accommodation and those need to be met. I welcome some of the proposals in the legislation regarding the admissions policy, making provision for special classes and disability access and board of management co-operation, and the fact that the Minister has the powers. That is positive. However, I come back to the issue of resources. We can give directions as much as we like from this House and from Government Buildings but if schools do not have the resources to carry them out, those directions will be of little use. Overall, the Bill is welcome and the schools will have to comply and to have it in their admissions policies, which is positive.

With regard to special schools, progress has been made with SNAs, but the status of SNAs

1 July 2022

and the recognition of qualifications, their pay grade and so forth has been raised for a number of years. It is an issue that must be addressed. We cannot continue to put it on the long finger. SNAs provide a vital service in schools and there has to be support for that by providing a level of qualifications along with recognising the experience those who have been there for a number of years have brought to it and developed and who came in at a different level.

I wish to raise an issue regarding provision. A problem often arises when children move on to second level. I have a case in County Offaly. The child has now finished primary school. His father works 130 km away and uses the only car the family has. He works that distance away by necessity because he was transferred there recently. He has to travel 130 km to work and 130 km home or stay over for a couple of nights a week. If the child has a meltdown at school - perhaps that is not the appropriate word but it is the one I will use - there is no way to pick him up because the family has been told that the nearest school place is in Portlaoise College, a quarter of a mile up the road from my house. Logistically, this is a nightmare for the family and they are desperately trying to source a special needs place for the child in a second level school in Offaly. I am also dealing with a woman in Portlaoise whose son is autistic. He has been told he has to go to Portlaoise, which is 19 km away. She is a single parent and has no options.

The Minister has told me she is taking a special interest in the Kolbe Special School. The building is desperately needed, but there is a situation there with regard to staff. The school is in contact with the Department regarding SNAs and therapists. I was contacted again by the school this morning and I want the Minister and senior officials in the Department to try to do something about the issue.

The last matter, which is off the subject of the Bill, relates to the school transport section in Tullamore. We used to be able to contact somebody and talk to a human being. One might have to contact the person five or six times a year or perhaps only two or three times. I spent a large amount of last Monday trying to reach somebody there by telephone. It was not possible. There is nobody to answer the telephone. No telephone is answered, there is no voicemail and there is no way of making a connection with a human being. That is not acceptable. The public cannot do it and Deputies cannot do it. I ask that somebody make an inquiry as to what is going on there. We need to be able to talk to an official there when there are serious matters.

**Deputy Jennifer Murnane O'Connor:** I welcome the Bill and this debate on it. I welcome how committed the Government is to delivering an education system of the highest quality, where every child and young person feels valued and is actively supported.

The key provision in the legislation provides for a shortened section 37A process, whereby a school can be directed to make additional provision for children with special educational needs. While efforts will continue to encourage more schools to open special classes, it is considered necessary to provide for a shorter section 37A process to enable the Minister to direct schools to open a sufficient number of new special classes to ensure that children have a special class placement for the coming school year. I welcome that the shortened process will allow two opportunities for school patrons and boards to make representations to the Minister ahead of a direction issuing.

The total number of special education teachers in the mainstream school system is 14,385 in 2022, an overall increase of 980 posts. Provision has been made for 19,169 SNAs by the end of 2022, which represents an overall increase of 1,165 posts and an increase of 81% since 2011. The issue for me, from working with parents, is the fact that children are not being assessed

because of the waiting lists. Therefore, if the school does not have the child's assessment, how does it get a SNA? I am a little confused about that. While I welcome the increase in the number of SNA posts, I am worried about the number of children who are not being assessed and then the school cannot require a SNA.

I need to highlight this for the Minister because ASD classes in Carlow are something I am very passionate about and on which I have worked extremely hard. I wish to plead the case of Scoil Mhuire Lourdes in Tullow, County Carlow. The school has been in contact with the NCSE and the SENO on many occasions, through emails, telephone calls and meetings, regarding a special class for pupils on the autism spectrum in Scoil Mhuire Lourdes. I have been at several of those meetings. Each morning, siblings leave Tullow to trek to neighbouring schools that have ASD classes while other siblings go to Scoil Mhuire Lourdes. How is this fair? Why can children from the town of Tullow not be educated in their town, among their families, friends and community, instead of them leaving the town on buses and taxis to attend classes to support their needs? This really annoys me and I have spoken about it previously.

A case has arisen again this year in the school. A five-year-old child who has been awaiting an assessment since 2019 is struggling due to the level of need and is being left behind. The SENO is aware of the case. The mother has been told that there are no places in an ASD class for the child in the area and she is being asked if she would consider home tuition. Why should a five-year-old child with suspected autism be kept at home simply because there is no assessment or place available? In September, this child would have had no school place only for Scoil Mhuire Lourdes. The school will use the already stretched SNA resources available to support this child in the hope that she will be given the best start in her educational journey in junior infants. This school needs an ASD class, as do many other schools in Carlow. While I welcome this legislation, these are the daily cases I am fighting for all the time. Children who need special classes and who want to be left in their home town in Carlow and Tullow cannot do so. I am very concerned about this and I have huge issues with it. This system needs to be examined.

While the Minister is present, and I brought up this with her yesterday, I must again express my disappointment regarding some of the schools in County Carlow. I welcome that some schools got DEIS band 2 status, but there is a boys' school and girls' school beside them, both used by the same families, where the boys' school was designated DEIS band 1 while the girls' school got DEIS band 2. They are in the same area, with the same families and same everything. The confusion and unfairness of this is unacceptable. There was an appeals mechanism. My understanding is some of the schools got their letters this week, which was also very unfair, in that the school year finished this week. I welcome the good work that is being done but there is a lot to do.

**Deputy Cathal Crowe:** I welcome this legislation and thank the Minister and Minister of State for progressing it so far. It is very positive legislation. I spent 16 years in the classroom. This Bill is good as it proposes to truncate the section 37A process and ensure that schools are fully adhering to the requirement to take in children with special needs. The EPSEN Act did a massively positive thing more than a decade ago. It ensured that children with special educational needs were schooled locally in mainstream education in the environment they were nurtured in. They were invited to play dates and experienced everything else that growing up and being a child is all about.

This legislation is positive and it will be very welcome, but I wish to speak about other mat-

ters. When I was home in County Clare yesterday, I visited a school on its final day of term. Its staff told me the money raised in their school's bake sale has been used to secure a private psychological assessment for a child in the school whose family could not afford it. It is very important to point out it is not so much about buildings, SNAs and staffing. The Minister, the Minister of State and the Department have very much stepped up to the plate, with a massive 60% increase in funding since 2011. That is unquestionable. It is about the pathways into special education intervention, such as NEPS and CAMHS. We need to build a capacity within schools.

When I trained in Mary Immaculate College, a parallel course operated beside ours. We were studying education while they were doing education and psychology. Yet, within the classroom environment, there is no pathway for graduates to fully utilise and apply the psychological skills they have. The progressing disability services, PDS, programme educational psychology graduates we have in schools need to be made an in-school resource for pastoral care, counselling and screening assessment. We can then, somehow, bypass NEPS and CAMHS to some degree.

I will commend St. Tola's National School in Shannon on being one of two schools in the country that has a multi-disability class. The body politic always talks about ASD units, and that is so important, but it is only one disability across a spectrum of disabilities. The model in St. Tola's is one we need to replicate throughout the country. I again thank the Minister and the Minister of State.

**Deputy Patricia Ryan:** I recently asked a parliamentary question regarding how many section 37A notices have been issued in counties Kildare and Laois in the past two years. The answer I received indicated the legislation has been used twice to date: in the Dublin 15 area in 2019 and the south Dublin area in 2020 in respect of primary school provision only. The legislation has not been used in Kildare or Laois. I am told it has recently been announced the process has been initiated for a third time in respect of the provision of special class places at primary and special schools in the Dublin region. The reply further stated that: "All parties would prefer to see schools volunteer to provide more places rather than places being secured on the back of an order or a direction from the Minister."

As far as I can see, there has been little effort to engage constructively with schools regarding the provision of places and no effort to listen to their concerns about why they feel they have difficulty in providing extra places. The dogs on the street will tell us that this is due to a lack of resources. Much more must be done to ensure there are enough students in training, enough staff in place and enough money to provide facilities. It very much looks like the Government is firefighting and keeping its head down until there is a crisis, then throwing inadequate solutions at the problem in the hope it will go away. It simply will not. Nobody is looking at the bigger picture. We need a comprehensive review of special needs education and a credible plan to address the concerns of schools, students and their families.

Two weeks ago, Sinn Féin tabled a motion in this House calling for a number of actions relevant to this debate, including the publication by the Government of the data it holds on the true number of children without an appropriate school place in September. It also called on the Government to bring forward emergency legislation to expedite the section 37A process. I am glad it has been shamed into action. I did not think the Government had any shame, especially after the segregation proposal. All children with special education needs must have an appropriate school place within a school community this September. The Government must



undertake appropriate forward planning before the end of 2022 to ensure we are not again faced with children who have no appropriate school place in September 2023.

All children have a right to go to school. It is an all too common situation that, every summer, families are left with no school place for their child. Half-baked measures at the eleventh hour and proposals to segregate children into special education centres are an insult to students and their families. It is completely out of touch, it is failing them and it has to stop.

**Deputy Paul Murphy:** The context of this debate is the fact, confirmed by the Ombudsman for Children, that the State is failing children with special needs. The Department of Education is failing such children and it is an absolute scandal. The children still being failed the most are the more than 100 children who do not have appropriate school places for September. It is now 1 July and that is a matter of a small number of months away.

The State is failing many more children with special needs than that. In reality, as regards what should be done, the State is failing the thousands of children who have to go to school outside their local communities on a daily basis. Every day in Dublin, for example, taxis criss-cross each other throughout the city to bring children to their schools. It is an absolute scandal. The Government has responsibility for it, as do previous Governments. The bottom line point should be that all schools in the State that receive State funding should have to provide for the education of all children with additional special needs. All children should be served by their local publicly-funded school. There should be no basis for that not to happen where resources are provided and no situation where there are requests or whatever. It is a basic thing that schools provide education for children in their local area, including those with special needs, which means resourcing special classes.

I pay tribute to the campaigners, parents and many different groups of activists who have been fighting for the rights of their children. Part of the reason we are having the debate is the Government feels under pressure on this issue. Hundreds of parents have attended meetings throughout the country about the needs of their children and have spoken out, very powerfully, about the crisis they face. We have to remember these parents are fighting for their children's rights on a day-to-day basis. They are not just fighting when it comes to the Department of Education and schooling, but also in getting the necessary therapy from the HSE and so on. Their lives are often difficult enough without taking time to join protests outside Leinster House or the GPO, or to go to local public meetings, but they do so because they are determined to fight for their children to get the education and healthcare they deserve. These parents have created an environment where this has become a major political issue and the Government has been under pressure.

It is worth tracing the pretty inglorious recent history of how the Government has attempted to deal with this scandal in the past couple of months. We have to go back to May, when the Minister of State announced that the Government was considering establishing special education needs centres as an emergency response to the shortage of school places for children with special educational needs. That went down very badly, understandably, with parents, activist groups, and organisations such as AsIAm and Inclusion Ireland. They rightly said this was a very bad proposal to effectively warehouse children with special needs, separate to our schools, which went against the idea of mainstreaming and integration that we wanted to have. Inclusion Ireland responded that, "this 'emergency' plan seems like ten steps backwards on the path to inclusive education. Inclusion Ireland was not contacted or consulted in any way about these measures". AsIAm stated, "The lack of appropriate school placements is due in part to the cul-

mination of a lack of forward planning, forward thinking and coordination by a number of key stakeholders.” That proposal appears, thankfully, to have been dropped.

However, it is difficult not to see what happened at the weekend, in respect of the naming of schools, in that context. There is growing pressure from below from parents, activists and kids who have simply had enough and are demanding appropriate education. The Minister came forward with a very poor proposal that was shot down very quickly and then there seems to have been an attempt to effectively punch downwards at schools, principals and teachers, to distract from the Government’s responsibility in the regard and its failures.

That led us to the situation over the weekend of the naming of four schools, all of which were DEIS schools and the Minister of State’s claim that the decision to name the schools had been made because they were “not engaging at all” with the Department and were “just ignoring correspondence”. What she stated was not true. We have been in touch with one of the four schools, which said that it has a paper trail of engagement with the NCSE officials that goes back to October 2021. The school said that the last discussion with officials on the ground was about progressing the plans for special needs classes and the officials are on the record as telling the school that they were happy with the level of engagement on providing these classes. The school already provides a moderate-needs class and is working towards a new building to provide more in September 2023, yet, with no warning, the Minister of State named this school and three others.

The only explanation for this is that it was designed to distract from the failures of the Government and the Minister of State. Notably, when the evidence emerged in the correspondence that had been responded to and the engagement that was taking place, she changed what she said. She said from her perspective, they were “ignoring the import of the correspondence”. That is obviously quite different from “just ignoring correspondence”. It is quite a different statement in reality. I raised this with the Minister of State during parliamentary questions yesterday. I gave her two opportunities in the questions I raised to apologise to the schools and she did not take those opportunities. I encourage her, in terms of putting this behind everybody and moving forward, hopefully, on a more positive basis, to withdraw the false allegations, apologise to the schools, the principals and the teachers, and proceed to provide the necessary resources.

I will give an example of the very real, ongoing crisis that parents and their kids face. I have raised the example with the Minister of State a couple of times because it seems to be striking. Throughout the country, we have a problem in access to special education classes and getting places for kids, but she seems to have a particular problem in terms of post-primary schools in Dublin 24, where the ratio of primary schools with special education classes to post-primary schools with special education classes is significantly less than and wildly out of whack with the national ratio. We have 17 primary schools offering special education classes, but only two post-primary schools with special education classes, from September.

Throughout the country, the ratio of 2.3:1 or 2.4:1, whereas it is a fraction of that in Dublin 24. There is also a nationwide crisis because an absence of summer programmes. This creates a real crisis for parents over the summer, especially those parents who cannot access in-school programmes. The Tallaght Parents Autism Support Groups surveyed its members in terms of those who have managed to secure a home tutor. Approximately 50% have not yet been able to secure a home tutor and 35% say home tuition does not work for their child. Only one in five says that home tuition worked for their child and they were able to secure a home tutor.

Regarding what needs to happen, we first need to have a centralised place where all the information is contained. We need a centralised database of all the needs of children for special education, to avoid a situation in which, months away from a new school year, we realise that there is a crisis and that 100 children do not have special education classes. That simply should not happen. It is very possible to plan to avoid that.

The NCSE and the Department do not have access to a national database on which they can project the numbers and location of children who will require special education facilities. It is not that such information is not available. Clearly, it exists in different discrete places. It is not that many of our public servants are not working extremely hard with those children and the families to provide what they need; it is that the State has not bothered, over years, to think it necessary to compile such a database in order that we could know, in advance, the numbers and the needs facing schools each year, instead of lurching from crisis to crisis.

The final issue is resources, which are at the bottom of much of this. The most compelling reason we have children with special education needs without access to education, many of whom also do not have access to the necessary healthcare and other services, is years of Government neglect. In the vast majority of cases when dealing with education, schools are not to blame for the shortage of spaces. The Department and a lack of Government funding are responsible.

An important context is that Irish schools are overcrowded and underfunded. It has been mentioned that when the NCSE or the Department identifies a space for a special class, it may actually be a school library or room that will be vacated by a teacher who will then operate from a corridor. Very few schools are sitting on suitable spaces and refusing to accommodate special classes. The four schools that were named and shamed illustrate this. They have special classes and are doing important work in providing inclusive education for their communities. We, therefore, we need the resources to ensure that parents and children get the properly-planned, spacious and adequately-kitted-out classrooms to which they should be entitled. This is best done by allowing schools, teachers, principals, parents and students to discuss and articulate their needs and then undertake to meet those needs, in a timely and wholehearted way, rather than doing special education on a shoestring and having the diversionary approach of pointing to or attempting to blame particular schools for problems that are mostly the responsibility of Government.

Today, we are moving to begin the process of speeding up the section 37A process. Many other processes need to be speeded up, as well. We need to speed up the review process for schools that challenge in adequate staffing in their classrooms and access to assessment and therapies for children. More than 34,000 children were waiting more than a year to access a community health service up to the end of September 2021. Can the Minister of State, please, act to speed that up immediately? The services that children were waiting for spanned several disciplines, including psychology, physiotherapy, occupational therapy, speech and language therapy, ophthalmology, audiology, dietetics and CAMHS. Can access to them be speeded up? Can the waiting lists for assessments and therapies be speeded up? Children are waiting years for specialist services. Can we speed up the reorganisation of disability services for children? This reorganisation currently has the look of simply rearranging the deckchairs on the *Titanic*. We have a situation where one quarter of the staff positions on the new child disability network teams remain unfilled. Can we please speed up the filling of those posts? A recent Inclusion Ireland survey found that more than a half of children with disabilities were not in receipt of any service or therapy. Can we please speed up dealing with that? Can we have an emergency

session of the Dáil next Friday to deal with it?

The OECD reports every single year that Irish classrooms are overcrowded and underfunded. While the Government will counter that we have more special education teachers and SNAs than ever before, the population in our schools is growing. The identification of children with special needs and the number of children with special needs is growing. We have a scandal as it stands and there is a complete failure by the State to provide for the education of children with special education needs. We need to address that and we need to know that problem will not go away. It will get worse unless the key thing is done, that is, resources are put in place. We must work with schools to resource them and ensure there is a suitable place for all young people. We must ensure everyone gets the education and healthcare he or she is entitled to.

**Deputy Paul McAuliffe:** I acknowledge the presence of the Minister and the Minister of State in the House, although I feel like we are in the wrong seats. The difficulty is that for some children, there is no seat in schools and for some children and schools, we have not been able to vindicate the constitutional right to an appropriate education. The difficulty we have is that the Department of Education does not provide education; it funds and provides for the governance of education but it does not run schools. We have a voluntary system of education, with some schools run by trusts such as Le Chéile or organisations such as Educate Together. Each school has a voluntary board which runs that school.

It is our job in this House to vindicate the right of children to an education. If schools are unwilling to provide that education, we need to take measures, such as section 37A, to ensure that right is vindicated. We have seen that section 37A has not worked and, therefore, the House is today vindicating the right of children with special needs to secure a place in schools in a timely manner. I welcome that and that we are doing it in an emergency way before the recess because disability rights are human rights. We need to make sure we do our job in this House to vindicate those rights.

I know many people work in the education sector who will struggle with the Government instructing that this must be done. I know that because for the last three and a half years, I have worked closely with school principals, SENOs and parents. The Ministers of State, Deputies Madigan and Rabbitte, have both met parents in my area who have advocated this measure. I understand the complex dynamic between schools and parents. At the centre of that are the children and we need to focus on them. This will be a challenge for education and for schools, particularly DEIS schools because they have an awful lot on their plate. There are many complex factors from outside the classroom coming into DEIS schools and principals have to juggle all of those things.

DEIS schools also want to provide ASD classes. I do not want the message to go out that schools with DEIS status do not want to take on the challenge of an ASD class. I cite the example of the Minister coming out to Virgin Mary Girls' National School in my area after it decided to open a new class. The principal would tell me the school does not have the treatments and therapies available to fully support these children. From the conversations I have had with her, I know that is true. However, before the children had those places, the parents did not have those treatments and therapies either. If we can get children into schools, we will have a far better chance of ensuring the HSE delivers the treatments and therapies for those children in schools, as it must do. Once we get children into schools, they are in the place where we can support them with measures such as the school inclusion model. I welcome this legislation and urge the House to pass it as quickly as possible.

**Deputy Michael Moynihan:** I welcome the Bill, which seeks to truncate the section 37A process. In recent weeks, we have seen the build-up to this legislation coming before the Dáil on a Friday afternoon. We have also seen the challenges that are out there. It took huge pressure as families went public to say they did not have a place for their children in September. This has been a challenge across the spectrum in recent times. This is enabling legislation and it is important to have these measures placed on a statutory and legislative footing. However, we need to step back and consider the challenges that were in the system, which did not have sufficient places.

We are duty-bound to ensure the Department looks at the system for meeting special educational needs and so forth, which has been built up over the past 20 to 25 years. We must ensure that when new schools and school extensions are built, special education units, places and facilities are put in place. We must target this and ensure people with additional needs and special needs are welcomed into the education system with open arms. The SENO support service and the NCSE grapple with this daily. That is hugely important and a spotlight should be shone on it. We have seen many instances where school authorities, which have built up substantial teaching expertise over the years, know that a child has additional needs but the child is not allowed an SNA because of the system. When they appeal those decisions, they are asked for new information. The school authorities and parents must fight throughout the year to get additional needs within the school services. They know that additional support is needed in particular classrooms. It should not be the case that schools have to fight right through the year to get services and maybe have an appeal finally granted in March or April. That system needs to be streamlined.

In some instances, there is an attitude in the system. Members of this House are duty-bound under the Constitution to provide proper educational facilities right across the spectrum. There are many challenges as regards therapies and so forth that are needed. This is an enabling Bill to make sure we have school places. We should look at the NCSE to see if more staff are needed to make sure there is a more streamlined system and that decisions are made and appeals dealt with in a timely and appropriate fashion.

**Deputy Martin Browne:** This Bill is the direct consequence of poor preparation and a lack of forecasting with respect to the schooling needs of children with special needs. The Ombudsman for Children's latest report into the matter pointed out: "This situation is a clear failure on the part of the State, which has an obligation to respect, protect and fulfil the right to education of every child." It also noted that there are real issues with forward planning.

We are here today, while the Government struggles to deal with the consequences of its own inaction, to ensure we are not again faced with children having no appropriate school place in summer 2023. According to a study by the Economic and Social Research Institute, ESRI, titled *Growing Up in Ireland*, the number of students with special educational needs relative to the total student population is in the region of 25%. If the needs of one quarter of a school's population are not being provided for, or even collated properly, there is a fundamental problem on the part of the Government and the Departments. There needs to be a lot of reflection by the Government on these statements and the figures that accompany them. All children have a right to go to school. It is all too common that families of children with special educational needs face a summer of stress, not knowing whether their child will have a school to go to in September. We cannot forget either the panic that parents experience when unable to get a timely assessment of needs. This is at a time when they need to make arrangements for their children's schooling, but face the obstacle put in their way by the Government's failure to fulfil



its commitments under the Disability Act 2005.

The very reason the Ombudsman for Children's report was initiated was that complaints were made to his office in relation to children with special educational needs being unable to secure appropriate school places at both primary and post-primary levels in a timely manner and close to their homes. I have raised this matter with the Minister of State, Deputy Madigan, and An Taoiseach. I raised concerns of parents in Carrick-on-Suir, County Tipperary, as an example of children being forced to travel considerable distances from their homes to avail of the schooling they need. This is because of the lack of ASD units in the area. On each occasion, I was told that there is nothing to see here, that every option is open and to move along. That is not what many parents in the area have told me.

It is time for the Government to get its house in order, listen to the needs of parents, properly provide special educational needs organisers in each area and assess the needs of communities rather than delaying matters until it gets to the tipping point nationally that we have seen recently.

**Deputy Matt Shanahan:** I welcome this Bill on the provision of education for children with special needs. I thank both Ministers for being in the House today. It has been well outlined that we have a significant problem with providing the educational pathway for children with special needs and disability. We all want to provide, inasmuch as it is possible, the opportunity for children to be offered education in mainstream schools, where possible, and close to their homes and siblings, where appropriate.

I note the Minister of State's invocation of section 37A in order to try to move the school capacity issue along. That was probably a difficult decision for her to make, but it was necessary.

We can all acknowledge the challenges families are facing, particularly those who need special education for their children. We have parents who are burnt out and acting as family carers, particularly for children with a profound disability, but even for those with a mild sensory disability, it is a difficult challenge for parents. The children want to be included among their peers. No child likes to be excluded, regardless of his or her sensory perception of the world. Children want to be with children generally and do better in that situation, but they often need specialist one-to-one care.

We have to give a big hand out to teachers. I have engaged with many teachers and schools. My experience has been that teachers predominantly want to offer the best possible opportunity to every pupil in their school and their frustration is largely born of a perceived lack of resourcing. We have significant problems and the Government is doing what it can in terms of additional funding but the requirements are there for additional places and supports.

I will read a letter from my colleague in the Regional Group, Deputy Naughten:

Minister Madigan has, on more than one occasion, told the Dáil that where schools were collaborating and there was a willingness to open special classes, they should be given the space and time to do that. Despite that approach being taken, the Department and the NCSE are not supporting schools that are willing to establish special classes. For example, St. Comán's Wood Primary School in Roscommon town has been refused a special class for children with multiple and complex disabilities. This is despite the school having the numbers for such a class and despite the fact the application was supported by both the HSE's senior psychologist in the child disability network team and the local SENO.

I note there are 25 special classes in mainstream schools for children with multiple disabilities throughout the country. There are two in Clare, five in Cork, two in Donegal, four in Galway, eight in Kerry, one in Louth and three in Mayo. Not one has been sanctioned for County Roscommon. [Indeed, not one has been sanctioned for my own county of Wexford. Regarding Roscommon, he said:] Despite the fact that a board of management has identified a need, supported the school in making the applications and received the endorsement of both the HSE and the SENO, the Department of Education is not willing to support the establishment of this special class.

This raises a serious question as to exactly what is going on. If we have people allied to the school sector who, through the pathways, recommend special classes and the Department does not support them, that situation needs to be looked at.

I will talk about the provision of SNAs. A number of schools have been on to me about trying to increase the number of SNAs. In one case, a school in west Waterford was on to the Department many months ago outlining a difficult disability case that was coming into the school and its needs for support, and requesting an additional SNA to help the child. They were told to bring the child into the school, let him or her enrol and then make the application in September. This child is in a wheelchair and has particular issues around bathroom and all of that. They do not have the wherewithal. I think an appeal was put in on the case but, as far as I know, nothing has been heard. This outlines the frustration of teachers and teaching management. We must have a better pathway to engage on these individual issues. Like so much in *Dáil Éireann*, it is not rocket science. It requires people to sit down, communicate and understand the needs from both sides of the House as to what is possible in terms of reporting.

I pay tribute to the Ombudsman for Children, Dr. Niall Muldoon. His report flagged a number of issues which have been discussed widely in this House, not least the need, as far as possible, to provide educational places close to children's homes. We have approximately 15,500 children attending special education. Funnily enough, what is happening in special education mirrors the difficulties in accessing disability services such as physiotherapy and occupational therapy. We have families in Waterford being sent to Dungarvan for occupational therapy, speech and language therapy, etc., twice a week. That is a round trip of 60 miles two days per week, or 120 miles in total, and the cost goes into family budgets. That is approximately three gallons of petrol, which is an additional €30 per week or €120 per month of net after-tax revenue to support that simple activity to move children along. It points to the need for a more joined-up approach.

The lack of psychological assessments has been widely raised. The Ombudsman for Children highlighted that there are 4,000 delayed appointments. I have been in contact with large schools with in excess of 350 or 400 students and they get an average total of appointments for psychological assessments of two per year. If up to one in four children is on the autism spectrum, we can see straight away that children are being excluded from a pathway to specialised supports. We have 1,500 children in home tuition. Look at the pressure that puts on a family member. It usually falls on the mothers and fathers but sometimes it falls on the siblings, who end up acting as semi-carers in a home.

I point to the fact of increasing and worsening trends in the autism spectrum in Ireland and, unfortunately, that is mirrored across Europe. The current assessment is that 25% of the student population may be somewhere in that range. Are we doing enough in this country to look at the potential problems that are causing this? ASD was not as prevalent 25 or 30 years ago. The

data tell us that. We must start looking at research into food, genetics, environment and probably even water provision because there is something going on in the country that is leading to an increasing number of children suffering, requiring special educational needs, having attention deficit disorder, etc. The Ombudsman for Children pointed this out in another way, saying we are probably being more reactive than active. I ask the Department to engage with research bodies to see if there are common themes in terms of public information and public health we could look to try to mitigate this rising trend.

I know this is a difficult space for the Government and that it is allocating nearly a quarter of its educational budget to the provision of special needs education, including school places. This is not a new problem and it will not be sorted in the next year or two. I commend the work of both Ministers and what they are trying to do in what is a very difficult space but we need clearer lines of communication between schools and the Department and we need better assessment with regard to accessing early intervention services, because that will be key if we are to have an impact on this problem.

**Deputy Pádraig O’Sullivan:** I welcome the Minister and Minister of State and thank them for bringing forward this new legislation. As they will be well aware, many of their colleagues in Government have called for this intervention for some time so it is very welcome.

I will begin by speaking to the Bill and what it does. It is going to empower the National Council for Special Education to take action. As other Deputies have mentioned, the spirit of the existing legislation relies on a collaborative approach with schools. That worked in many instances but it is patently clear that it did not in many others. I have pointed here before to areas in Cork I am familiar with, large towns of 30,000 people, where there is only one ASD class, while small villages with a population of 300 or 400 might have three or four such classes. That imbalance is clear for all to see. It is good that the proposed legislation will allow the NCSE and the Minister to intervene to ensure there is appropriate provision for children locally insofar as that is possible. That is to be welcomed.

To keep to the spirit of the legislation and to use these extra powers, the NCSE will undoubtedly require more resources, staff and finance to ensure it can implement the change needed. Mr. John Kearney, the head of the NCSE, came before the Joint Committee on Autism last week. I also met him a number of weeks ago. While he is new to the job, it is clear that he relishes the challenge ahead and wants to make a difference. We need to ensure the NCSE is properly resourced if it is to implement the changes we are calling for.

In his presentation to the committee, Mr. Kearney spoke at length about that local provision I spoke about earlier. I do not have a figure but perhaps the Ministers could come back to us regarding the potential savings on bus services alone if we were to provide for children in their own communities. It is a big gripe of mine. I know of one child in my home county who travels from Mitchelstown to Bandon for an ASD class. Another family I have become familiar with travels from Macroom to Kinsale. If the NCSE is empowered to implement this legislation in the spirit in which it is drafted, it will improve the quality of life and quality of education for those children with special educational needs.

I will speak about wider issues facing children with special educational needs that are separate from the Bill. Therapies were mentioned here again. There is no easy fix to this problem, as some Deputies might suggest. There is a severe shortage of qualified psychologists, physiotherapists and speech and language therapists, not just here but right across the world. Some

of this is down to the fact that not enough people are qualifying in these areas but some of it is down to certain people not wanting to work for the HSE. I know of a special school on the north side of Cork city in which the part-time physiotherapist has a caseload of 500 children. That is not manageable. Additional physiotherapists have been advertised for but it has not been possible to hire somebody. Meanwhile, the Rainbow Club across the water does not have a problem filling the posts it advertises. It is clear that there are issues within the HSE with regard to hiring for certain roles. To keep with the spirit of this legislation, both the Department of Education and the Department of Health really need to push to get those jobs filled. At present, one in four or one in five HSE jobs is unfilled. We really need to push the boat out and get those therapists into schools.

The in-school provision model is being trialled in community healthcare organisation, CHO, 7. This trial has been under way for over two years now. It would be great to see a report on that. Is it envisaged that it will be rolled out across the country? How is the pilot scheme faring? Many of us here, on both the Government and the Opposition benches, regularly call for therapies to be provided in schools, where possible. I would like to see how that is performing and to know whether it will be implemented right across the country.

As the Ministers will know, I was a teacher myself for 15 years. There were three ASD classes in my school when I was teaching there and I will be straight, hold up my hands and say that, while I did teach in the ASD hub from time to time, I never really felt my teacher training qualified me to cater for some of the needs presented to me as a staff member. There needs to be more focus on providing additional training modules for those qualifying in our teaching colleges to ensure they are prepared to cater for children with exceptional needs. There is also a need to provide professional development for existing staff because, whether we like to admit it or not, an awful lot of newly qualified teachers go into these ASD classes and special classes. Some teachers are reluctant to do so because of that lack of training and experience and, if I am honest, an ignorance and an apprehension that are sometimes unfounded. The provision of better training in our teaching colleges would assuage some of those concerns.

We talk about inclusive education and a real model of inclusion. That is precisely what this Bill is targeted at providing. As I have said, we need to implement the legislation to the fullest and in the spirit it is meant to ensure that all children, irrespective of need and ability, get to experience that real inclusion we talk about here over and over again.

**Deputy Réada Cronin:** Before I speak on this Stage of the Bill, as we are coming up to the end of the Dáil term and as I therefore might not have the chance to address issues regarding special education again, I want to remind everyone here that we are not really discussing process, procedure or provision here. We are talking about our children and, more specifically, children with special educational needs and their right under the Constitution to an appropriate education. They are citizens of our State. I will also mention their parents who are, in a great many cases, exasperated, exhausted and despairing of ever getting a proper school place suited to their child's needs. They feel they are hidden within the numbers and statistics. A place is not sufficient for children with special educational needs. They need a place that is appropriate.

I thank my colleague, Deputy Ó Laoghaire, for meeting with parents in my constituency of Kildare North a couple of weeks ago. One of those mothers who has had to assert herself and go into battle against the State to vindicate her child's right to an education put it to me that she feels we are going backwards instead of forward. She said it feels as though the State is trying to hide our children with special education and segregate them in centres, as was proposed,

instead of giving them their chance and their right to an appropriate class place. She spoke about her child standing at the door with her while the child's siblings went off to their ordinary school. We all have photographs of our children's first day at school. All these parents want is to be able to get that photograph of their child with special educational needs heading off to school with their school bag and lunch box just like every other child.

This is where we are, which is why the Government simply must do what my colleague, an Teachta Ó Laoghaire, has been looking for and work with the NCSE to make sure parents are not left waiting until the eleventh hour to find out if their child will get a place. The shortfall for 2023 has to be looked at and addressed now. Section 67 of the Education Act 1998 must also be amended to allow the NCSE to designate a school place for children. We can all imagine how this would benefit those parents who are hard-pressed and very worried about this issue.

*1 o'clock*

The insertion of section 37A into the 1998 Act is welcome but leaving it this late is less than satisfactory. As we all know, and as parents know, it is an arduous process. It is time-consuming and involves a lot of collaboration and deep consideration. I regret we are at this stage with the Bill and with regard to the range of services and specialties required, whether therapists, SNAs or the children's disability network teams. For some of them, almost a third of posts are still unfilled. I welcome that both the Minister and the Minister of State have stayed for the debate. Let us make sure we are not back at this stage again next year.

**Deputy Carol Nolan:** It is my understanding that a special educational needs organiser, SENO, has now been put in place in County Laois. I welcome that. However, in County Offaly we are still waiting for one. I received a response from the NCSE on this matter a number of weeks ago, which was quite definite in its language. It stated a SENO would be put in place by early July at the latest. I then received a subsequent response, which was not as definite. That concerned me. It stated, more or less, that it was hoped or envisaged there would be a SENO in place by July. It is vital a SENO be put in place in County Offaly as soon as possible. A number of schools have contacted me about this. I have been inundated with calls from parents of special needs children, who are very concerned, and have had meetings with them. I ask that that be done as soon as possible. SENOs play a critical and very important role in planning for children and allocating resources to them as soon as possible. Children are being failed by this delay. I do not understand why there is such a delay. I hope that by the end of July at the latest we will have a SENO in Offaly. I would like an update on that issue if possible to see where things are and to inform my constituents and the schools that have contacted me.

It is very difficult for children with special educational needs in the education system because they cannot access speech and language or occupational therapies at an early point when they begin school. In many cases they are left on long waiting lists. Laois-Offaly has one of the longest waiting lists for speech and language and occupational therapy in the State. Many frustrated parents have come to me about this issue who cannot get a response as to when their child will receive a block of either speech and language therapy or occupational therapy. That adds to the frustration and upset these parents have to go through. It is unnecessary. As many parents have said to me, they have to fight for everything all the time. These parents are worn out fighting. They just need more assistance and more communication. I understand there is a lack of therapists and that recruitment remains an issue but we have to communicate with the parents. We have to let them know how things are going or if there will be more speech and language therapists and occupational therapists, which are needed, in Offaly. I ask that that be



given top priority.

As a Deputy for Laois-Offaly I have raised this issue since I was elected in 2016. It is now 2022 and the same issue is being raised. The Minister will have heard about this from other Deputies in the constituency as well. There is an ongoing problem and we need to see some progress in that regard. We need to get to the bottom of why there seems to be a problem recruiting therapists. There also seem to be problems with vacancies on the children's disability network teams. There needs to be an in-depth review into why there are issues and why staff do not want to take up those positions. That is the only way we will be able to move forward and get to grips with the situation, which is having a negative impact on children.

In this State every child is entitled to a high-quality education. That is clearly stated in the Education Act of 1998. The Proclamation of 1916 stated every child should be cherished equally, but the gaps here are gaping so much that each and every child is not being cherished equally. There is so much disadvantage and so many negative impacts on children because of the lack of forward planning, consultation or communication with other agencies and bodies. It has also been pointed out there is a blatant lack of co-ordination. There should be more co-ordination between the services and the schools. The schools might need to become a point of contact, while involving the parents. That is vital.

We have an independent education plan process. I remember drawing up individual education plans as a teacher many years ago. Those plans stressed the importance of collaboration, but there is a breakdown in collaboration because there is no co-ordination between therapists, schools and parents. We need to bring all of that together but it has to happen soon. It cannot just be talked about. It has to become a reality. In the Ireland of 2022, we cannot leave children behind and children, unfortunately, are being left behind. If they happen to have special educational needs or come from a disadvantaged community, they are certainly left behind. That must be addressed if we are serious about inclusion. Fine words are thrown about this Chamber all the time but they are not matched with action. We need to get the basics right. Access to therapies is a basic thing and a basic right. We ratified the UN Convention on the Rights of Persons with Disabilities a number of years ago. Ireland was one of the last countries to do so. Yet services are not being brought up to standard. I appeal for that to be done.

Another outstanding and ongoing issue in my constituency of Laois-Offaly, which is causing much frustration and upset for parents, is the lack of school places. I have dealt with many parents of children who are pleading for action on this issue. I have written to SENOs from other counties who are serving County Offaly while we wait for a SENO to be put in place. There is huge frustration and anxiety around this issue. I have spoken to parents of children in my offices in Birr and Tullamore who tell me their child will have to travel 30 km to 40 km if they cannot get a school place at second level or cannot be facilitated. It is very unfair on a child who has enough to cope with and contend with. Expecting that child to go on a bus and travel 30 km to 40 km every day is so unfair and so wrong. This is definitely happening in other areas of the country as well. It has to stop. We need planning and some urgent action over the summer recess. I hope those children will be accommodated and catered for by the end of August, and before that if at all possible to give people time to plan for the transition. These issues need to be taken on board and dealt with very quickly.

The challenges in respect of appropriate school places are linked to the lack of planning. AsIAm, which does fantastic work in this area, has stated:

1 July 2022

Today's crisis is a long time in the making. The lack of appropriate school placements is due in part to the culmination of a lack of forward planning, forward thinking and coordination by a number of key stakeholders.

On 31 May 2022, it was reported that the Minister of State, Deputy Madigan, indicated these proposals were at an early stage. However, in the same article and in others it was also reported these plans were no longer in train. At a meeting last week, campaign groups outlined their concerns to the Minister of State and Department officials, who told them the proposal is at an early stage and no decision has yet been made on the matter.

Speaking after the meeting, the Minister of State, Deputy Madigan, said the proposal was in its infancy and there had been a lot of misinterpretation or misperception of what it is meant to be. It was reported that the proposal has now been abandoned due to the lack of support from campaigners as well as the concerns of the Government. A sense of urgency is needed with regard to school places and forward planning.

The Ombudsman for Children has also raised concerns about this issue. Dr. Niall Muldoon noted he initiated this report for two reasons. It was initiated in anticipation of the review of section 37A. We hope the report will be released and that appropriate school places will become a reality. When we see all of these organisations and the Ombudsman for Children raising the alarm, it is time to take long overdue action.

**Deputy Mattie McGrath:** I am glad to be able to speak on this legislation. Gabhaim buíochas leis an Business Committee and everybody involved in the House and the Bills Office, as well as everyone who organised, acquiesced to and supported today's sitting. It is important. I thank both the Minister for coming here and staying here, which is important to those of us in groups which normally speak at the end. We appreciate that. The Bill represents, in the Government's own words, emergency legislation that will be enacted and aims to ensure there will be school places for more than 100 children with special educational needs in the coming school year.

However, despite this Bill and the hype surrounding it, the Minister, Deputy Foley, and the Minister of State, Deputy Madigan, were unable to guarantee that all children who require an appropriate school place that meets their assessed needs will have one in time for September. *The Irish Times* addresses the subject, calling it a grave shortcoming, and points to a sloppy policy approach to a long-standing problem which is having an impact on Ireland's most vulnerable children. Sin rud uafásach. How could the Cabinet, in good conscience, approve this Bill last Tuesday? It aims to compel schools to open special classes within six to eight weeks, but it will only provide places for some of the children. How can schools with inadequate resources be compelled to open places?

While the Rural Independent Group will not stand in the way of the Bill, we believe its introduction underlines an utter lack of engagement by the Department, coupled with a lack of special educational resources for all schools. I have been on boards of management of different national schools and set up a naíonra, a childcare unit. The Department of Education is far behind. I salute a principal in Clonmel, Mr. Ryan, who set up two special needs classes in school. He led the way in Cluain Meala. It is a town the Minister of State knows well. That was at preschool level. There are no places at national school level, in the biggest inland town in the country. Thanks to the people in Caisleán Nua, my own village, the teaching staff, and the whole board, as well as in Burncourt, An Chúirt Dóite, units were set up, but people have

to travel 15 or 20 miles. There is also a class in Clerihane, which is just down the road from Clonmel, but there is no service in the town. Such issues have to be looked at.

I believe in the old adage that a spoonful of honey is better than a barrel of vinegar. The Minister of State's rough, tough language during the week, with the naming and shaming, is not the way to go. There are many complex issues involved. As we heard from Deputies who know the area, those schools offer different aspects of special education. To give their names to the press and threaten them is a retrograde step. *Ní neart go chur le chéile*. We must bring people together and try to unite the communities. It is a daunting task for small rural schools. Thankfully, we are addressing that now and people understand the special needs requirements. They do not understand the minutiae but they understand the need and have accepted it, whereas maybe they did not ten years ago. We must work with campaigners in the area.

The process can be unwieldy. There is a long waiting list for children to be diagnosed. There are a plethora of different issues affecting the most vulnerable children. They, their parents, their siblings, *seanmáthair* and *seanathair* are affected, as is their whole family and the wider community. If a diagnosis can be made, it lessens the load. People know where they are going and what the requirements are. It lets them focus their attention on the diagnosis they have got. We must work with the schools and the special educational needs organisers. We need better engagement by the Department.

The school principal and board of management in *Caisleán Nua* and many other places have to face issues. My colleague Deputy Nolan, an *iarrpriomhoide scoile*, would know much more about this than I do. They must become builders, designers, architects, foremen on sites and, above all, *ag glaoch ar an nguthán*. They are on the phone night and day to try to get builders, to engage with architects, to get extra sites and extra space, and to bring the school community, teachers, SNAs, colleagues and the whole board with them. It is a daunting task. I salute them all. It is not easy or simple. The architects need to step up to the plate. The Department of Education needs to loosen the shackles. We have a team of excellent architects in Tipperary and Thurles.

Writing letters to the Department is like writing to Disneyland, though at least you get a reply from Disneyland. There is no engagement. It might come back six months later to say it did not get the letter. All is not well in the building and design section of the Department. That needs to be sorted out. They are public officials. They have a job to do and should put the children with special needs first. Our children are entitled under the Constitution to proper education. The existing process can take up to 18 months, but any solution must be inclusive and equal for all children. This Bill is not fully inclusive. It does not offer the hope these families deserve. Campaigners continue to argue this. Many more children than the maximum number covered in this Bill are not included in its scope.

The Education (Provision in Respect of Children with Special Educational Needs) Bill 2022 will allow the Minister to direct the school to open a special class within six to eight weeks of receiving a report from the National Council for Special Education, NCSE, setting out in its opinion that there are insufficient school places in certain areas. Carrick-on-Suir is a great town but has no provision in its schools. I have raised it in the House. It is frustrating to raise it, then get a reply from the Taoiseach, Tánaiste or whoever is sitting in for them that everything is being done and the Minister is dealing with it, but that is not actually happening. People have to travel 30 km or 40 km to get to school. They may not have transport, as we have heard from other Deputies. It is a daunting task, a *turas uafásach*, for those *daoine óga*. It is awful. There

should be something near them.

The current section 37A process can take between 12 and 18 months to get a school place. As I said, the short-term process set out in this Bill allows for two opportunities for schools and patrons to make representations to the Minister. They will make representations. They make them to all Teachtaí Dála, Seanadóirí agus daoine mar sin. We must get engagement. It is a two-way street. If the community, school board, principal and all the teachers decide to take this road, they should be welcomed with open arms. We must support and nurture them, not frustrate and delay them by obfuscating and making the process more difficult. This is about children with special needs. I hear a lot nowadays about different types of education and how we must be open and transparent. Yet, we cannot deal with this first, the children who have special needs and who have been waiting for their diagnoses forever, and when they have a diagnosis they then have the challenge of a fight all the way. My late brother, Dr. Eddie McGrath, was a paediatrician of some renown. He fought like a tiger for children with many special needs so they would get their rightful place. He asked me to get elected to try to further the cause of these particularly challenged children. They are entitled to it and they deserve it. They deserve to be treated equally, rightfully and properly. I ask the Minister and the Minister of State to please look to the Department officials to see what can be done.

Mar fhocal scoir, perhaps the Acting Chairman, an Cathaoirleach Gníomhach, will allow me to wish well an Offaly man atá ina chónaí i dTiobraid Árann, Mr. Kevin Langton, a principal of the school, who is celebrating his 50th birthday today. He is an excellent, hard-working and diligent múinteoir.

**Acting Chairman (Deputy Cormac Devlin):** We join the Deputy in wishing him a happy birthday.

**Deputy Paul Kehoe:** I welcome the opportunity to speak on this very important Bill. I welcome the Minister, Deputy Foley, and the Minister of State, Deputy Madigan, to the House to hear the very important views of all of the Members, both the Government and Opposition. Every Member in this House feels very strongly on the subject we are discussing here today. I have no doubt there is not a Deputy who has not been contacted by parents of children with special needs about their education, their future education, and their education in mainstream schools. It is also about services, and often the lack of services. I commend the Minister of State, Deputy Madigan, on the work she has done in this area over the past two years.

As the Chairman of the Oireachtas Committee on Education, Further and Higher Education, Research, Innovation and Science, I have worked very closely with the Minister and the Minister of State. We have seen substantial progress in the past two years from the Department of Education in and around the provision of school places for children with special educational needs. I have seen this at first hand and it includes the opening of more than 300 new special classes for 1,800 students this year and a further 315 classes planned from September.

I welcome deeply the legislation before the House today. By its very nature, the section 37A process identifies schools that have not agreed to open special classes. Often, they must be named and be brought to task. They must be challenged for what they might not be doing or for the way they might be going about their business. This legislation seeks to reduce the timeframe of the process to within six or eight weeks. This will result in more schools being served with section 37A notices. It will increase the amount of special class places, which I very much welcome.

It is interesting to hear some Members in the Opposition speaking about the lack of places. I am aware that families often must travel long distances to get access to special needs education, especially in rural Ireland where I am a serving Deputy. Some Members in the Opposition are saying we should name and shame schools and then also saying they want more and more classes. This is what we are doing here. We are creating more places for more special needs children. That will be the result of this Bill.

I am very much aware of the special needs provision in my county. I was with the Minister, Deputy Foley, recently in Enniscorthy at St. Senan's National School. They have a fantastic special needs unit there and they have been doing fantastic work there over a long number of years. It is the same with St. Aidan's National School and many other schools in my constituency. I will not name them all but a considerable amount of fantastic work is being done. One must salute the principals, the teaching staff, the special needs assistants, and all of the people involved in providing that special education. Unfortunately, we have a high number of pupils who need special education. They deserve the same chance as anybody here in this House would get in their education. We should give them every opportunity to have that chance and they should get every opportunity to have the same access.

There are, however, significant challenges, especially around the area of diagnosis. Once a child is diagnosed, it is then about the backup. Once a person gets into the system, he or she is very well looked after. The problem is getting into the system and being part of the system. There is a long waiting list to be diagnosed. I would like the Department of Education, the HSE, and the Department of Health to work more closely together on the services that are provided for children with special educational needs. I appeal to the Minister and the Minister of State that they would work more closely with the other Departments and with the HSE.

We have spoken about the special educational needs organisers, SENOs, and the very important job they do. They are ? under severe pressure. I would like to see an increase in the number of SENOs. In fairness, the Government has committed on the special needs assistants front. When I was in Government in 2011, it was a very big political hot topic at the time. Over the years of the Government in 2011 and this Government, the number of new SNAs who have entered the system has been fantastic. They do a fantastic job. Many children would not be able to go to school every day without the help of their special needs assistants. I applaud the Government for its work and commitment on that, and for what they have invested in the SNA system over many years.

I very much welcome this legislation. It will give families considerable relief. There has been a lot of criticism over the past while. The Minister and the Minister of State, as political representatives, must do a job, and often they have to make some very difficult decisions along the road and journey they must take. I welcome this opportunity to speak on the Bill and I welcome the legislation.

**Deputy Paul Donnelly:** I welcome the Bill, which ensures all children with special educational needs will have access to special classes. Sinn Féin had called for this previously.

I thank all of the parents and students in Dublin 15 and Dublin 17 who worked tirelessly to ensure those children who had no school places for September were given a voice. Hundreds of worried and concerned parents turned up to a meeting in Dublin 15 in May because the NCSE had failed to ensure proper planning for the educational needs of these students. It should once again be highlighted that this is not just a problem for 2022. The numbers are deeply concern-



ing for the next number of years. In Dublin West, for example, only 20% of students in fifth, fourth and third classes will have access to a school placement if the current situation continues.

I also highlight the issue of a behavioural therapist position for the Danu Community Special School. It is a disgrace that requests to date have fallen, and continue to fall, on deaf ears. I welcome the additional proposed resources, including special needs assistants and the enhanced services from the National Educational Psychological Service, NEPS, but there is still a significant concern around the supports such as occupational therapy, speech and language therapy, and behavioural therapists. One can understand how parents, teachers, principals and school staff are deeply sceptical that these classes will be fully resourced. The evidence to date shows this has never happened. A special class is more than a classroom, a teacher or an SNA. We must move to multidisciplinary teams supporting students, teachers and school staff.

The children are not just failed by schools and the educational system but also by the HSE in the provision of services from the very beginning of the assessment process. We hear it time and time again, whether it is the assessment itself or access to services afterwards. Every child deserves a school place and school staff must have the resources to ensure each student gets the highest-quality education and their school journey is a positive experience. That is most important. This is not just a room. It is about their education. It is about giving them the most positive experience.

I conclude with something else that needs to be raised. The recent interview on national radio was deeply unhelpful and caused huge anger. I spoke directly to the principal of Scoil Bhríde Buachaillí, a boys' national school. He totally refuted the assertion the school had not engaged with the Department of Education and the NCSE and also disputed the perception that was created that the school was refusing special classes, because it is totally incorrect. The school already has a special class with six students and operates in very difficult circumstances with limited resources and, indeed, must pull other resources to maintain students in the special class. It is important to get facts right. It is important to support the schools and support students and parents throughout the entire process from the assessment right through to a positive experience in school.

**Deputy Joan Collins:** The State has failed to provide special needs school places in their local area to every child who needs them. It has also failed to provide the resources to ensure those rights are vindicated properly in schools. More trained staff, sensory rooms, equipment and access therapists are needed. One third of vacancies are in the CDNTs that were set up, we were told, to get over the problems faced in other areas, like the CHOs and so on, and that has failed. We were also told by the NCSE last Tuesday at the Joint Committee on Autism that approximately one third of its vacancies are for therapists and supports. The council is being impacted in the same way so that it cannot provide the services that are necessary. We know this from reports from schools in my own area that are trying to access services to come to the school and support them where they need assistance. Without that support, children are being sent home from school because the school cannot support them in the way they should be supported. That is a failing as well from that point of view.

However, I welcome that this is being brought through. It has been brought to the Dáil today as a result of the pressure of another 100 children or more potentially being unable to access places in schools. We do not know whether it is going to have a big impact in the next three months but there should always be co-operation between the schools, the Department of Education, the NCSE, the Minister and Ministers of State, parents, teachers and principals

to ensure services are provided to the schools, such as mainstream posts, classes and special school places. For example, I tabled a parliamentary question to the Minister regarding Our Lady of Hope School on Armagh Road, Crumlin because it does not appear to have set up a board of management. That is a problem there. As far as I am aware, it was supposed to let the Minister know if there is no board of management or if it cannot set one up. That is a difficulty for parents if they want to intervene and play a role in supporting the school as well as for the teachers and SNAs there. There are many problems we must try to resolve here but I support the legislation. I welcome it and think it can, and will, play a role in the future. However, it is one part of the process and from speaking to parents, resources are the most important part of it.

It has been mentioned that the Ombudsman for Children said the Department is failing our children. There are black spots, notably in Dublin and Cork. He also said the system can fail in its response but that such failings occur is not acceptable. His report estimates as many as 15,500 children must travel outside their local school catchment area every day to access a school place. Meanwhile, 1,500 students are receiving home tuition, which the report recommends should only be used temporarily and as a last resort. The Ombudsman goes on to say approximately 4,000 children are currently waiting for a diagnostic assessment to qualify for a school place in the first instance. How many children, therefore, have not had their assessment and are waiting for a school place that we do not know of? These children need to be given access to a psychologist via the available State services to establish whether they need a special class or a school place in the short term. The ombudsman then said the decentralised nature of our education system means it is largely up to individual schools to decide whether they will provide school places for children needs. He states there is a “need to recalibrate the balance between central Government oversight of education and schools’ autonomy”.

I wanted to cite that to back up what I am going to raise now. I sent the legislation over to the support groups in my constituency to see what they had to say about it and they came back to me with their assessment. The Dublin 12 Autism Support Group said:

We welcomed this step as a more streamlined process with prompt timelines between the Ministers Department corresponding with schools. Currently the 37a process is a long winded one and the longer the time spent with paperwork the longer there are children without appropriate school placement.

It’s our view that improving the 37a process should also involve improved supports to schools to encourage & support them adequately and not getting the school to open classes as a tick the box exercise which appears to be the current system at least in the last few years.

To do this, the group says schools need proper resources :

Trained Staff

Sensory rooms & equipment

Access to therapists.

Secure outdoor areas

[A previous speaker said that once you get into the system you get the service you need; that is absolutely not the case.]

Support the school through the year and for the dept of ed to respond to schools in a

timely fashion.

For forward future planning it is great to have a 5 year forecast but it's pointless when you have no data for all autistic children whether it is special schools, classes or mainstream.

The Ncse & the Department need to ensure the primary school mainstream children with AEN are to included in the planning of secondary schools.

This is failure we might be facing in the next year or two because that is the situation we are facing in Dublin 12.

D12 Campaign for Inclusion stated:

Our lady of hope Needs a behaviour therapist for september we can not continue to expand the school with no onsite therapists.

We have 17 primary schools & 8 secondary schools in Dublin 12.

Of the 17 primary schools in Dublin 12, 11 currently have an ASD Special class or an Early intervention class or both.

There are 6 primary schools with no autism classes. Two are in the process of building works in order to open an autism class and that leaves 4 schools with no classes.

There are 8 secondary schools in the area, 4 have autism classes with some schools who have 2 classes in their buildings.

In Dublin 12, there are now three Early Intervention Classes, thirteen Autism Classes at primary level, and six Autism Classes at secondary level. This results in 18 Early Intervention places, 78 primary level places and 36 secondary level places, for a total of 132 places.

The campaign finishes off by making an appeal to the Minister and the CEO of the NCSE, Mr. John Kearney, "to finish our area & use D12 as an example to mirror. We want each school to open a class with proper training & supports". Since the opening of Our Lady of Hope School the campaign feels it has been left behind a little bit.

If these schools were resourced with the proper mainstream classes etc., with the resources, it would make a significant difference and would be an example of how the system could work.

I also got reply from Involve Autism D6/D6w, which made a some very important points. Its response stated:

What is proposed in the Bill and the current non-streamlined system regarding the collection of information from the SENO, parents etc., is not a robust manner in which to collect accurate data in relation to the demand for classes and appropriate placements. NCSE need to maintain a centralised system to support applications for enrolment, for data collection, for planning and reporting and to support appropriate child placement...

Any room in the area approach = More kids leaving their community

Are "area wide" reports are appropriate? The South Dublin "area wide" approach was a disaster for some areas, as the same communities and schools came forward, while others did not. This has resulted in more children on taxis and buses out of their communities. As

an example South Dublin transport costs for children with disabilities this year has been €72,704 every day, an increase of 15% on the previous year at €63,579.

The 37A process yielded little for D6/D6w and the surrounding areas of South Dublin, e.g. D14, D16, D18 and DLR will these now be focused on as large established non DEIS schools should be the schools that are asked to open classes in the first instance. Schools who have an established AEN infrastructure should be the ones that are focused on firstly to open classes thus ensuring that children can attend their local schools in their local community.

It continues to cover a few other things about parental advocacy and enrolment policies.

This feedback is more important than our own voices and our interpretation of it. It this is coming from the actual parents themselves who are actively involved in trying to get the places and resources for their children. I welcome that the legislation is coming through. I will support it with progressive amendments proposed by different parties. I thank the Minister of State for staying in the Chamber for the time it has taken to debate the Bill.

**Minister of State at the Department of Education (Deputy Josepha Madigan):** I am grateful for the opportunity to discuss this legislation and I have listened with interest to the contributions made by Members from all sides of the House. I believe almost 20 spoke. I appreciate that as I am sure does the Minister.

As Minister of State with responsibility for special education and inclusion, I am committed to making a difference for students who have special educational needs as part of an inclusive education system. Children with special education needs should be supported to access the education system. The Government fully recognises the importance of an inclusive and all-embracing education system. Never is it more important than in the case of children with special education needs. I fundamentally believe that the most vulnerable children in our society must be prioritised.

I have made it clear that I believe every single school should provide special education and that is where we need to get to as a society. I know we are not there yet and that is the reality facing some families in this country at the moment, but that is where we must get to. I believe we will get there. We have to as there is no other option.

Government policy on supporting children with special educational needs aims to ensure that all children with special needs can have access to an education appropriate to their needs. Our policy is to provide for inclusive education and to ensure the maximum possible integration of children with special needs into ordinary mainstream schools. Where pupils require more targeted interventions, special class or special school placements are also provided.

This year, the Government will spend in excess of €2 billion, or more than 25% of the Department's budget on providing additional teaching and care supports for children with special educational needs. This represents an increase of more than 60% in total expenditure since 2011. Where does that money go? It goes into increasing the number of special education teachers and SNAs. I thank them for all the fantastic work they do throughout the school year in teaching and caring for children with additional needs. It also goes into increasing special classes. These classes are vital in supporting the development and potential of children with special educational needs. The budget also goes into supporting special schools. Visiting these schools is an important part of my job.

1 July 2022

I wish to discuss the recent progress in opening new classes in Dublin. In addition to the figures provided earlier, in recent weeks an additional eight primary schools have agreed to open special classes for September. This has reduced the number of children requiring a special class placement in Dublin from 80 to 56. We know that more placements will come on stream, hopefully in the coming weeks.

The NCSE estimates that approximately 50 children require a special school placement in the Dublin region for the coming school year. I am confident that initiatives being progressed by my Department and the NCSE will deliver the necessary special school placements on both the north side and south side in Dublin during the coming school year. I mention Dublin only because the NCSE has assured me that we have appropriate placements for every other child outside Dublin county and city. While these last two developments are welcome, we need to do more and that is why I believe this new legislation is so important.

I recently announced that I was initiating the section 37A process for a third time regarding the provision of special class places at primary and special school level in the Dublin region. As I have said before, I felt I was left with no other choice but to take substantive action. I believe this is a necessary step to try to ensure that every child gets the supports they need and access to a school placement. Obviously, all parties would prefer to see schools volunteer to provide more places rather than places being secured on the back of an order or a direction from the Minister. I have heard the contributions of Deputies today about resources which were mentioned on a number of occasions. It is really important that schools get the resources from the Department and the NCSE to allow them to open special classes. I will make sure that is done.

I am particularly glad about the provision in the new section 37A in this Bill that ensures any work carried out by the NCSE in preparing a report under the existing section 37A process can carry forward and be regarded as a report for the purposes of the new section 37A. The section 37 process is one of the tools available to me as Minister of State with responsibility for special education to ensure that adequate suitable education provision is made for children with special needs and it is not a substitute for advance planning.

I am also glad to include section 67 of the Education Act in the Bill. This provides a power to the NCSE to designate a school place for an individual child in a special class or special school. It makes complete sense to commence section 67 as the NCSE is best placed to know about the students who need special school and special class places. It has also already worked with the schools directly to open these places.

Some Deputies also mentioned the support available to schools that open a special class. Where schools open a new special class, the Department's planning and building unit can arrange a technical site visit to schools, as appropriate, to confirm the suitability of the classroom to support the establishment of special classes.

Additional staff are sanctioned in respect of new classes, generally one teacher and two SNAs at primary level and 1.5 teachers and two SNAs at post-primary level for each new class. In addition, the NCSE provides a range of supports to schools that open new special classes including: a seminar for principals; a four-day intensive training course for teachers; a two-day training course for new teachers; whole staff training; and linking the school with an NCSE adviser.

The legislation is of immediate benefit in the short term for the provision of places for Sep-



tember 2022. I thank all the Deputies who contributed to the debate and for sharing their views on this important legislation. No doubt this debate will continue as the Bill progresses on to Committee Stage next week.

I also thank stakeholders and the special education consultative forum in particular. This is made up of parents and advocacy groups who are working with the Department to ensure that children with special educational needs can access education placements appropriate to their needs. I am very aware that listening to the voice of parents and those representing children with disabilities is essential to ensure that what we deliver meets the needs of the children.

I look forward to seeing this urgent legislation progressing over the coming weeks, being enacted and being available as another measure to ensure that we can continue to work to plan and provide an adequate number of special class and special school places for children.

Question put and agreed to.

*Cuireadh an Dáil ar fionraí ar 1.50 p.m. agus cuireadh tús leis arís ar 2.21 p.m.*

*Sitting suspended at 1.50 p.m. and resumed at 2.21 p.m.*

### **Health (Miscellaneous Provisions) (No. 2) Bill 2022: Second Stage**

**Minister for Health (Deputy Stephen Donnelly):** I move: “That the Bill be now read a Second Time.”

I am pleased to introduce the Health (Miscellaneous Provisions) (No. 2) Bill 2022 to the Dáil. First, I acknowledge that the Title has changed in recent days. This is reflective of the core purpose of the Bill being expanded from solely abolishing inpatient charges for children. Subject to my bringing a Committee Stage amendment next week, it will also encompass provisions relating to the introduction of a free contraception scheme, which will have a very real impact on sexual and reproductive health and rights in Ireland. I acknowledge and thank the Joint Committee on Health for agreeing to waive pre-legislative scrutiny of the Bill.

The programme for Government sets out the pathway for expanded access to healthcare in keeping with the vision of universal healthcare. We promised to expand universal access to healthcare in a manner that is fair and affordable. We have delivered and are continuing to deliver on that commitment. The measures being introduced as part of this legislation are very much intended to support access to care for those who need it. I am very conscious of the current financial pressures on families and it is something I am working to address. In budget 2022, the Government announced the introduction of a range of affordability measures in health that are intended to help ease the financial burden already being experienced by many families. These measures include increased funding for new medicines, a reduction in the amount people pay for their medicines through the drugs payment scheme, sustainable funding of the dental treatment services scheme, DTSS, and abolition of the inpatient hospital charges incurred for children accessing care in our public hospitals. This range of measures is intended to enable more people to access affordable healthcare. I will provide further detail in a moment on progress made in advancing these individual objectives.

1 July 2022

I will focus first on the immediate objective of abolishing public hospital inpatient charges for children. Better access, together with affordability and improved quality, are among my top priorities in healthcare. This legislation, when enacted, will ease the financial burden on parents or guardians when bringing their child to hospital for inpatient care, helping to ensure that cost is not a significant consideration for families when children require access to inpatient treatment. Public patients, including children, are currently subject to a statutory acute public inpatient charge of €80 per day up to a maximum of ten days - or €800 - in a year. Medical card holders and other certain specific classes of persons are already exempt from these charges but I think colleagues will agree that parents or guardians bringing their child to hospital are already dealing with a very stressful situation for their child, themselves and their family and the idea that coming out of hospital, they could be landed with a bill of €800 for the child's stay in hospital is something we can consign to the dustbin of history. This is exactly what this Bill will do.

I will now provide a brief explanation of the sections. Section 1 contains standard provisions setting out the Short Title, citation and provides that the Bill shall be subject to a commencement order. Section 2 amends section 53C of the Health Act 1970. Section 53C provides that charges shall be made for acute inpatient services provided by or on behalf of the HSE. Subsection 9(aa) confirms that the €80 public charge is not applicable to persons who have chosen to avail of private acute inpatient services under section 55 of the Health Act, in which circumstances the more significant charges set out in the Fourth Schedule appropriately apply. In other words, there are circumstances in which hospitals will offer private facilities or provide the same healthcare to the child as a private patient. Those charges can range from over €800 to over €1,000. We will abolish the public charge for public patients. If parents opted to avail of private facilities or care, we would not also pay €800 or €1,000 per night for that. I look forward to hearing the contributions of Members but that is a matter on which Members will agree.

Subsection 9(bb) provides for the exemption of children up to the age of 16 years of age from the charge arising for acute inpatient services. The Bill also provides that under section 2(c) and (d), the existing inpatient charging exemption provisions for children will not be impacted. The key effect of these amendments is to remove the acute public inpatient charge of €80 per day for children below 16 years of age in all public hospitals.

I will update the House regarding a Committee Stage amendment that I will propose. Following Government approval earlier this week, I propose to amend the Bill to introduce the legislative framework to support the introduction of free contraception starting with women aged 17 to 25, as laid out in the programme for Government. Obviously, we want to roll this out further. It makes sense from a practical perspective to introduce the contraception provisions in this Bill as both policy objectives relate to reducing the cost burden when accessing healthcare. The proposed Committee Stage amendment I will bring forward will provide that the contraception scheme will be introduced at as early a time as possible to ensure access for women aged 17 to 25. The scheme is due to be launched in late August or early September. It will be open to all women aged between 17 and 25 ordinarily resident in Ireland and will cover the cost of medical appointments to discuss and prescribe suitable contraception; the cost of fitting and removal of long-acting reversible contraception, for example, implants and coils, as well any necessary checks; and the cost of the wide range of prescription contraceptives currently on the reimbursement list and available to medical card holders, including contraceptive injections, implants, intrauterine systems and devices or coils, the contraceptive patch and ring and various forms of the contraceptive pill, including emergency contraception.

A question has quite rightly been asked as to whether this scheme will cover only part of the

costs of access to contraception or will cover the costs right the way through, from meeting the GP to the cost of the devices, medications and prescriptions and the cost of return GP visits for check-ups and so forth. It will cover all of the associated costs of contraception. Approximately €9 million was allocated in budget 2022 to support the roll-out of the scheme from August to December 2022, which represents a wonderful opportunity to increase access to contraception and better support sexual and reproductive healthcare and gender equality in Ireland.

There is a strong rationale for introducing the scheme commencing with 17- to 25-year-olds in line with the programme for Government. The scheme will reduce cost barriers to effective contraception and crisis pregnancy rates among this high-risk cohort, many of whom are still in full-time education and are least likely to have independent sources of income. Introducing the scheme for 17- to 25-year-olds will also allow for expanding health service capacity by training more medical professionals to fit and remove long-acting reversible contraception, such as the coil, and monitoring the operation and costs of what is a demand-led scheme.

Free contraception is enthusiastically supported by stakeholders, particularly clinicians and others working in the area of women's sexual and reproductive health. Given that the costs of prescription contraception are typically faced by women, the measure will have a significant positive impact on gender equity reducing costs for women but also benefiting their partners and families. The scheme will reduce costs to this vulnerable age group who are not eligible for a medical or a GP visit card. We know that analysis in other jurisdictions has concluded that free contraception is a cost-effective measure. It is, as the Irish Family Planning Association, IFPA, pointed out, a landmark development. I hope to roll out this scheme in a way that it is accessible for all women in Ireland.

I was up on Parnell Street a few months back with IFPA and it was a wonderful visit because it was set up, I believe, in the 1970s in direct response to the impact on women's healthcare of the ban on contraception at that time. It was wonderful to be able to go up and have a meeting with them about the fact that not only, obviously, is it not banned but it is all now being made free. I want to acknowledge and thank everyone in that association for all of the work they have done, not just over the years, but over the decades to deal with some of the implications and restrictions we have had in Ireland on contraception, particularly as it relates to women's healthcare.

Women's health, as we have discussed, is a top priority for me and for this Government. It is strongly supported in this budget with a €31 million additional fund. In fact, the full year cost of that €31 million is nearly €50 million and the main reason for that very significant increase is this free contraception scheme. We have put in approximately €9 million for this year but in fact the full year cost, from memory, is a little under €30 million and considerably upwards on €20 million. It is the completely right thing to do and we have had to allocate a very substantial amount of money to ensuring it is carried through.

We have also recently launched our Women's Health Action Plan, which sets out an ambitious programme of work to bring about progress in critical areas of women's health in the country. It takes a targeted approach to addressing health issues that affect women's everyday lives and, critically, has been informed by what we called a radical listening exercise. In other words, this is a Women's Health Action Plan informed by women and by what they have said they need and want in this country.

Bearing in mind all the very positive impacts that will arise from the introduction of contra-

1 July 2022

ception for women aged 17 to 25 under the scheme, I will be seeking the support of the Oireachtas for this very significant improvement in women's health affordability measure.

The funding allocated to health for this year in budget 2022 is the biggest ever investment package in Ireland's health and social care services and demonstrates the Government's commitment to deliver universal healthcare. The abolition of in-patient charges for children and the introduction of free contraception for women are two of several affordability measures that were announced. Taken together, these measures are intended to ease the financial burden being experienced by many families and to help more people access affordable health care.

We are also committed to increasing access to GP care without charge for more children. This is an important healthcare measure that will remove what can be a prohibitive cost barrier to accessing GP care for children and, indeed, for their parents and will help improve children's health as we move through this.

The budget made resources available to introduce GP care without charge for six- and seven-year-old children. As of 1 June, approximately 2.1 million people, just over 41% of the population, already have access to a GP care card or medical card without charges. It is estimated that approximately 80,000 children aged six and seven years of age will be, after this expansion of the scheme, eligible also now for a GP visit card. It is not everything, but is a very important step in the right direction.

Consultation with the Irish Medical Organisation, IMO, representing GPs is ongoing and the service will be introduced as soon as possible after the completion of these negotiations.

This Government is committed to reducing the cost of medicines and making essential healthcare more affordable and accessible. The drugs payment scheme, DPS, significantly reduces the cost burden for families and individuals with ongoing expenditure on medicines. This year's budget provided €11.5 million to fund a further reduction in the DPS threshold, for an individual or household, where it has moved from €114 to €100 from 1 January, and from 1 March, we have dropped this further to €80. That means for many families around the country just over an extra €400 less in cash a year will be spent by them on drugs via the DPS. It is at least something where these awful inflationary costs which are causing so much pain for people will not be passed on because, through the DPS, there is only a certain amount a family will have to pay. The State may end up paying more but the citizen is essentially protected from those increases in costs for the medicines via the DPS which is very important.

While we are talking about new medicines, I am committed to funding access to new and innovative therapies, including those for rare diseases. It is clear from my own analysis of the trends over the past few years that the overriding factor in medicines making it through the process to reimbursement is the availability of funding. In other words, over a significant number of past years, when funding is available for new drugs, new drugs are approved. When that funding is not available, we tend not to see them approved in the same way.

I would like to acknowledge that most if not all of the Deputies here have advocated for different drugs for children, for adults, for rare diseases and for common illnesses over the years. Last year, we allocated €50 million to new drugs. This funding enabled the sanctioning of 27 oncology medicines and 19 medicines for the treatment of rare diseases, including conditions like spinal muscular atrophy which we have discussed before here in the House. This is very important and I will be very happy to send a note around to colleagues on the long list. This

is something that, as a State, of which we should be very proud. Obviously, there is an infinite amount that one would like to be able to do but there has been a very significant increase in the availability of new drugs. In talking to patients, to patient groups and to parents, some of these drugs are very much life-changing and it is fantastic. We have added an additional €30 million this year for new drugs. In the past two years we have sanctioned €80 million just for new drugs and it is having a very big impact. So far this year the HSE has already approved 30 new drugs, which includes several drugs which are the so-called “orphan” drugs for rare diseases.

In December of last year the State signed a new four-year agreement with the Irish Pharmaceutical Healthcare Association, IPHA, and Medicines for Ireland, MFI, on the supply and pricing of medicines. This is a very good deal and I commend the officials involved on negotiating it. The agreements should contribute between €600 million and €700 million towards the cost of medicines over the next four years which means there will be more Exchequer funding available for new drugs and for new ways of tackling rare diseases and new therapies. It is very exciting.

Reform of dental services is something we are committed to also, to align it with the National Oral Health Policy. Work on that reform has commenced. The Government and I have been concerned that medical card patients in some, and indeed in increasing parts of the country, have been experiencing problems in accessing dental services and this is something that has to be addressed. In the past few years, a significant number of contracted dentists have chosen to opt out of the dental treatment services scheme. Essentially, that is the scheme where dentists, who are self- or privately employed, provide services to medical card holders. To address this problem, I secured an additional €10 million for this year to provide expanded dental health care for medical card holders, including importantly, the reintroduction of scale and polish. That is something that is now available under PRSI but had been withdrawn from medical card holders. It is important that we have parity there and I am delighted to see that back in.

As well as that €10 million, I am also allocating an additional €16 million of an underspend to this year's Estimate allocation to increase the fees to the private dentists. If we look at the schedule, the fees have increased quite substantially because of this. The combined effect of these two interventions represents an additional investment of €26 million this year over and above what was spent on the scheme last year. I hope this significant additional investment will attract back more dentists into the scheme.

Regardless of the impact this will have, we have also committed to a root and branch reform or discussion with the representative body on oral health and a dental scheme that is fit for the future.

To conclude, there is a great deal of work underway within my Department to advance the objectives of affordable healthcare. A range of very good policy measures have either been implemented or are being finalised and this Bill speaks to exactly that. This is the legislative basis for two of the affordability measures to which we have committed.

The provisions of the Bill, in conjunction with the other health affordability measures being developed or deployed, will help and enable more people to access affordable healthcare. The cumulative effect of the measures, which is what matters, will help mitigate the financial pressure people face and ensure that cost is not a significant consideration, and it should not be a consideration when people need to access healthcare. This includes access to hospitals for children in this Bill and access to contraception, which will be reflected in the Bill as a result of



Committee Stage amendments.

I again thank the Joint Committee on Health for waiving pre-legislative scrutiny. I look forward to today's discussion.

**Deputy David Cullinane:** I welcome the Minister and commend the publication of the Bill. Any measure that reduces the cost of healthcare for any citizen is obviously to be welcomed. I also support and welcome the introduction of free contraception for women aged from 17 to 25 years. I commend the Minister on the very good work that has been done over the last year on women's healthcare, notwithstanding differences we had on the national maternity hospital. I accept that we have seen some significant changes in recent times in this area, on which much more needs to be done.

Three principles should underpin all of our approaches to healthcare, the first of which is accessibility. We all know the challenges patients face in accessing healthcare at every level, including long waiting lists, which are unacceptable in many different areas, long waiting times in emergency departments and people waiting longer to access a GP. All those access issues are very important, as are affordability and accountability.

Affordability and accountability are linked, as I will explain to the Minister. While the measures the Minister is introducing in this legislation are welcome, they are only baby steps towards achieving what is needed to move to a single-tier health service and universal healthcare system. We are a long way away from realising many of the big commitments that have been given, for example, universal GP care for all citizens. We have more to do even with regard to the inpatient hospital charges. The measure in the Bill relates to children only and should be abolished for all patients. We have the issue of car parking and prescription charges. The threshold for the drug payment scheme is still too high, although it was reduced in the previous budget. An awful lot more needs to be done to reduce the cost of healthcare. For me, however, the biggest issue is realising the objectives of Sláintecare and getting to a point where we truly have healthcare delivered free at the point of delivery, inasmuch as we can and certainly in primary care and acute care. We have a long road to travel.

The Minister and I have a difference of opinion on whether there is a need for an emergency budget. In the past few weeks, the Minister and the Government have introduced legislation to provide for commitments made in the previous budget. The Minister gave commitments in the budget last October that he would roll out contraception for women in this age group and that children aged six and seven would have access to GP care. We are still waiting for that. Other commitments were also made last October. In the most recent round of cost-of-living measures, provision was made to reduce the cost of inpatient charges. However, many of these measures take far too long to be brought in because of the contractual issues that must be negotiated to realise and deliver some of these issues.

Today, we heard that Electric Ireland is to increase its prices by at least 10%. Inflation will also hit 10%. Obviously, everything we can do to reduce the cost of living for families is very important, and healthcare is obviously part of that.

We are concentrating today on children and the abolition of hospital charges for children. A wider piece of work needs to be done regarding the cost of a child being sick. This is an issue the Minister raised when he was in opposition and it is one on which I would like to work with him. I have met many groups that represent parents of children who were in hospital for long

periods. This gives rise to significant additional costs. The cost of overnight accommodation is sometimes provided for in hospitals and sometimes not. When parents have to take time off work they have no entitlements, which is very difficult for them. We need to look at the cost of a child being sick and do much more for the families of children who find themselves in that position. As parents, the Minister and I know that when a child is sick, parents want to do everything possible to support their child. They should not have to worry about all the costs that go with that, which, unfortunately, many parents do. A huge amount more needs to be done in that area.

The Minister mentioned the rolling out of free GP care for seven- and eight-year-olds, which is welcome. However, he added the important caveat that we do not know when that will be implemented. That is part of the problem. This measure has been announced and announced again. This House passed legislation that enabled all children aged under 12 to access free GP care. We have not even got past those aged eight years and under yet because the Minister is still stuck in negotiations with the Irish Medical Organisation.

As somebody who wants to be in his position one day and who will have to answer, I am sure, similar questions on how quickly we deliver all these objectives, I say to the Minister that we will never deliver or realise universal free GP care unless we increase capacity and have a plan to increase training places. While I know that has and is being done, we must do more. We must also put in place a new, modern contract for GPs that reflects a modern practice. If we do that and put in the architecture and foundations, we will be able to expand universal GP care more quickly. I would like to see a long-term plan negotiated with the IMO, one that provides a new contract and sets out what we are going to do and the direction of travel. The *quid pro quo* would be that the IMO must sign up to a realisable objective of getting to universal GP care for all, rather than having these piecemeal negotiations by month or by year in which we do not get anywhere. The caveat that has to be noted is that the Minister cannot tell us today when this measure will be delivered. It has been announced and announced again, which, unfortunately, is just part of it.

I also wish to deal with the issue the Minister raised about innovative medicines and the reimbursement process. I have engaged with many people who work in this area. We are very fortunate that we live in a country in which many of these high-tech drugs are made. Huge innovation has been achieved in the pharma sector and healthcare generally. I am blown away when I visit some of our hospitals and training colleges and see the innovation and talent we have right across our health services. We see it also in innovation in new technologies, drugs and medicines, in which Ireland is a leader. We are not always a leader in those drugs being made available for patients, however. The Minister is right that more medicines have been made available in recent times and that more funding has been made available. Funding is part of this.

The reimbursement process is very cumbersome and takes far too long. I know the Minister's staff and HSE staff tear their hair out when they see the number of parliamentary questions Deputies submit week in, week out. We do so because we want to get information and understand how processes work. I tabled many parliamentary questions recently on this issue to better understand the process. It is really cumbersome and needs to change. Funding is part of it but how we arrive at that decision is also part of it.

The Minister will be aware that Kaftrio, the drug for children with cystic fibrosis, is one issue on which parents are campaigning. I know we can come in here every week and talk about

1 July 2022

some drug. There will always be a drug that is contentious and that will be part of a hot political debate. We cannot do everything but this is obviously an issue that, again, has understandable traction because these children will benefit from it, yet it is still stuck in the process. We do not know when a decision will be made on that particular issue.

We have an awful lot more to do to reduce the cost of healthcare. I do not believe there is a roadmap in place for delivering a universal healthcare system.

In the replies to all the parliamentary questions I put to the Department asking how much it is going to cost to remove private healthcare from public hospitals, I am told the Department does not have the costs, it is too complicated and the Department does not have the formula to work it out, yet this is an objective of the Oireachtas as part of Sláintecare. When I ask how much it will cost to deliver universal GP care for all citizens, I am again told the Department cannot cost it and does not know how much it will cost. If the Minister says that information is available, he should provide it to me. I can send him at least 50 replies to parliamentary questions I have received in which I have been told the Department cannot provide a cost. I will send every one of them to the Minister so he can see I have tabled these questions time and again. I have asked the question in many different ways and I cannot get a costing. I am told we have to look at demographics and increased demand. That is all true, but that work should be done. What is more difficult for me is there is no timeframe when I ask what the timeframe is to realise this.

These are issues on which I would like to work with the Minister because regardless of who is in his office these are the big issues that have to be delivered. An accessible, affordable and accountable healthcare system is one we all would like to see.

**Deputy Patricia Ryan:** The Bill exempts children under 16 years old from hospital inpatient charges. Sinn Féin welcomes this, but the Bill does not go far enough. The Government should abolish hospital inpatient charges for all patients. This should start with abolishing inpatient charges for all children and dependants, not just those aged under 16 years. The Minister is looking for a quick win to mask the lack of progress on universal healthcare. Over the past two years I have dealt with many people who have had to endure long waiting periods for hospital procedures before finally getting an appointment.

This Bill is an important step to help families who are struggling, but the Government could do much more to help them. The Government is also too reactionary in some areas, with no vision or forward thinking. It must go further to reduce the burden on struggling workers and families, especially on older people. Measures such as phasing out car parking charges for hospital patients and phasing out prescription charges must be prioritised. There has been no progress on expanding free GP care, despite the Oireachtas passing legislation in 2020. There are people whose children have completely missed free GP care. It was announced when their children were young, but the slow progress meant their children have outgrown it. They simply could not get it.

The Government has not done enough to train more GPs and dentists and to expand public primary care. I asked a parliamentary question last week about the number of dentists in County Laois who had left the dental scheme that provides dental care for medical card holders. The answer was that 14 dentists have left the scheme in the past two years and there is just one dentist left in the scheme. There is one dentist who accepts medical cards for a county with a population in excess of 90,000 people. What is the Government doing to address this

crisis? Nothing. It should be ashamed of itself. I asked the same question regarding County Kildare. The figures available relate to Kildare and west Wicklow. In April 2021, there were 46 dentists accepting medical cards. This has dropped to 38 this year, with just 28 dentists submitting claims for May. That suggests there are a further ten dentists who are not taking on new medical card patients or who have taken the decision to leave the scheme. This is a very serious crisis.

Anyone who has ever had a toothache knows there are few pains as bad. However, a medical card holder must wait in line with no prospect of an appointment. Otherwise, he or she will have to pay for private care, if that person can afford it. Obviously, the reason a person has a medical is that he or she cannot afford private healthcare. In the past month, patients of a dentist in County Laois have told me their dentist has written to them saying the dentist is leaving the scheme, and the patients of two dentists in south Kildare have told me the same. We are living in the sixth richest country in the world and have a health system that belongs in the Third World. That is despite spending €21 billion last year on our health service. I also asked the Minister for Health what options are available to medical card holders who are unable to find a dentist who is taking on new patients. The reply was:

Both I and the Government have been concerned for some time that medical card patients in some parts of the country have been experiencing problems in accessing dental services. The problem became particularly acute over the last couple of years as a significant number of contracted dentists chose to opt out of the D[ental] T[reatment] S[ervices] S[cheme].

I refer to what the Minister said earlier, “To address this problem, I secured an additional €10 million ... [in budget 2022] to provide expanded dental health care for medical card holders including ... the reintroduction of scale and polish.” There are no dentists. The Minister might be providing the money, but there are no dentists available. It is ludicrous.

**Deputy Stephen Donnelly:** The Deputy should read the next paragraph.

**Deputy Patricia Ryan:** The Minister need not panic because I am coming to the next part. It notes that there is €16 million of an underspend. I understand all that, but we still need to have dentists, so I do not know what the Minister is doing there. I will move on. The Minister and the Government are concerned, but not concerned enough to implement a comprehensive plan actually to address the crisis.

Last month in Kildare, President Higgins said that our greatest failure is housing. Surely healthcare is a very close second. The health system is broken. The Government does not even bother to pay lip service to Sláintecare anymore. My colleague, an Teachta Cullinane, has a plan that is fully costed and will address the health crisis. We know the issues and we have proposals to start to address them. They will not be an overnight fix, and we know that, but there will be an overnight indication that we are willing to take action. I am absolutely sick of the endless hand-wringing and whataboutery from this Government. We all see the problems and we need to act now.

**Deputy Martin Browne:** This Bill is welcome insofar as it abolishes hospital inpatient charges for all patients under 16 years old, but it is emblematic of the snail's pace of the Government's progression to universal healthcare. It appears the provisions of the Bill are less about achieving universal healthcare than about keeping up the appearance of trying to achieve it. While it is an important step for the families who may regularly require hospital services,

1 July 2022

and there are many of them, much more could be done to help them. That is especially relevant in light of the current cost-of-living crisis and the pressure on families, not only to pay for fuel, food, back-to-school costs and all of the other essentials that must be paid for but also to access medical care. We heard the Tánaiste say yesterday the cost-of-living crisis could last for years. At the same time, he refused the proposal of an emergency budget and is prepared instead to wait until the autumn while the crisis gets worse and the pressure on families continues to mount.

In the area of health, people are being faced with the consequences of decades of underinvestment by the Government. This has left Ireland in a situation where the system is vulnerable to any shock that may present itself. Healthcare workers are no longer attracted to what the HSE has become, so we are short of staff. That was only too apparent when the issue of needs assessments came to the fore. Home care is in short supply. Indeed I have fought for it on behalf of a number of Tipperary families for the past two years.

While the abolition of hospital inpatient charges for all patients under the age of 16 years is welcome, the Minister could do much more to reduce the cost of healthcare for workers and families. He could phase out hospital parking charges, especially for families who want to be near their children or other loved ones and have to cope with huge travel costs in travelling from County Tipperary to a hospital in Dublin each day. I could give the Minister several examples of families in that situation at present.

The Minister could also address the consistent loss of rural GPs in Tipperary by training more GPs and expanding primary care. Recently in Cashel we saw how difficult it is to replace the doctor at the minor injuries unit. The unit had to close for a time, and then it had to reduce from a five-day per week to a two-day per week basis for a time. This is where the Minister and the Government are failing. There has been no progress on modelling, costing or planning the roll-out of universal GP care, which would make a real difference in people's lives. These problems are of the Minister's making. It is no wonder people have to go to emergency departments when they either cannot get a GP or the local injury unit is closed. If they cannot get a GP, they must pay to attend the emergency department. Then there are the HIQA reports such as the recent one on the emergency department in University Hospital Limerick.

Again, I welcome this Bill, but it goes nowhere near far enough.

**Deputy Duncan Smith:** The Labour Party welcomes the provisions in this Bill both in the area of inpatient charges for children under 16 years of age and in the measure the Minister will introduce in an amendment with regard to contraception services. That is an especially progressive measure and will make a real difference. It is an early step in what will be, should the action plan on women's health be delivered, a further, more comprehensive suite of measures in respect of contraception and women's health in general. That is to be broadly welcomed. It is something that will be delivered and is deliverable, which is the proof of the pudding in anything the Government or we in politics do.

*3 o'clock*

The measure on inpatient charges is also very welcome. We would like to see a commitment in the upcoming budget to its extension and the removal of all inpatient charges. The cost of the removal of all such charges, based on the Department's own costings for 2018 to 2020, would be approximately €30 million. That is a significant figure and not something that can be



found at the back of the Department's couch, but in the overall context of the health budget it is not a major amount. Given the cost-of-living crisis we face, and the desire for free health access at the point of delivery, it would be great to see this measure extended in the upcoming budget. As I am sure the Minister will be aware, it is a key part of the Irish Cancer Society's pre-budget submission. We had a debate recently in the House on that and the Irish Cancer Society held a drop-in session in Buswells Hotel earlier this week. It was a fantastic and very well costed pre-budget submission that asked for the abolition of all inpatient charges and an end to the practice of debt collections in the health service.

This is a matter I will bring up again because it is something that is linked to inpatient charges and the fact people cannot afford to pay them as they exist at present. They can be capped at €800 but inpatient charges can go to debt collection within a month. I mentioned the cost-of-living crisis and how difficult things are for people. No one plans or wants to be in hospital. At almost all times, it is a surprise charge that can be imposed on an individual or household. It is something that hospitals, hospital groups and our publicly-funded health service are outsourcing. Whether someone is suffering from, recovering from or living with cancer or any other illness, or is in recovery from an illness after a stay in hospital, an automated phone call from a debt collection service is highly distressing. It is something we as a nation and the State and public health service should not tolerate. I ask the Minister to re-examine that matter. It is an ask that will not go away and has broad support across the Opposition. I am sure the Minister, many in his party and many in the Government parties do not want to see this, and do want to stand over a private debt collection service operating in our public health system. If that is something that could be looked at, it would be most welcome.

I was not going to mention the other issues. I was going to stick to the Bill, but as the Minister referenced them in his contribution I will speak to them. On contraception, I tabled a number of parliamentary questions regarding the provision of community-based vasectomy services. We have a real problem in Dublin as regards GP practices that have either been retired or passed on. Apparently, there is only one practice left that is providing this service. Recommendations were made by a working group in 2018, which the HSE and the Department were all for. When the pandemic happened, they were not implemented. I ask the Minister, through the parliamentary questions that will come across his desk in a couple of weeks, to have a look at that. It is an important public health and contraception measure that everyone in his Department is in favour of delivering on. I ask him to give it some attention.

The delay in the continuation of the free GP care scheme is something we feel very deeply. The Labour Party brought this in when we were in the Government. We are very proud of it. Everyone likes it. Everyone remembers other stuff we did in Government but no one ever seems to remember we did that when they are in the Chamber crowing about it not being extended. The Irish Medical Organisation and GPs are dragging their heels on it. The Minister needs to call them out. We need to have this scheme continued. The scheme has now been in existence for seven years but this Government and the previous one have not been able to extend it to six- and seven-year-olds, which would be a modest increase. We should be well beyond that. We should now be at a stage where we are looking at it for all. If we are including the group aged 16 and under in the reduction of inpatient charges, we should at least be there for the extension of free GP care at this stage.

The GPs and the IMO are getting away with blue murder in dragging their heels on this. The Minister needs to be more vociferous in calling them out and demanding they sign up, at a minimum, to the inclusion in the scheme of those aged six and seven, and then start including

eight-, nine- and ten-year-olds, and primary and secondary school students, as we move towards universality in free GP care. Children are more likely to visit their GP than to be inpatients in hospital, thank God. It is a more constant and regular cost-of-living issue. We now have accessibility issues tied into it, and trying to get more GPs on stream etc, but the fact this has now stagnated for seven years and has not progressed is not something the Minister will want to stand over. I think he would like to deliver, at least, what is now a very modest extension of the scheme to six- and seven-year-olds before the end of this year. It cannot just be another couple of lines in a budget without any delivery.

The work on new medicines is very positive. There will always be new medicines and therapies we will want to bring in. We will call for that when they happen, which will usually be in respect of young people or those with chronic diseases. We always need to strive to make sure we have the best new therapies available within our public system for people in Ireland who are sick no matter what their age. I can see the work that is being done, which will be ongoing.

There were two paragraphs in the Minister's speech regarding the dental treatment services scheme. I read the second paragraph as well. It states that the Minister hoped "this significant additional investment in the dental treatment services scheme will attract more dentists...". It will not. Dentists have turned their backs on the scheme. They believe it is totally outdated and archaic. It does not represent value for them and does not represent current dental services. I have raised this matter, as have Deputies Cullinane and Shortall, for the past year and more. It seems that when we have asked about the negotiations or engagements between the Department and the dentists' representative body, it is a case of the next quarter or the quarters thereafter, or there will be a meeting and then we will come back. There does not seem to be a sense of any real momentum and engagement. The Department may throw money at it, or allocate money to it, but if these dentists do not want to take part in the scheme and feel it is structurally unsound, they will remain outside it.

We are dealing with issues in our constituency clinics and offices every week relating to people who are unable to access dental services. The problem is chronic everywhere but very acute on the north side of Dublin. If I am out canvassing, after one hour at most, it will come up at least once on the door. It is always coming up now because it is impacting on so many people. Since people do not go to the dentist every week or every month, it may not have the momentum it should but it is impacting on them. They are forced to go private. They might get whatever emergency procedure they need done to get them over a particular dental issue. That individual may be sated for a while, but the issue continues. Dentists are no closer to re-engaging with the scheme. They will not re-engage with it as it currently exists. It has to be torn up and redone. That is just the reality of it. It will be expensive and uncomfortable but it has to be done. Otherwise, given the way it is structured now, we are consigning people on medical cards to be outside public access to dental treatment, which is a massively retrograde step.

The Department and the representatives of the Irish Dental Association need to get into real engagement on this. The Covid pandemic, which was the reason given for a couple of years that certain things could not progress, is now in a different space. Covid is not here in the way it was so there has to be the space for us to resolve this issue. While I appreciate the allocation of more money, and the PRSI cover for a scale and polish and all the rest, which is helping some people, the structural issues with the DTSS have not been addressed and seem no closer to being addressed.

I will finish by returning to the provisions of the Bill. It is important those aged 16 and under will not be charged for inpatient services in our public hospitals. That is a very positive and progressive step. It will help households and bill payers in families whose children have been in hospital.

That is to be welcomed.

I should have mentioned, when I spoke about the briefing by the Irish Cancer Society the other day, about how inpatient charges can accumulate. One of the patient advocates who has recovered from cancer had a two-year treatment through the private system. That person calculated they paid less than if they had have got the same treatment through the public system, and this is including the person's insurance premium and the €75 excess they had to pay in each of the two years. This was because of the inpatient charges the person would have incurred. It was €400 cheaper for the person to go private with their private health insurance than it was for them to go through the public system. I am doing up a note on that which I will send to the Minister. It is a kind of perverse example of how our health system is not functioning when it is more expensive to pay on the public system than on the private system.

I want the public system to be free at the point of use. I want it to be a world leader and for it to excel. I want private health insurance to diminish to such an extent that people do not want or need it because of how good the public health system is. That is the vision of Sláintecare, which is silent on private health insurance. The implication is that if Sláintecare is delivered, our health service will be good enough that no one will want private health insurance. That is where we need to get to. The above example is one to take note of because it certainly took me by surprise. The two main provisions of this Bill are a step forward. We look forward to supporting it before the Dáil recess.

**Deputy Colm Burke:** I thank the Minister for bringing forward this legislation. I very much welcome it. I will reply to a comment made earlier which compared the Irish healthcare service to the Third World. It is totally inappropriate. I say this as someone who has visited a number of countries in the Third World. Life expectancy in this country is one of the highest in Europe. To compare our healthcare service to the Third World is totally inappropriate. It is also a criticism of the people working in our healthcare sector.

Staff in our healthcare sector has increased by 35,000 people. Since December 2014, it has gone up from 103,000 to more than 135,000 whole-time equivalents. We are really talking about 150,000 to 155,000 people working in the sector. There has been a substantial increase. Yes, there are challenges in many areas, which will continue to be there and to be dealt with in the best way possible. It is important that correction is made.

I welcome the Minister's proposal on the removal of the inpatient charters for children under 16. It is very welcome. I very much welcome the fact we are also talking about a scheme to increase the age limit for medical cards which will bring in an extra 80,000 children. With regard to the proposed introduction of pre-contraception, I raised this as a Topical Issue matter last Thursday week, and I flagged concerns on a number of issues. The first was on whether there was a need for legislative regulation. The reply was not as informative as the Minister has been today. The issue of legislation is now clarified, which is one of the issues on which I was looking for clarification last Thursday week.

The second issue about which I was concerned was the agreement with the Irish Medical

Organisation, IMO. We need to get some clarification on that, because it is very important we have all parties on board with regard to dealing with and delivering this scheme. I was looking at a survey done on people in the healthcare sector. Some 41% of those interviewed were worried about cost recovery being in place with regard to the service provided. A concern was also raised about long-acting reversible contraception, LARC, in terms of whether we have sufficient training available for GPs. The other issue with the roll-out of this scheme is the geographical spread. Has enough work been done on that issue to make sure all areas of the country have access to the scheme? It is very important.

The third issue was the information campaign. We need to get clarification about the roll-out of an information campaign and, in particular, the issue with third level colleges. It was for that reason I tabled that Topical Issue matter last Thursday week. We are talking about having this up and running by the end of August. I am not sure whether we are dealing or have dealt adequately over recent years with the importance of our third level institutions and making sure we have adequate medical support for people who attend our third level colleges. However, I welcome that we are now covered by way of legislation. I know it is an amendment to this Bill. It is extremely important we make sure all the i's are dotted and t's are crossed with the introduction of the scheme and that it is available in the time planned, which is August of this year.

I will move on to the issue of new drugs. The former Belgian health minister did a short presentation at the Oireachtas Joint Committee on Health recently on the issue of the group of countries in the Benelux agreement. Despite the fact that six countries are involved in the Benelux agreement, there is still a problem with regard to the timescale. We were given information to the extent that it is taking approximately 212 days for a new drug to be made available in Denmark, whereas it is taking 440 days in Belgium and 477 days in Ireland. That is an average timeframe. It is great we are now putting more funding into this area and that is very welcome, but it is very hard to explain the timescale to a parent of a child who needs a particular drug and cannot access it when it is available in another country in the European Union and even one that is part of the Benelux agreement.

I was on the committee on health back in 2018 when it did a report on this. We made substantial proposals about how to expedite the issue of availability. It is interesting that when the European Medicines Agency approved a drug for Covid, it was suddenly made available to 450 million people within a very short timeframe, and rightly so, but when a very small group of people need access to a drug, the average time period, as given to us at that committee meeting, is 477 days. We need to look at bringing about the change required to make sure people can get a drug in a timely manner. We have been talking about it. The committee on health dealt with it back in 2018. We are four years on. The time period for getting access to medication has not decreased. It is a very important issue we need to prioritise.

There are challenges within the healthcare sector on which we all need to work, such as the roll-out concerning GPs. We are talking about GPs providing services but also about a major challenge coming down the road with the GP workforce in that quite a high number of GPs are over 60 years of age. Will we have an adequate number of people to replace those GPs, given that we have a considerable increase in population? We need to have more GPs available on the front line to deliver services. We need to look at how we expedite the increase and make sure we have GPs to replace those who are retiring and an adequate number of GPs to deal with our growing population. We have been very lucky in this country in that, over the past ten years, we have increased the number of people in employment by 650,000. It is a considerable increase. We have also increased the demand for services. One of the services for which the demand has

increased is healthcare. We must respond accordingly, in particular on the front line. The more GPs we have, the more people we will keep out of hospital.

I thank the Minister for bringing forward this Bill and I look forward to working with him on passing it through both Houses and on its implementation.

**An Ceann Comhairle:** We will go to Deputy Ó Murchú for a perspective from County Louth.

**Deputy Ruairí Ó Murchú:** I agree that a lot of people use dramatic language about the health service. We all know how difficult the work in the health service can be. Sometimes that is down to the weaknesses that exist there but it is not to take away from those who work in it. All of us and our families have received great care there but we also know about the issues with waiting lists and we know about the costs. We all welcome this Bill in the sense that it will reduce some costs but we can go further.

We also believe we can have a better health service and that is what we want. We want a first class or first world - call it what you want - healthcare service. We all agree on the idea of Sláintecare and universal healthcare and one of the few lessons I hope we retain from the pandemic is the necessity for a public health system to deliver when necessary and we have to all play our part in making that happen. We welcome the abolition of inpatient hospital charges for children and we would like to see that go further. Many have spoken earlier about the difficulty with universal GP care and none of that will exist unless we have a greater level of GPs. I would also agree with what a number of colleagues said earlier about dealing with stakeholders as we make that difficult journey. I can make an argument that we might need to plan better, work harder and negotiate better, but if there are obstacles and difficulties it would not do any harm for the Minister to appraise the rest of us of that. Sometimes it can be that if you are in the right, if you have put your arguments and if you are not being dealt with fairly then it is fair enough that we have that argument out there in the public domain and we will see where the chips fall when it can be done.

Since the Minister has been appointed and in the short period of time I have been a Deputy, I have spoken many times on the DTSS and Louth, and Dundalk in particular, was one of the first areas where an issue had blown up when my dentist informed some of his patients that he would not be able to take care of them. Like many others he spoke about the difficulties with the system so we need a real fix in that regard. I accept that some works have been done and we need to go further.

I notice that, as per normal, I have left myself with insufficient time; maybe I was a bit too dramatic. A number of us would have met Debra Ireland and those people who are suffering from epidermolysis bullosa, EB. We know that it put forward straight asks about securing flexible care packages and it is talking about a fund of €786,000. It is also talking about a nurse who would be able to work between hospitals and the community and that would cost around €75,000. Due to the mental anguish and issues that relate to the condition it is asking for a psychological service that would cost in and around €80,000. If that could be considered many people would find that really useful.

I know I am taking liberties at this stage but the Minister and I have spoken many times about Dealgan House Nursing Home and I mention the loss of 23 people there. The families are-----



**An Ceann Comhairle:** The Deputy is wandering a little away from the subject matter of the Bill.

**Deputy Ruairí Ó Murchú:** -----under severe pressure but the Minister had met-----

**An Ceann Comhairle:** The Deputy is taking advantage of my gentle nature.

**Deputy Ruairí Ó Murchú:** -----some of those families and they had spoken about the fact that they needed a mechanism to provide them with the necessary answers. We always look for a public inquiry but the Taoiseach and others have talked about the type of inquiry they do not want. We need to see what sort of inquiry the Government will come up and we need it as soon as possible. I apologise greatly-----

**An Ceann Comhairle:** Put down a Topical Issue on the matter and we will give the Deputy an opportunity to engage with the Minister.

**Deputy Róisín Shortall:** I welcome this Bill and it is good the Government is abolishing the inpatient charge for children under 16 and that parents will no longer have that as an additional worry when their child gets sick and has to be admitted to the hospital. The Minister made the point that it will ease the financial burden on parents and ensure that cost is not a significant consideration for families when children have to go into hospital, which is good.

However, it begs the question of why anyone should have a financial burden when they have to go into hospital. The bar is set pretty high to be admitted to hospital. You are seriously ill if you are admitted to hospital and you need some kind of procedure. To stay there one night is not something you have any control over or that you can do anything about in terms of going anywhere else or getting it done on the cheap; there is no alternative to that. When somebody is admitted to hospital for one night they are charged €80, and many people would be in for ten nights so that is a charge of €800. This is a problem that applies to all families that do not have private health insurance. What exactly is the rationale for that? I cannot see how there could be any rationale for it. If somebody has to go into hospital they have to get treatment and they are seriously ill and we charge them for getting that treatment. Why do we do that? In the case of most families, particularly in the present climate, where do we expect that people will get €800 to pay a hospital bill? It is not as if we are talking about people who have money in the bank or who have savings. Why are we continuing to charge people for going into hospital for a procedure? It makes no sense whatsoever and in most other European countries this is unheard of. It is grand to finally be moving on children under 16 but there is no justification for charging people for being admitted to hospital. That was one of the key things that was looked at in Sláintecare.

There are many elements of Sláintecare which were all phased in detail over the ten-year period in the report. Under the heading of reducing and removing charges the first action mentioned is to remove inpatient charges. The proposal is that all of the charges should be removed in the first year of Sláintecare because there is no justification for them. They only cause hardship to people and the Government needs to make much more progress on this. I accept that the past two years have been difficult and have cut across the implementation of Sláintecare. We have lost the implementation people and all of that and it is regrettable that this was allowed to happen but things are getting back on track somewhat and I expressed the view at the most recent meeting of the Joint Committee on Health, when we had Mr. Watt and Mr. Reid in talking about regionalisation, that for the first time I got a sense that this is taking shape. In particular,

the appointment of Liam Woods to head up the regionalisation is a positive development and it is a statement of intent on behalf of the Minister and other senior people in the health service, which is welcome.

The progress is painfully slow, however. There is all the structural and legal stuff, which is complex, but the fundamental problem with our health service is that it is inequitable because it denies care. It often denies lifesaving care to people because they cannot afford private health insurance and that is the only reason the care is denied. We are a complete outlier when it comes to the rest of Europe. The idea of paying to see a GP or because you have to be admitted to hospital is unheard of elsewhere and the idea of paying for medicines is unheard of in many countries. We are completely out of line with everywhere else in that. This measure is fine and grand but it is only a drop in the ocean in what needs to be done to remove that barrier to healthcare and cost is a massive barrier to people accessing healthcare. Given the way things operate at the moment, I have a concern that while we are talking about Sláintecare and slow moves are being made to go down the road towards implementation, there is at the same time creeping privatisation in the health service. The worse the public health service is, the more demand there will be for private healthcare and the more money to be made from it. The reverse is the case too. If there is a really good public health service, there is not a demand for private health service and people are precluded from coining it. They are the vested interests, the people who will knock on the Minister's door and are continually, I am sure, trying to prevent the implementation of Sláintecare because it interferes with their business and profit-making. That should not be the concern of the Minister or Government because the number one responsibility in healthcare is to make sure people have access to it. Affordability is critical, as is adequate supply. At the moment, large numbers of people find their care delayed, deferred and, in many cases, denied. That is because they do not have the money in their pocket. That is completely wrong and inequitable, and that is one of the key principles behind Sláintecare. At this stage, cost should not be a barrier for people accessing care.

With regard to that creeping privatisation, we are seeing more and more that GPs and consultants are gatekeepers to care, particularly in respect of diagnostics. Because there are such long delays and waiting lists for diagnostics of all kinds, we have a practice whereby people are advised to go off and raise the money. They beg, borrow and steal to raise the money if somebody is seriously ill in the family. They are advised to get the money to go privately for an MRI scan, CAT scan or whatever it is. By doing that, they can skip the queue because they then get quicker access to public healthcare. That is wrong. It should not be like that and it is putting enormous pressure on people. One can understand it very well. For any of us, if a family member is sick, we will do anything to get them treatment. People are being forced into debt and all kinds of difficult circumstances to get that initial diagnosis so their family member can access the care they need. It is unfair and wrong and we should not allow this situation to happen.

I was at a meeting of the Joint Committee on Disability Matters a few weeks ago and listened to parents talking about the fact they could not get an assessment of need for their kids with a disability. They had to go off and borrow money if they could, get it from their family, credit union or whatever to get the assessment of need. By allowing a situation like that to continue with the health service, it drives behaviour for people, not only for trying to access it but for staff in the health service. The health service is becoming more and more difficult to work in but there is a perverse incentive for people to go into private practice. The people who do assessments of need, rather than dealing with a massive waiting list, can go out privately, do private assessments of need and get paid better on the basis that they get a payment for each

assessment they do. It is much more lucrative and less stressful. People are incentivised to set up in private practice because the services are so dysfunctional. Families with children with disabilities may borrow that money and get a private assessment of need but then the therapies are not available because there are so many vacancies among therapists.

Time and time again, people who do not have private health insurance are being hammered for the fact that they cannot afford health insurance. It should not be about that. People should not be forced into a situation where, if they can possibly afford it, they will take out private health insurance. Private health insurance is an additional health tax being forced on people. If people pay their taxes, the least they can expect is a functioning public health service. We do not have that and there is no great sense of urgency about implementing the programme that is there. This is a unique opportunity the Minister and the Government have to deliver something really substantial. They will not have opposition from other parties here. It is a great opportunity to do something of massive significance to huge numbers of people in this country. It would be a great legacy for the Government to leave behind. Healthcare and access to it is so fundamental to people's lives, welfare, quality of life and general well-being that it has to be prioritised.

Funding has not been a massive issue in recent years and money is being provided for services at budget time. It seems great and one hopes that will solve problems in that aspect of healthcare but invariably halfway through the year or at the end of the year we discover that the money was not spent because it was not possible to recruit staff. That is because we do not have staff. We have driven many healthcare workers out of this country because they cannot take the pressure, dysfunction and the fact they have to continuously apologise to their patients for poor service.

There also seems to be very little workforce planning going on, which is a huge issue. When we were doing the Sláintecare work, we had Stephen Kinsella in speaking to us and at that stage there was a plan to bring him in to look at the question of workforce planning. I do not think anything came of that. Is there any connection between the demands of the population in terms of healthcare workers and the places provided in third level colleges? I am not aware of any connection there. At this point, there are serious shortages almost cross the board in the health service. We are hearing more and more from Ministers that the issue is not money; it is availability of staff. It is fine in theory to provide funding for this, that and the other but the services do not follow because we cannot get staff.

There are many issues about workforce planning that need urgent attention but the primary thing in respect of staff is ensuring we keep staff here and that they are encouraged to be part of the reform programme and leading that reform in healthcare. If people are given confidence that we are serious about reform and Sláintecare will happen in a reasonable time, they will get involved because it is potentially a transformative plan and hugely exciting for the country. It could change people's lives but they have to have the confidence that people are serious about it and that it will happen. They have to be invited back to lead the reform programme.

That brings me to the question of consultants and GPs. There are shortages across the board but particularly in doctors. It is unforgivable that negotiations on the new consultant contract have been in abeyance for six months. Why is this the case? There is an attractive Sláintecare contract for consultants. Why are we not going out of our way to attract back consultants on the basis of those attractive contracts? We should be doing everything possible, not leaving it aside and ignoring it.

I have said frequently that most young GPs do not want to be businesspeople. The business model involved in the GP contract is massively outdated. Most young GPs want to be GPs and to practise medicine. They do not want to buy premises and set up a business nor have they the capital behind them to do so. We should be employing GPs. We should have salaried GPs. There is a shortage of GPs generally and also a shortage of GPs who are in a position to provide their own premises. There are also shortages of GPs for disadvantaged urban areas and remote rural areas. There is a shortage of GPs to carry on out-of-hours services. Many qualified GPs would happily come back to do that work. There are also many GPs who want to work part time or to job-share but those options are not open to them. Why are we not availing of these opportunities to strengthen the health service? I just cannot understand it. The Minister would have the full support of people on this side of the House if he pressed ahead with the implementation of the Sláintecare contract and introduced salaried GPs or different arrangements in respect of the employment or contracting of GPs. Just because we do things a particular way with regard to the employment of consultants or GPs - and we know that both areas are problematic - and have done so since the beginning of time, it does not make it right nor does it mean that we have to continue to follow those problematic approaches. I strongly urge him to change that.

There is another thing I wish to say about this legislation, apart from that it should apply across the board to all of the population. Will the Minister at least prioritise one more very important group of patients, that is, cancer patients? As he will be aware, the Social Democrats moved a Private Member's motion on this issue a few months ago. It is unconscionable that people who are diagnosed with cancer and who have to go into hospital to get treatment, whether radiation therapy or chemotherapy, are faced with a bill of up to €800 for that treatment. People have told us that they were in the process of getting life-saving treatment and, before they got home from hospital, a bill had arrived for their inpatient care. What on earth is the justification for that? Within a matter of weeks, if they have not paid the bill, the hospital gets the debt collectors onto them. These debt collectors are ringing people up and calling to their homes. They are telling people that their credit rating will be affected and so on when those people should be concentrating on their recovery following their diagnosis and treatment rather than worrying about where they are going to get money to pay for that treatment. The amount involved here is not very big. I ask the Minister to give priority to this group of patients in October's budget because what is happening at the moment is just wrong.

My next point relates to the amendment he proposes to table on Committee Stage next week about something very worthwhile. The free contraception scheme is very good. With regard to this legislation, I am concerned that it is happening so late in the day. It is obviously outside the scope of the legislation, which is why the Title had to be changed. The Joint Committee on Health got a briefing on it yesterday. When I then went to submit amendments yesterday evening, I discovered that the deadline was yesterday morning, which was before we got the Bill, saw the amendment or anything like that. I thank the Ceann Comhairle, who acceded to a request to extend the deadline for amendments. I hope the Minister and his officials learn a lesson from that and that they now know it is not a good way to do business. It is also not very respectful to the House. Notice needs to be given. This was a commitment in the programme for Government and fair dues to the Minister because he is now delivering on it. It should have been handled differently, however. Although he mentioned the amendment in his contribution, we have not yet seen it. It will be sometime this evening before we do. It is a popular thing and a very worthwhile addition to the legislation. I very strongly welcome it and the removal of inpatient charges, to the extent that is being provided for, although it needs to go much further much more quickly.

**Deputy Jennifer Murnane O'Connor:** I welcome the Bill, which provides for certain exemptions from charges for acute inpatient services, particularly for children younger than 16 in all public hospitals and for persons who have chosen to avail of private acute inpatient services. When enacted, this legislation will ease the financial burden of parents and guardians when bringing their child to hospital for inpatient care and will help to ensure that cost is not a significant consideration when children require access to inpatient treatment.

The Minister has also received Government approval to table a Committee Stage amendment that will insert provisions to provide for the free contraception scheme for women aged 17 to 25. The proposed contraception amendment aims to remove cost barriers to contraception for those women. This will be particularly significant for those who are just above the means-tested limits for medical and GP visit cards and those who are still in full-time education and financially dependent on parents and guardians.

Public patients, including children, are subject to a statutory public inpatient charge of €80 per night for up to a maximum of ten nights a year, which equates to €800. Medical card holders and certain other persons are exempt from these charges. The Bill will remove the statutory acute public inpatient charge. I really welcome this as it will ease the financial burden on parents and guardians when children are going into a hospital. That is very important.

I still have many concerns, however. Medical cards have been mentioned a lot in the debate. The Covid pandemic has been extremely hard for people, particularly older people. A great number of people have come into my clinics in recent months to ask about hospital appointments and how long they are waiting for them. These are mainly medical card holders. Many older people have come into my office because some doctors are charging for blood tests. In the context of the current cost of living, everybody is finding it hard to make ends meet. The issue of extras, such as blood tests and medication that people need, is becoming very serious for me. The Minister brought up the issue of dentists. I welcome the €10 million he has put into this area but I have received several phone calls from people in County Carlow who tell me their dentists are not taking medical cards. There is a reason that people have medical cards. It is important that they get the treatment they deserve. I ask the Minister to try to sort this issue out. It is very hard if you have a pain in your tooth or if you need a filling but are not in a position to pay for it and the dentist tells you he does not take medical cards. That is one of the most serious issues I have been trying to work with people on in recent months. I ask him to address these issues and to do something as soon as possible. I do not know whether more funding is needed in this area. If it does, it needs to be provided. We have to make sure that the most vulnerable people in our society have access to doctors and dentists and are not forgotten.

**Deputy Paul Donnelly:** I welcome the Bill to exempt certain groups, including children under 16 years of age, from statutory charges for inpatient and day care services in public hospitals. I am sure this will be a welcome relief for hard-pressed families given the increase in the cost of living in all other aspects of life but it needs to go much further. The fact that these charges were introduced in the first place is actually quite unbelievable. As a parent of four children who has had to visit Temple Street hospital on several occasions, it was very annoying to be faced with an enormous bill when all I was thinking about was my sick child. This is a small step in the right direction, that is, towards a centrally funded health service that is free at the point of delivery. The Government needs to ensure we move to full implementation of Sláintecare as quickly as possible.

I also welcome the provision of contraception and reproductive healthcare. This is very



positive news but I am concerned that like other promises made, it will be easier announced than done. We are awaiting several measures the Minister announced this year and last.

I will take this opportunity to outline another cost associated with visiting a hospital. It is incredible that, on arriving at a hospital in a hurry when visiting for treatment, or even going to visit a family member who is an inpatient, the first thing people have to do in most hospitals is pay for car parking. It is the last thing they should be worrying about when having to attend hospital. I have raised this issue with Connolly Hospital in Dublin 15 on many occasions. Local Sinn Féin members organised a free car parking day in the hospital, where activists stood there all day and if clumpers came along, we paid the car parking. That was just to highlight how wrong it is that people going into hospital have to pay for car parking. Just up the road in the Blanchardstown shopping centre, there are 6,000 car parking spaces. I could go to the shopping centre, do my shopping, spend all day there and even leave the car overnight and I would not be charged a single cent. Yet if I go to visit a sick relative, or if I am sick or have to go to the emergency department, I have to pay for that. If I do not, I get clamped and charged €80 or €100. The system we have in place is wrong. I spoke to people in hospital management, who said this was worth €250,000 to them each year. That may seem like an awful lot of money but in the scheme of things it is a very small amount. This must be addressed. My colleague, Sinn Féin MLA Aisling Reilly, successfully got a motion passed in the Assembly to make car parking free at hospitals across the North. It will abolish this unfair tax on health workers, patients and visitors. It is time we follow suit.

**Deputy Gino Kenny:** People Before Profit welcomes this Bill. It is quite progressive, as is the contraception scheme. Outpatient charges are not conducive to Sláintecare whatsoever. I think the Minister would agree with that. Most people listening will be asking themselves why we pay inpatient charges in the first place. This is welcome but there is a long way still to go. Children who attend the emergency department will still be charged €100 for every visit if they do not have a medical card. That is not progressive. The charges will also still exist for inpatients. Those inpatient charges can be a financial burden on those who have to visit hospital on numerous occasions. That is not conducive to the Sláintecare policy.

There is a juxtaposition between outpatient and inpatient charges and debt collection. In the past three years, the HSE paid €1.3 million to debt collectors. That is an incredible statistic. The HSE paid all that money over the past number of years to debt collectors to chase people up because they had not paid their charges. That is a complete waste of money. That money could easily have been spent on healthcare and on people presenting themselves in emergency departments.

**An Ceann Comhairle:** Do we know how much they collected?

**Deputy Gino Kenny:** Sorry?

**An Ceann Comhairle:** Do we know how much of the €1.3 million-----

**Deputy Gino Kenny:** The €1.3 million was spent by the HSE on debt collectors.

**An Ceann Comhairle:** How much did the debt collectors collect?

**Deputy Gino Kenny:** I am trying to get that information. It would be very interesting to see how much money they actually gathered.

**An Ceann Comhairle:** It would.

**Deputy Gino Kenny:** Charges should be abolished, full stop. The amount of bureaucracy that goes into this, between paying debt collectors and the administrative work involved in inpatient fees, is not efficient. This is in the context of the cost-of-living crisis many families are going through. This Bill is welcome so people will have to access healthcare and so forth. It is welcome that this is happening but there is a long way to go regarding stealth costs in our health system. The aim of Sláintecare is to have a universal healthcare system so that when people need access to healthcare, there is no financial penalty to pay. That is a good thing but there is still a long way to go to complete the policy of Sláintecare.

**Minister for Health (Deputy Stephen Donnelly):** I thank all Deputies for their contributions. It has been a very useful debate. I have taken several notes and the officials and I will work to go through some of the thinking and some of the suggestions, particularly in the context of the upcoming budget. The programme for Government sets out the pathway for expanded access to healthcare. This is all with the singular purpose of achieving universal healthcare in our country. The measures being introduced in this legislation are intended to support access to care for those who need it and to make sure we have fair and affordable care. Abolishing the acute inpatient hospital charges for children under 16 is important but there is more to be done; I fully agree with Deputies on that. The Bill is focused on easing the financial burden for parents and guardians when bringing their children to hospital for care. That is why I am committed to putting it in place very quickly so we can get on with enacting it. I am also very keen to have the free access to contraception scheme in place as quickly as possible. That is why I propose to amend the Bill on Committee Stage. The proposed amendment will bring about the scheme so we can introduce it as early as possible. My intention is for the scheme to be live within the next few months.

There has been a lot of very good discussion this afternoon on universal healthcare. Universal healthcare is a very simple and profoundly important concept. The principle of universal healthcare very simply states that when any man, woman or child needs access to healthcare, whether preventative care or care when they get sick, they will get that care quickly, it will be good quality care and it will be affordable. That is it. There are three tests. As we all know, in some areas of healthcare we are there but in far too many aspects we are not. This is one of the most important unfinished projects of our Republic. For us to realise the Proclamation and the ideals of some of the people staring over us every day - those bronze busts and heads around this Chamber - we must achieve universal healthcare in this country. It can never be acceptable that the level of care a child gets could have anything to do with how much money their mum, dad or guardian makes. That is something we must also consign to history.

Significant progress is being made on our way to universal healthcare. We all know it cannot be done in one, two or three years. It is a huge project. Even if there was infinite money, we have to build up capacity and make changes that take years. A lot of progress is being made. I note some of the supportive comments that were made on affordability, which is the topic of this debate. We have reduced the threshold under the drugs payment scheme.

*4 o'clock*

We are bringing in free GP care for six- and seven-year-olds, abolishing hospital charges for children, bringing in free contraception starting with 17- to 25-year-olds, and expanding the dental treatment scheme, notwithstanding the very real challenges. In the past two years, we

have increased the budget for access to new drugs by €80 million, which is huge. That is what we have done so far to address affordability. I fully agree that we have to go further, but those measures are just those introduced this year, which is a lot to achieve in one year.

The second big focus is quality. The narrative in Ireland is that care can sometimes be hard to access, but once someone gets access to it, it is world class. We can never take that for granted, which is why we are investing so much money in clinical strategies, including the national cancer strategy, the maternity strategy, the trauma strategy, the paediatric model of care and so many more, and it is why I have focused so much and the Government has invested so much in women's healthcare. While the quality of the care and the services in most areas of our healthcare system are world class, there are areas where we have much more to do. We need a revolution in women's healthcare, which is what we are aiming to achieve.

We have to be able to access healthcare when we need it. We are doing a few things. First, we are investing in a waiting list action plan of €350 million. It is an ambitious plan. Its aim is to reduce the number of people waiting by 18% by the end of the year. If we achieve that by the end of the year, we will have the lowest waiting lists in five years. There is a long way to go and we could be derailed by Covid, but that is the plan. To date, we are on track. Some bits are going better than we thought and other bits are not going at the speed we wanted. So far, we are on track, so we will keep pushing with that. Second, we are adding permanent capacity. I will respond to some comments that we are moving slowly on permanent capacity. The facts tell a different story. In the past two years, we have added more clinicians and other staff to the HSE than in any two years since the HSE was set up. The past two years are the first and second where we have added clinicians to the workforce. We have also added five years' worth of beds in just two years. Sláintecare has a 14- or 15-year plan for capacity and investment in beds. We have done five years' worth of that in the past two years, which is important. That includes inpatient hospital beds, critical care beds, and other areas. We have added diagnostics at a level that has never been seen previously. GPs now have access to diagnostics that they never had. Some 138,000 additional scans were funded last year under a €25 million programme. This year, there have already been more than 100,000 scans, so there will be many more scans this year than last year. It is by no means sorted but there has been significant progress.

Another part of this is hospitals. We are progressing four hospitals at present, including the national maternity hospital and three elective hospitals, as well as finishing the national children's hospital. Those will make a big difference.

Finally, there is a modernisation agenda, which involves building an entire community care service. I have sanctioned 3,500 new therapists for community care. Despite the recruitment challenges, 2,000 of the 3,500 are now in place or will be deployed shortly. Some 81 or 82 of the planned 96 new primary care teams are up and running. Many of the other specialist community teams are now in place. We are deploying advanced nurse practitioners and advanced midwifery practitioners. Ireland will be a world leader in advanced practitioner practice. It will be one of the biggest changes we have seen in healthcare. We are changing the models of care so that people are cared for in their home or community rather than going into the hospitals.

It is nice to hear the acknowledgement that we are deadly serious about moving to regional health areas. We are doing so, with a serious team involved, as well as a serious advisory team led by Leo Kearns. Much work is going on there.

It sounds like the Bill will be supported with regard to both children's hospital charges and

1 July 2022

free contraception. I thank Deputies for that. I agree with colleagues that there is much more to do. Ireland is an outlier with regard to paying for GPs and some charges in hospitals. These are only two steps but they are two very important steps. For the first time, we are removing inpatient hospital charges for children. That is an important signal in respect of where we are bringing our public healthcare system. I believe the introduction of free contraception is a landmark policy change. We are starting with 17- to 25-year-olds and younger women. It is an important move. I thank colleagues for their ideas, the challenges and the support for the Bill.

Question put and agreed to.

*Cuireadh an Dáil ar athló ar 4.06 p.m. go dtí 2 p.m., Dé Máirt, an 5 Iúil 2022.*

*The Dáil adjourned at 4.06 p.m. until 2 p.m. on Tuesday, 5 July 2022.*