

New Government Must Prioritise Inclusivity in Education

An opportune time

The publication of this edition of *Ireland's Education Yearbook* comes as a new government looks ahead to its new term and the priorities it will pursue. So it is an opportune time to detail what my office believes needs to be prioritised in education. And where better to begin than with the voices of the key stakeholders in our education system, the children themselves.



Dr Niall Muldoon
Ombudsman for Children

Last summer, our office surveyed over 1,000 secondary school children from across Ireland, to get their views on what they would like to see for the future of Ireland on a number of key issues, including education. Our *Tomorrow Starts with Us* survey found that the majority of students (62%) are happy with their education (stating it was Good or Very Good) and that 71% agree that 'Ireland is a good country to reach your full potential'. Some of the children we spoke to even described Ireland as 'class', 'welcoming', and 'wonderful' – so I am certainly not going to say that education in Ireland is anything less than very good.



Ireland consistently scores well in our testing on reading, maths, and science compared to other OECD countries (PISA scores), especially when it comes to top-performing students. Overall, 92% of our children who start second level (but just 86% of DEIS students) complete the Leaving Certificate. We are also now beginning to rethink how we test and evaluate our teenagers, through Senior Cycle reform. We have started to offer therapy in primary schools, which is a major step forward in our battle to help children with their mental health. So education is in a very positive space at present.

But (and you all knew I would have to have a 'but') I now believe it is time to put a lot of energy into the 10%–15% of our children who are *not* able to fully access and benefit from education due to a range of different issues.

Ireland's education system is performing well overall, with positive developments in evaluation and provisions. But some children still cannot fully access and benefit from education. This article outlines three clear actions for the new Minister for Education in their first 100 days in office. No child with special educational needs should be left without a school place next September; children with disabilities need to be supported; and mental health supports need to be expanded across all schools.

These might include disabilities (physical, emotional, or intellectual), poverty and disadvantage (we perform well internationally on headline PISA scores, but students from disadvantaged backgrounds consistently do worse than their peers), a lack of support at home, and pressure to leave school or to engage with criminality. The individual issues for students might revolve around sexuality, identity, or ethnicity, and negative experiences at school due to racism, discrimination, or bullying. The most upsetting stats from our survey are that 36% reported experiencing discrimination, and 15% experienced racism.

Inclusive education

I was asked to write this article as a list of actions that will be needed when the new government comes into being. I hope this can act as a guide for a Programme for Government in relation to education. For me, there is one crucial commitment, made by the last government, which has not been followed through on as promised: *'Ensure that each child with a special educational need has an appropriate school place, in line with their constitutional right.'* For the past three years, inclusive education has been a strategic focus of my office. Despite some progress, the government has fallen well short of this commitment.

In June 2022, we published *Plan for Places*, our report on forward planning for children with special educational needs (SEN). In it we highlighted an unacceptable situation that saw a number of children left in limbo and facing into the new school year with no school to go to. The issue dominated the headlines and focused government attention on what was an emergency situation, particularly for children in provision black spots such as Dublin and Cork. Promises were made that no child would be left without a place that September.

Two years on, we published an update report. There is no doubt that things have improved; however, despite these positive strides, we can't forget that we were coming from a situation that was simply unacceptable for children with SEN, and one that unfortunately hasn't gone away. On 2 September 2024, the Department of Education told us about 126 children who have no school place this year.

Added to the lack of forward planning for school places is the poor access to support services for children due to the complete farce surrounding the Assessment of Need (AON) process. Access to the services are the true key to unlocking the value of education for *all* children, and it starts with early intervention.

In 2020, when the Programme for Government was published and a commitment was made to reduce the waiting times for AON, just over 6,000

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children were waiting for an assessment. By 2022, the number had reduced significantly, but after a High Court ruling that the HSE's standard operating procedure was not compliant with the Disability Act 2005, the number began to rise again, rapidly.

Now, with the HSE estimating that over 20,000 AONs will be due for completion by the end of 2024 (HSE, 2024), the time has also come for us to face the truth: that as a nation we have deliberately designed our legislation to save us money rather than help children with disabilities.

The Disability Act 2005, which allows for an AON to be completed for a child within six months from date of request, was deliberately written to exclude the provision of services following such an assessment. This needs to be reviewed, as it provides for a diagnosis-led, rather than a needs-led, model which is not in line with a rights-based model under the UN Convention on the Rights of Persons with Disabilities. It is also not acceptable that the provisions for an educational needs assessment under the Education for Persons with Special Educational Needs (EPSEN) Act, which is the responsibility of the Department of Education, have not been progressed.

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The new government needs to grasp that nettle and recognise that the majority of parents, who are investing enormous amounts of energy and money – both of which are likely to be in short supply when they have a child with a disability – into seeking an AON, would much rather that their child is given access to services they need.

I believe that fixing the AON situation will require a whole-of-government approach and joint work between the Departments of Education, Health, and Children, via the HSE. It is no longer tenable that they should each be working on this via parallel systems. The children, and their parents, deserve to know that the two main providers of services are trying to resolve it as a single issue. If the new government were to remove this obstacle for so many children, they will be progressing education enormously and making space for those children to begin to fully reach their potential. It is the very definition of game-changing.

We need to work towards a future where all children living within a community enter through the same local school doors and are given an equal learning experience in an environment that accommodates their individual needs. Only then can we say we have the truly inclusive education system that every child is entitled to.

Three clear actions

In the past few months, my office has been raising these concerns and our solutions with political parties as they prepare their election manifestos. Our

aim is that the next Programme for Government is child-rights-centred, and by the time this article is published, my hope is that we will have strong commitments from the new government that are actionable immediately, to ensure that Ireland can uphold every child's right to good-quality and inclusive education.

In the first 100 days of office for the Minister for Education, I want to see three clear actions.

Firstly, I want to see a clear plan to ensure that September 2024 is the last time any child is left without a school place. The time for excuses has long passed. Data, resources, and political will are all needed to achieve this.

Secondly, when it comes to supports for children with disabilities, we must work together to meet the immediate needs of children through additional service provision in the short term. In tandem, I want to see a medium-term strategy with a robust statutory underpinning for the provision of assessments and services to children which is child-centred and rights-based. This must include the review and commencement of the EPSEN Act.

Finally, I want to see the progress on mental health supports in school built upon in the next government by continuing to invest in the in-school therapy supports at primary level and expanding it to all secondary schools as well.

As we look towards the next five years and consider the future of our education system, hopefully through the long-promised Citizen's Assembly, it is essential that children and young people have a seat at the table from the outset. Just 7% of children and young people in our survey said they believe their opinions are considered by politicians and policymakers when making decisions about children. We all have to do better; this isn't an optional extra. Children have a fundamental right to have their views respected, as outlined in Article 12 of the UN Convention on the Rights of the Child.

The next Minister for Education must recognise children and young people as the primary stakeholders in the education system and put their interests first.

We must work together to meet the immediate needs of children through additional service provision in the short term.

REFERENCE

Health Service Executive (HSE) (2024) Letter from the Office of the Assistant National Director, National Disability Team, 16 July. www.hse.ie/eng/about/personalpq/pq/2024-pq-responses/july-2024/pq-28813-24-richard-boyd-barrett.pdf.