



“With an extra 10,000 children starting school this year it is obvious there will be an increase in special needs children. Not all will have an assessment of need completed before enrolment. This is effectively saying that children will have to do without additional support for a full school year.”

Sheila Nunan Irish National Teachers Organisation
General Secretary

Chapter 2:

Right to Education

Grade B



In The News

Four primary schools in County Cork seek change of patronage

By Leo McMahon

A majority of parents in Carrigaline, Passage West, Cobh and Fermoy have opted for a move away from primary school patronage under the Dioceses of Cork and Ross and Cloyne but there's insufficient demand for change in Bandon and Youghal.

It's the result of a survey by the Department of Education across 38 areas in the country conducted in response to the Forum on Patronage and Pluralism and shows that 23 (over 60%) support an immediate change from an existing church patronage to either Educate Together, a VEC-run community national school, or An Foras Pátrúnachta schools.

'Almost two-thirds of the areas surveyed have shown sufficient parental demand for a wider choice of school patron. We will now be contacting the Catholic patron in each to request that they now consider options for reconfiguring the schools under their management in order to allow the transfer of a school to a new patron', said Minister for Education Ruairí Quinn. 'I would like to thank all of the Cork parents who took the time to express their interest in this topic. We have heard what you have to say and we will work with all the partners to reflect that in local school provision'.

A total of 978 valid responses were received from Carrigaline, Passage West, Cobh and Fermoy, where the primary schools have a total of 1,939 children. Nationally the total was 12,813 (10,715 valid) on behalf of 20,369 children and most replies were online.

There were 746 responses from parents of pre- and school-going children in the Carrigaline area, which also comprises Crosshaven, Ringaskiddy, Shanbally, Ballygarvan and Minane Bridge. These are currently under the patronage of either the Catholic or Protestant bishops or Educate Together and the area already has a Gaelscoil. The conclusion here is to request the Bishop of Cork and Ross to provide accommodation for a VEC English language community national school.

The Southern Star, 11 March 2013

2 | Right to Education

Overall
Grade **B**

The Right to Education

Every child in Ireland has the right to access education and to be educated. The aim of the right to education goes beyond academic achievement to the development of the child's personality, talents and abilities to their fullest potential, and to providing them with the tools to live a full and responsible life within society. | Summary of Articles 28 and 29 of the UNCRC

The Children's Rights Alliance awarded the Government an overall **'B'** grade in Education this year, a rise from last year's 'B-' grade. This strong grade reflects progress made on commitments in relation to patronage and pluralism, the introduction of investment initiatives such as the book rental scheme for primary schools, as well as the announcement of funding for a Minor Works Grant Scheme for schools and the increase in Special Needs Assistants (SNAs). The introduction of the Pre-School Quality Agenda coupled with reforms already initiated is welcome. However, this is diluted somewhat given that it was made in response to the exposure of the mistreatment of children in some privately run childcare centres. The failure to publish and implement a revised plan for the full enactment of the Education for Persons with Special Educational Needs (EPSEN) Act 2004 continues to be a disappointing response to the Government's own commitment to do so.

The objective of the right to education is described by the UN Committee on the Rights of the Child as aiming to 'to maximise the child's ability and opportunity to participate fully and responsibly in a free society'.¹⁹ The Committee, in its 2006 *Concluding Observations* on Ireland, welcomed efforts to strengthen the legal and policy framework for education in Ireland. However, it expressed concerns in relation to the cost of education materials, the participation of children in decisions affecting them and the high dropout rates among Traveller children and children with disabilities. The Committee made a series of recommendations to address shortcomings relating to children with special educational needs, improving school buildings and facilities, bullying and Traveller education. A number of these remain still outstanding.²⁰

The Department of Education and Skills was allocated an overall budget of almost €8.8 billion in Budget 2014, a decrease of €140 million compared to an allocation of €8.9 billion in 2013. The Budget consists of €8.22 billion in current expenditure, €540 million in capital expenditure; savings of €44 million will be made under Budget 2014.²¹ Education amounts to 16% of all government spending. Ireland invests 4.9% of its Gross Domestic Product in education, above the OECD average of 3.8%.²²

There are a number of key challenges that continue to affect a child's ability to fully exercise their right to education in Ireland. Education is a proven route out of poverty and is vital to improving children's life chances, yet the high costs of sending a child to school and the cuts to supports mean education remains a struggle for many families.²³ When compared internationally on the issue of early school leaving, Ireland's performance is well above average for secondary completion rates,²⁴ but this figure masks the high levels of early school leaving concentrated in low-income communities. Access to non-denominational or multi-denominational education remains a challenge for parents in 2013, although improvements continue to be made to address these challenges.

19 UN Committee on the Rights of the Child (2001) *General Comment No.1: The Aims of Education*, CRC/GC/2001/1.

20 UN Committee on the Rights of the Child (2006) *Concluding Observations on Ireland*, CRC/C/IRL/CO/2, paragraph 59.

21 Department of Education and Skills, 'Minister Quinn Protects Education' (Press Release), 15 October 2013, <http://www.education.ie/en/Press-Events/Press-Releases/2013-Press-Releases/PR13-10-15.html> [accessed 7 January 2014].

22 Latest available figures relate to 2010 and exclude tertiary education. OECD (2013) *Education at a Glance: OECD Indicators*, Paris: OECD, p. 218.

23 In 2013, going back to school cost €350 for a child in junior infants and €785 for a 1st year pupil in secondary school. Barnardos (2013) *School Costs Survey 2013*, Dublin: Barnardos, pp. 1-2.

24 OECD (2013) *Education at a Glance: OECD Indicators*, Paris: OECD, p. 47.

2.1 Early Childhood Care and Education

Grade C+

Government Commitment

The *Programme for Government* commits to maintaining the free pre-school year in Early Childhood Care and Education to promote the best outcomes for children and families; and to improving the quality of the pre-school year by implementing standards and reviewing training options.

It also commits that, as resources allow, the Government will invest in a targeted early childhood education programmes for disadvantaged children, building on existing targeted pre-school supports for families most in need of assistance such as the *youngballymun* project.

Progress

On track

**On track
(also see Chapter 4.2)**

What's happening?

The free pre-school year has been maintained. A new 'Pre-School Quality Agenda' was announced. However, this announcement was made in response to revelations about child protection failures within the pre-school registration and inspectorate. The report of the Expert Advisory Group was published in September 2013 but the National Early Years Strategy remains unpublished.

The free pre-school year continued to be available in 2013.²⁵ The scheme is available for up to three hours a day to all children in the year prior to commencing primary school, regardless of the economic status of their parents. Now in its fourth full year, 94% of eligible children are availing of the free pre-school year; that means there are almost 68,000 pre-school children in 4,300 services for the academic year 2012/2013.²⁶ The scheme cost €175 million in 2013, an investment of approximately 18% of the Department of Children and Youth Affairs overall budget.

25 The free pre-school year, administered by the Department of Children and Youth Affairs, is available to all children between the ages of 3 years and 2 months and 4 years and 7 months in September of the relevant year, entitling them to programme-based activities in the year preceding primary school.

26 Minister for Children and Youth Affairs Frances Fitzgerald TD, Parliamentary Questions: Written Answers 12 November 2013 [47700/13].

In May 2013, *RTE Prime Time* screened an investigation into privately-run early years' services, showing evidence of bad practice and maltreatment of children. In response, the Minister for Children and Youth Affairs, Frances Fitzgerald TD made a series of policy announcements to address concerns raised by the programme, collectively called 'The Pre-School Quality Agenda'.²⁷ The Agenda comprises eight actions: publication of inspection reports online; taking steps to make the pre-school inspection system more consistent and more robust; introduction of new protocols on regulatory enforcement and compliance; increasing and widening sanctions for non-compliance; introduction of minimum qualifications for all staff in pre-school services; introduction of a registration system for services; implementation of new national pre-school standards; and support for the implementation of *Síolta* and *Aistear*.²⁸ Budget 2014 allocated €4.5 million towards the implementation of the Pre-School Quality Agenda.

The Child and Family Agency Act 2013 introduced a statutory requirement for the registration of all pre-school services. It also provides, for the first time, for the prescribing of minimum qualification requirements for all staff working with children in pre-school services.²⁹ Under the 2013 Act, service providers in breach of the legislation can receive a fine of up to €5,000 and may be removed from the pre-school register or conditions may be attached to their registration.³⁰

Budget 2014 also provided funding for the establishment of a new National Quality Support Service for pre-school services as part of the Child and Family Agency. It will provide intensive support to early years services to improve the quality of pre-school care and education.³¹ The implementation of *Síolta* and *Aistear* in early years' services will now be supported by two new initiatives: the National Quality Support Service and the forthcoming integrated Practice Guidelines for *Síolta* and *Aistear*;³² and by existing support through the free pre-school year requirements, the Department of Children and Youth Affairs support for City and County Childcare Committees and the seven Voluntary Childcare Organisations.³³

In 2012, approximately 87% of leaders in services participating in the free pre-school year held a minimum qualification of Level 5 on the National Framework of Qualifications (NFQ).³⁴ A higher capitation rate is payable to services where all the pre-school leaders in the service have a qualification at a minimum of FETAC Level 7 (primary degree level) in childhood/early education, and all the pre-school assistants have at least a Level 5 qualification. The Pre-School Quality Agenda commits to introducing new qualification requirements for staff working in early years services. From September 2015, all staff working in these services will be required to hold a minimum qualification in early childhood care and education and pre-school leaders will have to meet a higher qualification than is currently required.³⁵ At the same time, the Department of Children and Youth Affairs continues to encourage services to employ more highly-qualified staff through the provision of a free pre-school year's higher capitation fee of which almost 20% of services are now availing.³⁶ The Department will also be supporting the existing workforce to meet the new qualification requirements in 2014 and 2015 by providing opportunities for subsidised training.³⁷ In 2014, additional inspection resources will be put in place to improve the rate of inspection of early years' services and major operational improvements are also being made to the inspection process.³⁸

27 Department of Children and Youth Affairs (2013) 'Minister Fitzgerald commits to comprehensive pre-school quality agenda' (press-release), 7 June 2013, <http://www.dcy.gov.ie/viewdoc.asp?DocID=2710> [accessed 30 August 2013]. Note there is no written policy document outlining the Agenda collectively.

28 Ibid.

29 Section 92 of the Child and Family Agency Act 2013, which amends Section 58 of the Child Care Act 1991.

30 Communication received by the Children's Rights Alliance from the Department of Education and Skills and the Department of Children and Youth Affairs on 23 December 2013.

31 Ibid.

32 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 31 January 2014.

33 Ibid.

34 Pobal (2013) *Pobal Annual Survey of the Early Years Sector 2012*, Dublin: Pobal and Department of Children and Youth Affairs, p. 41. All leaders of the free pre-school year were required to hold a minimum qualification of Level 5 on the National Framework of Qualifications (NFQ) by August 2012, as part of their contractual arrangement with the Department of Children and Youth Affairs. See Department of Children and Youth Affairs, *General Terms and Conditions governing participation in the Early Childhood Care and Education (ECCE) Programme*, http://www.dcy.gov.ie/documents/childcare/Terms_and_Conditions_for_ECCE_Scheme.pdf [accessed 4 December 2013].

35 A fund of €900,000 will be targeted at assisting early years practitioners who are currently unqualified to achieve a Level 5 award on the National Framework of Qualifications, and to assist those who currently have a Level 5 award to up-skill to Level 6. Communication received by the Children's Rights Alliance from the Department of Education and Skills and the Department of Children and Youth Affairs on 27 January 2014.

36 Communication received by the Children's Rights Alliance from the Department of Education and Skills and the Department of Children and Youth Affairs on 23 December 2013.

37 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 31 January 2014.

38 Ibid.

The National Early Years Strategy, announced in 2012 and due for publication in 2013, has not yet been published but is expected in 2014. The Expert Advisory Group on the development of the Strategy,³⁹ convened by the Minister for Children and Youth Affairs in 2012, published its report *Right from the Start* in September 2013.⁴⁰

Comment

Early Childhood Care and Education gets a 'C+' grade in *Report Card 2014*, a fall from last year's 'B-' grade. This grade reflects that funding for the free pre-school year remains intact and the introduction of the Pre School Quality Agenda. However, we could not give a higher grade as *Report Card 2013* called for an evaluation of the free pre-school year and the National Early Years Strategy to be published, neither of which has happened. Furthermore, while the revelations of the *RTE Prime Time* programme resulted in immediate action by the Minister and positive policy and legislative developments, they also highlighted the inadequacies in regulating and monitoring privately-run early years services which had continued up until the media exposé midway through 2013. It is of concern that these inadequacies were not exposed until this point, but it is hoped that the recent changes will result in positive outcomes for pre-school children in 2014.

All children have the right to education under Article 28 of the UN Convention on the Rights of the Child, with the UN Committee on the Rights of the Child interpreting the right to education during early childhood as beginning at birth.⁴¹ The right to education is closely linked to a child's right to maximum development, under Article 6(2).⁴² In addition, Ireland is under an obligation to provide assistance to parents, which includes quality childcare services to working parents, under Article 18(3).⁴³ The free pre-school year and the Child Benefit payment are currently the State's key mechanisms to support children in achieving these rights. The National Early Years Strategy must explore how best the Government can vindicate these rights over the next five years.

The most recent statistics from the Organisation of Economic Co-operation and Development (OECD) Family Database found Ireland's investment in early care and education to be well below international standards at 0.4% of GDP in 2009, compared to an OECD average of 0.7%.⁴⁴ The 0.4% figure includes spending on four and five-year old children in primary school, when adjusted for spending on early education and care prior to school entry, it falls to 0.2%.⁴⁵

"The National Early Years Strategy offers an important opportunity to provide a children's rights framework for the implementation of Government commitments in early childhood. To be successful, it must set out a clear and ambitious vision for early years in Ireland and have a strong focus on implementation."

39 The group comprised Eilís Hennessy (Department of Psychology, University College Dublin) Catherine Byrne (The Atlantic Philanthropies), Siobhan Feehan (Deansrath Family Centre, Clondalkin), Fergus Finlay (Barnardos), Irene Gunning (Early Childhood Ireland), Prof. Nóirín Hayes (Dublin Institute of Technology), Fiona McDonnell (National Specialist, Early Years Inspectorate), Roisin McGlone (Sligo Institute of Technology), Breda McKenna (Monaghan County Childcare Committee), Patricia Murray (Childminding Ireland), Fr. Gerard O'Connor (St. Ultan's, Cherry Orchard), Patricia O'Dwyer (Public Health Nursing Consultant), Biddy O'Neill (Health Service Executive), Kathryn O'Riordan (Cork City Childcare Committee), Thomas Walsh (Primary District Inspector, Department of Education and Skills) and Toby Wolfe (Start Strong).

40 Department of Children and Youth Affairs (2013) *Right from the Start, Report of the Expert Group on the Early Years Strategy*, Dublin: Government Publications.

41 UN Committee on the Rights of the Child (2006), *General Comment No.7: Implementing child rights in early childhood*, CRC/C/G/7/Rev.1.

42 Ibid.

43 Ibid.

44 OECD (2012), OECD Family Database, Paris: OECD (www.oecd.org/social/family/database) PF3.1 Public spending on childcare and early education <http://www.oecd.org/els/soc/PF3.1%20Public%20spending%20on%20childcare%20and%20early%20education%20-%20200713.pdf> [accessed 7 January 2014].

45 Ibid.

The National Early Years Strategy, which is expected to be published in early 2014, is welcome. Its absence over many years indicated the inadequate priority afforded to this critical area.⁴⁶ The Strategy will sit within the broader framework of a National Children and Young People's Policy Framework and is expected to address policy issues affecting children from birth to six years of age. It will cover areas such as enhancing the quality of early childhood care and education and child-minding, the further development of the free pre-school year and improving health and physical fitness, including responding to obesity.⁴⁷

The Strategy offers an important opportunity to provide a children's rights framework for the implementation of Government commitments in early childhood. To be successful, it must set out a clear and ambitious vision for early years in Ireland, and it needs to have a strong focus on implementation, backed by increased resources. Its primary focus must be on children's best interests. Article 18 (parental responsibilities) of the UN Convention on the Rights of the Child places an obligation on the State to give 'appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities'. Serious consideration should be given to the Expert Group's recommendation to put in place a National Parenting Action Plan to ensure that parents can adequately support their children's development.

A key component of the Strategy must be a focus on delivering quality service provision. The *RTE Prime Time* investigation 'A breach of trust' broadcast in May 2013 exposed bad practice and maltreatment of children in a small number of childcare facilities. The programme also revealed figures showing widespread breaches of regulations, insufficient inspections and a lack of follow up on non-compliance. This programme highlighted the need for major reforms and resulted in further resources for the Pre-School Inspectorate as well as legislation to strengthen the inspection process.

It also demonstrated the necessity of a national roll-out of *Síolta*, the National Quality Framework for Early Childhood Education (2006)⁴⁸ and *Aistear*, the Early Childhood Curriculum Framework (2009).⁴⁹ The Pre School Quality Agenda makes a welcome commitment to 'support implementation of *Síolta* and *Aistear*, including examining the establishment of nationwide mentoring supports'.⁵⁰ The National Council for Curriculum and Assessment has been tasked to develop 'Practice Guidelines' which are expected to contain a priority set of elements from both *Síolta* and *Aistear*.⁵¹ Despite these positive improvements, there is still no plan for the national roll-out of *Síolta* or *Aistear*. The *Síolta* evaluation,⁵² published in 2012, raised concerns in consistency in its implementation, the dedicated staff time required, and costs and difficulties in interpreting the *Síolta* guidance.⁵³ The final report on the implementation of the *Síolta* Quality Assurance Programme was published in December 2013;⁵⁴ this Programme remains a pilot and has been limited to a small number of settings.⁵⁵ The findings and recommendations from both reports will inform the future implementation of the *Síolta* Quality Assurance Programme.⁵⁶

46 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs and the Department of Education and Skills on 23 December 2013.

47 Department of Children and Youth Affairs, 'Minister Frances Fitzgerald announces preparation of Ireland's first National Early Years Strategy' [press release], 25 January 2012, <http://www.dcy.gov.ie/viewdoc.asp?DocID=1751> [accessed 14 January 2013]; Department of Children and Youth Affairs, 'Minister Fitzgerald hosts first meeting of Expert Advisory Group on Ireland's first-ever Early Years Strategy' [press release], 18 June 2012, <http://www.dcy.gov.ie/viewdoc.asp?DocID=2140> [accessed 14 January 2013].

48 Centre for Early Childhood Development and Education (2006) *Síolta: The National Quality Framework for Early Childhood Education*, Dublin: Centre for Early Childhood Development and Education.

49 National Council for Curriculum and Assessment, 'Aistear: the Early Childhood Curriculum Framework', <http://www.ncca.biz/Aistear/> [accessed 18 January 2013].

50 Department of Children and Youth Affairs (2013) 'Minister Fitzgerald commits to comprehensive pre-school quality agenda' [press release], 7 June 2013 <http://www.dcy.gov.ie/viewdoc.asp?DocID=2710> [accessed 7 January 2014].

51 Information received by the Children's Rights Alliance from the Department of Children and Youth Affairs and the Department of Education and Skills on 23 December 2013.

52 Centre for Early Childhood Development and Education (2006) *Síolta: The National Quality Framework for Early Childhood Education*, Dublin: Centre for Early Childhood Development and Education.

53 The evaluation of the *Síolta* Quality Assurance Programme took place at an interim stage in the implementation of the Programme. The field test phase of the Programme is expected to conclude shortly and a final report is being prepared for submission to the Department of Education and Skills, Goodbody Economic Consultants (2011) *Evaluation of Initial Implementation of Síolta Final Report*, p. 97.

54 Communication received by the Children's Rights Alliance from the Department of Education and Skills on 23 December 2013.

55 Start Strong (2013) *Pre-budget submission 2014*, http://www.startstrong.ie/files/Start_Strong_Pre-Budget_Submission_2014.pdf [accessed 26 August 2013].

56 Communication received by the Children's Rights Alliance from the Department of Education and Skills on 23 December 2013.

In practice, participating providers in the free pre-school year are obliged to adhere to the Siolta principles and accept visits and advice from Siolta coordinators and County Childcare Committee staff.⁵⁷ Providers are not, however, obliged to undergo the twelve-step Siolta Quality Assurance Programme.

The Department of Education and Skills is currently working in consultation with the Department of Children and Youth Affairs to consider the most effective means of progressing Siolta's implementation.⁵⁸ Early years settings require considerable support to progress through this programme. Where training in Siolta is available, it is limited as financial support is not being made available to providers or to individual staff for up-skilling.⁵⁹ However, it is intended that the new National Quality Support Service will provide support in this area. The support for Aistear is even more limited than Siolta, and is largely confined to the infant classes of primary schools.

The skills and competencies of those working in early education and care are core to ensuring quality. Research demonstrates that high quality adult-child interactions are most consistently found where those working with children are highly qualified and where wages are high enough to ensure low staff turnover.⁶⁰ Yet despite this evidence, the proportion of graduates currently employed in early years settings in Ireland is 12%, shockingly low when compared with the 60% European benchmark recommended in a major 2011 report.⁶¹ Wages are low and staff must pay for their own training, with little financial reward for doing so.⁶² As is mentioned above, the Pre-School Quality Agenda will introduce minimum qualification requirements for all staff in pre-school services from September 2015: FETAC Level 6 for leaders and Level 5 for all other staff. Though this is welcome, it does not go far enough. FETAC Level 5 remains a low level qualification. To ensure quality services for young children higher minimum standards are required, accompanied by appropriately resourced training for practitioners, and intensive coaching and mentoring. The Pre-School Quality Agenda also commits to providing a training fund to support existing staff to meet the qualification requirements which are being introduced.

“The free pre-school year is Ireland’s key mechanism to support children in the early years and the Minister for Children and Youth Affairs has described it as ‘laying the solid foundation for a further expansion of universal childcare provision in Ireland, to support children and support families’.”

57 Department of Children and Youth Affairs, *General Terms and Conditions governing participation in the Early Childhood Care and Education (ECCE) Programme*, http://www.dcy.gov.ie/documents/childcare/Terms_and_Conditions_for_ECCE_Scheme.pdf [accessed 22 December 2011].

58 Communication received by the Children's Rights Alliance from the Department of Education and Skills on 23 December 2013.

59 There are approximately 25 Siolta coordinators working with 135 ECCE services across a broad spectrum of service provision. This is a small number considering an estimated 4,250 services will be contracted under the free pre-school year scheme for the 2011/2012 year.

60 Barnardos and Startstrong (2012) *Towards a Scandinavian childcare system for 0-12 year olds in Ireland?* Dublin: Barnardos, Startstrong, pp. 11-13.

61 University of East London and University of Ghent (2011) *Competence Requirements in Early Childhood Education and Care: Study for the European Commission Directorate General for Education and Care*, http://ec.europa.eu/education/more-information/doc/2011/core_en.pdf [accessed 26 August 2013].

62 A 2012 survey carried out by Early Childhood Ireland found that the average wage of unqualified staff in the sector was €10.10 per hour, that of staff qualified to FETAC Level 5 was €10.85 and that of graduate educators (degree level) was €11.24. See *Early Childhood Ireland Salary Survey 2012* <http://www.earlychildhoodireland.ie/policy-advocacy-and-research/surveys/salary-survey-2012/> [accessed 26 August 2013].

The Pre-School Quality Agenda commits to the development of a more robust, consistent and regular inspection system, to the tightening of sanctions for non-compliance. Inspection reports have been published since July 2013. These are welcome developments, but, again, they do not go far enough. The moratorium on public sector recruitment has reduced the size of the Pre-School Inspectorate and its ability to work consistently countrywide. The Inspectorate has now transferred to the Child and Family Agency. In addition, there are issues with the nature of inspections, which are primarily concerned with 'structural' dimensions of quality, such as health and safety rather than the quality of adult-child interactions. The introduction of the National Quality Standards will help to address this issue. The existing inspection regime has not formally integrated the principles under *Síolta* and *Aistear*. An overhaul of the inspection system is required to truly improve the quality and provide a consistent, responsive and resourced system that will drive quality in early years services. The Expert Advisory Group on the Early Years Strategy has recommended that quality standards should be improved before the introduction of a second free pre-school year,⁶³ a position with which the Minister for Children and Youth Affairs, Frances Fitzgerald TD has indicated she agrees.⁶⁴

A major concern with the Pre-School Quality Agenda is that it focuses solely on centre-based services and ignores the child protection risks and quality concerns that result from the exemption of most child-minders from the regulation. Start Strong estimates that nearly 50,000 children are cared for by some 19,000 child-minders most of whom are exempt from regulation and operate without supervision and support.⁶⁵

Report Card 2013 recommended that an evaluation of the free pre-school year be conducted. The pre-school year is currently in its fourth year of implementation. Research findings have recently begun to become available through the *Growing Up in Ireland* survey, which could inform such an evaluation.

The free pre-school year is Ireland's key mechanism to support children in the early years and the Minister for Children and Youth Affairs has described it as 'laying the solid foundation for a further expansion of universal childcare provision in Ireland, to support children and support families'.⁶⁶ This initiative supports a child's right to development under Article 6 of the UN Convention on the Rights of the Child and right to education under Article 28 of the Convention. The UN Committee on the Rights of the Child 'interprets the right to education during early childhood as beginning at birth and closely linked to young children's right to maximum development (Article 6.2)'⁶⁷ so the State's provision of pre-school care and education is essential in fulfilling this important right for young children and must be developed further.

63 Department of Children and Youth Affairs (2013) *Right from the Start, Report of the Expert Group on the Early Years Strategy*, Dublin: Government Publications.

64 Minister for Children and Youth Affairs Frances Fitzgerald TD Parliamentary Questions Written Answers, 12 November 2013 [47700/13]. However, the current free pre-school year costs €175 million and the Department of Children and Youth Affairs has indicated to the Alliance that this funding is not available within current budget constraints communication received on 23 December 2013.

65 StartStrong, (2012) *Policy Brief - Child-minding: Regulation and recognition*, Dublin: Start Strong, http://www.startstrong.ie/files/Childminding_-_Regulation_and_Recognition.pdf [accessed 16 December 2013].

66 Department of Children and Youth Affairs, 'Government investing in important reforms for children and families - Fitzgerald' [press release], 15 October 2013, <http://www.dcy.gov.ie/viewdoc.aspx?Docid=29996&CatID=11&mn=6&StartDate=1+January+2013> [accessed 10 February 2014].

67 UN Committee on the Rights of the Child (2006) *General Comment No. 7: Implementing child rights in early childhood*, CRC/C/GC/7/Rev.1.

Immediate Actions for 2014

Launch and commence the implementation of the National Early Years Strategy

A rights-based National Early Years Strategy should be published and be accompanied by an adequately resourced implementation plan. The Strategy should contain a clear and ambitious vision for early years policy, commit to the introduction of a second year of the free pre-school year scheme and include comprehensive measures to improve the quality of early years services.

Conduct a quality audit across all early years services to provide baseline data for the implementation of the National Early Years Strategy

There is no coherent picture of quality across early years' services. To make necessary systemic improvements, baseline data is required. This should be gathered as part of an audit process in the Strategy's first year. An evaluation of the quality and impact of the pre-school year should be a core element of this process.

2.2 Child Literacy

Grade A-

Government Commitment

The *Programme for Government* commits to developing a National Literacy Strategy for children and young people as a matter of urgency, with school-level targets that are related to national targets.

Every school will be required to have a Literacy Action Plan, with demonstrable outcomes. Responsibility for achieving these outcomes will be vested in the school principals, who will also receive continuing professional development to support the implementation of the strategy.

The *Programme for Government* also commits to:

- improving pre-service and in-service training in the teaching of literacy for all primary and secondary school teachers, with dedicated literacy mentors to work intensively with teachers in the most disadvantaged primary schools.
- increasing time spent on literacy: Delivering Equality of Opportunity in Schools (DEIS) primary schools will be required to teach literacy for 120 minutes per day; non-DEIS schools to teach literacy for 90 minutes per day.⁶⁸ This time includes incorporating structured literacy tuition into the teaching of other subjects.

Progress

On track

On track

What's happening?

The National Literacy and Numeracy Strategy continues to be rolled out. Focus in 2013 was on progressing steps initiated in 2012. Budget 2014 saw the continued investment in the rollout of the Strategy.

Literacy and Numeracy for Learning and Life: the National Strategy to Improve Literacy and Numeracy among Children and Young People 2011-2020, launched in July 2011,⁶⁹ sets out clear targets for children's literacy performance at primary and second-level, with a view to substantially improving performance by 2020. Budget 2014 allocated €9 million towards the continued rollout of the strategy.

68 Department of Education and Skills Circular 0056/2011 states that: from January 2012 all primary schools will be required to increase the time spent on the development of literacy skills, particularly in the first language of the school, by one hour overall for language (Irish and English) per week (i.e. to 6.5 hours for infants with a shorter day, and to 8.5 hours per week for students with a full day).

69 Department of Education and Skills (2011) *Literacy and Numeracy for Learning and Life: The National Strategy to improve Literacy and Numeracy among Children and Young People 2011-2020*, Dublin: Department of Education and Skills.

There are now 28 primary and 12 post-primary full-time equivalent, literacy advisors and 12 primary and two post-primary full-time equivalent numeracy advisors within the Professional Development Service for Teachers (PDST).⁷⁰ The Strategy requires all schools to engage in school self-evaluation (SSE) and produce School Improvement Plans from 2012/2013, which includes specific targets for the promotion and improvement of literacy and numeracy.⁷¹ In 2013, school self-evaluation updates were published via an e-bulletin to support and engage schools in the SSE process.⁷² All schools have been invited to attend seminars on SSE and have been offered SSE support. As of December 2013, 2,893 primary schools and 666 post primary schools have availed of advisory visits by Inspectors from the Department of Education and Skills.⁷³ Primary schools are required to have an action plan for either literacy or numeracy in place no later than the end of the 2013/2014 school year, with an action plan for the other the following year. Schools are not required to submit SSE reports to the Department of Education and Skills but they are required to provide a summary SSE report and School Improvement Plan to their own school community by the end of June 2014.⁷⁴ All 860 Delivering Equality of Opportunity in Schools (DEIS) schools have individual action plans in which literacy is one of the key themes.⁷⁵ The Department of Education and Skills Inspectorate assesses progress on reaching targets related to time spent on teaching literacy and this information is collated by the Department.⁷⁶ It is not proposed to disaggregate data by county.⁷⁷ However, while the Programme for Government commits to increase the time spent on literacy in DEIS schools to 120 minutes per week, the guidance issued to all primary schools calls for literacy to be taught up to 8.5 hours a week which works out at 102 minutes a day, thus falling short of the commitment.⁷⁸

A number of steps have been taken to improve literacy in the past two years: departmental circulars were published for primary and post-primary level, providing advice on the implementation of the Strategy⁷⁹ and supports for schools, teachers and principals were made available through enhanced Continuing Professional Development (CPD).⁸⁰ In addition, School Self-Evaluation Guidelines were published,⁸¹ which aim to support ongoing consultation with parents and provide for reporting to parents on progress in literacy and numeracy.⁸² Extended and restructured undergraduate and post graduate Initial Teacher Education Programmes at both primary and post primary level are in progress, providing further time and focus for student teachers to learn about developing literacy and numeracy.⁸³ It is important that steps are taken for existing teachers to ensure CPD training is based on strong evidence and that a holistic approach is taken to implementing the Strategy in each school.

A 2013 evaluation of DEIS primary schools in urban areas was published and demonstrated positive results in both literacy and numeracy, although the level of achievement is still below that of children in non-DEIS schools.⁸⁴

70 Communication received by the Children's Rights Alliance from the Department of Education and Skills on 23 December 2013.

71 Communication received by the Children's Rights Alliance from the Department of Education and Skills, 28 January 2013. See www.schoolself-evaluation.ie for more details. Department of Education and Skills, 'Minister Ruairi Quinn launches Guidelines on School Self-evaluation' [press release], 19 November 2012, <http://www.education.ie/en/Press-Events/Press-Releases/2012-Press-Releases/PR2012-11-19.html> [accessed 10 February 2014].

72 Department of Education and Skills (2013), *SSE Update: Primary Edition, Issue 2: September 2013*, <http://schoolself-evaluation.ie/post-primary/wp-content/uploads/2013/11/SSE-UPDATE-PP-Issue-2.pdf> [accessed 7 January 2014].

73 Communication received by the Children's Rights Alliance from the Department of Education and Skills, 23 December 2013.

74 Ibid.

75 Ibid.

76 Minister for Education Ruairi Quinn TD, Parliamentary Questions, Dail Debates, 3 October 2013 [41697/13].

77 Ibid.

78 Department of Education and Skills Circular 0056/2011 states that: from January 2012 all primary schools will be required to increase the time spent on the development of literacy skills, particularly in the first language of the school, by one hour overall for language (Irish and English) per week (i.e. to 6.5 hours for infants with a shorter day, and to 8.5 hours per week for students with a full day).

79 Department of Education and Skills (2012), *Circular No. 0025/2012 to Boards of Management, Principal Teachers and Teaching Staff of Post-Primary Schools*, Dublin: Department of Education and Skills.

80 In December 2012, the PDST delivered CPD for literacy link teachers who are to support literacy across the curriculum in post-primary schools. The CPD consisted of a one-day seminar and is to be followed by further CPD for these teachers in the first half of 2013. A range of other literacy and numeracy related CPD opportunities are also available and the Department of Education strongly encouraged principals and teachers to avail of these relevant CPD opportunities and supports.

81 Ibid.

82 Department of Education and Skills, 'Address by the Minister for Education and Skills, Ruairi Quinn TD, to IBEC members' [press release], 21 November 2012, <http://www.education.ie/en/Press-Events/Speeches/2012-Speeches/SP2012-11-22.html> [accessed 10 February 2014].

83 Communication received by the Children's Rights Alliance from the Department of Education and Skills on 27 January 2014.

84 S. Weir and S. Denner (2013) *The evaluation of the school support programme under DEIS: changes in pupil achievement in urban primary schools between 2007 and 2013*, Dublin: Educational Research Centre.

Junior Cycle: In total, €3 million was allocated to Junior Cycle reform in 2013 following the publication of *A Framework for Junior Cycle* in 2012, which describes the new Junior Cycle in 24 statements of learning. Not all of the funding allocated to CPD was spent due in part to industrial relations issues.⁸⁵ The Framework, which moves away from the exam-based Junior Certificate towards a continuous assessment model, emphasises the role of all teachers in developing students' literacy and numeracy skills and places literacy and numeracy as two of the core key skills to be achieved at Junior Cycle.⁸⁶ Under the proposed Cycle, there will be two new national qualifications. The first, at Level 3 of the National Framework of Qualifications, will replace the Junior Certificate. The second, at Level 2, will be designed for students with special educational needs where such needs prevent students from accessing some or all of the subjects and courses on offer and require focused priority learning outcomes.⁸⁷

In December 2013, Minister Quinn announced the establishment of a new Working Group⁸⁸ on Junior Cycle reform which will consider and make recommendations on issues raised by unions and management bodies.⁸⁹ In addition, English is the only subject which will change in September 2014. Schools may choose to introduce short courses from September. All other subjects remain the same as in the current Junior Certificate.⁹⁰

Budget 2014 provided €4.8 million for the reform of the Junior Cycle which will cover necessary training for school personnel, including teachers and principals. Standardised testing in English and Mathematics will take place in spring 2017 for second year students rather than in 2015/16 as originally planned while standardised testing in Science and Irish (in Irish medium schools) will be introduced in 2018 for second year students rather than in 2017 as originally planned.⁹¹ This standardised testing at second level can be integrated with the existing primary level standardised tests in order to carry out longitudinal research on children's literacy development.

Book Rental Scheme: Budget 2014 allocated €5 million to primary schools for investment in book rental schemes.

“Equipping a child with adequate literacy and numeracy skills is central to their progression from a life of poverty, disadvantage and marginalisation and increases their ability to participate in society and in democracy.”

85 Communication received by the Children's Rights Alliance from the Department of Education and Skills on 27 January 2014.

86 Department of Education and Skills (2012) *A Framework for Junior Cycle*, <http://www.education.ie/en/Publications/Policy-Reports/A-Framework-for-Junior-Cycle-Full-Report.pdf> [accessed 27 August 2013].

87 Communication received by the Children's Rights Alliance from the Department of Education and Skills 15 January 2014.

88 The working group is made up of representatives from teacher unions, school management, the Department of Education & Skills and the National Council for Curriculum and Assessment.

89 Department of Education and Skills, 'Minister Quinn announces first meeting of Working Group on Junior Cycle Reform' [press Release], 16 December 2013 <http://www.education.ie/en/Press-Events/Press-Releases/2013-Press-Releases/PR2013-12-16.html> [accessed 15 January 2014].

90 Department of Education and Skills 'Statement from the Department of Education & Skills on the conclusion of the first meeting of the JCSA National Working Group' 17 January 2014 [press release], <http://www.education.ie/en/Press-Events/Press-Releases/2014-Press-Releases/PR2014-01-17.html> [accessed 28 January 2014].

91 Communication received by the Children's Rights Alliance from the Department of Education and Skills on 27 January 2014.

Comment

Child Literacy receives an 'A-' grade in *Report Card 2014*, a rise from last year's grade of 'B+' as the Department of Education and Skills has taken further steps to meet its targets on child literacy including improved teacher training with a focus on literacy and numeracy as well as further reform of the Junior Cycle. Improved 2012 PISA results and encouraging findings from the evaluation of DEIS primary schools published in 2013 demonstrate a measure of success. This grade reflects the continued investment in the roll-out of the Strategy as well as positive developments such as the introduction of a book rental scheme for primary schools.

Article 28 of the UN Convention on the Rights of the Child provides that every child has the right to education and that States such as Ireland that have ratified the Convention shall promote and encourage international cooperation in matters relating to education, in particular towards the elimination of illiteracy.⁹² Article 29(1) outlines the 'individual and subjective' right to a specific quality of education.⁹³ Equipping a child with adequate literacy and numeracy skills is central to their progression from a life of poverty, disadvantage and marginalisation and increases their ability to participate in society and in democracy.⁹⁴ Literacy and numeracy are about more than simply the ability to read and write. *Literacy and Numeracy for Learning and Life* defines literacy as 'the capacity to read, understand and critically appreciate various forms of communication including spoken language, printed text, broadcast media, and digital media.'⁹⁵ Similarly, numeracy is not just about basic arithmetic, but rather about using mathematical understanding and developing the skills to solve problems and meet the demands of day-to-day living.⁹⁶

The OECD Programme for International Student Assessment (PISA) is an internationally standardised test administered to 15-year olds in 65 countries around the world at three-year intervals. PISA 2012 saw the performance of 15 year olds rise significantly above average in maths⁹⁷, literacy and science. Ireland ranked fourth out of the 34 OECD countries in literacy achievement and ranked 13th in mathematics and ninth in science.⁹⁸ This demonstrates a marked improvement from 2009 figures when Ireland ranked 17th in reading, 26th in maths and 14th in science.⁹⁹ The rankings in relation to mathematics and science expose the need for a further focus on numeracy in schools.¹⁰⁰

Since 2005, the *Delivering Equality of Opportunity in Schools* (DEIS)¹⁰¹ Programme has offered a range of literacy and numeracy programmes with lower pupil-teacher ratios and an enhanced allocation of teachers under the General Allocation Model for learning support in Band 1 primary schools, as well as initiatives including the Home School Community Liaison Scheme and the School Completion Programme.¹⁰² The findings of an evaluation of DEIS primary schools, published in December 2013, showed that the programme is having a positive effect on combatting disadvantage in education and in improving the learning achievements of pupils in DEIS primary schools in urban areas.¹⁰³ Improvements were shown in both numeracy and literacy across all grades. Increased parental engagement in children's learning and in school life – a focus of the National Literacy and Numeracy Strategy – was a

92 UN Convention on the Rights of the Child, A/RES/44/25 (20 November 1989).

93 UN Committee on the Rights of the Child (2001), *General Comment No.1: The aims of education*, CRC/GC/2001/1, paragraph 9.

94 United Nations Human Rights Council, Report of the Special Rapporteur on Extreme Poverty and Human Rights, Magdalena Sepúlveda Carmona, Twenty-third Session, UN Doc A/HRC/23/36 (11 March 2013).

95 Department of Education and Skills (2011), *Literacy and Numeracy for Learning and Life: The National Strategy to improve Literacy and Numeracy among Children and Young People 2011-2020*, Dublin: Department of Education and Skills.

96 E. Stack (2013) 'Quality and Accountability in our Post-Primary Schools' in F. O'Toole (eds.) *Why Education Matters: the importance of education to Ireland's economy and society*, Dublin: ASTI, pp. 27-30.

97 However it should be noted that there has been a small decline in the average maths score across OECD countries in 2013, which would have contributed to this.

98 R. Perkins, S. Sheils, B. Merriman, J. Cosgrave and G. Moran (2013), *The Performance and Progress of 15-year olds in Ireland, Summary Report*, Dublin: Educational Research Centre.

99 R. Perkins, G. Sheil, J. Cosgrave and G. Moran (2010) *PISA 2009: The Performance and Progress of 15-year olds in Ireland, Summary Report*, Dublin: Educational Research Centre.

100 In the overall table Ireland ranked 7th out of 64 countries in reading, 20th in mathematics and 15th in Science.

101 The DEIS Programme aims to address the educational needs of children and young people from disadvantaged communities, from pre-school through second-level education. Investment in educational disadvantage was €742 million in 2013.

102 Supports available in DEIS schools through the Home School Community Liaison Scheme (HSCL) and the School Completion Programme (SCP) include Reading Recovery, First Steps, Mathematics Recovery, Ready and Steady Go Maths. HSCL is in all Urban DEIS schools and DEIS post-primary schools. SCP is in all Urban DEIS primary schools, DEIS post-primary schools, some Rural DEIS schools and in some non-DEIS schools. Information received by the Children's Rights Alliance from the Department of Education and Skills, 27 January 2014.

103 S. Weir and S. Denner (2013) *The evaluation of the school support programme under DEIS: changes in pupil achievement in urban primary schools between 2007 and 2013*, Dublin: Educational Research Centre.

further positive element found in DEIS schools.¹⁰⁴ However, while improvements were shown it was noted that average scores in DEIS schools were still below average when compared to the general population.¹⁰⁵ A similar evaluation of DEIS post primary schools is expected to be published in 2014.¹⁰⁶

A separate report on the Expenditure and Statistical survey of DEIS schools was completed in 2013.¹⁰⁷ The survey looked at 75 primary schools and 25 post-primary schools in receipt of DEIS funding. The survey showed that there is considerable potential for financial resources to be more targeted. The survey also indicated that the majority of schools spend the grant on a range of literacy and numeracy initiatives, including in-service educational assessments and testing. It also found that the grant funds are being spent on ICT, sport and leisure activities, educational trips and after school and homework clubs.¹⁰⁸ The outcome of this and other evaluations will assist with planning future educational disadvantage strategies.¹⁰⁹ At present, existing DEIS schools continue to operate under year-to-year funding. In 2013, some 852 schools received DEIS funding, encompassing 167,000 students.¹¹⁰

It is also important to ensure a focus exists on literacy and numeracy for children in mainstream non-DEIS schools. In 2009, ESRI research showed that DEIS's focus on 'concentrated' disadvantage meant that 61% of students from disadvantaged backgrounds did not attend DEIS schools,¹¹¹ due to a focus on 'concentrated' rather than 'dispersed' disadvantage.¹¹² Literacy and numeracy is not just about disadvantage: children with special educational needs, children with speech and language difficulties or children in Children Detention Schools all have specific literacy and numeracy needs that must be addressed.¹¹³

The decision to allocate €5 million to primary schools in 2014 for investment in book rental schemes is welcome. This is a positive development from the point of view of improving literacy and reducing the cost burden on parents. Over three years, this investment will amount to €15 million. These funds will be paid to schools in the form of a seed capital grant, with DEIS schools receiving €150 per child and non-DEIS schools receiving €100 per child.¹¹⁴ In January 2013, 'Guidelines for Developing Textbook Rental Schemes' were issued to all schools to provide practical advice to primary and post primary schools on how rental schemes can be established and operated.¹¹⁵ This is an important first step to encourage widespread book rental schemes and it has the potential to alleviate the financial pressure on parents caused by the need to purchase expensive textbooks each year.

104 Joint Committee on Health and Children Debate, Tackling Childhood Poverty: discussion, 21 March 2013, <http://oireachtasdebates.oireachtas.ie/debates%20authoring/DebatesWebPack.nsf/committeetakes/HEJ2013032100006> [accessed 27 August 2013].

105 S. Weir and S. Denner (2013) *The evaluation of the school support programme under DEIS: changes in pupil achievement in urban primary schools between 2007 and 2013*, Dublin: Educational Research Centre.

106 Communication received by the Children's Rights Alliance from the Department of Education and Skills, 23 December 2013.

107 Ibid.

108 Ibid.

109 The evaluation report in relation to rural schools was completed and published in 2009: S. Weir, P. Archer and D. Millar (2009) *Educational Disadvantage in Primary Schools in Rural Areas Report No. 1: Analysis of English Reading and Mathematics Achievement in Schools in the Rural Dimension of the Schools Support Programme*, Dublin: Education Research Centre.

110 Minister for Education Ruairi Quinn, Dail Parliamentary Questions, Written Answers, 8 October 2013 [42143/13].

111 61 per cent of young people from semi/unskilled manual backgrounds and 56 per cent of those from non-employed households attend non-DEIS schools (School Leavers Survey, 2007).

112 E. Smyth and S. McCoy (2009) *Investing in Education, Combating Educational Disadvantage*, Dublin: Economic and Social Research Institute.

113 Children's Rights Alliance (2011) *Children's Rights Alliance Submission in relation to A Draft National Literacy Plan to Improve Literacy and Numeracy in Schools*, Dublin: Children's Rights Alliance.

114 Communication received by the Children's Rights Alliance from the Department of Education and Skills 15 January 2014.

115 Communication received by the Children's Rights Alliance from the Department of Education and Skills 15 January 2014.

Immediate Actions for 2014

Continue rollout of the National Literacy and Numeracy Strategy

Build on the momentum and continue to invest in the successful rollout of the *National Literacy and Numeracy Strategy* in 2014. The guidance issued to schools should be reviewed to increase the length of time spent on literacy and numeracy to the full 120 minutes promised in the Programme for Government.

Develop a long term strategy for addressing educational disadvantage

DEIS has been found to positively impact on disadvantage in education. However, there has been uncertainty related to the future of DEIS since 2008, when its initial cycle formally ended. A strategy should be developed that clearly outlines the future strategic direction of supports for educational disadvantage based on long-term funding. As DEIS Schools were originally designated in 2005, there is a need to re-assess their disadvantaged status, as the level of disadvantage experience in an area may change.

2.3 Children with Special Educational Needs

Grade C-

Government Commitment

The *Programme for Government* commits to publishing a plan for the implementation of the Education for Persons with Special Educational Needs (EPSEN) Act 2004 to prioritise access for children with special needs to an individual education plan. It states that the priority will be to move to a system where necessary supports follow a child from primary to second level and to achieve greater integration of special needs-related services.

Progress

Limited progress

What's happening?

In May 2013, the National Council for Special Education published its policy advice on supporting students with special educational needs.

Implementation of the EPSEN Act 2004 remains on hold. A working group to review allocation of resource teachers to schools has been established.

Cuts to funding for special needs supports were announced in June 2013 but quickly reversed. The cap on the level of SNAs was increased.

A detailed Implementation Plan for the Education for Persons with Special Educational Needs (EPSEN) Act 2004 was published in 2006,¹¹⁶ but its delivery was put on hold due to cost. Further implementation of the Act was deferred by the previous Government in 2008 due to the prevailing economic circumstances.¹¹⁷ An estimate from the National Council for Special Education (NCSE) on the cost of the full implementation of the EPSEN Act suggests that an additional investment of up to €235 million a year over a period of years, across the education and health sectors, would be required.¹¹⁸ The Department of Education and Skills is of the opinion that the level of investment required would be greater than that envisaged in the NCSE report¹¹⁹ and in the current economic climate it is unlikely that the Government will fully implement the EPSEN Act in the short to medium term.¹²⁰

116 National Council for Special Education (2006) *Implementation Report: Plan for the Phased Implementation of the EPSEN Act 2004, as submitted to the Minister for Education and Science*, 1 October 2006, Kildare: NCSE.

117 Batt O'Keeffe TD, Minister for Education and Science, Parliamentary Questions: Written Answers, [45337/08], Dáil Debate, 9 December 2008, Vol. 670 No. 1.

118 Ruairi Quinn TD, Minister for Education and Skills, Parliamentary Questions: Written Answers [19162/11], Dáil Debate, 7 July 2011, Vol. 738 No. 1. The NCSE estimate was made in 2006.

119 Ibid.

120 Communication received by the Children's Rights Alliance from the Department of Education and Skills, 23 December 2013.

In May 2013, the National Council for Special Education (NCSE) published *Supporting Children with Special Educational Needs in Schools*,¹²¹ in response to a request from the Minister for Education and Skills in June 2012. The paper explores policy options on how best to provide educational supports for students with special educational needs that can provide each child with the opportunity to participate and benefit from education as well as to develop his or her potential in line with provisions of the EPSEN Act.¹²² The paper makes clear the NCSE belief that 'the EPSEN Act 2004 continues to offer the most effective route to assessment and educational planning for children with special educational needs'¹²³ and calls on the Minister to implement the Act in full, as soon as resources become available. The paper highlights a number of issues requiring attention including exclusionary enrolment practices in schools; delay in access to assessments leading to delayed diagnosis and thus allocation of resources; a focus on diagnosis rather than broader support to guide a child's development and learning; lack of a joined-up approach across education and health services leading to duplication in assessment, and an unsuitable allocation model that does not provide all children with equitable access to educational supports. The NCSE calls for a new model for allocation of additional teaching resources to mainstream schools, based on the profiled need of each school and without the need for a diagnosis of disability.¹²⁴ The NCSE has made clear that this 'proposed model aims to move the system towards ultimate implementation of the EPSEN Act'.¹²⁵

In June 2013, the Minister for Education and Skills announced the establishment of a working group, chaired by former Chief Inspector Eamon Stack,¹²⁶ on foot of advice from the NCSE to 'develop a new model for how additional teaching resources should be allocated to ensure that students who need the greatest level of support can receive it'.¹²⁷ The Minister also called on the NCSE to 'urgently probe the reasons for the unprecedented 12 per cent rise in applications for resource teacher support' for the 2013/14 school year, compared with a 1.3% increase in the number of pupils attending school in the same year.¹²⁸ The Minister was briefed on the progress of the Stack Working Group in October 2013 and the final report is expected in spring 2014.¹²⁹

Also in June 2013, a 10% increase in the number of pupils eligible for resource teaching led to the announcement of a reduction in resource teaching hours allocated to pupils in order to operate within the assigned budget. There was a significant backlash and the move was quickly reversed.¹³⁰ However, it was also reported at the time that an additional 2,000 pupils would require a Special Needs Assistant (SNA) in the 2013/14 school year, an increase of 10%, but the number of SNAs was only due to increase by 1.5%.¹³¹ An additional 390 SNA posts are now due to come on-stream by the end of 2014 (170 in 2013 and a further 220 in 2014). This represents a total increase of 3.7% above the cap figure of 10,575 whole-time equivalent posts¹³² put in place by the previous Government under the *National Recovery Plan*.¹³³

121 National Council for Special Education (2013) *Supporting Children with Special Educational Needs in Schools: NCSE Policy Advice Paper No. 4*, NCSE.

122 Section 4(6) and section 7(3), EPSEN Act 2004.

123 National Council for Special Education (2013) *Supporting Children with Special Educational Needs in Schools: NCSE Policy Advice Paper No. 4*, NCSE p. vii.

124 *Ibid.*, p. 5.

125 *Ibid.*, p. 49.

126 Other members of the group include Áine Lynch, National Parents Council; Mary Byrne, Head of Special Education; Katherine O'Leary, parent and Inclusion Ireland; Done Mahon, Department of Education and Skills; Anne English, primary school principal; Maureen Costello, National Educational Psychological Service; Antoinette Nic Gerailt, post-primary school principal; Peter Archer, Educational Research Centre; Pat Kinsella, NCSE member; Brian Mac Giolla Phádraig, Department of Education and Skills; Eithne Fitzgerald, National Disability Authority; James O'Grady, NCSE member; and a staff member from the Department of Children and Youth Affairs.

127 Department of Education and Skills 'Former Chief Inspector, Eamon Stack, to chair working group to review special education' 25 June 2013 [press release], <http://www.education.ie/en/Press-Events/Press-Releases/2013-Press-Releases/Pr-2013-06-25.html> [accessed 28 January 2014].

128 *Ibid.*

129 Minister for Education and Skills Ruairi Quinn TD, Dail Debates, Priority Questions, 26 November 2013, [50780/13].

130 Carl O'Brien, 'Quinn reverses planned cuts to supports for special needs pupils', *The Irish Times* 25 June 2013.

131 Carl O'Brien, 'Special needs children face cut in support despite Government U-turn', *The Irish Times*, 28 June 2013.

132 Communication received by the Children's Rights Alliance from the Department of Education and Skills, 27 January 2014.

133 This is a small increase on the 10,543 SNA posts in place in December 2010. Department of Education and Skills (2011), Circular 0006/2011, http://www.education.ie/en/Circulars-and-Forms/Active-Circulars/cl0006_2011.pdf [accessed 18 January 2013].

There was no further reduction in Budget 2014 to the overall number of whole time equivalent SNAs (10,575 posts) or Resource Teachers (9,950 posts).¹³⁴ While spending on special educational needs was also maintained at €1.35 billion in Budget 2014, there is a commitment to create 870 additional posts (480 resource teacher posts and 390 SNAs) and additional funding will be made available to meet these extra resources.¹³⁵ In December 2013, Minister for Education and Skills, Ruairi Quinn TD, announced that there would be an increase in the number of SNAs raising the cap to 10,745 for 2013 and 10,965 for 2014.¹³⁶

In September 2013, the draft General Scheme for an Education (Admission to Schools) Bill 2013 was published alongside draft regulations for discussion.¹³⁷ The Bill requires schools to include in their enrolment policies an explicit statement that they will not discriminate against an applicant for admission on a number of grounds¹³⁸ including disability and special educational needs.¹³⁹ This legislation, due to be enacted in 2014,¹⁴⁰ will ensure greater access for children with special educational needs to all schools.

Comment

Children with Special Educational Needs gets a 'C-' grade this year, a rise from last year's 'D' to reflect the publication of the NCSE report and the increase in the allocation of SNAs. However, the failure to implement the outstanding provisions of the EPSEN Act 2004 continues to be of concern. Additionally, the announcement in June 2013 to cut funding to special needs supports, although later reversed, caused unnecessary stress and anxiety for children and parents of children with special educational needs.

The right to education under Article 28 of the UN Convention on the Rights of the Child extends to all children. Children have the basic right to development and the State must ensure that every child's right is vindicated to the maximum extent possible, regardless of ability. One of the aims of education under the Convention is the development of the child's personality, talents and mental and physical abilities to their fullest potential.¹⁴¹ Children with disabilities have the right to assistance, appropriate to the child's condition, designed to ensure that the child has effective access to education and receives that education in a manner conducive to the child's achieving the fullest possible social integration and individual development.¹⁴² A 2013 report by the National Council for Special Education (NCSE) found that, while most schools welcome and enrol children with special educational needs, some erect overt and/or 'soft' barriers to prevent or discourage parents from enrolling their children in these schools.¹⁴³ These exclusionary practices cannot be permitted in any national system of education.¹⁴⁴

An estimated 25% of children in Ireland have special educational needs.¹⁴⁵ Historically, many of these children were isolated from mainstream education, as they were not expected to achieve at school, either academically or socially. Now, it is recognised that children with special educational needs can thrive in a mainstream education environment, once they

134 While the figure was capped under the Employment Control Framework (ECF) agreed by the Department of Education and Skills for the period 2011-2014, the Government has agreed to increase the cap on the number of SNAs by 390 in 2014.

135 Communication received by the Children's Rights Alliance from the Department of Education and Skills on 27 January 2014.

136 Department of Education and Skills 'Minister Quinn announces 390 extra SNA posts for coming year' 3 December 2013 [press release], <http://www.education.ie/en/Press-Events/Press-Releases/2013-Press-Releases/PR13-12-03C.html> [accessed 2 January 2013].

137 Department of Education and Skills, 'Minister Quinn publishes draft Admission to Schools bill to regulate the admission of children to primary and post primary schools' [press release], 2 September 2013 <http://www.education.ie/en/Press-Events/Press-Releases/2013-Press-Releases/PR13-09-02.html> [accessed 15 January 2014].

138 The grounds set out in the bill are: disability, special educational needs, sexual orientation, family status, membership of the Traveller community, race, civil status, gender, faith or religious tradition or on the grounds of the student being of no faith. A school can however give preference to an incoming student who already has a sibling enrolled in the school.

139 Head 3 Draft General Scheme of an Education (Admission to Schools) Bill 2013 <http://www.education.ie/en/The-Education-System/Legislation/Draft-General-Scheme-of-an-Education-Admission-to-Schools-Bill-2013.PDF> [accessed 15 January 2014].

140 Communication received by the Children's Rights Alliance from the Department of Education and Skills, 15 January 2014.

141 UN Convention on the Rights of the Child, A/RES/44/25 (20 November 1989), Article 29.

142 Ibid., Article 23.

143 National Council for Special Education (2013) *Supporting Children with Special Educational Needs in Schools: NCSE Policy Advice Paper No. 4*, Trim: NCSE, p. 4.

144 A child is deemed to have a special educational need if he or she requires substantial additional educational provision in comparison with his/her peers (definition in S. Griffin and M. Shevlin (2007) *Responding to Special Educational Needs: An Irish Perspective*, Dublin: Gill and Macmillan).

145 This estimate is based on the definition of special educational needs found in the EPSEN Act 2004 and interpreted in broad terms taking into account the perspective of both parents and teachers. Boys show a higher prevalence at 29% with girls at 21%. National Council for Special Education (2011) *A Study on the Prevalence of Special Educational Needs: National Council for Special Education Research Report No.9*, National Council for Special Education, p. 96.

are properly supported. Indeed their presence has been shown to have a positive impact on classmates and the school as a whole.¹⁴⁶ Research undertaken in 2012, based on the nine-year-old cohort of the *Growing Up in Ireland* longitudinal study, found that children with special educational needs experience school differently depending on their disability. It showed that those with learning disabilities have more negative attitudes to school than those with a physical or sensory disability or a speech impairment; these children's enjoyment of school is enhanced however, by positive relations with teachers and peers.¹⁴⁷ Exceptionally able or 'gifted' children may also have special educational needs, but they are not included in the 25% figure; these children can become bored and frustrated in school and are often uncomfortable or self-conscious about their ability.¹⁴⁸ There is no national policy or standardised special educational provision to cater for this group of children in Irish schools.

The EPSEN Act 2004 provides the legislative framework for the assessment of need for children with special educational needs; the preparation and implementation of individual education plans; and the delivery of services.¹⁴⁹ To date, only certain sections of the Act have been commenced, primarily those concerned with the establishment of the National Council for Special Education.¹⁵⁰ When commenced in full, the EPSEN Act will provide additional entitlements to children with special educational needs, and benefit a larger cohort of children than those deemed to have had entitlements under previous statutory provisions. 2014 will mark ten years since the EPSEN Act was passed and it is disappointing that the potential cost has been the determining factor in the failure to implement it and that children with special needs have been left with inadequate educational supports. To improve next year, the Department must seriously consider and implement any recommendations made by the Stack Working Group to move towards a model of resource allocation which would be more in line with the intention outlined in the EPSEN Act.

Supports: The UN Committee on the Rights of the Child has noted that inclusive education should be the goal of educating all children with disabilities and the manner of which must be directed by the individual needs of the child.¹⁵¹

Children with special care needs arising from a disability, attending a mainstream school, can be allocated access to a SNA. SNAs provide care (rather than educational) support, such as assisting a child with eating or visiting the bathroom.¹⁵² Over 10,580 SNAs were deployed in 2013 in mainstream and special schools to meet the needs of over 22,000 children.¹⁵³ Over 7,500 applications were received and processed. Where access to SNA support was not granted, it was open to the school or the parent to appeal the decision. Less than 200 appeals were received from schools and parents, of which approximately 10% to 20% were from parents.¹⁵⁴ The remaining posts were withheld to respond to urgent applications for support throughout the school year.¹⁵⁵ The announcement that the cap on the number of SNAs will be increased by 390 by 2014 is to be welcomed.

146 S. Griffin and M. Shevlin (2007), *Responding to Special Educational Needs: an Irish Perspective*, Dublin: Gill and MacMillan, p. 76.

147 J. Banks and S. Mc Coy (2013) 'Educational engagement among children with special needs in mainstream schools' in *Economic and Social Research Institute Research Bulletin*, <http://www.esri.ie/UserFiles/publications/RB20130206/RB20130206.pdf> [accessed 30 August 2013].

148 National Council for Curriculum and Assessment (2007), *Exceptionally Able Students: Draft Guidelines for Teachers*, Dublin: NCCA.

149 In the absence of full commencement of the EPSEN Act, some steps have been taken: in 2006 the NCSE published guidelines on the individual education plan process and issued them to all schools. The Special Education Support Service (SESS) has commenced a series of training programmes for teachers on the individual education planning process.

150 The following sections of the Education for Persons with Special Educational Needs Act, 2004 [no. 30 of 2004] have been commenced – 1, 2, 14(1)(a), 14(1)(c), 14(2) to 14(4), 19 to 37, 40 to 53. These cover the adoption of the policy of inclusive education, the establishment of the NCSE, its staff, functions, etc, the adoption of the policy of detailed record keeping by the NCSE in the interest of provision to children with special educational needs; where requested, the support of local health boards in the work of the NCSE; the establishment of the duty of schools with respect to children with special educational needs; and some amendments to the Education Act (1998), e.g. the definition of disability.

151 UN Committee on the Rights of the Child (2006) *General Comment No. 9: The Rights of Children with Disabilities*, CRC/C/GC/9.

152 For full details see: Department of Education and Skills (2002), Circular SP. ED 07/02, <http://www.education.ie/en/Circulars-and-Forms/Archived-Circulars/Applications-for-Full-or-Part-time-Special-Needs-Assistant-Support-to-Address-the-Special-Care-Needs-of-Children-with-Disabilities-.pdf> [accessed 18 January 2013].

153 Communication received by the Children's Rights Alliance from the National Council for Special Educational Needs on 7 February 2014. Details of all of the resource teaching allocations made by the NCSE in October 2013 on a school by school and per county basis, including a breakdown between posts allocated at between the primary and post primary school sector are available at: <http://www.ncse.ie/statistics/national.asp> [accessed 8 January 2014].

154 Information received by the Children's Rights Alliance from the National Council for Special Educational Needs, 7 February 2014.

155 Ibid.

It will be important to monitor this increase to ensure that it is meeting rising demand. Entitlement to SNA support remains problematic as posts are allocated to schools on the basis of the assessed care needs of children, rather than attaching to a particular child, thus entitlement to SNA support does not transfer automatically with a child from one school to the next.¹⁵⁶ In addition, training is not mandatory and a large number of SNAs have not undertaken training programmes.¹⁵⁷ Issues have also arisen on the clarity of their role between teachers, parents and SNAs themselves.

Children with special educational needs who are attending a mainstream school are provided with additional resource teaching hours by way of learning support. These posts are an early intervention measure and are vital to support children struggling with a particular aspect of learning – for example literacy or numeracy. Almost 10,700 learning support/resource teacher posts were allocated to schools in 2012, including those provided under the General Allocation Model.¹⁵⁸ An additional 435 Resource Teacher posts were allocated in 2013.¹⁵⁹

The 2013 NCSE report found that the current allocation model does not provide all children with the same access to educational supports. Children whose school or parents can afford to pay for private assessments can access additional supports immediately, where they satisfy the criteria. Whereas those who cannot afford to pay for private assessments must wait for an assessment through the public system.¹⁶⁰ This two-tier system is unfair and must be changed. To do this, the report recommends the development of a new model for allocating additional teaching resources to mainstream schools, based on the profiled need of each school, without the need for a diagnosis of disability. The current approach – linking the allocation of additional supports to the number of class teachers – does not ensure an optimum use of available resources. Instead, the report advises that teaching supports be based on a suite of indicators of educational need. Once additional supports are allocated to a school, responsibility for their deployment should lie with the school. Recognising the concern and anxiety that any change to the current system may bring to parents and children, the NCSE strongly advises that sufficient time is taken to develop a new model and consult with relevant stakeholders.

The current Government commitment focuses on children with special needs within the school setting. It is important, however, that policy takes a holistic approach to supporting children with special needs, recognising their health – as well as educational – needs. Pending the full roll-out of the *National Programme on Progressing Disability Services for Children 0-18*, the HSE should develop a plan that provides adequate clinical and therapeutic supports for children and young people with special educational needs, irrespective of school placement.¹⁶¹ In addition, duplication in the assessment process required to access a range of State services was identified as a key problem in consultations for the 2013 NCSE report. This issue must be addressed by bringing together the relevant State Departments and agencies¹⁶² to develop and implement one national system of assessment which can be used to access services across all areas.¹⁶³ Now, as resources are tighter, collaborative working, integrated services and information sharing is vital. Children with special educational needs rely heavily on State supports – appropriately provided and administered early – to improve their educational experience and outcomes. The distress and frustration felt by children and their parents when access to these supports is not clear or straightforward is significant. Provision of special educational needs services to the children that need them is not an optional extra; it is a basic right that must be vindicated by the State even in times of recession.

156 Information received by the Children's rights Alliance from the Department of Education and Skills, 23 December 2013.

157 The minimum educational requirement for SNAs is a grade 'D' at Junior Certificate, the job description states that this is a care role only. The Department of Education and Skills provides an accredited 20 hour induction programme (one week in August and weekend seminars during the year). FETAC Level 5-6 training courses are also available, as are courses by private providers. In 2010, just 1,484 SNAs undertook an introductory training programme and 480 had undertaken a certificate programme. Department of Education and Skills (2011), *The Special Needs Assistant Scheme: A Value for Money Review of Expenditure of the Special Needs Assistant Scheme 2007/08-2010*, Dublin: Department of Education and Skills.

158 Communication received by the Children's Rights Alliance from the Department of Education and Skills, 23 December 2013.

159 Ibid.

160 National Council for Special Education (2013) *Supporting Children with Special Educational Needs in Schools: NCSE Policy Advice Paper No. 4*, NCSE, p. 5. The report also distinguishes between two types of assessment: one undertaken to identify a pupil's learning needs and inform intervention and the other undertaken purely for diagnosis to satisfy criteria for the allocation of resources. The latter may result in premature labelling of children with a disability and may not always be in a child's best interest.

161 Ibid.

162 The Department of Health, the Department of Education and Skills, the Department of Social Protection and the Department of Children and Youth Affairs and the HSE.

163 National Council for Special Education (2013) *Supporting Children with Special Educational Needs in Schools: NCSE Policy Advice Paper No. 4*, NCSE, p. 165.

Immediate Actions for 2014

Publish and begin action on the plan to fully implement the EPSEN Act 2004, on foot of the NCSE policy advice

The 2013 NCSE policy advice is clear that the EPSEN Act 2004 continues to offer the most effective route to assessment and educational planning for children with special educational needs. The Minister for Education and Skills must make full implementation of the Act a clear priority as fundamental rights must be respected even in recessionary times. In the meantime, progress should begin immediately on implementing the interim proposals outlined by the NCSE in its policy advice.

Reform the support allocation model to bring an end to exclusionary practices

The two-tier system of access to supports for children with special educational needs must be reformed and made fair. Children who require additional support should not be forced to wait on an assessment due to lack of money on the part of their parents or depending on the location of the school they attend. Each decision on support allocation must be based on the best interests and requirements of the individual child with special educational needs and not based on a general factor such as the diagnosis of a particular disability.

2.4 School Buildings

Grade B+

Government Commitment

The *Programme for Government* commits to prioritising school building projects in a revised national development plan. It also makes a series of commitments in relation to school buildings, they include:

- To progressively phase-out the inefficient renting of school prefabs. In the interim, negotiation of prefab rental contracts will be part of a reformed public procurement policy to encourage value for money, transparency and reduce dependency on temporary accommodation.
- To overhaul the Department of Education and Skills' central database of school accommodation to ensure a complete inventory of school buildings and associated structures is maintained so deficiencies are easily identifiable.

Progress

On track

What's happening?

Work continues on the major capital investment programme to build new schools and replace rented prefabs. Some schools have difficulties funding necessary repairs. The Minister for Education and Skills, Ruairí Quinn TD, announced €28 million in funding for a Minor Works Grant Scheme and €40 million for a Summer Works Scheme in 2014.

Budget 2014 provided €540 million in capital expenditure in the area of education, with €470 million to be spent on the Schools Building Programme.¹⁶⁴ In March 2012, a €2 billion, five-year capital investment programme was launched by the Minister for Education and Skills, Ruairí Quinn TD, involving over 275 new major school projects planned to proceed to construction over the duration of the programme.¹⁶⁵ It is the first time the Department of Education and Skills has published such a plan for school buildings. The programme will provide over 171 new school buildings and major extensions at primary level, over 92 new school buildings and large scale extensions at post-primary level, 12 new special schools

¹⁶⁴ In July 2012, the European Investment Bank provided a loan of €100 million to support the Department of Education and Skills' capital investment programme in educational infrastructure. Department of Education and Skills, 'Minister Quinn protects frontline education services in Budget 2013' [press release], 5 December 2012, <http://www.education.ie/en/Press-Events/Press-Releases/2012-Press-Releases/PR2012-12-05.html> [accessed 18 January 2013]. See also, Department of Education and Skills, 'Minister Quinn welcomes €100m loan from the European Investment Bank in support of the Department's School Building Programme' [press release], 6 July 2012, <http://www.education.ie/en/Press-Events/Press-Releases/2012-Press-Releases/PR12-07-06.html> [accessed 18 January 2013].

¹⁶⁵ Department of Education and Skills, 'Minister Quinn announces details of 275 major school building projects – More than 15,000 jobs to be created over five years' [press release], 12 March 2012, <http://www.education.ie/en/Press-Events/Press-Releases/2012-Press-Releases/PR12-03-12.html> [accessed 18 January 2013]. The Department's Statement of Strategy 2011-2014, published in April 2012, contains several specific objectives in relation to school buildings in the context of a five year plan for educational infrastructure at primary and second level. Department of Education and Skills (2011), *Statement of Strategy 2011-2014*, Dublin: Department of Education and Skills, p. 13.

buildings and large scale extensions.¹⁶⁶ By December 2013, 37 projects were completed, 34 projects were under construction, a further 25 were at the tender stage and the remainder are progressing within the architectural planning process.¹⁶⁷

In 2013, €15 million was allocated to replace 115 prefab units in 46 schools. This allocation builds on 2012 funding to 170 schools to replace 458 prefab units with permanent accommodation. To date, 158 of these projects have gone to construction with 131 now completed. Nearly all (€37.5 million) of the original €42 million committed has been spent.¹⁶⁸ Savings of up to €5 million are expected as a result of the initiative; to date €2.5 million has been saved on rented accommodation.¹⁶⁹ In November 2013, it was announced that 70 major building projects are scheduled to proceed to construction in 2014 including: 22 new schools at primary level; 12 extensions at primary level; 12 new schools at post-primary; 20 extensions at post-primary; three new special schools and one major special school extension.¹⁷⁰ Furthermore, funding of €28 million as part of a Minor Works Grant Scheme for the 2013/14 school year was a most welcome development. This will assist primary schools in undertaking small scale repair works.¹⁷¹ Also announced was the introduction of a Summer Works Scheme for primary and post-primary school improvement works in 2014 for which €40 million will be made available. This will enable eligible schools to carry out small and medium scale building works that will improve and upgrade existing school buildings.¹⁷²

In 2013, a pilot study was undertaken by the Department of Education and Skills to develop an inventory of education infrastructure and related community assets in five areas of the country: Tuam, Navan, Clonmel, Portlaoise and part of Limerick City. The research gathered was combined with existing departmental information, providing a richer picture for future planning. The Minister for Education and Skills has stated his intention that this expanded inventory data will be developed on an incremental basis at national level.¹⁷³

“Budget 2014 provided €540 million in capital expenditure in the area of education, with €470 million to be spent on the Schools Building Programme.”

166 Communication received by the Children’s Rights Alliance from the Department of Education and Skills on 27 January 2014.

167 Ibid.

168 Ibid.

169 Ibid.

170 Minister Quinn announces 70 major school building projects as part of €2billion 5 year plan [press release], 29 November 2013 <http://www.education.ie/en/Press-Events/Press-Releases/2013-Press-Releases/PR13-11-29.html> [accessed 16 December 2013].

171 Department of Education and Skills, ‘Minister Quinn Announces €70million for school improvements’, 7 November 2013 [press release], <http://www.education.ie/en/Press-Events/Press-Releases/2013-Press-Releases/PR13-11-07.html> [accessed 2 January 2014].

172 Ibid.

173 Ruairí Quinn TD, Minister for Education and Skills, Parliamentary Questions: Written answers [32111/13], Dáil Debate, 2 July 2013.

Comment

School Buildings gets a 'B+' grade in Report Card 2014, a rise from last year's 'B' to reflect the continued capital investment in school building announced in Budget 2014 as well as the announcement in November 2013 of funding of €28 million as part of a Minor Works Grant Scheme for the 2013/14 school year and €40 million for a Summer Works Scheme in 2014. In its most recent review of Ireland, the UN Committee on the Rights of the Child recommended that the State ensure that budgetary allocations are directed at improving and upgrading school buildings, recreational equipment and facilities, and the sanitary conditions in schools.¹⁷⁴ The Government is to be praised for its commitment and investment in this area.

However, Government had little choice but to take this issue seriously, given the demographic challenge it faced. Total enrolment in Irish schools is expected to increase by approximately 70,000 pupils between 2012 and 2018 – 45,000 at primary level (almost 31,000 before 2014) and 25,000 students at post-primary level with second level enrolment expected to continue to grow until 2024 at the earliest.¹⁷⁵ The building programme will provide 100,000 additional permanent school places, over 80,000 of which will be new school places with the remainder replacing temporary or unsuitable accommodation. Progress on gathering detailed inventories of school accommodation is welcome, and vital to ensure that necessary information is available to decision-makers on school planning at local level. However, with over 3,000 primary schools in the State, an overarching long-term school replacement programme should be developed to ensure that decisions are not solely made in response to impending crises in the short to medium-term.

Report Card 2013 raised concerns in relation to the process of procuring of school building contracts, in particular the relative marks attributable to 'school design quality' in the list of criteria for the design process. Revised procedures for tendering for design teams were published by the Department of Education and Skills in 2012 and came into force early in 2013.¹⁷⁶ The new procedures have been utilised for smaller scale projects. Appointment of design teams for larger projects (over €2.5 million), using the restricted tender procedure, are made from *Frameworks of Suitably Qualified Consultants* which were put in place in 2012 and which expire in early 2014. The Department is currently completing a tender exercise to put in place new frameworks which will utilise the new recruitment procedures for all major school building projects. These new frameworks will be in place throughout 2014 and 2015.¹⁷⁷ The Department of Education and Skills should continue to take the necessary steps to update its school design guidelines on its website so that new developments in the changing nature of teaching and learning practices can be considered by design firms. Also in a welcome move in 2013, the Minister for Education and Skills introduced random audits on school building projects, to verify pay and conditions on building sites.¹⁷⁸

174 UN Committee on the Rights of the Child (2006), *Concluding Observations: Ireland, CRC/C/IRL/CO/2*, paragraph 59(b).

175 Department of Education and Skills (2013) *Projections of full time enrolment: Primary and second level 2013-2031*, <http://www.education.ie/en/Publications/Statistics/Statistical-Reports/Projections-of-full-time-enrolment-Primary-and-Second-level-2013-2031.pdf> [accessed 27 August 2013].

176 Communication received by the Children's Rights Alliance from the Department of Education and Skills on 28 January 2013.

177 Communication received by the Children's Rights Alliance from the Department of Education and Skills on 23 December 2013.

178 Department of Education and Skills, 'Random audits to verify pay and conditions on building projects in the education sector to be introduced by the Minister for Education and Skills' 24 April 2013 [press release], <http://www.education.ie/en/Press-Events/Press-Releases/2013-Press-Releases/PR13-04-24.html> [accessed 1 September 2013].

Report Card 2013 referred to the results of a 2012 survey which highlighted the absolute necessity of the Minor Works Grants for many schools.¹⁷⁹ Therefore, the announcement in November 2013 of funding of €28 million as part of a Minor Works Grant Scheme for the 2013/14 school year was a most welcome development. This will assist primary schools in undertaking small scale repair works.¹⁸⁰ The introduction of a Summer Works Scheme for primary and post-primary school improvement works in 2014 was also announced for which €40 million will be made available. This will enable eligible schools to carry out small and medium scale building works that will improve and upgrade existing school buildings.¹⁸¹

“In its most recent review of Ireland, the UN Committee on the Rights of the Child recommended that the State ensure that budgetary allocations are directed at improving and upgrading school buildings and recreational facilities in schools.”

179 Catholic Primary Schools Management Association, Survey on School Funding carried out by Amárach Research, November 2012. The survey received 540 responses from a total of 2,900 primary schools nationwide. 86% of primary schools reported to rely on ad-hoc funding to make up shortfalls in funding; 43% asked parents to make an annual 'voluntary contribution' and 25% were forced to rent out property to raise funds.

180 Department of Education and Skills, 'Minister Quinn Announces €70million for school improvements', 7 November 2013 [press release], <http://www.education.ie/en/Press-Events/Press-Releases/2013-Press-Releases/PR13-11-07.html> [accessed 2 January 2014].

181 Ibid.

Immediate Action for 2014

Ensure that the promised funding for the remainder of the School Buildings Programme is protected and that quality is maintained

The investments made as part of the five-year building programme to build new classrooms and to replace unsatisfactory or prefab accommodation are significant. Funding for this programme should be maintained in order to ensure that it is brought fully to fruition. Quality of design should also be a priority in the selection of firms bidding for contracts for school building design contracts to ensure that the designs can adapt to the changing nature of teaching and learning.

2.5 Patronage and Pluralism in Education

Grade B+

Government Commitment	Progress
The <i>Programme for Government</i> commits to initiating a time-limited Forum on Patronage and Pluralism in the Primary Sector to allow all stakeholders, including parents, to engage in open debate on change of patronage in communities where it is appropriate and necessary. The Forum will have concise terms of reference and will sit for a maximum of 12 months.	Completed
The Forum's recommendations will be drawn up into a White Paper for consideration and implementation by Government to ensure that the education system can provide a sufficiently diverse number of schools, catering for all religions and none.	On track

What's happening?

The final report of the Forum on Patronage and Pluralism was published in 2012. The White Paper has not yet been published. Parental surveys in 38 selected areas across Ireland were completed in 2013.

The Forum on Patronage and Pluralism in the Primary Sector, launched in April 2011¹⁸² completed its work within its one year remit.¹⁸³ The final report of the Forum's Advisory Group was published by the Minister for Education and Skills, Ruairi Quinn TD, in April 2012.¹⁸⁴ In June 2012, the Minister released an action plan in response to the recommendations of the Advisory Group's report. In its final report, the Advisory Group put forward three key recommendations. The first related to the divesting of patronage, which would take place in a phased process; the second related to the provision of Irish language schools, including the piloting of the concept of a 'satellite' school, which would be linked to a well-established 'parent' Irish medium school; and the third drew attention to the issues affecting 'stand-alone' schools (where there is no other choice of school nearby) and focused on how these schools can be more inclusive and respect the constitutional rights of all children.

The Government also committed to drawing up a White Paper in relation to promoting inclusiveness in all schools. Submissions were invited on the issue and the deadline was 22 November 2013. A White Paper on the issue is expected to be published in 2014.¹⁸⁵

182 The Forum comprised Professor John Coolahan (Chair); Dr Caroline Hussey and Fionnuala Kilfeather.

183 Patronage refers to the ownership and management of schools. In Ireland, the vast majority of primary schools are privately owned and supported by different churches. The State pays the bulk of the building and running costs and a local contribution is made towards the running costs.

184 J. Coolahan et al., *The Forum on Patronage and Pluralism in the Primary Sector (2012) Report of the Forum's Advisory Group*, <http://www.education.ie/en/Press-Events/Conferences/Patronage-and-Pluralism-in-the-Primary-Sector/The-Forum-on-Patronage-and-Pluralism-in-the-Primary-Sector-Report-of-the-Forum-Advisory-Group.pdf> [accessed 18 January 2013].

185 Communication received by the Children's Rights Alliance from the Department of Education and Skills, 23 December 2013.

In June 2012, Minister for Education and Skills, Ruairí Quinn TD, announced that he would request the National Council for Curriculum and Assessment (NCCA) to explore the development of an Education about Religion and Beliefs (ERB) and Ethics programme, with education partners and religious interests.¹⁸⁶ An Education Officer was appointed by the NCCA in October 2013 to develop the Education about Religion and Beliefs (ERB) and Ethics programme.¹⁸⁷

Following a pilot survey of parents in five areas in autumn 2012, the Department of Education and Skills ran a wider parental survey in January 2013 regarding the possible divestment of existing patronage in 38 areas across Ireland. The areas were selected as suitable for some divestment from existing denominational patronage by virtue of having few or no multi-denominational primary schools, and because the option of building a new school was not considered feasible due to insufficient population growth.¹⁸⁸ Of the 38 areas surveyed in 2013, 23 demonstrated demand for an immediate change in the existing patron:¹⁸⁹ 22 areas opted for the establishment of an English language multi-denominational school and one chose the establishment of an Irish language school.¹⁹⁰ Existing patrons were given three months to provide an interim response to the Department after consulting with their local school communities, and six months to provide a final response.¹⁹¹ By the end of November, final responses were received from all but one of the main Patrons who are supportive of the process.¹⁹² The Department of Education and Skills is considering the responses.¹⁹³

In November 2013, a decision on patronage in relation to nine newly established primary schools was announced. Of these nine schools, Educate Together was awarded sole patronage of four schools and joint patronage with the Kildare and Wicklow Education Training Board of one further school. The remaining five patrons announced include; the Edmund Rice School Trust and the Education Training Boards of Cavan and Monaghan, Cork, Dublin and Dun Laoghaire.¹⁹⁴

186 Department of Education and Skills, 'Minister Quinn outlines his Action Plan in response to the report of the Advisory Group to the Forum on Patronage and Pluralism in the Primary Sector' [press release], 20 June 2012, <http://www.education.ie/en/Press-Events/Press-Releases/2012-Press-Releases/20-June-2012-Minister-Quinn-outlines-his-Action-Plan-in-response-to-the-report-of-the-Advisory-Group-to-the-Forum-on-Patronage-and-Pluralism-in-the-Primary-Sector-.html> [accessed 19 November 2012].

187 Communication received by the Children's Rights Alliance from the Department of Education and Skills 23 December 2013.

188 Department of Education and Skills (2013) *Report on the Surveys Regarding Parental Preferences on Primary School Patronage*, <http://www.education.ie/en/Publications/Policy-Reports/Report-on-the-surveys-regarding-parental-preferences-on-primary-school-patronage.pdf> [accessed 27 August 2013]. Department of Education and Skills, 'Minister Quinn asks parents for their views on patron options for primary schools' [press release], 22 October 2012, <http://education.ie/en/Press-Events/Press-Releases/2012-Press-Releases/PR12-10-22.html> [accessed 19 November 2012].

189 Patrons are bodies that establish schools, appoint the Board of Management of the school and also determine the ethos of the school. Their responsibilities are set out in law under the Education Act 1998. The level of demand deemed sufficient to support a recommendation for a change in ethos of school was set at the minimum enrolment sufficient for a four teacher school. The outcomes and recommendations were verified by the New Schools' Establishment Group, which has responsibility for overseeing the process.

190 Parents expressed a preference for an Educate Together patron in 20 of the areas and the other two towns will see Community National Schools established, run by the local VEC. 30 of the 38 areas surveyed already have a gaelscoil option available for parents.

191 Department of Education and Skills, 'Pilot surveys on parental patronage preferences show demand for diversity' [press release], 12 December 2012, <http://www.education.ie/en/Press-Events/Press-Releases/2012-Press-Releases/PR12-12-12.html> [accessed 13 December 2012].

192 An acting Administrator is in place in the diocese of Waterford and Lismore therefore a response has not been received.

193 Communication received by the Children's Rights Alliance from the Department of Education and Skills, 23 December 2013.

194 Department of Education and Skills, 'Minister Quinn announces patronage of 3 new post-primary schools to be established in Dublin in 2014' [press release], <http://www.education.ie/en/Press-Events/Press-Releases/2013-Press-Releases/PR13-11-28A.html> [accessed 16 December 2013].

Comment

Patronage and Pluralism in Primary Education gets a **B+** grade in *Report Card 2014* to reflect the continuing positive engagement on this issue by the Department of Education and Skills. It also reflects the completion of parental surveys on school patronage, the appointment of an Education Officer by the NCCA in October 2013 to develop an Education about Religion and Beliefs (ERB) and Ethics programme and the announcement of diverse patrons for nine new schools.

Every child's right to education is guaranteed under the UN Convention on the Rights of the Child (Article 28), as is the right to 'freedom of thought, conscience and religion' (Article 14). Of specific relevance to the issue of patronage is Article 2, which states that 'State Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion [...]'.¹⁹⁵ General Comment No.1 (2001) of the UN Committee on the Rights of the Child notes that Article 29 (1) (aims of education) provides that education should be directed by a wide range of values, overcoming the boundaries of religion, nation and culture. The Committee continues by stating that 'the school environment itself must thus reflect the freedom and the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin called for in Article 29 (1) (b) and (d)'.¹⁹⁶

The Committee's 2006 Concluding Observations on Ireland called for the establishment of multi-denominational and non-denominational schools and recommended that the existing legislative framework be amended to eliminate discrimination in school admissions.¹⁹⁷ Similarly, in their *Concluding Observations* on Ireland in 2011, the Committee for the Elimination of Racial Discrimination (CERD) recommended that the State accelerate its efforts to establish alternative, non-denominational or multi-denominational schools and to amend the existing legislation that inhibits students from enrolling into a school because of their faith or belief.¹⁹⁸ In March 2012, the Government accepted a recommendation made during the Universal Periodic Review process requesting that efforts be accelerated in establishing a national network of schools to guarantee equal access to children irrespective of their religious, cultural or social background.¹⁹⁹

In its most recent report on Ireland, the European Commission against Racism and Intolerance (ECRI) expressed concern that where demand for schools exceeds the availability of places a school is entitled to adopt a preferential enrolment policy which can result in discriminatory behaviour.²⁰⁰

195 UN Convention on the Rights of the Child, A/RES/44/25 (20 November 1989).

196 UN Committee on the Rights of the Child (2001), *General Comment No.1: The aims of education*, CRC/GC/2001/1.

197 UN Committee on the Rights of the Child (2006), *Concluding Observations: Ireland*, CRC/C/IRL/CO/2, paragraph 61.

198 UN Committee on the Rights of the Elimination of Racial Discrimination (2011), *Concluding Observations: Ireland*, CERD/C/IRL/CO/3-4, paragraph 26.

199 Department of Justice and Equality (2012), *Addendum to the Report of the Working Group on the UPR*, <http://www.upr.ie/Clients/CEGA/UPRWeb.nsf/page/reports-en> [accessed 7 December 2012].

200 European Commission against Racism and Intolerance, *Fourth Country Report on Ireland*, 19 February 2013, <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Ireland/IRL-CbC-IV-2013-001-ENG.pdf> [accessed 16 December 2013].

The parental survey initiative is to be welcomed. In total 10,715 valid surveys²⁰¹ were received in respect of almost 20,400 children.²⁰² Of the 38 areas surveyed in 2013, 23 demonstrated demand for an immediate change in the existing patron:²⁰³ Comprehensive reform of the 180 year-old primary education system to accommodate the diversity now present within the Irish population, both among Irish and migrant families, is clearly needed given that in 2011, 96% of schools were found to have a religious patron, with 89.6% under the patronage of the Catholic Church.²⁰⁴ The challenge is not to re-design the primary system, but to adapt it to be more inclusive and to devise new forms of patronage.²⁰⁵

In 2010, the Roman Catholic Church authorities, as lead patron, accepted the need for change and endorsed the principle of parental choice in education.²⁰⁶ In October 2012, the Bishops' Council for Education reiterated its commitment to parental choice with regard to education.²⁰⁷ A 2012 paper by the Catholic Schools Partnership stated that 'if sufficient demand for a school under different patronage [from denominational] can be demonstrated then all of the stakeholders should work in partnership towards this goal.'²⁰⁸

The commitment to develop a new programme, Education about Religion and Beliefs (ERB) and Ethics, with education partners and religious interests, is welcome. The appointment of an Education Officer by the NCCA to develop the programme is also to be welcomed. To address issues of diversity, many schools with religious patrons have developed practical solutions and good practice guidelines on how to accommodate the rights and needs of all pupils. While this remains *ad hoc*, it is evidence of how many schools are successfully accommodating greater cultural, ethnic, linguistic and religious diversity within their pupil bodies, and should be acknowledged and drawn upon when devising the new programme.

Finally, it is important to note that the work of the Forum applies to primary education only, and an important next step will be to take lessons learned and consider how they can be applied at second-level. The announcement of a diverse list of Patrons for the nine new post-primary schools is a welcome development. The decision making process involved the use of the New School Establishment Group, an independent advisory group that reported to the Department of Education and Skills. The criteria for selection required prospective patrons to provide evidence of parental demand and how the proposed schools under the respective patrons would provide for extending or strengthening diversity of school ethos in each area.²⁰⁹ The use of these criteria for new school buildings ensures that both parental demand and diversity of ethos are central when awarding new patronage.

201 2,098 surveys received were deemed invalid as they were duplicates or did not contain the respondent's name, address or Personal Public Service (PPS) Number.

202 Department of Education and Skills (2013) *Report on the Surveys Regarding Parental Preferences on Primary School Patronage*, <http://www.education.ie/en/Publications/Policy-Reports/Report-on-the-surveys-regarding-parental-preferences-on-primary-school-patronage.pdf> [accessed 2 January 2014].

203 Patrons are bodies that establish schools, appoint the Board of Management of the school and also determine the ethos of the school. Their responsibilities are set out in law under the Education Act, 1998. The level of demand deemed sufficient to support a recommendation for a change in ethos of school was set at the minimum enrolment sufficient for a four teacher school. The outcomes and recommendations were verified by the New Schools' Establishment Group which has responsibility for overseeing the process.

204 Department of Education and Skills (2011) 'Public Submissions: Forum on Patronage and Pluralism in the Primary Sector, Themes for Written Submissions', http://www.education.ie/servlet/blob/vlet/fpp_themes_for_written_submissions.pdf [accessed 12 December 2011].

205 Irish Human Rights Commission (2011), *Religion and Education: A Human Rights Perspective*, Dublin: Irish Human Rights Commission.

206 Cardinal Sean Brady, Archbishop of Armagh, 'Full text of address at the launch of Catholic Schools Week and the inauguration of Catholic Schools Partnership, in the Emmaus Centre, Swords, Co Dublin', *Irish Times* [online], 28 January 2010, <http://www.irishtimes.com/focus/2010/bradyspeech/index.pdf> [accessed 14 January 2013]. See also: Irish Catholic Bishops' Conference, 'Catholic Church reiterates importance of parental choice in school provision' [press release], 5 March 2010, <http://www.catholicbishops.ie/2010/03/08/catholic-church-reiterates-importance-of-parental-choice-in-school-provision/> [accessed 14 January 2013].

207 Irish Catholic Bishops' Conference, 'Bishops' Council for Education welcomes survey of parental opinion' [press release], 22 October 2012, <http://www.catholicbishops.ie/2012/10/22/bishops-council-education-welcomes-survey-parental-opinion/> [accessed 14 January 2013].

208 Catholic Schools Partnership (2012), *Catholic Primary Schools: Looking to the future*, Kildare: Catholic Schools Partnership.

209 Department of Education and Skills, 'Minister Quinn announces patronage of 3 new post-primary schools to be established in Dublin in 2014' [press release], <http://www.education.ie/en/Press-Events/Press-Releases/2013-Press-Releases/PR13-11-28A.html> [accessed 16 December 2013].

Immediate Actions for 2014

Commence divestment when appropriate and publish the White Paper on Patronage and Pluralism in Primary Education

A strong momentum has gathered around this issue over the past two years; this should be built on to bring to completion the divestment process when appropriate. The Department of Education and Skills should act on the interim and final reports that it has now received from the patrons of the areas identified for possible divestment in the Parental School Survey. In addition, as was called for in *Report Card 2012* and *2013*, the Government should publish the White Paper on Patronage and Pluralism in Primary Education.

Commence the development of a programme on Education about Religion and Beliefs (ERB) and Ethics

For many children the only local option will be a denominational school however, the right of these children to access education in a manner which reflects their cultural, ethnic, linguistic and religious beliefs must be upheld. It is essential that the programme on Education about Religion and Beliefs be developed and implemented within schools as a matter of priority.