

Introduction

A report published by the Ombudsman for Children's Office (OCO) in June has found that The Department of Education is failing children with Special Educational Needs, particularly in black spots such as Dublin and Cork, regarding the provision of suitable school places. The rationale for the carrying out of this report stems from several complaints which the OCO has received from parents who have experienced difficulties in securing suitable school places within their communities for their child with SEN. More specifically, parents have complained about appropriate places in Dublin, Cork, and Clare. This report from the OCO was also prompted to coincide with recent Ministerial activity; such as Josepha Madigan's commitment in 2020 to updating the Education for Persons with Special Educational Needs Act 2004 (EPSEN Act) and the publication of Ireland's first State party report to the United Nations Committee on the Rights of Persons with Disabilities (CRPD Committee) in 2021 by Anne Rabbitte. This analysis aims to condense the main data and recommendations of the OCO report and external sources, the full report can be found at [Plan-For-Places-Full-Report.pdf \(oco.ie\)](https://www.oco.ie/Plan-For-Places-Full-Report.pdf).

Current Level of Need

There is a glaring lack of centralised data to indicate an accurate figure of how many children with SEN require appropriate school placement. Former Minister for Education, Joe McHugh, acknowledged this in September 2019.¹ The ESRI's 'Growing Up in Ireland' study used a three-step approach in order to gather an accurate figure on the number of students with SEN relative to the total student population. The study gathered information from teachers and parents and combined information based on physical, learning, and emotional/behavioural difficulties. The study estimates that the level of the student population with SEN is 25%.² The OCO support and back this estimate; however, it should be noted that the ESRI's research was published in 2011, again highlighting the lack of centralised data.

Identified Need within the Irish School Population

Department of Education data indicates that in 2021 the number of pupils in special schools stood at 8,682, the number of pupils in special classes at mainstream primary schools stood at 7,510, and the number of pupils in special

¹ Michael Clifford, 'Not all of State's children are being educated equally', Irish Examiner, 14 February 2020 (<https://www.irishexaminer.com/opinion/commentanalysis/arid-30981617.html>).

² A Study on the Prevalence of Special Educational Needs, December 2011, Banks & McCoy (<https://www.esri.ie/publications/a-study-on-the-prevalence-of-special-educational-needs>)

classes at post-primary schools stood at 2,856. Out of the 2,148 special classes set up for the 21/22 academic year, almost 1,900 cater for autistic students.³

No numbers are available for pupils requiring SEN supports in integrated settings in mainstream primary schools or post-primary schools. In response to a January 2021 parliamentary question on the issue, Jospheha Madigan outlined that:

'as special education teaching support is now allocated to individual pupils at local school level, my Department does not hold details of the number of pupils with particular conditions of SEN who are supported in mainstream schools'.⁴

The Level of Dispersal Unmet

The OCO's report found – in correspondence between themselves and the NCSE – that current unmet needs for children with SEN stems from:

- Children on Home Tuition or otherwise out of school due to a lack of specialist education placement; and
- Children with recommendations for special school or special class placements currently in other school settings as communicated to the local Special Educational Needs Organiser (SENO) by the children's parents/guardians or current school placement.

Again, highlighting the lack of centralised data, Thomas Byrne T.D. outlined in September 2019 that there are no official figures on the number of children with special needs who do not have an appropriate school place.⁵

One of the core issues raised as part of complaints to the OCO from parents was the lack of school places within their community. The OCO has spoken to parents who must undertake lengthy journeys by buses and/or taxis in order for their child to attend school as a direct result of the lack of appropriate school places within their community. The OCO report indicates that in South Dublin alone during 2021, up to November 2021, €72,704 was being spent each day in order to accommodate such transport, increasing 14.4% on 2020's figure for the same timeframe. It was outlined in an Oireachtas debate that the reason for this

³ Minister Norma Foley, Dáil Debate, 02 March 2022
(<https://www.oireachtas.ie/en/debates/debate/dail/2022-03-02/3/#s6>.)

⁴ Minister Jospheha Madigan, Dáil Debate, 13 January 2021
(<https://www.oireachtas.ie/en/debates/question/2021-01-13/456/>.)

⁵ Deputy Thomas Byrne, Dáil Debate, 25 September 2019
(<https://www.oireachtas.ie/en/debates/debate/dail/2019-09-25/29/>)

increase is due to children having to travel further distances out of their local area in order to be able to reach their school placement.⁶

Conclusion

The Department of Education contributed to the OCO's report, stating that the National Development Plan aims to build a modern and sustainable school infrastructure, which will in turn alleviate the shortcomings outlined in the report. The Department also pointed the growth of SET and SNA allocations nationally as a factor which will alleviate their downfall to accommodate SEN students. The Department failed to highlight the delays in producing allocations for SNAs, causing stress and anxiety amongst the staff which they rightly claim are an integral part of the solution in building a sustainable school infrastructure. The OCO report includes significant detail about frontloading, more than likely following on from Josepha Madigan's comments in the Dáil a month before the OCO report was published. The OCO does favour schools inclusion as a viable long term mechanism to address some of the issues highlighted in the report; however, the OCO does not believe that it is a viable short/medium term intervention.

Ultimately, the report favours more governmental oversight and highlights the issues which arise because of the level of autonomy given the individual schools. The OCO also recommends that the Department gather data on the number of children with SEN and publish this data annually. The OCO is firmly of the view that legislative underpinning for the special educational needs of children is vital to ensuring that children's needs are identified, resourced, and met in a timely and appropriate manner. For this reason, the OCO also recommends that the current review of the EPSEN Act consider whether sections 3 to 13 should be commenced or amended, or whether new legislation is required to ensure that individual educational plans for children with SEN are rights-based, child-centred and inclusive.

The full report, 'Plan for Places', can be found at the following link [Plan-For-Places-Full-Report.pdf \(oco.ie\)](https://www.oco.ie/Plan-For-Places-Full-Report.pdf).

⁶ Deputy Chris Andres, Dáil Debate. 20 January 2022
(<https://www.oireachtas.ie/en/debates/debate/dail/2022-01-20/30/?highlight%5B0%5D=chris&highlight%5B1%5D=andrews>)