



IPPN Submission to the Department of Education

Section 37a of the Education Act

September 2022

1 INTRODUCTION

The Irish Primary Principals' Network (IPPN) is the officially-recognised professional body for the leaders of Irish primary schools. Established in 1999, IPPN is an independent, not-for-profit voluntary association with a local, regional and national presence. Recognised by the Minister for Education as an official Education Partner, IPPN works with the Department of Education (DE), the National Parents' Council, management bodies, unions, education agencies, academic institutions and children's charities towards the advancement of primary education. IPPN articulates the collective knowledge and professional experience of over 6,000 Principals and Deputy Principals, leading Ireland's 3,200+ primary schools.

We set out in this submission IPPN's perspective on Section 37A. We would welcome the opportunity to discuss it with the Department and the education stakeholders.

2 IPPN'S SUBSTANTIVE ISSUES FOR CONSIDERATION

As the professional body for primary school leaders, IPPN recognises the current pressure within the system in terms of a shortage of places for children with complex additional needs in special classes and in special schools in Dublin.

IPPN fully supports the principle of ensuring equal access to quality inclusive education for all learners, alongside their siblings and friends in the local area in which they live. This inclusion must be planned, supported and fully resourced. The lack of proper and timely planning, consultation and due diligence to ascertain what actual capacity exists within the schools to facilitate the opening of special classes, and the extent to which such capacity is suitable to meet the varied needs of a special class has a severe impact on children and their families. The current situation has resulted in children with additional needs being 'bussed' from their local area, often right past their local school that their siblings and friends attend, to schools that may be many miles away from their home. This is untenable and unconscionable.

Under Section 37A of the Education Act 1998 (as inserted by Section 8 of the Education (Admission to Schools) Act 2018), the Minister has the power to direct schools to make additional special education provision available and ensure sufficient places are provided. It must be recognised that a requirement to exercise those powers means that the system has already failed to adequately prepare for the placement of children with complex additional needs into schools alongside their peers. The amendments to the legislation, passed by the Cabinet in June, merely sought to resolve an urgent issue that was of the system's own making. The amended legislation lacks the vision required to prevent a reoccurrence of this situation and ensure equity of access to their local school by all children.

IPPN encourages all schools to undertake to open a special class if/when an application is received on behalf of a child within their catchment area who has a recommendation for placement in a special class. The reduced timeframe for the Admissions process required under legislation does not

afford sufficient time for the planning, support and resourcing to be undertaken that is required to facilitate the placement of children with complex additional needs in their local national school. This was raised by IPPN as an issue at the time the legislation was enacted.

It is IPPN's belief that an amendment to the legislation to allow schools to receive advance applications on behalf of children who have a recommendation for placement in a special class or school - 24 months in advance of their school start date - would alleviate this difficulty. The extended period that would be afforded by an earlier application would allow the school, in consultation with the SENO, to address what needs to be put in place to ensure the child's access to quality inclusive education. In short, it would provide the parents of children with complex additional needs with certainty about school placement, would obviate the need to invoke Section 37A and, most importantly, would ensure that children with complex additional needs will be able to attend the same local national school as their brother or sister, and their friends.

These improvements would eliminate the need for children to be 'bussed' to schools outside their catchment area, and removes any barriers to providing places for children locally.

IPPN is committed to working with the Minister, her officials and the other education partners, to bring about the reform that is required to make access to quality inclusive education available to all children in a timely manner. We strongly urge that the policy decision to publish the names of schools in an attempt to "spotlight" them be discontinued, as a matter of urgency. Acting outside of the established legal process to deal with these issues undermines that legislation and the Department's commitment to fair procedures. The children, their parents and our school leaders deserve better.

Admissions Process

In a previous submission (in June 2020) on the proposed revisions to Section 29 of Education Act 1998 and the Education (Admission to School) Act 2018, IPPN proposed that the following amendments be made. In addition to the points already made in this submission, we reiterate the need to make the admissions process more robust and fair to both children seeking to enrol and to the schools seeking to administer the process, as follows:

1. Retain the facilitation process as a more informal step, which can avoid the need for formal hearings
1. The Principal should receive training and detailed guidelines in relation to the administration of the Admission Policy
2. Boards of Management should receive training and detailed guidelines in relation to the review of a decision regarding the admission policy
3. Time limits for a review by the Board of Management need to be clarified and published
4. A directive prohibiting the direct naming of a school principal in relation to any statement issued by the Board of Management is required
5. A maximum timeline of three weeks should be afforded to an applicant seeking a Board of Management review. This timeframe gives sufficient notice to a board without extending the process unnecessarily, accords with the minimum time period for applicants to apply to for a place in the school, and is also in accordance with the required timeframe for a Board of Management to reply to an applicant.