



5 March 2021

To: School Managerial Bodies primary and post primary

Re: FORSA's recent communication to Special Needs Assistants

Dear Colleague in Education,

I refer to the recent communication issued by Fórsa entitled “Advice on SNAs carrying out complex care for students”. As this communication has considerable potential to mislead and to cause confusion among schools as well as anxiety to the families they serve particularly during this time of pandemic and the sensitivity of the issues around reopening schools. The purpose of this letter is to confirm and clarify certain matters referenced in the Fórsa correspondence.

SNA Duties

Contrary to the view conveyed in the recent communication, there is clarity on the role and functions of SNAs. There has been no change in SNA duties which are outlined in various circulars previously issued to schools. Indeed, these circulars provide the basis for the contracts of SNAs who are currently employed by our schools.

Should there be any doubt or lack of clarity in this respect, it is open to any party to raise issues through the recently established IR Forum which was established for this purpose.

Catheterisation

The information provided by Fórsa in the recent communication includes that Fórsa supports those SNAs who refuse to carry out catheterisation whilst also providing guidance on what training and risk assessments must be in place in order for an SNA to undertake this duty, should they so choose. This suggests that catheterisation is an optional duty.

The Department has a clear and long-held position on this duty which has been set out to Fórsa previously, and which for clarity I have restated below. As you know, this matter was raised by the Official Side at the last SNA IR Forum in December 2020 due to issues arising in particular schools and the Department position was made clear.



SNA Contract

SNAs are recruited specifically to assist schools in providing the necessary non-teaching services to pupils with primary care needs that cannot be supported by the teacher or other supports in the school. The SNA contract as set out in Department Circulars 12/2005 and 15/2005 clearly states in Appendix 1 that the duties of an SNA involve tasks of a non-teaching nature such as:

"Assistance with clothing, feeding, **toileting** and general hygiene and being mindful of health and safety needs of the pupil."

This toileting duty is also restated in Section 4 of Department circular 30 of 2014 as follows:

Assistance with toileting and general hygiene: (including catheterisation)

Catheterisation is a primary care need which may warrant SNA support where self-catheterisation is not possible.

A medically qualified person is not required to perform this function in a school.

Where a pupil with significant care needs cannot independently self-toilet, the SNA is responsible for supporting the pupil in this regard until such time as he/she is able to do so.

Clarification of the Department's position has issued to Management Bodies and Schools previously and is enclosed for your information.

As you might be aware in September 2018, the Labour Court noted the following in respect of a case relating to 23 SNAs in Scoil Mochua in respect of the duties of SNAs:

"The Court, having read the parties' submissions and listened carefully to the submissions on the day, notes that both parties concurred that assisting children with toileting needs was part of an SNAs duties."

Failure to comply with the direction of the Principal Teacher in this regard can be regarded as a breach of contract which could lead to the invocation of disciplinary procedures against the SNA (DE Circular 72/2011). In fact, there are disciplinary proceedings underway by one school in this regard.



Training

It is a matter for each school to ensure that the SNA(s) is in a position to effectively meet the care needs of the pupils in their care.

Once appropriate training has been provided then the SNA should attend to the care needs of the child as directed by the school.

Where a care need has a specialist nature, e.g. catheterisation, peg feeding, suctioning a tracheostomy, training should be provided to the SNA. The school should liaise with an appropriate professional, for example, a registered nurse or HSE specialist/adviser so that an SNA is provided with appropriate guidance and training in order to meet the care needs of the pupil(s) in his/her care. In some instances, parents may be the most appropriate trainers for SNAs, for example, in relation to the catheterisation needs of their child in the school environment.

Nursing

The HSE is responsible for the provision of medical services including nursing care for children in this country and this Department has neither policy responsibility for nor does it provide funding to support the employment of nurses in schools. Currently, there is nursing support provided to students with complex medical needs in some schools, mainly special schools but this is provided through funding from the HSE or by other service providers attached to schools. In these schools, the nurses work seamlessly alongside school staff including teachers and SNAs.

Funding was recently provided to this Department to undertake a pilot project to supplement the existing service so as to assist children with complex medical needs who require nursing support in order to attend school. Work is underway with the Department of Health, the HSE and the NCSE on how this could work in an effective way and progress is expected shortly. It is important to appreciate that the purpose of this initiative is to extend an existing service and not the creation of a new scheme of in-school support.

It is not envisaged that this development will impact on the role of SNAs and any outcome of this pilot is intended to enhance existing HSE nursing supports but not replace the contractual duties of SNAs which are already well known and understood

SNA Indemnity

The Fórsa communication also raises the issue of SNA indemnity while carrying out their work in a recognised school. You may be aware that school Boards of Management are required to ensure that comprehensive insurance cover is in place to safeguard the school and those employed by the school as set out in the *Governance Manual for Primary*



Schools 2019-2023. Recognizing that there is a number of school insurance arrangements in place, the standard insurance arrangements do provide an indemnity to school staff including SNAs provided they are carrying out their duties under the direction of school management.

Yours sincerely,

Eddie Ward
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