

INTO Submission Response to EPSEN Review 2023

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INTO Response to EPSEN Review

Introduction

As the oldest and largest teachers' trade union in Ireland representing over 50,000 teachers at primary level in the Republic of Ireland and primary and post primary level in Northern Ireland, we are acutely aware of the challenges faced by children with additional needs and their families.

The Irish National Teachers' Organisation welcomes the opportunity to make a submission on the Review of the Education for Persons with Special Educational Needs Act (EPSEN) 2004. The INTO fully supports an inclusive approach to education and recognises the constitutional right of all children to receive an education suitable to their needs, provided by the state. As stated in the Education Act, 1998, section 7, the Minister is responsible for ensuring that;

“there is made available to each person resident in the State, including a person with a disability or who has other special educational needs, support services and a level and quality of education appropriate to meeting the needs and abilities of that person.”

When the EPSEN Act was signed into law in 2004, the INTO welcomed the recognition by the State of the need to provide access to, and make provision for, inclusive education for children with additional needs. Lamentably, many sections of the EPSEN act have never been commenced and the INTO believes this failure by successive governments has left children with additional needs and their families without all of the necessary supports which they deserve and should be entitled to. In addition to this, there have been significant developments in case law and legislation which have impacted on the provision of inclusive education in the intervening period, including, but not limited to, the Disability Act 2005, The Education (Admission to Schools) Act 2018, The Education (Provision in respect of Children with Special Educational Needs) Act 2022, The Irish Sign Language Act 2017, and the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), which was formally ratified in Ireland in 2018.

Teachers are to the fore in making inclusion a reality in our schools and the INTO and its members remain committed to delivering on best practice and supports for children with additional needs to ensure that each child reaches their full potential. The INTO has long advocated for the need for improvements in educational provision for children with additional needs. Over the last 19 years since the EPSEN Act was enacted, the INTO has continuously pressed the Department of Education and the National Council for Special Education (NCSE) to secure funding, supports, resources and facilities to ensure the needs of all children, including those with additional needs and disabilities in our schools, are met. It is timely that this review is taking place now and the INTO sees this as an opportunity for the Government, the Department of Education and the National Council for Special Education to ensure that there is never again a deficiency in funding, supports, facilities or provision of services to the children who need them most urgently.



Broadly speaking, the EPSEN Act has five main themes running through it. These are

- Inclusive education
- Entitlement to educational assessment for all children with additional needs
- The preparation of an individual education plan
- The delivery of detailed educational services based on the child's needs, and
- The functions and role of the National Council for Special Education.

Inclusive Education

It was envisaged at the time that the EPSEN Act 2004 was enacted that it would provide for a more inclusive education for children with additional needs. Inclusive education has evolved considerably since 2004 with an increasing number of children with additional needs now enrolled in Special Classes within mainstream schools or in ASD classes and early intervention ASD classes. The INTO supports inclusion and strives to ensure that all children – regardless of their needs – are included in our education system. Primary schools have routinely (almost always in the absence of adequate resources and sufficient access to services), provided an inclusive education for thousands of pupils with special educational needs. The INTO believes that all primary and special schools are inclusive. Inclusive education does not necessarily mean that all pupils must be enrolled in mainstream classes and INTO believes that a range of options must continue to be available to parents to ensure the best setting is available to them to fulfil their children's needs.

The INTO is of the view that a continuum of provision, to include special schools, special classes and support in mainstream schools, is required to meet a continuum of need in an inclusive education system. The downgrading of special schools which has taken place over the last twenty years is unacceptable and limits the choice of parents and guardians to place their child in a specialised setting that they feel will best meet the needs of their child.

The INTO is fully supportive of a policy of inclusion, where it is in the best interests of the child and where resources are provided to meet the needs of the child. Current state policy aims to ensure that more children with special educational needs attend both mainstream schools and special classes in mainstream schools. An inclusive approach to education that is not fully supported through the provision of resources, therapeutic services and professional development to meet specific needs creates significant challenges for both pupils and teachers. Significant additional investment is required to ensure an inclusive education system for all children. Schools have long been a welcoming and supportive place for children with additional needs going above and beyond in meeting the needs of individual children with limited resources and supports being provided to these children by professionals from other disciplines. Any changes or amendments to the EPSEN Act 2004 must ensure that the provision of inclusive education is not just superficial but is deeply integrated into a well-resourced and informed education system where access to the appropriate supports for pupils, teaching staff and schools are a given. The current scandalous situation where over 100,000 Irish children are on waiting lists for therapies and a diverse range of disability services such as physiotherapy, dietetics, speech and language and occupational therapy must be tackled head on by government. This is a highly distressing and inexcusable situation for these families and children who are suffering daily due to inaction by the Government. Unless the recommendations made are prioritised and fulfilled, any review of the EPSEN Act is merely a tick the box exercise and will only be window dressing.



The INTO recommends that:

- a continuum of provision, to include special schools, special classes and support in mainstream schools, is required to meet a continuum of need in an inclusive education system;
- there is continued provision of special schools to give parents and guardians choice for the setting which best meets the needs of their child;
- significant additional investment is required to ensure that an inclusive education system is provided for all children;
- schools must be well-resourced with access to the appropriate supports for pupils, teaching staff and schools;
- the waiting lists for the Early Intervention teams and the Primary Care Teams, be reduced.

Enrolment/Admission

The Education (Admission to Schools Act) 2018 and The Education (Provision in respect of Children with Special Educational Needs) Act 2022, introduced changes to admission policies for schools and provides for the NCSE and TUSLA in conjunction with the Minister, to designate a school and allows for a school to be compelled to open a special class or classes. The INTO supports the provision in the School Admissions Act/s that children should not be denied enrolment to any school on the basis of having special educational needs. Schools may not be permitted to ask parents whether their child has special educational needs on application forms for enrolment, however, once a child has been enrolled, and before they start in the school, it is essential for the school to ask parents whether the child has any additional needs. Acquiring this information is crucial to allow schools prepare to meet the child's needs, in line with their rights as stated in the UN Convention on the Rights of People with Disabilities. It would be negligent on the part of the school not to do so. Pre-schools should be encouraged to use 'Mo Scéal', transfer forms developed by the NCCA, to enable the transfer of pertinent information regarding a child to the primary school where the child is enrolled. Primary teachers can also use children's report cards to transfer information from one primary school to another. There is potential for the NCSE to play a greater role in facilitating and encouraging the transfer of information under their remit.

The INTO is of the view that the autonomy to open a special class should rest with the Board of Management of the school. INTO believes that schools are committed to meeting the needs of pupils with additional needs in the school community and that principal teachers are willing to work collaboratively with the NCSE and/or TUSLA in relation to sourcing school places for those who need them. However, it is important that any such engagement is meaningful and collaborative and is assisted by the front loading of resources, modern facilities, supports and training, as appropriate.

Special classes for students with Emotional and Behavioural disorders are a crucial component of the continuum of support. These classes can offer an effective option for students with complex needs. Schools report that students, large numbers of whom face suspension, expulsion or shortened school days due to factors arising from their condition, thrive in these settings. In a mainstream context, these students find themselves in classrooms where they cannot fully access the curriculum, and where they can have a negative impact on the education of their peers, mainly due to a lack of resources, a lack of training for teachers, and a lack of time to focus on their individual needs. In a special class setting, tailored for their particular needs, they prosper and can be afforded opportunities for re-inclusion into mainstream settings on a phased or full-time basis. These special classes greatly assist schools to meet more effectively the educational needs of students placed in them. While special



classes for students with EBD have a maximum pupil-teacher ratio of 8:1 (the ratio is 6:1 for severe EBD), the ratio of SNAs to the class group is wholly inadequate at one Special Needs Assistant (SNA) per 4 classes. Consideration must be given to reviewing this ratio in order to ensure that there are two adults, at a minimum, assigned to special classes for Emotional Disturbance to reflect the profile of care needs and to safeguard the health and safety of pupils and staff.

While the vast majority of special classes are designed to meet the needs of children with ASD we also have a significant number of special classes for children with Mild General Learning Disability, Moderate General Learning Difficulty, Severe and Profound General Learning Difficulty, Multiple Disabilities, Visual Impairment, Hearing Impairment and Specific Speech and Language Disorder. Teachers who work in these classes have reported to the INTO that they are frustrated by the failure of the Department of Education to recognise the need for class size reductions and for the provision of a tailor made suite of supports and resources.

In Ireland we have the largest class sizes in the Eurozone. INTO has campaigned for years to secure reductions in class size to put us in line with the eurozone average. Large class sizes pose many challenges for schools in catering for the needs of pupils with additional needs. The INTO reiterates the need for a reduction of class sizes to reflect the diversity which is present in modern day classrooms, in line with Eurozone average, as a key priority. Differentiation in classrooms requires additional time to prepare extra resources. Teachers' workload is increasing as the widening levels within a class setting often necessitates individualised plans for different pupils. In overcrowded classrooms, all children have reduced access to direct teacher contact, putting student achievement at risk. We submit that the review of the EPSEN Act would allow the State to cap class sizes in mainstream schools, ensuring that never again are children educated in supersized classes. It is beyond time that class sizes in special schools and special classes were also reduced to more manageable levels. Dramatically reducing class sizes would come a long way to ensuring that the needs of children with additional needs could be met in the settings most appropriate for them. Furthermore, the decimation of middle leadership teams in primary and special schools since the moratorium on promotions was introduced 14 years ago has left the vast majority of schools without special education coordinators, roles that are key in many other jurisdictions. The reinstatement of assistant principal posts to 2009 levels must happen to enable school leadership teams to devote the necessary time to coordinating special education.

The INTO recommends that:

- the autonomy to open a special class should rest with the Board of Management of the school;
- two SNAs be allocated to each special class for children with emotional and behavioural disorders;
- all supports and resources should be provided to schools prior to the opening of new special classes;
- professional development and training must be provided to all staff deployed to special classes prior to the opening of new special classes and should continue throughout teachers' careers;
 - all physical modifications, including the provision of new classrooms, nurture rooms, sensory rooms or therapy rooms must be completed prior to the opening of new special classes;
- class sizes be reduced significantly to reflect the diversity of modern day classrooms.
- Posts of responsibility must be reinstated to 2009 levels



Entitlement to Assessment with a qualified professional

The INTO believes that all children with additional needs are entitled to a full assessment with an appropriately trained professional regardless of where in the country they reside. Although the new system of special education teacher allocation to mainstream classes introduced in 2017 means that a child does not need a diagnosis to access supports, this does not relieve the State of its obligation to assess children who may have additional needs. Children who may have additional needs should be assessed by a suitably qualified professional or if necessary a multi-disciplinary team who will be able to offer an individualised needs assessment and make recommendations so that each child can reach their full potential. Such recommendations include the provision of SNAs to children who would benefit from them.

Section 24 of the UN Convention on the Rights of People with Disabilities (UNCRPD) deals with education. The UN Convention requires the State to ensure that people with disabilities are not excluded from the general education system and that reasonable accommodation of the individual's requirements should be provided. It further states that State must ensure "*the development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential*" while at the same time ensuring that pupils with disabilities "*receive the supports required, within the general education system, to facilitate their effective education*".

Teachers and schools are often the first and at times only, stakeholders providing support to children who have additional needs and who are waiting an unnecessarily long time to go through a process of being assessed by either the National Educational Psychological Service (NEPS) or the Health Service Executive (HSE). Teachers are limited in the supports they can offer these children without the advice, input, guidance and support of the appropriately qualified professionals. Collaborative multidisciplinary assessment should be readily available in a pre-school setting to maximise early intervention. The INTO believes that the NCSE, HSE and NEPS should be adequately resourced including the recruitment of additional professionals to ensure that children are not waiting any longer than necessary to go through an assessment process. It is also crucial that NEPS and the Department of Education (DE) ensure that additional supports are provided to all schools to address the mental health needs of all pupils.

Schools must be able to plan their support for children with disabilities and special educational needs. Without prior information, schools may not be able to have in place the supports which individual pupils may require. Schools require information on the special educational needs of pupils in order to ensure that they can plan appropriately. It is ultimately the pupils who suffer if this information is not available to the school. The DE and the NCSE must take responsibility for ensuring that all schools are sufficiently resourced and supported to provide an appropriate education for all pupils. The INTO believes that assessments of a child with suspected additional needs or a potential disability by a trained professional must form a core part of any system of inclusive education. It is shameful that after nearly twenty years this section of the EPSEN Act has not commenced.

Furthermore, multi-disciplinary and nursing care staff should be available to routinely assess children as required in the special school setting and to ensure the delivery of individualised supports to pupils who attend these schools.



The INTO recommends that:

- all children with additional needs are entitled to a full assessment with an appropriately trained professional regardless of geography;
- a suitably qualified professional or if necessary a multi-disciplinary team be available to children who may have additional needs to offer an individualised needs assessment;
- continued provision of Special Needs Assistants to children who would benefit from them;
- multidisciplinary assessment should be readily available in a pre-school setting to maximise early intervention;
- the NCSE resource all schools sufficiently to provide appropriate education for all pupils;
- adequate resourcing of the NCSE, HSE and NEPS including the recruitment of additional professionals to ensure that children are not waiting any longer than necessary to go through an assessment process;
- additional supports are provided to all schools to address the mental health needs of all pupils;
- multi-disciplinary and nursing care staff should be available to routinely assess children as required in the special school setting and to ensure the delivery of individualised supports to pupils who attend these schools.

Teacher Education and Continuous Professional Development

The INTO believes that teachers are caring and diligent professionals who are constantly engaging in continuous professional development and striving to meet all the needs of the pupils in their care. Where the necessary supports and resources are not available, the child's rights to fair and equitable education on the same basis as their peers without disabilities is denied and can result in hugely negative effects on their mental health as they grow up in a system that fails to meet their educational needs. Every child in a mainstream classroom has needs, some occasional or intermittent while others are constant. Some needs are physical while others are sensory or social/emotional. No two pupils in any given class have identical needs, but if the necessary resources are available, all the children can achieve at their own level. Where the necessary supports and resources are not available to all children who need them in a mainstream classroom, the full rights of children to fair and equitable education are impinged, as the teacher struggles to fill gaps in support and resources.

INTO believes that expertise in Inclusive Education must be built upon throughout a teacher's career. Recent changes to initial teacher education programmes require that all graduates now complete modules on inclusive education. However, the level of professional preparation is limited and not sufficient to sustain teachers throughout their careers, particularly in the light of increasing complexity of school contexts. INTO would welcome more opportunity for student teachers to be offered the opportunity to spend at least one school placement during their time in initial teacher education in a special education setting e.g. a special class. This would be beneficial to them when starting out in their professional careers as well as benefiting the schools which they go on to work in. Teachers already qualified would also value more opportunities for professional development to ensure that they are prepared in advance of their allocation to a special class. Teachers should have the opportunity to visit other special classes and special schools to see, at first hand, how these settings operate. INTO believes that



all teachers should be given the opportunity to engage in ongoing professional development in relation to planning and provision of teaching and learning for children with additional needs. Teachers are often left to design and implement support plans with little to no input from any other professional body or service provider. The INTO asserts that the number of school psychologists remains grossly inadequate. Unless this key resource is available to our schools any review of EPSEN is destined to fail.

The INTO recommends that:

- professional development and training must be provided to all staff deployed to special classes prior to the opening of new special classes and should continue throughout teachers' careers;
- teacher education students be offered the opportunity to spend at least one placement during their time in college based in a special education setting e.g. a special class;
- substitute cover be provided to enable teachers to avail of professional development opportunities and to visit other special schools or classes to witness best practice.

Preparation of an individual education plan

The preparation of an individual education plan should be a collaborative approach where all professionals who are working with the pupil, along with the child's parent/guardian, agree on the provision of education for that child and the delivery of supports. Teachers as professionals have a meaningful and crucial part to play in this process but must be supported by the other professionals involved with the pupil e.g. speech and language therapists, occupational health therapists, to address all the additional needs a child may have. The INTO welcomed the School Inclusion Model- In-School Therapy as part of the School Inclusion Model pilot scheme (SIM) which was launched by the DE in March 2019. A small number of schools participating in the pilot scheme have access to therapeutic services for pupils with additional needs. In May 2022 Minister Madigan stated in Dáil Éireann that: "There are a number of challenges to expanding SIM to other areas at this time. The single greatest constraint is insufficient supply of SLTs and OTs to meet health and education need."

The INTO believes that the time for excuses has long passed. The approaches within this four year long SIM pilot scheme should be rolled out on a national level, ensuring that children with additional needs and their teachers can have access to the appropriate supports and resources. Teachers as professionals in their own field, are not qualified to, nor should they, undertake the work of a therapeutic specialist e.g. SLT, and it is up to the State to ensure that the delivery of these services is prompt, effective and well-resourced.

Engagement with other health and education professionals allows for meaningful participation of all parties to discuss and plan for the individual needs of the children in their care. The INTO believes that the NCSE should facilitate and support more regular meetings between the various stakeholders involved at a local level and encourage a deeper relationship between the local school and the Special Educational Needs Organiser. We welcome the commitments made in Budget 2023 to the recruitment of more SENOs and NEPS psychologists and sincerely hope that these extra positions are filled promptly. The SENO has a key role to plan in supporting and planning for the individual needs of children with additional needs in our schools. The INTO is aware of the frustration of principals and school leaders in engaging in the Exceptional Review Process with the NCSE and the SENO. This process generates a huge additional workload for principals who are looking to ensure that the children in their care are being properly supported. Unfortunately, this process appears to be



nothing but a box ticking exercise by the NCSE with very little if any additional resources being granted. The INTO wishes to see the role of the NCSE in this process clarified and greater emphasis placed on in-person visits to assess the needs of the school by the SENO rather than making a remote decision based on paperwork.

In order to enhance current support for children with additional needs, the INTO believes that an inclusive approach to education should be underpinned by universal design for learning. This applies to all aspects of education provision, including but not limited to, school buildings, curriculum planning and policy, curriculum resources, planning for pupils and choice of school place offered. Placing a child with additional needs in a mainstream setting does not in itself equate to inclusion or is only inclusive at surface level. Schools must be supported by the NCSE and DE to ensure that all placements are in the best interests of the child and their family and must be backed up by appropriate supports and resources. Effective models of inclusive education not only benefit students with additional needs, but also create an environment in which every student can flourish. The concept of inclusion is not about giving every pupil the same, it is about ensuring that each child has the room to bloom and chance to flourish in an environment where diversity is the norm and barriers for all pupils are removed. This approach should underpin any individual education plan.

In a recent survey conducted by the INTO, principals shared that responding to additional needs and the number of agencies with which schools had to engage were the greatest sources of workload for both principal and class teachers (INTO, 2015). Respondents supported the suggestion that clusters for special education teachers would help collaboration among SEN teachers and that time should be available for collaboration both within and between schools to assist with planning for supporting children with additional needs. In addition, 98% agreed that all schools should have substitutable release time to engage with external specialist supports such as National Educational Psychological Service (NEPS), National Council For Special Education (NCSE) and visiting teachers to ensure appropriate and individualised planning and supports can be put in place for children with additional needs in our schools.

It is the belief of INTO that the national framework for teacher professional development, Cosán, should include special education, and ensure access to CPD in special and inclusive education, including ASD, for all teachers. Teachers are often the first and most consistent support a child with additional needs and their families will have access to in their early years. Teachers must have access to comprehensive and regular professional development, at no extra cost to them, to ensure that they are adequately trained and supported in educating all pupils in their care. INTO members are frustrated by the delay in training provided to teachers in schools who set up ASD classes and special classes. The delivery of training to these teachers, after the school year has commenced, is both disruptive to the pupils in their care and concerning for teachers who wish to go into the role as fully informed and prepared as possible to deliver for the pupils in their care. Furthermore, the lack of on-going support for teachers and pupils in this area is unacceptable. The INTO believes that regular CPD and access to suitably qualified professional support should be available to all teachers teaching in a special education setting. There is an obligation on the State to ensure that the relevant sections of the EPSEN act are commenced to ensure that there is suitable provision and supports are provided to educators.

INTO also notes it is difficult at present for teachers to access further recognised (post-graduate) courses and professional development available through the NCSE or the Diploma and Certificate courses in special education in the Colleges of Education / Universities. In order to be deemed eligible to apply for such courses, a teacher must first be employed in a special education setting. This condition contradicts a policy of inclusion. Furthermore, teachers who undertake additional qualifications in the area of special education and bring this meaningful and practical knowledge back to their schools do not currently have the value of this qualification fully recognised by the Department of Education in the form of an additional allowance paid to them as was previously the case e.g. special education diploma allowance, Masters and Doctorate allowances. The lack of recognition for this is short-sighted



by the Department, who up to 2012 paid such allowances. The unavailability of these allowances to those who achieved the relevant qualifications since 2012 acts as a deterrent to teachers upskilling themselves for the betterment of the whole school community. It is long past time that the Department of Education recognised this and acted to support all efforts in the best interest of children with additional needs. EPSEN seeks to ensure that appropriate educational provision is provided to all pupils with additional needs and the upskilling of teachers in this area should be encouraged and valued.

The INTO believes that The Regional Support Service, under the remit of the NCSE, has great potential to offer initial and ongoing support to schools regarding the education of children with additional needs. The INTO believes that qualified teachers with additional expertise in special education should be heavily involved in the Regional Support Services to enable this service to offer appropriate advice, support and professional development to teachers. Professional development and training should also be available to SNAs in relation to supporting all pupils with additional needs regardless of setting. Funding should be granted to schools for this purpose. Consideration should also be given to extending the remit of the former SESS, now part of NCSE Regional Support Service, to include the provision of professional development and training for SNAs.

The INTO recommends that:

- the approaches within the SIM pilot scheme be rolled out on a national level;
- the delivery of therapeutic specialist services be prompt, effective and well-resourced;
- there is increased regularity in meetings between stakeholders at local level;
- the commitment in Budget 2023 to recruit more SENOs and NEPS psychologists be undertaken;
- there is a clarification of the role of the NCSE in the Exceptional Review Process with SENOs reviewing the access needs of schools in-person rather than by paper;
- the provision of school psychologists be increased;
- professional and school-based assessments and the views of relevant professionals should inform decisions regarding pupils' placement in special schools, special classes or mainstream schools with support for children with special educational needs;
- Cosán includes access to CPD in special and inclusive education, including ASD, for all teachers;
- timely and Department funded professional development be provided to teachers in ASD and special classes;
- ongoing supports for teachers and pupils of special schools and classes remains;
- special education courses be made available to all teachers including those not in a special education setting;
- there is a reinstatement of additional allowances for further qualifications;
- qualified teachers with additional expertise in special education be heavily involved in Regional Support Services;
- funding granted to schools to provide professional development and training by the NCSE be available to SNAs in relation to supporting all pupils with additional needs regardless of setting.



The role and functions of the Council (NCSE)

The INTO believes that the role of the NCSE has evolved and changed since the enactment of the EPSEN Act in 2004 and that a review of the role and functions of the Council and how their work could be more closely linked with schools and the Department of Education as part of the EPSEN review would be timely.

The NCSE has a key role to play here in supporting schools in providing the appropriate level of supports to children with additional needs. The current system of allocating SNAs and teachers to schools to support children with additional needs must be complemented by a robust and fair appeals system. As referred to previously, the INTO understands from our members that the exceptional review process, which is managed by the NCSE, involves the preparation of a huge volume of paperwork, with the success rates not indicating a return for the time, energy and workload such a process generates. The current system of a paper-based appeal of an allocation does not enjoy the confidence of teachers or principals for this reason. INTO understands that principals wish to see a strengthening of the relationship between the school community and the Special Educational Needs Organiser (SENO) and to feel that their own expertise and opinion when seeking an exceptional review is taken into consideration. Furthermore, INTO would like to see regular contact between the SENO/NCSE and the school community, including in-person visits to schools on at least a termly basis, and when an exceptional review is sought, to engage with the school staff and the children for whom resources are sought. The role of the SENO should be to offer practical, in-person support as required to the schools under their remit and they should have the autonomy to grant additional resources as needed.

In line with its role of preparing advice for the Minister in relation to special education the NCSE, in conjunction with the partners in education, should seek to prepare and issue guidelines to support all schools in relation to handling situations that require physical intervention as well as providing up to date guidance on behaviours of concern. Incidents of challenging behaviour have become increasingly prevalent in primary schools. In many cases, pupils' needs are not being met as schools do not have sufficient supports to provide counselling or behaviour and emotional support where it is required. For their own safety, and for the safety of other pupils and staff, some pupils need individual teaching, or gradual inclusion with their peers, pending the addressing of their behaviour and emotional issues. Teachers find it extremely difficult to respond to episodes of challenging behaviour without access to the necessary clinical and therapeutic advice. Teachers should not be left alone in high-risk situations. There is a clear and urgent need for guidelines for schools and teachers in relation to dealing with crisis situations, particularly emergency procedures for crisis situations arising from incidences of challenging behaviour and violent outbursts. Teachers and principal teachers are reporting serious incidences that threaten the health and safety of staff and other pupils in mainstream classes and in special schools and classes. It is imperative that guidelines on Behaviours of Concern are published immediately and are accompanied by CPD. Such guidelines should also have legal standing to protect school staff and pupils. Teachers need to be protected from any potential accusations of assault where they intervene appropriately in situations where pupils are a danger to themselves or others. Teachers are in loco parentis and should be treated accordingly when intervening in crisis situations. Teachers need to be supported in order to facilitate inclusion. Schools need this guidance to ensure that any behaviours of concern are handled in line with best practice and sensitivity.

INTO believes that in modern Ireland the teaching profession should be reflective of the diversity reflected in society. INTO believes that teachers with disabilities including those who are neurodivergent have an important role to play in any inclusive education system. INTO recommends that as part of the EPSEN review that the Department in conjunction with the Teaching Council, the colleges of education and the teacher unions look at ways of ensuring teachers with additional needs are recruited into the education system. INTO would also like



to see time and resources, including substitution, provided for training for disability awareness, including invisible disabilities such as neurodiverse conditions to Boards of Management, parents and the wider school community to ensure that all stakeholders are aware of and cater for all persons with additional needs in line with best practice in inclusive education. This should include the promotion of and supports for teachers with additional needs in the education system.

The INTO recommends that:

- the role and functions of the NCSE be reviewed in line with the review of the EPSEN Act;
- a robust and fair appeals system be devised for the allocation of SNAs and teachers to schools to support children with additional needs;
- the SENO/NCSE have regular contact with the school community including in-person visits on a **termly** basis;
- SENOs have the autonomy to grant additional resources as needed;
- the NCSE issues guidelines to support schools in relation to physical interventions;
- counselling/behaviour/emotional supports be provided to schools where incidents of challenging behaviour occurs;
- guidelines with legal standing for schools and teachers on Behaviours of Concern be published immediately, accompanied by CPD for teachers in situations where pupils are a danger to themselves or others;
- the Department in conjunction with the Teaching Council, the colleges of education and the unions look at ways of ensuring teachers with additional needs are recruited into the education system;
- time and resources, including substitution be provided for training for disability awareness, including invisible disabilities to the whole school community.

Conclusion:

As stated at the outset the INTO has long advocated for and been a champion of inclusion in the Irish education system. While the review of the EPSEN Act is welcomed, it must be followed up with meaningful actions and the commencement of the outstanding sections of the Act to ensure that children with disabilities and additional needs, along with their families and school communities have access to concrete resources and support to ensure they can fully access a holistic education and bloom to their full potential. In order to fulfil such expectations, the Department of Education, alongside the NCSE and the other relevant state agencies need to offer increased financial and practical supports to schools. Meaningful and regular CPD for teachers and SNAs, access to qualified therapists for the purpose of assessing and supporting pupils and collaborating on individualised plans and providing adequate time for planning are all key asks in the delivery of such a system of inclusion. Examination of the whole school structure and curriculum through the lens of diversity and Universal Design for Learning would allow for meaningful learning opportunities for all. The reduction to the EU average class sizes in mainstream schools and significant class size reductions in special schools and special classes will be crucial to maximise the potential time for pupil-teacher interaction in a more inclusive primary and special education system.

No review of the EPSEN Act would be complete without recognising the huge volume of work that teachers do to ensure pupils with disabilities and/or additional needs, are educated to



their full potential. The miraculous work of school staff continues in spite of the failure of successive governments to commence key aspects of this crucial act denying two generations of vulnerable children the resources and supports necessary to ensure they gained access to an inclusive free education which met their needs.

For any policy of inclusion to be successful, school staff must be supported with professional development opportunities, multi-disciplinary services, adequate resources and modern purpose-built facilities.