

**Special Needs
Parents Association**
SNPA Bringing Parents Together

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Special Needs Parents Association Presentation to the Joint Oireachtas Committee on Education & Skills

General Scheme of an Education (Parent & Student Charter) Bill 2016

Education (Amendment) Bill 2015

7th March 2017

Special Needs Parents Association exists to support all parents of persons with special needs and disabilities irrespective of age or diagnosis, by promoting on a national level, improved treatment, education, welfare and acceptance for our children.

We operate on a voluntary basis and provide a support and information service for parents through information sessions, online and phone support and information stands at events. Through our interfacing with parents and the issues they seek advice on in relation to difficulties in a school setting, we primarily guide them through the local school complaints process and inform them of external agencies who may have a role to play depending on the nature of the difficulties.

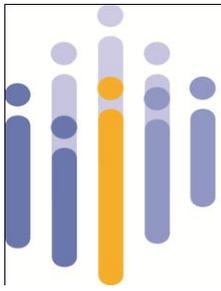
In 2015, 45% of the 1,649 complaints to the Office of the Ombudsman for Children related to education. While they are well versed in carrying out investigations in relation to education despite facing huge challenges with internal staffing levels, the length of time involved in carrying out such investigations and coming to a determination is such that a child may have moved on from the school setting in the interim. In effect, the problem is often resolved by the child being voluntarily (albeit reluctantly) removed from the school in question or having aged out of the school. A more immediate response in the form of a formal free advocacy service or mediation service would be of higher value to parents in these cases, with the potential to have more immediate impact and a positive outcome for the child. This has the potential to reduce the number of formal complaints proceeding onto the Ombudsman. In relation to the Education (Amendment) Bill 2015 as proposed by Deputy Daly, firstly we would like to take the opportunity to commend Deputy Daly as a former school Principal for recognising the issue with Boards of Management and existing complaint pathways and pressing on to resolve the current void that parents get lost in. The question of as to whether to establish a separate office of an Ombudsman for Education or expand the remit of the existing Ombudsman for Children will most likely come down to financial considerations.

The balance of power under the current system is currently with the Boards of Management and the decision making processes are very much swayed by the input from the Principal. This provides for a very challenging scenario when the relationship between the parent and Principal has broken down, become more adversarial and loses sight of the needs of the child as a focal point.

In general, we welcome the proposals of the Parent and Student Charter that provides that parents and students must be treated with equality of esteem and it goes without saying that the needs of the child should always be paramount in any deliberations.

General Scheme of an Education (Parent and Student Charter) Bill 2016





Observations

Head 3 Requirement that schools have a Parent and Student Charter based on statutory principles and that follow guidelines set by the Minister.

Most if not all school will have a publication setting out their core values and the relationship between management, staff, pupils and parents. For a minority of schools that we encounter appears to be a more aspirational than a living document. Setting the those principles out on a statutory basis has the potential to have a positive impact, however we remain concerned that cases where there are current breakdowns in communication and relationships between a Principal, teaching staff and parent will not be resolved simply by reaffirming a set of Principles the school is likely to already have in place but not applying.

Part xii-xiv referring to redress, complaints and determinations again reaffirms current processes in schools which are not always adhered to and having oversight and accountability to the Minister is a welcome statutory addition. Again in terms of redress, we would welcome discussions around the development of a government funded redress/advocacy service for children in education that parents and schools could engage the services of earlier when a contentious issue arises.

Head 4 to set out the power of the Minister to direct School Boards to comply with guidelines on a Parent and Student Charter

(6) i,ii,iii,iv,v, Unclear as to who informs the Minister of failure on the part of the school? Is this through a formal notification by a parent or pupil or via school inspectorate?

The head provides that the school complies with the directions of the Minister but does not set out sanctions for non-compliance of Ministerial directives.

Head 6 Schools must consider suggestions, guidance or recommendations made by the Ombudsman for Children

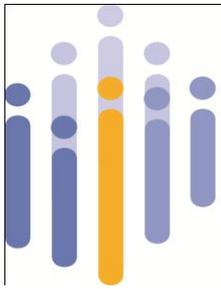
Subsection (16) (i,ii,iii) As we are very concerned about the length of time it will take to resolve an issue impacting on a child, we would like to see a specific timeline set out from the time the Ombudsman suggests or makes a recommendation to a Board prior to a full investigation to initiating contact with the Minister re same suggestions, guidance or recommendations. Are matters conveyed to the Minister only after a full investigation has taken place?

(iv,v) The parent/complainant has no right of reply set out to the Minister in relation to responding to direct representations made by the Board to the Minister. A parent, student, parents' association and/or student group should also have the opportunity to make representations with regard to the proposed direction from the Minister.

(vi) What are the proposed steps if a Board decides to not comply with a Ministerial directive?

Head 7 Amendment of Section 9 of the Ombudsman for Children Act 2002





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While we welcome the additional functions and expanded capacity of the Ombudsman for Children to investigate, we must also recognise that there are a proportion of young adults over the age of 18 years in our education system. Will such adults be precluded from making a formal complaint to the Office of the Ombudsman for Children or will parents be precluded from making a complaint when their child reaches the age of 18 but lacks the capacity to make a complaint themselves?

Head 8 Amendment of Section 9 of the Education Act 1998

Proposes to add “To promote the involvement of parents and student in the education provided to students” Of particular interest to us in Section 9 is - A recognised school shall provide education to students which is appropriate to their abilities and needs and, without prejudice to the generality of the foregoing, it shall use its available resources to—(a) ensure that the educational needs of all students, including those with a disability or other special educational needs, are identified and provided for,

Parents seeking placements for their child with special needs are typically more engaged with supporting their child and meeting their child’s needs and engaging with other professions with the same goal. The “soft barriers” to enrolment and indeed the soft pressure to remove a child from school where the parent is deemed too involved and labelled nuisance as a result of their level of involvement has to be viewed by our educators and school Boards of Management in a more positive light. The energy of an engaged parent should be harnessed by the school and utilised positively rather than dismissed. This is a cultural shift required in some schools and with a minority of school Principals.

Head 9 Amendment of Section 27 of the Education Act 1998

By far the most powerful statement that should be promoted to bring on a cultural shift in the minority of schools where difficulties are reported, is the amendment to subsection 27 (4) of the Education Act 1998 replacing the words “in the interests of the school” to “in the interests of the students of the school” with regards to the focus of the operation of the student council.

The same powerful principle should be central to the operations of the Boards of Management. Protectionism and risk aversion have strangled decision making in Boards of Management where the outcomes are not always in the best interest of the child but influenced by insurance and indemnities, fear and ignorance, misinformation and lack of internal transparency and fear of legal action by parties concerned. It may be timely for the Department of Education, managerial bodies and education stakeholders to review the composition, functions and processes of Boards of Management



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