



Special Educational Needs

Allocations, Resources & Appeals -
Current Challenges for Schools

IPPN Position Paper

June 2023

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1 BACKGROUND

IPPN is the officially-recognised professional body for the leaders of Irish primary schools. It 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, 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 6,600 Principals and Deputy Principals.

The purpose of this position paper is to set out the challenges and the opportunities pertaining to the allocations, resourcing and appeals involved in the integration of pupils with special educational needs (SEN) into Irish primary schools. The information presented was provided by representatives of primary schools all over the country through IPPN's National Council working group on SEN.

It is IPPN's hope that the relevant stakeholders will consider the merits of the recommendations set out here and engage with primary school leaders in establishing a more fit-for-purpose model to support best practice in SEN in our schools.

2 CONTEXT

2.1 AN IPPN PRIORITY

Since the introduction of the revised method of determining allocations to schools to meet special educational needs in 2017, the confidence of school leaders in the accuracy of such allocations and in the methodology used to calculate them has been lost. This loss of confidence has been clearly expressed by school leaders on our networking platform and by members of our National Council.

At IPPN's National Council meeting in June 2022, Council members expressed their exasperation at the challenges they were experiencing in relation to meeting special educational needs in their schools. There was a palpable sense of anger and frustration that inaccurate/inadequate allocations and cumbersome appeal procedures serve to exacerbate rather than alleviate the challenge of inclusion.

It is the view of IPPN that it would be preferable to move the focus away from allocations and onto inclusive best practice, however, it is only possible to do so if allocations are accurate. We have expanded on this point in the Underlying Assumptions section below.

Following a review of IPPN's governance structures, in the autumn of 2022, three committees of the National Council were formed. One of these is the Advocacy & Communications committee that was convened for the first time in December 2022. Following a process of consultation and discernment, the committee identified SEN – Allocations, Resources and Appeals as its top priority and area of focus. It is in this context that we are raising the issues and concerns that have been represented to us and experienced by our members.

2.2 UNDERLYING ASSUMPTIONS

1. Inclusive education is understood in its widest sense with the goal of enabling participation, raising achievement, supporting well-being and creating a sense of belonging for all learners, including those most vulnerable to exclusion.
2. IPPN supports the principle of ensuring effective equal access to quality inclusive education for all learners.
3. Such inclusion must be planned for, supported and adequately resourced by all relevant services.
4. IPPN recognises that there has been significant increased expenditure in recent years in the area of special education and acknowledges the importance of the effective and efficient management of such resources in schools.
5. The SENO has a crucial role to play in this process and that role should be clearly defined and understood by all.
6. There is a need to differentiate between high incidence special needs and more complex low incidence special needs and how such needs are planned for, supported and resourced. Adopting the same approach to both is problematic and incompatible with the differing challenges they present.
7. There is a need for clarity around how additional needs are identified and by whom.
8. Special needs are either met or they are not and, if not, there is a consequential impact not only on the child with special needs but also on the other children in the class.
9. If the level of resources made available within the system are dictated by budgetary constraints, then it cannot be claimed that special education educational needs are fully met. It can merely be asserted that special educational need is met only to the level allowed by the budget allocated for it.
10. Given the complexity and breadth of special educational needs that present in special schools, additional supports above and beyond those provided in mainstream education are required in such schools.
11. Circumstances will present in special schools that will require an immediate response in terms of allocation of resources.
12. Any transition from one setting to another (early years to primary, primary to post-primary, primary to special school, junior primary to senior primary or from one school to another) is particularly important and must be supported by advance planning, open communication and timely sharing of information.

13. Account must be taken of those learners with exceptional ability in terms of the allocation of resources to schools to meet additional needs.
14. School staff have received adequate training and have the expertise to support all of the pupils who attend their school.

3 PLANNING FOR, SUPPORTING AND RESOURCING SCHOOLS TO MEET SPECIAL NEEDS

3.1 HIGH INCIDENCE SPECIAL NEEDS

The model of providing schools with a quantum of resources (teaching hours/posts) has particular merit in the context of planning for, supporting and resourcing schools to meet high incidence special needs. Such an approach is predicated on there being a percentage of the school going population who will present with such needs in all schools. A percentage of enrolment will present with literacy challenges and a similar percentage will present with numeracy challenges. Accepting that there will be a cohort of children that present with both literacy and numeracy challenges, it is not difficult to estimate the percentage of their enrolment that will require additional support for literacy and numeracy alone. It should be noted that the percentage of enrolment requiring such additional support in literacy and numeracy in schools that have DEIS status and in schools with high levels of disadvantage will be considerably higher.

When one factors other high incidence needs into the equation such as pupils with learning difficulties including:

- pupils with mild speech and language difficulties,
- pupils with mild social or emotional difficulties and
- pupils with mild co-ordination or attention control difficulties associated with identified conditions such as dyspraxia, ADD, ADHD

as well as pupils who have special educational needs arising from high incidence disabilities:

- borderline mild general learning disability,
- mild general learning disability and
- specific learning disability,

it is possible to estimate the percentage of enrolment that will require additional support and allocate resources to provide that support.

Other factors will also influence the quantum of resources that are allocated to schools including what the gender profile of the school is and attainment levels on standardised tests in the areas of literacy and numeracy. Such data should also readily identify those with exceptional ability and allocation of teaching resources must take specific account of these children and their specific needs.

In short, this model works better for meeting high incidence needs as the data upon which it is based is readily accessible, relatively predictable and not subject to significant volatility. Accordingly, schools are more likely to receive a quantum of resources that will be reflective of high incidence need and that will enable them to adequately support those children who present with such needs.

However, the significant complicating factor which undermines the effectiveness of the current approach is that there is no differentiation between how the calculation of the quantum of resources is determined for children presenting with low incidence, complex special needs. The data relating to such children is not readily accessible or predictable and is subject to significant volatility not just from year to year but even within the course of any given school year. We will explore why this is the case in due course.

However, a possible solution is offered by the model used for allocating resources to schools for children for whom English is an additional language (EAL). Schools who have greater numbers of children in this category are given an additional allocation, notwithstanding the fact that such numbers can vary from year to year. It is entirely appropriate that a separate allocation be used in such circumstances.

While IPPN accepts that the data relating to EAL children is relatively readily accessible through the Pupil Online Database (POD), adopting a different model to resource schools where the level of incidence is not consistent across all schools works well.

The efficient and timely manner in which schools have been allocated EAL resources to meet the needs of children enrolled in our schools from Ukraine has been revelatory and most welcome. It clearly demonstrates that an agile response is achievable. It has clearly highlighted how schools can be adequately resourced even in circumstances where the numbers of children presenting with a particular need are volatile.

While we accept that EAL needs are separate to Special Educational Needs, it is IPPN's contention that having separate high incidence, low incidence and EAL elements to a school's allocation, based on accurate datasets relevant to those particular categories, will lead to a more appropriate allocation of resources to schools and, accordingly, is worthy of consideration.

3.2 LOW INCIDENCE, COMPLEX SPECIAL NEED

IPPN accepts that the task of accurately determining the level of low incidence, complex special need in schools is challenging. However, it is clear that school leaders have significant misgivings about the accuracy of their schools' complex needs' profiles, the information vacuum that exists as regards how those profiles are determined and the system's inability to respond quickly to increased need.

Children with low incidence complex needs generally fall into three categories:

- those whose needs have been clearly identified and whose transition to school is anticipated, planned for and resourced
- those whose needs may have been identified but have not been flagged to the school and accordingly have not been planned for and resourced
- those whose needs emerge over a period of time and could not have been planned for and resourced.

Currently, the complex needs' element of a school's profile takes account of

- the number of pupils currently enrolled in the school with identified low incidence complex needs
- the number of such pupils who are due to leave the school at the end of the school year
- the number of students entering junior infants with Complex Needs (as identified by the HSE) – Circular 0020/2022.

3.3 UNIDENTIFIED/UNDISCLOSED NEED

The adequacy of a school's quantum of resources is compromised largely, but not exclusively, as a result of children presenting in the school, whose needs have not been flagged to the school or children with identified complex needs who are not linked in with a disability team.

Notwithstanding the excellent work of public health nurses, GPs, Children's Disability Network Teams (CDNTs) and early childhood educators, it is not uncommon for children to present in school with clearly identifiable complex needs which have not been flagged in advance to the school. There are two possible reasons for this –

1. parents may not have identified their child as having complex needs and may not have engaged with services
2. parents were fearful that flagging their child as having complex needs would in some way have compromised the school place.

Either way, when such circumstances arise, it can have a profoundly negative impact on the experience and learning of the child and a consequential impact on the experience and learning of the other children in the class.

A further complicating factor is whether a child is linked in with or known to a CDNT. According to an article in the Irish Times on 3rd March 2023, over one third of CDNT posts were unfilled in 2022, equating to 707 posts across the 91 CDNTs. The consequential lack of capacity to deal with the caseload presenting means that it is inevitable that children are presenting in primary schools with complex needs that have not been identified or assessed.

Circular 0020/2022 stipulates that *"A value is applied for each student counted in the complex need category in your school. Data has been received from the HSE Children Disability Network teams on the number of new entrants with complex needs to primary schools and this data has been incorporated into the model."* This confirms that the crucial role that CDNTs have in ensuring accurate data will inform the allocations process not to mention the equally crucial role they can play in informing and supporting how schools meet the additional needs of individual children.

IPPN concurs with the analysis of Educate Together in this regard when it stated that *"The NCSE have also confirmed that the Complex Needs element is the main determining element for a school's SET allocation, and this element is calculated by the local CDNT. The NCSE have also stated that they are*

aware of inconsistencies across Children’s Disability Network Teams, and this is certainly the experience of schools. So ultimately, the main element that is feeding into a school’s SET allocation is dependent on the effectiveness of their local Children’s Disability Network Teams.”

Given the lack of capacity in such teams, as previously identified, the premise upon which the model is based, the algorithm used to determine allocations to schools and, in particular, the complex needs component of that model is fundamentally undermined and the accuracy of the allocations is significantly compromised.

3.4 EMERGING NEED

The final category of children referred to above is those whose needs emerge over a period of time and could not have been planned for and resourced. Typically, these would be children with emotional behavioural disorders as a result of adverse childhood experiences, attachment issues or trauma, but can also include children with autistic spectrum disorders. Such emerging need can compromise the adequacy of a school’s allocation of resources (teachers and Special Needs Assistants).

Circular 0020/2022 stipulates that *“The total special education allocations provided for schools anticipate that there will be some emerging needs over the course of the model. Schools are resourced to provide for such emerging needs, within the totality of the allocation.”* However, if that allocation is already inaccurate/inadequate due to the numbers of children presenting whose needs have not been identified, then the buffer that is built into the allocation, to meet emerging need, has already been compromised.

When the adequacy of a school’s allocation of resources is compromised either by unidentified or emerging need, it is imperative that the system is agile enough to respond quickly so as not to unnecessarily or unduly compromise the school’s ability to adequately meet and respond to that need. This is not currently the case.

3.5 MEETING THE LEVEL OF LOW INCIDENCE, COMPLEX SPECIAL NEED IN SCHOOLS

The vast majority of children with low incidence complex needs can thrive in a mainstream class setting or in a special class in a mainstream school if:

- their needs have been identified to the school in a timely manner
- there is sufficient time to plan for and put in place the supports that the children require
- the school's allocation of supports (teaching, special needs assistance, technology, furniture, building modifications, etc.) is adequate.

As identified within previous sections, the low incidence complex needs profile of a school needs to be considered as a separate entity to high incidence needs. Each school should receive a quantum of resources specifically to meet that low incidence complex need based on a complete and up-to-date dataset. Mechanisms must also be in place to allow for a necessary and timely adjustment to the school's allocation in circumstances where previously unidentified or emerging needs are established, which have a demonstrable impact on a school's low incidence complex needs' profile.

Crucial to such a process of timely adjustment to a school's allocation would be the intimate working familiarity with the school's complex needs profile of a dedicated SENO. Furthermore, such a process of adjustment should be completed within an agreed and clearly-defined timeline.

4 APPEALING SNA ALLOCATIONS

The exceptional review process, by which schools can seek to have the accuracy of their SNA allocations considered, is unwieldy and slow in responding to emerging need. It can be months before a school is able to secure additionality through this process during which time, a child with complex additional needs, who does not have access to an appropriate level of support, is likely to struggle. The impact on the child and on the other children in the class can be considerable. Furthermore, the diverting of resources from other children with additional needs in these circumstances is inequitable as it compromises the quality of their experience of inclusion. This is the case in special school as well as mainstream settings.

The reason that the exceptional review process is so unwieldy is that schools have to prove that their complex needs profile has changed and they are also required to demonstrate that the resources that they have been allocated are being used appropriately and efficiently. The aforementioned intimate working familiarity of a dedicated SENO with the school's complex needs profile and its deployment of resources would obviate the necessity for provision of such proof and would facilitate a more streamlined process.

According to NCSE's Annual Report for 2021, under the SNA Exceptional Review Process established for the 2021-22 school year, 820 schools had applied to the NCSE for a review of their 2020-21 mainstream SNA allocation by December 31st, 2021. Of the applications completed by that date, 292 schools (35.6%) received an increased allocation.

Of the 528 schools that did not receive an increase to their allocation, 147 schools submitted an appeal, of which 111 were concluded by December 31st, 2021. Only 7 of those 111 appeals were upheld.

Accordingly, schools do not have confidence in the exceptional review process and consideration needs to be given to an expedited process of review. IPPN notes the "Targeted Review" process that is referred to in circular 0035/2022 and supports its piloting as a matter of urgency.

5 SHORTCOMINGS OF ADMISSIONS PROCESS

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.

The inadequacy of the current legislation came sharply into focus in June 2022, when a shortage of school places in special classes and special schools in Dublin was made a subject of media attention. It is IPPN's belief that this shortage of places was brought about by a 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. The reduced timeframe for Admissions was a significant contributory factor.

IPPN contends that an amendment to the legislation to allow schools to receive applications on behalf of children who have low incidence complex needs or 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 and would obviate the necessity for Section 37A powers to be invoked. It is the view of IPPN that a requirement to exercise those powers means that the system has already failed to adequately prepare for the placement and meeting the needs of children with complex additional needs.

6.1 THE IMPORTANCE OF THE ROLE OF THE SENO

SENOs have a crucial role to play in ensuring that children, particularly those with low incidence complex needs, are adequately resourced and supported in schools. They are ideally placed to ensure that the dataset relating to a school's complex needs profile is accurate and up to date meaning that a school's low-incidence allocation is more likely to be adequate and the likelihood of schools requiring a process of exceptional review or appealing their allocation is diminished. As noted above, NCSE's Annual Report in 2021 details that 820 schools sought an exceptional review as they believed their allocation of SNAs was inadequate to meet the low -incidence complex needs of children in their schools. The processing of such reviews requires a significant investment of time, energy and resources on the part of the SENO/NCSE and the school. It is IPPN's view that it would be far better to invest that time, energy and those resources into ensuring the accuracy of the dataset and the allocation to the benefit of all.

The greatest stumbling block to this being possible is the fact that there is an insufficient number of SENOs within the system. In 2021, 61 SENOs were supporting the 4000+ schools in the country. This means that on average, each SENO had between 60 and 70 schools on their caseload. However, schools in specific areas do not have a SENO and have access only to a "reporting" or "facilitating" SENO. Such a situation compromises the depth of knowledge and understanding of those schools' profile of needs with predictable consequences. It also compromises all processes which are managed by or supported by SENOs, leaving children in these schools at a very unfair disadvantage over other children in other schools who are supported directly by a SENO.

If there was an adequate number of SENOs in the system, with manageable caseloads in terms of numbers of schools, maintaining an accurate and up to date dataset of each school's low incidence needs profile would be achievable leading to sufficient allocations to schools. In short, all would

benefit. It would be interesting to know if the NCSE had a view on what the number of SENOs required to deliver on this would be.

6.2 LACK OF TRANSPARENCY AS TO HOW ALLOCATIONS ARE CALCULATED

A significant contributory factor to the lack of confidence in the accuracy and adequacy of allocations is the deficit of information provided to schools as to the weighting given to the criteria used to determine allocations and, more specifically, how the complex needs element is assessed and calculated. A greater level of transparency with regard to this process coupled with clearer and more comprehensive communications with schools and parents would assist school leaders in understanding how their allocation was determined and may, in some cases, obviate the necessity for appeals.

6.3 NO INVOLVEMENT OF SCHOOL LEADERS IN THE SCHOOL PROFILING PROCESS

In the three iterations of school profiling to date, the perspectives of school leaders have not been sought. It is the contention of IPPN that the insights of those who have the practical experience and who are tasked with the responsibility of deploying the resources allocated would inform and enrich the approach to school profiling. IPPN is best placed to share such insights and experience and would welcome the opportunity to be part of the conversation on school profiling. We believe that this will enhance the process and the evidence base used to determine school profiles.

6.4 PARENTS APPEALING THE LEVEL OF SUPPORT THEIR CHILD RECEIVES TO THE PRINCIPAL

This is an issue which causes deep frustration to our members. IPPN accepts that the autonomy afforded to school leaders ensures that schools can be flexible in how resources are deployed and that schools and parents of children with additional needs should have clear and open lines of communication as to how those needs are being met. However, where the quantum of resources that has been allocated to a school is not sufficient to meet the needs that are presenting, it makes no sense that the parent would be appealing the allocation of resources to the school leader who has had no input to the determination of the level of resources allocated to the school. That is unfair both to the parent and the school leader and needs to be addressed.

There is a need for clear communication to parents on the allocation of resources to ensure a better understanding of decision-making about the deployment of resources (SET & SNA) at both a school and a system level.

6.5 DISPARITY BETWEEN ALLOCATIONS FOR DIFFERING TYPES OF SPECIAL CLASS

Mainstream schools have a variety of special classes attached to them

- ASD Early Intervention
- Autism / Autistic Spectrum Disorders
- Hearing Impairment
- HI Early Intervention
- Multiple Disabilities
- Mild General Learning Disability
- Moderate General Learning Disability
- Severe/Profound General Learning Disability
- Specific Speech & Language Disorder
- Specific Learning Disability
- Emotional disturbance
- Visual impairment.

School leaders have expressed concern that there is a disparity between the allocation of resources to different types of special classes. While there is acceptance that differing levels of need will present in different types of special class, school leaders believe that greater consideration needs to be given to the level of need that is presenting in different settings to ensure that allocations accurately reflect these settings and are sufficient to meet that level of need.

6.6 NEPS ASSESSMENTS AND SCHOOLS WITH SPECIAL CLASSES

It is inequitable that schools with special classes have access to the same number of NEPS assessments as schools who do not have a special class. If children in a special class are making a transition to another setting, the assessments are required to inform that transition. As a result, there is a reduced number of assessments available to children in mainstream classes who may be in need of such assessments.

However, children either need an assessment or they don't. The limited number of assessments available is reflective of the point made in the Underlying Assumptions section with regard to the level of resources made available within the system being dictated by budgetary constraints.

6.7 CHILDREN WITH ACCESS TO AIM SUPPORT TRANSFERRING TO PRIMARY SCHOOL

The Access and Inclusion Model (AIM) is designed to ensure that children with disabilities can access and fully participate in the ECCE programme. It is a child-centred model, involving seven levels of support, moving from the universal to the targeted, based on the needs of the child and the pre-school setting.

The transition from the pre-school setting to primary school is significant and can be challenging for all children but particularly so for those with additional needs. It is the view of IPPN that children who are accessing AIM support at level six or seven should have automatic access to SNA support as they enter Junior Infants to ensure that the transition is as smooth as it possibly can be. A school's allocation needs to be adjusted to take account of the number of children starting in the school who are accessing AIM support at that level.

6.8 THE CAPACITY TO SCALE UP THE SCHOOL INCLUSION MODEL

The pilot School Inclusion Model has merit with the access to additional assistance, such as behavioural support, added psychological support services and therapy services being of particular value. NCSE's Annual Report in 2021 indicates that only 12 of the required 31 therapists had at that stage been recruited in CHO 7 (the pilot area). This raises significant doubt as to whether such a model can be delivered countrywide given the dearth of such qualified professionals.

6.9 SPECIAL SCHOOLS

Special schools are dealing with many of the challenges listed above. They also have a considerable number of additional challenges, including resourcing and allocations.

Categories of resource that are needed in all special schools, for which there is inadequate or no provision, include:

- Appropriate pupil/teacher ratio

- Leadership and management capacity
- Nursing and caregiving support
- Physical therapy
- Speech and language therapy
- Occupational therapy
- Behaviour therapy
- Health and safety expertise and funding for necessary improvements
- Emotional behavioural support
- Equipment to enable children to access the curriculum
- Funding to support staff training/CPD
- Counselling support for
 - Mental health issues
 - Transition to post-primary curriculum
 - Guidance re. post-school opportunities and supports
 - Administration of school transport.

7 RECOMMENDATIONS

IPPN understands and accepts that identifying and meeting special educational need is complex and requires significant investment of resources and systemic planning. Such planning needs to include those who are delivering inclusion in our schools on a daily basis.

It is in this context that IPPN makes the following recommendations.

7.1 ALLOCATIONS

- Allocations of teaching and SNA resources to schools should comprise of high incidence needs, low incidence needs and EAL elements.
- The low incidence needs element should be informed by an up to date data set.
- A school's allocation of SNA resources should take account of the number of children transferring to the school from a pre-school setting who have accessed AIM support at level 6 or 7 while in the pre-school setting.
- Allocations in respect of special classes and special schools should be equitable and in accordance with the level of need that presents.
- Special classes should have access to the additional resources that are required to fully meet the needs of the children in those schools.
- In order to better ensure the accuracy of allocations, in advance of such allocations being finalised and published, the proposed allocations of a cross-section of sample schools should be interrogated, in consultation with those schools. The sample should include developing and special schools.
- Develop a communication to parents on the allocation of resources to ensure a better understanding of decision-making about the deployment of resources (SET & SNA) at both a school and a system level.

7.2 THE SENO AND OTHER SUPPORTS SERVICES

- Each school should have a dedicated SENO who will ensure that the data set is up to date.
- Clearly define the role of the SENO in this regard.
- Develop agile and flexible processes that ensure that undisclosed or emerging need can be resourced and supported in a timely manner.
- Children should have access to assessments and schools should have access to advisory visits from NEPS as required.
- Schools with special classes should not be disadvantaged in terms of the number of NEPS assessments to which they have access.
- NEPS supports to special schools should also include assessments.

7.3 INCLUDING SCHOOLS IN DECISION-MAKING

- Include the voice of school leaders at the earliest possible juncture in discussions on the school profiling process.
- Disseminate information to schools that clearly details how allocations are calculated.
- Take the voices of school leaders in Special Schools into account when resources are sought as a matter of urgency to address clearly identified health and safety issues.
- Inform schools directly of their allocations in advance of publication on the NCSE / DE websites.

7.4 SYSTEM

- Amend Admissions legislation to ensure that applications on behalf of children with low incidence/complex needs can be received by schools 24 months in advance of their school start date.
- Develop a roadmap or an explanatory document that details when, how and from whom specific supports can be accessed.

8 CONCLUSION

IPPN and school leaders are wholly committed to the provision of a high-quality inclusive education experience to all learners. The system can better facilitate this by matching that commitment with adequate resourcing and supports, based on accurate and up-to-date information.

IPPN looks forward to discussing this position paper with all relevant stakeholders with a view to achieving improved outcomes for children with additional needs.