

Introduction

The Disabled Person's Organisation (DPO) Network welcomes the opportunity to provide a submission on the Education of Persons with Special Educational Needs (EPSEN) Act 2004.

The five DPO member organisations of the DPO Network are:

- Disabled Women Ireland
- Irish Deaf Society
- Independent Living Movement Ireland (ILMI)
- The National Platform of Self Advocates
- AsIAm

Collectively, the DPO Network is committed to the realisation of the UN Convention on the Rights of Persons with Disabilities (UN CRPD), wherein disabled people are entitled to an education under Article 24. Furthermore, we are committed to the human rights and social model of disability which says that the exclusion, inequality, and discrimination disabled people experience is not the consequence of our impairments but a result of the economic, cultural, social, and political barriers which persist in society. All our work is led and informed by the active participation of disabled people based on their lived experience. Given the broad membership base of the members of the network, the Network gives a unique space for a genuinely cross-impairment analysis of the issues faced by disabled people and provides a space for networking between the organisations.

Under Article 41 of the Irish Constitution and Article 28 of the UN Convention on the Rights of the Child (UN CRC), children living in Ireland have the right to an education. This right is reaffirmed in Article 24 of the UN CRPD, which states that all

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disabled people, including children, have the right to an education on an equal basis with others¹.

In this submission, we highlight the key recommendations of each of the five DPO Network members, which are discussed in greater detail in each organisation's own submission.

Disabled Women Ireland:

DWI is Ireland's only national cross-impairment Disabled Persons' Organisation (DPO)² representing disabled women, girls and non-binary people. DWI is an unfunded, entirely voluntary all-island organisation.

Key Recommendations:

1. Amend the EPSEN Act to ensure the adoption of an inclusive education system, informed by the principles of Universal Design for Learning, across all educational settings as required by the State's obligations under the UN Convention on the Rights of Persons with Disabilities.
2. The Departments of Education and of Children, Equality, Disability, Integration and Youth should co-create a dedicated National Strategy or appropriate and actionable policy framework, with measurable timeframes and targets to prioritise transition from the current segregated educational system to an inclusive UNCRPD-compliant system. Goals and targets of this strategy should be identified in close consultation with disabled people through their CRPD-identified representative organisations, with a particular focus on

¹ Article 24: Education; UN Convention on the Rights of Persons with Disabilities.

² A DPO is an organisation whose primary focus is advocating for the rights of disabled people where a clear majority at all decision-making levels are disabled people themselves, as defined under General Comment No. 7 (2018) of the UN CRPD:

<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhnsbHatvuFKZ%2Bt93Y3D%2Baa2pjFYzWLBu0vA%2BBR7QovZhbuyqzjDN0plweYI46WXrJJ6aB3Mx4y%2FspT%2BQrY5K2mKse5zjo%2BfvBDVU%2B42R9iK1p>

prioritising the input of disabled children and young people. We further recommend that the relevant Ministers provide an annual update on implementation of the strategy to the Dail and to relevant CRPD monitoring bodies, such as IHREC.

3. Implement the EPSEN Act in its entirety, ensuring that disabled children have statutory rights to individualised educational assessments, educational plans and related supports as well as an independent appeals process
4. DWI strongly recommends a complete ban on the use of seclusion and restraint in school settings, as recommended by the CRC Committee.
5. While transitioning to a complete ban on the use of seclusion and restraint, we also recommend that educational settings be required to report instances of seclusion and restraint to parents and guardians, that data into the use of such practises be collected, and research into their impact be conducted, and access to a complaints mechanism be provided.
6. Amend the EPSEN Act to ensure that disabled children are involved in all aspects of having their individual educational requirements met, including educational assessments, the creation of individualised educational plans and reviews.
7. Ensure access to support and a wide variety of communication methods is embedded across law and policy related to EPSEN to facilitate children and young disabled people to express their views
8. Collect disaggregated data in relation to disabled children in education and ensure that it is sent to Disabled Persons' Organisations (DPOs) in accessible, transparent formats.
9. Ensure that future consultations are fully accessible to disabled people, through engaging with DPOs
10. Adopt a systematic approach to providing alternative, accessible formats of all documents (policy and legislation) to ensure children and young people can

participate in consultation processes and express their views on an equal basis with others.

11.

Irish Deaf Society:

The IDS is the only national Deaf-led representative organisation of the Deaf, and it serves the interests and welfare of the Deaf community. It provides a number of education, personal and social services to Deaf children, adults, and their families. The Irish Deaf Society is recognised as a Disabled Peoples Organisation (DPO) under the UN Convention on the Rights of Persons with Disabilities (CRPD).

Key Recommendations:

1. Include and recognise Irish Sign Language as a language within the EPSEN Act and encourage its use in all educational settings.
2. Consultation in relation to Deaf education and students must be sought from Deaf experts in this area
3. Collect data relating to the educational outcomes of Deaf students.
4. Encourage the employment of Deaf people in schools with Deaf students.
5. Include Irish Sign Language within the school curriculum
6. Improve the ISL tuition scheme as recommended in the IDS Deaf Education paper (linked below in supporting documents)
7. Reform and promote the ISL Tuition Scheme as recommended in the IDS Deaf Education paper (linked below in supporting documents). Many hearing parents are unaware of this scheme.
8. Reasonable accommodations including assistive technology (such as captioning, real-time translation and assistive listening devices) should be made available to Deaf students who do not use ISL in the classroom.

Independent Living Movement Ireland:

ILMI is a national Disabled Person's Organisation (DPO) that works to build an inclusive and equitable society for disabled people in Ireland and internationally. Our values of agency, collective empowerment and social justice are at the very core of all our work.

Key Recommendations:

1. The EPSEN act must be implemented fully and in line with UNCRPD.
2. Disability equality must be central to all decisions made and enacted by the EPSEN act with disabled students and their allies central to the process and outcomes that affect them.
3. Include Disability Equality training and workshops into the educational system as part of a wider emphasis on equality and diversity. This must be distinct from Disability Awareness – a practice that is outdated, and must be delivered by DPOs. Disability Equality included to the circular will make for a more contemporary, fairer and holistic approach to education and society.

The National Platform of Self Advocates:

The National Platform of Self Advocates is an independent Disabled Person's Organisation run by people with intellectual disabilities for people with intellectual disabilities.

Key Recommendations:

1. Special needs assistants should be made available to children with intellectual disabilities from the start of primary school. This would prevent children from having to go to special schools because they don't have the support needed to take part in ordinary schools.
2. All teachers should be taught how to teach and communicate with people with intellectual disabilities. This would make it easier for students and teachers to understand each other.
3. Teachers should be taught how to use plain English. Writing and presenting information in plain English benefits everybody. It helps all students to understand and makes classrooms more inclusive.
4. People with intellectual disabilities should be employed in appropriate jobs in schools and be visible to everybody. This helps to create a positive attitude towards disabilities. It makes environments more inclusive and increases the expectations people have of individuals with intellectual disabilities.
5. Make sure that the EPSEN Act is updated to be in line with the UNCRPD.

AsIAm:

AsIAm is Ireland's national Autism charity and advocacy organisation, working to create a society in which every autistic person is empowered to reach their own personal potential and fully participate in society.

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Key Recommendations:

1. Introduce longer term systemic and structural reforms which support every child's right to be educated and be included in a mainstream classroom with their peers in their local school
2. Increase accessibility of classrooms and schools in line with Universal Design.
3. Fully implement the EPSEN Act and update the Act to reflect a Social Model/Human Rights understanding of disability and best practices for inclusive education under the UNCRPD and UNCRC;
4. Increase training and opportunities for professional development for teachers and SNAs, on training which focuses on child-centred, neuro-affirmative approaches to supporting autistic pupils and pupils at school.
5. Improve data collection in relation to disabled children to enable better future planning and to better support autistic and disabled children to access an education in their local school;
6. Implement measures which result in greater recognition of the essential role of Special Needs Assistants, support teachers and therapists, and provide for their inclusion and integration into the education system, including mainstream classrooms and schools.
7. Ensure that all students can access reasonable accommodation and are provided with an accessible curriculum
8. Introduce statutory guidelines around the use of suspensions and expulsions, and for the elimination of seclusion and restraint.
9. Ensure statutory rights to Individual Educational Plans and Educational Assessments.
10. Expand the role of Children's Disability Network Teams across a range of education settings, to ensure that pupils can access Speech and Language Therapists, Occupational Therapists and Psychologists that meet their needs in their locality and ensure greater investment in disability services in

conjunction with Progressing Disability Services, to meet these needs accordingly.

11. Improve communication and coordination between other departments/divisions and agencies

Access issues with the consultation process

In addition to raising our concerns about the EPSEN Act, we also wish to highlight ongoing access issues with the current consultation process. While the Department's willingness to accept submissions in formats other than the online survey via email is welcomed, it is important to note that no postal address was given for submissions to be sent in hard copy. Additionally, information about the consultation process itself was not provided in Plain English, Easy-to-Read or Irish Sign Language, limiting the ability of many disabled and d/Deaf people to participate in this process. Members of the DPO Network also highlighted that the vagueness of the survey questions was also inaccessible. Organisations within the DPO Network also contacted the department via the provided email address to ask questions about the consultation, but didn't get any response – creating challenges for those of us providing full submissions.

It is also important to note that under the UN CRPD, the State has a responsibility to **actively** consult with disabled people through their representative organisations (Article 4.3) which, to our knowledge, has not happened. In addition to ensuring that the views of disabled people contribute to the review itself, active consultation with DPOs is essential to support DPOs, which are chronically under-resourced and underfunded, to contribute meaningfully to this process. DPOs can also support and advise government departments in ensuring that consultations are conducted in an accessible manner.

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We are also concerned about the involvement of disabled children in this consultation process. While there are currently no DPOs for children in operation in Ireland, it is absolutely essential that the views of disabled children are actively sought out and prioritised in this process and that appropriate supports are provided to facilitate their involvement.

Supporting Documents:

1. Deaf Education position paper:

<https://www.irishdeafsociety.ie/about/policy-paper-deaf-education/>

2. IDS NCSE Submission:

<https://ncse.ie/wp-content/uploads/2014/09/DeafEducationReport.pdf>

3. NDA Participation Matters Guidelines on implementing the obligation to meaningfully engage with disabled people in public decision making:

https://nda.ie/uploads/publications/NDA-Participation-Matters_Web-PDF_092022.pdf