



19-01-2021

Dear Minister Foley,

We write to you today from the four main advocacy organisations, representing children with a disability, their family, and carers.

Since the return of the Christmas break, we effectively have had two U-turns on the return to school for children with special education needs. There has been a huge amount of back and forth between stakeholders and the Department of Education to the detriment of our family members and the voice of the vulnerable child has been absent too often and as Minister your responsibility is and first and foremost to children. While a focus on the return to school should be a priority, in light of the continued uncertainty of a return to school for children with special education needs, urgent interim measures need to be put in place, whilst schools remain closed for these children.

Last week on one of our national broadcasters programmes we heard from the many struggling families who are currently living in state of despair. Many parents contacted the show to express “utter relief” of children with disabilities returning to school and then the “devastation” of schools closing. Parents have found the emotional rollercoaster of school opening one day and not the next difficult to take. The discussions that have taken place between Government and educational stakeholders have relegated the voice and needs of the child throughout this process. Equally since the return from the Christmas break all our respective offices have been inundated from parents with an outcry of despair, then relief, and back to despair on the back of these educational talks. The unfolding of events over the last

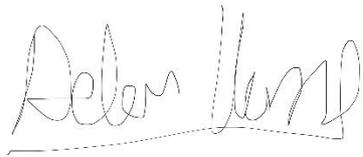
two weeks has drained many of the families we represent. Families of special educational needs children need solutions and a practical implementation of a return to adequate educational learning for these children.

We know remote learning does not work for many children with special educational needs. We know there is significant regression and lost potential occurring. We also know things cannot continue as they are. In a recent survey produced by AsIAM, Down Syndrome Ireland and Inclusion Ireland, 79% of respondents stated children with special educational needs would need in-school support to continue their learning. We would like to remind the Minister of her constitutional obligation to children with special educational needs and their entitlement to the provision of education. Article 42.3.2 of *Bunreacht na hÉireann* states "*The State shall, however, as guardian of the common good, require in view of actual conditions that the children receive a certain minimum education, moral, intellectual and social*". It is incumbent on you Minister to ascertain as a guardian of the common good to provide adequate support to these children in line with their learning capacity.

Whilst schools for special education remain closed, families will continue to see further regression of their child. With each passing day we are losing valuable time in providing these children with an adequate education. It is incumbent on you Minister to put in place, in line with relevant case law (*Conway V INTO* [1991]) and your Constitutional obligation, to provide a suite of interim measures that would adequately provide for these children, while the issue of school closures remain uncertain.

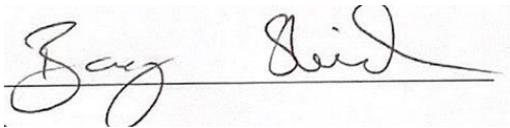
We would like to meet to discuss this issue further with you Minister and your officials as a matter of urgency.

**Yours faithfully,**



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**Adam Harris**  
**Founder-CEO**  
**ASIAM – Ireland’s National Autism Charity**



**Barry Sheridan**  
**CEO Down Syndrome Ireland**



**Enda Egan**  
**CEO Inclusion Ireland**



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**Catherine Cox**  
**Head of Communications and Carer Engagement**  
**Family Carers Ireland**