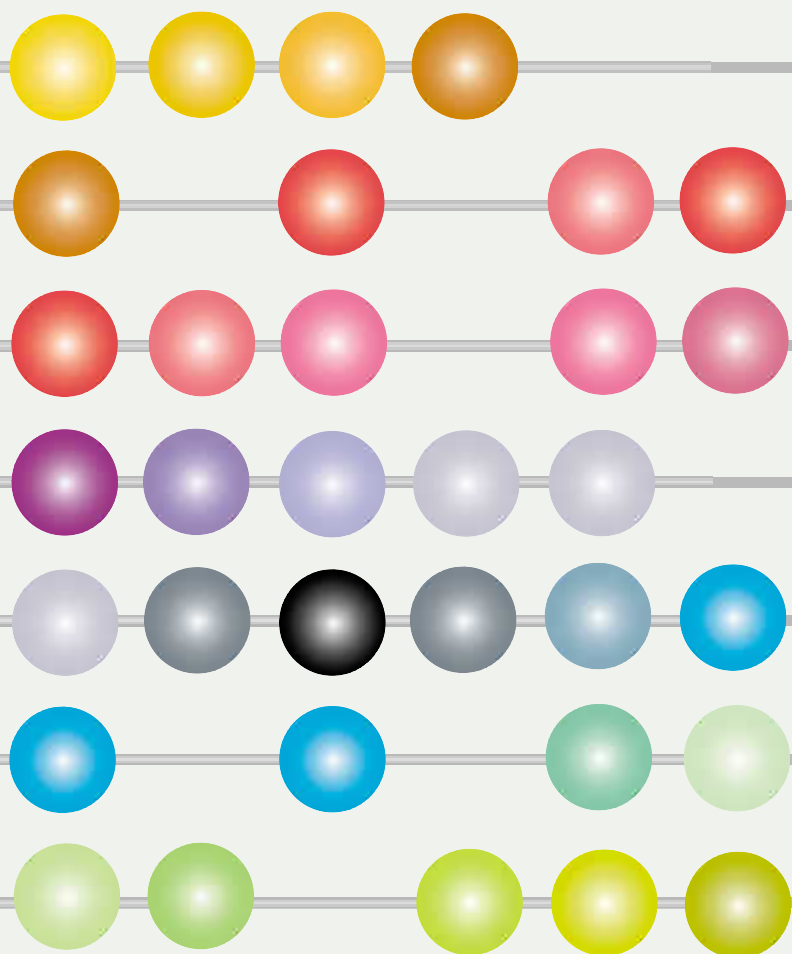


The Inclusive School

Proceedings of the Joint Conference of the
Irish National Teachers' Organisation
and the Equality Authority.
Limerick, 27th March 2004



THE EQUALITY AUTHORITY
AN tÚDARÁS COMHIONANNAIS

Contents

Foreword Page 3

Opening Addresses

Playing our Part: The Teachers' Perspective

Catherine Byrne, General Treasurer & Deputy General Secretary, I.N.T.O. Page 5

Meeting the Inclusion Challenge

Niall Crowley, Chief Executive Officer, Equality Authority Page 12

Keynote Address

The Inclusive School

Dr. Felicity Armstrong, Senior Lecturer in Inclusive Education,
University of London Page 21

The Legal Framework

The Legislative Framework for an Inclusive School

Eilís Barry BL, Legal Adviser, Equality Authority Page 37

Discussion Group Topics and Reports

Through the Eyes of a School

Introduction Page 53

Group 1: Equality in School Plans and Administration Page 54

Group 2: Equality, the Primary Curriculum and Classroom Practice Page 56

<i>Group 3:</i> School Admissions, Participation, Sanctions and Equality	Page 58
<i>Group 4:</i> Equality of Participation – Tackling Harassment & Bullying	Page 60
<i>Group 5:</i> Equality and the Hidden Curriculum (extra-curricular activities, roles and make-up of staff, etc.)	Page 62

Celebrating Good Practice: Three inputs from practising teachers

The Celebrating Difference Project

Rosie Hogan, Limerick	Page 64
-----------------------	---------

Inclusion of Traveller Children into Mainstream Education

John Devitt, Roscrea	Page 68
----------------------	---------

Inclusion of Children with Special Needs: Labhaoise's story

Maree O'Connor, Tralee	Page 70
------------------------	---------

Appendix: Speakers' Biographies

Page 75



Foreword

“The Inclusive School” brings together the proceedings of a conference hosted by the Irish National Teachers’ Organisation and the Equality Authority in March of 2004.

The conference reflects the shared ambition of the two organisations to contribute to practices by schools that:

- prevent discrimination across all nine grounds under the equality legislation,
- accommodate diversity and make adjustments for the different identities, experiences and situations of pupils and teachers across the nine grounds, and
- proactively pursue equality for all pupils and teachers in terms of their presence, participation and achievement in school.

The conference has made a valuable contribution to setting out the challenges posed to schools by this shared ambition. These challenges include the need to:

- stimulate, reinforce and resource a commitment within schools such that management, teachers, other staff and pupils can all support and contribute to the objective of an inclusive school,
- deploy existing resources in a manner that best eliminates discrimination, accommodates diversity and achieves equality, and secures additional resources to support further necessary change, and

- implement planned and systematic approaches to equality within the school, in particular through developing an equality focus in human resource practices, school planning and evaluation, admissions policies and codes of behaviour.

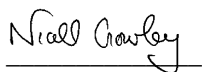
The proceedings of the conference offer a broad range of insights into how best to meet these and other challenges posed by the work of creating the inclusive school. These insights combine a focus on practice, theory and experience in a manner that ensures this publication can be a key resource to schools in their pursuit of greater equality.

The wide ranging and informed participation of significant numbers of participants at the conference must be a source of optimism. The emergence of the inclusive school already has strong foundations in the commitment and expertise of teachers and others involved in the education system. Real progress can now be made towards the inclusive school where this commitment and expertise is facilitated to find expression in school practice.

The I.N.T.O. and the Equality Authority are grateful to Noel Ward, Equality Officer of the I.N.T.O., and Cathal Kelly, Development Officer of the Equality Authority, who have coordinated the work of the two organisations for this conference and publication. Both organisations look forward to further cooperation on these issues and to combining our expertise and resources in further supporting the emergence of the inclusive school.



John Carr
John Carr
General Secretary
Irish National Teachers' Organisation



Niall Crowley
Niall Crowley
Chief Executive Officer
Equality Authority

Opening Addresses



Playing our Part: The Teachers' Perspective

Catherine Byrne, General Treasurer & Deputy General Secretary, I.N.T.O.

Introduction

Good morning colleagues and friends. This conference provides an opportunity for teachers and those who are charged with implementing equality legislation to reflect on the reality of the application and implementation in our primary schools of the equality legislation and to celebrate the achievement of our schools as beacons of hope for an inclusive society. It also provides an opportunity to identify what supports are required to ensure that all our children and all our teachers experience education and teaching in a fully inclusive manner.

It is worth noting that 20 years ago the I.N.T.O., at our Annual Congress, adopted a resolution which plotted the work of the I.N.T.O. on equality since then. It committed the Organisation to act as an agent for change, to campaign for gender equality in the classroom, in the curriculum, in the staff room, in the management of schools, in the Department of Education and Science and within the I.N.T.O. It led in the same year to the appointment for the first time of an I.N.T.O. Equality Officer and influenced the establishment of our Equality Committee three years later in 1987.

Just as today, the work of the Equality Committee over the years has been inspiring and effective, supporting the Executive in securing a wide range of achievements such as adoptive leave, job sharing, improving maternity provision, holiday leave, paternity leave. In this respect I want to acknowledge and pay tribute to the work of I.N.T.O. Equality Committees, past and present, for their work and inspiration. I also would like to thank our Equality Officers over the years for guiding the work of the Committee and for making this conference happen.

While gender is no longer the primary focus of the work of our Equality Committee, the evidence is there to show that much remains to be tackled to root out gender inequality. We need better gender balance in the make up of those in senior roles in the Department of Education and Science and in management and senior roles in our schools.

Proactive Teachers

Primary schools have never been passable entities, content to reflect our society. A fleeting glance through I.N.T.O. history shows that primary teachers, far from being conservative agents of church and state, as we are often portrayed, have pushed boundaries, challenged the status quo and dreamed dreams of a better tomorrow. Primary teachers have demanded and achieved equality legislation on a range of educational and trade union issues.

A brief glance at our list of I.N.T.O. publications reveals a high degree of commitment and pro activity in the area of inclusion and equality, with examples such as:

- *Question and Answer Guide to Equality Legislation (with special focus on schools)*, 2003
- *Supporting Special Education in the Mainstream School*, 2003
- *Intercultural Guidelines for Schools*, 2002
- *Accommodating Difference*, 1993
- *Travellers in Education*, 1992
- *INTO the Future / Participation*, 1991
- *Will you apply for a Principalship*, 1989
- *Fair Play for Boys and Girls in Primary Schools*, 1989
- *Gender Inequality in Primary School Teaching*, 1983

The inclusion of children with special needs in mainstream schools which has been the policy of the I.N.T.O. for decades illustrates the pioneering role of the I.N.T.O. Indeed our I.N.T.O. Constitution is explicit in its objectives to promote the principle of equality in all aspects of education and the teaching profession.

Rooted in Reality

The challenge today is to make sure that our schools are capable of delivering a modern, progressive agenda of equality and inclusion. Primary schools are not places apart, immune from the pressures of society. Today's newspapers, as if we needed reminding, show clearly that primary teachers must be supported in their work on inclusion. I welcome yesterday's High Court judgement in the Clondalkin Case. The judge said that each of the teachers involved were responsible, caring, alert and concerned people. The I.N.T.O. believes the outcome gives a very good indication that bullying is not tolerated in primary schools, and it shows how hard teachers work to prevent bullying in primary schools and how much of a teacher's time is taken up doing this work.

For too long society has left issues such as bullying at the front door of the school. While we will fully play our part, the days of designing an elaborate, theoretical programme for every problem in society and mailing it to schools are gone. We want to see the legislation and policy reflect the reality in the everyday life of schools, not the ideal or the aspiration. We want to see legislators and policymakers take account of the fact that, for example, when after every break time the teacher is playing Inspector Morse and Judge Judy arising from a school yard incident, there may be up to thirty other pupils of varying ages demanding their right to attention.

Tackling exclusion and making inclusion happen takes time, support and considerable expertise on the part of the teacher. Delivery is rooted in reality, not theory. Smaller classes with qualified classroom support will assist inclusion.

Measuring up to the Challenge?

The relationship between a school and its community, like the relationship between education and society, is dynamic and interactive. The school not only reflects its community but is a powerful influence in shaping its development.

While our schools reflect a distinctly Irish cultural, social, economic, political and religious past they also, increasingly, take cognisance of the changing nature of society.

How do our schools measure up to the challenge of inclusivity?

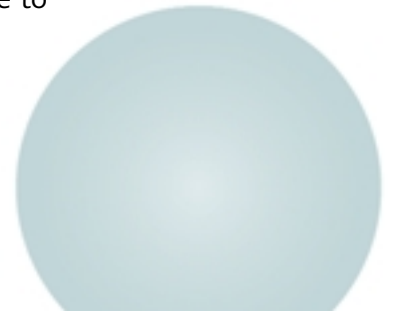
In many ways our schools are inclusive. In every town and village throughout Ireland children of different social classes, of different races, of varying abilities and background and (increasingly) of all religions and none attend school together. There is no private sector to speak of in Irish primary education, no

formal selection tests, and denominational schools are increasingly accommodating multi-denominational pupils. But when we scratch the surface we see that while real progress has been made in allowing our Traveller children to have a presence and participate in primary education, questions remain about outcomes with very few progressing in the post-primary sector. International children bring an enriching diversity of language, culture and religious beliefs to schools but scarce resourcing doesn't meet their needs and stretches teachers to breaking point.

Some see the inclusive school as simply a tolerance of difference but real inclusivity is more than just overcoming past or current prejudices. We must move well beyond a rejection of mere tolerance of those who have a different skin colour, beliefs or religious beliefs and practices. Presence in school does not constitute inclusion. Neither will it be enough to simply accommodate difference. This is not to belittle many well-intentioned initiatives that take place in an effort to accommodate, but we must move beyond such initiatives which are often pragmatic in nature and a step on the way to full inclusion.

True inclusivity can never be achieved as long as groups are separated and differences are reinforced. Simply creating space for each group is not enough. There must be a real and living interaction – where children of different cultures, faiths, colours, languages and beliefs are respected and included, not simply preserved and separated. It will entail the creation of a vibrant, living inclusive school where all are valued, respected and included. Lest anyone think I am getting carried away on a flight of fanciful idealism, let me return to my core message. The translation of this ideal into reality will not come cheap ... it will cost in terms of smaller classes, school support, classroom materials and resources.

The I.N.T.O. is often criticised for producing a shopping list to accompany every change. We work with the largest class sizes in Europe and we have the lowest per capita investment so we make no apologies for demanding increased resources. The I.N.T.O. is sick and tired of those advocates of change and improvement who fail to recognise the realities and challenges of primary school life. Why, for example is third-level investment per capita three times that of primary education when everyone agrees that the bedrock for the future is the primary school? We are not prepared to entertain those commentators, many of whom were born into privilege, power and influence, who set school up as the agents for change and the panacea for social problems but who will not look for adequate resources for such change. Change requires resources and we in the I.N.T.O. make no apology for pointing out that Government needs to make extra resources available if our primary education system is to meet the challenges and teachers are to undertake the tasks expected of them.



Special Needs

Now to the issue of special education and inclusion.

Equality legislation prohibits discrimination on grounds of disability. In other words, less favourable treatment of one person where s/he has a disability is not acceptable. Primary teachers have embraced the concept of inclusion in mainstream education for special needs children, some might argue at a great cost to both teacher and child.

The current position calls for a number of comments. The first relates to this government's failure for the past 15 months to adequately resource special needs pupils in schools. Under the pretext of introducing change they have effectively denied resources to many special needs children. We have a government that supposedly supports inclusion in schools but leaves 7,000 special needs children on a waiting list for resources.

The daily and mounting pressure on principals and class teachers to include children who simply cannot participate fully in the mainstream class without proper diagnosis and appropriate teaching and back-up is intolerable.

The teaching profession in Ireland has always shown tremendous generosity of spirit given the limited shoe-string resources but the delays in providing adequate resources for special education have fuelled teachers' cynicism, frustration and anger at a time when more and more is demanded of them and less and less support is available.

Gender – Leadership and Balance

The legislation prohibits discrimination on grounds of gender. Many leadership positions in primary education are still predominately occupied by males, yet four out of every five teachers are female. In many of our large schools in particular it is still not uncommon to see a teaching staff predominately female, with a man as principal. While numbers of women inspectors have increased in the very recent past, women are still very scarce at senior level in the Inspectorate.

The I.N.T.O. may seek the support of the Equality Authority in an active campaign to encourage more females to assume leadership roles in primary schools. We also need urgent help in promoting teaching as a career option to students of both genders. If present trends continue, the last male is due to leave primary teaching around the year 2035. It is not acceptable any longer just to say there should be more males in teaching. Today's question is: what are we going to do about it?

The hidden curriculum in schools must also be kept under review – that is, the hidden curriculum not just for children but also for teachers. Poor consultation, authoritarian leadership, lack of transparency in decision-making and bullying are just some of the ways in which teachers can feel excluded.

Other Grounds and Challenges

Equality legislation outlaws discrimination against a person in matters of employment on the basis of his/her sexual orientation. Yet the seeds of this are sown early on. Teachers report that almost on a daily basis children as young as five or six taunt, tease or bully other children using terminology relating to sexual orientation. This is not an innate trait in children. It is learned behaviour and if inclusion and equality are to be achieved then there must be a public campaign to convince all that this is unacceptable.

Since the I.N.T.O. Education Conference in 2002, the issue of religion in schools has been well aired. While upholding parental rights of choice in education we argue that there must be an in-depth look into the school system in this respect. If we are serious about inclusion, then the mere presence of minorities of all faiths and none in denominational schools does not fit the bill. Our responsibilities towards minority religions cannot be fulfilled by permission to exclude during religion classes or by commitments to resource the establishment of separate schools based on minimum numbers.

Age-related discrimination is alive and well in the education system. The state provides twice as much funding for a second-level student and three times the funding for a third-level student as is given for a primary school child. There must be consistency here. It is unlawful to discriminate on the grounds of age in relation to employment but apparently perfectly acceptable to do so in education funding.

I don't have the time here to develop each of these points, but that doesn't mean that these issues are any less important. Commitment meets an often invisible barrier and ends up not being reflected in practise. The key message to Government is: don't expect from the comfort of ivory towers that change, however worthy, can be mandated. Legislation alone does not bring about change.

The Teacher's Role

Supported teachers in smaller classes with resources and training will not be found wanting in delivering an inclusive curriculum. Primary teachers set out every day to celebrate the uniqueness of the child, to develop each child's personality and intelligence. Teachers' capacity to enhance inclusion is sustained and nourished through in-service education and training. This will expand the available repertoire of skills, expertise, knowledge and pedagogical approaches to address diversity effectively.

Teachers impart, often unconsciously, their own values and beliefs to the children under our care. It is vital for us, therefore, to confront our own value stances – our ideologies, prejudices and attitudes so as to ensure that we do not sow the seeds of exclusion and separatism. Schools that reflect and affirm diversity in all its forms will help children and teachers to feel valued, accepted and supported.

A Child's Perspective

I leave you with the thoughts of a young student trying to make sense of emotions, perhaps seeking inclusion, diversity and difference within each one of us.

Emotions by Rory Gleeson

*I am a volcano, ready to erupt,
I am a three year old child at a Shakespeare play,
I am a caged bird, kept away from the world,
I am a squirrel in a field of nuts,
I am a child, at his first day at school,
I am a dog, trying to learn algebra,
I am all these emotions bundled in one, but most importantly
I am a person trying to finish this poem
Before the teacher kills me.*



Meeting the Inclusion Challenge

Niall Crowley, Chief Executive Officer, the Equality Authority

Introduction

Our joint conference today marks a high point in the 2004 calendar of the Equality Authority. It is an event that brings forward and develops a key theme for any society committed to greater equality – the theme of “The Inclusive School”.

Today’s event reflects a valuable partnership for the Equality Authority with the I.N.T.O. This is a partnership that is being constructed around a shared concern and ambition for this inclusive school. It is a partnership that we look forward to developing further into the future as we pick up new learning from today’s conference and seek to apply it to maximum effect through partnership and joint initiative. We are grateful to the I.N.T.O., and in particular to Noel Ward, for the opportunities offered by their collaboration.

Education and equality is identified as a priority theme in our current strategic plan. This flows from the specific provisions in equality legislation in relation to educational establishments. It reflects the centrality of education provision to the quality of life of people within the nine grounds covered by the equality legislation. The inclusive school is identified as the key concept that underpins our work in this area.

School level action has a key contribution to make in shaping the inclusive school. Our work has emphasised practice at this level and has focused on the contribution of school structures, systems, practices and cultures to the development of inclusive schools. These are the themes that I hope to develop in this paper.

Inclusion

A shared understanding of inclusion is an important starting point for our debate and work in relation to the inclusive school. Shared concerns and ambitions are all too often undermined by the absence of shared understanding. Commitments meet an often invisible barrier and end up not being reflected in practice.

Inclusion at its most basic level is about the presence in the school of pupils from across the nine grounds. It focuses attention on admission and intake. It reflects the importance of matching the diversity of the local population, both transient and permanent, in the pupil population of the school. This matching is necessary if the school is to serve all sections of the local population.

Pupil diversity will be reflected in differences of gender, family form, sexual orientation, age, disability, religion and ethnicity including membership of the Traveller community.

These various signifiers of difference have practical implications for action at school level. As such our ambition for inclusion needs to go beyond a focus on the presence of diversity in the school to a focus on participation and participation facilitated by an accommodation of this diversity.

Inclusion, then, at another level is about participation by all pupils within this diversity in all areas of school life. Participation by all is required in:

- The full range of learning experiences available in the school. Access to all these learning experiences, both in the classroom curriculum and in extra curricular settings by the full diversity of pupils, is another key dimension to inclusion.
- The various sets of relationships that make up and drive school life. These relationships involve staff with pupils, pupils with pupils and staff with staff. The full diversity of pupils participating actively in these different school communities is a further key dimension to inclusion.
- Decision making. Power and the exercise of power through participation in decision making is a key dimension to inclusion and again needs to reflect appropriate participation by the full diversity of pupils.
- Cultural initiatives that seek to shape and define the ethos, norms and values of the school. Specific norms and values can be identified that guide and stimulate the emergence of the inclusive school. Pupil participation, and a diversity of pupils participating, in shaping and defining these and other norms and values is a key dimension to inclusion.

Participation goes beyond presence in our understanding of inclusion. This understanding also requires a further level with a focus on outcomes. Presence is mobilised through participation; participation is only effective where observable results are achieved. Inclusion needs to be understood in terms of the attainments across the diversity of the pupil population in educational credentials and personal development.

In this exploration of inclusion I have focused on pupil diversity. However, the inclusive school, by definition, requires an inclusive focus across staff, parents and the local community. The inclusive school is not only important for pupils but also for staff and for parents and for the local community. Pupil diversity reflects diversity in the local community. It will inevitably be accompanied by parent diversity and is best served by a diversity of staff. The issues of presence, participation and outcomes for a diversity of pupils must also be posed in an appropriate manner for a diversity of staff and parents and for the diversity of the local community. Addressing these issues is what promoting and realising equality in school provision is about.

Starting Point

It is important to acknowledge the scale of the challenges posed in relation to building the inclusive school. They go beyond:

- trying to respond to one or other groups of pupils, to seeking an integrated and holistic response to diversity and equality in the school,
- working to accommodate the atypical pupil into standard school practice, to seeking a new flexibility in and approach to school practice that accommodates the diversity of all pupils,
- trying to maintain the presence of particular pupils in school, to seeking to ensure their participation and their achievement of outcomes.

These challenges require a rethinking of school practice to maximise learning, to maximise participation by all pupils, and to build the capacity to respond to the diversity of pupils, staff, parents and the local community.

The distance we still have to travel can be seen in:

- Issues of early school leaving and low educational status. Research has shown a higher level of boys leaving school early, early school leaving and low educational status for Travellers, difficult access and low educational status for people with disabilities, early school leaving by gay and lesbian pupils experiencing harassment and particular difficulties for participation by pupils who become pregnant.
- The growth in our casefiles in relation to educational establishments under the Equal Status Act. Educational establishments have emerged as the second highest area of specific service provider after licensed premises in these casefiles. Current files under the Equal Status Act show that 11.5% (41 out of 357) relate to educational establishments. These cover six different grounds including sexual orientation, gender, religion and race but with particular emphasis on the Traveller and disability grounds.
- The absence of diversity across the nine grounds among teachers and the gender imbalances at different levels in the teaching profession.
- The culture of disrespect for difference in schools that has been identified in research. This includes a denial and silence in relation to sexual orientation, an overt hostility (in particular to Travellers), caution and a lack of knowledge in relation to religious diversity, and pity in relation to people with disabilities. Equally it is important to point out that research has also highlighted instances of acceptance and the valuing and celebration of diversity in schools.

However, we do start from strong foundations in our ambition for the inclusive school. Legislation and policy in relation to education and equality provide a key underpinning for this ambition. Leadership is also evident on this issue from key stakeholders – none more so than the I.N.T.O. and its membership. Change, however, can be slow and complex to achieve. Equally it demands resources and we need to mobilise these to best effect.

Rationale

Mobilising resources, not least the time of busy people, requires a clear articulation of the rationale for the inclusive school.

In part this rationale rests in:

- Equality legislation that prohibits discrimination by educational establishments (subject to certain exemptions).
- Education legislation that reflects a strong commitment to equality of access to and participation in schools.
- The teaching profession, which is rooted in a culture of commitment to all pupils and in a culture that reflects a strong sense of societal responsibility.

The rationale can also be based on the reality that inclusion and the inclusive school benefits society, schools, pupils and teachers. Society benefits as the presence and participation of all groups in effective learning experiences reduces exclusion, enhances economic participation and raises the overall capacity of society. Schools benefit as higher levels of attainment are achieved, as absenteeism and disciplinary problems decrease and as diversity becomes a resource that enhances their work. Pupils benefit as participation leads to more relevant and better results and as the learning environment becomes more empowering and affirming of their specific identities, experiences and situations. Teachers benefit in working within a more flexible, dynamic and creative teaching environment and in working within a context where their own diversity is valued and accommodated and where their own contribution can be made to full effect.

This then is the case for the inclusive school – the school with a capacity to respond to diversity, to maximise learning and participation by all pupils, to include the diversity of the local population within the pupil population, to achieve outcomes in educational credentials and personal development across the full diversity of pupils, to achieve and accommodate a diversity of staff in a context of equality and to create a culture that is participatory, inclusive and valuing of diversity.

School level action has a core contribution to make in developing and maintaining this inclusive school. This focuses attention on school:

- structures,
- systems,
- practice, and
- culture.

Structures

The inclusive school is participatory in its structures. Structures can be both formal and informal but the inclusive school is concerned with the democracy of the various sets of relationships involved in these structures. This raises issues of leadership, power, decision making and external links for the school.

The inclusive school is built on strong leadership. However, this leadership is exercised in a manner that reflects the norms and values of the inclusive school. Authoritarian models of leadership end up contradicting the objective of inclusion that is sought. Leadership derives its authority not just from the status and role of the leader but more from the consent and participation achieved across all stakeholders – staff, pupils, parents and local community. This is in effect a strong leadership that is shared.

This emphasis on leadership raises the issue of power relations within schools. Traditional models highlight issues in teacher–teacher relations and in teacher–pupil relations.

In these models research has shown that there are varying levels of status accorded to teachers. Lowest status is often the experience of younger, temporary, part-time and female teachers. Many teachers have negative experiences of how power is exercised and what involvement is afforded to them in planning school priorities and allocating school resources. Issues of harassment have also arisen for teachers.

A similar disempowerment has been found in traditional models of teacher–pupil relationships. Control and discipline can be the key concern. Assumptions of a subordinate or lower status for pupils can shape the relationship. Again, significant frustrations can be experienced by pupils about this disempowerment.

The inclusive school reflects a model where vertical hierarchies are challenged and where the views of all staff and all pupils shape decisions on school priorities, resources and activities. This more horizontal decision making is reflected in structures that are participatory, that are concerned to include the full diversity of staff and of pupils and to secure a contribution across this diversity to decisions that are made.

These structures also involve parents and the wider local community. Parents, and a diversity of parents, are enabled to contribute to the norms and values of the inclusive school, and to the decisions made on priorities, resources and activities. Links are developed with the local community and with those local organisations articulating the interests of those who experience inequality. These links will involve:

- the school in the activities of the local community and of these local equality focused organisations, and
- the local community and these equality organisations in the activities of the school and in key decision making within the school.

Systems

The inclusive school is characterised by inclusive systems alongside these structures. Systems focus attention on school development plans, policies, evaluation, and employment strategies.

School plans are required under the Education Act. They should include a focus on the objectives of the school relating to equality of access to and participation in the school. In the inclusive school, school development planning provides an important opportunity to devise and document steps that will be taken to:

- Comply with the obligations of the Equal Status Act and the Employment Equality Act.
- Reflect the diversity of the local population in the pupil intake.
- Build a capacity to respond to the diversity of the pupil population by valuing and celebrating difference, by taking account of the different identities, experiences and situations of those groups covered by the equality legislation and by making adjustments and providing facilities to ensure the participation of all pupils.
- Maximise the learning of all pupils and maximising participation by all pupils in establishing school norms and values, in the full variety of learning experiences, in the full range of relationships that make up school life and in decision making structures.
- Achieve outcomes in terms of educational credentials and personal development for all pupils.

Admission policies are required under the Education Act. Codes of behaviour are required under the Education (Welfare) Act. Admission policies are required to respect the principles of equality and codes of behaviour are required to specify the standards of behaviour to be

observed by each pupil. In the inclusive school the admissions policy establishes one strategy by which the school may comply with the Equal Status Act and develop an intake that reflects the diversity of the local population, both transient and permanent. The code of behaviour in the inclusive school addresses the issues of sexual harassment and harassment across the nine grounds defined in equality legislation, highlights that these will not be tolerated and establishes activities to create a culture and environment where such actions do not happen and where procedures to deal with them can be called on when they do happen.

In these various systems each of the nine grounds requires naming. However, further specific mention needs to be made in relation to pupils and staff with disabilities. The Equal Status Act and the Employment Equality Act require a reasonable accommodation of people with disabilities subject to a nominal cost exemption (in the Employment Equality Act there is a disproportionate burden exemption in relation to the reasonable accommodation of employees). Barriers of physical infrastructure, of attitudes and negative stereotypes, of communication methods and content and in the design of school provision need to be addressed. Accessibility audits, staff development and reasonable accommodation initiatives are all part of removing these barriers.

It is important to highlight the approach of the inclusive school to evaluation. Evaluation is valuable in integrating the claims made to inclusiveness. It involves gathering data on pupil diversity on the school roll, on pupil diversity in participation across all school activities and processes and on pupil outcomes across this diversity of pupils. The development of more structured approaches to evaluation and self evaluation provide a valuable new potential in this area.

Finally, systems must also encompass employment strategies. The inclusive school reflects the same planned and systematic approach to diversity and equality for staff as for pupils. This encompasses employment equality and anti-harassment and anti-sexual harassment policies, equality and diversity training for staff and equality action plans to support a diversity of staff and the presence of this diversity at all levels. The inclusive school has a particular commitment to staff development and supporting staff to develop understandings, skills and awareness to effectively respond to pupil diversity and to the objectives of learning and participation of all pupils.

Practice

Systems, of course, are valuable only to the extent that they are put into practice. School level practice is another important area for attention in the inclusive school. This raises issues of integration, flexibility, collaboration and teaching practice.

Central to the practice of the inclusive school is the presence of all pupils in the ordinary classroom. This integrated approach requires supports and it is important that these:

- are adequate in ensuring that the experience of integration is positive for minorities and is not one of dispersal, isolation and the loss of group solidarity which is so important to self esteem,
- meet practical needs that flow from diversity including language support, access to necessary technology and access to one's own culture,
- don't create new segregation within mainstream settings.

Flexibility is another important element of practice in providing learning experiences in a manner that can be accessed by all. Subject preference and take up of extra-curricular activities have been identified as major gender issues. Participation by people with disabilities in extra-curricular activities has been limited. Flexibility in design and provision enhances the participation by all that characterises the inclusive school.

Collaborative teaching or team working has been identified as another element in the practice of the inclusive school. Teachers pooling their resources and expertise in team approaches have an important contribution to make in addressing the challenges posed by diversity and equality. Joint learning initiatives bringing a diversity of pupils together, particularly in contexts where this diversity emerges as a learning resource, equally have an important contribution to make.

Finally the inclusive school is characterised by a teaching practice that affords a visibility to diversity, that acknowledges diversity as a learning resource and that ensures an accessibility to learning experience through lessons that respond to and reflect pupil diversity. The inclusive school teaches about diversity, equality and inequality. It provides pupils with the knowledge and ideas that allow them to understand inequality and to make informed choices in relation to addressing challenges posed by equality and diversity. The inclusive school identifies diversity as a resource in terms of pupils, staff, parents and the local community. The activities of local organisations of those who experience inequality provide particular opportunities for learning experiences in relation to equality and diversity.

Culture

In conclusion, it is useful to identify that the inclusive school is characterised by a culture that emerges from these structures, systems and practices and that in turn helps shape and guide these structures, systems and practices. This is a culture that:

- acknowledges and affirms difference and diversity and the practical implications of this difference and diversity,
- values difference and diversity as a resource,
- has high expectations of all pupils within a diverse pupil population,
- emphasises partnership between staff and management, teachers and pupils, school and parents, and school and local community,
- promotes relationships of mutual solidarity, respect and dignity across diversity.
- prizes participation by all pupils in all areas of school life,
- interrogates and challenges negative stereotypes and false assumptions in relation to groups experiencing inequality, and
- seeks equality and inclusion in a context of staff and pupil diversity.

Conclusion

I hope that I have given some sense of the thinking in relation to the inclusive school. It is a set of ideas that has evolved out of the implementation of the equality legislation and of a mandate that requires us to both combat discrimination and to promote equality. It is a set of ideas that we look forward to being further challenged and developed during our discussion today. Ultimately it will be a set of ideas that will shape and guide the implementation of commitments in the field of education made in the Equality Authority's Strategic Plan. These include:

- casework in supporting individuals taking cases under the legislation and in taking cases on a general practice basis,
- preparing a code of practice on the inclusive school,
- developing channels of communication with key stakeholders in this area,
- research work to develop the knowledge base on equality and education, and
- developing supports for an equality focus within school planning, admission policies, school codes of behaviour and school evaluation.

We look forward to continuing our work with the I.N.T.O., which has started so well with today's conference, in implementing this wider field of work and we very much welcome the evident shared commitment to the inclusive school.



Keynote Address



The Inclusive School

Felicity Armstrong, The Institute of Education, University of London

Introduction

Inclusive education, and the idea of the inclusive school, has become an important international focus for debate in recent years. In this presentation I want to approach this topic from a number of vantage points, for example:

- Inclusive education as a human right – a global perspective
- Inclusive education and Europe
- Policy making – issues and contradictions
- The Irish context – a view from the outside
- The inclusive school
- Policies relating to disability, the Traveller community and international children
- Where do we go from here?

Inclusive education as a human right

Education is recognised as a basic human right by a number of United Nations instruments, from the Universal Declaration of Human Rights to the UN Convention on the Rights of the Child. Such instruments should not be regarded as guides for practice in particular settings, which all have their own unique characteristics, but – as Lena Saleh (1995) has reminded us – they *do* provide a vision, a set of goals and expectations which we can try to interpret in ways that reflect the barriers and opportunities relating to education within our own changing social settings. Saleh argues:

If we value all our citizens equally, and recognise their fundamental rights to equal participation and access to social goods, we must ensure that all have equal access to education.

However, it is apparent that national education systems exclude millions of children, either by making inadequate or inappropriate provision, or by excluding them from education altogether. We need to make connections between our own societies – with all their complexity, richness and shortcomings – and those of societies in different parts of the world. In particular, we need to examine the extent to which failure to participate fully in education is an outcome of policies and practices in education systems and in schools themselves, as well as broader questions relating to attitudes, resources and wider inequalities.

In 1990 the challenge of exclusion from education was first taken up on a global level by world leaders at The World Conference on Education for All: Meeting Basic Learning Needs, and the World Summit on Children (New York, 1990) adopted the goal of Education for All by the Year 2000. The World Declaration on Education for All emanating from the Jomtien Conference specifically refers to the need to provide equal access to education for all children, including those who have impairments or experience disadvantages. The Framework for Action adopted by the conference sets out a set of principles in support of prompting ‘inclusive education’:

- The right of all children to a full cycle of primary education
- The commitment to a child-centred concept of education in which individual differences are accepted as a source of richness and diversity, a challenge not a problem
- The improvement of the quality of primary education including improvements in professional training
- The provision of a more flexible and responsive primary schooling, with respect to organisation, processes and content

- Greater parental and community participation in education
- Recognition of the wide diversity of needs and patterns of development of primary school children, demanding a wider and more flexible range of responses
- A commitment to a developmental, intersectoral and holistic approach to education and care of primary school children

It is interesting to reflect on these principles in the light of our own policies and practices, and to ask:

- To what extent are we fulfilling, or falling short of, these principles in our own contexts?
- How should these principles be interpreted, and what would be the implications for changes in school cultures and practices?

The UNESCO World Conference on Special Needs Education: Access and Quality, held in Spain in 1994, focused on the practical requirements that need to be fulfilled in order for inclusive education to become a reality. It produced the famous Salamanca Statement (UNESCO & Ministry of Education and Science, Spain, 1994) which formulated a new Statement on Inclusive Education and adopted a new Framework for Action based on the principle that ordinary schools should welcome all children regardless of difference. It proclaimed that

Regular schools with this inclusive orientation are the most effective means of combating discriminatory attitudes, creating welcoming communities, building an inclusive society and achieving education for all; moreover, they provide an effective education to the majority of children and improve the efficiency and ultimately the cost-effectiveness of the entire education system.

The World Conference called upon all governments to:

- give the 'highest policy and budgetary priority' to improve education services so that all children could be included, regardless of differences or difficulties;
- adopt as a matter of law or policy the principle of inclusive education and enrol all children in ordinary schools unless there were compelling reasons for doing otherwise;
- develop demonstration projects and encourage exchanges with countries with inclusive schools;
- ensure that organisations of disabled people, along with parents and community bodies, are involved in planning and decision-making;

- put greater effort into pre-school strategies as well as vocational aspects of inclusive education;
- ensure that both initial and in-service teacher training address the provision of inclusive education.

In particular, the Framework for Action is based on the belief that '[i]nclusion and participation are essential to human dignity and to the enjoyment and exercise of human rights'. In the field of education this is reflected in bringing about a 'genuine equalisation of opportunity'. Inclusive Education assumes human differences are normal and that learning must be adapted to the needs of the child, rather than the child fitted to the process. The fundamental principle of the inclusive school is that all children should learn together, where possible, and that ordinary schools must recognise and respond to the diverse needs of their students, while also having a continuum of support and services to match these needs. Inclusive schools are the 'most effective' at building solidarity between children with special needs and their peers (*The Salamanca Statement and Framework for Action on Special Needs Education*, 1994 as summarised by Centre for Studies in Inclusive Education, no date).

Many changes have taken place globally over the past ten years, including: movements of displaced persons on a massive scale, an apparent increase in overt racism in some areas and the systematic exclusion of groups on the basis of ethnicity, culture or religious belief, the overt persecution of some minority groups, the re-alignment of power and the deepening polarisation which appears to be taking place between different parts of the world, the increasing individualism of western societies, and the emphasis on material wealth as a means of measuring 'success'. These are all disturbing characteristics of our changing world. At the same time, as communities become increasingly heterogeneous, this diversity is also experienced as rich and interesting, an opportunity for expanding horizons and sharing and getting on with one another. All of this places major responsibilities on schools and those all involved in education.

Many countries are recognising the importance of responding to the changing nature and conditions of society, and are taking steps to address inequalities and reduce social and educational exclusion; at the same time, factors such as the increasing culture of 'performativity' in education and pressures on schools to 'raise standards' is leading to a sharpening of processes of selection. Some schools in England, for example, are increasingly reluctant to accept children who may experience difficulties and thus risk 'lowering the standards' of performance in the school; others have introduced selection procedures, and the vast majority of schools operate systems of setting in which children are grouped by perceived ability. Education has come to be defined in increasingly narrow terms of measurable academic achievement.

We live in a complex world in which we face many challenges – not least of which is the

struggle to build an inclusive system of education within which all are welcome on a basis of equality.

Inclusive education and Europe

According to a report published by the European Agency for Development in Special Needs Education (Meijer, Soriano and Watkins, 2003) the 'current tendency in the EU and the candidate countries is to develop a policy towards inclusion of children identified as having special educational needs into mainstream schools, providing teachers with varying degrees of support in terms of supplementary staff, materials, in-service training and equipment'. The report groups countries into three categories according to their policy on including pupils with special educational needs:

- Countries that have a 'one-track' approach – they have developed policies and practices geared towards the inclusion of almost all pupils within mainstream education. These include Spain, Greece, Italy, Portugal, Sweden, Norway and Cyprus.
- Countries that have developed a 'multi-track' approach – and adopt a multiplicity of approaches to inclusion. The United Kingdom and Ireland have both been placed in the category. So has France.
- The third categories is the 'two-track' approach in which there are two distinct education systems and pupils identified as having special educational needs are placed in settings outside the mainstream and often follow a different curriculum. According to the report, only four countries come into this group – Belgium, the Czech Republic, Germany and Switzerland.

It should be noted that the European Agency report is using the term 'inclusion' in a particular way – to refer to disabled children and those who have special educational needs as a result of learning difficulty or impairment attending ordinary schools. However, this is quite a narrow interpretation of inclusion, and not one that everybody would subscribe to because it ignores all the other grounds on which children may experience exclusion – on the grounds of race, class, ethnicity, because they are a member of the Traveller community, and so on.

It should also be recognised that large-scale studies such as the one carried out by the European Agency and far bigger organisations such as the OECD tend to iron out irregularities and contradictions within countries. One of the things we need to do is to explore the contradictions in our own settings, nationally, locally and in the classroom.

Inclusive education: contrasting interpretations

There is little agreement on how inclusion should be interpreted either between different countries, or within countries themselves. We all bring our own cultures, values and experience to the debate and this adds to its richness and variety, as well as sometimes leading to confusion and misunderstanding. It is important, therefore, to clarify the ways we are using terminology, recognising that inclusion means different things to different people. My starting point is that 'inclusion is concerned with reducing all exclusionary pressures in education and society' (Booth, 2003) and that there is a dynamic relationship between schools, communities and the broader social context. This might seem almost too obvious to mention, but it is my experience that barriers to understanding often arise because we do not take into account the relationship between what goes on in schools, and the lives, diversity and experiences of the communities that they serve. From my perspective inclusion involves a project of mutual exploration and collaboration between schools and communities as a means of challenging and overcoming exclusionary attitudes and practices in education. It is a continuous and changing process, which is deeply affected by change in society – both short and long-term. Thus, the kinds of issues which a primary school needs to engage with may change dramatically in the face of any of the following: the closing down of a local factory; the outbreak of hostilities with another country; the closure of a local special school; a change in the political complexion of the country or the local council; the arrival of a group of refugees in the local community; the outbreak of a disease such as meningitis; the introduction of measures reinforcing processes of testing and assessment; or the government-led revision of an aspect of the curriculum. Many of these examples are ones which we can probably relate to quite easily – and we can think of examples from our own experience – and you will be able to think of others which relate quite specifically to your own communities and work contexts. Inclusive education, then, is intrinsically related to the notions of context and community and raises questions for schools about the way in which they respond to change and diversity at both national and local level. This relatively new, and stronger, version of inclusion is becoming increasingly recognised by formal legislation and policy documents.

The Irish context – a view from the outside

I have not come here to tell you anything about Ireland or the Irish education system. Indeed, one of the benefits of sharing this day is to learn from you and the Irish experience. However, I do have some observations to make as an outsider which I think are relevant to the topics we are discussing today. In preparing to attend this conference, I undertook some reading which has been illuminating and thought provoking. The Equal

Status Act 2000 is an exceptional piece of legislation in Europe (and globally) in that it treats different forms of injustice and exclusion as part of one struggle to overcome inequality in society. It prohibits discrimination on nine grounds:

- Gender
- Marital status
- Family status
- Sexual orientation
- Religion
- Age
- Disability
- Race
- Membership of the Traveller community

The drawing together of these different areas is a radical departure from the kinds of anti-discrimination legislation in most other countries, including the UK. Its reach extends far beyond individual issues relating to particular groups or the agendas of campaigning bodies. Although there has been a growing concern about 'social inclusion' in government policy in the UK, and it is possible to find documents which make connections between all kinds of discrimination in whatever form it takes, the dominant view of inclusion is still that it is about widening participation for children who have disabilities or learning difficulties. Although we in the U.K. now have a powerful piece of legislation on the statute books in the shape of the Special Educational Needs and Disability Act 2001 (SENDA), we do not have similar legislation on race, gender, the position of young asylum seekers and members of the Traveller community. We do not have the equivalent of the Employment Equality Act 1998 or the Equal Status Act 2000 which seek to outlaw all forms of discrimination in all areas of civil life. They seek to promote equality of opportunity and to prohibit discrimination in all areas of social life mentioned above and, I understand, the Equality Authority has recommended the inclusion of discrimination on socio-economic grounds as well.

The Education Act 1998 sought to enact legislation 'to ensure that the education system is accountable to students, their parents and the State for the education provided, respects the diversity of values, beliefs, languages and traditions in Irish society and is conducted in a spirit of partnership ...' (extract from the long title of the Education Act 1998).

The Equal Status Act sets out four areas in which discrimination is outlawed in relation to educational establishments:

- admission of students,
- access of students to a facility or benefit,
- conditions placed on participation in the school, and
- the expulsion of or application of any other sanction on a student.

The Equal Status Act and the Employment Act present a formidable challenge to discrimination, although it has to be recognised that this is not the same thing as changing deeply ingrained attitudes, assumptions and practices. How are the principles of the two Acts to be understood in practice when we examine them through the lens of particular groups who, in all national contexts, are subject to marginalisation?

Disability and learning difficulty

Simona D'Alessio (2004) observes that there is a general commitment on the part of European bodies and international organizations (European Disability Forum, European Agency of Development of Special Needs Education, UNESCO, and the OECD) to move from the 1980s and 1990s policies of integration of disabled students in mainstream schools to an 'education for all' policy. As D'Alessio notes, this commitment can be seen in the *Salamanca Statement and Framework for Action* (UNESCO & Ministry of Education and Science, Spain, 1994) and the *Dakar Framework for Action* (UNESCO, 2000). There are about 37 million people experiencing some sort of disability in Europe, and the number is increasing (European Disability Forum, 2003). The year 2003 was declared as the European Year of People with Disabilities and many initiatives have taken place (for example, conferences, Parliament hearing, European projects) in order to discuss the removal of the barriers preventing all students, in particular those with disabilities, from participating fully in everyday life. D'Alessio (2004) notes that despite the huge number of initiatives, the amendment of legal measures in favour of social diversity, and the fostering of human rights, the number of students in segregated provision is still very high, in some countries more than 4 per cent (Mejier, Soriano and Watkins, 2003) and disabled people still experience a wide range of exclusion either in school or in society (European Disability Forum, 2003).

In the United Kingdom and in Ireland, according to the European Agency Report *Special Needs Education in Europe*, just over 1 per cent of pupils identified as having special needs on the grounds of disability or learning difficulty receive their education in some form of segregated provision. However, in England and Wales, there are enormous differences in the ways in which policies are interpreted in different regions. The present government supports the principle of the 'school for all' in its texts, but maintains that special schools

must continue to play an important role in providing for some groups of children. While there has been an apparent dramatic increase in the numbers of children who have physical difficulties and moderate learning difficulties participating in ordinary educational settings since the implementation of the SENDA, children with disturbing behaviour are more likely to find themselves in a special school or unit. Many schools are reluctant to accept children who may disrupt the progress of other pupils, especially given the importance given to raising standards, the publication of league tables and parental choice. While the expansion of participation in ordinary settings is to be applauded, it is essential to raise the question: what are disabled children being included into? Inclusion is not about closing down special schools and moving children into unchanged ordinary schools, but about creating the conditions – physical, social and curricular – in which all members of the school community can participate and flourish. There have been many examples of parents expressing their disappointment that their local school, while being prepared to ‘offer their disabled child a place’ has not made the adaptations necessary. For example, one parent I spoke to was delighted that the school her older son attended was willing for his younger disabled brother to join him. When the parents explained to the school that their son would need a locker or some other place where he could leave his personal things as he was unable to carry a heavy school bag for long periods, the school responded with bewilderment and said that they were not able to make such provision, as all students had to carry round their personal books and possessions during the school day. The boy went to a special school, involving spending an hour and a half in a taxi each day. What may appear to be a trivial example encapsulates a major barrier to inclusion: the unwillingness of many ordinary schools to re-examine their cultures and practices as part of a process of transformation. Fortunately, under the SENDA such discriminatory behaviour and refusal to make physical and organisational adjustments will become illegal in 2005.

Reading some of the material produced here in Ireland in relation to ‘Schools make the Difference! Week’, held as part of the European Year of People with Disabilities, and in the light of what I heard at the different conferences I attended in Europe last year, I was struck by both the common struggles which we all face, in terms of changing attitudes, transforming cultures and making the necessary physical, curricular and resource adjustments. But there are also important differences between countries and the ways in which we interpret the notion of human rights. In France, for example, I frequently came across the view that the rights of disabled children will be best protected in special schools where their particular requirements and differences are understood by specially trained and experienced personnel. Moreover, they will have the support and sense of solidarity provided by being part of a community of disabled children and young people, whereas in the ordinary school they would be at risk of being marginalised or stigmatised.

The Traveller community

In 2001 Save the Children produced a three-volume report *Denied a Future? The Right to Education of Roma/Gypsy and Traveller Children in Europe*, based on their work on the ways in which the rights to education are ‘compromised and violated’ in a number of European countries. It provides a detailed overview of Europe’s legal framework in relation to human rights, and documents the history of Roma/Gypsies and Travellers and the recent concern with their human rights, including case studies of communities in fourteen different countries – Ireland is not one of these. One of the many important principles reiterated in the report is that ‘education is a human right in itself and an indispensable means of realising other human rights. As an empowerment right, education is the primary vehicle by which economically and socially marginalised adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities’ (Save the Children, 2001, vol 3, p. 16). Yet, in spite of the fact that legislation is in place which should promote the participation in education, very large numbers of Traveller children are missing from any formal education structures. The reasons are complex and there are very important differences between Roma/Gypsy and Traveller communities in different parts of Europe. It would be a mistake to make sweeping generalisations. Until very recently, these communities were almost disregarded by formal legislation and did not figure as a group requiring particular attention (for example, in the 1995 OECD report *Integrating Students with Special Needs into Mainstream Schools*, Ireland is the only country that cites Traveller children as experiencing possible difficulties in their education).

In the summary of a workshop on Travellers by Fintan Farrell which is included in the Equality Authority–ASTI report *Equality and Education*, I was once again struck by the range of issues in Traveller education that were cited which are of possible immediate concern to all children and adults – such as access, anti-discrimination, affirmative action, culture, consultation, choice. Similarly the ‘educational principles’ listed are some which would be among those which form the cornerstone of an inclusive education:

- the needs of the child,
- age-appropriate education,
- inter-cultural education;
- the importance given to the role of parents and their organisations and their participation in all aspects of education is also stressed.

In making this point, however, I am absolutely not arguing for cultural assimilation or that the unique experience of the Traveller community should not be recognised. Neither am I oblivious to the systematic discrimination and denial of rights which Roma/Gypsy and

Traveller communities are, and have been historically, subjected to. The low rate of participation in education, in comparison with the rest of the population, is a serious cause for concern. According to a report from the Office for Standards in Education which was published at the end of 2003 (OFSTED, 2003) up to 12,000 Roma and Traveller children in England are not registered at school and school attendance among those who are registered is 75 per cent – well below the national average. A further issue raised in the report is the trend for secondary age Traveller pupils to be educated at home, with between 10,000 and 12,000 being out of formal education. Families fear bullying, prejudice and ‘the potential erosion of their community’s moral code and values’, but also regard the secondary curriculum as irrelevant for those starting work in the family business at a young age. The report highlights a major contradiction in the ways policies are implemented at local level; while Traveller education services run by LEAs are praised, there are tensions between many authorities’ ‘virtuous statements on inclusion and the way other departments in the same councils move on Travellers camped illegally’. A spokesperson for the advice group Friends, Families and Travellers described the effect of regular eviction on education as ‘Institutional child abuse and it stops them learning. The Traveller Education Service will be finding places in school, then the Traveller liaison officer will be evicting them’.

This example is a powerful reminder that while we can start the process of developing an inclusive society in schools, there is much to be done in the community in terms of attitudes, education and practices, and at the level of legislation in order to safeguard the social and cultural life of Traveller communities.

International children

The Irish National Teachers’ Organisation has produced some important documents and strategies which both celebrate the changing population of many schools, and challenge discrimination on the basis of race or culture. In keeping with the Education Act and Equal Status Act, the emphasis is on understanding that inclusive education is about transforming school cultures, rather than regarding multi-cultural schools as posing problems. The approach is grounded in shared critical reflection on the part of schools on their own values and practices. This is done through the provision of ‘checklists’ that support schools in posing questions about their policies and ethos. Crucially, many of these questions are relevant questions to pose in relation to the community as a whole – not just members arriving from other cultures. In doing this, connections are made between the possible different grounds on which discrimination may operate. For example:

- Is the first encounter of parents and children with the school welcoming? Can we make it more welcoming?

- Is the Traveller child's right to enrol and fully participate in our school upheld?
- If there are children in the school who speak the same language as the new pupil will they have opportunities to meet? Would they be in the same class?

There is an acceptance of difference in all terms of culture and family practices and a willingness to open a debate with parents and communities which is reciprocal, rather than seeking to impose conditions on newcomers – although there will, inevitably, be circumstances in which this may be the case.

The position of children who are refugees, seeking asylum or displaced for some other reason is currently perhaps the most neglected area of human rights abuse in many areas of the World. These children are actually, and potentially, the most vulnerable in terms of social exclusion and even of being denied an education altogether. Some of you will remember the story which broke two or three years ago of asylum-seeker children threatening to commit suicide if the conditions of their life were not improved. The story concerned eleven young Afghan asylum-seekers aged between 12 and 17 – they had no parents or guardians – who were held in an Australian detention centre. They were distressed at being detained in a place so far away from anywhere and wanted to go to foster homes while decisions were made about their future. I have seen quite young children begging on the streets of Paris, some were disabled, and one had the scars of very severe burning all down her face and arms so that she would be almost unrecognisable. In the UK, LEAs have a legal duty to ensure that education is available to all children of compulsory age, abilities and aptitudes and any special educational needs they may have are taken into account. This duty applies irrespective of a child's immigration status or rights of residence in a particular area and therefore includes children from asylum seeking and refugee backgrounds. Various streams of additional funding have been made available, including through the Vulnerable Children Grant and the Ethnic Minority Achievement Grant. However, there is real concern about the education of children in accommodation centres, which are effectively places of detention. While the government says it is committed to providing as good an educational experience as possible for these children – and there is some improvement, as until recently many refugee children were getting no education at all – we do need to raise questions about the length of time some children live and learn apart from other children. But being able to go to an ordinary community school would not, in itself, guarantee an inclusive experience. Much will depend on the culture and ethos of the school. In a piece of writing on education and young asylum seekers, Mary Clifton, who works in an ethnic minority achievement team in a city in the North of England, draws attention to some of the possible vicissitudes and cruelties that children can experience:

Hamid ... an 11 year old Albanian Kosovan, was initially seen as a European and therefore 'like one of us' by the white pupils at his school but was treated with suspicion by some fellow Muslim pupils and rejected as not being a 'proper Muslim'. His friendly character, quick mind and enviable football skills soon earned him the respect of all his peers. This respect was later put under strain when his father was detained in prison after the failure of his appeal for refugee status, a situation compounded by negative reporting about asylum seekers in the press. Hamid then became seen as a boy from a criminal family who were part of the 'Eastern European drift' to the west of scroungers and, initially felt the only way to counteract the bullies was to fight back. He was then well supported by his school, which acted to address the issues with his peers.

(Clifton, M. in Armstrong and Moore, 2004, p. 88)

One theme which is emerging in debates around inclusive education is the question of voice, and the importance of listening to those who are traditionally or systematically marginalised. Those who are determined to address inequalities may have a clear idea about what needs to be done, but 'inclusion is not something which can be imposed from outside, but must be based on the views and perceptions of all those involved, first and foremost those of children and young people themselves'. This is one difference between integration and inclusion. In her chapter 'We talk and we like someone to listen', Mary Clifton insists on the importance of listening to the voices of international children. She carried out a small project with Dell, an 11-year-old from Thailand who came to England with her sister and mother, in which she sought Dell's views on her experience of education and what she found helpful and – importantly – not helpful. A young bilingual learning support assistant was also involved. By listening to Dell's views, Mary learnt a great deal about Dell's experience which changed her existing assumptions about the needs and interests of children arriving in schools in Britain from very different cultures. First and foremost, she began to understand the importance of teachers' attitudes and practices and the way they affect opportunities for a young person who is new to England and does not speak the language. In my own research in Alperton School (Armstrong, 1995), I began to understand the importance of creating opportunities for children to work collaboratively on projects with children from their own cultures using their home language, in the ordinary classroom. Tony Booth encapsulates the kind of classroom which is helpful to all learners:

It [participation] implies learning alongside others and collaborating with them in shared lessons. It involves active engagement with what is learnt and taught and having a say in how education is experienced. But participation also involves being recognised for oneself and being accepted for oneself: I participate with you when you recognise me as a person like yourself and accept me for who I am.

(Booth 2003: 2)

This view of inclusive education is at the heart of what we are concerned with and is equally applicable for all our children, regardless of difference.

The inclusive school

What would the inclusive school look like? What direction do we need to be taking? What goals should we be moving towards? It is important to recognise that there is not a blueprint for inclusive education. Every school will develop their unique responses to its particular communities, but the important thing is that there are some clearly identifiable principles at work which underpin the structure, organisation and practices of the school, its ethos and its relationship with all communities in the neighbourhood. An inclusive school will:

- be accessible to all: physically, culturally and pedagogically
- be a school in which the voices of all members are heard and listened too
- engage in critical reflection through a review of values of practices
- develop new ways of working through consultation and with the participation of all those involved
- critically examine the curriculum and teaching practices, and seek the views of pupils on their learning
- value what every person brings to the school community
- have understandable equal opportunities policies and practices which are explained in meaningful ways and which apply to everybody
- get to know the local community and build and develop links with all communities in the neighbourhood
- develop democratic practices for running all aspects of the school through, for example, the setting up of school councils
- recognise and respect differences

What do we need to do?

Len Barton (2003) has set out a number of key areas and issues which need to be seriously considered if we are to develop a system of inclusive education. I have adapted and added to these for the purposes of my conclusion.

- First, the importance of initial teacher education and establishing teacher professional development programmes which emphasise principles and practices of inclusive education.

- The establishment of a dialogue between communities, schools, organisations, children and young people and policy makers in which to identify and discuss different interpretations of inclusion and barriers to these.
- The argument that inclusivity in education is concerned with the pursuit of equity, social justice and non-discrimination and the removal of ignorance, fear, prejudice and all the associated assumptions, relationships and practices.
- An exploration of what schools can do on their own to develop inclusive practices, and what they cannot do and to be vocal and transparent about where barriers to inclusion lie.
- The understanding that developing inclusive education is a process in which everyone has a role to play, but no-one has the final word in what it should look like. It will be changing all the time, depending on the changing historical and social contexts in which we live.
- The role of imagination and courage in bringing about change.

References

Armstrong, F (1995) 'Language through the curriculum: equality of access', in Potts, P., Armstrong, F. and Masterton, M. *Equality and Diversity in Education: Learning, Teaching and Managing in Schools*. London: Routledge

Armstrong, F. and Moore, M. (eds.) (2004) *Action Research for Inclusive Education*. London: RoutledgeFalmer

Barton, L. (2003) *Inclusive Education, Teacher Education: A Basis for Hope or a Discourse of Delusion?*. London: Institute of Education

Booth, T. (2003) 'Inclusion and Exclusion in the city: concepts and contexts' in Potts, P. (ed.) *Inclusion in the City: Selection, Schooling and Community*. London: RoutledgeFalmer

Clifton, M. (2004) "'We like to talk and we like someone to listen": cultural difference and minority voices as agents of change', in Armstrong, F. and Moore, M. (eds.) (2004) *Action Research for Inclusive Education*. London: RoutledgeFalmer

Centre for Studies in Inclusive Education (no date) *The UNESCO Salamanca Statement (1994)* (available online at: <http://inclusion.uwe.ac.uk/csie/slmca.htm>). Bristol: Centre for Studies in Inclusive Education

D'Alessio, Simona (2004) unpublished manuscript

Equality Authority and ASTI (2001) *Equality and Education* (available online at: [http://www.equality.ie/stored-files/PDF/ Equality%20&%20Education.pdf](http://www.equality.ie/stored-files/PDF/Equality%20&%20Education.pdf)). Dublin: Equality Authority

European Disability Forum (2003) 'Special dossier: education, youth and culture' in *Bulletin*, issue no. 2, February–March 2003, pp. 9–19 (available online at: <http://www.edf-feph.org/Papers/bulletin2003/EB%2002-03%20EN.pdf>). Brussels: European Disability Forum.

Meijer, Cor, Victoria Soriano and Amanda Watkins (eds.) (2003) *Special Needs Education in Europe*. (available online at [http://www.european-agency.org/publications/agency_publications/SNE_europe/downloads/ ThematicPublication_English.doc](http://www.european-agency.org/publications/agency_publications/SNE_europe/downloads/ThematicPublication_English.doc)). Middelfart, Denmark: European Agency for Development in Special Needs Education

OECD (1995) *Integrating Students with Special Needs into Mainstream Schools*. Paris: OECD

OFSTED (2003) *Provision and support for Traveller pupils* (Document reference number: HMI 455) (available online at <http://www.ofsted.gov.uk/publications/index.cfm?fuseaction=pubs.summary&id=3440>) London: Office for Standards in Education

Saleh, Lena (1995) contribution made at the conference *L'éducation spécialisée en Europe*, held at CNEFEI (Centre National d'Études et de Formation pour l'Enfance Inadaptée), Suresnes, France

Save the Children (2001) *Denied a Future? The Right to Education of Roma/Gypsy and Traveller Children in Europe*. London: Save the Children

UNESCO & Ministry of Education and Science, Spain (1994) *The Salamanca Statement and Framework for Action on Special Needs Education* (available online at http://www.unesco.org/education/pdf/SALAMA_E.PDF) Paris: UNESCO

UNESCO (2000) *The Dakar Framework for Action, Education for All: Meeting our Collective Adopted by the World Education Forum Dakar, Senegal, 26–28 April 2000*. (available online at http://www.unesco.org/education/efa/ed_for_all/framework.shtml) Paris: UNESCO

The Legal Framework



Eilís Barry

The Legislative Framework for an Inclusive School

Eilís Barry BL, Legal Adviser to the Equality Authority

Introduction

The Equality Authority has a statutory mandate to promote equality of opportunity and eliminate discrimination in matters covered by the Employment Equality Act 1998 and the Equal Status Act 2000. (The Equality Act 2004, which amends the EEA 1998 and the ESA 2000, is expected to be enacted before the end of July 2004.) The provisions of the Employment Equality Act 1998 are relevant to the employment of the wide range of people employed in schools: principals, teachers, assistants, care staff, catering, cleaning, caretaking. The provisions of the Equal Status Act 2000 are relevant to the whole range of activities and services that occur in a school setting. While there are specific provisions on educational establishments (in section 7 of the ESA 2000 as amended by section 49 of the Equality Act 2004) there are also provisions which are relevant to activities that go on in schools such as

- the provision of goods and services (section 5 of the ESA 2000),
- accommodation, and
- the letting of premises (section 6 of the ESA as amended by section 49 of the Equality Act 2004).

Both Acts are also relevant to the employment of union officials and the services provided by unions. The Equality Act 2004 for the first time extends protection against discrimination to the self-employed as well and so would apply to independent contractors, etc., employed by the school.

The elements of an inclusive school have already been identified and discussed in the earlier papers. These elements include:

- A capacity to respond to diversity and value diversity. It is a resource to support the learning of all.
- Maximising the participation of students in all aspects of school life and reflecting this objective in the policies, practices and values of the school.
- Maximising the learning and the development of capacities and the expression of needs, thoughts and feelings of all students (not just the student traditionally categorised as having special needs).
- Seeking to achieve and accommodate a diversity of staff and all members of the school's community
- Seeking to develop mutually beneficial relationships between schools and the local community.

Inclusion is seen to involve the identification and minimising of barriers to participation, learning and capacity building and the development of different abilities and the maximising of resources to support these. Inclusion in education is one aspect of inclusion in society. Barriers and the resources to reduce them can arise within the school and external to the school environment.

The provisions of the Equal Status Act 2000 (as amended by the Equality Act 2004) focus on all aspects of school life and are closely connected to three of the dimensions of the inclusive education process:

- creating inclusive cultures,
- producing inclusive policies, and
- evolving inclusive school practices.

The provisions of the legislation both allow and require (albeit to varying extents) schools to be inclusive.

The rights afforded to pupils and others in the school community are neither too onerous nor new. The rights and remedies are circumscribed by numerous exemptions. The Equal Status Act 2000 (as amended) effectively takes the rights that teachers have been entitled

to for nearly 30 years on the gender ground (and on nine discriminatory grounds since the Employment Equality Act 1998) and affords them to pupils and others involved in the school (but on a more reduced level).

Teachers, pupils and others in school community now enjoy rights:

- not to be discriminated against,
- not to be harassed, sexually harassed or victimised,
- to be reasonably accommodated subject to disproportionate burden (in the case of employees) or nominal cost (in the case of pupils), and
- positive action measures which seek to achieve full equality in practice are now allowed under the Equality Act 2004; positive action measures can also target the most vulnerable pupils.

The Employment Equality Act 1998 and the Equal Status Act 2000 (as amended by the Equality Act 2004) creates a hierarchy of rights between teachers and pupils. Teachers enjoy far broader and more effective rights and remedies than pupils. Compensation of up to two years salary may be paid in employment discrimination claims, while employment gender discrimination claims have the option of being brought in the Circuit Court where there is no ceiling on the compensation that can be paid. The maximum compensation that can be paid to a pupil under the Equal Status Act 2000 is €6,349. The procedure under the Equal Status Act 2000 is also more complicated and burdensome. There are fewer exemptions to the prohibition of discrimination in the Employment Equality Act 1998 than in the Equal Status Act 2000.

Domestic and International Background

The Equal Status Act 2000 is not something that has been imposed by Europe but has a long history. The provisions of the earlier bill in 1996 were struck down as being unconstitutional. In addition, the Equal Status Act 2000 has a particular democratic mandate in that the Belfast Agreement committed Ireland to enhanced equality legislation.

However, there is now a European element in this. The provisions of the Race Directive, which explicitly applies to education, were supposed to have been implemented by July 2003. The provisions of this Directive take precedence over Irish legislation such as the Education Act 1998 and the Equal Status Act 2000 and now apply directly to public emanations of the State such as the Department of Education and Science in relation to the ground of race and the Traveller community ground.

It is likely that there will be a new Gender Directive that will cover the ambit of the Equal

Status Act 2000. The Equality Act 2004 aims to implement three Directives, the Race Directive, the Framework Employment Directive and the Amended Gender Equal Treatment Directive. The Amended Gender Equal Treatment Directive for the first time imposes a duty on states to promote gender employment equality and this would extend to the employment of teachers.

Education Legislation

The impetus for and the legislative backdrop for an inclusive school also arises from the education legislation.

The promotion of equality is already well established in legislation on education in a number of ways:

- Schools must promote equality of opportunity for male and female students. (Section 9(e) of Education Act 1998. This would include sports and extra-curricular activities.)
- Schools must use their available resources to ensure that the educational needs of all students, including those with a disability or other special educational needs, are identified and provided for (section 9(a) of the Education Act 1998).

Inclusive policies and practices which are some of the building blocks of the ‘inclusive school’ are identified in the Education Acts as follows.

Admissions Policy

Schools must establish and maintain an admissions policy which provides for maximum accessibility to the school (Section 9(a) of the Education Act).

The Board of Management must publish the policy of the school concerning

- Admission to and participation in the school including:
 - The policy of the school relating to expulsion and suspension of students and
 - Admission to and participation by students with disabilities.

School Boards must ensure that:

- principles of equality, and
- the rights of parents to send their children to a school of the parents’ choice are respected (section 15 of the Education Act 1998).

School Plan

Boards have to prepare a school plan which states the objectives of the school relating to

- Equality of access to and participation in the school.

Schools must spell out in the school plan what measures they will take to achieve these objectives including specifically measures for:

- Equal access and participation in the school by:
 - students with disabilities or
 - students with other special needs(Section 21 of the Education Act 1998).

Consultation with students

Boards have to establish and maintain procedures:

- to inform students of the activities of the school in order to facilitate the involvement of the students in the operation of the school.

Boards of a post-primary school will encourage

- the establishment by the students of a school council and facilitate and give all reasonable assistance to students who wish to establish a school council, and to student councils when they have been established.
(Section 27 of the Education Act 1998)

Contact between school, students, parents and the community

The Education Acts locate the school in the community. Boards have to promote contact between the school and

- parents of students in the school
- the community

and will facilitate and give all reasonable assistance to a parents' association.

(Section 26 of the Education Act 1998)

Codes of Behaviour

Boards of Management have to prepare a code of behaviour in respect of students. A code of behaviour shall specify:

- (a) The standards of behaviour that shall be observed by each student
- (b) The measures that may be taken when a student fails or refuses to observe these standards
- (c) Procedures to be followed before a student may be suspended or expelled from the school
- (d) Grounds for removing the suspension
- (e) Procedures to be followed relating to a child's absence from school

The principal can make it a condition of registering a child the requirement that a child or his/her parents confirm in writing that the code is acceptable to them (Section 23 of the Education (Welfare) Act 2000).

Equal Status Act

The Equal Status Act, 2000 is a remedial statute undeniably designed to bring about social change. Professor Kathleen Lynch in UCD describes status as encompassing recognition and respect. In essence that is what the Equal Status Act 2000 is about. It borrows concepts used in the Employment Equality Act 1998 like

- promoting equality of opportunity
- prohibiting discrimination on nine specific grounds
- prohibiting harassment on the discriminatory grounds and sexual harassment
- requiring the reasonable accommodation of people with disabilities
- allowing positive action measures

and transposes them into the public arena with particular emphasis on four main areas. The Equal Status Act 2000 covers:

1. buying, selling or renting a wide variety of goods
2. a wide range of services including public services like health, welfare and services provided by the Department of Education and Science (schools may also be service providers, for example to parents) (Section 5 of the Equal Status Act, 2000)
3. buying, selling, renting houses – this would include a school letting a hall for local activities (Section 6 of the Equal Status Act, 2000 as amended by section 49 of the Equality Act 2004)

4. educational establishments (Section 7 of the Equal Status Act 2000 as amended by section 50 of the Equality Act 2004)

The Department of Education and Science is identified as a major service provider to students and parents in the Education Act 1998, which sets out the following services provided by the Minister:

- (a) assessment of students;
- (b) psychological services;
- (c) guidance and counselling services;
- (d) technical aid and equipment, including means of access to schools, adaptations to buildings to facilitate access and transport, for students with special needs and their families;
- (e) provision for students learning through Irish sign language or other sign language, including interpreting services;
- (f) speech therapy services;
- (g) provision for early childhood, primary, post-primary, adult or continuing education to students with special needs otherwise than in schools or centres for education;
- (h) teacher welfare services;
- (i) transport services;
- (j) library and media services;
- (k) school maintenance services;
- (l) examinations provided for in Part VIII of the Education Act.

The discriminatory grounds:

The Equal Status Act 2000 has the same nine discriminatory grounds as in the Employment Equality Act 1998.

These are:

- Gender – male or female. (On foot of European Court of Justice judgments in the gender employment sphere, protection on the gender ground is afforded to transsexual people. This is an issue that has arisen in the case files of the Equality Authority.) There have been cases in relation to the treatment of a temporary teacher while on maternity leave and the sexual harassment of staff by pupils. In addition on foot of gender employment caselaw a number of schools have changed their rules

governing school uniforms to allow girls wear trousers.

- Marital status – Being single, married, separated, divorced or widowed. (A claimant argued unsuccessfully before the Equality Tribunal that she and her child were discriminated against because she was separated.)
- Family status – Being pregnant or having responsibility as a parent in relation to a person under 18 years, or as a parent or the resident primary carer in relation to an adult with a disability who needs care or support on a continuing, regular or frequent basis. This would provide some protection for pregnant students.
- Sexual orientation – Being heterosexual, homosexual or bisexual.
- Religion – Having religious beliefs or having none; the term ‘religious belief’ includes religious background or outlook. (In one case, which was resolved without litigation, a teacher insisted on a non-Catholic child preparing for communion and mass.)
- Age – Applies to everybody over 18.
- Disability – The term ‘disability’ is broadly defined. It covers a wide range of impairments and illnesses. It covers all physical, sensory and intellectual disabilities. (It would include learning disabilities.)
- Race – Includes race, colour, nationality or ethnic or national origins.
- Membership of the Traveller community – Being a Traveller.

The grounds are comprehensive, in that there are nine grounds, but clearly also aren’t all encompassing in that matters which have a major impact on equality are not included – such as socio-economic status. The Equality Authority has recommended the extension of the grounds to include socio-economic status.

Discrimination

The Equal Status Act prohibits three forms of discrimination:

- direct discrimination,
- indirect discrimination, and
- discrimination by association.

Direct Discrimination

Direct discrimination occurs if a person is treated less favourably than another person is treated, has been treated or would be treated on the basis of membership of any of the nine grounds which exists, existed but no longer exists, which may exist in the future or where it is imputed.

The Equality Authority has received complaints in relation to pupils being directly discriminated against when they were refused admission to a school because they were Travellers. The allegation was that one of the teachers had said they had enough applicants from a particular housing estate that housed Travellers. (This case was resolved without litigation.)

In another case file, a child with Down Syndrome had been refused access to local feeder secondary school after having gone to mainstream primary school. The refusal was specifically on account of the child's disability.

Another example was a large secondary school operating what was in effect a quota system in relation to Muslim children. This was resolved with the admission of one more Muslim child.

Indirect Discrimination

This is discrimination by impact or effect. Indirect discrimination occurs where an apparently neutral provision puts a person belonging to one of the discriminatory grounds at a particular disadvantage. This provision will be discriminatory unless it can be justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.

The Equality Authority received a query in relation to a sibling policy operated by the school. There was concern that there may be indirect discrimination on the ground of race in relation to recent immigrants. It was my view that it would be difficult to prove and that it was likely that a sibling policy can be justified. There is no decided caselaw on this though.

Discrimination by Association

Discrimination by association occurs when a person is associated with somebody from any of the nine grounds and is treated less favourably because of that association.

A person does not actually have to belong to the discriminatory ground in order to claim discrimination by association. Discrimination by association is often alleged by people working with Travellers.



Reasonable Accommodation and Mainstreaming

Mainstreaming

The provisions of the Equal Status Act rest on a presumption of mainstreaming for students with disabilities. A school is exempt from the requirement to provide service to a student with a disability only to the extent that doing so would (because of the student's disability)

- have a seriously detrimental effect of the provision to service other students, or
- would make it impossible to provide services to other students.

That imposes a very high level of proof on the school to justify the exclusion of a student with a disability.

The Equality Authority is aware of a secondary school which initially refused access to a group of children with learning difficulties who already had access to a special school. The matter was resolved when an appeal was brought under section 29 of the Education Act.

Reasonable Accommodation

Reasonable accommodation may be defined as providing special treatment or facilities or making adjustments for a person to enable them to access a service.

A school must provide reasonable accommodation to meet the needs of a person with a disability if it would be impossible or unduly difficult for that person to participate in school without the special treatment, facilities or adjustments (Section 4 of the Equal Status Act 2000).

Nominal Cost Exemption

There is no obligation to provide special treatment, facilities or adjustments if they give rise to anything more than nominal costs.

There may be difficulties in schools seeking to rely on the nominal cost exemption given that schools receive funding from the State so it will be a question of what is nominal for the State.

Section 7 of the Education Act obliges the Minister to ensure, subject to the provisions of the Act, that there is made available to each person resident in the State, including a person with a disability or a person with other special educational needs, support services and a level and quality of education appropriate to meeting the needs of that person.

The interplay of these provisions may create tensions between the Department and schools and pupils. However, the Department is a service provider within the meaning of the Equal Status Act 2000 and subject to the provisions on discrimination and the provision of reasonable accommodation as well as schools. The Equality Authority has been involved in a number of cases involving the reasonable accommodation of pupils which have been settled.

Sexual Harassment and Harassment

In a high-profile case involving a boys' secondary school, the school was found liable for the sexual harassment of teachers by pupils. Under the Equal Status Act 2000, protection is now extended to sexual harassment of pupils by pupils or teachers. Harassment on the discriminatory grounds and sexual harassment are prohibited under the Equal Status Act 2000.

Principals, teachers and others in positions of responsibility in a school may not harass or sexually harass students at a school or anyone who has applied for admission. They must not permit students – or anybody else who has a right to be in the school, such as parents – to harass or sexually harass other students. This protection for students also applies to visiting students.

Issues that have arisen in the casefiles of the Equality Authority include a range of school yard incidents of harassment or sexual harassment on the sexual orientation, race, Traveller, disability and gender grounds.

Harassment and sexual harassment have definitions similar to those in the Employment Equality Act 1998. The definition in the Equality Act 2004 refers to “conduct which in either case has the purpose or effect of violating a person’s dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person”.

Vicarious Liability

Schools are liable for discrimination or harassment committed by an employee or pupil acting on behalf of the school whether or not it was done with the school’s knowledge or approval. A school has a defence against being liable for the actions of an employee if it can prove that it took such steps as were reasonably practical to prevent the employee

from committing the actions. Such steps would include having a policy on discrimination and on harassment and sexual harassment and having proper procedures to address any incidents and ensure that they do not recur. The Code of Behaviour should explicitly deal with discrimination, sexual harassment and harassment. The school plan and admissions policy should refer to the school's policies on discrimination, sexual harassment and harassment.

Positive Action

Schools are allowed to provide preferential treatment or to take positive measures that are genuinely intended to promote equality of opportunity for those who are disadvantaged. They may also provide preferential treatment or take positive measures that cater for the special needs of those who may require facilities. These are very broad positive action measures.

Statutory Exemption

An overarching exemption in the Equal Status Act covers all aspects of the scope of the Equal Status Act 2000.

If something is required by another law, for example the Education Acts or a court order, the provisions of the Equal Status Act cannot be construed as prohibiting it. However, if an organisation (such as a school) has any discretion about how it meets a legal requirement, then the way it does that must not breach the Equal Status Act. (This exemption has been amended by the Equality Act 2004 in relation to the treatment of non-nationals.)

The Equal Status Act and Schools

The Equal Status Act requires that schools do not discriminate (including discrimination by association and indirect discrimination) across the nine grounds. Schools must mainstream and reasonably accommodate people with disabilities. Harassment and sexual harassment is prohibited in schools. Schools can take positive action steps to target the needs of the most disadvantaged pupils.

The Equal Status Act specifies four areas in which a school must not discriminate:

- the admission of a student, including the terms or conditions of the admission of a student,
- the access of a student to a course, facility or benefit provided by the school,
- any other term or condition of participation in the school and

- the expulsion of a student or any other sanction.

Certain exemptions apply, and the most relevant are mentioned below.

The admission of a student

A school may not discriminate in relation to the admission of a student to the school, subject to exemptions set out below.

An exemption applies to the gender ground. Single-sex schools are allowed. However, it would appear that the Equal Status Act does not allow coeducational schools to discriminate on the gender ground to maintain the coeducational ethos. The position of schools that are coeducational up to age 7 and then single-sex is not dealt with explicitly in the Act. Schools that become single-sex after pupils reach 7 years are unlikely to be able to rely on the exemption in the Equal Status Act on single-sex schools.

A second exemption concerns schools where the objective is to provide education in an environment that promotes certain religious values. A school that has this objective can admit a student of a particular religious denomination in preference to other students. Such a school can also refuse to admit a student who is not of that religion, provided it can prove that this refusal is essential to maintain the ethos of the school. How is a school to prove this? The Equality Authority is aware of a case where a non-Catholic sibling was denied access to a Catholic school. This matter was resolved, without the need for litigation.

Issues that have arisen include refusal of access for Traveller children, refusal of access for students with disabilities to post-primary schools and restricting access to a small number of students of a particular religion in a very large school run by another religious denomination.

An issue that we get an increasing amount of queries are in relation to obligation of the State as a service provider to provide non-denominational education.

Access to a course, facility or benefit

After a student has been admitted, a school may not discriminate in relation to the access of the student to any course, facility or benefit provided by the school.

Restricting a student's access to subjects on the basis of one or more of the nine grounds would be discrimination. Other examples of where discrimination could occur would be access to libraries, participation in schools tours or extra-curricular activities, or membership of clubs or societies.

Issues that have arisen in the casefiles of the Equality Authority include the withdrawal of Traveller students from core subjects and access for students with disabilities to particular core subjects.

Terms or conditions

A school may not impose any other condition on participation in the school that discriminates on the nine grounds.

One example of what this covers would include rules that restrict or permit students to take examinations. It would be illegal if the way these rules operate amounts to discrimination on any of the nine grounds.

An issue that arose in the casefiles of the Equality Authority involved requiring parents of a student with a disability to be present at swimming lessons with their child when their presence was unnecessary and when other parents were not required to be present.

Generally, differences in treatment on the nine grounds are not allowed in schools in relation to sporting facilities or events. However, if they are reasonably necessary taking account of the nature of the facilities or events, they can be allowed on the gender, disability and age grounds.

An issue that has arisen is different experiences in the provision of sporting opportunities to boys and girls in co-educational settings.

Expulsion and other sanctions

The Equal Status Act does not prevent a school from imposing sanctions, but they cannot be imposed in a way that discriminates on the nine grounds. For example, it could be discrimination to suspend a student for a particular behaviour if another student not belonging to the ground would not also be suspended for similar behaviour.

Conclusion

The provisions of the Equal Status Act 2000 and the Education Act 1998 are a major impetus, rationale and legislative backdrop for the development of an inclusive school. They allow and to an extent require schools to be inclusive.

The legislation requires and or encourages certain tasks to be done in the following areas:

- Admission policies
- School plans

- Codes of behaviour
- Anti-harassment policies
- Parent organisations
- Schools councils
- Contact with the local community

The manner of development of all of these are opportunities to involve all staff, pupils, parents and the community in the creation of an inclusive school.

The obligations in the Education Act will help with compliance with the Equal Status Act. This should help provide a non discriminatory ethos and inclusive ethos.

School plan:

- Identify a commitment to achieving equality. Set out the equality objectives and identify steps that will be taken to achieve them. The plan should refer to policies and procedures on equality, sexual harassment and harassment.

Admissions policy

- Have it in writing. Publicise it.
- Identify measures the school will take to achieve maximum accessibility and ensure the principles of equality. (The policy should also refer to the policies of the school on equality, sexual harassment and harassment.)

Code of behaviour

The Code of Behaviour should:

- name the nine grounds,
- prohibit harassment and sexual harassment and less favourable treatment,
- set out policies and procedures to deal with harassment and sexual harassment.

Schools should

- require parents and pupils to sign up to the code of behaviour, and
- use the parents' association and school council and contact with the local community to make sure that parents, students and the local community are aware

of the code of behaviour and school policies on equality, non-discrimination, harassment and sexual harassment.

Schools are the second biggest area of complaint in the Equality Authority's casefiles. What is striking in this area is the willingness of schools to try and resolve the issues, as is evidenced by the fact that so few have resulted in decided caselaw. One case has been heard. There have been several settlements.

The development content and implementation of all the tasks required in the education legislation will assist and enable a school to realise its obligations under the equality legislation and in developing an inclusive school. They are inextricably linked.

Discussion Group Topics and Reports



Introduction

Five discussion groups comprising conference participants considered a range of topics relevant to the conference theme. Each discussion opened with a short presentation from an I.N.T.O. member with some knowledge of the particular topic. Delegates considered aspects of the topic in smaller groups and two rapporteurs collated the feedback from the smaller groups.

The discussion groups discussed the following topics:

Discussion Group 1: Equality in School Plans and Administration

Discussion Group 2: Equality, the Primary Curriculum and Classroom Practice

Discussion Group 3: School Admissions, Participation, Sanctions and Equality

Discussion Group 4: Equality of Participation – Tackling Harassment and Bullying

Discussion Group 5: Equality and the Hidden Curriculum (Extra-curricular activities, roles and make-up of staff, etc.)

The five reports in this section include a short note and prompts supplied to delegates and summaries of the main issues and approaches identified in the discussions.

Discussion Group 1: Equality in School Plans and Administration

Chair: Patricia O’Farrell

Presenter: Mary Culhane, Cathaoirleach, I.N.T.O. Equality Committee

Rapporteurs: Doreen Sheridan, Eoin O’Shaughnessy

The DES–Equality Authority booklet *Schools and the Equal Status Act* suggests that the school development plan “is an appropriate place in which to identify a commitment to achieving equality. It must contain equality objectives and identify the steps that will be taken to achieve them. It should be based on an identification of the educational needs of students across the Nine Grounds”.

The School Plan is a statement of the educational philosophy of the school, its aims and how it proposes to achieve them. It deals with the total curriculum and with the organisation of the school’s resources, including staff, space, facilities, equipment, time and finance. The DES Guidelines (1999) *Developing a School Plan: Guidelines for Primary Schools* state, “Equal opportunities should permeate all parts of the School Plan. One way to ensure that this issue is not overlooked is to have a heading ‘equal opportunities’ for every section. Additionally, a discrete section focussing on equality matters and cross-referenced to other parts, where appropriate, is most desirable.” (p 49). The School Development Planning (SDP) team has sought to assist schools by providing templates in relation to inclusion and equality in school planning, and by mainstreaming equality issues into all curricular and administrative policies, plans and procedures.

Examples of issues that can arise for schools are in relation to the separation of children for particular activities, or in relation to the separate recording of children in formal documents such as the school register.

To be inclusive, a school needs to identify and address barriers to inclusiveness and equality that may arise for staff and pupils and to develop practices and procedures to deal with the relevant issues. Such an exercise could usefully involve consulting groups that represent those who experience inequality and could involve a commitment to “equality proofing” all aspects of the School Plan.

- Who should be involved in drafting policies and plans? What challenges does their involvement present and how can these challenges be met?
- How can we ensure that policies and the components of school plans are equality proofed?
- What training, resources and support materials are required for schools and school leaders in the area of ensuring equality is central to school planning and administration?

- How can a school promote equal opportunity, eliminate discrimination and accommodate diversity among staff and pupils?
- What are the challenges for denominational schools in seeking to be inclusive with increasing numbers of children of other faiths and of no faith enrolling? How can such challenges be met?
- Are there differences in the way administrative practices are carried out and can they be justified? Examples might be in publicising enrolment arrangements, the calling of the roll according to gender, lining up, organising of sporting events, allocation of classes. Are there other examples we should look at?
- What other challenges are there to inclusion and equality across the nine grounds?

Summary of main issues and approaches identified in discussion:

1. School planning should be an inclusive process, involving all interested parties (including children where possible) in working groups. Problems of time and resources in assembling such groups were recognised.
2. Policies should be checked against the nine grounds in the equality legislation, and schools need clear directions on equality proofing.
3. Whole school training modules on equality and planning are needed. This should include all staff, including special needs assistants.
4. Appointment procedures for teachers and other staff should be reviewed, with criteria equality-proofed against the nine grounds.
5. Schools which are denominational are increasingly so in name only. Teaching of religions other than that of the denominational school should be available.
6. Many embedded administrative practices tend to divide children – for example, the separation by gender in roll books and roll calling. These need to be challenged.
7. Schools face many challenges, and do not exist in isolation from the rest of society. Additional facilities and resources are needed for the inclusion of pupils with certain disabilities. There is also a challenge in relation to how schools facilitate pupils where parents do not want them taught the denominational religion programme.

Discussion Group 2: Equality, the Primary Curriculum and Classroom Practice

Chair: Kathy McHugh,

Presenter: Deirbhile Nic Craith, Education Officer, I.N.T.O.

Rapporteurs: Moira Liddane, Anne Madden

The Equal Status Act provides that a student may not be discriminated against in relation to access to any course, facility or benefit provided by a school. It is clear that restricting a student's access to, or participation in, subjects on the basis of one or more of the nine grounds would be discriminatory. Other examples which could occur would be in access to facilities such as libraries or other school facilities, participation in school tours or activities, or any practices which would put a student at a disadvantage educationally.

Do all pupils have equal access to the curriculum and equality of participation regardless of gender, race, religion, membership of the Traveller community, family status or disability? To take two examples on the gender ground, in matters of classroom administration such as seating, determining this by gender may give rise to questions of inclusion; we know from interaction analysis studies that teachers tend to devote more of their time to the boys in a mixed class. Our expectations as teachers of students in our class are important ones – not just in the gender context, but across all of the grounds.

- How do we ensure that all pupils have access to all aspects of the curriculum on an equal basis?
- What do children of a religion other than that of the school (in the case of a denominational school) do during religion class? How can we make religion classes as inclusive as possible? How can we ensure other classes are inclusive?
- How do we include children with disabilities in the curriculum? (PE time is often seen as a challenge, but what other aspects of the curriculum are also challenging?)
- How can learning support be organised in an inclusive way? When children are withdrawn for learning support or other activities, are there patterns that can act against inclusivity? For example, does withdrawal always happen disproportionately when one subject (e.g. Gaelge) is being taught in the classroom? Are Traveller children withdrawn together? What alternative models might we use?
- How is the culture of a child of a minority ethnic group integrated into the curriculum of the classroom?
- How can/do schools use the curriculum to teach about difference and diversity, and to develop age-appropriate understanding of inequality and its causes?

- On which of the nine grounds do schools face the greatest challenge to providing full curricular and classroom equality? How can this challenge be met?

Summary of main issues and approaches identified:

1. Acknowledging diversity in our classroom is a central part of inclusivity.
2. Including pupils with special needs requires careful planning and pooling of teacher resources. It was felt that using resource teachers within the mainstream class would be beneficial. In-class support has possibilities in terms of inclusion, but can also highlight difference.
3. Boards of Management need to take the lead on policy discussions in relation to inclusion. The Board and parents need to be actively involved in addressing the challenges.
4. Programmes such as SPHE, SESE and “Alive-O” were complimented for highlighting and addressing issues of difference, diversity and equality.
5. Pupils with disability are part of the school community, and teachers need to be proactive in inclusion in areas such as PE and games, and may need community support in this work.
6. Equalising opportunities and outcomes across the curriculum needs to be done carefully, and in a planned manner. It can be difficult to integrate alongside highlighting difference positively, so approaches need to be varied depending on the number of pupils with special needs. Many children with disabilities push out their own limits.
7. The greatest challenge to equal access to courses, facilities or benefits is large class size.

Discussion Group 3: School Admissions, Participation, Sanctions and Equality

Chair: Mary Mullen

Presenter: Anne McCloskey, Visiting Teacher of Travellers

Rapporteurs: Bernie McCluskey, Bernadette Murray

The Equal Status Act 2000 requires that schools do not discriminate on any of the nine grounds in relation to the admission of a student to school (including the terms or conditions of the admission) or in relation to the expulsion of a student or other sanctions.

Certain exemptions are allowed in relation to the admissions policy on grounds of religious ethos, gender in certain circumstances, and disability in the case of a “seriously detrimental effect” on the provision of services to others. The school also has a positive obligation to make reasonable accommodation to enable students with disabilities to enrol and participate in the school. Serious issues are raised here which challenge the I.N.T.O. guidelines (agreed with Managerial Authorities) on deferred enrolments.

One might expect the intake of an inclusive school to reflect the catchment area across the nine grounds. Procedures may exclude some groups, perhaps unintentionally, across the grounds. Admission policies could include positive action to address the needs of those who are disadvantaged by comparison with other students.

- Is your school’s enrolment policy clearly based on principles of inclusion – how does it accommodate diversity?
- How welcoming are schools to the diversity of parents and of children, and how can schools be made more welcoming places?
- How do we ensure admission to schools is made a reality for as many students as possible? What are the challenges and how do we overcome them?
- How do we ensure that sanctions are equally applied to all students within the school – are the same standards of discipline/homework expected from boys and girls, Travellers and non-Travellers, asylum seekers and long time residents, for example?
- When differences in the ways pupils are treated are appropriate, how do we ensure they are not applied in ways that give rise to inequalities? (Examples could include treatment in relation to an issue such as head lice, or in relation to sanctions in the case of being involved in bullying or fighting.)
- In the specific case of ADHD, are the same standards of behaviour expected of these pupils as of others? How can we combine the need to accommodate their needs with

the need to manage the classroom?

- On admissions and enrolment, what positive action measures can a school use to encourage under-represented groups to enrol?

Summary of main issues and approaches identified:

1. Most schools' enrolment policies have a denominational element. The system may in that sense operate against inclusion. There is an issue emerging where schools which make particular efforts to be inclusive are by-passed by other parents and become seen as the school for students with special needs/Travellers etc. There is a serious challenge, in which the DES must play a central part, of how to guard against this.
2. It was felt that generally schools are welcoming to diversity, but there is a need for schools to reflect on their practices around this.
3. The rights of all the children have to be taken into account, not just children with special needs. There is a need for smaller classes.
4. There is debate and action required regarding challenging behaviour. Certain students regularly present serious challenges in the classroom, and resources and supports are not forthcoming to meet these.
5. There is also a question about applying the same standard to and having the same expectations of all students. There is a fine balancing act needed here as applying the same standard to all can drive away children who are at risk of not participating.
6. There are also inconsistencies in diagnosing special needs depending on the psychologist. The special needs of Travellers are often difficult to identify; only some of these are educational needs.
7. Schools can benefit greatly from inclusion. There is a need to ensure that additional resourcing has an effect on outcomes.

Discussion Group 4: Equality of Participation – Tackling Harassment and Bullying

Chair: Anna Stanton

Presenter: Tony Carlin, Trade Union Official, I.N.T.O. Belfast Office

Rapporteurs: Anne McQuaile, Sheelagh Coyle

Harassment on the nine discriminatory grounds, and sexual harassment, are prohibited under equality legislation. The DES–Equality Authority booklet *Schools and the Equal Status Act* points out that persons in positions of responsibility in a school “may not harass or sexually harass students at the school or anyone who has applied for admission. They must not permit students – or anybody else who has the right to be in the school such as parents – to harass or sexually harass other students. This protection for students also applies to visiting students”. Harassment under the Equal Status Act can include spoken and written words, gestures, or the display of pictures, among other things.

Harassment has been reported to the Equality Authority in relation to schoolyard incidents in particular. There have been allegations of harassment on grounds of membership of the Traveller community, disability, gender, sexual orientation and race.

Schools generally in their code of discipline prohibit, and prescribe steps to prevent and deal with, instances of bullying and harassment at school. The DES and the Equality Authority recommend that schools name the nine grounds in their discipline codes.

An inclusive school will maintain and implement policies and procedures in relation to prevention and tackling of harassment and bullying.

- Do schools have policy in place on harassment and bullying? Who should be involved in drawing up such a policy, and who should have copies of it? How might it be evaluated?
- What should be included in a school’s policy statement on harassment and bullying, and who should the policy impact on?
- What staff training is given, received, or needs to be given in this area of tackling harassment and bullying?
- Is adult-to-adult harassment and bullying dealt with in school policies? How might this be addressed?
- What must be done to prevent harassment and bullying taking place? What can be done? What is the best practice? What supports are needed for these purposes or goals?

- Can you recommend any effective and/or innovative strategies (a) to build a school anti-bullying culture, and (b) to tackle incidences of bullying or harassment?
- How should a teacher/a school react to an instance of name-calling or harassment which is racist or homophobic? How should harassment on any of the other seven grounds be dealt with?

Summary of main issues and approaches identified:

1. Clear anti-harassment and anti-bullying policies are needed in schools for both adults and children. Adult harassment or bullying are often not addressed, nor is the question of pupils who may harass or bully teachers.
2. There is a need for an inclusive policy; all members of the school community should be involved. A copy of this policy should be available to all including parents, and it should be signed and acknowledged by parents.
3. The definitions of bullying and harassment are important. Again, all staff members, including non-teaching staff, should be included. A safe and protected environment is important within school; the policy impacts on all members of the school community.
4. Awareness training is needed. At present no training is in place. The Trinity College Anti-Bullying Course was cited as a possible training resource. There is a need for culture change and greater communication on this issue.
5. Adult bullying and harassment should be mentioned in the school health and safety statement. It is important to foster an atmosphere of support, respect and openness, and to define harassment and bullying and the relationships within which it can happen.
6. A charter of rights would be useful, which could be drawn up between the I.N.T.O. and the Equality Authority. The booklet "Working Together", agreed between the I.N.T.O. and the Managerial Authorities, was thought to be valuable but further training is essential regarding procedures.



Discussion Group 5: Equality and the Hidden Curriculum (Extra-curricular activities, roles and make-up of staff, etc.)

Chair: Maree Farrell

Presenter: Milo Walsh, Education Committee, I.N.T.O.

Rapporteurs: Kayren Hayes, Mary Horan

The DES–Equality Authority booklet *Schools and the Equal Status Act* outlines one of the challenges in attaining the inclusive school as “the role that schools have in helping students develop their ideas and values. This is done through what is taught directly, and indirectly through the school’s ethos and culture”.

The expectations and standards of behaviour set for students in the practices and procedures in daily school life can make it clear that the school is an inclusive institution. The types of extra-curricular activities which are facilitated and encouraged, including the provision for children in respect of games, may be seen as part of the “hidden curriculum”. In addition, the make-up of the teaching and other staff of the school may teach lessons to children regarding values related to caring, administration and authority.

- What can be done to ensure that there is greater diversity across the nine grounds and gender balance in all areas of primary teaching, and in all school staffing (including caretaker/secretarial staff, special needs assistants, etc.)?
- How can more women teachers be encouraged to take up leadership positions in schools?
- How can those with roles in recruitment and promotion – principals, members of interview boards, patrons and their nominees – be encouraged to promote equal opportunity for job applicants across the nine grounds (for example, non-nationals, lesbian or gay people, a teacher of a denomination not of the school’s, an older person applying after time away from the work force, a pregnant woman, a person who is HIV-positive, a person who has a disability)?
- What extra-curricular activities are promoted? How do we take account of cost and gender factors (for example, is football only available to males, are activities other than sport provided so that varied talents of children can be accommodated, what children are excluded due to gender, cost, disability, etc.)? How can such activities accommodate diversity and promote equality?
- How does the inclusive school celebrate cultural and religious festivals, team successes and family occasions? What celebrations can be used to make a school inclusive across the nine grounds?

- The hidden curriculum is, by definition, hidden. What efforts can we make to identify and uncover the messages about equality and diversity that are seen by pupils but that we may not always notice? How do we seek to identify new elements of the “hidden curriculum” that arise because of the rapidly changing nature of our world?
- Are diversity and gender balance in the job of primary teaching – and tackling growing gender imbalance – important aims? If so, why is this?

Summary of main issues and approaches identified:

1. The lack of support for teachers with lesbian, gay or bisexual sexual orientation was seen as a barrier to be overcome in ensuring greater diversity across the nine grounds in teaching.
2. It was also felt that the nature of the salary scale was a factor in the gender imbalance in primary teaching.
3. To encourage more women into leadership positions, it was felt that childcare barriers needed to be removed. Family friendly policies and initiatives should be in place.
4. Training is the key need for selection boards in the process of interviewing and selecting teachers for positions. Proper application of procedures is necessary to ensure that people are appointed on the basis of their ability/experience.
5. Less time in teaching denominational religion would facilitate accommodation of children who are not of the school’s religion.
6. There should be an effort made to celebrate all cultures, whether or not children of that particular culture are in the school. We live in a multi-cultural society and intercultural education should be the norm across all schools.
7. There is work to be done to change the mindset of traditional teachers who continue to organise very gender-specific activities for children.
8. It is important for children, schools and the teaching profession to have a diverse and balanced intake into teaching.

Celebrating Good Practice: Three inputs from practising teachers



John Devitt, Maree O'Connor, Rosie Hogan.

The Celebrating Difference Project

Rosie Hogan

The Celebrating Difference Project is an initiative of the Targeting Educational Disadvantage Programme and the Centre for Educational Disadvantage Research at the Curriculum Development Unit in Mary Immaculate College of Education, Limerick. The Project was developed and researched by staff at Mary Immaculate and a number of teachers from Ennis, Limerick, Cork and Enniscorthy. All of us had different experiences in teaching, all of us were teaching at different levels and all had something new to bring to the project. The project began in 2002 and it ran for six months. It was a process of action and reflection. We took part in workshops involving role-plays, discussions, debates, practical classroom-orientated activities, all of which explored issues relating to interculturalism, the teaching of interculturalism and personal attitudes relating to cultural diversity and racism.

Teaching Background

I taught for four years in Lurgan in Northern Ireland, a place once known for differences between the loyalist and nationalist communities, so we did a lot of work with the *Education For Mutual Understanding* programme there and a lot of positive things came out of it. I'm now teaching in a disadvantaged area in Limerick City in a small school. When this project came up in Mary Immaculate I really wanted to try this out because intercultural understanding was something that I felt very strongly about.

The first meeting

The first meeting was an experience. We teachers went into a room and were faced with pages sitting on chairs in a semi-circle, markers, no tables, and we weren't sure what we were up for at all! Each of us was given a character, whether it was a handicapped person, a teacher, a lawyer, a solicitor, a doctor and we were going on a journey. We had to get out of the country and we had to list five important things that we wanted to take on this journey ... of course, passports, mobile phones, the normal things were listed. As the role-play went on, items were taken from us. I lost my passport and money. We came to a country and had to try and get into this country and it was not made easy. We were questioned on different things, and we all realised how unjustly treated people can be and how we felt by not getting in. We were becoming heated ourselves. That was the starting point for the project.

What we discovered was that we, as teachers, also have issues that we have to face and sort out ourselves before we can take anything back into the classroom.

The outcome of the project was to demonstrate ways to incorporate intercultural and anti-racist elements into our general class teaching. We were determined as a group not to produce another publication that would gather dust on staff-room shelves, we wanted a teacher-friendly publication, not an addition to the curriculum but something that could be incorporated easily into our present topics and areas. When looking at developing interculturalism and anti-racist ideas in the classroom, we have to remember that the child from a young age takes on parents' and peers' ideas and views. We as teachers do not want to be pushing our opinions or ideas down the child's throat. What we want is to develop in the children the ability to become critical thinkers and to create a safe environment where children can discuss/talk about their own opinions and views without being judged or labelled.

Class Activities

We need as teachers to make use of the opportunities the children will give us. For example, a teacher from Ennis had a sixth class. One comment made in her class was "I hate Germans". She decided she was going to tackle this one. So, she lined the children up and told them she was having a birthday party and as the children came up to her she said "yes you're going, no you're not, yes you're going, you're not" and as it went on she split the class into two groups. Those not invited to the party were absolutely disgusted and were getting really agitated, so she repeated the exercise again and this time a different selection of children was taken to the party and at this stage the children realised that this was actually a game. What she had done was, as the children were coming up to her the first time, she selected the children with brown eyes, while the second time she

selected the children who only had short hair, which excluded most of the girls. The children discussed this afterwards and talked about how they felt, how left out they felt and there was a major difference in her class after that.

In my own class (I had senior infants) I thought at the beginning it was going to be very hard to develop ideas to use with juniors as far as interculturalism goes. That year I had a child in my class whose mother was in a wheelchair, I had two Travellers and I had French speaking triplets, which was quite difficult. We were doing the topic of homes and looked at the home in the aspect of who was in the house and what they did for us. It didn't matter whether you had a mummy or a daddy, or a granny or grandad, or an auntie or uncle or you lived with a friend, it was the people that were in your house that were the most important. At the end of the exercise, we made a big display where we drew our house with windows that opened and in each window we drew somebody who lived in our house, somebody who was very important to us. One of the Travellers that I had in my class that year actually drew her trailer. It was the first time she was confident enough not to draw what everybody expected of her but she actually drew where she came from and put inside it the people who were important to her in her house which made a huge difference for her integration into the class.

Another project we did was on hands, how important hands are. This was done because of a child whose mother had a disability. I asked the children to put their hands behind their backs and then do some activities like open the drawer, get a library book, pick this up, put that away, and they realised they couldn't do it and realised the limitations that they had and how they had to help someone who was in that situation. The children enjoyed the activity, they had great fun out of it, they thought it was brilliant and at the end of the day again something positive came out of it.

One sixth class did a role-play with characters; a shopkeeper, a customer and a child. The customer and the shopkeeper spoke the same language, the child didn't. So when the shopkeeper and the customer were talking the child felt totally isolated and again this developed into discussions about how they felt. Children get very involved in activities so it makes a big difference. What actually came out of that activity was a poem on racism written by a sixth class pupil and based on the letters R-A-C-I-S-M as follows:

*Really I wonder what's happening
As they laugh at me as I walk by
Can I have the courage not to cry and run
I wonder why they ignore me when I walk in
Sometimes I cry and wonder why I came
Memories flood back of the terrible world I left behind*

For a sixth class pupil to write something so thoughtful meant that something positive had been achieved in the classroom.

Conclusion

What I will say to finish up is that we have to remember that intercultural education is not a separate subject. It's something that we incorporate in our existing curriculum. It is not going to take up extra notes, it is not going to take up another file, it's something we can look at by just taking each topic that we do in school that bit further and not ignoring situations that arise in our classrooms.

Celebrating difference is not always easy, especially when other people have different viewpoints from yourself. The challenge of interculturalism is to get pupils to engage openly and honestly with controversial issues, to listen to diverse viewpoints, to debate constructively and to resolve conflict with peaceful processes, and your classroom can be the starting block for all of that.

Remember – intercultural education is about planting a seed so that the children will sit down and begin to work out the world that they live in for themselves.

Thank you.



Inclusion of Traveller Children into Mainstream Education

John Devitt

The aim of this short presentation is to share with you what we are doing in our own school.

This inclusion is not something which happened overnight but took a lot of time and effort. I am Principal of the Sacred Heart Primary School in Roscrea, Co. Tipperary. We have 261 pupils in school at present of whom 33 are Traveller students. We are a disadvantaged school and involved in the “Giving Children an Even Break” scheme.

Historical Context

Our experience started around the year 1988 with a special unit which was set up with a Special Teacher for Travellers (later titled the Resource Teacher for Travellers – RTT).

The unit was situated in the school grounds away from the main school building and was fenced off from the school. The teacher was told she could spend her break and have her lunch in the unit rather than join the staff in the main building. The teacher concerned wasn't long about sorting this out and rightly so!

The unit had been provided because two Traveller families had arrived in the town and initially no school would take the children in. Thank God this has now all changed.

Segregated Learning Support versus Integrated Learning Support

Policy soon started to change in the Department of Education Science (DES) and it was agreed that Travellers should become integrated into mainstream schooling at the age-appropriate class. That is the current situation.

Putting this change into practice was helped in our school by:

1. The vision of the Resource Teacher for Travellers.
2. The changing attitudes in the DES.
3. The visit of former President of Ireland, Mary Robinson, to our school in 1992. She herself was very strong on inclusion and made her support clear.

As time went on, the staff felt that it may not be appropriate to overtly identify Travellers for the purpose of withdrawal and learning support. This could lead to discrimination and alienation. This is the last thing you want.

So all the resources were grouped together: RTTs and Learning Support Teachers (LSTs). LSTs and RTTs now had a mixture of mainstream and Traveller pupils.

All the time, we ensured that Travellers were benefiting from the resources that had been allocated to the school for them by the DES, but this benefit was applied in an integrated way.

Needless to say, parental permission was sought at all times to have Travellers avail of this support. Credit must go to the staff for their willingness to become involved in this integration process and for making it successful.

Current situation

At present we have 85 per cent full attendance from our Traveller students (something our Visiting Teacher for Travellers likes to hear!).

The school doesn't openly identify any students as Travellers yet they are quite comfortable to identify themselves as Travellers (something else our Visiting Teacher for Travellers likes to hear).

Our Traveller pupils participate in all school activities and some have represented the school in hurling, camogie, soccer and athletics.

While participating in local art competitions one Traveller child has actually won the overall first prize in the Roscrea Tidy Towns Poster competition.

We have 100 percent transfer of Traveller children to second-level education.

Parents are quite comfortable in coming to the school – they are anxious that their child does as well as possible academically. As a parent said to me lately, “do whatever is best for my child”. This shows that we are trusted to do that.

The Traveller families have been and are involved in programmes run by our Home–School–Community Liaison Co-ordinator. This is further evidence of inclusiveness.

Intercultural Education

This is something our Visiting Teacher for Travellers is recommending and promoting.

It is a challenge for us and for our school to situate Traveller education in the context of intercultural education. I would like to thank the I.N.T.O. for very comprehensive guidelines in this area. We eagerly await the DES guidelines.

I'll finish with a very popular political phrase, which encapsulates the efforts of our school: “A lot done, more to do”.

Go raibh míle maith agaibh.

Inclusion of Children with Special Needs: Labhaoise's story

Maree O'Connor

My background

I am a teacher for more years than I care to remember, having taught in Dublin, Kildare and latterly in Tralee since 1987. During that time I have also been a resource teacher and have always had an interest in teaching children with special needs. One of my children Labhaoise, who is 9, has Down Syndrome.

I am currently on career break, and am working as National Education Officer for Footsteps Down Syndrome Ireland. My role is varied but the main areas I am dealing with are consulting with and advising teachers, principals and parents in how best to access support for pupils with Down Syndrome and providing information on teaching strategies and interventions. I have also visited and spoken to many students in colleges in my contacts with schools throughout the country. It is true to say there seems to be a huge need for information on implementing successful inclusion in both primary and secondary schools.

The second area which I am involved with is organising and providing seminars to teachers and special needs assistants throughout the country on the learning needs of pupils with Down Syndrome. In my dealings with teachers and schools I am constantly heartened by the level of commitment they have to pupils with special needs, despite the lack of resources being provided by the Department of Education and Science. It is time to stand up and make our views forcefully known to the Government on all issues dealing with the most vulnerable and often undervalued members of our society. But today is a Celebration of Good Practice – so let's concentrate on the positive.

Inclusive Education

Recent research by Buckley, Sachs and Archer (2000) on inclusive education shows that teenagers with special education needs included in mainstream showed gains of more than 2 years in spoken language skills, gains of 3 years in reading and writing, gains in maths, in general knowledge and in social independence. They also tended to have better behaviour, because they have the daily opportunities to mix with typically developing peers who provide models for normal and age-appropriate behaviour.

I would like to say at this point that I don't see the role of special school being diminished in any way because of the increasing number of children with special needs attending mainstream schools. There will always be a vital role for our special school and a place for them in our society. There is also huge potential there for the sharing of knowledge and

tapping into the expertise of teachers in both special and mainstream schools! Teachers may need to become inclusive on a professional level and value the experiences of all teachers in both special and mainstream schools. Inherent in the philosophy of inclusion is the need to be aware of all children and their varying needs – it is up to us as teachers to be aware of their needs and to accommodate them in whatever setting is most appropriate to them. It is up to the schools to accommodate children in mainstream if that is their choice.

As you will see from the short video I am showing, my daughter Labhaoise thoroughly enjoys her time in school. Because of the fact that myself and my husband taught together in Caherleheen School, which our two older girls attended and which Labhaoise's younger brother would attend in the future, it was always a foregone conclusion to us that she would come to mainstream school with us. To my mind it was the best way that we could ensure that she would be accepted into her local community and so in later years be included in our community as an adult. I suppose we did not want to accentuate the fact that she was different from other children by putting her on a bus at 7.30 a.m. and have her returning home at 4.30 or 5.00 p.m. from the nearest special school 24 miles away. From the parents' point of view, to have your child socially included in a meaningful way within their local community with brothers, sisters, friends and neighbours is the main reason that they would like to send their child to their local school.

But the road to inclusion is not without pitfalls, as we know from our personal experience; neither is it something which as parents of a special needs child you decide to embark on without many agonising hours of considering all of the implications inherent in that decision.

Resources and Attitudes

We have seen first hand how the suitable allocation of resources has had huge implications for our daughter and made such a huge difference in terms of her learning environment and ultimately learning abilities.

It is this support and the level of focused intervention the child receives from the class teacher, resource teacher and special needs assistant that can make a child's experience in school a successful and happy one. However, successful inclusion does not happen automatically. Experience shows that one of the most important ingredients in successfully implementing inclusion for children with special needs is simply the will to make it succeed. The attitude of the class teacher is a hugely significant factor but it is not the sole responsibility of a class teacher or resource teacher. A positive attitude solves problems of itself.

It is of course vital that this positive attitude permeates throughout the whole school – one could argue that it rests with management in the school to foster a positive attitude towards inclusion. There is little point in a class or resource teacher having a positive attitude towards inclusion unless they know they have the backing and support of their board of management and principal behind them in maintaining and fostering meaningful inclusion.

Obviously, we as Labhaoise's parents and teachers had a positive attitude towards including her in our school. But that would not be enough unless we had the backing of teachers who would be dealing with her; it has to be a whole school approach. Although a positive attitude existed towards Labhaoise, we were naturally apprehensive as to how it would work out. It was and continues to be a huge learning experience for all involved. I often say to teachers when I'm giving seminars on teaching children with Down Syndrome: "apprehension is okay". It may be a totally new situation for any teacher when they are presented with a child with a disability such as Down Syndrome for the first time. I also say to parents that it is very natural for a school or a teacher to be apprehensive in the initial stages. As a parent when your child is born with a disability you are full of fear and apprehension, because of lack of knowledge mainly, until you get to know the child and educate yourself more about the nature of their disability. Parents can be a useful resource for teachers. The same is true for teachers, although often we feel we are expected to be the experts on every disability under the sun, and the list is increasing – dyslexia, dyspraxia, Asperger Syndrome, etc.

We may become bogged down with the feeling that too many demands are being made on us and we don't have the skills to deal with every child with special needs, nor do we have the time or skills to implement a differentiated curriculum. Yet we know that as teachers we are innovative and creative and if you really think about it, you may have been already implementing a differentiated curriculum for children you have taught in the past – many of whom may not have been assessed or 'labelled' as such, but were unable to keep up with the other students – so naturally you adapted the lessons to suit their needs!

Flexibility is Essential

As Labhaoise has gone through the school with various teachers, it is interesting to see the results. Everyone has different teaching styles, and a teacher will need a certain amount of knowledge about the specific learning profile of children with Down Syndrome; for instance, the fact that they are excellent visual learners, their comprehensive ability is better than their expressive ability, and they do have problems with short-term memory. Once the teacher has that knowledge, that teacher has the skills to initiate and maintain a productive learning environment for the child. The key to all of this, we found in our

situation, was flexibility – I was glad to hear Niall Crowley mention this in his address. The teacher needs to know that it is okay to be flexible in trying different approaches – some work, some don't. The teachers in our school feel they are constantly learning and revising best ways to approach new topics and subjects with Labhaoise. What works one day may not work the next day! But that flexibility has to be there in order for us to find the best approach.

Flexibility in time management is another key issue. We have a system whereby Labhaoise's class teacher, resource teacher, special needs assistant and myself meet about every 8–10 weeks to look at how she is getting on. It is so important to include all of these people, as it really is a team effort. There are issues about supervising the class during these meetings – if your school has a walking principal, s/he may supervise the class for 30 minutes, or perhaps another class teacher may do likewise. This is where flexibility within a whole school setting becomes vital to the whole process of inclusion.

Flexibility in teaching methods is also a key issue – whether it be group teaching, team teaching, peer tutoring, or working with special needs assistants. For instance, the resource teacher in our school is flexible in her approach to her teaching and decides when a group teaching session may be of more value or more stimulating than a 1:1 session. We are also conscious in school that any child with special educational needs may become overloaded because of all the 1:1 attention they may receive from various teachers and special needs assistants. Sometimes it may be necessary to take the focus away from them on a 1:1 level but that does not mean that they cannot continue to learn in an interactive way within a group setting when it is appropriate.

Friends and Classmates

In Labhaoise's case also, her classmates would often be the key factors in keeping her motivated and focused on the work in classroom. Her class teacher and special needs assistant constantly monitor and review who she is sitting near to ensure that there is appropriate and meaningful social and conversation interaction going on and also good influences in terms of work and behaviour. It is one of the strengths of children with Down Syndrome that they really, above anything else, want to be like everyone in their class, so obviously we capitalise on this trait in encouraging positive interactions for her. I was struck by the second-level school student in the video which Dr. Felicity Armstrong showed today, who simply said that adults don't understand – how many of us went to school with children who had special needs or were physically disabled? It is this generation of children who are ready to accept children with special needs into their lives. They don't have the pre-conceptions or negative attitudes that we adults have!

On the issue of friends and classmates, this has been the most enlightening aspect for me

since Labhaoise has started school. She is now in third class and I would have expected the gap between herself and her peers to be widening on a social level as the children get more mature. In fact the opposite has happened, her teacher and special needs assistant tell me, and I can see it; the children seem to have developed more meaningful friendships with her, they engage with her in a way that is not at all patronising or sympathetic. She is popular amongst her friends, not because she has Down Syndrome, but because she is Labhaoise. It is interesting to note that during the run-up to the Special Olympics in summer 2003, the class teacher was doing a lesson from the Special Olympics school programme. Labhaoise wasn't in school that day. When the class were asked the question "do you know anyone who has a learning disability, or has special needs in your class?" not one of them named Labhaoise; in fact they mentioned another boy who would have reading difficulties and no differences in physical appearance.

I am not so unrealistic to think that the children do not realise that Labhaoise has Down Syndrome, of course they do, because when she started school, we consciously used the term in class if we were ever asked by children, as the class got older in senior infants or first class. They know that she has, but I suppose they don't see only the disability. They see beyond that and see the child that she is and the child that she wants to be – simply one of them.

Step to the Music

There have been, and always will be, problems to be overcome along the road to inclusion – but the benefits to our children, us parents, the teachers and classmates and all the other pupils in the school far outweigh the problems we encounter. To end, I would like to draw your attention to this quotation which applies to all children with special education needs: "If a man does not keep pace with his companions, perhaps it is because he hears a different drummer. Let him step to the music which he hears, however measured or far away" (Henry David Thoreau from *Walden*).

Appendix: Speakers' Biographies

Niall Crowley

Niall Crowley is Chief Executive Officer of the Equality Authority. Previous to this post, he worked on Travellers rights issues with Pavee Point and on the equality agenda with the Community Workers Co-operative. He has been a member of the National Economic and Social Forum and the National Economic and Social Council.

Catherine Byrne

Catherine Byrne is Deputy General Secretary and General Treasurer of the I.N.T.O. She taught for a number of years in Dublin before joining the staff of I.N.T.O. head office. From 1984 to 1990, she was the first Equality Officer of I.N.T.O. Catherine is also a member of the Executive Committee of ICTU.

Dr. Felicity Armstrong

Dr. Felicity Armstrong is Senior Lecturer in Inclusive Education at the University of London's Institute of Education. She has a strong interest in working with practitioners to bring about change through different kinds of action research. She has written and edited a range of articles and other publications on themes of inclusive education, special education and associated challenges.

Rosie Hogan

Rosie Hogan teaches in St. Lelia's National School in Limerick City. She previously taught in Lurgan and was involved in implementing EMU (Education for Mutual Understanding) there. She has been one of eight teachers taking part in a project through Mary Immaculate College to develop classroom materials on intercultural education.

John Devitt

John Devitt has been principal teacher of Sacred Heart Primary School in Roscrea since 1996. The school has a substantial enrolment of children from the Traveller community and John has been involved in the integration of Traveller children into mainstream education for several years.

Maree O'Connor

Maree O'Connor has taught in Dublin and Kildare and is vice-principal of Caherleaheen National School, Tralee. She is currently on career break to work as National Education Officer for Footsteps – Down Syndrome Ireland. Maree has a parent's perspective on integration also, as one of her four children has Down Syndrome.

Eilis Barry BL

Eilis Barry is legal adviser to the Equality Authority and is head of its legal section. Prior to joining the Equality Authority she practised as a barrister for 15 years, specialising in employment and discrimination cases, appearing in many equality cases before the Irish Courts. She was a regular contributor on employment issues to the Irish Law Times and was editor of the Employment Law Reports for a number of years. She was a Director of the Free Legal Advice Centres for 15 years. She is co-editor, with Cathryn Costello, of *Equality in Diversity: The New Equality Directives* (Irish Centre for European Law, Dublin, 2003).

The Equality Authority
2 Clonmel Street
Dublin 2

Public Information Centre
Lo Call: 1890 245 545

Tel: (01) 417 3333
Business queries: (01) 417 3336
Text phone: (01) 417 3385
Fax: (01) 417 3331
Email: info@equality.ie
www.equality.ie



Irish National Teachers' Organisation
35 Parnell Square
Dublin 1

Tel: (01) 804 7700
Fax: (01) 872 2462
Email: info@into.ie
www.into.ie

