

**A statement based on a complaint regarding the
inclusion of a child with disabilities attending a
mainstream pre-school under the Early Childhood
Care and Education Scheme.**

March 2013

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Overview

This statement has been prepared in accordance with Section 13(2) of the Ombudsman for Children Act 2002 (the Act), which requires the Ombudsman for Children Office (OCO) to produce a statement outlining the results of an investigation and in accordance with the Act, distribute to the public body under investigation, the complainant, other relevant parties involved and any other persons to whom she considers it appropriate to send the statement.

Glossary of Terms

OCO – Ombudsman for Children Office

HSE – Health Services Executive

ECCE – Early Childhood Care and Education

OMCYA – Office of the Minister of Children and Youth Affairs

DCYA – Department of Children and Youth Affairs

ODMH – Office of Disability and Mental Health

Background

Between May 2011 and September 2012, the OCO carried out an investigation based on a complaint submitted by a mother on behalf of her four and a half year old daughter. The child was profoundly deaf as a result of early congenital infection with cytomegalovirus (CMV). In addition to referring to the challenges arising out her deafness, the complaint detailed elements of the developmental delay experienced by the child who was without speech, had impaired fine motor and gross motor skills and experienced concentration and behavioural difficulties. It was stated that her communication consisted of physically showing her carer what she wanted and it was specified that she was not yet potty trained.

At the time the complaint was initially made, the child had recently commenced attending preschool. Her attendance was funded under the Early Childhood Care and Education (ECCE) scheme. ECCE is a scheme that that was initiated in January 2010 by the Office of the Minister of Children and Youth Affairs (OMCYA) to provide universal free access to pre-school services. Under the scheme, payment is made directly to individual preschool services in respect of children who attend.

The complaint outlined that while the child was funded to attend pre-school for 3 hours per day, 5 days per week under the ECCE scheme; she was receiving only 6 hours of special needs assistance per week from the Health Services Executive (HSE). The complaint advised that the child was unable to cope at pre-school without support due to her complex special needs. It was stated that due to the short fall in the level of support allocated, she was only able to attend pre-school for 2 days per week instead of 5 days per week for which she was funded. The complaint asserted that provision of support was necessary in order for the child to avail of pre-school services available under ECCE and to allow her to achieve her developmental milestones.

As well as raising the issue of the support around ECCE provision, the mother also subsequently complained regarding provision under ECCE itself. In this regard, the complainant advised that she had made an application on behalf of her daughter for funding of a second year of provision under ECCE on the basis that she was not yet ready to progress from pre-school due to her disabilities. The complaint highlighted that the application for an additional year of funding under ECCE had been refused by the OMCYA.

Investigation and Findings

The OCO aims to carry out investigations and make recommendations which are fair and constructive for all parties. In the context of an investigation, the OCO is neither advocate for the child or an adversary to the public body.

In conducting a preliminary examination of the complaint, the OCO wrote to the HSE and the OMCYA. Some questions put to the OMCYA in the course of the preliminary examination were forwarded by the OMCYA to the Office of Disability and Mental Health (ODMH). At the time the investigation was initiated, both the ODMH and the OMCYA were operating within the auspices of the Department of Health. The ODMH plays a special role in respect of disability and mental health policy. It seeks to improve co-ordination and communication across different government departments and agencies in their delivery of services in the areas of disability and mental health. In the disability field, it works with the Department and Education and Skills on

implementation of the Education of Persons with Special Education Needs (EPSEN) Act 2004 and with the Department of Justice and Equality in relation to implementation of the Disability Act 2005.

In June 2011, the functions of the OMCYA were transferred to the newly created Department of Children and Youth Affairs (DCYA). At this time, responsibility for administering the ECCE scheme passed from the OMCYA to the DCYA.

Having concluded a preliminary examination of the complaint, the OCO determined that the actions of the HSE, the OMCYA, the DCYA and the ODMH fell within the parameters for investigation. And on this basis, in May 2011, it was decided to conduct investigations into the actions of these public bodies.

In light of the questions raised by the complaint regarding the inclusion of the child at preschool and possible related adverse effects on her, this investigation looked at:

- (i) the actions of the OMCYA (subsequently the DCYA) in relation to the failure to allow the child avail of a second pre-school year under ECCE; the manner in which the scheme was communicated; and the level of liaison, cooperation and communication between the OMCYA and the HSE in relation to the scheme.
- (ii) the actions of the HSE in relation to the availability of preschool support; the availability of alternative provision; and the level of liaison, cooperation and communication between the OMCYA and the HSE in relation to the scheme.

Because the complaint looked at the role of two bodies in providing what could be seen as a single “wrap around” pre-school service for the child, the investigation focussed not only on the respective actions of the public bodies, but also looked at the cross-sectoral co-ordination evident in the actions of the public bodies that could be seen to impact upon the inclusion of the child. Although the ODMH do not have an operational role in the provision of services, in light of the role it performs in relation to co-ordination between public bodies in respect of inclusion of people with disabilities and its relevance to the inclusion of the child, the investigation also looked at:

- (iii) the actions of the ODMH in co-ordinating pre-school inclusion of children with disabilities.

In conducting the investigation, information was gathered from the child's mother; the Department of Health - particularly the OMCYA and the ODMH; the DCYA; and the HSE. In obtaining information from the HSE, the OCO liaised on a regional level in Dublin North East and within that region, in the area where the complainant and her child resided. The information obtained was gathered through correspondence with the complainant and the public bodies and in the course of investigation meetings that were conducted with the ODMH, the HSE and DCYA. Consideration was also given to liaising directly with the child but, in consideration of all relevant circumstances, it was decided that this would not be appropriate.

During the investigation, the issue of language and terminology was raised with the OCO. In the complaint the mother describes her daughter as having special needs. The Department of Health/ODMH advised that in the context of the Early Intervention Teams (EITs), the terms children with complex need or developmental delay are preferred as 'special needs' has broader application. This is also raised in the Report of the Working Group on the Inclusion of Children with Disabilities in Mainstream Preschool settings. The HSE documents refer to preschool assistance for children with complex needs. The DCYA information has used the terms disability and special needs and these are the terms used in this statement.

Actions of Public Bodies

ECCE

The ECCE scheme was launched in January 2010. Prior to this, pre-school services were already widely available and widely used. These services were not directly funded by the State prior to the introduction of ECCE but families with children of a pre-school age did receive direct payment in the form of an Early Childhood Supplement which was discontinued at the time ECCE was launched. In literature accompanying the launch, it was noted that participation in a pre-school programme provided children with a first formal experience of early learning and was the starting point of their educational and social development outside the home. It was stated that children who avail of pre-school are more likely to be ready for school and a formal learning and social environment.

Under the scheme, participating pre-school services were paid a capitation fee in respect of each qualifying child enrolled. The child at the centre of this investigation began attending pre-school in September 2010. In her first year attending pre-school, she was funded under the ECCE scheme to attend 3 hours per day, 5 days per week at a local pre-school. This level of funding constituted full time funding under the scheme. However, the child was unable to attend pre-school for all of the hours for which she was funded due to a combination of lack of support and other reasons connected with her disability.

In February 2011, when the child was still in her first year of pre-school, her mother wrote to the OMCYA requesting an additional year of pre-school funding under the ECCE scheme, indicating that her daughter would not be ready to progress to the national school for deaf children the following September. In the letter of application to the OMCYA, the child's disabilities and special needs were outlined and it was advised that a psychological assessment was being carried out and could be forwarded. In March 2011, the OMCYA replied refusing funding for an additional year, stating that while applications had been considered on a case by case basis in September 2010, following the initial "short year" of the operation of the ECCE scheme; this facility applied only in 2010 and would not be available in September 2011.

Having been contacted by the child's mother regarding the response of the OMCYA, the OCO wrote to the OMCYA in preliminary examination of the complaint. The OMCYA replied reiterating that provision of funding for an additional year of pre-school had been given in September 2010 on account of the previous "short year" and would not be available for the 2011/2012 pre-school year. Referring, however, to information received from the OCO regarding the actual level of the child's attendance, which was alleged to have been between 2 and 3 days per week, the OMCYA advised that service returns from the pre-school indicated that the child had been attending 5 days per week and that her pre-school had been paid on the basis of this level of attendance. The OMCYA told the OCO that it would be willing to make enquiries with the pre-school regarding attendance with a view to providing pro-rata funding for her to attend pre-school for 2 to 3 days per week in the subsequent year.

In April, the mother wrote again to the OMCYA seeking to appeal the initial decision but, the OMYCA refused on the same grounds as the initial refusal and did not explain the possibility that pro-rata funding could be provided over a second year as it had done previously to the OCO; nor did it refer to communications with the OCO and the information received that the child's level of attendance at pre-school had not matched her level of funding under ECCE.

Following communication from the OCO in June 2011, the DCYA, which had taken on the functions of the OMCYA, contacted the pre-school to investigate the child's actual level of attendance during the pre-school year. A reply was received indicating that she attended at different frequencies from week to week during the year. The DCYA wrote to the mother referring to information given to the OCO regarding her attendance and stated that because the child had, in general only been availing of 2 to 3 days each week during her first year of pre-school, she would be funded to attend pre-school over a second year on a 3 day per week basis. In this letter, the DCYA also apologised that the previous letters issued had not advised of the facility for children with disabilities to attend on a pro-rata basis over a two year period. The DCYA advised that in relation to children with disabilities, in the development stage of the scheme, every effort was made to respond to their needs.

In correspondence surrounding the child's application for an additional year of ECCE funding, two separate facilities within the ECCE scheme relating to children with disabilities were referred to:

1. The pro-rata facility: Under this facility, children who were assessed as having a disability would benefit from pre-school for 2 to 3 days rather than 5 days each week would be eligible to attend over two years e.g. 2 days in year 1; and 3 days in year 2.
2. The additional year facility: Under this facility, where children were assessed as having a disability which resulted in their starting school at a later than normal age, the provision of a second pre-school year, on a non pro-rata basis, would be considered where this would be of particular benefit to them.

It is not clear that either of the above were in place when the ECCE scheme was initially launched.

The Grant Funding Agreement circulated by the OMCYA to schools in advance of September 2010 stated that a child may participate in the ECCE scheme only once except where the HSE or a consultant confirm that the child has a significant disability and would benefit significantly from a second year. This Grant Funding Agreement did not specify that the additional year would be available only in 2010/2011.

According to the ODMH, the discontinuation of the facility for an additional year was instigated because of concerns raised at a bilateral meeting in September 2010 and the decision was made to discontinue the provision of funding for a full additional year of pre-school of ECCE. The DCYA subsequently stated that it was hoped that it would be possible to devise a mechanism proposing an additional year facility, involving the HSE assessing need. The DCYA acknowledged that there was no specific plan in place with regard to children with disabilities at the launch of the ECCE scheme and advised that the position of the OMCYA at the launch was that children with special needs would be accommodated as much as possible with the HSE providing as much support as it could. The DCYA advised that in preparing for the launch, discussions with relevant bodies did not occur. The DCYA acknowledged that in the context of pre-school support, the role of the HSE had not been clarified in policy and no funding had been allocated to the HSE specifically in respect of pre-school supports.

The apparent change that arose in relation to the duration of availability of the additional year facility under ECCE was reflected in communications from the OMCYA regarding the facility. It was only subsequent to the facility being made available in September 2010 as a once off facility only, was communicated for the first time.

Information on the ECCE scheme was posted on the OMCYA website at the time of the launch when facilities to cater for children with disabilities were not yet in place but was not updated. This also occurred at the time of the discontinuation of the additional year facility. Information leaflets made no mention of a pro-rata extension of funding in connection with special needs. The OCO is of the view that it is incumbent on a public body to communicate clearly and specifically, the terms of any scheme. With regard to the communication that surrounded the ECCE program and children with disabilities, HSE locally reported that the launch of the ECCE scheme caused a lot of confusion locally.

HSE

In considering the HSE, the OCO noted the following:

- the lack of a clear coordinated Departmental policy position and specified approach to the supports required to ensure inclusion of the children with special needs in preschool settings;
- that promotion of inclusion required cross sectoral policy and planning to ensure a range of support mechanisms that are matched to individual children's needs;
- that the local HSE area in this particular case took positive steps to provide assistance for this child to the maximum possible within the scheme available;

Prior to commencing pre-school in September 2010, the child was assessed under a pre-school assistance programme operated locally by the HSE in partnership with Enable Ireland. This scheme was managed in the local area where the child lived and provided one-to-one assistance for children with disabilities attending mainstream pre-schools. Under the scheme, a child can access support from a special needs assistant for either 3 hours per week or 6 hours per week depending on the level of need as assessed. HSE provides a grant to the preschool to employ the preschool assistant to work with the child. HSE protocols on the preschool assistance scheme give guidance on finding a preschool assistant. Under the scheme, the child was assessed as high priority and awarded the maximum allocation of 6 hours special needs assistance per week for the year 2010/2011. In this case, the mother advised that she sourced the special needs assistance. In response to the draft statement, HSE advised that they do not tell parents that it is their responsibility to find a preschool assistant. HSE expect that the preschool will be able to source a person or forward CVs.

In September 2010, following the child's commencement at pre-school, her mother wrote to the HSE locally requesting that additional hours support from a special needs assistant be allocated. The mother stated that her daughter was unable to attend pre-school without assistance. The position of the mother was supported by the manager of the pre-school who wrote that the child was not being supported *to the extent of her physical capacity to attend* and that her integration into the pre-school group and her level of attendance were being compromised as a result. In response to the request

for additional hours, the HSE Local Health Office advised that the 6 hours per week support allocated to the child was the maximum level of support a child could receive under the pre-school assistance programme.

In the year 2011/2012, the child was funded to attend pre-school 3 days per week under the ECCE scheme. On applying for support under the local HSE scheme, she was again allocated the maximum level of support of 6 hours per week. With regard to the provision of a second year of pre-school support, the HSE provided contradictory information stating on the one hand that the initiative was structured to support children in accessing preschool over two school years and on the other, advising that support under the initiative is usually only provided for one year and that an exception was made in the case of this child. After the commencement of this investigation, confirmation was provided that the child would be permitted to avail of the scheme over a second year. HSE advised that the Protocols for Preschool Assistant Support which was distributed to Enable Ireland staff, parents and preschool explicitly stated that the service was available for 2 years.

The HSE locally advised that the 6 hours maximum support in the locally operated pre-school support initiative was necessary due to budgetary constraints. They advised that the area had undergone an enormous increase in population and was of the view that it was an equitable means of sharing limited resources, stating that the programme was not devised with the intention of providing full time support and was subject to ongoing review.

Special needs assistance was received by the child in pre-school under a scheme operated locally by the HSE in collaboration with Enable Ireland, operating a support service with the twin merits of being based on assessment of the child's needs and encompassing a system to monitor the progress of children in the course of the pre-school year in response to support allocated through obtaining a report from the pre-school mid year. However, the child's mother and the pre-school expressed the view that the maximum allocation of 6 hours was insufficient to ensure full inclusion of the child. The OCO noted that the cap on the number of hours that could be awarded under the pre-school support scheme operating in the area where the child resided was not in place when the scheme was launched. This was subsequently adopted

owing to resources constraints in an effort to ensure that all children who needed support would receive at least some level of service.

The OCO was of the view that a system of pre-school support for children with disabilities needed to be implemented in the context of a clear and co-ordinated cross-sectoral approach. This was particularly important given that the role of the HSE had not been clarified in policy; no funding had been allocated for pre-school supports and during this investigation, the local HSE office indicated that the scheme provided was under review.

ODMH Working Group

In October 2009, HSE Disability Services wrote to the ODMH regarding the role of Early Childhood Educators and proposed to establish a working group to look at their role and specifically the need to align the work of these staff with planned proposals by the Department of Education and Science in relation to Early Childhood Education Advisors. The Working Group, established in April 2010, was cross-sectoral in nature and included representatives from the ODMH, the OMCYA, the Department of Education & Skills (DES), and the HSE. The Group met on 9 occasions between April and October 2010 with a view to developing and agreeing a framework for the inclusion of children with disabilities in mainstream pre-school settings and provision for these children.

The OCO noted that the Working Group found that inclusion of children with disabilities in pre-school settings did not depend solely on the provision of additional supports on an individual basis. The role of Early Intervention Teams (EITs) in assessing children's needs and in providing support and advice to pre-schools and parents was significant. The OCO noted that whatever additional resources might be required to improve the inclusion of children with disabilities at pre-school level, could be mitigated through the better use of resources taken up in uncoordinated or specialised provisions. Also noted was the HSE and Working Group's position that inclusion in a pre-school context requires provision of support for some, but not every child with a disability, and a robust and co-ordinated approach to assessing levels of need would be necessary. The Working Group's recommendation regarding workforce up-skilling and incentivising qualifications to facilitate inclusion of these children to the

greatest extent possible in mainstream provision and reduce the need for one-to-one support of children with disabilities was also noted. The final report of the Working Group was not completed until April 2011. The OCO was greatly concerned about the length of time that has passed since the conclusion of the Working Group and the lack of progress in relation to implementation of its recommendations, including the delay in determining responsibility for leading on this. The OCO was of the view that the ODMH should re-commence liaisons with stakeholders and take the necessary steps in order to progress the inclusion of children with disabilities in preschools.

OMCYA/DCYA

The OCO recognised that initially, the OMCYA operated in unusually pressurised circumstances in an effort to get the scheme up and running in a short period of time. In this context, it appears the OMCYA was not in a position to engage in the level of pre-planning or consultation in relation to ECCE that might ordinarily be required.

The DCYA advised that no records existed regarding the decision taken to introduce certain facilities relating to children with disabilities under the ECCE scheme. While it is accepted that these decisions were made in response to needs as they emerged, the OCO still noted with concern the lack of clear and comprehensive record keeping around these decisions, which is central to sound administrative practice and the maintenance of an appropriate level of accountability and transparency in public services.

The communications of the OMCYA were not always comprehensive or clear. In a letter of March 2011, when refusing an application made by the mother for a second year of funding, the OMCYA made no reference to the availability of a pro-rata facility. In relation to the failure to advise mother of the availability of pro-rata, the OMCYA highlighted that the mother's application was not for pro-rata provision but for a second year of provision. However, the OCO noted that the mother advised that she was unsure of her entitlements at the time of making the application.

The OCO recognised that the need to communicate as clearly and comprehensively as possible was even more important. By the time the OMCYA responded to the

mother's appeal of the initial decision not to provide an extension of ECCE in April 2011, the child had attended on a part time basis only during her first year in pre-school and in response to this information, OMYCA indicated a willingness to provide pro-rata funding in respect of a second year attendance but the DCYA refused. The response of OMCYA constituted a failure to clearly, comprehensively and properly inform the mother just as it had failed to do so in its initial reply to her in March 2011.

The DCYA advised that at the time of the mother's application for a second year of funding (February 2011), departmental records indicated that the child was attending pre-school full time. The DCYA claimed that it was unaware that the child was not attending full time until this matter was raised by the OCO and investigated by them. It appears that as returns are made at the early stages of enrolment, the child's actual level of attendance was not known until a later stage. The OCO noted, however, this must be considered in light of the changes made to facilities for children with disabilities under ECCE and the failure to adequately communicate those changes. The OCO was of the view that adequate planning, appropriate consultation, and more systematic communication in relation to children with disabilities would have paved the way for a more consistent, orderly and better communicated service for children with disabilities under ECCE.

Administrative Actions

In making findings against the OMCYA/DCYA, the OCO took into account that actions were carried out under circumstances of great pressure. However, the OCO found that the following actions of the OMCYA were contrary to sound administration

- (i) lack of adequate planning for the inclusion of children with disabilities in the design and implementation of the ECCE scheme, including a lack of sufficient cross-sectoral communications, specifically with the ODMH and the HSE prior to the launch of the scheme and when adopting the facility for the two full years funding.
- (ii) Lack of comprehensive records reflecting the initiation and subsequent discontinuation of the additional year and pro rata facilities for children with disabilities under ECCE.

(iii) Lack of clear public communication regarding the availability of facilities, adopted under the ECCE scheme, for the inclusion of children with disabilities.

(iv) Communication with the child's mother following her request for a second year specifically failing to inform her of the availability of the pro-rata facility and in April 2011, not appropriately acknowledging or taking into account information that had been communicated regarding the level of pre-school attendance of the child in her first year under the ECCE programme.

The Adverse Effect on the Child

In receiving funding for 3 days per week during her second year of participation in the ECCE scheme, the child seems to have benefited from a change in the timetable at her pre-school service. The DCYA noted the child's pre-school went from being open 5 days per week in the child's first year of attendance to being open 4 days per week, but with a longer pre-school day, during her second year of attendance. In being granted a second year pro-rata on the basis of a 3 day week therefore, the DCYA noted that the child received funding for a greater level of attendance over her two years at pre-school than she would have received if she had been registered as pro-rata in her first year of pre-school. The OCO noted the mitigating effect of the DCYA's decision to grant 3 days per week pro-rata funding to the child over 2011/2012 following the initiation of this investigation.

Nevertheless, the OCO noted that the mitigating effect of the DCYA's actions in this regard cannot be said to fully erase poor aspects of the overall experience of the child and her family in availing of the ECCE scheme. Although she was ultimately able to avail of a full year funded attendance at pre-school over a two year period under ECCE; for much of the time during her first year availing of the scheme, her family were not fully aware of her entitlements under the scheme. The OCO noted that one of the advantages of the pro-rata facility is that it allows children with disabilities to manage the integration of specialised services with attendance at pre-school in a controlled manner and to plan for optimal timetabling arrangements over a two year period. In this case, no such controlled advance planning was possible for the child. During her first year of pre-school, efforts were made to have her attend pre-school without support. At other times, support was privately engaged to try and maximise

her level of attendance. Had the pro-rata and additional year facilities been communicated more effectively, her attendance at pre-school could also have been planned and managed in a more ordered and better informed way.

The family was not clear about her entitlements, prospectively, under ECCE throughout her first year in pre-school and close to the time of the commencement of her second year. The OCO noted that in the context of the uncertainty that surrounded her entitlements, the child was registered to attend pre-school on a full time basis and that efforts were made to maximize her attendance at other disability services. The OCO found that in respect of the findings made against the OMCYA, the actions of the OMCYA adversely affected the child by creating uncertainty around her entitlements under the ECCE scheme over a two year period. It appears that the level of support provided for her was insufficient to ensure her fullest possible inclusion and attendance and as such, she has been adversely affected. The OCO did not make a finding of maladministration in regard to the actions of the HSE. In circumstances where policy approach on pre-school support has not yet been resolved at Departmental level, it was noted that local initiatives within the HSE offered some measure of mitigation though it was not a satisfactory resolution for the child.

The OCO does not find that the child was adversely affected by the actions of ODMH. However, the OCO had serious concerns regarding the ongoing lack of co-ordinated cross-sectoral approach in respect of provision of supports for children with disabilities in pre-school, which may have an adverse effect on children with disabilities. The delay in progressing the recommendations proposed by the Working Group was of serious concern to the OCO and should be addressed as a matter of priority.

Recommendations

In making recommendations, the OCO focused on the issue of inclusion for children with disabilities in mainstream pre-school and was mindful of the experiences of the

child and her family in this matter. The OCO noted that on foot of the initial contact with the public bodies in this Investigation, the following steps were taken:

- Provision under the ECCE scheme was granted to the child on a pro-rata basis over a second year and overall, she received funding for a greater level of attendance over her two years at pre-school than she would have received if she had been registered as pro-rata in her first year of pre-school.
- Provision of a second year disability support for the child was made at the maximum level of support under the local scheme.

It is the view of the OCO that in circumstances where the child had completed her second year in pre-school, further prospective measures relating to her inclusion in pre-school were not warranted. However, the OCO aims to make recommendations which are fair and constructive for all parties. The recommendations below aimed to improve future administrative practices of the public bodies concerned.

1. DCYA:

(a) Ensure that comprehensive, clear and accessible information on the workings of ECCE relating *specifically* to children with disabilities is available at all times and that a clear, comprehensive and robust communications strategy around ECCE generally is in place to effectively communicate any changes (recent and into the future) to the scheme to service users, service providers, cross-sectoral groups and other stakeholders.

(b) Review the policy approach to inclusion for children with disabilities in preschool provision, which should consider the range of mechanisms to promote integration including provision of a second year as well as other mechanisms including but not limited to Special Needs Assistance support.

(c) Outline plans to further drive up-skilling in the pre-school services under the ECCE scheme; with particular reference to special needs training.

(d) Ensure that any future development of policy or schemes specifically incorporates explicit consideration of and planning for, children with disabilities and includes

appropriate cross-sectoral communication with all relevant stakeholders where appropriate.

Response from the DCYA

A comprehensive Guide to the ECCE programme is now available on the Department's website, together with a shorter version specifically aimed at the parents of eligible children. Both documents contain details of the entitlements of children with special needs, in relation to availing of the pre-school year on a pr- rata basis over two years, or availing of an extension to the upper age limit.

The OCO sought further clarification from the DCYA who advised that:

- The Department had been actively working with the ODMH in the context of building better supports to facilitate the inclusion of children with special needs in mainstream pre-school settings. A number of meetings were held on this issue, with a view to the satisfactory implementation of the HSE "0-18 Programme" for children and young people with disabilities.*
- Where practicable, any future development of policy would specifically incorporate explicit consideration of and planning for children with disabilities, including appropriate cross sectoral communication with stakeholders.*

2. The HSE

(a) The HSE should liaise and cooperate with the ODMH in relation to implementation of the plan arising from the recommendations of the report of the Working Group on Inclusion of Children with Disabilities in Mainstream Pre-School Settings.

(b) HSE should ensure that all ISA areas including Area Managers for Disability Services are kept informed of the ongoing cross sectoral work in relation to the implementation plan and progress made in this regard.

Response from the HSE

The Assistant National Director Disability Services commented as follows:

- *The OCO makes a number of referrals to the lack of national detailed information on HSE pre-school schemes. It should be noted that the information exercise undertaken by the Working Party was based on a manual gathering of information as there was no national database. In the intervening period a number of initiatives in the Disability Sector provided much more robust detail in regard to service provision.*
- *The HSE Disability Services continue to engage with the Department of Health in regard to the implementation of the recommendations of the Working Group.*

The response from the HSE local area indicated that it was happy with the recommendations and would provide any assistance/support to the relevant national managers charged with progressing the implementation plan.

3. Department of Health/ODMH

(a) Re-commence cross-sectoral work with stakeholders regarding the inclusion of children with disabilities in mainstream pre-school settings in order to progress a co-ordinated and adequate system of provision of pre-school services and related supports to children with disabilities.

(b) Take steps to further progress outstanding matters from the Report of the Working Group including determination of responsibility on leading development in this important area. Liaise with key stakeholders (including the HSE) in relation to the Report of the Working Group and progression of the recommendations and oversee any implementation plans.

(c) Publish the report of the Working Group and implementation plan.

Response from Department of Health

The Department noted and welcomed the OCO Report of the investigation into this case. As indicated previously, the Department was involved in discussions with the Department of Education and Skills and the DCYA about the report of the Working Group on the Inclusion of Children with Disabilities in Mainstream Pre-School settings.

It was agreed by the three Departments that a sub group would be established to examine the report and consider its recommendations in detail. The sub group would be chaired by this Department and have representatives from the other Departments and appropriate representation from the three sectors. In addition, the Department following discussion with the HSE, requested the Executive to map the extent and type of health service support for pre-school provision for children with disabilities.

The OCO was not satisfied with the response and wrote to the DCYA, the HSE and the Department of Health. Further responses were received:

Further response from HSE:

2(a) A number of meetings were held between the HSE and the Department of Health to progress the recommendations of the working group. A new working group was established by the Department of Health, chaired by a Principal Officer, Children, Adolescents and Young People with Complex Disabilities, consisting of representatives for the HSE, the Department of Education and Skills and the DCYA. An initial meeting was held and a timescale of approximately two months identified to review the original implementation plan and agree next steps.

The initiatives referred to previously included the data collected in connection with the Value for Money and Policy Review, Disability Services which was collated in 2012, and data associated with a number of reports and their implementation such as Progressing Disability Services for Children and Young People. All information was being reviewed by the working group, including the annual survey undertaken by the DCYA. The data from the Value for Money and Policy Review, Disability Services which was collated in 2009 was also being reviewed and updated with the intention of providing a more robust suite of information in regard to early childhood.

2(b) Cross Sectoral Work and associated information was discussed at the monthly National Disability Governance Group, consisting of the National Disability Unity staff and the four Regional Leads for Disability Services. The Regional Leads disseminate information through their regional structures, including Area Managers and Disability Managers. Items such as the Cross Sectoral work were discussed at the National Consultative Forum, consisting of key stakeholders from Disability Services including

the National Disability Authority; the National federation for Voluntary Bodies; Disability Federation of Ireland; Inclusion Ireland; Department of Health and Not for Profit Business Association, in addition to HSE operational representatives. This group was chaired by Dr. Cate Hartigan, AND Disability Services, HSE. Each Region has a forum and information is disseminated throughout the system in this manner.

Response from Department of Health

The Department noted that since the Report of the Working Group on Inclusion of Children with Disabilities in Mainstream Pre-school settings was finalised in April 2011, significant reform took place, including the establishment of the Department of Children and Youth Affairs in 2011 and the establishment of the new Children, Adolescents and Young People with Complex Disabilities Unit in the Department of Health during 2012, which aimed to build on and foster improved cross sectoral working arrangements with the Department of Education and Skills and the DCYA in relation to children's disability issues.

3 (a) and (b) While it was clear from discussions with other Departments involved and the HSE that the Working Group Report on Inclusion of Children with Disabilities in Mainstream Pre-school settings provided a very useful policy analysis and framework, it was also clear that there was no consensus on the issue of who would lead out on the Report or how it would be implemented having regard, inter alia, to the significant resource challenges involved.

The Children, Adolescents and Young People with Complex Disabilities Unit of the Department of Health held discussions on a cross sectoral basis with key stakeholders namely the DCYA, the Department of Education and Skills and the HSE on the Report of the Working Group. A formal process was agreed by the key stakeholders as a result.

3(c) The issue of the publication of the Report of the Working group and the development and publication of an implementation plan would need to be considered when the work of the sub group is concluded.