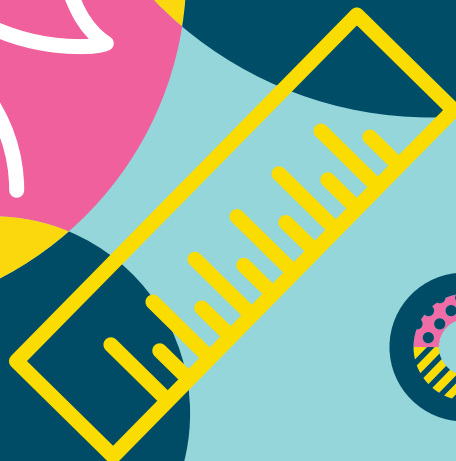


OCO In Focus: Fair Access to Transition Year

2024



ombudsman
do leanaí
for children

Since the Ombudsman for Children's Office was established in 2004 education has been consistently the most complained about issue. In recent years we have received a number of complaints about equitable access to Transition Year (TY) and the inconsistencies in admission to TY that exist in schools around the country. We highlighted this issue in our Annual Report earlier this year and we have also engaged with the Department of Education, sharing the experiences of children and families and emphasising the following concerns:

- A significant number of schools are operating a local Transition Year admissions policy that is not always readily or publicly available, and is not part of the admission policy of the school.
- A lack of transparency in the selection process for TY and the absence of an appeal systems in many cases with parents forced to use the complaints process to highlight their concerns.
- Poor information sharing with parents/guardians meaning they may only become aware of any competitive process to access TY when their child is in third year.
- A significant disparity in costs to access transition year¹ which means some children are excluded across schools simply because their families cannot afford it which is unacceptable.
- Failure to provide reasonable accommodations for children with mental health difficulties or disabilities when there is a competitive process to access TY.

We asked the Department to ensure that the publication of the new Transition Year Programme Statement includes a specific child rights framework with guiding principles on how schools should administer admission to this highly desirable and beneficial year in school. We also asked them to gather data to identify any systemic trends that may be occurring for children and young people seeking access to TY in their school. This includes specific cohorts of children being discriminated against or facing financial barriers in accessing same.

¹ The role of voluntary contributions in post-primary schools in Ireland Report St. Vincent de Paul 2023. <https://www.svp.ie/wp-content/uploads/2023/05/Grant-Thornton-The-role-of-voluntary-contributions-in-post-primary-schools-in-Ireland-St.-Vincent-de-Paul-2023.pdf>

So far, disappointingly no such guidelines on access have been issued for schools. The Department told us that they do not currently have a specified role in respect of the allocation of places on a school's TY programme. But it was also of concern to them that *'students who wish to avail of TY can do so to the greatest extent practicable and, where a student is refused access to TY by a school for space, logistical or other reasons, that there is fairness and equity in that school decision'*. With that in mind, the Department advised that their audit work on the TY Programme in schools will give specific further consideration to these issues. As regards data, they are undertaking detailed analysis of the underlying trends including at individual school level and of the reasons why students do not opt for TY (where it is available). This will hopefully establish a comprehensive understanding of participation trends across schools and to build and strengthen the data available to do so.

The OCO welcomes these actions and will continue to engage with the Department of Education but we retain our view that the Department can do more to ensure schools justly administer access to TY so no child is treated unfairly.

Why is this an important children's rights issue?

As we celebrate 50 years of the introduction of Transition Year the majority of schools (99%) now offer the Transition Year programme. The number of students doing Transition Year is at its highest level with close to 60,000 students enrolled in Transition Year programmes in the 2023/2024 school year, a high of 80% of students. The participation rate has doubled from twenty years ago when only 40% of students progressed from Third Year into Transition Year².

There is no doubt, that Transition Year can be a life changing year for many students in Ireland. We have heard of shy children blossoming into confident teenagers, reluctant school attendees embracing school life for the first time, and students discovering previously unknown skills in a whole range of areas. We know from the school community that transition year can be the year that best suits students who may not thrive in the 'traditional' school setting and subjects. Teachers, parents and young people themselves have told us that TY has saved students from dropping out of school, that it positively affects the mental health and well-being of thousands of students and gives fabulous energy into the school community. We know from the research³ that Transition Year also gives an advantage to students academically, with higher grades in our much revered Leaving Certificate Examinations.

And that is why, we must ensure equitable access for all students.

2 <https://www.gov.ie/en/press-release/89ea0-minister-foley-welcomes-publication-of-12-new-and-revised-leaving-certificate-subjects-and-senior-cycle-programmes>

3 The Economic and Social Research Institute (ESRI) The Transition Year Programme: An Assessment, (2005).

As the case studies included in this report highlight, it is our view that some of the school policies appear to be failing young people and some lack transparency and fairness, some may be considered potentially discriminatory, and are oftentimes seen as inaccessible. There is also a concern that many seem to be without an appeals mechanism. We note from the cases brought to our attention that some children presenting with a diagnosis and or specific need appear to have been disproportionately impacted. We have seen complaints whereby schools, when receiving local feedback or an appeal about unsuccessful applications have been unable to show how those applications were considered fairly.

We are especially concerned about the significant financial costs in some schools to participate in Transition Year, costs that makes it out of reach for some students.

This is simply unacceptable. No child should be excluded from this oftentimes life changing year, because they cannot afford it and have to witness all the joy and excitement from their friends and other students who can partake in the trips and events. This financial barrier could exclude a whole cohort of children within our school system.

In our view it is a significant decision to exclude a child entry to this advantageous year and therefore that decision making process requires the highest level of transparency and fairness in schools. We do not believe this is currently the case in all schools, which is why we have brought a sample of the complaints we have received to the door of the Department of Education.

Children's Rights

Having ratified the UNCRC in 1992, Ireland is obliged under international law to respect, protect and fulfil the rights of all children living in Ireland.

Article 28 of the UNCRC recognises the right of the child to an education and encourages the development of different forms of secondary education which should be made accessible to every child while Article 29 outlines the aims of education and states that the education of the child shall be directed to:

1. The development of the child's personality, talents and mental and physical abilities to their fullest potential;
2. The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
3. The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;

4. The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
5. The development of respect for the natural environment.

The OCO welcomes the fact that these aims of education are reflected in the aims and purpose of Transition Year as outlined in the TY Programme Statement which has been recently published and which will apply to all schools' TY programmes from September 2025.⁴ But it must be noted that a number of the case studies in our report include children with disabilities whose specific rights must also be considered and guidance to ensure equitable access is not referenced in this statement.

Article 23 of the UNCRC requires States to recognise that a disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community. This Article also outlines the States obligations to ensure that the disabled child has effective access to and receives education, training, in a manner conducive to them achieving the fullest possible social integration and individual development.

Article 24(1) of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)⁵ requires States to recognise the rights of persons with disability to education, and that this right should be available without discrimination and on the basis of equal opportunity.

It is clear from some of the complaints we have received, and that are outlined below, that the rights of children with disabilities, as contained in both the UNCRC and the UNCRPD, are not being considered appropriately by all schools when determining who is granted a place in the Transition Year Programme.

The OCO acknowledges that there are schools with limited Transition Year places and, in cases of oversubscription, some students may not obtain a place. However, in order to ensure that the rights of all children are respected, protected and fulfilled, schools must ensure that a fair, rights based Transition Year admission policy is in place, is made available to students and their parents, and is followed correctly. It is also necessary that a fair and fully transparent appeals process is followed by all schools who have over-subscribed Transition Year Programmes.

4 Department of Education, [Transition Year Programme Statement](#).

5 UNICEF, Inclusive Education, [Understanding Article 24 of the Convention on the Rights of Persons with Disabilities](#), September 2017.

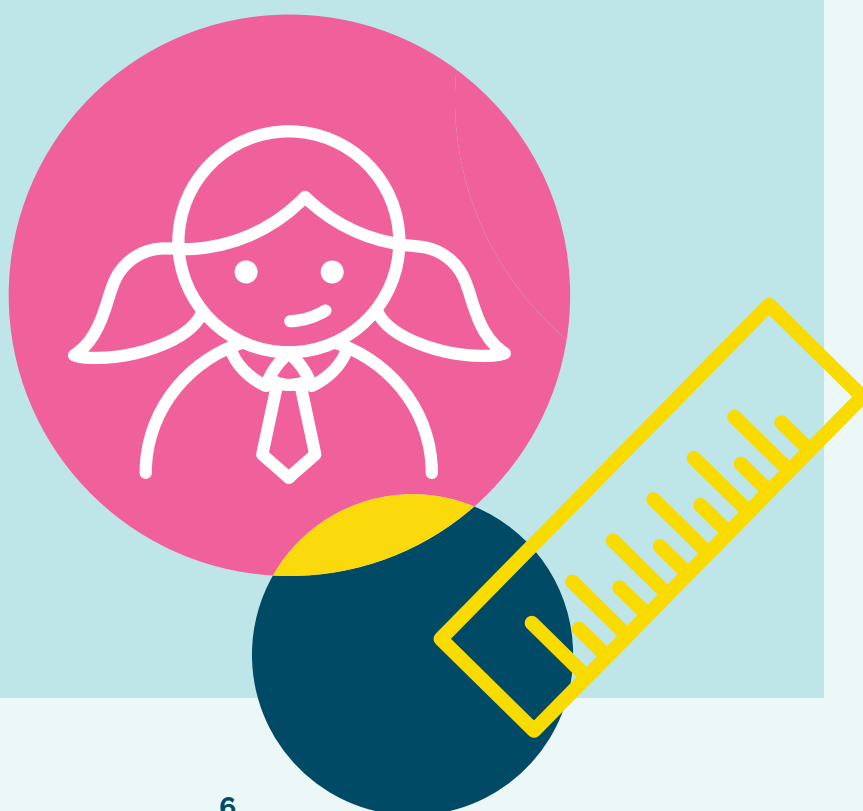
Case Studies: Why are children refused a Transition Year place?

Jenny applied to the TY programme in her school and was refused based on two separate and isolated behavioural incidents which both resulted in her getting detention. There did not appear to be an open and transparent policy and there was no information on the school's website about how people are selected for Transition Year.

Jenny's Mum was concerned for her welfare as she had been experiencing some mental health issues and her Mum felt that TY would be invaluable to her well-being rather than starting her Senior Cycle. When Jenny's Mum contacted the principal and the Board of Management to find out about an appeals mechanism, she was told that there was none but the principal said he would consider a letter from a GP. The GP letter was provided and separately Jenny wrote a letter to the school principal apologising for her behaviour and asking the principal to please reconsider his decision. There was no timeline or defined process for the administration of this decision and Jenny simply approached the principal regularly to ask if he had reached a decision regarding her appeal.

Ultimately all of the above process was unfruitful and Jenny was not granted a place on the Transition Year programme.

When the place was refused the only alternatives offered were to repeat 3rd year or to do 5th year twice, neither of which were right for Jenny. Jenny's Mum made the unfortunate decision to move her to a new school that would allow her to complete Transition Year. Jenny was extremely upset and distressed about leaving her school.



Ben's school had a local admissions policy for Transition Year on their website. The key criteria for gaining a place focused largely on attendance and discipline records, these records were marked using a scoring system and the higher your marks the more likely you would secure a place. Ben didn't get a place under this system and was told that he was number two on the waiting list.

Ben had no disciplinary record but had experienced bullying earlier in the year and had taken some time off while the issue was being addressed.

When Ben's Dad became aware that a couple of students had dropped out of TY, he approached the principal to see if Ben had a spot. He was informed that there had been two children placed jointly at number 1 on the waiting list and as such Ben had missed out on a place. There were no allowances made that Ben's attendance record had been impacted by his experience of bullying within the school. There was no appeal mechanism and the parents had no choice but to move Ben directly into the senior cycle year.

James, who is 15, didn't get a place in Transition Year and was placed on the waiting list by his school. The school had a local TY admissions policy, but it was not published on their website.

The system of admission appeared to focus on behaviour – James had a number of reports for not finishing his homework, his lack of organisation and poor class participation. James' parents main concern was that the school had told them that the application process would consider a completed application form, James' age and attendance record, and an interview. They believe that none of the above were considered nor was James interviewed but the sole decision was based on his behaviour deficit as outlined above. The parents told us that James was being assessed for ADHD which may have contributed to some of his behaviours.

Since missing out on the Transition Year place James has engaged in school refusal and his mental health has deteriorated. Both his GP and parents believe that he is not mature enough at 15 for 5th year and his mental health may suffer further were he to be pushed into this option.

James' parents met with the school and appealed to the Board of Management but were unsuccessful. Ultimately they do not feel that the TY admissions policy was fair and transparent.

Fatima's parents approached us after she failed the interview process for TY and was not offered a place. Fatima has Down syndrome and has a moderate learning disability. There were five adults involved in the interview process in her school. Fatima's parents explained the preparation and support she needed to have the social ability to be interviewed by five adults. They felt that one of them should have been able to accompany and support her. There were no accommodations offered.

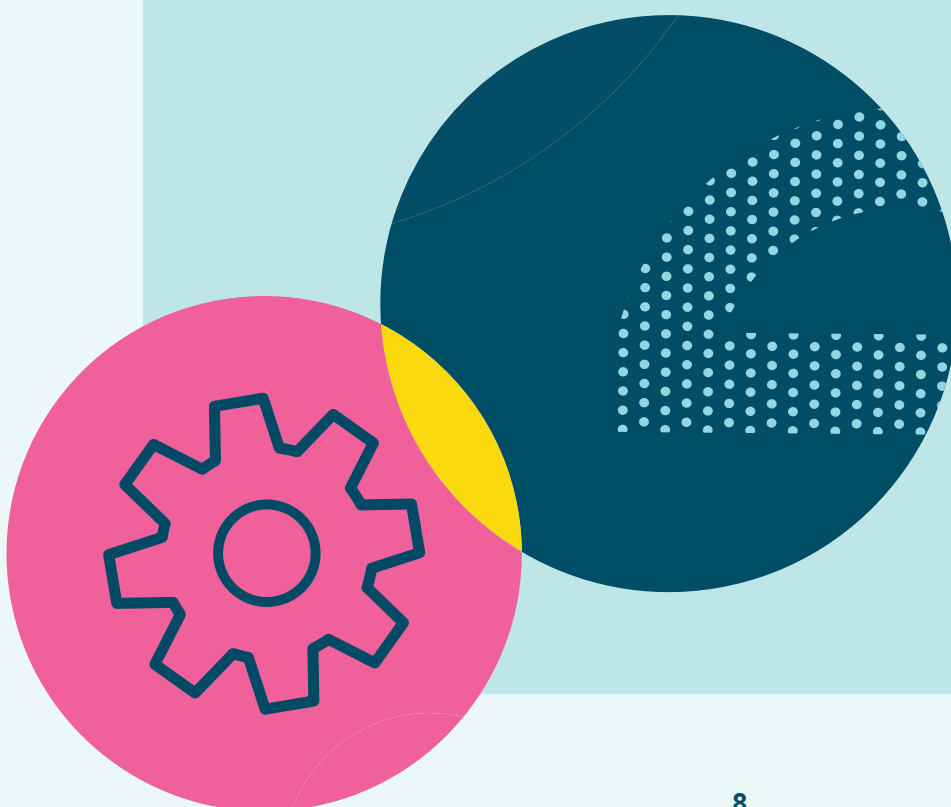
Fatima likes to be independent and her parents were very keen for her to participate in the TY programme as they felt it would benefit her development significantly.

Fatima had sourced a number of work shadowing placements in anticipation of being accepted into TY. Her parents were also willing to limit some elements of her TY experience with respect to overnight trips and trips abroad.

They felt that the scoring in the application was highly subjective and they were particularly frustrated that there was no appeal route despite the rigorous application and interview process.

Over the summer months, Fatima eventually secured a place in TY in the school. Her parents believe Fatima finally got her place because of their advocacy rather than a school policy being reflected upon to try make it more inclusive and child centred.

Fatima really enjoyed her transition year and is continuing her education in the school.



What we did

Throughout 2024 we have engaged with the Department of Education and asked them to ensure that the publication of the new Transition Year Programme Statement includes a specific child rights framework with guiding principles on how schools should administer admission to this highly desirable and beneficial year in school. It would provide much needed guidance to schools as well as bring transparency and fairness for students and parents.

When we told the Department about the complaints we had received, they told us that they were unaware of any problems with procedures to access Transition Year and that they do not gather data in regard to those children who are refused a place on a TY programme. When we told the Department about some of the complaints we had received, they told us that they were also aware of a small number of cases involving concerns with procedures to access to Transition Year but that they do not gather data in regard to those children who are refused a place on a TY programme. This includes specific cohorts of children being discriminated against or facing financial barriers in accessing same. We urged the Department of Education to gather information in order to assess demand for this programme and specifically, seek information on those children that were refused access to the forthcoming 2024 TY programme.

Outcome

In September 2024 we received a comprehensive response from the Department which we believe is setting the seeds to address some of the concerns we have raised.

Actions and proposed actions by the Department.

- The Department published the updated Transition Year Programme Statement and over the 2024/25 school year, all schools will have the opportunity to audit their current Transition Year offering and revise it where necessary in line with the Programme Statement.
- The Minister has committed to making Transition Year universally available over time, so that every student who wishes to participate in the programme has the opportunity to do so.
- The Department is currently working to identify any barriers to participation by students or schools and understand their causes in order to give effect to the Minister's vision of universal access. They are undertaking detailed analysis of the underlying trends including at individual school level and of the reasons why students do not opt for TY (where it is available). They wish to establish a comprehensive understanding of participation trends across schools and to build and strengthen the data available to do so.

- A commitment in the new school year to engage further with the schools identified as not offering the programme to determine what particular challenges they may face in introducing a TY programme.
- They advised that the management authority of each school carries responsibility for making decisions regarding the TY Programme in that school and the admissions criteria vary from school to school. They have noted that admissions procedures or policies are available online in respect of many schools but agree with us that they are not universally available across all schools.
- They advised that where students who may not have been offered a place on a TY Programme in a school, it is a matter for the student (or their parents\guardians) to raise or discuss the matter with the principal of the school concerned. If, at that point, the student remains dissatisfied with the response given by the school principal, it is open to them to raise the matter with the chairperson of the board of management of the school.
- The Department does not currently have a specified role in respect of the allocation of places on a school's TY programme. However, it is also of concern to the Department that students who wish to avail of TY can do so to the greatest extent practicable and, where a student is refused access to TY by a school for space, logistical or other reasons, that there is fairness and equity in that school decision.
- The Department will, therefore, be very mindful of the cases the OCO have brought to their attention as they advance their audit work on the TY Programme in schools and give further consideration to those issues as we learn more about the operation of the TY Programme.
- It is also intended to convene focus groups with schools on how universal access to TY can best be supported and to identify the appropriate approach and timeline for its realisation. Further, we envisage a number of targeted engagements with schools as referenced above (i.e. with those schools reporting that they do not offer or currently provide a TY programme with no participating students) and also with schools that seem to have relatively low "progression rates" as measured by the percentage of the previous year's third year cohort when compared with the following year's TY cohort. The 'progression rate' data by school based on 2023/24 data and, for example, in respect of a number of larger schools shows 'conversion rates' below 50% and in some cases considerably below that level.
- The Inspectorate will be fully briefed on the expectations to audit current Transition Year programmes during the 2024/2025 school year and will provide advice and support, as part of its advisory function, where relevant.

We have committed to bring any further complaints directly to their attention to inform their work and will also urge schools to ensure complete transparency and procedural fairness in their admissions process for Transition Year.

We will also continue to engage with schools and with the Department in order to fulfil the vision of universal access to TY for all students and most importantly, for the Department to direct schools to administer their decisions on access in a fair and transparent manner.

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