



Key Policies and Legislation Underpinning Post-School Transition Practices for People with Disabilities in the Republic of Ireland

POLICY REVIEWS
(RESEARCH)

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ABSTRACT

Internationally, key policies and legislation have begun to be influenced by a move towards a rights-based approach to education and employment for people with disabilities. The ratification of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) (2006), in the Republic of Ireland in 2018, initiated a number of action plans and strategies to uphold the rights of people with disabilities and support the transition into further and higher education and progression to employment. While there have been modest increases in education and employment participation rates of some people with disabilities, the Republic of Ireland continues to underperform in supporting transition to further and higher education and progression into the workplace, particularly for those with intellectual disabilities. The absence of transition legislation and policies, combined with the Republic of Ireland's multitrack and largely segregated system of education at primary and secondary levels, have resulted in persistent system-level barriers in accessing their rights as set out in the CRPD (2006).

The purpose of this position paper is to critique current legislation and policies that influence educational provision for all people with disabilities, including where specified people with intellectual disabilities, as they transition from school to further and higher education in the Republic of Ireland. It highlights the continuing challenges of operating within a largely segregated system, with little advancement towards the Republic of Ireland's commitment under Article 24 (5) and 27 (d) of the CRPD (2006).

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INTRODUCTION

The purpose of this position paper is to outline key policies and legislation underpinning post-school transitions practices for people with disabilities in the Republic of Ireland. This will be demonstrated firstly, through examination of how inclusive education policy and legislation situates post school transition planning within a human rights framework in international legislation. Secondly, it will explore underpinning policy and legislation for post school transition in the Republic of Ireland (ROI), a summary of which can be observed in [Table 1](#). The paper will then offer a critique of the implementation of international and domestic legislation and policy in the Republic of Ireland.

1937	Constitution of Ireland (Article 42 – Education)
1965	Report of Enquiry on Mental Handicap
1992	Republic of Ireland ratified UNCRC (1989)
1995	Charting our Educational Future
1996	Report of the Commission on the Status of People with Disabilities
1997	Universities Act
1998	Education Act (and subsequent amendments)
2000–2004	Equal Status Acts
2004	Education for Persons with Special Educational Needs Act (EPSEN)
2005	Disability Act
2018	Republic of Ireland ratified UNCRPD
2022	Education (Provision in respect of children with Special Educational Needs) Act

The paper is structured in this way as it has drawn upon the work of [Bowe et al. \(1992\)](#) in their descriptions of the Policy Cycle. Acknowledging two of the three stages in the Policy Cycle ([1992](#)), this paper has been influenced by the Context of Influence and Context of Practice. The paper aims to outline the Context of Influence of international policy and legislation on policy development at a national level and the impact of societal influences and drive for change and reform within a human rights context when creating a national policy agenda for education and social inclusion.

Specifically addressing the Context of Practice, this paper also outlines the variation in application of legislation and policy based on interpretations of such within the Irish education system. According to [Bowe et al. \(1992\)](#), policy makers cannot determine the interpretation and implementation of their documents, therefore within this paper, the Republic of Ireland’s interpretation and application of international legislation, namely the [United Nations Convention on the Rights of Persons with Disabilities \(CRPD\) \(2006\)](#), is critically examined. The implementation of domestic policy within the context of transitions is also discussed.

As this is a position paper, there are limitations in terms of scope of discussion. However, future work could identify post school transition planning practices at an international and domestic level and outcomes for those in receipt of such plans.

SITUATING POST-SCHOOL TRANSITIONS IN INTERNATIONAL LEGISLATION

Recent international legislation ([CRPD,2006](#); [Union of Equality, 2021–2030](#)) have emphasised the need for society to adapt and respond to the needs and abilities of people with disabilities, moving away from the medical model or within-person deficits way of thinking towards a social model of disability. However, decades before the Republic of Ireland’s ratification of the CRPD ([2006](#)) in 2018, which provided the first legally binding mandate for inclusive education through Article 24, other legislative provisions were in place to scaffold these developments.

Table 1 Irish Education Legislation 1937–2022.

Conceptualising inclusive education within a human rights framework, the [United Nations Convention on the Rights of the Child \(UNCRC\) \(1989\)](#), which the Republic of Ireland ratified in 1992, cemented rights for children with disabilities (Article 23 (3)) to access education which facilitates the “fullest possible social integration” ([UNCRC, 1989, p. 23](#)). Building on this, the Salamanca Statement and Framework for Action ([1994](#)), stipulated as a guiding principle, that schools must accommodate all children regardless of the presence or type of Special Education Needs and Disabilities (SEND), and that a move towards inclusive schools was required. It specifically stated that the allocation of a placement for a child on a permanent basis to a special class or special school would be an exception, rather than the norm and only where a mainstream placement had been unsuccessful ([Salamanca Statement, 1994](#)).

Situating inclusion within and beyond compulsory education and framing post-school transition as a human right, the Salamanca Statement and Framework for Action ([1994](#)) stated that senior students with disabilities should be prepared and supported to enter higher education by engaging in transition preparation programmes, and access subsequent vocational training in order to prepare them to function as independent, contributing members of society ([Salamanca Statement, 1994](#)).

The UNCRPD ([2006](#)) was the first legally binding treaty comprehensively addressing disability rights within and beyond compulsory education ([Lang et al., 2011](#)) and placed obligations on state parties and education providers, to ensure that the rights to an inclusive education and employment are upheld. Supporting the concept of inclusion within society, Article 1 of the CRPD ([2006](#)) set out a clear and focused purpose, to ensure “full and equal enjoyment” of the rights that non-disabled people experience and to have all barriers removed so they can experience “full and effective participation” in society (p. 4). When considering this statement in relation to post-school transitions, the basic aspects of ‘participation’ in society must be taken into account: access to further and higher education; employment or self-employment; access to community networks and social interactions, and access to healthcare and welfare services. Therefore, post-school transitions are rooted at the heart of the Salamanca Statement ([1994](#)) and the CRPD ([2006](#)).

Post-school transitions are viewed even more specifically through the CRPD ([2006](#)) Article 24(5) (equal access to tertiary education through provision of reasonable accommodations) and Article 27(d) (employment; general technical and vocational guidance programmes, placement services and vocational and continuing training), where the promotion of full access to lifelong learning and employment is emphasised. However, the concept of post-school transition planning for people with disabilities has been evident in legislation in other developed countries as early as the 1970s.

America led the way with various iterations of disability legislation since 1973 ([Americans with Disabilities Rehabilitation Act 1973;1990; Education for all Handicapped Children Act 1975](#)), resulting in the current [Individuals with Disabilities Education Act \(IDEA\) 2004](#), which mandates transition planning as part of Individual Education Plans (IEPs) by the age of 16. Similarly in the United Kingdom (UK), transition planning has been central in the Code of Practice ([2015](#)), underpinned by the [Children and Families Act 2014](#) and the [Equality Act 2010](#) which ensures that students with SEND have in place an annually reviewed transition plan from Year 9, typically when students are aged 13–14.

Transition planning is also evident in Scottish legislation as seen in the Education (Additional Support for Learning) (Scotland) Act 2004 as amended (2017). This broad and wide-reaching legal framework provides for education authorities to create co-ordinated support plans. These plans, similar to IEPs in the USA and Republic of Ireland, must identify the educational objectives, additional supports to be made available and nominate a school that would be attended by the young person with additional support needs. The plan, which must be reviewed every twelve months, aims to ensure that educational objectives are written and supports made available to secure that the young person will benefit from school education. With regard to transition planning, this legislation requires education authorities to engage in transition planning, by both requesting information from prospective appropriate post-school agencies at least twelve months prior to transition and sharing information with providers no less than six months before the transition.

Within the European Union, there have also been concerted efforts to support and promote inclusion beyond compulsory education through its policy development. The Union of Equality: Strategy for the Rights of Persons with Disabilities 2021–2030 focused on three main themes:

freedom of movement, personal autonomy, and equal opportunities, aligning specifically with Article 1 of CRPD (2006). It recognises that its predecessor (European Disability Strategy 2010–2020) presented many barriers in supporting people with disabilities to access employment, healthcare, education and social inclusion (Union of Equality: Strategy for the Rights of Persons with Disabilities 2021–2030). This revised European strategy sets out the fundamental role in how inclusive accessible education, employment and self-employment are central to the quality of life of people with disabilities, and where education is viewed as a ‘multiplier’ to accessing other rights (Heyer, 2021, p.47). It highlights the role of skill development in relation to employment for people with disabilities. However, high numbers remain of students with disabilities attending special schools – therefore, the access routes to further and higher education and to the labour market are more limited than students attending mainstream education (Salamanca Statement, 1994). It also identifies the key role of guidance counselling in supporting young people with disabilities in making the transition from vocational training and skill development programmes to becoming a member of the labour force.

INCLUSIVE EDUCATION IN THE REPUBLIC OF IRELAND

Internationally, evolutions in the conceptualisation of special education over the past century have influenced policy development and legislation in the Republic of Ireland. The first formalisation of education was detailed in the Constitution of Ireland (1937), which placed obligations on the State to provide free primary education and to ensure children received a minimum education (Article 42). However, in this provision of government, this right did not extend to children with disabilities. The Commission of Inquiry into Reformatory and Industrial Schools (1936) (as cited in Swan, 2000, p. 1) stated that it was “in every way undesirable that mentally deficient children, even of the higher grade, should be placed with normal children”. This resulted in segregation becoming embedded in Irish culture, with students with SEND attending residential special schools, typically under the auspices of religious orders or hospitals. As a result of this requirement being viewed through the medical model lens, ambiguity developed between the Department of Health and Department of Education in terms of overall responsibility for SEND provision. Assessment and diagnosis soon became the role of the Health Services with the passing of the Health Act 1953. The Department of Education recognised special schools from 1947 and appointed a school inspector in 1959 exclusively for the sector (Swan, 2000). These ties between health service and special schools have lasting impacts to this day on the provision and realisation of post-school transition goals.

Special school provision grew in the decades that followed and SEND became conceptualised as ‘other’, ‘different’ and ‘for the few’, even for those that attended mainstream school with the provision of ‘remedial’ education (Swan, 2000). Emerging international human rights movements in the 1960s, which centred around advocacy, empowerment and equality, soon influenced educational provision in other jurisdictions. Despite this, the Republic of Ireland’s mainstream education system operated alongside special schools in this multi-track approach similar to that of many western European countries (Kenny et al., 2020).

Despite a number of special educational provision reports in the eighties and early nineties (Green Paper on Education, 1992; Programme for Action in Education 1984–1987; White Paper on Educational Development, 1980), legislative progress became evident from 1993. The combination of parent litigation against the state and the Report of the Special Education Review Committee (SERC) in 1993, laid down a framework for the legislation that followed.

The O’Donoghue case (High Court of Ireland, 1993) challenged the Irish Government’s failure to provide for the educational needs of an eight-year-old boy with severe disabilities. The child’s mother was successful in the case, and it triggered significant changes to the educational provision for children with SEND in the years and decades that followed, particularly those with severe and complex learning needs. In 1991, the Special Education Review Committee was established and tasked to review the existing educational provision for learners with SEND in the Republic of Ireland. The SERC report (1993) among its many findings, promoted the concept of a continuum of educational provision, supporting access to a range of flexible placements, with full-time and part-time access to special schools, special classes and mainstream classes with support. It also noted that segregation inhibited the realisation of the goal to develop skills to access society, and live and work in their own communities.

A move to integration was advocated for and following a Report of the Commission on the Status of People with Disabilities (1996) (Rose et al., 2010), the Republic of Ireland began to consider moving to a social model of provision, with greater awareness of the concept of inclusion being reflected in legislation that followed, i.e., the [Education Act 1998](#). Moving from the within-child deficit model, the [Education Act 1998](#) supported the move to inclusion, emphasising that schools needed to adapt to meet the needs of the learner (Swan, 2000), and to ensure that “their educational needs were identified and provided for” (s 9, c).

Building on the provisions in the [Education Act 1998](#), the Education for Persons with Special Educational Needs Act (EPSEN) (Government of Ireland, 2004) sought to define inclusive education and became the first piece of legislation concerned specifically with the educational provision of learners with SEND (Scanlon & Doyle, 2021). It aimed to provide for the education of learners with SEND in inclusive education settings, alongside their neurotypical peers, to ensure that learners with SEND enjoy the same rights to education as others. Among a number of other provisions, the creation of Individual Education Plans (IEPs) was another important feature of the legislation. These plans, created by the school in conjunction with parents and other relevant stakeholders, should outline the educational profile of the learner and related supports being provided and accessed. However, to date in 2023, the Act has yet to be fully commenced and importantly, Section 9, relating to the provision of such plans has yet to be enacted; therefore, there is no legal obligation on schools to create or engage with IEPs.

In late 2022, the Minister for Special Education called for the review of the [EPSEN Act 2004](#) and in the first quarter of 2023 the Government of Ireland engaged in a public consultation on what the revised legislation should consider. It is anticipated that a revised version of the Act will acknowledge the Republic of Ireland’s commitments under the CRPD.

Similarly, in further and higher education in the Republic of Ireland it is only since the 1990s that inclusion has been considered and reflected in policy and practice. The earliest notable piece of legislation actively progressing transitions to third level for those with SEND, *Charting our Education Future* (1995), outlined a range of supports and arrangements that should be facilitated. These included consultation with students on their needs; physical access, facilities and equipment requirements; counselling, and special examination arrangements.

Independent organisations such as the Association for Higher Education Access and Disability (AHEAD), founded in 1988 as a result of Professor John Kelly identifying emerging student needs, were influential in supporting students with disabilities in third level. Starting as a non-profit body, it gained support from the Higher Education Authority to create a national organisation in the early 1990s.

The Higher Education Authority (HEA) was established in 1971, however formal funding from the Department of Education and Skills (DES) was not provided until 1994. This funding supports universities in offering students with certain SEND access to supports and services in order to fully participate in and complete their studies (HEA, n.d.).

The Fund for Students with Disabilities proved to be a success, with over 14,000 students benefiting from it in the academic year 2019/2020, compared to only 300 in 1999 (HEA, n.d.). However, a limitation of the fund is that it is not accessible to people with intellectual disabilities.

The commencement of the [Universities Act 1997](#) further cemented the rights of people with SEND by solidifying the right to equality of access. Organisations such as AHEAD advocated for funding and encouraged the DES to develop equality of access plans such as the National Access Plan (HEA, 2005; 2008). AHEAD continues to provide valuable supports, aiming to create inclusive environments in education and employment for people with disabilities, however their remit does not extend to those with intellectual disabilities.

Subsequent legislation such as the Equal Status Act 2000–2004 and the Disability Act 2005 all emphasised the role that educational institutions must play in providing for reasonable accommodations and promoting equality of access to education which will “facilitate them in transferring to the workplace” (EPSEN Act 2004, p. 12). However, these Acts, along with the [EPSEN Act 2004](#) all use varying definitions of disability from adult-centred definitions to medical-model deficit diagnosis-led definitions. As a result, current legislation in the Republic of Ireland is insufficient at preventing discrimination and promoting equality of access for young people with SEND (Mind the Gap Report, 2021). Along with insufficient legislation, there is poor implementation of existing legislation and policy, both international and domestic, in the Republic of Ireland.

CRITIQUE OF IMPLEMENTATION OF INCLUSIVE EDUCATION LEGISLATION AND POLICY IN THE REPUBLIC OF IRELAND

A critique of the implementation of legislation and policy must firstly examine the Republic of Ireland's obligations and commitments to an inclusive education system, followed by a critique of the implementation of transition planning policy. Article 24 of the CRPD (2006) places an obligation on member states to move towards a fully inclusive education system, with no segregated settings for students with SEND. Despite the Republic of Ireland's commitments under the CRC (1989) and CRPD (2006), its "continuing failure to implement key legal provisions to ensure the active participation in mainstream education of children with SEN" is apparent (Murphy et al., 2022, p. 6). To date, the Republic of Ireland still operates a largely segregated system of education, with approximately 234,000 children with SEND attending general education classes in mainstream schools, 10,300 children attending special classes in mainstream schools and 8,600 students attending special schools (OCO, 2022). It is the view of the UN Committee that the provision of special schools and classes is not compatible with the convention.

The National Council for Special Education (NCSE), a statutory body in the Republic of Ireland set up under the EPSEN Act 2004, set out in 2019 to engage in "consultation to get the public perspective on whether Ireland should move in this direction" (NCSE, n.d.). In contravention of the recommendations of the SERC report (1993), the Salamanca Statement (1994) and the CRPD (2006), the NCSE's preliminary progress report findings, showed that once a child is placed in a special setting, "placements appear to be only rarely, if ever reviewed" (NCSE, 2019, p. 9). Concerns were also reported that "educating a child in a separate specialist setting can have life-long consequences for a child" (NCSE, 2019, p. 6). It stated that while IEPs were in existence for the students, the post-school outcomes were not gathered or tracked. The progress report indicated that while there was general consensus that theoretically a fully inclusive education system would be beneficial, it was with much less consensus that stakeholders felt this was feasible or desirable in the Irish context, particularly for those with the most complex needs.

In the Republic of Ireland's report to the implementation committee of the CRPD in 2022, the Department of Education and Skills (DES) stated it is "aware of the recommendations of the CRPD in relation to inclusivity and is committed to considering the implications of this in the context of the finalised policy advice on specialised educational placements when this is received in Q2 of 2022" (OCO report, 2022, p. 28). The language used here by the DES, appears to demonstrate a lack of urgency and commitment to progressing an inclusive education system in the Republic of Ireland, where they deflect to waiting for the aforementioned policy advice on the use of special classes/placements from the NCSE, which has been due since 2020. The impact of the continuing segregated system of education has resulted in an "oversubscription to special schools, hundreds of children on waiting lists for special classes in mainstream schools, thousands of children travelling outside of their local school-catchment area..." (OCO report, 2022, p. 28).

The apparent lack of strategic direction and commitment to an inclusive education system continues to be a pervasive problem in the Irish education system. An example of emergency SEND provision was observed in Summer 2022, with the proposed creation of "a network of special education centres" as an emergency response to the acute shortage of "appropriate school places" for children with autism, particularly in the country's capital, Dublin (Irish Times, 2022). These centres, five of which were proposed, would each cater for 24 autistic learners and be open by September 2022. There were no details shared regarding the location or co-location of these centres with mainstream schools, nor details of who would staff these 'temporary' solution centres.

This proposal came as a result of the government's significant underestimation of the shortage of appropriate school places for almost 270 children with Autism (AsIAm, 2022), and the disparity between the government- and parent-reported figures for these shortages caused concern over the accuracy of the data the government, and in particular the NCSE, maintained regarding children with disabilities. The proposal was met with widespread criticism from parent groups and human rights advocates, with the Chief Commissioner of the Irish Human Rights and Equality Commission (IHREC) stating that this is "simply not in line" with either the UNCRPD, or people's rights to appropriate education as set out in the Irish Constitution (The Journal, 2022).

While legislation existed to allow the Minister for Education to combat such shortages by compelling a mainstream school to open a Special Class for students with SEND, under Section 37(a) of the Education (Admission to Schools) Act 2018, such powers were rarely employed,

and at times took up to 18 months to implement (OCO report, 2022). Following resistance from unions, advocacy groups and special education academics, the government paused the plan to open special education centres, turning its attention to the flaws within the existing Section 37(a) process, with the aim of expediting the process in compelling a mainstream school to open a special class. On 28th June 2022, a resulting Education (Provision in respect of children with Special Educational Needs) Act 2022 was brought before government, aiming to reduce the lengthy 18-month process to six-to-eight weeks, and to enhance the powers of the NCSE to liaise with parents and schools in the management and coordination of admission to school. This act came into effect less than a month later, on July 25th 2022.

During the same period and as a result of numerous complaints from parents regarding the lack of availability of appropriate school places within their local community for their children with SEND, the Ombudsman for Children in the Republic of Ireland published a report titled “Plan for Places – Forward Planning for the Provision of Schools Places for Children with Special Educational Needs: A Children’s Rights Issue” in June 2022. In his general comment, the Ombudsman Dr. Niall Muldoon stated that “if the DES continues to generate solutions that contain some element of separation, then it will become increasingly difficult to unwind them in the future, regardless of what the NCSE’s policy advice recommends” (OCO Report, 2022, p. 6).

Making eight key recommendations, the OCO highlighted the challenges with existing domestic legislation in light of the UNCRPD (2006). The Republic of Ireland’s EPSEN Act 2004 Section 2(b) states that children with SEND “shall be educated in an inclusive environment with children who do not have such needs, *unless to do so would be inconsistent with the effective provision of education for children with whom the child is to be educated*” [emphasis added]. The OCO recommended removing that qualification from Section 2(b), and to either commence or revise Sections 3–13 to ensure IEPs are “rights-based, child centred and inclusive” (OCO 2022, p. 71). In a concluding comment, he stated that “the segregation of children with SEND who are not able to integrate into the standardised school setting has led to the emergence of a dysfunctional parallel system, which the DE needs to dismantle” (OCO, 2022, p. 66). The lack of robust domestic inclusive education legislation has also impacted upon transition planning within and beyond the education system.

CRITIQUE OF IMPLEMENTATION OF TRANSITION PLANNING LEGISLATION AND POLICY IN THE REPUBLIC OF IRELAND

The importance of planning for students with disabilities has been identified as critical in supporting transitions (Scanlon & Doyle, 2018, 2021). Without dedicated underpinning legislation in the Republic of Ireland, transition planning is compounded by additional challenges of a segregated system, role ambiguity and lack of appropriate guidance provision identified in mainstream post primary schools in the Republic of Ireland (Aston et al., 2021; Banks et al., 2022). While there are relatively high levels of students with SEND accessing mainstream education at primary level, many students with intellectual disabilities are transferring from mainstream primary school to special schools on reaching post-primary age (McConkey et al., 2016). This may be attributed to an increase in curricular demands associated with post-primary education (Buchner et al., 2021).

In the Republic of Ireland, the post-primary education system includes a three-year Junior Cycle and a two-to-three-year Senior Cycle, with continuous assessment and terminal examinations at the end of each cycle. Until 2015, there was no recognised formal curriculum designed specifically for learners with SEND in the Republic of Ireland. However, the introduction of the Junior Cycle Framework (2015) represented a momentous shift towards inclusion, formalising and recognising achievement at varying levels. The National Council for Curriculum and Assessment (NCCA) created specific, dedicated and age-appropriate curricula for students aged 12–15 with mild to moderate intellectual disabilities, and for those with moderate, severe or profound intellectual disabilities, for those three years of Junior Cycle. The Level One and Level Two learning programmes supported person-centred curricular planning, allowing students to access learning outcomes relevant to their profile and be awarded formal certification like their neurotypical peers.

Notwithstanding this progressive shift, the lack of a similar curriculum at Senior Cycle continues to be a major barrier (Aston et al., 2021). The current Senior Cycle is overly focused towards higher education entry and does not provide alternative pathways for those with SEND (Smyth et al., 2019). There are few options available to students to bridge qualification gaps between their Junior Cycle qualification and those needed for entry to further and higher education (Scanlon & Doyle, 2018).

Additional barriers prevail for students attending special schools, which are designated as primary schools in the Republic of Ireland, yet supporting students typically aged 4–18 years. As a designated primary school, special schools have one class teacher per group of students. Unlike mainstream post-primary education where students access specialised subject teachers throughout the day, there is a limited curricular offering in special schools as there is little or no access to specialised subject teachers or appropriate senior cycle curriculum (Smyth et al., 2019).

Unlike in England and America, post-school transition planning is only referenced minimally within existing Irish legislation. Outlined in [EPSEN Act 2004](#) (s 15, p. 20), transition planning is framed as an activity that shall commence when “the child’s attaining such age as the principal or organiser considers appropriate”. While it outlines that the voice of the learner should be captured, along with the views of the parents, and that the action steps to be taken should honour the wishes of the learner, as there has not been full commencement of the [EPSEN Act 2004](#), it has no legal force and there is no legal requirement on schools to create or implement these plans.

The voice of children and their participation in decision-making, as outlined in Article 12 of the UNCRC and Article 7(3) of the UNCRPD, are tentatively referenced within Irish education policy also. For example, the NCSE Guidelines on the IEP Process (2006) state that, where appropriate, the child should be supported by a ‘sympathetic adult’ to engage in the education planning process. However, it stipulates that this should occur only towards the end of the process and in the final sign off of the plan, therefore limiting meaningful engagement in decision-making.

The combination of the lack of requirement on schools to provide IEPs for their students, and the narrow view of participation and autonomy in decision-making illustrated through the NCSE IEP Guidelines, leads to a ripple effect on participation levels on the ground in terms of student IEP involvement in schools. Research has identified that students with SEND in Irish schools have minimal levels of participation in their IEP meetings, with participation typically being the exception rather than the norm (Ní Bhroin et al., 2016; Rose et al., 2012).

Despite the statutory requirement on all schools to provide “access to appropriate guidance” counselling to support post-school transition planning, under the [Education Act 1998](#) Section 9(c) and unlike mainstream post-primary schools, special schools are not allocated guidance counsellors. A review of guidance provision undertaken on behalf of the Irish government in 2019, identified that special school teachers often undertake this “as part of their ongoing work” without formal qualifications or access to training and recommended the need for enhanced guidance training and CPD for this cohort of teachers (Indecon, 2020, p. vi).

As a result of the lack of access to guidance counsellors and teachers filling the transition preparation gap, the final transition process from special schools is typically led by an Occupational Guidance Officer appointed by the Health Service Executive (HSE), which results in segregated health-funded services still being the dominant option (McConkey et al., 2017; Gillan & Coughlan, 2010). Transition planning is further compounded by low levels of parental aspiration and awareness of alternative options to health-funded services (Gillan & Coughlan, 2010; McConkey et al., 2017), with a particular fear of loss of financial supports (Scanlon & Doyle, 2018) should students opt for an alternative, i.e., mainstream option. With increasing numbers of students with mild intellectual disabilities attending special schools (McConkey et al., 2016), the access routes to further and higher education and the labour market have been identified as being more limited than for students attending mainstream education (Union of Equality: Strategy for the Rights of Persons with Disabilities 2021–2030).

In an effort to increase access to further and higher education in the Republic of Ireland, recent decades have seen the introduction of a number of schemes, including the Disability Access Route to Education (DARE) scheme. This scheme allows young people experiencing educational/economic disadvantage and/or disability to apply to third level using a reduced points entry system. This aimed to overcome the barrier of the competitive nature of access to third level in the Republic of Ireland and led to participation rates for those with disabilities generally rising to 12.4% (of new entrants) in 2020/2021 (HEA, 2022).

Despite these achievements generally for people with disabilities, people with intellectual disabilities are still significantly under-represented (HEA, 2022). System-level barriers continue to prevail and the initiatives, funds, and access schemes, e.g., DARE, available to other students with SEND, are not currently available to people with intellectual disabilities. Recent research shows only 6% of those with intellectual disabilities have a third-level qualification (Kelly &

Maître, 2021). Acknowledging this, the Minister for Further and Higher Education in the Republic of Ireland, Simon Harris, in 2022 launched the Government's fourth National Access Plan 2022–2028. Building on its predecessors in striving to create an 'inclusive, diverse higher education sector', it specifically identifies students with intellectual disabilities as a priority under-represented group (Harris, 2022). Ring-fencing €12 million in funding by 2025 for third-level educational institutions in order to provide more inclusive campuses for people with intellectual disabilities and autism, the plan recognises the challenges in transitioning from second level education and called for universities to submit proposals for creating new pathways into third-level education, to increase participation rates of people with intellectual disabilities or autism.

Aiming to increase its target from 12.4% to 16% participation rate of people with disabilities generally, the plan acknowledges the lack of accurate data gathering in the Republic of Ireland in relation to learners with intellectual disabilities participation rates. Therefore, specific targets on participation for this cohort remain vague. The National Ability Support System, a national database responsible for recording information on disability-related services, reports only 0.6% of those with intellectual disabilities engaged in third level education, compared to 6.2% in rehab training (NASS, 2019). To see a meaningful increase in those with intellectual disabilities accessing third level education, a highly accurate database will need to be maintained, tracking pathways out of special and mainstream post-primary schools.

In response to this, the NCSE commissioned the Economic and Social Research Institute (ESRI) to undertake the "Mapping and tracking of students with SEN after they leave school" in 2022. This longitudinal study is expected to demonstrate students' post-school destinations, factors that impacted decisions, their experiences of different pathways, views of key stakeholders of current provision and lessons to be learned regarding future planning for service provision. Aligning with the themes of equality of access, the recently published Inclusive National Higher Education Forum (INHEF) Strategic Plan (2022), set out goals which include promoting the awareness of higher education as a realistic destination for those with intellectual disabilities among parents, school staff and individuals themselves, as well as highlighting the contribution that people with intellectual disabilities can make to society through accessing higher education.

CONCLUSION

The purpose of this position paper was to outline key policies and legislation underpinning post-school transition practices for people with disabilities in the Republic of Ireland. Through examination of how inclusive education policy and legislation situates post-school transition planning within a human rights framework in international legislation, it can be clearly identified that transition planning has been and continues to be rooted in international inclusive education legislation. The Republic of Ireland has been influenced by this international human rights and inclusion movement through development of domestic policy and legislation for post-school transition. While implementation of these policies and legislation have resulted in some tangible progress for people with disabilities generally, individuals with intellectual disabilities continue to be underrepresented and unsupported by legislation and policy to access transition planning and pathways to further and higher education and employment. As the Republic of Ireland continues to operate a largely segregated education system at primary and post-primary levels, access routes to post-secondary education and progression to employment are more limiting for those with intellectual disabilities. Without dedicated transition planning legislation, similar to that in England and America, the Republic of Ireland will continue to have low participation rates in further and higher education and employment, particularly for individuals with intellectual disabilities. As this was a position paper, there are limitations in terms of scope of discussion. However, future work could identify post-school transition planning practices at an international and domestic level and outcomes for those in receipt of such plans.

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Data analysis was performed on previously published articles which are listed in the References.

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