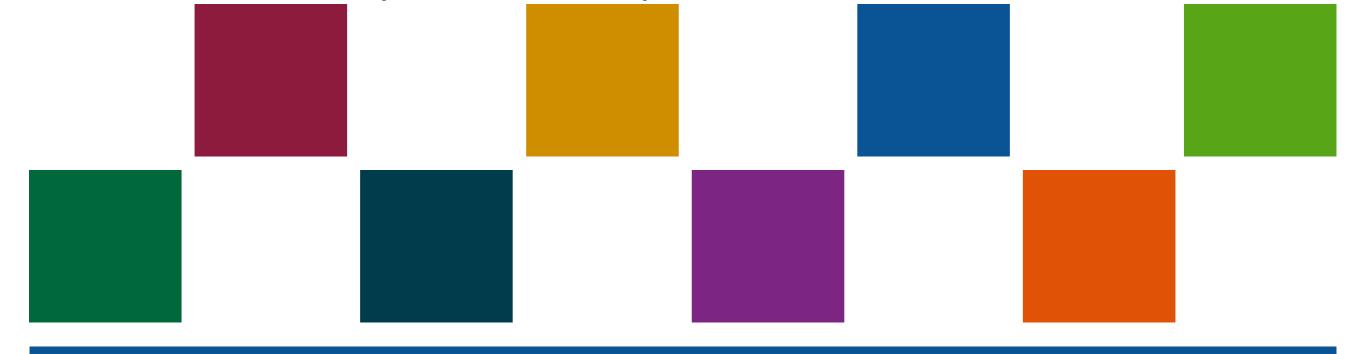
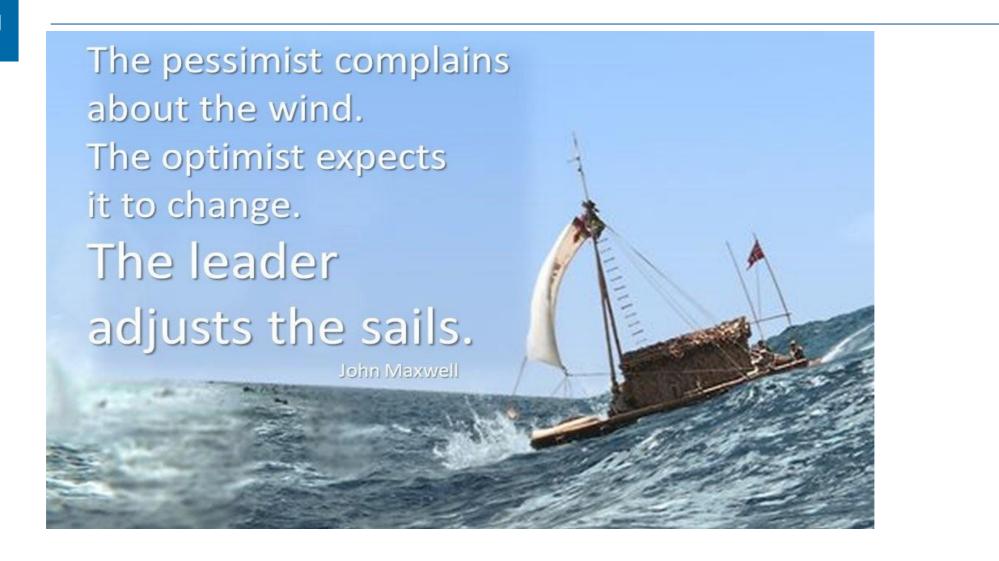


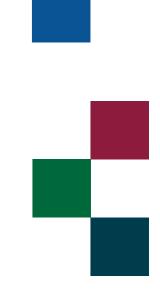
Managing Children with Complex Special Needs in Mainstream & Special Schools

18.06.20

Ian O'Herlihy, Partner & Head of Education, Mason Hayes & Curran LLP Catherine Kelly, Senior Associate, Mason Hayes & Curran LLP David Ruddy, BL, Mason Hayes & Curran LLP







DES Roadmap

What next?

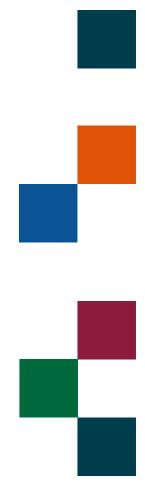
- Existing H&S templates to be modified-School context
- Draft guidance/ templates published for summer programmes
- Vulnerable staff to be accommodated
- Awareness campaign for parents/pupils



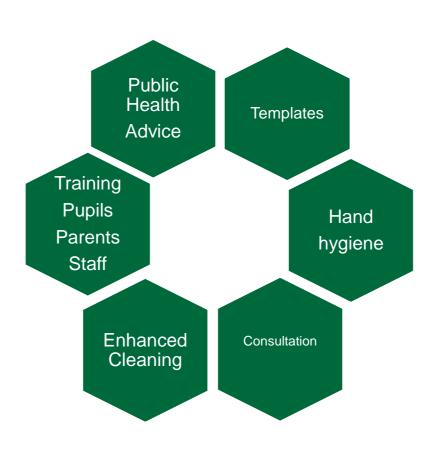
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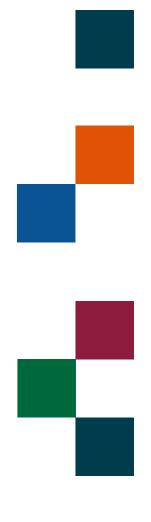
Summer Programme

- 2-4 weeks -School based
- Home based provision
- Enhanced cohort of pupils
- HSE to deliver separate programmes in 96 schools



Roadmap



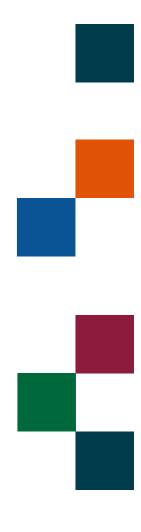




Return to Work Safety Protocol

Employers must

- Develop a Covid-19 response plan
- Appoint & train staff representative/s
- Log of contacts to facilitate tracing
- Updating relevant policies Health & Safety Statement
- Communication of public health advice
- Covid-19 prevention & control measures







Staff

Very High Risk – Advice/Cocoon

High Risk - Advice: Home working?

If not possible, Social Distance!

London

https://www2.hse.ie/conditions/coronavirus/people-at-higher-risk.html#high-risk

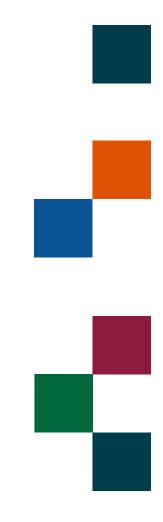




Circular 0024/2020

BOM may grant Special Leave with Pay for Self Isolation

- Appropriate HSE or medical confirmation
- Self Isolation (medically certified).
 Not required to work remotely?
- Restricted movement No symptoms Close contact –
- (Can work remotely-redeployed)
- Self Declaration Form (in absence of written medical advice)
- Who advised? What advice?
- At Risk Groups, over 60s,long term illness, weak immune systems

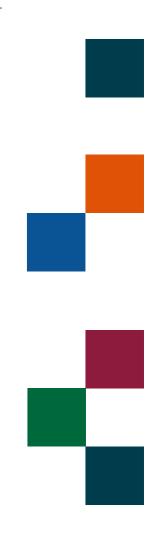


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Staff

- Pre Return to work form/min time frame?
- Return to Work Safety Protocol
- Recruitment –face to face, online?
- Substitution (Roadmap-Enhanced)?
- Training
- Breaks
- Social distancing/staff/pupils?
- Stay at home if unwell

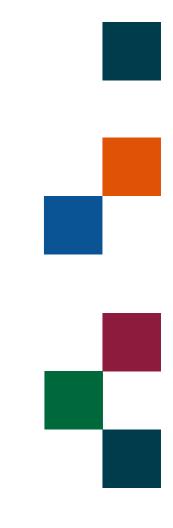




Pupil Transport

Who is responsible for a pupil's safety?

- Escorts / Drivers
- Different employers
- Reduced capacity
- Training/compliance
- Behaviour management
- Staggered openings?
- Inspection/supervision
- Could parents drop pupils to school?
- Cleaning of transport between drop off/ pick up?
- Mini-bus/taxis do private work outside of school and this may increase the risk of spreading the virus.

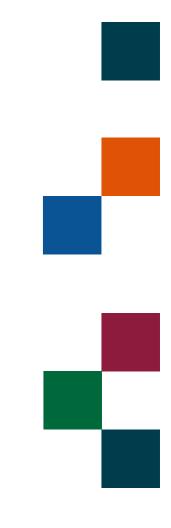


San Francisco

Cleaning

Cleaners, Staff, Pupils

- Deep clean
- Routine Clean
- Incidental cleaning
- Logging & recording
- What role have pupils? Do they bring their own sanitising products?
- Monitoring
- Role of teachers & SNAs
- Equipment & dispensers
- Procurement?

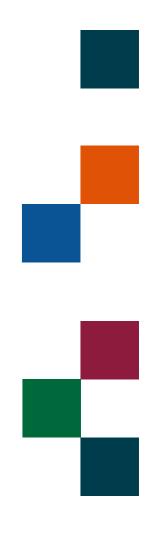




PPE

School Protocol

- Supplies
- Storage
- Disposal
- Who uses PPE?
- When is PPE used?
- First Aid?



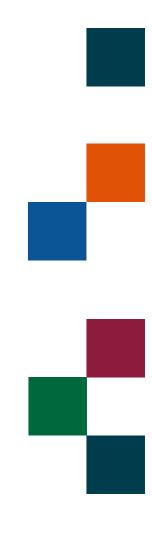


Social distancing including building issues

Complex needs v Social distancing

- School mapping
- One way systems
- Wheel chair access
- Staggered opening times
- Staggered breaks
- Teaching pupils
- Challenges

Dublin







Risk Mitigation-Pupils

What a Health & Safety Statement might look like;

	Risks	Risk Assessment	Control measures	Responsible Staff member	Review
1	Intimate Care Needs for pupil	High	PPE for SNA	Deputy Principal	7/09/20
2	Coughing/Spitting	Medium	Social distancing rules	Class Teacher	3/09/20
3	Challenging Behaviour	Medium	(1)Behaviour Modification plan (2)Code of Behaviour	Teacher & Principal	15/09/20
4	Hygiene & Cleaning Routine	Low	Gel dispensers Cleaning Rosters	Cleaners report to Principal	15/09/20





Special Needs Assistants

Circular 30/2014

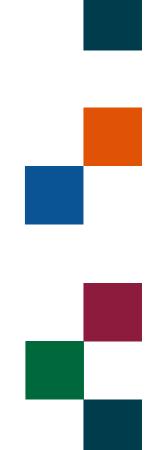
Administration of medicine (e.g. diabetes)

Assistance with feeding (e.g. peg feeding)

Assistance with toileting and general hygiene (including catheterisation)

Non-nursing care needs associated with specific medical conditions: such as frequent epileptic seizures or for pupils who have fragile health.

Care needs requiring frequent interventions including withdrawal of a pupil from a classroom when difficulties arise



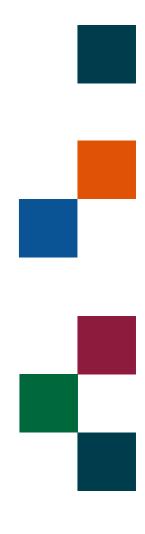
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Intimate & Personal Care

Protocol

- Role of pupil
- Role of SNA
- Consultation with parents
- PPE
- Child Safeguarding concerns





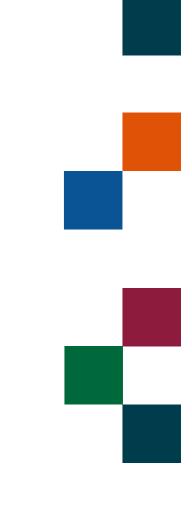
Disciplinary/Grievance Issues

Disciplinary

- Circular 49/2018 Circular 48/2018 Teachers
- Circular 72/2011 SNAs

Grievance

- Working Together (Primary)
- Grievance Procedure (Post Primary)

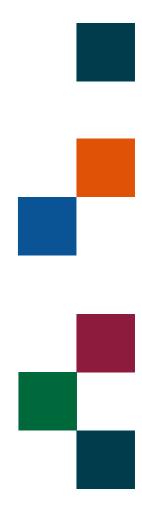






Behavioural issues

- Assaults on other pupils
- Staff
- Runners
- Code of Behaviour
- Segregation
- Restraint



Restraint

NO DES Guidelines yet –Expert Committee reviewed-AG



Restraint only after expert advice, training and monitoring



Training -Quality ?



Agree with insurer





Physical attacks on staff and related issues

A student with severe autism and other special needs periodically strikes his SNA, pulls her hair, even bites her hand. This can happen without warning. One day he injures an SNA. She brings a claim against the school, which is settled. The settlement affects the school's insurance premium.



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Shortened Day

 An eight year old student with special needs is causing huge disruption in our school, and is a huge health and safety risk for our staff and fellow students. To manage his behaviour, his parents have agreed to a shortened day. Is this permissible? What if the parents do not agree?

• What if the school "in the spirit of collaboration" with the parents, agree to a request from the parents that they be contacted to collect their child from the school if he has a physical outburst?



San Francisco



NEWB Guidelines-Suspensions/Expulsions

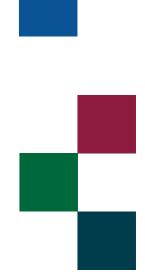
- The nature and seriousness of the behaviour
- The context of the behaviour
- The impact of the behaviour
- The interventions tried to date
- Whether expulsion is a proportionate response
- The possible impact of suspension/expulsion



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Special Classes/Special Schools

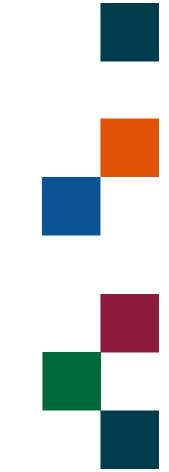
- Entitled to ask for reports
- Obligation to accept pupils during the school year if there is capacity
- SEN applicants likely to apply to mainstream & special class
- NCSC must approve any change of designation
- Can invite parents & pupils to interview, but no obligation to attend



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Problem Solving

- If you are not part of the solution, you are part of the problem!
- Not everything can be tackled at once!
- Look at the problem from pupil/parent/staff perspective
- Schools are continuous problem solving enterprises
- S.8 Health & Safety at Work Act 2005
- "Ensure so far as is reasonably practicable



Thank you



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