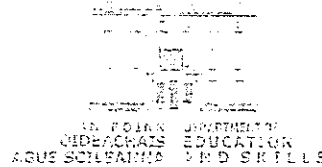


An Roinn Oideachais agus Scileanna  
Corr na Madadh  
Baile Átha Luain  
Co. na hIarmhí  
N37 X659



Department of Education and Skills  
Cornamaddy  
Athlone  
Co. Westmeath  
N37 X659

[REDACTED]  
[REDACTED]  
13<sup>th</sup> January, 2017

Re: FOI Request 2016 / 475

Dear [REDACTED]

I refer to your request made under the Freedom of Information Act 2014 in respect of correspondence between the Department of Education and Skills and the National Council for Special Education (NCSE) regarding the improper diagnosis of children with emotional and behavioural conditions or disabilities.

I wish to advise that no records have been located in respect of same and accordingly your request for such records is refused, this is in accordance with section 15(1)(a) of the Act which states that an FOI request may be refused if *"the record concerned does not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken"*.

I wish to advise that a comprehensive search of the records of the Department of Education and Skills, specifically Special Education Section and the National Educational Psychological Service (NEPS), was undertaken in an effort to locate the records that you have sought, however, no relevant records were located. In accordance with the requirements of section 15(1)(a) I am satisfied that all reasonable steps have been taken to identify relevant records in relation to your request. As the records do not exist I must, therefore, refuse your request on this basis.

In the event that you are not happy with this decision you may seek a review of this decision by writing to the Freedom of Information Unit, Department of Education and Skills, Marlborough Street, Dublin 1 seeking an internal review of the matter and referring to or enclosing a copy of this letter. Please note that a fee applies for such a review. The level of this has been set at €30 and payment should be made by way of bank draft, money order or postal order, and made payable to the Accountant, Department of Education and Skills. You should submit this within 4 weeks from the date of this notification, where a day is defined as a working day excluding the weekend and public holidays. The making of a late appeal may be permitted in appropriate circumstances. The review will involve a complete reconsideration of the matter by a more senior member of the staff of this body and the decision will be communicated to you within 3 weeks.


Please note that details of all non-personal FOI requests will be recorded on an FOI disclosure log which will be published on the Department of Education and Skills website in due course.

Finally, it should be noted that the NCSE, which is an independent statutory agency, is responsible for processing applications from schools for special educational needs supports, through its network of Special Educational Needs Organisers (SENOs). The NCSE also has a statutory role under the Education for Persons with Special Educational Needs Act, 2004 to provide policy advice to the Department in relation to matters concerning the education of persons with special educational needs. As you may be aware, the NCSE published its Policy Advice Paper No. 4 "Supporting Students with Special Educational Needs in Schools" in 2013 which referred to the inappropriate, unnecessary and premature labelling of children with disabilities, a copy of same is available on the NCSE website at:

[http://ncse.ie/wp-content/uploads/2014/09/Supporting\\_14\\_05\\_13\\_web.pdf](http://ncse.ie/wp-content/uploads/2014/09/Supporting_14_05_13_web.pdf)

I trust this clarifies the matter.

Yours sincerely,



Donal Sullivan, EO  
Special Education Section