

**Questionnaire on Empowering children with disabilities for the enjoyment of their human rights, including through inclusive education – response by the Government of Finland**

**1. Ensuring access to inclusive education for children with disabilities is one key way in which they can be empowered.**

1. **Please identify laws and policies in your country intended to ensure the inclusion of children with disabilities in the general education system and the transition from segregated to inclusive settings.**

Finnish legislation does not automatically ensure the inclusion of children with disabilities. According to the Basic Education Act, section 6, “the local authority shall assign to a child of compulsory school age and others receiving education under this Act a neighbourhood school or some other appropriate place where education is given in his or her native language in which the local authority is obliged to provide education. For a well-founded reason relating to educational arrangements, the local authority may change the place of education without changing the language of instruction.” This makes it possible to refer children with disabilities to special schools or concentrate the teaching of children with disabilities in one or several schools.

Under the Basic Education Act, (1998/628) the pupil participating in instruction has the right to receive sufficient support for learning and school attendance as soon as the need for support is observed. In order to detect the need for support early, the progress of pupils’ learning and their school attendance situation must be constantly evaluated.

Primarily, support is provided for a pupil in his or her own teaching group and school by means of various flexible arrangements, unless the pupil's best interests necessitate his or her transfer to another teaching group or school in order to provide support.

The starting points for the Vocational Education and Training Act (531/2017) are customer-oriented and competence-based in that each student’s studies are planned in a personal competence development plan to meet the student’s personal needs. The education and training is implemented in accordance with one legislation and qualification or training requirements that are the same for everyone. The students in need of special support study together with other students in training offered by the vocational education and training provider, and their needs for special needs support are taken into account individually as part of the education.

The Vocational Education and Training Act (531/2017) contains special provisions used to safeguard positive action in situations where the student requires special needs support, demanding special needs support, adaptation of the assessment of competence, or a derogation from the requirements for professional competence or learning objectives. A student is entitled to receive special support if, due to a learning disability, injury or disability, illness or some other reason, he or she needs long-term or regular special needs support for learning and studying in order to achieve the qualification or education requirements for professional competence or learning objectives. For students receiving special needs support, learning assessment in accordance with the vocational upper secondary qualification requirements can be adapted by carrying out individual assessment of competence for the student. The assessment of competence may only be adapted to the extent necessary considering the student’s personal goals and capabilities. A further aim of the provision of special needs support is promoting the student’s overall rehabilitation in collaboration with rehabilitation service providers. Students are entitled to receive demanding special needs support if they have a severe learning disability, or a severe disability or illness as a result of which they need individual, extensive and versatile special needs support as referred to in section 64 of the Act.

A derogation may be granted from the requirements for professional competence or learning objectives set to a vocational upper secondary qualification if the student does not demonstrate some area of competence included in the qualification requirements, if the professional competence requirements or learning objectives set in the qualification requirements are in some part unreasonable for the student considering his or her condition or previously acquired competence, or if the derogation is justified based on the student’s disability, injury or health condition. The purpose of the derogation is that the student will be able to complete the qualifications even though she or he is unable to achieve the professional competence requirements or learning objectives set in the qualification requirements due to the reasons referred to in section 64(1) of the Act. A derogation from the professional competence requirements or learning objectives is only possible to the extent necessary for the reasons referred to in section 64(1). The preparatory education for VET provided as demanding special needs support improves the opportunities to participate in training leading to qualifications for severely disabled students for whom the learning environment and services are particularly large. The training preparing students for work and independent living is aimed at those with most severe disabilities whose goal is not to continue in training leading to

qualifications, but to make a transition to work activities and living as independently as possible.

1. **Please identify any specific measures or actions being taken in your country to empower children with disabilities in education settings, particularly children with disabilities with psychosocial and intellectual impairments.**

**2. The empowerment of children with disabilities depends upon an environment in which they are fully included and supported in claiming their rights. Please identify laws, policies and good practices in your country aimed at the inclusion and empowerment of children with disabilities, including through:**

1. **Awareness-raising and capacity building on the human rights of children with disabilities, both broadly to the general population and their families, and to children with disabilities themselves.**
2. **Ensuring close consultation with and active involvement of children with disabilities in decision-making processes affecting them.**

The Project VAMO (Promotion of participation and inclusion in social work for persons with disabilities, financed by European Social Fund (ESF), 2016-2019) has focused i.a. in tools and practices for better listening and understanding the thoughts and needs of children with disabilities as clients for social services. <https://www.ulapland.fi/FI/Kotisivut/VamO-hanke>

1. **Ensuring provision of support to families, support networks and care-givers to enable the participation of children with disabilities in decision-making processes according to their evolving capacities.**
2. **Ensuring participation of children with disabilities in society and interconnectedness in their communities, promoting deinstitutionalization and combating isolation and segregation.**

**3. Realizing the rights of children with disabilities can be particularly challenging in certain circumstances, such as conflict and humanitarian situations. If relevant to your country, what measures are in place to empower children with disabilities in such circumstances?**

Not applicable.

**4. Please provide information on policies and programmes in your country aiming at respecting the participation in decision-making processes of children with disabilities according to their evolving capacities.**

Special needs support is provided to pupils who otherwise cannot adequately achieve the goals set for their growth, development or learning. Special needs support is organised as part of general and extended compulsory education. A pupil receiving special needs support either studies by subjects or operating areas. If the pupils studies are arranged around subjects, he or she studies these subjects according to either the core syllabus or an individualised syllabus.

If a decision on special needs support has been issued to a pupil, special needs education is provided to him or her following an individual educational plan (IEP). Before the decision on special-needs support is made, the education provider shall hear the pupil and his or her guardian. The IEP must also be drawn up in cooperation with the pupil and his or her guardian unless there is a obvious obstacle for this. The primary goal of the pedagogical solutions that are part of special needs education is to safeguard the pupil's learning. For example, the pedagogical solutions may be relevant to the instruction and working methods or the materials and tools selected. These vary based on learning objectives and contents as well as the pupil’s personal needs. Under the Basic Education Act, the pupil is entitled to remedial teaching and part-time special needs education, also as part of special needs education. In addition to the pedagogical arrangements of special needs education supporting learning, a pupil receiving special needs support is entitled to other forms of support. These other forms of support include counselling, individual pupil welfare, interpreter and assistant services, and special aids.

In accordance with the national core curriculum (2014, Finnish National Agency for Education), the purpose of special needs support is to provide the pupil with holistic and methodical support that allows him or her to complete compulsory education and lay a foundation for continuing his or her studies after basic education. The pupil's selfesteem, motivation to study and possibilities of experiencing the joy of success and learning should be reinforced. The pupil's participation and ability to assume responsibility for their studies should also be supported. In the area of youth policy, in recent years, disability organisations have been consulted in preparing decisions, e.g. in amending an act and decree, preparing the national youth work and youth policy programme, and certain other issues. The consultation is typically realised by requesting a statement on a draft document. There are no special measures for directly consulting children with disabilities in matters that concern them.

**5. Does your country have independent accountability mechanisms to monitor the situation of children with disabilities and their access to essential services, including to inclusive education in the general system without discrimination?**

Finland and in particular National Institute for Health and Welfare has recently added in most population studies, *including School Health Promotion study, Washington Group and GALI questions on disability. This enables the* Institute and others to gain information on the circumstances of children with disabilities in a whole new way. <https://thl.fi/en/web/thlfi-en/research-and-expertwork/population-studies/school-health-promotion-study>

There is not special mechanism in place for monitoring pre-primary and basic education, and general upper secondary education. By contrast, observing the pupil’s situation is continuous as required by legislation. Decisions on possible special needs support are made multiprofessionally, consulting the pupil's family and parents. The decision on the special needs support is revised at least after the second grade and before making the transition to grade 7. The decision must also always be updated when there are essential changes to the pupil’s situation. The decision on special support is an administrative decision on which an appeal may be lodged with the authorities.

Authorisations to provide vocational education and training have been used to ensure that young people with disabilities also have an opportunity to participate in accessible vocational education and training. Student admissions data provides information on the number of basic education graduates who have received a study place. Information is also separately obtained from preparatory training.

**6. Does your country monitor the inclusion of children with disabilities through disaggregated national data?**

1. **Please provide information on how the number of children with disabilities enrolled in education is recorded in national data.**

Statistics Finland publishes annual statistics on the numbers of pupils receiving intensified and special needs support, the support services available for them, the length of compulsory education, the individualisation of syllabi, the place where the education is provided (mainstream education, special needs group, special needs school, partly or fully). Therefore, the statistics cover all pupils in special needs education. The number of pupils with disabilities is annually separately obtained from the financial tables of the Finnish National Agency for Education.

Of pupils in basic education, 17.5 per cent received intensified or special needs support in the autumn of 2017. In total, 54,300, or 9.7 per cent, of pupils in basic education received intensified support and 43,100, or 7.7 per cent, received special needs support. Compared to the previous year, the share of pupils receiving intensified support grew by 0.8 percentage points and the share of pupils receiving special needs support by 0.3 percentage points. (Statistics Finland 2018). The share of pupils in basic education receiving intensified or special needs support varies from county to county. The share of pupils receiving their entire education in a special group at a special needs school has been decreasing every year; the share was 13 per cent in 2011, 12 per cent in 2014, and 10 per cent in 2016. The share of pupils receiving their entire instruction in special groups other than those in special needs schools has remained unchanged in recent years at around 28 per cent. Of the pupils receiving special needs support, 37 per cent received their instruction in full in a special group, and 21 per cent in a mainstream education group. The remaining 42 per cent received part of their instruction in a mainstream education group and part in a special group. Of the pupils receiving special needs support, 24 per cent participated in extended compulsory education. 22 per cent of basic education pupils received part-time special needs education.

According to Statistics Finland (2017), there were 75 special needs schools in Finland in 2016. There is currently no information separately available on the persons with disabilities studying in vocational education and training

1. **Please provide any available data on the number of children with disabilities living in institutions or care facilities in your country.**

Finnish statistics only can tell the number of children with learning disabilities in institutions, which is approximately 300 children (2016).