



Response to the Department of Education Draft Circular – The Education of Children and Young People from the Traveller Community

December 2009

Introduction

1. The Equality Commission for Northern Ireland (“the Commission”) is an independent public body established under the Northern Ireland Act 1998. The Commission is responsible for implementing the legislation on fair employment, sex discrimination and equal pay, race relations, sexual orientation, disability and age.
2. The Commission’s remit also includes overseeing the statutory duties on public authorities to promote equality of opportunity and good relations under Section 75 of the Northern Ireland Act 1998 and the positive disability duties under the Disability Discrimination Act 1995.
3. The Commission’s general duties include:
 - working towards the elimination of discrimination.
 - promoting equality of opportunity and encouraging good practice.
 - promoting positive / affirmative action.
 - promoting good relations between people of different racial groups.
 - overseeing the implementation and effectiveness of the statutory duty on relevant public authorities.
 - keeping the legislation under review.

Link between the Draft Circular and the Commission strategy *Every Child an Equal Child*

4. The Commission welcomes the opportunity to comment on the Department of Education's paper, *The Education of Children and Young People from the Traveller Community* (the Draft Circular).
5. The Commission and the Department expressed their shared commitment to ensuring that all children and young people should be allowed the opportunity to develop to their full potential at our annual conference in November 2008, when we launched *Every Child an Equal Child*,¹ the Commission's statement on key inequalities in education and our strategy for intervention.
6. *Every Child an Equal Child* outlines the Commission's three overarching objectives in respect of education, which are that:
 - every child has equality of access to a quality educational experience.
 - every child is given the opportunity to reach his or her full potential.
 - the ethos of every school promotes the inclusion and participation of all children.
7. The Chief Commissioner of the Equality Commission sits on the Traveller Education Taskforce and the Commission had identified Traveller Children's education as a priority issue within *Every Child an Equal Child*. The Commission welcomes the development of the Draft Circular as it recognises and embodies the principles we set out in our strategy for intervention on key educational priorities.

General comments

Traveller specific focus

8. As an overall comment, the Commission very much welcomes the concepts and issues within the Draft Circular. While many of these concepts and issues are standard educational attainment matters for Northern Ireland schools and are all within existing school guidance

¹ Every Child an Equal Child, An Equality Commission Statement on Key Inequalities in Education and a Strategy for Intervention (2008), available at <http://www.equalityni.org/archive/pdf/ECkeyinequalities.pdf>

and regulation, given the history of Traveller education here, they do need to be emphasised. In particular, issues such as:

- teachers having high but realistic expectations on pupil attainment.
 - parents being actively involved in their child's education.
 - the need for schools to be welcoming places for all.
9. This Draft Circular sets up a mechanism for challenging both teachers and schools to examine their own existing expectations and, in some cases prejudices against those from the Travelling community. We agree that only when these issues are examined and positively addressed, and training is provided where needed, will attitudes more generally start to change.
10. Much of the value of the Draft Circular, therefore, will be to reinforce and reinvigorate discussion and attitudes towards Travellers and Traveller culture in general and to promote a culture of understanding, particularly among those schools and teachers who have little contact with the Travelling population. As Commission research indicates,² Travellers remain one of the most discriminated against and misunderstood groups in Northern Ireland.

Implications of the Draft Circular for all children and young people, regardless of their identity

11. The Draft Circular goes to the very heart of giving effect to the *Every School a Good School – a Policy for School Improvement* strategy,³ which focuses on the needs of all pupils and aims to allow children to reach their potential. The Commission warmly welcomes this approach.
12. Specifically, the Draft Circular promotes a welcoming educational environment for all children and young people from the Traveller community, promotes equality of opportunity for all and seeks to foster good race relations. There is specific reference to the General Teaching Council's teacher competencies, and in particular to teachers' need to develop both knowledge and understanding of pupils' cultures, languages and faiths and to address the

² http://www.equalityni.org/archive/pdf/EC_Summary.pdf

³ http://www.deni.gov.uk/esags_policy_for_school_improvement_-_final_version_05-05-2009.pdf

implications for learning arising from these. The Draft Circular also recommends a whole-school approach to interculturalism. In effect, taking on these measures would go a long way to addressing both equality of opportunity and good relations issues for Travellers.

13. The Commission believes that the only way that all young people can be given the opportunity to reach their potential (i.e. the commitments within the *Every School a Good School – a Policy for School Improvement strategy*) is if schools embed the promotion of equality of opportunity and good relations across all equality grounds. This will ensure all children and young people are welcomed, respected, regardless of their identity.

The Draft Circular in the context of Every School a Good School – A Policy for School Improvement

14. As the *Every School a Good School – a Policy for School Improvement* has been finalised, the Commission suggests that the Draft Circular document makes direct reference to it. This may assist school heads, governors and teachers to link the strategic importance of the two documents together and to reinforce their resolve to ensure that they take action to give effect to the strategy.
15. The Commission suggests that specific links could be drawn between the Draft Circular and the *Policy for School Improvement* throughout the text. Reference to the *Policy for School Improvement* could also usefully be made at the bottom of Annex A.

Specific comments

16. The remaining comments on the Draft Circular relate to specific paragraph numbers.

Paragraph 2 – Section 75

17. We note the reference to Section 75 of the Northern Ireland Act 1998. We suggest that the paragraph be amended to “places an obligation on **designated** public authorities to have due regard to the need to promote equality of opportunity between **a number of different categories including** different racial groups.”

18. We also suggest adding the following sentence to paragraph 2:

“In addition, and without prejudice to this obligation, designated public authorities are also required to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion, and racial group.”

19. Annex A, fourth paragraph – we suggest that the paragraph on Section 75 of the Northern Ireland Act 1998 - makes a clear distinction between subsections (1) and (2) of Section 75. As written, it appears as though Section 75(1) covers both duties relating to equality of opportunity and good relations. We therefore suggest replacing the paragraph with the following:

“Under **Section 75 of the Northern Ireland Act 1998** there is a statutory obligation for a designated public authority in carrying out its functions to have due regard to the need to promote equality of opportunity *between persons of different racial groups*”. A designated public authority must also have regard to *“the desirability of promoting good relations between persons of different racial group”*. This includes relations between Travellers and others.”

20. The final sentence of the paragraph as it stands reads as follows:

“Although individual schools are not under obligation to comply with Section 75, the Department of Education and the Education and Library Boards are.”

21. The Commission advises replacing this final sentence, as while strictly true, it may send a signal to schools that they are not obliged to consider the implications of the designated public authority’s responsibilities under the Act. We therefore suggest the following:

- “The Department of Education, Education and Library Boards, CCMS, CnAG and successor bodies such as the Education and Skills Authority are obliged to comply with Section 75, as they are designated public authorities. These designated public authorities have a duty to ensure that all schools comply with their policies and procedures.”

22. If the Draft Circular is to be finalised once ESA has been established, we suggest referring only to the Department of Education and ESA.

Paragraph 4 - additional positive action

23. The Commission supports the Department's approach to encourage schools to take additional positive action to help raise Traveller attendance and achievement levels. We support the additional flexibility as outlined in Paragraph 17 and the transition programmes summarised in Paragraphs 18-19.

Paragraph 6 – policy principles

24. The Commission is encouraged by the policy principles outlined in this paragraph. As above, we foresee them being very usefully applied to all children and young people, to ensure everyone has the opportunity to reach their potential. Notable amongst these policy principles are:
- Positively welcoming all children – we suggest including a statement on a whole-school approach to welcoming and embracing cultural diversity.
 - Providing equality of opportunity for all and fostering good race relations.
 - Understanding of the way of life and culture of Traveller families.
 - Value the contribution of a diversity of cultures – we suggest this could include being culturally affirmative, as noted in paragraph 8.
 - Recognise and encourage parents as primary educators – we fully support and welcome the focus on this policy principle.

Paragraph 7 – teacher competencies

25. We agree with the Department that teachers need to think how they can apply teacher competencies⁴ for the benefit of Traveller children.

⁴ General Teaching Council's *Teaching – the Reflective Profession*
http://www.gtcni.org.uk/uploads/docs/GTCNI_Comp_Bmrk%20%20Aug%2007.pdf

Paragraph 8 – celebration of diversity

26. The Commission welcomes the Department's encouragement to schools to actively celebrate diversity and to seek to include different cultures in each child's experience. A culturally affirmative approach via a whole-school approach to welcoming cultural diversity across all areas of school life is directly in line with the work that we are seeking to achieve with our *Every Child an Equal Child* strategy. The Department may wish to consider inserting a link to contact details for the Equality Commission's website for reference.

Paragraph 10 – differences between Traveller culture and the social patterns or behaviour that can be a result of exclusion and poverty

27. The Commission supports the statement in the Draft Circular that schools need to recognise the differences between Traveller culture and the social patterns or behaviour that can be a result of exclusion and poverty.
28. We therefore support the Department in reiterating the professional requirement for all teachers to challenge any misconception and prejudices that may exist. We also particularly support the Department's commitment to provide diversity training for existing teachers, and the instruction that schools should include the interests of Travellers within their staff development programmes. .

Paragraph 13 – tolerance and respect

29. Rather than the term 'tolerance', the Commission prefers the more positive aspects of 'promoting diversity and respect for difference'. We recommend that schools actively promote, through concrete actions, concepts such as respect for diversity and promotion of social cohesion, which are positive, proactive and inclusive. We prefer these ideas over less active concepts, such as 'tolerance'. By merely tolerating difference, it may convey the message that one does not need to embrace or understand it. Tolerance could be interpreted as merely putting up with difference. We therefore prefer promoting a more practical and positive approach.

Paragraph 20 - sharing of information

30. With the Y2K computer system and other computer databases, we trust that the sharing of information between schools will allow relevant records, information and contacts to be shared between stakeholders, subject to Data Protection provisions.

Paragraph 22 – teacher expectations

31. As outlined in the Commission’s general comments, we agree it is essential that teachers have high but realistic expectations of all their pupils’ attainment, and that this should not be biased on the basis of the pupils’ ethnicity or other irrelevant factors. This is an existing requirement within ETI inspection standards and GTC teacher competencies, but we agree is worthwhile reinforcing in this Draft Circular.

Paragraph 25 – Education Welfare Service

32. We agree with the reiteration of the responsibility of schools to contact the Education Welfare Service when trigger points are reached, as is required in the cases of all children.

Paragraph 26 – attitudes to nomadism

33. We agree with the acknowledgement in the Draft Circular that the Department and therefore schools need to understand and acknowledge that nomadism is an integral part of Traveller culture. This may go some way to developing a greater understanding, respect for and acknowledgment of the value that society in general has for Traveller culture. Our research⁵ has found that 40% of people surveyed in Northern Ireland do not accept nomadism as a valid way of life that should be supported by the Government.

Paragraph 29 – reference to illiterate parents

34. We suggest that the Department rephrase the sentence “..to communicate with illiterate parents...” – to “...communicate with parents with limited or no reading ability...”

⁵ <http://www.equalityni.org/archive/pdf/FinCommRespUnauthorisedEncampmentsOrder131204.pdf>
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Paragraph 33 – bullying

35. The Department has a number of teacher circulars⁶ on bullying that could be usefully referenced. We suggest that it may be useful to refer to the legislative requirements under Article 19 of the Education and Libraries (Northern Ireland) Order 2003, which require a principal and board of governors to determine measures to be taken to encourage good behaviour and respect for others on the part of pupils, and, in particular, preventing all forms of bullying among pupils. This includes consulting with both pupils and parents.
36. In the Commission's response⁷ to the Consultation Document for *Every School a Good School – a Policy for School Improvement*, we noted that that document did not make a direct reference to bullying,
32. *“..nor any requirement for the statistical recording and reporting of its incidence, the type of bullying occurring and how a school deals with it.*
33. *The Commission believes it essential that schools ensure that racist bullying incidents are recorded and monitored centrally. School policies should ensure that staff and senior management are clear in how to deal effectively with incidents of racist bullying, thus appraising parents of the schools intent to creating a safe learning environment for their children. This is particularly so in relation to Traveller children whose experiences of bullying are a major contributory factor in accounting for low attendance and achievement in post primary education.”*
37. The Commission wishes to reiterate these points with respect to the Draft Circular, as we note that the final *Policy for School Improvement* also does not include a discussion on bullying. This would provide greater certainty for schools on what would be required within a clear and effective anti-bullying policy.

Monitoring and review

38. All change requires effective monitoring and review. The Commission has worked closely with the Education and Training Inspectorate on the development of the revised schools' self-

⁶ <http://www.deni.gov.uk/dc2003-13circular-5.pdf>

⁷ <http://www.equalityni.org/archive/word/AuthorisedversionESAGS.doc>

assessment publication, *Together Towards Improvement*⁸ through a number of meetings, and by providing written comments on the self-evaluation indicators. The focus of this work has been on ensuring that equality of opportunity and good relations are mainstreamed across all areas.

Conclusion

39. The Commission welcomes the range of policy measures outlined in this Draft Circular. They go to the very heart of what it will take to give effect to *Every School a Good School – a Policy for School Improvement*, and support the education attainment and attendance of children and young people from the Traveller community.
40. The Commission would like to take this opportunity to call upon the Department to follow up this work with a separate statement that applies the policies outlined in the Draft Circular to all children and young people. We feel that such an approach may help to ensure all young people have the opportunity to reach their full potential.

**Equality Commission
December 2009**

⁸ Department of Education, *Together Towards Improvement - A Process For Self-Evaluation*, available at http://www.etini.gov.uk/together_towards_improve.pdf