

# EQUALITY COMMISSION FOR NORTHERN IRELAND

## COMMENTS ON THE RECOMMENDATIONS FOR NEW POST-PRIMARY ARRANGEMENTS: *EXECUTIVE SUMMARY*

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The key points in the paper are as follows:-

- ◆ Due to its general duty to promote equality of opportunity in our society, the Commission has an important role to play in the current debate surrounding Post-Primary Selection. The Commission considers that the present review is an important opportunity to revise the educational structure in Northern Ireland. Such revision must include improvements in standards within the pre-school and primary sector, significant extra resources to secondary schools in those areas where there is under-performance at present, and a commitment to a decade-long transition period to a post-primary system which successfully enables all pupils to maximise their potential.
- ◆ The case against the present system is compelling. The Transfer Procedure, with its emphasis on test preparation and memorisation, distorts the curriculum in primary schools, leads to a higher concentration of lower ability pupils in secondary schools, and ultimately results in a “long tail of low achieving secondary schools”.
- ◆ A long-established association exists between economic and social deprivation and low success rates in the Transfer Procedure. Research shows that success in the Transfer Procedure, and the enhanced life chances which follow, is heavily influenced by social class. In essence, therefore, the transfer system is a social justice issue.
- ◆ The Commission broadly supports the key recommendations of the Review Body, including the abolition of the Transfer Tests, the development of a Pupil Profile, and the collaboration and co-operation of networks of schools in a system of Collegiates. However, the Commission does not support the recommendations in relation to admissions. It does not consider that the over-emphasis on ‘parental preference’ as the key selection tool to the exclusion of other methods is satisfactory. The Commission suggests that the proposed use of parental preference as the key admissions criteria, far from achieving the objective of ‘equal chance’, will instead result in middle-class parents having more influence on the final destination of their children than working-class parents. Accordingly, the Commission does not accept that parental choice should be given statutory priority for admissions purposes.
- ◆ Contrary to the recommendations of the Review Body, the Commission strongly recommends that Special Schools are included in the Collegiates, rather than being left outside them.

- ◆ The Commission supports the concept of “retaining the best and raising the rest” and accordingly supports proposals that the revised arrangements should retain and extend the high quality outcomes of the present system, whilst reducing the inequalities that exist.
  
- ◆ The Commission considers that the abolition of the Transfer Test, a procedure which has blighted the lives of generations of our children, is long overdue. Whatever form the new Post-Primary arrangements take, it is hoped that they will eventually contribute to the ending of social apartheid, and reduce the cycle of disadvantage and under-achievement so prevalent in our educational system.

# EQUALITY COMMISSION FOR NORTHERN IRELAND

## COMMENTS ON THE RECOMMENDATIONS OF THE INDEPENDENT REVIEW BODY (THE BURNS REPORT) CONCERNING NEW POST-PRIMARY SCHOOL ARRANGEMENTS.

### Introduction

1. The Equality Commission for Northern Ireland (“The Commission”) has responsibility for the legislation on equal pay, sex discrimination, disability discrimination, fair employment and treatment, race relations and the public sector statutory duty. The aim of the Commission is to promote respect for diversity, eliminate discrimination and achieve equality of opportunity for all.
2. As part of our general duty to promote equality, the Commission has an important role to play in the current debate surrounding Post-Primary Selection. This is because of accumulating evidence that the present selection arrangements may contribute to social exclusion, inequality and disadvantage in our society.

### The Current System

3. Northern Ireland has operated a selective system of secondary and grammar schools since 1947. Following the election of the Labour government in 1997, a Selection Project was commissioned by the Department of Education which examined the effects of the selective system<sup>1</sup>. Using a range of methodologies, including a literature review, postal questionnaires, focus group meetings, and interviews with teachers and pupils, the authors (Gallagher and Smith)<sup>2</sup> found that:-
  - (i) Most people valued the good academic results achieved by grammar schools. According to the authors, there was a widely held view that any changes to the education system should try to maintain the high standards achieved by such schools. However, although grammar schools show particularly high levels of attainment, “the corollary of this is that there is a long tail of low-achieving secondary schools [...] which may be an inevitable consequence of a selective system.”
  - (ii) Preparation for the Transfer Tests has a distorting effect on the Key Stage 2 curriculum, as attention is focused on Test preparation and memorisation of information. Teachers may have modest expectations of pupils who are not entered for the Tests,

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<sup>1</sup> Gallagher, T., and Smith, A. (2000). The Effects of the Selective System of Secondary Education in Northern Ireland. Bangor: Department of Education for Northern Ireland.

<sup>2</sup> Research Briefing No. 4/2000. The Effects of the Selective System of Secondary Education in Northern Ireland. Bangor: Department of Education for Northern Ireland.

and there is some suggestion that less attention is devoted to their educational needs.

- (iii) The importance attached to “passing” the 11+ means that many parents feel obliged to pay for out-of-school coaching, but parents on low incomes cannot afford this extra expenditure.
  - (iv) Since 1990 the proportion of pupils entering grammar schools has increased, leading to a change in the ability profile of secondary school pupils. With a higher concentration of lower ability pupils, school teachers believe that this has increased the challenges they face and diminished the expectations of the pupils.
  - (v) Gallagher and Smith also found that teachers in secondary schools reported that many pupils arrive with a sense of failure, and are aware of the higher respect and status accorded to grammar schools.
  - (vi) Many parents complain that the current system is unfair, and places undue pressure on young children, a concern shared by teachers, employers and society at large.
  - (vii) There has been a gradual shift towards more comprehensive systems across the European Union and other OECD countries.
  - (viii) The only procedure which appears to avoid social differentiation between schools is where the allocation of pupils to post-primary education is conducted on the basis of a lottery or random allocation.
4. The Commission considers that Gallagher and Smith’s findings have made a major contribution to the present debate, particularly in drawing attention to the role played by the present system in reinforcing socio-economic disadvantage and exclusion.
5. There is now a considerable body of international evidence establishing a link between socio-economic deprivation and low educational achievement. Locally, the Department of Education for Northern Ireland (DENI) uses Free School Meal Entitlement (FSME) as a robust indicator of social deprivation for TSN purposes<sup>3</sup>. A strong association has been found between FSME and success in the present Transfer Procedure: notably, a smaller proportion of pupils achieve a grade A in schools with high levels of FSME than in schools with a low level of FSME. For example, in 1995-96, success at grade A ranged from 52% in primary schools with less than 11% of pupils entitled to

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<sup>3</sup> Shuttleworth (1993) observed that FSM has sufficient power to be used alone as a proxy for deprivation. It is closely related to other socio-economic variables and, furthermore, has some independent explanatory power. Reference: Shuttleworth, I. (1993). Summary of the First Stage Report on Social Deprivation and Low Academic Attainment in Northern Ireland. Bangor: Department of Education for Northern Ireland.

FSM, to 16% in schools with half or more of pupils entitled to FSM<sup>4</sup>. In brief, success in the present Transfer Procedure, and the enhanced life chances which follow, is heavily influenced by social class.

6. As part of the Selection Project, Kilpatrick and Quinn (2000)<sup>5</sup> examined the views of special educational needs co-ordinators (SENCOs) and pastoral care staff in the 8 grammar and 17 secondary case study schools used in the Selection Project. Overall, there was a consensus that the selection procedure works to the “detriment of the lesser able pupil and results in unnecessary emotional trauma.” According to the authors, government policy on education requires that, as far as possible, children with special educational needs (SEN) should be educated alongside their peers in mainstream schools. Yet one of the main consequences of selection is that teachers and others talk about “passing” or “failing”, thus prohibiting the inclusion of all pupils. It was also found that SEN rarely featured in the grammar schools. In some schools surveyed, there was no evidence of a SEN policy, or even a designated person with responsibility for special educational needs.
7. The Commission is agreed that the present system of transfer to post-primary education should be discontinued, as it accentuates rather than moderates the effects of social class on the educational system. Post-primary selection is essentially a social justice issue. Moreover, in addition to distorting the primary school curriculum, the evident social segregation between grammar and secondary schools is accompanied by lower status and esteem being accorded to secondary schools and their pupils. In addition, provision for special educational needs in grammar schools is notable by its absence. Accordingly, the present system cannot, and does not, accord all pupils equality of opportunity.

### The Review Body Recommendations

8. The Commission has given detailed consideration to the report of the Review Body. It supports the Review Body’s vision for an education system, and fully endorses the Guiding Principles which it has included in its report.
9. Among the key Guiding Principles listed in the report are the following:-
  - ◆ **Each young person should be valued equally.** All children should be afforded the same respect, regardless of their background, abilities or aptitudes. Given the distortions in the present selection system, it is doubtful if children are “valued equally”.

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<sup>4</sup> Statistical Bulletin No. 2/1996. Free School Meals and Low Achievement. Bangor: Department of Education for Northern Ireland.

<sup>5</sup> Kilpatrick, R. & Quinn, F. (2000). Interviews with Special Educational Needs’ Co-ordinators and Heads of Pastoral Care. Research Paper SEL 4.8. Department of Education.

- ◆ **The promotion and demonstration of a culture of tolerance, reconciliation and respect for diversity of cultures should be a seminal purpose of education.** The Commission agrees that an inclusive education system, which is founded on equality of opportunity and the development of all young persons to their full potential, can enrich society at large, and will make a significant contribution to the development of mutual understanding, respect for different cultures, and the responsibilities of citizenship.
  - ◆ **There should be equality of opportunity, access and excellence for all.** The Commission supports the Review Body's' view that any new arrangements must ensure that all young people have access to education provision that meets their individual needs and promotes equality of opportunity and high quality learning and teaching.
10. In relation to the proposals of the Review Body, the Commission has considered whether the recommendations meet the vision of equality of opportunity, and facilitate the objective of providing for the individual abilities and needs of all young people. It has concluded that three of the core proposals, namely:-
- ◆ the development of a Pupil Profile;
  - ◆ the abolition of the Transfer Tests; and
  - ◆ the collaboration and co-operation of networks of schools in a system of Collegiates.

will better meet equality objectives and provide the opportunity for all young people to enjoy enhanced educational, social and economic prospects. The Commission, however, is not convinced that **parental preference** should be accorded statutory priority for admissions purposes.

### Parental Preference

11. According to the Report, "Informed by the Pupil Profile, the parents and the child, assisted by the teacher, would be able to review the information provided by a Collegiate [...] and then express preferences for post-primary schools." (p. 128). The Commission considers that, in many situations such a scenario, whereby the parents and child give detailed scrutiny to the information provided by a Post-Primary school, then come to an informed decision, is simply unrealistic. A more plausible and likely scenario is that the choices made by parents from higher income groups will carry considerably more weight with teachers than those preferences expressed by their low-income counterparts.

12. By definition, “**informed parental preferences**” (p. 127) can only be exercised by those parents possessed with sufficient confidence, knowledge, experience and educational attainment to make such choices. Indeed, considerable knowledge and skill may be a pre-requisite for the proper evaluation of the complex material inevitably contained in a Pupil Profile. Parents of disadvantaged children, however, are often disadvantaged themselves, particularly in relation to literacy and numeracy skills – the very attributes which will be most salient when making a preference for Post-Primary education.
13. In contrast, parents from higher socio-economic groups are likely to be more literate and more comfortable with the evaluation of complex material, as they perform such tasks on a daily basis in their professional and working lives. In addition, middle-class parents will be more likely to possess the necessary confidence required to challenge a teacher’s assessment of their child. Thus, it is probable that middle-class parents will have more influence on the final destination of their child than working-class parents. Therefore, given the significant barriers that many low-income parents will have to overcome in order to exercise an informed choice, it seems unlikely that parental preference will be the panacea which the Review Body expects. Far from being the solution for our present ills, it may continue to perpetuate the present system, whereby middle-class children go to the “best” schools, while their working-class counterparts go to the “rest”. In brief, it is far from clear that the cycle of disadvantage will be broken by parental preference, as the Report seems to suggest.
14. The Commission, therefore, suggests that the Department give further detailed consideration to the admissions system which should be used when the Collegiate system is in place. The Commission recommends that this consideration covers:-
  - ◆ the introduction of a system of continuous assessment covering the full curriculum;
  - ◆ the addition of dialogue with the receiving schools guided by the child’s assessment reports;
  - ◆ the input of teachers and principals in the constructive discussion of appropriate post-primary options; and
  - ◆ the inclusion of parental input. This should be supported by detailed information on the curricular and other provision in post-primary schools, and on the information and evidence relating to their own child.
15. The Commission believes that the main objective of education structure and funding should be to (i) secure the achievement of the highest possible standards by all pupils; and (ii) provide equality of opportunity for all and mitigate socio-economic and educational disadvantage. Therefore, the Commission supports the recommendation of the Review Body that it should be a statutory condition of grant-aid that all post-primary schools should be included in the Collegiate structure.

Similarly, it has urged the ending of public subsidies to the preparatory departments of grammar schools.

### Promoting Tolerance and Reconciliation

16. The Commission considers that a central objective of the education system should be the promotion of tolerance and reconciliation. The system should be characterised by respect for a diversity of cultures. Such an objective will be more readily achieved in a fully integrated system where there is parity of esteem for each school type. We agree with the recommendation that schools should facilitate and encourage activities that provide young people with an active and informed appreciation of our rich diversity.
17. The Commission welcomes the recommendation that each Collegiate should have a reasonable mix of main school types and educational provision. The proposal for 20 Collegiates produces unavoidable gaps in some types of schools in a number of Collegiates, although it is to be anticipated that, as the system beds down, some revision of provision would ensue.

### Special Educational Needs

18. The Commission have concerns over the proposals in relation to the transfer of pupils with Special Educational Needs (SEN). The Review Report estimates that children with SEN may comprise as much as 20% of the school age population. The Report identifies the following different categories of special educational needs:-
  - ◆ children who experience disrupted education, perhaps because of difficult social circumstances, such as being “looked after” or because they are themselves school age parents;
  - ◆ children with additional needs arising from emotional and behavioural problems;
  - ◆ child with additional needs arising from sensory and physical disabilities;
  - ◆ children with special needs arising from severe learning difficulties;
  - ◆ child with special needs arising from moderate learning difficulties;
  - ◆ the additional needs of gifted and creative children;
  - ◆ the special needs of chronically ill children (those with substantial longstanding illnesses requiring frequent medical interventions).

19. Since the publication of the Warnock Report in 1978 it has been Government policy, and accepted practice that, in so far as it is possible, all pupils should be educated within mainstream schools. The Commission is likewise committed to the inclusion, wherever possible, of children with SEN in mainstream schools, and is disappointed at the delay in publishing the Special Educational Needs and Disability Bill which will give further effect to this policy. The Commission is aware that, for the policy of educating children with special needs in mainstream schools to be effective, there must be adequate expertise, staff skills and resources available to meet the needs of pupils within schools. Pupils with special needs may require specific arrangements or specialist support to provide them with the same educational opportunities as other pupils. This in turn is dependent upon the commitment of individual schools and teachers.
20. The Review Report emphasises that access to specialist outreach support and improved communication and co-operation between all partners is also essential, yet leaves Special Schools outside its proposals on Collegiates. The Report concludes that Special Schools, because of their distinctive provision, cross-sectoral and “all age” responsibilities, should not be constituent members of the Collegiates. Instead, they would contribute learning support services to one or more Collegiates. This proposal would keep children with special educational needs outside mainstream social and economic activity, and is exclusive of a group that already experiences severe disadvantage. The Commission does not support this view. Rather it recommends that Special Schools are included in the Collegiates, so that all schools can make progress in partnership with the expertise acquired by Special Schools.
21. Notwithstanding the present debate on transfer procedures, the Disability Rights Task Force has made a useful recommendation<sup>6</sup>, namely that the providers of school education should be placed under a statutory duty to increase accessibility for disabled children to mainstream schools. This duty, which the Northern Ireland Executive<sup>7</sup> endorses, should cover both reasonable adjustments for physical access and for access to the curriculum itself. The Commission strongly supports this recommendations and urges that it is taken forward as part of the legislative changes which will follow from the Review.

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<sup>6</sup> DfEE (1999). From Exclusion to Inclusion: final report of the Disability Rights Task Force. London: HMSO.

<sup>7</sup> OFMDFM (2001). Improving Civil Rights for Disabled People: Northern Ireland Executive Response to the Disability Rights Task Force.

## Transfer Arrangements

22. The Commission welcomes the recommendation that the use of the Transfer Test as a means of selecting pupils for transfer to post-primary education should be ended at the earliest possible opportunity. However, as noted above, the Commission is not convinced that parental preference should be accorded statutory priority, and that schools should be required to admit pupils in order of parental choice.
23. In recognition that some schools will be more popular than others, the Review Body admit that schools admissions criteria will continue to play an important role. The recommendations are:-
  - parental preference;
  - siblings at the school or eldest child in a family;
  - children of staff;
  - compelling individual circumstances;
  - proximity to a pupil's home;
24. The Commission is very aware of the concerns which have been expressed about admissions recommendations, such as "selection by postcode". The issue of over-subscription, far from being a minor detail, is of fundamental importance, and requires further consideration by the Review Body.
25. The Commission recommends that the Department gives further detailed consideration to the "tie break" criteria which will be adopted in the event of a school being oversubscribed. In particular, consideration should be given to a procedure which gives all pupils an equal chance.

## High Quality Outcomes

26. Throughout its consideration of future transfer arrangements, the Commission has been concerned to ensure that any revisions would retain and extend the high quality outcomes of the present system. The standards achieved at various educational stages should be improved across the full range of ability. Although the Review Body recommends an end to academic selection, it promotes the use of regular assessment to measure individual progress, identify learning needs and inform teaching. The Commission supports the proposal to ensure that all young people have access to education provision that meets their individual needs and provides high quality teaching and learning. The Commission also agrees that the development of a broad system of assessment as envisaged by the Review Report will assist in raising standards generally in all schools.

27. The Commission is certain that high quality outcomes will only be achieved via significant improvements in the pre-school and primary sector, in the curriculum, and in many of the present secondary schools. We are firmly convinced that the present School Improvement Programme must be continued and accelerated, and that the improvements in the lowest performing secondary schools must be matched by a significant increase in resources. We are aware of the very considerable backlog in the School Building Programme and believe that the physical state of some secondary schools has contributed to their present poor reputation and associated falling rolls. If all schools are to be considered realistic options with a co-operative style collegial structure, then the fabric of the school estate must be improved. The standard of accommodation in a school makes an important contribution to the status of the school, and to the esteem of pupils and teachers. The Commission supports the proposal for a Collegiate Improvement Programme to ensure that young people are accorded equality of educational opportunity.

### Conclusion

28. The Commission welcomes the proposal of the Independent Review Body to end the Transfer Test, but does not accept that parental preference should be accorded statutory priority for admissions purposes. However, the abolition of the Eleven plus, a procedure which has blighted the lives of generations of our children, is long overdue. The proposals are an opportunity for a new beginning. Whatever form the new Post-Primary arrangements finally take, it is hoped that they will eventually contribute to the reduction of social selection, and reduce the cycle of disadvantage and under-achievement so prevalent in our educational system.
29. The Commission welcomes this opportunity for change and believes that whatever system is established should be subject to regular review to ensure that the best is provided to the first post 11+ generation.
30. Finally, the Commission welcomes the extensive consultation and debate on this issue which the Department has facilitated and encouraged, and notes that the specific proposals when developed will of course be subject to an Equality Impact Assessment (EQIA).