



EQUALITY COMMISSION FOR NORTHERN IRELAND

Consultation response:

The Department of Education

**Every Child: Department of Education's Corporate
Plan 2023-28**

November 2022

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1 Introduction

- 1.1 The Equality Commission for Northern Ireland ('the Commission') welcomes the opportunity to respond to the Department of Education's draft Corporate Plan 2023-28.
- 1.2 While we welcome many of the commitments included within the draft plan, including embedding equality in policies and governance, we note with concern that there is no explicit reference to tackling key inequalities across Section 75 categories nor advancing equality of opportunity and good relations.
- 1.3 We **recommend** that the vision, objectives and long-term policies and interventions within the final corporate plan explicitly make a commitment to tackle key inequalities, and mainstream equality and good relations.
- 1.4 In addition, we **recommend** that comprehensive equality data should be collected to identify equality impacts and shape targeted actions to advance equality.
- 1.5 We have also reviewed the associated screening assessment and how this inter-relates with the policy development of the corporate plan. Feedback is provided in relation to the Commission's concerns about the equality assessment at Chapter 4.

2 Overarching comments

- 2.1 The Commission has responded only to those questions and issues within its remit and expertise.
- 2.2 We note that this draft corporate plan focuses on five strands: Championing; Helping; Inspiring; Meeting; and Delivering.
- 2.3 Whilst recognising this focus in our below response, the Commission has made wider recommendations to secure change and improve equality in education. Our full policy recommendations and wider education priorities are found on our [Equality in Education webpage](#).

- 2.4 These further recommendations include steps which can be taken by government, officials and key stakeholders. Therefore, we consider they are relevant and necessary to inform any corporate plan by the Department of Education (DE).
- 2.5 The Commission considers that there are immediate opportunities and a particular pressing need to secure change in relation to tackling prejudice-based bullying and addressing inequalities in attainment and access experienced by Traveller, Roma and Newcomer children. We have identified these as priority areas for intervention in relation to education.
- 2.6 These priorities should be reflected in DE's corporate plan; we note with concern that bullying does not seem to be addressed in this corporate plan.
- 2.7 Further, we welcome commitment to address inequalities in attainment and access but **recommend** that there must be specific actions for Traveller and Roma children, and further commitments for Newcomer children.
- 2.8 We have also sought to ensure progress on a number of recommendations of benefit to all children, including prompt action to advance childcare and early years provisions; collaborative approaches involving family and the wider community to drive attainment; and a system for learning from successful interventions.
- 2.9 We **recommend** commitment to advance a shared society through education.
- 2.10 Throughout the draft Corporate Plan, there is a lack of consideration of the importance of equality data. Action should be taken to improve equality data and analysis – including to ensure that data is available across the full range of equality grounds, and in respect of people's multiple identities.

3 Specific Comments

CHAMPIONING all our children and young people and the positive impact of education on all aspects of life

- 3.1 We welcome the proposed action to ‘identify, share and encourage research and best practice to inform policy development and implementation’.
- 3.2 This must be informed by robust data collection, and the corporate plan should address equality data collection explicitly.
- 3.3 We **recommend** DE establishes robust, reliable education information systems to address existing equality data gaps and to provide more disaggregated data¹.
- 3.4 There remain significant and specific equality data gaps across a number of themes in education in relation to gender identity, religious belief, political opinion, minority ethnic group and sexual orientation. Where data exists, there is also a lack of disaggregation in relation to: ethnicity, disability status, dependency status and marital status.
- 3.5 Data gaps and lack of disaggregation in relation to Section 75 groups present a barrier to the assessment of the extent of particular groups within the school population. They limit the accurate and robust measurement of educational attainment, experiences and progression for those with particular equality characteristics. This in turn limits the scope for more effectively meeting the needs which specific groups may have and prevents a detailed assessment of the effectiveness of measures aimed at benefitting such pupils / students across Section 75 groups.

HELPING all our children and young people where they need support for their learning and well-being

- 3.6 We welcome this commitment and emphasise the importance of actions that will benefit all children, and those that will benefit children from specific equality groups.² Further, we have

¹ ECNI (2022) [Equality in Education: Policy recommendations, paras 4.1 – 4.13](#)

² ECNI (2022) [Equality in Education: Policy recommendations, paras 7.1 – 7.113](#)

highlighted our recommendations relating to Traveller, Roma and Newcomer children, in our below comments on the *INSPIRING* section of the draft Plan.

Actions of benefit to all children

- 3.7 We welcome commitment to development of an Executive Childcare Strategy. We **recommend** provision, and monitoring the uptake of, appropriate, accessible, and affordable childcare and early years provision more generally to meet the diverse needs of all children.
- 3.8 We **recommend** collaborative approaches to drive attainment, involving engagement with parents, families, carers, and the wider communities of key equality groups.
- 3.9 We **recommend** the establishment of a system of learning from successful interventions and the dissemination and sharing of these lessons with other schools.

Actions specific to children with disabilities and/or SEN

- 3.10 We **recommend** government should ensure the quality of educational experiences received by children with special educational needs (SEN).
- 3.11 We **recommend** the proposed code of practice to support the Special Educational Needs and Disability Act (NI) 2016 should clarify outstanding issues, including around student involvement, staff training, as well as review and dispute resolution.
- 3.12 We **recommend** relevant legislation should be amended to address deficiencies, and to improve the educational experiences of students with SEN and/or disabilities.

Actions specific to young carers and looked after children

- 3.13 We welcome commitment to deliver actions in “*A Life Deserved – A Strategy for Children Looked After*”. We **recommend** the Departments of Education and Health should provide tailored support to ensure the effective participation in education of every looked after child.
- 3.14 We are concerned at the omission of commitment for young carers. We **recommend** the Departments of Health and

Education should work in collaboration to identify young carers and provide services to both support them and improve their educational outcomes.

INSPIRING all our children and young people to make a positive contribution to society

- 3.15 We welcome the commitment to *encourage more children and young people from different backgrounds to engage together, building societal cohesion and learning to understand, respect and celebrate difference.*

Advance a shared society through education

- 3.16 We **recommend** a move to a system of education which routinely teaches all pupils together via a shared curriculum in shared classes, in support of better advancing a shared society³.
- 3.17 Sharing across the education system could better provide learners with shared awareness, understanding and experience of the value and range of diverse cultures, identities and backgrounds in Northern Ireland; while also enabling learners from different cultures/communities to experience a shared society.
- 3.18 Any system must: ensure that sharing impacts meaningfully and substantively on every learner; ensure that a shared experience is central to the education system as a whole; encompass all stages of educational provision; and routinely teach learners together via a shared curriculum in shared classes.
- 3.19 The overall system of education provision in Northern Ireland has an important role to play, not only in the development of the child, but in advancing cohesion, sharing and integration across all equality grounds.
- 3.20 This is not to undermine the rights of parents to make choices regarding their child's attendance at specific schools, or for the provision of faith-based schools. However, such considerations cannot overshadow the importance of a system of education as

³ ECNI (2022) [Equality in Education: Policy recommendations, paras 5.1 – 5.10](#)

a whole seeking to maximise equality of opportunity and good relations.

Address inequalities in attainment and access

3.21 We welcome inclusion of the goal *to support newcomer pupils in overcoming barriers to learning through a revised newcomer policy*.

Actions specific to Traveller, Roma and Newcomer children

3.22 We welcome this support for Newcomer children but recommend that this commitment should go further. We are concerned at the omission of provision for Traveller and Roma children. We therefore **recommend** specified and targeted commitments for Traveller, Roma and Newcomer children.

3.23 We **recommend** that DE should put in place measures to support the education of Traveller and Roma children, particularly in relation to data collection and analysis; admissions and registration processes; planning transitions; and examining segregated provision.

3.24 Budget allocations for identified groups should be monitored to assess how they improve outcomes for pupils.

3.25 We **recommend** the Intercultural Education Service should publish, and take account of, key outcomes arising from its delivery plan. Further, more transparent monitoring and review of the Traveller Child in Education Action Framework is needed.

3.26 We **recommend** DE should assist schools in making effective use of dual language resources to help Newcomer learners access the curriculum. Newcomer children face a number of barriers to educational achievement, including limited English language ability, lack of knowledge of the education system, racist bullying and social exclusion.

3.27 We **recommend** DE should identify and address the complex emotional, educational and social needs of asylum seeking and refugee children; and ensure that adequate funding is available to meet the needs of those who arrive during the year.

Meeting the LEARNING needs of our children and young people and developing their knowledge and skills, enabling them to fulfil their potential

- 3.28 We welcome this commitment and, as above, have made a range of recommendations concerning curriculum and early years provision.
- 3.29 We also welcome inclusion of the goal to *reduce the short and longer term impacts of COVID-19*. The pandemic had wide-ranging impacts such as school closures, restricted opportunities to interact and engage, and increased reliance on online communication.
- 3.30 Steps must therefore be taken to identify and mitigate any particular equality impacts in Northern Ireland so that the effects of COVID-19 do not unfairly impact upon the educational progression and trajectory of children from specific equality groups.

DELIVERING an effective, child-focused, collaborative, high-quality education system

- 3.31 We emphasise it is **essential that equality is mainstreamed throughout education⁴**.
- 3.32 We **recommend** comprehensive action by DE, schools and other education bodies to embed equality of opportunity and good relations within the content and delivery of the curriculum.
- 3.33 We **recommend** that equality and good relations issues are mainstreamed into initial teacher education and continuous professional development, alongside greater sharing and collaboration between teacher training colleges.
- 3.34 As set out above, equality data is vital to inform policy making and service delivery.

Key areas that are missing

- 3.35 We note with concern the omission of actions to address prejudice-based bullying and to challenge stereotypes, in

⁴ ECNI (2022) [Equality in Education: Policy recommendations, paras 8.1 – 8.27](#)

particular given the coming into force in 2021 of the Addressing Bullying in Schools Act 2016.

- 3.36 We note the draft plan references that it will *Encourage more children and young people from different backgrounds to engage together, building societal cohesion and learning to understand, respect and celebrate difference.*
- 3.37 However, the plan should go significantly further towards addressing prejudice-based bullying and challenging stereotypes. We have recommended a range of actions, including for DE and wider stakeholders⁵.
- 3.38 We **recommend** DE should undertake comprehensive research to establish, and track over time, the prevalence and nature of prejudice-based bullying, and to assess school compliance with the Addressing Bullying in Schools Act.
- 3.39 We **recommend** DE and the Education Authority should ensure their guidance on complying with the requirements of the Addressing Bullying in Schools Act, and on responding to and preventing incidents of bullying behaviour, is comprehensively implemented and updated as required.
- 3.40 We **recommend** DE should ensure actions to tackle unintentional acts of prejudice-based bullying, which are not covered by the statutory definition of bullying⁶, are adequately dealt with in guidance.
- 3.41 We **recommend** DE and other stakeholders should ensure that support materials and opportunities within the curriculum comprehensively address prejudice-based bullying. There is a need to ensure that equality and good relations are embedded within the curriculum, and that opportunities within it are used to draw attention to prejudice-based bullying and to encourage a greater understanding of and respect for pupils covered by the Section 75 grounds⁷. This includes, for example, gender identity; ethnicity; and sexual orientation. Further, measures to tackle bullying should include challenging gender roles to

⁵ ECNI (2022) [Equality in Education: Policy recommendations, paras 6.1 – 6.58](#)

⁶ Addressing Bullying in Schools Act (NI) 2016, S1(1) "Bullying" includes (but is not limited to) the repeated use of (a) any verbal, written or electronic communication (b) any other act, or (c) any combination of those, by a pupil or group of pupils against another pupil or group of pupils, with the intention of causing physical or emotional harm to that pupil or group of pupils.'

⁷ ECNI (2015) [Response to the Department of Education's consultation on Addressing Bullying in Schools](#)

further the broader societal aim of preventing gender-based violence.

- 3.42 Further, strong and visible leadership from the school principal, senior management team and board of governors is needed to promote an anti-bullying culture within every school.

4 Equality Screening

- 4.1 Outlined below are the Commission's concerns about how the Department has applied its equality duties in relation to the development of its corporate plan.

- 4.2 We welcome the commitment in DE's corporate plan to 'work with partners such as the Equality Commission to embed equality in our policies and governance' and are available to provide advice on the implementation of Section 75 and equality assessment processes going forward.

Screening decision

- 4.3 Screening identifies policies that are likely to have an impact on equality of opportunity and helps to draw considerations of equality of opportunity into the policy making process. It is one of the two methods by which the necessary level of 'regard' is demonstrated as being paid to the statutory equality duty.

- 4.4 Screening should be proportionate to the level of relevance that a policy has to the duties i.e:

- the need to promote equality of opportunity and
- the desirability of promoting good relations.

- 4.5 Given the criteria set out in the Departments equality scheme for undertaking an EQIA, that a key focus of the corporate plan relates to addressing disadvantage and under-attainment, and that DE are already consulting on the draft corporate plan, the Commission would have anticipated an EQIA being undertaken. Not carrying out an EQIA is a missed opportunity as it would enable the Department to examine more thoroughly inequalities experienced by S75 groups (including multiple identity issues) and how they relate to disadvantage and under-attainment. In addition, the findings of an EQIA would in turn,

help inform the development of policies emanating from the corporate plan.

Data

4.6 The evidence included in the screening assessment is for the most part generic and relies mainly on quantitative data relating to pupil enrolments with some broad analysis in relation to attainment.

4.7 For example:

- In relation to racial group there is reference to data that shows a higher proportion of minority ethnic pupils leave school with no GCSE's or no qualifications compared to others. However, while there is a breakdown of enrolments by different ethnic backgrounds, there is no analysis of levels of attainment of different minority ethnic groups e.g. those from an Asian background compared to Irish Travellers or in relation to BME pupils from NI compared to Newcomer children. There is also no analysis of the reasons behind the gap in attainment e.g. language barriers, cultural differences, trauma etc. Relevant, reliable, and up-to-date information is essential and helps identify where more targeted support / provision is required to effectively remove barriers to learning and improve access.
- In relation to disability there is data on the number of pupils with SEN (stage 1-3) and with a statement of SEN by school and management type. There is no analysis of the type of disability (learning, physical, sensory etc.) nor is there any analysis in relation to attainment of pupils with a disability, or barriers to learning /accessing education,
- In the screening template DE identifies some of the gaps in data for example, in relation to sexual orientation, child carers, young people who are transgender, incidents of bullying / discrimination related to race, sexual orientation etc. However, there is no indication in the screening assessment of how DE intends to address these information gaps.

- There has been no consideration of data in relation to people with multiple identities. For example, in relation to Newcomer children with SEN or a disability, language barriers for older Newcomer children trying to access education at Key stage 3 and above etc.

4.8 The Commission has produced guidance for policy makers in the public sector to assist them to identify appropriate and relevant sources of Section 75 information to evidence the screening and EQIA processes and the policy development process⁸.

Assessment of Impacts

4.9 The assessment of impacts lacks coherency as there is little correlation with the inequalities or needs, experiences and priorities of S75 groups identified in the previous section of the screening report.

4.10 A screening assessment should be able to be read by stakeholders as a stand-alone document, outlining a public authority's equality and good relations considerations in relation to a policy and how these have influenced the development of the policy. It should clearly outline what the existing inequalities are, the potential impact of the policy as it stands to address these as well as any amendments that have been considered.

4.11 DE has assessed that it anticipates a minor positive impact for all S75 categories but have not set out what this means. The assessment of impacts as minor positive for all Section 75 categories suggests the Department is saying that the delivery of the corporate plan will benefit everyone equally. The aim of Section 75 is not to treat everyone the same. The aim is to try to target actions to address inequalities identified using the screening/EQIA process.

4.12 DE have also answered 'yes' to all the questions in the section on opportunities to better promote equality but haven't provided a clear and specific outline of what these opportunities are or

⁸ ECNI [Section 75 Using Evidence in Policy Making – Data Signposting Guide](#)

how the corporate plan has changed as a result of identifying these opportunities.

- 4.13 Without clear consideration of steps that can be taken to reduce or eliminate inequalities for S75 groups it will be very difficult to deliver tangible results.

Mitigations and consideration of alternative policies

- 4.14 We are concerned that the section on mitigation has been removed from the screening assessment of the corporate plan. This is a key part of any screening/EQIA process and provides transparency for stakeholders regarding measures a public authority intends to take to address or minimise any inequalities identified.
- 4.15 At this stage in the assessment process DE should have been considering and recording how the corporate plan could be improved and mitigations to further promote equality of opportunity and good relations in light of the findings of the assessment of impacts (including multiple identities). This includes opportunities to better promote equality and good relations as well as minimising potential adverse impacts.
- 4.16 Given the well-documented, longstanding inequalities in education and the aim of the S75 processes the Department should have set out in the screening/EQIA document, what mitigation to the corporate plan and/or alternative policies within the corporate plan, might better promote equality of opportunity and good relations in relation to for example: newcomer children, pupils with SEN, working class Protestant boys etc.

Monitoring arrangements

- 4.17 The current monitoring arrangements as outlined in the screening assessment are unclear and seem to refer to monitoring general performance outcomes rather than S75 monitoring. In addition to references to Programme for Government outcomes, DE states that '*individual actions will be subject to their own monitoring arrangements, including the use of Report Cards.*'

- 4.18 DE should ensure monitoring of the corporate plan and the policies to implement it includes disaggregated data in relation to each of the S75 groups. This will ensure that DE is able to assess whether delivery of the plan and associated policies is helping to address current inequalities in relation to education. It may also help identify which initiatives are most effective in addressing inequalities, or where further action or different measures are required.
- 4.19 Monitoring is not an end in itself but provides the data for the next cycle of policy review. Guidance on S75 monitoring is available on the Commission's website⁹.
- 4.20 Establishing appropriate S75 monitoring arrangements will assist you in meeting the recommendations made in the policy feedback section of this response.

5 Conclusion

- 5.1 Advancing equality in education is an urgent matter, and we welcome the opportunity to respond to this consultation.
- 5.2 We repeat our **recommendation** that comprehensive equality data should be collected to identify equality impacts and shape targeted actions to advance equality. We also repeat our **recommendation** that any corporate plan should explicitly make a commitment to tackle key inequalities, and mainstream equality and good relations.
- 5.3 We have responded above in line with the consultation questions and reiterate that we have responded only to those questions and issues within our remit and expertise. However, we would urge the Department to consider and act upon our full range of recommendations relating to equality in education.
- 5.4 The Department must comply with equality scheme commitments in relation to all of its policies, including the corporate plan.
- 5.5 In addition, we stress the need for the Department to ensure that the equality impacts and opportunities to promote equality and good relations for each of the policies emanating from the

⁹ ECNI [Section 75 Monitoring Guidance](#)

corporate plan are appropriately assessed in a timely manner including consideration of mitigating measures and / or opportunities to better promote equality and good relations.

- 5.6 For further information on our full range of recommendations in relation to education, please see www.equalityni.org/Education/Policy
- 5.7 We trust the recommendations set out in this response are of assistance.