

Equality Commission

FOR NORTHERN IRELAND



Full Policy Position

Equality in Education

Policy Recommendations

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1 Executive summary

- 1.1 Education plays a key role in determining an individual's life chances. The Commission recognises and reinforces the wider value of education, beyond solely the achievement of qualifications. It can provide exposure to literature, language, sport, activities, art, and music; as well as allowing individuals to develop an understanding and experience of the value and range of diverse cultures, identities and backgrounds.
- 1.2 The Commission is aware of the proactive steps taken by a range of bodies, including Government Departments and the education sector more broadly, to promote equality in education across the equality grounds. We both recognise and welcome the progress made in advancing educational outcomes.
- 1.3 Whilst we recognise and support this work, it is clear however that significant challenges remain.
- 1.4 Developed from a range of research, evidence sources, stakeholder engagements, and the Commission's wider work over a number of years, this policy position paper sets out the Commission's views and specific recommendations for changes in law, policy and practice.
- 1.5 It is intended that these policy recommendations, in tandem with our 2017 *Statement on Key Inequalities in Education*¹, will both support and challenge government and partners to address key inequalities in education through the development and delivery of legislation, policy and services over the coming period.

Priority areas for intervention

- 1.6 The Commission considers, following engagement with stakeholders and wider consideration, that there are immediate

¹ ECNI (2017) [Key Inequalities in Education](https://www.equalityni.org/keyinequalities-education). For a summary of the key inequalities identified, see - <https://www.equalityni.org/keyinequalities-education>

opportunities and/or a particular pressing need to secure change in relation to:

- **tackling prejudice-based bullying.**
- **addressing inequalities in attainment and access experienced by Traveller, Roma and Newcomer children.**

- 1.7 We also consider it important to seek to ensure progress on a number of the **recommendations ‘of benefit to all children’** which we consider have the potential to deliver benefits to children and young people from across the equality categories, including those also entitled to free school meals (and specific groups therein - for example, boys, including those from Protestant backgrounds).
- 1.8 In particular, we call for prompt action to **advance childcare and early years provision** to meet the diverse needs of all children; to **drive attainment via collaborative approaches** involving family and the wider community; and to put in place a **system for learning from successful interventions**.
- 1.9 Accordingly, over the coming period, we will seek to focus our attention on working with stakeholders to support and challenge government to secure change in these areas.

Overarching areas for action

- 1.10 While the Commission will work to encourage prompt action to address the above, we also encourage action by stakeholders and government to advance our full range of recommendations, with a particular focus on tackling the inequalities identified in 2017 *Statement on Key Inequalities in Education*².

² ECNI (2017) [Key Inequalities in Education](#) identified the following as key inequalities:

- Bullying, including prejudice-based bullying, in schools is a persistent problem;
- Males continue to have lower levels of attainment than females, beginning in primary school and continuing throughout schooling to GCSE and A Level. Fewer male school leavers enter higher education than do females;
- Protestants continue to have lower levels of attainment than Catholics at GCSE, GCSEs including English and Maths, and A Level. Fewer Protestant school leavers enter higher education than do Catholics;
- There is persistent underachievement and lack of progression to further and higher education of school leavers entitled to free school meals, particularly Protestants, notably Protestant males.
- Children from the Traveller community and Roma children have some of the lowest levels of attainment of all equality groups;

1.11 The Commission has identified the following overarching areas where it considers that targeted action could serve to address key inequalities, and advance equality of opportunity and good relations:

- **Improve equality data and analysis** - addressing current gaps including on grounds of gender identity, religious belief / political opinion, belonging to a minority ethnic group, disability, sexual orientation and people with dependants.
- **Advance a shared society through education** - ensure a move to a system of education which routinely teaches pupils together via a shared curriculum in shared classes, and where sharing impacts meaningfully and substantively on every learner.
- **Tackle prejudice-based bullying and challenge stereotypes** – including against identified groups such as trans pupils; minority ethnic students; those with same sex attraction; and those with SEN / disabilities; and challenge gender stereotypes.
- **Address inequalities in attainment and access** – including those experienced by Irish Travellers, Roma and Newcomer children; those entitled to free school meals, particularly boys, notably Protestant boys; looked after children, young carers; and disabled children and young people.
- **Mainstream equality in education and in teacher development** – including in the curriculum, teacher training and the policies / practices of schools and wider education bodies.

1.12 These overarching areas form a framework for the following more specific recommendations.

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- Students with SEN or a disability have lower attainment levels than students without any SEN or disability, and are less likely to go on to higher education.
The Statement also highlighted that there remain significant and specific data gaps - relating to pupils and students across a number of themes in relation to a number of equality grounds, specifically: gender identity; religion; political opinion; and sexual orientation. Additionally, there is lack of data disaggregation in relation to: ethnicity; disability status; marital status; and dependency status.

Commission recommendations for public policy and service delivery

1.13 Aligned to the overarching areas set out above, the following are our specific recommendations for action.

Improve equality data and analysis

- Establish robust, reliable education information systems to address existing equality data gaps and provide more disaggregated data.

Advance a shared society through education

- 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 society.

Tackle prejudice-based bullying and challenge stereotypes

- The Department of Education 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;
- The Department of Education and 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;
- The Department of Education should ensure actions to tackle unintentional³ acts of prejudice-based bullying, which are not covered by the statutory definition of bullying⁴, are adequately dealt with in guidance;
- 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;
- The Department and other stakeholders should ensure that support materials and opportunities within the curriculum comprehensively address prejudice-based bullying;

³ Acts without an explicit intent to bully can still cause harm, fear or distress to pupils for reasons associated with their equality characteristics.

⁴ 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.’ ”

- Measures to tackle bullying should include challenging gender roles to further the broader societal aim of preventing gender-based violence;
- Legislative protection from disability-based harassment should be extended to schools.

Address inequalities in attainment and access

Recommendations of benefit to all children.

- Deliver a shared curriculum in shared classes to support improved attainment across equality groups.
- Provide, and monitor uptake, of appropriate, accessible and affordable childcare and early years provision more generally to meet the diverse needs of all children.
- Promote collaborative approaches to drive attainment, involving engagement with parents / families / carers and the wider communities of key equality groups.
- The Education Authority should put in place a system for learning from successful interventions, and disseminate and share these lessons with other schools.
- The Department of Education should develop a system of post-primary transfer that enables all pupils to maximise their potential.

Recommendations specific to Traveller/ Roma/ Newcomer children

- Budget allocations for identified groups should be monitored to assess how they improve outcomes for pupils.
- The Department of Education 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.
- The Intercultural Education Service (IES) should publish, and take account of, key outcomes arising from its delivery plan.
- More transparent monitoring and review of the Traveller Child in Education Action Framework is needed.
- The Department of Education should assist schools in making effective use of dual language resources to help Newcomer learners access the curriculum.
- The Department of Education 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.

Recommendations specific to children with disabilities and /or SEN

- Government should ensure the quality of educational experiences received by children with special educational needs (SEN) in Northern Ireland.
- 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; review and dispute resolution.
- Relevant legislation should be amended to address deficiencies, and to improve the educational experiences of students with SEN and or disabilities.

Recommendations specific to young carers and looked after children

- The Departments of Education and Health should provide tailored support to ensure the effective participation in education of every looked after child;
- 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;

Mainstream equality in education and in teacher development

- Comprehensive action should be taken by the Department of Education, schools and other education bodies to embed equality of opportunity and good relations within the content and delivery of the curriculum.
- Equality and good relations issues should be mainstreamed into initial teacher education (ITE) and continuous professional development (CPD)
- There should be greater sharing and collaboration between teacher training colleges.

2 Background and context

Advancing equality in education

- 2.1 Education plays a key role in determining an individual's life chances. It provides individuals with opportunities for social and economic mobility.
- 2.2 The Commission recognises and reinforces the wider value of education, beyond solely the achievement of qualifications. While in assessing inequalities in attainment, the Commission draws on generally accepted qualification-based measures, we reiterate the important role that education can play in wider development. It can provide exposure to literature, language, sport, activities, art, and music; as well as allowing individuals to develop an understanding and experience of the value and range of diverse cultures, identities and backgrounds in Northern Ireland.
- 2.3 People with fewer qualifications and skills are disadvantaged in civic / community life and are at a much higher risk of unemployment and low pay. Whilst socio-economic status is not a specified ground under the equality legislation, the barriers and inequalities experienced by equality groups can be exacerbated by poverty and social exclusion.
- 2.4 The Commission is mindful of the complex relationships that exist between education and other domains. Addressing key inequalities will not only require work across a range of Departments, agencies and functions of government, but also by organisations who have responsibilities for, or an interest in, education in Northern Ireland.

Commission work to advance equality in education

- 2.5 The Commission has a long history of seeking to advance equality of opportunity and good relations in education.

- 2.6 For example, in 2007 the Equality Commission published its *Statement on Key Inequalities in Education in Northern Ireland*⁵ which included a number of inequalities relating to education. Since then, the Commission has continued to champion actions to tackle key inequalities and to advance equality outcomes - as part of its work to advance equality of opportunity and good relations in Northern Ireland.
- 2.7 Our 2008 publication *Every Child an Equal Child*⁶, set out a number of overarching objectives regarding equality in education⁷. In 2011, the Commission published *Inequalities in Education: facts and trends 1998-2008*⁸ to provide an update on key trends and patterns.
- 2.8 In January 2016 our *Recommendations for the Programme for Government (PfG) and Budget*⁹ called for action to:
- ensure a move to a system of education which routinely teaches pupils together via a shared curriculum in shared classes, and where sharing impacts meaningfully and substantively on every learner;
 - tackle prejudice-based bullying; address gender stereotyping in education; and remove the barriers facing looked after children and young carers;
 - address education inequalities, including those experienced by Irish Travellers; those entitled to free school meals particularly boys, notably Protestant boys; disabled children/young people;
 - mainstream equality in education, including in the curriculum, teacher training and the policies/practices of schools and wider education bodies.
- 2.9 We have also called for action to both address data gaps and to provide more disaggregated data. For example, our June

⁵ ECNI (2007) [Statement on Key Inequalities in Education in Northern Ireland](#)

⁶ ECNI (2008) [Every Child an Equal Child: A Statement of Key Inequalities in Education and Strategy for Intervention](#)

⁷ These were: every child has equality of access to a quality education experience; every child is given the opportunity to reach his or her potential; the ethos of every school promotes the inclusion and participation of all children.

⁸ ECNI (2011) [Inequalities in Education: facts and trends 1998-2008](#)

⁹ ECNI (2016) [Recommendations for the Programme for Government \(PfG\) and Budget](#)

2016 response¹⁰ to the Executive's consultation on a draft Programme for Government Framework recommended that all relevant¹¹ PfG measures (and all relevant indicators and all outcomes) should not only be tracked in aggregate but also tracked for the impact on individuals from each of the Section 75 grounds.

Statement on Key Inequalities in Education in Northern Ireland

- 2.10 Most recently, in October 2017, the Commission published our *Statement on Key Inequalities in Education*¹².
- 2.11 The *Statement* was developed following extensive dedicated research¹³ and stakeholder engagement and input – including on a draft version of the *Statement*.
- 2.12 The *Statement* identified six key inequalities:
- **Bullying**, including prejudice-based bullying, in schools is a persistent problem;
 - **Males continue to have lower levels of attainment than females**, beginning in primary school and continuing throughout schooling to GCSE and A Level. Fewer male school leavers enter higher education than do females;
 - **Protestants continue to have lower levels of attainment than Catholics** at GCSE, GCSEs including English and Maths, and A Level. Fewer Protestant school leavers enter higher education than do Catholics;
 - **There is persistent underachievement and lack of progression to further and higher education of school leavers entitled to free school meals, particularly Protestants, notably Protestant males;**
 - Children from the **Traveller community and Roma children have some of the lowest levels of attainment** of all equality groups;
 - **Students with SEN or a disability have lower attainment levels** than students without any SEN or disability, and are less likely to go on to higher education.

¹⁰ ECNI (2016) [Response to the Executive's consultation on a draft Programme for Government Framework](#)

¹¹ The Commission considers *relevant* measures to be all those that directly relate to individuals

¹² ECNI (2017) [Statement on Key Inequalities in Education in Northern Ireland](#)

¹³ In 2014 the Commission contracted, and in 2015 published, extensive independent research from Queen's University, Belfast - Burns, S., Leitch, R., Hughes, J., (2015) [Education Inequalities in Northern Ireland](#)

- 2.13 The Statement also highlighted that there remain significant and specific data gaps - relating to pupils and students across a number of themes in relation to a number of equality grounds, specifically: gender identity; religion; political opinion; and sexual orientation. Additionally, there is lack of data disaggregation in relation to: ethnicity; disability status; marital status; and dependency status.
- 2.14 It is the Commission's intention that the Statement, and underlying Burns et al¹⁴ research, will continue to inform the work of government, relevant departments and stakeholders over the coming period – further assisting them to mainstream equality considerations into the development and review of legislation, public policy and service delivery.

Progress in advancing educational outcomes and promoting equality

- 2.15 The Commission both recognises and welcomes the progress made in advancing educational outcomes.
- 2.16 We are also aware of the proactive steps taken by a range of bodies, including government departments and the education sector more broadly, to promote equality in education across the equality categories.
- 2.17 With regard to recent legislative and policy developments, the Commission has welcomed legislation on sharing in education; special educational needs; and addressing bullying in schools. We have also made clear to departments and to Assembly Committees how proposals could be further enhanced and improved.
- 2.18 Whilst we both recognise and support this work, it is clear that challenges remain.

¹⁴ Burns, S., Leitch, R., Hughes, J., (2015) [Education Inequalities in Northern Ireland](#)

3 Priorities and overarching areas

Priority areas for Intervention

- 3.1 The Commission considers, following engagement with stakeholders and wider consideration, that there are immediate opportunities and/or a particular pressing need to secure change in relation to:
- **tackling prejudice-based bullying.**
 - **addressing inequalities in attainment and access experienced by Traveller, Roma and Newcomer children.**
- 3.2 We also consider it important to seek to ensure progress on a number of the recommendations *‘of benefit to all children’* which we consider have the potential to deliver benefits to children and young people from across the equality categories, including those also entitled to free school meals (and specific groups therein - for example, boys, including those from Protestant backgrounds).
- 3.3 In particular, we call for prompt action to **advance childcare and early years provision** to meet the diverse needs of all children; to **drive attainment via collaborative approaches** involving family and the wider community; and to put in place a **system for learning from successful interventions**.
- 3.4 These will represent policy priorities for proactive action by the Commission now and over the coming period.
- 3.5 Accordingly, over the coming period, we will seek to focus our attention on working with stakeholders to support and challenge government to secure change in these areas.
- 3.6 As with all of our work we will continue to seek to engage with Government, relevant Departments and key stakeholders to champion key actions to advance equality.

Overarching areas for action

- 3.7 While the Commission will work to encourage prompt action to address the above, we also encourage action by stakeholders and government to advance our full range of recommendations, with a particular focus on tackling the inequalities identified in 2017 *Statement on Key Inequalities in Education*¹⁵.
- 3.8 The Commission has identified the following overarching areas where it considers that targeted action could serve to address key inequalities, and advance equality of opportunity and good relations:
- **Improve equality data and analysis** - addressing current gaps including on grounds of gender identity, religious belief / political opinion, belonging to a minority ethnic group, disability, sexual orientation and people with dependants.
 - **Advance a shared society through education** - ensure a move to a system of education which routinely teaches pupils together via a shared curriculum in shared classes, and where sharing impacts meaningfully and substantively on every learner.
 - **Tackle prejudice-based bullying and challenge stereotypes** – including against identified groups such as trans pupils; minority ethnic students; those with same sex attraction; and those with SEN / disabilities; and challenge gender stereotypes.
 - **Address inequalities in attainment and access** – including those experienced by Irish Travellers, Roma and Newcomer

¹⁵ ECNI (2017) [Key Inequalities in Education](#) identified the following as key inequalities:

- Bullying, including prejudice-based bullying, in schools is a persistent problem;
- Males continue to have lower levels of attainment than females, beginning in primary school and continuing throughout schooling to GCSE and A Level. Fewer male school leavers enter higher education than do females;
- Protestants continue to have lower levels of attainment than Catholics at GCSE, GCSEs including English and Maths, and A Level. Fewer Protestant school leavers enter higher education than do Catholics;
- There is persistent underachievement and lack of progression to further and higher education of school leavers entitled to free school meals, particularly Protestants, notably Protestant males.
- Children from the Traveller community and Roma children have some of the lowest levels of attainment of all equality groups;
- Students with SEN or a disability have lower attainment levels than students without any SEN or disability, and are less likely to go on to higher education.

The Statement also highlighted that there remain significant and specific data gaps - relating to pupils and students across a number of themes in relation to a number of equality grounds, specifically: gender identity; religion; political opinion; and sexual orientation. Additionally, there is lack of data disaggregation in relation to: ethnicity; disability status; marital status; and dependency status.

children; those entitled to free school meals, particularly boys, notably Protestant boys; looked after children, young carers; and disabled children and young people.

- **Mainstream equality in education and in teacher development** – including in the curriculum, teacher training and the policies / practices of schools and wider education bodies.

3.9 The remainder of this document sets out our specific recommendations for action, under each of the five overarching areas set out above. Each recommendation is accompanied by a supporting rationale and key evidence.

3.10 We encourage you to take steps to raise awareness and secure implementation of our recommendations. Help us make change by sharing these recommendations with colleagues, officials, and friends and family; writing to your local political representatives; and by responding to any consultation related to equality in education in support of our recommendations.

4 Improve equality data and analysis

Summary of recommendation(s):

- Establish robust, reliable education information systems to address existing equality data gaps and provide more disaggregated data.

Establish robust, reliable education information systems to address existing equality data gaps and provide more disaggregated data.

- 4.1 There remain^{16 17} 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.
- 4.2 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.
- 4.3 We recognise that there are some limitations to data disaggregation. However, where robust to do so, disaggregation would provide greater information to inform the better targeting of policy interventions – for example on how

¹⁶ ECNI (2017) Statement of Key Inequalities in Education

¹⁷ Burns, S., Leitch, R., Hughes, J., (2015) [Education Inequalities in Northern Ireland](#)

young carers, or children and young people with particular disabilities progress through school.

Supporting rationale

- 4.4 We recognise that classifying pupils from black and minority ethnic (BME) communities can be difficult. The Executive Office has provided guidance¹⁸ to public bodies on monitoring racial equality, which may be of assistance to the Department and education providers in this regard.
- 4.5 In relation to disability and SEN, increased data on the nature of disability would allow for better analysis of how children and young people with particular disabilities progress through school.
- 4.6 Also, there is currently no official monitoring of carers in school - particularly young mothers. We welcome the 'Supporting Young Carers in School'¹⁹ guidance produced²⁰ by the Education Authority and the Health and Social Care Board. The guidance includes good practice in identifying young carers. We recommend monitoring and reviewing the mainstreaming of this guidance in schools.
- 4.7 Some examples of the specific gaps in educational data identified by Burns et al (2015)²¹ included sexual orientation, where limited quantitative data led to reliance on research from small samples or qualitative data from small-scale surveys.
- 4.8 Similarly, a lack of data prevents a comprehensive understanding of the race related issues and inequalities – for example relating to the educational experience and outcomes of asylum seekers and refugees.
- 4.9 The school census classification for 2015/16 has 15 categories, with some of the largest ethnic minority groups in Northern Ireland falling within the white category. This includes non-Newcomer Eastern European migrants. We note that the school census categories include 'first language' and

¹⁸ OFMDFM (2011) [Guidance for Monitoring Racial Equality \(under review\)](#)

¹⁹ Education Authority and Health and Social Care Board (2017) [Supporting Young Carers in School: An Introduction for Primary and Secondary School Staff](#)

²⁰ The Children and Young People's Strategic Partnership Young Carers Group comprising the Health and Social Care Board produced the guidance in partnership with the Education Authority; Action for Children NI; Barnardo's NI; Gingerbread NI and Carers Trust NI.

²¹ Burns, S., Leitch, R., Hughes, J., (2015) [Education Inequalities in Northern Ireland](#)

'Newcomer', which may provide some data, but will not produce robust information on those BME groups within the 'white' category.

- 4.10 School age parents or those with dependents / caring responsibilities are often hidden in official statistics, making it difficult to measure their needs and provide the necessary support. A 2013 report²² for England and Wales found that many young adults do not realise they are carers or do not want to be identified as carers, so the limited data that is collected is likely to be an underestimation of the real number of young carers.
- 4.11 Although quantitative data is collected on the marital status of students participating in education beyond post primary school, there has been little research in this area to explain the trends that are observed.
- 4.12 Section 75 of the Northern Ireland Act provides the legislative framework for public authorities to mainstream equality of opportunity for nine specific groups²³. It requires all public authorities in Northern Ireland to have due regard to the need to promote equality of opportunity between the nine equality categories and have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group²⁴. The collection of equality data is an integral part of this process.
- 4.13 The Commission's monitoring guidance²⁵ provides practical assistance and advice to public authorities on developing monitoring arrangements. It outlines the different data collection methods with some pointers on the choice of method depending on the context. It recognises that the collection of monitoring data in respect of children presents particular difficulties raising both ethical and consent issues as well as covering sensitive data categories²⁶. It calls on Public

²² NIACE (2013) Access and Inclusion: young adult carers and education and training

²³ Nine groups include persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation; men and women generally; persons with a disability and persons without; and persons with dependents and persons without

²⁴ ECNI (2010) Section 75 of the Northern Ireland Act 1998 – A Guide for Public Authorities. (p11)

²⁵ ECNI (2007) Monitoring Guidance for use by Public Authorities

²⁶ ECNI (2007) Monitoring Guidance for use by Public Authorities p.103 Appendix E paragraph 18

Authorities to give due consideration to the various factors involved in deciding on a data collection methodology.

5 Advance a shared society through education

Summary of recommendation(s):

- 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 society.

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 society²⁷.

- 5.1 We consider that 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.
- 5.2 We consider that 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 (pre-school; early years; primary; post-primary; special needs; and tertiary levels); and routinely teach learners together via a shared curriculum in shared classes.
- 5.3 The Commission remains of the view that 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. This is not to undermine the rights of parents to make choices

²⁷ ECNI (2015) [Summary policy positions on sharing in education](#)

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

Supporting rationale

- 5.4 The Commission's 2015 policy paper on sharing in education²⁸ highlighted the educational, economic and societal benefits of sharing in education. Sharing can facilitate pupils to access the full curriculum and a wider range of educational, sporting and cultural experiences; offer opportunities to improve standards and outcomes for all learners (see discussion later in this paper); maximise sustainability and reduce costs; and foster good relations by providing an environment for longer term, sustained contact for both teachers and learners.
- 5.5 Sharing can also 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.
- 5.6 The Shared Education Act cites²⁹ among the purposes of shared education *'to promote good relations; and, to promote respect for identity, diversity and community cohesion'*³⁰. It is supported by the Sharing Works policy³¹ which describes shared education as *'the organisation and delivery of education so that it ... promotes inclusion in terms of ... good relations, equality of identity, respect for diversity and community cohesion'*.
- 5.7 We welcome the Sharing Works policy³² statement that *'It is intended that all children and young people should have the opportunity to be involved in Shared Education'* but observe that exactly how the involvement of *'all'* children and young people is to be achieved has not yet been made clear.
- 5.8 The Commission welcomes these commitments in the legislation and policy, while still seeking clarity around what

²⁸ ECNI (2015) Summary policy position on sharing in education

²⁹ at Section 1(2)(a)

³⁰ at Section 1(2)(d) and (e)

³¹ DENI (2015) [Sharing Works](#), at page 15

³² DENI (2015) [Sharing Works](#), at page 4

precisely the Department means by the phrase ‘equality of identity’. We intend to carefully analyse progress in implementing the Act, including through the two-yearly review established in the Act

- 5.9 The Commission also recognises the crucial role that schools have in contributing to the reconciliation of our society. This is not solely a job for schools, but schools do play a critical role³³. Sharing in education also needs to be considered in the context of wider sharing. Shared services, shared housing and shared spaces have the potential to enhance and be enhanced by sharing and integration within the education system.
- 5.10 We consider that a widespread, positive experience of sharing in education is key to promoting good relations and requires long-term resourcing. 2012 research³⁴ found that the mere fact that pupils are given an opportunity to engage with each other on a sustained basis is a key variable in the generation of more positive intergroup attitudes. This also reinforces the need for shared education to have a meaningful and substantial impact. We welcome the current allocation of funding for shared education from a range of sources and recommend that it is maintained.

³³ The Good Relations Forum (2010): [Ensuring the Good Relations Work in our Schools Counts](#) at page 11.

³⁴ Hughes and Donnelly (2012) Chapter 4 Promoting Good Relations – the role of Schools in Northern Ireland at page 59

6 TACKLE PREJUDICE-BASED BULLYING AND CHALLENGE STEREOTYPES

- 6.1 Prejudice-based bullying at school can blight the lives of young people, negatively affecting their attendance and attainment as well as having a long-term impact on their life chances.
- 6.2 The Commission's *Statement on Key Inequalities in Education*³⁵ highlighted prejudice-based bullying as a persistent problem³⁶ for certain equality groups, including: trans pupils; minority ethnic students including Irish Travellers; students with SEN or a disability; and students with same sex attraction.
- 6.3 We welcome that the Addressing Bullying in Schools Act (NI) 2016³⁷ provides a definition of bullying, places new duties on Boards of Governors to prevent bullying and requires schools to record all bullying incidents including those motivated by prejudice. We are of the view that this legislation, if implemented effectively, has the potential to support the development of more inclusive learning environments. Specific recommendations in relation to the legislation and its implementation are made below.
- 6.4 The Addressing Bullying in Schools Act came into force in September 2021. It remains clear however that up-to-date research is required on the impact and prevalence of prejudice-based bullying, as existing sources are now dated.
- 6.5 The need to tackle the high incidence of prejudice-based bullying, both within schools and the wider community is a key challenge for Government and has been recognised as such by international treaty bodies, such as UNCRC Committee,

³⁵ ECNI (2017) [Statement on Key Inequalities in Education in Northern Ireland](#)

³⁶ This finding is also reflected in the 2017 Young Life and Times Survey. Ark (2018) [Young Life and Times Survey Summary of Results](#)

³⁷ Northern Ireland Assembly (2016) [Addressing Bullying in Schools Act](#)

CEDAW Committee, CERD Committee, and the Advisory Committee on the Framework Convention on National Minorities (FCNM)³⁸.

Summary of recommendations:

- The Department of Education 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;
- The Department of Education and 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;
- The Department of Education should ensure actions to tackle unintentional³⁹ acts of prejudice-based bullying, which are not covered by the statutory definition of bullying⁴⁰, are adequately dealt with in guidance;
- 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;
- The Department and other stakeholders should ensure that support materials and opportunities within the curriculum comprehensively address prejudice-based bullying;
- Measures to tackle bullying should include challenging gender roles to further the broader societal aim of preventing gender-based violence;
- Legislative protection from disability-based harassment should be extended to schools.

³⁸ See [Concluding Observations of Committee on Rights of the Child \(2016\)](#); [Concluding Observations of the Committee on the Elimination of Racial Discrimination on UK \(2016\)](#); [Fourth Opinion on the United Kingdom of the Advisory Committee on the Framework Convention for the Protection of National Minorities \(2017\)](#); and [Concluding Observations on UK, CEDAW Committee \(2013\)](#).

³⁹ Acts without an explicit intent to bully can still cause harm, fear, or distress to pupils for reasons associated with their equality characteristics.

⁴⁰ 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.'

The Department of Education 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.

- 6.6 Records of incidents of prejudice-based bullying, as required by the Addressing Bullying in Schools Act, are currently retained at school level and are not collated or analysed by the Department of Education (DE). In this context, it is essential that data is collected now (at the commencement of the legislation) and thereafter on a rolling basis, potentially via an all-pupil Northern Ireland level survey, to track the prevalence of bullying. The findings must be disaggregated by equality categories. This will allow the Department and wider stakeholder groups, including the Education Authority, management bodies and representative groups, to gauge the effectiveness of current interventions and focus attention on areas of concern. Consideration should also be given as to how best to gather data on the prevalence, nature and any specific impacts of cyber-bullying.
- 6.7 Linked to this is the need to establish levels of compliance by schools and Boards of Governors with their duties under the Addressing Bullying in Schools Act. This would allow analysis of practice generally, and specifically in relation to areas where the legislation is not prescriptive. Schools have discretion within the legislation to collect and monitor one-off incidents of bullying and cyber-bullying. Data could be gathered via qualitative and quantitative surveys in addition to routine Education and Training Inspectorate inspections. This analysis would highlight any inconsistencies across schools and allow training needs to be identified. It would also provide information on the extent to which particular bullying motivations⁴¹ are recorded and may demonstrate a requirement, as permitted under the legislation, for the list of motivations to be amended.

⁴¹ At Section 3(3) motivations *may* include (a) differences of religious belief, political opinion, racial group, age, sex, sexual orientation or marital status; (b) differences between persons with a disability and persons without; (c) differences between persons with dependants and persons without; (d) differences between persons based on gender reassignment; (e) differences between persons based on pregnancy.

Supporting rationale

- 6.8 The Addressing Bullying in Schools Act places a duty on boards to:
- ensure that policies designed to prevent bullying are followed in the school;
 - determine and review the measures needed to prevent bullying;
 - consult with the principal, pupils and parents before drafting or reviewing measures;
 - prepare an anti-bullying policy and make it freely available.
- 6.9 In addition, they must make sure that a record of all incidents of bullying or alleged bullying, including the motivation for it, is kept.
- 6.10 During the legislation's passage through the Assembly, concerns were raised that if bullying records were published 'league tables' would develop⁴². The Department has stated that: '...there are no plans to collect or publish any information in relation to records of bullying incidents held by schools'⁴³.
- 6.11 While equality grounds-based research has been undertaken on a piecemeal basis, the last comprehensive assessment of bullying by DE was in 2011⁴⁴.
- 6.12 The discretion within the legislation relating to the collection and monitoring of one-off incidents of bullying and cyber-bullying has raised concerns. Purdy noted⁴⁵ that it would: 'undoubtedly lead to continued definitional confusion within schools' as regards one-off incidents, and in relation to cyber-bullying 'could lead to unreasonable demands being placed on schools' with incidents taking place outside school hours while under parental responsibility.

⁴² NI Assembly (2016) [Report on the Addressing Bullying in Schools Bill, NIA291/11-16, Committee for Education](#)

⁴³ Scope NI (8 December 2021) [Stormont opts out of collating schools' records of bullying](#)

⁴⁴ DENI (2011) [The nature and extent of pupil bullying in schools in the north of Ireland](#), RSM McClure Watters

⁴⁵ Noel Purdy, (Ed.Law 20216, 17(3) 164-172), The Addressing Bullying in Schools (NI) Bill and Act 2016, Legislative Comment

- 6.13 We had recommended that where one-off incidents of prejudice-based behaviour are dealt with under the school's disciplinary procedure, they should be accurately recorded, including as regards nature, motivation and outcome.
- 6.14 We retain our concerns about the focus and range of motivating factors included in the legislation⁴⁶. We previously recommended the inclusion of 'community background' in the list of motivations included in the legislation; use of the term 'gender identity' rather than 'gender reassignment'; the race category being further broken down, as a minimum by Roma and Irish Traveller⁴⁷; and the inclusion of a wider set of indicative motivations, such as being an asylum seeker; refugee; entitled to free school meals; or associated with social class.
- 6.15 The Education and Training Inspectorate should use the inspection process to assess how schools are addressing prejudice-based bullying, particularly for those groups where evidence shows that there is a persistent problem as regards racist, homophobic, transphobic and disablist bullying.

The Department of Education and 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.

- 6.16 We welcome the comprehensive guidance developed by DE, EA and the NI Anti-Bullying Forum – Effective Responses to Bullying Behaviour⁴⁸, and recommend that it is promoted within schools to ensure consistency of approaches in recording, responding to and preventing incidents of bullying behaviour. It is essential that pupils are encouraged to be open about reporting incidents of bullying. Implementation of this guidance can contribute to such openness.

⁴⁶ ECNI (2015) [Response to the Department of Education's consultation on Addressing Bullying in Schools](#)

⁴⁷ ECNI (2015) [Response to the Department of Education's consultation on Addressing Bullying in Schools](#)

⁴⁸ DENI/EA/NIABF (2022) [Effective Responses to Bullying Behaviour](#)

- 6.17 The Commission welcomes the duty on boards of governors to secure measures to prevent prejudice-based bullying. We welcome the guidance and training materials provided to assist schools, including the senior management team and Governors, on their specific remit and role(s). We recommend that this should also be incorporated within initial teacher education. Regularly updated in-service training for staff on the impact of prejudice-based bullying and on the strategies to tackle and prevent it is also necessary. A review of the effectiveness of the guidance and training materials is recommended in the fifth year of its operation.

Supporting rationale

- 6.18 Tackling prejudice-based bullying will be most effective if it is dealt with at a range of levels within the school ('a whole school approach'). This includes addressing and exploring prejudicial attitudes and identifying issues proactively through the curriculum in an age-appropriate way⁴⁹.
- 6.19 A 2014 report⁵⁰ by Estyn found that the best schools use a range of methods to gain a true picture of the extent and nature of bullying that included collecting the views of pupils, parents or carers, and staff about bullying. There needs to be recognition that parents or carers may feel uncomfortable when engaging with a school, particularly if a prejudice-based incident has occurred.
- 6.20 Training for teachers (within initial teacher education and as part of continuous professional development) on prejudice-based bullying can empower and assist staff to better understand their responsibility to prevent and respond to prejudice-based bullying; become more confident to tackle prejudice; and have increased knowledge of where to access appropriate signposting information.

⁴⁹ ECNI (2015) Response to the Department of Education's consultation on Addressing Bullying in Schools at para 5.4

⁵⁰ Estyn (2014) Action on bullying. A review of the effectiveness of action taken by schools to address bullying on the grounds of the pupils' protected characteristics

The Department of Education should ensure actions to tackle unintentional acts of prejudice-based bullying, which are not covered by the statutory definition of bullying⁵¹, are adequately dealt with in guidance.

- 6.22 The common definition of bullying included in the 2016 Act contributes to ensuring a consistent approach is taken across schools to tackling prejudice-based bullying.
- 6.23 However, we consider that guidance for schools to support the implementation of the legislation should also encourage schools to address unintentional⁵² acts by pupils that can cause harm, fear or distress to pupils for reasons associated with their equality characteristics^{53 54}. Training for teachers, within initial teacher education and continuing professional development, should include guidance on dealing with such acts.

Supporting rationale

- 6.24 Unintentional acts of prejudice-based bullying are not covered by the statutory definition of bullying. However, DE, EA and NI Anti-Bullying Forum⁵⁵ guidance provides an opportunity to ensure that schools are aware of the need to proactively address these types of behaviour.
- 6.25 Unintentional prejudice-based incidents may not be considered serious enough to constitute bullying but may nevertheless have a significant impact on a pupil causing distress and disengagement from learning.
- 6.26 Without action to tackle such incidents and acts, prejudice and stereotypes may be perpetuated. For example, pupils may use homophobic or disablist terms without the intention of causing

⁵¹ 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.'

⁵² Acts without an explicit intent to bully can still cause harm, fear or distress to pupils for reasons associated with their equality characteristics.

⁵³ Acts without an explicit intent to bully can still cause harm, fear or distress to pupils for reasons associated with their equality characteristics.

⁵⁴ ECNI (2015) Response to the Department of Education's consultation on Addressing Bullying in Schools

⁵⁵ DENI/EA/NIABF (2022) [Effective Responses to Bullying Behaviour](#)

harm or realising that their comments are inappropriate, but with the effect of causing harm, potentially on an ongoing basis. It is important that schools, teachers and pupils understand that what they may regard as low-level forms of bullying can cumulatively be as serious as those that cause physical harm.

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.

- 6.27 High-level leadership is essential to ensure the consistent and robust implementation of policies and practices designed to address bullying, including bullying experienced by Section 75 groups.
- 6.28 We also consider that schools should proactively promote awareness of the existence, content and intent of the anti-bullying policy and procedure within the school and respective roles, responsibilities and expected behaviours. This awareness raising should extend to the families of pupils and include signposting to relevant guidance.
- 6.29 The Effective Responses to Bullying Behaviour guidance⁵⁶ provides a range of whole school interventions which can be used to establish and maintain an anti-bullying culture. Interventions include improving school ethos by assessing how safe, happy and welcome pupils feel; integrating anti-bullying measures across the curriculum; and considering thematic responses should a particular form of prejudice-based bullying (e.g. racist, sectarian) occur. The recommendations made by Estyn, the Welsh schools' inspectorate, in relation to effective actions to address bullying should be adopted⁵⁷.

Supporting rationale

- 6.30 The Addressing Bullying in Schools Act states that schools must have a preventative anti-bullying policy which is updated

⁵⁶ DENI/EA/NIABF (2022) [Effective Responses to Bullying Behaviour](#)

⁵⁷ Estyn (2014) [Action on Bullying, a review of the effectiveness of action taken by schools to address bullying on the grounds of pupils' protected characteristics](#), at page 7. For example, schools should raise awareness, consult, plan age-appropriate opportunities, and ensure a clear understanding by staff of the interplay between bullying and equality, and the requirements to record incidents aligned to protected equality characteristics etc.

at least every four years. Furthermore, it states that governors have a key role in ensuring that measures are taken to prevent and address bullying behaviour. However, it simply refers to providing copies of a 'written statement of measures' and leaves any other actions at the school's discretion.

- 6.31 To achieve an anti-bullying culture, it is important that schools recognise the range of factors to be considered as part of a whole school approach. These include creating an inclusive culture and environment; ensuring the participation of learners and their parents / carers; staff training; relationship and sexuality education (RSE) and using curriculum opportunities to cover controversial topics.
- 6.32 Guidance is available in the Effective Responses to Bullying Behaviour publication. It states that: 'It is important for the senior leadership team to track and monitor how effectively the preventative and whole school approaches are consistently delivering agreed outcomes to reduce the likelihood of bullying behaviour and promote restoration⁵⁸.'
- 6.33 A 2014 report⁵⁹ reviewing the effectiveness of action taken by schools in Wales to address bullying on the grounds of pupils' protected characteristics found that 'there is a close link between how pupils treat one another and how well leaders communicate expectations about pupil behaviour'.

The Department and other stakeholders should ensure that support materials and opportunities within the curriculum comprehensively address prejudice-based bullying.

- 6.34 We have impressed upon the Department the 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

⁵⁸ At page 31

⁵⁹ Estyn (2014) Action on Bullying, a review of the effectiveness of action taken by schools to address bullying on the grounds of pupils' protected characteristics

Section 75 grounds⁶⁰. This includes, for example, gender identity; ethnicity; and sexual orientation.

- 6.35 We welcome that the Effective Responses to Bullying Behaviour guidance states that: ‘the use of curriculum resources and staff development opportunities can help within a prevention framework if a particular issue has been highlighted by repeated incidents. It may be appropriate for the school community as a whole to reflect on how the school’s ethos tackles bias, discrimination and prejudice around specific issues such as sectarianism, racism, social class and so on⁶¹.’

a. Gender identity

- 6.36 The 2013 Grasping the Nettle report⁶² highlighted that ‘[t]he exclusion of trans issues from the school curriculum reduces trans equality and inhibits good relations from developing.’ The report acknowledged that while DE was undertaking work to address this problem, ‘much more needs to be done to increase awareness, understanding and knowledge of trans issues in educational settings.’ We recommend that steps are taken to increase awareness, understanding and knowledge of **trans issues in educational settings**.

Supporting rationale

- 6.37 The Grasping the Nettle report also stated that ‘typically staff lack the appropriate awareness and knowledge to respond to incidences of transphobic bullying’ which presents a barrier to trans young people in education.
- 6.38 The report also highlighted that ‘being forced to wear a school uniform that did not match a young trans person’s gender identity caused stress, anxiety and discomfort for the young person. In turn, it can encourage truancy⁶³’.
- 6.39 Missing school time is negatively correlated with educational attainment and ‘many young trans people in Northern Ireland are dropping out of education permanently because of the

⁶⁰ ECNI (2015) [Response to the Department of Education’s consultation on Addressing Bullying in Schools](#)

⁶¹ DENI/EA/NIABF (2022) [Effective Responses to Bullying Behaviour](#), at page 27

⁶² McBride, RS (2013) Grasping the Nettle: The Experiences of Gender Variant Children and Transgender Youth Living in Northern Ireland, Belfast: Institute for Conflict Research

⁶³ McBride, RS (2013) Grasping the Nettle: The Experiences of Gender Variant Children and Transgender Youth Living in Northern Ireland, Belfast: Institute for Conflict Research

negative impact transphobic bullying has on their lives and the inability of schools to adequately support them⁶⁴.

6.40 A 2017 report on research undertaken for DE⁶⁵ found that over 50%⁶⁶ of respondents stated that issues about transgender or sexual orientation had not come up in any of their classes with 63%⁶⁷ stating that transgender issues were 'handled badly' or 'very badly'. Participants in focus groups linked to the same research recognised that transgender young people were significantly disadvantaged by schools not understanding them or their needs and that particular attention needed to be paid to names, pronouns, uniforms, toilets and changing facilities⁶⁸.

6.41 A 2017⁶⁹ update of 2003 Youthnet research revealed that little had apparently changed for young trans people in relation to the availability and presentation of LGBT specific information and support. One example cited was

Being a transgender guy in an all-girls school, they refused to allow me to wear the right uniform stating that it was an all-girls school and while I was there I was a 'girl' and should act like one.

b. Ethnicity

6.42 We reiterate our recommendation that the Department should seek to ensure that ethnic minority children see their culture and language reflected in the classroom and school curriculum; disseminate best practice procedures around induction and admissions; and provide guidance on promoting the participation of newly-arrived children in the wider life of the school⁷⁰.

⁶⁴ McBride, RS (2013) Grasping the Nettle: The Experiences of Gender Variant Children and Transgender Youth Living in Northern Ireland, Belfast: Institute for Conflict Research

⁶⁵ DE (2017) [Post-Primary School Experiences of 16-21 year old people who are Lesbian, Gay, Bisexual and/or Transgender Research Report](#) by Public and Corporate Economic Consultants

⁶⁶ at page 41 (54.5% or n=289)

⁶⁷ n=147

⁶⁸ at page 3

⁶⁹ Cara Friend and Youth Action, (2017) Still shouting, The needs and experiences of young people in Northern Ireland who identify as lesbian, gay, bisexual and/or transgender (LGBT), Cara-Friend and Youth Action NI, Belfast

⁷⁰ ECNI (2014) Racial equality position paper, Promoting Racial Equality - Priorities and Recommendations

- 6.43 We note the proposed action in the Racial Equality Strategy⁷¹, the Executive Office (TEO) to work with DE to identify ways to tackle racist bullying in schools. We understand that inter-Departmental discussions have taken place with regard to the action, and we call on the TEO to set out, as a matter of urgency, how it intends to implement this 2015 proposal.

Supporting rationale

- 6.44 Research⁷² carried out by DE in 2011 highlighted bullying as a factor that can hinder academic success. The research found that 14% of Year 6 (aged 9-10 years) and 7.6% of Year 9 (aged 12-13 years) pupils admitted being bullied 'with mean names or comments about my race or colour'.
- 6.45 Research by NICEM⁷³ (2011) found that 'the response of schools to the issue of racist bullying appears to vary enormously', and that in the majority of cases, 'schools tend to lack knowledge of how to effectively confront the issue and in some cases have difficulty acknowledging that a problem exists. In cases where action is taken, the measure is often unsatisfactory.'
- 6.46 In addition, minority ethnic students, including Irish Traveller children, experienced lower levels of belonging and higher levels of exclusion than their white, settled Northern Irish peers⁷⁴.
- 6.47 Research from Queen's University Belfast⁷⁵ (2013) found that the most negative experiences of education were encountered by Irish Traveller children.
- 6.48 The research also found that while educational aspirations were high among Chinese/Asian children, 'less positive outcomes were found in relation to other outcomes like their self-worth, participation in clubs and their subjective health'. It

⁷¹ TEO (2015) Racial Equality Strategy 2015 – 2025

⁷² DENI (2011) Nature and extent of bullying in schools in the north of Ireland

⁷³ NICEM (2011) Promoting Racial Equality in Northern Ireland's Post Primary Schools

⁷⁴ Biggart, A., O'Hare, L. & Connolly, P. (04 Feb 2013) In A need to belong?: The prevalence of experiences of belonging and exclusion in school among minority ethnic children living in the 'White hinterlands': Irish Educational Studies. 32, 2

⁷⁵ Biggart, A., O'Hare, L. & Connolly, P. (04 Feb 2013) In A need to belong?: The prevalence of experiences of belonging and exclusion in school among minority ethnic children living in the 'White hinterlands': Irish Educational Studies. 32, 2, p. 179-195

noted the need ‘to look beyond achievement gaps in assessing minority ethnic children’s differential experiences in education, highlighting the potential of belongingness as a concept for further study.’

c. Sexual orientation

- 6.49 A 2011 Cara-Friend/Rainbow Project report⁷⁶ conveyed that there were ample opportunities within the statutory curriculum to challenge negative stereotypes and present the diversity of sexual orientation to children and young people, but that the experience of lesbian, gay and bisexual (LGB) young people is that these opportunities are not taken up by teachers in schools. 2013 research by Rainbow⁷⁷ on the emotional health and well-being of young LGBT people found that 88.1% reported that teachers never or rarely talked about LGBT issues.

Supporting rationale

- 6.50 Despite the existence of limited data⁷⁸ on the presence of LGB young people in the education system, various surveys and reports state that young people who report same sex attraction are more likely to be bullied in school than their peers and often self-exclude from school. Barriers for LGB students who are being bullied include lack of support from staff and unwillingness by schools to recognise and address homophobic bullying.
- 6.51 Findings⁷⁹ from research published in 2017 and undertaken for DE on the post-primary experience of 16–21-year-old LGBT students found that 48%⁸⁰ of respondents had experienced bullying as a result of their sexual orientation or gender identity⁸¹. The main forms of bullying included name-calling, lies or false rumours being circulated, being isolated by other pupils and being hit, kicked and shoved around.

⁷⁶ Cara Friend and Rainbow Project (2011) Left out of the equation. A report on the experiences of lesbian, gay and bisexual young people at school

⁷⁷ O’Hara (2013) Through our minds, exploring the emotional health and wellbeing of LGBT people in Northern Ireland, Belfast Rainbow

⁷⁸ ECNI (2008) Every Child an Equal Child

⁷⁹ DE (2017) [Post-Primary School Experiences of 16-21 year old people who are Lesbian, Gay, Bisexual and/or Transgender Research Report](#) by Public and Corporate Economic Consultants

⁸⁰ n=257

⁸¹ Table 2:27: Q27. Have you experienced bullying at school because of your sexual orientation or gender identity?

- 54.5% stated that issues about sexual orientation or gender identity had not come up in any of their classes.
- 38% stated that they had been made to feel uncomfortable by teachers through the use of inconsiderate or derogatory language, taking a heteronormative approach, poor coverage of LGBT issues.
- Key findings from focus group participants stated that Relationships and Sexuality Education (RSE) provided to them either ignored the needs of LGBT young people or actively advocated against their interests.

6.52 This problem is a persistent inequality. It was identified from an analysis of Young Life and Times data by Burns et al (2015)⁸² and was also highlighted in the Commission's earlier 2007 *Statement on Key Inequalities*. Just under half of the respondents to research⁸³ commissioned in 2003 by DE said they had been bullied at school because of their sexual orientation and 33% believed that they achieved lower grades as a result of their perceived sexuality.

Measures to tackle bullying should include challenging gender roles to further the broader societal aim of preventing gender-based violence.

6.53 In support of actions to aid the prevention of domestic and sexual abuse, the Commission has recommended⁸⁴ specific action to institute coordinated, comprehensive and coherent measures to counter gender-based stereotypes and prejudicial attitudes from an early age and across all areas of life, including in all stages of education. It is essential to challenge gender stereotypes and prejudicial attitudes from an early age,

⁸² Burns, S., Leitch, R., Hughes, J., (2015) [Education Inequalities in Northern Ireland](#)

⁸³ DENI and Youthnet (2003) SHOUT The needs of young people in Northern Ireland who identify as lesbian, gay, bisexual and transgender

⁸⁴ ECNI (2016) [Gender Equality - Policy Priorities and Recommendations](#)

as gender-based stereotyping can begin in childhood and continue throughout life stages⁸⁵.

- 6.54 In addition, we note that the Gillen Review⁸⁶ recommended that ‘The Department of Education should strongly encourage school boards of governors to introduce awareness sessions to ensure students understand the consequences of posting on social media’.

Supporting rationale

- 6.55 Evidence from DE’s 2011 research⁸⁷ into bullying in schools revealed that boys and girls frequently experience bullying with a sexual context. A 2014 survey for Girl-guiding⁸⁸ found that three in five of those aged 13 to 21 (59%) had experienced sexual harassment at school, college or work in the last year and one in five girls aged 7 to 12 had experienced jokes of a sexual nature from boys (22%). The 2017 survey⁸⁹ found an increase in sexual harassment since 2014, in particular on social media. These findings demonstrate the need to challenge gender stereotypes and negative behaviours, including across the curriculum generally, and within relationships and sexuality education (RSE) specifically.
- 6.56 2010 Equality and Human Rights Commission research⁹⁰ on identity-based bullying referred to improving young people’s attitudes toward gender roles and relationships through specific programmes within the curriculum that focused on sex and relationships. It called for curriculum activities to be age-appropriate reflecting the developmental capabilities of pupils.
- 6.57 This research also ‘suggested that sexual bullying is prevalent in primary schools where this behaviour serves to create and reinforce gender stereotypes and heterosexual hierarchies’. It highlighted the importance of interventions to address these

⁸⁵ NI Executive (2013) [Together: Building a United Community Strategy](#) which notes: “We recognise that the early years in a child’s life are the most formative and it is at this early stage that children can establish opinions, mindsets and attitudes that shape their behaviours for the rest of their lives”

⁸⁶ Gillen Review (2019) [Report into the law and procedures in serious sexual offences in Northern Ireland](#), Sir John Gillen

⁸⁷ DENI (2011) Nature and extent of bullying in schools in the north of Ireland

⁸⁸ Girlguiding (2014) Girls’ attitude survey 2014

⁸⁹ Girlguiding (2017) Girls’ attitude survey 2017

⁹⁰ EHRC (2010) Prevention and response to identity-based bullying among local authorities in England, Scotland and Wales

issues in younger students while their gender identities are still developing. It called for curriculum activities to be age-appropriate reflecting the developmental capabilities of pupils.

- 6.58 A 2017 study⁹¹ on sexism in schools in England and Wales found that sexual harassment is highly prevalent. It also found that the harassment was gendered and overwhelmingly involving boys targeting girls, with the use of misogynist language commonplace and gender stereotyping a typical feature of school culture, often reinforced through mundane, everyday actions.

Legislative protection from disability-based harassment should be extended to schools.

- 6.59 The Commission continues to call for reform to Northern Ireland's disability discrimination laws⁹².
- 6.60 Currently, under disability discrimination legislation in Northern Ireland, there is no freestanding protection for disabled people against harassment related to their disability outside employment and further and higher education.
- 6.61 This contrasts with protection which exists within legislation in Great Britain and under Northern Ireland equality law on other equality grounds, for example there is a freestanding right giving protection against harassment under the race equality legislation across both employment and non-employment areas (on the grounds of race, ethnic origin, and national origin only).

Supporting rationale

- 6.62 In 2017 Burns et al.⁹³ highlighted that protection against harassment and discrimination against pupils with a disability in primary and post-primary schools is currently weaker than the protection offered to students in further or higher education. Current SEN legislation does not specifically provide protection against disability-based harassment.

⁹¹ National Education Union/UK Feminista (2017) It's just everywhere, A study on sexism in schools and how we tackle it,

⁹² ECNI (2011) Strengthening Protection for Disabled People

⁹³ Burns, S., Leitch, R., Hughes, J., (2015) [Education Inequalities in Northern Ireland](#)

6.63 DE research (2011)⁹⁴ on the nature and extent of bullying in Northern Ireland schools found that ‘there is evidence that disabled children and young people are more vulnerable to bullying’. A 2010 report⁹⁵ by the then ELBs also indicated that there was a clear link between the incidence of bullying and SEN.

⁹⁴DENI (2011) Nature and extent of bullying in schools in the north of Ireland

⁹⁵ Northern Ireland Education and Library Boards (2010) It’s Good to Listen – Experiences of Pupils with Special Educational Needs

7 Address inequalities in attainment and access

7.1 Our 2017 *Statement on Key Inequalities in Education*⁹⁶ found that while overall levels of attainment are increasing, attainment gaps by gender, religion, ethnicity and disability are also widening⁹⁷.

7.2 Barriers to accessing education will undoubtedly impact on attainment outcomes. For example, children and young people, including Travellers, Roma and Newcomers and children with disabilities, may be unable to access an education fully due to language, physical accessibility or institutional barriers.

Equality groups, social disadvantage and type of school attended

7.3 Whilst socio-economic disadvantage is not a specified ground under the equality legislation, it is clear too that the barriers and inequalities experienced by equality groups are exacerbated by poverty and social exclusion. At every stage of schooling, Northern Ireland's poorest children are likely to do worse, and make less progress than their better-off classmates, with evidence showing that the gap has been widening⁹⁸.

7.4 Free school meal entitlement (FSME), a strong indicator of social disadvantage⁹⁹, is closely linked to low levels of academic achievement. For example, 47% of FSME school leavers achieve at least 5 GCSEs at A*–C standard (including English and Maths) compared to 75.8% of those without FSME¹⁰⁰. Similar or worse patterns of attainment can be observed for certain equality groups when an equality lens is applied to FSME.

⁹⁶ ECNI (2017) [Statement on Key Inequalities in Education in Northern Ireland](#)

⁹⁷ A summary of the findings of the Statement can be found in Section 2 of this paper.

⁹⁸ NI Assembly (2013) Public Accounts Committee Report on Improving literacy and numeracy in schools, 116 / 111-15 June 2013 page 8

⁹⁹ Salisbury, Robert, Sir (2015) Educational performance in Northern Ireland: the current state of play, the Policy Forum for Northern Ireland conference on Education in Northern Ireland: raising standards, school accountability and leadership, page 8

¹⁰⁰ DENI (2017) Statistical bulletin 6/2016 Qualifications and destinations of Northern Ireland school leavers

- 7.5 By way of illustration, although there has been some improvement in overall attainment, a trend of underachievement and lack of progression persists for those entitled to free school meals (FSME), particularly boys, notably Protestant boys. Protestant male pupils entitled to free school meals have the lowest rates of attainment in respect of GCSE and A Level results when compared to either female or Roman Catholic peers. They also have the lowest proportions of school leavers moving on to higher education.
- 7.6 A further issue impacting on educational attainment is the type of school attended. 14.3% of pupils at grammar schools are eligible for FSM, compared to 30.7% of the pupil population across all school types.¹⁰¹ Grammar schools therefore have a skewed intake of low-income children¹⁰². Children in grammar schools do better than those in non-grammar schools regardless of FSME status. However, in each type of school FSME pupils do worse than non-FSME¹⁰³.

Summary of recommendation(s):

Recommendations of benefit to all children.

- 7.7 We consider that the following recommendations would benefit children from across all equality categories, including those also entitled to free school meals (and specific groups therein - for example, boys, including those from Protestant backgrounds).
- Deliver a shared curriculum in shared classes to support improved attainment across equality groups.
 - Provide, and monitor uptake, of appropriate, accessible and affordable childcare and early years provision more generally to meet the diverse needs of all children.
 - Promote collaborative approaches to drive attainment, involving engagement with parents / families / carers and the wider communities of key equality groups.
 - The Education Authority should put in place a system for learning from successful interventions, and disseminate and share these lessons with other schools.

¹⁰¹ DENI (2016) School meals in Schools 2016/17, Statistical Bulletin 04/17

¹⁰² Joseph Rowntree Foundation (2016) Monitoring Poverty and Social Exclusion in Northern Ireland

¹⁰³ In non-grammar schools the gap is bigger: 65% of FSM pupils fail to get five good GCSEs compared with 47% of non-FSM pupils. In grammar schools the figure is 10% compared with 4% of non-FSM pupils.

- The Department of Education should develop a system of post-primary transfer that enables all pupils to maximise their potential.

Recommendations specific to Traveller/ Roma/ Newcomer children

- Budget allocations for identified groups should be monitored to assess how they improve outcomes for pupils.
- The Department of Education 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.
- The Intercultural Education Service (IES) should publish, and take account of, key outcomes arising from its delivery plan.
- More transparent monitoring and review of the Traveller Child in Education Action Framework is needed.
- The Department of Education should assist schools in making effective use of dual language resources to help Newcomer learners access the curriculum.
- The Department of Education 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.

Recommendations specific to children with disabilities and /or SEN

- Government should ensure the quality of educational experiences received by children with special educational needs (SEN) in Northern Ireland.
- 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; review and dispute resolution.
- Relevant legislation should be amended to address deficiencies, and to improve the educational experiences of students with SEN and or disabilities.

Recommendations specific to young carers and looked after children

- The Departments of Education and Health should provide tailored support to ensure the effective participation in education of every looked after child;
- 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;

Recommendations of benefit to all children

Deliver a shared curriculum in shared classes to support improved attainment across equality groups.

- 7.8 Sharing can allow pupils to access the full range of the curriculum and may be encouraged to study those wider subjects at a further or higher education college. Pairing more effective schools with less effective schools may also offer the potential to close achievement gaps by improving standards and outcomes for all learners.
- 7.9 The Commission considers that the sharing in education has the potential to improve educational access and attainment for pupils from a diverse range of backgrounds and abilities¹⁰⁴. We reiterate our recommendations in relation to sharing in education, as set out further above.
- 7.10 The DE Sharing Works policy¹⁰⁵ lists among the benefits of shared education, *the education case - improving access for learners to a wider choice of subjects encompassing the full range of the curriculum; increasing access to specialist teaching and to modern facilities; and facilitating the sharing of ideas and good practice between education providers*. Such actions could, for example, be targeted to encourage boys,

¹⁰⁴ ECNI (2015) Summary policy position on sharing in education

¹⁰⁵ at page 8

which research has highlighted may feel they have fallen behind and could not catch up¹⁰⁶.

Supporting rationale

- 7.11 The Commission has highlighted¹⁰⁷ the educational, economic and societal benefits of sharing in education – including that sharing can offer opportunities to improve standards and outcomes for all learners.
- 7.12 Sharing can allow pupils to access the full range of the curriculum and may be encouraged to study those wider subjects at a further or higher education college. Such access is seen as ‘vital in areas where deprivation is more prevalent and is an important driver in breaking the cycle’¹⁰⁸. Pairing more effective schools with less effective schools may also offer the potential to close achievement gaps by improving standards and outcomes for all learners¹⁰⁹.
- 7.13 Such actions have the potential to also tackle low educational aspiration and achievement ingrained in disadvantaged communities, affecting those entitled to free school meals, particularly boys, including Protestant working class boys¹¹⁰ and contribute to addressing a legacy of working-class sons having followed their fathers into jobs leading to a perception that qualifications are not needed¹¹¹.
- 7.14 Cross-sectoral sharing of facilities and teaching can also act as a means of ensuring that all young people have access to a wider range of sporting and cultural resources as well as community-based activities.

¹⁰⁶ DOJ/ DENI (2012) Taking Boys Seriously – a longitudinal study of adolescent male school life experiences in Northern Ireland

¹⁰⁷ ECNI (2015) Summary policy position on sharing in education

¹⁰⁸ Oxford Economic (2010) Developing the case for shared education, page 12

¹⁰⁹ Borooah and Knox (2012) Delivering Shared Education: Knowledge Exchange seminar

¹¹⁰ Barnardo’s (2010) Response to Purvis consultation on educational disadvantage and the Protestant Working Class

¹¹¹ Purvis, D (2011) Educational disadvantage and the Protestant Working Class, A Call to Action, page 3

Provide, and monitor uptake of, appropriate, accessible and affordable childcare and early years provision more generally to meet the diverse needs of all children.

- 7.15 We reiterate our 2013 policy position on Childcare¹¹², which calls for appropriate, accessible and affordable childcare provision to meet the diverse needs of all children, including children with disabilities, those from BME communities and new residents.
- 7.16 The Department of Education has recognised the importance of early years provision¹¹³. We recommend the monitoring of uptake by those equality groups experiencing educational underachievement, with action taken to address any shortfalls.

Supporting rationale

- 7.17 Research in Northern Ireland has found that children who did not attend pre-school showed poorer cognitive and behaviour outcomes than their peers who attended pre-school¹¹⁴. European Commission research also found that children who attended high quality provision had better performance in school, and better economic and social outcomes in later life.¹¹⁵
- 7.18 The Department of Education has recognised the importance of early years provision, with the Minister stating¹¹⁶ in February 2016:

“It is widely recognised that the early years of a child’s life are some of the most important in terms of their development. Intervention during these early years of education can have a significant, positive and lasting impact on raising educational standards and narrowing gaps that prevail in achievement later in life. Evidence shows that the greatest impact and most significant difference can be made for children from areas of disadvantage. During these times of severe budgetary constraints, it is critical that we focus

¹¹² ECNI (2013) Childcare: Maximising the Economic participation of women

¹¹³ DENI (2016) Press release O’Dowd launches pathway fund for early years education

¹¹⁴ Sylva, Melhuish, Sammons et al (2010) Early Childhood Matters: evidence from the effective pre-school and primary education project, cited in Northern Ireland Assembly Research Paper (2013) Early Years Provision, NIAR 68-13

¹¹⁵ EU High Level Group of Experts on Literacy (2012) Final Report

¹¹⁶ DENI (2016) Press release O’Dowd launches pathway fund for early years education

resources in areas where we can ensure the best possible outcomes for our children.”

- 7.19 Save the Children¹¹⁷ has argued that given the gap in children’s development by the age of three, the highest priority should be given to the development of a fit-for-purpose early childhood education and care model. It recommends that the Executive appoints a panel to consider the structure and funding of the model and to progress the early years and childcare strategies as well as expanding Sure Start.
- 7.20 Echoing the 2011 ‘Call to Action’ report¹¹⁸, the 2015 PUP ‘Firm Foundations’ report¹¹⁹ highlighted that early interventions are more effective and less complex than later remedial action. It also argued that while Sure Start has done excellent work there are many more children who would benefit but are not referred, are ineligible or are referred late. It also cited the impact of a lack of attention to early development from antenatal care through to early language therapy interventions on those entitled to free school meals, particularly Protestant working class boys.

Promote collaborative approaches to drive attainment, involving engagement with parents / families / carers and the wider communities of key equality groups.

- 7.21 The Chief Inspector's Report 2012-2014¹²⁰ highlighted the benefits of broader family / community involvement in education noting: *“It is clear that schools alone cannot break the cycle of low outcomes; there is a need for greater coherence and connection between the learners, their families, their communities, their schools and the wide range of agencies and health support service providers that play a significant part in their lives.”* These linkages were also among the common

¹¹⁷ Save the Children (2013) Too Young to Fail, Closing the educational achievement gap in NI p.3

¹¹⁸ Purvis, D., (2011) Educational disadvantage and the Protestant Working Class, A Call to Action, p 7

¹¹⁹ PUP (2015) Firm Foundations, Educational Underachievement and the Protestant Working Class Education: Getting it right for every child

¹²⁰ The Education and Training Inspectorate (2013) An Evaluation of Extended Schools - Chief Inspector's Report 2012-2014, p26

factors identified in the Executive Office's 2017 ILiAD¹²¹ research as contributing to the enhancement of educational achievement across the seven wards included in the study. Lack of parental engagement has also been linked to poorer educational outcomes for those entitled to free school meals, particularly boys, including Protestant working class boys¹²².

- 7.22 Feedback¹²³ on the progress of two local partnership programmes involving children, parents, teachers and the wider community has been very positive with successful outcomes such as improved attendance and attainment recorded. The programmes highlighted appear to be effective in addressing attainment and broader educational issues by involving those outside the immediate school¹²⁴. It is recommended that consideration of how those, such as BME groups and children with disabilities who may not live within socially deprived areas, could access such schemes, should they become more widespread.

Supporting rationale

- 7.23 A number of Extended Schools programmes exist across Northern Ireland. The 2017 Investigation Links and Achieving Deprivation (ILiAD) report cited Extended Schools provision among the most important school level drivers of attainment¹²⁵.
- 7.24 The Full Service Extended Schools programme (FSES) and the Full Service Community Network (FSCN) are located in predominately Protestant and Catholic areas in Belfast including some of the most deprived electoral wards in Northern Ireland. These programmes are designed to address the barriers to learning that children and young people from these disadvantaged areas experience by providing additional support. In the FSCN programme the focus is on early intervention with the parents of children of pre-school and primary school age whereas the focus of the FSES is on

¹²¹ TEO (2017) [Investigating Links in Achievement and Deprivation \(ILiAD\)](#)

¹²² PUP (2015) Firm Foundations, Educational Underachievement and the Protestant Working Class Education: Getting it right for every child

¹²³ McMahon (2015) Full Service Extended Schools (FSES) and; Full Service Community Network (FSCN) Tackling barriers to Learning: the Policy Forum for Northern Ireland conference on Education in Northern Ireland: raising standards, school accountability and leadership

¹²⁴ Report by the five ELBs (2015) Extended Schools Annual Report 2013-14

¹²⁵ TEO (2017) [Investigating Links in Achievement and Deprivation \(ILiAD\)](#)

supporting learners and their families as they transfer from primary to post primary.

The Education Authority should put in place a system for learning from successful interventions, and disseminate and share these lessons with other schools.

- 7.25 Currently, there does not appear to be any formal mechanism or procedure in place for schools to share their learning, both positive and negative, from different interventions or initiatives undertaken to raise attainment. The Commission has sought to highlight successful interventions through a number of video case studies¹²⁶.
- 7.26 JRF¹²⁷ recommends developing a ‘what works’ centre to compile and promote high-quality evidence of ways schools can improve attainment for low-income pupils and evaluate how successful these are. This type of approach could be extended to include pupils from the different equality groups with organisations such as the IES feeding in.
- 7.27 The Education Authority, through its regional role, has the potential to provide and oversee a formal mechanism to make possible the sharing, across schools in Northern Ireland, of successful interventions.

Supporting rationale

- 7.28 Research¹²⁸ carried out for the Great Britain Department of Education and Skills in 2005 acknowledged from the outset that: *policy makers, academics and practitioners tend to agree that spreading good practice from one school to another is important in improving the quality of teaching and learning across the school system.* However, the research also recognised the barriers that exist - such as identifying what constitutes good practice; the time and resource involved; and the potential for resistance to it.

¹²⁶ ECNI (2017) [Equality Commission case studies - Key Inequalities in Education](#)

¹²⁷ Joseph Rowntree Foundation (2016) A prosperous, poverty free Northern Ireland

¹²⁸ DERA (2005) Factors influencing the Transfer of Good Practice

- 7.29 In England, the Education Endowment Foundation and Sutton Trust are jointly designated by government as the 'What Works Centre for Education'¹²⁹. A 2018 review¹³⁰ found that: 'they have helped transform our understanding of the effectiveness of widely used but until now poorly evidenced practices'.
- 7.30 In Scotland, guidance¹³¹ was produced in 2009 for the education sector, based on the principle 'that when teachers learn from and with each other this can lead to better outcomes from learners'. In 2017, the Scottish government published a research strategy for Scottish education¹³² which provided a framework to 'effectively share lessons of international evidence, to identify effective interventions, establish 'what works' in the Scottish context and continuously learn from the data that is gathered.'

The Department of Education should develop a system of post-primary transfer that enables all pupils to maximise their potential.

- 7.31 In 2009¹³³ the Commission again noted its concern about the use of academic selection at eleven years old as a method for determining transfer to post-primary education. A 2016 JRF briefing on poverty in Northern Ireland¹³⁴ reported '*strong evidence that selective systems of education, using examination methods such as the Transfer Test, have a negative impact upon the attainment of children from low-income backgrounds*'.
- 7.32 Aligned to this, data demonstrates that a number of Section 75 groups are over-represented within free school meal entitlement. Language and awareness barriers have also been identified for Newcomer children.
- 7.33 In 2017, the Department of Education's Strategic and Policy Development Forum¹³⁵ highlighted negative impacts of

¹²⁹ Others were established for policing, local economic growth and health and social care

¹³⁰ What Works Network (2018) [What Works Network, Five Years On](#)

¹³¹ HM Inspectorate of Education (2009) Learning together: improving teaching, improving learning, the role of CPD, collegiality and chartered teachers in implementing curriculum for excellence

¹³² Scottish Government (2017) [Research Strategy for Scottish Education](#)

¹³³ ECNI (2009) [Response to the Department of Education – Transfer 2010](#)

¹³⁴ JRF (2016) A Prosperous, poverty-free Northern Ireland, p. 9

¹³⁵ DE (2017) Report of the Strategic Forum Working Group on Inclusion and Prosperity

academic selection, including evidence that it led to some primary school children becoming uninterested in learning in Year 6. This finding is echoed in the Executive Office's ILIAD (Investigating Links in Achievement and Deprivation) report¹³⁶. This has implications for the Department's ability to close the performance gap and increase access and equality¹³⁷.

- 7.34 We continue to raise concern about the use of academic selection at eleven years old as a method for determining transfer to post-primary education. In this context we reiterate our overarching call to the Department to develop a system of post-primary transfer that enables all pupils to maximise their potential.
- 7.35 We also reiterate our wider concerns regarding the current unregulated transfer process. While we understand from media reports¹³⁸ that the organisations that currently provide the different tests are seeking to agree a single test / set of tests, it is still the case that pupils may undertake up to four tests, with some children also required to pay to participate¹³⁹.

Supporting rationale

- 7.36 Burns et al¹⁴⁰ highlighted that the type of school attended (i.e. grammar or non-grammar) was a strong predictor of attainment.
- 7.37 In 2016/17 44.9% of post primary pupils attended grammar schools¹⁴¹. However, Department of Education statistics¹⁴² demonstrate that grammar schools have a lower proportion of their intake of FSME pupils, newcomer pupils and children with disabilities.

¹³⁶ TEO (2017) [Investigating Links in Achievement and Deprivation](#)

¹³⁷ RAISE (2016) Academic Selection, a brief overview, Northern Ireland

¹³⁸ BBC News Online (26 June 2018) Academic selection: Plans for common transfer test agreed. Accessed 14 August 2018

¹³⁹ An assessment fee of £50 is payable to sit the AQE test unless evidence of FSME is provided. The GL test is free

¹⁴⁰ Burns, S., Leitch, R., Hughes, J., (2015) [Education Inequalities in Northern Ireland](#)

¹⁴¹ DENI (2017) [Enrolments in schools and at funded pre-schools in Northern Ireland 2016/17](#). This compares to 37.2% in 1986/87.

¹⁴² Equality data is generally not collected beyond gender, nor is it published by the two providers of the current unregulated transfer tests. Therefore, Department of Education enrolment, attainment and FSME data, where it exists, regarding grammar and non-grammar schools has been considered as regards the impact of selection on Section 75 groups.

- 7.38 In broad terms, data shows that: those entitled to FSM are less likely to attend a grammar school¹⁴³; that a significant proportion of those within some Section 75 groups are entitled to FSM¹⁴⁴; and that those entitled to FSM are less likely to achieve 5 GCSEs (A*-C including English and Maths)¹⁴⁵.

Recommendations specific to Traveller/ Roma/ Newcomer children

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

- 7.39 The common funding formula provides schools with a per capita payment, calculated on an annual basis¹⁴⁶ for Traveller, Roma and Newcomer pupils. This payment is not ring fenced and can be spent at the school's discretion.
- 7.40 In 2016, the Joseph Rowntree Foundation (JRF)¹⁴⁷ noted that there does not appear to be a clear system for monitoring how schools are spending funding received in terms of whether it is being used for evidence-based interventions that will raise the attainment of children from low-income backgrounds.
- 7.41 Barriers faced by BME groups such as a lack of English proficiency; stereotyping and low expectations; inability of mainstream schools to meet the needs of individual pupils¹⁴⁸ could be tackled by ensuring *and* monitoring the targeted spend of this additional resource.

Supporting rationale

- 7.42 The scheme is based on the principle, among others that 'sustainable schools should be funded according to the relative need of their pupils, and in a way that enables the effects of

¹⁴³ DENI (2016) [2015/16 Statistical Bulletin](#) – FSM entitled pupils make up 39.9% of non-grammar compared to 13.9% of grammar school enrolments.

¹⁴⁴ DENI (2016) [Key Statistics – free school meals](#), and DENI (2016) [2015/16 Statistical Bulletin](#) all – 28.2%; Travellers – 80%; Roma 74.1%; children with Statements 48.4%

¹⁴⁵ DENI (2016) [Qualifications and Destinations Data](#) FSM entitled – 41.3%; not FSM entitled – 73.7%

¹⁴⁶ DENI (2014 /15) Local Management of Schools, Common Funding Scheme, p.4

¹⁴⁷ Joseph Rowntree Foundation (2016) A Prosperous, poverty-free Northern Ireland, p. 10

¹⁴⁸ ECNI (2017) Statement of Key Inequalities in Education

social disadvantage to be substantially reduced, and the formula should support schools in delivering the curriculum'.

- 7.43 In our 2013 response¹⁴⁹ to the review of the funding formula for schools, we repeated our 2006 call for ring fencing.

'The Commission is keen to ensure that existing and further funding for Travellers and EAL children should be 'ring fenced' within each school's budget.

Anecdotal evidence suggests that the additional funding provided for Traveller children in mainstream schools may be used as a subvention fund for the general school's budget, and there is little evidence of specific targeting and measurement of outcomes for this funding.'

- 7.44 NICEM, in its 2012 response¹⁵⁰ to the review highlighted that: 'This is not conducive to promoting equality of outcome for all children and fully realising all children's right to education.'

- 7.45 The review¹⁵¹ proposed that schools should be made fully aware of their responsibilities to plan and use public funding effectively, with close monitoring and interventions when outcomes are not satisfactory.

The Department of Education 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.

- 7.46 In 2008 the Commission highlighted that there was a need for more comprehensive data on attendance, participation, transitions and performance levels of Travellers at key stages so that comparisons could be made with non-Traveller

¹⁴⁹ ECNI (2013) Response to Department of Education's Consultation on Review of the funding formula for Schools, Appendix B, p16

¹⁵⁰ NICEM (2012) Submission to the Common Funding Review Panel

¹⁵¹ DE (2013) An Independent Review of the Common Funding Scheme

children¹⁵². Such data could likely be collected by the DE C2K system, enabling the impact of policy interventions to be more effectively measured.

- 7.47 The Commission continues to recommend flexibility in schools' admissions and enrolment processes as regards registration dates and bureaucracy required for both Traveller and Roma communities. Admissions processes should allow joint and temporary registration.
- 7.48 We reiterate our 2008 recommendation¹⁵³ that schools should set up processes to ensure that transitions from primary to post-primary schools are carefully planned.
- 7.49 We also call for the issue of segregated education provision¹⁵⁴ for Travellers and Roma to be examined. We reiterate our recommendation that the Department examines the issue of segregated provision for Traveller and Roma children. We would distinguish between targeted provision to groups such as Travellers and Roma in a mainstream setting to address known inequalities and separate or segregated provision per se.

Supporting rationale

- 7.50 Our recommendation in relation to data collection was echoed by the British /Irish Parliamentary Assembly (BIPA) in their 2014 inquiry into Travellers, Gypsies and Roma's access to public services¹⁵⁵. It stated that the lack of comprehensive, routine collection of data on achievement, retention and progression of Traveller and Gypsy children in education is a significant barrier to measuring the impact of various programmes and projects.
- 7.51 A guide¹⁵⁶ published by the Open Society Institute to improve access to education for Roma includes a goal to reduce the impact of poverty and bureaucracy. It states that standard requirements for enrolments in schools often require documentation that can overwhelm Roma who have low

¹⁵² ECNI (2008) Mainstreaming Equality of Opportunity and Good Relations for Traveller Children in Schools

¹⁵³ ECNI (2008) Mainstreaming Equality of Opportunity and Good Relations for Traveller Children in Schools

¹⁵⁴ Article 3 (a) of the Race Relations (NI) Order 1997

¹⁵⁵ British Irish Parliamentary Assembly (2014) Travellers, Gypsies and Roma: access to public services and community relations

¹⁵⁶ Open Society Institute's EU Monitoring and Advocacy Programme (2005-2015) Ten goals for improving access to education for Roma

literacy levels and, in some cases, may never have been issued with official documents or who have been displaced by conflict. A similar barrier may exist for Irish Traveller families.

- 7.52 Data provided by DE on the numbers of Traveller children involved in moving schools over a recent five-year period revealed a pattern of fewer Travellers in year 8 compared to the previous year's year 7 figures¹⁵⁷. The IES has cautioned against interpreting the figures to mean that there is a high dropout rate of Travellers going to post primary schools. However, without further explanation, this would appear to be the most likely conclusion. The Commission remains concerned that Travellers may be dropping out of the system at this stage.
- 7.53 In 2014, the BIPA report referred to above expressed concern at the lack of appropriate systems to support Travellers moving schools¹⁵⁸. The Inquiry report stated that *transferring a school record and teacher observations seems vital to us in educating any child and given the culture of travelling (albeit diminishing in some countries) among Travellers and Gypsies this need should be met*.
- 7.54 A 2015 Belfast City Council Traveller Needs Assessment¹⁵⁹ found that most Traveller parents send their children to St. Mary's Primary School even though it is rarely their nearest because they feel it is safer. This school is situated in inner city Belfast and in 2017/18¹⁶⁰ had 130 pupils of which 70 were Newcomer children who are mostly from the Roma community with the remainder from the Irish Traveller community. The report stated that most of the children travel to the school from all parts of the city and further afield with only a small number travelling from the immediate area.
- 7.55 The Open Society¹⁶¹ has called on Governments to develop, improve and implement desegregation policies for Roma. It

¹⁵⁷ 2014/15 year 7 n93, 2015/16 year 8 n71
2015/16 year 7 n87, 2016/17 year 8 n71
2016/17 year 7 n102, 2017/18 year 8 n68

¹⁵⁸ British Irish Parliamentary Assembly (2014) Travellers, Gypsies and Roma: access to public services and community relations

¹⁵⁹ Trademark (2015) Traveller Needs Assessment, Belfast City Council

¹⁶⁰ Education and Training Inspectorate (2018) St. Mary's Primary School Belfast, Report of an Inspection (Involving Action Short of Strike) in January 2018

¹⁶¹ Open Society Institute's EU Monitoring and Advocacy Programme (2005-2015) Ten goals for improving access to education for Roma

stated that a more subtle form of discrimination occurs when Roma children were placed into separate schools or entire schools to help them 'catch up'. It further stated that Roma children's needs should be met within mainstream schools through adequate teacher training and effective bilingual education programmes.

The Intercultural Education Service (IES) should publish, and take account of, key outcomes arising from its delivery plan.

- 7.56 The regional Traveller Education Support Service (TESS) was set up in 2013 to progress the Traveller Education Taskforce recommendations. It has since merged with the Inclusion and Diversity Service to form the Intercultural Education Service (IES).
- 7.57 The key priority areas in the 2014 TESS annual delivery plan¹⁶² were to: improve attendance levels of Travellers in targeted areas; enhance Traveller pupil attainment in target groups; and have Traveller parents more engaged and supported (including through home school communication).
- 7.58 Both prior to, and since, the merger into IES, the Commission has not been able to identify the reporting of any related outcomes achieved to date. It is important that a focus on the issues associated with Traveller disadvantage in education is maintained.

Supporting rationale

- 7.59 Improving Traveller attendance is necessary to raise attainment¹⁶³. Data from the Department of Education¹⁶⁴ shows that, while there has been some improvement over the past decade in Traveller attendance at both primary and post primary school level, significant challenges remain. For example, while primary school attendance levels for Traveller children have increased between 2007/18 and 2016/17 by 6.1 percentage points (compared to 0.7 percentage points for white pupils) there remains an almost 20 percentage point difference between the two groups. The difference is more pronounced in

¹⁶² TESS (2015) Regional Delivery Plan 2015/16

¹⁶³ Taskforce on Traveller Education (2011) Report of the Taskforce to the Department of Education

¹⁶⁴ DE annual statistical bulletins on attendance, by ethnicity

post primary settings where, in 2016/17, there was an almost 30 percentage point difference.

- 7.60 The NI Audit Office has pointed out the link between attendance and educational performance¹⁶⁵. It recommended:

that schools ensure that attendance statistics are part of the tracking and monitoring of pupils' overall performance throughout their time in compulsory education and that it should be an item for discussion at parent/teacher meetings.

As part of this process primary schools should maintain attendance statistics for individual pupils and this information should be made available to the pupil's post primary school.

More transparent monitoring and review of the Traveller Child in Education Action Framework¹⁶⁶ is needed.

- 7.61 To progress the recommendations of the Taskforce on Traveller Education (2008)¹⁶⁷, the Department of Education launched the Traveller Child in Education Action Framework.
- 7.62 This Framework was to be monitored and reviewed biannually by a small monitoring and review group made up of representatives from the DE, the Education and Training Inspectorate, NGOs and Traveller support groups with progress reported biannually to the Minister of Education¹⁶⁸. This monitoring / review group was never established.
- 7.63 We reiterate the recommendation from our 2013 Racial Equality position paper¹⁶⁹ that the Action Framework and TESS's (now IES) Traveller delivery plan should be subject to ongoing monitoring and evaluation with progress reported at the Traveller subgroup (currently being set up by the TEO) of the Racial Equality Panel.

¹⁶⁵ NIAO (2014) Improving pupil attendance follow-up report

¹⁶⁶ DE (2013) Traveller Child in Action Framework

¹⁶⁷ Department of Education (2011) Taskforce on Traveller Education, DE Bangor

¹⁶⁸ DE (2013) Traveller Child in Education Action Framework, p. 13

¹⁶⁹ ECNI (2013) Racial Equality Policy priorities and recommendations

- 7.64 Involving Traveller children and parents in the different processes (as reflected in the task force report) is required, to ensure the delivery of tangible outcomes.

Supporting Rationale

- 7.65 Although the statistical base is small, evidence shows that many Traveller and Roma children consistently leave school early with few or no qualifications.

- 7.66 The Taskforce on Traveller Education recommended that the framework:

“...must be adequately monitored and resourced and should include target dates and responsibilities for delivery of improvements in Traveller access, attainment, attendance, enrolment and advancement. Actions should be taken on firm evidence with collection and further analysis of data to enable monitoring of outcomes and evaluation of actions.”

- 7.67 The absence of the monitoring and review group limits the ability to meet this recommendation to ensure desired outcomes are articulated and measured.

- 7.68 Our recommendation was endorsed in the 2014 Traveller Voices for Change report¹⁷⁰. It described the Traveller Child in Education Action Framework as ‘a key strategy which aims to address the barriers to education faced by Traveller children’.

The Department of Education should assist schools in making effective use of dual language resources to help Newcomer learners access the curriculum.

- 7.69 Newcomer children¹⁷¹ 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.

¹⁷⁰ Scullion and Rogers (2014) Traveller Voices for Change, mapping the views of Irish Travellers on integration and their sense of belonging in Northern Ireland

¹⁷¹ The DE defines a Newcomer as ‘a pupil who does not have satisfactory language skills to participate fully in the school curriculum and does not have a language common with the teacher.’

- 7.70 Barnardo's 2015 research *Feels Like Home*¹⁷² explores the experiences of Newcomer pupils and school staff in primary schools across Northern Ireland. The findings from the research show there are a number of factors which impact on Newcomer children's experiences in the classroom including the language barrier, an unfamiliar education system and a feeling of isolation. Teachers also highlighted a number of challenges including low school readiness and difficulties in identifying a potential learning problem or special educational needs because of the language barrier.
- 7.71 The research also pointed to a number of areas of good practice including after school clubs, translated newsletters and a growing use of technology to communicate with parents. Such good practice should be disseminated.
- 7.72 The DE is currently reviewing the Supporting Newcomer policy. It is important that the outcomes from this review address the issues of dual language resources.
- Supporting rationale
- 7.73 The Commission's 2008 policy statement, *Every Child an Equal Child*¹⁷³, highlighted serious shortcomings in relation to the provision of support for children who have English as an additional language, as well as with existing funding formulas.
- 7.74 In our 2011 CERD shadow report¹⁷⁴, we highlighted the challenges in providing appropriate support for BME and Newcomer children, especially those with gaps in their educational backgrounds.

The Department of Education should identify and address the complex emotional, educational and social needs of asylum seeking and refugee children; and ensure that adequate funding is

¹⁷² Kernaghan D, Webb MA and Cariddi C, (2015) *Feels Like Home: Exploring the experiences of Newcomer pupils in primary schools in Northern Ireland*

¹⁷³ ECNI (2008) *Every Child an Equal Child*

¹⁷⁴ ECNI (2011) [Shadow Report to CERD](#)

available to meet the needs of those who arrive during the year.

- 7.75 The current system provides funding only for those children counted on the annual school census day. However, children may enter the school system throughout the academic year. Currently, schools are not allocated additional in-year funding to meet their needs¹⁷⁵.
- 7.76 With regard to providing appropriate support for asylum seeker children we recommend that the Executive and the DE work with the IES to understand and improve the experiences of and outcomes for asylum seeker children. This includes identifying and addressing any attainment differentials; assessing educational needs; reviewing the effectiveness of current English as an Additional Language (EAL) support; identifying appropriate strategies to support the teaching of Newcomer pupils and the provision of accessible information on the education system in Northern Ireland.

Supporting rationale

- 7.77 Young refugees and asylum seekers face complex challenges in the education system. It is recognised that refugee and asylum-seeking children have specific needs linked to their prior experience of formal education and interruptions in their education.
- 7.78 A 2010 Home Office report¹⁷⁶ found that 14% of new refugees, the majority of them being women, had spent no years in formal education. Refugee and asylum-seeking children often have very limited English Language skills and may have experienced trauma and other serious stresses before coming to Northern Ireland.
- 7.79 There are no accurate figures available on the number of asylum seekers or refugees in Northern Ireland¹⁷⁷, as the relevant national data is not disaggregated by region¹⁷⁸. Organisations working with asylum seekers and refugees have estimated that there are around 600 asylum seekers receiving

¹⁷⁵ Apart from those entering via the Vulnerable Syrian Relocation Scheme

¹⁷⁶ UKBA Research Development and Statistics Directorate (2010) Helping new refugees integrate into the UK: baseline data analysis from the Survey of New Refugees UKBA Research Report 36

¹⁷⁷ Northern Ireland is not a designated dispersal area.

¹⁷⁸ BBC News (February 2014) No where to go: Life as a destitute asylum seeker in Belfast

asylum support¹⁷⁹ in total in Northern Ireland; numbers of refugees have been estimated as in the low thousands^{180 181}. The majority of asylum seekers are men¹⁸².

- 7.80 Based on figures released by the Home Office to the Northern Ireland Strategic Migration Partnership¹⁸³ nationalities represented here have principally come from China¹⁸⁴, Somalia, Sudan, Iran and Syria.

Recommendations specific to children with disabilities and /or SEN

Government should ensure the quality of educational experiences received by children with special educational needs (SEN) in Northern Ireland.

- 7.81 A range of factors contribute to the attainment levels of children with SEN. Adequate provision made in an effective manner is essential to ensuring children with SEN are able to meet their full potential. Key barriers found to the attainment of children with SEN include insufficient precision with Statements; a lack of appropriate supports during the transition from primary to post primary education; and low expectations¹⁸⁵.
- 7.82 In 2015 the Commission, called for arrangements to be put in place to monitor and review the impact of SEN plans¹⁸⁶. We also highlighted the risk, due to a lack of specialist training, that Learning Support Co-ordinators may miss early identification of needs and appropriate intervention in complex cases.

¹⁷⁹ Law Centre (2014): Welcoming Syrian Refugees to Northern Ireland, page 1.

¹⁸⁰ Embrace (2015): Who's who? Who's here?, page 2.

¹⁸¹ Health and Social Care Board (15th January 2015); Minutes of the South Local Commissioning Group.

¹⁸² Migration Observatory (Site access July 2018): Migration to the UK - Asylum

¹⁸³ NI Strategic Migration Partnership (2013): A Proposal for a Refugee Integration Strategy for Northern Ireland, page 3.

¹⁸⁴ Support Organisations have stated that few Chinese Refugees access their services. This may be because they are assisted by the Chinese Community here.

¹⁸⁵ ECNI (2017) Statement on Key Inequalities in Education

¹⁸⁶ ECNI (2015) Evidence to the Assembly Education Committee on the proposed Special Education Needs and Disability Bill

7.83 In April 2015 the Northern Ireland Assembly agreed a motion expressing concern over the waiting times for children for autism and special educational needs assessments, and called for action to invest fully in and streamline services to deal with the backlog.

Supporting rationale

7.84 As a result of inadequate numbers of educational psychologists and lack of timeline for the assessment process, across Northern Ireland children with SEN are subject to unacceptable¹⁸⁷ waiting times for assessment.

7.85 A 2017 Northern Ireland Audit Office report¹⁸⁸ concluded that neither the Department nor the Education Authority could demonstrate value for money in terms of economy, efficiency, or effectiveness in the provision of support to children with SEN in mainstream schools.

7.86 While recognising that a greater proportion of children with SEN were leaving school with GCSEs or A levels and fewer were leaving school with no qualifications, the NIAO set out 10 recommendations for change. These included: ensuring consistency of approach to the identification and provision of support; teachers having appropriate training; recording and monitoring the reasons for delays in Statements being issued; and better monitoring of expenditure on SEN. It also called for continued effort to reduce delays in the issuing of Statements.

7.87 A UK wide survey¹⁸⁹ conducted for NASUWT teachers union in 2017 provided evidence of cuts to specialist services and that teachers and schools were struggling to support SEN pupils. It found that SEN was not included in the performance review of many teachers; many SENCOs were not members of school leadership teams; and that they were under immense pressure combining the role of class teacher and SENCO duties.

The proposed code of practice to support the Special Educational Needs and Disability Act

¹⁸⁷ Noted among the concerns regarding the statementing process in NI Assembly Research Paper (2015) [SEN legislation and policy in Northern Ireland](#), Caroline Perry

¹⁸⁸ NIAO (2017) Special Educational Needs, Report by the Comptroller and Auditor General Belfast

¹⁸⁹ NASUWT (2018) Special Educational Needs (SEN), Additional Learning Needs(ALN), and Additional Support Needs(ASN), Survey Report, England

(NI) 2016 should clarify outstanding issues – including around student involvement; staff training; review and dispute resolution.

7.88 We welcome the introduction of the Special Educational Needs and Disability Act (NI) 2016, which we believe will enhance the provision, support and protections available to students with SEN.

7.89 A code of practice is to be produced to support the legislation. We have recommended¹⁹⁰ that it should include: details of how pupils will be involved in the development of overall SEN provision; emphasis of the importance of accessible communication and relevant support to enable each individual with SEN to participate effectively with any decision-making process that will impact on their educational experience and opportunities; training measures for teachers and learning support co-ordinators; examples of models of good practice demonstrating how students can be involved in the review / appeals processes, and in the development of support and learning places.

Supporting Rationale

7.90 The Commission supports the production of the code of practice, which will provide schools, management bodies, and others exercising statutory functions with advice which they must consider when deciding what to do for children with SEN. The status of the code means that these groups are legally obliged to have regard to the provisions of the code.

7.91 Given its status, it is essential that the code provides comprehensive guidance, embracing the spirit and meaning of the legislation, to ensure the enhanced provision, support and protections it enshrines are understood and therefore delivered.

Relevant legislation should be amended to address deficiencies, and to improve the

¹⁹⁰ ECNI (2015) [Evidence to the Northern Ireland Assembly Education Committee on the proposed Special Educational Needs and Disability Bill \(SEND\)](#)

educational experiences of students with SEN and or disabilities.

- 7.92 We remain concerned at the deficiencies in legislation provision for children with disabilities within the Disability Discrimination Act.
- 7.93 We continue to recommend: changes to SENDO 2005 in order to place an additional duty on schools to provide auxiliary aids and services for disabled pupils, where reasonable; that the current residual duty on the Education Authority in relation to the making of reasonable adjustments, is extended so that it includes a requirement to provide auxiliary aids and services.
- 7.94 Wider changes are also needed both to the Disability Discrimination Act 1995 and SENDO 2005 in order to address inconsistencies and strengthen protection against discrimination and harassment for disabled people. For example, there is currently less protection for disabled pupils in schools than for disabled students in further and higher education.

Supporting rationale

- 7.95 The amendment sought would ensure that where reasonable, a disabled pupil would not be put at a substantial disadvantage compared to a non-disabled pupil. The provision of auxiliary aids and services could entail, for example, extra support, electronic lesson notes, or the provision of an adapted computer keyboard.
- 7.96 Currently the obligation to provide auxiliary aids and services arises when stipulated in a statement of special educational needs, and not all disabled children have special educational needs.
- 7.97 In the rest of the United Kingdom, Schools are already required to provide auxiliary aids and services to disabled pupils.
- 7.98 We highlighted the problems faced by children with disabilities, who do not necessarily have special educational needs, in accessing auxiliary aids and services in our 2013 case studies¹⁹¹. These included a disabled child who needed a communication system which would allow her to communicate

¹⁹¹ ECNI (2013) Strengthening Protection for Disabled People: Case Studies

beyond yes and no answers; another who required a Dictaphone, large print notes and extra time in exams; and a third who required a classroom assistant. None were entitled to the auxiliary aids and services sought because there were not, and could not be stipulated in a statement of special educational needs because the children concerned, while disabled, did not have SEN.

Recommendations specific to young carers and looked after children

The Departments of Education and Health should provide tailored support to ensure the effective participation in education of every looked after child.

- 7.99 Evidence shows that looked after children have poorer educational achievements when compared to their peers. The Department of Education and the Department of Health should work together to provide a co-ordinated and consistent approach, including via their duty within the Children's Services Co-operation Act (Northern Ireland) 2015¹⁹², to ensure the effective participation in education of every looked after child.
- 7.100 Further, consistency is also needed across Trusts to address the geographical variations that currently exist¹⁹³ in allocating and implementing Personal Education Plans for children in care.

Supporting rationale

- 7.101 In the period 2014/15, only 27% of looked after children¹⁹⁴ attained 5 or more GCSE/GNVQs at grades A*-C compared to 82% of the general school population. Whilst achievement grades in Northern Ireland during the period 2011/12 to 2014/15 for all of the school population has shown a slight improvement (+5%) the difference in educational attainment is constant at over 50% lower for looked after children compared to the general school population¹⁹⁵.
- 7.102 During the same period in England the attainment gap between looked after children and the general school population

¹⁹² [Children's Services Co-operation Act \(Northern Ireland\) 2015](#)

¹⁹³ For example, only 80% of looked after children of school age had a PEP within the Northern Trust, compared to 92% within the Belfast Trust.

¹⁹⁴ Figures in the following paragraphs are for children who have been in care for a period of 12 months or more

¹⁹⁵ In the period 2011/12, 20% of looked after children attained 5 or more GCSE/GNVQs at grades A*-C compared to 78% of the general school population. Department of Health (Jul 2013) [Children in care in Northern Ireland 2011-12 Statistical Bulletin](#)

narrowed by 10 percentage points between 2011/12 and 2015/16¹⁹⁶.

- 7.103 In order to provide support and assistance teaching staff and carers should have an awareness and understanding of the issues and barriers that looked after children face in an educational setting. The Children and Young People's Strategy 2017-2027 consultation document¹⁹⁷ acknowledged the need to support looked after children during their education and as they transition out of education and care, to ensure they experience positive outcomes.
- 7.104 In 2011 the Department of Health, Social Services and Public Safety introduced Personal Education Plans (PEP)¹⁹⁸¹⁹⁹ for looked after children in education as a step forward in highlighting potential barriers, for example absenteeism. We welcomed the introduction of PEP as a potentially effective tool to highlight the barriers looked after children may face in an educational setting. To assist with its effectiveness, teachers and carers participating in PEP reviews should be aware of the social, emotional and mental health issues looked after children face in an educational setting.
- 7.105 Some of the factors affecting looked after children's educational achievement identified in 2011 by the Department of Education remained a factor in 2014/15. For example: looked after children are five times more likely to be suspended from school when compared to the general population; 67% of looked after children missed between 1 and 24 days of school; and 8% of looked after children aged 10 and over had been cautioned or convicted of an offence²⁰⁰.
- 7.106 As of 30 September 2015, 87% of school age looked after children had a PEP in place and of those 90% had it reviewed within the previous six months²⁰¹. There are however

¹⁹⁶ Department for Education (Mar 2017) [Outcomes for Children Looked After by Local Authorities in England as at 31 March 2016](#)

¹⁹⁷ Department of Education (2017) [Children and Young People's Strategy 2017-2027 consultation document](#)

¹⁹⁸ NI Assembly, Research and Information Service briefing paper. Caroline Perry (Dec 2014) [Looked after children – educational policy and practice](#)

¹⁹⁹ PEP is undertaken at 6 monthly intervals and is designed as a record of the young person's educational history which identifies actions needed to enable the individual to fulfil his or her potential. It will inform the UNOCINI and Court proceedings, and critically influence the Care Plan.

²⁰⁰ Department of Health (Jul 2016) [Children in care in Northern Ireland 2014-15 Statistical Bulletin](#)

²⁰¹ Department of Health (Jul 2016) [Children in care in Northern Ireland 2014-15 Statistical Bulletin](#)

geographical variations, for example 80% of looked after children of school age had a PEP within the Northern Trust, compared to 92% within the Belfast Trust. To assist the effective participation of looked after children in education, consistency is needed across the Trusts in allocating and implementing PEPs.

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.

- 7.107 By working in collaboration, the Education and Health Departments could better identify carers; raise awareness among young carers of supports potentially available; provide signposting to relevant DE and DoH services; and improve monitoring and data collection.
- 7.108 We welcome the ‘*Supporting Young Carers in School: An Introduction for Primary and Secondary School Staff*’²⁰² guidance produced²⁰³ by the Education Authority and the Health and Social Care Board. The guidance seeks to make young carers more visible to teachers and to assist teachers in supporting their needs. We recommend that the mainstreaming of the guidance within schools is monitored and reviewed.

Supporting Rationale

- 7.109 For young carers, the requirement to provide care can result in low educational attainment and make the transition into adulthood more difficult, with regard to going into further education or securing employment.
- 7.110 The full extent of young people providing care in Northern Ireland is unknown, but it is estimated that 8,352 young people

²⁰² Education Authority and Health and Social Care Board (2017) [Supporting Young Carers in School: An Introduction for Primary and Secondary School Staff](#)

²⁰³ The Children and Young People’s Strategic Partnership Young Carers Group comprising the Health and Social Care Board produced the guidance in partnership with the Education Authority; Action for Children NI; Barnardo’s NI; Gingerbread NI and Carers Trust NI.

provide care, with an average age of 12²⁰⁴. Northern Ireland research shows that while six out of ten young carers provide care for less than 10 hours per week, one in ten provides care for 30 hours or more per week²⁰⁵. Providing high levels of care and receiving no support can result in limited time for schoolwork and homework²⁰⁶, thereby impacting educational attainment.

- 7.111 Furthermore, 2004 research found that in the United Kingdom more than a fifth of all young carers experienced educational problems, which is 'more marked' in the 11- to 15-year-old age group. This age is of particular concern as it is a time when young people are making decisions about their careers²⁰⁷.
- 7.112 Research undertaken in England²⁰⁸ also showed that young carers obtained lower levels of educational attainment at GCSE level, equivalent to nine grades²⁰⁹ lower than their peers. This disadvantage has been found to continue with 75% of 16–18-year-old carers spending time not in education, employment or training (NEET), compared to 25% of their non-carer peers²¹⁰. There is no reason to suggest that Northern Ireland is different from the rest of the United Kingdom.
- 7.113 Of the young carers that are assessed in Northern Ireland, only a small number receive any support for their caring responsibilities²¹¹. A further consideration is a lack of awareness among young carers that the assistance they provide at home constitutes care²¹². This can act as a barrier to young carers accessing supports.

²⁰⁴Crossroads Care <http://www.crossroadsyoungcarers.co.uk/young-carers/>

²⁰⁵ Devine, P and Lloyd, K Economic and Social Research Council (2011) [Research update, Number 76 'Young Carers Too'](#)

²⁰⁶ Dearden, C. and Becker, S. (2004) [Young Carers in the UK: The 2004 Report](#). London: Carers UK

²⁰⁷ Dearden, C. and Becker, S. (2004) [Young Carers in the UK: The 2004 Report](#). London: Carers UK

²⁰⁸ Children's Society (2013) ['Hidden from View : the experience of young carers in England'](#)

²⁰⁹ 'The difference between 9 Bs and 9 Cs'

²¹⁰ Audit Commission (2010) [Against the odds: Targeted briefing – Young carers](#). London: Audit

²¹¹ Crossroads Care <http://www.crossroadsyoungcarers.co.uk/young-carers/>

²¹² Patient and Client Council (2011) [Young Carers in Northern Ireland: A report of the experiences and circumstances of 16 year old carers](#)

8 Mainstream equality in education

- 8.1 The Commission considers that educational bodies should embed the principles and practices of equality of opportunity and good relations into their core business and constantly strive towards greater equality.
- 8.2 This is the essence of mainstreaming equality and good relations. It means more than a school teaching a module on Citizenship or taking part in a shared education project. It involves making equality and good relations central to the culture and ethos of a school and the education system as a whole. Achievement of the recommendations set out below would contribute significantly to successfully mainstreaming equality in education.

Summary of recommendation(s):

- Comprehensive action should be taken by the Department of Education, schools and other education bodies to embed equality of opportunity and good relations within the content and delivery of the curriculum.
- Equality and good relations issues should be mainstreamed into initial teacher education (ITE) and continuous professional development (CPD)
- There should be greater sharing and collaboration between teacher training colleges.

Comprehensive action should be taken by the Department of Education, schools and other education bodies to embed equality of opportunity and good relations within the content and delivery of the curriculum.

- 8.3 The importance of embedding equality of opportunity and good relations within the school curriculum has long been recognised by the Commission. Our consideration further above highlights the importance of the curriculum in tackling prejudice-based

bullying and stereotyping. For example, while girls out-perform boys, stereotyping and subject choice contribute to boys being more likely than girls to study Science Technology, Engineering and Mathematics (STEM) subjects in higher education.

- 8.4 We reiterate our 2008 call for the adoption of a number of strategic actions that could be taken to embed equality and good relations in education. These included reviewing curriculum support materials and developing good practice guidance, setting strategic actions and outcomes and developing equality and good relations elements to the training programmes for student teachers, existing teachers, heads and governors.
- 8.5 In 2013 we welcomed²¹³ the Department's circular²¹⁴ on Relationship and Sex education (RSE) to schools in which it made it clear that the Department required each school to have in place a written policy on how it will address the delivery of RSE. We also welcome the ETI's 2016 evaluation and recommendations in relation to RSE in primary and special schools²¹⁵. It recommended a number of improvements that included, for example, ensuring that the teaching of sensitive issues is provided to children in all schools, prior to their transfer to post-primary education. It also calls for improvements in the training for teachers to enhance their capacity and confidence.

Supporting rationale

- 8.6 Embedding equality and good relations in education requires: adopting a positive action plan to addressing equality through the curriculum; and subject choice and careers advice to ensure that barriers to the current non-traditional career paths are removed for girls and boys, including in relation to STEM subjects.
- 8.7 An absence of gender and wider mainstreaming in education, including in the curriculum, is a foundation for inequality. Failing to mainstream ensures that gender stereotyping remains in schools.

²¹³ ECNI (2013) [Promoting Sexual Orientation Equality – Priorities and Recommendations](#)

²¹⁴ DE (2013) DE Circular on RSE

²¹⁵ ETI (2016) RSE in Primary and Special Schools

- 8.8 The Rainbow Project in its 2011 report ‘Left out of the Equation: A report on the experiences of LGB young people at school’ raised concerns that whilst the statutory curriculum includes many references to the necessity of children to be educated in human rights, equality and respect for diversity, the curriculum itself only refers to race, sectarianism, sexism and disablism and *‘ignores sexual orientation’*.
- 8.9 Further, in 2013 the NIHRC recommended that *“there is therefore arguably a need to align curriculum content more carefully with CRED [community relations, equality and diversity in education] aspirations. In particular, given that there appears to be a teacher reluctance to deal with LGBT issues, there is a danger that the rights of this Section 75 group will not be represented adequately.”*
- 8.10 The 2013 ‘Grasping the Nettle’ report on the experiences of gender variant children and transgender youth living in Northern Ireland notes the absence of gender identity from the curriculum which it states, *‘conveys the impression to young people that gender distress does not exist, is not normal and / or is undesirable’*.
- 8.11 The need for the statutory curriculum to be more inclusive of LGBT issues has been raised by both the Rainbow Project and the Northern Ireland Human Rights Commission (NIHRC).
- 8.12 It has also been identified as an issue in research²¹⁶ carried out by the Department of Education on the post-primary experiences of 16–21-year-old LGBT young people. Young people who took part in this research stated that LGBT issues were largely absent from their education. They indicated that their teachers had been unwilling or unable to adequately educate them about issues relevant to their lives.
- 8.13 Cara-Friend, Youth Action and Youthnet’s 2017 report²¹⁷ called for greater provision of training for teachers, and others working with young people to better tackle and talk with about LGBTQ

²¹⁶ DE (2016) Post-Primary School experiences of 16–21-year-old people who are lesbian, gay, bisexual, and or transgender by Public and Corporate Economic Consultants (PACEC)

²¹⁷ Cara-Friend, Youth Action (2017) Sill Shouting, The needs and experiences of young people in Northern Ireland who identify as lesbian, gay, bisexual and/or transgender (LGBT)

issues. It called for the curriculum in schools to reflect the diversity of society and to be inclusive of LGBT identities.

- 8.14 The Department's 2013 circular²¹⁸ stated that the delivery of RSE should be taught in harmony with the ethos of the school and reflect the moral and religious principles held by parents and school management authorities. It also advised schools to take account of the Commission's guidance²¹⁹ for education establishments on the implications of the Equality Act (Sexual Orientation) Regulations (NI) 2006.
- 8.15 The Department's further circular²²⁰ on revised RSE guidance directs schools to CCEA guidance which states that it '*does not stray into the actual content of teaching and learning as this is a matter for each individual school*'.
- 8.16 Findings from ETI's evaluation report²²¹ on RSE in primary and special schools point to schools at very different stages with one in four of the 121 schools which responded to the online survey not having an RSE policy.
- 8.17 The Cara-Friend, Youth Action and Youthnet's research²²² has called for a review of DE's RSE guidance on the basis that the implementation of previous policy amendments had been subject to the discretion of individual schools which has led to an inconsistent delivery in schools across Northern Ireland.

Equality and good relations issues should be mainstreamed into initial teacher education (ITE) and continuous professional development (CPD)

- 8.18 The Commission has consistently called for equality and good relations to be embedded in teacher training, both initial and continuing. In light of the diversity of life experiences and educational needs within the Northern Ireland student

²¹⁸ DE (2013) [DE Circular on RSE](#)

²¹⁹ ECNI (2009) Eliminating Sexual Orientation Discrimination in Northern Ireland, Short Guide Education. A guide for education establishments on the implications of sexual orientation Regulations on the provision of goods, facilities, services and premises.

²²⁰ DE 2015/22 RSE Guidance

²²¹ ETI (2016) Relationships and Sexuality Education in Primary and Special Schools

²²² Cara-Friend, Youth Action (2017) Sill Shouting, The needs and experiences of young people in Northern Ireland who identify as lesbian, gay, bisexual and/or transgender (LGBT)

population, we consider it essential that all teachers are equipped to ensure students' particular requirements are understood and met. Initial teacher education (ITE) and continuing professional development (CPD) are key methods of achieving this.

- 8.19 While noting the implementation of a 10-year strategy for teacher professional learning²²³, we are concerned about its lack of reference to equality and diversity issues, particularly given the issues that are being highlighted on teacher training needs. These include issues already referenced within this paper, for example, regarding Newcomer children's access to the curriculum or how prejudice-based bullying is tackled. They demonstrate a need for training to equip teachers to meet the needs of an increasingly diverse student / pupil population.

Supporting rationale

- 8.20 Research²²⁴ carried out on behalf of the Commission in 2012 reinforced that the need to mainstream equality and good relations training continues to be an area requiring ongoing attention, for example stakeholders suggested the need to have greater awareness of the needs of children and young people in a number of groups – Irish Travellers, lesbian, gay and bisexual young people, disabled children and young people and those with caring responsibilities.
- 8.21 A number of recent research reports (2017) on the experiences of LGBT young people²²⁵ also re-echoed this point and included Trans young people. A 2017 NASUWT survey²²⁶ with 20% of respondents from Northern Ireland found that many teachers struggle to access high-quality SEN related training and CPD. Time, workload and cost were cited as major barriers to teachers accessing training and CPD.
- 8.22 The General Teaching Council whose aims are to promote teacher professionalism include references to equality in their

²²³ DE (2016) Learning Leaders, A strategy for teachers Professional Learning

²²⁴ [ECNI \(2012\) Indicators of Equality of Opportunity and Good Relations in Education, The Equality Company, Belfast](#)

²²⁵ Cara Friend and Youth Action, (2017) Still shouting, The needs and experiences of young people in Northern Ireland who identify as lesbian, gay, bisexual and/or transgender (LGBT) and DE (2017) [Post-Primary School Experiences of 16-21 year old people who are Lesbian, Gay, Bisexual and/or Transgender Research Report](#) by Public and Corporate Economic Consultants

²²⁶ NASUWT (2018) Special Educational Needs (SEN), Additional Learning Needs(ALN), and Additional Support Needs(ASN), Survey Report, England

competences²²⁷. We welcome its Code of Values which states that teachers should:

Promote good community relations within and between schools and across the wider society in Northern Ireland;

Promote social justice and equality of opportunity as fundamental to community development and well-being.

- 8.23 We note the ten-year Learning Leaders' Strategy for Teacher Professional Learning launched in 2016²²⁸. It sets out a framework for the way forward and has three strategic objectives underpinning the vision. These include the promotion of collaborative working and sharing of best practice through professional learning communities. The absence of a mainstreamed equality approach means that improving competence in equality-related areas is not addressed in the Strategy. Therefore, the scope for that competence being developed in practice is limited.

There should be greater sharing and collaboration between teacher training colleges.

- 8.24 The Commission is mindful that new teachers will increasingly enter a world where greater diversity among those they teach will be more evident than before. It is important that recognition of this increasingly diverse environment finds greater expression within the ethos and governance structures of those providing initial teacher training.
- 8.25 We remain²²⁹ concerned about the impact that the separate provision of teacher training has on job opportunities, professional development and the promotion of good relations; and consider that closer collaboration between all initial teacher training providers in Northern Ireland would have a range of benefits, including in relation to good relations.

²²⁷ GTCNI (2007) Teaching the Reflective Profession, 3rd edition, Belfast

²²⁸ DE (2016) Learning Leaders, A strategy for teachers Professional Learning

²²⁹ ECNI (2013) Response to the Review of the Initial Teacher Education infrastructure in Northern Ireland

- 8.26 A 2010 Good Relations Forum challenge paper²³⁰ suggested that there needed to be stronger sharing and collaboration between the various teacher training institutions in Northern Ireland and that this should be encouraged by the Department and the proposed Education and Skills Authority (now Education Authority).

Supporting rationale

- 8.27 The 2010 challenge paper sought to ensure that all student teachers, whatever their community background, had the opportunity to experience the different educational sectors and school ethos, enabling positive engagement that could dispel any myths or chill factors. It recommended that all student teachers should be given an appropriate amount of time and opportunity to exchange learning opportunities between the various sectors, and that all new teacher training courses/programmes should encompass an element of teaching in another sector.

²³⁰[Good Relations Forum \(2010\) Ensuring the Good Relations Work in our Schools count, A strategy to meet our needs for the 21st Century.](#), paragraph 16.26

9 Conclusion

- 9.1 The Commission will continue to engage with government, relevant Departments and key stakeholders to secure advocacy and adoption of our recommendations in support of addressing identified key inequalities.
- 9.2 We encourage you to take steps to raise awareness and secure implementation of our recommendations. Help us make change by sharing these recommendations with colleagues, officials, and friends and family; writing to your local political representatives; and by responding to any consultation related to equality in education in support of our recommendations.

Priority areas for intervention

- 9.3 The Commission considers, following engagement with stakeholders and wider consideration, that there are immediate opportunities and/or a particular pressing need to secure change in relation to:
- **tackling prejudice-based bullying.**
 - **addressing inequalities in attainment and access experienced by Traveller, Roma and Newcomer children.**
- 9.4 We also consider it important to seek to ensure progress on a number of the **recommendations ‘of benefit to all children’** which we consider have the potential to deliver benefits to children and young people from across the equality categories, including those also entitled to free school meals (and specific groups therein - for example, boys, including those from Protestant backgrounds).
- 9.5 In particular, we call for prompt action to **advance childcare and early years provision** to meet the diverse needs of all children; to **drive attainment via collaborative approaches** involving family and the wider community; and to put in place a **system for learning from successful interventions**.

Overarching areas for action

- 9.6 While the Commission will work to encourage prompt action to address the above, we also encourage action by stakeholders and government to advance our full range of recommendations.
- 9.7 The Commission has identified five overarching areas where we consider targeted action could serve to address key inequalities, and advance equality of opportunity and good relations:
- Improve equality data and analysis
 - Advance a shared society through education
 - Tackle prejudice-based bullying and challenge stereotypes
 - Address inequalities in attainment and access
 - Mainstream equality in education and in teacher development
- 9.8 We have set out in this document a number of specific recommendations for action, aligned to the above overarching areas.

Further information

- 9.9 For further information visit
www.equalityni.org/Education/Policy

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