

Committee on the Administration of Justice

Response to

Learning for Life

The Education Service in Northern Ireland

A Strategic Analysis

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SUMMARY

The Department has produced a document detailing its proposed strategy for all areas of the education service.

CAJ appreciates the underlying philosophy of the strategy, which is to maximise the potential for educational and social development of young people in Northern Ireland but feels that it does not address structural inequalities or recognise the different requirements and needs of diverse groups in our society. We are particularly concerned about:

- (a) The lack of any attempt to ascertain the wishes of young people in relation to their education;
- (b) the failure to introduce any anti-racist measures;
- (c) the failure to acknowledge Irish Medium education and accord it equality and parity of esteem;
- (d) the delay in producing genuine measures of social need to enable the "TARGETING SOCIAL NEED" policy to be given effect;
- (e) the continuation of a selective system of secondary education;
- (f) the lack of nursery school provision which should be universally available, of a high standard and properly funded;
- (g) the denigration of non-academic pupils, which permeates the entire document;
- (h) restrictions, which are not based on ability, on the numbers of university admissions;
- (i) the contravention of the United Nations Convention on the Rights of the Child, the European Convention on Human Rights, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the European Charter for Regional or Minority Languages.

The Committee on the Administration of Justice (CAJ) is an independent civil liberties organisation committed to working for the highest standards of the administration of justice in Northern Ireland. Founded in 1981, CAJ is an affiliate of the International Federation of Human Rights.

The Committee appreciates the opportunity to comment on this discussion paper, which outlines a comprehensive strategy for the development of the entire education service.

While we welcome the concept of an integrated strategy covering all the Department's areas of responsibility and recognise the constraints it faces in terms of having to conform to wider Government policies, it is our concern to ensure that the strategy complies with international standards of human rights (especially where, as in those cited below, international agreements have been ratified by the UK government) and that, where resources are limited, they are used to reduce disadvantage. The international standards in question are as follows:

"Education shall be directed to the full development of skills, ability and personality, to the strengthening of respect for human rights and fundamental freedoms and to the promotion of understanding, tolerance and friendship among all racial and religious groups" (UN Universal Declaration of Human Rights Article 26).

"Every person has the right to full financial support for all aspects of education and technical, professional and higher education shall be made generally available and financially accessible to all" (European Convention on Human Rights Article 2).

"States Parties shall ensure to the child who is capable of forming his or her own views, the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child. (UN Convention on the Rights of the Child Article 12).

"States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind irrespective of the child's or his or her parents' or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. (UN Convention on the Rights of the Child Article 2).

"In those states in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess his or her own religion, or to use his or her own language" (ibid. Article 30)

"The State Parties to the present covenant undertake to have respect for the liberty of parents and, where applicable legal guardians, to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State" (Art. 13.3 International Covenant on Economic, Social and Cultural Rights).

1. "The State Parties to the present Covenant recognise the right of everyone:

(a) to take part in cultural life.....

2. The steps to be taken by the State Parties to the present Covenant to achieve the full realisation to the present Covenant to achieve the full realisation of this right shall include those necessary for the conservation, the development and the diffusion of science and culture. (ibid. Art. 15).

While there is much that is good in the strategy as a statement of intent, we find it lacking in several areas.

We welcome the Department's desire to promote mutual understanding and respect for the various traditions within Northern Ireland and agree that such understanding and respect is fundamental to future peace and stability.

DENI can appropriately take the lead by including explicit reference to the different linguistic and cultural traditions in its strategic plan and according equality and parity esteem to each.

CAJ believes that respect for the child's individual and groups rights is the key to effective planning for their education and we hope you will find our recommendations useful in this regard.

Voice of the Child

It is difficult to see how D.E.N.I. expect to incorporate the Government's undertaking in ratifying the United Nations Convention on the Rights of the Child that children will be allowed the *"right to express views freely in all matters affecting"* them and to have those views *"given due weight in accordance with "their" age and maturity"*. (Article 12)

Since it is three years since the government ratified this convention, may we know what arrangements have been made to establish the opinion of young people on their future education and what influence this will have on strategic planning?

Racism

The Government has agreed to introduce legislation against racism in Northern Ireland. CAJ is therefore concerned that no mention is made of any anti-racist measures to be taken in the next five year period.

We are particularly concerned about the treatment of Traveller Children. The DENI '93 circular does not provide for enforcement or resourcing of its guidelines and this issue must be addressed as a matter of urgency.

CAJ believes that, in support of an anti-racist culture, DENI should consult Travellers and other minority ethnic groups on the appropriateness of existing educational provision and best practice in the future.

All teachers should receive anti-racist training and members of minority ethnic groups should be encouraged and facilitated in attaining teaching qualifications.

We believe that children of minority ethnic groups, whose first language is not English, should be acknowledged as having special educational needs and provided with assistance **before** they fall behind other children.

Irish Medium Education

The strategic plan makes only one reference to Irish Medium schools in its 103 pages. CAJ is concerned that current funding policy unfairly disadvantages Irish Medium education and is detrimental to its survival in breach of Articles 2, 12 & 30 of the UN Convention on the Rights of the Child, Articles 13.3 & 15 of the International Covenant on Economic, Social & Cultural Rights, and Article 8 of the European Charter for Regional or Minority Languages.

We are appalled at the recent refusal of funding to Meanscoil Feirste and believe that this decision should be reversed. In view of the decision, CAJ is concerned that omission of reference to Irish Medium education in the document will mean a continued lack of parity and esteem in respect of this sector. We therefore wish to endorse the detailed amendments already proposed in the Oideas Loch Lao submission on 24th October 1994 and commend the following amendments to you:

- a. (2.2) ...strengthening the economy, targeting social need (TSN) *and supporting equity of treatment for everyone: all with...*
- b. (2.3)...Promoting mutual understanding and respect among the traditions within Northern Ireland, *and supporting equity of treatment and parity of esteem for the cultural identities of the region, especially in...*

- c. (2.8) *To support equity of treatment and parity of esteem for the cultural identities of Northern Ireland.*
- d. (3.2)...initiatives aimed at increasing cross-community contact and mutual understanding *and supporting equity of treatment and parity of esteem for the cultural identities of Northern Ireland.* The development of integrated or Irish-medium education where parents want it can also help...
- e. (3.5)...to discover and explore their own strengths, weaknesses, aptitudes and interests *through the medium of Irish or English,* and hence to...
- f. (4.2) *f. to support equity of treatment and parity of esteem for the cultural identities of Northern Ireland, and to promote mutual respect...*and the development of integrated and *Irish-medium education.*
- g. (4.9)...However in line with its policy on integrated *and Irish-medium* education, the Government will continue to encourage *both* by facilitating the development of integrated *and Irish-medium* schools where there is a parental demand...
- h. (4.49) The Government welcomes the recent growth in demand for integrated *and Irish-medium* education and remains committed to supporting their developmentThe Government will continue to respond positively to viable proposals for the creation of new integrated or *Irish-medium* schools,...
- i. (8.3) a.....to meet the professional requirements of *English - and Irish-medium* schools.
- j. (11.1) A mission statement for the museums service might therefore be:

to support equity of treatment and parity of esteem for the cultural identities of Northern Ireland, and to enhance...
- k. (11.15) *The limited use of the Irish language in the presentation of display material.*
- l. (12.2) A mission statement for the library service might be:

to support equity of treatment and parity of esteem for the cultural identities of Northern Ireland, and to enhance...
- m. (13.2) A mission statement for the arts into the next millennium might be:

to support equity of treatment and parity of esteem for the cultural identities of Northern Ireland, and to improve...

CAJ is concerned that, while a considerable amount of the funding available is allocated to nursery schools in the controlled sector, none is currently available for Irish Medium nursery education. These nursery schools are essential in preparing children in English speaking homes for Irish medium primary school and should be funded.

Nursery Provision

Several post World War Two studies show that children who attend nursery school are more socially adept, have more self confidence and perform better in primary school than those who have not availed of pre-primary education. War-time nursery schooling was available to and used by children of all social classes but today high quality pre-school education and care is the preserve of middle class families. CAJ believes good quality pre-school provision should be available to all.

Primary Schools

CAJ is concerned that curriculum changes, new testing arrangements and increasing pressures on children in schools mean that learning through play is inevitably restricted and largely focused on "delivering" the curriculum even for under 7 year olds.

We also believe that the continued use of the "11-plus" selection procedure results in large numbers of children being identified as "failures" and is not, therefore, educationally beneficial nor conducive to the promotion of mutual respect. A more equitable system of education which promotes the development of all children is essential.

Targeting Social Need

We welcome the commitment to target social need and the level of priority it is to be given. However, CAJ notes that this received remarkably little mention for such an important priority. It is not clear what plans, if any, there are to rectify the already identified chronic under-funding of Catholic schools over a prolonged period.

We understand that systems for measuring social need are being tested, but stress the urgency which should attach to this effort.

Youth Service Provision

The assertion (p.75) that the youth service provision is for 5 - 25 year olds "with the emphasis on 10 - 20 age band" is unjustifiable. Many groups including Playboard and Save the Children Fund have identified underfunding of provision for 5-10 year olds. CAJ believes the priority given to the 10 plus age group has its basis in tradition rather than identified needs. A more equitable policy should be devised.

Bullying

We are concerned at the lack of any real initiative to counteract school alienation and bullying. There is evidence from current research that bullies are as unhappy as the children they bully and that much of this unhappiness stems from a lack of self esteem and is related to difficulties at home. CAJ believes that any strategy for education should be based on an holistic approach to the child. We believe that a much greater emphasis needs to be placed on the interaction between home and school.

Funding and Parity

It is obvious that children in Northern Ireland are under-funded in comparison with those in Great Britain. While it is good to see that a higher proportion of spending goes on teaching staff here we would like to see the figures quoted in Table 4.4 broken down between administrative and class room support staff.

CAJ is concerned at the differential funding on books, surely an essential feature of education, which is 20% less here than in England and Wales.

We wonder how much of the shortfall is expected to be made up by parents, and are concerned that this is likely to disadvantage economically deprived children who in many cases are also unlikely to have books at home.

Skills Development

We are in agreement with the sentiments expressed in Section 7 which states quite clearly the need for skills improvement and recognition of vocational qualifications.

We are, however, surprised and concerned that, after describing the lack of appreciation for any other than academic qualifications as a weakness in the system, the Department attempts to relate the NVQs to GCSE levels A-C and to A levels.

CAJ is perplexed as to why GCSE at other levels is ignored in the statistics on academic qualifications.

We believe that the description of young unacademic people who have reached their educational potential as "under achievers" perpetuates the denigration of anything other than academic qualifications and creates inequalities based on spurious premises of personal worth. Therefore, this term should be excluded from all official statements and documents. In addition, we urge the Department to recognise the achievements of these young people.

Universities

CAJ welcomes the commitment to encourage and enable working class students to enter and stay in higher education but wonder how easily this can happen given current funding arrangements. We share the widespread concern that more economically deprived young people and/or those from homes with no tradition of higher education will be discouraged from applying for university admission if it means they will be starting off their working lives saddled with debts.

We wonder if the government requirement to maintain admissions at their current level does not mean that some young people will be disadvantaged relative to those seeking admission in earlier and subsequent years.

If the level of admissions is to be maintained through the raising of entry requirements or by some other extraordinary means, this contravenes Article 2 of the European Convention on Human Rights.

Any desire to increase the level of competence in the country must include some potential for "late developers" to take up further and higher education after the normal age. There is no reference to this in the document and growing evidence that the Department is depriving many people of the wherewithal to take up places that have been offered.

We reiterate the European Convention's requirement to make technical, professional and higher education generally available and financially accessible to all.

Special Needs

CAJ is concerned at the continuing increase in the number of children being assessed as having special educational needs and notes that this is expected to rise even further in the next few years. No reason for this rise is given other than that more schools are referring children to educational psychologists for assessment, a fact for which, again, no reason is given.

The basic rights of parents and children must be protected throughout this process. If more children are being specially assisted in "ordinary" schools this rise would be welcome. However, we would be concerned if it was used as a method of excluding more children from mainstream education. We note that currently many children are waiting months or even years to obtain a

statement of special educational needs, and we regard this situation as unsatisfactory. Overall special needs education receives insufficient attention in the strategic plan.

Conclusion

CAJ supports the laudable aims expressed in the document but finds that in several crucial areas there is not enough in the strategic plan to enable appropriate action to be taken. It is disappointing that insufficient number of copies were available for all interested parties to be circulated with it.