

Advice to the Education Authority on its Draft Strategic Plan 2017 - 2027

30 May 2017

Introduction

The Office of the Commissioner for Children and Young People (NICCY) was created in accordance with 'The Commissioner for Children and Young People (Northern Ireland) Order' (2003) to safeguard and promote the rights and best interests of children and young people in Northern Ireland. Under Articles 7(2) and (3) of this legislation, NICCY has a mandate to keep under review the adequacy and effectiveness of law, practice and services relating to the rights and best interests of children and young people by relevant authorities. Under Article 7(4), NICCY has a statutory duty to advise any relevant authority on matters concerning the rights or best interests of children and young persons. The Commissioner's remit includes children and young people from birth up to 18 years, or 21 years, if the young person has a disability or has been/is in the care of social services. In carrying out her functions, the Commissioner's paramount consideration is the rights of the child or young person, having particular regard to their wishes and feelings. In exercising her functions, the Commissioner has regard to all relevant provisions of the United Nations Convention on the Rights of the Child (UNCRC).

General Comments

The Education Authority's Strategic Plan 2017 – 2027 is a very high level document. While NICCY appreciates the value of creating a document that is accessible, easy to read and succinct, it is difficult to provide informed and comprehensive comments on the EA's work over the next ten years as the necessary level of detail is not contained in the consultation document. Given NICCY's statutory duties and powers under The Commissioner for Children and Young People (Northern Ireland) Order (2003) and the size and scale of the EA in the delivery of vital children's services in Northern Ireland, we look forward to having the opportunity to provide advice to the EA on its three year Corporate Plans and Annual Business Plans where we envisage the detail of the work of the EA will be contained.

Since coming into Office in March 2015 the Commissioner for Children and Young People identified priority areas for the work of the Office. One of these priority areas is Educational

Inequalities and Inclusion. Educational inequalities suffered by certain groups of children based on their particular circumstances and a failure for all children to be able to enjoy equality of opportunity when accessing education is a persistent and egregious breach of children's rights. NICCY is committed to working towards the eradication of inequalities in education, with regard to academic attainment levels, the development of the talent, skills and abilities of each individual child and the enjoyment of education as well as ensuring that all children have a place in the education system in Northern Ireland, are included and feel valued.

The aim of NICCY's work on Educational Inequalities and Inclusion is that the education received by all children in Northern Ireland must be of high quality and develop every child's personality, talents and abilities to the full. NICCY wants to see all children succeeding in education and developing to their maximum potential.

Children's Rights

The UNCRC places obligations on Government with regard to education under Article 28 which provides for the Universal but Progressive Right to Education on the basis of equality of opportunity. Article 29(1) outlines the Aims of Education. Under this Article, education must develop every child's personality, talents and abilities to their fullest potential. The UN Committee on the Rights of the Child produces General Comments on some of the rights contained in the Convention. These are statements of the meaning and objectives of rights in the Convention which provide Guidance to Member States about what the compliance and fulfilment of their obligations to children entails under some of the most fundamentally important rights in the UNCRC. The Committee's first General Comment is on Article 29(1) on the Aims of Education.

The UN Committee on the Rights of the Child's General Comment 1 provides some clarity on what a children's rights compliant 'education' should look like. It states that education must be child-centred, child-friendly and empowering, with its goal being to strengthen the child's capacity to enjoy the full range of human rights, to promote a culture which is infused by appropriate human rights values and to empower the child through developing his or her skills, learning and other capacities, human dignity, self-esteem and self-confidence. The Committee is clear that for the purposes of compliance with the UNCRC's education obligations, 'education' should go far beyond formal schooling to embrace the broad range of life experiences and learning processes which enable children, individually or collectively, to develop their personalities, talents and abilities and to live a full and satisfying life within society. It is this vision that NICCY believes all education service

providers are obliged to work towards by virtue of the Government's ratification of the UNCRC, regardless of where children receive their education or their particular circumstances.

We welcome the references through the consultation document on some key children's rights principles. In the 'Foreword', reference is made to the current financial situation and that while difficult decisions must be made, the EA's focus will be on the young people whose lives are directly or indirectly affected by the services we provide.¹ **NICCY recommends that this is amended to make a clear commitment to the best interests of the child being the paramount consideration when making decisions about children's lives in compliance with Article 3, one of the principles of the UNCRC. In the 'Introduction' section, reference is made to the EA educating and equipping young people to reach their full potential and also to the EA's contribution to the establishment of an equal society. We recommend this section be amended to include specific reference to Article 6 - the right to survival and development to the maximum potential and Article 2 - the right to protection from discrimination, two further principles of the UNCRC. With regard to the 'Context' section of the draft Strategic Plan, reference is made to ensuring that the EA listens to children and young people in influencing all that it does. Again, we recommend that this section be amended to include a specific commitment to the final UNCRC principle, Article 12 – the right to have a say in all matter impacting on their lives and to have their views taken into account in line with the age and maturity of the child. Amending the final Strategic Plan to make specific commitments to key children's rights principles would be in line with the EA's obligations under the UNCRC and the Children's Services Co-operation Act (Northern Ireland) 2015 (CSCA) as outlined below.** It would also ensure a greater consistency of message which is reflective of the EA's commitment to deliver on its stated outcome,

*"A 'Rights based culture' for Children and Young People."*²

While this commitment is particularly welcome, NICCY would welcome more information on what actions the EA intends to take to deliver on this outcome. We would also welcome the inclusion of a specific commitment at this section in the Plan to delivery on the UNCRC in the EA's draft Strategic Plan.

¹ Pg 4, EA Strategic Plan 2017 – 2027, May 2017.

² Pgs 15 and 18, EA Strategic Plan 2017 – 2027, May 2017.

The Children's Services Co-operation Act (Northern Ireland) 2015

This is now an even greater onus on the EA to fully reflect the UNCRC obligations in its Strategic Plan following the introduction of the CSCA. As you will be aware, the CSCA places a statutory obligation on all children's service providers to improve the wellbeing of children and young people in a manner which realises their rights under the UNCRC. It places statutory obligations on children's authorities and children's service providers to co-operate with each other in order to contribute to the improvement of outcomes for children and young people. There is an enabling power within the Act which allows providers of children's services to pool resources for the delivery of these services. Eight areas are set out which define the wellbeing of children and young people. Within the Act the term 'wellbeing' is defined through 8 parameters. These are physical and mental health, enjoyment of play and leisure, learning and achieving, living in safety and stability, economic and environmental wellbeing, making a positive contribution to society, respect for their rights and the promotion of good relations and equality of opportunity.

Throughout the EA's draft Strategic Plan a number of references are made to working in partnership with organisations and stakeholders, including effective systems of external communications and increased sharing of resources and best practice.³ While this is welcome, **we would have expected the inclusion of explicit reference to the statutory obligations on the EA to co-operate with other children's services providers and to pool resources to improve the wellbeing outcomes of children in adherence to the CSCA.** This would be particularly relevant for inclusion in the 'Introduction' section where reference is made to the EA's statutory duty to deliver and implement Department of Education policies and to develop strategies which help to improve the education system.⁴

The CSCA also places legislative obligations on Government to develop and publish a Children and Young People's Strategy. The high level outcomes of this Strategy are aligned to the eight areas as set out in the Act which define the wellbeing of children and young people, so again Learning and Achievement is one of the high level outcomes areas under the Children and Young People's Strategy.

Of immediate relevance to the realisation of children's rights is that in delivering on the 'wellbeing' outcomes under the Act, the legislation states that regard has to be had to any relevant UNCRC provisions. This is the first time in Northern Ireland that there has been an explicit legislative obligation in domestic law on everyone involved in the delivery of

³ Pgs 6, 15, 16, 17 and 18, EA Strategic Plan 2017 – 2027, May 2017.

⁴ Pg 6, EA Strategic Plan 2017 – 2027, May 2017.

children's services to have regard to the UNCRC. In line with this, the obligations under the UNCRC with regard to education and NICCY's aim for education in Northern Ireland it is our view that the EA now has domestic legislative commitments to ensure that the education system in Northern Ireland fully complies with Article 29(1) of the UNCRC. This should therefore be fully reflected in the EA's draft Strategic Plan.

Youth Services

One area that is markedly lacking from the EA's draft Strategic Plan 2017 – 2027 is the area of Youth Services. It is clear from the breakdown of the EA's £1.5 billion budget 2016 – 2017 that Youth Services accounts for £34 million.⁵ During 2013 - 2014 the Department of Education allocated approximately £33 million resource and £5 million capital into youth services.⁶ Currently in Northern Ireland 180,000 young people between the ages of 4 and 25 years are engaged with EA supported clubs and organisation, from statutory clubs to uniformed and church based organisations to community groups. This is almost 39% of all young people in the 4-25 year age range.⁷ NICCY is also aware that the role of the EA in carrying out its youth services function focuses on the delivery of the Department of Education's youth service policy, "Priorities for Youth – Improving Young People's Lives through Youth Work." In this policy document there is a commitment to the realisation of the Department of Education's vision for children and young people through the delivery of 'Priorities for Youth' i.e.

"Every young person achieving to his or her full potential at each stage of his or her development"

This is very much in line with that of Article 6 of the UNCRC, which places an obligation on the Government to ensure that all children develop to their maximum potential and Article 29(1), which focuses on the development of every child's personality, talents and abilities to the full as discussed above. This broader vision for education to include the skills, talents and abilities of children and the development of every child to their maximum potential, places obligations on the EA as a delivery agency of Government and signatory to the UNCRC, to realise the rights of children and young people through both the formal education system and the non-formal education system or youth service. The lack of emphasis on Youth Services in the EA's draft Strategic Plan is even more surprising given the development and publication of the EA's Regional Assessment of Need 2017 – 2020.

⁵ Pg 11, EA Strategic Plan 2017 – 2027, May 2017.

⁶ Pg 3, Priorities for Youth, Department of Education, 2013.

⁷ Pg 27, EA Youth Service Regional Assessment of Need 2017 – 2020, December 2016.

As stated in the Introduction to the Regional Assessment of Need, the purpose of carrying out the needs assessment was to:

“... identify the key issues affecting young people in Northern Ireland, especially those most marginalised and disadvantaged and to give an indication of where resources may be best focussed to meet their needs. The document also emphasises the need to maintain and support general youth work provision, in accordance with the Department of Education’s policy “Priorities for Youth” whilst targeting those most in need.”⁸

The Regional Assessment of Need identified key issues affecting young people in Northern Ireland, especially the most marginalised and disadvantaged and indicated where resources should be best focussed to meet their needs. Given the comprehensive nature of the Regional Assessment of Need, which received over 1,200 responses from children and young people, the needs identified within the document and the vital importance of the work carried out by the voluntary and statutory Youth Service in Northern Ireland, NICCY had expected to see a clear emphasis in the EA’s Strategic Plan on Youth Services. The almost complete lack of reference to Youth Services in the EA’s ten year draft Strategic Plan is extremely worrying as it could indicate a lack of commitment to this vital area of its work. The work carried out by both the voluntary and statutory youth sector makes a vitally important and positive contribution to the lives of children and young people. This should be enhanced, planned for and adequately and equitably resourced. **We firmly recommend that the EA’s final Strategic Plan reflects the importance of the work of the Youth Service in the informal education of children and young people and makes a clear commitment to the long term development and resourcing of Youth Services across Northern Ireland.**

Community Relations, Equality and Diversity

Within the ‘Context’ section of the EA’s draft Strategic Plan, we note reference to the importance of the EA’s role in shaping the future of Northern Ireland. This section goes on to highlight a number of other factors that influence the EA’s work. These include the EA’s contribution to bringing communities together and the EA’s efforts to promote a more tolerant and equal society.⁹ Given the centrality of the role of the Youth Service in carrying out vital good relations work in Northern Ireland, it is therefore disappointing to note the absence of reference to Youth Services within the EA’s draft Strategic Plan. In addition, reference is made in the ‘Who We Are and What We Do’ section to the EA having new

⁸ EA Youth Service Regional Assessment of Need 2017 – 2020, December 2016.

⁹ Pg 10, EA Strategic Plan 2017 – 2027, May 2017.

duties in relation to Shared Education and having subsumed the functions of the Youth Council for Northern Ireland in April 2016. A substantial expertise base was developed under the leadership of the Youth Council for Northern Ireland which convened the CRED Reference Group. Support for education on human rights, peace and tolerance was evident in the CRED policy, which aimed to contribute to improving relations between communities by educating children and young people to develop self-respect and respect for others, by providing children and young people, in formal and non-formal education settings, with opportunities to build relationships with those of different backgrounds and traditions.¹⁰ Importantly CRED addressed the UNCRC as one of its key areas and given that the UNCRC is not part of the compulsory curriculum this is a serious deficit which has not been addressed. All earmarked funding for this policy has been withdrawn¹¹ despite research which shows the policy was having an extremely positive impact on the attitudes and tolerance of participants of programmes funded under the programme.¹² NICCY has been informed that work on CRED has been mainstreamed however we have concerns that CRED work is not being done to the extent that it was and there is a very real risk that the expertise developed around this area and the positive impacts this work has had will be lost.

The Department of Education published its Priorities for Youth policy document in 2013 which set the overarching policy framework for the future delivery of the youth services in Northern Ireland. In this document, specific reference is made to CRED as a key driver in the contribution youth services makes to Departmental priorities. The document states,

“Equality, inclusion and rights are the cornerstones of an education system which enables every learner to fulfil their potential. Setting a clearer policy for youth work aligned to the DE priorities provides a clear sense of purpose and focus on the added value youth work brings to the holistic education of young people. It enables workers, volunteers and managers to connect not only what they are contributing, but also why their programmes and activities are important, including.... helping young people to develop an understanding of, and respect for, the rights, equality and diversity of all without discrimination. The Department’s CRED policy is a key driver in this regard...”¹³

¹⁰ Department of Education (2011) Community Relations, Equality and Diversity in Education. Bangor: HMSO, Para 6.1.

¹¹ Department Of Education Consultation Equality Impact Assessment Proposal To End The Community Relations, Equality And Diversity (CRED) Earmarked Funding, 3rd February 2015

¹² 2012 and 2014, Young Life and Times Survey, Ark.

¹³ Pg 14, Priorities for Youth, Department of Education, 2013.

The 2012 Young Life and Times Survey indicated that 84% of respondents stated their schools had addressed religious belief and 70% of respondents stated that youth work settings had addressed religious belief. Over 80% of young people reported more positive attitudes to people with different religious beliefs as a result. 59% of respondents stated their schools had addressed political opinion and 48% of respondents stated that youth work settings had addressed political opinion. Over 75% of young people reported more positive attitudes to people with different political opinions as a result. 74% of respondents stated their schools had addressed racial issues and 58% of respondents stated youth work settings had addressed racial issues. Over 80% of young people reported more positive attitudes to people with different ethnic groups as a result. Over 70% of young people who had undertaken CRED activity on the issue of age reported more positive attitudes as a result. Around 80% of young people who had undertaken CRED activity relating to sexual orientation reported more positive attitudes as a result. Over 70% of young people who had engaged in CRED activity on gender reported more positive attitudes to people of a different gender. Over 80% of young people who had engaged in CRED activity on disability reported more positive attitudes to people with disabilities. Over 70% of young people who had undertaken CRED activity on the issue of dependants reported more positive attitudes to people as a result.

NICCY recommends that the EA makes a specific commitment to the continuation of work on the delivery of the CRED programme in its final Strategic Plan so that the positive impacts this work has had can be enhanced. This would make an extremely useful contribution to the achievement of the EA's work on bringing communities together and promoting a more tolerant and equal society.

School Sustainability

There are a number of references in the EA's draft Strategic plan to resources being used in a sustainable way¹⁴ and to working with DE and stakeholders to deliver a network of viable and sustainable schools as a medium term objective by 31st March 2020.¹⁵ While NICCY appreciates the importance of sustainability in the use of resources, we wish to reiterate advice that we have already given to the EA on this issue. In December 2016 NICCY submitted a comprehensive advice paper in response to the EA's consultation on Providing Pathways - Draft Strategic Area Plan for School Provision 2017-2020.¹⁶ We

¹⁴ Pgs 15 and 18, EA Strategic Plan 2017 – 2027, May 2017.

¹⁵ Pgs 6 and 17, EA Strategic Plan 2017 – 2027, May 2017.

¹⁶ <http://www.niccy.org/publications/2016/december/12/ea-providing-pathways-consultation/>

raised a number of issues of concern in this submission, not least with regard to the acknowledgement in the document that school budgets are constrained and will remain so into the future and due to a lack of funding it is expected that the number of schools in deficit will continue to increase. Currently there are 175 primary schools and 47 post-primary schools in a budget deficit, making them unsustainable under the Sustainable Schools Policy. It is also acknowledged that there is no capital funding for the accommodation of schools and that the education budget is unable to provide the investment required. This is likely to have an impact on enrolment and possibly health and safety, impacting on the sustainability of schools under the Sustainable Schools Policy and the viability of school buildings. A lack of Government funding for schools is therefore forcing schools to fall below Departmental policy requirements.

While NICCY appreciates the challenges that the EA faces with regard to reduced budgets for public services, it seems grossly unfair that schools may be forced to fail under the Sustainable Schools policy as a result of being deprived of the necessary funding by the Department of Education to meet the requirements of sustainability under its own Departmental policy. The emphasis on the Sustainable Schools policy will mean schools which are providing a quality education to children may be at risk through no fault of the school. This approach to the sustainability of schools must be re-examined and an alternative policy arrived at which allows for the better and more efficient use of public money in education.

NICCY believes that a much more sensible approach is to examine the cost to the public purse though ‘duplication’ of spend on the administration of the various education sectors in Northern Ireland. We appreciate that education in Northern Ireland has become a politically sensitive area; however, the focus of area planning in education within severely restricted budgets must be on ensuring that all children receive an education in line with Article 29(1) of the UNCRC and fulfil their maximum potential. It is extremely regrettable that in developing a future area plan for education in Northern Ireland that there has been no examination of the savings that could be made through educating children and young people in Northern Ireland together. NICCY has carried out extensive engagement with children and young people on education. Those young people with whom we have spoken have been very clear about their desire to be educated together, inclusive of religion or ability. It is vital that the EA consults with children and young people directly on this issue and also that this consultation exercise is as comprehensive as possible and examines all the options for the future of education in Northern Ireland. The question as to whether the education of our children is suffering due to the investment of resources in maintaining multiple systems of education must be

addressed within EA's work on delivering a network of viable and sustainable schools. View should be sought and taken into account in line with Schedule 9 of the Northern Ireland Act 1998 on this issue specifically.

Improving the wellbeing of children and young people

This is also relevant given the commitment in the EA's draft Strategic Plan to working in a complementary way with the Programme for Government and the Department of Education's Corporate Goals, one of which is, 'Improving the wellbeing of children and young people'.¹⁷ The wellbeing of children and young people in school is one of NICCY's priority areas within its education work. Anxiety in schools is an area which has repeatedly been raised through NICCY's engagement with hundreds of children and young people to date. The pressure that children are under due to the emphasis schools place on academic attainment as a result of published league tables and Departmental policy on school sustainability, are issues which children and professionals alike have raised frequently in our engagement with them. This pressure young people are under in education is, to varying degrees, impacting on their mental health and appears in these contexts, to be impossible to avoid. This is borne out by research carried out by the National Union of Teachers in England.¹⁸ It highlights the high levels of school-related anxiety, stress, disaffection and mental health problems of children in schools.

The manner in which the sustainability of schools is determined, specifically with regard to stable enrolment trends and the role league tables play, is having a detrimental impact on the wellbeing of children and young people. NICCY wishes to see a thorough examination of how money is spent in education, specifically with regard to the duplication of spend on separate education systems. We also wish to see a much clearer focus on the promotion of wellbeing of children in schools. NICCY has been working with Departmental officials and the previous Minister for Education, Peter Weir, on the introduction of a wellbeing measurement in schools, building on the OECD Programme for International Student Assessment (PISA) pilot of a measurement of wellbeing which the Department of Education took part in last year. This would not only be in line with the obligations of the CSCA, but would also ensure a clear and consistent focus across all schools on the wellbeing of children in the delivery of education. **NICCY would very much welcome the EA in its final Strategic Plan, committing to undertaking its role in a manner which facilitates this and promotes the wellbeing of children in schools.**

¹⁷ Pg 10, EA Strategic Plan 2017 – 2027, May 2017.

¹⁸ "Exam Factories", National Union of Teachers, June 2015

Culture and Public Confidence

Throughout the document, there are a number of references to the EA promoting a culture of openness, transparency and honesty in its dealings with the public, partners and colleagues,¹⁹ having effective systems of external and internal communications²⁰ and being accountable for its actions.²¹ The inclusion of values in the EA's draft Strategic Plan are extremely welcome and require a commitment to delivery across the whole of the EA. There have been a number of criticisms of the EA in the past with regard to poor communication, allegations of dishonesty, a lack of transparency and accountability. While not all of these criticisms were founded or fair, they have resulted in a considerable amount of reputational damage to the EA which must be repaired. It is fundamental to the success of the EA that it has the confidence of children, parents, the public, its partners and colleagues. **In building confidence, NICCY recommends that the EA ensures compliance with its stated values of openness, transparency, good communications and accountability in carrying out its work over the ten period of its Strategic Plan.**

Section 75 of the Northern Ireland Act 1998

The EA's approved Equality Scheme commits to ensuring that all consultations will seek the views of those directly affected by the matter/policy.²² NICCY is unaware of the level of direct consultation with children and young people which has been or is being undertaken by the EA on its draft Strategic Plan. It is vitally important that children and young people are directly consulted about the draft Strategic Plan to ensure both the EA is in compliance with its approved Equality Scheme and that children and young people, the group most likely to be impacted by the EA's Strategic Plan, are consulted with on its development. This is in line with EA's statutory Equality duties under section 75 of the Northern Ireland Act 1998. Both the ECNI's Guidance for Public Authorities²³ and the EA's approved Equality Scheme²⁴ reinforce the need to take appropriate measures to ensure the removal of all barriers to consultation, including ensuring full participation in any meetings held. This should include consideration of the time of day, the appropriateness of the venue, accessibility, how the meeting is to be conducted, the use of appropriate language, whether a signer and/or interpreter is necessary, and whether the provision of childcare and support for other carers is required. The EA also commits to giving specific taking

¹⁹ Pg 13, EA Strategic Plan 2017 – 2027, May 2017.

²⁰ Pgs 15, 17 and 18, EA Strategic Plan 2017 – 2027, May 2017.

²¹ Pg 13, EA Strategic Plan 2017 – 2027, May 2017.

²² Para 3.2.1., The Education Authority's Approved Equality Scheme, June 2015.

²³ Pg. 39, Let's Talk, Let's Listen: Guidance for public authorities on consulting and involving children and young people' Equality Commission for Northern Ireland, May 2008.

²⁴ Para 3.2.3., The Education Authority's Approved Equality Scheme, June 2015.

account of existing and developing good practice, including the ECNI's Guidance, *Let's Talk Let's Listen – Guidance for public authorities on consulting and involving children and young people (2008)*.²⁵ 'Let's Talk, Let's Listen' states that:

*“Children and young people have particular needs concerning information and to take part in consultation and decision-making processes, especially on issues that affect them. It is particularly important that you consider which methods are most appropriate for consulting children and young people. You should also make sure that you provide information which is clear, easy to understand and in an appropriate format, to make sure there are no problems preventing you from consulting children and young people.”*²⁶

Consultation is a central component to the implementation and effective operation of the statutory equality duties under section 75. It is also extremely important regarding the Government's compliance with its obligations under Article 12 of the UNCRC. Article 12 places an obligation on States to assure 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, with their views being given due weight in accordance with the age and maturity of the child. **NICCY therefore wishes to request information from the EA on the level of direct consultation it has or is carrying out on its draft ten year Strategic Plan with children and young people in compliance with its statutory equality obligations under section 75 of the Northern Ireland Act 1998 and Article 12 of the UNCRC.**

Conclusion

NICCY welcomes the opportunity to provide advice to the Education Authority on its Strategic Plan 2017 – 2027. We call on the Education Authority to take into account the advice and recommendations made in this submission, which we provide in the statutory advice capacity under Article 7(4) of 'The Commissioner for Children and Young People (Northern Ireland) Order' (2003). We would be happy to discuss any element of this submission or provide further information / clarification if required.

²⁵ Para 3.2.3., The Education Authority's Approved Equality Scheme, June 2015.

²⁶ Para 2.26., Let's Talk, Let's Listen: Guidance for public authorities on consulting and involving children and young people' Equality Commission for Northern Ireland, May 2008.