



Education Briefing

June 2020

Introduction

The Commissioner for Children and Young People (NICCY) was established 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. This legislation confers on NICCY a range of powers and duties including keeping under review the adequacy and effectiveness of law, practice and services, advising government, monitoring delivery, promoting an understanding of children’s rights and best interests and bringing, assisting or intervening in legal proceedings. The remit of the Office covers children from birth up to 18 years, or 21 years of age if the young person has a disability or is care experienced.

This briefing outlines the key issues affecting children and young people across Northern Ireland that fall under the remit of the Education Committee. It is important to note five key developments that relate to the implementation of children’s rights in general.

1. [The Children’s Services Cooperation Act 2015 \(CSCA\)](#)

This legislation requires all Government Departments and Agencies to work cooperatively to contribute to the improvement of outcomes for children, using eight well-being measures. It requires the Executive to produce a report on how this will be achieved and to report on progress every three years. The obligations under the Act should inform all work undertaken by Departments and Agencies affecting children and young people.

2. [The Children and Young People’s Strategy 2019-2029](#)

In response to the requirements of the CSCA, the Department of Education recently published this as a cross departmental Children’s and Young People’s Strategy. The Education Minister is currently reviewing this with a view to presenting to the NI Executive. This is an important high-level Strategy, which is seen as the ‘National Action Plan for Children’ and provides strategic direction for all of the work of the Executive, NI Departments and Agencies on behalf of children and young people.

3. [The UN Committee on the Rights of the Child’s Concluding Observations](#)

In May 2016, the UN Committee on the Rights of the Child examined the periodic report of the UK Government on how it, and the devolved Governments, have implemented the UN Convention on the Rights of the Child. It raised many concerns, a number of which particularly focussed on the situation in Northern Ireland. It is vital that the UN Committee’s recommendations are implemented in Northern Ireland without delay.

4. The UK's exit from the European Union

While 'Brexit' will have an impact on the population of Northern Ireland as a whole, there are particular ways in which it will impact on children and young people. It is vital that those negotiating the UK's exit from the EU and indeed those advising them in this process, take account of the rights of children and young people, and ensure that there is no regression or diminution of their enjoyment of these rights.

5. The impact of COVID-19 on children and young people's education and wellbeing

NICCY recognises that the education and health systems are operating in an unprecedented context as a result of the current health crisis caused by COVID19. The potential detrimental impact on children's education and wellbeing is presently unknown. NICCY recognises Government's efforts to respond to the crisis and calls for clarity of communication for children, young people, and their parents/carers in the weeks and months ahead. NICCY will remain active in this extremely serious public health crisis. We will continue to consult with and seek views from children and young people to help provide information and reassurance to them on particular issues as well as informing future business planning.

A summary of NICCY's key priorities for education are provided below.

Overcoming Educational Inequalities and Promoting Inclusion

There are marked inequalities in Northern Ireland with regard to attainment in education. Specific groups of children and young people are much more likely to do worse in education depending on specific issues/characteristics and/or circumstances. NICCY is committed to ensuring that the right to an effective education is realised for all children and young people, particularly those at risk of underachieving. This includes children in care; Roma and Traveller children; newcomer children; children with a disability, children with additional needs, children from economically disadvantaged backgrounds, and those entitled to free school meals. Furthermore, NICCY calls on the Department of Education to provide clarity around changes to the socially disadvantaged criteria for pre-school admissions, and to monitor the effect of any changes on children's access to pre-school education.

NICCY believes that educational inequalities can only be fully addressed through **transformation of the education system**. Transformational reform efforts must focus on ensuring a quality education for all children and young people, raising standards, and improved access to the curriculum for all pupils. This must ensure moving towards a single education system that is UNCRC Article 28 and 29 compliant, fit for purpose, and provides greater efficiency. None of this will be possible without a proper review of our segregated system and addressing the fundamental flaws and inequalities that arise from academic selection. Government must commence the 'external Independent Review of Education Provision' as a matter of urgency. In order to ensure that children and young people's rights are at the forefront of the Review, Government should ensure that NICCY has a role in advising on the Terms of Reference.

Addressing inequalities for children with special educational needs (SEN)

The provision of appropriate, effective, and timely support and services to children and young people with SEN is a critical issue for NICCY. On the 31st March 2020, the Commissioner issued her findings of 'Too Little, Too Late' a review of SEN provision in mainstream schools. This Review considers the barriers for children and young people with suspected SEN in gaining an assessment of need and accessing vital education supports services. It also highlights the impact on children's education, and mental health and wellbeing, when their needs are not met.

The Review sets out 40 recommendations to address the fundamental weaknesses in the system. NICCY calls for a system-wide response to address the challenges in this Review. All relevant agencies and sectors must engage together to cooperatively deliver the outlined recommendations. This must involve the establishment of a mechanism to develop and implement an Action Plan to address the recommendations. Appropriate resources must be allocated to ensure that the recommendations can be fully enacted.

NICCY recognises that the new SEN Framework provides an opportunity for systemic improvements to be made, and that the revised Regulations and new Code of Practice are vehicles through which the recommendations from 'Too Little, Too Late' can be actioned. The Framework must be implemented as a matter of priority.

Improving the Mental Health and Wellbeing of Children and Young People in Schools

The pressure that children and young people are under, including as a result of the emphasis our system place on academic attainment as a result of league tables (albeit that they are published by the media) and continual assessments, are issues which children and professionals raise frequently with NICCY. The education system must stop using academic achievement as the sole measure of school achievement and transition and also recognise the degree to which schools support the emotional and mental wellbeing of pupils.

NICCY published a Rights Based Mental Health Review – 'Still Waiting' in September 2018 which identified serious weaknesses with the current mental health system. The Review revealed a lack of support for young people (and their parents/carers) to develop awareness and literacy around emotional well-being and mental health. It recommended the adoption of a consistent regional approach to educating children, and normalising conversations about mental health and emotional well-being, as vital parts of a system in which prevention and early intervention are prioritised. The education system has a key role in building mental health literacy and mainstreaming mental health issues. This can be enabled through a greater focus on mental health and wellbeing in the school curriculum and via the Emotional Health and Wellbeing Framework, currently in development by DE, PHA and the EA.

NICCY has also long expressed concern about the adequacy of counselling services in schools. Of particular concern is that the Independent Counselling Service for Schools (ICSS) is not available to primary schools despite evidence of increasing levels of mental and emotional health need in this age group.

The Government must prioritise the mental health and wellbeing of children and young people in schools by:

- Ensuring that all children who require access to counselling services can do so. This must include ensuring access to ICSS in primary school settings;
- A prevention and early intervention approach to emotional health and wellbeing. This must include prioritising the implementation of the Emotional Health and Wellbeing Framework in schools;
- Implementing a measure of well-being across all schools in Northern Ireland and ensuring that this measure is completed by every pupil.

Funding in education

NICCY is concerned about gaps in education funding in Northern Ireland and the impact that this will have on the ability of children and young people to access their right to education, particularly given the findings of NICCY's research on the [Cost of Education](#). This research found that the costs associated with education is impacting on the ability of children and young people to fully participate in their education.

NICCY's analysis of DE returns to the Treasury showed that spending on education per child was considerably lower in Northern Ireland than the rest of the UK, and that a smaller proportion of this made it through to schools in Northern Ireland than in other parts of the UK. The crisis in the funding of education in Northern Ireland cannot be fully addressed without the fundamental reform of the education system in Northern Ireland.

Promoting participation of children and young people

Children and young people have a right to a say in decisions affecting them. Currently there is lack of consistency in existing participation mechanisms within schools, communities and at local and national levels. It is essential that Government adopts a consistent and proactive approach to the participation of children and young people.

NICCY can provide further information on any of the issues presented and will continue to work with Ministers, MLAs, Departmental Officials, NGOs and other Stakeholders to promote and safeguard the rights and best interests of all children in Northern Ireland.

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