Response to the Expert Panel on Educational Underachievement

 16th October 2020

1.0 Introduction

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 NI. Under Articles 7(2)(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. The remit of the Office covers children and young people up to 18 years, or 21 years of age if the young person has a disability or is/has experience of being in the care of social services. In determining how to carry out her functions, the Commissioner’s paramount consideration is the rights of the child and NICCY is required to base all its work on the United Nations Convention on the Rights of the Child (UNCRC).

NICCY welcomes the opportunity to respond to the Expert Panel on Educational Underachievement. For far too long, Northern Ireland’s education system has been characterised by marked inequalities in regards to educational attainment. Specific groups of children and young people are much more likely to underachieve in education depending on specific issues/characteristics and/or circumstances. These are typically some of the most socially disadvantaged and vulnerable groups of children and young people in Northern Ireland. Therefore, NICCY warmly welcomes the appointment of the Expert Panel and its examination of the links between persistent educational underachievement and social disadvantage.

NICCY has long called on Government to ensure that all children and young people in Northern Ireland enjoy their right to an effective education by:

1. Ending the educational attainment gap between specific groups of children and young people;
2. Removing all barriers to every child’s full participation in, and access to, a child rights compliant education system, including for children with SEN, children in care, newcomer children and LGBTIQ+ children; and
3. Addressing the costs of education, including digital technology, to families.

Despite repeated calls by NICCY for the removal of barriers that prevent all children and young people from realising their right to an effective education, there remains a multitude of issues that prevent every child’s full participation in, and access to, a child rights compliant education system. This in turn impacts on children’s and young people’s ability to achieve their full potential.

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. We believe that educational inequalities can only be fully addressed through transformation of the education system. **Transformational reform** must focus on ensuring a quality education for all children and young people, raising standards, and improving access to the curriculum for all pupils. This must ensure moving towards a single education system that is UNCRC Articles 28 and 29 compliant, fit for purpose, and delivers effective outcomes. None of this will be possible without a proper review of our segregated system and addressing the fundamental flaws and inequalities which arise from academic selection, as further addressed throughout this response.

We are encouraged by Government’s expressed commitment to transforming Northern Ireland’s education system in the New Decade, New Approach[[1]](#footnote-1) deal, and acknowledge the Expert Panel’s work as the first phase of activity in contributing to this.

In the remainder of this paper, we take each of the Expert Panel’s areas of review in turn, starting with an examination of the main causes of educational underachievement and then considering the associated impacts. We then consider recommendations for addressing educational underachievement; and finally, how the Covid-19 lockdown has impacted on educational underachievement.

2.0 Exploration of the main causes of educational underachievement

There are a range of factors driving poor educational outcomes for children and young people across Northern Ireland. Some are pervasive and symptomatic of fundamental flaws in our education system; others relate to barriers facing particularly vulnerable groups of children and young people.

NICCY has long highlighted that Northern Ireland has unacceptable levels of educational inequalities and gaps in achievement which need to be closed. It is well documented that our poorest and most disadvantaged children and young people are faring the worst, and quite evident that economic disadvantage is an influencing factor in the educational outcomes of children. One issue which has repeatedly been raised with NICCY is the impact of the costs of education on the ability of children and young people to fully participate in their education, and the subsequent negative impact on their attainment. Previous work[[2]](#footnote-2) by NICCY highlighted that this is exacerbated by financial pressures placed on families by the additional and often hidden costsof education. These include school uniform costs, transport, dinners, equipment for lessons and homework, school trips, after school activities etc.

Furthermore, young people have previously relayed to NICCY[[3]](#footnote-3) that children’s socio-economic background negatively impacts on their educational outcomes. Comments such as *“where you live limits you,”* and *“not all schools in different areas have the same opportunities,”* emphasise perceived disparities in experience and achievement dependent on background. Feedback from young people also reinforces the sentiment that there is not enough funding on education initiatives in certain communities and, consequently that young people in these areas experience lower educational outcomes than others. As noted by one young person: *“some areas should be prioritised for funding to raise achievements.”*

NICCY has persistently highlighted that all children should have access to a free education and financial assistance should be available where this is required in line with the obligations on Government under Article 28 of the UNCRC. NICCY has also called on Government to take positive action and invest sufficient resources in order to mitigate against the adverse impacts of children’s particular circumstances on their enjoyment of and achievement in education. As such, additional funding needs to be allocated to schools to improve the educational outcomes of certain groups of children, including those entitled to free school meals, newcomer children, children in care, and Roma and Traveller children. This funding should be used for the purposes intended, openly accounted for and evidence provided as to how particular children were supported.

2.1 Academic selection

NICCY is of the opinion that academic selection is one of the most significant contributory factors to persistent educational underachievement and its associated link with children’s socio-economic background. Despite the fact that the UN Committee on the Rights of the Child[[4]](#footnote-4) has highlighted the need to address the segregated education system in Northern Ireland and abolish the use of academic selection, these unregulated admission tests continues to operate. The result is a system that advantages children from more affluent families and reinforces the social divide. This is evidenced by the fact that 38% of children in non-grammar schools and only 14% of children in grammar schools are entitled to free school meals[[5]](#footnote-5).

The biggest inequality in educational attainment is the difference between the achievement levels of children who attend grammar schools and those who do not. In 2018/19[[6]](#footnote-6), 94.5% of grammar school leavers left with at least five GCSEs at grades A\* - C or equivalent including GCSE English and Maths. The corresponding proportion for non-grammar school leavers was 52.1%, a stark difference of 42.4 percentage points. Furthermore, school leavers data has historically demonstrated a clear distinction in the achievement levels of children at grammar schools entitled to free school meals and their non-grammar counterparts also entitled to free school meals, with those in grammar schools persistently achieving better grades.

A further significant issue associated with the continuation of academic selection is that many parents who can afford it, pay for their children to receive tuition for the tests outside of school. This exacerbates the problems posed by academic selection as a discriminatory system for determining access to post primary education and has a further detrimental impact on the educational outcomes of economically deprived children and young people.

As previously reflected in NICCY’s paper on Educational Inequalities and Inclusion[[7]](#footnote-7), the Department of Education set up a Strategic Forum in 2011 to contribute to the development of effective education policy. The Forum comprised representatives from the Department of Education, trade unions, employer(s) and sectoral support bodies.[[8]](#footnote-8) In February 2017, the Strategic Forum Working Group on ‘Inclusion and Prosperity’ published a report and recommendations on how the education system can work more effectively towards an inclusive and prosperous society.[[9]](#footnote-9)

The report stated that the effect of academic selection at 11, alongside Open Enrolment, are widely accepted as a major contributory factors in concentrating lower achieving pupils often from socially and economically deprived areas into a small group of schools. This concentration of disadvantage further exacerbates the negative influences of academic selection. The report makes reference to the Organisation for Economic Co-operation and Development (OECD) publication, ‘*Low performing students: why they fall behind and how to help them succeed’*[[10]](#footnote-10) which states that schools labouring under the twin disadvantages of Open Enrolment and Selection struggle to succeed given the current funding formula arrangements, incoherence of education policies and the fragmented nature of initiatives to address the achievement gap. It also states that in relation to equality of educational outcomes, PISA data indicates that 77% of the difference in the performance between schools may be explained by the differences in the socio-economic background of pupil intakes. It is evident that, three years after the release of the Report of the Strategic Forum Working Group, these issues and barriers still prevail. Academic selection continues to act as an instrument that allow issues like poverty to dictate the school that children go to. The use of academic selection as a means of transitioning from primary to post-primary education should end immediately.

2.2 Segregation in education

The segregated education system in Northern Ireland is a further driver of the educational attainment gap, as evidenced by the fact that there are statistically different levels of academic achievement between the two main religious groupings in Northern Ireland. Children are largely educated in separate schools, with only 7% of children attending integrated schools.[[11]](#footnote-11) Statistics on educational achievement in Northern Ireland have highlighted concerns about underachievement among working class pupils and, in particular, working class Protestant boys. Recently published school leavers data (2018/19) [[12]](#footnote-12) revealed that:

* 31.6% of Protestant boys and 45.2% of Protestant girls went to University or Teacher Training College compared with 37.7% of Catholic boys and 52.9% of Catholic girls.
* 72.5% of Catholic pupils left school with at least five GCSEs at grades A\* - C or equivalent including GCSE English and Mathematics. The corresponding proportion for Protestant school leavers was 69.3%.
* 37.9% of Protestant boys who were entitled to free school meals (FSME) achieved at least 5+ GCSEs A\* - C or higher (or equivalent) including English and Mathematics compared with 40.7% of ‘Other’ boys (FSME), 53.7% of ‘Other’ girls (FSME), 49.0% of Protestant girls (FSME), 46.7% of Catholic boys (FSME) and 59.4% of Catholic girls (FSME) .

In addition, stakeholders have increasingly highlighted the risk of underachievement of working class Catholic males[[13]](#footnote-13).

NICCY has persistently expressed concern that children in Northern Ireland are mainly educated in separate schools and has long called on the Executive to examine the cost of duplication in education as a result of multiple education sectors. This money could be much better spent investing in improving the quality of the educational experience and meeting the needs of all learners in Northern Ireland. As noted by Goretti Horgan in her research, “Child Poverty and Education,”[[14]](#footnote-14)

*“...too much of the cost of education in Northern Ireland goes into maintaining a segregated system – segregated on lines of religion, social class and gender. Evidence from across the world is clear that mixed-ability schools with a good social mix provide the best educational outcomes. Our children deserve no less.”*[[15]](#footnote-15)

It is evident that inequity in educational achievement can only be fully addressed by a radical overhaul of our segregated education system and ensuring that all children and young people in Northern Ireland are educated together, inclusive of their religion, race, ability or gender.

2.3 Further exploration of the link between social disadvantage and educational underachievement

As considered in the previous paragraphs, there is a clear correlation between socio-economic background and persistent educational underachievement, which is exacerbated by academic selection and Northern Ireland’s segregated education system. However, other factors associated with social disadvantage, and the resultant impacts on educational achievement, must also be considered.

For instance, specific groups of children and young people are much more likely to do worse in education depending on specific issues/characteristics and/or circumstances. This includes children in care who continue to have much poorer educational outcomes than their peers; young carers who can face disruption to their learning; Roma and Traveller children; newcomer children; children with a disability, and children with additional needs. It is evident that these groups face additional distinct barriers which are impacting on their educational underachievement. Evidence[[16]](#footnote-16) shows that there are additional groups at risk of underachieving in education, including children out of school e.g. in Education Other Than at School, Community and Statutory Alternative Education Providers, informally excluded, children in hospital, children in Woodlands Juvenile Justice Centre and possibly children educated at home, although very limited data exists on this group. Other children and young people face barriers in accessing education as a result of bullying which results in poor attendance and subsequently affects their educational achievement, including young carers and LGBTIQ+ children[[17]](#footnote-17).

*Newcomer children and young people*

Newcomer[[18]](#footnote-18) children have particular educational and integration needs including proficiency in English language, with data highlighting that in 2019/20 there were approximately 89 first languages spoken by pupils, with Polish and Lithuanian being the most common behind English[[19]](#footnote-19). Other challenges include school readiness; accessibility of the curriculum; a lack of recognition of diversity by schools, and unrecognised and therefore unmet need relating to multiple inequalities e.g. SEN[[20]](#footnote-20). These issues are compounded by the fact that some Newcomer pupils have relatively limited experience of formal education[[21]](#footnote-21). This affects literacy and numeracy levels, attainment in other academic subjects, understanding of school norms and in some instances gives rise to concerns around behaviour and attendance. Issues continue to be exacerbated by the fact that the current Departmental Newcomer Policy is out of date and does not recognise the needs and experiences of recent newcomer children and their families. Whilst the Department of Education commenced an initial consultation of the policy in autumn 2019, no proposed updates to the guidance have yet been shared.

*Traveller and Roma children*

Traveller and Roma children face particular adversities in education with 94% of Roma children classed as newcomer children and 36.9% of Travellers at stages 1-4 on the special educational needs register and 17.5% with a statement of special educational needs (compared to 13.8% and 5.5% of all children respectively).[[22]](#footnote-22) A disproportionate number of children from both communities are entitled to free school meals (76.5% of Travellers and 45.8% of Roma children compared to just over 28% of all children) and attendance levels for both groups are disproportionately low (73.6% attendance rates for Traveller children and 79% attendance levels for Roma children compared to 94.3% attendance for all children). Research has found that these children and young people have some of the lowest proportions of attainment of all groups of children[[23]](#footnote-23).

*Children with SEN*

Children with SEN also face specific barriers in accessing education and this has resultant impacts on their educational achievement. As acknowledged in ‘Too Little, Too Late’,[[24]](#footnote-24) NICCY’s ‘Rights Based Review of Special Educational Needs (SEN) Provision in Mainstream Schools in Northern Ireland’, there are a range of significant flaws in the education system which have presented barriers for children and young people with SEN in mainstream schools from fully realising their right to an effective education. This includes:

* Lack of early assessment, identification of need, and subsequent provision of supports.
* Timeliness and effectiveness of the statutory assessment and statementing process.
* Insufficient capacity and resource in schools to meet the rising numbers of children with SEN in mainstream settings and the diversity of need in schools.
* Poor quantity, quality and accessibility of supports for children at all stages of the SEN process.
* A lack of transparency in the SEN system, specifically with the statutory assessment process and the criteria for identifying and establishing the relevant provision for children with SEN in mainstream settings.
* A lack of clear and comprehensible information for parents/carers and other stakeholders from both the EA and schools at different stages of the SEN process.
* A lack of effort and opportunity provided by schools and services to involve children and young people, and their parents, in the SEN process.
* Poor coordination and communication between education and health in relation to the initial identification and diagnosis, assessment and implementation of support needs, and the ongoing monitoring procedure in support of the child’s and family needs.

NICCY recognises that the educational achievements of children with SEN are improving and fewer are leaving school with no formal qualifications[[25]](#footnote-25). Whilst this is greatly welcomed, it does not diminish the clear need for urgent and fundamental reform of the SEN system in Northern Ireland. It will only be by addressing the issues identified by ‘*Too Little, Too Late,* and its associated recommendations, as well as the recommendations of the NIAO’s SEN Impact Review, the EA’s Improvement Plan and the DE SEN Learner Journey Project, that these endemic barriers can be removed, and children and young people with SEN and disability be able to reach their full potential.

**2.4 Impact of Trauma**

A further factor which has significant implications on educational achievement is childhood trauma, which can stem from a range of adverse experiences such as parental separation; neglect; physical, sexual and emotional abuse; exposure to domestic violence; substance abuse; and parental mental health problems. Established research has demonstrated that exposure to adversities in childhood can have a cumulative effect throughout a child’s life and lead to significantly poorer outcomes expressed across a range of areas including education; poor health and mortality rates; repeated exposure to harm and abuse; poor mental health and addictions and increased contact with criminal justice agencies.[[26]](#footnote-26) There is also evidence of the continued impact of the Troubles in Northern Ireland, with research highlighting that traumatic experiences and exposure to violence can lead to a trans-generational-cycle of adverse mental health and other negative outcomes.[[27]](#footnote-27)

With regards the impact on a child’s learning and educational achievement, research[[28]](#footnote-28) has highlighted that trauma can result in impairment of cognitive functions including, IQ, memory, attention and language ability. This in turn contributes to poorer academic performance, behavioural problems, poor attendance and higher dropout rates. Additional investment and supports must be provided to children and young people who have experienced adversity, to help them to deal with traumatic stress, engage in the learning process, and reach their full potential.

NICCY welcomes the commitment in Northern Ireland in recent years to recognise and address the adverse impact of harmful childhood experiences on children, through for instance, the work of the Safeguarding Board for Northern Ireland and other statutory agencies on Adverse Childhood Experiences and the Early Intervention Transformation Project[[29]](#footnote-29) on trauma informed practice across Education, Justice, Health, Social Care and the Community and Voluntary sector. It is critical that the adverse impacts of trauma of children and young people’s health, wellbeing and education, are fully mitigated in order to prevent negative consequences in all areas of live, including education. The necessity for effective trauma informed practice is all the more evident in the light of the current pandemic, and its profound impacts on children’s and young people’s mental health and wellbeing.

Throughout this section, we have highlighted various causal factors for educational underachievement in Northern Ireland. We have also provided examples of groups at particular risk of underachieving due to their background and/or circumstances. It is clear that socially disadvantaged groups are more likely to achieve lower educational outcomes. It is also apparent that the weight given to academic achievement, and the associated over-emphasis on grades / ‘league tables’ is impinging on the right of all children to access an effective education. Schools are under increasing pressure to rank highly in league tables which measure the narrow performance indicators of the GCSE and A Level results of their pupils. There is stark inequivalence in the value placed on academic and vocational subjects, with greater weight given to the former. High performing schools continue to be in demand with regard to enrolment, which is linked to school funding. While data on educational outcomes is available from the Department of Education and other sources, this tends to focus almost exclusively on the educational attainment of young people in GCSE and A Level examinations. There are no measurements of long term educational outcomes which relate to the development of the personality, talents and abilities of individual children as required under Article 29(1) of the UNCRC.

While educational qualifications are important, the achievement of a child rights compliant education system in Northern Ireland requires a broader examination of outcomes in education which encompass the ‘distance travelled’ by each individual child. This should include a clear focus on the development of the personality, talents and skills of all children in education in Northern Ireland.

3.0 Exploration of the main impact of educational underachievement

As noted in the previous section, it is apparent that a failure to remove systemic barriers to educational achievement has impacted on children’s and young people’s ability to enjoy their right to an effective education. Those who face hurdles in accessing their right to an education are more likely to experience lower educational attainment.

Whilst there is evidently a clear correlation between the fulfilment of children’s and young people’s right to education and their associated attainment, it is also abundantly clear that educational underachievement, in turn, impinges on the realisation of other fundamental rights; not least the four principles of the Convention: Article 2 which requires Government to ensure that children are not discriminated again; Article 3 which ensures that children’s best interests are upheld; Article 6 which requires Government to ensure children develop to their maximum potential; and Article 12 which ensures that children are able to meaningfully participate in all aspects of their lives. The effect of educational underachievement on an individual’s life opportunities cannot be overestimated, particularly in accessing further learning, development and employment opportunities. People with fewer qualifications and skills are disadvantaged in civic / community life and are at a much higher risk of unemployment and low pay[[30]](#footnote-30). In Northern Ireland, there is stark disparity in educational and employment opportunities between pupils from families experiencing socio-economic deprivation and pupils from financially advantaged backgrounds. Hence the gap between the achievement of those individuals who come from relatively affluent families and those from deprived areas is wide and getting wider.

One of the most significant and detrimental ways in which educational underachievement impacts on children and young people is with regard to their mental health and wellbeing. 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 and young people are under, including as a result of the emphasis our system places 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. These pressures are undeniably exacerbated for young people at greater risk of underachieving. The disappointment and anxiety experienced when grades are lower than expected has profoundly negative consequences for young people’s self-confidence and esteem. Direct feedback from young people emphasises the pressures experienced as a result of the emphasis placed on exams and educational achievement. Comments reflected on *“the pressure of transfer tests and ranking and grading in schools*” and that schools *“should measure anxiety / stress levels, not just ‘good’ grades”.*[[31]](#footnote-31)

Evidence also highlights further negative impacts arising from educational underachievement. For example, research carried out for the Equality Commission for Northern Ireland[[32]](#footnote-32) revealed that there is a continued relationship between low educational attainment and other types of social exclusion and marginalisation experienced by children from the Traveller community and Roma children.

It is vital that action is taken to mitigate the negative consequences of educational underachievement and most critically, that measures are taken to reduce the likelihood of educational underachievement occurring in the first instance.

4.0 Recommendations to address educational underachievement

The Commissioner has set out her priorities for education in her Statement on Children’s Rights in Northern Ireland (see Appendix 1 for list of Calls). In addition, NICCY’s position paper on Educational Inequalities and Inclusion[[33]](#footnote-33) provides a comprehensive set of recommendations for the education system as a whole (see Appendix 2). Both are grounded in the anticipated realisation of a children’s rights compliant education system, where all children, whatever their circumstances or background, have their right to an effective education upheld. By addressing these priorities and recommendations, significant progress will be made in tackling educational underachievement.

The Expert Panel has presented a range of potential interventions and asked respondents to select five of the most impactful, and then to rank these selections in terms of their effectiveness. NICCY is of the opinion that a range of interventions are essential in removing barriers and addressing educational underachievement. We see the value in all proposed interventions. We also recognise that there is strong alignment between some of the proposed interventions and NICCY’s core priorities for education. For instance, NICCY is fully committed to ensuring that Government takes action to improve the Mental Health and Wellbeing of Children and Young People in Schools, and therefore, resolutely agrees that a **greater focus on children and young people's mental health, well-being and resilience** is essential in addressing educational underachievement. This should include the introduction and routine monitoring of a wellbeing measurement by the Department of Education which relates to the development of the personality, talents and abilities of individual children as required under Article 29(1) of the UNCRC.

As noted throughout this response, 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. This must include placing as much value on wellbeing as educational achievement, and ensuring a well-being measure is completed by every pupil.

NICCY also fully supports the listed intervention to **address income poverty** and recognises that this is absolutely essential in combating educational underachievement. As highlighted throughout this response, there is a clear correlation between persistent educational underachievement and children’s and young people’s socio-economic background. There should be increased investment in the education of children in poverty and adequate support provided to ensure that barriers to succeeding in education can be overcome. NICCY is fully committed to Tackling Child Poverty and will continue to work with others to raise awareness of the economic and social rights of children. We will continue to focus on advising government on actions to lift families on low income out of poverty, including strengthening social security provisions e.g. in relation to Welfare Reform mitigations.

As is evident from this response, **effective intervention for Special Educational Needs** is a key priority for NICCY, and we are fully committed to ensuring that children with SEN are provided with the support and services they need so that their personality, talents and abilities are developed to the full. We therefore fully endorse the need for improved supports for children with SEN, and deem this to be critical in improving educational outcomes for children and young people with additional needs. This is all the more essential given that around one fifth of Northern Ireland’s school population is on the SEN register. Furthermore, many children with SEN have additional vulnerable characteristics. For instance, recently published statistics highlight that a statement of SEN continues to be more prevalent among children in care of school age (24%) compared with the general school population (5.5%)[[34]](#footnote-34). It is absolutely essential that action is taken to address the barriers facing children with SEN from achieving their full potential. This can be addressed by progressing the recommendations of NICCY’s ‘Too Little, Too Late’ Report.

Two other suggested interventions in the Expert Panel’s survey that must be prioritised are a) **Greater investment in schools - capital/ buildings** and **b) Greater focus on early years development including language development.** With regard to the former, NICCY has repeatedly expressed 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, and achieve their full potential. NICCY’s analysis of DE returns to the Treasury[[35]](#footnote-35) 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. It is evident that greater investment is required, including in capital/buildings given the impact of school environment on children’s overall experience of and engagement with education, and ultimately to ensure improved educational outcomes of all children and young people, including the most vulnerable.

With regards greater focus on early years development, any action taken to address educational underachievement must be underpinned by the principles of prevention and early intervention. This should include intervention at an early age and stage of development, as well as early in the onset of issues engaging with education. An early intervention and preventative approach to tackling educational underachievement should be adopted by the Department of Education and Education Authority. This should include support for parents, investment in early years workforce development and tracking young children’s progress against agreed milestones and outcomes from birth to starting school. **This should also include placing the rights and needs of children first;** providing more support for parents; more engagement and consultation with the groups at hand; and more joined-up departmental working.

Furthermore, central to effective early intervention is the creation of a positive home-learning environment and access to high quality early education and childcare. We note that **greater family engagement** is one of the listed interventions in the Panel’s survey. This is undoubtedly integral to an effective early intervention approach and should therefore be prioritised.

The other proposed interventions by the Panel are highly important and should also be recognised as central to tackling educational underachievement. These include effective school leadership; effective classroom teaching; raising aspirations; improving local employment opportunities; and stronger links between school and the community.

A **relevant and engaging curriculum** is essential to combating underachievement and action taken must focus on improving access to the curriculum for all pupils. Furthermore, the Department of Education should issue Guidance to schools on how best to support vulnerable groups of children and young people in education. NICCY welcomes that the Education Authority published guidance for schools and educational settings on how to support Transgender young people. Schools should share best practice on how to meet the needs of vulnerable children including LGBTIQ+, as well as newcomer children and young people, children and young people with additional needs, and those facing other vulnerabilities.

Finally, when considering actions that must be taken to address educational underachievement, it is vital that recognition is given to the urgent necessity to **review our segregated system and address the fundamental flaws and inequalities that arise from academic selection.**

5.0 The impact of the Covid-19 lockdown on educational underachievement

Whilst the full impact of school closures on children’s wellbeing and education is unlikely to be known for some time yet, in NICCY’s experience, some groups of children and young people have experienced its effects more acutely than others. This includes children from lower socio-economic backgrounds, those with special educational needs in mainstream and special schools, newcomer groups and children accessing Education Other Than At School. Other vulnerable groups include those receiving support from Health & Social Services including family support, child protection and looked after children services; on the Child Protection Register; with emerging and diagnosed mental health needs; young carers; and those who are affected by domestic violence.

Therefore, it is quite evident that it is those children and young people, who were already facing significant barriers in accessing education, that have been most gravely affected by the COVID-19 crisis. The closure of schools has undoubtedly exacerbated educational inequalities, which were previously well documented before the pandemic. Many children, particularly those from lower socio-economic backgrounds, were without a digital device for much of lockdown, and therefore largely unable to engage with home learning. NICCY recognises investment by the Department of Education in additional devices and a free wi-fi scheme for disadvantaged pupils. However, the allocation of devices only began to be rolled out from late May 2020[[36]](#footnote-36) and investment in wifi / mobile connectivity was only announced in July[[37]](#footnote-37). Whilst welcomed, this does not compensate for months of lost learning for many children who were without access to devices during lockdown, and the undoubted resultant impact on educational underachievement. It also does not mitigate against other inequalities arising from the shift to home-learning[[38]](#footnote-38), which include insufficient access to online learning and related support / equipment, in particular for children with disabilities or SEN, and a lack of access to educational or curriculum support materials.

Furthermore, the consistency and quality of children’s and young people’s learning experience varied across schools and settings, and many have described vastly different levels of support and education from schools, as well as from different teachers within the same school[[39]](#footnote-39) [[40]](#footnote-40). According to the Education and Training Inspectorate[[41]](#footnote-41), there is ‘variation in pupil engagement with remote learning across year groups and schools’. In order to truly understand the extent of engagement and the subsequent impact on children’s development and attainment, there must be an assessment of the effectiveness of the education that children received and a benchmarking of any learning lost or gained over the course of lockdown.

Research reinforces that socio-economic background and other characteristics affected children’s home learning experience*.* For instance, Stranmillis University College found that parental education and employment status impacted on the extent of parental involvement in their child’s learning[[42]](#footnote-42). Researchers at [Ulster University[[43]](#footnote-43) found that parents of children with Free School Meals Entitlement were less confident supporting the learning of their children at home. This study also found](https://www.ulster.ac.uk/__data/assets/pdf_file/0009/597969/UU-School-survey-Report-web.pdf) that the parents of children with SEN were likely to experience a range of challenges when home schooling their children. Such challenges are consistent with the experiences of parents/carers of children with SEN and disability, as conveyed to NICCY; many informed us of the profoundly detrimental effects on the education, health and wellbeing of children with SEN and disabilities, as a result of school closures and the temporary suspension of pupil support services and other fundamental services.

In the immediate response to the crisis, DE issued a Notice modifying the provisions listed in Part II of the Education (NI) Order 1996 and the Education (Special Educational Needs) Regulations (NI) 2005 for 28 days, as per its powers under the Coronavirus Act 2020. The Notice modified the duties on the Education Authority; Schools; Principals and Boards of Governors of schools; the Health and Social Services Authority, and parents to a ‘best endeavours’ duty, where the inability to comply with the original duty is attributable to the temporary closure of schools or the reallocation of Education Authority or health and social care resources to meet other essential services required as a result of the outbreak. This Notice was continuously renewed from the start of April to the end of August, resulting in significant restrictions on the supports and services available to children and young people with SEN and disability.

NICCY repeatedly expressed concern about the impact of the Temporary Modification of Education Duties on statutory SEN operations, supports and services; the fact that this undoubtedly exacerbated the already extensive delays and waiting times for statutory assessment, and impacted on the processes for reviewing and appealing Statements of Special Educational Need. Most concerning is the impact of the Temporary Modifications on children and young people’s access to vital educational supports, which will unquestionably impact on their development and attainment. This is all the more concerning given the systemic issues that these children faced in accessing their right to education prior to the pandemic.

The Minister’s announcement[[44]](#footnote-44) that all schools would re-open full time from the end of August 2020 was greatly welcomed; this is vital for protecting children’s and young people’s mental health, wellbeing and their futures, and for combating educational underachievement. Furthermore, NICCY welcomes the recent launch of the Engage Programme; it is anticipated that this will go some way in addressing the impact of Covid-19 in terms of lost learning. However, it is deeply concerning that some children, particularly with underlying medical conditions and who require aerosol generating procedures, have still been unable to return to school. Every effort must be made to ensure that children and young people are kept safe and that robust measures are taken to minimise the risk of exposure and transmission. Rapid testing of pupils and teachers is critical so that any confirmed Covid-19 cases and their close contacts can isolate at home without necessarily having to send entire classes or year groups home. As the situation continuously evolves, it is clear that a concerted, collaborative effort is required to ensure the safe and sustainable opening of our schools. This must include a thorough and ongoing assessment of the impact of the Covid-19 pandemic and Government response to this on all children and young people’s access to education and on their learning and development.

6.0 Conclusion

The Commissioner warmly welcomes the establishment of the Expert Panel on Educational Underachievement and the opportunity to give evidence to its Review, both through this submission and later in the year via the provision of oral evidence. It is anticipated that the work of the Panel will support the realisation of the Commissioner’s aim of seeing an inclusive system of education which enables children and young people in Northern Ireland to be taught and learn together, and to fulfil their potential, regardless of their background and circumstances.

Appendix 1 – Statement on Children’s Rights in Northern Ireland: NICCY’s Calls to Government with regards Education

It is essential that Government ensures that all children and young people experience their right to an effective education by addressing the following recommendations:

1. Ending the educational attainment gap between specific groups of children and young people and removing all barriers to every child’s full participation in, and access to, a child rights compliant education system including supporting LGBTIQ+, newcomer, children in care, and children with SEN. This must include full implementation of the recommendations from *‘Too Little, Too Late’,* NICCY’s rights based review of SEN provision in mainstream schools, and immediate commencement of the new SEN Framework.
2. Government must prioritise the promotion and monitoring of mental health and wellbeing of children and young people in schools, and protect against factors negatively impacting on well-being in schools by:
* Implementing the ‘Addressing Bullying in Schools Act (Northern Ireland) 2016’ as a matter of urgency;
* 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.
1. Government must move towards a single education system that is UNCRC Article 28 and 29 compliant, fit for purpose, provides greater efficiency and addresses the cost of education for families. This must involve a proper review of our segregated system and addressing the fundamental flaws and inequalities that arise from academic selection.
2. Ensuring thorough and ongoing assessment of the impact of the Covid-19 pandemic and Government response to this on all children and young people’s access to education, including the most vulnerable such as those attending special schools.

Appendix 2 - Summary of recommendations from NICCY’s Position Paper on Educational Inequalities and Inclusion (2017)

In order to ensure a fully inclusive, child’s rights compliant education system in NI, the following recommendations should be progressed:

1. The passing of the Children’s Services Co-operation Act (Northern Ireland) 2015, the development of the Programme for Government and the Children and Young People’s Strategy present a significant opportunity for the Northern Ireland government to introduce **robust planning and monitoring mechanisms which are child rights compliant**.
2. **The Children’s Services Co-operation Act** **(Northern Ireland) 2015** requires Government Departments and agencies to co-operate with each other to contribute to the achievement of specified outcomes relating to the well-being of children and young people. In the Act “well-being” of children and young people includes –
* physical and mental health;
* the enjoyment of play and leisure;
* learning and achievement;
* living in safety and with stability;
* economic and environmental well-being;
* the making by them of a positive contribution to society;
* living in a society which respects their rights; and
* living in a society in which equality of opportunity and good relations are promoted between persons who share a relevant characteristic and persons who do not share that characteristic.

Government departments and agencies should ensure that they are co-operating with each other effectively in line with their statutory obligations to improve outcomes for all children and young people, particularly in providing for the needs of children with additional educational needs such as those with SEN or who are looked after.

1. By signing the United Nations Convention on the Rights of the Child the government has committed to **upholding the rights of children and young people**. Therefore, children should have their rights upheld by all decision makers in education. Government must deliver on its obligation to ensure the right of all children to an effective education in line with Article 29(1) of the UNCRC.
2. The Northern Ireland Executive, the Department of Education, other Government Departments, the Education Authority and schools should indicate, through the development of specific, measureable and targeted action plans, under the Children and Young People’s Strategy, how they intend to deliver on their obligations to children in education as a result of their obligations under the **UNCRC and in compliance with the Concluding Observations of the UN Committee on the Rights of the Child.**
3. There is clear evidence that there are marked **inequalities with regard to attainment in education** with specific groups of children and young people being more likely to do better or worse. The Department of Education has identified groups at particular risk of underachieving, these include looked after children, Traveller children; children from ethnic minorities; children with a disability, children with additional needs and children from disadvantaged backgrounds (such as children on free school meals). This paper also identifies other groups of children who experience educational disadvantage. Educational inequalities must be comprehensively addressed. Government should take positive action and invest sufficient resources in order to mitigate against the adverse impacts of children’s particular circumstances on their enjoyment of and achievement in education.
4. An **early intervention** **and preventative** approach to tackling educational inequalities should be adopted by the Department of Education and Education Authority. This should include support for parents, investment in early years workforce development and tracking young children’s progress against agreed milestones and outcomes from birth to starting school.
5. **Additional funding** is allocated to schools to improve the educational outcomes of certain groups of children, including those entitled to free school meals, newcomer children, looked after, Roma and Traveller children. This funding should be used for the purposes intended, openly accounted for and evidence provided as to how particular children were supported.
6. The Department of Education should issue **Guidance to schools on how best to support** vulnerable groups of children and young people in education. Schools should share best practice on how to meet the needs of vulnerable children including LGB and T and newcomer children and young people.
7. There is a lack of recognition of diversity in the needs of **newcomer children**. The Department of Education policy, “Supporting Newcomer Pupils” is out of date and does not recognise the needs and experiences of recent newcomer children and their families. This policy must be reviewed to ensure that it is fit for purpose and responsive to the current and future needs of the diverse population of children in schools in Northern Ireland. The policy must recognise that newcomer children should receive support to enable them to learn English before they start school, as well as extra tuition to improve language skills while in school. Measures should also be put in place to meet the educational needs of 16 – 18 year olds who are not in school.
8. All **children out of school** have a right to an effective education regardless of placement. This right is breached when they are delays in accessing placements, when children are not receiving an education that meets their abilities or additional and special needs. Home tuition should meet the educational needs of children accessing it and investment in all children in EOTAS should be adequate and equitable, regardless of whether the placement is a community or statutory placement. Given the interrupted educational experience of these children, overage retention should be encouraged and facilitated. Disaggregated, detailed data on all children out of school should be made readily available and should include information on educational outcomes.
9. The legal responsibility to ensure that children of compulsory school age receive an efficient full-time education is on the parent. Parents, therefore, have a right to choose to educate their children at home. There is no consistent, regional policy in Northern Ireland to deal with **elective home education** and no responsibility on the Education Authority to monitor the educational attainment of children who are educated at home. Additionally, the Education Authority does not have accurate information of the number of children who receive their education at home. The Department of Education must publish formal guidance which ensures that these children are enjoying their right to effective education and that parents are receiving appropriate assistance.
10. Disciplinary measures such as **suspension and exclusion** from school should be used as a measure of last resort only. The Department of Education, the Education Authority and schools should ensure that children in conflict with school receive adequate support to enable them to remain in school and receive the assistance they require.
11. The use of **isolation and/or seclusion** in education should end immediately. Schools should operate child rights compliant, positive and proportionate strategies to deal with school rule infringements or behavioural issues
12. The practice of ‘**informal’ exclusions** from school should be immediately halted. This potentially unlawful practice particularly affects extremely vulnerable children including those with disabilities and SEN. Additional and adequate support for these children should be provided.
13. The **Independent Counselling Service for Schools** (ICSS) is funded by the Department of Education and is available to all grant aided post-primary schools and Alternative Education Providers (AEPs). A statutory, non-stigmatising and adequate schools counselling service should be available to all children who need it, for as long as they need it in all schools, across all age groups and sectors in Northern Ireland.
14. **Bullying** remains a significant issue for many children and young people in Northern Ireland. All children should be protected from violence and harm, including when using technology, social media and the internet. Efforts to tackle bullying and violence in schools should be intensified and prioritised. The ‘Addressing Bullying in Schools Act (Northern Ireland) 2016’ must be commenced. The Education Authority and schools should ensure the consistent and robust implementation of anti-bullying policies and compliance with the Act.
15. The **UNCRC and children’s rights** are not a compulsory part of the Northern Ireland curriculum at any of the key stages of education. Knowledge of the UNCRC and rights among children and young people is also low. Children’s and human rights education should be a mandatory part of the curriculum across all stages of education. The ETI should include the promotion of children’s rights as an area which is examined in schools’ inspections.
16. Children and young people have different experiences of the level to which they are facilitated to express their views on the running of schools. The Department of Education has issued guidance encouraging **pupil participation** however it is not mandatory and there is no consistent approach with regard to participation in schools. Children should be listened to, treated as experts in their own lives and have their right to fully participate in their education realised. Children’s views must be given due weight in decisions relating to education which impact on their lives.
17. **Legal aid** should be made available for education tribunals. Separate rights of appeal should be provided to children of all ages in expulsions and SENDIST cases. A mechanism should be urgently introduced to enable children and parents to appeal a school suspension.
18. **Academic selection** in Northern Ireland remains an issue of significant political disagreement. Thousands of children participate in an unregulated system of tests to gain admission to grammar schools. There is clear evidence that this system significantly advantages children from more affluent families. Academic selection does not improve social mobility and there is clear evidence that it exacerbates the social divide. 41% of children in non-Grammar schools and only 14% of children in Grammar schools are entitled to free school meals. The biggest inequality in educational attainment is the difference between the achievement levels of children who attend grammar schools and those who do not. The use of academic selection as a means of transitioning from primary to post-primary education should end immediately.
19. The majority of children with **special education needs** (SEN) attend mainstream schools. The finalisation and implementation of the SEN Framework in Northern Ireland, which supports the implementation of the Special Educational Needs and Disability Act (Northern Ireland) 2016 should be progressed without delay. The delivery of education to children with SEN should not be determined by the availability of resources but entirely focused on effectively and comprehensively meeting their needs, in their best interests and to achieve the best outcomes. Additional investment to address inadequate support for children with SEN is urgently required.
20. Children in Northern Ireland are educated mainly in separate schools with only 7% of children attending desegregated or “integrated” schools - schools which are specifically established to educate Catholic and Protestant children together. **All children and young people should be educated together**, inclusive of their religion, race, ability or gender. The Northern Ireland Executive should examine the cost of duplication in education as a result of multiple education sectors. Recognising the need for parental choice in education, the cost of duplication in education should be gradually reduced and this money invested in improving the quality of the educational experience and meeting the needs of all learners in Northern Ireland.
21. The **Shared Education** Act 2016 places an obligation on the Department of Education to encourage, facilitate and promote shared education. The ultimate goal of shared education should be an integrated system of education.
22. A ‘**shared narrative’** about the Northern Ireland conflict should be taught in schools in to provide young people with an objective account of Northern Ireland’s past and to give them the concepts and language to encourage them to become architects of a shared and better society.
23. In addition to the measurement of educational achievement, measurements of long term educational outcomes relating to the development of the personality, talents and abilities of individual children as required under Article 29(1) of the UNCRC should be introduced. This should encompass a measurement of the ‘distance travelled’ by each individual child. The **well-being of children should be promoted and fostered in schools**. Children’s well-being should be measured and monitored to ensure that there is an adequate focus on the well-being of all of our children in education.
24. The use of **performance or league tables** in education which measure the narrow performance indicators of GCSE and A Level results are putting schools and its pupils are under increasing pressure to rank highly in order to increase year on year enrolment. The use of league tables should be immediately halted.
25. Economic disadvantage is an influencing factor in the educational outcomes for children which is exacerbated by financial pressure placed on families by the additional and often hidden **costs of education**. All children should have access to a free education and financial assistance should be available where this is required in line with the obligations on Government under Article 28 of the UNCRC.
26. Government should make a renewed commitment to addressing the educational underachievement of **socio-economically disadvantaged children** and young people. There should be increased investment in the education of children in poverty and adequate support provided to ensure that barriers to succeeding in education can be overcome. Proposals to cut vital financial assistance relied upon by children in poverty should be immediately withdrawn.
27. Robust measures should be taken by Government to address **discrimination** against all groups of children in education. Access to goods, facilities and services legislation which includes and protects children of all ages should be expediently introduced, providing protections to all in accessing education.
28. **Section 75 Northern Ireland Act 1998** should be amended to include socio-economic status as a protected group. It should then be extended to all schools so that children and young people have their right to enjoy equality of opportunity upheld in education.
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