

Programme for Government 2011 - 2016 Department of Education Commitments

**Committee for Education
24th February 2016**

Department of Education's Programme for Government Commitments 2011-2015 and Progress to Date

Commitment 21 - Increase the overall proportion of young people who achieve at least 5 GCSEs at A* - C or equivalent including GCSEs in Maths and English by the time they leave school

Programme for Government Milestones

2012/13 61%
2013/14 63%
2014/15 66%
2015/16 67%¹

Including: Increase the proportion of young people from disadvantaged backgrounds who achieve at least 5 GCSEs at A*- C or equivalent including GCSEs in Maths and English

Programme for Government Milestones

2012/13 42%
2013/14 45%
2014/15 49%
2015/16 49%²

Progress to Date - Programme for Government 2011-2015 Strategic Online Report³

¹ Milestone from Department of Education 2015/16 Business Plan

² *Ibid*

The latest data (published in May 2014) show that the proportion of school leavers with at least 5 GCSEs A*- C (inc. equivalents) including GCSE English and GCSE maths has increased from 59.5% in 2010/11 to 62.2% in 2012/13. The proportion of school leavers entitled to free school meals achieving this measure has increased from 31.7% in 2010/11 to 34.9% in 2012/13. The Department undertakes a range of measures to support school improvement. The Minister for Education announced in 2013/14 additional funding to be targeted at raising educational standards. This funding is providing for a CPD project for KS2 and KS3 literacy and numeracy teachers focused on the delivery of high quality teaching and learning and to address issues faced by pupils at transition to post primary. The community education initiatives programme, now in its 2nd year to support improved educational outcomes in areas of deprivation, including specifically areas of educational deprivation. The Delivering Social Change Signature programme for literacy and numeracy continues to deliver additional support in English and Maths to thousands of pupils in primary and post-primary schools. As at 30 September 2014, 266 of the 269 FTE teachers are in post. In 2013/14 academic year approximately 10,000 pupils in primary and post primary schools received additional support. A report on the performance of pupils and the benefits they have realised will be produced following collation of results from assessments and exams.

Commitment 42 - Improve literacy and numeracy levels among all school leavers, with additional support targeted at underachieving pupils

Programme for Government Milestones

2012/13 Develop proposals to significantly improve literacy levels and thereby contribute to addressing multigenerational disadvantage

2013/14 Implement and monitor programme

2014/15 Implement and monitor programme

2015/2016 In the context of implementing 'Count, Read: Succeed', implement proposals to significantly improve literacy levels and thereby contribute to addressing multi-generational disadvantage.⁴

³ The webpage containing the NI Executive's Programme for Government 2011-2015 - Strategic Online Report's states that these tables are updated by Departments on a quarterly basis. No date has been provided but it does not appear that this has been updated in some time as the information provided is not the most up to date.

⁴ *Op cit* 1

Progress to Date - Programme for Government 2011-2015 Strategic Online Report⁵

The Minister has in place a coherent set of policies designed to improve educational outcomes for young people and to address the root causes when pupils are not achieving to their full potential. The Department's literacy and numeracy strategy – Count, read: succeed - supports teachers and school leaders in their work to raise overall levels of attainment in literacy and numeracy. The strategy is supported by a range of additional measures and funded programmes to improve literacy and numeracy. The most recently published data shows that the proportion of school leavers achieving GCSE A*- C in English has increased from 68.5% in 2009/10 to 70% in 2012/13. The proportion achieving GCSE A*- C in maths has increased from 64.9% to 69% during this period. The proportion of school leavers entitled to free school meals achieving GCSE A*- C in English has increased from 44.3% in 2009/10 to 45.6% in 2012/13. The proportion of school leavers entitled to free school meals achieving GCSE A*- C in maths has increased from 37.1% in 2009/10 to 42.1% in 2012/13.

Commitment 43 - Ensure that at least one year of pre-school education is available to every family that wants it

Programme for Government Milestones

2012/13 Identify reasons why parents do not avail of places Commence implementation of the Review of Preschool Admissions

2013/14 Based on findings, implement changes to encourage parents to take up places

Continue to implement Review of Pre-school Admissions

2014/15 Review progress and take further actions as necessary

2015/16

Key Success Indicator ⁶	Commitment/Action
Sufficient pre-school places available so that every child can be offered a place	Ensure sufficient level of provision to meet demand.
	Review the prioritising criteria for allocation of places to ensure that they adequately prioritise low income families, including low

⁵ *Op cit 3*

⁶ *Op cit 1*

	paid working parents.
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Progress to Date - Programme for Government 2011-2015 Strategic Online Report⁷

Progress on the commitment in 2014/15 shows that 99.9% of children obtained a funded pre-school place (whose parents engaged with the process to the end).

Commitment 71 - Establish a Ministerial advisory group to explore and bring forward recommendations to the Minister of Education to advance shared education

Programme for Government Milestones

2012/13 Establish group and produce report with recommendations

Progress to Date - Programme for Government 2011-2015 Strategic Online Report⁸

This Commitment is complete.

Commitment 72 - Ensure all children have the opportunity to participate in shared education programmes by 2015

Programme for Government Milestones

2012/13 Define the objectives in terms of children participating in shared education programmes

2013/14 Put in place measures to achieve objectives

2014/15 Achieve overall commitment objective

2015/16

Key Success Indicator ⁹	Commitment/Action
Shared Education Bill introduced to Assembly	Bring forward legislation to define shared education and place powers on Department and relevant ALBs to encourage and

⁷ *Op cit 3*

⁸ *Ibid*

⁹ *Op cit 1*

	<p>facilitate shared education in line with the following timescale:</p> <ul style="list-style-type: none"> • Introduce the Bill by May 2015; • Achieve second reading before Summer Recess; • Conclude Committee stage by end of November 2015; • Obtain Executive agreement to Bill by end of December 2015; and • Complete Consideration stages by end of January 2016.
<p>% increase in pupils engaged in shared education</p>	<p>Progress a second call for schools to apply for funding through the DSC Shared Education Signature Project to further extend and embed opportunities for shared education.</p>

Progress to Date - Programme for Government 2011-2015 Strategic Online Report¹⁰

Progress remains on target to meet the milestone targets. A £25m four year Delivering Social Change Shared Education Signature Project was announced by First Minister and Deputy First Minister on 17 September. The project is expected to be operational early in the 2014/15 academic year. Objectives in terms of children participating in shared education programmes have been defined. Baseline statistics have been established from the 2013 school omnibus survey and published in January 2014. The Minister made a statement to the Assembly on 22 October accepting their recommendations in principle, but reserving judgement on some pending further work. The Minister has committed to mainstream funding for shared education, drawing on the lessons from the DSC Signature Project. Work is in progress to implement the recommendations. SEUPB have proposals for Peace IV include a Shared Education thematic area and will be submitted to the EU Commission. Peace IV is expected to be operational during 2015.

¹⁰ *Op cit 3*

Commitment 73 - Substantially increase the number of schools sharing facilities by 2015

Programme for Government Milestones

2012/13 Define the objectives in terms of children sharing school facilities

2013/14 Put in place measures to achieve objectives

2014/15 Achieve overall commitment objective

2015/16

Key Success Indicator ¹¹	Commitment/Action
% increase in schools sharing facilities	Identify successful second call shared campus projects under the Executive's TBUC strategy to be announced by the Minister by June 2015.
	Following announcement, progress business cases and act as project board members for first and second call shared campus projects throughout the year.

Progress to Date - Programme for Government 2011-2015 Strategic Online Report¹²

Progress remains on target to meet the milestone targets. High level objectives for children sharing school facilities have been defined. Baseline statistics have been established from the 2013 school omnibus survey and published in January 2014. Three projects have been approved for Business Case development. The criteria for application approval has been reviewed in advance of the second call for applications launched on 1 October 2014.

¹¹ *Op cit 1*

¹² *Op cit 3*

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 is disabled or 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).

Questions Posed by Committee for Education

1. How well has the Department of Education met its 2011-15 Programme for Government commitments?

3. How useful or relevant were the 2011-15 Programme for Government commitments?

Commitments 21 and 42 - More recent statistics are available than those relied upon by the Department of Education above. In 2014/15 the percentage of school leavers achieving at least 5 GCSEs Grades A* - C including GCSEs in Mathematics and English was 67.0%. In 2014/15 the percentage of FSME school leavers achieving at least 5 GCSEs A* - C including GCSEs in Mathematics and English was 45.6%.¹³ The target set for FSME children has therefore not been met.

FSME is an indicator of social deprivation and is highly correlated with lower levels of educational attainment, with FSME pupils being more likely to have special educational needs; be excluded from school; be persistent truants; at risk of becoming involved in anti-

¹³ Statistical Bulletin 9/2015 Year 12 and Year 14 Examination Performance at Post-Primary Schools in Northern Ireland 2014-15, Department of Education, 15th December 2015.

social behaviour; and, as a consequence, when they leave school they are more likely to be unemployed or earning lower salaries. Almost a third of all pupils in Northern Ireland are now FSME. This figure is increasing and has increased steadily from 20% in 2010/11 to 30% in 2015/16.¹⁴ This is partially due to recent changes to the eligibility criteria relating to FSME where the Minister for Education extended the eligibility criteria to include not only families with no income but working families on benefits and low incomes. This has resulted in over 34,000 pupils becoming eligible for free school meals in 2014-15. In 2014-15, nearly 98,000 children, which represents approximately 30% of the school population, benefited from the current policy on free school meals.¹⁵ In addition, in September 2013, the Minister for Education extended eligibility for free school meals to pupils at 15 independent schools which accommodate 700 pupils aged 2 – 18.¹⁶

While NICCY agrees that raising the educational attainment levels of disadvantaged pupils is extremely important, there are other issues which are relevant for FSME pupils including the issue of school absence which this focus on GCSE results alone does not capture. Figures indicate that for the most part, absence rates increase in line with the percentage of pupils enrolled who are eligible for free school meals. In schools where less than 10% of pupils enrolled were eligible for free school meals, the overall absence rate was 4.0% of the total half days. This compares with 11.6% of the total half days for schools with more than 50% of pupils enrolled eligible for free school meals. Unauthorised absence is notably higher for schools with high levels of FSME. Since the level of free school meal eligibility is indicative of levels of deprivation, the data suggest that absence tends to be higher in more disadvantaged areas.¹⁷

In addition, there are no PfG literacy and numeracy targets set which relate to children in primary school.

A recent OECD report¹⁸ has found that compared internationally, pupils in Northern Ireland perform very well in assessments at the primary level and around average at the post-

¹⁴ Statistical Bulletin 8/2015 Annual enrolments at grant-aided schools in Northern Ireland 2015/16: Basic provisional statistics 10th December 2015.

¹⁵ Minister for Education's response to Assembly Question asked by Mr Sam Gardiner, MLA QQO 8631/11-16, 15th September 2015.

¹⁶ <http://www.northernireland.gov.uk/news-de-030913-free-school-meals>

¹⁷ Attendance at grant-aided primary, post-primary and special schools in Northern Ireland - 2013/14: Detailed statistics, Department of Education, 19th February 2015.

¹⁸ OECD Reviews of Evaluation and Assessment in Education Northern Ireland, United Kingdom, Claire Shewbridge, Marian Hulshof, Deborah Nusche and Lars Stenius Staehr, 2014

primary level. However, compared to the OECD average, differences in pupil performance at age 15 are more strongly associated with their schools' socio-economic intake. Social deprivation varies significantly among local government districts, as shown by the proportion of pupils entitled to free school meals. Some 43% of pupils are enrolled in academically selective post-primary schools and these, on average, have a more advantaged socio-economic intake. In some non-selective post-primary schools, there are high concentrations of pupils entitled to free school meals. The report found that the retention of academic selection maintains and accentuates social division in Northern Ireland and the present system of multiple unofficial academic selection tests places undue stress on the shoulders of teachers, parents and most notably children. It is clear that the focus in the current PfG commitments on FSME children and young people only addresses part of the problem. The continued use of academic selection in many post-primary schools in Northern Ireland is clearly serving to perpetuate social division and accentuate disadvantage in terms of educational attainment. This is not reflected in the PfG commitments.

Funding for the Delivering Social Change literacy and numeracy signature programme as referenced in the Department's progress on commitment 21 has now ceased and the programme has come to an end. In response to an Assembly Question on whether shortfalls in funding have impacted on the Delivering Social Change improving literacy and numeracy signature programme¹⁹ the Minister for Education stated,

“The Delivering Social Change (DSC) programme was announced by the Office of the First Minister and deputy First Minister in October 2012. The programme was only made possible by central funding provided by OFMDFM. In the absence of central funding, I had to end the OFMDFM programme and the DE expansion programme at the end of August 2015... My commitment to the programme is such that I have set aside an additional £200,000 to ensure that the best practice and learning developed and identified during the programme can be disseminated across all schools and create a lasting legacy for the Delivering Social Change programme.”

More recently, the First Minister and Deputy First Minister were asked for their assessment of the success and value of the Delivering Social Change Programme as two Assembly

¹⁹ Question asked by Mr P Ramsey MLA, [AQO 8999/11-16](#) 3rd November 2015

questions.²⁰ The First Minister answered these questions together and highlighted the ongoing evaluation of the Delivering Social Change signature programmes. She went on to say,

“The literacy and numeracy programme is a critical part of the Delivering Social Change framework and was completed in June of 2015. It is hoped that we will have the full evaluation very soon, but already we know that some 18,653... primary and post-primary children have received additional maths and English support as a result of this programme. I think it has made a phenomenal impact in terms of additional help and support. On average, 85% of those pupils have achieved or, indeed, exceeded their individual target level in literacy and numeracy.”

While this is encouraging in terms of the value of the Delivering Social Change literacy and numeracy signature programme, it is disappointing that funding for the programme has come to an end and there is no plan to reinstate it or to replace it with other measures specifically targeted at raising levels of literacy and numeracy in children. This is very concerning particularly in light of the recent manifesto launched by Save the Children’s Read On, Get On campaign²¹ which predicts that 38,700 children in Northern Ireland will leave primary school between now and 2021 unable to read to a proficient standard.

In addition, no evaluation of the impact the CPD programme on KS2 and 3 literacy and numeracy has been provided, as referenced in the Department of Education’s response to progress on PFG commitment 21.

Commitment 43 - Recent information available from the Department of Education states that at the end of the 2015/16 pre-school admissions process, 99.8% of target age children whose parents fully engaged with the process were offered a funded place in a pre-school setting.²² While this is an extremely high percentage, this statistic alone does not provide enough information on how well or fully this target has been achieved. The target commits to the provision of at least one year of pre-school education to every family that wants it. Firstly, this statistic relates only to, “children whose parents fully engaged with the process”. There may be a number of reasons why not all parents who want pre-

²⁰ Mr G Lyons MLA asked AQO 9642/11-16 and Mr D McIlveen MLA asked AQO 9643/11-16 17th February 2016

²¹ Reading Northern Ireland’s Future, How the next Northern Ireland Executive can unlock every child’s potential, Read On, Get On, 22nd February 2016

²² <https://www.deni.gov.uk/articles/applying-funded-pre-school-place-201617#toc-3>

school education for their children may have fully engaged with the process, perhaps due to lack of awareness of the process or withdrawal from the process at stage 1 when a placement offer has not been made in any of the stated preferred providers. No analysis has been provided of parents who did not engage with the process at all and why. In addition, there is no differentiation between full and part-time nursery places and no information has been provided to indicate how happy parents and their children are with their nursery placement, their experience of the application and allocation process and the nursery provision service provided. It would be much more meaningful if the Department was to carry out an analysis of why parents are not fully engaging with the process and aim to address this, as well as carrying out a full examination of the pre-school education process to gain a full understanding of the experience of parents and children.

Commitments 72 and 73 – Work is progressing with regard to Shared Education and the Shared Education Bill is currently at an advanced stage in the NI Assembly legislative process. It is expected that the Shared Education Bill will become law before the end of this political mandate. While it is not currently the case that all children have the opportunity to participate in shared education, significant progress has been made on the availability of opportunities for many children to participate in shared education programmes. While this is positive, this purely quantitative focus does not provide a clear understanding of how shared education is currently operating in Northern Ireland, nor does it highlight some of the problems with shared education or propose ways of how to positively and meaningfully address them.

NICCY provided assistance to the Minister for Education by consulting with almost 6,000 children and young people to explore their views and experiences of shared education,²³ with the intention of ensuring that these views meaningfully informed the development of the policy and legislation relating to shared education. Many of the children and young people who took part in NICCY's consultation on shared education gave positive accounts of their participation in joint classes and activities. However, a significant minority described having more mixed experiences of shared education initiatives, where interaction with pupils from other schools had been negative or limited. Some of the issues raised include children feeling uncomfortable if they were in a minority or 'out of place' when attending classes in another school. Some described collaborative activities and joint classes as 'shared' but 'separate', because pupils remained within their own school or

²³ Shared Education The Views of Children and Young People, Children and Young People's Report, NICCY, 2013.

friendship groups and interaction with pupils from other schools had been limited. Some pupils expressed concern about sharing their education with pupils from particular schools. Their concerns related to academic ability, cross-community issues, standards of behaviour and the increased potential for bullying.

The potential future detrimental impact of these issues is further exacerbated by the decision taken by the Minister for Education in March 2015 to withdraw all ear-marked funding for the Department of Education's Community Relations, Equality and Diversity (CRED) Policy. While we understand from discussions with Departmental officials²⁴ and the CRED Addendum²⁵ that it is intended to deliver on the CRED policy commitments through mainstream funding, we also understand that without a specific budget for this work since March 2015, delivery of the policy has been difficult and CRED work is not happening to the same level as it was due to a lack of resources. We must therefore conclude that the withdrawal of earmarked funding for CRED is having a significant detrimental impact on the delivery of the policy.

Bringing children together to be educated, under the auspices of shared education, will result in the coming together of children with a range of identities in terms of not only their religion but also their race, gender, ability, sexual orientation, socio-economic status and home life circumstances, including children with caring responsibilities and children who are looked after by the state. There is therefore significant potential for issues to arise with regard to a lack of understanding of difference across a range of areas. It is our view that CRED has the potential to make an extremely positive contribution to the promotion of tolerance and respect which is so vital to ensuring the success of shared education in Northern Ireland. This is borne out by the findings of the 2012 Young Life and Times Survey which found that of those young people who had undertaken programmes on the specific areas over 80% reported more positive attitudes to people with disabilities, different religious beliefs, sexual orientations and ethnic group, over 75% reported more positive attitudes to people with different political opinions and over 70% reported more positive attitudes to people of different age, gender and on the issue of dependants as a result. In 2014, the same survey reported similarly high results in relation to young people's experience of CRED.²⁶ Research clearly shows that different groups of children

²⁴ Meeting between NICCY and DE staff 22nd January 2016.

²⁵ A targeted, informal consultation was carried out on the CRED Addendum in December 2015 – February 2016.

²⁶ 'Young Life and Times Survey 2014' ARK.

have very different educational experiences. Children from certain groups are much more likely to experience bullying in school and are also much less likely to enjoy equality of opportunity in accessing education, which suggests a clear causal link which must be addressed if all children are to fulfil their maximum potential in education. These include looked after children, Traveller, Roma and black and minority ethnic children, Newcomer children, socio-economically deprived children, children with additional needs including special educational needs and /or a disability, lesbian, gay, bisexual and transgender young people and young carers.

NICCY believes that there is a pressing need for young people to be educated about difference, tolerance, self-respect and respect for others in school. Such education should be part of a whole school approach to ensure the success of shared education and that children are facilitated to fully participate and fulfil their potential in education. We believe that there is an important role for CRED in the furtherance of this aim. The PfG commitment on shared education therefore does not capture the detrimental impact of the withdrawal of all ear-marked funding for CRED on the experience of children in education in learning about tolerance, equality, respect and diversity.

It is NICCY's view that shared education must be viewed as part of a continuum of education models, the ultimate goal being a truly integrated system of education for all children in Northern Ireland, where children of all religions, races, genders, ability, sexual orientations and ages are educated together. This is supported by the DE's definition of shared education as contained in its policy document, *"Sharing Works; A Policy for Shared Education"*²⁷, which is for,

"Vibrant, self-improving shared education partnerships delivering educational benefits to learners, encouraging the efficient and effective use of resources, promoting equality of opportunity, good relations, equality of identity, respect for diversity and community cohesion".²⁸

NICCY believes that the PfG commitment relating to shared education should reflect how well its vision is being met and the views of children and young people engaging in shared education should be sought and taken into account in the further development of shared education in order to positively progress this policy area.

²⁷ *"Sharing Works; A Policy for Shared Education"*, Department of Education, September 2015.

²⁸ Page 4, *Ibid.*

2. How easy / difficult has it been to assess the Department's progress in meeting its 2011-15 Programme for Government commitments?

In assessing the Department of Education's progress in meeting its PfG commitments, NICCY is aware that the current PfG targets run from 2011 to 2015. Targets which relate to the PfG commitments for 2016 can be found in the Department of Education's Business Plan 2015-2016. It is not clear whether these are the targets under which the Department is monitoring its current progress on its PfG commitments, however we have included these targets above in assessing the Department's progress given the extension of the current PfG up to 2016 and the relevance of the targets. In establishing how well the Department has met its PfG commitments, we attempted to source information provided by the Department relating to each target. Information on each target was provided on the Northern Ireland Executive's PfG webpage under its, "*Programme for Government 2011-2015 Strategic Online Report*". The information relating to each of the Department's PfG commitments provided in this report is replicated above. The information on each target is very brief and does not give a clear analysis of how well targets have been met, nor is the information current and up to date. With regard to Programme Arrangements and Delivery Framework, the PfG document states that,

*"Clearly defined lines of accountability, supported by effective monitoring and regular reporting are a prerequisite of this Programme for Government and reports on progress against commitments will be produced on a quarterly basis."*²⁹

NICCY believes that there are lessons to be learned for the next PfG with regard to monitoring and accountability. While the Department of Education produces excellent regular and detailed statistical information which allows some level of monitoring of progress on delivery of commitments, this is not made easily accessible to members of the public or to those who are unfamiliar with its location, nor is it linked to the PfG targets or referenced on the NI Executive's PfG webpage. This is extremely disappointing in that the PfG is the core strategic document which sets the Government's priorities for delivery over the term of each political mandate. Detailed monitoring of delivery on PfG commitment targets and wide dissemination of this monitoring, as well as information on remedial actions being taken where progress has been less than expected should be regularly carried out by the Department of Education. The commitments in the PfG on vital areas of

²⁹ Annex 1, p. 55, Programme for Government 2011-2015, NI Executive

Government such as education are commitments to children and young people and their families and carers. Accountability should ultimately be to them. It is not currently possible to monitor how well the Department is meeting its PfG commitments without having a detailed knowledge of current education policy and legislative developments, the types of information collated and where this is stored and recent research on education in Northern Ireland. NICCY believes that monitoring and accountability mechanisms for the next PfG need to be significantly amended to allow for genuine public accountability and transparency, two of the seven fundamental principles of public life; the standards which are required of public office holders and those engaged in the delivery of public services.³⁰

4. What should the Department of Education's Programme for Government commitments be for the next mandate i.e. 2016-2021?

The Children's Services Co-operation Act (Northern Ireland) 2015 (as discussed below) makes a commitment to children's rights in line with the relevant provisions of the UNCRC in the delivery of children's services in Northern Ireland. In the next mandate the co-ordination of how Government Departments and agencies are meeting their obligations under this Act will be the responsibility of the Department of Education as children's services are transferring to this Department from OFMDFM. NICCY believes that the UNCRC should be the basis upon which all commitments to children in the next PfG are founded. In addition, the UK Government and its devolved administrations are due to be examined by the United Nations Committee on the Rights of the Child in May 2016 on its compliance with its obligations under the UNCRC. Recommendations on what the Government needs to do better to better ensure compliance with the UNCRC will be made by the Committee in the form of Concluding Observations, some of which will relate to education. These recommendations should be central in taking forward the Department of Education's PfG commitments for 2016-2021.

The main UNCRC articles which relate to education are Articles 28 and 29. Other articles are also relevant in the context of education, not least the 4 principles of the Convention. The UNCRC principles require the Government to ensure that children are not discriminated against - Article 2, their best interests are upheld - Article 3, they develop to their maximum potential - Article 6 and they are able to meaningfully participate in all

³⁰ The Nolan Principles, The 7 Principles of Public Life, <https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2>

aspects of their lives - Article 12. General Comment 1 on the Aims of Education³¹ highlights a number of other Convention articles which are relevant to education and the fulfilment of the aims of education as detailed under Article 29 of the Convention.³² These include, but are not limited to, the rights and responsibilities of parents (Articles 5 and 18), freedom of expression (Article 13), freedom of thought (Article 14), the right to information (Article 17), the rights of children with disabilities (Article 23), the right to education for health (Article 24) and the linguistic and cultural rights of children belonging to minority groups (Article 30).

The text of the two main articles which relate to education, Articles 28 and 29 of the UNCRC, is as follows: -

Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:
 - (a) Make primary education compulsory and available free to all;
 - (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
 - (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
 - (d) Make educational and vocational information and guidance available and accessible to all children;
 - (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.
2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.
3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge

³¹ United Nations Committee on the Rights of the Child, General Comment No. 1 (2001) 'The aims of education' CRC/GC/2001/1.

³² Para 6, *Ibid.*

and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 29

1. States Parties agree that the education of the child shall be directed to:

- (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
- (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
- (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
- (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
- (e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 28 of the Convention outlines the right to education, whereas Article 29(1), which details the aims of education, adds a qualitative dimension to the general right to education under Article 28. Article 29(1) reflects the rights and inherent dignity of the child; it insists on the need for education to be child-centred, child-friendly and empowering and highlights the need for educational processes to be based upon the principles outlined in Article 29(1).

In its 2008 examination of the UK Government's compliance with its obligations under the UNCRC expressed its concern that there has been little progress in enshrining article 12 in education law and policy.³³

³³ Para 32, CRC/C/GBR/CO/4, 3rd October 2008.

In addressing education, it continued:

“The Committee notes with appreciation the numerous efforts of the State party in the sphere of education, in order to guarantee the objectives set out in the Convention. However, it is concerned that significant inequalities persist with regard to school achievement of children living with their parents in economic hardship. Several groups of children have problems being enrolled in school or continuing or reentering education, either in regular schools or alternative educational facilities, and cannot fully enjoy their right to education, notably children with disabilities, children of Travellers, Roma children, asylum-seeking children, dropouts and non-attendeers for different reasons (sickness, family obligations etc.), and teenage mothers.

Furthermore, the Committee is concerned that:

- (a) Participation of children in all aspects of schooling is inadequate, since children have very few consultation rights, in particular they have no right to appeal their exclusion or to appeal the decisions of a special educational needs tribunal;*
- (b) The right to complain regarding educational provisions is restricted to parents, which represent a problem especially for looked after children for whom local authorities have, though mostly do not use, parental authority;*
- (c) Bullying is a serious and widespread problem, which may hinder children’s attendance at school and successful learning;*
- (d) The number of permanent and temporary school exclusions is still high and affects in particular children from groups which in general are low on school achievement;*
- (e) The problem of segregation of education is still present in Northern Ireland;*
- (f) Despite the Committee’s previous concluding observations, academic selection at the age of 11 continues in Northern Ireland.*

The Committee recommends that the State party:

- (a) Continue and strengthen its efforts to reduce the effects of the social background of children on their achievement in school;*
- (b) Invest considerable additional resources in order to ensure the right of all children to a truly inclusive education which ensures the full enjoyment to children from all disadvantaged, marginalized and school-distant groups;*
- (c) Ensure that all children out of school get alternative quality education;*

- (d) Use the disciplinary measure of permanent or temporary exclusion as a means of last resort only, reduce the number of exclusions and get social workers and educational psychologists in school in order to help children in conflict with school;*
- (e) Make sure that children without parental care have a representative who actively defends their best interests;*
- (f) Intensify its efforts to tackle bullying and violence in schools, including through teaching human rights, peace and tolerance;*
- (g) Strengthen children’s participation in all matters of school, classroom and learning which affect them;*
- (h) Ensure that children who are able to express their views have the right to appeal against their exclusion as well as the right, in particular for those in alternative care, to appeal to special educational need tribunals*
- (i) Take measures to address segregation of education in Northern Ireland;*
- (j) Put an end to the two-tier culture in Northern Ireland by abolishing the 11+ transfer test and ensure that all children are included in admission arrangements in post-primary schools.”³⁴*

The UN Committee on the Rights of the Child’s General Comment 1 on the Aims of Education³⁵ provides insight into the obligations on Government under Article 29(1) of the Convention. According to the General Comment on Article 29 of the Convention – a statement of its meaning and objectives - education must be child-centred, child-friendly and empowering.³⁶ The goal is 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. In this context, ‘education’ goes far beyond formal schooling to embrace the broad range of life experiences and learning processes which enable children, whether individually or collectively, to develop their personalities, talents and abilities and to live a full and satisfying life within society. It is this vision for education that NICCY believes should be translated into the next education commitments within the PfG for 2016-2021.

NICCY wishes to see the Department of Education, particularly in light to its renewed commitment to children’s rights and the UNCRC within the Children’s Services Co-

³⁴ *Ibid*, Para 66 and 67

³⁵ *Op cit* 31

³⁶ *Ibid*

operation Act (Northern Ireland) 2015, aiming to ensure that the education system in Northern Ireland ensures that all children develop to their maximum potential through education which develops their personalities, talents and abilities. The education system in Northern Ireland must be able to meet the needs of all of our children and young people. The narrow focus on GCSE results is failing some of our most vulnerable children and young people whose experience of education is not child-centred, child-friendly and empowering. The focus for the education commitments in the next PfG must be the eradication of educational inequalities for all children whom the current education system is failing. These include Traveller children, minority ethnic and newcomer children, children with special educational needs, children with a disability, children from disadvantaged backgrounds, particularly boys and Protestants, looked after children, LGBT children, young carers, children in hospital, in the justice system and out of education.

5. What additional or other metrics should be used in order to assess Departmental progress in the next mandate?

The Children's Services Co-operation Act (Northern Ireland) 2015 is a significant legislative development which aims to improve the well-being of children and young people in a manner that realises their rights. As stated above, in the next mandate the co-ordination of how Government Departments and agencies are meeting their obligations under this Act will be the responsibility of the Department of Education with the transfer of children's policy from OFMDFM. The obligations under the Act should inform all of the work which Government Departments and agencies take to improve the lives of children and young people in Northern Ireland. The Act places statutory obligations on Government Departments and agencies to co-operate with each other in order to contribute to the improvement of the well-being of children and young people and to adopt a Children and Young People's Strategy. The Act sets out eight areas which define the well-being of children and young people and these include learning and achievement and living in a society which respects their rights.³⁷ It also states that in determining the meaning of well-being for the purposes of this Act, regard is to be had to any relevant provision of the United Nations Convention on the Rights of the Child.³⁸ The Act states that the NI Executive must adopt a Children and Young People's Strategy which sets out how it proposes to improve the well-being of children and young people.³⁹ The strategy must set

³⁷ The Children's Services Co-operation Act (Northern Ireland) 2015 1(2)(c) and (g)

³⁸ *Ibid* 1(4)

³⁹ *Ibid* 3(1)

out the outcomes the Executive intends should be achieved for that purpose⁴⁰ and the actions to be taken by Northern Ireland Departments, among others, for the purpose of achieving those outcomes.⁴¹ The first strategy must be laid before the Assembly before the end of the period of 12 months beginning with the day on which this Act receives Royal Assent.⁴²⁴³

There are also obligations under the Act on the NI Executive prepare a report on the operation of the Act.⁴⁴ The report must be laid before the Assembly⁴⁵ and published by the NI Executive.⁴⁶ It must include statements on what actions have been taken by the NI Executive, and Government Departments, for the purpose of achieving the outcomes set out in the Children and Young People's Strategy; what progress has been made towards achieving those outcomes, or the extent to which they have been achieved; how children's authorities and other children's service providers have co-operated with each other in the provision of children's services; how children's authorities have exercised their powers to share resources and pool funds; and how the well-being of children and young people has improved.⁴⁷ The report should also identify any further opportunities for co-operation between children's authorities and other children's service providers that could help to achieve the outcomes set out in the strategy; any other ways in which the well-being of children and young people could be improved, and any ways in which the Children and Young People's Strategy might be revised in order to contribute to those improvements.⁴⁸ The Act requires the NI Executive to prepare a report not more than 18 months after the date it adopted the Children and Young People's Strategy⁴⁹ and thereafter at intervals of not more than 3 years.⁵⁰

NICCY wishes to see all Government Departments and agencies who are involved in the delivery of children's services carrying out ongoing transparent monitoring on its work within the statutory monitoring context required by the Children's Services Co-operation Act (Northern Ireland) 2015. This will make the monitoring requirements of the Act easier

⁴⁰ *Ibid* 3(2)(a)

⁴¹ *Ibid* 3(2)(b)

⁴² 9th December 2015

⁴³ *Op cit* 37, 10(2)

⁴⁴ *Ibid* 5(2)

⁴⁵ *Ibid* 5(8)(a)

⁴⁶ *Ibid* 5(8)(b)

⁴⁷ *Ibid* 5(3)(a)-(e)

⁴⁸ *Ibid* 5(4)(a)-(c)

⁴⁹ *Ibid* 5(5)(a)

⁵⁰ *Ibid* 5(5)(b)

to comply with on an ongoing basis and should impact on how Government Departments, including the Department of Education focuses its work, with a clear emphasis on children's rights, with the child at the centre of the delivery of children's services and co-operation and best use of resources as fundamental guiding considerations.

NICCY believes that the Children and Young People's Strategy should be the framework under which all work by Government in Northern Ireland in the provision of services for children and young people is undertaken. The Children's Strategy will also be the responsibility of the Department of Education with the transfer of children's policy to the Department of Education from OFMDFM. **The ultimate goal for Government Departments and agencies in the delivery of children's services should be to improve the wellbeing of children and young people in a manner which ensures the realisation of their rights.** NICCY wishes to see a clear commitment in the next PfG to delivery on the statutory obligations detailed in the Children's Services Co-operation Act (Northern Ireland) 2015 as well as the commitments set out in the Children and Young People's Strategy for Northern Ireland. The Department of Education's future PfG commitments should come within one or more of the eight areas in the Act which detail what is meant by the 'well-being' of children and young people. We envisage the main areas for the Department of Education being learning and achievement and living in a society which respects their rights, however, actions taken by the Department will also contribute to other areas of well-being, including physical and mental health, the enjoyment of play and leisure, living in safety and with stability, economic and environmental well-being, making a positive contribution to society and living in a society in where equality of opportunity and good relations are promoted.

Many of the issues relating to educational disadvantage in Northern Ireland are not solely related to education and require a cross-departmental and cross-agency approach. We are hopeful that the statutory obligation on Government Departments and agencies through the Children's Services Co-operation Act (Northern Ireland) 2015 to co-operate in the provision of children's services will go some way to ensuring that deeper, societal issues which impact on the ability of all children to achieve to their full potential in education will be more fully addressed. Given the difficulties expressed above in collating information on how well the Department has met its PfG commitments, NICCY strongly recommends clear, transparent and regular monitoring of the commitments in the next PfG which is clearly linked to the Children's Strategy high level outcomes and the legislative requirements of the Children's Services Co-operation Act (Northern Ireland) 2015. We

wish to see this monitoring being carried out on an ongoing basis as this should aid the Department in meeting its requirements under the Act in terms of monitoring reports and also allow for clear lines of accountability and transparency as required of public office holders and those engaged in the delivery of public services.⁵¹ We also wish to see the statutory duty to co-operate allowing for cross-departmental and cross-agency PfG target setting, which are similarly rigorously monitored, where these are required to improve the lives of children and young people in Northern Ireland.

There is also a pressing need to ensure that greater use is made of qualitative data in monitoring the success of education in Northern Ireland. The views of children and young people and their experiences of education should be a central tenet in determining how well the Department of Education is fulfilling its functions and PfG (and in turn Children's Strategy) commitments. This is also in line with Article 12 of the UNCRC and the Concluding Observations of the Committee on the Rights of the Child.⁵² NICCY expects that the UN Committee on the Rights of the Child's Concluding Observations following its examination of the UK Government and its devolved administrations should be reflected in the Children's Strategy and PfG. These recommendations should be central in taking forward the Department of Education's PfG commitments for 2016-2021. This will also be vital in ensuring compliance with the obligation in the Children's Services Co-operation Act (Northern Ireland) 2015 which states that regard is to be had to any relevant provision of the United Nations Convention on the Rights of the Child.⁵³

Conclusion

NICCY welcomes the opportunity to provide advice to the Committee for Education on the Department of Education's PfG commitments for 2011-2016. We have provided this paper to the Committee for Education in our statutory advice capacity under Article 7(4) of 'The Commissioner for Children and Young People (Northern Ireland) Order' (2003) and we will be making representations to the Department of Education in line with the issues raised and recommendations made in this paper. We would be happy to discuss anything in this submission or provide clarification or further information if required.

⁵¹ *Op cit* 30.

⁵² *Op cit* 33.

⁵³ *Op cit* 37.