

Belfast Education and Library Board  
Planning and Development Section  
40 Academy Street  
Belfast  
BT1 2NQ

25 October 2012

Dear Sir / Madam

### **Consultation on the draft area plan for post-primary provision**

This letter has been sent to all five Education and Library Boards by way of response to each Board's consultation on the draft area plans for post-primary provision.

The office of the Northern Ireland 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 article 7(2) of the 2003 Order, NICCY has a duty to keep under review the adequacy and effectiveness of law and practice relating to the rights and welfare of children. Under article 7(3), we have a duty to keep under review the adequacy and effectiveness of services provided for children by relevant authorities.

In carrying out our function, NICCY's paramount consideration is the rights of the child and our work is based on the United Nations Convention on the Rights of the Child (UNCRC).

NICCY is not producing a detailed response in respect of each of the five draft area plans for post-primary provision, rather, this correspondence briefly highlights some key issues and concerns in respect of the consultation exercises.

As a preliminary point, we would highlight that NICCY is currently undertaking research with children and young people across Northern Ireland to gather their views and experiences of shared education, with a view to informing the report of the Ministerial Advisory Group on Advancing Shared Education. We also anticipate that the research will gather information on children and young people's views with respect to area-based planning. NICCY will be publishing a report on the research findings



during Spring 2013 and will seek to engage with the Department and relevant bodies as appropriate. We would of course be happy to provide the Boards with further details of the project in the meantime, and would therefore encourage the Boards to contact the office if further information would be helpful.

NICCY welcomes area planning as a contributory process for reshaping education provision in Northern Ireland.

The area planning processes should be underpinned by a children's rights approach, which requires the best interests of children and young people to be at the centre of all decision-making. Changes to the schools' estate will clearly impact on families and communities, and the Boards should therefore highlight what impact they assess the draft plans will have on the rights of children and young people in Northern Ireland, most particularly their rights to education under articles 28 and 29 of the UNCRC.

We note that the area planning process is occurring in parallel to a whole range of ongoing developments in education provision, including for example, the independent review of the Common Funding Scheme for schools; the development of the Education and Skills Authority; the implementation of the entitlement framework; the development of the new Special Educational Needs (SEN) and Inclusion Policy; and particularly, the Programme for Government commitments in respect of shared education, including the appointment of a Ministerial Advisory Group on Advancing Shared Education. Limited evidence has been provided to indicate that the current area planning processes are taking account of the full range of interrelated developments in education provision.

The five consultation documents vary in their approach, and it is therefore a challenging task to take a collective view on the exercises as a whole. The fact that five varying consultation documents have been produced rather than one overarching document does not promote an integrated, strategic approach at a regional level, in advance of the establishment of the Education and Skills Authority.

In addition, the publication of the consultation documents on 5 July 2012 is not an ideal timeframe in terms of encouraging as an extensive as possible response rate from schools, pupils and parents. While the Minister for Education has emphasised that the consultation period of 16 weeks exceeds good practice guidelines to consult for a minimum twelve week period, the arrangements for responding to the consultations were only made available approximately eight weeks prior to the deadline for submissions. The primary method of responding to the consultation is via online questionnaire facilities, which is not an ideal method for capturing a broad audience



range. We do note, however, that the response questionnaires have been made available online for a download and print option, however, no detail are given as to how to submit an electronic/email response – only postal addresses are provided.

While NICCY is pleased to note that each of the Boards have used the same response questionnaires despite the inconsistent approach to each of the consultation documents, the questions are substantially complex, and have not been drafted in an easily accessible manner. Indeed, a small number of parents have contacted NICCY to express their concern about the complexity of the questionnaire, noting that they are finding it difficult to respond to the consultation, and concerned that children and young people will be 'put off' responding due to the complexity of the way in which the consultation has been presented.

NICCY is aware that a number of agencies and individuals have voiced concerns about the issue of engagement with stakeholders<sup>1</sup>. Our primary interest is children and young people and their parents / carers. It is particularly crucial that children, young people and their parents are active participants in the area planning processes.

In terms of children and young people, NICCY has regularly expressed through a broad range of policy and consultation work our concern that Section 75 of the Northern Ireland Act 1998 is not being adequately enforced in respect of the age criterion and that public authorities are consistently failing in their duty to meaningfully consult with children and young people on issues that have direct relevance to their lives.

Article 12 of the UNCRC also provides that children have the right to express their opinion in matters directly impacting upon them and have those views given due weight in accordance with their age and maturity. NICCY strongly advocates that this article be upheld in the implementation of all government policies, practices and services.

On the basis of the Department's September 2012 briefing to the NI Assembly Committee for Education<sup>2</sup>, we understand that the Youth Service and the youth forum in each board were to conduct a series of focus groups, and that the Participation

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<sup>1</sup> Including, for example, Knox, C. (2012) *Community Engagement in the Education Policy Debate: The Integrated Education Fund*. The Commissioner's office also participated in the NI Assembly Committee for Education event in September 2012 at which a number of concerns were voiced by attendees.

<sup>2</sup> NI Assembly Committee for Education Official Report (Hansard), *Area-based Planning: DE Briefing*, 12 September 2012.

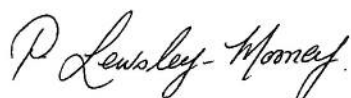
Network agreed to circulate details of the consultation to their membership list and to participate in focus groups. NICCY would take this opportunity to request further information from each of the Boards on the engagement undertaken with children and young people, including details of what materials were developed in order to ensure that both children and young people could meaningfully engage in the consultations, and the format(s) of that engagement. NICCY also requests information from each of the Boards with respect to how the views of children and young people will be taken into account within the development of the area plans.

We note the advice of Department officials during the September briefing to the Committee referred to above that C2K issued an email to all school principals and boards of governors to highlight the consultation and *“for schools to encourage young people and their parents to participate”*<sup>3</sup>. Given concerns expressed above regarding the complexity of the online questionnaire facilities, NICCY would be keen to hear what further measures were taken by the Boards to ensure that parents were engaged with and could meaningfully input to the debate. NICCY would also be keen to hear further details from the Boards regarding how they have engaged with parent representative groups.

Clearly NICCY’s primary interest is children and young people and parents, however, it is equally important the Boards and the Department demonstrate how the current consultation process has meaningfully engaged with school principals; teachers; boards of governors; further education institutions; providers outside of mainstream provision, such as education other than at school and the special school sector; and stakeholders representing higher education provision.

Thank you for the opportunity to provide comments regarding the draft area plans for post-primary education provision. If you wish to discuss the issues highlighted in our correspondence in further detail, in first instance please contact Caroline Cunningham, Policy and Research Officer, on 028 90316384, or [caroline@niccy.org](mailto:caroline@niccy.org).

Yours faithfully



Patricia Lewsley-Mooney  
NI Commissioner for Children and Young People

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<sup>3</sup> NI Assembly Committee for Education Official Report (Hansard), as above, page 2.