

SHARED EDUCATION

2nd December 2015

Oral Evidence

I would like to thank the Committee for inviting us here today to give evidence on the issue of shared education. As you may be aware, the principal aim of the Commissioner for Children and Young People, as set out in legislation, is to safeguard and promote the rights and best interests of children and young people. As part of the Commissioner's remit, she has a duty to keep under review the adequacy and effectiveness of law, practice and services relating to the rights and best interests of children. In doing so, the Office has to have regard to the rights enshrined in the United Nations Convention on the Rights of the Child – the UNCRC.

You will be aware from our written evidence that shared education is an issue which NICCY has been working on for a number of years and most intensively since the publication of the Programme for Government commitment¹ to establish a Ministerial Advisory Group to explore and bring forward recommendations to the Minister of Education to advance shared education in Northern Ireland. NICCY has provided assistance to the Minister by consulting with over 6,000 children and young people to explore their views and experiences of shared education² in the hope that their views will meaningfully inform the shared education policy and legislation. The Commissioner presented the findings of the consultation with children and young people to the Committee in October 2014 and while I will refer to some of the issues raised through this consultation in my presentation this morning I do not wish to repeat these findings in detail today.

Shared education offers an opportunity to us all in Northern Ireland to positively change how we educate our children and young people. It is an extremely important policy initiative but it is vital to get it right. There are undoubtedly potential benefits for pupils from different backgrounds, communities and schools having opportunities to learn together and develop a greater understanding of each other. There are also in the longer term, wider societal benefits.

¹ Pages 11 and 51, NI Executive's Programme for Government 2011-15.

² Shared Education The Views of Children and Young People, Children and Young People's Report, NICCY, 2013.

Children and young people are not a homogenous group and have multiple identities and differences which can often present challenges in an education context. Shared education has the potential to address these challenges and enhance and broaden the educational experience for all children and young people. It is this opportunity that NICCY wishes to see grasped by the Shared Education Bill. Article 29 of the UNCRC provides a useful insight into the obligations on Governments with regard to the provision of education. It states that education must be child-centred, child-friendly and empowering.³ The goal is to strengthen the child's capacity to enjoy the full range of human rights, to promote a culture 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 to develop their personalities, talents and abilities and to live a full and satisfying life within society.

Education should be delivered in ways which promote mutual understanding, tolerance and acceptance, and which help to prevent violence and conflict.

The Committee on the Rights of the Child has elaborated on these obligations in its General Comment on the Aims of Education and states that the school environment must reflect tolerance, equality and promote peace and understanding. The General Comment is clear that schools which allow bullying, intolerance and inequality are in breach of Article 29 of the UNCRC.⁴ NICCY wishes to see the inclusion of the obligations on the Department in the Shared Education Bill to ensure that all children have access to an education which is reflective of the UNCRC obligations

It is with these obligations in mind that we express our disappointment with the proposed legal definition of shared education at Clause 1(2) of the Shared Education Bill. It is the Commissioner's view that the definition provided in the draft Bill is much too narrow and does not reflect the Department's much broader vision of shared education as provided in its policy document, *"Sharing Works; A Policy for Shared Education."*⁵ In this document the Department defines its vision for shared education which includes the promotion of equality of opportunity, good relations, equality of identity, respect for diversity and community cohesion.⁶ It also states that shared education is the delivery of education that

³ General Comment No.1: Aims of Education, UN Doc CRC/GC/2001.

⁴ *Ibid*, Para 19.

⁵ *"Sharing Works; A Policy for Shared Education"*, Department of Education, September 2015.

⁶ Page 4, *Ibid*.

meets the needs of learners from the different **Section 75 categories** and involves the sustained provision of opportunities for children and young people from **different community, as well as social and economic** backgrounds to learn together.⁷ The Department goes on to specifically reference the groups of children it intends will benefit from shared education and includes children from different religious backgrounds, children from different racial backgrounds, children with and without disabilities, children who are carers and school age mothers.⁸

It is therefore extremely disappointing that the definition of shared education provided in the Bill refers only to children of different religious belief and specifically only to education which includes, “...reasonable numbers of both Protestant and Roman Catholic children or young persons”. Also specifically included in the definition of shared education in the Bill are children who are experiencing socio-economic deprivation and those who are not. The draft definition in the Bill is much too restrictive and is not reflective of the Department’s all-encompassing vision of shared education.⁹ There is no reference in the proposed statutory definition to pupils in any section 75 categories other than religious belief, and no religions are specifically included other than Protestant and Catholic. In addition, the definition does not provide for the inclusion of pupils attending different categories of schools, nor does it make provision for sharing between schools in different geographical locations including urban and rural partnerships.

It is clear from the Explanatory and Financial Memorandum to the Bill that the legislative definition references the minimum essential requirements for shared education however, no information is provided either in the Bill itself or in the Explanatory and Financial Memorandum to the Bill regarding the use of the term, ‘reasonable numbers’ or ‘socio-economic deprivation’. It is important that these terms are clarified.

If shared education is to be organised and delivered in such a way so as to provide opportunities for children from different Section 75 groups as envisaged by the Department, the definition provided in legislation should reflect this. If the opportunities presented by shared education are to be meaningfully realised for all children and young people, a broader definition should be provided in the legislation.

⁷ Page 15, *Ibid.*

⁸ *Ibid.*

⁹ *Ibid.*

NICCY suggests that consideration is given to amending the current draft definition and use of the suggested definition of shared education in page 17 of our written submission.¹⁰

Educational inequalities is one of the Commissioner's priority areas for action. Research tells us that certain groups of children have different educational experiences to others. We address this issue in detail in our written submission and do not wish to reiterate these points in detail today given the time constraints. However, it is worth noting that there are groups of children and young people who face significant difficulties in accessing education in Northern Ireland. The Report of the Ministerial Advisory Group, "*Advancing Shared Education*",¹¹ highlights the concerns which exist about whether the educational and social needs of particular groups of children and young people are being met including Traveller children, black and minority ethnic children and young people, children and young people in care, children and young people with disabilities and those with special educational needs and children and young people who are LGB or T.¹² These groups of children tend to have poor educational outcomes and disproportionately negative educational experiences. It is vital, particularly given the withdrawal of funding for the Department of Education's Community Relations, Equality and Diversity policy that shared education deals with all kinds of difference and is not solely focused on Catholics and Protestants and socio-economic deprivation.

The aim of the CRED policy was to contribute to improving relations between communities by educating children and young people to develop self-respect and respect for others, by providing children and young people, in formal and non-formal education settings, with opportunities to build relationships with those of different backgrounds and traditions.¹³ The Department has a statutory obligation to mitigate the adverse impact as a result of the withdrawal of CRED through Shared Education. They made a commitment to do so in the

¹⁰ NICCY's suggested definition is - (2) "*Shared education*" means the education together of –
a) Those of different religious belief, political opinion, racial group, sexual orientation, genders; between persons with a disability and persons without; and between persons with dependants and persons without; and

b) Those who are experiencing socio-economic deprivation and those who are not; and
c) Those who are care experienced and those who are not;

which is secured by the working together and co-operation of two or more relevant providers.

¹¹ *Advancing Shared Education*, Report of the Ministerial Advisory Group, Professor Paul Connolly, Dawn Purvis and PJ O'Grady, March 2013.

¹² x, *Ibid.*

¹³ Para 6.1, *Community Relations, Equality and Diversity in Education*. Department of Education, 2011.

EQIA on the Withdrawal of Funding for CRED.¹⁴ The definition and implementation of shared education needs to include all groups of children in order to deliver on this commitment.

In regard to the implementation of shared education, it is vital that the concerns raised by some of the children and young people we spoke to are reflected, if not in the Bill at least in any supporting Guidance. It is concerning to the Commissioner that a significant minority of the young people we spoke to about shared education, described having mixed experiences of such 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 friendship groups and interaction with pupils from other schools had been limited. A number of logistical issues, including transport arrangements and timetabling variations between schools, also impacted on pupils’ experiences. 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.

Decisions regarding the planning and development of shared education must be informed by the views and experiences of children and young people in compliance with section 75 of the Northern Ireland Act 1998 and Article 12 of the UNCRC.

NICCY has concerns that shared education is viewed as an end in itself rather than a means to an end i.e. promoting a shared future. We are also mindful that the Department has a statutory duty to “*encourage and facilitate the development of integrated education*”¹⁵ and while we welcome the opportunities afforded by the development of shared education for children to be educated together, NICCY would wish to see a situation where both are viewed as part of the education continuum - the ultimate goal being a truly integrated system of education in Northern Ireland, where children of all religions, races, genders, abilities, sexual orientations, ages and so on are educated together.

¹⁴ Department of Education’s Consultation Equality Impact Assessment Proposal to End the Community Relations, Equality and Diversity (CRED) Earmarked Funding, February 2015.

¹⁵ Article 64(1) of the Education Reform (Northern Ireland) Order 1989:

“It shall be the duty of the Department to encourage and facilitate the development of integrated education, that is, the education together at school of Protestant and Roman Catholic pupils”.

One final point – Clause 2 of the Bill details the bodies which may encourage and facilitate shared education. It is disappointing that Further Education (FE) Colleges are not included in the sharing initiatives. Many of the schools who took part in NICCY's consultation on shared education regarded joint classes with local FE colleges as part of the shared learning experience.

We would therefore wish to see an amendment to the list of bodies at clause 2(2) of the Bill which may 'encourage and facilitate shared education' to include the Department of Employment and Learning (or its successor under public sector reform next year). The Report of the Ministerial Advisory Group¹⁶ also highlighted the importance of ensuring that shared education encompasses all sectors, from early childhood services through to further education colleges.¹⁷

That concludes our formal presentation. We are happy to take any questions Committee members may have.

¹⁶ *Op cit.* 11.

¹⁷ xiii, *Ibid.*