

Response from the Northern Ireland Commissioner for Children and Young People to the Department of Education on the draft 'Community Relations, Equality and Diversity in Education' policy November 2010

1.0 Introduction

The Northern Ireland Commissioner for Children and Young People (NICCY) was created under The Commissioner for Children and Young People (NI) Order 2003. NICCY's primary aim under the 2003 Order is to safeguard and promote the rights and best interests of children and young people in NI.

Under article 7(2)(3) of the 2003 Order, the Commissioner has a statutory duty 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. NICCY's remit covers children and young people from birth up to 18 years, or 21 years of age where a child or young person has a disability, or experience of being in care.

In determining how to carry out her functions, the Commissioner's paramount considerations are children's rights. NICCY is required under the 2003 Order 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 consultation on the draft 'Community Relations, Equality and Diversity in Education' (CRED) policy.

2.0 Children's rights

The United Nations Convention on the Rights of the Child (UNCRC) provides the overarching framework which guides the work of NICCY. As a signatory to the Convention, the UK Government has agreed to uphold the rights of children and young people based on the UNCRC.

NICCY warmly welcomes the references to children's rights within the draft policy document, and the considered approach that the Community Relations Review has taken in relation to the responsibilities emanating from the UNCRC.

NICCY would recommend that the Department of Education's (DE's) proposals are reviewed against the following relevant articles within the UNCRC. These provisions should be incorporated in the policy as underlying principles to ensure that the rights and best interests of children and young people are upheld and protected:



- Article 2: children shall not be discriminated against in the exercise of any of their UNCRC rights, on the grounds of their (or their parent's) race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
- Article 3: All decisions taken which affect children's lives should be taken in the child's best interests.
- Article 6: All children have the right to life and to the fullest level of development.
- Article 12: Children have the right to have their voices heard in all matters concerning them.

The following Articles are also relevant and require special consideration and reference within the policy, particularly article 29, which states that children's education should be directed, among a number of areas, towards:

- Developing respect for human rights.
- Developing their personalities, talents and mental and physical capacities to their fullest potential.
- Developing their respect for their parents, their cultural identity, language and values, the national values of the country where they live, the country they may originate from, and respect for other civilisations.
- Preparing them to live in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all people, ethnic, national and religious groups and those of indigenous origin.

Article 29 should not be interpreted as interfering with the liberty of individuals to establish and direct educational institutions.

NICCY recommends that DE take all appropriate steps to ensure that the policy is underpinned by the relevant UNCRC provisions highlighted in NICCY's consultation response, particularly article 29.

In its Concluding Observations in its Report on the United Kingdom (UK) in October 2008, the UN Committee on The Rights of the Child made a number of recommendations of relevance to the CRED policy. While noting the efforts of the devolved governments to improve realisation of the UNCRC provisions, the Committee noted the following issues of relevance to the consultation:

- The persistence of significant inequalities with regard to school achievement of children living with parents in economic hardship
- Significant problems for children enrolling, continuing or reentering education, specifically children with disabilities, Traveller children, Roma children, asylum-seeking children, teenage mothers, children who have dropped out of school, and non-attendees.



- Inadequate participation.
- Serious and widespread bullying.
- Significant numbers of permanent and temporary schools achievements particularly affecting children from groups in which school achievement is low.
- The continuance of segregation in education in NI.
- The continuance of academic selection at the age of 11.

The Committee recommended that governments within the UK:

*“(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” (paragraph 67).*

NICCY recommends that DE ensure that the CRED policy reflects the relevant recommendations of the Committee on the Rights of the Child in the 2008 Concluding Observations, as highlighted in our consultation response.



3.0 Consultation with children and young people

NICCY has regularly expressed concern that section 75 of the Northern Ireland Act 1998 has not been adequately enforced in respect of the age criterion, and that public authorities are 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 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 the age and maturity of the child.

NICCY welcomes the fact that DE has produced a youth friendly version of the consultation document. We are encouraged by the standard of the youth friendly document, and we recommend that the Department maintain and build on this standard in the future.

Further to producing a youth friendly version of the consultation document, NICCY would request further information on how DE has sought the views of children and young people at this stage of the consultation.

4.0 Comments on the proposals

4.1 Definitions and scope

NICCY welcomes the broadening of the scope of the community relations policy to include the section 75 groups and the concept of diversity.

NICCY believes that it would be of benefit to include definitions within the policy document of the key terms 'community relations', 'equality' and 'diversity' for the purposes of the policy. We note that chapter 1 of the policy document provides some helpful information in relation to what DE envisages as benefits of the promotion of community relations, equality and diversity, however, a clear and concise definitions section would provide clarity and a point of reference in terms of the scope of the policy.

The extension of the scope of the policy to cover all section 75 groups (religious belief, political opinion, racial group, age, marital status, sexual orientation, gender, disability, persons with dependants and persons without) is a very positive step. NICCY believes that this could be a significant tool in terms of ensuring that schools can and do address the full range of issues that should to be covered within the school environment, including, for example, sexual orientation. While NICCY recognises that the CRED policy is high level, it will be important that the Department clarify how the policy will cover section 75 in



practice. The consultation document recognises the need to broaden the policy beyond addressing the challenges associated with the two main communities, however, the draft policy also highlights that while section 75(1) of the NI Act covers the full nine equality groups in terms of the need to promote equality of opportunity, section 75(2), on the other hand, in terms of the desirability of promoting good relations, applies only to religious belief, political opinion and racial group. While we would reiterate that we very much welcome the inclusion of section 75 within the policy, further guidance would be useful in terms of clarifying the scope of the policy in relation to section 75.

It would further be beneficial to clarify where the term 'equality' appears in the policy document, is this intended to refer to equality in section 75 terms, or is a broader definition to be applied.

Finally, an indication of the scope of the term 'diversity' within the context of the policy document would also be welcomed – for example, on a number of occasions within the draft document it is indicated that diversity includes "linguistic diversity". It would be useful to clarify the extent of this term.

NICCY recommends that the policy document provide definitions of key concepts within the policy, including the terms 'community relations', 'equality' and 'diversity'.

4.2 Policy aim, objectives and outcomes

NICCY agrees with the proposed policy aim stated in paragraph 6.2 of the draft policy in terms of aiming to improve community relations "by educating children to develop self-respect and respect for others, promote equality and work to eliminate discrimination, and by providing formal and non-formal education opportunities for them to build relationships with those different backgrounds and traditions within the resources available" (page 17).

It is important that the Department acknowledges the link between formal education and non-formal education. **NICCY recommends that the Department consider introducing a mechanism to promote a two-way exchange of good practice from informal and formal education sectors.**

We also agree in principle with the intended objectives and outcomes of the policy (paragraphs 6.3 and 6.4), while noting again, as per section 4.1 of our response above, that it will be essential to clarify definitions and scope of the key terms.



The definitions applied to the key concepts included within the aims, objectives and outcomes will have an impact on the delivery of the policy in practice.

4.3 Core principles

In terms of the fourth core principle listed – *“involve children and young people in planning and evaluating the effectiveness of CRED programmes”* – NICCY is highly encouraged by this commitment. It is important that the Department clearly state how it will do this, including detailing the mechanisms it will use to engage with children on an ongoing basis, post-consultation and through the implementation of the policy. **NICCY recommends that the Department meaningfully set out within the policy how it will involve children and young people in planning and evaluating the effectiveness of CRED programmes. The policy should articulate the mechanisms upon which the Department will record and take on board children and young people’s feedback and recommendations.**

4.4 Delivery mechanisms and funding

The consultation document indicates at section 6.9 that the delivery of the new policy will *“move away from the dependency on external organisations in delivering... by seeking to firmly embed this work within educational settings by providing a strong skills base for educators and teaching resources”* (page 19 of the policy document).

NICCY agrees that it is important to embed community relations work in schools and youth settings. However, NICCY is concerned at the potential impact of the withdrawal of community relations programmes on the delivery of community relations education. We would like to see further evidence outlined within the policy document to demonstrate how the proposed change in delivery approach will improve outcomes, and how it will occur in practice.

We note that the new policy will aim to promote pre and post-qualification training on community relations, equality and diversity for teachers and youth workers, and support the integration of community relations programmes into the planning and ethos of education settings (pages 15 to 16 of the consultation document). Indeed, one of the key actions identified in the policy is training for the workforce. The proposed move away from delivery by external organisations, to delivery within educational settings, is highly significant. The Department would need to provide assurance that sufficient numbers of teachers would have the sufficient knowledge and expertise in the area of community relations in order to deliver to the required standard. Sufficient training would be required during teacher education and through ongoing



continuous professional development. The Department must also clarify whether teachers would receive remuneration, an additional point on the pay scale, or whether sufficient numbers are willing to voluntarily take on responsibility for community relations. NICCY would further ask the Department to clarify how teachers will be recruited for the purposes of community relations delivery. DE must also set out how it will manage the transition from the delivery of community relations through external bodies, to delivery within educational settings.

NICCY understands there are many demands on the NI budget and appreciates the difficult task of the Department in drawing up an education budget. We also appreciate the challenges faced by the team within the Department responsible for delivering on community relation within the constraints of a substantially reduced budget. While cutting the budget, DE must still deliver effective community relations, which requires effective delivery mechanisms to be put in place.

NICCY would point out that the consultation proposals to move away from delivering community relations via funded groups have arrived a number of months after the community relations budget cuts have already been made. It is difficult to reconcile the timing of the consultation proposals with the timing of the budget cuts to community relations delivery programmes.

In concluding our comments on proposed delivery mechanisms and funding, **NICCY recommends that DE clearly set out how the CRED policy will be implemented in practice, given that the revised proposals require additional in-school resources. In particular, NICCY strongly recommends that the Department outline in detail:**

- **How it will manage the transition from the delivery of community relations through external bodies, to delivery within educational settings.**
- **How sufficient numbers of teachers will have the knowledge and expertise in the area of community relations in order to deliver to the required standard.**
- **What, if any, financial remuneration teachers will be receive for taking on responsibilities associated with the delivery of community relations.**



4.5 Delivering the CRED policy: issues and key actions (chapter 7 of the consultation document)

While NICCY has not commented in detail on every issue and associated action identified within the consultation document, we have provided comments on the areas in which we hope we can add appropriate feedback.

4.5.1 Key action 1: CRED integrated within education

Relevant education policies and wider strategies

The draft policy indicates that the first key action is about ensuring that CRED is integrated within education. NICCY agrees with DE's assertion that the policy should address the limited connections between the current community relations policy and other education policies (as outlined in paragraph 7.1 of the consultation document). At paragraph 5.2 of the consultation document it is stated that:

"The policy will take account of existing and developing policies which contribute to the wider aspect of diversity (such as Every School a Good School; Supporting Newcomer Pupils, English as an Additional Language, Travellers, Way forward for Special Educational Needs, etc)" (page 15).

Given the range of education policy documents linked to the CRED policy, **NICCY recommends that DE set out exactly how the CRED policy is connected to, differs from and supplements other education policies.** While we welcome DE's assertion that the policy should address the limited connections with relevant policy documents, we would also like to see the policy document set out exactly how this will be achieved.

NICCY is also mindful of the fact that some relevant education policies are still in development (Special Educational Needs and Inclusion, Early Years). This presents a challenge in terms of considering whether proposed delivery and funding mechanisms will be appropriate. This is particularly the case given that, at paragraph 2.7 of the consultation document, it is stated that the 2010/11 community relations budget was set at £1.1m (09/10 figure is cited as approximately £3.573m) to assist with the implementation of the CRED policy "in recognition of the need for a wider policy approach" and upon reflection on "wider investment through other policies which support community relations" (page 8 of the consultation document). Where it is the case that a relevant education policy and the associated budget have not been finalised, it is difficult to understand how it will supplement funding of the CRED policy.



In addition to relevant education policies, NICCY would also wish to see clearly outlined within the CRED policy document the mechanisms through which it will contribute to delivering upon the outcomes in support of the Ten Year Strategy for Children and Young People. The Education and Training Inspectorate's (ETI's) 'Evaluation of the Quality Assurance of Community Relations Funding in a range of Formal and Non-formal Education Settings' (published June 2009) identified that "*Community Relations has an important role in ensuring that our children and young people experience the reality of 'living in a society which respects their rights'*" (page 10). All policies which affect children and young people in NI should be underpinned by the Ten Year Strategy and it is important that DE clearly indicate how the CRED policy will contribute to and support the delivery of the Ten Year Strategy.

NICCY has also noted that the draft CRED policy makes reference to the Office of the First Minister and Deputy First Minister's (OFMDFM's) Programme for Cohesion, Sharing and Integration (CSI). In turn, the draft CRED policy is also referred to within the draft CSI Programme. In responding to the CSI consultation exercise, NICCY noted concern at the representation of children and young people in the draft Programme. DE should be mindful of the concerns expressed by NICCY and others in relation to the draft CSI Programme, as it continues to develop the CRED policy in line with relevant policy frameworks.

Involvement of ETI in policy implementation and monitoring

NICCY supports DE's proposal to involve ETI in taking stock of the CRED policy implementation and monitoring. We would wish to see more information outlined in relation to what role ETI would play. This is an area where children and young people should have a meaningful role.

Indicators

NICCY supports the Department's proposal to develop indicators for the CRED policy. The use of robust indicators should provide a mechanism for holding the Department to account in terms of policy for delivery.

Guidance to education settings

NICCY believes it is essential that those with responsibility for delivering CRED policy on the ground are informed about the new policy requirements. The guidance must be clear in terms of expectations placed upon service-providers, particularly given the broader scope of the new policy to include section 75 and diversity issues. It must be clear, for example, how schools are expected to address issues related to the section 75 equality categories.



Greater sharing and collaboration

NICCY supports DE's proposal to encourage greater sharing and collaboration across and between all educational settings and on a cross community basis. We would welcome information within the policy as to what specific actions the Department will take forward to achieve this goal.

4.5.2 Key action 2: support for effective CRED planning in education

NICCY supports the need for the Department to work with the relevant educational bodies to develop effective plans for policy delivery.

4.5.3 Key action 3: enhancing links to the curriculum in formal and non-formal settings

NICCY supports the need for action to ensure that community relations is strongly and coherently linked into appropriate elements of curricula, both in formal and non-formal settings.

4.5.4 Key action 4: training for education workforce on community relations, equality and diversity

NICCY has successfully implemented a 'Train the Trainers' programme in St Mary's University College Belfast for the past four years under the basic premise that, by training future teachers to deliver workshop on children's rights, they can incorporate the knowledge and understanding gained into lessons through out the school year, thereby contributing to a holistic education in terms of children's rights. NICCY is currently in discussions with St Mary's University College to create a module as part of their Education Masters which would cover the practical application of NICCY, children's rights and NICCY's 'Make it Right' campaign themes.

Given NICCY's experience in providing training for future teachers in the area of children's rights, and our broader statutory role to promote awareness of the UNCRC, we would be happy to discuss the relevant issues with the Department if this would be of benefit.

Finally with regard to key action 4, we would refer the Department to our earlier comments in section 4.4 of our response, in terms of teacher delivery of community relations.



4.5.5 Key action 5: enhancing opportunities for young people – learning into practice

Issue 5 attached to this key action point mentions the theme of accreditation for children and young people who take part in community relations activities. NICCY would welcome further information on the Department’s thinking in this area – we would view the Department’s consideration of accredited programmes as a positive move forward.

In terms of the action area more broadly, NICCY would note the need to ensure that the policy is consistent in terms of ensuring that opportunities for engagement in relevant community relations activities are available to all children and young people. This may be viewed as part of the wider need to ensure that community relations policy is delivered upon consistently at a regional level, and in all educational settings.

5.0 Conclusion

NICCY would thank DE for the opportunity to comment on the draft CRED policy. If the Department requires any clarification regarding our comments, or would like to discuss the issues with NICCY in further detail, please contact Caroline Cunningham, Policy and Research Officer, on 90316384 or caroline@niccy.org.

