



**Submission to the Department of Education regarding the consultation on the New
Admissions Arrangements for Post-Primary Schools**

June 2005

Introduction

Save the Children is an international non-government organisation (INGO) working in over 50 countries worldwide to create a better future for children. All of our work is underpinned by a commitment to making a reality of the rights of children enshrined in the UN Convention on the Rights of the Child.

In Northern Ireland Save the Children works through a variety of partnership approaches to support community level action on children's issues; facilitates children and young person-led initiatives; undertakes independent research and policy analysis and promotes children's rights through public education and fundraising activities.

Save the Children welcomes this opportunity to respond to the consultation document on the new admissions arrangements for post-primary schools. This submission is informed by international legal standards, such as the United Nations Convention on the Rights of the Child (UNCRC), the European Convention on Human Rights (ECHR), the indicators for industrialised countries developed for the UN General Assembly Special Session (UNGASS) on Children in 2002 and the UNESCO Convention on the Elimination of Discrimination in Education and the as well as our work with children and community groups. In addition we have drawn on relevant research to provide evidence where necessary¹.

General Comments

In previous submissions Save the Children has supported the ending of academic selection at the age of 11. We are pleased that the new curriculum and entitlement framework will broaden children's educational experience and provide a range of options for young people, both vocational and academic. We hope that these arrangements will result in an effective education for all children in Northern Ireland, as guaranteed by the ECHR.²

Access to quality education is one of the goals developed for UNGASS³ in 2002, which the UK government promised to address. Taken together with the new curriculum and entitlement framework, the new admissions arrangements have the potential to significantly improve the lives of children in Northern Ireland and achieve this goal.

¹NI Human Rights Commission; Access to Post-Primary Schools in Northern Ireland, Laura Lundy, 2001, NIHRC, Belfast.

² Article 2 of the First Protocol

However, given the importance of this issue to future generations of children in Northern Ireland, we feel that weaknesses in the consultation process have severely limited its effectiveness. As we explained in our letter earlier this month, which I have appended for ease of reference, we have two serious concerns about how the consultation process was conducted, namely the level of engagement with children, parents and other organisations affected, and the lack of analysis included in the document.

Your letter dated 20 June detailed the research you have commissioned into the views of children in Year 8 of post-primary school. While we welcome the fact that you have sought to hear the views of these children on the issue, we must draw your attention to the responsibility placed on your department by Section 75 of the Northern Ireland Act to consult with those directly affected. In this case, this would mean primary school children and their parents. Such consultation is essential not only in ensuring compliance with Section 75 and the Department of Education's equality scheme, but also in ensuring compliance with your obligations under Article 12 of the United Nations Convention on the Rights of the Child.

We understand that the Department issued leaflets to parents via schools but did not run any public events or even try to engage proactively with parent-teacher associations. We feel that, given the impact of the new selection procedures on the future development of the education system in Northern Ireland, and on the hundreds of thousands of children who will be affected in the future, the Department of Education should have been more creative in finding ways of engaging children and parents in the consultation. To engage only in a written consultation exercise is not in the spirit of Section 75. Furthermore, to expect individual parents to respond to the consultation document in an informed manner without other opportunities to explore and discuss all of the issues is unrealistic.

This leads on to our second area of concern. The OFMDFM *Practical Guide to Policy Making in Northern Ireland* states that:

It is important to publish written consultation documents when policy development is reasonably well advanced and you have reasonably firm proposals or a range of worked up options on which to consult. Equality issues should be considered early, and it is a requirement under Section 75 to publish your draft Equality Impact

³United Nations General Assembly Special Session – in 2002 the Special Session was on Children

Assessment for consultation. It is good practice to do so at this stage as part of your consultation document, rather than separately later.

Your letter of 20 June outlined the Department's plans regarding impact assessment:

Following the consultation, the department will undertake an analysis of all responses received, which will take on board any equality issues and inform the decision making process. As we move towards finalising the way forward, we will consider the full range of information available to us and fulfil our duties in respect of equality screening and other forms of screening or proofing deemed necessary.

This clearly does not meet the good practice standards outlined above. Moreover, as we argued in our letter, they do not allow those you are consulting to respond in an informed, meaningful way. Clearly a great deal of analysis has gone into the formulation of this range of options, but the consultation document provides no insight into this. Consultees are asked to make judgements about the suitability of each criteria without any information as to the arguments for or against it, or its potential impact on different groups of children.

It is the view of Save the Children that each of the proposed criteria should be subjected to a full EQIA to see what the impact of them would be on the Section 75 categories of young people within our society and how negative impacts might be mitigated. In addition there is a need to carry out NTSN and rural proofing analyses to examine the impact on those living in rural areas of Northern Ireland and on children from different socio-economic groups. This is particularly important given that children from poorer backgrounds do not experience equality of opportunity through our current education system. There is a clear correlation between socio-economic background and educational attainment in Northern Ireland. Any selection process which maintains this inequality, deliberately or unintentionally, is in breach of the UNESCO Convention on the Elimination of Discrimination in Education, which defines discrimination as

any distinction, exclusion, limitation or preference which, being based on race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition or birth has the purpose or effect of nullifying or impairing equality of treatment in education.

Steps must, therefore, be taken to redress this situation, and the inclusion of NTSN targets in the admissions criteria would be a useful step in this direction.

We recommend that the Department conducts full EQIAs on each option to determine its potential impact on different groups of children, including Section 75 categories, children

living in rural areas and children living in deprived areas. These should then be incorporated into a second consultation document, along with recommendations as to which criteria should be used and an analysis as to the strengths and weaknesses of each option. The Department should then use this document as a basis for a wider and more proactive consultation process, in which parents and primary school children are actively engaged.

Our response will now directly address some of the specific questions asked in the consultation document.

Question 1: The Department is seeking your views on whether the principles and objectives outlined provide a sound basis on which to develop new admissions arrangements

While we agree with the principles we also believe that children should be much more involved in the whole decision-making process. There is also a need to build in safety mechanisms in order to ensure equality of opportunity and outcome for children from different socio-economic backgrounds.

We therefore recommend the following:

1. amend the second bullet point so that pupils are included as well as parents
2. add the following sentences to the principles
 - ◆ facilitate the active involvement of the child as well as the parent in the decision making process
 - ◆ ensure equality of opportunity to every child regardless of background, including socio-economic background.

Question 2

The Department is seeking your views on

- a) **whether the Pupil Profile should be used in the way described in the Consultation Document; and**
- b) **whether there are alternative or additional ways in which the Pupil Profile should be used to help parents decide on future post-primary provision for their child.**

In our submission to the consultation on the Burns Report, we highlighted how children have expressed fears as to what might be written in pupil profiles and worried that they might be

used to label and exclude children as they start in their new school. It will be important that the profiles are not used in this way, but developed as a record of achievement.

Used correctly, Save the Children believes that pupil profiles will provide a basis for making decisions about the most appropriate post-primary school for each child. However, we would like to see children being involved in the production of their pupil profiles through a process of self-assessment. Indeed, the profile should be developed over a number of years as a shared enterprise between children, their teachers and parents. The pupil profiles should then be used in discussions between teachers, parents and pupils to decide the best post primary school for the child. The profiles should not be shared more widely and certainly not be used by prospective second level schools as a basis for selection. However, once the child has been admitted to a school, it might be useful for the profile to be shared to help the new school meet the child's individual needs.

We recommend that pupil profiles are produced as a shared enterprise between parents, children and teachers.

We recommend that primary schools should only distribute pupil profiles to pupils and parents and that, prior to selection, post-primary schools should not be allowed to see them. Once a child has been admitted, the profile should be transferred to the new school.

Question 3

The Department is seeking your views on the information/advice which should be available from the primary school to help parents make informed decisions.

The information and advice provided by primary schools should focus on the child - his/her interests, strengths, competencies and areas in which they need additional support. They should not advise on the particular post-primary school s/he should attend, but should provide guidance on the benefits of each potential post primary school.

In terms of making an informed decision, there needs to be a process of a dialogue between the parent, child and primary school – rather than a one off 'event' where decisions have to be made. Throughout a child's time at the school parents and teachers will discuss the progress being made. As the child reaches P6 and P7 the discussions should increasingly involve the child in question, and should start to focus on information that will help the child and his/her parents decide on which post primary school s/he might attend.

Finally, we are concerned about whether, due to demands on teachers' time, profiles will be completed in sufficient detail.

We recommend that the information and advice given by primary schools should be focussed on child's interests, strengths, competencies and areas in which they need additional support.

The purpose of the pupil profile should be to inform the decisions of children and their parents rather than recommending one particular school over another.

We recommend that the transfer process be seen as a process as opposed to a one-off event, with an ongoing dialogue between the school, pupil and parent.

Admissions criteria for oversubscribed schools

Save the Children believes that the Department, not individual schools, needs to control and manage the transfer process in terms of determining criteria and to ensure uniformity across Northern Ireland. The criteria should be centrally administered and monitored in order that no child will be disadvantaged due to his/her location. The criteria should be kept simple and straightforward and should apply uniformly across all post-primary schools in Northern Ireland, rather than using a menu approach. In applying this process many of the proposed criteria will be unnecessary.

We recommend that one set of selection criteria should be applied uniformly across all post-primary schools. The application of the selection criteria should be monitored closely by the Department of Education to ensure the best interests of all children are kept central.

However, as stated above, in the absence of a full range of impact assessments being carried out, it is impossible to say which criteria are the most suitable. There is a need to determine which criteria would have the most positive impact in promoting equality and in delivering a high quality education to all children regardless of background. The impact assessments should also ascertain what mitigating measures will be necessary to alleviate any negative impact.

While we are not able to make an informed assessment as to the most suitable selection criteria, we wish to make the following points:

Community Based Criteria

We are concerned that, if left to the discretion of the individual schools, feeder primary schools may be carefully chosen by some post-primaries so as to exclude schools attended by particularly disadvantaged children. There is evidence that this may have happened in the past, for example in west Belfast, where the (now closed) St Paul's school was not listed as a feeder primary school for a nearby post primary school, although a primary school many miles away was. St Paul's school was a school attended by Traveller children.

If feeder primary schools are to be used, they should be grouped to ensure a balance in terms of the socio-economic background of pupils so that some feeder schools are not disadvantaged over others. The Department of Education, not post-primary schools, should determine which feeder schools will be connected to particular second-level schools, and within this there should be a choice of post-primary school.

The implications of the use of parish as a criterion are equally unclear. Save the Children believes that its use could result in religious and/or race discrimination. Moreover 'parish' is not a uniform concept for all denominations across Northern Ireland, and may be irrelevant to those with no religious affiliation. As with all other criteria, more clarity is required as to the rationale behind using this criterion. Is 'parish' being used to refer to a group of people belonging to a particular church, or does it refer to a geographical area?

Geographical Criteria

If geographic criteria are used the Department, and not the schools, should draw up the catchment areas, ensuring genuine choice for children and their parents. However, schools should be able to exceed their quota of children in order to be able to accommodate children arriving in the area, in order to ensure that refugee and asylum seeking children, migrant children, children of armed forces and Traveller children are not disadvantaged by geographical criteria.

Format of Menu

When considering each criteria, whether community based, geographical or others, it is important that genuine choice for children and parents is ensured, and that criteria are not set up in such a way that some children find themselves ‘falling between two stools’ and not being given a place at any suitable school. For this reason we believe that option 4 – compulsory categories and compulsory order universally applied is the only fair and straightforward method of dealing with oversubscriptions.

We recommend that, regarding the format of the menu, compulsory categories and compulsory order (ie Option 4) are used.

Equality Considerations

Do you think any of the issues contained in the Consultation Document would have any adverse implications for any of the section 75 categories?

An EQIA must be conducted to determine this. Save the Children is extremely concerned that the important issue of equality is only addressed in this question. We believe that there may be complex equality issues relating to all of the criteria being proposed. For example, the use of parish could result in religious discrimination and may not promote equality of opportunity for those of no religion.⁴

Concluding Remarks

We hope this submission will help in the work ahead on the admissions criteria. We at Save the Children assure you of our continuing commitment to working in partnership to create the best possible policy and would be happy to engage in dialogue to support the further development of this policy in the best interests of children.

We enclose a copy of the United Nations Convention on the Rights of the Child and the Concluding Observations and Recommendations of the Committee.

We would welcome some feedback on our submission and, when a decision is made, we would like the reasons for such a decision to be made public. In addition we would like to know how responses will be collated and how will the Department/Agency weight submissions?

⁴NIHRC: Access to Post-Primary Schools in Northern Ireland, Laura Lundy, 2001, NIHRC, Belfast.

Should you have any queries in relation to this submission please contact Teresa Geraghty at Save the Children on 028 90431123; e-mail t.geraghty@savethechildren.org.uk.

Post-Primary Support Team
Miss Jacqui McLaughlin
Post-Primary Support Team
Department of Education
Rathgael House
Balloo Road
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June 1, 2005.

Dear Miss McLaughlin,

Re: Consultation on the New Admissions Arrangement for Post-Primary Schools

Save the Children welcomes the opportunity to respond to the Department on the new admissions arrangements for post-primary schools. We will be submitting our full response before the end of the month.

However, in the meantime we wish to ask about the Department's strategy for consulting with parents and children themselves on this issue. Section 75 of the NI Act requires consultation with those directly affected – which in this case is children and their parents. Article 12 of the UN Convention on the Rights of the Child states that children have the right to be involved in all decisions affecting them.

We note that, in response to PQ 592/05 it was reported that £419,000 had been spent consulting on the recommendations from the Burns report - only £4,000 of which had been spent on consulting with young people. Furthermore, there was no evidence that any money had been spent consulting with younger children. Given the responsibility of government to consult with children and young people on matters affecting them, this was clearly an omission. We seek assurance that this has not been replicated in this consultation process, and that the informed views of children and young people are being actively sought by the Department.

We are also concerned that the Department has not held any public meetings with parents, teachers, or organisations working with children and young people to provide more substance to the proposals and to inform the consultation process. We do not consider the distribution of leaflets publicising the consultation to be a sufficiently proactive way of engaging the community in this important consultation. We refer to OFMDFM's Practical Guide to Policy Making in Northern Ireland:

“Depending on the importance and likely impact of your policy, you should normally consider holding some seminars or organising other alternative channels for consultation during this period to help individuals and organisations in the wider community in formulating their responses”.

Opinions are sought on various criteria for selection in the consultation document without offering any detail in the way of arguments for or against each option. This is particularly important given that the range of options is different from those suggested by Burns or Costello, and that some criteria are entirely new. It is Save the Children’s view that these criteria should have a full EQIA carried out on them to determine the potential impact of each. As it stands, the consultation document does not allow for informed responses on each criterion, as respondents are forced to guess at what the impact of each might be. We do not believe that this is in line with the guidance issued by OFMDFM on policy making:

“It is important to publish written consultation documents when policy development is reasonably well advanced and you have reasonably firm proposals or a range of worked up options on which to consult. Equality issues should be considered early, and it is a requirement under Section 75 to publish your draft Equality Impact Assessment for consultation. It is good practice to do so at this stage as part of your consultation document, rather than separately later”.

We strongly suggest, therefore, that an EQIA is carried out on the proposed criteria and that a second stage of consultation is undertaken in which the department uses the EQIA to inform consultees about the potential impact of each option. The Department should also develop a more robust strategy for proactively seeking the views of parents, teachers, other organisations and – most importantly, children and young people.

We look forward to hearing from you in the near future in relation to these issues. Should you wish to discuss this further, please do not hesitate to contact me.

Yours sincerely,

Alex Tennant
Head of Policy and Research