

The Post Primary Support Team
Rathgael House
Balloo Road
Bangor
BT19 7PR

8 March, 2006.

Dear Sir/Madam,

Re: Consultation on Draft Education (Northern Ireland) Order

Save the Children welcomes the opportunity to respond to the consultation on the Draft Education (Northern Ireland) Order. Realising that we would not be able to submit our response by the deadline, I phoned yesterday and received an agreement that our submission would be accepted today.

While we are generally supportive of the changes included in the draft legislation, we have a number of comments we would like to submit on some of the details. To facilitate analysis of submissions, I will present these in the format of your response form.

Article 3-13 and Schedule 1

(A) If you support what these Articles and Schedule are designed to do, please say why:

Save the Children is supportive of the idea of a pupil profile which will assist parents and children to make informed decisions on their choice of a post-primary level school.

(B) If you do not support all or part of what these Articles and Schedule are designed to do, please say what your objections are and give your reasons:

Save the Children is strongly of the conviction that pupils must be involved in the production of the pupil profile. The production of the pupil profile is a great opportunity to involve children in the assessment of their own learning and to help them to think through what their own needs are in terms of their post primary education.

In addition, we are concerned that parents may be allowed to share their child's pupil profile with post-primary schools during the selection process. This is not the purpose of the pupil profiles and might

influence the selection procedure unfairly. Pupil profiles should not be allowed to be shared with post-primary schools during the selection process.

Finally, we are also concerned about how the pupil profile may be used following the selection process. While we understand that it may be helpful for a post primary school to receive the pupil profiles of children once they have been accepted, for some pupils, this may not be positive. Pupils start their post primary education with a 'clean sheet', and should not carry forward a negative record. If pupil profiles are to be shared with post primary schools following selection, or if they are shared with anyone other than the child's parents, it will be extremely important that there is a rigorous appeal system in place, by which pupils or their parents may challenge what is recorded in the pupil profile.

Articles 27-29

A) If you support what these Articles are designed to do, please say why:

As we have stated in our response to your earlier consultations Save the Children is supportive of the ending of academic selection.

(B) If you do not support all or part of what these Articles are designed to do, please say what your objections are and give your reasons:

While we are supportive of the ending of academic selection, we are concerned about how the criteria used by schools to determine which children will be admitted to the school will be determined. In our submission to the consultation on the admissions criteria we advocated for the Department of Education to specify which criteria would be used and the specific order, and argued that this should be uniform across all schools. As it appears that this will not be the case, there is a real danger that some children will not meet the main criteria of any of the nearby schools and so effectively 'fall between two stools'. In addition, if schools have different criteria, or in different orders, this may cause confusion for parents and children.

We understand that regulations in relation to the operation of the selection criteria will be issued for consultation by the Department at a later date. As we indicated in our submission to the consultation exercise on the selection criteria, the detail included in the consultation document was insufficient to allow for an informed response. Indeed, according to the Equality Commission's guidance, EQIAs should have been conducted on each optional criterion prior to consultation and certainly prior to the development of legislation. EQIAs must be conducted as soon as possible on each criterion as well as on the options for their application so that any that are detrimental to any group of children may be identified and not included in the 'menu' of criteria.

Articles 30-33

A) If you support what these Articles are designed to do, please say why:

Save the Children supports the change in the law which makes the ELBs the expelling authority as research has shown that children are less likely to be expelled if a body external to the school has the power to make that decision. We also welcome the right of appeal for parents against suspension.

(B) If you do not support all or part of what these Articles are designed to do, please say what your objections are and give your reasons:

Despite our responses to previous consultations and the recommendations of the UN Committee on the Rights of the Child in 2002, children themselves still do not have the right to appeal either suspension or expulsion. This is clearly a breach of the UN Convention on the Rights of the Child and the Human Rights Act 1998.

Final comments

I hope that you find our comments helpful. As previously stated, Save the Children is generally supportive of the changes in legislation contained in the draft Order.

Our approach is informed directly by Article 12 of the UN Convention on the Rights of the Child, which asserts the rights of children and young people, consistent with their maturity and level of understanding, to have an effective say in all matters that concern them. We believe that this is more than just a commitment under international convention; making real efforts to listen to the views of children and young people produces better and fairer policy. I should be grateful if you would send me information about how you have consulted directly with children and young people on this draft legislation. We note that no child-friendly versions of these consultation documents have been made available.

Should you require any further information relating to this consultation response please contact either myself at a.tennant@savethechildren.org.uk or Teresa Geraghty at t.geraghty@savethechildren.org.uk.

Yours sincerely

Alex Tennant
Head of Policy & Research