

Northern Ireland Council

NiCEM

FOR ETHNIC MINORITIES

PROMOTING RACIAL EQUALITY



IN NORTHERN IRELAND'S
POST-PRIMARY SCHOOLS

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JUNE 2011

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Acknowledgements

This paper is produced as part of NICEM's Strategic Advocacy Project. Funded by Atlantic Philanthropies, the Strategic Advocacy Project aims to promote equality and human rights for ethnic minorities in Northern Ireland. This report has benefited considerably from the input of our education steering group. Their insight, direction and challenge are greatly appreciated. We would also like to record our gratitude to Chris McAfee, Anita Gracie (QUB) and Kathleen Ireton (QUB) for assisting with the research that helped inform the paper and to the Statistics and Research Branch (DENI) for providing prompt and candid responses to our enquiries. Finally, our thanks to all those who facilitated and participated in the survey, focus groups and interviews, and to those who commented on draft versions of this report.

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Acronyms

ASB	Aggregated School Budget
BME	Black and Minority Ethnic
CCEA	Council for the Curriculum, Examinations and Assessment
CERD	Convention on the Elimination of all forms of Racial Discrimination
CCMS	Council for Catholic Maintained Schools
CEFR	Common European Framework of Reference for Languages
CFF	Common Funding Formula
CRC	Convention on the Rights of the Child
DENI	Department of Education Northern Ireland
EAL	English as an Additional Language
ECNI	Equality Commission for Northern Ireland
ELB	Education and Library Board
EQIA	Equality Impact Assessment
ESA	Education and Skills Authority
ETI	Education and Training Inspectorate
FSM	Free School Meals
GFS	Goods, Facilities and Services
ICESCR	International Covenant on Economic, Social and Cultural Rights
IDS	Inclusion and Diversity Service
JCQ	Joint Council for Qualifications
NICEM	Northern Ireland Council for Ethnic Minorities
OFDFM	Office of the First and Deputy First Minister
RE	Religious Education
RPA	Review of Public Administration
RRO	Race Relations Order
SEN	Special Educational Needs

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1 Summary of Recommendations

Equality Law

- 1 Schools should be designated under Section 75.

Monitoring of Ethnicity

- 2 DENI should revise its classification of ethnicity.
- 3 DENI should monitor the attainment levels of newcomer students.

Academic Attainment

- 4 The Programme for Government 2011-15 should set a target to eliminate disparities in the proportion of minority and majority ethnic pupils leaving school without a GCSE.
- 5 DENI should commission research into the reasons for under-attainment of specific ethnic minority communities, particularly those from Black and 'other' backgrounds.

Access to Grammar Schools

- 6 ECNI should conduct a formal investigation under Article 46 of the RRO into the admission practices of grammar schools.
- 7 DENI should re-examine the criteria for admissions to over-subscribed post-primary schools and consider measures that would mitigate the disadvantage faced by some BME groups as a result of the FSM criteria.
- 8 DENI should introduce an initiative to boost take-up of FSM among BME communities.

Language

- 9 DENI should publish proposals to provide additional funding for newcomers who arrive after the school census.
- 10 DENI should review the newcomer component in the CFF, giving particular consideration to the introduction of a floor and a ceiling as well as the ring-fencing of funding allocated for newcomer, Roma and Traveller pupils.
- 11 DENI should review its support for parents of newcomer students.
- 12 The CCEA and JCQ should remove the bans on readers for students whose literacy difficulties are primarily caused by English not being their first language and on

newcomers using electronic bilingual dictionaries, and provide extra time to consult dictionaries on the basis of need rather than a two year time limit.

13 The JCQ should subject *Access Arrangements, Reasonable Adjustments and Special Consideration* to screening and an EQIA.

14 DENI and CCEA should explore the potential for accreditation in languages other than English, particularly Lithuanian and Tagalog/Filipino.

Racist Bullying

15 DENI should issue guidance to schools on addressing bullying of a racist nature.

16 DENI should require schools to record standardised data on bullying incidents.

17 School discipline policies should include information on the options available to parents if they are not satisfied with how a school manages bullying incidents.

18 OFMDFM should amend the definition of harassment in the RRO to require schools to take reasonable steps to prevent pupil-on-staff and pupil-on-pupil harassment.

Religious Education

19 The RE syllabus should be revised by a committee that includes representatives from a broad range of faith communities and those of no faith.

20 The restrictions on ETI investigations into Religious Education should be removed.

21 DENI and CCEA should examine how the curriculum can be adapted in light of Northern Ireland's growing diversity.

School Dinners

22 The checklist for the *Nutritional Standards for School Lunches* should be amended to require schools to cater to the dietary requirements of pupils from different cultural backgrounds and to provide information on ingredients and the preparation of food.

23 Schools should ask all pupils if they have specific dietary needs rather than waiting for students to approach school staff.

24 Catering staff should be trained to meet these needs.

2 Introduction

NICEM is an independent non-governmental organisation¹ representing the interests of Black and Minority Ethnic (BME)² communities in Northern Ireland. Our vision is of a society free from all forms of racism and discrimination, where differences are recognised, respected and valued, and where human rights are guaranteed. The extent to which that vision is realised will in no small part depend upon Northern Ireland's schools. Education is vital to the social, economic and cultural life of a society and academic qualifications are a key determinant of an individual's life chances. Schools therefore represent a critical site at which racist attitudes and inequalities are challenged or reinforced.

Having previously had a numerically small BME population, a steady increase in immigration³ has led to a more culturally diverse society and school population in Northern Ireland. A school system largely structured according to community background⁴ and social class⁵ has therefore been challenged to adjust to new times and new peoples, and presented with an opportunity to contribute to a more cohesive, harmonious and equal society.

This paper examines a number of aspects of the post-primary school system and makes a range of recommendations to improve provision for BME pupils. It is informed by a review of existing literature, a survey of 91 BME post-primary pupils,⁶ focus groups with 26 BME post-

¹ Currently we have 29 affiliated BME groups as full members. This composition is representative of the majority of BME communities in Northern Ireland.

² In this document the terms "Black and Minority Ethnic Communities", "Minority Ethnic Groups" and "Ethnic Minority" have an inclusive meaning to unite all minority communities. It refers to settled ethnic minorities (including Travellers, Roma and Gypsy), settled religious minorities, migrants (EU and non-EU), asylum seekers and refugees and people of other immigration status.

³ Factors include the peace process, economic growth and greater mobility of people as a result of the expansion of the European Union and globalisation more generally.

⁴ Catholic students and teachers are predominantly to be found in 'maintained' schools while Protestant pupils and staff are most likely to be located within the 'controlled' sector. 'Integrated' schools seek to bring together, in approximately equal numbers, pupils and staff from Protestant, Catholic and other backgrounds.

⁵ Children from more affluent backgrounds are more likely than others to attend 'voluntary' grammar schools. This class divide was mediated by the '11 plus' transfer test in which children from more affluent backgrounds tended to score higher than others. While the decline in school numbers has led to grammar schools being less restrictive in their selection of students, a significant class divide remains. For example in 2007 some 5.9% of grammar school pupils received free school meals compared to 25.1% of students in non-selective schools. DENI (2009) *Equality Impact Assessment: Transfer 2010 Guidance* pages 45 and 49.

⁶ The survey was available in English, Polish, Lithuanian, Portuguese and Cantonese languages. It was distributed to nineteen post-primary schools and NICEM's member groups. 51.7% of respondents were boys and respondents included Polish (40.4%), Chinese (10.1%), Filipino (9.0%), Lithuanian (7.9%), Portuguese (4.5%) and Asian (3.3%) post-primary students. Note that due to the small scale of the survey it is not possible to generalise the findings to the BME post-primary student population as a whole.

primary students,⁷ and interviews with five BME parents, five post-primary school teachers and a member of staff from the Inclusion and Diversity Service. The findings are grouped into seven main themes: monitoring of ethnicity, academic attainment, access to grammar schools, language, racist bullying, religious education and school dinners.

We trust that the issues raised in this report will be factored into the development of the Northern Ireland Executive's *Programme for Government*, as well as the Section 75 audits and action plans of public authorities in education, and the new Race Relations Strategy. We also hope that this document is of use to individual pupils, parents, school staff and Boards of Governors. However a key theme of this report is that too much reliance has been placed on the good will of dispersed individuals at the 'frontline' and that a more active role is required by strategic bodies. Consequently our recommendations are primarily directed towards the Department of Education Northern Ireland (DENI), which has overall responsibility for post-primary education.

⁷ These focus groups were organised by the Alliance of Filipino Communities, Belfast Islamic Centre, NICRAS, and the Polish Association. Eight students were Filipino, seven were from the Polish community, seven were Muslims and four were the children of refugees and asylum seekers.

3 Policy Context

Introduction

A robust legal infrastructure is an important component of promoting equality and human rights for BME individuals and groups. This section provides a brief overview of some of the state's key responsibilities under equality and human rights law and reviews major relevant developments in educational policy in Northern Ireland.

Equality and Human Rights Law

The Right to Education is enshrined in a number of Human Rights instruments. Article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) stipulates that education should “promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups”. The UN Committee on Economic, Social and Cultural Rights adds that education should be *available* in sufficient quantity, *accessible* to all, *acceptable* in terms of quality and cultural appropriateness, and *adaptable* to the changing needs of society.⁸ Under Article 2 of the Convention on the Elimination of all forms of Racial Discrimination (CERD) states commit to “review governmental, national and local policies and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination ... and to discourage anything which tends to strengthen racial division”. Article 29 of the Convention of the Rights of the Child (CRC) requires that education develops respect for the child's “cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own”.

Section 75 of the Northern Ireland Act 1998 is widely known as the ‘equality duty’. It requires public authorities to give ‘due regard’ to the need to promote equality of opportunity across nine grounds, including race. Public authorities are designated in the Act or by the Secretary of State. They include DENI, Education and Library Boards (ELB), the Council for the Curriculum, Examinations and Assessment (CCEA) and the Council for Catholic Maintained Schools (CCMS). NICEM is of the view that schools should also be designated under Section 75, given their fundamental importance to providing equality of opportunity. Public authorities produced their original equality schemes in 2000 and are currently in the latter stages of developing the second generation of equality schemes. As

⁸ CESCR General Comment 13.

part of this exercise, public authorities are developing audits of inequalities and action plans to address those inequalities.

The Race Relations (NI) Order 1997 (RRO) prohibits discrimination and harassment on a number of grounds. Two articles (18 and 19) are specifically addressed to the education sector. Article 18 places legal responsibility on schools for admissions. In addition, Article 21 covers discrimination and harassment in the provision of goods, facilities and services (GFS), including 'facilities for education'. Article 3 of the RRO defines 'indirect discrimination' as a situation in which people of different ethnic origins are treated in the same way but that puts people of a particular ethnic origin "at a particular disadvantage" unless it is "a proportionate means of achieving a legitimate aim". In 2003, the RRO was amended to ensure that it conforms with the EU Race Directive 2000.⁹

Educational Policy

DENI published its policy document on *Supporting Newcomer Pupils*¹⁰ in 2009. It aims to:

"[A]ddress the barrier to learning of insufficient skills in the language of instruction to enable newcomer children and young people to access the curriculum, and the wider environment, which allows them to feel welcome within and participate fully in the life of the school."¹¹

Supporting Newcomer Pupils essentially affirms the central role of the Inclusion and Diversity Service¹² (IDS), which was established in 2007. Through advice, training and interpreting services, the IDS assists schools to meet the pastoral, curricular, linguistic and intercultural needs of newcomers, defined as a pupil who does not have the satisfactory English language skills to fully participate in the curriculum.¹³ Such students would previously been referred to as having English as an Additional Language (EAL).

⁹ The RRO must be interpreted, as far as possible, to conform to the provisions of the EU Race Directive 2000 (Directive 2000/43) which covers non-employment areas such as education as well as the labour market. It is directly enforceable against public bodies, including those in education.

¹⁰ The draft policy *Supporting Ethnic Minority Children and Young People who have English as an Additional Language* went out for public consultation in 2007. The policy is due to be reviewed in 2011.

¹¹ DENI (2009) *Supporting Newcomer Pupils* page 1.

¹² Previously known as the Ethnic Minority Achievement Service. The IDS is located within the North Eastern ELB but services all ELBs. It is intended that it will be housed within the Education and Skills Authority, once established. The IDS is staffed by a regional advisor, four assistant advisory officers and twelve diversity co-ordinators.

¹³ DENI *Newcomer Guidelines for Schools* annex C.

In addition, under the Common Funding Formula¹⁴ (CFF) schools receive a larger share of the Aggregated Schools Budget (ASB) for each Traveller, Roma and newcomer pupil recorded in the annual school census.¹⁵ However as the budget assigned to schools is un-hypothecated (i.e. not earmarked) funds allocated for BME students can be used for other purposes.

Schools are expected to retain such financial autonomy under the changes recommended by the review of public administration (RPA). An Educational Skills Authority (ESA) is to be established to assume the functions of a number of bodies including ELBs, the CCEA, CCMS and the Northern Ireland Council for Integrated Education (NICIE). Under a system of 'maximised supported autonomy' the ESA will monitor school performance in order to ensure accountability and to target its support.¹⁶ This will allow DENI to focus on strategy and policy.

¹⁴ The CFF takes into account a range of factors, including pupil numbers and the social profile of those pupils.

¹⁵ In 2010/11 the ASB totalled £1,127m. Of this sum, £861,680 (0.08%) was allocated for Traveller and Roma pupils (£1,028 per pupil) and £7,798,310 (0.69%) for newcomer pupils (£1,028 per pupil). DENI (2010) *Common Funding Scheme for the Local Management of Schools* pages 106-107.

¹⁶ See DENI (2006) papers 2 and 5. A similar notion is promoted in DENI (2009) *Every School a Good School*.

4 Monitoring of Ethnicity

Introduction

The educational system places considerable emphasis on the production of data that allows school performance to be measured. The purpose of such data is to help schools assess their own performance, and to enable educational authorities to hold schools accountable and target their interventions. In line with the equality duty, this data should be disaggregated by ethnicity in order to identify differences between groups. This section therefore reviews how post-primary schools record the ethnicity of pupils.

Categories of Ethnicity

DENI classifies the ethnic background of pupils in two ways. First, it distinguishes between newcomer and non-newcomer pupils. A newcomer is defined as any pupil who does not have the satisfactory English language skills to fully participate in the curriculum (regardless of where they were born).¹⁷ This is an important distinction, given that newcomers face particularly severe challenges (see chapter 7).

Secondly, the ethnicity of pupils is recorded according to the fifteen categories presented in Table 1. DENI defines a minority ethnic student as one who is not 'white'. However, as many students from some of Northern Ireland's largest ethnic minority communities (such as Polish, Lithuanian and Portuguese) will be categorised as white, this is a flawed measure. The absence of a Filipino category is also of note.

Table 1: Categories of Ethnicity used in School Census 2010/11

Bangladeshi	Malaysian
Black African	Other Non-white
Black Caribbean	Pakistani
Black Other	Roma
Chinese/Hong Kong	Irish Traveller
Indian/ Sri Lankan	Vietnamese
Korean	White
Mixed	

Source: Personal communication with DENI

The number of post-primary students falling into the newcomer and ethnicity categories is shown in Table 2. If we define white newcomers and all non-whites as ethnic minorities, then we can estimate that BME students total 4,225 (2.9% of the post-primary school

¹⁷ DENI *Newcomer Guidelines for Schools* annex c.

population).¹⁸ However as minority ethnic students could also be categorised as white non-newcomers (for example a white Polish student who has sufficient English language skills to participate in the curriculum) this should be seen as a minimum figure.

Table 2: Post-Primary Pupils by Ethnicity and Newcomer Status

Ethnicity	Non-newcomer	Newcomer	Total
White	143,533	1,453	144,758
Non-white	1,823	949	2,772
Total	145,356	2,402	147,758

Source: NI School Census 2009/10. Personal communication with DENI.

Recommendations

While the complexity and fluidity of cultural identity often makes it difficult to classify ethnicity with precision, there is scope for a more sophisticated categorisation of ethnicity. DENI’s revised equality scheme will require it to monitor its policies ‘by racial group’. In order to enable it do so, DENI should revise its classification of ethnicity. DENI should commit to this in its Section 75 action plan. NICEM is part of a working group that is piloting an ethnic monitoring system in the health sector. On the basis of the findings of the pilot, OFMDFM will publish guidance on ethnic monitoring for all public authorities. This, and the ECNI publication *Monitoring Guidance for Use by Public Authorities (2007)* could also help to inform DENI’s deliberations. More specifically, we recommend that the ‘white’ category be subdivided to ensure that Polish, Lithuanian and Portuguese pupils are distinguishable. We also recommend the addition of a Filipino category.

¹⁸ The equivalent figure for primary schools is 4.7%.

5 Academic Attainment

Introduction

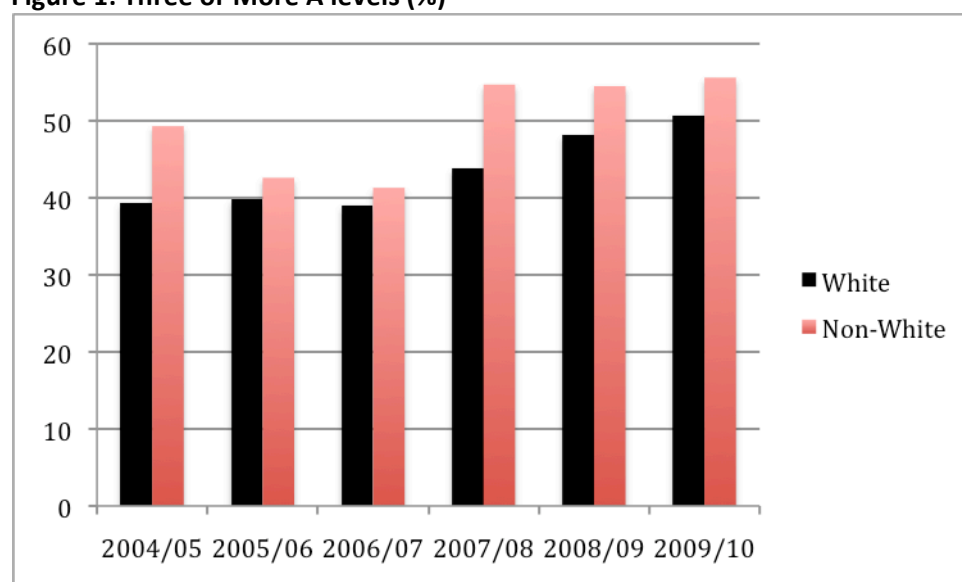
In addition to establishing an appropriate categorisation of students' ethnic background, it is critical that these categorisations can be cross-referenced with indicators of educational performance. A key indicator of performance is the level of qualifications attained by pupils. This chapter analyses the available data for different ethnic groups.

Qualifications of School Leavers

DENI publishes information on attainment levels in its annual document *Qualifications and Destinations of Northern Ireland School Leavers*. It does not collate data on the attainment levels of newcomer students. In 2009 DENI stated that it "recognises that there are gaps in statistical evidence on the achievement of newcomer pupils and is working to rectify this".¹⁹

DENI does collect data on the attainment levels of different ethnic groups. Setting aside the reservations already outlined in relation to the categorisation of ethnicity, the figures show that non-white students are consistently more likely than white students to leave school having achieved three or more A Levels (Figure 1). In 2009/10 the respective figures were 55.6% and 50.7%.

Figure 1: Three or More A levels (%)



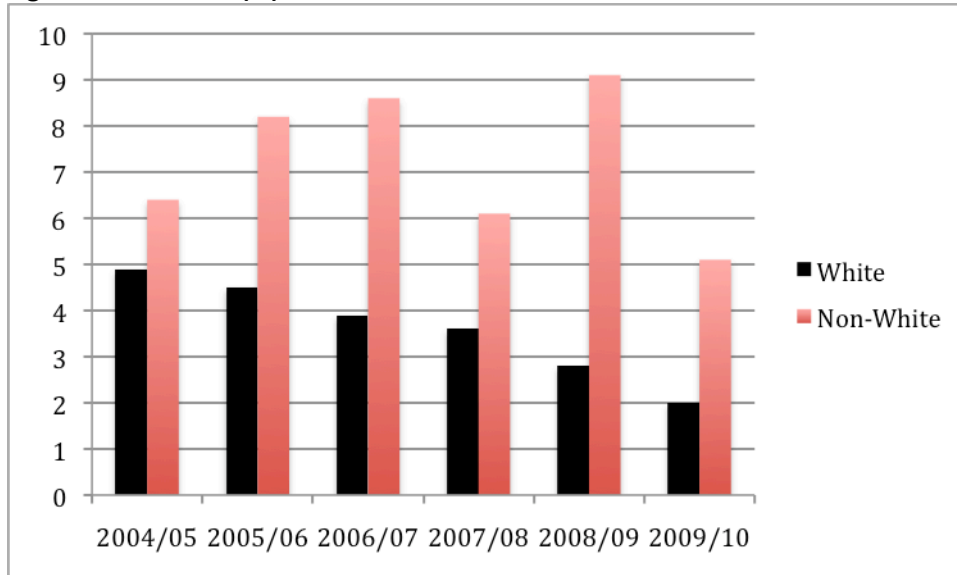
Source: DENI *Qualifications and Destinations of Northern Ireland School Leavers*

Figure 2 shows that non-white students are also more likely than white students to leave school with no GCSEs (Figure 2). In other words, on average non-whites are performing

¹⁹ DENI (2009) *Supporting Newcomer Pupils* page 8.

better at the top end of the spectrum of academic attainment and worse at the lower end. In 2009/10 some 5.1% of non-white pupils left school without a GCSE compared to 2.0% of white students. In addition, while the proportion of white students leaving school without a GCSE has fallen in each of the last five years, the equivalent figures for non-white students has been quite erratic, rising in three years and falling in two.

Figure 2: No GCSEs (%)



Source: DENI Qualifications and Destinations of Northern Ireland School Leavers

DENI has provided NICEM with data which further disaggregates the non-white category. Data has been compiled for the last three years due to the small numbers involved. Table 3 shows that all fourteen Koreans who left school in this period did so with three or more A Levels. A high proportion of Indian/Sri Lankan (68.9%) and Chinese/Hong Kong (67.5%) pupils also left school with this level of qualifications. Students from other (18.2%) and Black (9.0%) backgrounds were particularly likely to leave school without a GCSE.

Table 3: School Leavers by Ethnicity (2007/08 to 2009/10)²⁰

Ethnic Group	3+ A Levels	No GCSE	Total Leavers
Korean	100%	0.0%	14
Indian/Sri Lankan	68.9%	*	106
Chinese/Hong Kong	67.5%	*	292
Malaysian	61.5%	3.8%	26
Mixed	59.8%	3.0%	199
Pakistani	52.8%	2.8%	36
White	47.5%	2.8%	69,200
Black	38.5%	9.0%	78
Other²¹	32.2%	18.2%	242

Source: School Leavers Survey (via personal communication with DENI)

Recommendations

NICEM has serious concerns in regard to the attainment levels of newcomer students, some reasons for which we discuss in chapter 7. DENI committed to addressing the absence of data on the attainment levels of newcomer students some two years ago. It should set a timeline for publishing its proposals on this matter in its Section 75 action plan.

The Northern Ireland Executive's *Programme for Government 2008-2011* aimed to achieve "measurable reductions in the gap in educational outcomes between [the] highest and lowest attainers".²² Given the diverging trends between white and non-white ethnic groups a more specific target is warranted. NICEM recommends that the *Programme for Government 2011-2014* includes a target to eliminate disparities in the proportion of minority and majority ethnic pupils leaving school without a GCSE. In order to meet this target DENI should commission research into the reasons for under-attainment of specific ethnic minority communities, particularly those from Black and 'other' backgrounds. DENI and ELBs should then implement strategies to address those factors as part of their Section 75 action plans.

²⁰ Data on the proportion of Chinese/Hong Kong and Indian/Sri Lankan students leaving school without a GCSE is not available as individual students may be identifiable due to the small numbers involved.

²¹ Includes Irish Travellers.

²² Northern Ireland Executive *Programme for Government 2008-2011* page 49.

6 Access to Grammar Schools

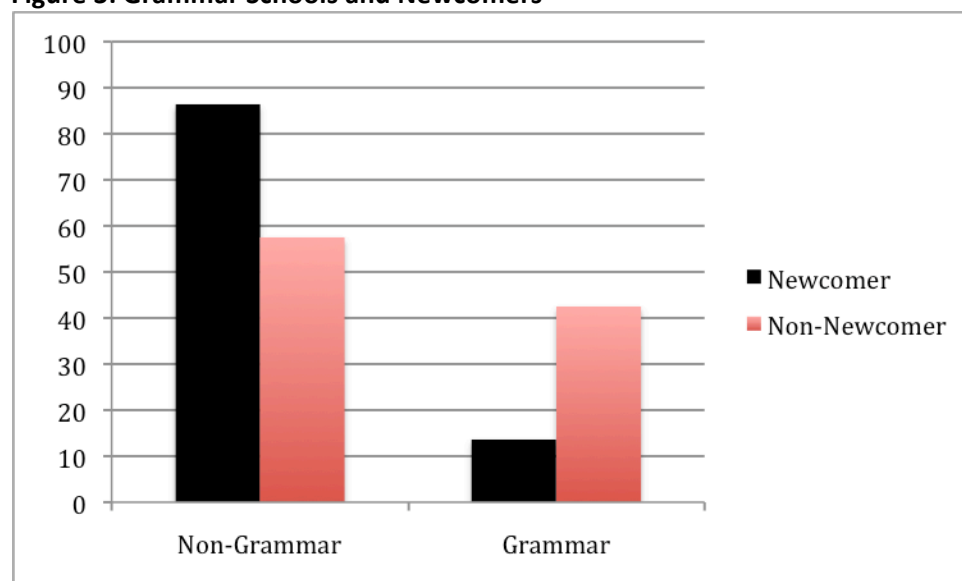
Introduction

In order to provide parents and pupils with the widest possible choice, all schools should be open and accessible to BME students. This chapter reviews the accessibility of grammar schools to newcomer pupils.

Grammar School Attendance

The difference between the proportion of newcomers and non-newcomers attending a grammar school is striking. Only 13.7% of newcomers attend a grammar school compared to 42.5% of non-newcomers (Figure 3). This contrast is not evident in relation to ethnic minorities (as defined by DENI) more generally. Indeed non-white students are marginally more likely than white pupils to attend a grammar school (43.1% v 42.0%).

Figure 3: Grammar Schools and Newcomers



Source: School Census 2010/11 (e-mail communication with DENI)

The reasons for this disparity are unclear. A key question is whether the divergence arises from the free exercise of 'parental choice' or whether there are barriers that are unduly limiting the access of newcomers to grammar schools. A range of factors are likely to be at play. Parents who are relatively new to Northern Ireland may lack knowledge of the education system and may not be aware of how to apply to grammar schools. They may also lack the English language skills to approach the school directly. For students arriving after the transfer from primary school, space is likely to be a major factor. Pupil numbers have

been falling in the non-grammar sector but have remained stable in grammar schools.²³ Grammar schools are therefore less likely to have spare capacity for newcomer pupils arriving post-transfer.

The use of tests to determine admission to over-subscribed schools could also represent a barrier. While reliance on tests has diminished in recent years due to declining school numbers,²⁴ sixty-seven grammar schools applied a transfer test in 2009.²⁵ Two exams are currently in operation. One is administered by the Association for Quality Education (AQE). It allows children whose first language is not English and who have spent less than three years in the UK and/or Ireland to receive up to 25% additional time and to use a bilingual paper dictionary during the test.²⁶ These adjustments are discussed in more detail in chapter 7. The other is provided by GL Assessment, which advocates the use of a non-verbal reasoning test for candidates whose first language is not English.²⁷

For its part DENI contends that the cessation of an entrance test would “make grammar schools more accessible for newcomer children”.²⁸ In place of an exam, DENI recommends that oversubscribed post-primary schools give priority to pupils in receipt of free school meals (FSM).²⁹ The use of the FSM criteria is clearly intended to promote equality. However its validity as a measure of deprivation has been questioned.³⁰ In terms of ethnicity, certainly Travellers have the potential to benefit as 73.5% of year 6 Travellers received FSM in 2009 (Table 2). However other BME pupils may be placed ‘at a particular disadvantage’ because 4.5% of newcomer students and 9.2% of ‘other ethnic’ pupils receive FSM, compared to 18.4% of white pupils (Table 2). Language barriers, culturally unsuitable school dinners (see chapter 10), a lack of knowledge of how to apply or cultural aversions to welfare are possible factors for the relatively low proportion of some BME groups receiving FSM. In addition, the FSM measure uses access to certain social security benefits as a proxy for low income. As immigration rules prevent certain foreign nationals from accessing social security benefits

²³ DENI (2009) *Equality Impact Assessment: Transfer 2010 Guidance* page 48.

²⁴ *Ibid* page 49.

²⁵ <http://www.belfasttelegraph.co.uk/news/education/post-primary-selection/revealed-northern-irelands-grammar-school-entrance-test-lottery-14971040.html>. Accessed 11/05/2011.

²⁶ AQE *Access Arrangements for the Common Entrance Assessment (CEA): Guidance for Parents of Children whose First Language is neither English nor Irish*.

²⁷ For more information see . Accessed 26/05/2011.

²⁸ DENI (2009) *Equality Impact Assessment: Transfer 2010 Guidance* page 33.

²⁹ A child may qualify for FSM if he/she has special educational needs or if he/she has a parent who is an asylum seeker or in receipt of specified income-related social security benefits. See DENI (2009) *Equality Impact Assessment: Transfer 2010 Guidance* page 14.

³⁰ For example see Hobbs and Vignoles (2007) *Is Free School Meal Status a Valid Proxy for Socio-Economic Status (in Schools Research)?*

(regardless of their level of income) many parents of newcomer students cannot access FSM and their children will not satisfy the ‘primary criterion’ for admission to over-subscribed post-primary schools.

Table 2: Receipt of FSM by Ethnic Group (Year 6)

	Traveller	White	Other ethnic	Newcomer
Number	83	22,148	468	508
FSM	73.5%	18.4%	9.2%	4.5%

Source: DENI (2009) Equality Impact Assessment: Transfer 2010 Guidance page 21

Recommendations

NICEM urges the Equality Commission to conduct a formal investigation under Article 46 of the RRO into the admission practices of grammar schools. Boards of Governors and DENI should then, within their respective powers, take action to remove any barriers to access that are identified.

The use of FSM as criteria for admission to oversubscribed schools may well represent an attempt to pursue a ‘legitimate aim’. However given that FSM is not an entirely valid measure of social disadvantage it is questionable whether it provides a ‘proportionate means’ of achieving greater equity. Therefore it is imperative that DENI gives consideration to measures of low-income other than receipt of FSM.³¹ However we acknowledge the difficulties involved and that FSM is widely regarded as the best available, if flawed. For example one option is to use the Northern Ireland Multiple Deprivation Measure³² (NIDM) measure. While the NIDM may provide a more accurate measure of poverty it only provides information on 582 wards rather than individual households. At the very least, in light of the concerns raised above, DENI should re-examine the criteria for admissions to over-subscribed post-primary schools and consider measures that would mitigate the disadvantage faced by some BME groups as a result of the FSM criteria.

DENI should also introduce an initiative to boost take up of FSM among BME communities. Such an initiative is particularly timely as many will be unaware that legal restrictions on citizens from A8 countries accessing social security benefits (which in turn entitle them to FSM) were lifted on 30 April 2011. In England and Wales schools send all parents a form that

³¹ Addressing the matter should also promote more equitable distribution of the ASB as the number of pupils in receipt of FSM is factored into the CFF.

³² See http://www.ninis.nisra.gov.uk/mapxtreme_deprivation2010/faq.asp

offers FSM.³³ The national insurance numbers of parents who indicate that they wish to avail of the offer are forwarded to the FSM Eligibility Checking Service which verifies entitlement. In contrast, parents in Northern Ireland must apply to their ELB and provide documentation supporting their claim. NICEM advocates the introduction of such a system in Northern Ireland.

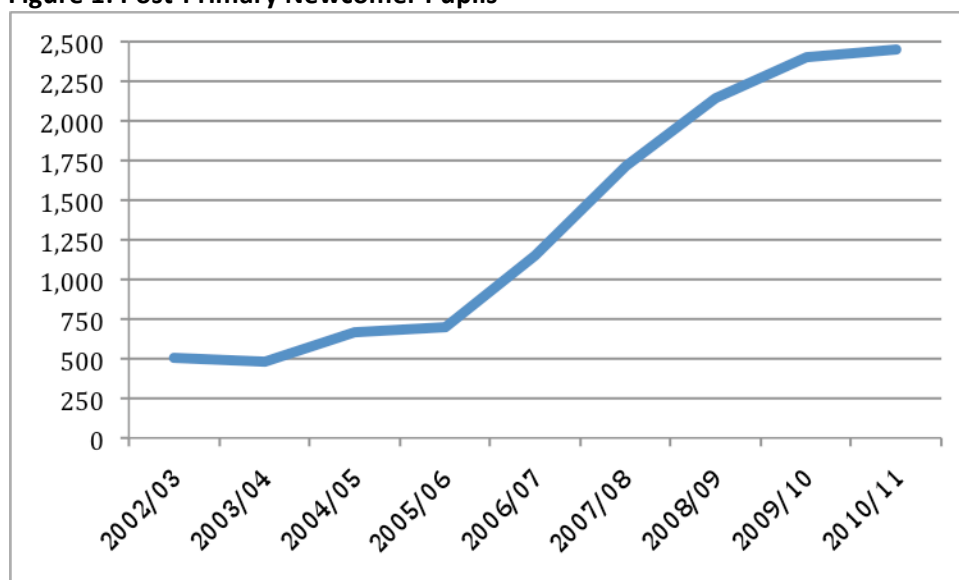
³³ Stanford, P, 'Too much on their plates? The trouble with free school meals', The Independent, 16 May 2011 (<http://www.independent.co.uk/news/education/education-news/too-much-on-their-plates-the-trouble-with-free-school-meals-2284595.html?service=Print> accessed 9 June 2011)

7 Language

Introduction

One of the major challenges posed by Immigration is the need to accommodate students and parents with limited English. Up to 60 different first languages were spoken in Northern Ireland schools in 2008.³⁴ The number of newcomer pupils in post-primary schools increased from 509 in 2002/03 to 2,450 in 2010/11 (Figure 1). In 2010/11 newcomers represented 1.7% of the post-primary and 3.3% of the primary school population. This chapter reviews some of the key issues arising from the 'language barrier'.

Figure 1: Post-Primary Newcomer Pupils



Source: NI School Census

Pupils

English Language

Pupils often find it physically and mentally exhausting to be immersed in a foreign language as well as frustrating and isolating. For example one Polish pupil who participated in NICEM's survey commented that "the feeling of loneliness is most unbearable because of the language barrier".³⁵ Research has found that on average, those learning English as a second language take two years to converse *socially* in English on a par with pupils whose first language is English. However, it takes on average five to seven years for a pupil with English as a second language to engage *academically* with English on an equal basis.³⁶ This

³⁴ DENI (2009) *Supporting Newcomer Pupils* page 4.

³⁵ Translated from Polish.

³⁶ J Cummins (2008) *BICS and CALP: Empirical and Theoretical Status of the Distinction*.

distinction between conversational and academic proficiency³⁷ helps to explain why many newcomer pupils appear to be fluent in English but perform relatively poorly in examinations.

Failure to appreciate this distinction can lead to teachers underestimating the ability and potential of newcomers, and lowering the pupils' expectations and aspirations. It can even lead to newcomers being misdiagnosed as having a learning disability. Equally a lack of competence in the language of instruction can mask learning disabilities.³⁸ On balance however, there is "an over-representation of migrant and ethnic minority pupils in schools for special education"³⁹ in a number of EU Member States. In Northern Ireland, post-primary newcomers (19.7%) are slightly more likely than non-newcomers (16.7%) to be categorised as having Special Educational Needs (SEN).⁴⁰ This discrepancy does not in itself confirm that misdiagnosis is an issue within Northern Ireland. Indeed at primary level, newcomer pupils (18.6%) are *less* likely than non-newcomers (20.8%) to be categorised as having SEN.⁴¹ Clearly however the potential for misdiagnosis is there and it is essential that procedures for assessing SEN are capable of differentiating between language needs and SEN.⁴²

As explained in chapter 2, schools receive a greater share of the ASB for each newcomer pupil recorded in the school census. Forms of English language support that this funding could be used to provide include staff training,⁴³ interpreters, bilingual classroom assistants and a teacher who can provide instruction in English. Once a pupil is designated as a newcomer, schools receive financial support for an initial period of three years, with further funding allocated on a year-to-year basis. Due to the difficulties of assessing the language proficiency of pupils transferring from primary school before the October school census, DENI permits post-primary schools to automatically register pupils as newcomers.⁴⁴ This minimises the chances of newcomers 'slipping through the net' at a crucial stage of their

³⁷ Otherwise known as Basic Interpersonal Communicative Skills (BICS) and Cognitive Academic Language Proficiency (CALP).

³⁸ NESSE (2008) *Education and Migration: Lessons from Research for Policy and Practice* page 3.

³⁹ EUMC (2004) *Migrants, Minorities and Education* page 28.

⁴⁰ Source: NI School Census 2010/11. Personal communication with DENI.

⁴¹ Ibid.

⁴² Non-white post-primary students (17.7%) in Northern Ireland are marginally more likely than white students (16.7%) to be identified as having SEN. Source: NI School Census 2010/11. Personal communication with DENI. For data from Britain see DFES (2005) *Ethnicity and Education: The Evidence on Minority Ethnic Pupils* page 21.

⁴³ The need for teachers to be trained to "deal more expertly with the linguistic challenges posed" by newcomer pupils was recognised in ETI (2005) *The Quality of Learning and Teaching and the Standards and Outcomes Achieved by the Learners in Relation to the Provision for English as an Additional Language* page 14 and remains a concern.

⁴⁴ DENI *Newcomer Guidelines for Schools*.

education. However schools do not receive additional resources for newcomers who arrive after the school census is taken. In a paper published in April 2009, DENI commented that “as a matter of urgency”⁴⁵ it was “actively seeking ways to address”⁴⁶ this difficulty.

A per capita formula provides a straightforward and, on the face of it, fair way of allocating resources to schools for newcomer students. However there might be scope to allocate resources in a more equitable and efficient manner. A minimum level of funding may be required if schools are to provide meaningful support to newcomer pupils. Schools with a small number of newcomer pupils may fall short of this minimum amount. Perhaps therefore, all schools with a newcomer pupil should be allocated a minimum level of funding. There are many ways in which this could be implemented. For example all schools with a newcomer pupil could be entitled to a minimum level of funding, with capitation operating above this floor. Given the economies of scale that result from a large number of newcomer students, and in order to fund a minimum entitlement, a ceiling could also be introduced. Alternatively a tapered system could be used with per capita funding reducing as the number of newcomer pupils in a school increases. Consideration should also be given to ring-fencing monies allocated under the CFF for newcomer students. This would ensure a minimum level of spend on newcomers.

However it is important that outcomes as well as inputs are scrutinised. The IDS recommends that schools use the Council of Europe’s Common European Framework of Reference for Languages (CEFR) to monitor the progress of newcomers in acquiring English.⁴⁷ Although a 2009 ETI evaluation found that only “a minority of schools is using the Common European Framework of Reference (CEFR) to track the progress in English of newcomer pupils”⁴⁸ according to the IDS its use has subsequently become much more widespread.

Encouraging Home Language

In addition to assisting students with English, there is also a role for schools in supporting students to develop their home language and to have their linguistic ability accredited. EU Member States are required to “take appropriate measures to promote ... teaching of the

⁴⁵ DENI (2009) *Supporting Newcomer Pupils* page 23.

⁴⁶ Ibid.

⁴⁷ IDS *Toolkit for Diversity in the Post Primary School*.

⁴⁸ ETI (2009) *An Evaluation of the Provision to Support Newcomer Pupils in a Range of Primary and Post-Primary Schools* page 7.

mother tongue and culture of the country of origin"⁴⁹ of children of migrant workers. In a 2005 study the ETI found that only "a small number of schools"⁵⁰ encouraged and facilitated the development of home languages and that in general "the promotion and celebration of home language(s) is not a strong feature of provision".⁵¹ Encouragingly, while the 2005 ETI report found that only a *minority* of post-primary schools encouraged pupils to gain accreditation in their home language(s)⁵² its 2009 study found that "[m]ost post-primary schools encourage newcomer pupils to gain accreditation in their first language".⁵³

However significant barriers remain. It is not possible to obtain accreditation in a number of languages. Of the five most prevalent home languages among post-primary students categorised as newcomers in 2010/2011, GCSE accreditation is available in three (Polish, Portuguese and Cantonese) and unavailable in two (Lithuanian, Tagalog/Filipino). In addition, since September 2010, the speaking component of Modern Language GCSEs must be marked by teachers, having previously been sent to awarding bodies to be marked.⁵⁴ According to the IDS, some schools have difficulty in identifying and funding bilingual teachers to mark the speaking assessment.

Parents

Previous research has noted that parents with limited proficiency in English experience "considerable frustration at not being able to help their children with their school work and also at the problems associated with attempting to communicate with their children's teachers".⁵⁵ With regard to communication with schools the 2005 ETI inspection found that while "[a]lmost all schools have additional induction arrangements for pupils and their families with EAL"⁵⁶ only "a significant minority of schools provides key documentation in other languages for parents".⁵⁷ The 2009 investigation found that the work of the IDS contributed to "well-conceived induction programmes in almost all of the schools"⁵⁸ and reported "good use of the various documents in other languages available on the IDS

⁴⁹ Council Directive on the education of the children of migrant workers (77/486/EEC), Article 3. All EU Member States are supposed to have fulfilled this requirement by July 1981.

⁵⁰ ETI (2005) *The Quality of Learning and Teaching and the Standards and Outcomes Achieved by the Learners in Relation to the Provision for English as an Additional Language* page 6.

⁵¹ *Ibid* page 12.

⁵² *Ibid* page 6.

⁵³ *Ibid* page 7. Emphasis added.

⁵⁴ QCA (2008) *Report of investigation into the speaking for GCSE modern foreign languages*.

⁵⁵ P Connolly and M Keenan (2000) *Opportunities for All: Minority Ethnic People's Experiences of Education, Training and Employment in Northern Ireland*.

⁵⁶ ETI (2005) *The Quality of Learning and Teaching and the Standards and Outcomes Achieved by the Learners in Relation to the Provision for English as an Additional Language* page 2.

⁵⁷ *Ibid*.

⁵⁸ *Ibid* page 5.

website to facilitate communication with parents”.⁵⁹ It also noted that some schools offer English classes for parents as part of its Extended Schools provision.⁶⁰

Despite the progress, gaps remain. For example one teacher interviewed by NICEM stated that no interpreters or translated documents are provided for the school’s newcomer parents and that communication simply “doesn’t happen”. Moira McCombe of the Northern Ireland Community of Refugees and Asylum Seekers (NICRAS) reported that her clients are often not provided with interpreters for meetings with school staff. Our interviewee from the IDS is of the view that more could be done to help newcomer parents to understand the Northern Ireland education and curriculum.

Adjustments for Examinations

Given the time taken for students with English as an additional language to acquire academic proficiency on a par with other pupils, some adjustments to examinations are required if newcomer students are to have an equal chance to express their knowledge. The CCEA is responsible for conducting, moderating and awarding GCSE and GCE examinations in Northern Ireland. In carrying out these functions it is required to:

”[S]eek to ensure that the standards of examinations and assessments conducted by bodies or authorities in Northern Ireland are recognised as equivalent to the standards of examinations and assessments conducted by bodies or authorities exercising similar functions elsewhere in the United Kingdom.”⁶¹

A standardised approach to adjustments in England, Wales and Northern Ireland is agreed through the Joint Council for Qualifications (JCQ). Its guidelines for making modifications in exams are set out in a document entitled *Access Arrangements, Reasonable Adjustments and Special Consideration*. A variety of adjustments could be made. One is to administer translated examination papers. However the JCQ Guidelines specify that “[t]ranslation of either examination material or the candidate’s answers into or from the candidate’s first language will not be permitted”.⁶² Alternatively, a reader (a person or computer that reads the questions out to candidates) could be provided. Readers are provided to candidates whose reading skills are significantly below the average⁶³ unless “a candidate’s literacy

⁵⁹ Ibid

⁶⁰ Ibid page 7.

⁶¹ 79(1c) Education (Northern Ireland) Order 1998.

⁶² JCQ (2010) *Access Arrangements, Reasonable Adjustments and Special Consideration* page 26.

⁶³ Ibid page 8.

difficulties are primarily caused by English ... not being their first language”.⁶⁴ The rationale for this discrimination between candidates whose literacy difficulties are caused by English not being a candidate’s first language and those whose literacy difficulties are due to other factors, is not explained.

A third option is to allow the use of a bilingual dictionary. While a hardcopy bilingual dictionary is permitted an electronic dictionary is not.⁶⁵ A paper dictionary may be more accurate than an electronic dictionary, but it can also be more time consuming. Indeed one teacher interviewed by NICEM discourages its use on the basis that the loss in time outweighs the gain in understanding. A fourth possible adjustment is to allow more time in order to consult a bilingual dictionary. The JCQ states that:

“Candidates who are permitted to use bilingual translation dictionaries may also be allowed up to a maximum of 25% extra examination time, depending on need, *if they have been resident in the UK for less than two years at the time of the examination* ... In subjects where a dictionary is not permitted, no extra time is available. The candidate’s need for the dictionary does not in itself justify allowing the candidate extra time, unless the candidate has to refer to the dictionary so often that examination time is used for this purpose instead of answering the questions”.⁶⁶

The rationale for limiting extra time to those newcomers who have been resident in the UK for less than two years is not explained.

Recommendations

The absence of additional funding for newcomers who arrive after the school census has long been recognised as a problem. DENI committed to bringing forward proposals to address the issue two years ago. It should include a timeline for publishing and implementing these proposals as part of its Section 75 action plan. The inclusion of a newcomer component in the CFF is commendable but DENI should review the potential for it to be fine-tune, giving consideration to the introduction of a floor and a ceiling as well as the ring-fencing of funding allocated for newcomer, Roma and Traveller pupils.

NICEM recommends that DENI review its support for parents of newcomer students. This should include providing information on applying to and accessing schools, the rights and responsibilities of parents, pupils and the various educational authorities, and difficulties typically experienced by newcomer students and how they can be addressed.

⁶⁴ Ibid.

⁶⁵ Ibid page 26.

⁶⁶ Ibid page 8. Emphasis added.

As the JCQ guidelines have evolved over a number of years it might be expected that some areas will be more developed than others. Nevertheless the contrast in the level of adjustments provided for newcomers and other pupils seems arbitrary and unfair. Given the centrality of educational attainment in determining social and economic well-being, it is crucial that exams provide pupils with an equal chance to demonstrate their ability. NICEM recommends that the ban on providing readers for students whose literacy difficulties are primarily caused by English not being their first language be lifted; that electronic bilingual dictionaries be permitted for newcomer students; and that extra time to consult dictionaries be provided on the basis of need rather than a two year time limit. NICEM urges the CCEA to lobby the JCQ to enact these amendments to *Access Arrangements, Reasonable Adjustments and Special Consideration*. In addition, the CCEA should screen these guidelines in accordance with its equality scheme. The fact that policy on adjustments is formulated by bodies across the UK does not absolve the CCEA of its responsibilities under the equality duty. Given its importance and the potential for adverse impacts on the ground of race, we would also expect *Access Arrangements, Reasonable Adjustments and Special Consideration* to be subject to a full EQIA.

Finally, NICEM recommends that DENI and CCEA explore the potential for newcomer pupils to receive accreditation in languages other than English, particularly Lithuanian and Tagalog/Filipino.

8 Racist Bullying

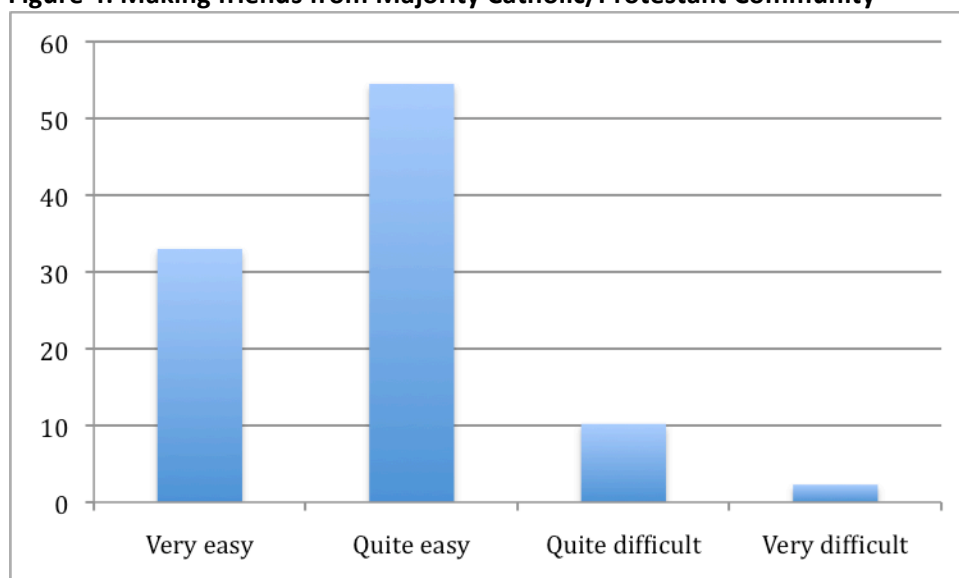
Introduction

Research has linked bullying in schools to a range of short-term and long-term harms. They include problems with academic performance and school attendance, psychological damage such as anxiety, depression and low self-esteem, and difficulties with forming social relationships.⁶⁷ Boards of Governors are legally responsible for promoting and safeguarding the welfare of all children in their school, including introducing measures to prevent bullying among pupils⁶⁸ which DENI defines as “deliberately hurtful behaviour, repeated over a period of time, where it is difficult for the victim to defend him or herself”.⁶⁹

Prevalence of Racist Bullying

In one respect, NICEM’s survey indicates positive relations between students from majority and minority ethnic backgrounds. 29.6% of BME pupils found it ‘very easy’ and 58.0% found it ‘quite easy’ to make friends with students from the majority Catholic/Protestant communities at their school (Figure 4).

Figure 4: Making friends from Majority Catholic/Protestant Community



Source: NICEM survey

However BME students are commonly subjected to racist bullying. A recent survey carried out by the National Children’s Bureau found that 42% of 16 year old minority ethnic

⁶⁷ S M Swearer et al (2010) ‘What Can Be Done About School Bullying? Linking Research to Educational Practice’ in *Educational Researcher* 39(1).

⁶⁸ Education and Libraries (NI) Order (2003) Articles 17, 18 and 19.

⁶⁹ DENI (2001) *Pastoral Care in Schools: Promoting Positive Behaviour* page 63.

students had “been a victim of racist bullying or harassment in their school”.⁷⁰ Some 53.7% of those surveyed by NICEM reported that while in secondary education they have been bullied by another student on the basis of their ethnic background. Of those who have been bullied, 75.5% have been called names (Table 3). Approximately one quarter have been excluded from social activities (24.5%) and verbally threatened (24.5%). Many have experienced physically bullying, with 22.7% pushed/jostled and 15.9% physically attacked. 6.8% have been subject to bullying via the internet and text messages.

Table 3: Type of Bullying Experienced⁷¹

Nature of Bullying	Percentage
Name-calling	75.5
Exclusion from social activities	25.0
Verbal threats	25.0
Pushing/jostling	22.7
Physical attacks	15.9
Online bullying	6.8
Text messages	6.8

Source: NICEM Survey

Equally, NICEM’s interviews with pupils, parents and teachers indicated that students often play a major role in challenging bullying. For example a Portuguese student commented:

“I like this school a lot because the students are very helpful. If we have any doubts about something they would help us, or if someone come to do something evil to us or start to make fun of us because we are not Irish they would protect us.”

It is important to acknowledge that bullying is a common feature of school life generally. A survey of year 9 students in Northern Ireland, carried out in 2000, found that 30.2% had been bullied at school within the last couple of months.⁷² In 2006 a similar survey of year 9 pupils found that 28.8% had been bullied during the past couple of months.⁷³ However there is little doubt that pupils from ethnic minorities are more vulnerable to bullying. The 2006 survey of year 9 pupils found that ‘other’ religious communities were much more likely to have been bullied (55.0%) than pupils from the Catholic (25.2%) and Protestant (30.6%)

⁷⁰ NCB NI and ARK YLT (2010) *Attitudes to Difference* page 55.

⁷¹ Of those who were bullied.

⁷² K Collins, G McAleavy and G Adamson (2004) ‘Bullying in schools: a Northern Ireland Study’ in *Educational Research* 46(1) page 62.

⁷³ G Livesey et al (2007) *The Nature and Extent of Bullying in Schools in Northern Ireland* page iv.

communities.⁷⁴ In addition 61.1% of students agreed that a “pupil’s race or skin colour” made them more likely to be bullied.⁷⁵

Dealing with Racist Bullying

DENI has issued general advice on tackling bullying⁷⁶ but in contrast to its counterpart for England and Wales has not issued specific guidance on how to address incidents of a racist nature.⁷⁷ Schools are largely free to decide how to deal with such behaviour. This autonomy helps to explain why an extensive qualitative study carried out in 2000 found considerable variation in the approach of schools:

“The response of schools to the issue of racist bullying appears to vary enormously. Some schools appear to have dealt with specific incidents relatively successfully. For the minority ethnic children and/or parents involved, this usually meant taking the issue seriously and taking swift and decisive action ... However the majority of schools tended to respond inappropriately. This was often characterised by not taking the issue seriously either by minimising it or ignoring it altogether.”⁷⁸

There remains, as the above study observed, a need for “further research ... to understand, in more detail, what strategies work best and why”⁷⁹ and to ensure that staff “are properly trained in order to carry these out in an appropriate and effective manner”.⁸⁰ However, if such strategies are to be implemented, work is also required to instil a determination to tackle racist bullying. If pupils and/or parents do not report bullying because they are not confident that the school will address it, then knowledge of ‘what works’ will be of little practical value.⁸¹ For example one pupil told NICEM that:

“Many boys and girls enjoyed making fun of me, and some of them still tease me because I have difficulty in pronouncing some letters and I don’t know how to read and write as well as my colleagues in my class. I know that I am different but my mom helps me. I don’t say anything about it at school because it is not worth it. The teachers can not do very much and I

⁷⁴ Ibid page 55.

⁷⁵ Ibid page 53.

⁷⁶ DENI (2001) *Pastoral Care in Schools: Promoting Positive Behaviour*.

⁷⁷ DFES (2006) *Bullying Around Racism, Religion and Culture*.

⁷⁸ P Connolly and M Keenan (2000) *Opportunities for All: Minority Ethnic People’s Experiences of Education, Training and Employment in Northern Ireland*.

⁷⁹ P Connolly and M Keenan (2002) ‘Racist Harassment in the White Hinterlands: Minority ethnic children and parents’ experiences of schooling in Northern Ireland’ in *British Journal of Sociology of Education*, 23(3) pages 353-354.

⁸⁰ Ibid.

⁸¹ It is important not to conflate a determined approach with a punitive approach. NICEM’s interviews with teachers found that non-punitive methods such as circle time could also be effective.

am afraid that my colleagues know that I have said something about it, so I just say to my mother.”

As the above 2000 study indicates, even if pupils and parents do raise the matter with schools, the response is not always satisfactory. Even if pupils and parents do raise the matter with schools, the response is not always satisfactory. Through our advice work, NICEM has assisted a number of BME families with racist bullying in schools. In the majority of the cases, schools tend to lack knowledge of how to effectively confront the issue and in some cases have difficulty acknowledging that a serious problem exists. In cases where action is taken, the measures are often unsatisfactory (such as changing the hours that the victim attends school so they can come late and leave early to avoid harassment, punishing the bully and the victim equally or instructing the bully to write an apology letter as the sole means of addressing the issue). The Committee on the CRC has noted that “a school which allows bullying or other violent and exclusionary practices to occur”⁸² is in breach of Article 29(1) of the CRC which requires that education be directed towards the “development of the child’s personality, talents and mental and physical abilities to their fullest potential”.

Research commissioned by DENI into bullying in schools specifically recommended that consideration “be given to the monitoring of incidents of bullying that involve members of ethnic groups”.⁸³ However this has not been implemented to date. Monitoring bullying incidents could assist schools and ELBs to identify problems, target anti-bullying activity and resources, and assess progress. A report on a pilot of software⁸⁴ for recording bullying incidents in schools found that its use facilitated “easier tracking of bullying incidents, resulting in more frequent monitoring of trends, and therefore more effective and immediate intervention”⁸⁵ and “confirmed that the system was proportionate in terms of management and operational demands on a school”.⁸⁶ However the authors of the research report concluded that it was premature to make its use a legal requirement “due to concerns that it would currently be *viewed* by schools as a largely bureaucratic requirement to record bullying incidents electronically”.⁸⁷

NICEM’s conversations with educational experts and with BME parents, both in the course of this research and our advice work, suggests that many parents are unaware of what to do

⁸² Cited in NICCY (2009) *Children’s Rights Review 2007/08* page 302.

⁸³ G Livesey et al (2007) *The Nature and Extent of Bullying in Schools in Northern Ireland* page vii.

⁸⁴ The software is called ‘SIMS Behaviour Management Module’.

⁸⁵ NIABF (2008) *Assessing the usefulness to schools of the SIMS Behaviour Management Module in recording bullying incidents electronically* page 5.

⁸⁶ *Ibid* page 12.

⁸⁷ *Ibid* page ii. Emphasis added.

if they are unhappy with how a teacher handles bullying incidents. For example one Muslim parent interviewed by NICEM who was dissatisfied with how a school responded to the racist bullying of her son felt that she had no alternative but to move him to another school. In fact if a parent is unsatisfied he or she can approach the School Principal, the Board of Governors, the ELB Education and Welfare Service and DENI (in that order). However this information is not included in DENI's guidance on bullying.

With regard to legal redress, bullying is a form of harassment under the RRO, defined as conduct related to ethnic origin that violates a person's dignity or creates "an intimidating, hostile, degrading, humiliating or offensive environment".⁸⁸ Staff-on-staff and staff-on-pupil bullying is clearly covered. However the RRO does not fully conform to the wider definition of harassment in the EU Race Directive which also covers pupil-on-staff and pupil-on-pupil harassment.

Recommendations

Under the Convention on the Rights of the Child, states must "take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse".⁸⁹ Given the prevalence of bullying, and of racist bullying in particular, it is clear that further measures are required. NICEM recommends four main steps. First, DENI should issue guidance to schools on addressing bullying of a racist nature. Second, DENI should require schools to record standardised data on bullying incidents. This is essential to ensuring school self-assessment and external accountability. Third, all school discipline policies should be translated for parents who do not speak English and should include information on the options available to parents if they are not satisfied with how a school manages bullying incidents. Finally, OFMDFM is under a duty to ensure that the RRO conforms to the requirements of the EU Race Directive. We therefore recommend that the definition of harassment in the RRO be amended to require schools to take reasonable steps to prevent pupil-on-staff and pupil-on-pupil harassment.

⁸⁸ RRO Article 4A(1b).

⁸⁹ Article 19(1).

9 Religious Education

Introduction

The introduction of 'Learning for Life and Work' for Key Stages three and four in part reflects an attempt to ensure that the curriculum adapts to a more diverse society. Learning for Life and Work includes a module on Local and Global Citizenship with the key themes of Diversity and Inclusion, Equality and Social Justice, Democracy and Participation, and Human Rights and Social Responsibility. An ETI evaluation found that almost all schools felt that this subject was helpful in facilitating intercultural work and the integration of newcomer pupils.⁹⁰ However it is important that diversity is not just a separate topic but is integrated into mainstream subjects such as English, geography and history. This chapter examines how Religious Education (RE) has adjusted.

Core Syllabus for Religious Education

RE must be included in the curriculum of all schools in Northern Ireland.⁹¹ The law requires that the Core Syllabus for RE be "prepared by a group of persons ... appearing to the Department to be persons having an interest in the teaching of religious education".⁹² DENI has interpreted this to refer to four Christian denominations (Church of Ireland, Presbyterian, Methodist and Catholic). In response to criticisms of the exclusive focus on Christianity, DENI asked these four Churches to review the Core Syllabus for RE, giving "particular consideration to including education about other world religions".⁹³ The revised Core Syllabus came into effect in September 2007. Foundation Stage and Key Stages 1, 2 and 4 are dedicated to Christianity. These stages aim to develop an "awareness, knowledge, understanding and appreciation"⁹⁴ of the key Christian teachings, Christian worship, prayer and language, and the ability to relate Christian principles to personal and social life. Key Stage 3 comprises four learning objectives, one of which is to provide:

"an introduction to two world religions other than Christianity in order to develop knowledge of and sensitivity towards, the religious beliefs, practices and lifestyles of people from other religions in Northern Ireland".⁹⁵

⁹⁰ ETI (2009) *An Evaluation of the Provision to Support Newcomer Pupils in a Range of Primary and Post-Primary Schools* pages 5-6.

⁹¹ The Education Reform (Northern Ireland) Order 1989 Article 5(1a).

⁹² The Education (Northern Ireland) Order 2006. Article 11 (2a).

⁹³ DENI (2007) *Results on an Equality Impact Assessment of Proposals for a Revised Core Syllabus for Religious Education* page 6.

⁹⁴ DENI *Core Syllabus for Religious Education* page 1.

⁹⁵ *Ibid* page 29.

In addition to the disparity in time allocated to Christianity compared with other religions, the goal of gaining an ‘understanding and appreciation’ of Christianity is downgraded to the development of ‘sensitivity’ towards non-Christian beliefs.

The narrowness of content is sometimes aggravated by the doctrinal manner in which RE is communicated. The ETI is responsible for “monitoring, inspecting and reporting on the standard of education being provided ... and the standard of professional practice among teachers”.⁹⁶ However its powers to carry out inspections are not “exercisable in relation to any provision for religious education ... except with the agreement of the Board of Governors”.⁹⁷ Recent research carried out by Queen’s University Belfast (QUB) with pupils and parents holding minority beliefs found “significant dissatisfaction with the content of RE and with the way it is taught”⁹⁸ and observed “a desire for an approach to RE that is more broadly-based rather than narrowly-focused on Christianity, non-doctrinal, non-confessional, open and inclusive in tone and style and committed to the development of critical thought”.⁹⁹ NICEM’s interviews with BME parents and pupils also detected an appetite to learn about various religious beliefs, including Christianity. For example one Muslim student commented: “I don’t actually mind because you can learn about other religions and ... it’s actually quite interesting”.

The EQIA of the RE Core Syllabus acknowledged concerns that the proposals “did not make enough provision for religions other than Christianity”¹⁰⁰ and could have adverse impacts on the ground of race. Nevertheless DENI defended the proposals on three grounds. It first argued that the Syllabus was “suited to the religious background of the vast majority of pupils”.¹⁰¹ It is deeply disappointing that rather than accommodating the educational needs of all pupils DENI is content to cater for the religious background of the majority of students.

Secondly, DENI points out that parents can withdraw their children from RE lessons.¹⁰² The extent of ‘opting-out’ of RE is unknown. DENI undertook to “continue to survey schools to monitor the number of pupils withdrawn from RE lessons and ... publish the survey results

⁹⁶ The Education Reform (Northern Ireland) Order 1989 Article 30(2a).

⁹⁷ Ibid Article 30(7).

⁹⁸ A Mawhinney et al (2010) *Opting Out of Religious Education: The Views of Young People from Minority Belief Backgrounds* page 63.

⁹⁹ Ibid pages 63-64.

¹⁰⁰ DENI (2006) *Results of an Equality Impact Assessment of Proposals for a Revised Core Syllabus for Religious Education* page 1.

¹⁰¹ Ibid page 14.

¹⁰² Article 21(5) of the Education and Libraries Order (NI) 1986 states “if the parent of any pupil requests that the pupil should be wholly or partly excused from attendance at religious instruction or collective worship or from both, then, until the request is withdrawn, the pupil shall be excused from such attendance in accordance with the request.”

on the Department's website".¹⁰³ However no further monitoring has taken place since this document was published in 2006. Of the BME students who participated in NICEM's survey, 26.4% opted out of RE. While opting-out of RE is a Human Right¹⁰⁴ and should be facilitated, it excludes pupils from minority belief backgrounds and deprives them of a GCSE which in turn could affect access to University. It would be preferable if the syllabus facilitated diversity.¹⁰⁵

Thirdly, DENI notes that schools are not legally confined to the Core Syllabus and can teach supplementary material if they so wish. However constraints of time, knowledge and ethos limit the scope for additional teaching. In any case, the option of teaching additional material does not excuse a flawed Core Syllabus.

Recommendations

DENI has taken an extremely narrow interpretation of those with 'an interest' in the teaching of religious education. NICEM recommends that the RE syllabus be revised by a committee that includes representatives from a broad range of faith communities and those of no faith. In addition to content, the style of teaching is also important. Consequently the language used in the RE syllabus should signal a shift from a doctrinal to a more scholarly approach. The ETI should be empowered to carry out its functions in all subjects, including RE. Therefore the restrictions imposed by Article 30(7) of the Education Reform (NI) Order 1989 should be removed. More broadly, DENI and CCEA should commission a paper examining how the curriculum can be adapted in light of Northern Ireland's growing diversity. NICEM's interviews reveal that some teachers are already attempting to do this on their own initiative but a more systemic approach is merited.

¹⁰³ DENI (2006) *Results on an Equality Impact Assessment of Proposals for a Revised Core Syllabus for Religious Education* page 15.

¹⁰⁴ See A Mawhinney et al (2010) *Opting Out of Religious Education: The Views of Young People from Minority Belief Backgrounds*.

¹⁰⁵ Respect for diversity is promoted by DENI as an indicator of effective child-centred education. DENI (2009) *Every School a Good School* page 14.

10 School Dinners

Introduction

The school meals service is operated by ELBs in controlled and maintained schools and by Boards of Governors in voluntary grammars and integrated schools. A culturally diverse society requires schools to cater for a range of dietary needs. For example many Muslims and Jews do not eat pork or gelatine and require food to be prepared in accordance with certain customs. Many Sikhs and Hindus are vegetarian. This section reviews how school dinner policy accommodates these needs.

School Dinner Policy

Since September 2007 all grant-aided schools have been required to adhere to standards set out in *Nutritional Standards for School Lunches*. It notes that pupils of different religious beliefs might have different dietary requirements.¹⁰⁶ However it does not specify how schools can and should go about meeting those needs and the checklist designed to ensure compliance with the standards does not make reference to catering for different cultural and religious requirements. Further information was provided by a poster on ‘guidance on foods for religious faiths’, published in 2009 by the Public Health Agency.¹⁰⁷ DENI consulted on a draft *Food in Schools Policy* in 2009 but is yet to publish the final policy. The draft policy document makes no reference to the needs of BME students. The accompanying Equality and Human Rights Screening Template states: “Some ethnic groups can have different dietary requirements ... but ELBs etc have confirmed they can cater for this”.¹⁰⁸

The response of educational authorities therefore appears to have mainly taken the form of advice. NICEM’s research found evidence of good practice, but BME pupils also gave examples of schools that were failing to cater to their needs. For example one respondent to NICEM’s survey stated: “It is very unclear whether or not the food is Halal. Most of the times it is not and we must resort to vegetarian food or packed lunches”. This quotation highlights two key issues – a lack of information and a lack of appropriateness. Our interviews with BME pupils and a focus group with ten Muslim pupils aged 8 to 14 years, carried out by two of NICEM’s member groups in 2009, revealed that some schools are not providing information on ingredients.¹⁰⁹ One of the participants in the 2009 focus group reported that

¹⁰⁶ DENI, DHSSPS, PHA *Nutritional Standards for School Lunches: A Guide for Implementation* page 44.

¹⁰⁷ Available at <http://www.publichealth.hscni.net/publications/guidance-food-religious-faiths>.

¹⁰⁸ DENI (2009) *Equality and Human Rights Screening Template: Food in Schools Policy*.

¹⁰⁹ Indian Community Centre and Belfast Islamic Centre (2009). On file with NICEM.

she “felt embarrassed to hold up the queue of school children behind her in the school restaurant, by having to take time to ask the catering staff how the food was cooked and what it contained”.¹¹⁰ Another Muslim pupil interviewed by NICEM related a similar experience.

In addition, more could be done to improve the appropriateness of food for BME students. Pupils interviewed by NICEM and in the 2009 focus group both reported that the food available in schools was sometimes unacceptable, as it was not prepared in accordance with Halal customs.

Recommendations

Regardless of how nutritional school dinners are, if they are not culturally appropriate to all pupils then some will be excluded from their benefits. Therefore NICEM recommends that the checklist for the *Nutritional Standards for School Lunches* be amended to require schools to cater to the dietary requirements of pupils from different cultural backgrounds and to provide information on ingredients and the preparation of food. In order to identify those dietary requirements, schools should ask all pupils if they have specific dietary needs rather than waiting for students to approach school staff. Furthermore, catering staff should be trained to meet these needs. The final *Food in School Policy* should also incorporate these points.

¹¹⁰ Ibid.

11 Conclusion

Through the CFF and the IDS, resources have been made available to assist schools to meet the needs of BME pupils. However funds allocated for Traveller, Roma and newcomer pupils are not earmarked and schools are not required to avail of the services offered by the IDS. A number of factors can contribute to good use of those resources and a positive approach to diversity more generally. They include the professionalism and good will of teaching staff, the need to attract a range of students in the context of declining school numbers and the refusal of BME pupils and parents to tolerate discrimination. On the other hand, factors that could foster a negative approach include individual and institutional racism,¹¹¹ the fear that acknowledging racism as an issue will damage the school's reputation and constraints of time and knowledge. Such dynamics play out in highly variable ways. This variability is not acceptable - every school must be a good school.

In terms of delivering this goal, three major themes stem from this report. Firstly there is a need for more systematic collection and analysis of data disaggregated by ethnicity. This is essential to ensure accountability, to effectively target support, and to satisfy the responsibilities imposed by equality schemes and the RRO. Specifically, this report has identified the need for improved monitoring of student ethnicity, of the attainment levels of newcomer students, and of racist bullying.

Secondly, all aspects of the education system should be reviewed in light of the growing diversity of Northern Ireland. This report has highlighted issues in relation to admission procedures, the administration of FSM, communication between schools and parents, examinations, the curriculum, and school dinners. Section 75 provides a comprehensive framework for ensuring that the policies of an organisation promote equality and its coverage should be extended to schools.

Thirdly, there is need for further research to improve our knowledge of the needs and experiences of BME pupils and parents, and how these can be addressed. This report has highlighted the need to further explore the under-attainment of BME students, the low level of newcomers attending grammar schools, and approaches to racist bullying. NICEM would also welcome research into the participation of BME parents on Boards of Governors.

¹¹¹ Defined as "The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin" in The MacPherson Report (1999).

12 Bibliography

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**PROMOTING
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POST-PRIMARY SCHOOLS**

**EOIN ROONEY AND
BARRY FITZPATRICK**

JUNE 2011

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