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**Submission to Department of Education Consultation
on the Provision of Performance and Other
Information About Pupils and Schools**

September 2012

1. Introduction

NICEM is an independent non-governmental organisation working to promote a society free from all forms of racism and discrimination and where equality and human rights are guaranteed. As an umbrella organisation¹ we represent the views and interests of black and minority ethnic (BME) communities.²

Our vision is of a society in which equality and diversity are respected, valued and embraced, that is free from all forms of racism, sectarianism, discrimination and social exclusion, and where human rights are guaranteed.

Our mission is to work to bring about social change through partnership and alliance building, and to achieve equality of outcome and full participation in society.

This consultation response will highlight the relevant issues for BME children and young people in relation to the proposed changes to the Regulations. This will be primarily informed by research published by NICEM on *Promoting Racial Equality in Northern Ireland's Post-primary Schools* in June 2011.³

2. General observations on the new Regulations

While it is to be welcomed that the aim of these changes is to raise standards in schools, this should be an opportunity for the Department of Education to ensure that the needs of BME young people are being met in schools, and in particular that schools are aware of their obligations. As well as domestic legislation, e.g. the Race Relations (Northern Ireland) Order 1997, the principle of non-discrimination is one of the core principles in the UN Convention on the Rights of the Child and this should form the basis of all legal and policy frameworks with respect to children and young people.

In addition, it is essential that schools collect, compile and collate as well as de-segregate data on BME students. This data can then be used to identify needs in a particular community, especially if a number of students from that community are under-achieving. For example, Roma and Traveller children's attendance at school can often be sporadic and if this is monitored closely, this can help identify the factors that force those vulnerable children to leave school. The issue of ethnic monitoring

¹ Currently we have 27 affiliated BME groups as full members. This composition is representative of the majority of BME communities in Northern Ireland. Many of these organisations operate on an entirely voluntary basis.

² In this document "Black and Minority Ethnic Communities" or "Minority Ethnic Groups" or "Ethnic Minority" has 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 See NICEM, *Promoting Racial Equality in Northern Ireland's Post-primary Schools*, June 2011, available at: http://nicem.org.uk/uploads/publications/Education_report_-_Final_PDF.pdf.

was strongly raised in NICEM's education research; here we identified significant problems with the category 'white' given the large numbers of migrants living in Northern Ireland coming from Eastern Europe and other EU Member States. These children face language barriers but also socio-economic obstacles and may be subject to bullying. It is essential that schools collect this data and de-segregate it in order to ensure that the needs of all students can both be identified and met. It is recommended that this is included in the new Regulations so that all schools are obliged to keep such records and this would help to better inform the Department's policy in trying to raise the levels of achievement BME students by eliminating the barriers that currently inhibit high educational attainment.

3. Education (Target-Setting in Schools) Regulations (NI) 2012

NICEM welcomes the alignment of targets to policies aimed at raising standards, particularly since our research has highlighted the under-attainment of BME students. If this is to be carried out effectively, it is necessary to collate statistics of under-achievement in ethnic minority young people and children and the name of the school and identify whether these schools are under the current under-performance school. Moreover, given the lack of data on BME educational achievement, as highlighted in NICEM's research, the Department needs to conduct in-depth research on those ethnic minority school leavers without qualifications to identify the barriers.

In the proposed changes to the performance indicators the needs of BME students are not specifically reflected. For example, it is essential that we improve the current EAL standards by early assessment for all ethnic minority pupils at both primary and post-primary levels. Perhaps EAL-specific indicators should be included in the new regulations.

However, there is also a risk that an emphasis on targets might lead to the exclusion of BME students and this is something that schools must actively try to avoid. For example, this might occur whereby schools would be unwilling to accept BME newcomer students as they may require more support and resources, which the school cannot afford to provide based on the targets.

More generally and indeed importantly, since individual schools are the delivery body to ensure quality standard of educational achievement in Northern Ireland, there needs to be an oversight mechanism. It is envisaged that such a mechanism would include the Department and the NI Ombudsman Office, where appropriate. It is necessary, therefore, to change the current arrangement to make sure the public resources are well spent and schools are accountable while also having flexibility to explain attainment levels.

4. Education (School Information & Prospectuses) Regulations (NI) 201

The changes proposed to this Regulation are broadly welcomed. However, there are some issues in relation to access to information. For example, where parents of BME children are not proficient in English, the Regulations should provide for interpreters where necessary. For example, interpreters and/or translators may be necessary for the publication of school reports and at parent-teacher meetings as it is not appropriate, in these circumstances, for children to interpret this information for their parents. In terms of providing information to parents, parents should also be made aware that children have a right to appropriate and culture-sensitive school meals as evidence.

At point 17 in the consultation document, the Department's commitment to shared education programmes is reiterated. This, alongside the citizenship education, is to be welcomed. However, it is essential that the citizenship education includes anti-racism training as well as exploring the themes of diversity and inclusion. Anti-racism training is particularly important given the prevalence of racist bullying in schools as highlighted by NICEM's research.

5. Further Information

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