



CLC response to the Independent Review of Education

Children's Law Centre

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Introduction

The Children's Law Centre (CLC) is an independent charitable organisation which works towards a society where all children can participate, are valued, have their rights respected and guaranteed without discrimination and where every child can achieve their full potential.

We offer training and research on children's rights, we make submissions on law, policy and practice affecting children and young people and we run a free legal advice, information and representation service. We have a dedicated free phone legal advice line for children and young people and their parents and carers called CHALKY as well as a Live Chat service for young people through REE Rights Responder and a youth advisory group called Youth@clc. Within our legal, advice and representation services the majority of our work centres around education provision, including with regard to some of our most vulnerable children and young people, such as looked after children, children who come into conflict with the law, children with special educational needs, children living in poverty, children with disabilities, children with mental health problems and complex physical health needs and children and young people from ethnic minority backgrounds.

Our organisation is founded on the principles enshrined in the United Nations Convention on the Rights of the Child (UNCRC), in particular:

- Children shall not be discriminated against and shall have equal access to protection.
- All decisions taken which affect children's lives should be taken in the child's best interests.
- Children have the right to have their voices heard in all matters concerning them.

From its perspective as a children's rights organisation working with and on behalf of children, CLC is grateful for the opportunity to make a submission to the Independent Review of Education.

Survey

CLC appreciates that this call for views is intended to focus on identifying priorities. However, we do have a concern that the questions are so open ended and the scope for answering is so restricted as to make considered and informed views very difficult to formulate. CLC will broadly follow the format of the survey for ease of reference but with the caveat that properly informed consideration of key issues under review will be essential to ensure a fair process. Fair process and equality of access to fair process are an absolute requirement and should reflect the gravity of the issues given that this is a review of fundamental issues with potential to effect radical change impacting children and young people across the education system in Northern Ireland.

We note at the outset, that this survey does not appear to be readily available on the website in a child-friendly format. Child-friendly documentation will be required to enable full and proper consultation with children and young people throughout this review. We urge the independent panel to communicate clearly with the public and stakeholders how children and young people, as the key affected parties, will be enabled to participate fully in this wide-ranging review, including with disability and age-specific support as required.

It may be useful for the panel to have access to CLC policy responses about education. All of our responses and briefings referred to in this paper can be accessed through the following link:

<https://childrenslawcentre.org.uk/consultation-responses/>

CLC response to the Call for Evidence on Educational Underachievement

CLC provided a [Response to the Expert Panel on Educational Underachievement](#) in October 2020 in relation to a call for evidence on educational underachievement linked to socio-economic deprivation. The views we outline in that response are highly relevant to this Independent Review of Education and so we request that points raised in that response are taken into account as part of this survey and as part of the Review in general.

Key issues that we identify in the above response as causing educational underachievement from our legal advice and casework include:

- Failure to recognise **the child as a legal rights holder**
- Persistent inequality linked to failure of public authorities to properly comply with **Section 75 of the Northern Ireland Act 1998** when making policies
- Failure to comply with the statutory duty to cooperate under **Section 2 of the Children's Services Co-operation Act (NI) 2015** in order to promote children's wellbeing
- Lack of effective cooperation between government departments and children's services providers, including **failures to systemise effective joint budgeting**

and joint working practices through pooling human, financial and other resources under **Section 4** of the 2015 Act.

- Significant and serious failure of **early intervention**, including failure of legal compliance, particularly regarding children with **special educational needs and disabilities**
- **Insufficiency of education workforce capacity** relative to the needs of the school population in Northern Ireland
- Negative impacts of the **imposition of COVID-19 restrictions** and **Education Restart** policies

For more detailed information, please see the full response on our website.

Survey Questions

What does good education look like? Q5 – Q7:

It is CLC's view that **the description should be expanded** to ensure it adequately reflects minimum human rights standards.

The United Nations Convention on the Rights of the Child sets out the minimum requirements in respect of the right to education:

Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

(a) Make primary education compulsory and available free to all;

(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;

(c) Make higher education accessible to all on the basis of capacity by every appropriate means;

(d) Make educational and vocational information and guidance available and accessible to all children;

(e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 29

1. States Parties agree that the education of the child shall be directed to:

(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;

(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

(c) The development of respect for the child's parents, his or her own 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;

(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

(e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

The UK government has ratified the UNCRC and therefore has committed to uphold the articles contained within the Convention. **Articles 28 and 29 of the UNCRC therefore need to be the keystone of what good education looks like in Northern Ireland.**

In order to realise human rights, children and young people need to be taught about their **human rights as part of the curriculum.**

The description of “good education” should be amended to include embedding of **equality of opportunity** in education, acknowledging the legal protections set out in **Section 75** of the Northern Ireland Act 1998. Without equality of opportunity, it is not possible to provide good education.

The description should include a statement that **human rights and equality of opportunity should be at the heart of everything we do to enable provision of a good education for every child.**

CLC favours a stronger focus, within the description, upon the **child as an active participant in all decisions about their own education**.

Given the **significant retrogression in access to fundamental education rights** that CLC has witnessed over the past decade through legal casework, in particular in relation to disability, the **human right to inclusive education for children with disabilities**, as set out in **Article 24 of the UNCRPD** should be incorporated into any description of “good education”.

What does good education look like? Q8 – Q10:

Systems for delivery and administration

A series of highly critical reports have been published regarding **serious systemic failures and legal breaches in the operation of the SEND framework** by the Education Authority, including:

- [NI Audit Office Report on SEN](#)
- [NI Audit Office Impact Review](#)
- [NICCY Report - Too Little Too Late](#)
- [Public Accounts Committee report on Impact Review of SEN](#)

Further, we can see through our legal casework that **disability discrimination** has become institutionalised within the education system due to **lack of awareness about disability equality rights** and due to lack of effective training and resourcing which includes measurement of outcomes. Even the most obvious and straightforward requirements, such as access to large print materials for visually impaired children are not consistently complied with by schools and examination bodies. At the more severe end of legal non-compliance, children with disabilities are not attending any school and are receiving no access to education for reasons related to their disability.

It is essential that a targeted and sustained effort is made to **systemise equality of opportunity for all protected equality groups and for vulnerable children more generally in the formulation of policy and in the management and operation of schools and children’s authorities**.

Effective monitoring of resource allocation, including **evaluation of the educational outcomes and progress** made by children accessing **specialist pupil support services** and **monitoring of children on waiting lists** for these services is critical to improve forward service delivery planning.

Consideration should be given to the **designation of schools under Section 75** to ensure full accountability for equality of opportunity for children within education. By systemising equality of opportunity, it becomes possible to identify inequalities and to remove or mitigate harmful impacts. In addition, active promotion of equality of opportunity through targeted resourcing is key.

Good education which provides equality of opportunity flows from evidence-based policy making. **Evidence-based policies are formulated and monitored through collection of disaggregated data.** As well as disaggregated quantitative data, it is essential that qualitative data is collected through effective consultation directly with parents, carers, children and young people to enable children's authorities and children's services providers to plan effectively, to promote equality of opportunity and to mitigate against adverse equality impacts. When formulating and monitoring education policies **regular, constructive engagement with parents, carers, children and young people from a wide range of backgrounds requires to be properly systemised** by the Department of Education, the Education Authority and other relevant departments and children's authorities.

The **Children's Services Co-operation Act (NI) 2015** should be fully implemented, led by the Department of Education, to set **systems in place which enable and monitor co-operation** between children's authorities and children's services providers, including through use of **pooled resources** as per Section 4 of the Act. Consideration should be given by the Department of Education and all relevant Departments to the creation of **Joint Children's Services planning and budgeting to ensure coherent and targeted planning and delivery of services to achieve specified outcomes.**

To give a practical example of the necessity for this joined up approach from our legal casework, children who require certain medical procedures and health support while travelling from home to school are currently unable to access EA transport due to there being no appropriate mode of transport available across Northern Ireland. The obvious solution is a pooled fund to adapt current vehicles or purchase appropriate vehicles or a sharing by the EA of existing vehicles owned by HSCTs. **There is currently no system in place to facilitate such sharing or pooling of resources,** despite the legal duty to cooperate and the availability of the power to pool resources.

It is important to think of education in a wider cross-departmental context, looking at the **holistic and interconnected needs of children as part of their wellbeing and how resources can be pooled and therefore maximised** rather than using a siloed approach. It is necessary also when considering how education should look in a modern forward-thinking society, to take cognisance of **cross cutting strategies** such as the NI Executive's Children and Young People's Strategy 2020 – 2030 and the Department for Communities' Disability Strategy. **Delivery plans under such strategies should include plans for cooperation between all those serving the educational and related needs of children to be systemised.**

In terms of the schools' estate, CLC has raised concerns in a [response to the EA's draft area plans](#). We are concerned that plans are piecemeal and made in reaction to crises that have arisen due to poor planning and resourcing over many years. This has resulted in policies which in our view are not evidence-based and have not been properly evaluated or equality-proofed. Further consultation is currently ongoing through the EA in relation to the out-workings of area plans.

CLC has raised serious concerns about the design and implementation of the **revised SEND framework** in March 2021 in a [response to the draft SEN Code of Practice](#) and a [response to the draft SEN Regulations](#). This revised framework will affect in the region of 70,000 children with SEN, with knock on effects on the entire school population and significant resource implications. **CLC is extremely concerned about the outcomes that will be produced if this new system, which is founded on the assumption of built capacity in schools, is applied in the current context of an education system which is under significant strain in terms of financial and human resources.**

CLC gave [oral evidence to the Education Committee](#) and provided a [key point briefing](#) 16th June 2021 about concerns with the proposed revised framework.

Strengths and Weaknesses of Education in Northern Ireland? Q11-12:

CLC has long been concerned about a general lack of accountability of school Boards of Governors, including through failure to **designate schools under Section 75** of the Northern Ireland Act 1998. Designation of schools would assist schools to put systems in place which allow due regard to be paid to equality of opportunity and result in promotion of equality of opportunity in schools. This in turn should promote an improved ethos of inclusion across the system and improved outcomes for children in protected equality groups.

Ineffective complaints procedures in school have led to adverse findings by NIPSO, for example in a case where CLC assisted a child in relation to school bullying, which had not been properly addressed.

The lack of **direction of schools by the Department of Education** has been detrimental to school leaders, staff and pupils during the COVID-19 pandemic in relation both to operational challenges arising from restrictions and around setting of criteria for transfer of children at age 11, with schools facing avoidable litigation as a result.

We believe that in difficult financial times, proper checks and balances on how allocated funding is spent are essential to safeguard the interests of all members of the school community and ensure proper use of public funds. **Proper resourcing is necessary to ensure that school managers have sufficient and real discretion to allocate funds according to the profile of their pupils and to implement early and direct intervention to address pupil's emerging educational support needs at the earliest opportunity.** Currently, financial checks are in place to prevent fraud but there is no accountability for spend or for monitoring and evaluating the outcomes achieved for children who need additional support at school.

Proper accountability mechanisms, good governance and appropriate direction from the Department of Education protects schools, staff and pupils.

In relation to the delegation of funding to schools, the lack of accountability of schools within current systems, and the very high degree of autonomy they enjoy when spending public funds, will hinder any significant reform in the way that money can be allocated, as was pointed out by the report emanating from the review of the common funding formula.

Education Journey – Q13 & 14:

All of the issues listed within the survey are important and indeed interconnected. CLC does not believe it will be helpful to deal with issues on a piecemeal basis where the education system as a whole is under review and the survey does not give any context to enable fully considered views at this stage. A holistic approach will be required given that many of these issues are interdependent.

The largest proportion of CLC's work that comes through our advice and legal services is education-related, with the highest proportion of queries relating to special educational needs and disability. Within the area of special educational needs, one of the most marked issues is **failure of access to early intervention and the consequent loss of opportunity, distress and harm to children and families**. CLC is extremely concerned that despite the wealth of evidence about the failings of the education system in terms of early intervention for children with SEN, **the system appears to be unable to respond quickly enough** to provide an emergency response to this crisis in education which has long term impacts on the whole of society.

The **Public Accounts Committee** recommended one year ago in February 2021 in its [Impact Review of SEN](#) that **“DE should commission an independent review of the EA to assess its effectiveness”**. It also recommended an **“immediate independent, external review of the SEN service provision and processes”** and stated that **“this review must be completed promptly”**. It is essential that these reviews are carried out with the utmost urgency to inform the way forward for early intervention and to provide essential services to enable educational access for this significant cohort of pupils.

Provision of **specialist teaching support for pupils with dyslexia** is an example of a service which has not been enabled to provide for all of the children who need that service over a very extended time period, with extremely detrimental effects upon the educational outcomes of affected children. CLC gave [oral evidence to the Education Committee](#) on 13th October 2021 along with Kate McKeown, the parent of a dyslexic child and we produced a [key point briefing](#) about the impacts of failures in early intervention for children with dyslexia. It is important to listen to the experiences of children and families who have been left in this position.

In relation to **academic** selection, the UN Committee on the Rights of the Child's recommended in its Concluding Observations and Recommendations in 2016 that:

“...the State party... abolish the practice of unregulated admission tests to post-primary education in Northern Ireland”.^[1]

Academic selection has been shown to adversely affect more disadvantaged groups of children.^[2] Furthermore, recent research conducted to inform an emotional health and wellbeing framework for children found that preparation for the transfer test was leaving young children with severe anxiety.^[3] **Academic selection in Northern Ireland creates and exacerbates inequalities with negative impacts upon children’s wellbeing.**

In relation to the issue of **educating children and young people from different communities separately**, the UN Committee is extremely clear on its stance on this matter:

“In Northern Ireland, actively promote a fully integrated education system and carefully monitor the provision of shared education, with the participation of children, in order to ensure that it facilitates social integration.”

CLC takes the view that children should be educated together and that integration should be actively promoted so that it facilitates social integration.

In relation to the **structure and delivery of the curriculum**, the UN Committee on the Rights of the Child has recommended that **children’s rights education should be mandatory** (CRC/C/GBR/CO/5 para 73 (g)). The curriculum in Northern Ireland therefore should contain mandatory lessons on children’s rights and the UNCRC for both primary and post-primary pupils.

Furthermore, the UN Committee on the Rights of the Child has **expressed concern in relation current RSE provision in schools** and recommended in 2016 that State parties should:

“Ensure that meaningful sexual and reproductive health education is part of the mandatory school curriculum for all schools, including academies, special schools and youth detention centres, in all areas of the State party. Such education should provide age-appropriate information on: confidential sexual and reproductive health-care services; contraceptives; the prevention of sexual abuse or exploitation, including sexual bullying; the support available in cases of such abuse and exploitation; and sexuality, including that of lesbian, gay, bisexual, transgender and intersex children.” (CRC/C/GBR/CO/5 para 64b)

The [Northern Ireland NGO Stakeholder Report to Inform the UN Committee on the Rights of the Child’s ‘List of Issues Prior to Reporting’ Supporting Evidence](#) outlines the issue relating to current RSE provision succinctly:

“Current RSE provision in Northern Ireland is inadequate – a scant approach often fails to connect with the ‘lived reality’ of young people’s lives or to incorporate issues experienced by them on a daily basis, including sexting, family diversity, and LGBT+ relationships. These programmes are influencing how young people understand and

conceptualise 'healthy' sexual behaviour and relationships. Failure to provide adequate RSE places young people at risk when it comes to negotiating safe relationships. A narrow framework can lead them to seek information elsewhere, often from ill-informed sources, leaving them vulnerable to harmful behaviours.”⁴

In relation to **supporting mental health and well-being**, it is clear to CLC, through direct engagement with children and young people, that mental health is a priority issue for children.

The [NI NGO Stakeholder Report](#) and the [Supporting Evidence Report](#) to the UN Committee on the Rights of the Child (December 2020) highlighted that:

*“lack of safe spaces to talk about mental health and receive information and/or support; the poor quality of available mental health information; little or no mental health education in schools/colleges.... Children were negative about the **contribution of schools**, claiming many are not equipped to deal with children experiencing problems and define these as 'bad behaviour'. The Independent Counselling Service for Schools is at maximum capacity and not statutorily funded in primary schools. Lack of confidence, skills and knowledge amongst school and youth services staff to support children with mental health issues is a key issue....”*

It is **imperative, given the high prevalence rates of poor mental health in this jurisdiction, that mental health and well-being of children and young people is prioritised.**

In relation to both **provision of education other than at school (EOTAS)** and **provision of youth services** it is CLC's experience through legal casework that these **specialist services delivered by staff with knowledge and experience of reaching children who have the most difficult circumstances are an essential part of the education system** and can have positive life-changing effects upon a child's access to education.

One of our young clients recently commented that he believed that the youth services in his area, because of their ability to reach out and connect with young people in distress, are actually **saving lives** by diverting young people from harmful behaviour and enabling positive opportunities. There is merit in considering how, with appropriate resourcing, **youth services and EOTAS workers could be more active in promoting education and supporting young people to engage**, and stay engaged, in education through collaboration with schools and other children's services providers.

Children and young people's **lack of access to suitable and timely mental health and social care support** forms a significant proportion of CLC's legal casework. We have been witnessing a significant and extremely concerning increase in queries about mental health and emotional wellbeing of children and young people throughout the pandemic and as they emerge from pandemic restrictions. **We are seeing a significant uplift in queries about children who are unable to learn and, in some**

cases, unable to attend school because their mental health needs are not being met and families are under terrible strain in trying to manage the needs of children with mental health difficulties in the absence of appropriate social care packages.

In relation to **meaningful participation of children and young people, Article 12, UNCRC** provides the foundation of children and young people's participation:

“States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.”

This right applies to all children without exception.

The UN Committee on the Rights of the Child have also recommended that the UK government and devolved administrations:

Establish structures for the active and meaningful participation of children and give due weight to their views in designing laws, policies, programmes and services at the local and national levels.... Particular attention should be paid to involving younger children and children in vulnerable situations, such as children with disabilities.”
(CRC/C/GBR/CO/5 para 31 (a))

Article 7 of the UNCRPD provides that children with disabilities have the right to participate in decisions that affect them, with **disability and age-appropriate assistance**.

Participation of children in decisions about SEN is an essential practice under the statutory SEN Code of Practice (e.g. paragraphs 1.7 and 2.8) and supported participation in decisions involving the EA is now mandatory by virtue of the commencement of section 1 of the SEND Act (NI) 2016. In CLC's casework experience, effective participation by children in decisions affecting them has not been the norm to date. By engaging the child directly we have been able to resolve some very difficult long running cases to enable a child to access education.

Meaningful participation of children and young people must be central to the Independent Review of Education. In order to participate meaningfully and effectively, it is essential that child-friendly information is produced and that children and young people are fully engaged and consulted with widely as part of this review process. There are many studies that show the benefits of children's participation for the children themselves, the organisation involved (in this case, schools) and the wider community. CLC's youth advisory panel, Youth@clc, welcome the opportunity to participate and give views to the independent panel and have been able to produce a separate response to this survey after receiving some child-friendly materials to enable their engagement.

In relation to **learning from experience of the COVID-19 pandemic**, since the beginning of the lockdown in March 2020, the increased risk to vulnerable children in the home environment has been a priority area of work for CLC due to a continuous

flow of severely distressed parents, carers and professionals (from education, health and social care) who have contacted us to seek legal advice and information. We have consistently highlighted our concerns to the relevant authorities, including the Department of Education. CLC gave [oral evidence to the Education Committee](#) on the experiences of vulnerable children on 18th November 2020 and provided a [key point briefing on the Vulnerable Children Action Plan](#).

It is important to identify at the outset that the cause of the increased risk to vulnerable children has been a **combination of COVID-19 restrictions and 10 years of austerity cuts** which emanated from purposeful failure to prioritise the equality rights which are designed to protect the most vulnerable people in our society. For children, this failure presented as active stripping back of children's services, including within education to the point where there was insufficient system capacity to meet essential needs in "normal" times before the pandemic.

There is an **urgent need to strengthen system capacity** to mitigate the harms currently being suffered by vulnerable children and their families. There is a need to actively consult affected people, to be flexible, creative and swift in response and to place human and financial resources where the evidence gathered shows that they are most needed.

Ongoing work to rebuild services is not enough. Recognising that the already significant gaps in the delivery of children's rights have become chasms as a result of Covid-19, there is a need at this point to not just rebuild services, but to '**build back better**' within the education system in Northern Ireland.

In relation to the **role of technology in education**, CLC through legal advice and legal casework and direct engagement with children and young people, is aware of **the significant adverse impact lack of internet access and digital poverty** has had on children and young people in this jurisdiction. This includes children and young people who live in rural areas where internet coverage is patchy at best. CLC are also deeply concerned by the socio-economic discrimination experienced by children and young people who live in poverty and therefore their families do not have the means to pay for internet connection or associated devices.

These children and young people have been impacted by the lack of internet access for some time, however the COVID-19 lockdown has exacerbated the issue, particularly as children and young people were expected to access their education via the internet and their only way of communicating with their teachers, friends and wider family was through online means. This has continued with children returning to the classroom with many schools using online means to set homework and communicate with parents.

The UN Committee on the Rights of the Child [General Comment No 25 \(2021\) on children's rights in a digital environment](#) set out the minimum standards for children in relation to technology in the context of education:

“The right to non-discrimination requires that States parties ensure that all children have equal and effective access to the digital environment in ways that are meaningful for them. States parties should take all measures necessary to overcome digital exclusion. That includes providing free and safe access for children in dedicated public locations and investing in policies and programmes that support all children’s affordable access to, and knowledgeable use of, digital technologies in educational settings, communities and homes....

The digital environment can greatly enable and enhance children’s access to high quality inclusive education, including reliable resources for formal, non-formal, informal, peer-to-peer and self-directed learning. Use of digital technologies can also strengthen engagement between the teacher and student and between learners. Children highlighted the importance of digital technologies in improving their access to education and in supporting their learning and participation in extracurricular activities....

States parties should invest equitably in technological infrastructure in schools and other learning settings, ensuring the availability and affordability of a sufficient number of computers, high-quality and high-speed broadband and a stable source of electricity, teacher training on the use of digital educational technologies, accessibility and the timely maintenance of school technologies....

States parties should ensure that digital literacy is taught in schools, as part of basic education curricula, from the preschool level and throughout all school years, and that such pedagogies are assessed on the basis of their results. Curricula should include the knowledge and skills to safely handle a wide range of digital tools and resources, including those relating to content, creation, collaboration, participation, socialization and civic engagement. Curricula should also include critical understanding, guidance on how to find trusted sources of information and to identify misinformation and other forms of biased or false content, including on sexual and reproductive health issues, human rights, including the rights of the child in the digital environment, and available forms of support and remedy. They should promote awareness among children of the possible adverse consequences of exposure to risks relating to content, contact, conduct and contract, including cyberaggression, trafficking, sexual exploitation and abuse and other forms of violence, as well as coping strategies to reduce harm and strategies to protect their personal data and those of others and to build children’s social and emotional skills and resilience....

Teachers, in particular those who undertake digital literacy education and sexual and reproductive health education, should be trained on safeguards relating to the digital environment.”

We highlight also the recent report from Angel Eyes NI about access to education for children with visual impairment - [COVID-19: One Year On](#) - which provides evidence that 68% of parents surveyed said they had to adapt resources during the latest lockdown and **73% of parents said their child consistently received inaccessible**

resources. The report also found that only **112 out of 1001 pupils** with visual impairment supported by the EA's Vision Support Service had **received assistive technology to aid curriculum access.** The report notes that only 1 in 4 people with a visual impairment are in employment.

This is evidence that the education system is not properly utilising technology to deliver effective education for children who require support to access the curriculum, even when their needs are fully identified and they are within the remit of a specialist education service.

Similarly, particularly since the advent of the pandemic, technology is an increasingly important mechanism for enabling curriculum access and effective communication between pupils, parents and teachers. **Technology is an enabler when properly resourced and deployed and where all involved, including children, are trained and equipped to make best use of relevant software applications.**

In relation to **support for schools, the education workforce,** including both teaching and non-teaching staff, have had their capacity to support underachieving children decimated through a sustained programme of austerity cuts over at least a ten-year period. They are being asked to do more and more, with less and less resources. They are reporting to us that they cannot access training opportunities and that they feel **misinformed, demoralized and disempowered.** Programmes to support vulnerable groups of children tend to be piecemeal, limited and unsustainable.

The education workforce requires to be properly resourced and supported to enable implementation of targeted supports to be rolled out for children who experience educational underachievement. Support needs to be sustained and real, and based on need rather than budget driven. **School workforce capacity to respond to the needs of the school population requires to be significantly built up.**

In terms of support for schools, we also draw particular attention to the example of **“reasonable force”** provisions within our legislative framework and issues of **restraint and seclusion** in schools, all of which are in conflict with minimum human rights standards and are the subject of an ongoing Department of Education review and a recent report from NICCY on their [Review of Restraint and Seclusion in Educational Settings](#) . Discriminatory practices have become normalised in school settings. **School managers and staff require to have appropriate direction, legislative provision, guidance and monitoring arrangements in place** to enable appropriate management of **safeguarding, protection and wellbeing of vulnerable pupils.**

Designating schools under Section 75 would help protect the interests of schools and the children they serve by building consideration of equality impacts into policy making within schools and creating a culture within which equality of opportunity can be promoted and maximised.

Conclusion

CLC welcomes the opportunity to support the independent panel in its Review of Education. We hope that our comments have been constructive, informative and useful. We look forward to continued engagement and will be happy to assist with any queries arising from our submissions.

^[1] Para 73(a)

^[2] CREU (2020) *Educational Underachievement in Northern Ireland. Evidence Summary*. Available at: <https://www.stran.ac.uk/research-paper/creu-2020-evidence-summary/>

^[3] NCB (2019) *Development of an Emotional Health and Wellbeing Framework for Children and Young People in Northern Ireland*. Available at: <https://www.ncb.org.uk/sites/default/files/field/attachment/news/Informing%20the%20Development%20of%20an%20Emotional%20Health%20and%20Wellbeing%20Framework...pdf>

^[4] Agnew, E. (2018) *A Critical Analysis of the Emergence, Impact and Regulation of 'Cyberbullying' and 'Sexting' among Young People in Northern Ireland*, Unpublished PhD thesis, Queen's University Belfast

^[5] CEDAW (2019) *Concluding Observations on the eighth periodic report of the United Kingdom of Great Britain and Northern Ireland*, Adopted by the Committee on its 77th session (18 February – 8 March 2019), para 42b and c

^[6] Dirk Schubotz (QUB) submission to Children's Law Centre, September 2020

^[7] Neill, G. and Meehan, D. (2017) *Still Shouting: The needs and experiences of young people in Northern Ireland who identify as lesbian, gay, bisexual and/or transgender (LGBT)*, Cara-Friend and Youth Action, p21 Available at: <https://youthcouncilni.org/wp-content/uploads/2017/12/5878-YouthAction-Still-shouting.pdf>

^[8] Public and Corporate Economic Consultants (2017) *Post-primary school experiences of 16-21 year old people who are Lesbian, Gay, Bisexual and/or Transgender (LGB&T)*, Research Briefing, September 2017, Department of Education, p8

^[9] Belfast City Council Youth Forum (2019) *Any Use? Young People's Opinions on Relationship and Sexuality Education*

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