



Review of EA Equality Scheme 2022 Comhairle na Gaelscolaíochta, Consultation Response Questionnaire

Comhairle na Gaelscolaíochta (CnaG) was set up in 2000 by the Department of Education with the aims of promoting, facilitating and encouraging Irish-medium Education and Irish-medium schools, and to do this in a planned, educationally efficient and cost-effective way. CnaG, as an Arm's Length Body (ALB) of the Department of Education, receives a grant from the Department for staff salaries, administration costs and the implementation of an annual plan.

Our vision is a network of vibrant, viable Irish-medium schools, from pre-school to post-primary, providing excellence in education, at the heart of developing Irish Language communities. Our mission is to contribute to the development of those vibrant Irish-speaking communities by ensuring access to high quality Irish-medium education to those who desire it.

Irish-medium Education:

Irish-medium education was established, for the first time in the north, fifty years ago in 1971 when a group of pioneering young Belfast couples who, in the 1960s decided to acquire Irish and to develop it as a family and community language by setting up a local Irish speaking nucleus. This group, which set up home on Shaws' Road in West Belfast in 1969, became known as "Pobal Feirste". These families wanted to raise their children in an Irish speaking environment and were determined to maintain this linguistic approach when their children were of school age. A natural development was the setting up of an education system which would provide Irish-medium education for their children. Since then, Irish-medium education has undergrown sustained growth, driven by parental demand and developed, from the bottom-up, by committed communities overcoming social and political barriers to

become the fastest growing sector in education, with currently just over 7,000 children receiving their education through the medium of Irish locally.

The Statutory Duty & The Draft Equality Scheme

Comhairle na Gaelscolaíochta (CnaG) notes that there is no mention of either Irish-medium education or the Irish language in the EA's Draft Equality Scheme. This despite the EA's status as an ALB of the Department of Education, **therefore subject** to the Statutory Duty on the Department to 'encourage and facilitate Irish-medium education', as per The *Education Order NI 1998*.

The advent of this duty under article 89 of the Order statutory duty was a direct result of a treaty-based commitment in the Belfast-Good Friday Agreement (GFA). The GFA provided that the duty would be "in line with current provision for integrated education", in reference to an existing statutory duty under article 64 of the Education Reform (NI) Order 1989.

It should be noted that both provisions are not formulated as duties to 'pay regard' or 'due regard' to their objectives; rather the duties for Irish Medium and Integrated Education go beyond a 'due regard' duty focusing *inter alia* on taking the duties into account when developing policy. The formulation is instead to "encourage and facilitate the development" of Irish Medium and Integrated education respectively.

Since the 1998 Order a number of Judicial Reviews have helped elucidate the requirements and powers that come with the Statutory Duty. Most helpful was the Judge Treacy judgement in *Colma McKee V Department of Education 2011* regarding entitlement to school transport to Coláiste Feirste. The Treacy judgement set out in law that the Statutory Duty was not intended to be aspirational but have 'practical consequences and legislative significance'. The DE (and other bodies tasked with carrying out functions on behalf of DE) can "facilitate and encourage .." by taking positive steps to or by removing obstacles which inhibit the statutory objective – being the development of IME. The judgment made it clear these positive steps can be more than would normally be provided for the other sectors and do not create a precedent for other sectors without a Statutory Duty e.g. Catholic Maintained and Controlled sectors.

If we assume therefore that the absence of a strategy and/or a failure to take positive steps to mitigate identified obstacles to the further development of IME may constitute a failure to comply with the statutory duty it is important to establish the areas where positive action is required, such as the

identification of appropriate sites for IM development, relevant capital and infrastructure support to facilitate provision and the provision of Irish-medium specific resources etc.

Within the Department of Education v Drumragh Integrated College Judicial-Review judgement relating to the statutory duty as applied to Integrated Education, the Department (under Paragraph 27 of the Judgement) accepted ***“that it is under an article 64 duty to encourage and facilitate integrated education in Northern Ireland and that this duty has practical consequences and legislative significance which includes taking positive steps or removing obstacles which inhibit the statutory objective.”***

Comhairle na Gaelscolaíochta has frequently and consistently advised the Department of Education and The Education Authority that introducing a further obstacle to the development of IME which is not appropriate to the circumstances of the sector, would be against the Department’s Statutory Duty to encourage and facilitate the development of IME. Comhairle feels that neither the Department of Education nor the Education Authority has fully considered the implications of policies (from Area Planning, to SEN etc) on IME and that it **should introduce Irish-medium proofing of this and all other measures and policies as a matter of course.**

In his summing up in the ‘Drumragh’ case Justice Treacy was succinct in relation to the Department’s introduction of obstacles to the delivery of its article 64 Statutory Duty ***“The creation of an additional difficulty is the opposite of encouraging and facilitating.”***

Article 44 of the Education and Libraries (NI) Order 1986 sets out that so far as possible children will be educated in accordance with the wishes of their parents. Introduction of yet higher barriers to setting up and securing sustainability of schools within areas that do not yet have IM provision, for example, will hinder the development of a network of schools to deliver wide geographical coverage of IME to meet parental demand.

Relevant International Legislation

The obligation on the State towards the development of Irish medium education – including issues of securing access - has a strong basis in international, European and domestic legislation.

International Frameworks:

Article 13, International Covenant on Economic, Social and Cultural Rights Right to Education (ICESCR (1966, ratified by UK government in 1976))

The United Nations ICESCR outlines what the right to secondary education involves:

“2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:...

*(b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally **available and accessible to all by every appropriate means**, and in particular by the progressive introduction of free education;”* [emphasis added]

This education must be culturally appropriate, catering for minorities and indigenous people:

*“States have obligations to... fulfil (facilitate) the acceptability of education by **taking positive measures to ensure that education is culturally appropriate for minorities and indigenous peoples, and of good quality for all;...**”¹*

How people actually access this education is a core aspect of the right to education:

*“6. (b) Accessibility - educational institutions and programmes have to be **accessible to everyone**, without discrimination, within the jurisdiction of the State party. Accessibility has three overlapping dimensions:*

- **Non-discrimination** - education must be **accessible to all, especially the most vulnerable groups**, in law and fact, without discrimination on any of the prohibited grounds...:
- **Physical accessibility** - education **has to be within safe physical reach...**
- **Economic accessibility** - education has to be **affordable to all...**

European Charter for Regional or Minority Languages

The need for concrete and positive steps to promote the right to culturally appropriate education is reinforced in the **European Charter for Regional or Minority Languages** (ratified by the UK government in March 2001), where states are provided with powers to take ‘resolute action’ to promote Irish medium education:

“In respect of regional or minority languages, within the territories in which such languages are used and according to the situation of each language, the Parties shall base their policies, legislation and practice on the following objectives and principles:

- c. the need for **resolute action** to promote regional or minority languages in order to safeguard them;*

f. the provision of appropriate forms and means for the teaching and study of regional or minority languages at all appropriate stages;”

Further comments on the Draft EA Equality Scheme;

Section 6.2 of the Draft refers to issues of access, particularly in respect of those ‘*who are not fluent in English*’ and ‘*children and young people (who) may not be able to fully access or understand information that we produce.*’ **CnaG contends that this right of access should be extended to children and young people attending Irish-medium education, whose language of instruction is Irish, and that all relevant information and services should be automatically made available to them through the medium of Irish.**

It is significant that in their publication ‘*A resource for schools to help children who have or may have, Special Educational Needs; Speech, Language and Communication Needs*’ (2021) the Intercultural Education Service made specific reference to strategies for bilingual children as follows:

Don't test children through the use of assessments standardised on monolingual speakers of English. (:57)

Section 6.4 of the Draft refers to the EA website, specifically; *We will seek to ensure that our website is accessible and provides information in an accessible format.* **CnaG notes that despite there being two languages used in the delivery of the curriculum locally, the EA website has no Irish language interface.** To ensure full and equitable access, CnaG recommends that an Irish language interface is made available and visible to those pupils, teachers, parents and school governors who wish to use it. Furthermore, there is no specific section on EA website on Irish-medium education, the benefits of

bilingualism and early immersive education or the expanding network of Irish-medium schools at all levels across the north.

Regarding **Section 6.5 Access to Services** and with particular regard to EA's provision of SEN support services; The Review of Irish-medium Education (2008) stated: *'The (Education and Skills) Authority should develop the capacity to meet the special educational needs (SEN) of children through the medium of Irish where possible' (xix) and that 'This would require appropriately skilled SEN support staff with high-quality Irish-language skills, which could be developed, for example, through bursaries.'*

Since the publication of the Review 13 years ago, there remain significant barriers for IME children in accessing appropriate Special Educational Needs provision, which prevent pupils receiving the pedagogic-specific and language-specific support appropriate to an Irish-medium environment. This is further compounded by a lack of understanding and co-ordination among current responsible agencies, notably the Education Authority, to ensure adequate support for SENIM (Special Educational Needs, Irish-medium) children. CnaG also notes:

- **There are currently no Learning Support Centres in the Irish-medium sector, profoundly impacting on Irish-medium pupils' access to linguistically appropriate intervention.** A regional network of Irish-medium Learning Support Centres is required to adequately deal with the increasing numbers attending Irish-medium schools, as well as the wide range of issues presenting, to ensure that IME is an inclusive sector and available to all parents who make the choice, regardless of any additional needs their child(ren) may have.
- **A range of bespoke diagnostic tools and suitable standardised tests is essential for use in the IM sector** in order to enable early identification and subsequent intervention;
- **Current criteria used by Educational Psychologists are exclusively in English**, meaning that children being educated through the medium of Irish, cannot access appropriate support until much later in their school lives;
- When statements of SEN are eventually written for IM pupils, **all external support is provided from EA and other agencies in English only;**
- There is a 2.6% higher incidence of SEN in Irish-medium schools, compared to English-medium education and a higher rate of children from more deprived socio-economic backgrounds; 41% Free School Meals entitlement in Primary IME compared to 25.7% average in all other

sectors; 57% Free School Meals entitlement in Post-primary IME compared to an average of 38.5% in all other sectors.

EA Resources

The Education Authority and various directorates thereof, regularly issue resources for use by pupils, teachers, parents and school governors. A disproportionate amount of time is spent by CnaG officers, invariably acting on request from IM practitioners, enquiring as to the availability of such resources in Irish, for use in IM schools. Much of the material issued has still not been made available in Irish, resulting in a direct denial of equality, for children who learn through the medium of Irish in Irish-medium schools. Among the numerous, recent examples of where the EA has failed in this respect are:

- Resources in 11 Languages’ (23/04/20) **Resources were published on the EA website in 11 languages, excluding Irish.** After CnaG and others raised this issue, Irish language versions were produced but, in most cases, translation of guidelines only was provided, rather than actual resources. In other cases, translations were of such a poor standard that they were unusable.
- “Welcome Back to School” Primary resources (26/08/20) **A resource to support children on their return to school in September 2020 was produced, with no Irish language version. CnaG had to secure the services of a translator and the subsequent resource was made available 2 weeks late and after children had already returned to school leaving IM pupils at a disadvantage in comparison to their English-medium peers.**
- “Supporting Wellbeing through Education” Resources on the SDS portal (26/08/20) This was distributed to teachers via a central database of resources, produced mostly by external sources. Given the well documented impact the pandemic had on the well-being of Children and young people, these resources are of the utmost importance. **There was, however, only a small fraction available through Irish and they were considered tokenistic by many practitioners. A specific post-primary resource ‘Reconnect and Rise’ was identified but not made available in Irish:** <https://www.eani.org.uk/information-for-children-and-young-people>
- Supporting Learning website (August 2020-) CnaG has carried out the majority of work on the IM area of this website despite named EA officers having overall responsibility for this work. It has not been updated in several months since CnaG officers were re-directed to other projects.

- Wellbeing Resources (Irish-medium was not offered representation on the Wellbeing Forum until 17/09/20) **A range of resources are being made available through this Forum, but no suitable Irish language versions have been produced.** When raised, CnaG has been told that resources can be translated to Irish using 'Browse-aloud' software. This is considered to be entirely inappropriate and does not produce usable resources for IM classrooms, in child-appropriate language. CnaG has made this known repeatedly but to date no solution/alternative approach has been identified. CnaG have now identified other sources of funding to develop our own, IM specific, well-being resources however, this is only a temporary solution and primary responsibility for this lies with EA.
- Literacy Service Resources; **All resources from this service are currently in English** <https://www.eani.org.uk/services/pupil-support-services/literacy-service>
- Behaviour Support; **All resources produced by this service are in English only.** <https://www.eani.org.uk/school-management/behaviour-support-and-provisions-bsp-regional-training-calendar/online-resources>
- CYPS Resources; CnaG advised CYPS in the Autumn of 2020 on priorities for translation and asked to have sight of the resources before they were issued. **No Irish language resources have been made available to date. No IM-specific training is included in the service's 2021-22 training calendar.**

EA Employment Practices

To ensure parity of esteem and equal opportunities for children in the Irish-medium sector, it is essential that EA recruits and utilises support staff who are sufficiently qualified and experienced to work with those children who are being educated through Irish. This includes a background in Irish-medium education, knowledge of immersion pedagogy and fluency in the Irish language.

In recent recruitment exercises by the EA, specifically for:

- 9 x Cross-Organisational Link and Development Officers (January 2022)
- 18 x Educational Psychologists (June 2021)
- 4 x Support Officers, Behaviour Support Service (June 2021)
- 3 x Shared Education Officers, Shared Education Service (June 2021,)

No experience or knowledge of Irish-medium education, immersion pedagogy or expertise in the Irish language was asked for in ANY of the advertised posts, despite acknowledged deficiencies in all of the above areas. CnaG believes that these omissions represent a total disregard for the

Statutory Duty to ‘encourage and facilitate’ Irish-medium education and contradict the EA’s mission to ‘provide a high-quality education for every child.’

A Fair Start-Report of the Expert Panel on Educational Underachievement in Northern Ireland (2021)

A Fair Start made numerous recommendations regarding underachievement in education locally, including the Irish-medium sector. The Expert Panel acknowledged:

‘ this (Irish-medium education) is a fast-growing sector totalling almost 7,000 pupils across 28 primary schools, 2 post-primary schools, 17 nursery units and 29 pre-schools, as well as 11 Irish medium units. There is also clear evidence that the Irish Medium sector has a disproportionately high number of socially and educationally disadvantaged pupils.’

‘ As the sector grows, there is a need to ensure that high quality resources and TPL opportunities are made available for the sector.’

Among the many areas recommended for development in *A Fair Start*, including for Irish-medium education are:

- A CPD strategy for the Early Years Workforce
- Funded support and advice for all DE-funded early years settings
- Development and investment in commissioning Early Years assessment, intervention and support services for younger children with developmental delay and/or SEN
- Funding of an additional 15 Nurture Groups
- **DE should provide additional focussed support for the Irish-medium sector in the form of educational resources, Initial Teacher Education, TPL and leadership training**

As EA will be central in the delivery of of all the above initiatives, it is imperative that the authority consults with CnaG and the wider Irish-medium sector, to ensure that these initiatives are not delivered solely with an English-medium focus and are cognisant of the specific nuances of IME.

Conclusion

Comhairle na Gaelscolaíochta believes that the EA’s vision ‘to inspire, support and challenge all our children and young people’ is being compromised by its failure to meet the needs of an entire cohort of children i.e. those children who receive their education through the medium of Irish. This continuing neglect means that the EA’s mission to ‘provide excellent education support services’ is falling short of what the Irish-medium sector is entitled to, particularly, but not exclusively in the areas of Special Educational Needs and production of resources for IME.

This is compounded by the fact that the sector is the fastest growing in education and is still undergoing significant growth. The issues identified above will only increase unless a different approach, which places the specific needs of IM education at the heart of EA's service delivery, is adapted immediately.

'Respect and equality' are listed amongst the EA's core values. CnaG contends that a systematic change in attitude towards Irish-medium education and to the Irish language in general, in both policy and practice, should form a major part of the EA's Equality Scheme, to ensure that these values are upheld for all children and young people.