



PAVEE POINT
TRAVELLER AND ROMA CENTRE

Submission to the Oireachtas Joint Committee on Education and Social Protection on the Draft General Scheme of an Education (Admission to Schools) Bill 2013 – 31 October 2013.

Pavee Point Traveller and Roma Centre

Pavee Point Traveller and Roma Centre have been working to challenge racism and promote Traveller and Roma inclusion in Ireland since 1985. The organisation works from a community development perspective and promotes the realisation of human rights and equality for Travellers and Roma in Ireland. The group is comprised of Travellers and members of the majority population working together in partnership to address the needs of Travellers and Roma as minority groups experiencing exclusion, marginalisation and racism. Core to Pavee Points work is commitment to promoting and supporting Traveller and Roma inclusion in the education system.

Enrolment policies have long proven to be a significant obstacle for Travellers in both accessing and progressing through the education system and have often served to continue a paradigm of institutional discrimination towards Travellers within the education system. In light of this, Pavee Point welcomes the opportunity this Bill presents to break this pattern of discrimination and ensure that all children can fully enjoy their right to education. This submission outlines our concerns with some of the Heads contained in the Bill and suggestions with regard to areas which have been overlooked or omitted.

Travellers in Education

In recent years, the Department of Education has noted an improvement in the educational achievements within the Traveller community. A 2006 survey found that almost all Traveller children were enrolling in primary school, however in comparison with their settled peers, Traveller students continue to fare poorly within the education system.

- The majority of Travellers fail to complete senior cycle post-primary education, with 55% of Travellers completing their full time education by the age of 15 (Census 2011).
- The Report on the First Phase of the Evaluation of DEIS (2011) found that the educational attainment of Travellers remains significantly lower than that of their settled peers in both reading and mathematics. The magnitude of the difference between the scores of the two groups is large in every case.
- Currently, less than 1% of Travellers go on to third level education (Census 2011).

- The 2012 State of the Nation’s Children report found that Traveller children, immigrant children and children with a disability are more likely to report being bullied at school.

The withdrawal of a considerable number of Traveller specific education supports in the 2011 budget, particularly the Visiting Teacher for Travellers service (VTTS) has had a significant impact on Traveller enrolment, transfer and retention in the education system.

In March 2011, the Committee on the Elimination of Racial Discrimination in its concluding observations on Ireland recommended that *‘The State party should ensure that concrete measures are undertaken to improve the livelihoods of the Traveller community by focusing on improving students’ enrolment and retention in schools.’*

Traveller students and school enrolment policies

Historically, school enrolment policies have had a disproportionately negative impact on Traveller students due to their selection criteria.

A large number of schools give priority in school admissions to children or relatives of past pupils this poses a significant barrier for Traveller students as was illustrated in the case of Stokes v CBS High School Clonmel. The ‘Our Geels: All Ireland Traveller Health Study (AITHS) 2010 found that 38.5% of 30-44 year olds and 25.8% of 45–64 year olds had primary education only which means that for a large number of Traveller children the chances of their parents having attended a post –primary school are remote.

This policy also proves a significant challenge for Travellers who are nomadic and are therefore unlikely to have had a family member previously attend the school in question.

Many schools continue to operate enrolment policies which present ‘soft’ barriers to Traveller students and the admissions process can often reveal discriminatory attitudes and practices towards Travellers within the education system.

Draft General Scheme of an Education (Admission to Schools) Bill 2013

Head 4: Amendment of Section 33 to set out the powers of the Minister to make regulation in relation to the admission of students to schools.

Recommendation 1: All school admission policies and application forms should be written in Plain English. School application forms for both primary and secondary should be standardised across the system to ensure that they are as accessible as possible to all parents.

The enrolment processes and school policies can prove to be particularly difficult for parents with literacy difficulties. According to the OECD Adult Skills Survey, 1 in 6 Irish adults have difficulty understanding basic text. Low literacy levels are an issue for a considerable number of Traveller parents. The AITHS, 2010 found that 50% of Traveller had difficulty reading the instruction for medication.

Ensuring that all application forms and policies are written in Plain English and standardising the application form across all schools would greatly increase their accessibility and facilitate comprehension by all parents.

Recommendation 2: The timeframe for the admission process should be standardised across schools to ensure that all parents and students are aware of the deadline for applications and when they will be notified of decisions.

For many parents, particularly if they are new to an area or have never had a child or family member attend the local school the variation in time frames for enrolment from school to school can prove challenging. A standardised deadline for enrolment applications and date for when parents will be notified of decisions would ensure that parents applied in time to the school/s of their choice as confusion around deadlines would no longer be an issue. This information could then be widely publicised through national and targeted information campaigns utilising Traveller, migrant and community groups to disseminate this information.

Each year a number of students do not transfer from primary to post primary schools; this is particularly an issue for Traveller students. Due to variation in admission timeframes, often the National Education Welfare Board (NEWB) does not become aware that a child does not have a school place until September or later at which point it can prove to be particularly difficult to place a child.

The standardisation of these deadlines would also ensure that students who were in danger of not transferring from primary to post primary would be flagged at an early stage with the NEWB allowing them to take steps in a timely manner to ensure that child secured a school place before the beginning of the new school in September.

Recommendation 3: Primary school principals should be responsible for ascertaining that 6th class students have a place in a post primary school and for notifying the NEWB of students who do not have a place or are in danger of not transferring to post primary school.

Currently no one is responsible for ensuring that a student transfers from primary to post school. For students who are at risk of leaving school early i.e. Traveller students, the transfer from primary to post primary education is a very vulnerable junction.

In order to ensure the successful transfer of students it is important that within the system someone is charged with the responsibility of ensuring that children transfer from primary to post primary education. Primary principals are best placed to check whether all students in 6th class have a place in a post primary school and to notify the NEWB of students who do not have a place and are at risk of not transferring so that the NEWB can take steps to support that child in finding a school place in a timely manner.

Head 5: Repeal of Section 29 (1) (C) of the Education Act

Recommendation 4: A system must be put in place which allows education welfare officers to ascertain whether a school is full or not.

As it currently stands the only way for an Education Welfare Officer (EWO) to establish whether a school is truly full is to take a Section 29¹. Schools will often refuse admission on the basis that they are full. There are a number of variables with regard to school capacity and in the majority of the cases schools which state that they are full, are in fact full. However in a distinct number of cases, schools have claimed to be full in order to prevent the enrolment of a student for a number of reasons.

Traveller students, children with special educational needs, children with a history of behavioural problems and migrant children are particularly vulnerable to these 'soft' barriers to enrolment.

Whilst we acknowledge that the Section 29 process was both cumbersome and time consuming it was the only method for an education welfare officer to establish if a school was in actuality full. The withdrawal of this process without the establishment of an alternative method for the NEWB to establish if schools are full would create a situation where schools could essentially 'hide' discriminatory attitudes and practices behind their supposed lack of capacity.

The inability of the NEWB to ascertain whether a school is full or not, will also severely impact on their capacity to designate a school for a child in cases where a child has no school place (please see Head 9).

Head 7: Appeals to the Board of Management against refusals to enrol

Recommendation 5: Decisions made by Boards of Management with regards to admissions should be examined by the Inspectorate as part of the whole school evaluation process.

Although discrimination by educational institutions on grounds of membership of the Travelling Community is prohibited under Section 4 of the Equality Acts 2000-2004, leaving the appeals system solely in the hands of the school board would leave no provision for the monitoring and oversight of these decisions.

To ensure that Boards are effectively and fairly implementing their admissions policy, decisions made with regards to admissions should be examined by the Inspectorate as part of the whole school evaluation.

¹ Section 29 of the Education Act 1998 allowed for students to take an appeal to the Secretary General of the Department of Education and Skills. This appeal would then be heard by a committee appointed by the Minister. This process was used to force schools to prove whether or not they were in actuality full.

Recommendation 6: An external appeals process must be established for students who are refused admission.

Pavee Point is seriously concerned about the proposed appeals process for students who are refused admission which places sole responsibility for this process with the school Board. Whilst it is stated that the principal shall not be involved in the decision of the Board of Management with regards to any appeal, it fails to take into account the influence that school principals have on Boards.

The composition of Boards of Management varies across primary and post – primary level. However, the majority of Boards consist of at least one teacher from the school and two parents of students enrolled in the school. The remaining members may be nominees of the Patron or the Board. Given the close working relationship between the Board and the principal there is a serious question as to the impartiality of these Boards in deciding an appeal and their expertise to do so. There is no method for ensuring that possible discriminatory attitudes held by members of the Board do not influence their decision making and whilst training is currently recommended for Board participants it is not compulsory nor does it currently contain equality training.

The fact that the decision of the Board will be final and that there is no further appeals system for students refused admission is of grave concern and will create a situation where schools can effectively hide discriminatory practices.

It is imperative that an appeals process outside of the school in question is in place to ensure that ‘soft’ barriers are not used by principals and boards to prevent the enrolment of students.

Head 9: Power of the National Educational Welfare Board and the National Council for Education to designate a school and associated appeal mechanisms.

Recommendation 7: In the case of any appeal concerning a child from the Traveller community the Appeals Committee should include at least one representative from a Traveller organisation.

Given Travellers history of marginalisation and discrimination within the education system where they were educated in segregated provision on the basis of identity rather than need; it is important that Traveller representatives be included in the Appeals Committee system to instil trust in the credibility and validity of the system on the part of the Traveller community and also to ensure that decisions regarding Travellers are equality proofed.

Regulations

Recommendation 8: Schools should not be allowed to operate the past pupil criterion in the allocation of school places under any circumstances

It is with disappointment that Pavee Point notes that the Minister may grant a derogation to permit a school's admission policy to include the 'past pupil criterion' in the case of oversubscription.

It has been established that this criterion is by its very nature discriminatory and has a disproportionate impact on communities with high levels of educational disadvantage. These communities should be targeted and facilitated to participate in the education system and not face further discrimination in the enrolment process.

Whilst it is stated that not all schools will be granted this derogation², a large number of schools will fulfil the criteria as set out in the draft regulations, making it highly likely that this system will continue in instances of oversubscription in a large number of schools.

Summary of Recommendations

Recommendation 1: All school admission policies and application forms should be written in Plain English. School application forms for both primary and secondary should be standardised across the system to ensure that they are as accessible as possible to all parents.

Recommendation 2: The timeframe for the admission process should be standardised across schools to ensure that all parents and students are aware of the deadline for applications and when they will be notified of decisions.

Recommendation 3: Primary school principals should be responsible for ascertaining that all of their 6th class students have a place in a post primary school and for notifying the NEWB of students who do not have a place or are in danger of not transferring to post primary school.

Recommendation 4: A system must be put in place which allows education welfare officers to ascertain whether a school is full or not.

Recommendation 5: Decisions made by Boards of Management with regards to admissions should be examined by the Inspectorate as part of the whole school evaluation process.

Recommendation 6: An external appeals process must be established for students who are refused admission.

² The criteria under which schools will be granted a derogation are outlined on page seven of the Draft Regulations Content of Policy which accompanies the Draft General Scheme of an Education (Admission to Schools) Bill.

Recommendation 7: In the case of any appeal concerning a child from the Traveller community the Appeals Committee should include at least one representative from a Traveller organisation.

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