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nigel williams
commissioner

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8 March 2006

Dear Jacinta,

Thank you for forwarding the consultation on Proposal for a Draft Education (Northern Ireland) Order.

The Northern Ireland Commissioner for Children and Young People (NICCY) has already provided a detailed response to the consultation on post-primary arrangements, and we are pleased that some of our comments have been included in the 'Report on Responses to Consultation'.

Unfortunately, due to other work commitments NICCY is unable to provide a comprehensive response to the Draft Education (Northern Ireland) Order at this time. However, there are a number of points which we would draw to your attention:

- **The Curriculum - General Duty**

NICCY notes the requirements on the Board of Governors and Principals of grant aided schools, and supports these. However, in terms of reviewing the policy and discharging the duties relating to the curriculum, there is no reference to consulting with children and young people, who are the recipients of the curriculum. NICCY strongly recommends the inclusion of meaningful participation of children and young people as part of these duties.

- **Special Cases – Temporary exemptions for individual pupils**

While NICCY is pleased to note the flexibility in relation to temporary exemptions, we would like to see an additional safeguard to ensure this process is not abused via the addition of a requirement to consult with and listen to the views of pupils and parents/carers in the process.



- Arrangements for provision of secondary education

Again NICCY is supportive of this and would hope that within future guidance there is clear reference to safety and protection issues relating to these particular arrangements.

- Complaints

NICCY would wish that the Tribunal membership are familiar with and apply the principles contained in the UNCRC. We would further like to see young person representation on the Tribunals.

- Admission Criteria

NICCY has already provided a very comprehensive response to the former consultation document addressing this issue and therefore will not reiterate our views here. NICCY supports the proposals outlined in the Draft Order.

- Suspensions and Expulsions

NICCY would encourage a separate consultation on these issues. It is NICCY's view that the emphasis should be placed on maintaining children and young people within the school and that all attempts should be made not to exclude a child/young person.

- Education of Suspended pupils

NICCY is concerned about the provision of adequate education for children suspended from school. In the interests of the child/young person, it is our view that the limited availability of direct teaching and provision of work is wholly inadequate and needs addressing as a matter of urgency.

- Removal from the Register

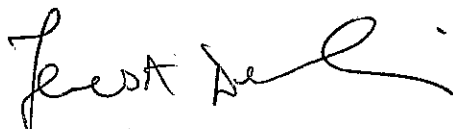
NICCY has worked on a review of vetting and is concerned that staff employed within education sectors found guilty of misconduct which may leave a child at risk of harm should be referred on to List 99 or future debarring lists. There should be reference of this process in the Draft Education (NI) Order.

We would further wish to reiterate the point made in our response to the consultation on post-primary arrangements, that children and young people should be meaningfully and directly consulted about legislation and policy that will have a direct impact on their lives.

Finally NICCY would urge wide and meaningful consultation on the accompanying guidance which we assume will follow this Order.

If you have any further queries, please do not hesitate to contact us.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Teresa Devlin', written in a cursive style.

Teresa Devlin

Head of Research, Policy & Service Review