

1. BACKGROUND

The Equality Coalition is a civil society alliance of more than 90 NGOs and trade Unions. In June 2020, in response to the announcement of the phased reopening of schools, the Coalition formed a sub-group to begin considering the impact the Covid-19 pandemic has had on the NI education system. This group is comprised of the following organisations: the Committee on the Administration of Justice (CAJ), UNISON, the Ulster Teachers' Union (UTU), Barnardo's NI, the Children's Law Centre, Angel Eyes NI (AENI), the Northern Ireland Youth Forum (NIYF), NASWUT, Transgender NI, the Rural Community Network (RCN), and the British Association of Social Workers NI (BASW NI).

2. CONTEXT

The Covid-19 pandemic has had far reaching impacts on all aspects of NI society, not least education, with most pupils being withdrawn from school for five months due to the strict lockdown period and the subsequent summer break. As children and young people begin returning to schools, we must ensure that this is done in a safe and measured way, which protects pupils and staff from harm - with all decisions subjected to the proper assessment processes to ensure they promote equality of opportunity under Section 75.

The diverse needs of pupils must be taken into consideration; it is crucial that those who were already disadvantaged before the onset of the pandemic do not simply continue to become more disadvantaged. It is equally important that the needs of staff are taken into account as schools re-open, with mitigating measures put in place to better promote equality where staff are differentially adversely impacted by changes in policy.

3. EQUALITY PROOFING THE RETURN TO SCHOOL

3.1 FAILINGS IN CONSULTATION AND EQUALITY SCREENING

While the pandemic has inevitably had an impact on how policies are developed by the Department of Education (DE), a worrying pattern has emerged of the department failing to adequately consult with stakeholders on major decisions. Likewise, there is a lack of visible equality screening of many recent policies. For example, the return to school guidance, *New School Day*, published by the DE on 13 August 2020, was not subject to any genuine consultation. Unions representing teachers and support staff were given less than 24 hours to respond to a lengthy document a few days before it was published. This runs completely contrary to the duty to consult under Section 75 and led to unions insisting that references to the document having been developed in consultation with them be removed. Additionally, if this guidance was assessed for its impact on the promotion of equality of opportunity (via equality screening or equality impact assessment) these assessments have not been published or shared with trade unions that requested them.

Similarly, DE issued a series of Modification Notices diluting a wide range of SEN legal duties and continues to issue an array of COVID-19 education policies in the absence of any formal consultation, with affected stakeholders including children, parents, school staff, support staff, health colleagues and unions. The result of the lack of consultation has been severe disadvantage affecting vulnerable groups who are protected under S75, in particular on the basis of disability, age and caring responsibilities.

It is imperative that the DE complies with its own equality scheme, including through direct consultation with affected groups, and conducts proper assessment of policies via screening and/or EQIA. Doing so will ensure appropriate evidence is gathered to enable the promotion of equality of

opportunity and to identify every instance where mitigations or alternative policies are required. Such screening as has taken place has been incomplete and wholly inadequate.

3.2 GUIDANCE FOR TEACHERS AND SUPPORT STAFF

According to feedback received by members of this sub-group, there is a high level of confusion among teachers due to the speed at which policies are being developed and/or altered. Some are learning of the most recent changes from the media, rather than through more appropriate and direct channels. Teachers are expected to provide certainty for their pupils, but it is difficult when they themselves are facing so much uncertainty. Comprehensive guidance is needed to help them adjust to the new normal within schools. In particular, there is a need for updated curriculum guidance given the policy changes since the last advice was published in June 2020.

As schools re-open, unions representing support staff have been alarmed by the delay in genuine engagement and consultation by both DE and the Education Authority (EA) in relation to the development of key policies affecting classroom assistants and workers across schools transport, cleaning, and catering. Guidance developed has frequently raised more questions than answers and in some instances there is a real lack of clarity as to the roles should staff undertake. Mitigating measures identified to protect the health and safety of the workforce have not been put in place swiftly enough, and have caused workers unnecessary alarm and distress in an already challenging environment. Properly conducted Section 75 assessments, combined with robust health and safety assessments, would have led to better policies being developed at an earlier stage.

3.3 MAINTAINING HEALTH AND SAFETY

The guidance issued by the Department of Education states that schools should develop re-opening plans and carry out risk assessments. While risk assessment templates have been provided by the Education Authority (EA), the outcome of these risk assessments and advice from medical professionals for pupils and staff has to be implemented by schools. Significant resources are required in order to do that. Also, no template has been provided for assessing the risks posed to vulnerable children as they return to school. Instead, the 'clinically vulnerable' risk assessment form is pitched towards staff members only.

Of particular importance is the provision of PPE in appropriate quantities to all staff that require it. There must be no repeat of the shortages that keyworkers faced at the beginning of the crisis. In addition, particular groups of workers, such as school transport staff, require specific measures such as having screens fitted on buses. Given the difficulties that exist in maintaining social distancing in school settings, mitigating measures such as PPE must be in place consistently. The Section 75 needs of pupils and the workforce must form a key consideration in maintaining safe schools. There needs to be robust data available to assess underlying health needs.

3.4 MENTAL HEALTH AND WELLBEING

The pandemic and recovery present a new challenge for pupils, teachers and the government. We are facing many challenges in the return to school, however there is also an opportunity to change education to improve lifelong outcomes for children. We must put children's mental health at the heart of education. Whilst every child will have responded differently, the potential impact of the pandemic and of lockdown on the mental health and wellbeing of children is very concerning, and addressing this must be the first priority on the return to school. Some children may require specific support from their schools after lockdown. For example, they may have been bereaved as a result of the pandemic, experienced social isolation from their friends, or been stuck in bad home conditions with little outside escape. Others may be experiencing separation anxiety as they leave their homes and return to the school environment for the first time in months. It is likely that the full impact of the pandemic on health and wellbeing will only emerge over time.

Schools should take a whole-school, trauma informed approach that incorporates a range of methods, including formal curriculum, pastoral care, and counselling provision, including tailored support for LGBT pupils. The classroom must be made a safe space for all pupils. The health and wellbeing of teaching staff as they navigate through all of this must also be a priority.

In order to support schools to prioritise mental health and wellbeing, it is critical that the Department of Education increases funding and investment in mental health and wellbeing so schools can meet the demand. We believe this should include extending statutory schools-based counselling provision to primary schools. Schools recognise the challenge the Department is facing, however there is a need for clear, child-centred, flexible guidance which can help them prepare for re-opening and the challenges they may face. Ongoing, direct communication and consultation with schools on those guidelines will support teachers in their return to school.

3.5 CHILD POVERTY

Children are already at a higher risk of poverty than the general population; many families have been pulled into poverty during the past six months as a result of losing their job/business, the impact of furlough arrangements, or increased financial pressures. Unemployment in Northern Ireland rose by 89% in April 2020, according to NISRA; this was the highest monthly increase since records began. The claimant count continued to rise in May has remained above 60,000 since then. The likely rise in child poverty as a result of these trends must be born in mind as policy decisions are made in relation to the return to school.

Unions representing support staff have sought to protect schools catering services so that children in receipt of free school meals can continue to receive a nutritious school meal, which for some will be the only hot meal they receive that day. UNISON, supported by other Equality Coalition members, will shortly be commencing a campaign calling for DE and the wider NI Executive to provide universal free school meals for all children as a measure to combat poverty, improve educational outcomes, and improve public health.

3.6 DIGITAL POVERTY

Many children from economically disadvantaged backgrounds will have been negatively impacted by digital poverty during their absence from school, particularly given that no programme was in place to provide such pupils with digital devices before 21 May 2020. Before this, these pupils will have been at a major disadvantage and may therefore require additional support upon their return to school. There is also the additional challenge of poor broadband connectivity in rural communities.

3.7 SAFEGUARDING

It is anticipated that there will be a surge in child protection referrals in the coming months. During lockdown, it is likely that incidences of abuse and neglect at home will have increased, while at the same time safeguarding concerns that would have been identified by teachers, or other mandated reporters, will have gone undetected. The same is also potentially true of online abuse since many children and young people will have become more reliant on their digital devices.

Conversely, digital poverty will have impacted the ability of social workers and project workers to stay in touch with some of the vulnerable children and young people in their care. The Health and Social Care (HSC) Trusts tried to counter this problem by supplying children in contact with social services with IT equipment. Throughout the pandemic, all children and young people who were identified as at risk by the trusts had ongoing social work contact (both virtual and face to face). All families and children were risk assessed as a continuous process - some children and families, where the risks were lower, may have had their support (temporarily) reduced.

It is vital that HSC children's social work services and the Education Authority Child Protection Support Service are adequately resourced to respond to an increase in demand as we emerge from lockdown and children return to schools.

3.8 SEN AND ACCESSIBILITY CONSIDERATIONS

Children with Special Educational Needs (SEN) will have experienced even more barriers to remote learning during lockdown than others. Online resources / teaching during lockdown was not always made universally accessible, negatively impacting those who have special educational needs and those who do not speak English as their primary language. For example, Angel Eyes NI (AENI), which supports children with visual impairments, conducted a survey and found that 62% of parents had to adapt the resources they received from schools themselves in order to better meet their children's needs. Furthermore, only 27% of respondents' children had access to specialist printed books. Additional tailored support will need to be put in place to help pupils with SEN adapt as they return to the classroom environment.

Not all pupils with SEN are returning to school full-time. Some are instead enduring further disruption to their education and usual daily routine, yet there is a lack of clear process behind such decisions. This is due in part to the lack of risk assessment template or guidance for schools on how to make safe and sound decisions. The outcome is inconsistency in that all children are not treated equally. Some schools will code the child as having authorised absence under DE Circular 2020/08 and will provide the child with teaching, classroom assistant support and school work packs. Others will say the child should come to school, will not provide work or support and will mark an unauthorised absence. The Children's Law Centre is aware of a family with several children with SEN and disabilities whose children are receiving different treatment from different schools.

Measures must be taken to ensure schools can meet the individual needs of all pupils, whether they have returned to school full-time or not. Teaching staff and classroom assistants must be given the necessary time, support, and resources to be able to adapt their learning tools appropriately. It is likely there will be increased demand on services supporting those teaching pupils with SEN, such as the Literacy Support Service and QTVI Service. These services should receive any additional resources they require, rather than teaching staff being left to shoulder the additional burden. Ensuring no child is left behind may require additional funding being provided by the department both directly to schools and to fund these support services.

Whilst there should be flexibility in individual cases to make an evidence-based multi-disciplinary best interests assessment, with parental involvement, followed by risk assessment to design a solution, there should be no case where a child is denied access to full-time education for reasons connected to lack of available resources.

3.9 SUPPORT FOR CHILDREN AT HOME

Due to various reasons, including parental choice or a requirement to self-isolate, some pupils will remain at home even as the majority are attending school. These pupils must be identified at the earliest possible stage and provided with the support they require. Children who are at home during school hours still need to be taught and to complete work and interact with peers. Guidance and resources are urgently needed to enable teaching and learning for these children, including provision of SEN support where required

3.10 STAFFING WITHIN SCHOOLS

The 'bubble system' operating in schools may lead to particular problems with regards to the allocation of classroom assistants, who before the pandemic may have split their time between

several different classes. Limits on the number of school visitors may also cause complications, with external support staff unable to come in as frequently as before the pandemic. Increased human resources are required to enable safe working practices for staff. Unions representing classroom assistants continue to seek clear guidance from the EA on these issues.

More information is needed on job protection for support staff working within schools. There is a very evident lack of clarity measures in place to support pregnant and vulnerable members of staff who are not employed on permanent contracts.

3.11 FORWARD PLANNING

Current policy is very much focused on the return to school. However, given what is happening in other countries, it is clear there is very real danger of a second wave of the virus. Contingency planning must be undertaken to prepare for a potential surge, incorporating joined-up working with other departments and resulting in published guidance. Even if there is no second wave, there is a strong likelihood that individual schools will have to close due to local outbreaks. Again, this must be built into all future planning.

It is imperative that mechanisms are put in place to enable consultation to identify emerging issues followed up quickly with multi-disciplinary mechanisms for decision-making, with a lead partner to coordinate processes and ensure timely resolution with input from all relevant parties.

4. CONTACT DETAILS

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