



# POLICY SUBMISSION

## Submission on the Education (Welfare) Bill 1999

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Combat Poverty Agency  
Bridgewater Centre  
Conyngham Road  
Islandbridge  
Dublin 8

Tel: 01 670 6746  
Fax: 01 670 6760

Email: [info@combatpoverty.ie](mailto:info@combatpoverty.ie)  
Web: [www.combatpoverty.ie](http://www.combatpoverty.ie)

## 1. **Introduction**

The Agency welcomes the publication of the Education (Welfare) Bill 1999. The Bill updates the legislative framework for compulsory school attendance by

- providing for a minimum standard of education, based on a statutory school-leaving age of 16 years or the completion of three years post-primary education;
- introducing regulations for education outside the recognised school system;
- establishing an Educational Welfare Board to promote the educational welfare of children;
- and setting out procedures governing school attendance and expulsion.

In making its submission, the Agency is fulfilling its statutory responsibility to advise on all aspects of social and economic planning in relation to poverty. The submission is informed by the government commitment to the reduction and prevention of poverty, including educational disadvantage, as set out in the National Anti-Poverty Strategy and the Action Programme for the Millennium. Under the strategy, it is now a requirement that all government policy proposals, including draft legislation, is poverty proofed, i.e. that its likely impact on poverty and on underlying inequalities are assessed in advance, with a view to maximising its impact on poverty reduction.<sup>1</sup>

The submission also draws on the recent government programme to tackle educational disadvantage: *The New Deal. A Plan for Educational Opportunity*. The New Deal is a landmark policy initiative to counteract educational disadvantage, involving the expenditure of an additional £180m over three years through a comprehensive range of measures, including the establishment of the Educational Welfare Board, as proposed in the Education (Welfare) Bill. Finally, the Agency's submission is cognisant of the government-ratified UN Convention on the Rights of the Child, which includes the right of a child to education.

The Agency has long been concerned with the issue of educational disadvantage and its links with poverty. It has produced a number of policy statements and research reports on this topic. A recurring theme in the Agency's work has been the importance of maximising school attendance, in particular by addressing issues relating to school participation costs.<sup>2</sup> The Agency is also piloting an integrated local strategy for tackling educational disadvantage (details in annex).<sup>3</sup> The Agency's Demonstration Programme on Educational Disadvantage 1996-2000 supports four local educational networks, including teachers, school management, parents, social services/welfare providers and community interests, to develop and implement an integrated local response to educational disadvantage.

Our submission outlines our views in regard to school attendance and makes a number of proposals, including possible amendments, with regard to the Bill.

<sup>1</sup> Poverty proofing was included in 1998 as a requirement in the Cabinet Handbook. It obliges government policy memoranda to 'indicate clearly the impact of the proposal on groups in poverty or at risk of falling into poverty'. Guidelines for poverty proofing are set out in the 1998/9 annual report of the Interdepartmental Policy Committee on the National Anti-Poverty Strategy (appendix C).

<sup>2</sup> The Agency recently made a submission on this topic to the review of the back-to-school clothing and footwear scheme, by the Department of Social, Community and Family Affairs.

<sup>3</sup> Combat Poverty Agency (1993), *Education, inequality and poverty. A response to the Green Paper on Education*; T Kellegan et al (1995), *Educational disadvantage in Ireland*, Dublin: Combat Poverty Agency, Department of Education and Educational Research Centre; B Cullen (1997), *Integrated services and children at risk*, Dublin: Combat Poverty; S Boldt et al (1998), *Educational disadvantage and early school leaving*, Dublin: Combat Poverty Agency; S Rourke (1999), *A learning experience. Case studies on local integrated strategies to tackle educational disadvantage*, Dublin: Combat Poverty Agency and Employment Youthstart.

## **2. The link between school attendance and educational disadvantage**

The Agency believes that school attendance/absence must be viewed in the broader context of educational disadvantage. Educational disadvantage is a significant component of poverty and social exclusion. The National Anti-Poverty Strategy, the NESF report on early school leavers, the Education Act 1998 and various research reports all identify educational disadvantage as a deep-rooted and most serious socio-economic problem. The Agency defines educational disadvantage as:

*the complex interaction of factors at home, in school and in the community (including economic, social, cultural and educational factors), which result in a young person deriving less benefit from formal education than their peers. As a result, they leave the formal education system with few or no qualifications, putting them at a disadvantage in the labour market, curtailing personal and social development, and leading to poverty and social exclusion.<sup>4</sup>*

School attendance is a critical component in the pattern of educational disadvantage. If a child does not attend school, then their chances of reaching a minimum level of educational attainment are greatly diminished. The Agency considers that the issue of non-school attendance is more complex than one of individual misconduct, as suggested by the traditional concept of 'truancy' or references to a child 'playing truant'. Rather, we see non-school attendance as being influenced by a number of external social factors:

- participation costs of education (clothes, books, meals, etc);
- level of parental support;
- suitability of school curriculum;
- school discipline policy, especially relating to expulsions;
- needs of minority groups (Travellers, refugees, children with disabilities);
- employment opportunities and recruitment practices.

In this context, the fact that there are upwards of 2,000 children at any one time who are excluded from school by management is of serious policy concern.

## **3. Principles for policy to tackle non-school attendance**

The Agency believes that the following principles should guide the policy response to non-school attendance:

- school attendance should be seen as an inherent part of the right of a child to education;
- legislation should reflect an understanding that non-school attendance is a symptom of a wider range of issues affecting the lives of children, their families and their communities and the structure and content of the school system, and that research is urgently needed on these issues;

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<sup>4</sup> H Johnston (1997), 'The nature and effectiveness of Irish policy interventions in addressing educational disadvantage', *Transitions in youth: combating exclusion. Proceedings of the fourth European workshop of Network on Transitions in Youth*, Dublin: ESRI and Combat Poverty Agency, p307.

- a supportive, not punitive, approach involving local co-ordinating structures is required to address non-attendance, though legal remedies may be necessary where the rights of a child are infringed;
- schools should take a proactive role in addressing non-attendance and schools should avoid the use of expulsions as a method of school discipline;
- parents and community groups should be resourced and supported to have an active role in local and national initiatives to tackle non-school attendance;
- mainstream education should be as inclusive as possible, but in certain limited and exceptional cases, alternative models may be needed with clear linkages back to mainstream schools.

Based on these principles, the next section of the submission outlines the Agency's response to the Bill and identifies issues which require further consideration.

#### **4. Response to the Bill**

##### ***Concept of truancy***

- The Agency notes that while truancy is referred to throughout the Bill, there is no definition of the term included at the outset. We feel that the term requires definition and that this definition should reflect a recognition of the external social factors referred to in page 2 of this submission.

##### ***Educational Welfare Board - functions and membership (S10 + Schedule)***

- The functions (S10) of the Board should be extended to include the provision of advice to recognised schools on the factors influencing non-attendance such as participation costs, school discipline and issues confronting minority groups.
- The Board should include as members a person or persons familiar with issues and/or experiences of poverty and disadvantage. The Board should also include parental representation (S9 Schedule 2).

##### ***Educational Welfare Board - local liaison and relevant authorities (S12)***

- Local structures to facilitate local liaison (S12) on issues of non-school attendance between officers of the Board and relevant authorities should be established. This would strengthen the capacity for local liaison and move it from being an informal relationship to a formal agreement between key bodies.

Specifically we propose that S12 (1) is amended as follows:

Replace *designate one or more of its officers.....perform such functions as are assigned to him or her by the relevant authority concerned.*

with

*create a formal structure, involving officers of relevant local/intermediary authorities as are designated under subsections (2) and (3), with responsibility for co-ordinating the activities of, and services provided by, these authorities as they relate to the educational welfare of children.*

- The definition of a *relevant authority* should be broadened (S12(6)) to include:
  - formal and informal education providers;
  - voluntary social services;
  - local community organisations;

- the National Parents Council (Primary and Post-Primary);
- the community welfare service of the health board.

***School expulsions (S24)***

- It should be a requirement that all school expulsions (S24) are notified to the Educational Welfare Board and that the Board produces an annual report on these, including an analysis of the profile of expelled children (social, economic, cultural and psychological), the reasons why they were expelled and the duration of their expulsion.
- School expulsions should only be allowed as a last resort and when all other options have been exhausted, including the removal of the child from a particular class but not from the school.
- Educational welfare officers should be enabled to mediate between a local school and a parent/child where there is a dispute regarding school attendance and, in particular, where a child is being threatened with expulsion from school.

***School attendance strategies (S22)***

- Schools should draw-up a list of possible in-school barriers to school attendance as part of their school attendance strategies.
- Schools should also consult with local educational interests, including those involved in providing community-based educational initiatives, when drawing-up their school attendance strategies.