



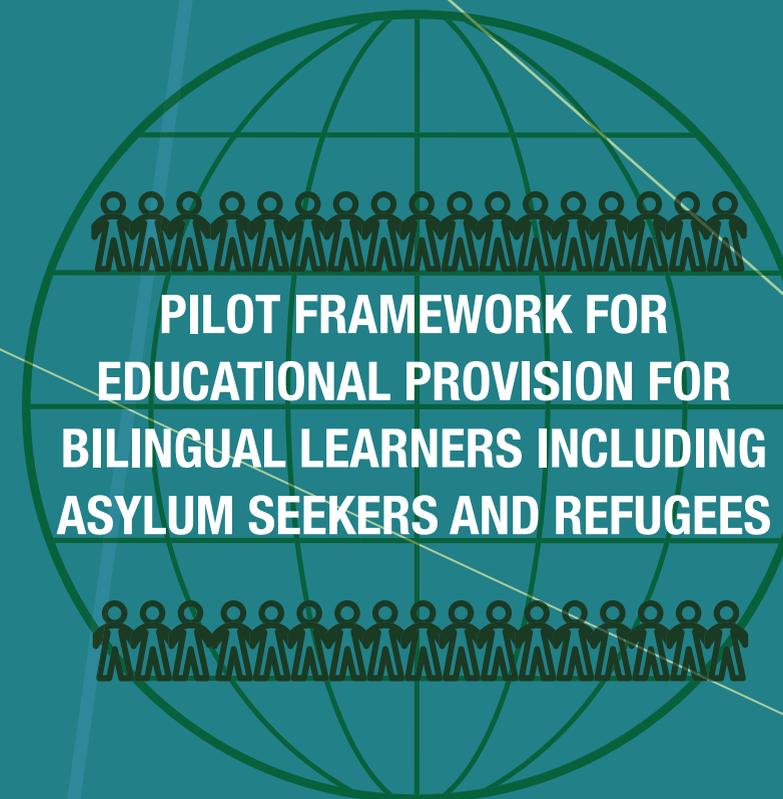
IRISH VOCATIONAL EDUCATION ASSOCIATION
AN CUMANN GAIRMOIDEACHAIS IN ÉIRINN



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AN IVEA WORKING GROUP REPORT, 2004
VOLUME II: SECOND LEVEL

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**PILOT FRAMEWORK FOR EDUCATIONAL
PROVISION FOR BILINGUAL LEARNERS
INCLUDING ASYLUM SEEKERS AND REFUGEES**

VOLUME II: SECOND LEVEL

AN IVEA WORKING GROUP PUBLICATION, 2004



IRISH VOCATIONAL EDUCATION ASSOCIATION
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contents

Definitions

- 6 Legal Terms
- 6 Terms Referring to People and Practices
- 7 Terms Referring to Teaching Practices
- 8 Glossary of Terms

Chapter 1:

Introduction

- 10 [S. 1.1] IVEA and the Specialist Working Group
- 11 [S. 1.2] Suggested Framework

Chapter 2:

National Structures

- 12 [S. 2.1] Introduction
- 12 [S. 2.2] Pursuing IVEA Policy at National Level

Chapter 3:

Education for Bilingual Learners: Background

- 13 [S. 3.1] Introduction
- 13 [S. 3.2] Refugee Support Service
- 13 [S. 3.3] Refugee Agency and Commissioned Research
- 13 [S. 3.4] Teacher Allocation System for Language Support
- 13 [S. 3.5] Refugee Language Support Unit
- 14 [S. 3.6] Research and Development within the VEC Sector
- 15 [S. 3.7] Reception and Integration Agency
- 15 [S. 3.8] NCCA Interculturalism Project

Chapter 4:

Legal and Policy Context

- 16 [S. 4.1] The International Dimension
- 16 [S. 4.2] The National Dimension
- 18 [S. 4.3] Conclusion

Chapter 5:

Responding as a School Community

- 19 [S. 5.1] Introduction: a Multiethnic Ireland
- 19 [S. 5.2] Responding as a School Community
- 19 [S. 5.2.1] Developing Interculturalism and Inclusion in Schools
- 20 [S. 5.2.2] Using the Whole School Approach
- 21 [S. 5.3] Students' Voices
- 21 [S. 5.4] Parents' Voices
- 22 [S. 5.5] Promoting Student Involvement
- 22 [S. 5.6] Promoting Parental Involvement
- 23 [S. 5.7] Teachers' Voices
- 23 [S. 5.8] Professional Development Training

Chapter 6:

Supporting Bilingual and Multilingual Learners

- 25 [S. 6.1] Introduction
- 25 [S. 6.2] Teaching English as an Additional Language (EAL)
- 25 [S.2.1] Introduction
- 25 [S. 6.2.2] Recommendations for Good Practice in providing EAL Supports
- 27 [S. 6.2.3] Recommendations re Resources and Training
- 27 [S. 6.3] Initial Enrolment and Assessment
- 27 [S. 6.3.1] Introduction
- 27 [S. 6.3.2] School Admission Policy
- 28 [S. 6.3.3] Enrolment and Assessment of Bilingual Students: Guidelines
- 29 [S. 6.3.4] Sample Enrolment Form for Bilingual Students
- 31 [S. 6.4] Initial Educational/Language Assessment Tools
- 31 [S. 6.5] Literacy and Basic Education

Chapter 7:

Addressing the Educational Needs of Separated Children

- 32 [S. 7.1] Introduction
- 33 [S. 7.2] Research on Separated Children
- 33 [S. 7.2.1] Research within the Vocational Education Sector
- 34 [S. 7.3] Profile of Separated Children in the Dublin Area
- 34 [S. 7.3.1] Summary of Research Findings
- 35 [S. 7.4] Barriers to Participation
- 35 [S. 7.4.1] Recommendations

Chapter 8:

Providing Support Services

- 37 [S. 8.1] Introduction
- 37 [S. 8.2] Translation
- 37 [S. 8.3] Psychological Services/Counselling
- 37 [S. 8.4] Childcare

Chapter 9:

Conclusion

- 38 [S. 9.1] The Role of Management
- 38 [S. 9.2] Implementation
- 38 [S. 9.3] Conclusion

39 Summary of Recommendations

Appendixes

- 44 Appendix I National Structures
- 45 Appendix II Agreed procedures between the ECAHB & Second Level Schools
- 45 Appendix III Salient Features of relevant Legislation
- 53 Appendix IV Legal Instruments

53 Bibliography

54 Further Reading

56 Contact List Of Statutory and Non-Statutory Agencies

Legal Terms

Asylum Seeker

A person who arrives spontaneously in the State seeking to be granted protection under the Refugee Convention.

Leave to Remain

Leave to remain is granted at the discretion of the Minister for Justice, Equality and Law Reform as an exceptional measure to allow a person to remain in the State who does not fully meet the requirements of the Refugee Convention but who may still need protection.

Programme Refugee

A person who has been given leave to enter and remain by the Government - usually in response to a humanitarian crisis - at the request of the United Nations High Commissioner for Refugees (UNHCR).

Refugee

A person who has been recognised as needing protection under the Refugee Convention. In the Convention, a refugee is defined as someone who has a well-founded fear of persecution for reasons of: race, religion, nationality, membership of a particular social group, or political opinion; is outside the country they belong to or normally reside in and is unable or unwilling to return home for fear of persecution.

Refugee Convention

The United Nations Convention relating to the Status of Refugees 1951 and 1967 Protocol.

Separated Children

The Separated Children in Europe Programme (1999) defines 'separated children' as: children under 18 years of age who are outside their country of origin and separated from both parents, or their previous legal/customary caregiver. Some children are totally alone while others ... may be living with extended family members... Separated children may be seeking asylum because of fear of persecution or the lack of protection due to human rights violations, armed conflict and disturbances in their own country. They may be victims of trafficking for sexual exploitation or other exploitation, or they may have travelled to Europe to escape conditions of serious deprivation¹.

¹Separated Children in Europe Programme *Statement of Good Practice*, Save the Children Alliance/UNHCR Brussels: 1999, Section 2.1.

²UNHCR *Refugee Children: Guidelines on Protection and Care* UNHCR: Geneva: 1993.

³Department of Education and Science *Promoting Anti-racism and Interculturalism in Education: Draft Recommendations towards a National Action Plan* Dublin: 2002. http://www.education.ie/servelet/blobservelet/fe_antiracism_report.doc

⁴Lam, A. "Bilingualism" in Carter, R. & Nunan, D. (eds.) *The Cambridge Guide to Teaching English to Speakers of Other Languages*, Cambridge University Press, Cambridge: 2001.

⁵Skuttnabb-Kangas, T. and Philipson, R. (eds.) *Linguistic Human Rights: Overcoming Linguistic Discrimination*, Mouton de Gruyter, Berlin and New York: 1994.

⁶MacPherson, W. *The Stephen Lawrence Inquiry: Report of an Inquiry by Sir William MacPherson of Cluny*, presented to Parliament by the Secretary of State for the Home Department by Command of Her Majesty, London: 1999.

⁷NCCRI *Guidelines on Anti-Racism and Intercultural Training*, NCCRI, Dublin: 2002.

Unaccompanied Minor

Unaccompanied minors are children who are separated from both parents and are not being cared for by an adult who, by law or custom, is responsible to do so².

Terms referring to People and Practices

Anti-racism

Anti-racism refers to all strategies that contribute to the elimination of racism in all its forms, interpersonal and institutional³.

Assimilation

An approach to diversity which forces a minority ethnic group(s) to abandon its own cultural practices and values and be absorbed into the dominant culture. An assimilationist assumes the superiority of the dominant or host culture.

Bilingual

"Bilingualism refers to the phenomenon of competence and communication in two languages. A bilingual individual is someone who has ability to communicate in two languages alternately"⁴. Most bilingual speakers will have learned two languages within the family from native speakers since infancy⁵.

Ethnic Minority

Ethnic minority is a generic term used to describe people who are identifiably different to the ethnic majority because of their ethnic origin (including language or religion).

Institutional Racism

"The collective failure of an organisation to provide an appropriate or professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitude and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness, and racist stereotypes which disadvantage minority ethnic people"⁶.

Interculturalism

"[The] acceptance not only of the principles of equality of rights, values and abilities but also the development of policies to promote interaction, collaboration and exchange with people of different cultures, ethnicity or religion living in the same territory... interculturalism is an approach that can enrich a society and recognises racism as an issue that needs to be tackled in order to create a more inclusive society..."⁷.

Integration

“Integration means the ability to participate to the extent that a person needs and wishes in all of the major components of society, without having to relinquish his or her own cultural identity”⁸. Within educational practice, it generally means a limited recognition of the culture of minority ethnic groups, but from the perspective of the dominant culture. This approach generally ignores the need to implement systemic change in order to meet the educational needs of a culturally diverse society.

Minority Linguistic Group

In Ireland, the term ‘Minority linguistic group’ is used to describe people who were born in, or have family origins in countries where the mother tongue(s) is a language other than English.

Multiculturalism

The term ‘multiculturalism’ is used in a variety of ways within different countries. In Ireland, it is generally understood in a similar sense to that used in the British context, as a general statement of the co-existence of different cultures within society, although without necessarily any positive interaction between them. Within education, multiculturalism, used in this sense, generally implies a recognition of superficial elements of minority cultures, often taken out of context and emphasising the exotic. This approach ignores inequalities and fails to deal with institutional racism.

Multilingual

Multilingualism refers to the phenomenon of competence and communication in more than two languages.

Racial Discrimination

Any distinction, exclusion, restriction or preference, based on race, colour, descent, national or ethnic origin, which has the purpose of modifying or impairing recognition, the enjoyment or exercise on an equal footing of human rights and fundamental freedom in the political, economic, social, cultural or any field of public life constitutes racial discrimination⁹.

Racism

Racism is a specific form of discrimination and exclusion faced by black and ethnic minority groups. Racism is based on the false belief that some ‘races’ are inherently superior to others because of different skin colour, nationality, ethnic or cultural background. Racism deprives people of their basic human rights, dignity and respect. There are different forms of racism and it manifests itself at different levels¹⁰.

Situational Barrier

An aspect of a person’s life situation which makes it difficult or impossible for them to access, for example, educational provision.

Terms referring to Teaching Practices

English as a Foreign Language (EFL)

EFL refers to circumstances where English is not the primary language means of communication and instruction. Most EFL settings offer limited exposure to the target language outside the classroom and syllabuses are carefully structured with extensive recycling of key target language items¹¹. In EFL, accreditation mechanisms usually dictate course direction and the teacher has overall responsibility for introducing a cultural dimension to programmes. In addition, EFL is taught in the learner’s mother tongue and frequently in private language schools¹².

English for Speakers of Other Languages (ESOL)

ESOL is primarily concerned with developing speaking and listening skills in functional language for everyday use. ESOL programmes are learner-centred and needs-based with attainable short-term goals. ESOL prepares learners for independence and takes account of educational/employment aspirations. ESOL also incorporates communicative language techniques for mixed levels and cross-cultural approaches which recognises a learner’s other languages/cultures¹³. ESOL is traditionally used to describe English language teaching for adults.

English as an Additional Language (EAL)

English as an Additional Language (EAL) is used to describe English language teaching to bilingual and multilingual students in schools. EAL caters for a wide range of learners varying in age, first language background and fluency, English language fluency, previous experience of schooling, and prior and current exposure to English. EAL recognises that these learners need to acquire English at the same time as progressing through the mainstream curriculum. EAL is therefore primarily concerned with teaching English through the context of the whole curriculum.

EAL pedagogy recognises the need for learners to be able to use English for both social and academic purposes. It acknowledges the time taken for learners to gain fluency in the spoken and written language of the academic curriculum, whilst taking into account the need to learners to gain the knowledge, skills and understanding of all curriculum subjects¹⁴.

⁸Interdepartmental Working Group on Integration of Refugees in Ireland. *Integration A Two Way Process – Report to the Minister for Justice, Equality and Law Reform by the Interdepartmental Working Group on the Integration of Refugees in Ireland*, Government Stationery Office, Dublin: 1999.

⁹Article 1, UN International Convention on the Elimination of All Forms of Racial Discrimination, 1969, signed by Ireland in 1986 and ratified in December 2000.

¹⁰Department of Justice, Equality and Law Reform. *Towards a National Action Plan Against Racism in Ireland – A Discussion Document to Inform the Consultative Process*, Department of Justice, Equality and Law Reform, Dublin: 2002.

¹¹Nunan, D. *Second Language Acquisition* in Carter, R. & Nunan, D. *The Cambridge Guide to Teaching English to Speakers of Other Languages*. Cambridge University Press, Cambridge: 2001.

¹²Jordan, J. *An introduction to teaching English as an Additional Language to Adults* Basic Skills Agency, London: 2001.

¹³Department of Education and Skills *Adult ESOL Core Curriculum*, DfES:UK: 2001.

¹⁴Definition supplied by Department of Education & Skills, London.

Glossary of Terms

ACELS

Advisory Council for English Language Schools: The DES established ACELS to regulate the English language teaching sector in Ireland and promote standards.

APVSCC

Association of Principals of Vocational Schools and Community Colleges.

BTEI

Back to Education Initiative: A national DES initiative to provide opportunities to young people and adults to return to learning.

CDU

Curriculum Development Unit: Established by Trinity College Dublin, the DES and the City of Dublin VEC, the CDU is a curriculum research and development institute.

CDVEC

City of Dublin Vocational Education Committee.

COE

Council of Europe: A pan-European intergovernmental organisation with 46 Member States. Although separate to the European Union, all Member States are part of the Council of Europe [refer to section 4.1].

CWO

Community Welfare Officer: Health Board staff member responsible for providing care and support to asylum seekers.

DES

Department of Education and Science.

FÁS

The National Training Awards Council: A national statutory award body for further education and training.

IILT

Integrate Ireland Language and Training: Established by the DES under the aegis of Trinity College, Dublin to co-ordinate language support for refugees and others with legal residency.

IRC

Irish Refugee Council: A membership based NGO responsible for public awareness and promoting asylum seeker/refugee rights.

IVEA

Irish Vocational Education Association: the national representative body for the VECs.

LYNS

Learning for Young interNational Students: LYNS is a national executive committee, established jointly by JMB and ACCS, dealing with educational issues of international students in voluntary secondary schools, community and comprehensive schools.

NCCA

National Council for Curriculum and Assessment: A statutory body established in 2001 to advise the Minister for Education and Science on curriculum and assessment for early childhood, primary and post-primary education.

NALA

National Adult Literacy Agency: A membership based NGO responsible for co-ordinating adult literacy work in Ireland.

NCCRI

National Consultative Committee on Racism and Interculturalism: A partnership organisation established by the Department of Justice, Equality and Law Reform to develop actions against racism and act in a public policy advisory role.

NGO

Non-governmental organisation.

PLC

Post Leaving Certificate: The PLC programme provides appropriate education/training for individuals to prepare for work and higher education. The vast majority of PLC courses are provided through the VECs.

RIA

Reception and Integration Agency: Established by the Department of Justice, Equality and Law Reform, the RIA is responsible for co-ordinating reception and integration for asylum seekers and refugees.

UNHCR

United Nations High Commissioner for Refugees: An international UN agency mandated to co-ordinate international responses for the protection of refugees and other displaced persons.

VEC

Vocational Education Committee: Ireland's 33 VECs are statutory bodies responsible for the provision of a wide range of education, training and support services to all sectors of the community. VEC education and training programmes include second level; adult, community and second chance education; post-leaving certificate (PLC) programmes, prison education; traveller education; and a variety of EU funded and co-operative training programmes.

Youthreach

The Youthreach programme is aimed at young people aged between 15 and 20 years of age who have left school without formal qualifications. It aims to equip students with opportunities for basic education, personal development, vocational training and work experience. Youthreach programmes are provided primarily through VECs.

The Irish Vocational Education Association (IVEA) is the national representative body of Ireland's thirty-three Vocational Education Committees (VECs). Part of IVEA's role is to develop policy guidelines in a range of areas in the vocational education sector. This is done in consultation with its member VECs.

In recent years there has been a significant increase in the number of minority linguistic groups arriving in Ireland. This culturally enriching development poses a number of challenges to Irish political culture and governance, particularly to the education sector. Fortunately, Ireland is in a position to learn from the experiences of neighbouring European states which have met these obligations with varying degrees of success in earlier decades.

The IVEA has researched the challenges posed to the Irish education system on a national and international basis. VECs are dedicated to ensuring access by a commitment to equality, diversity of choice and empowerment of the individual. Historically, the VECs have tackled poverty and social exclusion through specialised services/initiatives targeting marginalised communities. Meeting the needs of asylum seekers, refugees and other minority linguistic groups presents a considerable challenge to the vocational education sector. However, the working group's findings suggest it is imperative that the second level sector effectively addresses educational provision for new minority linguistic communities to prevent economic deprivation and social fragmentation.

Following an emergency resolution of IVEA Congress in 2000 IVEA established a specialist working group charged with examining the potential opportunities and resources needed to cater successfully for the educational needs of asylum seekers and refugees. The working group later extended its brief to include minority linguistic groups with English language needs.

Membership of the specialist working group is comprised of educationalists and researchers with a keen interest in or expert knowledge of educational provision for asylum seekers, refugees and other minority linguistic groups. Members are drawn from a wide geographical catchment area, reflecting the dispersal and settlement of the refugee/asylum seeker population throughout Ireland.

Members of the IVEA specialist working group:

- Luke Murtagh, Co. Tipperary North Riding VEC – Chairperson and CEO;
- Sarah Kavanagh, IVEA Secretariat – Working Group Co-ordinator;
- Moya Corry, Co. Kildare VEC – Principal and Educationalist;
- Eithne Cunneen, City of Limerick VEC – Adult Literacy Organiser;
- Cróna Gallagher, Co. Donegal VEC – Adult Education Organiser;
- Rachel Hegarty, City of Dublin VEC – Language Tutor and Lecturer;
- Marie Humphries, Whitehall College of Further Education – TUI Representative and Educationalist;
- Frank Nash, City of Cork VEC – Public Representative and Educationalist;
- Olga Ncube, Nominee of the Irish Refugee Council – Educationalist;
- Karl Quinn, Co. Clare VEC – Co-ordinator and Language Tutor;
- Tanya Ward¹⁵, City of Dublin VEC – Research and Development Officer.

The research conducted by the working group during 2000/2001 resulted in a report with detailed findings and recommendations. *The IVEA Policy on Educational Provision for Asylum Seekers, Refugees and other Non-nationals* was presented to IVEA Congress in 2001 and unanimously adopted. The policy outlines broad parameters for the delivery of educational services to bilingual/EAL learners by the VECs.

During 2001/2002 the working group focused on preparing a framework for implementation of IVEA policy. The group chose to focus initially on producing a pilot framework for the adult and community education (Lifelong Learning) sector as no guidelines or structures had been established to cater for the educational needs of bilingual/EAL learners within that sector. In October 2002 the IVEA published a report entitled *Pilot Framework for Educational Provision for Asylum Seekers, Refugees and Minority Linguistic Groups. Volume I: Lifelong Learning*.

This 2002 publication contains a recommended framework for the delivery of services within the adult and community education sector. Upon publication the Pilot Framework was circulated to all Vocational Education Committees. After a period of three months, the VECs were invited to send delegates to a series of consultative

workshops organised to seek feedback on the contents of the Pilot Framework (2002).

Over one hundred delegates including CEOs; EOs; AEOs; ALOs; VTOS Co-ordinators; practitioners; and VEC administrative staff attended the workshops. IVEA received valuable feedback from delegates and has incorporated the suggestions and comments of delegates into the present document. In addition, the National Adult Literacy Agency (NALA) and other non-governmental organisations (NGOs) gave feedback to IVEA on the publication. IVEA will adopt a similar consultative approach in relation to the second level vocational education sector.

The IVEA working group is currently conducting research on the educational and language needs of migrant workers.

The IVEA recognises the importance of supporting VECs and their schools in meeting the needs of bilingual/EAL learners and VECs are invited to implement the suggested framework on a pilot basis in 2004/5. IVEA will revise guidelines, incorporating feedback from education managers, practitioners and learners to ensure that the scheme fully meets the needs of learners and providers.

1.2 SUGGESTED FRAMEWORK

The overall strategy adopted by the IVEA following publication of the *IVEA Policy on Educational Provision for Asylum Seekers, Refugees and other Non-nationals* in 2001 was to prepare implementation guidelines for the following areas of VEC activity:

- Adult and Community Education (Lifelong Learning);
- Further Education (including PLC/VTOS).
- Second Level.

The present document focuses on the second level vocational education sector.

The Department of Education and Science-compiled *Draft Recommendations Towards a National Action Plan Against Racism* states:

Future policies must be developed within the context of a rights based equality approach, catering for diversity as the norm within all education settings. This approach needs to be taken account of in the intrinsic design of systems¹⁶.

Incorporating such an approach, the aims of the present document are to:

- Prepare the school community for dealing with bilingual/EAL learners;
- Enable schools to integrate bilingual/EAL learners into the school learning programme;
- Enable schools to provide language and cultural supports to enable participation;
- Empower students to follow the mainstream curriculum in the school programme if appropriate;
- Enable schools to provide support services.

The present publication locates second level provision for bilingual/EAL learners within an equality and human rights framework and builds on national policy as enunciated in publications such as the *National Children's Strategy* (2000). It also fits into the general IVEA policy framework, the work of the Dublin VECs and national and international research on the educational needs of bilingual/EAL learners. This document is also located within a national and international legal context.

IVEA invites VECs and their schools to implement this framework on a pilot basis in 2004/5. As with our previous publication, *Pilot Framework for Educational Provision for Asylum Seekers, Refugees and Minority Linguistic Groups. Volume I: Lifelong Learning* (2001), IVEA will seek feedback from VECs and their schools following publication.

¹⁶ *Promoting Anti-racism and Interculturalism in Education: Draft Recommendations Towards a National Action Plan Against Racism*, Department of Education and Science: 2003 (unpublished): p. 26.

This publication is located within the overall IVEA policy framework which is described in and the following section.

There is a wide range of agencies, statutory and voluntary, involved in the provision of services to refugees, asylum seekers and minority linguistic groups. Because the situation in this area developed so rapidly and to such an extent over the last number of years, it appears that services were introduced on an *ad hoc* basis in order to deal with the issue.

In order to bring greater efficiency to existing services, IVEA recommends that a national co-ordinating body be established comprising all agencies, both statutory and voluntary, with a brief to ensure that services are delivered in the most efficient way possible and to eliminate overlapping of services.

The IVEA recommends that the co-ordinating body be operated at three levels: **national, local and community**. This pillar of IVEA policy is elaborated upon in **Appendix I**.

Following publication of the *IVEA Policy on Educational Provision for Asylum Seekers, Refugees and other Non-nationals (2001)*, IVEA promoted its recommendations with the Department of Education and Science and other education bodies. The IVEA met with officials in the Further Education Section of the DES and the Reception and Integration Agency. IVEA also met with representatives from several political parties.

The IVEA Working Group has met with other agencies and providers at national level with a view to discussing policy positions and sharing information, including the Irish Refugee Council (IRC) and the National Consultative Committee on Racism and Interculturalism (NCCRI). The IVEA co-operates with and is represented on the following Working Groups:

- The National Council for Curriculum and Assessment (NCCA) - Interculturalism and the Curriculum Steering Committee;
- Education Working Group on Awareness Programme for Anti-racism and Interculturalism (led by the DES);

- The NALA ESOL Working Group;
- The IILT Materials Development Working Group (at the request of the DES).

3.1 INTRODUCTION

A 'deficit model' generally characterises the Irish Government's response to the education and language needs of bilingual/multilingual students. Focusing on what students do not have rather than what they do, a deficit model emphasises students are 'non-English speaking' and 'non-national'. For example, all official documentation refers to bilingual and multilingual students as 'non-national' or 'non-English speaking' and this has been perpetuated throughout research also.

3.2 REFUGEE SUPPORT SERVICE

The Department of Education and Science created the Refugee Support Service in 1992 to respond to the language needs of newly arrived Bosnian programme refugee children and organised mother tongue tuition on Saturday mornings. Managed directly by the Departmental Inspectorate, the team involved a group of peripatetic/travelling primary school teachers who taught children on a withdrawal basis. Funded by the Department of Education and Science, all received training on teaching English across the curriculum from a Scottish university. In 1994, the service was permitted to include Vietnamese children, as well as two Somali refugees. However, the service was unable to work with children of asylum seekers¹⁷. Subsequently, the Irish National Teachers Organisation (INTO) campaigned for the service to be expanded to include all bilingual and multilingual children¹⁸.

3.3 REFUGEE AGENCY AND
COMMISSIONED RESEARCH

In 1995, the Refugee Agency commissioned the Centre for Language and Communication Studies (CLCS) in Trinity College, Dublin to research the linguistic needs of refugees. Although the report mainly considered adult refugees, primary and post-primary school children were included within this study, together with an evaluation of the Refugee Support Service. Highlighting a major lack of resources for the sector, the report recommends an increase in the number of teachers working within the Refugee Support Service. The report criticised the allocation of hours for language support for post-primary education and recommended that a team of peripatetic teachers should take on this area. Little and Lazenby-Simpson also proposed

that the Refugee Agency assume responsibility for providing induction courses for non-specialist teachers working with refugee children. Subsequently, the researchers of the report became responsible for teacher training through the establishment of the Refugee Language Support Unit (RLSU) and a teacher allocation hour system was completely relied on for language support.

3.4 TEACHER ALLOCATION SYSTEM
FOR LANGUAGE SUPPORT

The Department of Education and Science disbanded the Refugee Support Service in 1999 in favour of relying on a temporary teacher allocation system for language support. Schools apply directly for funding to the Post-Primary Section of the DES¹⁹ based on numbers. For example, schools with 14 students or more can hire one full-time temporary teacher and schools with 28 students or over can receive two temporary full-time teachers. Schools with smaller numbers of students are granted extra hours of tuition and are also eligible for start-up grants and top-up grants in successive years. This is an extremely positive development, in that the DES recognises the importance of a national language support service. However, funding is only provided for a two-year period despite the fact that best practice indicates bilingual and multilingual children require five to ten years of instructed learning. Subsequently, the DES created a new organisation to provide support to these temporary teachers.

3.5 REFUGEE LANGUAGE SUPPORT
UNIT (RLSU)

Under the aegis of Trinity College Dublin, the Department of Education and Science established the Refugee Language Support Unit (RLSU). Incorporating Interact Ireland²⁰, the RLSU was granted IR£3.5 million by the DES from the National Development Plan under the heading of social inclusion²¹. As the designated support agency for English Language Support Teachers, the Unit is responsible for language-based training and teaching materials for the primary and post-primary sector. The IILT became a support agency on the basis of its research activities, which primarily focused on the language needs of refugees and production of language learning benchmarks for the primary/post-primary sector. The IILT first began meeting with Language Support Teachers in June 2000 and has since provided two days of training each year to teachers. The IILT mainly distribute language learning planning materials (for example, the European Language Portfolio and the benchmarks) and some language teaching materials to schools. The materials seem to reflect a deficit

¹⁷The number of asylum seekers arriving in Ireland has increased from 39 applications in 1992 to 10,325 applications in 2001 - source, the Department of Justice, Equality and Law Reform.

¹⁸See INTO *Challenge of Diversity: Education Support for Minority Ethnic Children*, INTO: Dublin: 1998.

¹⁹VEC schools apply directly to their VEC Administrative Offices for staffing.

²⁰Formerly the Refugee Language and Training Project which was supported by European Integra Funds and set up to develop services/language support to assist language learners access vocational training, together with work.

²¹DES Press Release (15 November 1999) 'National Development Plan Provides £5.35bn for Education, Social Inclusion, and Life-long Learning Key Beneficiaries' refer to www.education.ie

model of language support and bilingual/multilingual children are referred to as 'non-English speaking' and 'non-national'²².

3.6 RESEARCH AND DEVELOPMENT WITHIN THE VEC SECTOR

Several VECs have been involved in research on the education and language needs of refugees, asylum seekers and other minority linguistic groups since 2001. The White Paper on Adult Education, *Learning for Life*, (2000) made adult asylum seekers eligible for language and literacy support through the VECs and recommended that a study be undertaken on their language needs. The City of Dublin VEC, in association with County Dublin VEC, initiated a major research project on adult asylum seekers in response. Researched and written by Tanya Ward, the report was entitled- *Asylum Seekers in Adult Education: A Study of Language and Literacy Needs* (2002). Considering provision for asylum seekers holistically, this research stresses that language/literacy issues are inextricably linked to equality and interculturalism. The research advocates a learner-centred and needs-based approach for the delivery of programmes through a mainstream State adult education service. Written from a gendered perspective, particular attention is paid to survivors of torture and people with disabilities.

During the research, separated children (refer to sections 7.3 & 7.4) were identified as experiencing immense difficulties accessing and remaining in education. Supported by the Department of Education and Science and working in collaboration, the City of Dublin VEC, County Dublin VEC and Dun Laoghaire VEC initiated a research project on the education/language needs of separated children in 2001. The project aims to compile a profile of separated children living in Dublin and evaluate current educational provision, paying particular attention to: equality and anti-discrimination; reception and orientation; supporting bilingual/multilingual students in schools; teaching materials; school attendance; guidance; and student supports. The Dublin-based VECs will publish this research in 2004.

The City of Dublin VEC and County Dublin VEC have also published another report entitled: *Immigration and Residency in Ireland: An Overview for Education Providers* (2003). Providing up-to-date information and statistics, this document outlines the social/economic rights that pertain to each immigrant group residing in Ireland. This document was widely distributed to all other VECs.

The Dublin based VECs record of research in this area indicates that with adequate funding, VECs can draw on expertise within their organisations and be at the forefront of research and development. The work of the CDVEC in educational provision and research for asylum seekers, refugees and, in particular, separated children was recognised by the United Nations High Commissioner for Refugees (UNHCR) when it received a Certificate of Recognition in June 2003. This is only the second time an Irish based organisation was presented with this award.

A pilot action research project was undertaken by the CDVEC Curriculum Development Unit between January 2002 – January 2003 to examine the effectiveness of using a whole-school approach in developing intercultural and inclusive policy and practice within schools²³.

The project aimed to encourage and support schools in developing inclusive, intercultural policies and practice on a whole-school basis, and to develop a model of a whole school approach to interculturalism and anti-racism which could be used by all schools.

The project found that a whole school approach to interculturalism offers schools a real and significant means of facilitating the equal access and participation of students from all ethnic backgrounds in the education process.

It recommended that a whole school approach to interculturalism and anti-racism should be adopted by all education centres and that training and awareness in interculturalism and anti-racism should be provided for all members of a school community, both as a prerequisite part of intercultural policy development and as part of ongoing school development and review. Essential components of this training should be exploration of attitudes, values and understandings of the concepts of interculturalism and anti-racism.

The CDVEC Curriculum Development Unit also carried out a consultation process on behalf of the DES in order to prepare recommendations for the National Action Plan against Racism. The report of the consultation findings and the resulting recommendations are contained in the report *Promoting Anti-racism and Interculturalism in Education: Recommendations towards a National Action Plan (DES: 2003)*.

²²See for example, ILLT *English language proficiency benchmarks for non-English speaking pupils at post-primary* ILLT, Dublin: 2001 and ILLT *Learning the Language of the Host Community: Language Assessment Guidelines for Teachers of non-English speaking non-national pupils in post-primary schools* ILLT, Dublin: 2001.

²³ Funding for the project was received from the European Refugee Fund, Ireland Aid and the In-Career Development Unit, Department of Education and Science.

3.7 RECEPTION AND INTEGRATION AGENCY (RIA)

In 2000, the Department of Justice, Equality and Law Reform established the Reception and Integration Agency (RIA). The RIA supersedes the Directorate for Asylum Support Services (DASS)²⁴, together with the Refugee Agency. Responsible for co-ordinating the provision of reception/integration services and policy for asylum seekers/refugees, the DES seconded government personnel to the RIA to focus on education. Subsequently, the DES published an *Information booklet for schools on ASYLUM SEEKERS*²⁵ and the RIA, working with the IILT, published several information leaflets for: (1) asylum seeking parents and their children²⁶, (2) parents of 'non-English speaking non-national children'²⁷ and (3) 'unaccompanied minor children'²⁸. In 2002 IVEA and LYNS agreed to procedures concerning enrolment and communication issues for separated children living in hostel accommodation which were devised by the RIA and the East Coast Health Board (refer to **Appendix II**).

3.8 NATIONAL COUNCIL FOR CURRICULUM AND ASSESSMENT (NCCA): INTERCULTURALISM PROJECT

Established in 2001, the National Council for Curriculum and Assessment (NCCA) is primarily concerned with advising the Minister for Education and Science on curriculum and assessment for early childhood, primary and post-primary education²⁹. Two separate sets of guidelines for intercultural education are currently being drawn up for the primary and post-primary sectors. The NCCA documents offer a real opportunity to change official thinking on meeting the needs of bilingual and multilingual learners.

²⁴An executive agency of the Department of Justice, Equality and Law Reform created to secure accommodation and co-ordinate a national reception strategy for asylum seekers.

²⁵Department of Education and Science *Information booklet for schools on ASYLUM SEEKERS*, Department of Education and Science, Dublin: 2001.

²⁶RIA: *Information Leaflet for Parents of Asylum Seeker and Refugee Children Attending Primary Education*, RIA/IILT, Dublin: 2001 and RIA *Information Leaflet for Parents of Asylum Seeker and Refugee Children Attending Post-primary Education* RIA/IILT, Dublin: 2001.

²⁷RIA: *Information Leaflet for Parents of Non-English Speaking Non-National Children Attending Primary and Post-primary Education*, RIA/IILT: Dublin, 2001.

²⁸RIA: *Information Leaflet for Unaccompanied Minor Children Attending Post-primary Education*, RIA/IILT: Dublin: 2001.

²⁹Refer to www.ncca.ie

International public law incorporates European Union (EU)³⁰ law and international agreements/instruments. EU law is supranational in character and supersedes domestic law. EU law is legally binding and consists of Treaties, Directives, Regulations and European Court of Justice decisions. In addition, EU Resolutions, while not legally binding, influence national government policy in the Member States.

The most effective human rights instrument in Europe, the European Convention on Human Rights (1950) is an international treaty of the Council of Europe³¹. Formed at the end of World War II, the Council of Europe is a pan-European intergovernmental organisation. The First Protocol (which deals with education) was added to the Convention because the original document did not include Articles concerning education.

Article 2 of Protocol 1 reads:

No person shall be denied the right to education. In the exercise of any functions which it assumed in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.

Article 2 provides, in its initial sentence, that the State shall not deny any person the right to education. The State cannot interfere with an individual's exercise of the right to education, by excluding them from State provided educational opportunities. According to Glendenning³², if challenged, the State is in a stronger position rather than if the duty were affirmatively stated. The burden is on the individual to prove they have been denied access to specific educational provision. Moreover, the second sentence of Article 2 provides the State with some discretion with regard to education and teaching. *“Generally, this indicates that the State is not obligated to establish certain types of educational opportunities or to ensure that each person achieves the education he or she desires”*³³.

The Convention was incorporated into domestic law when the European Convention on Human Rights Act, 2003 was enacted in December 2003. The Irish Government has chosen an interpretative model whereby the Irish Courts will be expected to interpret the Convention in accordance with the Irish Constitution. Courts can

also make a ‘declaration of incompatibility’ when a clause of the Convention is deemed contrary to existing legislation or practice. This is an important development for the education sector and provides a human rights dimension to Irish education legislation. In addition, the Ombudsman for Children Act, 2002 came into effect in early 2004 making, for the first time, the Convention on the Rights of the Child³⁴ (1989) recognisable in Irish law.

International human rights instruments have a persuasive impact upon signatory countries, for example: the United Nations Convention on Economic and Social Rights (1976).

National or domestic law comprises Bunreacht na hÉireann (the Constitution of Ireland), Irish statute law and Irish case law. In the context of this document, the most significant sources are Bunreacht na hÉireann (Constitution of Ireland); the Education Act, 1998; the Education (Welfare) Act, 2000; the Equal Status Act, 2000; the Ombudsman for Children Act, 2002; and the Vocational Education (Amendment) Act, 2001 (refer to **Appendix III** for salient features).

(a) Bunreacht na hÉireann/The Irish Constitution

Article 42 of the Constitution deals with education, but its purpose is to assert the primacy of the family in the sphere of education. The Irish Constitution has almost no conception of the child as an individual with rights independent of its parents or the State. This concept is only alluded to in the last sentence of Article 42.5, which refers to *‘the natural and imprescriptible rights of the child’*, but there is no elaboration on what these rights are. The National Children’s Strategy (discussed below) is designed to ameliorate this anomaly.

(b) The Education Act, 1998

This is the most important source of law for this framework from a practical point of view. Schools, teachers and VECs must keep in mind its provisions, and particularly bear in mind that there is no distinction between citizens of the State and non-citizens in relation to the provision of education and right to receive it.

(c) The Education (Welfare) Act, 2000

The purpose of this Act is to ensure that everyone of the relevant age receives an education either in a recognised school or in an acceptable alternative setting. Essentially promoting school

³⁰EU Member States: Austria; Belgium; Cyprus; Czech Republic; Denmark; Estonia; Finland; France; Germany; Greece; Hungary; Ireland; Italy; Latvia; Lithuania; Luxembourg; Malta; Poland; Portugal; Slovakia; Slovenia; Spain; Sweden; The Netherlands; and the United Kingdom.

³¹The Council of Europe is comprised of the forty-six members States including all the EU Members States together with Albania; Andorra; Armenia; Azerbaijan; Bosnia and Herzegovina; Bulgaria; Croatia; Georgia; Iceland; Liechtenstein; the former Yugoslav Republic of Macedonia; Moldova; Monaco; Norway; Romania; Russian Federation; San Marino; Serbia and Montenegro; Switzerland; Turkey; and the Ukraine. The Council of Europe strives to promote Europe’s cultural identity and diversity, combats discrimination and social exclusion as well as promoting democratic stability.

³²Glendenning, D. Education and the Law Butterworks, Dublin: 1999.

³³Ibid.

³⁴Article 2(1) of the International Convention on the Rights of the Child 1989, signed by Ireland 30 September 1990 and ratified 28 September 1992.

attendance, the Education (Welfare) Act, 2000 places a statutory obligation upon parents to ensure their child attends school. Ensuring all schools register all students in attendance, the Act provides for establishing a National Educational Welfare Board (NEWB) with specific statutory functions relating to: (1) school attendance, (2) administering a new register for children in alternative schooling and (3) appointing Education Welfare Officers (EWOs).

Schools should also be aware of the contents of Section 10. Although these are functions of the National Education Welfare Board and so are not directly exercisable by schools, some of them, if exercised by the Board, would be most helpful to schools in discharging their obligations in respect of these students. Schools should seek to urge the Board to discharge such of these functions as would facilitate schools in relation to their obligations towards students.

(d) **The Equal Status Act, 2000**

The Equal Status Act, 2000 prohibits discrimination in the provision of goods, services, disposal of property and access to education, on any of the nine grounds referred to under the Employment Equality Act, 1998. These grounds include gender, marital status, family status, sexual orientation, religion, age, disability, race and membership of the Traveller Community. The Act prohibits discrimination (subject to certain exceptions) in all public and private services generally available to the public. These include public state services, provision of accommodation, educational establishments and registered clubs. Schools must not discriminate across the nine grounds and in four specific areas:

- The admission of a student, including the terms of conditions of the admission of the student;
- The access of a student to a course, facility or benefit provided by the school;
- Any other term or condition of participation in the school;
- The expulsion of a student or any other sanction³⁵.

In co-operation with the Equality Authority, the DES has launched a new document promoting the Equal Status Act, 2000 in schools³⁶. Recognising that major challenges still exist for education, the document notes inclusion in mainstream education involves not only equality of access and participation and also 'equality of outcome'. Taking account of and valuing difference, an inclusive school considers how decisions will impact on the student body across the nine grounds³⁷. In moving towards an inclusive school, it advises equality should be promoted in (1) The school development plan; (2) the admission policy; (3) code of behaviour; (4) building awareness/ understanding; and (5) training [refer to chapter 5].

(e) **Vocational Education (Amendment) Act, 2001**

The Vocational Education (Amendment) Act, 2001 confers on Vocational Education Committees the role of policy making. The Chief Executive Officer and VEC staff are required to implement VEC policy. It is envisaged that all VECs will adopt the present IVEA framework as part of their overall education policy for second level.

(f) **Disability Legislation**

It is inevitable that some of the pupils who are the subject of this publication will have one or more of the types of disability, educational or otherwise, as defined in section 2 of the Education Act, 1998 and section 2 of the Equal Status Act, 2000. Once diagnosed, they will be entitled to the same level of assistance and support as any other student. Schools therefore need to be watchful in order to ensure that such supports are made available to them. In this context, schools must be aware of the provisions relating to disability in the aforementioned Acts, the anti-discrimination provisions in section 4 of the Equal Status Act, 2000 and the forthcoming Education for People with Disabilities Bill, 2003 which is presently before the Oireachtas.

(g) **National Children's Strategy**

Launched in 2000, the Irish Government drafted the National Children's Strategy³⁸ to enhance the implementation of the Convention on the Rights of the Child, 1989. Essentially a policy document, the Strategy's core vision is to create an Ireland where *"all children are respected as young citizens with a valued contribution to make and a voice of their own; where all children are cherished and supported by family and the wider society; where they enjoy a fulfilling childhood and realise their potential"*³⁹.

Objective K of the Strategy recognises that children will receive education and support to value social/cultural diversity and ensure that marginalised groups *"reach their full potential"*. Proposed actions of relevance include: adopting a whole school approach and incorporating intercultural strategies in school plans; research examining the needs of refugee children; supporting the needs of children with English language needs; national policy development taking account of ethnic, cultural and linguistic diversity and treating unaccompanied refugee children in accordance with best international practice, including designating a social worker and guardian. The National Children's Office has been established to oversee the Strategy's implementation and an internal two-year review has been undertaken.

Children's rights will be further protected when an Ombudsman is created with the enactment of the Ombudsman for Children Act, 2002.

³⁵Equality Authority/DES *Schools & the Equal Status Act, 2000*, Equality Authority: Dublin: 2003, p. 6.

³⁶*Ibid.*

³⁷*Ibid.*, p.8.

³⁸Government of Ireland *The National Children's Strategy Our Children – Their Lives*, Government Stationery Office, Dublin: 2000.

³⁹*Ibid.*, p.4.

(h) National Action Plan Against Racism

The Irish Government is currently drafting a *National Action Plan Against Racism* following a commitment made at the UN World Conference Against Racism in South Africa in 2002. The aim of the National Action Plan is to combat racism and to promote a more inclusive and intercultural society in Ireland. Following a substantive consultative process, five strategic key areas are proposed for action:

- Protection:** Enhancing protection against racism, including a focus on combating discrimination, assaults, incitement and abuse;
- Inclusion:** Ensuring economic inclusion and equality, including a focus on poverty, employment and the workplace;
- Provision:** Seeking equality of access to, participation in and outcomes from service provision for minority ethnic groups;
- Participation:** Supporting the full participation of minority ethnic groups in Irish society, including a focus on participation in decision-making;
- Recognition:** Recognising and building respect of cultural diversity and promoting interaction and understanding⁴⁰.

It is proposed that implementation strategies will incorporate a review of existing anti-racism/anti-discrimination legislation, mainstreaming actions and targeted initiatives. The plan will also consider the participation of minority ethnic groups, compiling data and monitoring, as well as procuring sufficient funding.

Key recommendations emerging from the consultation⁴¹ in the education sector propose that:

- Future policies must be developed within the context of a rights based equality approach, catering for diversity as the norm.
- The Department of Education and Science should develop an over-arching equality strategy which incorporates the core principles of anti-racism and interculturalism. This strategy should examine and address equality of access, participation and outcome at every level of the system for Travellers and other ethnic minority groups.
- An anti-racist intercultural ethos should underpin policy and practice, and be mainstreamed throughout the education system. This approach should ensure that diversity is catered for as the norm, and operate within an equality framework which recognises all forms of disadvantage (for example gender, disability, socio-economic etc.) and how they intersect.

It is vitally important that schools recognise that the above legislation confers a range of legal responsibilities. The present document does not exist in isolation but is located within a national and international legal context and a national and IVEA policy framework.

Appendix III details the salient features of the relevant legislation.

⁴⁰National Action Plan Against Racism Steering Group *Diverse Voices: A Summary of the Outcomes of the Consultative Process and a Proposed Framework for the National Action Plan Against Racism*, Department of Justice, Equality and Law Reform, Dublin: 2003, p. 9.

⁴¹*Promoting Anti-Racism and Interculturalism in Education: Recommendations Towards a National Action Plan* (Department of Education & Science: 2003 (unpublished)).

In the 1990s Ireland moved from being a country of net emigration to one of net immigration. However, cultural diversity is a long-standing characteristic of Irish society and Ireland has well-established communities of Travellers, Jewish, Chinese, Italian and Muslim communities, together with other ethnic groups. Almost half of all recent migrants to Ireland are returning Irish emigrants with asylum seekers accounting for 10% of inward migrants. Most of the remainder are migrant workers who have been invited and encouraged to work in Ireland as a consequence of skill and labour shortages.

While the present document contains recommendations regarding best practice, each school must consider its own unique circumstances and devise policies and practices in a partnership process to ensure ownership by all of the stakeholders of the school.

The Department of Education and Science/Equality Authority publication *Schools and the Equal Status Act* (May: 2003) defines the inclusive school as follows:

The inclusive school prevents and combats discrimination. It is one that respects, values and accommodates diversity across all nine grounds in the equality legislation – gender, family status, marital status, sexual orientation, religion, age, disability, race and membership of the Traveller community. It seeks positive experiences, a sense of belonging and outcomes for all students across the nine grounds. Outcomes include access, participation, personal development and achieving education credentials⁴².

Schools and the Equal Status Act identifies three key challenges to attaining the inclusive school:

Inclusion across the Nine Grounds⁴³

The first challenge is inclusion across the nine grounds identified in the Equal Status Act; the nine grounds⁴⁴ include 'race'. *Schools and the Equal Status Act* states that inclusion in mainstream education involves

not only issues of access and participation, but also of achieving outcomes in terms of education credentials and personal development. Issues that this raises include access to schools, subject take-up, early school leaving and practical supports for mainstreaming.

Accommodating Diversity

The second challenge involves accommodating diversity. *Schools and the Equal Status Act* stresses that differences need to be acknowledged and valued. In order for that to happen differences need to be understood. The inclusive school will take account of the specific needs of all, will assess the impact of decisions on all and will create a positive environment for all, across the nine grounds identified in the Equal Status Act, 2000.

Helping Students to develop their Ideas and Values

A third challenge lies in the role that schools have in helping students to develop their ideas and values. This is done directly through what is taught and indirectly through the school's ethos and culture.

The information that is given to students about different groups in society, including those who experience inequality and discrimination, is important in this regard. Schools have a role in helping students, including those from minorities and disadvantaged groups, to learn about themselves and their differences from others in a way that is positive and affirming of diverse identities. Schools can also play an important role in helping students to understand the causes of inequality and empowering them to oppose inequalities.

School Ethos

The ethos of the school can contribute to the values of students through the expectations and standards of behaviour set for students and through its practices and procedures in all areas of school life. For example, the subject choices and the range of extra-curricular activities that are offered convey messages about how groups are valued that can be as strong as statements in the code of behaviour and its implementation.

A Whole School Approach to Interculturalism and Inclusion - the pilot action research project undertaken by the CDVEC Curriculum Development Unit during 2002/3 (refer to section 3.6) - recommended that:

- Schools should consider reviewing their mission statement and policy documents to ascertain whether they promote a welcome for, and valuing of, cultural and religious diversity, as well as awareness of the potential for racism.
- The school physical environment should promote diversity and foster a positive atmosphere with visible and positive images

⁴²*Schools and the Equal Status Act* Department of Education and Science/Equality Authority, Dublin: 2003: p. 2.

⁴³The nine grounds are: gender, marital status, family status, sexual orientation, religion, age, disability, race and membership of the Traveller Community (as defined in the Employment Equality Act, 1998 and the Equal Status Act, 2000).

⁴⁴Ibid.

representing this diversity, visual acknowledgement of achievements based on multiple intelligences, art-work with a global perspective and notices/symbols that draw attention to celebrations of different faiths.

- Where possible, schools should try to promote interfaith services and understanding of common beliefs.
- It is important for schools to have clear guidelines on behaviour for students and parents and these guidelines should include the school's anti-bullying and anti-racism policies.
- Where possible, and if necessary, with the help of interpreters, enrolment practices should include building up a profile of a new student with particular reference to previous schooling, language abilities and religious affiliation [refer to section 6.3].
- The issue of enrolment in second-level schools needs to be addressed at national policy level to address the issue of students being refused admission to certain schools without obvious reason.

School Code of Behaviour

The school's code of behaviour is an important tool in achieving equality. The code of behaviour should explicitly name the nine grounds listed in the Equal Status Act, including religion and race, and require behaviour that respects diversity across them. It should prohibit harassment. The code should set out the policy and procedures to deal with harassment across all of the grounds and should identify action to ensure such harassment does not occur and the steps that will be taken if it does occur. *Schools and the Equal Status Act* states: steps to prevent harassment occurring include ensuring all members of the school community – including parents and staff – are made aware of the code of behaviour and that harassment and sexual harassment are prohibited. Other steps include: building an anti-harassment culture through training for both staff and students. Proper implementation of the procedures when incidents do occur is essential in preventing future harassment. The preparation of the code of behaviour should involve consultation with parents, teachers, principals and pupils.

Example of Best Practice: Castleknock Community College

Castleknock Community College has implemented the following initiatives in promoting inclusivity, interculturalism and equality in the school⁴⁵. This list is by no means exhaustive and may be adapted to suit the individual needs of each school.

- Student Mentoring Programme;
- “Buddy” System; (this recommendation is also supported by Tralee Community College);

- Additional English Classes – withdrawal (Learning Support Department);
- Adult Education classes & ESOL classes;
- Integration of students in the new Religious Education Programme for all faiths or none;
- Provision of different language opportunities for non-national students, e.g. Leaving Certificate Russian;
- Establishment of links with primary feeder schools with a view to make the transition to second level as smooth as possible;
- Encouraging parents to bring along an interpreter to Information Evenings, parent/teacher meetings etc.;
- Student Council Meetings that feed directly to school management;
- Anti-Racism campaigns;
- Anti-Bullying campaigns;
- Refugee Solidarity Badge (launched by Mary Robinson);
- Amnesty S.A.Y.⁴⁶ groups;
- Links with UNIFEM⁴⁷ to make connections with the women and children of Afghanistan who have visited classes;
- Fund-raising for group mentioned above and others;
- Currently working on school flag with languages of all the different nationalities represented;
- Visits to C.S.P.E. classes by representatives of the Refugee Agency;
- School Inter-Faith Ceremonies.

5.2.2 Using the Whole School Approach

The IVEA, in addition to agencies including the Equality Authority and the Department of Education and Science, recommends the whole school approach as the most effective way to respond to cultural diversity in schools. Effective anti-racist and inclusive policies are recommended together with codes of practice and the development of an intercultural approach to the curriculum.

Schools and the Equal Status Act identifies the School Development Plan as an appropriate place in which to identify a commitment to achieving equality. It must contain equality objectives and identify the steps that will be taken to achieve them. It should be based on an identification of the educational needs of students across the nine grounds. Consulting groups that represent those who experience inequality in the development and monitoring of the plan can help to inform the school's commitment to equality.

IVEA recommends that schools include all stakeholders: teachers; administrative staff; students; parents; and boards of management in

⁴⁵For further information, contact Castleknock Community College at the following address: Carpenterstown Road, Dublin 15. Phone: 01 8412388. Fax: 01 8413818.

⁴⁶S.A.Y.: Student and Youth Network. See <http://www.amnesty.ie> (Youth and Student pages).

⁴⁷UNIFEM: United Nations Development Fund for Women. Refer to: <http://www.unifem.org/>

the planning and policy development process. Students and parents from minority linguistic groups should be involved to ensure an inclusive process. In addition, IVEA recommends that following completion of the School Development Plan a mechanism be put in place to allow for ongoing dialogue and review between all stakeholders.

5.3 STUDENTS' VOICES

The following extracts highlight some of the experiences and issues raised by students during interviews with IVEA and CDU researchers.

Few of the Irish students surveyed in the CDU Whole School project discussed the importance of ethnicity and racism within their school even though minority ethnic students repeatedly returned to the issue in their responses. In fact, many of the minority ethnic students felt discriminated against, isolated and alienated by the Irish students. These responses surprised teaching staffs when presented by the researcher which indicates how useful they are in understanding experiences and needs of student bodies. According to the author, the divergent responses between the Irish and minority ethnic students accurately reflects the power relationship between the two populations.

The IVEA's own research with young people from the minority linguistic community by a member of the working group⁴⁸ reveals very similar findings. A small number of students from the refugee/asylum seeker community at second level school in a large town in rural Ireland were asked to identify what obstacles to learning they had encountered. The students interviewed expressed the following views:

- Initial assessment leaves students with low self-esteem – they are given impression that they know nothing. [This issue is dealt with in Chapter 6].
- Students pleas for explanations are sometimes ignored; they are told that the topic will be revised before the exams.
- Religious Education lessons are difficult for some students who are not Catholic. It is assumed that all students are familiar with Catholicism [refer to section 5.2].
- Some teachers usually refer to the students' countries of origin negatively.
- CSPE classes can be annoying at times – the period can be spent discussing how 'non-nationals' are dependent on the Government and how they are contributing to the high income tax rates in Ireland. Teachers do not correct students, instead, they reinforce such stereotypes.

IVEA comment:

Many of the problems highlighted in the preceding section can be tackled through anti-racism and cultural awareness training [refer to section 5.2].

The students' perspectives are particularly revealing when contrasted with the views of some principals/teachers/crèche attendants in another Irish city. A series of informal interviews carried out by an IVEA Working Group member with principals, teachers and crèche attendants in nine schools in one city suggests that real equality and inclusiveness has not been achieved. Rather, an "us and them" mentality persists. The onus is put on minority linguistic students to adapt to the "norms" of Irish society. However, the IVEA recommends that schools put the appropriate policies and practices in place to provide an inclusive and intercultural environment for **all** students.

5.4 PARENTS' VOICES

The CDU research findings (see pages 19-20) further revealed that parents surveyed welcomed diversity and recognised the importance of inter-ethnic relations within schools.

The parents/guardians of minority linguistic students frequently face great difficulties in their daily lives. The feeling of isolation can be intensified by racism, cultural differences, language barriers and financial constraints. The school has a role to play in tackling such issues through encouraging parents/guardians to play an active role in school life. A more effective dialogue between schools and parents/guardians can help to overcome some of the difficulties that may arise in regard to different cultural expectations.

During 2003, an IVEA Working Group member carried out a series of informal interviews with principals; teachers; and crèche attendants working with the target group in a provincial Irish city. Among the findings were:

- *Some of the parents have difficulty in understanding the system of using play as a method of learning for example. It is often difficult for teachers to explain to the parents the benefits of active learning methodologies (ALMs).*
- *School discipline is also a concern of the parents, or rather the freedom of students with the school.*

⁴⁸The methodology used in this research consisted of informal interviews with second level students in February/March 2003. This research was carried out by Ms. Olga Ncube, a member of the IVEA Working Group on Educational Provision for Asylum Seekers, Refugees and Minority Linguistic Groups.

IVEA Recommendation:

It must be acknowledged that bilingual/EAL learners may come from different cultures where different educational attitudes and practices prevail. Schools and teachers should recognise that all students bring their own strengths to learning derived from their cultural identity and previous learning and life experiences. Schools need to be open to and creative in utilising these experiences to the students' benefit. IVEA recommends that each school provides parents/guardians with a comprehensive overview of how the school operates, its policy and ethos; the curriculum etc. In case of conflicting values, it is recommended that schools engage in dialogue to reach agreement. For communication to be effective, it may be necessary to provide a translator.

5.5 PROMOTING STUDENT INVOLVEMENT

The CDU report *A Whole School Approach to Interculturalism and Inclusion* makes the following recommendations in the context of supporting and empowering students:

- Ways should be explored to give students greater voice in school decision-making, including ongoing review of Student Council structures by schools to assess their impact and to allow for more involvement of younger students and those of minority background.
- Appropriate induction and monitoring for all students' social and academic welfare should take place.
- Mentoring programmes should be considered, with the possible development of peer-mentoring. This needs careful planning, training and ongoing guidance and evaluation
- Work that builds self-esteem, values diversity and supports understanding of interculturalism and anti-racism should be carried out with students, both as distinct programmes embedded in the different subject areas and approached periodically through cross-curricular theme and project work.
- Consideration should be given to how students who have experienced and are still affected by trauma can be supported through pastoral care, counselling and monitoring by the psychological, health and social welfare services in tandem with the school.
- All sectors dealing with student needs will benefit from training in anti-racism and interculturalism.

5.6 PROMOTING PARENTAL INVOLVEMENT

The CDU report *A Whole School Approach to Interculturalism and Inclusion* makes the following recommendations in the context of supporting and empowering parents:

- Different ways of involving parents in the development of the school and in the celebration of school activities should be explored.
- Schools should be pro-active in their support of parents from minority backgrounds and engage in active dialogue with representatives of minority linguistic groups in order to increase awareness of issues of common interest.
- There is a need for effective structures to facilitate communication with parents from minority communities. Financial resources should be provided for translation of key information pertaining to school-life and for the services of interpreters (where it is deemed necessary) as supports to students and parents with limited English.

Part of the CDU's project involved consultations with a range of stakeholders in Maynooth Post Primary school. The findings suggest the following initiatives to promote parental involvement in the school:

Suggestions for greater parental involvement arising from CDU/Maynooth PP Survey Report⁴⁹:

- An open day for new students and parents to ease students into first year;
- Open days for students to display their work;
- More parent-teacher meetings;
- More inclusive parent-teacher meetings;
- The establishment of a committee to deal solely with academic issues (not fund-raising issues);
- More home-school liaison;
- More information to issue from school (particularly in respect of future plans);
- Newsletter from management should be more concise;
- Occasions other than religious ceremonies to give parents an opportunity to visit the school;
- Get all (parents, teachers and students) involved in school plays, debates, drama, art, etc.;
- Sunday barbeque and sports day for families – to promote interaction and raise funds;
- Meetings and social events for parents of minority linguistic students;
- Information and resources to be provided to staff to enable them to relate better to parents of minority linguistic students;
- School to facilitate local parents in getting to know the parents of new students;
- Language support for parents to promote communication and integration;
- Organise a multi-cultural awareness day for parents and school;
- More interdenominational services.

IVEA Comment:

The above list is by no means exhaustive and may be adapted to suit the particular circumstances of each individual school.

5.7 TEACHERS' VOICES

Part of the CDU research project included research carried out in Maynooth Post Primary School⁵⁰. The Survey report arising from this aspect of the research states:

Generally speaking, teachers' reflections on issues relating to syllabi and to their teaching practice, centred on two issues: lack of knowledge and training, and lack of resources. It is possible that some available knowledge resources are being overlooked, but it is also clear that there have been no professional development opportunities offered wherein teachers could review what was there and identify new resources. And the teaching resources that are available extend only to personnel and materials for specialist teaching of English as an Additional Language [EAL].

Highlighting the lack of resources on the ground, Tralee Community College states:

The teacher allocation system is inadequate. This year [2004] there were 27 non-national students enrolled at this school [Tralee Community College] who were entitled to language support. We had 1 teacher for the first 14 and no allocation for the remainder⁵¹.

Special Needs Assistants should be available to help these [Minority Linguistic] students in the main class group situation, particularly for practical subjects such as woodwork and metalwork⁵².

IVEA Comment:

While IVEA agrees that extra support staff in the classroom is necessary, these should be specifically trained language support teachers. There may also be a need for bilingual assistants. IVEA recommends that schools work in co-operation with minority linguistic communities in this regard.

Time spent interviewing and meeting the requests of minority linguistic groups for letters for the Departments of Social and Family Affairs and Justice, Equality and Law Reform is considerable⁵³.

⁵⁰Research Report compiled by Mairín Kenny on behalf of the CDU as part of the CDU project *A Whole School Approach to Interculturalism and Inclusion*, CDVEC: 2002 (unpublished).

⁵¹Correspondence from Tralee Community College to IVEA: 24/02/04.

⁵²Ibid.

⁵³Ibid.

⁵⁴Ibid.

⁵⁵*A Whole School Approach to Interculturalism and Inclusion*, CDVEC: 2002 (unpublished).

IVEA Comment:

IVEA recognises that issues relating to social welfare etc may result in additional workloads. Appropriate training and resources should be provided to meet this need (refer to section 5.8).

The provision of text books for students, particularly those who apply during the course of the school year, is a problem. The book loan fund is spent in September. Funding needs to be made available to cater for students enrolling after September⁵⁴.

IVEA Comment:

While the book-loan fund may not be universally applicable, the inflexible nature of capitation funding is problematic in this context. IVEA recommends that the Department of Education and Science introduces a more flexible capitation model, e.g. one/two extra capitation dates per school year.

5.8 PROFESSIONAL DEVELOPMENT TRAINING

One of the findings of the CDU Whole School project⁵⁵ was that the welcome given by teachers to the growth in cultural diversity within schools was greatly qualified by the lack of resources, support and professional development. Therefore, this area is crucial if schools are to meet their obligations towards students from minority linguistic groups. There is a great need for professional development training in a variety of areas including:

1. Anti-racist and cultural awareness training for all staff in the school;
2. Language Aware Teaching Methodologies;
3. Information sessions on social/legal situation of bilingual/EAL learners and their families for designated staff member(s) [refer to section 9.2 and item 3 below];
4. Training for designated person(s) in educational provision for second language learning [This item is dealt with in chapter 6].

1. Anti-racist/Cultural Awareness Training

Inservice is needed for all staff in respect of anti-racism and interculturalism. Anti-racist training is essential if equality in the classroom is to be achieved.

The CDU/Maynooth PP Survey Report states:

Many teachers were anxious to know more about foreign national students, so that they could be confident of responding to situations appropriately. They expressed unease about how to deal with behaviour incidents in a way that would be seen as racially/ethnically sensitive, but also fair to all sides. As the adult group most constantly in interaction with the Foreign National students, teachers were the most vocal in expressing concern about being open to accusations of racism. This kind of anxiety is not helpful in developing sound inclusive practice, and points to a need for work on what can be achieved within existing codes of practice, and what needs to be developed and how that might need to be resourced. Students were in strong agreement that they wanted fair and equitable treatment for all, regardless of origin or group identity⁵⁶.

3. Information Sessions on Social/Legal Situation of Bilingual/EAL Learners and their Families for Designated Staff Members

Separated Children are often engaged with a number of agencies outside the school (refer to Chapter 7). It will be necessary to provide formal training for those involved in the pastoral care of these children. Clearly, a great deal of sensitivity and confidentiality will be necessary with regard to social/legal issues. The home-school-community liaison officer and other individuals directly involved with the student will need to be trained to liaise with these agencies. The unique circumstance that these students present to teachers will require a degree of training to heighten awareness for all teachers as this will impact on classroom practice. Provision of such training will be an essential component of whole-school policy.

2. Language Aware Teaching Methodologies

There is a need for appropriate training for all teachers of second language learners. Training in language aware teaching methodologies should be an integral part of pre-service and in-service training.

IVEA recommends that Higher Diploma in Education courses incorporate language aware teaching methodologies for all student-teachers and make training in EAL methodologies available.

IVEA recommends that inservice training in all areas of the curriculum incorporate language aware teaching methodologies.

Regular inservice training, opportunities to observe good practice, collaboration, consultation and team teaching are all essential. Professional development relies upon regular discussion and sharing of good practice. At institutional level its effectiveness will depend upon much more than individual initiatives in isolated classrooms.

It requires structured, collaborative development systems, underpinned by whole-school policy and management support, in order to disseminate and extend improving practice throughout the school⁵⁷.

⁵⁶Maynooth Post Primary Survey. This survey comprises part of Research Report compiled by Mairin Kenny on behalf of the CDU as part of the CDU project *A Whole School Approach to Interculturalism and Inclusion*, CDVEC: 2002 (unpublished).

⁵⁷*A Whole School Approach to Interculturalism and Inclusion*, CDVEC:2002 (unpublished).

Bilingual learners are normal school students. They can engage, disengage, be committed to, and become alienated from school learning. They can acquire knowledge, reject it, take risks or refuse to do so. Each of them will acquire a use of the languages and language varieties around them to the degree that makes educational, political, social and psychological sense to do so. Consciously and unconsciously, the extent to which the positive options are taken up – again, like all students – depends as much on the social and learning environments each is in as it does to what each of the individuals brings to the situation⁵⁸.

Bilingual students are often seen as an additional burden for teachers to bear. Incorrect assumptions are made and as a result these students are often pigeonholed and assigned to special classes. The ‘English’ and Canadian experiences, for example, are well documented and provide us with a wealth of research and experience that should enable us to avoid many of the pitfalls which historically have greatly inhibited the language acquisition and educational development of EAL students entering the education system. It is essential that the right educational model be identified at an early stage. This model can be adapted to suit the needs of the particular school.

6.2 TEACHING ENGLISH AS AN ADDITIONAL LANGUAGE (EAL)

6.2.1 Introduction

It is now widely accepted that EAL is the most appropriate methodology for teaching English to bilingual students in schools. IVEA recommends that the EAL approach be used in all VEC schools.

English as an Additional Language (EAL) is used to describe English language teaching to bilingual and multilingual students in schools. EAL caters for a wide range of learners varying in age, first language background and fluency, English language fluency, previous experience of schooling, and prior and current exposure to English. EAL recognises that these learners need to acquire English at the same time as progressing through the mainstream curriculum. EAL is therefore primarily concerned with teaching English through the context of the whole curriculum.

EAL pedagogy recognises the need for learners to be able to use *English for both social and academic purposes. It acknowledges the time taken for learners to gain fluency in the spoken and written language of the academic curriculum, whilst taking into account the need to learners to gain the knowledge, skills and understanding of all curriculum subjects⁵⁹.*

When faced for the first time with bilingual learners, teachers without prior experience of teaching this group may only perceive the difficulties that this presents in the classroom. When planning EAL supports for bilingual students, it is essential that teachers recognise the positive aspects of bilingualism. The deficit model of language acquisition perceives language learning as a technical process. *“Students lack English, teach it to them and they can access the curriculum like any other English speaking student”⁶⁰.* Students are referred to as ‘non-English speaking’ and the deficit model, by definition, does not value linguistic diversity or further learning of home languages. The deficit model characterised English language support in Britain during the 1960s and 1970s and has since been replaced, albeit partially, by the bilingual and multilingual model⁶¹.

Bilingualism values and recognises that language learners have access to or speak more than one language in everyday life⁶². Bilinguals are accomplished users of at least one language, generally fully literate and already know about conversations, as well as cultural conventions. A growing body of research exists highlighting the benefits of bilingualism and multilingualism for students⁶³. Contributing to students’ metalinguistic awareness, bilinguals and multilinguals are more likely to understand the arbitrariness of language. They are also better at problem solving and more equipped than their monolingual counterparts to acquire additional languages. Teachers need to learn how to capitalise on these existing skills and support their students’ diverse linguistic identities.

6.2.2 Recommendations for Good Practice in providing EAL Supports

- All EAL teaching must take place in the context of an intercultural curriculum and a school environment which promotes equality and anti-racism.
- It is further recommended that a functional communicative approach to additional language learning is adopted as opposed to language based on grammatical syllabuses.
- It is essential that there is a co-ordinated approach and that

⁵⁸Levine, Josie *Responding to Linguistic and Cultural diversity in the Teaching of English as a Second Language* in: *Bilingual Learners and the Mainstream Curriculum* The Falmer Press, London: 1990, p.11.

⁵⁹Definition supplied by Department of Education & Skills, London.

⁶⁰Jones, C. “Refugee children in English urban schools”, *European Journal of Intercultural Studies*, Vol. 3, No. 2/3: 1990.

⁶¹Gravelle, M. *Supporting Bilingual Learners in Schools*, Trentham Books: Stoke on Trent: 2001a, p. 72.

⁶²*Ibid*, p. 11.

⁶³See, for example, Cummins, J. & Swain, M. *Bilingualism in Education: Aspects of Theory, Research and Practice*, Longman, London: 1986 & Collier, V. “How Long? A Synthesis of Research on Academic Achievement in a Second Language”, *TESOL Quarterly*, Vol. 23, No. 3: 1989.

full use is made of language support. Good planning and liaison between classroom teachers, language support teachers and the designated EAL co-ordinator within the school will greatly accelerate the rate at which EAL students acquire language and engage with the curriculum.

- Subject teachers need to take responsibility for supporting language development⁶⁴ by incorporating language aware teaching methods into classroom practice.
- The recognition of the pupils' own linguistic resources, rather than their eradication, as a genuine basis for further language development and the development of language-linked skills is also important⁶⁵. Students' first languages continue to be important for their linguistic, social and cognitive development. Schools need to promote the maintenance and continued development of students' first languages⁶⁶.
- Moreover, it is essential that teachers' recognise and build upon the prior learning and life experience of bilingual students. While bilingual students may not have the same background in Irish culture and education, they bring a wealth of cultural, educational knowledge and understanding to Irish schools. Introducing this dimension to classroom learning can be an enriching experience for all students and teachers.
- EAL students need a planned programme of support for several years. Research indicates it takes five to ten years to become proficient in using English for academic purposes⁶⁷.
- The optimum way to provide support to bilingual learners is through in-class support; however, at times withdrawal may sometimes be necessary. It is preferable that withdrawal be kept to a minimum and that students be involved as much as possible in mainstream activities. Ongoing monitoring of achievement through an assessment framework should identify when withdrawal is no longer necessary.

Students' Voices

Consultation carried out by an IVEA Working Group member with a small group of EAL learners from the refugee/asylum seeker community in March 2003 revealed that the following obstacles to learning had been experienced:

- Periods set aside for Irish are used for extra lessons. These remedial lessons are not conducted by regular subject teachers. There seems to be no consultation between subject teachers and remedial teachers, hence students do not find extra lessons beneficial.

- Students who are able to communicate in English are expected to function at the same level as the Irish students who are native speakers of English – no effort is made to explain unfamiliar terms for example.
- Most students find it difficult to understand some scenarios being described – especially if they have to explain what the writer meant or describe background to – they come from totally different background – this limits the scope of understanding.

The IVEA strongly recommends that all teachers be provided with training in Language Aware Teaching Methodologies. For those who have not received training, the following elements of best practice would suggest the efficacy of the following practices⁶⁸:

- An intercultural approach to the curriculum should be used.
- Teachers should use, where possible, interactive teaching methods, such as group work, to encourage questions, discussion and collaboration. This is particularly important for students who are not literate in their own language and for whom English can only be acquired through its spoken form.
- Bilingual learners need to be in groups which include native English speakers in order to provide good language models and help them to operate at the intellectual level at which they operate in their own language.
- All new information if it is to be understood must relate in some way to established understandings and to the individual learner's model of reality.
- Involving EAL students and making use of their expertise will provide them with status, hence accelerating integration.
- The discovery that their own personal experience has a place in formal learning can be encouraging and motivating for all learners. For bilingual learners it can be a watershed, particularly if it is a subject about which they feel they are expert.
- Interaction is essential with the teacher acting as a facilitator empowering the students as they guide their own learning.

⁶⁴Hall, D. revised and updated by Griffiths, D., Haslam, L. & Wilkin, Y. *Assessing the Needs of Bilingual Pupils*, David Fulton Publishers, London: 2002, p. 7.

⁶⁵Levine, Josie *Responding to Linguistic and Cultural diversity in the Teaching of English as a Second Language* in: *Bilingual Learners and the Mainstream Curriculum* The Falmer Press, London: 1990, p.12.

⁶⁶Coehlo, E. *Teaching and Learning in Multicultural Schools: An Integrated Approach*, Clevedon, Multilingual Matters: Canada: 1998: pp. 81-82.

⁶⁷Coehlo, E. *Teaching and Learning in Multicultural Schools: An Integrated Approach*, Clevedon, Multilingual Matters: Canada: 1998: pp. 81-82.

⁶⁸Adapted from Edmunds: p.132.

6.2.3 Recommendations re Resources and Training

IVEA recommends that the following actions be undertaken by schools to provide effective support to EAL students:

- A designated classroom where specific language classes can take place and resources can be stored.
- Specially trained language support workers including those with bilingual skills. There is a huge resource of potential support teachers within the minority linguistic communities.
- The provision of good resources including: bilingual dictionaries, dual language texts, appropriate reading materials and educational software.
- Provision of regular inservice training for members of the support department and all staff involved in the education of second language learners.
- Provision of training in Language Aware Teaching Methodologies for all teaching staff.
- Peer-assisted learning which promotes not only language development but also equal status and integration of all students.

The CDU report, *Whole School Approach to Interculturalism and Inclusion*⁶⁹, makes the following recommendations in the context of supporting and empowering school personnel to work with ethnic diversity:

- All school personnel – management, teaching and non-teaching staff should be given opportunities to engage through supportive workshops in exploring their own attitudes to diversity. Such workshops will enable personnel to increase their knowledge and awareness of issues pertaining to their students and how best to address their needs.
- Teachers need training and encouragement towards using teaching methodologies that might facilitate more active learning for all students. These include strategies for pair-work, group work, collaborative learning around problem-solving and project work.
- Library resources should be available to teachers and students that promote understanding of global issues and broaden knowledge beyond a Eurocentric base. Examples are: resources on religions of the world; different cultural practices (including Traveller culture) and times and ways of celebration; literature

from different cultures; texts that acknowledge the contribution of many cultures to world development; and texts that give broader understandings of world histories⁷⁰.

- Clear information on the rights and educational entitlements of all children in the country should be given to schools and passed on to all staff members.

6.3 INITIAL ENROLMENT AND ASSESSMENT

6.3.1 Introduction

Initial enrolment and assessment of EAL learners is an important phase in the student's educational experience. Interviews conducted with a small number of students from the asylum seeker/refugee community revealed that initial assessment often leaves students with low self-esteem as they are given the impression that they know nothing⁷¹. The following sections aim to aid schools in conducting initial enrolment and assessment of bilingual learners. Section 6.3.3 contains guidelines and section 6.3.4 contains a sample enrolment form, both of which were devised by Ms. Jessica Wanzenböck, Co-ordinator of the VEC Education Service for Separated Children at City of Dublin VEC. The guidelines and sample enrolment form are partly based on Hall Deryn's 2001 publication entitled *Assessing the Needs of Bilingual Pupils – Living in Two Languages*⁷².

6.3.2 School Admission Policy

The school admission policy is an important tool in promoting equality and entrenching the terms of the Equal Status Act, 2000 in the school's ethos. In respect of the school's admission policy, *Schools and the Equal Status Act* states:

The admission policy will ensure that no student is denied a place in the school because of their membership of a group under any of the nine grounds⁷³. It will seek to ensure adequate resources and supports are available to make the enrolment of those students a reality. The policy must identify the measures the school will take to achieve maximum accessibility and ensure the principles of equality. It could also include positive action that is designed to promote equality for those who are disadvantaged or have the kind of special needs referred to in the Equal Status Act⁷⁴.

⁶⁹A *Whole School Approach to Interculturalism and Inclusion*, CDVEC: 2002 (unpublished).

⁷⁰*Guide to Development Education Resources 2004-2005* details development education resources and activities for educators and students from primary to adult education levels and where such materials are available from as well as a other information including useful websites. This booklet is published by Development Cooperation Ireland, Department of Foreign Affairs and Trócaire and is available from Development Cooperation Ireland (www.dci.gov.ie) and Trócaire (www.trocaire.org).

⁷¹The methodology used in this research consisted of informal interviews with second level students in February/March 2003. This research was carried out by Ms. Olga Ncube, a member of the IVEA Working Group on Educational Provision for Asylum Seekers, Refugees and Minority Linguistic Groups.

⁷²Deryn, Hall *Assessing the Needs of Bilingual Pupils – Living in Two Languages*, David Fulton Publishers, London: 2001.

⁷³The nine grounds are: gender, marital status, family status, sexual orientation, religion, age, disability, race and membership of the Traveller Community (as defined in the Employment Equality Act, 1998 and the Equal Status Act, 2000).

⁷⁴*Schools and the Equal Status Act*, Department of Education and Science/Equality Authority, Dublin: 2003.

6.3.3 Enrolment and Assessment of Bilingual Students: Guidelines

In order to fully assess bilingual students' learning needs more information is required than is usually sought through 'normal' admission procedures for monolingual children. A more complete picture of a child's or young person's linguistic situation will enable schools to more easily identify students' learning needs, identify when and if additional support is necessary, identify potential learning difficulties, deal with problems that may arise and generally be in a position to more fully understand a student's progress and development in school.

Please note: The following is NOT a comprehensive educational assessment tool. If a student's educational progress is causing concern, more detailed assessment and monitoring needs to be undertaken, and should include – amongst other things - English and first language development.

How should such an assessment be conducted?

The following information/assessment form is meant as a guide to be used while conducting a more detailed conversation with the parents/guardians/students at enrolment/admission stage. It is important to establish good communication with the parents at the earliest stage possible. Teachers should be aware that parents might be reluctant to get involved in the schools' affairs for a variety of reasons. (Their own experience of school may be negative, they may distrust the school as being an 'official agent of the state', they may have little education and literacy themselves, it may be uncommon in their country of origin to 'interfere' in what is seen as the school's business, etc.)

In Ireland, co-operation between school and home is considered important and beneficial to students' educational development. This needs to be explained and communication developed with families of bilingual students.

- A meeting should be arranged with the parents. If the parents speak little English an interpreter should be provided⁷⁵.
- It is important to create a relaxed and friendly atmosphere.
- The information should be sought through discussion/conversation rather than through a formal interview scenario.
- Parents should be encouraged to add information about the student either at this meeting or at a later stage.
- It should be made clear that the information is confidential and explained who has access to the information and what it will be

used for. Questions should not be intrusive or inappropriate for an initial conversation/ interview and should relate to the child's or young person's educational and linguistic background.

- The concept of teacher-parent co-operation should be explained and explored, emphasising that it is in the interest of the child's educational development.

At initial enrolment it is important to establish the educational and linguistic background of students. If at a later stage it becomes apparent that there may be other difficulties or concerns regarding a particular student (e.g. educational attainment, behavioural issues, poor attendance) it may be necessary to find out more about the child's social situation. This should happen in a respectful and sensitive way. It is a good idea to appoint a person who is familiar with issues relating to migration and/or asylum to work more closely with the child and their family to resolve problems or issues of concern.

The following factors may cause disruption in a learner's life and should be taken into consideration if a student is causing concern:

- General health - physical, psychological, emotional.
- Accommodation situation - hostel accommodation, crowded conditions, cold, noisy, not being able to sleep, etc.
- Food and diets - unfamiliar diets as the cause of health problems, missing meals because of fixed meal times.
- Asylum procedure/insecure immigration status - can cause stress, worries, depression, etc.
- Financial situation - social welfare, direct provision, extra school costs, etc.
- Family situation – single parents, families split up, children looking after children, etc.
- Cultural differences – expectations regarding education, time-keeping, teacher-student relationship, discipline, etc.

This is not meant to be an exhaustive list, teachers and other staff need to be alert to other (educational and non-educational) issues that may have a negative impact on a student's progress.

If a child is in Ireland without his/her parents/guardians, i.e. unaccompanied, the child's foster parent, social worker or project worker should act as guardian.

6.3.4 Sample Enrolment Form for Bilingual Students

Basic Details

Student's First Name(s)

Surname

Name should be called at school

Name used at home / with friends

Sex

Male

Female

Basic Details

Date of Birth

PPS Number

Country of Origin

Nationality (if different)

Place of Birth

Mother's Name

Father's Name*

Contact address in Ireland

Contact number: parent/guardian:

Who should be contacted in case of an emergency?

For unaccompanied minors:

Student's phone number:

Contact Name and Number: Social Worker**:

Project Worker:

Community Welfare Officer:

Other support person (NGO, care worker, psychologist, etc...):

Religion (optional)

Festivals observed

Family view of important illness /or other medical factors seen as important:

(This might include dietary needs, allergies, regular medication, ...)

Family / Community Details

Who should school correspondence be sent to?

What language is most useful for parents? _____

Is an interpreter necessary to communicate with parents? Yes No

Is an interpreter necessary to communicate with student? Yes No

Contact for interpreter/ friend who can translate? _____

Does child attend classes outside school? _____

Where? _____ What? _____

Educational / Language Background

Language(s) spoken at home **by student** _____

Language(s) used by family members **to student** _____

Can student read/write in English?
Read Write

Can student read/ write in a language other than English?
Read Write

Language(s): _____

Is student learning to read/write in a language other than English? _____

Previous education***

Has the child been to school in Ireland? _____

Details (how long, where,..): _____

Length of previous schooling abroad: _____

Type of school (primary, secondary, Quranic School (Madras), Red Cross,) _____

Did student have extended absences from school abroad? (due to illness, war, etc...) _____

What subjects did student study abroad? _____

Has student attended English language classes in Ireland? _____

Where? _____ For how long? _____

Contact _____

Any other relevant information: _____

I understand that the above information will be kept confidentially and will not be passed on to other people. I agree to observe all the rules and regulations of this school.

Signature of Applicant: _____

Signature of Parent / Guardian: _____ Date: _____ Interviewed by: _____

*** In case of unaccompanied minors particular care must be taken when asking about family members.**

**** Not all unaccompanied minors have social workers – they may, however, not know the difference between their social worker, project worker and community welfare officer, all often called ‘social’.**

***** If the student has already attended school in Ireland this information should be available from the previous school. Newly arrived students, in particular refugee children, may not have school related documentation from their home country available. Previous education will have to be ascertained through conversation.**

6.4 INITIAL EDUCATIONAL/LANGUAGE ASSESSMENT TOOLS

There are currently no initial educational or language assessment tools for primary and post-primary schools in Ireland.

Recommendations:

The IVEA recommends that a review of current practice in Ireland and international best practice in respect of EAL and first-language be conducted as the basis for developing an assessment framework to assess and establish:

- Educational background;
- Listening, speaking, reading and writing skills in English;
- Study skills;
- First language literacy;
- Numeracy.

6.5 LITERACY AND BASIC EDUCATION

Lack of literacy and basic education support is currently the biggest gap in provision for bilingual/multilingual students. Transfer is the key to understanding the difference between literacy/basic skills students and other language learners. Individuals who are not literate in their first language lack the conceptual basis for literacy acquisition. Students who have spent many years in schooling have sophisticated learning/life skills and are already fully literate and competent in more than one language. These skills are easily transferable to learning situations in Ireland.

In some circumstances, students over 16 with literacy and basic education needs may be best catered for in specifically designed access programmes located within schools before transfer to mainstream school programmes.

The following chapter (chapter 7) deals with the educational needs of separated children ('unaccompanied minors') and makes recommendations. 'Separated children' are asylum seeking children and young people under the age of 18 who are separated from their parents/legal caregivers. In Ireland, separated children reside in Dublin city. Chapter 7 is based upon research conducted by Ms. Tanya Ward in her capacity as Asylum Seeker Research and Development Officer in CDVEC. The Report, entitled **Education and Language Needs of Separated Children**, was compiled in 2003 and will shortly be published.

Unaccompanied minors are asylum seeking children and young people under the age of eighteen (18) who are separated from their parents/legal caregivers⁷⁶. Recognised in Irish domestic legislation, this term has been critiqued for not adequately describing the situation of these children. The Separated Children in Europe Programme defines 'separated children' as:

...children under 18 years of age who are outside their country of origin and separated from both parents, or their previous legal/customary caregiver. Some children are totally alone while others...may be living with extended family members.... Separated children may be seeking asylum because of fear of persecution or the lack of protection due to human rights violations, armed conflict and disturbances in their own country. They may be victims of trafficking for sexual exploitation or other exploitation, or they may have travelled to Europe to escape conditions of serious deprivation⁷⁷.

Separated children flee to Europe for many reasons. Parents and family members may have been killed or imprisoned.⁷⁸ During war and conflict, separated children are sometimes sent abroad for their own safety and to avoid conscription. When separated children flee poverty, they can be expected to send remittances to family members in home countries. Placing a huge burden upon separated children, deportation and migration failure results in enormous financial costs for home communities.

Reflecting patterns in adult statistics, the number of separated children arriving in Ireland has risen substantially. Nine separated children applied for asylum in 1997, with these statistics rising considerably to 300 in 2000 and 425 in 2001. Statistics on referrals of separated refugee children to the Health Board indicates much higher numbers. For example, 505 separated children were recorded in 2000 and this figure rose to 825 in 2002. However, these statistics include children who arrived alone in Ireland and who were subsequently reunified with family members, together abandoned with children of asylum seekers/refugees currently living in Ireland.

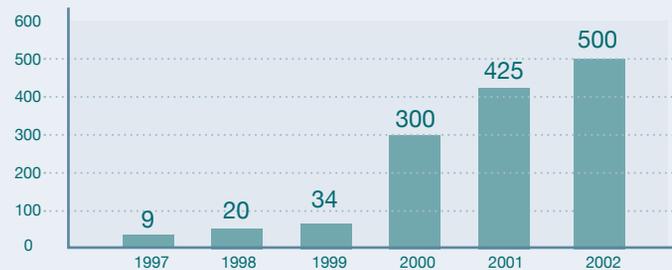


Figure 1: Number of separated children to apply for asylum 1997-2002
Source: Department of Justice, Equality and Law Reform

Year	Number
2000	505
2001	730
2002	877

Table 1: Number of separated children referred to the Team for Separated Children Seeking Asylum 2000 - 2002.
Source: Northern Area Health Board and The Social Work Team for Separated Children

⁷⁶UNHCR *Refugee Children: Guidelines on Protection and Care*, UNHCR: Geneva: 1993.

⁷⁷Separated Children in Europe Programme *Statement of Good Practice* Save the Children/UNHCR, Brussels: 1999, Section 2.1.

⁷⁸Rutter, J. *Supporting Refugee Children in 21st Century Britain: A Compendium of Essential Information*, Trentham Books, London: 2001.

Section 8 (5) of the Refugee Act, 1996 (as amended) provides that immigration officers should inform local Health Boards when a separated child is discovered and that the provisions of the Child Care Act, 1991 shall apply to the child. Section 4 (1) of the Child Care Act, 1991 states that:

Where it appears to a Health Board that a child who resides or is found in its area requires care or protection that he is unlikely to receive unless he is taken in to care, it shall be the duty of the Health Board to take him into its care under this section.

Separated children are under the care of the Health Boards. The East Coast Area Health Board established a Social Work Team for Separated Children in early 2001. The Team provides care and support to separated children and decides whether to make an application for asylum on behalf of the child. In practice all separated children lodge an application for asylum even if they do not have grounds for refugee status as the Irish Government has no other immigration route to process unaccompanied children.

In terms of education, no single domestic legislative instrument delineates separated children's education rights and entitlements. In fact, the absence of an educational statutory framework for children in care, children with special needs and Travellers has led to fragmentation of responsibility between Government Departments further marginalising these groups⁷⁹. This is contrary to the Convention on the Rights of the Child, 1989 which states that all children and young people under the age of 18 have the same rights irrespective of their parents/legal caregivers' race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status⁸⁰.

With the same rights as all other children in Ireland, separated children are afforded the protection of the Irish Constitution. While the Irish Constitution enshrines the role of parents in educating and caring for children, Article 42(5) states that:

In exceptional cases where the parents for physical or moral reasons fail in their duty towards their children, the State as guardian of the common good, by appropriate means shall endeavour to supply the place of the parents, but always with due regard for the natural and imprescriptible rights of the child.

In the absence of any parental/guardian care for separated children, the State is legally obligated to intervene and take the place of parents.

Statutory provisions of the Education (Welfare) Act, 2000 are also relevant for separated children (refer to section 4.2 and Appendix III of the present document). The National Educational Welfare Board and the newly appointed Education Welfare Officers (appointed under the Act) will have a key role ensuring separated children are placed in and attend school.

Furthermore, Section 17 of the Act penalises parents for not insisting their children attend school. By analogy, there is a duty incumbent upon the State to ensure separated children are placed in and remain in school.

7.2

7.2.1

RESEARCH ON SEPARATED CHILDREN

Research within the Vocational Education Sector

The City of Dublin VEC in association with Co. Dublin VEC and Dun Laoghaire VEC will shortly launch a major new report entitled *Education and Language Needs of Separated Children*. Written by Tanya Ward⁸¹, former Asylum Seeker Research and Development Officer in CDVEC, the aims and objectives of the forthcoming VECs' Report are to:

- Compile a profile of separated children in Dublin based on: age, gender, mother tongue, country of origin, educational background, experience of language learning, experience of education in Ireland and future aspirations;
- Evaluate current educational provision for separated children paying particular attention to: profile, resources, childcare, equality and anti-discrimination, reception and orientation, supporting bilingual students in schools, teaching materials, school attendance, guidance and student supports;
- Formulate recommendations to meet the education and language needs of separated children.

Although separated children have attended schools/colleges and Youthreach centres in all three Dublin-based VECs since the mid-1990s, several targeted interventions have been initiated. For example, the City of Dublin VEC, in association with County Dublin VEC, set up a Separated Children Working Group in April 2001. Because of a recommendation from the Working Group, a summer school for Separated Children was run in 2001, 2002 and 2003. Moreover, an 'Access Programme' for separated children not attending mainstream school was organised on a pilot basis in early 2002 and 2003 in CDVEC and in Dun Laoghaire VEC. Several schools and colleges offered specific part-time vocational programmes incorporating English language support targeting separated children through Back to Education Initiative (BTEI) funding⁸². Furthermore, funded by Dun Laoghaire VEC, the Dun Laoghaire Refugee Project and Barnardos⁸³ organised a summer school for separated children in 2002 and 2003. Dun Laoghaire VEC has also continued working with separated children by co-ordinating an intensive language/literacy programme in 2002/2003.

Addressing initial needs, these interventions allow providers to develop expertise. However, there is no overall co-ordination or strategy for development for current service provision. Considering provision for

⁷⁹Glendenning, D. *Education and the Law*, Butterworths: Dublin: 1999, p. 146.

⁸⁰Article 2(1) of the International Convention on the Rights of the Child 1989, signed by Ireland 30 September 1990 and ratified 28 September 1992.

⁸¹Ms. Ward is a former member of the IVEA Working Group on Educational Provision for Asylum Seekers, Refugees and Minority Linguistic Groups and has contributed substantially to all of IVEA's publications relating to minority linguistic learners.

⁸²Ballsbridge College of Business Studies, Marino College of Further Education, Pearse College and Plunkett College.

⁸³The Dún Laoghaire Refugee Project and Barnardos are both non-governmental organisations (NGOs).

separated children holistically, the forthcoming report by Ward makes recommendations to enable the State meet its obligations towards separated children. Stressing that educational provision is inextricably linked to equality and interculturalism, recommendations relate to overall co-ordination, assessment, reception and orientation, supporting bilingual/multilingual students, school attendance and student supports. In addition, many of the recommendations are also relevant to other bilingual and multilingual children in schools.

7.3 PROFILE OF SEPARATED CHILDREN IN THE DUBLIN AREA

A major research survey focussing on separated children and young people living in the Dublin area conducted by Ward⁸⁴ during 2003 presents a comprehensive profile of bilingual/EAL learners. Representing an overall response rate of 31%, 154 questionnaires were returned from a sample population of almost 500 separated children. Survey results refer to nationality, gender, age, area, legal status, accommodation, mother tongue, experience of learning another language, educational background, schooling in Ireland, literacy and basic education needs, learning English in Ireland, reasons for learning English and educational aspirations. The survey reveals a high level of linguistic diversity among the group, with the majority of survey participants originating from Africa. Although a considerable number of respondents already speak English, approximately 20% of respondents experience difficulties reading and writing in their first/another language. Furthermore, most survey respondents had extremely high educational aspirations with many aiming to attend university.

7.3.1 Summary of Research Findings

Ward's findings included:

- When a separated child is under 18 years, a Health Board representative (Social/Project Worker) attends their asylum interview, together with a legal representative. Asylum Interviewers and Deciding Officers also undergo training with the UNHCR on interviewing children.
- When a child has become identified as being an unaccompanied minor or separated child, they are referred to the Social Work Team for Separated Children.
- Team social workers assess all newly arrived separated children and place them in hostel type accommodation centres. Smaller numbers of separated children are also accommodated in 'supported lodgings', foster and care homes. With the same rights as all other children in Ireland, separated children have access to several additional services given that they have no parents/guardians/legal caregivers.
- Baseline statistics on separated children living in Dublin reveal that they originate from Nigeria (44%) or other African countries such as

Sierra Leone (6%), D.R. Congo (3%), Ghana (3%), Cameroon (2%) and Zimbabwe (2%).

- Approximately 55% of survey respondents were male and the remainder female (45%).
- Almost half of the 154 separated children who responded to this study were 17 years old. Between the ages of 18-21 years, a further 38% of respondents have 'aged out' and are no longer legally considered a child. A further 10% were 16 years old and 2% 15 years or 2% 14 years and under.
- While over half of respondents were asylum seekers (86%), a further 7% had lodged an asylum appeal and another 3% an application for leave to remain. Although 2% were parents of an Irish citizen child, 3% selected the 'other' category.
- A total of 32 mother tongues were catalogued for 154 respondents, indicating immense linguistic diversity among the population. African community languages feature prominently, particularly those from Nigeria within Africa's principal linguistic group, Niger-Congo.
- About 78% had studied another language within a formal education setting, in school or college. Other respondents had studied language through self-study at home (6%) or by living/working in another country (6%).
- Most survey participants had attended primary education (71%) and secondary/technical school (66%).
- Most separated children surveyed were attending some form of educational provision (79%). Almost half of survey participants were studying for a major state examination, 9% were pursuing the Junior Certificate and 40% the Leaving Certificate.
- Over 18% of respondents experience difficulties with reading in their first or another language and 21% had difficulties writing. Respondents with literacy difficulties were generally not in school and aged over 16 years. [The overall percentage of separated children with literacy difficulties is presumably higher as it is unlikely that separated children with literacy difficulties responded to the survey].
- Almost 61% of respondents were studying English in classes based within a school.
- Almost all separated children in this research project survey aspire to attend university or vocational training.
- Education providers and NGOs have made special efforts to meet the study needs of separated children by providing homework or after schools clubs with mixed results.
- Almost every school, education centre, programme and NGO interviewed recommended that an initial educational assessment and guidance service should be established for separated children.
- School placement has been more successful when local community groups have become involved.
- The psychological needs of separated children are complex and multifarious and include safety needs, belonging needs (family contact, experience of friendship), esteem needs and belief in a future. This has been acknowledged by NGOs, VECs and youth services with events and activities organised accordingly.

- Teachers take on a significant role in separated children's lives.
- A total of 6.5% of separated children did not want to wear a school uniform, while 4.5% thought their school was too far away. An additional 3.2% felt school caused too much personal expense and another 3.2% noted they had never been to school before.
- 'Aged out minors' – separated children who become adults while their application for asylum is being processed – lose the protection of the UN Convention on the Rights of the Child, 1989. They are no longer eligible for full-time educational provision, and like all other adult asylum seekers, can only access language and literacy provision offered by VEC adult education providers.
- Aged out minors with refugee status have other situational barriers to confront, barriers which affect young Irish adults who are homeless or without family support.
- Left with no alternative, they must enter the labour force, undertake a FÁS course or wait several years to be eligible for State support to continue their education.

7.4 BARRIERS TO PARTICIPATION

Ward's research on separated children⁸⁵ has identified the following barriers to participation affecting bilingual/EAL learners:

- The vast majority of separated children live in hostel type accommodation which is difficult to live in, with no appropriate cooking, study, recreational and personal storage facilities.
- Studying is an important aspect of separated children's lives given that so many are in schools, pursuing State examinations. A striking finding is that the vast majority of children and young people surveyed (over 100) had no study facilities.
- Failure to secure appropriate educational provision is one of the biggest barriers to education for separated children.
- Lack of educational guidance, basic information on education entitlements/rights, inappropriate placements and misinformation seemed to be a common feature among separated children in focus/discussion groups.
- Personal difficulties and lack of motivation were major barriers to education for a significant number of separated children. Approximately 17.5% reported they had too many other worries to attend school/education and 11% experienced problems motivating themselves.
- Unplanned pregnancy and lack of childcare facilities are serious barriers to participation for many separated children. The majority of NGOs and providers interviewed working with separated children noted the high incidence of unplanned pregnancy among the population.

7.4.1 Recommendations

IVEA fully supports the recommendations in relation to addressing barriers to participation of the Ward-authored report entitled 'Education and Language Needs of Separated Children'. These recommendations are outlined below:

Accommodation

It is recommended that:

- The Health Board renegotiates contracts with private owners to operate child centred policies and secure study facilities for hostel residents.
- The Health Board ensures that hostel type accommodation includes play and recreation space for separated children.
- Youth services organise play clubs for younger separated children and organise activities for older separated children as part of mainstream programmes.
- The Health Board considers employing qualified care-workers for hostel type accommodation for separated children.

Educational guidance and placement

It is recommended that:

- The Social Work Team for Separated Children receives information sessions and training on the Irish education system and education/linguistic needs of separated children.
- The Separated Children Education Service assesses the educational and linguistic needs of newly arrived separated children, with an appropriate system of referral.
- Educational information sessions are provided to separated children from the Separated Children Education Service.
- The Separated Children Education Service provides support to school based guidance officers to work with separated children.
- By applying natural justice, separated children who have enrolled in secondary schools before the age of 18 should be able to complete their schooling (as should all asylum seeker students).

Targeted interventions

It is recommended that:

- More direct involvement is required from youth services in targeted interventions and through the incorporation of separated children into mainstream activities.
- Working with the Separated Children Education Service, youth services become more involved in organising activities for separated children.
- Support is provided by VECs to NGOs and community groups to organise activities for separated children.
- The Health Board places teenage girls in separate accommodation.

⁸⁵Ibid.

- Education programmes focus on sexual health, ensuring the involvement of minority ethnic groups as deliverers because of cultural sensitivities.
- Educational and childcare supports are provided to young mothers and their babies.

Working with separated children

It is recommended that:

- A 'Code of Practice' is drawn up for educationalists and others working with separated children.
- VEC psychological services, with some assistance from the Separated Children Education Service, organise group meetings and ensure individual counselling is available to practitioners as required.

Progression

It is recommended that:

- The BTEI for separated children is evaluated.
- Separated children and aged out minors should not be relocated to different accommodation during the school year.
- The DES consider allocating VTOS places to aged out minors with refugee status to allow them to progress to full-time PLC programmes.
- The Department of Social and Family Affairs consider extending the Back to Education Allowance to separated children who reach adulthood with refugee status, intending to study in university.

8.1 INTRODUCTION

In the context of educational provision for asylum seekers, refugees and other minority linguistic groups, there are certain general supports that are appropriate to provide to students and their parents/guardians to support their education. Such supports include translation, childcare and psychological services/counselling. Providing these supports corresponds to intercultural best practice.

8.2 TRANSLATION

Research conducted by the Irish Centre for Migration Studies on the migrant population of Cork (city & county)⁸⁶ suggests that translating relevant materials into as few as three languages will cover more than 90% of the migrant population of Cork. The relevant languages may vary from location to location, however, the basic principle likely applies throughout Ireland.

The resources of bilingual/EAL learners can be drawn on to help tackle this issue.

IVEA will take up this issue with the Department of Education and Science and with the Reception and Integration Agency. Should the Department of Education and Science fail to provide adequate funding for these essential services, schools may wish to draw on the resources of the minority linguistic community in respect of interpretative services. However, schools need to be aware of issues concerning sensitivity and confidentiality.

8.3 PSYCHOLOGICAL SERVICES/
COUNSELLING

Discussions will take place between the IVEA and NEPS (National Educational Psychological Service), Health Boards and other relevant agencies with a view to improving overall provision of psychological services in second level schools in the Vocational Education sector. It is vital that those providing psychological services are appropriately trained and qualified and are knowledgeable of issues relating to migration and, in particular, forced migration.

8.4 CHILDCARE

As for many students, the absence of childcare for second level students can be a barrier to education. This area needs further consideration and resources.

⁸⁶Research conducted by Aki Stavrou and Jennifer O'Riordan for the Irish Centre for Migration Studies, UCC 2002/3 (unpublished). Refer to: <http://migration.ucc.ie>

9.1 THE ROLE OF MANAGEMENT

Senior management at both VEC and institutional levels has an important role to play in the implementation of the policy to provide a service for the client group.

VEC Level:

At VEC level senior management needs to familiarise itself with the recommended policy and adapt it to the particular circumstances of their own VEC. They also need to ensure that the resources and training necessary to implement the policy are put in place or are sought from the Department of Education and Science. If the issues around provision for bilingual/EAL learners are to be resolved it is important that senior management engage in dialogue through the IVEA and the APVSCC⁸⁷ to develop and implement a cohesive national response by VECs to the needs of bilingual/EAL learners.

Institutional Level:

The principal has a key role within an institutional setting. This fact is borne out by research into curriculum and policy development. It is vital that the principal takes the lead in introducing the policy to the educational institution, in allocating resources to it, in ensuring that the service is fully integrated into the life of the school and in creating the supportive culture necessary for a policy, in such a sensitive area, to succeed.

9.2 IMPLEMENTATION

IVEA will support the delivery of the recommendations outlined in the present document through the revised structures to be recommended by the strategic review presently being conducted by Pricewaterhouse Cooper.

At school level, it is recommended that each school consider allocating responsibility for the implementation of the recommendations of the present report to an Assistant Principal of Special Duties as appropriate. This should be done within the context of a whole school approach to interculturalism and inclusion. As outlined in chapter 5, every teacher has a responsibility to contribute to creating an inclusive and intercultural school.

It is recommended that the terms of reference of the post of responsibility include a requirement to undertake training in interculturalism. Opportunities to attend regular inservice training should be made available in order to remain in touch with current practice and new methodology.

9.3 CONCLUSION

This document is intended to serve as a framework in which VECs and second level schools within VECs can meet the needs of bilingual/EAL learners.

The Department of Education and Science-compiled *Draft Recommendations Towards a National Action Plan Against Racism* states:

Future policies must be developed within the context of a rights based equality approach, catering for diversity as the norm within all education settings. This approach needs to be taken account of in the intrinsic design of systems⁸⁸.

Incorporating such an approach, the aims of the present document are to:

- Prepare the school community for dealing with bilingual/EAL learners;
- Enable schools to integrate bilingual/EAL learners into the school learning programme;
- Enable schools to provide language and cultural supports to enable participation;
- Empower students to follow the mainstream curriculum in the school programme if appropriate;
- Enable schools to provide support services.

The present publication locates second level provision for bilingual/EAL learners within an equality and human rights framework and builds on national policy as enunciated in publications such as the *National Children's Strategy* (2000). It also fits into the general IVEA policy framework, the work of the Dublin VECs and national and international research on the educational needs of bilingual/EAL learners. The document is also located within a national and international legal context.

The present document forms part of a series of publications aimed at supporting VECs in providing a comprehensive service to bilingual/EAL learners.

IVEA invites VECs and their schools to implement this framework on a pilot basis in 2004/5. As with our previous publication, *Pilot Framework for Educational Provision for Asylum Seekers, Refugees and Minority Linguistic Groups; Volume I: Lifelong Learning* (2001), IVEA will seek feedback from VECs and schools within VECs in 2005.

SUMMARY OF RECOMMENDATIONS

CHAPTER 2

Structures [S. 2.1]:

In order to bring greater efficiency to existing services IVEA recommends that a national co-ordinating body be established comprising all agencies, both statutory and voluntary, with a brief to ensure that services are delivered in the most efficient way possible and to eliminate overlapping of services. The IVEA recommends that the co-ordinating body be operated at three levels: national, local and community. This pillar of IVEA policy is elaborated upon in **Appendix I**.

CHAPTER 5

Developing Interculturalism and Inclusion in Schools [S. 5.2.1]:

IVEA recommends that the following recommendations arising from the Curriculum Development Unit Project, *A Whole School Approach to Interculturalism and Inclusion* be implemented:

- Schools should consider reviewing their mission statement and policy documents to ascertain whether they promote a welcome for, and valuing of, cultural and religious diversity, as well as awareness of the potential for racism.
- The school physical environment should promote diversity and foster a positive atmosphere with visible and positive images representing this diversity, visual acknowledgement of achievements based on multiple intelligences, art-work with a global perspective and notices/symbols that draw attention to celebrations of different faiths.
- Where possible, schools should try to promote interfaith services and understanding of common beliefs.
- It is important for schools to have clear guidelines on behaviour for students and parents and these guidelines should include the school's anti-bullying and anti-racism policies.
- Where possible, and if necessary, with the help of interpreters, enrolment practices should include building up a profile of a new student with particular reference to previous schooling, language abilities and religious affiliation [refer to S. 6.3].
- The issue of enrolment in second-level schools needs to be addressed at national policy level to address the issue of students being refused admission to certain schools without obvious reason.

School Code of Behaviour [S. 5.2.1]:

- The school's code of behaviour is an important tool in achieving equality. The code of behaviour should explicitly name the nine grounds listed in the Equal Status Act, including religion and race, and require behaviour that respects diversity across them.
- It should prohibit harassment.
- The code should set out the policy and procedures to deal with harassment across all of the grounds and should identify action to

ensure such harassment does not occur and the steps that will be taken if it does occur. *Schools and the Equal Status Act* states: Steps to prevent harassment occurring include: ensuring all members of the school community – including parents and staff – are made aware of the code of behaviour and that harassment and sexual harassment are prohibited. Other steps include: building an anti-harassment culture through training for both staff and students.

- Proper implementation of the procedures when incidents do occur is essential in preventing future harassment.
- The preparation of the code of behaviour should involve consultation with parents, teachers, principals and pupils.

Whole School Approach [S. 5.2.2]:

- The IVEA, in addition to agencies including the Equality Authority and the Department of Education and Science, recommends the whole school approach as the most effective way to respond to cultural diversity in schools.
- Effective anti-racist and inclusive policies are recommended together with codes of practice and the development of an intercultural approach to the curriculum.

School Development Plan [S. 5.2.2]:

- *Schools and the Equal Status Act* identifies the School Development Plan as an appropriate place in which to identify a commitment to achieving equality.
- It must contain equality objectives and identify the steps that will be taken to achieve them.
- It should be based on an identification of the educational needs of students across the nine grounds.
- Consulting groups that represent those who experience inequality in the development and monitoring of the plan can help to inform the school's commitment to equality.
- IVEA recommends that schools include all stakeholders: teachers; administrative staff; students; parents; and boards of management, in the planning and policy development process.
- Students and parents from minority linguistic groups should be involved to ensure an inclusive process.
- In addition, IVEA recommends that following completion of the School Development Plan a mechanism be put in place to allow for ongoing dialogue and review between all stakeholders.

Parents [S. 5.4]:

- The parents/guardians of minority linguistic students frequently face great difficulties in their daily lives. The feeling of isolation can be intensified by racism, cultural differences, language barriers and financial constraints. The school has a role to play in tackling such issues through encouraging parents/guardians to play an active role in school life. A more effective dialogue between schools and parents/guardians can help to overcome some of the difficulties that may arise in regard to different cultural expectations.
- It must be acknowledged that bilingual/EAL learners may come

from different cultures where different educational attitudes and practices prevail.

- Schools and teachers should recognise that all students bring their own strengths to learning derived from their cultural identity and previous learning and life experiences.
- Schools need to be open to and creative in utilising these experiences to the students' benefit.
- IVEA recommends that each school provides parents/guardians with a comprehensive overview of how the school operates, its policy and ethos, the curriculum etc. In case of conflicting values, it is recommended that schools engage in dialogue to reach agreement.
- For communication to be effective, it may be necessary to provide a translator.

Promoting Student Involvement [S. 5.5]:

IVEA recommends that the following recommendations arising from the CDU report *A Whole School Approach to Interculturalism and Inclusion* be implemented:

- Ways should be explored to give students greater voice in school decision-making, including ongoing review of Student Council structures by schools to assess their impact and to allow for more involvement of younger students and those of minority background.
- Appropriate induction and monitoring for all students' social and academic welfare should take place.
- Mentoring programmes should be considered, with the possible development of peer-mentoring. This needs careful planning, training and ongoing guidance and evaluation
- Work that builds self-esteem, values diversity, supports understanding of interculturalism and anti-racism should be carried out with students, both as distinct programmes embedded in the different subject areas and approached periodically through cross-curricular theme and project work.
- Consideration should be given to how students who have experienced and are still affected by trauma can be supported through pastoral care, counselling and monitoring by the psychological, health and social welfare services, in tandem with the school.
- All sectors dealing with student needs will benefit from training in anti-racism and interculturalism.

Promoting Parental Involvement [S. 5.6]:

The CDU report *A Whole School Approach to Interculturalism and Inclusion* makes the following recommendations in the context of supporting and empowering parents:

- Different ways of involving parents in the development of the school and in the celebration of school activities should be explored.
- Schools should be pro-active in their support of parents from minority backgrounds and engage in active dialogue with representatives of minority groups in order to increase awareness of issues of common interest.

- There is a need for effective structures to facilitate communication with parents from minority communities. Financial resources should be provided for translation of key information pertaining to school-life and for the services of interpreters (where it is deemed necessary) as supports to students and parents with limited English.

Support Staff/Bilingual Assistants/Book-loans [S. 5.7]:

- While IVEA agrees that extra support staff in the classroom is necessary, these should be specifically trained language support teachers. There may also be a need for bilingual assistants. IVEA recommends that schools work in co-operation with minority linguistic communities in this regard.
- IVEA recognises that issues relating to social welfare etc may result in additional workloads. Appropriate training and resources should be provided to meet this need (refer to section: 5.8).
- While the book-loan fund may not be universally applicable, the inflexible nature of capitation funding is problematic in this context. IVEA recommends that the Department of Education and Science introduces a more flexible capitation model, e.g. one/two extra capitation dates per school year.

Professional Development Training [S. 5.8]:

There is a great need for professional development training in a variety of areas including:

- Anti-racist and cultural awareness training for all staff in the school;
- Language Aware Teaching Methodologies;
- Information sessions on social/legal situation of bilingual/EAL learners and their families for designated staff members;
- Training for designated person in educational provision for second language learning [this item is dealt with in chapter 6].

Anti-racist/Cultural Awareness Training [S. 5.8]:

- Inservice is needed for all staff in respect of anti-racism and interculturalism. Anti-racist training is essential if equality in the classroom is to be achieved.

Language Aware Teaching Methodologies [S. 5.8]:

- There is a need for appropriate training for all teachers of second language learners. Training in language aware teaching methodologies should be an integral part of pre-service and in-service training.
- IVEA recommends that Higher Diploma in Education courses incorporate language aware teaching methodologies for all student-teachers and make training in EAL methodologies available.
- IVEA recommends that inservice training in all areas of the curriculum incorporate language aware teaching methodologies.
- Regular inservice training, opportunities to observe good practice, collaboration, consultation and team teaching are all essential.
- Professional development relies upon regular discussion and sharing of good practice. At institutional level its effectiveness will depend upon much more than individual initiatives in isolated classrooms. It requires

structured, collaborative development systems, underpinned by whole-school policy and management support, in order to disseminate and extend improving practice throughout the school⁸⁹.

Information Sessions on Social/Legal Situation of bilingual/EAL learners and their Families for Designated Staff Members [S. 5.8]:

- Separated children are often engaged with a number of agencies outside the school (refer to chapter 7). It will be necessary to provide formal training for those involved in the pastoral care of these children. A great deal of sensitivity and confidentiality will be necessary with regard to social/legal issues.
- The home-school-community liaison officer and other individuals directly involved with the student will need to be trained to liaise with these agencies.
- The unique circumstance that these students present to teachers will require a degree of training to heighten awareness for all teachers as this will impact on classroom practice. Provision of such training will be an essential component of whole-school policy.

CHAPTER 6

Recommendations for Good Practice in providing EAL Supports [S. 6.2.2]:

- All EAL teaching must take place in the context of an intercultural curriculum and a school environment which promotes equality and anti-racism.
- It is further recommended that a functional communicative approach to additional language learning is adopted as opposed to language based on grammatical syllabuses.
- It is essential that there is a co-ordinated approach and that full use is made of language support. Good planning and liaison between classroom teachers, language support teachers and the designated EAL co-ordinator within the school will greatly accelerate the rate at which EAL students acquire language and engage with the curriculum.
- Subject teachers need to take responsibility for supporting language development⁹⁰ by incorporating language aware teaching methods into classroom practice.
- The recognition of the pupils' own linguistic resources, rather than their eradication, as a genuine basis for further language development and the development of language-linked skills is also important⁹¹. Students' first languages continue to be important for their linguistic, social and cognitive development. Schools need to promote the maintenance and continued development of students' first languages⁹².
- Moreover, it is essential that teachers' recognise and build upon the prior learning and life experience of bilingual students. While bilingual students may not have the same background in Irish culture and education, they bring a wealth of cultural and educational knowledge and understanding to Irish schools.

Introducing this dimension to classroom learning can be an enriching experience for all students and teachers.

- EAL students need a planned programme of support for several years. Research indicates it takes five to ten years to become proficient in using English for academic purposes⁹³.
- The optimum way to provide support to bilingual learners is through in-class support; however, at times withdrawal may sometimes be necessary. It is preferable that withdrawal be kept to a minimum and that students be involved as much as possible in mainstream activities. Ongoing monitoring of achievement through an assessment framework should identify when withdrawal is no longer necessary.

The IVEA strongly recommends that all teachers be provided with training in Language Aware Teaching Methodologies. For those who have not received training, the following elements of best practice would suggest the efficacy of the following practices⁹⁴:

- An intercultural approach to the curriculum should be used.
- Teachers should use, where possible, interactive teaching methods - such as group work - to encourage questions, discussion and collaboration. This is particularly important for students who are not literate in their own language and for whom English can only be acquired through its spoken form.
- Bilingual learners need to be in groups which include native English speakers in order to provide good language models and help them to operate at the intellectual level at which they operate in their own language.
- All new information, if it is to be understood, must relate in some way to established understandings and to the individual learner's model of reality.
- Involving EAL students and making use of their expertise will provide them with status, hence accelerating integration.
- The discovery that their own personal experience has a place in formal learning can be encouraging and motivating for all learners. For bilingual learners it can be a watershed, particularly if it is a subject about which they feel they are expert.
- Interaction is essential with the teacher acting as a facilitator empowering the students as they guide their own learning.

Recommendations re Resources and Training [S. 6.2.3]:

IVEA recommends that the following actions be undertaken by schools to provide effective support to EAL students:

- A designated classroom where specific language classes can take place and resources can be stored;
- Specially trained language support workers including those with bilingual skills. There is a huge resource of potential support teachers within the minority linguistic communities;
- The provision of good resources including: bilingual dictionaries; dual language texts; appropriate reading materials and educational

⁸⁹Ibid: p. 129.

⁹⁰Hall, D. revised and updated by Griffiths, D., Haslam, L. & Wilkin, Y. *Assessing the Needs of Bilingual Pupils*, David Fulton Publishers, London: 2002, p. 7.

⁹¹Levine, Josie *Responding to Linguistic and Cultural diversity in the Teaching of English as a Second Language* in: *Bilingual Learners and the Mainstream Curriculum* The Falmer Press, London: 1990, p.12.

⁹²Coehlo, E. *Teaching and Learning in Multicultural Schools: An Integrated Approach*, Clevedon, Multilingual Matters: Canada: 1998: pp. 81-82.

⁹³Coehlo, E. *Teaching and Learning in Multicultural Schools: An Integrated Approach*, Clevedon, Multilingual Matters: Canada: 1998: pp. 81-82.

⁹⁴Adapted from Edmunds: p. 132.

- software;
- Provision of regular inservice training for members of the support department and all staff involved in the education of second language learners;
- Provision of training in Languages Aware Teaching Methodologies for all teaching staff;
- Peer-assisted learning which promotes not only language development but also equal status and integration of all students.

The CDU report, *Whole School Approach to Interculturalism and Inclusion*, makes the following recommendations in the context of supporting and empowering school personnel to work with ethnic diversity:

- All school personnel – management, teaching and non-teaching staff - should be given opportunities to engage through supportive workshops in exploring their own attitudes to diversity. Such workshops will enable personnel to increase their knowledge and awareness of issues pertaining to their students and how best to address their needs.
- Teachers need training and encouragement towards using teaching methodologies that might facilitate more active learning for all students. These include strategies for pair-work, group work, collaborative learning around problem-solving and project work.
- Library resources should be available to teachers and students that promote understanding of global issues and broaden knowledge beyond a Eurocentric base. Examples are: resources on religions of the world; different cultural practices (including Traveller culture) and times and ways of celebration; literature from different cultures; texts that acknowledge the contribution of many cultures to world development; and texts that give broader understandings of world histories⁹⁵.
- Clear information on the rights and educational entitlements of all children in the country should be given to schools and passed on to all staff members.

Initial Enrolment and Assessment:

Admission Policy [S. 6.3.2]:

- In respect of the school's admission policy, *Schools and the Equal Status Act* states: The admission policy will ensure that no student is denied a place in the school because of their membership of a group under any of the nine grounds⁹⁶. It will seek to ensure adequate resources and supports are available to make the enrolment of those students a reality. The policy must identify the measures the school will take to achieve maximum accessibility and ensure the principles of equality. It could also include positive action that is designed to promote equality for those who are disadvantaged or have the kind of special needs referred to in the Equal Status Act.

Enrolment and Assessment of Bilingual Students: Guidelines [S. 6.3.3] and Bilingual Student Sample Enrolment Form [S. 6.3.4]: IVEA recommends that schools use the guidelines for enrolment and assessment of bilingual students [section 6.3.3] and take on board the sample enrolment form for bilingual students [section 6.3.4] which have been devised by Jessica Wanzenböck, CDVEC and are based on Hall Deryn's 2001 publication *Assessing the Needs of Bilingual Pupils – Living in Two Languages* (David Fulton Publishers, London: 2001).

Assessment Framework [S. 6.4]:

The IVEA recommends that a review of current practice in Ireland and international best practice in respect of EAL and first-language be conducted as the basis for developing an assessment framework to assess and establish:

- Educational background;
- Listening, speaking, reading and writing skills in English;
- Study skills;
- First language literacy;
- Numeracy.

CHAPTER 7

Separated Children [S. 7.4.1]:

IVEA fully supports the recommendations in relation to addressing barriers to participation of the Ward-authored report entitled 'Education and Language Needs of Separated Children'. These recommendations are outlined below:

Accommodation: It is recommended that:

- The Health Board renegotiates contracts with private owners to operate child centred policies and secure study facilities for hostel residents;
- The Health Board ensures that hostel type accommodation includes play and recreation space for separated children;
- Youth services organise play clubs for younger separated children and organise activities for older separated children as part of mainstream programmes;
- The Health Board considers employing qualified care-workers for hostel type accommodation for separated children.

Educational guidance and placement: It is recommended that:

- The Social Work Team for Separated Children receives information sessions and training on the Irish education system and education/linguistic needs of separated children;
- The Separated Children Education Service assesses the educational and linguistic needs of newly arrived separated children, with an appropriate system of referral;
- Educational information sessions are provided to separated children from the Separated Children Education Service;
- The Separated Children Education Service provides support to school based guidance officers to work with separated children;

⁹⁵*Guide to Development Education Resources 2004-2005* details development education resources and activities for educators and students from primary to adult education levels and where such materials are available from as well as a other information including useful websites. This booklet is published by Development Cooperation Ireland, Department of Foreign Affairs and Trócaire and is available from Development Cooperation Ireland (www.dci.gov.ie) and Trócaire (www.trocaire.org).

⁹⁶The nine grounds are: gender, marital status, family status, sexual orientation, religion, age, disability, race and membership of the Traveller Community (as defined in the Employment Equality Act, 1998 and the Equal Status Act, 2000).

- By applying natural justice, separated children who have enrolled in secondary schools before the age of 18 should be able to complete their schooling (as should all asylum seeker students).

Targeted interventions: It is recommended that:

- More direct involvement is required from youth services in targeted interventions and through the incorporation of separated children into mainstream activities;
- Working with the Separated Children Education Service, youth services become more involved in organising activities for separated children;
- Support is provided by VECs to NGOs and community groups to organise activities for separated children;
- The Health Board places teenage girls in separate accommodation;
- Education programmes focus on sexual health, ensuring the involvement of minority ethnic groups as deliverers because of cultural sensitivities;
- Educational and childcare supports are provided to young mothers and their babies.

Working with separated children: It is recommended that:

- A 'Code of Practice' is drawn up for educationalists and others working with separated children;
- VEC psychological services, with some assistance from the Separated Children Education Service, organise group meetings and ensure individual counselling is available to practitioners as required.

Progression: It is recommended that:

- The BTEI for separated children be evaluated;
- Separated children and aged out minors should not be relocated to different accommodation during the school year;
- The DES consider allocating VTOS places to aged out minors with refugee status to allow them to progress to full-time PLC programmes;
- That the Department of Social and Family Affairs consider extending the Back to Education Allowance to separated children who reach adulthood with refugee status, intending to study in university.

CHAPTER 8

Support Services:

In the context of educational provision for asylum seekers, refugees and other minority linguistic groups, there are certain general supports that are appropriate to provide to students and their parents/guardians to support their education. Such supports include translation, childcare and psychological services/counselling. Providing these supports corresponds to intercultural best practice.

Translation [S. 8.2]:

- Research conducted by the Irish Centre for Migration Studies on the migrant population of Cork (city & county)⁹⁷ suggests that translating relevant materials into as few as three languages will cover more than 90% of the migrant population of Cork. The relevant languages may vary from location to location, however, the basic principle likely applies throughout Ireland.
- The resources of bilingual/EAL learners can be drawn on to help tackle this issue.
- IVEA will take up this issue with the Department of Education and Science and with the Reception and Integration Agency. Should the Department of Education and Science fail to provide adequate funding for these essential services, schools may wish to draw on the resources of the minority linguistic community in respect of interpretative services. However, schools need to be aware of issues concerning sensitivity and confidentiality.

Psychological Services/counselling [S. 8.3]:

- Discussions will take place between the IVEA and NEPS (National Educational Psychological Service), Health Boards and other relevant agencies with a view to improving overall provision of psychological services in second level schools in the Vocational Education sector. It is vital that those providing psychological services are appropriately trained and qualified and are knowledgeable of issues relating to migration and, in particular, forced migration.

Childcare [S. 8.4]:

- As for many students, the absence of childcare for second level students can be a barrier to education. This area needs further consideration and resources.

CHAPTER 9

The Role of Management [S. 9.1]:

Senior management at both VEC and institutional levels has an important role to play in the implementation of this policy to provide a service for the client group.

VEC Level:

At VEC level senior management needs to familiarise itself with the recommended policy and adapt it to the particular circumstances of their own VEC. They also need to ensure that the resources and training necessary to implement the policy are put in place or are sought from the Department of Education and Science. If the issues around provision for bilingual/EAL learners are to be resolved it is important that senior management engage in dialogue through the IVEA Committee for Executive Support and the APVSCC⁹⁸ to develop and implement a cohesive national response by VECs to the needs of bilingual/EAL learners.

⁹⁷Research conducted by Aki Stavrou and Jennifer O'Riordan for the Irish Centre for Migration Studies, UCC 2002/3 (unpublished). Refer to: <http://migration.ucc.ie>

⁹⁸APVSCC: Association of Principals of Vocational Schools and Community Colleges.

Institutional Level:

The Principal has a key role within an institutional setting. This fact is borne out by research into curriculum and policy development. It is vital that the Principal takes the lead in introducing the policy to the institution, in allocating resources to it, in ensuring that the service is fully integrated into the life of the school and in creating the supportive culture necessary for a policy, in such a sensitive area, to succeed.

CHAPTER 10

Conclusion [S. 9.3]:

IVEA invites VECs and their schools to implement this framework on a pilot basis in 2004/5. As with our previous publication, Pilot Framework for Educational Provision for Asylum Seekers, Refugees and Minority Linguistic Groups; Volume I: Lifelong Learning (2001), IVEA will seek feedback from VECs and schools within VECs following publication.

APPENDIX I NATIONAL STRUCTURES

The following section adapted from IVEA's 2001 policy publication entitled: IVEA Policy on Educational Provision for Asylum Seekers, Refugees and other Non-nationals.

Over-arching Co-ordinating Structure

There is a wide range of agencies, both statutory and voluntary, involved in the provision of services to asylum seekers, refugees and minority linguistic groups. Because the situation in this area developed so rapidly and to such an extent over the last number of years, it appears that services were introduced on an ad hoc basis in order to deal with the issue.

In order to bring greater efficiency to existing services it is vital that a national co-ordinating body be established comprising all agencies, both statutory and voluntary, with a brief to ensure that services are delivered in the most *efficient* way possible and to eliminate overlapping of services.

The many agencies working in this area include: Local Authorities, Regional Authorities, Health Boards, various Government Departments, FÁS, VECs, primary and secondary schools etc., as well as a large number of voluntary bodies, drawn from all sections of society. Much of their work is done quietly and efficiently. To all of them the introduction of a co-ordination service would be of tremendous help in delivering a more efficient and improved service.

The IVEA recommend that the co-ordinating body be operated at three levels: national, local and community:

- A **National Co-ordinating Committee** should be established with the purpose of linking all relevant national agencies in both the co-ordination of services and the formulation of policy. The IVEA therefore calls on the Government to set up a National Co-ordinating Committee which would incorporate all the relevant Government departments and state agencies.
- At local (regional or county) level, **Local Co-ordinating Committees** which include representatives from a wide range of relevant and interested statutory, voluntary and community organisations should be established to co-ordinate formulation of policy and delivery of services at local level and to feed into the National Co-ordinating Committee.
- **Community Support Groups** aimed at co-ordinating services at community level and providing practical support and information to individuals would be of benefit to the asylum seeker/refugee communities and also to host communities. These support groups could link back to the Local Co-ordinating Committees.

APPENDIX II

Agreed procedures between East Coast Area Health Board (ECAHB) and Second-Level Schools (LYNS and IVEA) in the ECAHB area concerning enrolment and communication issues of unaccompanied minors living in hostel accommodation – November 2002.

- 1) Schools to use a specially adapted application form for enrolment of unaccompanied minors so that all relevant information can be recorded.
- 2) On all forms concerned with the enrolment process (e.g. applications forms, Medical Declaration Forms Agreed to Code of Behaviour Forms) schools will adapt these to include a signature of ECAHB contact person instead of signature of parents/guardians.
- 3) The ECAHB will sign all relevant forms and include a contact address and telephone number. Any amendments to this will be notified to the school.
- 4) The name and telephone number of Hostel Personnel will be supplied on enrolment and amendments notified to schools as necessary. If an unaccompanied minor has a medical appointment he/she will inform the school office beforehand where possible and the contact person will supply a standard note signed by the contact person i.e. Doctor, Dentist as written explanation to the school for absence.
- 5) All school communications to be sent to the named contact person (e.g. reports, notices of parent teacher meetings etc.)
- 6) If an unaccompanied minor is ill and has to be sent back to the hostel, the school will telephone the hostel personnel and ask them to telephone the school when a student arrives at hostel. In case of a more serious illness, the student will be sent to the hostel by taxi and ECAHB Baggot Street office to be contacted by school.
- 7) The contact person is to be invited to parent teacher meetings and will attend when possible.
- 8) Schools are requested to complete as fully as possible the six monthly standard review reports requested by ECAHB.
- 9) On issues concerning behaviour the school will communicate with the contact person. The contact person will inform the school of any issues they are aware of which may affect the student's behaviour.
- 10) School communications concerning after School Supervised Study, Homework Clubs, School Trips and Outings should be faxed/posted to ECAHB Baggot Street Office. It is important that sufficient notice is given to these events.
- 11) Schools are requested to be flexible in loaning money to students for activities if short notice is given.
- 12) The Community Welfare Officer (CWO) is to be contacted regarding uniform and books. If an unaccompanied minor is not receiving financial support from the school for books (e.g. book rental scheme, book grant) the CWO is to be informed in writing by the school.
- 13) The contact person is to be informed as far as possible in advance of dates of Mock Exams, Oral and Practical exams for reach

unaccompanied minor so that the Department of Justice interviews are not organised for these dates.

- 14) On the Medical Form the ECAHB has advised schools to include Malaria in the list of illnesses students are asked about.
- 15) The student will provide the school with the relevant contact details of their General Practitioner as soon as available.

APPENDIX III

Annex III details the most relevant sections of the various pieces of legislation⁹⁹ applicable in the context of educational provision for asylum seekers, refugees and other minority linguistic groups at second level.

Extract from: Bunreacht na hÉireann

Education Article 42

1. The State acknowledges that the primary and natural educator of the child is the Family and guarantees to respect the inalienable right and duty of parents to provide, according to their means, for the religious and moral, intellectual, physical and social education of their children.
2. Parents shall be free to provide this education in their homes or in private schools or in schools recognised or established by the State.
3. 1° The State shall not oblige parents in violation of their conscience and lawful preference to send their children to schools established by the State, or to any particular type of school designated by the State. 2° The State shall, however, as guardian of the common good, require in view of actual conditions that the children receive a certain minimum education, moral, intellectual and social.
4. The State shall provide for free primary education and shall endeavour to supplement and give reasonable aid to private and corporate educational initiative, and, when the public good requires it, provide other educational facilities or institutions with due regard, however, for the rights of parents, especially in the matter of religious and moral formation.
5. In exceptional cases, where the parents for physical or moral reasons fail in their duty towards their children, the State as guardian of the common good, by appropriate means shall endeavour to supply the place of the parents, but always with due regard for the natural and imprescriptible rights of the child.

Extract from: The Education Act, 1998

Objects of Act.

6.— Every person concerned in the implementation of this Act shall have regard to the following objects in pursuance of which the Oireachtas has enacted this Act:

- (a) to give practical effect to the constitutional rights of children, including children who have a disability or who have other special

⁹⁹The full text of the Acts listed is available on the following website: www.irishstatuebook.ie

educational needs, as they relate to education;

(b) to provide that, as far as is practicable and having regard to the resources available, there is made available to people resident in the State a level and quality of education appropriate to meeting the needs and abilities of those people;

(c) to promote equality of access to and participation in education and to promote the means whereby students may benefit from education;

(d) to promote opportunities for adults, in particular adults who as children did not avail of or benefit from education in schools, to avail of educational opportunities through adult and continuing education;

(e) to promote the right of parents to send their children to a school of the parents' choice having regard to the rights of patrons and the effective and efficient use of resources;

(f) to promote best practice in teaching methods with regard to the diverse needs of students and the development of the skills and competences of teachers;

(g) to promote effective liaison and consultation between schools and centres for education, patrons, teachers, parents, the communities served by schools, local authorities, health boards, persons or groups of persons who have a special interest in, or experience of, the education of students with special educational needs and the Minister;

(h) to contribute to the realisation of national educational policies and objectives;

(i) to contribute to the realisation of national policy and objectives in relation to the extension of bi-lingualism in Irish society and in particular the achievement of a greater use of the Irish language at school and in the community;

(j) to contribute to the maintenance of Irish as the primary community language in Gaeltacht areas;

(k) to promote the language and cultural needs of students having regard to the choices of their parents;

(l) to enhance the accountability of the education system, and

(m) to enhance transparency in the making of decisions in the education system both locally and nationally.

Functions of a school.

9.—A recognised school shall provide education to students which is appropriate to their abilities and needs and, without prejudice to the generality of the foregoing, it shall use its available resources to—

(a) ensure that the educational needs of all students, including those with a disability or other special educational needs, are identified and provided for,

(b) ensure that the education provided by it meets the requirements of education policy as determined from time to time by the Minister including requirements as to the provision of a curriculum as prescribed by the Minister in accordance with **section 30**,

(c) ensure that students have access to appropriate guidance to assist them in their educational and career choices,

(d) promote the moral, spiritual, social and personal development of students and provide health education for them, in consultation with their parents, having regard to the characteristic spirit of the school,

(e) promote equality of opportunity for both male and female students and staff of the school,

(f) promote the development of the Irish language and traditions, Irish literature, the arts and other cultural matters,

(g) ensure that parents of a student, or in the case of a student who has reached the age of 18 years, the student, have access in the prescribed manner to records kept by that school relating to the progress of that student in his or her education,

(h) in the case of schools located in a Gaeltacht area, contribute to the maintenance of Irish as the primary community language,

(i) conduct its activities in compliance with any regulations made from time to time by the Minister under **section 33**,

(j) ensure that the needs of personnel involved in management functions and staff development needs generally in the school are identified and provided for,

(k) establish and maintain systems whereby the efficiency and effectiveness of its operations can be assessed, including the quality and effectiveness of teaching in the school and the attainment levels and academic standards of students,

(l) establish or maintain contacts with other schools and at other appropriate levels throughout the community served by the school, and

(m) subject to this Act and in particular **section 15 (2) (d)**, establish and maintain an admissions policy which provides for maximum accessibility to the school.

Functions of a board.

15.—(1) It shall be the duty of a board to manage the school on behalf of the patron and for the benefit of the students and their parents and to provide or cause to be provided an appropriate education for each student at the school for which that board has responsibility.

(2) A board shall perform the functions conferred on it and on a school by this Act and in carrying out its functions the board shall—

(d) publish, in such manner as the board with the agreement of the patron considers appropriate, the policy of the school concerning admission to and participation in the school, including the policy of the school relating to the expulsion and suspension of students and admission to and participation by students with disabilities or who have other special educational needs, and ensure that as regards that policy principles of equality and the right of parents to send their children to a school of the parents' choice are respected and such directions as may be made from time to time by Minister, having regard to the characteristic spirit of the school and the constitutional rights of all persons concerned, are complied with,

(e) have regard to the principles and requirements of a democratic society and have respect and promote respect for the diversity of values, beliefs, traditions, languages and ways of life in society,

(g) use the resources provided to the school from monies provided by the Oireachtas to make reasonable provision and accommodation for students with a disability or other special educational needs, including, where necessary, alteration of buildings and provision of appropriate equipment.

Functions of Principal and teachers.

22.(1) The Principal of a recognised school and the teachers in a recognised school, under the direction of the Principal, shall have responsibility, in accordance with this Act, for the instruction provided to students in the school and shall contribute, generally, to the education and personal development of students in that school.

(2) Without prejudice to **subsection (1)**, the Principal and teachers shall—
(c) collectively promote co-operation between the school and the community which it serves...

Extract from: The Education (Welfare) Act, 2000

Admission of child to recognised school.

19.—(1) The board of management of a recognised school shall not refuse to admit as a student in such school a child, in respect of whom an application to be so admitted has been made, except where such refusal is in accordance with the policy of the recognised school concerned published under section 15(2)(d) of the Act of 1998.

- (2) The parent of a child who has made an application referred to in **subsection (1)** shall provide the recognised school concerned with such information as may be prescribed by the Minister.
- (3) As soon as practicable, but not later than 21 days, after a parent has provided, in accordance with **subsection (2)**, such information as may be prescribed by the Minister thereunder, the board of management of the school concerned shall make a decision in respect of the application concerned and inform the parent in writing thereof.

School registers.

20.—(1) The principal of a recognised school shall, as soon as may be after the commencement of this section, cause to be established and maintained a register of all students attending that school.

- (2) The principal of a recognised school shall, on the day on which the child first attends that school, enter the child's name, the date of his or her first so attending and such other particulars as may be prescribed by the Minister, in the register maintained under this section in respect of that school, and the child concerned shall, for the purposes of this Act, be deemed, as on and from that date, to be registered in that school.
- (3) The principal of a recognised school shall, as soon as may be after entering in the register maintained under this section in respect of that school the name of a child who is registered in another recognised school, so inform by notification in writing the principal of the second-mentioned school.
- (4) The principal of the second-mentioned school referred to in **subsection (3)** shall, on receipt of a notification under that subsection,

remove the name of the child concerned from the register maintained under this section in respect of the said second-mentioned school except where the child continues to receive part of his or her education at that school.

- (5) The principal of a recognised school shall, on receiving a notification under **subsection (3)** in relation to a child, notify the principal of the school first-mentioned in that subsection of—
(a) any problems relating to school attendance that the child concerned had while attending the second-mentioned school referred to therein, and
(b) such other matters relating to the child's educational progress as he or she considers appropriate.
- (6) The principal of a recognised school shall not remove a child's name from the register other than—
(a) in accordance with **subsection (4)**, or
(b) where he or she has received a notification in writing from the Board that the child concerned is registered in the register maintained under **section 14**.

School attendance records.

21.—(1) The principal of a recognised school shall cause to be maintained in respect of each school year a record of the attendance or non-attendance on each school day of each student registered at that school.

- (2) A record maintained under **subsection (1)** shall specify the following, that is to say:
(a) where a student attends at the school concerned on a school day, the fact of his or her attendance, or
(b) where a student fails to so attend, the fact of his or her failure and the reasons for such failure.
- (3) A record to which this section applies shall be maintained at the recognised school concerned and shall be in such form as may be specified by the Board.
- (4) Where—
(a) a student is suspended from a recognised school for a period of not less than 6 days,
(b) the aggregate number of school days on which a student is absent from a recognised school during a school year is not less than 20,
(c) a student's name is, for whatever reason, removed from the register referred to in **section 20** by the principal of the school concerned, or
(d) a student is, in the opinion of the principal of the recognised school at which he or she is registered, not attending school regularly, the principal of the school concerned shall forthwith so inform, by notice in writing, an educational welfare officer.
- (5) On receiving a notice under **subsection (4)**, an educational welfare officer shall—
(a) consult with the student concerned, his or her parents, the principal and such other persons as he or she considers appropriate, and
(b) make all reasonable efforts to ensure that provision is made for the continued education of the child and his or her full participation in school.

- (6) The board of management of a recognised school shall, not later than 6 weeks after the end of each school year, submit a report to—
- (a) the educational welfare officer who has been assigned functions under this Act in relation to that school, and
 - (b) the parents' association of the recognised school concerned established under section 26 of the Act of 1998 (where so established), on the levels of attendance at that school during the immediately preceding school year.
- (7) A report under **subsection (6)** shall be in such form and comply with such requirements as may be determined by the Board.
- (8) An educational welfare officer may during any school day enter a recognised school and inspect the register maintained at that school under **section 20** or a record to which this section applies, and take copies of extracts from such register or record.
- (9) For the purposes of this section a student shall be deemed not to be absent from school where any period of absence is authorised by the principal and relates to activities organised by the school or in which the school is involved.

School attendance strategies.

22.—(1) The board of management of a recognised school shall, after consultation with the principal of, teachers teaching at, parents of students registered at, and the educational welfare officer assigned functions in relation to, that school, prepare and submit to the Board a statement of the strategies and measures it proposes to adopt for the purposes of fostering an appreciation of learning among students attending that school and encouraging regular attendance at school on the part of such students (hereafter in this section referred to as a "statement of strategy").

- (2) Without prejudice to the generality of **subsection (1)**, a statement of strategy shall provide for—
- (a) the rewarding of students who have good school attendance records;
 - (b) the identification at an early stage of students who are at risk of developing school attendance problems;
 - (c) the establishment of closer contacts between the school concerned and the families of students to which **paragraph (b)** applies;
 - (d) the fostering, promoting and establishing of contacts by the school with—
 - (i) other schools that provide primary or post-primary education,
 - (ii) bodies engaged in the provision of youth work programmes or services related thereto, or engaged in the organising of sporting or cultural activities, and
 - (iii) such other bodies within the area in which the school concerned is situated as the board of management considers appropriate;
 - (e) in so far as is practicable, the development, following consultation with the bodies referred to in **paragraph (d)**, of programmes of activities designed to encourage the full participation of students in the life of the school;
 - (f) in so far as is practicable, the coordination with other schools of

programmes aimed at promoting good behaviour among students and encouraging regular attendance at school by students, and the exchanging of information relating to matters of behaviour and school attendance with such schools;

- (g) the identification of—
 - (i) aspects of the operation and management of the school and of the teaching of the school curriculum that may contribute to problems relating to school attendance on the part of certain students, and
 - (ii) strategies—
 - (I) for the removal of those aspects in so far as they are not necessary or expedient for the proper and effective running of the school having regard, in particular, to the educational needs of students, and
 - (II) that will encourage more regular attendance at school on the part of such students.
- (3) The board of management of a recognised school shall, in preparing a statement of strategy, have regard to such guidelines issued by the Board regarding the preparation and carrying into effect of statements of strategy.
- (4) A statement of strategy prepared and submitted by the board of management of a recognised school, in accordance with **subsection (1)**, shall be carried out by that board of management in accordance with its terms.
- (5) The board of management of a recognised school may, with the consent of the Minister, and for the purpose of giving effect to a statement of strategy prepared and submitted by it in accordance with this section, appoint such and so many teachers employed by it, as it considers appropriate, to liaise with the parents of students registered at the school concerned and to give such assistance to the families of those students as the board of management concerned considers appropriate.
- (6) Two or more boards of management of recognised schools may, if they consider it appropriate, coordinate, and cooperate in, the carrying out of the statements of strategies prepared and submitted by them, in accordance with **subsection (1)**.
- (7) The Board shall issue guidelines to boards of management of recognised schools for the purposes of this section.
- (8) The statement of strategy prepared by the board of management of a recognised school shall be included in the plan prepared by it under section 21 of the Act of 1998.

Functions of Board.

10.—(1) The general functions of the Board shall be to ensure that each child attends a recognised school or otherwise receives a certain minimum education, and to assist in the formulation and implementation of policies and objectives of the Government for the time being concerning the education of children and, for those purposes, but without prejudice to the generality of the foregoing—

- (a) to promote and foster in society, and in particular in families, an appreciation of the benefits to be derived from education, in particular

- as respects the physical, intellectual emotional, social, cultural and moral development of children, and of the social and economic advantages that flow therefrom,
- (b) to promote and foster, in recognised schools, an environment that encourages children to attend school and participate fully in the life of the school,
- (c) to conduct and commission research into the reasons for non-attendance on the part of students and into strategies and programmes designed to prevent it,
- (d) to disseminate to recognised schools the findings of research conducted or commissioned pursuant to *paragraph (c)*, and to advise such schools on matters relating to the prevention of non-attendance, and the good conduct of students generally,
- (e) to assist recognised schools in so far as is practicable to meet their obligations under this Act,
- (f) to advise and assist children and the parents of children who exhibit problems relating to attendance at, and behaviour in, school,
- (g) to support, monitor, and assess the effectiveness of, strategies and programmes aimed at preventing non-attendance in recognised schools,
- (h) to cooperate with such persons as the Board considers appropriate, and to coordinate the activities of the Board with the activities of those persons in so far as they relate to preventing non-attendance in recognised schools,
- (i) to carry out reviews of training and guidance given to teachers relating to matters of school attendance and the conduct of students, and to advise the Minister in relation thereto,
- (j) to advise the National Council for Curriculum and Assessment as respects those aspects of the school curriculum that, in the opinion of the Board, are likely to have an effect on attendance levels at, or the extent of student participation in, school, and
- (k) to advise the Minister on any matter to which this Act relates.
- (2) The Board shall have all such powers as it considers necessary for the performance of its functions under this Act.
- (3) The Board shall, in giving advice or making recommendations to the Minister under this section, have regard to the cost of measures that would have to be taken if the Minister were to take such advice or implement such recommendations.
- (4) The Board may, with the consent of the parent of the child concerned, arrange for a child to be assessed as to his or her intellectual, emotional and physical development (hereafter in this section referred to as “an assessment”) by such person as may be determined by the Board with the concurrence of the parent.
- (5) Where a parent refuses to give his or her consent under *subsection (4)*, the Board may apply to the Circuit Court for an order that an assessment of the child be carried out.
- (6) The Circuit Court may, if satisfied at the hearing of an application under *subsection (5)* that the child’s behaviour, his or her lack of educational progress or the regularity with which he or she is absent from school without reasonable excuse is such that in all the circumstances the carrying out of an assessment is warranted,

order that an assessment of the child be carried out at such time, in such manner, at such place and by such person as may be specified in the order.

- (7) An application under *subsection (5)* to the Circuit Court by the Board shall be made to a judge of the Circuit Court for the circuit in which the child concerned resides.
- (8) The Board may, in the performance of its functions, consult with such persons as it considers appropriate.

Extract from: The Equal Status Act, 2000

Discrimination (general)

- 3.—**(1) For the purposes of this Act, discrimination shall be taken to occur where—
- (a) on any of the grounds specified in *subsection (2)* (in this Act referred to as “the discriminatory grounds”) which exists at present or previously existed but no longer exists or may exist in the future, or which is imputed to the person concerned, a person is treated less favourably than another person is, has been or would be treated,
- (b) (i) a person who is associated with another person is treated, by virtue of that association, less favourably than a person who is not so associated is, has been or would be treated, and
(ii) similar treatment of that person on any of the discriminatory grounds would, by virtue of *paragraph (a)*, constitute discrimination, **or**
- (c) (i) a person is in a category of persons who share a common characteristic by reason of which discrimination may, by virtue of *paragraph (a)*, occur in respect of those persons,
(ii) the person is obliged by the provider of a service (within the meaning of *section 4(6)*) to comply with a condition (whether in the nature of a requirement, practice or otherwise) but is unable to do so,
(iii) substantially more people outside the category than within it are able to comply with the condition, and
(iv) the obligation to comply with the condition cannot be justified as being reasonable in all the circumstances of the case.
- (2) As between any two persons, the discriminatory grounds (and the descriptions of those grounds for the purposes of this Act) are:
- (a) that one is male and the other is female (the “gender ground”),
- (b) that they are of different marital status (the “marital status ground”),
- (c) that one has family status and the other does not or that one has a different family status from the other (the “family status ground”),
- (d) that they are of different sexual orientation (the “sexual orientation ground”),
- (e) that one has a different religious belief from the other, or that one has a religious belief and the other has not (the “religion ground”),
- (f) subject to *subsection (3)*, that they are of different ages (the “age ground”),
- (g) that one is a person with a disability and the other either is not or is a person with a different disability (the “disability ground”),
- (h) that they are of different race, colour, nationality or ethnic or national origins (the “ground of race”),

- (i) that one is a member of the Traveller community and the other is not (the “Traveller community ground”),
- (j) that one—
- (i) has in good faith applied for any determination or redress provided for in **Part II or III**,
 - (ii) has attended as a witness before the Authority, the Director or a court in connection with any inquiry or proceedings under this Act,
 - (iii) has given evidence in any criminal proceedings under this Act,
 - (iv) has opposed by lawful means an act which is unlawful under this Act, or
 - (v) has given notice of an intention to take any of the actions specified in **subparagraphs (i) to (iv)**, and the other has not (the “victimisation ground”).
- (3) Treating a person who has not attained the age of 18 years less favourably or more favourably than another, whatever that other person’s age, shall not be regarded as discrimination on the age ground.
- (4) The Minister shall, not later than two years after the commencement of this section, review the operation of this Act to assess whether there is a need to add to the discriminatory grounds specified in **subsection (2)**.

Educational establishments.

- 7.—**(1) In this section “educational establishment” means a preschool service within the meaning of Part VII of the Child Care Act, 1991, a primary or post-primary school, an institution providing adult, continuing or further education, or a university or any other third-level or higher-level institution, whether or not supported by public funds.
- (2) An educational establishment shall not discriminate in relation to—
- (a) the admission or the terms or conditions of admission of a person as a student to the establishment,
 - (b) the access of a student to any course, facility or benefit provided by the establishment,
 - (c) any other term or condition of participation in the establishment by a student, or
 - (d) the expulsion of a student from the establishment or any other sanction against the student.
- (3) An educational establishment does not discriminate under **subsection (2)** by reason only that—
- (a) where the establishment is not a third-level institution and admits students of one gender only, it refuses to admit as a student a person who is not of that gender,
 - (b) where the establishment is an institution established for the purpose of providing training to ministers of religion and admits students of only one gender or religious belief, it refuses to admit as a student a person who is not of that gender or religious belief,
 - (c) where the establishment is a school providing primary or post-primary education to students and the objective of the school is to provide education in an environment which promotes certain religious values, it admits persons of a particular religious

denomination in preference to others or it refuses to admit as a student a person who is not of that denomination and, in the case of a refusal, it is proved that the refusal is essential to maintain the ethos of the school,

- (d) without prejudice to **section 3 of the Refugee Act, 1996**, where the establishment is an institution providing adult, continuing or further education or a university or other third-level institution—
- (i) it provides different treatment in relation to—
 - (I) fees for admission or attendance by persons who are nationals of a member state of the European Union and persons who are not, **or**
 - (II) the allocation of places at the establishment to those nationals and other nationals, **or**
 - (ii) it offers assistance to particular categories of persons—
 - (I) by way of sponsorships, scholarships, bursaries or other awards, being assistance which is justifiable, having regard to traditional and historical considerations, **or**
 - (II) in relation to the allocation of places at the establishment, where the allocation is made pursuant to an agreement concerning the exchange of students made between the establishment and an educational institution or authority in a jurisdiction other than the State, **or**
- (e) where the establishment is a university or other third-level institution, it provides different treatment in the allocation of places at the establishment to mature students (within the meaning of the Local Authorities (Higher Education Grants) Acts, 1968 to 1992).
- (4) **Subsection (2)** does not apply—
- (a) in respect of differences in the treatment of students on the gender, age or disability ground in relation to the provision or organisation of sporting facilities or sporting events, to the extent that the differences are reasonably necessary having regard to the nature of the facilities or events, **or**
 - (b) to the extent that compliance with any of its provisions in relation to a student with a disability would, by virtue of the disability, make impossible, or have a seriously detrimental effect on, the provision by an educational establishment of its services to other students.

Extract from: Vocational Education (Amendment) Act, 2001

Functions of vocational education committee.

- 9.—**(1) Without prejudice to the operation of any other enactment by or under which functions are conferred on a vocational education committee, a vocational education committee shall—
- (a) plan, coordinate and review the provision of education and services ancillary thereto in recognised schools and centres for education established or maintained by that committee,
 - (b) assess whether the manner in which it performs its functions is economical, efficient and effective,
 - (c) adopt and submit, in accordance with section 30, an education plan,
 - (d) adopt and submit a service plan to the Minister in accordance with section 25,

(e) where it considers appropriate, make all reasonable efforts to consult, in relation to the performance by it of its functions, with—

- (i) boards of management of schools established or maintained by that vocational education committee,
- (ii) persons performing, in relation to centres of education established or maintained by that vocational education committee, functions the same as, or substantially the same as, those exercised by boards of management in relation to schools referred to in subparagraph (i),
- (iii) students registered at such schools or centres for education,
- (iv) parents of students who are so registered and who have not reached the age of 18 years,
- (v) members of the staff of that vocational education committee, and
- (vi) such other persons as it considers are likely to be affected as a result of the performance by it of its functions, or as it considers have a particular interest or experience in relation to the education or training provided in recognised schools or centres for education established or maintained by it, and
- (f) in the performance of its functions and in so far as is practicable, cooperate with other vocational education committees, schools and such persons providing services similar to or connected with those provided by the vocational education committee concerned in relation to the vocational education area of that committee as the vocational education committee considers appropriate.

- (2) (a) A vocational education committee may, with the consent of the Minister, cause such one or more private companies to be formed and registered under the Companies Acts, 1963 to 1999, as it considers appropriate, to perform such of its functions, as it considers appropriate.
- (b) A company formed and registered pursuant to paragraph (a) shall be wholly owned by the vocational education committee concerned.
- (c) The memorandum and articles of association of a company formed and registered pursuant to paragraph (a) shall be in such form consistent with this Act as may be determined by the vocational education committee concerned with the consent of the Minister and the Minister for Finance.
- (d) For the purposes of this subsection a company shall be wholly owned by a vocational education committee if it has no members other than that vocational education committee and its nominees.

Conferral of additional functions on vocational education committee.

10.—(1) The Minister may, by order, confer on a vocational education committee such additional functions connected with the functions for the time being of that committee as he or she thinks fit, subject to such conditions (if any) as may be specified in the order.

- (2) An order under this section may contain such incidental, supplementary and additional provisions as may, in the opinion of the Minister, be necessary to give full effect to the order.

- (3) The Minister may by order amend or revoke an order under this section (including an order under this subsection).

Reserved functions.

11.—(1) Each vocational education committee shall, subject to section 31, perform by resolution of the vocational education committee concerned such of its functions as are declared by or under this Act to be reserved functions and “reserved functions” shall in this Act be construed and have effect accordingly.

- (2) A function of a vocational education committee under an enactment specified in column (3) of Schedule 2 is hereby declared to be a reserved function.
- (3) The Minister may by order declare any function conferred by him or her on a vocational education committee under section 10 to be a reserved function.
- (4) Any dispute as to whether or not a particular function is a reserved function shall be determined by the Minister.
- (5) The chief executive officer of a vocational education committee shall assist the vocational education committee for which he or she is the chief executive officer in the performance of its functions, in such manner as that vocational education committee may require.
- (6) The Minister may by order amend or revoke an order under this section (including an order under this subsection).
- (7) A vocational education committee shall not perform by resolution of its members, or give a direction in relation to the performance of, a function of that vocational education committee that is not a reserved function.

Executive functions.

12.—(1) Every function of a vocational education committee that is not a reserved function shall be an executive function of that vocational education committee, and “executive function” shall, in this Act, be construed and have effect accordingly.

- (2) The executive functions of a vocational education committee shall be performed by the chief executive officer of that vocational education committee.
- (3) A chief executive officer shall in the performance of an executive function act in accordance with the policies for the time being of the vocational education committee for which he or she is the chief executive officer.
- (4) A chief executive officer shall provide such information to the vocational education committee concerned regarding the

performance of his or her functions as the vocational education committee may from time to time require.

- (5) A chief executive officer shall provide such information to the Minister regarding the performance of his or her functions as the Minister may from time to time require.
- (6) A chief executive officer shall, in relation to the performance of his or her functions, be accountable to the vocational education committee for which he or she is the chief executive officer.

Chief executive officer.

15.—(1) There shall be a chief executive officer of each vocational education committee who shall be known as and is referred to in this Act as a “chief executive officer”.

- (2) The appointment of a chief executive officer shall be a reserved function.
- (3) A chief executive officer shall perform for the vocational education committee for which he or she is the chief executive officer the executive functions of that vocational education committee.
- (4) Subject to section 11, a chief executive officer shall, in addition to the functions conferred on him or her by or under this Act or any other enactment (whether passed before or after the passing of this Act)—
 - (a) carry on and manage, and control generally, the administration and business of the vocational education committee for which he or she is the chief executive officer, and
 - (b) ensure that a service plan adopted under section 22 by that vocational education committee is implemented.
- (5) Subject to sections 7 and 8 of the Vocational Education (Amendment) Act, 1944, and section 11, a chief executive officer shall, in addition to the function conferred on him or her by or under this Act or any other enactment (whether passed before or after the passing of this Act), perform any function relating to the control, supervision, service, remuneration, privileges or superannuation of members of the staff of that vocational education committee, or any one or more of such members of staff.
- (6) A chief executive officer shall hold office upon and subject to such terms and conditions (including terms and conditions relating to remuneration and allowances) as may be determined by the vocational education committee for which he or she is chief executive officer with the consent of the Minister.

Extract from: Ombudsman for Children Act, 2002

- 9.—**(1) Subject to this Act, the Ombudsman for Children may investigate any action taken (being an action taken in the performance of administrative functions) by or on behalf of—
 - (a) a school in connection with the performance of its functions under section 9 of the Education Act, 1998.

APPENDIX IV

LEGAL INSTRUMENTS

International instruments:

- UN Convention on the Elimination of All Forms of Racial Discrimination (1966).
- UN Convention on the Rights of the Child (1989).
- UN Convention relating to the Status of Refugees (1951).
- Protocol relating to the Status of Refugees (1967).

National instruments:

- Bunreacht na hÉireann (Constitution of Ireland), 1937.
- Childcare Act, 1991.
- Education Act, 1998.
- Education (Welfare) Act, 2000.
- Employment Equality Act, 1998.
- Equal Status Act, 2000.
- European Convention on Human Rights Act, 2003.
- Ombudsman for Children Act, 2002.
- Refugee Act, 1996 (as amended).
- Vocational Education Act, 1930.
- Vocational Education (Amendment) Act, 2001.

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Immigration in Ireland

Mac Einrí, P. "Immigration Policy in Ireland" in Farrell, F. and Watt, P. (eds.) *Responding to Racism in Ireland* Veritas, Dublin: 2001: pp. 46-87

Separated Children

Danish Red Cross: *Unaccompanied Children in the Danish Asylum Process* Danish Red Cross: Copenhagen: 2000

Department Of Justice, Equality and Law Reform: *Conference proceedings on the reception of unaccompanied minor asylum seekers* Dublin Castle, June: 2001

King, D. *Separated Children: An Information Booklet* Barnardos/Centre for Social and Educational Research, DIT, Dublin: 2001

CONTACT LIST OF STATUTORY AND NON-STATUTORY AGENCIES

Government Departments

Education and Science (Department of)

Marlborough Street
Dublin 1
Tel: (01) 873 4700
Fax: (01) 889 2367
Website: www.education.ie

Enterprise, Trade and Employment (Department of)

Kildare Street
Dublin 2
Tel: (01) 631 2121
Fax: (01) 631 2827
Website: www.entemp.ie

Health and Children (Department of)

Hawkins House
Poolbeg Street
Dublin 2
Tel: (01) 635 4000
Fax: (01) 635 4001
Local: 1890 200 311
Website: www.doh.ie

Justice, Equality and Law Reform (Department of)

72-76 St. Stephen's Green
Dublin 2
Tel: (01) 602 8202
Fax: (01) 661 5056
Website: www.justice.ie

Government, state agencies and representational bodies

Advisory Council for English Language Schools (ACELS)

44 Lesson Place
Dublin 2
Tel: (01) 676 7374
Fax: (01) 676 3321
Website: www.iol.ie/~acels

Asylum Seekers Unit (ASU)

Northern Area Health Board
77 Upper Gardiner Street
Dublin 1
Tel: (01) 858 5100
Fax: (01) 858 5149
Website: www.nahb.ie

Combat Poverty

Bridge Water Centre
Cunningham Road
Islandbridge
Dublin 8
Tel: (01) 670 6746
Fax: (01) 670 6760
Website: www.cpa.ie

Curriculum Development Unit (CDU)

Anti-racism and Intercultural Unit
Sundrive Road
Crumlin
Dublin 12
Tel: (01) 453 5487
Fax: (01) 453 7659
Website: www.curriculum.ie

Equality Authority

Clonmel Street
Dublin 2
Tel: (01) 417 3333
Fax: (01) 471 3366
Website: www.equality.ie

Irish Vocational Education Association (IVEA)

McCann House
99 Marlborough Road
Donnybrook
Dublin 4
Tel: (01) 496 6033
Fax: (01) 496 6460
Website: www.ivea.ie

Development Cooperation Ireland (formerly: National Centre for Development Education/NCDE)

Department of Foreign Affairs
Bishops Square
Redmond Hill
Dublin 2
Tel: (01) 408 2000
Fax: (01) 408 2880
Website: www.dci.gov.ie

National Centre for Guidance in Education (NCGE)

1st Floor
42/43 Prussia Street
Dublin 7
Tel: (01) 869 0715
Fax: (01) 869 0717/882 3817
Website: www.ncge.ie

National Consultative Committee on Racism and Interculturalism (NCCRI)

26 Harcourt Street
Dublin 2
Tel: (01) 478 5777
Fax: (01) 478 5778
Website: www.nccri.com

Reception and Integration Agency (RIA)

Department of Justice, Equality and Law Reform
Block C
Ardilaun Centre
112-114 St. Stephens Green West
Dublin 2
Tel: (01) 418 3200
Fax: (01) 418 3271
Website: www.ria.gov.ie

Refugee and Asylum Seeker Service

Department of Psychology
St. Brendan's Hospital
PO Box 418
Dublin 7
Tel: (01) 868 0166
Fax: (01) 868 0166

Refugee Applications Centre (RAC)

Refugee Applications Centre
79-83 Lower Mount Street
Dublin 2
Tel: (01) 602 8000
Fax: (01) 602 8124
Locall: 1890 292 418
Website: www.orac.ie

Refugee Appeals Tribunal (RAT)

6/7 Hanover Street East
Dublin 2
Tel: (01) 474 8400
Fax: (01) 474 8410
Locall: 1890 201 458
Website: www.gov.ie/refappeal/

Refugee Legal Service (RLS)

48/49 North Brunswick Street
Georges Lane
Smithfield
Dublin 7
Tel: (01) 646 9600
Fax: (01) 476 0271
Website: www.legalaidboard.ie

Non-governmental organisations (NGOs)

Access Ireland (Refugee Social Integration Project)

41 Dominick Court
Dublin 1
Tel: (01) 878 0589
Fax: (01) 878 0591
Website: www.accessireland.ie

African Refugee Network (ARN)

90 Meath Street
Dublin 8
Tel: (01) 473 4523
Fax: (01) 454 0745
Website: www.refugee.150m.com/home.html

Amnesty International

48 Fleet Street
Dublin 2
Tel: (01) 677 6361
Fax: (01) 677 6392
Website: www.amnesty.ie

Association of Refugees and Asylum Seekers in Ireland (ARASI)

213 North Circular Road
Dublin 7
Tel: (01) 838 1142
Fax: (01) 838 1143
Email: arasi@indigo.ie

Barnardos

4 Christchurch Square
Dublin 8
Tel: (01) 453 0355
Fax: (01) 453 0300
Website: www.barnardos.ie

Bosnian Community Development Project (BCDP)

40 Pearse Street
Dublin 2
Tel/Fax: (01) 671 9202
Email: bcdp@iol.ie

Centre for the Care of Survivors of Torture (CCST)

Spiritan House
213 North Circular Road
Dublin 7
Tel: (01) 838 9664
Fax: (01) 868 6500
Website: www.spirasi.ie

Cherish

2 Lower Pembroke Street
Dublin 2
Tel: (01) 662 9212
Fax: (01) 662 9096
Website: www.cherish.ie

Children's Rights Alliance

3 Harcourt Street
Dublin 2
Tel: (01) 405 4823
Fax: (01) 405 4826
Website: www.childrenrights.ie

Dun Laoghaire Refugee Project

C/o Haven
Crosthwaite Park South
Dun Laoghaire
Co. Dublin
Tel: (01) 663 6354

Free Legal Aid Centre (FLAC)

49 South William Street
Dublin 2
Tel: (01) 679 4239
Fax: (01) 679 1554
Website: www.flac.ie

Immigrant Council of Ireland (ICI)

Social Innovations
42 Upper Dorset Street
Dublin 1
Tel: (01) 865 6525
Fax: (01) 874 9695
Website: www.immigrantcouncil.ie

Institiúid Teangeolaíochta Éireann (ITÉ)

(Linguistics Institute of Ireland)
31 Fitzwilliam Place
Dublin 2
Tel: (01) 676 5489
Fax: (01) 661 0004
Website: www.ite.ie

Integrate Ireland Language and Training (IILT)

Unit 4A
Trinity Enterprise Centre
Grand Canal Quay
Dublin 2
Tel: (01) 677 5344
Fax: (01) 677 5334
Website: www.iilt.ie

Integrating Ireland

C/O Comhlámh
10 Upper Camden Street
Dublin 2
Tel: (01) 478 3490
Fax: (01) 478 3738
Website: www.comhlamh.org

Irish Red Cross

16 Merrion Square
Dublin 2
Tel: (01) 676 5135
Fax: (01) 661 4461
Website: www.redcross.ie

Irish Refugee Council

88 Capel Street
Dublin 1
Tel: (01) 873 0042
Fax: (01) 873 0088
Website: www.irishrefugeecouncil.ie
Regional office
1 Bank Place
Ennis
Co. Clare
Tel/Fax: (065) 682 2026

Islamic Cultural Centre of Ireland (ICCI)

19 Roebuck Road
Clonskeagh
Dublin 14
Tel: (01) 208 0000
Website: <http://iccislam.org/>

NASC – The Irish Immigrant Support Centre

St. Marie's of the Isle
Sharman Crawford Street
Cork City
Tel: (021) 431 7411
Fax: (021) 431 7402
Website: <http://homepage.eircom.net/~iisc/>

National Youth Development Education Programme (formerly: YARD: Youth Action Against Racism and Discrimination)

C/o National Youth Council of Ireland
3 Montague Street
Dublin 2
Tel: (01) 478 4122
Fax: (01) 478 3974
Website: www.youth.ie/programmes/ard.html

Pavee Point

46 North Great Charles Street
Dublin 1
Tel: (01) 878 0255
Fax: (01) 874 2626
Website: www.paveepoint.ie

Refugee Information Service

27 Annamoe Terrace
North Circular Road
Dublin 7
Tel: (01) 838 2740
Fax: (01) 838 2482
Website: www.ris.ie

Refugee Project

Columba Centre
Maynooth
Co. Kildare
Tel: (01) 505 3157
Fax: (01) 601 6401

Spiritan Asylum Services Initiative (SPIRASI)

213 North Circular Road
Dublin 7
Tel: (01) 868 3504
Fax: (01) 868 6500
Website: www.spirasi.ie

Vincentian Refugee Centre

St. Peter's Church
New Cabra Road
Phibsboro
Dublin 7
Tel: (01) 810 2580
Fax: (01) 838 9950
Website: www.vincentians.ie/vrc/html.

Academic Institutions

Children's Research Centre

Trinity College, Dublin
Ireland
Tel: (01) 608 2901
Fax: (01) 608 23 47
Website: www.tcd.ie/childrens_centre/

Educational Research Centre

St. Patrick's College
Drumcondra
Dublin 9
Ireland
Tel: (01) 837 3789
Fax: (01) 837 8997
Website: www.spd.dcu.ie/academy.htm

Equality Studies Centre

Room 511
Library Building
National University of Ireland, Dublin
Belfield Campus
Dublin 4
Tel: (01) 716 7104
Fax: (01) 716 1107
Website: www.ucd.ie/~esc/

Irish Centre for Human Rights

National University of Ireland, Galway
Galway
Tel: (091) 750 464
Fax: (091) 750 575
Website: www.nuigalway.ie/human_rights/

Irish Centre for Migration Studies (ICMS)

National University of Ireland, Cork
Western Road
Cork
Tel: (021) 490 2889
Fax: (021) 490 3326
Website: www.migration.ucc.ie

Social Science Research Centre (SSRC)

Room 524
5th Floor Library Building
National University of Ireland, Dublin
Belfield
Dublin 4
Tel: (01) 716 7001
Fax: (01) 716 7057
Website: www.ucd.ie/~ssrc/index

International Organisations

Council of Europe

Language Policy Division, DG IV
Education, Culture and Heritage,
Youth and Sport
Council of Europe
Allee de la Robertsau
67075 Strasbourg Cedex
France
Tel: (+ 33) 3 88 41 23 84
Fax: (+ 33) 3 88 41 27 88/06
Website: www.coe.int/T/E/Cultural_Co-operation/

European Council on Refugees and Exiles (ECRE)

Clifton Centre
110 Clifton Street
London EC2A 4HT
United Kingdom
Tel: (+ 44) 20 7729 5152
Fax: (+ 44) 20 7729 5141
Website: www.ecre.org

International Organisation for Migration (IOM) (Irish address)

9 Marlborough Court
Marlborough Street
Dublin 1
Tel: (01) 878 7900
Fax: (01) 878 7901
Website: www.iom.int

Save the Children, UK

17 Grove Lane
London
SE5 8RD
UK
Tel: (+44) 020 7703 5400
Fax: (+44) 020 7703 2278
Website: www.savethechildren.org.uk

Trócaire, The Catholic Agency for World Development

Maynooth
Co. Kildare.
Tel: 01 6293333
Fax: 01 6290661
Website: www.trocaire.org

United Nations High Commissioner for Refugees (UNHCR) (Irish address)

27 Upper Fitzwilliam Street
Dublin 2
Tel: (01) 632 8675
Fax: (01) 632 8676
Website: www.unhcr.ch