Tuistí an Tuaiscirt campaign: #busanois!



A RESEARCH REPORT

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Tuistí an Tuaiscirt: Our Campaign



We are a group of parents from north Belfast who have chosen to bring our children up through Irish medium education.

Like other parents who have made this choice, there is only one option for post-primary education in the Irish medium in the north of Ireland - Coláiste Feirste in west Belfast.

The reason for this limited choice is historical. However this history continues to shape our choices, and the Good Friday Agreement acknowledged that the government must take special measures to promote Irish medium education.

Transport to and from school is a critical part of this.

Tuistí an Tuaiscirt have come together to try to resolve the issue of transport from our homes in north Belfast to the school in west Belfast. Despite a favourable court ruling in 2011, there are still no dedicated buses provided for students from north Belfast to the school.

This lack of transport imposes hardships of families and affects the development of Irish medium education. These are explored in this report.

We feel that this is unjust. Our aim is to get our children transport to school and we will continue to work as a group until the matter is resolved.



Introduction

Between the 2nd – 16th June 2014, parents from north Belfast with children being educated in Irish medium schools developed and carried out questionnaires regarding the failure of the Department for Education and Belfast Education and Library Board to provide transport for students from north Belfast to Coláiste Feirste.

Two distinct questionnaires were distributed to two groups of parents:

a. questionnaire of parents of Coláiste Feirste students
b. questionnaire of parents in north Belfast Naíscoil and Bunscoil pupils

These questionnaires aimed to assess the household impact and consequences to the development of Irish medium education resulting from the failure to provide a bus for north Belfast children attending Coláiste Feirste.



The research sought two perspectives:

a. the financial costs to parents who have chosen to educate their children in post-primary Irish medium education and;
b. the impact on the parental choice of Naíscoil and Bunscoil pupils when deciding where to educate their children post-primary.

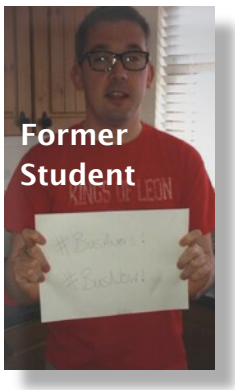
These indicators are material and relevant in gauging whether the statutory duty to encourage and facilitate the development of Irish medium education as outlined in the Education (Northern Ireland) order (1998), is being implemented.

These questionnaires, the results of which are in the pages following, provide evidence that the lack of adequate transport provision from north Belfast to Coláiste Feirste is placing a heavy financial burden on many parents, who live in some of the most socially and economically deprived electoral wards in our society. Critically, it is also acting as a significant barrier towards the development of Irish medium education.

Our intention and hope is that the Minister, his Department, and the Belfast Education and Library Board study these findings and use them to address this ongoing issue for the new term in September 2014.





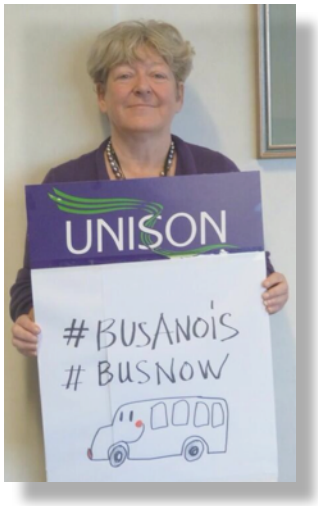


Human Rights Context

The obligation on the State towards the development of Irish medium education – including issues of securing access - has a strong basis in international, European and domestic legislation.

International Standards

Article 13, International Covenant on Economic, Social and Cultural Rights Right to Education (ICESCR (1966, ratified by UK government in 1976))



The United Nations ICESCR outlines what the right to secondary education involves:

> *"2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:...*
> *(b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally* ***available and accessible to all by every appropriate means****, and in particular by the progressive introduction of free education;"* [emphasis added]

This education must be culturally appropriate, catering for minorities and indigenous people:

> *"States have obligations to... fulfil (facilitate) the acceptability of education by* ***taking positive measures*** *to ensure that* ***education is culturally appropriate for minorities and indigenous peoples****, and of good quality for all;..."*[1]

How people actually access this education is a core aspect of the right to education:

> *"6. (b) Accessibility - educational institutions and programmes have to be* ***accessible to everyone****, without discrimination, within the jurisdiction of the State party. Accessibility has three overlapping dimensions:*
> - ***Non-discrimination*** *- education must be* ***accessible to all, especially the most vulnerable groups****, in law and fact, without discrimination on any of the prohibited grounds...;*
> - ***Physical accessibility*** *- education* ***has to be within safe physical reach****...*
> - ***Economic accessibility*** *- education has to be* ***affordable to all****... "*[2] [emphasis added]

It should be noted that 'non-discrimination' does not prevent the Minister from taking specific and "special measures"[3] aimed at redressing inequalities in educational provision, such as those experienced by parents and students of Irish medium education.

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[1] Committee on Economic, Social and Cultural Rights, General Comment 13 The right to education (Twenty-first session, 1999), U.N. Doc. E/C.12/1999/10 (1999), paragraph.50,

[2] ibid paragraph 13

[3] ibid. paragraph 32



Furthermore these rights are not merely aspirational. Rather, states are under "immediate obligations' to "take steps" which are "deliberate, concrete and targeted" towards the full realization of the right to education[4].

The obligation to 'take steps' has to result in real improvements for students over time:

> *The realization of the right to education over time, that is "progressively", **should not be interpreted as depriving States parties' obligations of all meaningful content**. Progressive realization means that States parties have a specific and continuing obligation "**to move as expeditiously and effectively as possible"** towards the full realization of article 13."*[5] [emphasis added]

European Standards



The need for concrete and positive steps to promote the right to culturally appropriate education is reinforced in the **European Charter for Regional or Minority Languages** (ratified by the UK government in March 2001), where states are provided with powers to take 'resolute action' to promote Irish medium education:

> *"In respect of regional or minority languages, within the territories in which such languages are used and according to the situation of each language, the Parties shall base their policies, legislation and practice on the following objectives and principles:*
>
> *c. the need for **resolute action** to promote regional or minority languages in order to safeguard them;*
>
> *f . the **provision of appropriate forms and means** for the teaching and study of regional or minority languages **at all appropriate stages**;"*[6]

Domestic legislation

The Good Friday Agreement adopted the principle of 'resolute action' and declared the UK and Irish governments' commitment to make the encouragement and facilitation of Irish medium education a statutory duty:

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[4] ibid. paragraph 42

[5] ibid. paragraph 44

[6] Article 7, European Charter for Regional or Minority Languages Strasbourg, 5.XI.1992



"the British Government will in particular in relation to the Irish language, where appropriate and where people so desire it:

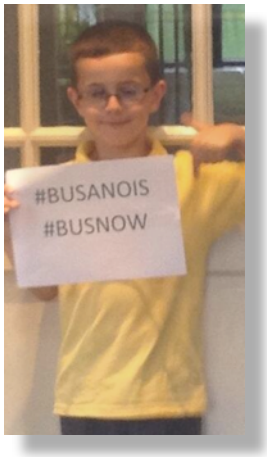
- *take **resolute action** to promote the language;…*
- *seek to **remove, where possible, restrictions which would discourage or work against** the maintenance or development of the language;…*
- *place a statutory duty on the Department of Education to **encourage and facilitate** Irish medium education in line with current provision for integrated education;"*

The statutory duty was subsequently written into law in the Education (Northern Ireland) Order 1998. Significantly, the legislation states that provision should be in line with integrated education, which relied heavily on transport provision to develop into the fast-growing sector it is today:

> *"89. (1) It shall be the duty of the Department to encourage and facilitate the development of Irish-medium education."*[7]

2011 Judicial Review

In 2011, Justice Seamus Treacy's judgment in a Judicial Review brought by Coláiste Feirste on the provision of transport, clarified issues concerning the nature of the statutory duty to promote Irish medium education, including:



a) transport provision to Coláiste Feirste is critical to the development of Irish medium education and genuine parental choice:

> *"In my view the provision of transport facilities to schools in any sector is critical to the development of that sector and the provision of genuine parental choice. ...it is not possible to divorce the development of schools from the means by which students are going to get to them."*

b) the statutory duty to encourage an facilitate Irish medium education can involve taking measures which do not apply to, or set precedents for, other education sectors:

> *"[the Department of Education] may facilitate and encourage the [Irish medium] post primary sector in ways that it need not for other sectors by taking positive steps or removing obstacles which inhibit the statutory objective."*

It is within this legislative and judicial context that the questionnaires for north Belfast parents of students in Irish medium education were carried out, and which the research aimed to explore.

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[7] Committee on Economic, Social and Cultural Rights, General Comment 13 The right to education (Twenty-first session, 1999), U.N. Doc. E/C.12/1999/10 (1999), paragraph 89

Parents' Questionnaires[8]

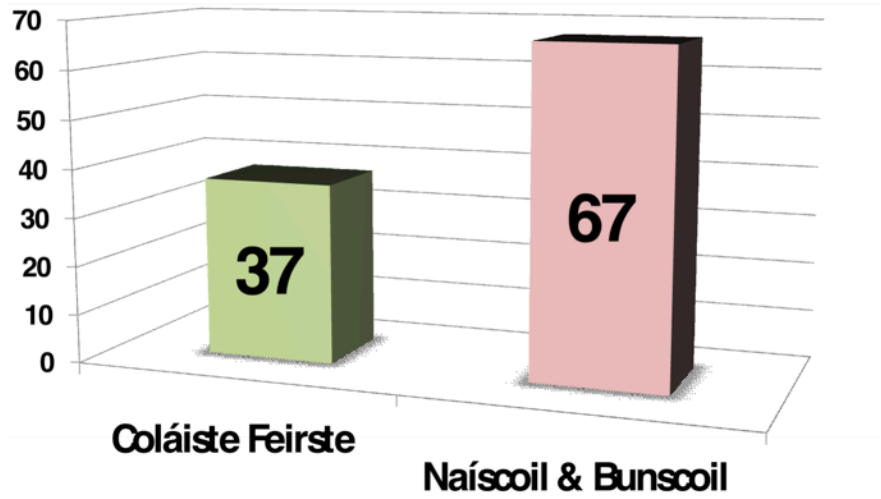
The parents' questionnaire was developed by parents themselves (with the assistance of the Participation and the Practice of Rights (PPR) organisation[9]), and was distributed through parents' and school networks. They were completed only by north Belfast parents or guardians of children who are in Irish medium education in the following schools:



- Coláiste Feirste
- Naiscoil Bheann Mhadagáin
- Naíscoil an Loiste Uir
- Bunscoil Mhic Reachtain
- Bunscoil Bheann Mhadagain

In the 2013/14 academic year, there were 105 north Belfast students enrolled in Coláiste Feirste. In 2014/15 there are expected to be 122 north Belfast students enrolled.

37 parents or guardians of Coláiste Feirste pupils completed the questionnaire in relation to 53 Coláiste Feirste students from north Belfast (51%) and therefore represented approximately half of the projected enrolment for the 2014/15 year.



[8] See Appendices for copies of the questionnaires

[9] In 2012, PPR's methodology was cited by the United Nations Office of the High Commissioner for Human Rights as an international best practice model of how people can claim their rights.

Coláiste Feirste Questionnaire – Current obstacles for parents

Parents or guardians were asked to fill in the following details based on their experiences:

5. My children are entitled to a bus pass *(please circle one)* **YES NO**

5a. If NO, roughly how much money does it cost you every week paying for transport to *Coláiste Feirste*? *(please circle one)*

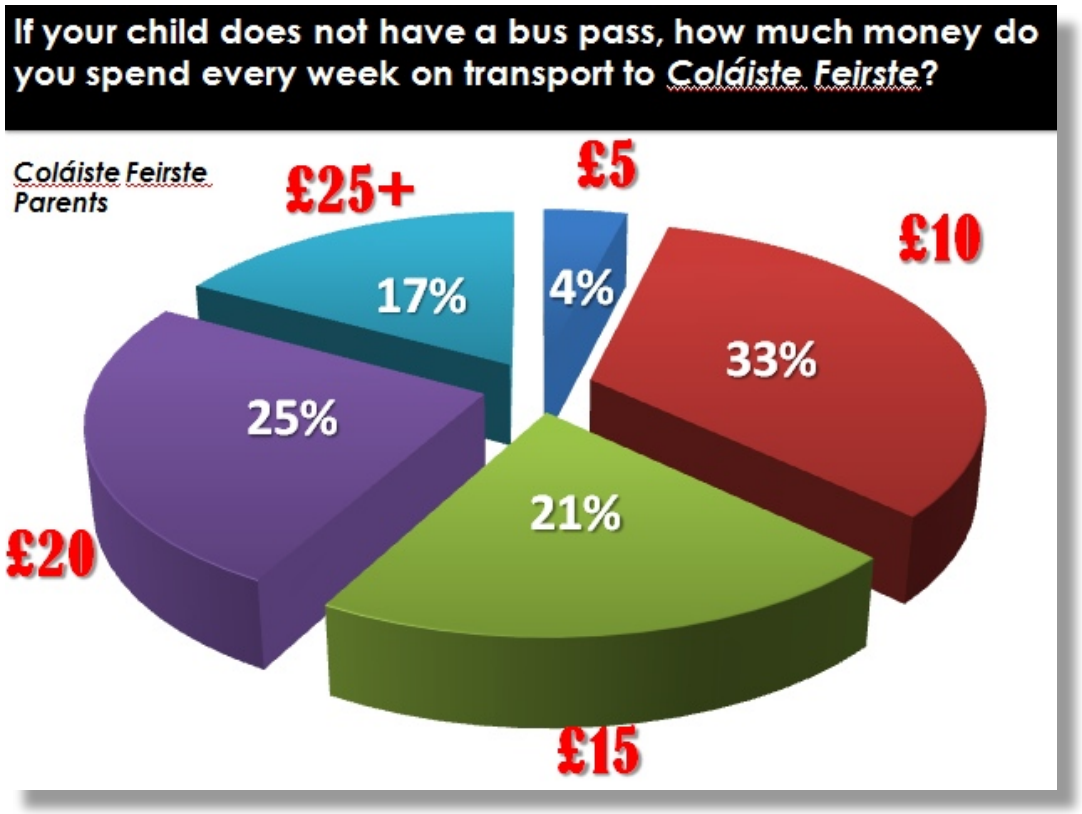
£5 £10 £15 £20 £25+

6. Are there other local options available for you at secondary level, other than *Coláiste Feirste*, if you wished to continue educating your child's through Irish medium? *(please circle one)*

YES NO

In response to Question 5, 64% of the students (34/53), comprising 24 households, were not entitled to bus passes.

The parents of the children who were not entitled to a bus pass, answered Question 5a and indicated approximately how much money, they were spending on a weekly basis to send their children to Coláiste Feirste:



When calculated together, the combined approximate annual bill for these 24 families, in total, came to **£13,660** in 2013/2014

There will be 122 pupils from north Belfast in the 2014/2015 year.

If the questionnaires completed were representative of the current and projected north Belfast student enrolment for Coláiste Feirste, the combined annual bill for these families would be approximately **£31,418** for the 2014/2015 year.

Naíscoil and Bunscoil Questionnaire – Barriers to the development of Irish medium education

Parents or guardians were asked to fill in the following details based on their current circumstances:

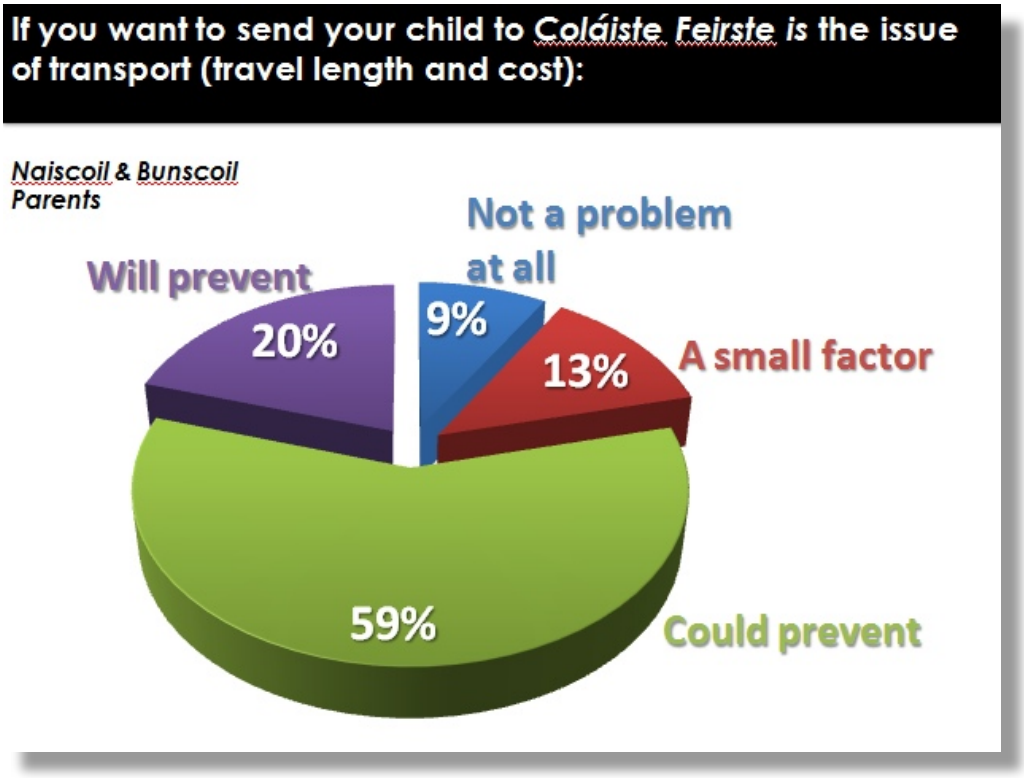
7. To take a one way journey from our house to *Coláiste Feirste*, my child/children would have to take

_____ **BUSES** [*insert number*]

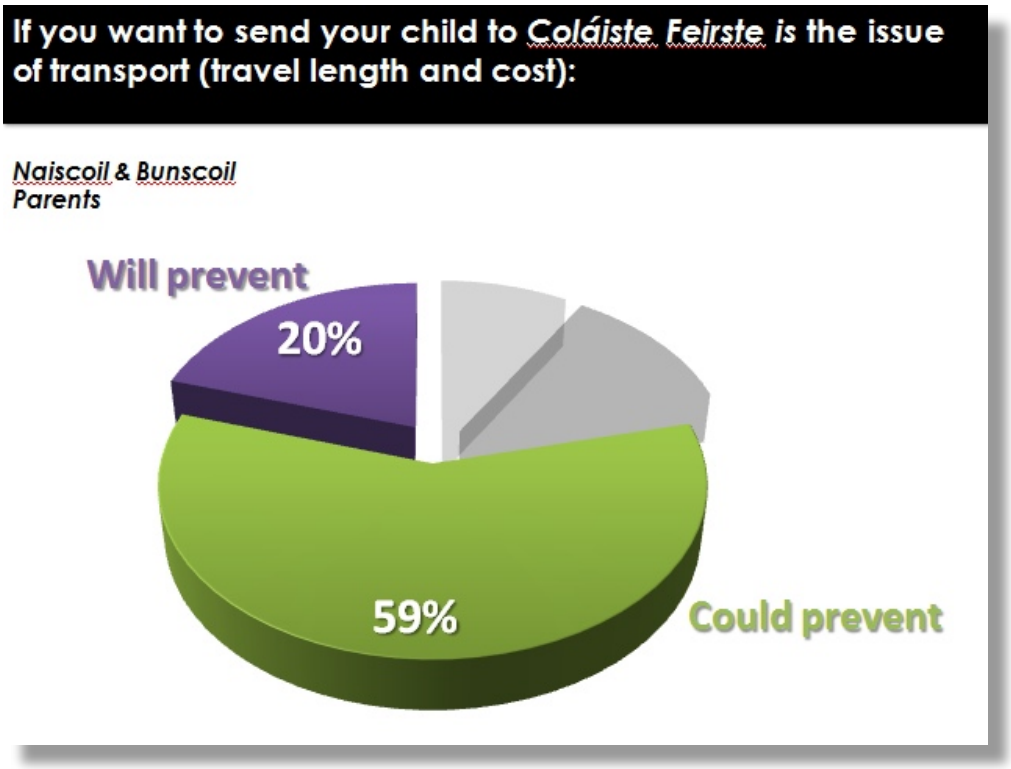
8. When deciding if you will send your child/children to *Coláiste Feirste* , would you say that the issue of transport (TRAVEL LENGTH AND COSTS) is *(please tick one box)*:

a. **NOT A PROBLEM** at all for you [ ]
b. **A SMALL FACTOR** you have to consider when making the choice [ ]
c. **COULD PREVENT YOU** from sending you child/children to *Coláiste Feirste* [ ]
d. **WILL PREVENT YOU** from sending you child/children to *Coláiste Feirste* [ ]

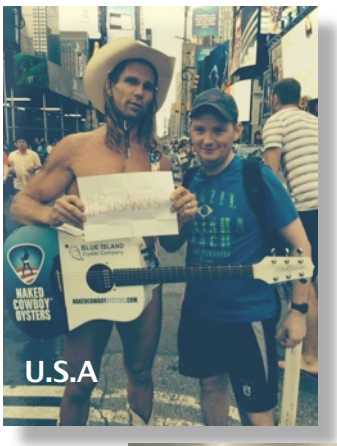
The results were as follows:

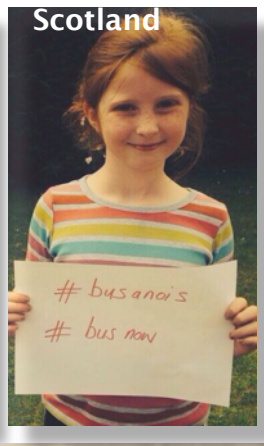


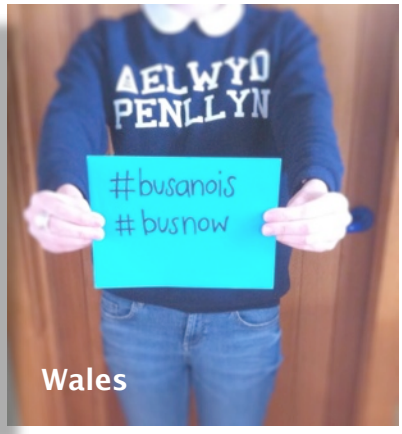
In effect **79%** of surveyed parents of children in North Belfast *Naiscoil & Bunscoil* say that current transport provisions are a significant obstacle to sending their children to Irish medium secondary school:



International Messages of Support....

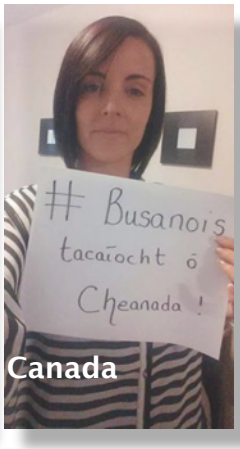














Findings



The results of the parents' questionnaires provide evidence that the failure to provide transport for north Belfast students of Coláiste Feirste is:

a. costing a significant number of parents from some of the most socially and economically deprived communities a heavy financial burden, which taken together results in large amounts of household income being directed towards guaranteeing access to post-primary Irish medium education. In light of the statutory duty there is a strong case that this should be subsidised by the Department for Education;

b. effectively acting as a barrier towards parents exercising their choice to keep their children in Irish medium education post-primary. Thus, with the indirect impact this has on decreasing the number of north Belfast enrolments in Coláiste Feirste, the failure to provide transport is acting against the statutory duty to encourage and facilitate the development of Irish medium education.

Conclusions

Minister's Letter of 1st July 2014



On 1st July 2014 and following a number of campaign actions by the parents, the Minister for Education (John O'Dowd MLA) wrote to the parents requesting a meeting[10]. In the correspondence the Minister outlined actions taken by his Department to promote Irish medium education. These included statements by the Minister that:

- Coláiste Feirste has "the most generous transport arrangements of any school in the north"
- As a direct result of his decisions, under the Common Funding Formula students of Coláiste Feirste receive, "per head, the highest funding of any pupil in the north"
- "I am funding a multi-million pounds refurbishment" of Coláiste Feirste

We assume that the reference to the "most generous transport arrangements in the north", is in relation to the costs involved in subsidising transport for students from Downpatrick and other outlying areas who wish to access the only post-primary Irish medium school in the north of Ireland based in Belfast. The issue of north Belfast pupils accessing school remains.

[10] See Appendices

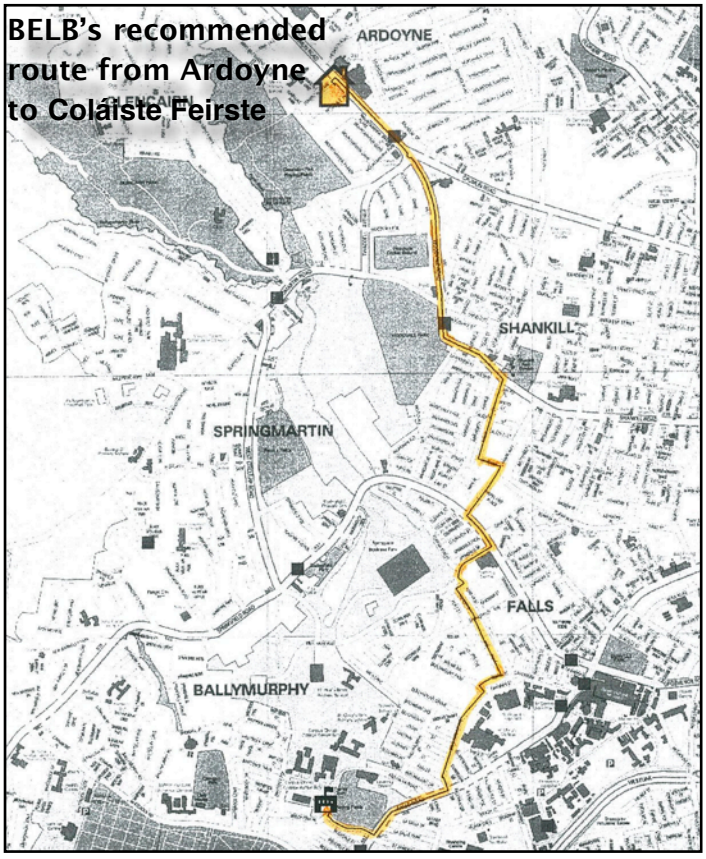
Nevertheless, the Minister's actions to secure appropriate funding of our children's education and the much needed investment to refurbish the school to enable it to meet the growing demand for Irish medium education is very much welcomed.



Indeed under legislation, as outlined above, such positive steps are required. Enhanced funding and provision for Irish medium education in order to encourage and facilitate the development of the sector is an acknowledgment and partial redress of the historic non-recognition, marginalisation, and under-resourcing experienced members of the Irish language community.

<u>'Hostile Areas'</u>

The issue of 'hostile areas' refers to pupils who are not entitled to a bus pass because they live within a three mile radius of their school, yet their journey to school involves them going through 'hostile areas' (the court case centred around a young student attending Girls Model who had to travel through the Cliftonville/Oldpark area which is predominately republican).



The Minister's correspondence refers to the November 2013 judicial review on 'hostile areas' as potentially limiting his ability to provide transport to the north Belfast pupils who would have to travel through at least two interfaces (including the Twaddel Camp) and the largely unionist Shankill Road to get to Coláiste Feirste.

In the first instance, the case for provision of transport where students fall within the three mile radius (and therefore are not entitled to a bus pass) is not the substance of the research carried out for this report.

Rather, what the parents have researched are issues relevant to the Minister's duty to encourage and facilitate the development of Irish medium education (in accordance with the Education (Northern Ireland) Order 1998).

Furthermore, in dealing with issues of exceptionality in the 'hostile areas' judicial review (*i.e.* where the relevant Education and Library Board provides transport for students within the three mile radius), Justice Treacy inferred that his judgment did not rule out the

principle of 'exceptionality', rather the Department needed to develop clearer guidance on the issue in the interests of transparency[11].

It is the position of the parents that the 'exceptionality' principle could be utilised in the case of the north Belfast students to encourage and facilitate the development of Irish medium education. Indeed the provision of transport was a critical factor in the success of the development of the integrated education sector and should be seen as a useful and important precedent in exercising statutory duty effectively.

Indeed, the Department of Education's current 'Review of Home to School Transport' specifically notes, in its terms of reference, that they:

> *"shall take account of the Department's legal duty to encourage and facilitate the development of Irish medium education."*

We genuinely hope that, in the interests of developing Irish medium education, the Minister looks positively on this research and uses it in his stated intention to resolve the issue of transport for north Belfast students to Coláiste Feirste so that our children will arrive at, and return from, school from September 2014 on the bus that they deserve.



[11] "[24] In my view this lack of guidance on the possibility of exceptional departures from policy does not appear to be best practice in the sense that it does not promote the clarity and transparency of administrative systems which all State bodies involved in applying statutory schemes should aspire to."



APPENDICES

Accessibility of Secondary Level Irish Medium Education Survey for *Naíscoil* and *Bunscoil* parents

There are over 40 Irish Medium Primary Schools in the north of Ireland, but there is only one Secondary School - *Coláiste Feirste*.

This means that children often have to travel long distances to get to *Coláiste Feirste.*

In 2011 a court case found that the Department for Education, in light of their legal obligations to promote Irish medium education, needed to review its transport policy for students of *Coláiste Feirste*.

However, there are still no permanent dedicated buses provided for pupils of *Coláiste Feirste*.

We are trying to collect information about how this ongoing situation is affecting parents and pupils who want to continue to be educated through the Irish medium.

PLEASE TAKE TIME TO FILL IN THIS SHORT SURVEY

1. NAME: _____ *(optional)*

2. I live in _____ **(City/town) and my POSTCODE is** _____

3. There are 0 1 2 3 4+ employed people in my household *(please circle one)*

4. I have [*insert number*] _____ **BOYS and** ____ **GIRLS attending** _____ ***Naíscoil***

5. I have [*insert number*] _____ **BOYS and** ____ **GIRLS attending** _____ ***Bunscoil***

6. Do you want to send your child/children to *Coláiste Feirste*? *(please circle one)* **Yes No Not Sure**

7. To take a one way journey from our house to *Coláiste Feirste*, my child/children would have to take

_____ **BUSES** [*insert number*]

8. When deciding if you will send your child/children to *Coláiste Feirste* , would you say that the issue of transport (TRAVEL LENGTH AND COSTS) is *(please tick one box)***:**

a. **NOT A PROBLEM** at all for you [ ]
b. **A SMALL FACTOR** you have to consider when making the choice [ ]
c. **COULD PREVENT YOU** from sending you child/children to *Coláiste Feirste* [ ]
d. **WILL PREVENT YOU** from sending you child/children to *Coláiste Feirste* [ ]

9. I would like to know more about the campaigns to *(tick where appropriate):*

a. improve access to Irish Medium education [ ]
b. protect and promote Irish language rights [ ]

10. I can be contacted by PHONE _____ **and/or EMAIL**_____

Accessibility of Secondary Level Irish Medium Education Survey for *Coláiste Feirste* parents

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4. I have [*insert number*] _____ **BOYS and** ____ **GIRLS attending** _____ ***COLÁISTE FEIRSTE***

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5a. If NO, roughly how much money does it cost you every week paying for transport to *Coláiste Feirste*? *(please circle one)*

£5 £10 £15 £20 £25+

6. Are there other local options available for you at secondary level, other than *Coláiste Feirste*, if you wished to continue educating your child's through Irish medium? *(please circle one)*

YES NO

6a. Please explain:

_____

_____

_____

_____

7. I would like to know more about the campaigns to *(tick where appropriate):*

a. improve access to Irish Medium education [ ]

b. protect and promote Irish language rights [ ]

8. I can be contacted by PHONE _____ **and/or EMAIL**_____

FROM THE MINISTER/ÓN AIRE

AN ROINN
Oideachais
Department of
Education
MÄNNYSTRIE O
Lear
www.deni.gov.uk

INV 277/2014

Tel: 9127 9306
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Tuistí an Tuaiscirt

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30 June 2014

A chairde

Thank you for your letter of 27 May, regarding a meeting to discuss transport assistance for pupils from north Belfast attending Coláiste Feirste.

Firstly, I reject your assertion that "your children are being discriminated against and treated as second class citizens". As part of my response to the Judge Treacy ruling, Coláiste Feirste has the most generous transport arrangements of any school in the north.

Secondly, as a direct result of the decisions taken by me in making changes to the Common Funding Scheme for schools, Coláiste Feirste pupils receive, per head, the highest funding of any pupil in the north.

And finally, as another example, I am funding a multimillion pound refurbishment of the school. All the above examples prove beyond any doubt that I am not treating your children as "second class citizens" in fact I am taking very seriously my legal duties to facilitate and promote Irish Medium Education.

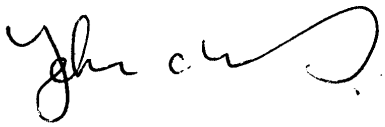
The outstanding matter from my discussions with Coláiste Feirste in regards how to respond to the Treacy judgement, is the issue of their pupils having to cross "hostile areas". The reason the matter was not resolved was because of another ongoing judicial review. This case too has now been ruled on by Judge Treacy who ruled against the applicant who was seeking to have the BELB policy on hostile areas overruled. The judge said:

"It appears that many families from different communities labour under the same burden and it is not one that can be remedied by a court imposing an unnatural interpretation on well established home to school transport policies."

You will appreciate that the judgement constrains my ability to provide assistance to address the issue of travel through perceived hostile areas. This leaves my statutory duty to facilitate and promote. Again I totally reject your claim that my Department "has done nothing to encourage" parents to attend Coláiste Feirste and point to the measure stated above.

However I do recognise that real or perceived barriers do exist and I am exploring how I assist parents from north Belfast to overcome those barriers including transport arrangements. I do believe, however, that inaccurate and unsubstantiated claims as outlined in your letter cannot go unchallenged.

I am willing to meet with a delegation to discuss this matter further. To facilitate a meeting my Diary Secretary will require a contact name and phone number.



JOHN O'DOWD MLA
Minister for Education