

NORTHERN IRELAND HUMAN RIGHTS COMMISSION –
RESPONSE TO THE REPORT OF
THE POST PRIMARY REVIEW BODY



NORTHERN
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HUMAN
RIGHTS
COMMISSION

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INTRODUCTION

Education has long been recognised as a fundamental human right. Three international human rights documents guarantee the right to education: the Universal Declaration of Human Rights, the United Nations Convention on the Rights of the Child, and the European Convention on Human Rights (now in local law within the Human Rights Act 1998). These documents guarantee every child the right to an education, free from any form of discrimination.

The Northern Ireland Human Rights Commission was established in 1999 by the Northern Ireland Act 1998 to help create a culture of human rights in Northern Ireland. It does this by educating people about rights, checking that laws and policies are human rights compliant, taking human rights cases in the courts and carrying out investigations into alleged breaches of human rights. The Human Rights Commission sees the proposals of the Review of Post Primary Education as raising significant human rights issues.

The Commission has conducted several activities to explore the human rights implications of the Review Body's proposals. In the first place it met with the Review Body on two occasions in advance of the production of its consultation report. Since the production of the Review Body's report the Commission hosted a seminar on Human Rights and the Report of the Post Primary Review Body. A report of the seminar detailing the range of human rights issues raised at the event was produced in May 2002 and widely distributed (Appendix 1). In addition the Commission produced a short guide to human rights issues and the Review of Post Primary Education (Appendix 2). This was distributed to a majority of schools and circulated widely among the voluntary, community and statutory sectors.

BACKGROUND

The Department of Education published research into the effects of the Selection System in Northern Ireland in September 2000. This research by Gallagher and Smith¹ identified several strengths and weaknesses in the selective system. Key concerns were:

- i. The intensive focused teaching and learning arising from test preparation does not provide primary school pupils with the full entitlement of the common curriculum.
- ii. The test's very negative impact on many children.
- iii. The clear link between social disadvantage and lower rates of participation in grammar schools.
- iv. The benefit of attending a grammar school, in that it adds almost 16 GCSE points to a pupil's achievement at age sixteen.
- v. The inflexibility of the common curriculum in terms of vocational and technical education.

¹ Gallagher and Smith, *The Effects of the Selective System of Secondary Education in Northern Ireland* Department of Education, September 2000.

Other research published at the same time noted the following:

- i. The reliability and validity of the Transfer Procedure Test is questionable. The nature of the test may lead to candidates being misclassified and the procedures associated with the test are so shrouded in secrecy that they do not meet international standards for educational testing.²
- ii. The admissions procedures used by many schools may discriminate on the grounds of gender, race, religion or disability.³
- iii. There is a predominance of children with special educational needs in the secondary sector and a lack of special educational needs policies in some schools.⁴

HUMAN RIGHTS AND THE PRESENT SYSTEM

The problems identified by Gallagher and Smith and others have a human rights dimension. It is arguable that the present system does breach local and international human rights standards in the following ways.

The right not to be denied an education⁵

The right to education has been interpreted by the European Court of Human Rights to mean the right not to be denied an *effective* education. The preoccupation of schools with the preparation for the 11-plus test means that some children do not have full access to the common curriculum and some children do not receive equal attention in the final two years of primary school. It would appear that those not sitting the test receive less attention.⁶ In addition it is alleged that the present test does not meet international standards.⁷

The right not to be tortured or inhumanly or degradingly treated⁸

Many people believe that the particular characteristics of the 11-Plus exam are so stigmatising and humiliating that it is close to a breach of Article 3 of the European Convention on Human Rights, especially as children cannot be expected to withstand as high a degree of poor treatment as adults. This issue has never been tested in the European Court of Human Rights and no-one can be certain as to how it would be judged. However, it is safe to say that the nature of the test raises some very serious concerns about how children experience the whole process.

² J. Gardiner and P. Cowan, *A Study of the Reliability and Validity of the Northern Ireland Transfer Procedure Test*. Graduate School of Education QUB

³ NIHRC Access to Post Primary Education in NI

⁴ Kilpatrick, R & Quinn, F (2000). Interviews with Special Educational Needs Co-ordinators and Heads of Pastoral Care. Research Paper SEL 4.8 Department of Education.

⁵ Article 2 of the First Protocol to the European Convention on Human Rights.

⁶ Department of Education, *The Effects of the Selective System of Secondary Education in Northern Ireland* September 2000.

⁷ J Gardner and P. Cowan, *A Study of the Reliability and Validity of the Northern Ireland Transfer Procedure that is Enabling the Selection of Pupils for Grammar School Places*. Graduate School of Education QUB April 2000.

⁸ Article 3 of the European Convention on Human Rights.

The right to equality of opportunity and non -discrimination⁹

The 11-Plus and admissions criteria

The fact that children from certain socio-economic groups are less likely to perform well in the transfer test is a serious flaw in the selection process and raises questions about equality of opportunity for all children at age 11. In addition, several human rights concerns have already been raised about the admissions procedures used by schools at present.¹⁰ The European Convention on Human Rights guarantees that the right to education should be secured without discrimination and the various UN treaties stress the need for equality of opportunity in the delivery of education.

Educational attainment after the 11-Plus

There are significant differences in educational attainment after the 11-Plus between grammar schools and non-grammar schools. This is called the ‘grammar school effect’ and it results in pupils attending grammar schools gaining on average an additional 16 points at GCSE stage.¹¹ Whilst there are various factors which contribute to the differences in results between sectors, this disparity would appear to be disproportionate in the circumstances. The result is an apparent breach of Article 1 (1) of the UNESCO Convention against Discrimination in Education, which includes within its definition of discrimination the subjection of a person or group to education of an inferior standard. Concerns have been raised by some about the lower level of educational attainment of particular groups of children, including children with a disability, Traveller children and children from socio-disadvantaged areas.

The right to different types of education¹²

There is a lack of variety in the educational options open to children with differing talents and abilities in terms of their access to academic, vocational and technical education. This would appear to be contrary to the UN’s Covenant on Economic, Social and Cultural Rights, which states that: ‘Secondary education in its different forms, including technical and vocational education, shall be made generally available and accessible to all by every appropriate means’.

Voice of the child and the best interests principle¹³

Whilst the majority of parents probably consult their children regarding their choice of school, there is no formal system for recording children’s views of where they should be educated, as recommended by the United Nations Convention on the Rights of the Child. In addition serious doubts arise as to whether or not the present system

⁹ Article 14 of the European Convention on Human Rights, Article 1 to the First Protocol of the European Convention on Human Rights and Article 1(1) of the UNESCO Convention against Discrimination in Education.

¹⁰ See note 2 above.

¹¹ See note 2 above

¹² Article 13 (2) (6) of the UN’s Covenant on Economic, Social and Cultural Rights

¹³ Article 12 of the United Nations Convention on the Rights of the Child (voice of the child) and Article 3 of the United Nations Convention on the Rights of the Child (best interests principle).

is geared towards the best interests of children as defined by the UN Convention on the Rights of the Child.

THE REVIEW BODY'S PROPOSALS

Once the Gallagher and Smith research was published the Department of Education announced the establishment of the Review of Selection at Age 11 in the Northern Ireland Education System. The Review Body consulted on proposals for the system of selection from September 2000 to May 2001 and published their findings in October 2001. The Review Body has made several proposals described as being interdependent: they will not redress the current problems if any element is missing.

The key proposals are

- i. The abolition of the 11- Plus test and the end of academic selection as pupils move from primary to post primary schools, and its replacement by a procedure which gives priority to parental choice.
- ii. The creation of local collaborative networks of schools in a system of collegiates.
- iii. The development of a pupil profile to provide information to parents, pupils and teachers on a wide range of attributes and achievements of children as they progress through their education.

THE HUMAN RIGHTS COMMISSION'S RESPONSE TO THE REVIEW BODY'S RECOMMENDATIONS

The Commission acknowledges that the Review Body noted each child should be valued equally (Para.5.7), that the human rights of the child are a key issue (Para 6.2) and that the report had paid due regard to the European Convention on Human Rights (Para.2.6). However the Commission is disappointed the right to an effective education is not a central theme in the framework devised by Review Body. There are few references to the European Convention on Human Rights or the United Nations Convention on the Rights of the Child. The right to education as defined by the European Court, belongs to the child and the parent's right to respect for their religious and philosophical convictions is subsidiary in nature.⁵ The child's right is a right of access to an effective education and Article 14 of the Convention prohibits discrimination in access to educational facilities.

The United Nations Convention on the Rights of the Child, of which the United Kingdom is a signatory, contains a range of guiding principles: non- discrimination on any ground (Article 2); the best interests of the child (Article 3) and the child's voice (Article 12). The right to education is contained in Article 28 and provides that all State parties recognise the right of the child to education. It also specifies that states should encourage the development of different forms of secondary education, make higher education accessible to all on the basis of capacity and make educational and vocational information and guidance available and accessible to all children.

⁵ Supra footnote 5.

The Commission recognises that some aspects of the Review Body's proposals will result in children securing their education rights. However it recommends that the Department identify, from the outset of its deliberations, that the right to education should not only be an unspecified outcome of the reform of education but an identifiable aim with clear associated objectives tied to realistic outcomes.

Vision, Guiding Principles and Objectives of Education (chapter 5)

The Commission supports the Review Body's proposed vision for the education service, which commits the service to recognising the individual abilities and needs of all young people and providing them with a high quality, holistic education (Para 5.1).

The Commission also welcomes the Guiding Principles listed in the report (Para 5.7) which include valuing each young person equally, developing young people's talents and creative potential to the full, providing for the development of all aspects of the individual, promoting a culture of tolerance, reconciliation and respect for diversity, and enabling young people to be equipped for working and living in the 21st century. Meeting these principles in practice will necessitate much change in the schooling system and will require substantial additional resources to enable all schools to equally meet the needs of the children within their care. In the Commission's view the creation of a system which values all children equally is not possible without the necessary resources, and will result in current inequities being replicated under new arrangements. The call for more resources to enable reform of the system to occur was made very strongly by several participants during the Commission's seminar on human rights and the future of post-primary education.

The Commission recommends that any statement on the vision, principles and objectives of education should contain a specific and well defined section on the child's right to education.

Alternative school structures (chapter 7)

The Review Body's report lists the main options considered by the review (Para 7.5). As stated above, the Commission is concerned that the Review Body did not include a rights approach in its analysis and recommends that such an approach be adopted at the next stage of deliberation on the Review Body's proposals.

The Commission agrees with the Review Body that models which process children into separate academic or vocational paths at an early age are not conducive to equality of opportunity. The Commission agrees that all young people should experience a breadth of learning pathways and should be facilitated in developing a range of knowledge and skills (Para 7.16).

The Review Body also considered, but rejected, the all ability/comprehensive model. Paragraph 7.24 concludes that a system of free-standing comprehensive schools will not value children equally nor sufficiently contribute to a culture of tolerance. The Commission wishes to know what evidence there is to support this statement. In our view, given the stated links between equality of opportunity and the aims of comprehensive schooling (Para 7.18), more attention should have been directed towards consideration of the suitability of comprehensive education in the Northern

Ireland context. We agree that streaming and rigid internal differentiation is sometimes used within a comprehensive context (Para 7.21) and that this thwarts the equality principle. However, it should be possible to legislate against this practice to promote equality of opportunity and non-discrimination. Additionally, if comprehensive education were being considered it would be important to design catchment areas which would result in a broad social mix of children from different socio-economic backgrounds at each school. We do not understand why a comprehensive system should be exclusively based on 'free-standing' schools (Para 7.24). Why would it not be possible to develop sharing, collaborative arrangements between schools?

The rejection of the delayed selection model which operates in Craigavon is of interest to the Commission (Para 7.10.) The Commission recognises that the primary reason for the rejection of this model is that it still perpetuates selection and the secondary/grammar split. It would recommend more analysis of the concept of junior and senior schools, which would allow for the development of different types of educational provision at an older age.

As noted earlier, the Commission is very concerned about the significant differences in educational attainment after the 11-Plus, particularly between grammar schools and non-grammar schools. The Commission is convinced that whatever organisation is managing schools, whether it is the present system or networks of schools/collegiates, a system of all-ability schools must be set up to ensure children have equal access to an effective education. The danger with the model proposed by the Review Body is that too much is left to parental choice and to the selection criteria, leaving the school as a unit relatively unchanged, although it is expected that the cohort of pupils will change eventually. The model could result in a further form of discrimination as large numbers of children would benefit disproportionately or suffer disproportionately depending on which school they secured access to.

The Commission is not happy to support a proposal that *hopes* that all schools will become equally attractive in the future. The Commission recommends that schools within catchment areas must be obliged to amalgamate within type (state, catholic, Irish- medium and integrated) to provide all-ability schools for children up to 14 years at least, but preferably 16 years. After this schools could develop specialisms and different learning routes to satisfy pupil's needs in association with Colleges of Further and Higher Education. Indeed other systems to help children with special educational needs or with particular abilities could be more easily devised and resourced, particularly if associations could be arranged across types of schools, for example, between catholic schools and state schools. Amalgamations and joint working together should be made obligatory where the child's right to an effective education requires it, as long as parental conviction is adequately respected.

The right to different types of education

The report identifies that different types of education (vocational, technical and academic) are required. The Commission notes that very little information has been included in the report as to how this would be brought about.

Voice of the Child

The Commission is firmly convinced, in line with Article 12 of the United Nations Convention on the Rights of the Child, that all children have a right to be consulted formally about their own education in accordance with their developing maturity. Whilst recognising that some children under 14 years old have the capacity to articulate their views about their education, it is likely that from 14 years onwards children will be more capable of articulating their views and contributing to the decision-making process about his or her education.

Development of a pupil profile (chapter 8)

The Review Body recommends the development of a pupil profile which will provide information to parents, pupils and teachers. This profile would provide a holistic picture of the individual child (Para 8.23). It would be used to guide parents and children in their choice of school but would not be available to post-primary schools to use as part of their selection criteria (Para 9.26)

The Commission sees no objection to the development of a pupil profile so long as its use as a form of academic selection is prohibited. As a speaker at the Commission's recent seminar concluded: *"Teachers have no problem with pupil profiles and nor do they have any problem with advising parents about the skills and talents of their children and the best routes for maximising those potentials. What teachers would have great difficulty with, to the point where they may well demonstrate their opposition in a tangible way, is any suggestion that such pupil profiles would be used for selection."*¹⁴ The Commission shares these concerns. In addition, while welcoming the development of pupil profiles, we would draw attention, to its subjective nature and the potential that parents from higher socio-economic backgrounds may be able to make better use of their child's profile than those from disadvantaged backgrounds. Consideration should be given to how best to avoid this discriminatory effect.

Abolition of the 11- plus (chapter 9)

Abolition of the 11- plus

The Commission welcomes the proposal to end the 11-plus test which, it considers to be a humiliating and stigmatising test. This should remove the pressure on schools to focus on the test and on those children sitting it and should also improve the opportunities for all children to receive an effective education at this age. However, if another system is introduced, which is an 11-Plus by proxy, the positive effects of the removal of the test would be eradicated. An example of a proxy system is an entrance exam or streaming by academic ability on the first day of entry at a new school. The Commission recommends that any system which is the 11-plus by proxy should be banned.

¹⁴ p.... Avril Hall-Callaghan NITC, *Report of the Review of Post Primary and Human Rights Seminar*, NIHRC May 2002.

No selection by academic ability

The Commission agrees with the Review Body that there should be no selection on the basis of academic ability or aptitude whether through tests, examination or interview (Para 2.6). Academic selection disadvantages children from lower socio-economic backgrounds and is thus contrary to the principles of non-discrimination and equality of opportunity. The Commission is also opposed to any system of academic selection at any other age, for example at 14 years.

Selection criteria (chapter 9)

When selection by academic ability is ended admissions criteria will become central to the decision about which school a child should attend. The Commission notes that some of the Review Body's proposed admissions criteria may be flawed from a human rights perspective.

Parental choice

The Review Body suggests that parental preference be accorded statutory priority for admissions purposes. The Commission considers parental preference to be an important criterion but is opposed to it being accorded statutory priority for a number of reasons.

In the first place international human rights standards do not require parents to have an unfettered choice of school. Rather they require that parents have a choice regarding the *type of school* they wish their child to attend. The European Convention on Human Rights, now local law by way of the Human Rights Act 1998, defines the right to education as the "State's duty to respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions."¹⁵ The Commission recognises this is a minimum standard especially given the particular circumstances of Northern Ireland where parents have strived to develop alternatives to the present system through the creation of vibrant integrated and Irish-medium education schools. The Commission has suggested in its consultation on the proposed Bill of Rights for Northern Ireland that choice of type of school be expanded in recognition of the legitimacy of the integrated and Irish-medium sectors.¹⁶

The Commission disagrees with the suggestion that it would be "unreasonable to fetter or dictate parents' preferences in a non-selective context, for example, by the application of pre-determined catchment areas for individual school enrolment purposes." (9.20) The Commission considers it reasonable to limit parental choice to catchment areas so long as there is adequate choice of schools with a particular religious ethos, integrated and Irish – medium schools within each catchment area, and providing all are of a standard to provide an effective education.

Parental choice as a statutory priority may not promote equality of opportunity as suggested by the Review Body in paragraph 9.22. Prioritising parental preference is

¹⁵ Article 2 The First Protocol.

¹⁶ p126 NIHRC Making a Bill of Rights for Northern Ireland

more likely to benefit middle class parents and children to the detriment of those from more disadvantaged backgrounds. The Review Body stresses the importance of “informed” parental preference (9.22). Parents from higher socio-economic backgrounds are more likely to have the literacy, knowledge and confidence to make informed choices, assert their views and challenge the teacher’s assessment of their child. Parents of disadvantaged children are more likely to have literacy and numeracy problems themselves and will be at a disadvantage when it comes to assessing their child’s educational attainment, making an informed choice of post-primary school and articulating that choice confidently.

Ironically, parental choice as the statutory priority may have the effect of actually limiting choice. Parents may be forced to choose with caution because if they do not get their first choice their child will fall to the bottom of every other school’s list.

Hence the Commission suggests that parental choice should be a factor in the admissions criteria but its statutory basis should be limited to the type of school.

Siblings or eldest child at school

This is popular with parents because it is convenient and family-friendly. Children may feel the benefit of the support of elder siblings at the same school. However, its use as a criterion has several implications from an equality perspective. In the longer term there may be no important equality implications so long as all schools are equally resourced, with all providing a highly effective education. This qualification is important. As long as all schools are not equal then this criterion is discriminatory as a child may receive better or worse schooling according to what school their eldest sibling attends.

In the transition period there are significant problems with this criterion in the model proposed by the Review Body as siblings of those already at grammar schools will benefit over those at secondary school.

Children of staff at the school

The Commission is of the view that this is a discriminatory criterion.

Proximity to School

The Commission believes this criterion to be unfair as it implies that proximity to school would be a distinguishing feature within a selection process. The Commission has stated above that it believes in parental choice. However it is committed to limitation on choice, within the context of catchment areas, being fair and equal without preference being given to those nearest to a particular school. Indeed such a criterion could lead to parents with higher incomes moving house to be close to the best schools. In addition, any associated service parents receive to assist children to attend school, such as bus passes, needs to be carefully analysed to ensure that all children are treated equally.

The Commission mindful of the need to ensure the child’s right to education would suggest that in some very special circumstances the closest school within a catchment

area may not satisfy a child's right to an effective education. In such a circumstance there needs to be a criterion whereby the child's right to an effective education can be assured. It may be that such a situation could be considered under as a special heading under *Compelling Individual Circumstances* below.

Compelling individual circumstances

This is designed to help those with a special need and is an important because it allows for individual exceptions to be made. However it is important it doesn't become a tool which can be manipulated by certain parents to get their children in better schools. If it is to be included, it should be very well regulated and decisions made by a central body rather than putting schools themselves in the difficult position of having to decide themselves. The Commission envisages this being used in a small number of cases such as if bullying was occurring or a child's right to an effective education required it.

Suggestions regarding admissions criteria

Several suggestions regarding admissions criteria were made by Laura Lundy at the Commission's seminar on the Review Body's proposals. The Commission recommends that they be considered. She suggested the following:

- i) Catchment areas could be used to allocate school places. These should be managed, planned and defined in such a way as to ensure social mix. It could mean keeping 'the nearest suitable school' criterion followed by a system whereby all children who did not gain entry to a particular school would be entered in a lottery for a particular school. In her view this would be fairer than what is being proposed at present.
- ii) The existing system could be turned on its head and priority given to the socially disadvantaged in admissions procedures. It would be a form of what already happens in our nursery schools. If a school was oversubscribed the first children admitted would be those whose parents are on designated benefits. It would not apply to a huge number of children, but it would be a way of counteracting disadvantage.
- iii) Professor T Brighouse has published a report on ensuring equality without academic selection. He is suggesting that children from disadvantaged backgrounds need to be made more attractive to schools. He proposed that there should be a voucher system, in which children from socially disadvantaged backgrounds would be given vouchers worth considerably more than other children.¹⁷

The Collegiate System (chapter 10)

As stated above the Commission is in favour of all ability schools. In such a scenario collegiates would be very helpful in ensuring the appropriate in the development of appropriate provision at both the Junior and Senior level. In the scenario devised by

¹⁷ Independent Newspaper 28th March 2002.

the Review Body the Commission recognises the benefits of a collegiate system as identified by the report. However it considers that some of the potential problems with the collegiate system may militate against the desired outcome of equality of opportunity for all. In the first place it would appear that for a collegiate system to work well it would require considerable resources which would result in money and time being wasted on bureaucracy rather than on pupils. Secondly, given that schools will retain individual control over all of their procedures including admissions and exclusions the Commission is not convinced that there are sufficient incentives within the system to ensure cooperation among schools. Thirdly the collegiates should not be left as free standing bodies rather powers of direction need to be given to the Department of Education regarding the working of the collegiate and a defined set of criteria for the operation of the collegiate should be established. Fourthly a clear set of criteria needs to be drawn up regarding collegiates to ensure equality of opportunity between collegiates. In addition special attention needs to be drawn to interface areas in Belfast and other areas to ensure safe passage for everyone. Finally, the Review Body's Report is not clear as to how all schools would be put on an equal footing with each other over the next few years and made to be equally attractive to parents and children. Therefore the situation would remain that a large number of children may be disadvantaged by the very fact they have to attend schools with very different educational outcomes at 11 years old.

In addition, the Commission would like to raise concerns about the lack of attention to the right to education of certain groups of children whose educational attainment is very poor or disrupted by circumstances, for example children with a disability, minority ethnic children, Traveller children, teenage mothers, looked after children and children in the youth justice system. The Department of Education must be much clearer about the arrangements and resources which would be brought into the system to eradicate the disparities in the provision of education.

Special Schools

The Commission is concerned that the Report concludes that Special Schools should not be constituent members of a collegiate. The Commission does not support this view and recommends that Special Schools be included in any proposed arrangement. Indeed the Commission is also concerned that legislation to encourage the education of all children, where possible, in mainstream education has not yet been introduced in Northern Ireland.

OTHER ISSUES

Delegated Powers and Duties to Collegiates

The Commission would be concerned that independent services that are provided to schools at present by the Board should not be threatened by the development of any new structures. The Commission recommends that the Department give attention to how appeal procedures for admissions and exclusions will be managed in any new system. It is the independence of this system that is particularly important. In addition it is useful that the curriculum advisory service is provided independently to schools.

The voice of the child and the child's best interest

The voice of the child has not been acknowledged formally in the new proposals. The child's best interests has been listed as a guiding principle but is not formally noted as a criterion anywhere in the proposals. The Commission recommends that formal notification should be made of the best interests principle in the decision making process and of the child's views in whatever new procedures are adopted. As noted above it recommends that the age for making crucial decisions about the type of education be delayed from 11 to 14 years preferably 16 years. At 14 years a child will probably be more able to articulate his or her own views about his or her education in line with what is required by Article 12 of the United Nations Convention on the Rights of the Child. The Commission recommends that a system be devised to ensure that children are represented in the management system devised in response to the Review Body's proposals whether the system remains similar or changes dramatically the children have a right to express their views.

The Curriculum

The Commission is aware that the reform of the curriculum is underway and that it will be affected by the proposed changes in education. Article 29 of the United Nations Convention on the Rights of the Child lists the aims of education. The Commission would recommend more references to Article 29 (a)- (e), in particular to paragraph (b), which states that *education of the child should be directed to the development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations*. We recommend the development of objectives and targets based on Article 29.

CONCLUSION

The Commission welcomes the work done by the Department of Education and the Review Body to date. The commitment to consultation has been of benefit to the whole community in Northern Ireland. The Commission welcomes the proposal to end academic selection and rejects any system of academic selection by proxy. The Commission favours the development of a system where children attend a local all-ability type school, at least to the age of 14 years but preferably to 16 years. The proposed admissions criteria within the Review Body's Report are flawed from a human rights perspective and need to be rewritten on the basis of equality and human rights standards. The Commission recommends that in the next stage of its deliberations the Department prioritise human rights and equality issues within its framework and identify associated objectives within whatever proposal is adopted.