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Mr Peter Weir MLA
Minister for Education
Rathgael House
Balloo Road
Rathgill
Bangor
BT19 7PR

13 January 2021

Dear Minister,

Concerns Around Post-Primary Transfer During COVID-19

As voluntary sector organisations in Northern Ireland, we would like to collectively raise our concerns around any post-primary transfer tests being held during the COVID-19 pandemic.

It is well understood that the issue of continued academic selection in Northern Ireland opens to a wider public debate. Indeed, many individuals and organisations hold their views on this. However, this debate must be set aside in the current circumstances to focus on the immediate public health concerns facing children due to sit the test.

We believe the Department of Education must take urgent action to address this situation, using public health powers currently held under the Coronavirus Act 2020 to protect the health and well-being of children in Northern Ireland during this time of crisis.

The Coronavirus Act 2020 affords relevant NI Executive departments the powers required to respond effectively, proportionately and rapidly to emerging public health concerns as a result of COVID-19. We believe the 2020 Act empowers you to Direct schools not to use any transfer test during a time of public health emergency, as a necessary and proportionate measure to protect children. We believe the health, safety and well-being of children – both physical and mental – is at significant risk due to the continuation of testing in the current circumstances. We are concerned about the

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impacts upon continuity of education for affected children. It is therefore critical that action is taken urgently to prevent this harm.

Not only is the continuation of testing in stark contrast to the general public health advice, there is growing concern around the fear, worry, stress and anxiety being placed on children during an already stressful time. There are also well documented concerns around equality of opportunity for 10 and 11 year olds this year in relation to transfer processes due to increasing gaps in the provision of and access to education as a result of COVID-19.

It also remains critical that any contingency admissions criteria deployed by schools do not further entrench gaps in educational opportunity. We would therefore request that the Department of Education use its powers of Direction held under section 38(3)(a) of the Coronavirus Act 2020, along with Paragraph 14(4) of Part 3 of Schedule 17 and/or Article 101 of the Education and Libraries (NI) Order 1986 to direct school Boards of Governors of all grammar schools on suitable contingency admissions criteria for this academic year to ensure they do not unlawfully discriminate against any group of children and to consult with relevant stakeholders on what those admissions criteria should be. Such a process, conducted in line with powers of Direction and in accordance with equality legislation, is likely to prevent further disruption to the transfer process this year.

We firmly believe these urgent actions are necessary and proportionate at this time to protect the best interests of our 10 and 11 year old children by ensuring their equality of access to continuity of education, including through access to the curriculum and protection of their health and wellbeing.

Yours sincerely,



Paddy Kelly

Director, Children's Law Centre

Sent on behalf of the organisations listed below

Endorsing organisations:

Action for Children

Alliance for Choice

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RNIB - Royal National Institute of Blind People
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