

Equality and

Education





Equality and Education

**Proceedings of the Joint Equality Authority / ASTI Conference
for Second Level Teachers, held on September 29th 2001**

Foreword

Equality and Education is a publication that reflects a shared vision of the ASTI and the Equality Authority. This vision rests on our commitment to schools that are inclusive. The inclusive school is one where no discrimination takes place, where diversity is acknowledged, valued and accommodated, and where equality outcomes are achieved for all. This publication is a product of the partnership established between the Equality Authority and ASTI to progress such a vision.

Equality and Education reproduces keynote papers presented at a conference hosted by ASTI and the Equality Authority. This conference was inspired by the introduction of new equality legislation - the Employment Equality Act 1998 and the Equal Status Act 2000. This legislation covers the nine grounds of gender, marital status, family status, race, religion, membership of the Traveller community, disability, age and sexual orientation, and it makes specific provision in relation to education. Both the Equality Authority and the ASTI were concerned at the low level of organisation in relation to their obligations under this legislation by schools. Both organisations share an ambition that the legislation should provide a further stimulus to the emerging inclusive school. Both organisations would like to underline the role of the Department of Education and Science in providing funding and support for the arrangements necessary for an inclusive school.

The papers are based on an acknowledgment of the various roles played by the school - as employers, as services providers and as contributors to the value base of society. As such the focus is on the provisions of both the Employment Equality Act 1998 and the Equal Status Act 2000 and their implications for schools. This new equality legislation is located in the wider context of the Education Act. A significant coherence is evident across the three pieces of legislation which holds significant potential for equality and education.

It is hoped that this publication will serve as a significant resource to teachers and to schools. The new legislation poses challenges and holds significant potential. This publication is a resource to meeting these challenges and realising this potential. The ASTI and the Equality Authority look forward to further contributing to the equality outcomes that are now possible in this new context and to further continuing to be part of meeting these challenges and realising this potential.



Niall Crowley
Chief Executive
Equality Authority



Charlie Lennon
General Secretary
ASTI

Contents

- PAGE 4 **Opening Address**
Catherine Fitzpatrick, President, ASTI
- PAGE 6 **Prohibiting Discrimination in Employment**
Geraldine Hynes, Equality Authority
- PAGE 14 **Prohibiting Discrimination in Education Provision**
Eilis Barry, Equality Authority
- PAGE 27 **Building the Inclusive School**
Niall Crowley, Equality Authority
- PAGE 36 **Closing Address**
Charlie Lennon, General Secretary, ASTI
- PAGE 37 **Workshop 1 - Sexual Orientation**
Key input: Brian Sheehan, Gay HIV Strategies
- PAGE 43 **Workshop 2 - Gender**
Key input: Maureen Bohan, Senior Inspector of Guidance & Counselling, Gender Equality Unit, Department of Education and Science
- PAGE 45 **Workshop 3 - Travellers**
Key input: Fintan Farrell, Irish Travellers Movement
- PAGE 47 **Workshop 4 - Disability**
Key input: Donal Toolan, Forum of People with Disabilities
- PAGE 49 **Workshop 5 - Age**
Key input: Dónall Geoghegan, National Youth Council of Ireland
- PAGE 52 **Workshop 6 - Race**
Key input: Shalini Sinha, Women's Education, Research and Resource Centre, UCD

Opening Address by Catherine Fitzpatrick, President, ASTI

I would like to extend a welcome to all participants in this Equal Opportunities conference. The ASTI is very pleased to co-host a seminar on Equal Opportunities with the Equality Authority. In offering the seminar to its membership, the ASTI hopes to engage in a dialogue with those agencies who lobby for the interests of the named groups for whom specific protections have been created in the two statutes under consideration today. The ASTI has targeted the Branch Honorary Equality Officer a key member of the Branch Officer team to promote the spirit of tolerance and diversity which is the essence of these two statutes, the Employment Equality Act, 1998, and the Equal Status Act, 2000.

The ASTI welcomes the new legislation as it offers an extended range of benefits to employees and takes within its protection, groups who previously had little means of redress. I refer to the rights conferred on those who because of disability, age, sexual orientation, marital status, family status, ethnic background or religious beliefs could have been subject to discrimination or harassment.

Employment Equality Act, 1998:

The ASTI used the precursor of the Employment Equality Act, 1998, to establish entitlements for ASTI members for example, the right to equal treatment on gender grounds, in the sphere of promotion or appointments to teaching positions. The gap between the number of men and women attaining Principalships receives constant monitoring and intervention by the ASTI.

More recently, the ASTI established the right of a teacher not to be victimised in the event of lodging a complaint of sexual harassment with the employer. The original complaint that the Board of Management had failed to provide an environment free from sexual harassment is before the Labour Court.

The extended range of benefits of the Employment Equality Act will be used by the ASTI to establish equal treatment for those of our members whose diversity might be used by employers to deny them equal treatment. For instance, teachers who are disabled must not be denied access to employment or employment benefits such as admission to a pension scheme because of a disability.

The ASTI petitioned for the deletion of section 37 of the Employment Equality Act seeing it as an unnecessary exemption for employers who might wish to argue that non-compliance in a teacher's private life with the ethos of a school justifies difference in treatment.

A teacher whose work is consistent with the ethos of the school, while in school, will receive the full protection of the ASTI should he or she be deemed to fall foul of its provisions. Gay and lesbian teachers, who by virtue of their sexual orientation experience discriminating treatment, will receive the full protection of the ASTI. Teachers whose religious beliefs differ from those of the school but where teaching is consistent with the ethos of the school will receive the full protection of the ASTI.

We see the prohibition of harassment or bullying on the nine grounds as a valuable additional protection for members.

Equal Status Act:

I now wish to turn to the Equal Status Act.

It extends the benefits which flow, from the Employment Equality Act, 1998, - to the users of goods and services. The ASTI support the right of students to equal treatment in our schools irrespective of their gender, family status, sexual orientation, religious beliefs, ethnic background

Schools have a pivotal role to play in fostering tolerance of diversity in our society. Education can inculcate and foster in young people attitudes which are accepting and tolerant of diversity in our society. There is an onus on everyone involved in education to create an environment free of the discrimination. ASTI members will play their part in creating a climate in schools which respects diversity.

In this regard we particularly welcome the input of speakers at the various workshops this afternoon. We have a speaker from the Department of Education and Science, the Irish Traveller Movement, the Forum of People with Disabilities, Gay HIV Strategies, the National Youth Council of Ireland and Women's Education Research and Resource Centre. The workshops will explore issues of sexual orientations, gender, Travellers, disability, age and race. Teachers will have the opportunity to explore ways of raising awareness of and promoting equality issues in schools. Consideration will be given to codes of practice for named groups, pastoral care systems and staff development. We look forward to hearing from Maureen Bohan, Dónall Geoghegan, Fintan Farrell, Brian Sheehan, Shalini Sinha and Donal Toolan. The reports from the workshops should provide ideas and suggestions for future action.

Finally, I would like to thank the main speakers for their contributions and all of you for participating in this conference today. I wish you well in your deliberations.

Prohibiting Discrimination in Employment by Geraldine Hynes, Equality Authority

The Employment Equality Act 1998

The Employment Equality Act, 1998 promotes equality and prohibits discrimination on nine grounds and subject to certain exemptions. It covers both **public and private sector employment**.

The Act prohibits certain types of discrimination on any of the following **nine grounds**:

Gender - man/woman/transgender

Marital Status - single, married, separated, divorced or widowed.

Family Status - pregnant, parent of a child under 18 years or resident primary carer of person with a disability.

Sexual Orientation - heterosexual, homosexual or bisexual.

Religion - different religious outlook, belief, background or none.

Age - discrimination on age ground is prohibited within the 18 - 65 age group for employment and between the school-leaving age and 65 for vocational training.

Disability - very broadly defined.

Race - including skin colour, nationality, ethnic or national origin.

The Traveller Community - people who are commonly called Travellers.

The scope of the act is very broad.

It prohibits discrimination by/in relation to:

- 1) Employers - with regard to access to employment, conditions of employment, access to promotion and training.
- 2) Collective Agreements with regard to access to and conditions of employment and equal pay for like work

- 3) Advertising related to jobs, promotions etc.
- 4) Employment Agencies - in the case of recruitment or other services of an agency
- 5) Vocational Training as defined in Section 12 of the Act
- 6) Trade Unions and Professional Associations as regards membership and access to other benefits.(Section 13)

Equal Pay for Like Work

‘Like work’ is defined as work which is the SAME, SIMILAR or OF EQUAL VALUE.

Remuneration includes any consideration in respect of the employment but does not include pension rights

DISCRIMINATION

Discrimination is defined in Section 6 of the Act where, on any of the nine specified grounds, one person is treated less favourably than another is, has been or would be treated.

The Act explicitly prohibits four categories of discrimination: direct discrimination, indirect discrimination, harassment and victimisation.

Direct discrimination is the most blatant form. It amounts to less favourable treatment e.g., where a person is refused employment on account of nationality, age, gender etc.

Indirect discrimination is more subtle/less direct and therefore more difficult to prove. It broadly happens where people are denied access to employment, promotion, training or equal working conditions not explicitly on account of a discriminatory reason (that they are gay, disabled, male, female etc) but because of a practice or requirement which is a condition of the job and which they find harder to satisfy.

There are different standards for different grounds. In the case of gender, if the practice or requirement is found to have the effect of excluding substantially more of the protected group, then the employer will have indirectly discriminated unless the discriminatory practice can be objectively justified.

However, in relation to the non-gender grounds, the offending practice / requirement only has to be reasonably justified.

NB. These provisions will have to be reviewed in the light of forthcoming directives which will provide further protection to certain groups ie. The Employment Framework Directive re religion, disability, age, sexual orientation (implementation date December 2003) and The Race Directive which will cover employment, goods and services (implementation date, July 2003).

SEXUAL HARRASMENT AND HARRASSMENT

The Employment Equality Act, 1998 Act has definitions of sexual harassment and harassment and provisions prohibiting sexual harassment and harassment in the workplace.

Employers are clearly liable for their own discriminatory conduct towards employees. They are also liable for actions of employees done with their authority and in the course of the employment. This is the principle of vicarious liability.

Under section 32 of the Act, employers also carry liability for discrimination including harassment perpetrated on employees by co-employees, clients, customers or other business contacts of theirs with whom employees come into contact.

It is a defence for employers to prove that they took such steps as were reasonably practicable to protect the employee from exposure to harassment.

It is crucial that employers have policies and procedures for dealing with sexual harassment and harassment. A significant number of employers have policies on sexual harassment and harassment in place in relation to their employees but they often will not have such policies in place in respect of clients, customers or other business contacts of theirs with whom employees come into contact.

Sexual Harrassment is defined in Section 23 of the Act.

It includes:

- acts of physical intimacy,
- requests for sexual favours,
- any other act or conduct including words, pictures, gestures which constitute sexual harassment if they are:
unwelcome to the victim - this is a subjective test, it is up to the victim to decide if the behaviour is unwelcome and could reasonably be regarded as offensive, humiliating or intimidating - this is an objective test.

Sexual harassment also includes where a victim is treated differently because of accepting or rejecting the behaviour or it is reasonably anticipated that the victim would be so treated. **NB.** Same-sex harassment is not covered explicitly by the Act under sexual harassment.

Harassment is similar to sexual harassment but relates to the non-gender grounds covered by the Act. **NB.** The Act covers only bullying/harassment that is linked to any of the nine grounds and does not deal with bullying in general.

Victimisation of employees or prospective employees is also prohibited by the Act. It is defined in Section 74 as dismissal or other penalisation for seeking redress under the Act or giving evidence in proceedings under the Act or giving notice of intending to do either.

POSITIVE ACTION MEASURES:

The Act contains positive action provisions which are designed to remove existing inequalities and promote equal opportunities. **NB.** The provisions permit but do not prescribe positive action in relation to:

- men and women
- persons over the age of 50
- persons with a disability
- members of the Traveller community.

The Race Directive and the Employment Directive will allow positive action measures in respect of the race and sexual orientation grounds.

DISABILITY

An employer must do all that is reasonable to accommodate the needs of an employee with a disability by providing special facilities or treatment.

This obligation is limited at the moment in that an employer is not obliged to provide special facilities or treatment when it costs more than what is referred to as "nominal cost". Nominal cost is not defined in the Act but is likely to vary with the size of the employing organisation: what is nominal cost for a large public sector employer may not be the same as for a small private enterprise.

In any event, the "nominal cost" provision will have to change for employers when the new EU Employment Directive is implemented. Employers will then be expected to provide "reasonable accommodation" for employees subject to an 'undue hardship' exemption.

EXEMPTIONS PROVIDED FOR IN THE ACT

Occupational qualification

Discrimination on any ground is allowed if the relevant characteristic amounts to an occupational qualification.

In particular, age, disability, race or gender may be an occupational qualification - where it is on grounds of physiology (excluding physical strength and stamina in relation to gender) or of authenticity for purposes of entertainment where the nature of the post requires a person of particular age, disability, race, or gender and the post would be materially different if filled by a person not having that characteristic.

Gender, race or religion may be an occupational qualification where the post requires performance of duties outside the State in a place where laws and customs are such that duties could not reasonably be performed by a person of a different, gender, race, religion.

Religious ethos

A religious, educational or medical institution under the direction or control of a body established for religious purposes whose objectives include provision of services in an environment which promotes certain religious values, does not discriminate if:

- (a) it gives more favourable treatment on the religion ground to an employee where it is reasonable to do so in order to maintain the religious ethos or,
- (b) it takes action which is reasonably necessary to prevent an employee from undermining the religious ethos of the institution.

Private household

An employer may discriminate on grounds of marital status, family status, sexual orientation, religion, age, disability, race and Traveller community in relation to employment for the purpose of a private household.

An employer may discriminate on grounds of gender regarding services of a personal nature such as care of older people or incapacitated in that person's home and where the gender of an employee constitutes a determining factor.

Other gender exemptions:

- (a) if a post involves personal services and it is necessary to have persons of both sexes.

or
- (b) because of the nature of the employment, it is necessary to provide sleeping and sanitary accommodation on a communal basis and unreasonable to expect provision of separate accommodation or impracticable for an employer to provide separate accommodation.
- (c) benefits conferred on women in connection with pregnancy, maternity, breast feeding, adoption.

(d) Gardai and prison services:

The Act does not apply to the assignment of a man or woman to a particular post where this is essential:

- (i) in the interests of privacy or decency
- (ii) to guard, escort or control violent individuals or quell riots or violent disturbances
- (iii) for Gardaí to disarm or arrest violent individuals, control or disperse violent crowds.

Age

An employer may discriminate on age and disability grounds where it is shown that there is clear actuarial or other evidence that significantly increased costs would result if the discrimination were not allowed.

It is not age discrimination to fix different ages for retirement of employees or any class of employee.

Employers may set a maximum age of recruitment which takes account of:

- cost or time involved in training
- need for a reasonable period of time in the position pre-retirement

Employers may provide different rates of remuneration, terms and conditions if the difference is based on seniority.

Age and disability discrimination may be permitted in the Defence Forces, Garda Síochána and the prison service.

Exemptions which may be relevant to 'race'

(In addition to occupational qualification and private household).

The Act allows requirements in relation to:

- (a) Residence, citizenship and proficiency in Irish language for employment in the Garda Síochána, Defence Forces, Civil Service or local government
- (b) Irish language proficiency for teachers in primary and post primary schools.

An employer may require:

- (i) a specified educational, technical or professional qualification which is a generally accepted qualification in the State
- or,
- (ii) production and evaluation of information about any qualification other than such a specified qualification.

A body controlling entry to carry on a profession / vocation / occupation may require specified educational or other qualifications which are appropriate.

The implementation of the Framework Directive will have an impact on a number of exemptions including those relating to disability and religious ethos.

Prohibiting Discrimination in Education Provision by Eilis Barry, Equality Authority

The Equal Status Act 2000

By Eilis Barry, BL, Legal Advisor to the Equality Authority

INTRODUCTION:

The Sinnott judgement delivered a very serious blow to disability rights in Ireland and in particular to the prospect of enforcing the rights of people with disabilities particularly in relation to education.

I do not propose to either attack or defend the judgement but rather to say that the duties imposed by the Education Act, 1998 together with the rights and remedies provided for in the Equal Status Act, 2000 provide a powerful body of potentially enforceable rights under the Equal Status Act, 2000.

The Sinnott judgement was argued and decided on the very narrow issue as to whether Article 42.2 of the Constitution conferred the right to lifelong free primary education. The Court considered it hadn't the power to make orders including mandatory orders formulating the policy to be followed in the education of the plaintiff, and directing in some detail the application of that policy. The traditional Court system is reluctant to impose supervisory orders (the ODEI may be more open to this).

It is important to stress that the case was not decided on the basis of other Articles of the Constitution (including the equality guarantee) and the provisions of the Education Act, 1998 and the Equal Status Act, 2000 were not relied upon. The thesis of this paper is to argue that these two Acts when read together provide a very high level of protection to people with disabilities.

The Equal Status Act, is nearly a year in force. The Equality Authority has received an almost overwhelming number of queries about it. A large proportion of these concern the rights of Travellers to access to pubs but there are a small number of significant queries about access to educational services.

The Office of the Director of Equality Investigations is a body completely separate to the Equality Authority and with different functions. It is a quasi-judicial body that appoints Equality Officers to hear and decide claims under the Equal Status Act, 2000. The Office of the Director of Equality Investigations has issued a number of recommendations. They

mostly concern access to pubs and hotels by members of the Traveller Community.

The focus and potential scope of the Equal Status Act, 2000 is much broader than the question of access to pubs by members of the Traveller community and that is not to in anyway to diminish importance or the significance of the issues raised in these cases which concern access to a social life. The same issues, the same prejudices, the same types of discrimination and same defences arise right across the board.

The aim of the Employment Equality Act, 1998 is to promote equality of opportunity and to prohibit discrimination on nine specific grounds. It is confined to the employment relationship and applies to the duties, responsibilities and rights of employers, employees, future and past employees.

The aim and the scope of the Equal Status Act, 2000 is far more wide ranging. It seeks to promote equality of opportunity and eliminate discrimination again on the exact same nine grounds that are in the Employment Equality Act, 1998. Firstly there are the familiar and connected grounds of gender, marital status, family status, the newer grounds of sexual orientation, religion, disability, age, race and membership of the Traveller Community.

Like the Employment Equality Act, 1998 the discrimination has to be related to one of the nine grounds. Arguably one of the biggest causes of educational inequality isn't included - the socio-economic ground. The Equality Authority in its review of the nine grounds under the Employment Equality Act, 1998 has recommended that a socio-economic ground be included.

The Equal Status Act, 2000 moves beyond the familiar territory of the employment relationship and out into the public arena where people:

- buy, sell, rent, or exchange a wide variety of goods,
- access and use a wide range of services including public services like welfare, health and education,
- buy, sell or rent houses, apartment or book a room in a hotel.

The Equal Status Act, 2000 applies to the public arena with one exception in relation to registered clubs i.e., private clubs that are licensed to sell alcohol to members and guests. Here the Act reflects the constitutional guarantee of freedom to associate as interpreted by the Supreme Court in the earlier referral of the previous Bill by Mary Robinson. Unlike

other areas of the Equal Status Act, 2000, there isn't an actual prohibition on discrimination in relation to "discriminatory clubs" but the sanction imposed by the State is that an application can be made to the District Court to have the licence of the discriminatory club to sell alcohol suspended.

It is important to stress that the Equal Status Act, 2000 isn't really a stand alone document. This is particularly true in relation to the provisions on education.

STATUTORY EXEMPTION:

Before looking at the main provisions concerning education in the Equal Status Act, it is important to emphasise firstly that there is an important crucial exemption in the Act. Section 14 of the Equal Status Act, 2000 provides that anything that is required by Statute is exempted. If there is a provision in Educational Acts that obliges or requires principals or boards of management, to do something then it cannot be reviewed under the Equal Status Act, 2000 (though it may be possible to challenge it as being unconstitutional).

The Educational Acts, for the most part, are enabling or aspirational, for example, the Minister may prescribe the minimum number of school days, or the Minister may prescribe the curriculum. The Act provides that the school must comply with curriculum. However, if there is an element of discretion in the manner in which the curriculum is applied, then that discretion must be exercised in a manner that does not discriminate within the meaning of the Equal Status Act, 2000. The vast majority of regulations, circulars, Department letters from the Minister aren't required by statute and will come within the ambit of the Equal Status Act (subject to its exemptions).

There are some interesting mandatory provisions in the Educational Act that in effect enhance the rights provided in the Equal Status Legislation rather than in any way diminish the provisions in Equal Status Act, 2000. These mandatory provisions provide a forum for schools, principals and teachers to comply with obligations under Equal Status Act. The following provisions of the Education Act should be borne in mind when considering the provisions of the Equal Status Act, 2000.

FUNCTIONS OF THE MINISTER

Section 7 - The functions of the Minister are set out at Section 7 which provides that the Minister shall ensure, subject to the provisions of this Act that there is made available to each person resident in the State including a person with a disability or who has other special educational needs, **support services and a level and quality of education appropriate to meeting the needs of that person.** (Emphasis mine)

This effectively establishes a statutory right to appropriate education to each person (not confined to children). (James Sinott was seeking a constitutional right to this)

SCHOOLS

Section 9 sets out a number of obligations in relation to the functions of schools. It provides that a recognised school shall provide education to students which is appropriate to their abilities and needs and it shall use its resources to ensure that the educational needs of all students including those with a disability or other special educational needs are identified and provided for. (Section 9(a)).

Schools also have to ensure that the education provided by them meets the requirement of educational policy as determined by the Minister including requirements as to the provision of a curriculum. (Section 9(b)).

Schools also have to promote equality of opportunity for both male and female students and staff. (Section 9(e)).

Schools must conduct their activities in compliance with any regulations made by Minister (but if there is any element of discretion, the exercise of the discretion cannot be in breach of the Equal Status Act, 2000). (Section 9(i)).

Admission Policy - The Education Act also imposes obligations on boards of management. The board of management must publish 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.** In relation to the admissions policies boards must ensure **that principles of equality** and the rights of parents to send their children to a school of the parents choice **are respected.**

FUNCTIONS OF BOARD OF MANAGEMENT

The Education Act also imposes other obligations on boards of management. School boards must provide an appropriate education for each student at the school. (Section 15(1)). A school board must:

- Carry out its functions in accordance with policies determined by the Minister. (Section 15)
- Uphold and be accountable to the patron.....the characteristic spirit of the school as determined by cultural, educational, moral, religious, social, linguistic and spiritual values and traditions which inform and are characteristic of the objectives and conduct of the school and:
- Act in accordance with any Act of the Oireachtas or instrument, charter, articles of management.

These provisions do not provide immediate clarity but they encapsulate the conflict between the rights that are also evident in the Equal Status Act, 2000.

SCHOOL PLAN

Section 21 provides that a board shall prepare a school plan which shall state the objectives of the school relating to **equality of access to and participation in the school and the measures** which the school proposes to take to achieve those objectives including **equality of access to and participation in the school by students with disabilities,** or who have other special educational needs.

Schools must therefore spell out what measures they will take to ensure access to and participation in the school.

Additional obligations are imposed in the Education (Welfare) Act, 2000.

CODE OF BEHAVIOUR

Section 23 of this Act provides that a Board of Management shall prepare a code of behaviour in respect of students.

A code of behaviour shall specify:

- (a) The standards of behaviour that shall be observed by each student
- (b) The measures that may be taken when a student fails or refuses to observe these standards
- (c) Procedures to be followed before a student may be suspended or expelled from the school
- (d) Grounds for removing the suspension
- (e) Procedures to be followed relating to child's absence from school

The principal can make it a condition of registering a child the requirement that a child or his/her parents confirm in writing that the code is acceptable to them.

THE EQUAL STATUS ACT, 2000

Like the Employment Equality Act there are provisions and definitions on direct discrimination and indirect discrimination. Direct Discrimination happens if someone is treated less favourably specifically on one of discriminatory grounds, for example one recent query to the Equality Authority concerned a student who had been denied access to school because they suffer from a disability.

Indirect Discrimination amounts to discrimination by impact or effect. It happens when there is a policy or requirement which people belonging to one of the discriminatory grounds find they can't comply with and which is unreasonable in all the circumstances, for example the Equality Authority received a query as to whether the sibling policy operated by a school could be in some way be indirectly discriminatory in that it may disproportionately impact on non nationals. It is likely however that a sibling policy would be considered as reasonable in the circumstances.

The Equal Status Act, 2000 introduces a new concept of discrimination, that is discrimination by association. A potential claimant does not actually have to belong to one of the nine grounds but if s/he is treated less favourably because of an association with someone who does then that would amount to discrimination by association and that person could bring a claim.

EDUCATIONAL ESTABLISHMENTS

The provisions on education in the Act are set out at section 7. The scope of these provisions are broad. They apply to educational establishments which are defined to include pre-school, primary, post primary education or further education, university, third level or higher level whether supported by public funds or not. The provisions cover every conceivable type of educational institution. The basic rule is that educational institutions shall not discriminate in four respects - admission, access, terms or conditions, or expulsion. The first area that the prohibition applies to is:-

(I) The admission or the terms or conditions of admission of a person as a student.

It has been seen that the Education Act requires Boards of Management to establish and maintain an admission policy which provides for maximum accessibility to the school. Boards of management have to publish their admission policies including policies concerning the admission of students with disabilities or other special educational needs. Obviously these policies must also have regard to the prohibition on discrimination in the Equal Status Act, 2000. The provisions in the Education Act require Boards to ensure that in its admission, policies, the principles of equality and the rights of parents to send their children to a school of their choice are complied with and yet at the same time the admission policy must abide by directives issued by the Minister having regard to the characteristic spirit of the school and the constitutional rights of all persons concerned. In the light of the Equal Status Act, 2000 the admissions policy should also comply with the prohibition against discrimination (subject to the exemptions set out in the Act.)

It is appropriate here to set out the exemptions in the Act which reflect the difficulty in trying to balance competing rights of parents to choose denominational education and the rights of students not to suffer discrimination.

The Act provides at Section 7(3)(c) that a primary or secondary school (this exemption doesn't apply to third level) which has the objective of providing education in an environment which promotes certain religious values may admit students of a particular religious denomination in preference to others or it can refuse to admit as a student a person who is not of that denomination. However it has to be able to prove that the refusal **"is essential to maintain the ethos of the school"**.

It is difficult to provide a definitive interpretation to this section. How can a school prove that the refusal to admit a student of a particular religion is essential to maintain the ethos

of the school? This may be difficult, particularly in large schools.

The Equality Authority received a query regarding access to a secondary school by a Muslim child. She was put on a waiting list after the school was informed that she was a Muslim. The school had been prepared to take a certain number of Muslim children and effectively were operating a quota system. The matter was resolved without the need for litigation.

The general provisions of the Equal Status Act apply not just to religion. An admissions policy cannot refuse admission simply because someone is a member of the Traveller community or has a disability.

The Equality Authority had a recent query concerning a Traveller child being refused admission to a Catholic secondary school. The school only wanted a certain number of Travellers on the basis that there was a high drop out rate among Travellers. A settlement was reached but only after child lost out on a school year. There was also a query concerning a child being refused admission to a local non-fee paying secondary school because of a disability.

2) Access

The second area that education institutions can't discriminate is in relation to the access of a student to any course, facility or benefit provided by the establishment. This would cover other facilities and benefits, for example membership of clubs and societies, access to libraries (which would be very important for students with disabilities) participation in school tours and events. But it also covers access to subjects that everyone else has access to. The Equality Authority has heard anecdotal evidence of Traveller children being given Art to do while some of the core subjects are being taught to the rest of the class. This is likely to be in breach of the Equal Status Act, 2000.

3) Terms or Conditions

The third area that the prohibition against discrimination applies to is **any other term or condition of participation in the establishment by a student**. This would cover, for example, rules concerning examinations or competitions.

4) Expulsion of a student or any other sanction.

All punishments, or disciplinary action are covered up to and, including expulsion (there are provisions in Educational and Welfare Act on this). The Equal Status Act, 2000 doesn't prevent a school from imposing sanctions but the sanctions cannot be imposed in a discriminatory way.

EXEMPTIONS

These provisions cover practically all aspects of school life. But like the Employment Equality Act, 1998 there are a number of major exemptions. The religious ethos exemption has already been considered.

Other exemptions are that:

- Same sex schools are allowed at primary and secondary level.
- Schools or institutions established for training ministers of religion can discriminate on grounds of religion and gender.
- Third level institutions can discriminate against non EU Nationals when it comes to fees and allocation of places.
- Third level institutions can also offer assistance by way of sponsorship, bursaries and other awards which can be justified with regard to historical or traditional considerations.
- Student Exchange Programmes are allowed.
- Universities and other third level colleges are allowed cater for what are called mature students.
- Reasonably necessary different treatment of students on the gender, age or disability ground in relation to the provision or organisation of sporting facilities or events.

HARASSMENT AND SEXUAL HARASSMENT

Like the Employment Equality Act, 1998 there are definitions and provisions on harassment and sexual harassment in the Equal Status Act, 2000. These provisions extend to Educational Establishments.

The Act provides that in relation to educational institutions a person shall not sexually harass or harass another person (the victim) where the victim is a student at, or has applied for admission to, or seeks to avail of any services offered by the educational establishment at which the person is in a position of authority. So clearly Principals, members of Boards of Management, and teachers cannot sexually harass or harass a student or potential students.

What about the harassment or sexual harassment of students by students? The protection is provided as follows in Section 11(2)

Responsible Person

"A person (the responsible person) who is responsible for the operation of any place that is an educational establishment shall not permit another person who has a right to be present in to suffer sexual harassment or harassment at that place"

It is a defence for the responsible person to prove that he/she take such steps as are reasonably practicable to prevent the sexual harassment or harassment. What reasonably practicable steps can the responsible person take? It is clear that schools must have policies and procedures that deal with sexual harassment and harassment. A lot of schools have policies on bullying, but how many of these policies cover sexual harassment and harassment on the discriminatory grounds?

The Education Act provides schools with ample opportunities for dealing with this in that the school must have an admission policy which covers admission and participation in the school. The school plan is supposed to set out the measures which the school proposes to take to achieve equality of access to and participation in the school. This plan should refer to policies and procedures on sexual harassment and harassment on the other grounds. The code of behaviour required under the Education (Welfare) Act, 2000 is the ideal place to locate policy and procedures on sexual harassment and harassment.

The admissions policy, the school plan and the code of behaviour all encompass and provide for policies and procedure to deal with sexual harassment and harassment.

DISABILITY AND EDUCATION

There are significant provisions in the Act that relate to disability and education. The Equal Status Act, 2000 cannot be read in isolation. Nowhere is this more important than in the area of disability and education.

The Supreme Court judgement in the Sinnott case caused huge disappointment. It should be recalled that Sinnott was looking for a constitutional right to primary education. The provisions of the Education Act when read together with provisions of Equal Status Act have great potential for providing a statutory basis what was sought in the Sinnott case as a constitutional right.

REASONABLE ACCOMMODATION

Firstly, educational establishment must do all that is reasonable to accommodate the needs of a person with a disability by providing special facilities or treatment, if without such treatment or facilities it would be impossible or unduly difficult to avail himself or herself of service. Note the mandatory nature of such an obligation

There then is the provision which in other areas dilutes the mandatory nature of the obligation, that is the nominal cost exemption. The nominal cost exemption provides that the obligation to provide reasonable accommodation stops when the reasonable accommodation costs more than what is called in the legislation 'nominal cost'. This nominal cost exemption reflects the judgement of the Supreme Court on the earlier reference of the previous Equal Status Bill by Mary Robinson. The Supreme Court held that the obligation to provide for people with disabilities should not lie on private employers or service providers. However, in the realm of Education it is the State who provides the resources so it would be a question of what is nominal to the State.

In any event after the Sinnott judgement the Minister for Education stated publicly he had an open cheque book in terms of the education of children with disabilities so there should be no argument about the cost. Importantly the provisions of the Equal Status Act, 2000 are without prejudice to the provisions of the Education Act and there is no nominal cost exemption in this Act.

MAINSTREAMING

An important provision in the Equal Status Act, while stated in the negative effectively provides for a presumption in favour of mainstreaming students with a disability. A student with a disability can only be discriminated against if the disability makes it impossible or has a seriously detrimental effect on the provision by an educational establishment of its services to other students. That places a very high onus of proof to allow schools to discriminate against students with disabilities.

The provisions in the Education Act and in the Equal Status Act together provide that:

1. The Minister shall ensure that there is made available to every person in the State including a person with a disability, support services and a level and quality of education appropriate to meeting the needs of the person (this is effectively a statutory right of every person to education.)
2. There is an obligation on schools to ensure that the educational needs of all students including those with a disability are identified and provided for.
3. There is a mandatory obligation to provide reasonable accommodation where it will be difficult to rely on the nominal cost exemption.
4. There is a presumption of mainstreaming of students with disabilities.

These provisions read together provide very powerful enforceable statutory rights.

REMEDIES

The Education Act makes no provision for a separate and specific remedy. This does not mean that the duties imposed by the Act do not give rise to rights which can be enforced.

A claimant can seek to enforce his/her rights by bringing proceedings which will compel the Minister/School etc. to comply with its statutory obligations. The traditional remedy available would be to seek judicial review compelling the Minister/School etc. to comply with the statutory obligation.

ALTERNATIVE REMEDIES

There is a potential remedy for the enforcement of rights under the Education Act but using the remedies provided in the Equal Status Act, 2000.

In the Equal Status Act, 2000 a claimant may bring a claim to the ODEI alleging that he/she has been discriminated against (including the failure to provide reasonable accommodation). A claimant could make the following arguments.

- The State is the funder for education and therefore it is a question of what is nominal for the State.
- In any event, the Minister has stated publicly that funding isn't an issue and therefore the State should not rely on the defence of nominal cost.
- In any event the provisions of the Education Act have no nominal cost exemption and the provisions in the Equal Status Act, 2000 are expressly stated to be "without prejudice to the provision of section 7(2)a, 9(a) and 15(2) of the Employment Equality Act, 1998, in so far, as they relate to functions of the Minister for Education and Science, recognised schools and boards of management in regard to students with a disability" so therefore they override the nominal cost exemption.

It is therefore possible to use the Equal Status Act, 2000 to enforce rights under the Education Act, 1998. It would be preferable if there was a provision in the Equal Status Act, 2000 which explicitly allowed for this. The absence of such a provision however is not fatal.

In the Equal Status Act, 2000 an Equality Officer may award up to £5,000 (which is linked to the maximum a district judge may order). In addition however an Equality Officer may make an order requiring a specified course of action. This has been used to date in a very imaginative way and could give rise to the types of orders that the Supreme Court were unwilling to make in the Sinnott judgement.

CONCLUSION

Rights are only meaningful when they can be enforced. The duties imposed in the Education Act, 1998 together with the rights afforded in the Equal Status Act, 2000 can be translated into enforceable rights using the accessible remedies available under the Equal Status Act, 2000.

Building the Inclusive School by Niall Crowley, Chief Executive, Equality Authority

INTRODUCTION

The Equality Authority is accorded a dual role under the new equality legislation. We are mandated not only to combat discrimination but also to promote equality. As such we organise our work around:-

- enforcement objectives that seek to promote and defend the rights established in the legislation. This work has already touched on the education sector around issues of sexual harassment, school uniforms and access issues.
- development objectives that seek to create and provide supports for the effective pursuit of equality. This work is only beginning to touch on the area of education. Today's conference and the relationship with ASTI that it reflects, is an important foundation. Another key foundation is a research project, currently in progress, that seeks to map out the education sector, to identify equality issues across the nine grounds and to establish a viable agenda for the Equality Authority to make its contribution to resolving these issues.
- mainstreaming objectives that seek to locate equality considerations at the centre of decision making across society. Clearly the education system and the values it promotes has a key contribution to make to such a mainstreaming. Work with the education sector under this objective currently involves a joint venture with the Combat Poverty Agency and other groups to develop an education resource website for teachers on poverty/equality issues.

As the Equality Authority develops we hope to witness an evolving relationship with all the partners in the education sector. In this way we can seek to bring added value to the work of others, such as the ASTI, in pursuit of an education system that contributes to equality both in the benefits it confers on the various groups that make up our society, in the value base that underpins our society and in structuring the positive relationships between these different groups.

This is, of course, not a new goal. It is not an easy goal. Nor is it a goal that enjoys strong consensus if we are to judge from recent and current controversy surrounding the limited but important “Exploring Masculinities” programme. The media reports on the submission made by the Catholic Secondary School Parents Association are particularly disappointing in this regard.

The reports highlight the critique of the CSPA of the programme for undermining young

boys by asking them to disclose their feelings about personal matters in the classroom, for the focus on violence and male violence, and for its teaching on sexual orientation. This is not encouraging for those who pursue equality:-

- it fails to acknowledge the roles an education system inevitably plays in personal development of the individual student and in cultural development for the wider community. A more equal society requires these roles to both allow students to reflect on their identity, how it is shaped and how they themselves wish to shape it, and to promote a value base for the community that values diversity and secures mutual respect across this diversity.
- it diminishes any equality objective for our education system in seeking to reassert the invisibility imposed on gay, lesbian and bisexual students and in denying the need for an exploration of male identity and the pressures for this to be expressed in ways that are inimical to gender equality.

At the same time the existence of the "Exploring Masculinities" programme is evidence of the widespread progress that has been made over the past decade in addressing the education system and its contribution to equality. Teachers, trade unions, policy makers and a wide range of interest groups have deployed a creativity and a commitment that has made progress possible.

It has been a decade of wide ranging debate, policy making, new programmes and new investment in our education system. In part this has been at the service of the labour market and competitiveness. In part it has been at the service of greater social justice. Sometimes, but not often enough, it has been at the service of both.

The new equality legislation with its focus on nine grounds encourages us to take stock of this progress, to identify challenges that persist and to assess where we now need to advance. This is not easy to do. Data that is gathered is completely inadequate for any such review process. Effective planning and evaluation of impact requires a wider collection of data that would track progress across the nine grounds of the legislation. Research on equality and education is limited with, in particular, little exploration of the experience of the education system from the perspectives of the groups covered by the equality legislation.

This is not fertile ground within which to take stock of progress. Yet the data available and the evidence to hand suggests there are still challenges in relation to outcomes from the education system for these groups, in their experience of the education system and in the

assumptions held within the system that underpin this experience.

CHALLENGES

When we explore these challenges across the nine grounds of the new equality agenda interesting commonalities emerge. These suggest that there is a potential to deploy equality strategies that embrace and bring forward all nine grounds simultaneously. There are significant advantages to be drawn from such an integrated approach. These include:-

- avoiding hierarchies across the experiences of inequality as nine separate strategies become impossible to manage and some receive less attention than they should.
- securing a coherent approach to students in terms of their often multiple identities. Fragmented strategies can demand a fragmentation of identity - for example a Traveller with disabilities is forced to identify as either a Traveller or as a person with disabilities.
- reinforcing the case for change given the number of beneficiaries - which is in effect a majority of the student population if not the whole student population.

It is of course important that integrated approaches build on existing progress and do not diminish current achievements. Equally they cannot ignore the situations or experiences specific to particular groups. They cannot be about homogenising those experiencing inequality.

This focus on challenges emphasises the goal of an inclusive school. The inclusive school achieves outcomes for all across the nine grounds. It achieves a sense of ownership and belonging for all across the nine grounds. It reflects, recognises and gives value to the variety of identities across the nine grounds. This is what we can see being built as we acknowledge the progress that has been made.

There remains some significant way to go however. The development of the inclusive school is likely to be an evolving process. We don't know exactly what a school looks like that can achieve a sense of ownership and belonging across a diversity of identities but it is likely to be very different to what we know now. While we need to work on our vision of what it might look like, progress will depend on identifying challenges and moving forward incrementally to meet these. Such challenges will focus on the role of the school as:-

- an employer
- a provider of benefit to students
- a contributor to the value base of our society

CHALLENGES - AS EMPLOYER

In looking to the school as an employer we focus our attention on the experience of teachers. We do this at a time when there is some evidence to suggest significant shortages of teachers beginning to emerge particularly in schools in disadvantaged areas. This is an underlying issue of obvious consequence both generally and from an equality perspective.

Two further relevant challenges can be identified. The first emerges when we examine the make up of the teaching profession from the perspective of nine grounds:-

- there are far more women than men working as teachers
- there are far more men than women working in management positions with some research suggesting that married women in particular experience promotion difficulties.
- there is a virtual absence of minorities or at least an invisibility. Minority ethnic teachers, teachers with disabilities, gay, lesbian and bisexual teachers are not much in evidence.

This situation has implications for our goal of an inclusive school. It obviously raises issues for teachers themselves. It raises issues in terms of role models for students. It raises issues in terms of decision making both in the class room and in the wider system, and what perspectives shape these decision.

The second challenge emerges when we see teachers taking cases of sexual harassment. It is further expanded when we hear of the fears of gay, lesbian and bisexual teachers - and even anecdotes of this group avoiding the teaching profession as an option. The ethos and culture of the school as a workplace should be such that harassment and the fear of harassment should not be present. Without such a work environment the inclusive school is not an option.

CHALLENGES - AS PROVIDER OF BENEFIT

When we look to the school as provider of benefit across the nine grounds, four common areas of challenge emerge. These address issues of segregation, of access, of experience and of accommodating diversity for the student population.

The issue of segregation focuses attention on co-education as opposed to single sex schools on the gender ground. It focuses on mainstreaming rather than special provision on the Traveller and disability grounds. It focuses on multi-denominational and denominational schools on the religion ground. Policy has usefully evolved towards promoting co-education and mainstreaming. While progress has been made on the multi-denominational front the emphasis remains in the denominational direction.

This presents particular difficulties for those of minority or no religious beliefs. They generally do not have the critical mass necessary for separate provision, except possibly in Dublin. They can opt out of particular classes or events but have not the same option in relation to the wider spiritual dimension to the denominational school ethos. Diversity is not accommodated and the students may be exposed to harassment.

Mainstreaming of course still has a long way to go particularly to secure the inclusion of people with disabilities and to secure equal benefit for Travellers and for people with disabilities. Support systems clearly have an important role to play in successful mainstreaming. There has been significant investment in such systems though it is clear further investment is required. Equally it is important to continually assess these support systems to make sure they are:-

- adequate to ensure the mainstreaming experience for minorities is not one of dispersal, isolation and less of the group solidarity that is so important to one's sense of identity.
- not predicated on the assumption that all students from minorities have learning difficulties.
- adequate to meet particular needs in terms of such as language - both English and mother tongue, assistive technology, personal assistants, access to one's own culture, and emotional or therapeutic support required.
- available even where small numbers are involved.

- not provided in a manner that creates new segregations within mainstream provision.

The approach of co-education is more developed than integration on the other grounds,. It remains a focus for debate as to its impact on outcomes for girls and boys. Support for single sex schools remains strong though this is increasingly a choice confined to those with the necessary economic resources. Sexist norms and practices have been identified as undermining co-educational approaches and indeed single sex schools. These can be evidenced in quite intangible ways in disciplinary processes or recognition of achievement particularly in sporting or uniform policy, or expectations communicated.

This can contribute to a different type of segregation experienced on the gender ground. This relates to subject preferences and take up. The outcomes are very evident when we look at where men and women are located in the labour market and the very significant segregation there. This has very real and obvious implications for gender equality.

Looking to the theme of access, recent media coverage suggests very immediate issues for Travellers and for people with disabilities. This is at the very basic level of securing a place in the education system. Access as a theme needs to embrace not just this basic level but also levels relating to participation and outcome.

Viewing access in these terms raises a gender issue in terms of high levels of boys dropping out of the system. It reinforces the Traveller issue again in terms of the high level of Travellers dropping out from second level. There is also a potential gay, lesbian and bisexual issue where research has suggested their experience of school has led to higher drop out rates.

This raises the theme of experience. Harassment has been identified as an issue by gay, lesbian and bisexual students. The term 'gay' is easily bandied about in the school play areas as a term of insult, as are derogatory terms for Travellers and other minority ethnic groups and for people with disabilities. Harassment has also been raised as an issue for Travellers, for other minority ethnic groups and for students from minority religious beliefs.

Access and failure of access also raises the theme of accommodating diversity which is the key challenge to the inclusive school. Accommodating diversity involves a range of elements including

- acknowledging, understanding and valuing difference as it is expressed within each of the nine grounds.

- taking account of needs specific to groups within a diverse student population.
- assessing the impact of decisions, policies and procedures on students within each of the nine grounds.
- creating a positive environment for all students and potential students.

It requires us to re-examine how we conceptualise particular groups. Traveller pupils have the experience of being viewed in terms of special needs, of disadvantage and only more recently in terms of cultural difference. Pupils with disabilities have the experience of being defined and organised in terms of their impairment and only more recently in terms of a disabling environment. Gay, lesbian and bisexual pupils have the ongoing experience of invisibility as their identity is denied. Boys and girls can often continue to bear the weight of sexist expectations.

It requires us to monitor teaching methodologies and curriculum content to assess their capacity to realise outcomes across the diversity of the nine grounds. What visibility is afforded to people within the different grounds? Whose identities, values, way of life, perspectives and histories are affirmed? What is the relevance and practical implications of difference and diversity for teaching methodologies? How do we ensure the same accommodation of diversity pervades both the curricular and extra curricular life of the school? These are all complex areas and require a wide range of expertise to develop adequate responses. Yet it is here that the key to the inclusive school is to be found.

CHALLENGES - AS CONTRIBUTOR TO VALUE BASE

The final set of challenges requires us to look to the school as contributor to society's value base. The inclusive school, from this perspective, is for the benefit of all students. Policy and practice to combat discrimination and promote equality must be for all.

The U.N. World Conference Against Racism produced a programme of action with a particular focus on education - an area that generated much debate and positive consensus. This emphasised not only access, participation and outcomes for Black and minority ethnic students, but also the crucial contribution to be made by anti-racist education for all. This approach is needed across the whole equality agenda.

From an early age pupils need access to knowledge, ideas and behaviours that allow them

to understand the causes of inequality, help them to take a stand against these and motivate them to play no role in these. This will involve focused attention on the curriculum as well as on the environment created in the school.

This challenge also requires a focus on how those who experience inequality are taught about. These groups need to be visible in the curriculum, their contribution to history and society needs to be highlighted, and an understanding needs to be disseminated that is empowering to these groups. This will obviously nurture their identity and self esteem. It has a wider benefit to the full student population. The exploration of difference in this positive way will address misconceptions and false assumptions. Better still it affirms a sense of identity and self for all pupils as difference is obviously a comparative concept.

MOVING FORWARD

Current policy making, initiatives and commitments are a source of optimism that we can build further towards this inclusive school. The current focus on school planning and evaluation could provide an important foundation for this work.

School plans need to incorporate clear equality objectives, relevant across the nine grounds. Strategies, targets and time scales need to be developed around these objectives. Indicators of progress on the broad equality agenda need to be defined, agreed and applied in evaluation strategies.

School policies and initiatives are required to address issues of harassment and sexual harassment. These need to be explicit about the nine grounds and be adequate to addressing the experience within each ground.

Teachers need to be resourced to play their role in further building, managing and running the inclusive school. Access to training and other resources will be important in reinforcing the necessary knowledge and skills base.

Processes of partnership and participation within the school need to explicitly include those who are experiencing inequality. Parental involvement in management decision making and the role of student councils could be important arenas for change. It is unlikely to be adequate to just encourage participation if this is not currently happening in these arenas. New processes are likely to be required to secure inclusion.

Finally, at the level of the school, linkages could usefully be developed with organisations from within those communities experiencing inequality. These community based organisations are important arenas where a common experience and a common agenda for change can be identified, formulated and articulated. Linkages can be of mutual benefit. Schools have much to offer the capacity of these organisations. The organisations in turn have much to offer the quality and impact of the dialogue schools need to have with those experiencing inequality about their experience, situation and identity.

At a wider policy level the teacher unions have an important role to play in continuing a contribution that ensures policy, investment and provision continue to evolve the inclusive school. Initiatives like this conference also display a further role in seeking to resource their members to make their contribution at the level of the school.

CONCLUSION

In conclusion can I acknowledge that this is a brief and necessarily truncated exploration of equality in education. While I focus on challenges I hope I have also affirmed the important progress already made in meeting these. I hope the ideas put forward are helpful.

This event is an important milestone for the Equality Authority. We believe that we have a contribution to make to equality within education. We believe this to be a priority given the important role of education. We know we can only make this in conjunction with relevant partners who share our commitment. The partnership with ASTI that has made this conference possible will, we hope, grow and play a role in further pursuing the ideas and commitments that emerge from this conference.

Closing Address by Charlie Lennon, General Secretary, ASTI

I'm very glad to be present today to hear the view of those agencies who work to extend the boundaries of equal treatment for the benefit of their members.

We see today as part of an on-going dialogue from which the ASTI and the various agencies will benefit through a mutual exchange of experiences. Because we represent teachers in schools, governed by the Equal Status Act, we want to aid the process of moving schools from a situation where they, of necessity, subscribe to the requirements of the Act, to one where they positively promote the right to equal treatment. Schools need support for this venture.

Schools which accommodate non-nationals need extra assistance from the Department of Education & Science to provide smaller classes, resource teachers, language support structures and pastoral care systems suited to the students' specific requirements.

Schools which enrol children from the Traveller community again need financial assistance to provide smaller classes and resource teachers catering for their specific needs.

Schools who mainstream disability, need funding to make whatever adjustments the children might require, and need assistants so that disabled students can be fully integrated into the life of the school.

Schools are advised to develop policies, which respond to difference and diversity and which prohibit bullying or harassment on the basis of sexual orientation, ethnic background or religious beliefs.

The ASTI looks forward to playing its part in developing the necessary climate and structures underpinning a tolerant school.

Workshop 1 - Sexual Orientation

Key Input: Brian Sheehan

GAY HIV Strategies

GAY HIV STRATEGIES: EQUAL OPPORTUNITIES IN EDUCATION

"Lesbian, gay and bisexual youth sit in every classroom, in every school in our communities. Often invisible, they are required by law to attend institutions which often ignore or stigmatise them. Some of their teachers are unprepared to recognise their existence publicly or to respond appropriately to their needs. Other teachers, including many who are themselves lesbian, gay or bisexual, are engaged in on-going efforts, often in the face of tremendous resistance, to ensure that the school experiences of such students are positive ones

(Monahan, 1997; 203).

Gay and Lesbian Experiences (i):

Poverty: Lesbians and Gay Men: The Economic and Social Effects of Discrimination, which was published by the Combat Poverty Agency, Nexus Research and GLEN (Gay and Lesbian Equality Network) in 1995, found that:

- 50% aware of their sexuality before the age of 15
- 66% stated that gradual awareness had caused them problems
- 57% experienced problems at school because of their being lesbian or gay (isolation, depression, poor self-esteem and harassment and bullying).
- 8% left school earlier than anticipated as a result.
- A quarter of respondents had been punched, beaten, hit or kicked because they were assumed to be gay. Half in their own locality.
- Almost one-third of respondents were effectively homeless at some stage of their lives.

- The study also documented more encouraging features, for example, almost all of those respondents who had come out to family members reported that it had improved their lives considerably or in some ways.

"I just couldn't put up with the bullying, so I had decided I would leave basically. I used to mitch quite a lot anyway. The day I told my mother I was leaving school was the greatest feeling I ever had. It was doing me in mentally and physically. I just wasn't able for it anymore. I was, what, fourteen and I was a nervous wreck. I didn't learn how to read and write until I left school and started reading things I was interested in" (1995; 47).

(Poverty: Lesbians and Gay Men: The Economic and Social Effects of Discrimination, CPA/NEXUS/GLEN 1995)

Gay and Lesbian Experiences (ii):

- 45% of men and 20% of women experienced physical or verbal assault in 2nd level because they were perceived to be lesbian or gay
- 28% of gay and lesbian youth drop out of school because of discomfort in the school environment
- Gay and lesbian youth comprise 30% of completed youth suicide
(Secretary's Task Force on Youth Suicide – US Dept. of Health, 1989)
- Gay men 7 times more likely to attempt suicide, lesbians 2.5 times more likely than their heterosexual counterparts

(Garfalo et al, 1997)
- 82% of teachers aware of homophobic bullying in their school
- 99% had anti-bullying policy, but only 6% recognised homophobic bullying in their policy

Of those under 18:

- 61% harassed
- 40% experienced violence at school
- 79% called names by fellow students

(Stonewall, UK. 1996 – 4000 lesbian, gay and bisexual people)

Problems	Opportunities	Actors	Solutions
Inequalities in Education	Legislation:	Teachers	
Knowledge of sexual orientation < 15 years old (49%)	Employment Equality Act	School Management	
Vulnerability	Equal Status Act	School Supports	
Early School Leaving	Education Act	Dept. of Education.	
Bullying & Harassment	Programmes:	Unions	
Isolation, Depression & Poor Self Esteem	RSE	Parents	
	SPHE	Students	
	CSPE		
	Exploring Masculinities		
	Bullying Policies		
	Educational Disadvantage Programmes		

Policy Context

Protection from discrimination on nine grounds, including sexual orientation

RSE

- One of first programmes to deal with sexual orientation in a positive way
- Includes: information on and sensitivity to sexual orientation
- Awareness of discrimination

Exploring Masculinities

- Sexual Orientation and Understanding Gay People

Educational Disadvantage Programmes

- Promote self-esteem and self-confidence
- Promote physical, mental and emotional health and well-being

National Health Promotion Strategy

- Need to address lifeskills, self-esteem and positive mental health of gay people

Up to 10% of any group of people may be lesbian or gay

RESOURCE LIST OF LESBIAN AND GAY GROUPS IN IRELAND

The following lists some resources and supports available for Lesbians and Gay Men in Ireland. For further information contact Gay Switchboard Dublin on (01) 8721055 (open 8pm to 10pm Sun to Fri and 3:30pm to 6pm Sat).

Organisation

Gay Switchboard Dublin (01) 872 1055 gsd@iol.ie

Services

Runs a daily telephone helpline for anyone who is gay, lesbian, bisexual or who has issues around their sexual identity; their families or friends. Provides confidential listening and support services for those with any issues around being lesbian or gay – relationships, family problems, health and safer sex advice, legal issues etc. Runs a youth group, Coming-Out group, Married Mens' Group and a Spouses Support Group.

Organisation**Gay Community News** (01) 671 0939 www.gcn.ie**Services**

This is a free monthly Lesbian and Gay newspaper, available at a number of locations throughout the country. Contact Gay Community News for list of distribution points. GCN give a comprehensive list of both social and support organisations around the country.

Organisation**Gay HIV Strategies** (01) 473 0599 ghs@nexus.ie**Services**

Facilitates linkages between statutory, voluntary and commercial groups to promote gay and lesbian community development and HIV prevention initiatives.

Organisation**OutHouse** 105 Capel St, Dublin 1 (01) 873 4932 www.outhouse.ie**Services**

Lesbian and Gay Community Centre. Provides café, meeting rooms etc. in Dublin. Venue for some of the many social and activity based groups in the Dublin area.

Organisation**OutYouth** C/o OutHouse, 105 Capel St, Dublin 1 (01) 873 4932**Services**

Lesbian and Gay Community Youth Group. Meets weekly at the lesbian and gay community centre. Provides peer support through social and educational activities.

Organisation**Parents Support** (01) 872 1055 gsd@iol.ie**Services**

Parents Support is a group of parents of lesbian and gay children who operate a phone based helpline for other parents. They also publish the free booklet: If Your Child is Lesbian or Gay. They can be contacted through Gay Switchboard Dublin.

Organisation**Lesbian Line Dublin** (01) 872 9911**Services**

Weekly helpline for Lesbians. Operates on a Thursday night. They also run befriending groups for lesbians and bisexual women.

Organisation

Gay Mens' Health Project 19 Haddington Road, Dublin 4 (01) 660 2189

Services

Drop-in and sexual health clinic for Gay Men. Open late Tuesdays and Wednesdays. Offers full STI screening, HIV testing and counselling.

Organisation

The Other Place 8 Sth Main St, Cork (021) 278 470

Services

Café, Drop-In and Gay Men's Health project in Cork.

Galway, Sligo/Roscommon, Limerick, Midlands, Waterford, Drogheda, Dundalk, Derry, Belfast, Wexford, Tralee

There are various help and social groups in all of these areas. For full details, contact Gay Switchboard Dublin as above, or see the back pages of Gay Community News.

Some web resources:

www.nut.org National Union of Teachers, UK. Has mandated functions around LGBs in schools

www.glsen.org Gay, Lesbian and Straight Education Network, USA.

For further information, contact:

Brian Sheehan, Project Director, Gay HIV Strategies

Fumbally Court, Fumbally Lane, Dublin 8

Ph: (01) 473 0599 Fax: (01) 4730597

Email: ghs@nexus.ie

Workshop 2 – Gender

Key input: Maureen Bohan,

Senior Inspector of Guidance & Counselling, Gender Equality Unit,
Department of Education and Science

The first national study to examine differences in the extent, nature and causes of differences in educational provision and experiences of girls and boys in Irish schools, was carried out in the early '80s. The report of the study stated " It is clear from our analysis that sex differentiation in our educational system is very deeply institutionalised: in the ideological and cultural presumptions underlying the provision of subjects and the design of curricula, in the expectations of parents and teachers, and in the self definitions and educational attitudes and expectations of students themselves." The report outlined the reasons why curricular provision, subject allocation policies, expectations and attitudes needed to change to equip both girls and boys for the challenges of modern life.

The Equality Committee was established in 1983, to examine the recommendations of the report and to initiate actions in the area of gender equality. In the 18 years of its existence, the Committee has initiated intervention projects at both primary and post primary levels, produced materials and videos, commissioned research and organised and/or supported in-service training for teachers. In the 1990's the committee co-operated with the ASTI in running a series of seminars of teachers on gender equality issues in schools.

Interest has been limited and progress has been slow.

Paragraph 9 (e) of the Education Act, under functions of a school, states that a school must promote equality of opportunity for both male and female students and staff of the school.

GENDER EQUALITY UNIT OF THE DEPARTMENT OF EDUCATION AND SCIENCE

The Unit was established in June 2001 and is funded under the National Development Plan

Overall aim of the Unit

To ensure that the Department of Education and Science is enabled to integrate a gender dimension into all its services, actions, programmes and measures for children and adults, at all levels and to ensure that there is a high level of compliance with the equality legislation as it applies to gender.

Programme of the Unit for 2002 -2005

- A leaflet will be published outlining the work of the unit, listing publications to date on equality issues and advising of a help-line, which will assist anyone with gender mainstreaming queries.
- Material will be produced explaining what gender mainstreaming means and how it can be implemented.
- Supporting quality developments on gender equality mainstreaming through liaison with in-service activities, and ongoing liaison with key stakeholders.
- A web page linked to the Department's site will be developed to inform everyone on the functions of the gender equality unit.
- Planning and publication of manuals, briefing and resource materials which will be designed and produced to appraise educational agencies, bodies and educational service providers of their obligations in relation to gender equality compliance and delivery issues.

Workshop 3 – Travellers

Key Input: Fintan Farrell

Irish Travellers Movement

Issues in Traveller education are:

- Access
- Anti-discrimination
- Affirmative action
- Culture
- Consultation
- Choice

Educational Principles

- Needs of the child
- Integration
- Age-appropriate education
- Intercultural education

Key Developments in Traveller Education

- Closing of special classes
- Visiting teacher service

- National Consultative Committee on Traveller Education
- Transfer from Primary to Post-Primary
- Additional resources available

Recognising the role of Traveller Parents and Traveller Organisations

- Recognising Traveller parents and their organisations as partners in the education process – funding implications.
- The importance of Life Long Learning Opportunities.
- Ensuring the possibility of Travellers taking up roles as professionals in the education system and in educational management.
- Addressing the issue of attendance.

Key Challenges:

- Developing a National Traveller Education Strategy
- Developing Intercultural Education in the context of the greater recognition of diverse ethnic minorities in Irish society.
- Addressing issues of school ethos and culture.
- Better data and tracking of Traveller participation.
- Developing a more coherent strategy for the use of capitation grants.
- Recognising and addressing the interconnectedness of all aspects of Traveller's lives (accommodation; education; health; discrimination; social and cultural).

Workshop 4 – Disability

Key Input: Donal Toolan

Forum of People with Disabilities

Education a critical key to the articulation of Disabled People's rights...

Education including our formal institutional structures plays a critical factor in determining how we articulate our citizenship. It informs the choices we exercise in terms of participation in so many areas of life: the work we do, our capacity to attain income and other supports necessary to live a life that reflects dignity. Education and our experience of formal structures also plays a hugely influential force in informing our very sense of ourselves, our identity and our connection to society.

The barriers and restrictions encountered by disabled people within Irish life could not be seen as an outcome of an education system that has for a diversity of reasons excluded and felt uncomfortable in celebrating the participation of disabled students as of right. It does however provide a critical mechanism for those barriers to be eroded.

Historically the modern Irish State has appeared to provide but limited opportunities to those who did not have the economic means to access a comprehensive education. Historically disabled children and adults have had their experiences perceived in either charitable or medical terms whereby education in the formal academic or development sense was seen and perceived as a low priority. Those disabled children lucky enough to escape from the 'back room' of many households were more likely to find themselves in therapeutic or medical environments being cured or treated than in the school room or playground celebrating their right to question and learn.

When formal educational responses did evolve they did so from these medical or charitable spheres into what has latterly become established as a special school system. A title which places a separate emphasis upon the individual disabled children as opposed to their right to participate in a system that is inclusive, responsive and appropriate to their needs in whatever environment they are educated.

An impact of the evolving special response to disabled children's needs was that the formal mainstream education evolved with little reference to the needs of disabled children.

When I attended primary school in East Mayo as a disabled child in the seventies my parents, teachers and community did not countenance that I would be educated separate to my siblings. However, the State did not provide any support necessary for me to get to and

from school. The formal education system appeared confused as to how to go about building a ramp to accommodate my using a wheelchair. Whilst my parents and community believed I had a right to be there the State had difficulty in supporting and interpreting that right. The experience where the State sought to take Jamie Sinott and his mother Cathy to the Supreme Court to quash an earlier ruling affording appropriate education does not indicate much of a rights based response to the educational needs of disabled people and their families

The Education Act, the Employment Equality Act and the Equal Status Act provide a basis for some significant shift whereby disabled children will enjoy greater opportunities to enjoy complete learning experiences with their non-disabled peers.

The challenges to make this a reality involve not just the enactment of laws but a desire on the part of the educationalists to ensure children with different experiences, needs and identities can enjoy the same rights. Those in the so-called special education system might consider how their experience and expertise might also be brought to the mainstream where many children with different support needs other than those historically associated with medical impairments might not also benefit from their knowledge and resources. The advancement of an inclusive model of education has always depended upon a distribution of resources, upon issues to do with appropriate training and upon any other number of rationales which have impeded the participation of disabled people not just within our Education System but also the totality of Irish life. Education cannot be seen solely as an issue of resources any longer. It is fundamentally an issue of right a reality given greater recognition within the Equality Legislation. Those involved in Education have historically had an important role in shaping not just the educational values and structures within our Republic but also how that Republic regards its citizens. Whilst the State might be slow to recognise and value that role beyond a rhetorical level, I believe there is not just an onus but a capacity amongst those involved in delivering education to ensure it is as accessible to disabled people as it should be to all the children of the Nation.

Workshop 5 – Age

Key Input: Dónall Geoghegan, National Youth Council of Ireland

EQUALITY IN EDUCATION

It is important that our understanding of equality in education is well grounded. We must first examine what equality means for the key participants in education: students.

There has been some movement in how we think about equality in education, from one based primarily on access, to participation, to benefit or outcome. Traditionally, equality in education for students has been understood as **equality of access**, particularly on socio-economic grounds. Much research focused on this dimension, indeed our understanding of how we might tackle inequalities in education has emphasised the access that individuals have to educational opportunities, as witnessed in thinking behind the introduction of ‘free education’. There followed a shift in thinking to one based on **equality of participation**. This concept is loosely based on the idea that different groupings in the population should participate in education in numbers that would accord with their proportion in the population. A further shift in the conceptual framework relates to **equality of benefit or outcome**, based on the view that there should be equality in the benefits that people accrue from their participation in education. In reality, in considering how equal our education system is for students, it is useful to use these three concepts.

THE AGE ‘GROUND’

In broad terms our understanding of equality on the age ground is about fairness, inequalities being the result of people being treated unfairly because of their age, because they are ‘too young’ or ‘too old’. Our equality legislation is based on that premise. There is no doubt that older people face considerable difficulties as a result of ageism, and this is quite rightly the focus of much work to combat discrimination on the basis of age. The recent Ryanair case is a well-publicised example of discrimination against older people in employment.

We must understand that attitudes and behaviour lead to such discrimination, both in the employment area and in the provisions of services and goods. It is the latter circumstances, covered by the Equal Status Act, which results in much discrimination against younger people on the basis of age. Our attitudes to younger people or older people may lead to

us behaving differently towards them, which may result in us treating them unfairly. I believe that age discrimination is deeply embedded in our attitudes and behaviour, throughout society. We should acknowledge, of course, that there are differences between people because of their age. The problem is where people or institutions treat people unfairly on the basis of their age.

SOME ISSUES REGARDING AGE, EQUALITY AND EDUCATION

I would contend that the age ground should be the subject of some examination in education. In order to generate debate and rather than attempt to describe the full range of matters that may need to be considered, I will point to some potential areas. There are limits in the existing equality legislation. The protection in the Employment Equality Act, 1998 applies to those between 18-65. In the Equal Status Act, 2000 there is no upper limit.

For students, there are issues concerning equality of access to education, where some age bars apply. In an era where the concept of lifelong learning is at least paid some lip service, potential students may find they cannot undertake a course of study because of their age. The same problems arise in progressing from one education course to another. The supports applied to alleviate the costs of participating in education for students show many anomalies, particularly between those undertaking second chance education, further and third level education. People also experience differences in the provision of other services in educational settings, such as career guidance, because of their age.

In terms of age equality in education for educators, the focus may be on access to employment and promotion, employment conditions, pay and issues concerning harassment. In this, the world of education does not differ significantly from other sectors. A particular challenge in education concerns access to promotion, where ability may take second place to seniority in decision-making.

EDUCATION AS A DYNAMIC FOR CHANGE

We should also be aware of the potential of education as a dynamic for change in society. As Niall Crowley outlined earlier, there is considerable acknowledgement of the role that schools and other educational institutions play in contributing to the value base of society. Potential exists for building the equality dimension to how we design and implement the curriculum and learning methodologies, as well as in the nature of the relationships and behaviour we promote in schools. Teachers play an important role in passing on values and attitudes to young people: at a micro level in the classroom how they relate to younger and older people thus assumes significance.

WIDER APPLICATION OF AGEISM

We should be aware of some areas where the age ground might be the subject of further development. Age arises in discussion on the right to education, as witnessed in the recent Jamie Sinnott case. We should look at how age is dealt with in the institutions that relate closely to our educational system: the Department of Education & Science, Trade Unions, etc. We should also examine the potential to expand the age ground beyond the current limitations, for example the inclusion of those aged over 65 in the employment area and young people under 18 for employment and provision of services and goods.

Workshop 6 – Race

Key Input: Shalini Sinha,

Women's Education, Research and Resource Centre, UCD

ANTIRACISM IN EDUCATION

I may be wrong, but I don't believe there is anyone participating in this session with an identity targeted by racism in Ireland. (Participants confirmed this.) This context, then, frames the area I want to focus on: The role of a union – ASTI – in impacting antiracism in education, and so looking inward to how racism might operate in the profession, from a dominant point of view, and what ASTI might do in-house with its members, again of the dominant group, to eliminate it.

There is a need to develop antiracism in education, as antiracism does not currently exist in education. An education system is always a product of the society that has developed it. And few of us would deny that racism currently operates in Irish society. Thus, racism in education must be interrogated.

But how, and what does this have to do with you here?

The first point I would like to highlight is this: The fact that we may be opposed to racism has not by itself kept it out of our classrooms. There is a place where we know this, and I'll demonstrate it to you:

We all have busy lives. We are valuable people, and we all feel the burden of many responsibilities. It's a Saturday. That really should be our own time. And there are five other excellent workshops to choose from. Yet, you are here.

I think I can make two assumptions from this then. One, you must be here because you believe racism is a significant enough issue to warrant your time, and so at some level, you are aware that racism is operating in your school, and in places where you might have influence. Two, you only would have come if you thought racism was wrong.

And so, in yourself, you can see evidence of the fact that our desire to have no racism is not enough to eliminate it.

This spotlights an important characteristic of racism that we must know if we want to eradicate it: **Racism operates at many different levels, the most destructive of which are very difficult to see and plan against.**

Most of us are only able to identify racism in its overt forms: kicking, beating, spitting, name calling, racist jokes, hate statements, refusals of services, etc. When we don't see it in these forms, we don't see it. We like to think it's not going on.

But racism operates both systematically and institutionally, making it an everyday, very subtle experience. These are the levels that are most destructive in people's lives.

If a stranger attacks me in public and on the street, it is not too difficult to see the injustice in it. I will be hurt and it will affect the way I think about myself and move about from then on, but at least I have been able to identify it as an injustice. However, when racism operates at the very subtle level of looks, gestures, and attitudes, which are widely defended, it is a lot harder to identify and challenge. It will still affect my self-esteem and behaviours, but the root cause will go unexamined. In the absence of any aware explanation, I become the cause of my resulting behaviours: Black people are too sensitive or have a chip on our shoulder; Travellers are needlessly aggressive or defensive. The victim is targeted as the problem. The school gains a reputation of being 'against racism', yet the old patterns continue to be reproduced.

Thus, it is racism at its systematic and institutional levels that we need to identify and eliminate in society and particularly in our schools. And yet, these are the levels of racism that the dominant group is most implicated in and most unable to see.

Now, before the guilt sets in, I would like to say that there is no basis for feeling bad about not seeing racism at these levels. Many of us who are targeted by racism are barely able to name it in these ways, and so, it is difficult enough for us to understand what is happening to us, even though we might be aware that something is happening. It is a measure of how tricky the oppression is. In this situation, the only thing left for those of us who experience it, then, is to internalise it, believing there is just something wrong with us as individuals, and try to hide that fact as best as we can.

When most people in society are also unable to identify racism at these levels, it is not very helpful. (Particularly when we are small, and the adults – teachers – around us seem to have no better insight.) People behave in ways that confirm beliefs that there is just something wrong with us: the attitude that we "bring it on ourselves" is a clear example of this. Also, ideas that racism is only new in Ireland since Black people started to arrive here

strengthens the incorrect belief that our communities create it. However, this is in contradiction to the racism against Travellers for so many generations, and also the fact that these attitudes had to already be part of Irish society in order for them to be evoked so quickly and efficiently against a group of people.

Okay, so racism is systematic, institutionalised and has had tremendous effects on how we see people and ourselves. Let me give you a concrete example from my own experience at school.

When I began school in Canada, my family was living in an area that was rural and isolated – like is the experience of many Black Irish people. We were the only Black family around for miles. When I went to school, it was the first time I was left alone in an environment with no other Indians. Everything was different to me – I didn't recognise the toys or games, the style of drawings on the walls, or much of the culture that was operating around me – and I am Canadian. It was a very frightening experience for me, and as a result I was very shy and withdrawn. (Although my teachers just thought I was very 'good'.)

Prior to coming to school, my identity had already been under attack. Some other young people saw me as a target because I was Indian and Black. I had already learned that some people didn't like us, and that this was generally considered okay.

Nobody said anything. No one recognised or acknowledged it in any way. And, I had no words to articulate it, but by the time I had come to school, my identity had already been seriously attacked.

At school, I was isolated and frightened. As a result, I was very quiet. Teachers thought this was wonderful. In many ways, they didn't notice it at all. I was just no trouble. It is also important to note that throughout my primary and secondary school, it was never the case that I had no friends. I was never actually left out from being picked for teams or projects, I always had someone to sit beside. And so, nobody noticed how frightening school was for me. Furthermore, I was expected to know things about the dominant Christian culture of the school, even though I wouldn't have learned this within my own culture. Above all, the school actively taught my classmates and me that my people were lesser. People from India, Asia, and Black people generally were poor, uneducated, unable to help themselves, made no significant contribution to history, science, technology, society or humanity, and did very 'strange' things. There was a tremendous inaccuracy in how reality was being portrayed. There was a tremendous imbalance in power. Yet, nobody noticed. To my teachers, I was a model student. Everything was fine and there was no problem. For me, however, the reality was different.

When my daughter was in Transition Year, studying CSPE, she learned that some people are discriminated against in terms of 'race'. This from our education system when the prevailing body of knowledge has confirmed that there is no such thing as distinct human 'races'. It is a concept that has been constructed by racism in order to justify the belief that some people are biologically, intellectually, morally and culturally inferior to others. Nevertheless, the Equality Acts that we are all discussing today has legislated for and institutionalised this concept by protecting me by their belief of my 'race'.

When studying Religious Education in secondary school, my daughter learned that the film "Not Without My Daughter" provides a credible and enjoyable example of Muslim culture. She was taught that Muslim culture is inherently oppressive, that Muslim men are tyrannical and that most Muslim women are not even aware of their own oppression. While we are allowed a Religious ethos, this does not mean that we can enact racism. We must believe in the difference between following our religion and constructing everyone else as inferior.

When studying Music, my daughter learned to characterise a melody that resembles Eastern music as "strange". And so she learns that my cultural background is legitimately thought of as strange.

What else is my daughter learning? What impact might this have on her identity, her self esteem, her ability to achieve, and her relationships – with her identity, her friends, her country of birth, and me?

I grew up in a culture that believes in the value of arranged marriages, I learned those values and they greatly impact my life. When I was going to school, the subtle belief that my culture, our women, and our ways were more primitive was clear. There was no value for my cultural background, and this attitude was conveyed in numerous, subtle ways through the curriculum.

So, what can we do?

First, we need to recognise that what we are trying to eliminate is systematic and institutional racism, and that these are pervasive and difficult for us to recognise. Those who are more able to identify racism (and injustice) at these levels will be the targeted groups. But unless they themselves feel genuine empowerment as a group (i.e. social validation, respect and support), they will be unable to put out thinking that challenges the dominant group. For example, most of the cases we heard today were made by Travellers, Muslims, people with disabilities, etc. These communities have been able to organise, and so bring forth their thinking in an otherwise hostile environment. There are very few contributions

against the Equality Acts from Black Irish people or new communities.

We need to tackle racism at systematic and institutional levels. In order to do this, we need to embark on a twofold plan of developing and implementing effective policies, and engaging in Antiracism Awareness Training for staff. The role of policies, I think, is very clear. The role of Awareness Training might need more explanation.

The only way we will be able to assess our curriculum, teaching perspectives and attitudes with any credibility will be to learn to see racism operating in very subtle ways. In order to do this, we will need assistance. We need to be able to assess the reality we are conveying about the world through our education system. We need to be able to see what is being left out, what are our assumptions, and how we are portraying other people. We need to be able to see how racism has damaged our own thinking, belief in ourselves, and relationships. The attitude that we work against racism to help make the lives of Black people or Travellers better, needs to be challenged. It keeps us thinking that racism is about 'them' and not how it has deeply affected our own selves. We need to be able to see where it is in our benefit to eliminate racism.

In order to assess our curriculum and teaching perspectives, and build skills, we will need to develop awareness. Only through awareness can we build strong policies.