



**National Council for Curriculum and Assessment (NCCA):
Consultation on the Draft Primary Curriculum Framework**

Submission by the Ombudsman for Children's Office

January 2021

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1. Introduction

The Ombudsman for Children's Office (OCO) is an independent statutory body, which was established in 2004 under the Ombudsman for Children Act 2002, as amended (2002 Act).¹ One of the OCO's core statutory functions under the 2002 Act is to promote the rights and welfare of children up to 18 years of age. The OCO has prepared this submission pursuant to Section 7(1)(b) of the 2002 Act, which provides that the Ombudsman for Children shall encourage public bodies to develop policies, practices and procedures that are designed to promote the rights and welfare of children.

The OCO welcomes the publication of the Draft Primary Curriculum Framework (Framework) and the National Council for Curriculum and Assessment's (NCCA) consultative approach to its development, including its consultation with children in schools.² The OCO appreciated the opportunity to engage in a bi-lateral meeting about the proposed Framework with the NCCA in December 2020. Similarly, we appreciate the invitation from the NCCA to provide our written observations on the Framework.

In accordance with the OCO's statutory function to promote children's rights and welfare, the purpose of this brief submission is to provide the OCO's overall response to the Framework. In preparing this submission, the OCO has been mindful of the wide-ranging experience and expertise of the many stakeholders who will contribute to the NCCA's consultation on the Framework. Correspondingly, this submission does not address itself to every part of the Framework. Rather, our submission focuses on highlighting a number of ways in which the content and structure of the Framework could be further strengthened to more fully promote the rights and welfare of children.

This submission is informed by relevant international children's rights standards, particularly:

- the UN Convention on the Rights of the Child (UNCRC), with a focus on Article 2 (non-discrimination); Article 12 (children's right to be heard), Article 28 (the right to education); Article 29 (the aims of education); and Article 42 (children's right to be made aware of their rights).
- the UN Committee on the Rights of the Child's ('Committee') General Comment No.1 on the aims of education; General Comment No.12 on the right of the child to be heard; and draft General Comment No.25 on children's rights in relation to the digital environment.³

¹ Ombudsman for Children Act 2002. Available at: <http://www.irishstatutebook.ie/eli/2002/act/22/enacted/en/html>.

² See: *Children's School lives: Exploring the lived experiences of children in Irish primary schools*.

³ UN Committee on the Rights of the Child (2001) [General Comment No.1 \(2001\) Article 29 \(1\): The Aims of Education](#) (CRC/GC/2001/1); UN Committee on the Rights of the Child, [General Comment No. 12 on the right of the child to be heard \(2009\)](#) UN Doc. CRC/C/GC/12; UN Committee on the Rights of the Child (2020) Draft General Comment No. 25 (202x) on [Children's Rights in relation to the digital environment](#) CRC/C/GC/25.

2. Overall Observations on the Draft Primary Curriculum Framework

The OCO recognises the broad context within which the review and redevelopment of the primary curriculum is being undertaken, the previous body of research developed by the NCCA leading up to the consultative process for it⁴, and the expanding range of demands being made of the curriculum, teachers, and children. Having reviewed the draft Framework, and taking into account our bi-lateral meeting with the NCCA in December 2020, the OCO welcomes many aspects of the draft Framework, including but not limited to:

- the clear vision and principles set out in the Framework for children’s learning across the eight years of primary school
- the recognition in the curriculum’s vision (p.5) of children as ‘unique, capable and caring individuals’ and the corresponding promotion of a child-centred pedagogy, which includes a strong focus on experiential, inquiry-based, participatory learning approaches
- the emphasis placed on inclusive education, the recognition of the increasing diversity of the primary school population, and the explicit commitment to take account of the particular needs and interests of children, their parents, and the wider school community (p.4)
- the proposals that the redeveloped curriculum will have increased emphasis on some existing areas, such as PE, SPHE (Wellbeing) and digital learning, as well as new aspects, including Modern Foreign Languages, Technology, Education about Religions and Beliefs (ERB) and Ethics, and a broader Arts Education
- recognition of the importance of ensuring that a universally designed curriculum is developed in accordance with the best interests of every child (p.20)
- the consideration given to how the new curriculum builds upon existing curricula within the primary education system and how it links with elements of the Aistear Curriculum in early childhood education as well as elements of the Junior Certificate and Leaving Certificate programmes at post-primary level.

In light of the OCO’s statutory function to promote the rights and welfare of children, the OCO wishes to make the following broad observations:

- The OCO welcomes the overall attention given to children’s views in the Framework, and the recognition of the participatory role played by children in the learning environment. The Vision set out in the Framework (p.5), while comprehensive, only recognises teachers as being agentic. Children’s agency is recognised within the Framework’s Principles (under the principle of engagement on p.6) and reflected across the Key Competencies (p.8). The OCO encourages the NCCA to also include a statement that recognises children’s agency within the Vision. This statement should recognise children as rights holders and agents in shaping their own education.

- It appears to the OCO that much of what is in the framework is consistent with a child rights-based approach. In this regard, the OCO would encourage the Framework to make

⁴ NCCA (2015), [Encountering Children in a Curriculum for Education about Religions and Beliefs \(ERB\) and Ethics- A Review: An Educational and Child’s Rights Perspective](#).

more explicit and comprehensive reference to children's rights under the UNCRC, as relevant and appropriate. It is the OCO's view that express reference to children's rights throughout the Framework would increase the visibility of, and help to give further effect to, the rights of children in the forthcoming redeveloped primary curriculum. As such, the OCO encourages the NCCA to give consideration to embedding children's rights in the framework, including the aims of education set out under Article 29 of the UNCRC, and including in sections that set out the Vision and Principles of the curriculum.

- It is of the OCO's view that the review and redevelopment of the primary curriculum is an important opportunity to strengthen awareness of children's rights in and through education. The Committee has previously highlighted the need for education to be child-centred, child-friendly and empowering, and the need for educational processes to be based upon the very principles it enunciates.⁵

- There are positive references to human rights values such as respect for diversity, equality, and active citizenship throughout the Framework (for example, p. 4, p. 8, p.13). The OCO welcomes the potential broadening of opportunities for children to engage with human rights through the introduction of 'Being an active citizen' as a key competency to be embedded across the curriculum (p.8), as well as the acknowledgement that this competency will be developed through a framework of human rights, equality and social justice. It is of the OCO's view that the Framework should give children the opportunities to learn about children's rights and human rights more generally through different areas of the Curriculum. This would place Ireland on par with other European jurisdictions which have incorporated learning about the UNCRC in their curricula, such as France and Finland.⁶ In this regard, the OCO would suggest that it will be important that children are facilitated to understand that rights and responsibilities are interdependent and to explore how this interdependent relationship is linked to the notion that rights are universal. The manner in which a number of rights in the UNCRC are defined offer concrete examples in this respect, which children might be supported to consider in accordance with their evolving capacities.

- The Framework emphasises that the curriculum will promote and support children to develop key competencies through their learning journeys. These include being a digital learner, being an active citizen, and fostering wellbeing. These competencies place a strong emphasis on facilitating children to develop a confident sense of their own identity, their self-worth, belonging, as well as developing responsible and empowering relationships with others. Such objectives are welcome as they are in line with the aims of education set out under Article 29 of the UNCRC. In this regard, the OCO encourages that the Framework should explicitly set out that proposed Key Competencies and teaching and learning methodologies can support children to develop core human rights values and skills.

⁵ UN Committee on the Rights of the Child (2001) [General Comment No.1 \(2001\) Article 29 \(1\): The Aims of Education](#) (CRC/ GC/2001/1).

⁶ UNICEF (2016). [Teaching and Learning about child rights: A study of implementation in 26 countries.](#)

3. Inclusive Education and Diversity

All children have the same fundamental rights and should have equal access to universal, quality services and opportunities to reach their full potential. The draft Framework positively reflects this by acknowledging that teaching and learning extends to children's experiences within their homes and communities, and that children have 'individual needs, views, cultures and beliefs, which need to be recognised, understood, treated with respect and represented throughout their school experience' (p.20). The proposals to redevelop key curricular areas, to include the principles of Universal Design for Learning and to include examples that showcase experiences and pedagogies that respect diversity, are all welcome.

While the majority of children are likely to experience lives at home and in their communities, which are consistent with the values and principles outlined in the Framework, there are children whose lives outside of school involve very challenging experiences, some of which may present a stark contrast to the values and principles which are promoted through the Framework. In this regard, particular attention needs to be given to identifying and giving priority to supporting the agency of vulnerable and disadvantaged groups of children, such as homeless children, children living in Direct Provision, Roma and Traveller Children, children who are living in poverty, and children with Special Educational Needs. Enabling interagency cooperation to support the agency of these groups of children is vital in this regard.⁷

Clearly, it is not the role of a curriculum to resolve complex and challenging issues that can arise in children's lives. Nonetheless, the OCO would encourage the NCCA to examine how the Framework might further acknowledge and take account of such realities in some children's lives. Knowing where and how a child learns is significant as regards improving inclusiveness, respecting diversity, and supporting positive outcomes for the child. In this sense, the NCCA may consider exploring whether the Framework might incorporate appropriate guidance to teachers who are facilitating children's learning and offering support to children affected by such realities to help navigate them according to their age and evolving capacities. The way relevant issues, such as poverty and homelessness, are addressed should also be carefully considered from the perspective of children in the classroom who have such experiences. Likewise, the way in which teachers present these issues is critical. Allowing that teachers have a key role to play in bringing the primary curriculum to life, it might be worth for the NCCA to consider exploring the ways in which the Framework may support initial teacher education and continuous professional development in the areas of inclusive education and diversity.

4. The Role of Technology

The OCO welcomes the inclusion of 'Being a digital learner' as one of the key competencies in the draft Framework. In its draft General Comment on children's rights in relation to the

⁷ During the bi-lateral meeting with the NCCA in December 2020, the OCO referred to [Operation Encompass](#) as an example of how interagency cooperation may support an educational environment which takes account of the particular needs and interests of children. See: Ellen Coyne, '[Calls for Gardai to warn school if child sees domestic abuse](#)', The Independent, 08 October 2020.

digital environment, the Committee notes that the digital environment can enable and enhance children's access to quality education, including resources for formal, informal, peer-to-peer and self-directed learning.⁸ For children attending school, digital educational technologies can support engagement between teacher and student and among peer learners. For children not physically present in school or living in remote areas or in disadvantaged situations, digital educational technologies can enable distance or mobile learning programmes when resources are provided appropriately, and distance learning is administered in accordance with the individual needs of each child.⁹

Moreover, the Committee urges States to ensure that schools teach digital literacy as part of the basic education curricula from the earliest years. These curricula, according to the Committee, should 'include the skills to handle a wide range of digital tools and resources and those related to content, creation, collaboration, participation and civic engagement'.¹⁰ The OCO notes that the primary curriculum provides a vital opportunity for children to develop knowledge and understanding of children's rights in the digital environment, as well as knowledge and skills to navigate the digital environment in a safe and rights respecting manner.

Having regard to the Committee's draft General Comment, the OCO encourages the NCCA to take the opportunity presented by the review and redevelopment of the Primary Curriculum to give further consideration to the role played by technology in the forthcoming Framework. In this regard, the role of technology should not be viewed as a stand-alone subject or topic, but as a tool and a means for accessing the curriculum and supporting, enriching, and extending teaching and learning whenever appropriate. This consideration may offer an opportunity to the NCCA to involve stakeholders in dialogue on the added value of technology within implementation of the redeveloped primary curriculum and how this affects students' school-home life balance, especially considering the fact that technology has already become increasingly more prominent in the implementation of curricula since the initial publication of the draft Framework. Considering this, it appears to the OCO that the role played by technology should be foregrounded within the principles set out through the Framework.

⁸ UN Committee on the Rights of the Child (2020) [Draft General Comment No. 25 \(202x\) on Children's Rights in relation to the digital environment](#).

⁹ Ibid.

¹⁰ Draft comment – the right to education (arts. 28, 29).