



Response to ‘Schools for the Future: A Policy for Sustainable Schools’

Introduction

The Equality Commission for Northern Ireland (“the Commission”) is an independent public body established under the Northern Ireland Act 1998. The Commission is responsible for implementing the legislation on fair employment and treatment, sex discrimination and equal pay, race relations, sexual orientation and disability. The Commission’s remit also includes overseeing the statutory duties on public authorities to promote equality of opportunity and good relations under Section 75 of the Northern Ireland Act 1998, and to promote positive attitudes towards disabled people, and to encourage participation by disabled people in public life under the Disability Discrimination Act 1995.

The Commission’s general duties include:

- working towards the elimination of discrimination;
- promoting equality of opportunity and encouraging good practice;
- promoting positive / affirmative action;
- promoting good relations between people of different racial groups;
- overseeing the implementation and effectiveness of the statutory duty on relevant public authorities; and
- keeping the legislation under review.

The Commission welcomes the opportunity to respond to the consultation on ‘Schools for the Future: A Policy for Sustainable Schools’, and believes that the policy intentions contained provide a unique opportunity to ensure equality of access to quality education for all children and young people, and enhancing the role of schools in the promotion of good relations. While the Commission supports the principles of sustainable schools, the need for better strategic planning of the schools estate, and the need for sharing and collaboration, it has concerns that the Department has failed to

sufficiently consider the equality implications of the proposals and missed opportunities to promote good relations.

Assessing the impact of the proposals on equality of opportunity

Throughout this response, the Commission has highlighted a number of areas where it feels the proposals could better promote equality of opportunity and good relations, and where the proposals could adversely impact on particular groups. The Commission's *Guidance for Implementing Section 75 of the Northern Ireland Act 1998* is clear that all designated public authorities, in meeting their statutory obligations, must assess the likely impact of their policies on equality of opportunity; 'proposed policies must be subject to screening and to consultation on the outcomes of the screening exercise, and those policies identified as having significant implications for equality of opportunity must be subject to full impact assessment'. The Commission is very concerned that the consultation document contains no information on whether and how it has considered the equality implications of the proposals; whether and how it has carried out screening and equality impact assessment, and contains no quantitative or qualitative data to ensure meaningful consultation.

The Commission seeks urgent clarification of the steps which the Department is currently taking to meet its obligations under Section 75 of the Northern Ireland Act 1998 in relation to its *Policy for Sustainable Schools*.

Assessing the impact of the proposals on good relations

Section 75(2) of the Northern Ireland Act 1998 places a duty on the Department of Education to have regard to the desirability to promote good relations. The proposals in the document have the potential to impact significantly on good relations; both in positive and negative ways. For example, collaboration between schools, where those communities had not shared services in the past, could help to improve relations between communities. However, there are also potential risks associated with the proposals. Closure of a single denominational school within a local area could result in an increase in community tension and fail to promote good relations between the two communities. Particular difficulties are like to arise where segregation is at its strongest and high levels of community tensions already exist. The Department, in meeting its obligations under

Section 75(2) of the Northern Ireland Act 1998, must have regard to the desirability of promoting good relations (both within and between communities) on the grounds of race, religious belief and political opinion. If a school closure results in poor relations between communities, steps must be taken to address that situation and gain the trust and acceptance of all parts of the community.

Furthermore, it is not clear from the proposals contained in the consultation document, how area based planning links with outcomes arising from the Review of Public Administration, such as the development of a community planning model and reform within local government. The Commission advocates a 'joined up' approach by Government to maximise the potential to promote good relations.

Impact of inward migration

The proposals contained within the consultation are informed by the Department's analysis of demographic trends in Northern Ireland; in particular the projected decline in the numbers of children at school age. However, given the two fold increase in inward migration from 7,000 in 2000-01 to 14,000 in 2004-05, the Commission is concerned that insufficient attention has been paid to estimating longer-term inward migration so that education provision for the children and young people of migrant workers can be properly planned. Investment in research is required to ensure that implementation of the Sustainable Schools Policy is informed by robust projections for inward migration.

Consideration of longer-term viability

The consultation document places considerable emphasis on financial cost associated with smaller schools, and the connection to enrolment numbers. The document considers stable enrolment trends as a central characteristic of a sustainable school, and includes it as one of six criterion against which schools will be judged as part of consideration of their longer-term liability. The Commission supports such an approach as potentially providing a consistent and accountable system and injecting greater transparency in the decision-making process. However, we have a number of comments regarding the practical application of such a system, and recommend amendments to the indicators used to measure progress within schools.

- Departmental Commitments to Promote Good Relations

The Commission agrees, as set out in *A Shared Future*, that education is pivotal to an inclusive, reconciled and open society built on trust, partnership, equality and mutual respect. 'Separate but equal' educational provision will fail to promote equality of opportunity and good relations for all; an integrated approach should be a fundamental principle in pursuing change in this society.

The Commission is encouraged by recent policy initiatives that have placed importance on the centrality of good relations in education. Firstly, The *Shared Future* First Triennial Action Plan places an explicit commitment on the Department of Education that 'in decision making on new schools or re-organisation/rationalisation of schools, proposals will be required to demonstrate that options for collaboration or sharing on a cross community basis have been considered and fully explored'. It also states that on the basis of clear criteria to be developed, projects relating to new schools, reorganisation or rationalisation are more likely to justify receipt of financial support if they are shared or operate across a community divide.' Secondly, in January 2007, the Secretary of State announced a new 'Shared Future Accreditation Scheme' for schools which will recognise existing sharing and collaboration between and within schools and encourage further work in all schools, and bring with it financial and other support.

The proposals in the *Sustaining Schools* document fail to sufficiently take account of the Department's commitments in relation to *A Shared Future* and could potentially undermine the effectiveness of the Accreditation Scheme. The sustainability criteria and indicators do not reflect the requirement on the Department to demonstrate that options for collaboration or sharing on a cross community basis have been considered and fully explored, the development of clear criteria regarding financial support if they are shared or operate across a community divide, or the provisions of the Accreditation Scheme. The sustainability criteria and indicators do not link in with the Government's stated intentions that projects relating to new schools, reorganisation or rationalisation are more likely to justify receipt of financial support if they are shared or operate across the community divide. Furthermore, the criteria do not reflect the Bain Review recommendations that proposals for new schools, or re-organisation or rationalisation of schools should demonstrate that options for collaboration and sharing on a cross-community basis have been

considered and fully explored. The Commission recommends that the indicators are amended so that collaboration or sharing on a cross community basis is central to considerations of long term viability.

- Weighting of Criteria

The document states that the six criterion should not be applied in a 'mechanistic' fashion, and makes reference to the relationship between the criteria. However, it is not clear how this will work in practice. The consultation paper does not provide any indication of the weighting attached to each criterion so as to facilitate a balanced, measured and more transparent judgment on the viability of a school. For example, the document is unclear as to whether the cost/enrolment factors will be given primacy over more qualitative criteria.

Equality of access to a quality educational experience must be the goal of education policy. The Commission believes that to that end, and to ensure read across between Departmental policies on promoting good relations and its Section 75 obligations, primacy be given to the criteria of quality educational experience, accessibility and strong links to the community is assessing the viability of schools. In finalising the *Policy on Sustainable Schools*, the Commission recommends that the Department include greater detail on the relative weights that will be applied to the criteria, in particular those relating to quality, accessibility and links with the community, with the *Links to Community* criterion to include an indicator for collaboration on a cross community basis.

- Sustainability of the Community

In relation to the sustainability criterion *Strong Links with the Community*, the Commission considers that the Department should include as an indicator 'the sustainability of the community'. It is well-recognised that there is a link between the availability of school provision and the sustainability of communities. Families may often move home to be closer to available educational provision. The link to sustainable communities is particularly pertinent to rural communities, given the potential impact of other policies, such as the Department of Regional Development's Planning Policy Statement 14 (PPS14) *Sustainable Development in the Countryside*. Concerns that the effect of PPS 14 will be to lead to the depopulation of some rural

areas with subsequent consequences for the sustainability of rural communities have continued to be expressed by a range of interest groups, including the Rural Community Network, the Rural Development Council and a number of political parties. In its response to the draft Equality Impact Assessment on PPS14, the Commission raised the issue of potential adverse impact of the policy, and highlighted its concerns that *‘Consequences for the groups concerned may be an erosion of the rural way of life, a weakening of social cohesion and a break down of traditional rural communities’*. Should the *Policy for Sustainable Schools* lead to widespread closure of schools in rural areas, these may have the effect of reinforcing adverse impacts arising from PPS 14, leading to the depopulation and, ultimately, sustainability of some rural communities. Given the particular socio-political geography of Northern Ireland, there is potential for adverse impact on groups of different religious belief and political opinion; and this should be reflected in an Equality Impact Assessment of the proposals. The Commission advises the Department to consider and monitor the impacts of the *Policy on Sustainable Schools* on rural areas in the context of the broader policy agenda.

- Impacts for Disabled Children and Young People

The potential adverse impact of the outworking of the policy on accessibility of school provision for disabled children and young people must be taken into account by the Department, closely linked as this is to whether or not accessible transport is available where closures or amalgamation require greater travel distances and a more complex transport chain. When applying the criterion ‘accessibility’ regarding ‘distance to travel’ the Department should consider the barriers faced by disabled pupils and carers, if as a result of a school closure, they are required to travel to a school which is more difficult to access; both in terms of travel time, cost, and the availability of public transport.

The Commission reiterates the comments above that it is concerned that the criteria and indicators make no reference to the Department’s obligations under A Shared Future, and recommends that the indicators are amended to that collaboration or sharing on a cross community basis is central to considerations of long term viability.

Rural issues

While NISRA and the Departments have accepted 4500 as a demarcation for an Urban settlement, the Commission is concerned as to whether the application of this measure is appropriate in assessing the viability of schools, particularly in the primary sector. It is recognised that there is considerable cross boundary mobility of children attending the post primary sector, however in general children attend their local primary school. Small market towns such as Ballyclare or Omagh have populations above this limit but their identity is primarily rural. Applying the same numerical criteria to schools in towns such as these as the Department would to Belfast L/Derry misses out on the distinctiveness of these towns and their connection to a 'hinterland' and its demographics.

The Commission notes that the Department has concluded that the options (including collaboration, clustering and federation) laid out in the Rural Development Council's Report *Striking the Balance* in respect of an approach to rural proofing of education provision may be helpful. In particular, the Commission welcomes the Department's acknowledgment (para 6.17) that *'there may be relevant reasons to retain a particular small school when it may not be justified in other parts of the country'*, but considers that the 'relevant reasons' should include the sustainability of rural communities with regard to potential adverse impacts on Section 75 categories as outlined above and the issue of accessibility for disabled pupils.

Conclusions

The reforms proposed in the paper provide a timely opportunity to ensure equality of access to quality education for all children and young people in Northern Ireland and to recognise the critical role of schools in promoting good relations.

The Commission supports the approach proposed; to develop a set of criteria and indicators against which the long term viability of a school will be judged. It recommends giving primacy to the criteria of quality of educational experience, accessibility and strong links with the Community.

While the Commission supports the principles contained in the document it has serious concerns that the Department has not sufficiently considered the equality implications of what is proposed. Furthermore, the Commission believes that by not recognising within the viability criteria and indicators the central role which schools can

play in the promotion of good relations through collaboration, an opportunity is being missed to bring about an integrated and inclusive society for all.