

Mr Chris Stewart
RPA Legislation Team
G3 Annex
Department of Education
Rathgael House
Balloo Road
Bangor
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18 June 2009

Dear Mr Stewart,

**Re: Policy Paper 19 – Establishment of the Education
Advisory Forum**

Thank you for the opportunity to respond to the Department's consultation on the establishment of an Education Advisory Forum (EAF).

The Equality Commission notes the Department of Education's screening exercise for the purposes of Section 75 of the Northern Ireland Act 1998 (s75) and that, following this, the policy has been screened out for equality impact assessment.

The Commission understands that the key consideration of Policy Paper 19 is the determination of the structure and membership of the EAF and the need to include balance between the customer and supplier sides of education. We note that the appointment of the chairperson and vice chairperson by the Minister for Education in consultation with the Minister for Employment and Learning will be carried out in accordance with the Office of the Commissioner for Public Appointments (OCPA) principles. The Commission asks that the Department states its commitment to these principles in conducting the appointment of the other members of the EAF. In addition, those policies and practices which the Department will

use to make the appointments should take account of the Department's s 75 responsibilities.

In Annex A, under Membership, the Policy Paper 19 states that the Minister of Education will make all appointments to the EAF, in consultation with the Minister for Employment and Learning. Appointments to a wide range of public offices come within the scope of the anti-discrimination laws. For example, where appointments are made by, or on the recommendation of, or with the approval of a Government Minister, or a Government Department, or the NI Assembly then the "offices" in question certainly come within the scope of the anti-discrimination laws. This means that it would be unlawful to discriminate against any person on a statutory equality ground in relation to how the selection exercise is conducted, or in relation to the appointments that are made. Therefore, the Department may wish to seek its own legal advice.

The Department may address under-representation through s 75 and use of the positive duties under the Disability Discrimination (NI) Order 2006 and other anti-discrimination legislation. In accordance with equality legislation, this can include positive and affirmative action. The Department may wish to seek further advice from the Commission.

We welcome your commitment to ensuring that the EAF is accessible as it carries out its work and to continuing use of s 75 monitoring of its composition.

The Commission has advised the Department throughout the RPA process on how to promote equality of opportunity and good relations. In addition we have published our statement on key inequalities in education and a strategy for intervention, *Every Child an Equal Child*¹. Taking into consideration all aspects of education, *Every Child an Equal Child* makes proposals for embedding equality and good relations in education through

- reviewing curriculum support services and developing good practice guidance
- setting strategic actions and outcomes to reduce inequalities through equality schemes

¹ Every Child an Equal Child, ECNI (November 2008)

- developing equality and good relations elements to the training programmes provided for student teachers, existing teachers, heads and governors
- developing equality and good relations indicators for schools to be used to monitor progress on embedding equality and good relations

This requires support and ownership of the policy solutions from the Department of Education and the Education and Skills Authority, as well as from educators, students and other stakeholders alike. The Commission will advise the Department in their work to achieve such a policy framework for the EAF.

The Commission is certain that, given leadership and the implementation of s 75 mechanisms, the Review of Public Administration allows for the creation of new structures and services here which contribute to equality of opportunity and good relations. We look forward to providing any further advice which will assist the Department to this end in the establishment of the EAF.

This communication is made without prejudice to any consideration or determination which the Commission might make in performance of its statutory function to investigate individual complaints under Schedule 9 of the Northern Ireland Act 1998 or conduct any other investigation under that schedule.

Commission may wish to provide additional comments with respect to this response, and its position within our wider work on education and the Review of Public Administration.

Yours sincerely

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