



EQUALITY COMMISSION FOR NORTHERN IRELAND

Summary of Response to Consultation on 'Shared Education Draft Policy and Legislation Consultation'

March 2015

1 Summary of Response

1.1 The Equality Commission welcomes the opportunity to respond to the Department of Education's consultation on a Bill and policy to advance sharing in education.

We welcome the draft Bill and policy as seeking to set out a definition and policy framework. We also welcome the actions in the draft policy providing for:

- co-ordinated support for schools and teachers;
- the development of a new teacher professional development strategy;
- advice and guidance on options for sharing;
- engagement with parents, carers, children and young people.

1.2 However, we do not consider that the proposed overall approach is sufficiently robust. We therefore set out a number of key concerns and associated recommendations.

Overarching Concerns

1.3 Our overarching concern is that the proposals are neither clearly nor sufficiently defined to ensure the development of a system of education with meaningful and sustainable sharing at its core, and which is aimed at positively changing the relationship between pupils, schools and the wider community.

1.4 We also consider that the proposals have the potential to fall short of the commitment set out by the Executive in Together: Building a United Community to ensure that "sharing in education becomes a central part of every child's educational Experience" [our emphasis]

1.5 We are also concerned that:

- there is a fundamental lack of coherence between the ‘policy description’ of shared education in the draft policy; and the definition of shared education as set out in the draft Bill.
- that the policy aim and associated outcomes for shared education have not been sufficiently developed.

1.6 In summary, while the consultation exercise and the detail provided are to be welcomed, we consider that for the potential of shared education to be realised in practice, it must be appropriately defined in legislation and clearly articulated through a coherent and co-ordinated policy framework.

1.7 To assist, we recommend that the Department take account of our full consultation response and our published recommendations on sharing in education, available via www.equalityni.org/sharededucation.

1.8 We would also welcome early engagement with the Department on their proposals.

Summary of Key Recommendations

1.9 We set out below a summary of key recommendations. Our full consultation response expands on these key points as well as providing further information in direct response to other specific aspects of the consultation.

Focus of Shared Education

1.10 It is recommended that the Department refines both the policy document and the draft Bill to ensure that there is a clear and definition of shared education and coherence between the policy document and the draft Bill.

1.11 We consider that the policy and Bill for shared education must:

- ensure that sharing impacts meaningfully and substantively on every learner.
- ensure that a shared experience should be central to the education system as a whole, encompassing at all stages of educational provision – pre-school; early years; primary; post-primary; special needs; and tertiary levels.
- routinely teach learners together via a shared curriculum in shared classes.
- better provide learners with shared awareness, understanding and experience of the value and range of diverse cultures,

identities and backgrounds in Northern Ireland; while also enabling learners from different cultures/communities to experience a shared society.

- 1.12 We note reports that only around 65% of schools would be eligible to participate in the proposed DSC programme. We recommend that the Department makes clear that the proposed sharing will fulfil the commitment set out by the Executive in Together: Building a United Community to ensure “that sharing in education becomes a central part of every child’s educational experience”¹ [our emphasis]. We also highlight the requirement on the Department to assess the equality impacts of proposals.

Definition of Shared Education

- 1.13 The Commission highlights the apparent inconsistency between the Bill and the Policy, noting that the proposed definition of shared education in the draft Bill is narrower than the stated aims and objectives in the draft policy on shared education.
- 1.14 We are of the view that defining shared education only in relation to religious/political *and* socio-economic lines, limits the potential for shared education to advance equality of opportunity and good relations across other S75 grounds.
- 1.15 We recommend that the focus and wording of both the draft Bill and policy are further developed to ensure consistency in focus and clarity in implementation; including that:
- The core focus of the Bill should be centred on ensuring meaningful and sustained sharing between learners of different community background, while also ensuring that any definition is not so narrow as for other types of sharing to fall outside the legal definition.
 - The associated policy seeks to find ways, alongside the core focus on community backgrounds, to encourage and facilitate sharing across all equality grounds; and to address the socio-economic issues which are experienced by a number of equality groups.
- 1.16 We also recommend that it may be appropriate that criteria for the prioritisation of support across a range of equality grounds are set out in the shared education policy (and DSC application process

¹ OFMDFM (2013) Together: Building a United Community (p29) - <http://www.ofmdfmi.gov.uk/together-building-a-united-community-strategy.pdf>

etc), rather than narrowly defining Shared Education in the Bill. For example, the Department could set criteria to prioritise support to those applications which evidenced the greatest degree of sharing beyond a core focus on community background – for instance on other equality or socio-economic grounds).

Proposal to include ‘religious belief’ and ‘political opinion’ within the definition

- 1.17 The Commission recommends that the Department gives consideration as to how the Bill and Policy will operate in practice and ensure this is more clearly articulated in the policy.
- 1.18 The Commission’s Section 75 “Monitoring Guidance for use by Public Authorities”² notes that there are two options for monitoring religious belief - current stated religion or community background.
- 1.19 It is recommended that, in these particular circumstances, the Department give consideration to the potential of utilising the concept of the ‘community background’ of individuals for the purposes of assessing participation.

Statutory Obligations

- 1.20 It is recommended that the obligation on the Department in respect of shared education should be a duty, not a power; and that the duty should be to ‘*encourage and facilitate*’ shared education.
- 1.21 The Commission is also currently of the view that the statutory obligation should sit with the Department. The Commission recommends that the Department sets out and further expands upon any specific rationale for proposing that certain additional arms length bodies be subject to a power.
- 1.22 We are aware that public discourse regarding the potential to further advance equality of opportunity and good relations in schools has set out a range of potential approaches - whether it be a discrete statutory obligation; Section 75 or some variant thereof; a policy directive from the Department; or mainstreaming through the curriculum.

²ECNI “Section 75 - Monitoring Guidance for use by Public Authorities” - <http://www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/S75MonitoringGuidance2007.pdf>

- 1.23 We note the consultation proposals to designate and place an obligation on schools under Section 75 of the Northern Ireland Act, but with proposals to “*reduce the demand... in terms of meeting their specific responsibilities*”³
- 1.24 The Commission has not to date supported the designation of schools under Section 75.
- 1.25 Whatever the model proposed, there are likely to be number of pertinent issues that require careful and robust consideration. These include, for example, key questions such as:
- whether or not a legislative approach is the most appropriate;
 - if a obligation is to be placed to schools, should it be a discrete duty; under Section 75; or via some other means;
 - what lessons can be learnt from the application of public sector duties in schools in other jurisdictions.
- 1.26 We would welcome early engagement with DENI, including on their reported work to examine options for the application of a statutory duty to schools, based on an examination of models from other jurisdictions.

Funding and Long Term Sustainability

- 1.27 The Commission recommends that the Department ensures that partnerships are sustainable in the long term.
- 1.28 We note the Department’s intention to end earmarked funding for CRED and raise concern that this does not appear to be in keeping with mainstreaming shared education as a priority issue. We therefore ask the Department to clarify how community relations, equality and diversity work will be mainstreamed in the absence of earmarked funding.
- 1.29 We highlight the potential to build upon and extend existing education policy and practice (for example common funding; area learning partnerships etc) and recommend that consideration is given to how to best incentivise increased sharing on cross-sectoral and ability lines. Detailed proposals for the further mainstreaming of shared education, including through the inspection process, should be made explicit.

³ DENI (2014) – Consultation – [“Sharing Works: A Policy for Shared Education”](#) – page 22

1.30 We also recommend that, in due course, the Department undertake work to further define the costs/savings associated with the proposed DSC projects and to evaluate to what extent these partnerships are likely to remain sustainable, after the initial funding period.

Clarity needed on policy outcomes and measures

1.31 We also consider that the policy aim and associated outcomes and measures for shared education have not been sufficiently developed.

1.32 We consider that the vision should be clear that it includes raising levels of educational attainment, and also seek to encapsulate that partnerships should be sustainable and aimed at positively changing the relationship between pupils, school and the wider community.

1.33 It is not clear how progress towards shared education will be measured in practice. For example, while Department officials have indicated in evidence⁴ that they expect schools to move one point along a continuum of sharing in three different areas, this is not set out in the policy. We request further clarity around the focus of the continuum model and how it will work in practice. There should also be a clearer and stronger message in the final policy framework that schools should be moving towards a system of education which routinely teaches pupils together via a shared curriculum in shared classes.

1.34 We also highlight the importance of setting out a range of measures and goals – linking actions, outputs, outcomes and impacts. It is important that such measures move beyond describing policy outputs to consider specific measures of the outcomes and impacts that we would expect to see in society. For example, that sharing has impacted meaningfully and substantively on every learner; and provides learners with shared awareness, understanding and experience of the value and range of diverse cultures, identities and backgrounds in Northern Ireland etc.

1.35 We note that of the nine potential ‘types of sharing’ set out on page 12 of the consultation, only one explicitly focuses on sharing between learners (the others being centred on educator expertise, resources; professional development etc). We are thus concerned

⁴ Shared and Integration Education Inquiry: Education Committee (21st January 2015): Evidence – Department of Education and Education and Training Inspectorate.

that subsequent delivery may advance sharing which is not centred on ensuring a meaningful and substantive impact on every learner. Again, we raise concerns that this may fall short of the commitment set out by the Executive in Together: Building a United Community to ensure “that sharing in education becomes a central part of every child’s educational experience” [our emphasis]

1.36 We reiterate our 2010 and subsequent recommendations regarding:

- The importance of indicators and evaluation to measure and review sharing and collaboration in education provision and governance – both to acknowledge success and promote improvement.
- The importance of data collection, across all Section 75 grounds and FSM eligibility, for all educational projects, including key Delivering Social Change projects.

Engagement with Parents, Carers and Children & Young People

1.37 We recommend that engagement should seek to communicate the rationale for any proposed system; to learn from experiences to date; to inform and improve associated policy frameworks / implementation plans; and to incentivise any moves.

1.38 We also recommend, in line with our consistent call for effective engagement with Section 75 groups, that the Department and other key bodies also take steps to ensure effective engagement with children & young people (C&YP) in the design, delivery, implementation and review of shared education initiatives.

Wider Issues in Education

1.39 Finally we take this opportunity to stress the need for wider action to address the structural barriers to shared education, including our concern about academic selection at age 11; our recommendations for the removal of the teacher’s exception under FETO at secondary level; the need for greater sharing and collaboration in teacher training; and for actions to better understanding the reasons for, and impacts of, any differential patterns of enrolment to education providers. There is also a need to promote good relations and tackle prejudicial attitudes in all spheres, both inside and outside schools, so that steps taken to promote good relations in schools are supported by actions and behaviours at home and in the wider community.