



Response by the Equality Commission for Northern Ireland to the Consultation by the Department of Education on its Equality Impact Assessment on Resource Budget 2023-2024

Section 75 of the Northern Ireland Act

The current challenges facing decision makers across the Northern Ireland public sector are recognised. In this context, when difficult decisions around reducing or cutting public services are being considered the need to comply with the Section 75 duties, while always important, is even more essential. Any decisions taken have the potential to have major adverse impacts on people in the Section 75 groups, to exacerbate existing inequalities and have long lasting impacts.

In complying with the Section 75 duties, the Department of Education (DE) must do so by adhering to the arrangements contained in its equality scheme, considering potential differential impacts of each proposed policy (i.e. individual budgetary decision), as well as the potential cumulative differential impacts of a range of such decisions, between those groups of people who avail of those services and who share particular Section 75 characteristic, e.g. young people, people with disabilities, people with dependents, people from different racial and minority ethnic backgrounds. Such assessments should be informed by relevant data and information on which inequalities would be exacerbated, with due consideration being given to taking all possible steps to avoid or reduce any likely adverse impacts to protect people in our society most at risk of disadvantage within the Section 75 groups.

Effective Equality Impact Assessments (EQIAs) should therefore inform policy decisions. In this scenario, this should include consideration of the anticipated equality impacts of budget proposals, consideration of mitigation and/or alternative policies with the final Stage 7 EQIA report, detailing any policy changes to the proposed policy in light of consultation and evidence informing the EQIA.

Comments on EQIA

The EQIA should be used to **inform** the policy proposals and Commission advice (and wider consultation responses) should be considered as the Department progresses its decisions on its budget proposals and in the final EQIA stage 7 report.

The 'Aims of the Policy' section of the EQIA clearly outlines headline figures in relation to its overall budget allocation and funding gaps relating to its resource budget. The EQIA, **does not however appear to include the full range and/or full detail of policy proposals** being considered. For example,

- The extent of the budget reductions to the **Aggregate Schools Budget (ASB) and the Education Authority Block Grant** and the potential impacts of these cuts.
- The extent of the budget reductions to **ALBs (not specified which ones)** and the potential impacts.
- The extent of budget reductions to unspecified **third-party organisations supporting curriculum delivery** and the likely impacts.
- Consideration of the impacts of budget cuts to the **capital budget** is not covered.
- Specific reference in policy proposals to a reduced budget on **SEN provision** is not included (a footnote is included in another section of the EQIA).
- The equality impacts of the **decisions reversed**, prior to the EQIA being issued are not included. It is important that such impacts are considered if these proposals are subsequently to be taken forward. It is currently unclear the extent to which these programmes will be funded or indeed if funding will be in line with inflation to ensure no regressing in service provision.
- There are **policy proposals referenced in other sections of the EQIA**, or reported by the media, that are not in the policy proposals section of the EQIA, e.g. cessation of the North Belfast Principals Support Programme, cuts to baby books scheme, cuts to providing free period products in schools and a reduction in SEN special needs coordinators by 50%.

The lack of information in policy proposals results in difficulties determining whether the assessments made in the EQIA are coherent.

It is also not clear whether the Department has already made decisions in relation to **all** of the cuts it intends to make or whether there are still some policy options being considered. The final stage 7 EQIA report should provide **greater clarity and detail on the full range of budget cuts** under considered.

The EQIA includes some **decisions that have already been taken** to reduce expenditure following the announcement of the budget for 2023-2024. It is important that DE is **open minded to change its policy proposals**, given that the Department has taken decisions prior to the EQIA being conducted. Equality scheme commitments include equality assessments (screening and EQIAs) being undertaken prior to policy decisions being taken while there is still the potential for the equality assessment to **inform** decisions.

While **data sources** are listed in the EQIA, the relevant data is not generally extracted. It is therefore unclear how the assessments of potential impacts have been determined and puts the onus on consultees to interpret data and determine equality impacts. It is for the public authority to set out its evaluation of the relevant data on which it has determined potential equality impacts on people in the respective Section 75 groups.

The EQIA refers to 'available data' and notes a lack of specific data in relation to some of the Section 75 categories relevant to the budget decisions being made. If there are gaps in data identified by the Department, it should commit to making efforts to gather further data and evidence, quantitative and qualitative, on which to make assessments.

We are aware of and welcome work the Department is currently undertaking relating to a review of education data and have previously made recommendations in relation to the need to ensure that the work being undertaken also considers what Section 75 data is being gathered and addresses equality data gaps.

Assessing the impacts of policies should include clear assessments of each policy proposal and the cumulative impacts of all the Department's policy proposals.

Based on the data that is presented, the Department has determined that some of its budget decisions for 2023 - 2024 are likely to have a 'major' adverse impact on children and young people, disabled children, race, and dependants. The Department has determined 'minor' potential

impacts of some of the budget proposals on the Section 75 categories of religious belief, political opinion, sexual orientation, and marital status.

Given the lack of detail presented in the policy options and lack of clarity in some areas as to the specific data that is being relied on in the EQIA, it is difficult to determine if these are the full range of impacts. It also may result in consultees finding it difficult to engage with the Department's assessments.

The Commission is concerned about the potential for funding decisions to have major significant adverse impact across the equality grounds¹. Funding decisions should, as far as possible, be such that they serve to advance equality, tackling longstanding inequalities, and addressing any emergence or exacerbation of inequalities, including those associated with COVID-19 and the public policy responses to it.

The consideration of **mitigation and/or alternative policies** is crucial in the context of budget reductions, including trying to mitigate any differential equality impacts through the redistribution of internal budgets. The main mitigations identified in the EQIA focus on mitigating the impact of the budget more generally rather than mitigating specific impacts on people in particular Section 75 groups. The EQIA should set out the priorities for allocating any additional budget in terms of the inequalities it would mitigate. It is unclear from the EQIA whether the redistribution of internal budgets across functions has been considered, in light of the equality impacts. Allocation of any in-year money, while welcome, is still likely to present very real difficulties for service users and the service providers in reinstating services, which may not be easily and readily re-instated. It is not clear whether alternative policies have been considered.

Consultation, should, as noted above, clearly set out the policy proposals, include relevant and specific data, assess potential impacts, and consider mitigations and/or alternative policies. The current consultation asks consultees for their views on the equality implications of the budget cuts and advises that it will consider the need for any

¹ Academics from Ulster University and Queen's University Belfast have highlighted concerns that: *"short-term savings which are made by cutting programmes to tackle educational disadvantage are likely to be dwarfed by the costs which will be generated in the long run. The removal of, or deep cuts to, schemes such as those to alleviate holiday hunger, period poverty and the high costs of school uniforms have a cumulative impact on groups which are already disadvantaged, in terms of their experience of education provision."* [The consequences of the cuts to education for children and young people in Northern Ireland — Queen's University Belfast \(qub.ac.uk\)](https://www.qub.ac.uk/research-and-innovation/centres-and-institutes/centre-for-social-justice/research-reports/the-consequences-of-the-cuts-to-education-for-children-and-young-people-in-northern-ireland)

further mitigating actions in light of responses received within the 8-week consultation period. The onus is therefore on consultees, rather than DE, to analyse the data sources and to evaluate the proposals that are contained in the EQIA. Further consultation methods, such as meeting with officials, as included in DE equality scheme, is likely to facilitate more effective consultation with stakeholders.

In considering consultation responses, it is important that DE is **open minded** to change its policy proposals, given that some decisions have been made prior to the EQIA being conducted and appropriate consideration being given to potential equality impacts. Equality schemes include commitments that equality assessments (screening and EQIAs) will be undertaken prior to policy decisions being taken.

The EQIA must set out the **Section 75 monitoring arrangements** that will be put in place to monitor the actual impacts on the Section 75 groups of budget decisions, over a 2-year period. The Stage 7 EQIA report should include the arrangements that have been put in place for monitoring and publishing the actual impacts of the policy.

Going forward, whether further budget becomes available or not, DE are advised that the Section 75 duties are **continuing duties**, and the Department is required to equality assess any changes to circumstances. It is important that the Department demonstrates that it has paid the appropriate level of regard to its promotion of equality and good relations in its budget decisions, as required by the duties.

It is also important that consideration is given to the potential **cumulative adverse impacts of budget decisions across Government Departments**, for example the cumulative impacts on disabled people, children and young/older people, people from black and minority ethnic groups of the full range of budgetary proposals.

More detailed S75 comments have been provided to DE and further advice is also available (email: mstarrs@equalityni.org).

Key Positions on Education

The Commission would like to reiterate our key overarching positions on advancing equality in education. Despite the current challenging funding context, the Commission continues to encourage action by stakeholders and government to advance our full range of recommendations. In

making decisions about the allocation of funding, we draw your attention to the importance of ensuring progress to tackle long-standing inequalities and prevent the exacerbation of existing inequalities. We draw out some key examples below, with further detailed information available via the links provided, or by contacting publicpolicy@equalityni.org

The Equality Commission has previously published assessments of the experiences of people in education across all the equality grounds in Northern Ireland. This found that many children in Northern Ireland continue to experience persistent inequalities in education². The equality grounds where key inequalities were highlighted include ethnicity, disability and gender, among others. These key inequalities are lifelong and impact upon the whole education journey.

The Commission continues to call for specific action to address educational inequalities in attainment and access. Addressing inequalities in attainment and access should remain a key focus of educational policy and funding decisions. This includes addressing inequalities experienced by Irish Travellers, Roma and Newcomer children; those entitled to free school meals, particularly boys, notably Protestant boys; looked after children, young carers; and disabled children and young people.³ For example, budget allocations for identified groups should be monitored to assess how they improve outcomes for pupils, and the Department of Education should put in place measures to support the education of Traveller and Roma children, particularly in relation to data collection and analysis; admissions and registration processes; planning transitions; and examining segregated provision⁴.

Comprehensive action should be taken by the Department of Education, schools and other education bodies to embed equality of opportunity and good relations within the content and delivery of the curriculum. For example, the Department of Education should undertake comprehensive research to establish, and track over time, the prevalence and nature of prejudice-based bullying, and to assess school compliance with the Addressing Bullying in Schools Act. The Department of Education and Education Authority should also ensure their guidance on complying with

² For further details, see: <https://www.equalityni.org/KeyInequalities-Education>

³ For further details, see: <https://www.equalityni.org/Education/Policy>

⁴ For further details, see: [Education priorities - overarching areas for action](#)

the requirements of the Addressing Bullying in Schools Act, and on responding to and preventing incidents of bullying behaviour, is comprehensively implemented and updated as required⁵.

Government should also ensure the quality of educational experiences received by children with special educational needs (SEN) in Northern Ireland. Key barriers found to the attainment of children with SEN include challenges with navigating the SEN system and the statementing process; a lack of appropriate supports during the transition from primary to post primary education; demand for educational psychologists, and insufficient protected time for SENCOs⁶.

We note that childcare is not mentioned in the draft EQIA, despite the ongoing work of the Department to develop an Early Education and Childcare Strategy. The Commission considers that appropriate, accessible and affordable childcare provision in Northern Ireland should, alongside providing for the child, additionally seek to promote equality of opportunity for parents and benefit wider society and the economy. Good childcare provision is key to increasing economic participation and women's economic independence and in promoting equality between men and women.

Valuing the roles of providers of childcare and early learning, who are mostly women, will also further gender equality⁷.

High quality early years provision plays a key role in children's development and can have significant beneficial impacts for those children most at risk of educational underachievement. It has a significant impact on children from particular equality groups – including children from minority ethnic communities and children with disabilities⁸. For further information on our recommendations relating to childcare, see www.equalityni.org/Employment/Policy

The Commission has also set out actions to address the key gaps in equality data, including on the grounds of gender identity, sexual orientation, and race; and to rectify the lack of data disaggregation in relation to ethnicity, disability and gender⁹. It is essential that all key

⁵ For further details, see: [Tackling bullying and challenging stereotypes - policy recommendations](#)

⁶ Independent Review of SEN. [Ipsos report \(education-ni.gov.uk\)](#)

⁷ ECNI (2016) [Gender Equality: Policy Priorities and Recommendations](#), paras 8.6-8.12.

⁸ ECNI (2020) [Commission urges renewed focus on childcare and early-years provision to support families and children from across the equality groups](#) para 1.11

⁹ For further details, see: www.equalityni.org/EqualityData

measures of government are also tracked by equality ground, and that the required data is routinely collected to facilitate this.