

# **INTEGRATED EDUCATION BILL**

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## **EXPLANATORY AND FINANCIAL MEMORANDUM**

### **INTRODUCTION**

1. This Explanatory and Financial Memorandum has been prepared by Kellie Armstrong MLA (“the Member”), in order to assist the reader of the Bill and to help inform the debate on it. It does not form part of the Bill and has not been endorsed by the Assembly.
2. The Memorandum should be read in conjunction with the Bill. It is not, and is not meant to be, a comprehensive description of the Bill, and where a clause or part of a clause does not seem to require any explanation or comment, none is given.

### **BACKGROUND AND POLICY OBJECTIVES**

3. The Bill makes provision about the support and provision of integrated education. It will also provide for reform and the expansion of integrated education. The sole topic of the Bill is education.
4. In essence, integrated education is educating children and young persons in schools which promote an ethos of diversity, respect and understanding between those of different cultures and religious beliefs and of none in the same school on a daily basis.
5. The vast majority of children and young adults in Northern Ireland are educated in the Catholic Maintained or the Controlled sectors. This means that the system separately educates the majority of children and young persons. While the number of pupils in the integrated education sector has been increasing in recent years, total enrolments remain below 10 percent of the overall school system. The proposed Bill would help integrated education grow its enrolments.
6. The Integrated Education Bill has nine policy objectives:
  - a) To place a duty on the Department of Education and other education bodies to support, not merely encourage and facilitate, the development of integrated

- education. This will require the Department to ensure that resources are dedicated to the sector for this purpose.
- b) To require that the Department ensures proper auditing of demand not more frequently than every three years for integrated education in Northern Ireland by area.
  - c) To require the Education Authority to report and publish on the auditing of demand to the Department and take account of it in budget and planning decisions.
  - d) To require Education bodies to consider integrated education when planning for a new school, to consult and publish a report on the consultation.
  - e) To require the development of an Integrated Education Strategy to be published six months after commencement of the Act, to report on the implementation of the Act, along with regular reporting in line with budget timetable on the implementation of the provisions of the Act - a post-legislative scrutiny clause.
  - f) To require funding to be dedicated by the Department of Education according to the remit of the strategy, to be available for the facilitation of integrated education and resourcing within the Department itself of a dedicated team for this purpose.
  - g) To require the Department to ensure that there is a dedicated departmental resource to help schools strengthen their ethos and to make sure all integrated schools are putting the integrated ethos at the heart of everything they do now and in the future.
  - h) To require integrated schools to be inspected by the Education and Training Inspectorate team as part of their usual programme of inspections to ensure they are upholding their integrated ethos.

## **CONSULTATION**

7. The Member conducted a consultation exercise over a twelve-week period during the previous mandate in 2016/17. The consultation included two online surveys, one for adults and one for school age children and face to face discussions with educationalists and academics from local universities including the teacher training colleges. The Member also wrote to the Minister of Education and the Committee for Education to ensure similar legislation was not being brought forward by the Department. In 2020, the Member submitted a Statement of Reasons letter to the Speaker requesting that the consultation could be used for this Private Member's Bill. The Speaker approved the request. The Member also shared her legislative proposal with the Northern Ireland Human Rights Commission and the Equality Commission for Northern Ireland.

## **OPTIONS CONSIDERED**

8. **Option 1:** Do not bring forward legislation and await the outworking of the Department of Education’s Independent Review of Integrated Education published in March 2017.

**Option 2:** Proceed with a Private Member’s Bill to promote integrated education to enable growth beyond the current enrolments of approximately 7% in response to parental demand.

Following consultation and deliberation, the Member considers that primary legislation is the best mechanism by which to achieve the policy objectives. This will ensure a comprehensive approach is taken to the necessary reforms the Member is seeking to achieve.

## **OVERVIEW**

9. The Bill has 16 clauses and no schedules. A commentary on each of the clauses follows below:

## **COMMENTARY ON CLAUSES**

**Clause 1:** defines “integrated education” and “integrated school”. In essence, integrated education is educating children and young persons in schools which promote an ethos of diversity, respect and understanding between those of different cultures and religious beliefs and of none in the same school on a daily basis. It ties the definition of an integrated school to the existing legislation, clarifying what a grant-maintained or controlled integrated school is under the Education Reform (Northern Ireland) Order 1989.

**Clause 2:** sets out the purposes of integrated education.

**Clause 3:** requires the Department of Education to consult with a recognised body which includes in its objectives the provision of support and advice to the Department in relation to integrated education only and any other body the Department considers appropriate. The Northern Ireland Council for Integrated Education, a registered charity incorporated as a company limited by guarantee, would appear to qualify for recognition under this provision.

**Clause 4:** amends the Education Reform (Northern Ireland) Order 1989 to include a duty to support integrated education as well as encouraging and facilitating it, and amends the Education Act (Northern Ireland) 2014 so as to require the Education Authority to encourage, facilitate and support integrated education.

**Clause 5:** defines support for integrated education.

**Clause 6:** defines the duties of Department and Authority relation to the development of integrated education. Which includes seeking information on parental preference and ascertaining demand for integrated education. It inserts a new paragraph (1A) into Article 64 of the Education Reform (Northern Ireland) Order 1989 requiring the Department of Education, in considering what steps it should take for the purposes of its duty under Article 64(1), to take account of the outcome of any relevant consultation undertaken under clause 3 of the Bill.

**Clause 7:** provides clarification of the duties that relate to the Department in relation to the provision for integrated education in their strategies, plans and policies.

**Clause 8:** requires education bodies to consider that new schools which are proposed to be established should be integrated schools. A consultation must be carried out and a report published. Subsection 4 sets out what should be included in the report. Subsection 5 defines what a new school is.

**Clause 9:** requires the Department of Education to publish a strategy for encouraging, facilitating, supporting and providing integrated education. The strategy should have due regard to the provision of Section 75 of the Northern Ireland Act 1998.

**Clause 10:** requires the Department of Education to prepare or commission and publish a report in line with the budget but not more frequently than every three years on integrated education.

**Clause 11:** requires the Department of Education to make regulations supplementing the provisions of the Bill in relation to integrated education. Subsection (2) sets out a list of particular matters that may be covered by the regulations.

**Clause 12:** allows the Department of Education to give guidance about the implementation or application of provisions of the Bill.

**Clause 13:** makes consequential amendments.

**Clause 14:** provides clarity that definitions which are set out in the Education and Libraries (Northern Ireland) Order 1986 mean the same in the Integrated Education Bill.

**Clause 15:** provides for the Bill to come into force six months after Royal Assent.

**Clause 16:** gives the Bill its short title.

## **FINANCIAL EFFECTS OF THE BILL**

10. The Member believes that, given the benefits to be gained by society through the reform and expansion of integrated education provision, the Bill represents value for money overall. However, it is acknowledged that there may be some additional financial implications resulting from the Bill and it is worth providing some examples of this below. It is worth stating these are not intended to be exhaustive, but are provided for additional context in the scrutiny of the Bill.
11. Article 64 of the Education Reform (Northern Ireland) Order 1989 provides for a duty ‘to encourage and facilitate the development of integrated education’ on the Department of Education. This bill proposes to add the duty to support integrated education. This will result in promotion of integrated education in the manner that the Shared Education Act (Northern Ireland) 2016 legislated for the promotion of shared education. There will be resourcing, implementation and running costs which may include, but may not be limited to, implementation requirements arising from the general duty to support under clause 4.
12. The Bill also proposes that a dedicated team and resources must be made available to ensure these statutory duties are carried out. The Irish Medium and Integrated Education team within the Department of Education is responsible for the statutory duties in relation to integrated education. Information provided by the Department of Education to the Assembly’s Research and Information Services (‘RaISe’) suggests that the Department’s current staffing cost of carrying out those duties is currently £130,648 per annum. Therefore, RaISe assumed for illustrative purposes, that if this additional duty required one additional Staff Officer and one additional Executive Officer II, the annual staffing cost of carrying out those duties could increase to £171,606 for this team.
13. The Bill also proposes that the Department of Education should publish an Integrated Education Strategy, which may require investments such as staffing resources and enhanced administrative processes. The Department of Education has provided RaISe with information on the Children and Young People’s Strategy as an indicative example of the staff and programme costs associated with producing a new Strategy. It amounted to £291,315 per annum, as advised by the Department.
14. It is worth noting that the 2017 Independent Review of Integrated Education estimated that the additional cost of educating children separately was £2.2 million a year and therefore the Member considers there should be long-term benefits arising from the provisions within the Bill.

15. There are other financial implications of the Bill which are either difficult to quantify or it is considered will not require investment in new staff or significant changes to existing administrative processes. This is due to the governance which is in place to fulfil existing duties around integrated education. The Bill could also have implications for budget allocations to integrated schools, particularly through the additional funding allocated by the Common Funding Formula for the Landlord Maintenance and Administration Cost Factors.
16. The Member looks forward to more detailed discussion of the mechanisms to implement the provisions of the Bill in due course.

### **HUMAN RIGHTS ISSUES**

17. The Member is satisfied that the bill is human rights compliant.

### **EQUALITY IMPACT ASSESSMENT**

18. An Equality Impact Assessment has not been undertaken, as communications between the Member and the Equality Commission and legal advice the Member has received did not identify any equality implications of the Bill. Therefore, it is considered the Bill will not have an adverse impact on any of the groups identified in section 75 of the Northern Ireland Act 1998. For policy implementation, the Department of Education should consider Equality Impact Assessments as appropriate.

### **LEGISLATIVE COMPETENCE**

19. At introduction, the sponsor of the Bill, Kellie Armstrong MLA had made the following statement under Standing Order 30:

*“In my view the Integrated Education Bill would be within the legislative competence of the Northern Ireland Assembly.”*

### **SECRETARY OF STATE CONSENT**

20. It is considered that the Secretary of State’s consent under section 8 of the Northern Ireland Act 1998 is not required for this Bill.