



Northern Ireland
Assembly

Research and Information Service Bill Paper

15th November 2021

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Integrated Education Bill

NIAR-247-2021

This paper has been prepared to inform consideration of the Integrated Education Bill and focuses on the policy implications. To contextualise an examination of the key Bill clauses, this Bill Paper first provides an overview of relevant policy. It then provides background to the establishment and growth of integrated schools in Northern Ireland. Thereafter, it considers a number of issues arising from the Bill's individual clauses, drawing on relevant sources, including issues raised through the Committee's consideration of the Bill to date. The Paper highlights issues for further consideration throughout.

This information is provided to MLAs in support of their Assembly duties and is not intended to address the specific circumstances of any particular individual. It should not be relied upon as professional legal advice or as a substitute for it.

Key Points

The Integrated Education Bill was introduced by the Bill sponsor, Kellie Armstrong MLA, on 1 June 2021.

The Bill makes provision about the promotion and provision of integrated education. It also provides for reform and the expansion of integrated education. The Bill (as introduced) is comprised of 15 clauses and no schedules.

This Bill Paper is prepared to support the Committee for Education in its scrutiny of the introduced Bill, and focuses on the policy implications. It commences with an overview of relevant policy and associated implications on the Bill. It considers a number of issues arising from the Bill's individual clauses, drawing on relevant sources, including issues raised through the Committee's consideration of the Bill to date. A brief descriptor of each substantive Clause, and associated considerations as further examined through the Paper, is presented below:

- Clause 1 provides an updated definition of “integrated education” and “integrated school”. If enacted, it would amend Section 64(1) and Section 66(2) of the Education Reform (Northern Ireland) Order 1989¹, to define integrated education as including not only Protestant and Catholic pupils, but also pupils from different cultural and religious beliefs and of none, and to encompass pupils of differing socio-economic backgrounds and abilities. It would define an integrated school as one which intentionally promotes, protects and improves an ethos of diversity, respect and understanding between those of different cultures and religious beliefs and of none, between those of different socio-economic backgrounds and between those of different abilities.

Considerations to date have identified concern² that the definition of integrated school, as set out at Clause 1, is too broad and incongruent with the definition constituted by the 1989 Order. This Paper suggests the benefit in amending Clause 1 to clarify that an integrated school is one that has acquired its status as per the legislative procedure defined by the 1989 Order.

- Clause 2 sets out the purpose of integrated education. It uses the same definition of purpose as that for shared education in the Shared Education Act (Northern Ireland) 2016³. There is some synergy in the defined purpose as set out at Clause 2, and other definitions related to the purpose of integrated education. This is particularly the case with regard the perceived role of integrated education in fostering inclusion, respect for diversity, and good relations.

¹ Legislation.gov.uk *The Education Reform (Northern Ireland) Order 1989* [online] Available at: <http://www.legislation.gov.uk/nisi/1989/2406>

² Committee for Education OFFICIAL REPORT (Hansard) Integrated Education Bill: Department of Education NI, 22 September 2021

³ Legislation.gov.uk *Shared Education Act (Northern Ireland) 2016* [online] Available at: <https://www.legislation.gov.uk/nia/2016/20/section/1>

- Clause 3 requires the Department of Education, in exercising its functions, 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. The Explanatory and Financial Memorandum suggests that the Northern Ireland Council for Integrated Education (NICIE) could fulfil that role. The Department of Education has expressed concern that Clause 3, as currently written, would require the Department to consult NICIE on every function, whether related to integrated education or not. It stated that NICIE does not have the capacity to fulfil such a role and that it would elevate NICIE's position above other educational bodies⁴.

This Paper suggests the need for further clarity regarding the role of the advisory body, including the scope of the role; the capacity and resource required to fulfil it; the specific matters on which DE is required to consult it; and implications on existing structures including those established for Area Planning.

- Clause 4 of the Integrated Education Bill amends Article 64 of the Education Reform (Northern Ireland) Order 1989 so that it places a duty on DE to *promote* integrated education, in addition to the existing duties of *encouraging* and *facilitating* it. Clause 4 also amends Section 2(3) of the Education Act (Northern Ireland) 2014⁵ so as to require the EA to encourage, facilitate and promote integrated education. This amendment would create a duty on the EA to promote integrated education in the same way that it does currently for Shared Education.
- Clause 5 defines the promotion of integrated education. In essence, it places responsibilities on DE and EA to a) identify, assess, monitor and aim to increase the demand for the provision of integrated education and b) provide sufficient places in integrated schools to meet the demand, including future demand, for integrated education. Clause 5(b) reflects that the religious demographics of an area or spare places in existing schools should not be treated as evidence of lack of demand for integrated education.

This Paper considers some of the challenges in measuring actual demand for integrated education, whilst also noting the findings of successive surveys and opinion polls which point to high support for integrated schools in Northern Ireland. It further notes that, for the last three years, integrated schools have had fewer available places than non-integrated settings. It shows that a higher proportion of integrated schools were oversubscribed in comparison to non-integrated settings in 2020/21 (with the exception of grammar schools), but that there were similar levels of undersubscription across settings, with a sizeable proportion of integrated schools undersubscribed.

Enrolment trends reflect that the proportion of pupils in integrated education has remained fairly static over the last five years, at less than 10% of all school enrolments. The Paper considers some of the barriers to the growth of integrated

⁴ Committee for Education OFFICIAL REPORT (Hansard) Integrated Education Bill: Department of Education NI, 22 September 2021

⁵ Legislation.gov.uk *Education Act (Northern Ireland) 2014* [online] Available at: <https://www.legislation.gov.uk/nia/2014/12/section/2>

education, including accessibility of integrated school options. It then considers some of the implications arising from a duty to promote.

- Clause 6 requires specified education bodies to include provision for integrated education when (a) developing, adopting, implementing or revising policies, strategies and plans; and (b) designing and delivering public services. This Paper presents information which suggests the need for further clarity on the type and range of educational bodies within the scope of Clause 6 and the implications on their existing statutory functions. It also considers the need for clarity with regards the duty to 'include provision for' and how this compares with the duty 'to consider' as provided for in the Shared Education Act (Northern Ireland) 2016.
- Clause 7 establishes a presumption that new schools which are proposed to be established should be integrated schools, unless that would be inappropriate by reason of special circumstances. Special circumstances have not been defined in the Bill. However, the Clause states that the religious demographics of an area and the existence of spare places in existing schools are not to be treated as special circumstances.

This Paper presents information from considerations to date which suggests the need to define special circumstances; to make explicit reference to 'parental/community engagement' within Clause 7; and to consider the implications of Clause 7 on the existing policy and legislation related to the establishment of new schools.

- Clause 8 requires the Department of Education to publish a strategy for encouraging, facilitating, promoting and providing integrated education six months after the Act is commenced. Subsection (2) sets out a list of particular matters that must be covered by the Strategy. This include provision for resources and the identification of funding commitments for the promotion and provision of integrated education.

This Paper further considers the resource and financial implications arising from the duty to promote, including those related to the expansion of existing integrated schools and the transformation of existing schools into integrated schools.

- Clause 9 places a requirement on the Department of Education to lay a report before the Northern Ireland Assembly on the operation of the Act every two years. The Explanatory and Financial Memorandum expands on the requirement for the Department to ensure proper auditing of demand for Integrated Education in Northern Ireland, on a biennial basis and by area. If enacted as proposed, the EA would be required to report back on this to the Department, and to take account of it in its budget and planning decisions.
- Clause 10 requires the Department of Education to make regulations supplementing the provisions of the Act. The proposed regulations pertain to a range of matters and are aligned with provisions required for in other parts of the Bill, namely Clause 8. Clause 11 proposes that DE give guidance about the implementation or application of a provision in the Act, including a provision amending another enactment.

This Paper proposes the benefit in giving further consideration to aspects of Clauses 10 and 11, including the implications of Clause 10(3) which permits provision to amend other Northern Ireland legislation; the breadth of matters proposed for inclusion in the Regulations; and the range of public authorities who may fall within the scope of 11(2) and, as such, be required to have regard to any guidance issued by the Department at Clause 11.

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Introduction

The Integrated Education Bill was introduced to the Northern Ireland Assembly by the Bill sponsor, Kellie Armstrong MLA, on 1 June 2021. The second Stage of the Bill passed on 6th July 2021. The Bill is currently at Committee Stage for further scrutiny and consideration by the Committee for Education.

The Bill makes provision about the promotion of integrated education, and provides for the reform and the expansion of integrated education⁶.

This Bill Paper is prepared to support the Committee for Education in its scrutiny of the introduced Bill, and focuses on the policy implications.

To contextualise an examination of the key Bill clauses, this Bill Paper first provides an overview of relevant policy. It then provides background to the establishment and growth of integrated schools in Northern Ireland.

Thereafter, it considers a number of issues arising from the Bill's individual clauses, drawing on relevant sources, including issues raised through the Committee's consideration of the Bill to date. The Paper highlights issues for further consideration throughout.

All references in this Paper to "the Bill" are to the Bill as introduced.

1 Policy Context

Over the last number of years there have been a range of policies and strategies which have had a bearing on integrated education in Northern Ireland. These have spanned the areas of good relations and education, and include: The Belfast (Good Friday) Agreement⁷; A Shared Future⁸; the Independent Strategic Review of Education (The Bain Report)⁹; Towards a Culture of Tolerance: Integrating Education¹⁰; Schools for the Future: A Policy for Sustainable Schools¹¹; Every School a Good School - a Policy for School Improvement¹²; Community Relations, Equality and Diversity (CRED) Policy¹³; Putting Pupils First: Shaping the Future – the next steps for education¹⁴; and Together: Building a United Community (T:BUC) Strategy¹⁵.

Whilst the aforementioned policies are all significant in the context of integrated education, there are some which have particular relevance to the Integrated Education Bill, and as such,

⁶ Explanatory Memorandum to the Bill

⁷ The Agreement reached in the multi-party negotiations (Belfast/Good Friday Agreement) 1998.

⁸ Office of the First Minister and Deputy First Minister (2005), *A Shared Future – Policy and Strategic Framework for Good Relations in Northern Ireland*, Belfast: OFMDFM,

⁹ Department of Education (2006) *Schools for the future: Funding, strategy and sharing* Independent Strategic Review of Education. Bangor: Department of Education.

¹⁰ Department of Education (1998) *Towards a Culture of Tolerance: integrating education*. Bangor: Department of Education.

¹¹ Department of Education (2009) *Schools for the Future: A Policy for Sustainable Schools*. Bangor: Department of Education

¹² Department of Education (2009) *Every School a Good School: a policy for school improvement*. Bangor: Department of Education.

¹³ Department of Education (2011) *Community Relations, Equality and Diversity in Education*. Bangor: Department of Education.

¹⁴ Department of Education (2011) *Putting Pupils First: Shaping the Future – The Next Steps for Education*. Bangor: Department of Education

¹⁵ The Executive Office (2013) *Together: Building a United Community*, Belfast: TEO.

are explored in more detail in this paper. This includes the 2016 Review of Integrated Education; the Independent Review of Education as committed to under the New Decade, New Approach Deal, and the Sustainable Schools Policy. Other relevant developments, including the passing of the Shared Education Act (Northern Ireland) 2016 and the Treacy judgement on Drumagh Integrated College¹⁶ are also briefly considered.

1.1 Independent Review of Integrated Education

The Department of Education carried out an Independent Review of Integrated Education¹⁷ which reported in November 2016.

The Review report contained 39 recommendations for developing and supporting the growth of integrated education in Northern Ireland, including proposed changes in legislation and policy. Recommendations included amending the official definition of the term to better reflect Northern Ireland's more diverse society and extending the current legal duty from "encourage and facilitate" the development of integrated education to include a requirement to "promote" the model to ensure parity between integrated and shared education.

The Department has reported delivery on eight of the Review recommendations¹⁸. It is proposed that a number of the other recommendations will be considered in the upcoming independent review of education; these are further considered below.

1.2 New Decade, New Approach: Independent Review of Education

The New Decade, New Approach (NDNA) document¹⁹ makes a commitment to "support educating children and young people of different backgrounds together in the classroom". It makes reference to the diversity of school types within Northern Ireland's education system, noting that this is 'not sustainable'. The associated commitment to take forward an independent review of education was proposed with the aim of ensuring greater efficiency in delivery costs, raising standards, access to the curriculum for all pupils, and the prospects of moving towards a single education system²⁰.

The Terms of Reference for the Review note previous work that will have a bearing on the work of the Independent Review Panel, including that of the 2016 Review of Integrated Education. It identifies 15 recommendations²¹ from the 2016 Review for consideration in the

¹⁶ High Court of Justice in Northern Ireland (2014) *An application by Drumragh Integrated College for Judicial Review and in the matter of a decision of the Department of Education* [online] Available at:

<https://www.judiciaryni.uk/sites/judiciary/files/decisions/Drumragh%20Integrated%20College%E2%80%99s%20Application%20and%20in%20the%20matter%20of%20a%20decision%20of%20the%20Department%20of%20Education.pdf>

¹⁷ Topping, M. and Cavanagh, C. (2017), *Integrating Education in Northern Ireland: Celebrating Inclusiveness and Fostering Innovation in our Schools*, Bangor: Department of Education: <https://www.education-ni.gov.uk/publications/report-independent-review-integrated-education>

¹⁸ Committee for Education OFFICIAL REPORT (Hansard) *Integrated Education Bill*: Department of Education NI

¹⁹ UK Government and Irish Government (2020), *New Decade, New Approach*: <https://www.gov.uk/government/news/deal-to-see-restored-government-in-northern-ireland-tomorrow>

²⁰ *Ibid*

²¹ Department of Education *Independent Review of Education – Terms of Reference*: <https://www.education-ni.gov.uk/sites/default/files/publications/education/INDEPENDENT%20REVIEW%20OF%20EDUCATION%20-%20REVISED%20DRAFT%20TERMS%20OF%20REFERENCE%20-%20FEBRUARY%202021.pdf>

wider Review of Education. For ease of reference, these have been listed verbatim in the table below.

(1) That DE reviews the existing legal definition of 'integrated' education to ensure it is appropriate for the 21st century, particularly in light of Northern Ireland's changing demographic and increasing diversity.

(3) That the new legislation should include a requirement to report to the Assembly at intervals of not more than two years on the implementation of the statutory duty to encourage, facilitate and promote integrated education.

(4) That DE should review the religious balance criteria for integrated schools to take greater account of our more diverse society and regional and local demographics, including the balance of the community in which a school is located.

(6) That where clear demand is demonstrated, integrated pre-school provision (an integrated nursery or any pre-school linked directly to an integrated primary school) should receive funding and additional places even where there are unfilled pre-school places in other providers in the area.

(7) That the EA should pro-actively plan, set objectives for, and monitor progress towards, increasing the places available in the integrated sector.

(8) That the EA carries out an in-depth and individualised audit of demand for places in existing integrated schools.

(9) That this audit should be underpinned by the principle that demonstrated demand for integrated education should be met regardless of the existence of available places in other sectors.

(10) That the outcome of the audit is used as a basis to plan for the growth of integrated education

(11) That all Development Proposals for closures and amalgamations of existing schools should be required to demonstrate explicitly in the Case for Change that they have given meaningful consideration to a sustainable integrated, jointly managed or shared solution.

(13) That DE should remove all financial disincentives to shared education partnerships that wish to amalgamate (technically both schools close and reopen as a new school) through the Development Proposal process to become either an integrated or jointly managed school.

(14) That DE should develop clear guidance and a funded support package for those schools that wish to follow this pathway.

(16) That DE should consider moving towards a model whereby it commissions sixth form places on an area basis, with open access to area-based sixth forms.

(33) That DE considers the development of standardised baseline designs for nursery, primary and post-primary schools to ensure that as much of the Fresh Start Capital Funding as possible is spent on the ground to transform our education system.

(37) That DE should ensure that all student teachers being educated in Northern Ireland shall have substantial, meaningful, cross-community, professional training including cross-community contact, that will prepare them to work in any publicly-funded school in Northern Ireland.

(38) That, in order to encourage all schools to have cross-community staff, the Executive should reform legislation so that teachers at secondary level be no longer exempted from the regulations of Fair Employment; and that early consideration be given to the removal of teacher exemption at all levels.

In considerations of the Integrated Education Bill to date, the Minister for Education²² and the Department of Education²³ have identified the Independent Review as the vehicle by which fundamental review of the education system can be enabled. Both have cautioned that the passage of the Bill will pre-empt the findings of the Review. However, the Bill sponsor and others have expressed concern as to whether the Review can be undertaken, and recommendations established, agreed and delivered, in a timely manner, and have proposed that the objectives of the Bill are required at pace.

1.3 Sustainable Schools Policy and Area Planning

The origins of area planning can be attributed to the independent Strategic Review of Education (the Bain Review)²⁴. Published in 2006, the Review reported that, due to falling pupil numbers and Northern Ireland's many school sectors, there were too many schools in Northern Ireland. This report emphasised the need for sustainable schools and a rationalisation of the schools estate based on strategic planning. The report also noted:

The Department of Education should make clear that, in discharging its legislative duty in respect of integrated education, it is committed to facilitating and encouraging a variety of approaches to integrating education within a framework of sustainable schools²⁵.

In response to the findings of the Bain Review, the Department of Education introduced "Schools for the Future: A Policy for Sustainable Schools"²⁶ (the "Sustainable Schools Policy – SSP") in January 2009. This policy sets out the context for the current area planning process. It also sets out the criteria and indicators for the sustainability of schools in Northern Ireland and, and as such, the framework through which planning for current and future provision should be viewed. The general sustainability criteria for schools are: quality educational experience; stable enrolment trends; sound financial position; strong leadership

²² Committee for Education OFFICIAL REPORT (Hansard) Integrated Education Bill: Second Stage, Tuesday 6 July 2021, Volume 141, No 6

²³ Committee for Education OFFICIAL REPORT (Hansard) Integrated Education Bill: Department of Education NI, 22 September 2021

²⁴ Department of Education (2006) *Schools for the future: Funding, strategy and sharing* Independent Strategic Review of Education. Bangor: Department of Education.

²⁵ Ibid

²⁶ Department of Education (2009) *Schools for the Future: A Policy for Sustainable Schools*. Bangor: Department of Education.

and management by boards of governors and principals; accessibility; and strong links with the community²⁷.

1.4 Area planning

Area Planning is the process of strategic planning of primary and post-primary education provision, in order to develop a network of viable and sustainable schools²⁸. The process was developed to support the implementation of the Sustainable Schools Policy. It aims to ensure that all pupils have access to a broad and balanced curriculum that meets their needs within a diverse system of education through a network of sustainable schools²⁹. It is led by the EA working in partnership with CCMS and with involvement from sectoral bodies including the Northern Ireland Council for Integrated Education, Controlled Schools' Support Council, Comhairle na Gaelscolaíochta, Governing Bodies Association, Catholic Schools' Trustee Service and the Further Education sector, to identify current and future educational needs and develop solutions to meet these on an area basis. This information is presented in the Area Plan which sets out the strategic direction for increasing the number of children and young people being taught in sustainable schools³⁰.

The first region-wide strategic area plan '*Providing Pathways*'³¹ was published in April 2017. This was initially to cover the period 2017 – 20, however, was subsequently extended to 2022. The document identifies sustainability issues drawn from a range of evidence. Presented issues include the need to reduce the number of available places in schools, match provision to population trends, and address school provision which is not sustainable. The need to encourage and facilitate the development of Integrated and Irish-medium education was identified as a key theme within the Area Plan at both primary and post-primary level.

In addition to the strategic area plan, annual action plans have been produced across the planning cycle to effect the actions contained within the high-level Strategic Area Plan. The plans outline issues at NI and LGD level, and identify schools for which developments are proposed³².

²⁷ Ibid

²⁸ Department of Education (2016) *Area Planning Guidance for Primary and Post-Primary Schools*. Bangor: Department of Education: <https://www.education-ni.gov.uk/sites/default/files/publications/education/revised-area-planning-guidance-27-september-2016.pdf>

²⁹ Ibid

³⁰ Department of Education (2021) *Area Planning Guidance for 2022 – 2027*. Bangor: Department of Education: <https://www.education-ni.gov.uk/sites/default/files/publications/education/AP%20Guidance%20June%202021.pdf>

³¹ Education Authority *Providing Pathways Strategic Area Plan for School Provision 2017-2020 Action Plan for Primary, Post-Primary and Special Schools April 2019 – March 2021*. Belfast, EA: <https://www.eani.org.uk/sites/default/files/2018-10/Providing%20Pathways%20-%20Strategic%20Area%20Plan%202017-2020.pdf#:~:text=%E2%80%98Providing%20Pathways%E2%80%99%20is%20a%20strategic%20plan%20which%20identifies,quality%20education%20in%20fit-for-purpose%20schools%20in%20the%20future.>

³² Education Authority *Action Plan for Primary, Post-Primary and Special Schools April 2019 – March 2021*. Available at: <https://www.eani.org.uk/sites/default/files/2019-06/Annual%20Action%20Plan%202019-21.pdf>

The next area planning cycle will commence on 1st September 2022 and is due to run to 31 August 2027. The second strategic level Area Plan is to be published in mid-June 2022 alongside an Operational Plan, with both to take effect on 1 September 2022³³.

To support the establishment of priorities for the next area planning cycle, DE has produced a sustainability baseline report³⁴ which assesses the extent of unsustainability at regional and local level across settings against SSP criteria and indicators. The report focuses specifically on the criteria of “stable enrolment trends” and “sound financial position”. It reports on changes between 2010/11 and 2019/20 with reference to the number of schools; the number of schools below the SSP enrolment threshold; available places; and the number of schools with a financial deficit greater than 5% of their annual budget³⁵.

On 9th August 2021, the Education Minister outlined her priorities³⁶ for the next Area Plan which include:

- the issue of primary pupils being taught in composite classes of more than two year groups;
- post-primary schools that are failing to provide a broad and balanced curriculum for pupils in years 8-12; and
- small sixth forms.

The Minister also proposed that a process will be developed to provide support to newly formed Integrated and Irish Medium schools³⁷.

1.5 Shared education

The Shared Education Act (Northern Ireland) 2016 places a statutory duty on the Department to encourage, facilitate and promote Shared Education. The Act also requires the Department to report biennially on the operation of the Act including the extent to which the purpose of Shared Education has been achieved.

Shared education involves providing, organising and delivering education so that it allows for the education together of learners from different backgrounds. It involves education providers working together to deliver educational benefits, promote the efficient use of resources and promote equality of opportunity and good relations.³⁸

³³ Department of Education *Area Planning: Pre-Planning Year Timetable*. [online] Available at: <https://www.education-ni.gov.uk/publications/area-planning-pre-planning-year-timetable-202122>

³⁴ Department of Education *Sustainability Baseline Report*, Bangor: Department of Education: <https://www.education-ni.gov.uk/publications/sustainability-baseline-report>

³⁵ This analysis excludes VG and GMI schools which operate differing accounting practices

³⁶ Department of Education *Ministerial Statement on Setting the Priorities for the Next Regional Area Plan 9 August 2021* [online] Available at: <https://www.education-ni.gov.uk/publications/ministerial-statement-setting-priorities-next-regional-area-plan-9-august-2021>

³⁷ Ibid

³⁸ Department of Education *What is Shared Education?* [online] Available at: <https://www.education-ni.gov.uk/articles/what-shared-education>

1.6 Treacy Judgement

Drumragh Integrated College challenged the Department of Education's refusal of a development proposal to increase its enrolment numbers. In May 2014, Lord Justice Treacy delivered his judgement on the case.³⁹

He noted that the Department's needs model used to develop area plans (strategic plans of the schools estate) 'assumes no growth in the integrated sector'. He noted that the 'inflexibility' of the projections used would make it difficult to accommodate the Department's duty to encourage and facilitate the development of integrated education, as required by Article 64 of the Education Reform (Northern Ireland) Order 1989⁴⁰ (the 1989 Order). He stated:

The department need to be alive to the A64 duty at all levels, including the strategic level.

Lord Justice Treacy also stated that integrated education is a 'standalone concept,' with an integrated school one that strives:⁴¹

to create an equal balance in relation to worship, celebration and exposure to both faiths. This is reflected in its constitution and the board must strive in its ethos to achieve this... integrated education referred to in the article is education that is integrated throughout and not education that is delivered by a partisan board.

2 Establishment of integrated schools

Chapter II of Part VI of the 1989 Order provides for the establishment of grant maintained integrated schools and Chapter III provides for the transformation of controlled schools to integrated status.⁴² In each case, the requirements and processes for grant maintained and controlled integrated schools are set out in the respective Chapters of Part VI.

All grant-aided schools are eligible to acquire grant-maintained or controlled integrated status, with the following exceptions⁴³:

- Special schools;

³⁹ High Court of Justice in Northern Ireland (2014) *An application by Drumragh Integrated College for Judicial Review and in the matter of a decision of the Department of Education* [online] Available at: <https://www.judiciaryni.uk/sites/judiciary/files/decisions/Drumragh%20Integrated%20College%E2%80%99s%20Application%20and%20in%20the%20matter%20of%20a%20decision%20of%20the%20Department%20of%20Education.pdf>

⁴⁰ Legislation.gov.uk *The Education Reform (Northern Ireland) Order 1989* [online] Available at: <http://www.legislation.gov.uk/nisi/1989/2406>

⁴¹ High Court of Justice in Northern Ireland (2014) *An application by Drumragh Integrated College for Judicial Review and in the matter of a decision of the Department of Education* [online] Available at: http://www.courtsni.gov.uk/en-GB/Judicial%20Decisions/PublishedByYear/Documents/2014/%5B2014%5D%20NIQB%2069/j_i_TRE9202Final.htm

⁴² Legislation.gov.uk *The Education Reform (Northern Ireland) Order 1989* [online] Available at: <http://www.legislation.gov.uk/nisi/1989/2406>

⁴³ Department of Education (2017), *Integration Works – Transforming Your School*, Bangor: DE: <https://www.education-ni.gov.uk/publications/integration-works-transforming-your-school-guidance>.

- Hospital schools;
- A controlled or voluntary school if the Department has approved a proposal to discontinue the school; and
- A voluntary school if the trustees have served notice of their intention to discontinue the school.

There are two routes to integrated status⁴⁴:

1. Transformation of an existing school⁴⁵
2. Establishment of a new grant-maintained school⁴⁶

2.1 The process

The statutory process for moving to integrated status can be formally initiated in one of two ways:

1. the Board of Governors decides by resolution passed at a meeting of the Board to hold a ballot of parents;
2. the Board of Governors receives a signed request to initiate a ballot of parents from at least 20 percent of parents of pupils registered at the school⁴⁷.

If a simple majority of those who vote in the ballot is in favour of applying for the proposed new status and at least 50 percent of those eligible to vote have done so, the Board of Governors must submit a Development Proposal to integrated status to the EA.

The EA will then publish the proposal in the press and there will be a two month consultation period⁴⁸. All Development Proposals are considered by DE on a case by case basis.

A proposal for a new grant-maintained integrated school, or for transformation to grant-maintained integrated status, is governed by Article 71 of the 1989 Order and is subject to a requirement that the EA publishes a proposal within 21 days of receiving it⁴⁹.

Generally, there are three sets of criteria⁵⁰ for a new integrated school:

1. Viability: The school must have a minimum number of pupils, as follows:

⁴⁴ Department of Education *Establishing an Integrated School* [online] Available at: <https://www.education-ni.gov.uk/articles/establishing-integrated-school>

⁴⁵ Guidance is provided by: Department of Education (2017), *Integration Works – Transforming Your School*, Bangor: DE: <https://www.education-ni.gov.uk/publications/integration-works-transforming-your-school-guidance>.

⁴⁶ The Department refers to the Northern Ireland Council for Integrated Education (NICIE) for more information: <http://www.nicie.org/>.

⁴⁷ Department of Education (2017), *Integration Works – Transforming Your School*, Bangor: DE: <https://www.education-ni.gov.uk/publications/integration-works-transforming-your-school-guidance>.

⁴⁸ Ibid

⁴⁹ Department of Education *Circular 2017/09 - Guidance on the publication of a Development Proposal (updated September 2018)*. Bangor, Department of Education. Available at: [Circular 2017/09 - Guidance on the publication of a Development Proposal \(updated September 2018\) | Department of Education \(education-ni.gov.uk\)](https://www.education-ni.gov.uk/publications/integration-works-transforming-your-school-guidance)

⁵⁰ Department of Education *Establishing an Integrated School* [online] Available at: <https://www.education-ni.gov.uk/articles/establishing-integrated-school>.

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- a. 15 pupil intake for a new primary school in Belfast or Derry/Londonderry
 - b. 12 pupil intake for Year 1 for a new primary school elsewhere
 - c. 50 pupil intake for Year 8 for secondary schools
2. **Religious balance:** The 1989 Order states there must be a 'reasonable balance of Protestant and Roman Catholic' pupils, the Department specifying at least 30% of the community which is in the minority in the area
 3. **General criteria:** these are applicable to all schools and include requirements in relation to: Curriculum; School management; Teacher qualification; Open enrolment; Assessment; Accommodation standards; Keeping of records

New integrated schools are not eligible for capital funding until they have been established for at least two or three years⁵¹ and have demonstrated that they can sustain a viable enrolment. However, the Integrated Education Fund aims to help bridge this financial gap for schools⁵². The Department provides support to transforming schools from a budget of £20,000 per annum⁵³.

2.2 Growth of integrated schools

The first integrated post-primary in Northern Ireland opened in 1981⁵⁴. Figure 1 (overleaf) illustrates the number of grant-maintained integrated and controlled integrated primary and post-primary schools in Northern Ireland since 1991/92. It shows that grant-maintained integrated schools increased from 12 schools in 1991/92 to 38 in 2020/21. Controlled integrated schools increased from one establishment in 1991/2 to 27 in 2020/21.

The figure illustrates a slowdown in the growth of integrated schools from around the year 2000, with a particularly marked decrease in growth over the past ten years. However, in 2021, four more schools acquired controlled integrated status following Ministerial approval to transform. This includes Seaview Primary School, the first Catholic primary school to transform to integrated status, and Brefne Nursery School; the first nursery to transform to integrated status. The 2021/22 school census is currently being undertaken, therefore, the impact on enrolments is yet to be determined.

A further two schools, Glengormley High and Bangor Central Nursery School are awaiting a Ministerial decision.

⁵¹ Ibid

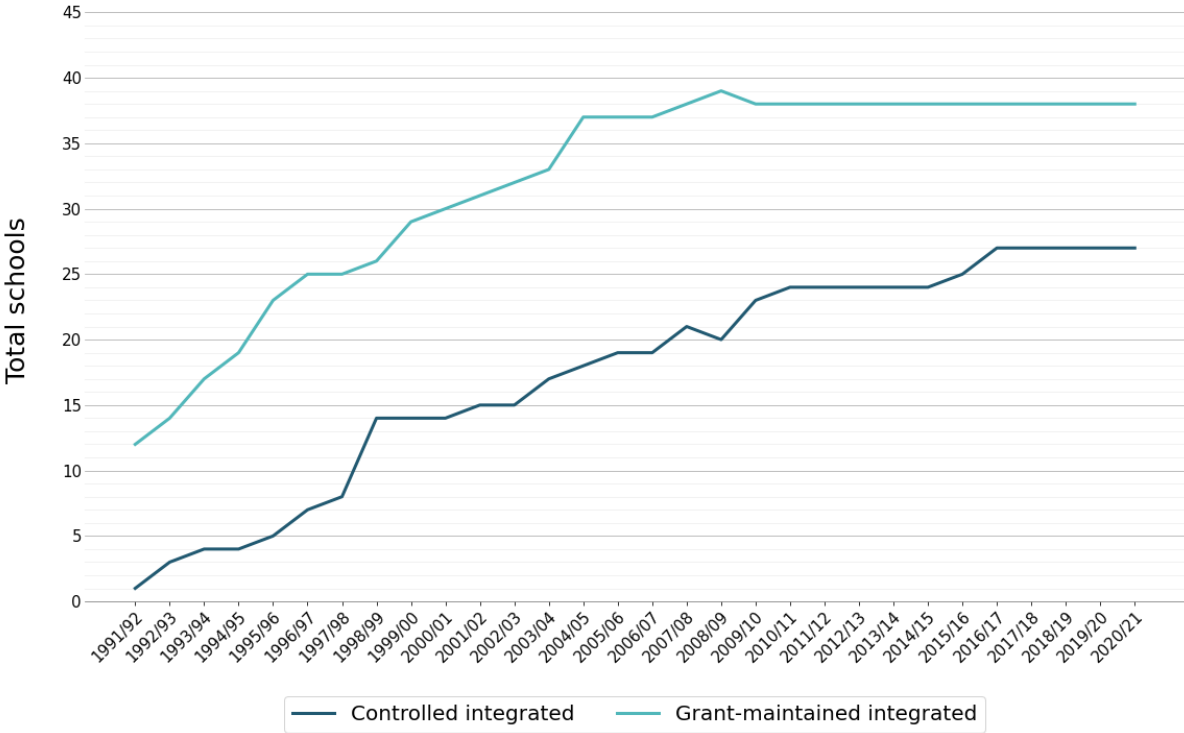
⁵² Integrated Education Fund 'About us: Integrated Education' [online] Available at: <https://www.ief.org.uk/about-us/integrated-education/>

⁵³ Northern Ireland Assembly Research and Information Service, Public Finance Scrutiny Unit (RalSe paper NIAR 60-21) (2021) *Integrated Education Bill: Potential financial implications*

⁵⁴ Hansson, U., O'Connor, U., McCord, J. (2013) *Integrated education: a review of policy and research evidence 1999-2012* Belfast: Integrated Education Fund

Whilst there have been no new grant-maintained integrated schools since 2009/10, a Development Proposal is currently live to establish a new grant maintained integrated school in the Mid-Down area⁵⁵.

Figure 1: Number of integrated primary and post-primary schools from 1991/92 to 2020/21⁵⁶



The remainder of this paper considers each of the substantive Bill clauses in turn. It draws on a range of information and evidence, including some of the issues raised during the Committee’s considerations of the Bill to date.

3 Clause 1: Meaning of “Integrated Education”

The primary legislation requiring the Northern Ireland Government to provide primary and post-primary education is the Education and Libraries (Northern Ireland) Order 1986⁵⁷. Article 64 of the Education Reform (Northern Ireland) Order 1989⁵⁸ provides for a duty on the Department of Education in relation to integrated schools. It defines integrated education as ‘the education together at school of Protestant and Roman Catholic pupils’.

Integrated education in the Northern Ireland context is further defined by the Department of Education as follows⁵⁹:

⁵⁵ Department of Education *Current Development Proposals* [online] Available at: <https://www.education-ni.gov.uk/articles/current-development-proposals>
⁵⁶ Department of Education (2021) *School enrolments - Northern Ireland summary data* [online] Available at: <https://www.education-ni.gov.uk/publications/school-enrolments-northern-ireland-summary-data>
⁵⁷ Education and Libraries (Northern Ireland) Order 1986: <http://www.legislation.gov.uk/nisi/1986/594/contents>.
⁵⁸ Education Reform (Northern Ireland) Order 1989: <http://www.legislation.gov.uk/nisi/1989/2406/contents>.
⁵⁹ Department of Education *Integrated Schools* [online] Available at: <https://www.education-ni.gov.uk/articles/integrated-schools>.

Integrated education brings children and staff from Catholic and Protestant traditions, as well as those of other faiths, or none, together in one school. Integrated Schools ensure that children from diverse backgrounds are educated together.

Clause 1 provides an updated definition of “integrated education” and “integrated school”. If enacted, it would amend Section 64(1) and Section 66(2) of the Education Reform (Northern Ireland) Order 1989⁶⁰, to define integrated education as including not only Protestant and Catholic pupils, but also pupils from different cultural and religious beliefs and of none, and to encompass pupils of differing socio-economic backgrounds and abilities. This is broadly consistent with Recommendation 1 of the 2016 Independent Review of Integrated Education, which is:

that DE reviews the existing legal definition of ‘integrated’ education to ensure it is appropriate for the 21st century, particularly in light of Northern Ireland’s changing demographic and increasing diversity⁶¹.

Clause 1 makes specific reference to ‘reasonable numbers’ of both Protestant and Catholic children or young people. Reasonable numbers are not quantified in the form of targets; this is consistent with Section 66(2) of the 1989 Order and Section 2(2) of the Shared Education Act (Northern Ireland) 2016⁶² which refer to ‘reasonable numbers’ only. However, whilst not defined in existing legislation, the aim for new integrated schools, and those schools wishing to transform to integrated status, has been to achieve a minimum of 10 percent of their first year intake drawn from the minority tradition and, in the longer term, to attract at least 30 percent of pupils from the minority tradition within the school’s enrolment⁶³. The Northern Ireland Council for Integrated Education (NICIE) proposes a different balance, setting out an aspiration to achieve:

- an annual intake of at least 40% pupils from a perceived Catholic background and at least 40% pupils from a perceived Protestant background;
- a Board of Governors comprising at least 40% members from a perceived Catholic background and 40% from a perceived Protestant background; and
- the active recruitment of teachers whose cultural or traditional background reflects that of existing or potential pupils⁶⁴.

⁶⁰ Legislation.gov.uk *The Education Reform (Northern Ireland) Order 1989* [online] Available at: <http://www.legislation.gov.uk/nisi/1989/2406>

⁶¹ Topping, M. and Cavanagh, C. (2017), *Integrating Education in Northern Ireland: Celebrating Inclusiveness and Fostering Innovation in our Schools*, Bangor: Department of Education: <https://www.education-ni.gov.uk/publications/report-independent-review-integrated-education>

⁶² Legislation.gov.uk *Shared Education Act (Northern Ireland) 2016* [online] Available at: <https://www.legislation.gov.uk/ni/2016/20/section/2>

⁶³ Department of Education *Establishing an Integrated School* [online] Available at: <https://www.education-ni.gov.uk/articles/establishing-integrated-school>

⁶⁴ NICIE *Statement of Principles* [online] Available at: <https://www.nicie.org/about-us/statement-of-principles/>

DE Guidance for schools who are considering the process of transformation⁶⁵ recognises the challenges that a 30% target can present for individual schools, dependent on the demographics of the local area and also due to the increasing number of pupils designating as ‘other’ or ‘no religion’.⁶⁶ Schools with particularly low numbers of pupils from the minority community are directed to advice and support from the Department and NICIE.

3.1 Religious background

NI school census figures⁶⁷ demonstrate that, in 2020/21, 7.6% of pupils in Controlled schools were from a Catholic background and 1.2% in Catholic Maintained schools from a Protestant background. In controlled integrated schools, 42% of pupils were from a Protestant background and almost a quarter (23.3%) Catholic. In grant maintained integrated schools just over a third (33.4%) were from a Protestant background and just over two fifths (40.4%) Catholic.

Around a third of pupils (34.7%) in controlled integrated schools designate as other religion, no religion or unknown religion, whilst around a quarter (26.2%) in grant maintained integrated schools identify in the same category. Notably, 28.8% of pupils in controlled schools also designate as other religion, no religion or unknown religion.

Table 1: Religious background of pupils by management type

Management type	Protestant	Catholic	Other religion / no religion / unknown
Controlled	63.6%	7.6%	28.8%
Catholic Maintained	1.2%	93.9%	4.9%
Other Maintained	5.6%	85.1%	9.3%
Controlled Integrated	42%	23.3%	34.7%
Grant Maintained Integrated	33.4%	40.4%	26.2%
Voluntary	25.5%	60.3%	14.2%

⁶⁵ Department of Education (2017) *Integration Works – Transforming Your School*, Bangor: DE: <https://www.education-ni.gov.uk/publications/integration-works-transforming-your-school-guidance>

⁶⁶ Ibid

⁶⁷ Department of Education *Integrated Education in Primary and Post-Primary Schools – Key Statistics*, [online] Available at: [Integrated Education 202021.pdf \(education-ni.gov.uk\)](https://www.education-ni.gov.uk/publications/integrated-education-in-primary-and-post-primary-schools-key-statistics) Further analysis by RaiSe.

The Assembly Research and Information Service (RalSe) requested data from the Department of Education on the number of integrated and non-integrated schools with a religious breakdown of at least 10% and at least 30% of pupils from the minority community (Protestant or Catholic) in 2020/21.

The data reveals that almost three quarters of integrated schools (72% or 47 schools) had a religious breakdown of pupils that fell below the threshold of 30% of pupils from the minority community (Protestant or Catholic) in 2020/21.⁶⁸ This comprised:

- 20 out of 22 controlled integrated primaries;
- 14 out of 23 grant-maintained integrated primaries;
- All five controlled integrated post-primaries; and
- Eight out of 15 grant-maintained integrated post-primaries.

Further analysis of available data⁶⁹ shows that a large number of integrated schools have a significant proportion of students with no religion, other religion or unknown religion. Of the controlled integrated schools, 11 primary schools and four post-primary schools have at least 30% of pupils with this designation. The numbers for the grant maintained integrated sector are ten and two schools respectively.⁷⁰

It should be noted that the above does not reflect the religious composition of the four schools that acquired controlled integrated status in 2021. The 2021/22 school census is currently being undertaken, therefore, the impact on enrolments is yet to be determined.

Nonetheless, when reflecting on reference to 'reasonable numbers' at Clause 1, consideration should be given to the fact that a sizeable proportion of integrated schools did not have at least 30% of pupils from the minority tradition (Protestant or Catholic) in 2020/21.

3.2 Controlled and maintained schools with a significant minority pupil population

Table 2 (overleaf) shows that, when excluding integrated schools, a total of 85 primary and post-primary schools have at least 10% of students from the minority community. The majority of these schools are controlled schools, comprising 65% of schools that have at least 10% from the minority community.

Just ten non-integrated schools have at least 30% from the minority community.

⁶⁸ Data provided by the Department of Education, October 2021, analysis by RalSe

⁶⁹ Source: NI School Census, accessed 2nd November 2021 at <https://www.education-ni.gov.uk/publications/school-enrolment-school-level-date-202021>. Analysis by RalSe.

⁷⁰ Ibid

Table 2: Schools where at least 10% or 30% of the pupil population come from the minority religious background in 2020/21⁷¹

Management type	Minimum 10%		Minimum 30%	
	Primary*	Post primary	Primary*	Post primary
Controlled	45	10	2	3
Voluntary	8	12	1	1
Catholic Maintained	8	2	2	1
Other Maintained	0	0	0	0
Total	61	24	5	5

* Figures for primary includes nursery, reception and year 1 - 7 classes

3.2 Definition of integrated school

Clause 1(2) defines an integrated school as one which intentionally promotes, protects and improves an ethos of diversity, respect and understanding between those of different cultures and religious beliefs and of none, between those of different socio-economic backgrounds and between those of different abilities.

The Department of Education has expressed concern⁷² that the definition of integrated school, as set out at Clause 1, is too broad and incongruent with the definition constituted by the 1989 Order. It has queried the implications for existing integrated schools statutorily defined as grant maintained integrated or controlled integrated. It has also suggested that any school could propose that it meets the definition of integrated school as provided for in the Bill, and as such, could redesignate as an integrated school without undergoing any form of legislative process.

Further consideration could be given to the following in relation to the Bill's definition:

- The need to clarify that an integrated school is one that has acquired its status as per the legislative procedure defined by the 1989 Order.

4 Clause 2: Purpose of Integrated Education

Clause 2 sets out the purpose of integrated education. It uses the same definition of purpose as that for shared education in the Shared Education Act (Northern Ireland) 2016⁷³, which is as follows:

- a) to deliver educational benefits to children and young persons;

⁷¹ Information provided by the Department of Education, October 2021, analysis by RaISe.

⁷² Committee for Education OFFICIAL REPORT (Hansard) Integrated Education Bill: Department of Education NI, 22 September 2021

⁷³ Legislation.gov.uk *Shared Education Act (Northern Ireland) 2016* [online] Available at: <https://www.legislation.gov.uk/nia/2016/20/section/1>

-
- b) to promote the efficient and effective use of resources
 - c) to promote equality of opportunity;
 - d) to promote good relations; and
 - e) to promote respect for identity, diversity and community cohesion.

There is some synergy in the defined purpose as set out at Clause 2, and other definitions related to the purpose of integrated education. This is particularly the case with regard the perceived role of integrated education in fostering inclusion, respect for diversity, and good relations.

For instance, DE reflects that, at its core, integrated education is about:

encouraging children and young people to recognise what they share in common, as well as understanding and respecting differences. This helps them to develop a positive attitude towards others and become aware of bias⁷⁴.

The Department also notes the role of integrated schools in aiming to provide an environment where pupils from different community backgrounds can interact, formally and informally, on a daily basis. It notes that a *'large body of research data suggests that extended contact between children and young people from different community backgrounds, such as that provided in integrated schools, creates the conditions for generating mutual respect and understanding.'*⁷⁵

NICIE refers to the deliberate and intentional nature of integrated education in bringing together in education children from different cultures, beliefs and communities, to deliver positive impacts for pupils and the wider community⁷⁶:

Integrated Education in the Northern Ireland context is about proactively and intentionally educating children from the two main traditional backgrounds (Catholic and Protestant) along with children of other cultures, beliefs and communities together in one school, all day, every day. The community relations impacts are also experienced by the adults within the school communities including staff, governors, parents and wider family circle.

NICIE's Statement of Principles⁷⁷ gives further practical expression to the ethos of an integrated school, with emphasis on the promotion of equality and good relations:

The integrated school provides a learning environment where children and young people from Catholic and Protestant backgrounds as well as those of other faiths and none, can learn with, from and about each other. The promotion of equality and good relations extends to everyone in the school and to their families regardless of their religious, cultural or social background. Integrated education is value-driven and

⁷⁴ Department of Education (2017) *Integration Works – Transforming Your School*, Bangor: DE: <https://www.education-ni.gov.uk/publications/integration-works-transforming-your-school-guidance>

⁷⁵ Ibid

⁷⁶ NICIE *Strategic Plan 2019 – 2022*. Available at: <https://www.nicie.org/about-us/who-we-are/strategic-plan/>

⁷⁷ NICIE *Statement of Principles*. Available at: <https://www.nicie.org/about-us/statement-of-principles/>

child-centred. It is delivered through a holistic approach with an emphasis on developing every aspect of a child or young person's potential.

The Integrated Education Fund (IEF) definition similarly refers to the community relations impacts arising from an integrated ethos of inclusion and diversity⁷⁸:

Integrated schools educate children in an environment where self-esteem and independence are developed as priorities. Self-respect and respect for others are strongly encouraged. The integrated ethos is nurtured to ensure inclusion of people from different religions, cultures, genders, abilities and socio-economic backgrounds.

Integrated education encourages open-minded attitudes among pupils as well as building the confidence and ability to question, observe, listen and make informed decisions.

Others have noted some evidence for the benefits of integrated education to community relations⁷⁹, not just in terms of contact between pupils of different background, but the ethos that integrated schools promote⁸⁰. Research has reflected the positive impact of integrated education on intergroup relations, with young people who attended integrated schools expressing more positive attitudes towards those of other backgrounds, and being more likely to endorse contact and mixing, than those who attended religiously segregated schools⁸¹.

5 Clause 3: Advisory Body

Clause 3 requires the Department of Education, in exercising its functions, 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. The Explanatory and Financial Memorandum suggests that NICIE could fulfil that role.

5.1 Background to and role of NICIE

Established in 1987, NICIE is a charitable body, limited by guarantee and funded by DE since 1989 to promote, support and grow Integrated Education⁸², as per the provisions of the Education Reform (Northern Ireland) Order 1989⁸³.

⁷⁸ Integrated Education Fund 'What is Integrated Education?', [online] Available at: <https://www.ief.org.uk/about-us/integrated-education/>

⁷⁹ Hayes, B. and McAllister, I. (2009), 'Education as a mechanism for conflict resolution in Northern Ireland', *Oxford Review of Education*, 35(4), 437-450.

⁸⁰ Abbott, L. (2010), 'Northern Ireland's integrated schools enabling inclusion: a new interpretation?', *International Journal of Inclusive Education*, 14(8), 843-859.

⁸¹ McKeown S. (2017) Integrated Education in Northern Ireland: Education for Peace?. In: Seedat M., Suffla S., Christie D. (eds) *Enlarging the Scope of Peace Psychology*. Peace Psychology Book Series. Springer, Cham. https://doi.org/10.1007/978-3-319-45289-0_5

⁸² NICIE *Strategic Plan 2019 – 2022*. Available at: <https://www.nicie.org/about-us/who-we-are/strategic-plan/>

⁸³ Legislation.gov.uk *The Education Reform (Northern Ireland) Order 1989* [online] Available at: <http://www.legislation.gov.uk/nisi/1989/2406>

NICIE is not a statutory body with roles and responsibilities defined in legislation. The mission of NICIE, as stated in its Strategic Plan 2019 – 22⁸⁴, is to promote reconciliation in Northern Ireland through Integrated Education. Its four strategic aims, as set out in its Strategic Plan, are as follows:

- 1) Ensure that existing integrated schools receive the support for integration they require.
- 2) Effectively promote and advocate for integrated education.
- 3) Increase opportunities for Integrated Education to meet parental demand for children to be educated together.
- 4) Ensure that NICIE is a highly effective organisation.

Whilst not a managing authority, NICIE represents grant-maintained integrated schools on the teachers' negotiating committee, area planning, local management of schools and other fora⁸⁵. Alongside the EA and CCMS, NICIE is represented on all area planning governance and support structures alongside other sectoral bodies. Structures include an Area Planning Steering Group (APSG), Area Planning Working Group (APWG) and Area Planning Local Groups (APLGs)⁸⁶.

Sectoral bodies are not planning authorities but act as advocates for their school sectors⁸⁷. Within the Area Planning structures, NICIE and the other sectoral bodies including Comhairle na Gaelscolaíochta (CnaG), the Controlled Schools' Support Council (CSSC), the Governing Bodies Association (GBA), Catholic Schools' Trustee Service (CSTS), and the Transferors Representatives' Council (TRC) should reflect the views of their respective sectors. They are expected to:- a) represent their interests, ethos, needs and perspectives within the planning process through ensuring appropriate representation on the relevant planning groups; b) take into account the needs of education across all sectors as well as their own; c) inform policy development through engagement in consultation exercises; d) provide evidence, analysis and advice on proposals impacting on their schools in the Area Plans and annual action plans; e) engage with the EA and CCMS in identifying innovative, creative and shared solutions for sustainable provision; f) engage fully with all other sectors in the process, with a view to adding to quality and viability of provision⁸⁸.

5.2 Issues / considerations raised to date

The Department has expressed concern that Clause 3, as currently written, would require the Department to consult NICIE on every function, whether related to integrated education or

⁸⁴ NICIE *Strategic Plan 2019 – 2022*. Available at: <https://www.nicie.org/about-us/who-we-are/strategic-plan/>

⁸⁵ Committee for Education OFFICIAL REPORT (Hansard) Integrated Education Bill: Northern Ireland Council for Integrated Education, 6 October 2021

⁸⁶ Department of Education (2016) *Area Planning Guidance for Primary and Post-Primary Schools*. Bangor: Department of Education: <https://www.education-ni.gov.uk/sites/default/files/publications/education/revise-area-planning-guidance-27-september-2016.pdf>

⁸⁷ Ibid

⁸⁸ Ibid

not. It stated that NICIE does not have the capacity to fulfil such a role and that it would elevate NICIE's position above other educational bodies⁸⁹.

Further consideration could be given to the following:

- The scope of the advisory body role and the specific matters on which DE is required to consult it.
- The capacity and resource required to fulfil the advisory body role, and any financial / resource implications should there be a requirement to expand the resource.
- Implications on the existing role and remit of NICIE should it adopt the role of advisory body, as proposed in the explanatory and financial memorandum.
- Implications on the existing governance and support structures under the Area Planning Framework.

6 Clause 4: Statutory Duty to Promote

Article 64 of the Education Reform (Northern Ireland) Order 1989 provides for a duty on the Department of Education in relation to integrated schools:

It shall be the duty of the Department to encourage and facilitate the development of integrated education, that is to say the education together at school of Protestant and Roman Catholic pupils⁹⁰.

Clause 4 of the Integrated Education Bill amends the existing legislation, placing a duty on DE to *promote* integrated education, in addition to the existing duties of *encouraging* and *facilitating* it.

Clause 4 also amends Section 2(3) of the Education Act (Northern Ireland) 2014⁹¹ so as to require the EA to encourage, facilitate and promote integrated education. This amendment would create a duty on the EA to promote integrated education in the same way that it does currently for Shared Education.

This Clause is consistent with Recommendation 2 of the 2016 Independent Review, which is:

That DE brings forward legislation to place a duty on DE and the EA and a power on all other Arms-Length Bodies to encourage, facilitate and promote integrated education⁹².

⁸⁹ Committee for Education OFFICIAL REPORT (Hansard) Integrated Education Bill: Department of Education NI, 22 September 2021

⁹⁰ Legislation.gov.uk *Education Reform (Northern Ireland) Order 1989*: <http://www.legislation.gov.uk/nisi/1989/2406/contents>.

⁹¹ Legislation.gov.uk *Education Act (Northern Ireland) 2014*: <https://www.legislation.gov.uk/nia/2014/12/section/2>

⁹² Topping, M. and Cavanagh, C. (2017), *Integrating Education in Northern Ireland: Celebrating Inclusiveness and Fostering Innovation in our Schools*, Bangor: Department of Education: <https://www.education-ni.gov.uk/publications/report-independent-review-integrated-education>

In deriving the aforementioned recommendation, the Review Panel identified EA as ‘the key operational arm of the education system’ with a ‘crucial role in supporting transforming schools’.

The UN Committee on the Rights of the Child (CRC) has also called for active promotion of a fully integrated education system and careful monitoring of shared education provision to ensure social integration⁹³. These recommendations were made to the UK government in 2002, 2008, and 2016 to facilitate compliance with children’s educational rights under the United Nations Convention on the Rights of the Child (UNCRC)⁹⁴.

7 Clause 5: Meaning of promotion

Clause 5 defines the promotion of integrated education, as follows:

- a) identifying, assessing, monitoring and aiming to increase the demand for the provision of integrated education (including, in particular, monitoring the number and success of applications for integrated education), and
- b) providing sufficient places in integrated schools to meet the demand for integrated education (including expected future demand, and without treating the religious demographics of an area or spare places in existing schools as evidence of lack of demand for integrated education).

There are similarities between the definition of promotion as set out at clause 5 and recommendation 7 of the 2016 Independent Review, which states:

That the EA should pro-actively plan, set objectives for, and monitor progress towards, increasing the places available in the integrated sector⁹⁵.

It is also consistent with recommendation 9, which calls for an audit of demand which is:

Underpinned by the principle that demonstrated demand for integrated education should be met regardless of the existence of available places in other sectors⁹⁶.

The Bill Sponsor and representatives from NICIE and IEF have pointed to insufficient places and unassessed demand in the integrated sector when citing the need for a duty on DE to promote and plan for integrated education as set out at Clause 5. They have also cited the absence of a dedicated planning authority for the integrated sector, and subsequent impacts on promotion and growth, as further impetus for this provision to be made.

⁹³ NICCY (2017) *Educational Inequalities and Position Paper*. Belfast: NICCY. Available at: <https://www.niccy.org/publications/2017/august/02/educational-inequalities-position-paper/>

⁹⁴ Ibid

⁹⁵ Topping, M. and Cavanagh, C. (2017), *Integrating Education in Northern Ireland: Celebrating Inclusiveness and Fostering Innovation in our Schools*, Bangor: Department of Education: <https://www.education-ni.gov.uk/publications/report-independent-review-integrated-education>

⁹⁶ Ibid

The following section considers the evidence of ‘supply’ and ‘demand’ in the integrated education sector with reference to integrated school enrolments and applications for integrated school places. It also considers potential barriers to growth in the integrated sector.

7.1 Assessment of demand

The Department confirmed that it does not assess demand for individual sectors for the purposes of long-term planning⁹⁷. It further noted that data on the preferences nominated by parents for individual schools is held by the Education Authority (EA), given EA’s role in facilitating the school admissions processes. Data on applications to schools, including the number of preferences considered by each school and the number of children placed at each preference, is published on the EA’s website.⁹⁸

Successive surveys and opinion polls undertaken by others have pointed to high support for integrated schools in Northern Ireland⁹⁹.

LucidTalk Poll

In 2021, the IEF commissioned LucidTalk to carry out a survey on integrated education. The survey involved interviews with over 2,000 adults from across Northern Ireland. The survey found that 71% of respondents believe integrated education should be the main model of education in Northern Ireland; an increase of 5% on the last poll conducted in 2013. A further 73% expressed support for their child’s school becoming integrated. Almost 79% of people also agreed that all schools, regardless of management type, should aim to have a religious and cultural mix of pupils, teachers and governors.¹⁰⁰

Northern Ireland Life and Times Survey

Data from the most recent Northern Ireland Life and Times Survey (2020)¹⁰¹ revealed 69% of respondents in support of their child attending a mixed religion school compared with 61% in the previous year. Furthermore, the proportion of respondents who expressed a preference for a school with children of their own religion fell from 32% in 2019 to 22% in 2020.

Young Life and Times Survey

The Young Life and Times survey samples the opinion of 16 year olds in Northern Ireland across a range of issues, including Community Relations. 2,069 young people took part in the 2021 survey¹⁰². In response to a question which explored the type of school that respondents would choose for any future children, 30% of young people preferred to choose

⁹⁷ Information provided by the Department of Education, November 2021

⁹⁸ Information provided by the Department of Education, October 2021

⁹⁹ Hansson, U., O’Connor Bones, U., and McCord, J. (2013), *Integrated education: a review of policy and research evidence 1999-2012*, Coleraine: UNESCO Centre, University of Ulster.

¹⁰⁰ Integrated Education Fund *Results of LucidTalk Poll*. [online]. Available at: <https://www.ief.org.uk/2021/08/03/lucid-talk-ief-poll-released/>

¹⁰¹ Northern Ireland Life and Times (2020). *Community Relations* [online]. Available at: https://www.ark.ac.uk/nilt/2020/Community_Relations/OWNMXSCH.html

¹⁰² Young Life and Times (2021) *Technical information* [online] Available at: https://www.ark.ac.uk/ylt/2020_21/techinfo.html

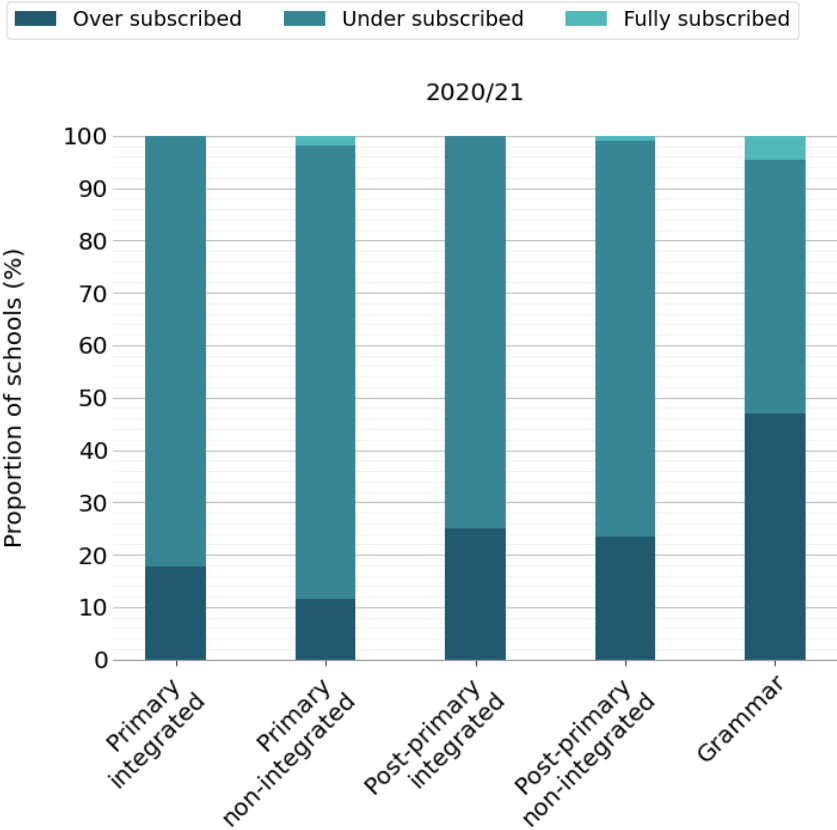
a school with only pupils of the same religion, while 52% indicated that they would choose a mixed religion school.¹⁰³

7.2 Levels of over- and undersubscription

Figure 2 illustrates the levels of oversubscription and undersubscription at integrated and non-integrated schools in Northern Ireland in 2020/21. It shows that a greater proportion of integrated primary schools (17.8%) were oversubscribed in comparison to non-integrated primaries (11.5%). Nonetheless, 82.2% of integrated primary schools were undersubscribed. This compares with 86.6% of non-integrated primary schools.

Figure 2 also highlights that a slightly higher proportion of integrated post-primaries (25%) were oversubscribed compared to non-integrated non-grammar post-primaries (23.4%), but that a much higher proportion of grammar schools (47.0%) were oversubscribed. It also shows that a similar proportion of integrated (75%) and non-integrated non-grammar (75.7%) post-primaries were undersubscribed in 2020/21.

Figure 2. Proportion of schools over, under or fully subscribed in 2020/21¹⁰⁴



Further analysis of data¹⁰⁵ reveals a similar pattern in levels of over and undersubscription in integrated and non-integrated settings between 2016/17 and 2019/20. Year-on-year,

¹⁰³ Young Life and Times (2021) *Community Relations* [online] Available at: [NI Young Life and Times Survey - 2020_21: OWNMXSCH \(ark.ac.uk\)](https://www.niyounglifetimesurvey.com/2020-21/)

¹⁰⁴ Data provided by the Department of Education, October 2021, analysis by RaiSe

¹⁰⁵ Ibid

integrated primary and post-primaries had slightly higher levels of oversubscription than non-integrated schools, with the exception of grammar schools. However, in each year, a sizeable proportion of integrated schools were undersubscribed.

7.3 Available places

Table 3 demonstrates that, for the last three years, integrated schools have had fewer available places than non-integrated settings. Most recently, 12.4% of places in integrated primaries were available compared with almost one fifth in non-integrated primary schools. Whilst there were consistently fewer available places in integrated post-primaries between 2018/19 and 2020/21, the difference has narrowed over the last three years.

Table 3: Percentage of available places¹⁰⁶

	2018/19		2019/20		2020/21	
	Integrated	Non-integrated	Integrated	Non-integrated	Integrated	Non-integrated
Primary	12.1%	20.5%	12.2%	20.6%	12.4%	19.4%
Post-primary (non-grammar)	12.6%	20.1%	11%	16.5%	10.3%	14.7%

7.4 Applications to integrated schools

In 2018/19, the Good Relations Indicators Annual Update¹⁰⁷ revealed that 21% of first preference applications to post-primary integrated schools did not result in admission to that particular school. EA admissions data provided to NICIE demonstrated that this had increased to 23.8% in June 2020¹⁰⁸.

Data¹⁰⁹ shared by the Department with RaISE reveals that, for the 2021 Year 8 post-primary admissions process, 84.07% of children who applied at first preference to an integrated post-primary school were admitted to that school. Across all schools the figure was 84.49%.

For the Year 1 process, 96.58% of children who applied to an integrated primary school at first preference got into that school. Across all schools, the figure was 98.25%.

¹⁰⁶ Department of Education (2018, 2019, 2020), Integrated Education in Primary and Post-Primary Schools – Key Statistics, Belfast: Department of Education.

¹⁰⁷The Executive Office (2019) *Northern Ireland Good Relations Indicators Annual Update*. Available at: <https://www.executiveoffice-ni.gov.uk/sites/default/files/publications/execoffice/ni-good-relations-indicators-annual-update-2019-report.pdf>

¹⁰⁸ NICIE Impact Report 1st April 2019 – 31st March 2020. Available at: <https://www.nicie.org/wp-content/uploads/2020/09/7297-NICIE-Report-A5.pdf>

¹⁰⁹ Data provided via email correspondence, October 2021

7.5 Enrolment trends

In 2020/21, under 25,000 pupils were educated in integrated school settings. As reflected at table 4, the proportion of pupils in integrated education has remained fairly static over the last five years, at less than 10% of all school enrolments.

Table 4: pupils educated in Integrated Education (NI) as % of total enrolments¹¹⁰

Sector	2016/17	2017/18	2018/19	2019/20	2020/21
Primary*	5.8%	5.9%	6.0%	6.1%	6.2%
Post-primary	8.6%	8.7%	8.8%	8.9%	9%
Integrated enrolment as % of total enrolment	7.0%	7.1%	7.2%	7.4%	7.5%

*Includes pre-school pupils in integrated education in primary schools

7.6 Barriers to growth

Research has explored the extent to which parental choice is constrained by a lack of accessible integrated school options. In 2021, Ulster University published its findings from a Geographic Information System (GIS) analysis of all households in Northern Ireland¹¹¹. The study examined the travel distance (by road) between each household and the nearest school of each type: Maintained, Controlled and Integrated. It found that over a quarter of households (28%) are located in areas of Northern Ireland where access to integrated primary schools is limited and a similar percentage (26%) are remote from integrated post-primaries. It also found that, the smaller the settlement, the less likelihood there is of an integrated school being accessible to a household. The research concluded that even where households are within relatively easy reach of Integrated schools, that parents' choice to send their child to an integrated school is hindered by a lack of available places.

Some sources also point to a perceived lack of political will for integrated education¹¹² with some questioning the commitment of the NI Executive to deliver the statutory duty to encourage and facilitate integrated education".¹¹³ A study into the relationship between the churches and integrated schools in Northern Ireland in 2009 indicated that the churches had tended to prioritise the protection of existing schools in which they have governance over the

¹¹⁰ Department of Education (2021) School enrolments - 2020-21 statistical bulletins. Available at: <https://www.education-ni.gov.uk/publications/school-enrolments-2020-21-statistical-bulletins>

¹¹¹ Ulster University: Transforming Education Project. [Parental choice of primary and post-primary schools - Myth or Reality?](#) January 2021.

¹¹² Fontana, G. (2017) *Education policy and power-sharing in post-conflict societies: Lebanon, Northern Ireland and Macedonia* Palgrave Macmillan

¹¹³ Hansson, U. and Roulston, S. (2020) *Integrated and shared education: Sinn Féin, the Democratic Unionist Party and educational change in Northern Ireland*. Policy Futures in Education.

development of integrated education.¹¹⁴ The study suggested that, in some cases, clergy had sought to discourage parents from sending their children to integrated schools, while in others, their level of support was described as conditional on integrated schools not impacting on the schools in which they had an interest.¹¹⁵

7.7 Challenges in assessing demand

Research suggests that there are challenges in measuring actual demand for integrated education, particularly in terms of accounting for other drivers of school choice, such as the school's reputation, location, size, ethos and philosophy.¹¹⁶

Borooah and Knox suggest that while parents may support the concept of integrated education, they tend to 'vote with their feet' and send their children to other schools perceived to have better educational outcomes.¹¹⁷ Other research suggests that despite the high levels of support for integrated education reported in opinion polls, many parents and communities value particular school sectors. Fontana writes that schools in Northern Ireland remain an expression of identity and culture and that there is 'very little appetite' for an entirely non-denominational education system.¹¹⁸

7.8 Considerations / issues raised to date

DE is clear that it does not promote one sector over another¹¹⁹ and has suggested that the promotion of integrated education, as set out by the Bill, could be at the expense of other sectors¹²⁰.

It has highlighted a number of practical issues not considered by the Bill including the physical capacity of an integrated school to facilitate more pupils; associated capital demands; and constraints on teaching resource¹²¹.

It has reported significant implications on Area Planning; and has noted that the duty to promote integrated education would require the Area Planning procedures and structures to be reviewed and reworked. The Department has noted that any such revision would have severe implications on the implementation of the second Strategic Area Plan and work undertaken to date¹²².

As outlined at Section 1, the Area Planning process is linked to the efficient and effective implementation of the Sustainable Schools Policy (SSP) and takes account of the six Sustainable Schools criteria, including accessibility, stable enrolment trends, strong links to

¹¹⁴ Macaulay, T. (2009) *Churches and Christian Ethos in Integrated Schools* Macaulay Associates

¹¹⁵ Ibid

¹¹⁶ Stahl McNamee, A. (2012) *Breathing the same air: Children, Schools and Politics in Northern Ireland* Houston: Strategic Book Publishing and Rights Co

¹¹⁷ Borooah, V.K., Knox, C. (2015) *The economics of schooling in a divided society: the case for shared education* Hampshire and New York: Palgrave Macmillan

¹¹⁸ Fontana, G. (2017) *Education policy and power-sharing in post-conflict societies: Lebanon, Northern Ireland and Macedonia* Palgrave Macmillan

¹¹⁹ Department of Education written evidence to the Committee for Education on Integrated Education Bill, 22 September 2021

¹²⁰ Ibid

¹²¹ Ibid

¹²² Ibid

the community, and sound financial position. This involves assessment of available places at regional and local levels. To date, work undertaken to inform the second Strategic Area Plan includes the production of revised guidance¹²³ and a sustainability baseline report¹²⁴. The latter sets out the extent of unsustainability across settings at NI and LGD levels, assessed against SSP criteria and indicators, with reference to the number of schools; the number of schools below the SSP enrolment threshold; available places; and the number of schools with a financial deficit greater than 5% of their annual budget.

Further consideration could be given to the following areas:

- The implications of the current proposals on the existing area planning procedure.
- The impacts arising from a requirement to accommodate increased numbers in integrated schools, including physical capacity and teaching supply.
- The challenges in measuring actual demand for integrated education whilst accounting for other drivers of school choice, as outlined in the preceding section. Consideration could be given to whether the number of applications to integrated schools is the most appropriate measure. Other indicators, such as those proposed at Clause 8 (see section 10) could be taken into consideration.

8 Clause 6: General Duty

Clause 6 requires specified education bodies to include provision for integrated education when (a) developing, adopting, implementing or revising policies, strategies and plans; and (b) designing and delivering public services. The bodies for whom this provision applies are set out at Clause 13, as below:

- (i) the Department of Education;
- (ii) the Education Authority
- (iii) the Council for Catholic Maintained Schools;
- (iv) the Northern Ireland Council for the Curriculum, Examinations and Assessment; and
- (v) the Youth Council for Northern Ireland.

The detail of Clause 6, and the range of bodies to whom it extends, is consistent with Section 6 of the Shared Education Act (Northern Ireland) 2016¹²⁵. However, the provision contained in the 2016 Act places a duty on certain education bodies to *consider* Shared Education when developing, adopting, implementing or revising policies, strategies and plans; and

¹²³ Department of Education (2021) *Area Planning Guidance for 2022 – 2027*. Bangor: Department of Education: <https://www.education-ni.gov.uk/sites/default/files/publications/education/AP%20Guidance%20June%202021.pdf>

¹²⁴ Department of Education (2021) *Sustainability Baseline Report*. Bangor, Department of Education. Available at: <https://www.education-ni.gov.uk/publications/sustainability-baseline-report>

¹²⁵ Shared Education Act (Northern Ireland) 2016: <http://www.legislation.gov.uk/nia/2016/20/contents>.

designing and delivering public services. The Integrated Education Bill requires the education bodies to *include provision for* integrated education.

In reporting on compliance with the duty to consider shared education, as is statutorily required under the Shared Education Act (Northern Ireland) 2016, reference is made to the role of Shared Education in the relevant bodies' annual business plans. Some of the arm's length bodies have had direct involvement in areas such as development of resources to support Shared Education, development, delivery and evaluation of funding models, and Shared Education celebration events¹²⁶.

8.1 Issues / considerations raised to date

Concern has been raised that the requirements of Clause 6 are in conflict with CCMS' statutory responsibilities to the Catholic Maintained sector¹²⁷. DE has also queried the operational implications for EA and CCEA if required to make provision for integrated education.

Further consideration could be given to the following areas:

- The type and range of educational bodies within the scope of Clause 6 and the implications on their existing statutory functions.
- Whether clarification is required with regards the duty to 'include provision for' and how this compares with the duty 'to consider' as provided for in the Shared Education Act (Northern Ireland) 2016.
- The appropriateness of continued reference to Youth Council NI (as per clause 13) at it is not currently operational.

9 Clause 7: New Schools

Clause 7 establishes a presumption that new schools which are proposed to be established should be integrated schools, unless that would be inappropriate by reason of special circumstances. Special circumstances have not been defined in the Bill. However, 7(2) sets out those factors that are not to be treated as special circumstances; the religious demographics of an area and the existence of spare places in existing schools.

Under current legislation¹²⁸, a Development Proposal (DP) is required for any significant change to the character or size of an existing school. This includes in the establishment a new grant-aided school or where a change is made to a school which would have a

¹²⁶ Department of Education *Advancing Shared Education, 2nd Report to the NI Assembly*. Bangor, Department of Education: <https://www.education-ni.gov.uk/sites/default/files/publications/education/Shared%20Education%202nd%20Report%20to%20Assembly%20June%202020.PDF>

¹²⁷ Committee for Education OFFICIAL REPORT (Hansard) Integrated Education Bill: Department of Education NI, 22 September 2021

¹²⁸ <https://www.legislation.gov.uk/nisi/1986/594/article/14>; <https://www.legislation.gov.uk/nisi/1989/2406/article/71>; <https://www.legislation.gov.uk/nisi/1989/2406/article/92>

significant effect on another grant-aided school¹²⁹.

A key part of the DP process involves the submission of a Case for Change in support of the proposal. Proposers are required to draw on a range of evidence for submission to the Department when developing their Case for Change. In the case of a new school, this is required to include, but is not limited to: proposed initial admission/enrolment at date of opening; projected five year enrolments; impact on local alternative provision; staffing requirements; immediate & future accommodation needs; site requirements / issues; related costs; and religious balance¹³⁰.

The overriding aims of the DP process are to facilitate meaningful and timely consultation with interested parties and to provide an opportunity for the Department to consider the full implications of a DP within the Sustainable Schools Policy and Area Planning framework¹³¹. It comprises two phases of consultation; firstly, a statutory pre-publication consultation carried out with those directly affected by the proposed changes (Governors, parents, teachers), in addition to those schools that may be affected by the proposal. Secondly, a statutory two month objection period upon publication of the DP; this provides an opportunity for anyone to submit their objections to the proposal directly to the Department. At the end of the two month statutory objection period, the Department compiles and assesses all the relevant information in relation to the DP, including the Case for Change and any objections raised, before making a recommendation to the Minister/Permanent Secretary¹³².

9.1 Issues / considerations raised to date

In providing evidence to the Committee for Education, the Department has raised concern that Clause 7 does not take into consideration the DP process or any such requirements for the establishment of a new integrated school, including the opportunity to consult with parents and other stakeholders¹³³. Queries have been raised as to whether the Clause extends to new schools only or whether amalgamations fall within scope¹³⁴. The Bill sponsor has clarified that reference to a new school at Clause 7 is a brand new build, not an amalgamation¹³⁵.

DE has also suggested that by preventing the Department from considering the religious demographics of an area or spare places in existing schools, the Bill prevents the Department from having regard to the choices made by the people living in an area, including those influencing their choice of school¹³⁶.

¹²⁹Department of Education *Circular 2017/09 - Guidance on the publication of a Development Proposal (updated September 2018)*. Bangor, Department of Education: [Circular 2017/09 - Guidance on the publication of a Development Proposal \(updated September 2018\) | Department of Education \(education-ni.gov.uk\)](#)

¹³⁰ Ibid

¹³¹ Ibid

¹³² Ibid

¹³³ Committee for Education OFFICIAL REPORT (Hansard) Integrated Education Bill: Department of Education NI, 22 September 2021

¹³⁴ Committee for Education OFFICIAL REPORT (Hansard) Integrated Education Bill: Northern Ireland Council for Integrated Education, 6 October 2021

¹³⁵ Committee for Education OFFICIAL REPORT (Hansard) Integrated Education Bill: Ms Kellie Armstrong MLA, 6 October 2021

¹³⁶ Department of Education written evidence to the Committee for Education on Integrated Education Bill, 22 September 2021

However, the Bill sponsor has contested that the special circumstances referred to at Clause 7 can be brought into play by the Department if the local community decides something different from the presumption¹³⁷. Whilst not explicitly defined in the clause, the sponsor has reflected that these circumstances could involve the application of a mechanism to gauge community perspective on the presumption that a new school will be an integrated school. The Community Conversation Toolkit has been suggested as one such mechanism by the Bill sponsor.

What is Community Conversation?

Community Conversation provides a vehicle for civic engagement which recognises local, grassroots experience as distinct from policy makers and other statutory stakeholders¹³⁸. It has been characterised as solution-focused and action orientated, and a means to identify potential solutions that align with a community’s culture, priorities and resources.

It can also be described as:

- An action research methodology delivered through structured participatory dialogues around a topic of importance to a local community.
- An opportunity for a diverse range of community members and stakeholders to come together to identify, discuss and generate potential solutions to a pressing issue facing the community.
- A means to facilitate engaged conversation, mutual learning, reflection (individually and as a group) and collective thinking.
- An asset-based and capacity-building approach that can lead to increased self-determination through active and informed contribution to decision-making and policy implementation in a local context.¹³⁹

The Community Conversation methodology has been applied on different occasions in the Northern Ireland educational context. It emerged from research undertaken in 2017 on local education provision in the context of area-planning for schools in Northern Ireland. A research team at Ulster University was commissioned by the IEF to apply the community conversation model in two rural contexts where there was an over-supply of school places. Conversations with the community focused on ‘the best way forward for sustainable primary school provision in the area’. This work centred around a methodology for enabling parent and community voices to be heard in relation to school provision prior to any formal consultation process by area planning teams in the EA and CCMS to establish what school provision there would be support for in the community. It also led to the development of a Community Conversation Toolkit which was launched in 2018¹⁴⁰.

¹³⁷ Committee for Education OFFICIAL REPORT (Hansard) Integrated Education Bill: Ms Kellie Armstrong MLA, 6 October 2021

¹³⁸ Bates, J. and O’Connor Bones, U (2018) *A Community Conversation Toolkit*. UNESCO Centre, School of Education, Ulster University. Available at: <https://view.publitas.com/integrated-education-fund/community-conversation-toolkit-final/page/1>

¹³⁹ Ibid

¹⁴⁰ Ibid

The Toolkit provides a framework for applying the Community Conversation Model in practice. It sets out a phase-by-phase, and step-by-step overview of the process and is intended to support facilitation of conversations on a range of issues, including local educational provision.

The Community Conversation methodology has been more latterly applied in South Belfast to gather the views of parents affected, or potentially affected, by over-subscription of primary school places¹⁴¹. Community Conversations are currently planned as part of the Future Schools project, which focuses on area planning and school sustainability. To date, the Community Conversation work has been funded by the Integrated Education Fund¹⁴².

The benefits of the methodology have been noted by representatives from the Education Authority and voluntary sector, with the former noting its potential in enabling *‘whole communities to meaningfully engage with education planning, and in particular with Area Planning, and contribute to more effective and informed policy implementation’*¹⁴³.

It should be noted that the Community Conversation is just one model for engaging the community perspective. It has been included in this paper given its previous application in relation to educational provision in Northern Ireland, and as it has been the focus of considerations by the Committee to date. There are other mechanisms which could be considered including deliberative polling¹⁴⁴.

Further consideration could be given to the following areas:

- The need to define special circumstances and who has responsibility for their application.
- The need to make explicit reference to ‘parental/community engagement’ within special circumstances.
- The need to clarify that Clause 7 extends only to newly established schools.
- The implications of Clause 7 on the existing Development Proposal procedure and its underpinning legislation.

10 Clause 8: Integrated Education Strategy

Clause 8 requires the Department of Education to publish a strategy for encouraging, facilitating, promoting and providing integrated education six months after the Act is

¹⁴¹ Bates, J., O’Connor Bones, U., and Milliken, M (2019) *Community Conversation, Primary School Provision in the South Belfast (Castlereagh/Carryduff) area*. UNESCO Centre, School of Education, Ulster University. Available at: <https://view.publitas.com/integrated-education-fund/s-belfast-community-conversation-final-15-april-2019/page/1>

¹⁴² Information provided by Ulster University via email correspondence, 25 October 2021.

¹⁴³ Bates, J. and O’Connor Bones, U (2018) A Community Conversation Toolkit. UNESCO Centre, School of Education, Ulster University. Available at: <https://view.publitas.com/integrated-education-fund/community-conversation-toolkit-final/page/1>

¹⁴⁴ Stanford Centre for Deliberative Democracy *Deliberative Polling on Education Policy in Omagh, Northern Ireland* [online] Available at: <https://cdd.stanford.edu/2007/deliberative-polling-on-education-policy-in-omagh-northern-ireland/>

commenced. Subsection (2) sets out a list of particular matters that must be covered by the Strategy. This includes:

- (a) provision for resources (including personnel) to encourage, facilitate and promote integrated education;
- (b) provision designed to facilitate the maintenance and protection of the ethos of existing and new integrated schools;
- (c) arrangements for full access for integrated schools to training and resources provided by the Education Authority and other services accessible by publicly funded schools;
- (d) identification of funding commitments and resources made available for the promotion and provision of integrated education (including resources for facilitating the establishment of new integrated schools, the expansion of existing integrated schools and the transformation of existing schools into integrated schools);
- (e) an action plan, inclusive of targets, associated timetables, and measurable benchmarks against which the success of the strategy can be assessed; and
- (f) provision for reviews to provide a clear indication of how education bodies are delivering integrated education.

Some of the provisions listed above are expanded on in the Bill's policy objectives¹⁴⁵. Those provisions are further explored in the paragraphs that follow, with particular consideration given to potential financial and resource implications. Information in this section draws on work already undertaken by the Assembly's Research and Information Service ('RaISe') Public Finance Scrutiny Unit (PFSU)¹⁴⁶ on the potential financial implications of the Integrated Education Bill.

10.1 Provision for resources (including personnel) to encourage, facilitate and promote integrated education

Clause 8(2)(a) proposes that resources (including personnel) be made available to ensure DE carries out its statutory duties to encourage, facilitate and promote integrated education. Currently, the Irish Medium and Integrated Education team within the Department of Education is responsible for fulfilling DE's duties to facilitate and encourage integrated education. Information previously provided by DE to RaISe suggests that the Department's current staffing cost of carrying out those duties is currently £130,648 per annum¹⁴⁷. Therefore, RaISe assumed for illustrative purposes, that if the additional duty to promote

¹⁴⁵ Explanatory and Financial Memorandum

¹⁴⁶ Northern Ireland Assembly Research and Information Service, Public Finance Scrutiny Unit (RaISe paper NIAR 60-21) (2021) *Integrated Education Bill: Potential financial implications*

¹⁴⁷ Explanatory and Financial Memorandum

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 team¹⁴⁸.

As noted at section 5 of this paper, the Department funds NICIE to promote, encourage and facilitate integrated education. This includes supporting schools through the process of transformation; supporting existing integrated schools with regard to consolidation and expansion and in embedding 'Integration in practice'; and promoting the growth of integrated provision through supporting parents' groups¹⁴⁹.

NICIE has reported that it requires the support of IEF and from other funding streams to complement the Department of Education grant to carry out all the functions that are required of it¹⁵⁰. For instance, a grant provided by the Irish Department of Foreign Affairs and Trade (IDFAT) 'Reconciliation Fund' has provided for further support to schools going through the transformation process.¹⁵¹

The IEF also carries out a range of promotional activities on behalf of the integrated education sector. A registered charity, the IEF aims to bridge the financial gap between integrated schools being set up and securing full departmental funding¹⁵². It financially supports the establishment of new schools, the growth of existing schools and those schools seeking to become integrated through the transformation process.¹⁵³ The IEF currently funds an Outreach Team to work with parents, the wider community and schools to raise awareness of this transformation process¹⁵⁴. This work typically involves holding events to promote and engage with parents and communities, as well as maintaining the 'Integrate my School' website which is used to assess initial interest from parents, communities and schools in Integration¹⁵⁵. The IEF also advertises on social media, press, radio and cinema, together with leaflets etc.

The RaISe PFSU¹⁵⁶ has suggested that the duty to promote integrated education could impose costs on the public purse as promotional work carried out by IEF could become the responsibility of DE. It has also cautioned that, with any potential increase in enrolments, it would be important to avoid over-provision, which could lead to excess public expenditure. However, the PFSU has noted that the biennial audit of demand proposed to be undertaken by the Bill (see Section 11) would ensure that supply met demand, thereby minimising this risk.

¹⁴⁸ Ibid

¹⁴⁹ NICIE Directors' report and financial statements for the year ended 31 March 2021. Available at: <https://www.nicie.org/about-us/who-we-are/annual-reports/>

¹⁵⁰ NICIE written evidence to the Committee for Education on Integrated Education Bill, 6 October 2021

¹⁵¹ NICIE Directors' report and financial statements for the year ended 31 March 2021. Available at: <https://www.nicie.org/about-us/who-we-are/annual-reports/>

¹⁵² Integrated Education Fund *About Us* [online] Available at: <https://www.ief.org.uk/about-us/>

¹⁵³ Ibid

¹⁵⁴ Northern Ireland Assembly Research and Information Service, Public Finance Scrutiny Unit (RaISe paper NIAR 60-21) (2021) *Integrated Education Bill: Potential financial implications*

¹⁵⁵ Integrated Education Fund *Integrate My School Website* [online] Available at: https://www.integratemyschool.com/?utm_source=IEF&utm_campaign=IEF%20Website%20Header%20Image&utm_medium=Banner

¹⁵⁶ Northern Ireland Assembly Research and Information Service, Public Finance Scrutiny Unit (RaISe paper NIAR 60-21) (2021) *Integrated Education Bill: Potential financial implications*

10.2 Provision to maintain and protect schools' integrated ethos

Clause 8(2)(b) sets out a requirement on DE to facilitate the maintenance and protection of the ethos of existing and new integrated schools. The Bill's policy objectives, as noted in the EFM, further reflect that this should involve a dedicated departmental resource to help schools strengthen their 'integrated ethos'.

DE has stated that it does not currently carry out this function, and it is generally a matter for a school's Board of Governors to determine its ethos¹⁵⁷. NICIE offers training for schools on "Creating and Developing an Integrated Ethos". It also has developed the "Excellence in Integrated Education Award"¹⁵⁸, which acts, among other things, as an auditing tool enabling schools to benchmark their progress in embedding the integrated ethos through a process of self-evaluation¹⁵⁹. Furthermore, NICIE recommend that every integrated school has at least one staff member dedicated to the development and promotion of the school's integrated ethos. It provides training on the role of the integration coordinator as a leader in the planning for whole school development and commitment to the integrated ethos¹⁶⁰.

The EA has established a Shared Education and Sectoral Support Team, which also offers support to schools and works with the NICIE in areas such as Board of Governors' training, the aim of which is explore the connection between ethos and governance¹⁶¹.

Other bodies such as the Controlled Schools' Support Council (CSSC) and the Catholic Schools' Trustee Service (CSTS) provide support to schools within each of their respective remits¹⁶². The CCMS has also engaged with its schools about ethos¹⁶³.

The CSSC has "Ethos", as one of its strategic objectives, and has developed and launched an Ethos Self-Evaluation Toolkit¹⁶⁴ for its schools in nursery, primary, post primary and special sectors, to help develop and maintain their collective ethos. The CSSC provides an ongoing programme of support, in collaboration with the EA, for leaders in controlled schools as they seek to develop Christian ethos for their schools. It undertakes research on ethos, including the effect of outcomes on ethos and community partnerships on ethos

¹⁵⁷ Ibid

¹⁵⁸ NICIE *An Introduction to the Excellence in Integrated Education Award* [online] Available at <https://www.nicie.org/schools/training-programmes/2021-2022/eiea-intro/>

¹⁵⁹ Northern Ireland Assembly Research and Information Service, Public Finance Scrutiny Unit (RaISe paper NIAR 60-21) (2021) *Integrated Education Bill: Potential financial implications*. Information is based on email correspondence with DE dated 30 March 2021.

¹⁶⁰ NICIE *The Role of the Integration Coordinator* [online] Available at: <https://www.nicie.org/schools/training-programmes/2021-2022/integration-coordinator-training-2021/>

¹⁶¹ Northern Ireland Assembly Research and Information Service, Public Finance Scrutiny Unit (RaISe paper NIAR 60-21) (2021) *Integrated Education Bill: Potential financial implications*. Information is based on email correspondence with DE dated 30 March 2021.

¹⁶² Ibid

¹⁶³ CCMS *Circular - 2019-02 - Ethos Development Workstream* [online] Available at: <http://www.onlineccms.com/index.php/publications/ccms-circulars/ccms-circulars-2019/2019-02-ethos-development-workstream>

¹⁶⁴ Controlled Schools Support Council *CSSC launches ethos self-evaluation toolkit* [online] Available at: [CSSC launches ethos self-evaluation toolkit | Controlled Schools Support Council \(csscni.org.uk\)](https://www.csscni.org.uk/cssc-launches-ethos-self-evaluation-toolkit)

development. It also considers ethos as part of recruitment/selection processes, and is working on the development of support for collective worship¹⁶⁵.

The CSTS has identified in its annual work-plan, the objective of assisting Principals and Governors in their promotion of the ethos of Catholic education, by providing training to them on this topic. The CSTS also provides appropriate advice and support to the various groups of Trustees in developing and promoting at all levels, the ethos of Catholic education¹⁶⁶.

It is evident from the preceding paragraphs that there is a focus on the maintenance and protection of ethos in other sectors. Training and support is currently provided by NICIE to support the promotion and development of ethos in integrated settings.

10.3 Provision for inspection to be made of schools' integrated ethos

The Bill's policy objectives further set out a requirement for all integrated schools to be inspected by the Education and Training Inspectorate (ETI) to ensure that they are upholding their integrated ethos. It has been suggested by the Bill sponsor that this inspection process could draw on the existing resources developed by NICIE.¹⁶⁷

10.4 Access to training and resources

Clause 8(2)(c) include arrangements for full access for integrated schools to training and resources provided by the Education Authority and other services accessible by publicly funded schools. The Bill's policy objectives also include a requirement of teacher training providers to develop a standardised and accredited module on how to teach in a truly inclusive and integrated classroom, across school settings, as part of initial teacher training.

This is consistent with Recommendation 37 of the Review of Integrated Education, which states:

That DE should ensure that all student teachers being educated in Northern Ireland shall have substantial, meaningful, cross-community, professional training including cross-community contact, that will prepare them to work in any publicly-funded school in Northern Ireland¹⁶⁸.

NICIE already provides training on a range of matters including: Anti-Bias Approaches in Education, GMI Governance, Integrated Ethos, Marketing & Promotion, Recruitment, Religious Balance and Transformation¹⁶⁹. It also supports Teacher Professional Learning through courses and staff training days through funding provided by the Irish Department of

¹⁶⁵ Northern Ireland Assembly Research and Information Service, Public Finance Scrutiny Unit (RaISe paper NIAR 60-21) (2021) *Integrated Education Bill: Potential financial implications*. Information is based on email correspondence with DE dated 30 March 2021.

¹⁶⁶ Ibid

¹⁶⁷ Committee for Education OFFICIAL REPORT (Hansard) Integrated Education Bill: Ms Kellie Armstrong MLA, 6 October 2021

¹⁶⁸ Topping, M. and Cavanagh, C. (2017), *Integrating Education in Northern Ireland: Celebrating Inclusiveness and Fostering Innovation in our Schools*, Bangor: Department of Education: <https://www.education-ni.gov.uk/publications/report-independent-review-integrated-education>

¹⁶⁹ NICIE *Online Training Programme*. [online] Available at <https://www.nicie.org/schools/training-programmes/2021-2022/>

Foreign Affairs and Trade (IDFAT). NICIE has noted that this is an area that needs to be scaled up¹⁷⁰.

In 2020, the Ulster University¹⁷¹ examined duplication in the Initial Teacher Education (ITE) system, finding duplication “undoubtedly” contributed to ITE expense. This paper stated each college had tended to draw its students from one side of the community, placing them in the same sector for teaching practice, and after graduation, the students returned to the same sector for employment¹⁷².

Furthermore, the OECD states that teachers require high quality professional development to ensure that they can meet the needs of diverse student groups. It indicates that a failure to acknowledge the important contribution teachers make in this regard may threaten educational quality.¹⁷³

10.5 Provision of resources to facilitate the establishment of new integrated schools, the expansion of existing integrated schools and the transformation of existing schools into integrated schools

RaISe PFSU previously requested information from DE relating to the potential costs associated with transforming more schools to integrated status; and with setting up new integrated schools¹⁷⁴. DE’s response stated that there potentially would be significant capital costs associated with creating a new school. DE further stated that those costs would be highly variable, depending on the manner in which the new school would be formed. For example, DE stated that an integrated school created through the transformation of an existing controlled or maintained school could have very low infrastructure costs (e.g. just change of signage); whereas the creation of a new school on a greenfield site could ultimately result in the need for a multi-million-pound investment over a number of years. DE’s response stated that the scale of the investment would ultimately depend on the degree of success in terms of growth of the school over a number of years to establish a successful post primary school, with the costs potentially ranging from £2m+ for a small primary school, to £10m+¹⁷⁵.

The Department¹⁷⁶ further explained that there could be a range between these two options. For example, DE stated that if a currently proposed merger of three existing post-primary schools into a single controlled integrated school proceeds, then this would be likely to result in an initial investment to allow the school to operate from one or two of the existing sites.

¹⁷⁰ NICIE written evidence to the Committee for Education on Integrated Education Bill, 6 October 2021

¹⁷¹ Ulster University: Transforming Education Project. [Community division and student separation in Initial Teacher Education](#). December 2020.

¹⁷² Nelson, J. (2008) Exploring diversity through ethos in initial teacher education, *Teaching and Teacher Education*, 24: 7, 1729-1738, <https://doi.org/10.1016/j.tate.2008.02.014>

¹⁷³ Schleicher, A. (2014) *Equity, Excellence and Inclusiveness in Education: Policy Lessons from Around the World*, International Summit on the Teaching Profession OECD Publishing

¹⁷⁴ Northern Ireland Assembly Research and Information Service, Public Finance Scrutiny Unit (RaISe paper NIAR 60-21) (2021) *Integrated Education Bill: Potential financial implications*. Information is based on email correspondence with DE dated 30 March 2021.

¹⁷⁵ Ibid

¹⁷⁶ Ibid

The DE stated that it would be difficult to quantify the cost of that at an early stage, as the investment required would depend on the condition of the existing facilities, but the capital investment would be significantly lower than the comparable investment, where no existing sites could be used.

The DE¹⁷⁷ stated that, in general, capital costs associated with creating new integrated schools would be significantly lower, if the school was created from a merger/transformation, when compared with the cost of creating an entirely new school.

10.6 Development and monitoring of the Integrated Education Strategy

The Explanatory and Financial Memorandum notes that the requirement for DE to publish an Integrated Education Strategy may require investments such as staffing resources and enhanced administrative processes. The Department of Education 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 Department¹⁷⁸.

Further consideration could be given to the following areas:

- The resource and financial implications arising from the duty to promote, including any potential requirement to extend or subsume promotional activities undertaken by NICIE and IEF in deliverance of this duty.
- The financial implications arising from the expansion of existing integrated schools and the transformation of existing schools into integrated schools.
- The availability and effectiveness of existing provision to maintain and protect schools' integrated ethos, and whether there is a requirement to expand on this.
- The implications on the duties of the Education and Training Inspectorate in undertaking an inspection of integrated schools' ethos.

11 Clause 9: Biennial reporting

Clause 9 places a requirement on the Department of Education to lay a report before the Northern Ireland Assembly on the operation of the Act every two years. This reporting requirement is similar to that required by the Shared Education Act (Northern Ireland) 2016. It is also consistent with the Review of Integrated Education which recommends a requirement of the Department to report to the Assembly progress on implementation of its duty (Recommendation 3)¹⁷⁹.

¹⁷⁷ Ibid

¹⁷⁸ Explanatory and Financial Memorandum

¹⁷⁹ Topping, M. and Cavanagh, C. (2017), *Integrating Education in Northern Ireland: Celebrating Inclusiveness and Fostering Innovation in our Schools*, Bangor: Department of Education: <https://www.education-ni.gov.uk/publications/report-independent-review-integrated-education>

Sub-section 3 outlines the requirements of biennial report. This includes:

- an assessment of the manner in which, and extent to which, the Department of Education and other education bodies have performed their functions in respect of integrated education;
- an assessment of the levels of demand for and supply of integrated education, and any increase or decrease in levels for and supply of integrated education since the previous reporting period;
- successes and failures in respect of the provision of integrated education; and
- the extent to which the purpose of integrated education has been achieved.

Sub-section 4 requires that, wherever possible, the assessments in the report must contain reference to benchmarks identified in the action plan in the integrated education strategy. Benchmarks and targets are outlined at Clause 8 and include the percentage of pupils granted or denied their choice of education in an integrated school; the number of development proposals created and delivered for expansion of existing integrated schools; number of schools transforming to integrated status and the number of new integrated schools established; and the number of consultations issued in respect of transformed or new integrated schools.

The Explanatory and Financial Memorandum expands on the requirement for the Department to ensure proper auditing of demand for Integrated Education in Northern Ireland, on a biennial basis and by area. If enacted as proposed, the EA would be required to report back on this to the Department, and to take account of it in its budget and planning decisions.

Such requirements are consistent with recommendations 8 and 10 of the Review of Integrated Education which stated that the EA should carry out an in-depth audit of demand for places in existing integrated schools¹⁸⁰, and that the outcome of that audit should be used as a basis to plan for the growth of integrated education¹⁸¹.

12 Clauses 10 and 11: Regulations and Guidance

Clause 10 requires the Department of Education to make regulations supplementing the provisions of the Act. The proposed regulations pertain to a range of matters and are aligned with provisions required for in other parts of the Bill, namely Clause 8. The matters to be covered by the proposed regulations include those related to data capture; formulation and measuring of targets and benchmarks; the provision and deployment of resources in furtherance of the duty to promote integrated education; provision related to initial teacher training and continuous professional development; and provision to facilitate collaboration and coordination at various levels. Sub-section 3 notes that the regulations may include

¹⁸⁰ Ibid, page 3

¹⁸¹ Ibid.

provision amending other Northern Ireland legislation. The regulations are subject to negative resolution procedure.

Clause 11 proposes that DE give guidance about the implementation or application of a provision in the Act, including a provision amending another enactment. 11(2) notes that education bodies, and any other public authority with functions relating to education, must have regard to any guidance issued.

Further consideration could be given to the following areas:

- The implications of Clause 10(3) which permits provision to amend other Northern Ireland legislation.
- The breadth of matters proposed for inclusion in the Regulations, and whether there is any undue cross-over with other parts of the Bill.
- The practical and financial implications of 10(2)(m) which proposes that an assessment of the demand for and supply of integrated education be incorporated in the planning, development or regeneration of urban and rural areas, including housing developments.
- The range of public authorities who may fall within the scope of 11(2) and, as such, be required to have regard to any guidance issued by the Department at Clause 11.

13 Funding for Integrated Education

All grant aided schools, other than special school or schools established in hospitals, are funded under the Common Funding Scheme (CFS). The Common Funding Formula (CFF) is DE's mechanism for allocating budgets to schools funded through Local Management of Schools arrangements. A school's CFF allocation is determined by a combination of its overall enrolment, the differentiated needs of its pupils and the school's characteristics¹⁸².

The CFS seeks to fund all schools equitably. As such, integrated schools do not receive additional funding by virtue of their integrated status, relative to non-integrated schools. However, GMI Schools do attract additional funding via the CFF for **Landlord Maintenance** and **Administration Costs**¹⁸³. This additional funding addresses differences in these schools' management responsibilities relative to controlled and maintained schools.

Information shared with the RaISe PFSU by DE¹⁸⁴ highlighted that, in 2020/21, £99,293,581 was provided to integrated schools via the CFS¹⁸⁵. According to DE, additional funding can

¹⁸² Northern Ireland Assembly Research and Information Service, Public Finance Scrutiny Unit (RaISe paper NIAR 60-21) (2021) *Integrated Education Bill: Potential financial implications*. This information is based on email correspondence with DE dated 30 March 2021.

¹⁸³ Ibid

¹⁸⁴ Ibid

¹⁸⁵ Department of Education. [Common Funding Scheme 2020-2021](#). December 2020.

be allocated to schools via the EA block grant, or for specific Departmental programmes/policies outside the CFF. Again, this applies to all schools, regardless of sector rather than being specific to integrated education.

The Landlord Maintenance Factor allocated £526,961 and £9,750,932 to GMI primary and secondary schools in 2020-21¹⁸⁶, respectively. This accounted for 0.09% of the primary school budget, and 1.42% of the secondary school budget – equivalent to £10,277,893. The Administration Costs Factor allocates an amount per pupil to reflect the diseconomies of scale faced by individual grant maintained integrated primary schools. That funding accounted for 0.14% of the primary school budget, and 1.02% of the secondary school budget – equivalent to a total of £7,845,500 for 2020-21¹⁸⁷. RalSe PFSU¹⁸⁸ concluded that, if the Bill was enacted as proposed and led to the transformation/creation of more integrated schools, it is reasonable to assume that those components (and the DE budget overall) would increase. It also observes the costs associated with the continuation of a school system with many sectors¹⁸⁹.

14 Conclusion

This Bill Paper has considered a number of potential issues arising from the Bill that could be given further consideration. These are related to the proposed definition of integrated schools; the implications on finance and resource arising from the duty to promote; and the circumstances and process whereby the establishment of new integrated schools is facilitated. The Paper also considers some of the existent barriers to growth in the integrated education sector, including the accessibility and availability of integrated school options.

The information presented in this Paper has drawn on a range of sources, including the considerations raised to date at the Committee Stage. It has also considered the broader policy context within which the Bill has been introduced, with particular reference to the Sustainable Schools Policy and Area Planning, the Independent Review of Education and the 2016 Review of Integrated Education.

¹⁸⁶ Ibid, Annex 1, page 136.

¹⁸⁷ Ibid.

¹⁸⁸ Northern Ireland Assembly Research and Information Service, Public Finance Scrutiny Unit (RalSe paper NIAR 60-21) (2021) *Integrated Education Bill: Potential financial implications*

¹⁸⁹ Ibid