

The Education Authority

Response to The Integrated Education Bill (Private member's Bill)

1. Introduction

Under the terms of The Education Reform (NI) Order, 1989, the Department of Education has a statutory duty to “*encourage and facilitate*” the development of Integrated Education. The Department requires the Education Authority (the EA), as well as other Arm's Length Bodies, to support it in fulfilling this duty.

The EA is the employing authority for all Controlled Integrated schools, which represent an increasing percentage of all Integrated schools. At September 2021, 30 of the 68 Integrated schools in Northern Ireland are Controlled Integrated schools. It is also important to note that all Controlled Schools welcome pupils from a diverse range of backgrounds and seek to provide an ethos which is inclusive and respectful of all within the school community.

The EA provides a wide range of support services to Integrated schools and in recognition of its responsibilities in this area, its Education Directorate includes a dedicated Shared Education and Sectoral Support Team. This is a team of professional officers, with experience and expertise in supporting implementation of the duties relating to Integrated, Irish Medium and Shared Education. The EA is committed to working in partnership with other educational bodies to support the delivery of the statutory duty regarding Integrated Education. A Memorandum of Understanding (MoU) has been developed between the EA and the Northern Ireland Council for Integrated Education (NICIE), formalising a long-standing relationship that previously existed across all five Education and Library Boards, of which EA is the successor body. This MoU outlines general principles for collaborative working between the two organisations and identifies the key roles and responsibilities of both bodies. The successful out-working of this MoU is clearly demonstrated in the collaborative programme of support which has been provided for schools considering transformation to Integrated status. In the past two years, a total of eight schools have submitted development proposals for transformation, with each proposal taking an average of between 18 months and 2 years to progress. Officers from EA and NICIE have co-designed and jointly delivered a comprehensive support programme for these schools, which will continue for up to 5 years for those schools which are approved for transformation to Integrated status.

The EA views its work in support of Integrated Education as one strand within a broad programme of actions which provide sustained opportunities for children, young people, staff and parents to learn and work together in a planned and intentional way. The EA continues to lead the development of new and innovative solutions which will facilitate collaborative, Shared, and Integrated educational experiences, and the promotion of mutual understanding and good relations across the communities which it serves.

The EA's work to support Integrated Education and Integrated Schools is monitored and reported on through its Committee structures and through reports to DE.

2. Comments on the Draft Integrated Education Bill

The draft Integrated Education Bill has been carefully reviewed and considered by EA senior officers and by EA Board members, including through a workshop organised specifically to facilitate Board members' discussion of the draft Bill.

Members expressed concern at the absence of any consultation with the Education Authority by the proposer of the Bill, during its preparation and in advance of its publication.

Whilst affirming the Board's on-going support for the Authority's work to encourage and facilitate Integrated Education, Members have identified a range of concerns in relation to the content of the draft Integrated Education Bill. These are summarised as follows:

1. The Bill pre-empts the work which will be undertaken by the Independent Review of Education. Given the scope of that Review, which will include consideration of the potential for moving towards a single education system, the timing of the introduction of this Bill may be seen as unhelpful, within the context of this highly significant system-wide review.
2. The Bill appears not to take sufficient account of existing legislation and frameworks and the support and safeguards which these already provide, in relation to consideration of and provision for Integrated Education. This is of particular concern in relation to Area Planning arrangements, which already provide for thorough analysis of need and also provide mechanisms for various sectors to contribute to and shape the development of Area Plans.
3. There are concerns in relation to aspects of the drafting of the Bill, which may be seen as creating complexity and the potential for on-going legal challenge, thereby confounding the core intentions of Bill. The definitions of 'Integrated Education' and 'Integrated School' are examples of these concerns. As currently drafted, the Bill appears to allow for schools to 'self-designate' as 'Integrated', which is at odds with the current well-established approach through which a school can only be granted this designation through a formal Development Proposal process, which establishes an 'Integrated school' as a distinct and discrete legal entity. Under current arrangements, Integrated schools are required to have 'reasonable numbers of both Protestant and Roman Catholic' pupils. Whilst this is re-stated at Clause 1 in the Draft Bill, Clause 7 appears to open up potential for a new school to be established without meeting the 'reasonable numbers' test. This apparent internal contradiction within the Draft Bill is a matter of concern.

4. There is also a concern regarding the use of terminology which has been transposed from the 2016 Shared Education Act into the draft Bill. This could be seen as implying an equivalence between Integrated Education and Shared Education. Whilst Shared Education shares many aims and purposes with Integrated Education, it is also substantially different from it. Shared Education is an activity which all schools are encouraged and supported to participate in, rather than a discrete sector of schools. It is noted that many Integrated Schools participate in Shared Education and the Integrated sector has made and will continue to make valuable contributions to it, through sharing the good practice which has been developed within Integrated schools.
5. There is concern regarding the proposed introduction of a duty, to be placed upon DE and EA, to 'promote' Integrated Education. This duty would appear to establish an obligation to provide preferential support to one sector. The EA has a duty and responsibility to provide support to all sectors of education and seeks to do this across all aspects of its work. There is a significant concern that the introduction of this new statutory duty would raise a range of legal and other issues.
6. There are many concerns regarding the implications of the Bill for the efficient and effective operation of current Area Planning arrangements. Much has already been achieved through these arrangements and much has still to be done, not least through the development, publication, and implementation of the next Strategic Area Plan. Were this Bill to be enacted, it would have a significant detrimental impact on the operation of Area Planning arrangements and thereby on the achievement of the ultimate aims of the Area Planning process. Current arrangements already include careful analysis of need, demand and community perspectives across all sectors and already provide for all sectors, including the Integrated sector, to contribute to the development of Area Plans and solutions. The draft Bill appears not to take account of the current Area Planning arrangements which are already firmly in place and which already allow for the development of collaborative, shared, and integrated solutions to in response to identified need in specific areas.
7. There are significant concerns regarding the proposed presumption at Clause 7 of the Bill that all new schools will be 'Integrated'. This appears to be untenable, for a number of reasons, and would potentially give rise to on-going legal challenge. This specific section of the Bill, set alongside other sections of the Bill, would appear to render the proper operation of Area Planning arrangements extremely challenging.
8. The proposed obligation to develop, implement and maintain an 'Integrated Education Strategy' and the resources which such a Strategy would require are also a matter of concern.

Whilst the need for and value of a Strategy is acknowledged, the requirements set out in the draft Bill, appear to be demanding and potentially discriminatory, in view of the preferential treatment implied for one sector as compared with all others. There is a concern regarding the resources which would be required for implementation of such a Strategy and, as already indicated at point 1. above, the development and funding of such a Strategy, in advance of the work of the Independent Review of Education, would appear to be ill-timed and unhelpful in achieving the ultimate aims of that Review.

3. Conclusion

The Education Authority is committed to developing and supporting a range of opportunities which will provide sustained opportunities for children, young people, staff, and parents to learn and work together in a planned and intentional way. This will include the continued development of new and innovative solutions to facilitate collaborative, Shared and Integrated educational experiences, and the promotion of mutual understanding and good relations across the communities which the Authority serves. Whilst the overall objectives of this draft Bill may align, to some extent, with these aims, there is a range of well-founded concerns regarding the process by which it has been developed, aspects of its content and drafting and the potential implications of its enactment.