

Integrated Education Bill: Clause by Clause Consideration

Written Submissions

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Integrated Education Bill – Clause by Clause Consideration

Kellie Armstrong MLA BILL SPONSOR

Ms Armstrong's bill presentation to the Committee accompany the Bill and Explanatory and Financial Memorandum.

Ms Armstrong MLA presented to the Committee on 6 October 2021 as follows:

<http://aims.niassembly.gov.uk/officialreport/minutesofevidencereport.aspx?AgendaId=28759&eventId=14765>

Today 12 November 2021 Ms Armstrong MLA provided to the Committee a briefing paper setting out her consideration of the main issues highlighted in Committee evidence sessions and her engagement with parties.

This includes Proposed amendments. This document is in Members' Committee packs and has also been uploaded to the Bill folder.

Department of Education – Updated Clause by Clause Consideration (09 November 2021)

Clause	Comment
Clause 1	<p>The current legal definition of integrated education is set out in Article 64 of the Education Reform (Northern Ireland) Order 1989. This states that integrated education is: “the education together at school of Protestant and Roman Catholic pupils.”</p> <p>This difference is potentially significant. An integrated school has, until this point, been a specific legal entity i.e. one defined and constituted in law as a grant maintained or controlled integrated school under the 1989 Order. The Bill proposes to 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.</p> <p><u>Implications</u> This proposed change would allow any school to potentially meet the definition of an integrated school and dilute legal clarity in the definition of an integrated school.</p> <p>There are a number of schools which are sometimes described as naturally mixed or super mixed schools. They remain of a management type such as controlled, maintained or voluntary grammar. Integrated schools have actively taken a route to specifically encourage a religious balance in their pupil intake, Board of Governors and teaching staff (although that is not a requirement).</p> <p>Integrated schools proactively and continuously strive to achieve an ethos that is about an individual celebrating their own background whilst recognising and respecting others’. Integrated schools have those difficult conversations, and ensure e.g. the sports, music and curriculum on offer reflect Protestant and Roman Catholic and other community and religious backgrounds.</p> <p>It is not clear from the Bill whether any school with a mixed religious pupil intake could ask to be re-designated as an integrated school without going through the current Transformation process that includes a Development Proposal. The Development Proposal process includes consultation with other affected schools in an area.</p> <p>All schools have a mix of children from different socio-economic backgrounds and a great many schools of all types have a significant number of children on Free School Meals. Similarly, all primary schools are ‘all ability’. Consequently, these elements of the definition would potentially apply to a wide range of education.</p> <p>Any school could arguably promote diversity and understanding between its pupils of different backgrounds and abilities and therefore bring itself within the meaning of ‘integrated school’. There is ambiguity in the drafting of the Bill about what the new definition seeks to achieve and it could create the risk that any school which deliberately promotes diversity, respect and understanding could <i>argue</i> it is by</p>

	<p>default an ‘integrated school’ (i.e. that it falls within a management type called ‘integrated school’ with the attendant implications for funding etc.).</p> <p>In terms of the application of the definition to existing integrated schools, there is a risk, which the Bill does not appear to take into account, that these may in fact fall <i>outwith</i> the new requirements which pertain to the definition of ‘integrated school’.</p> <p>Current drafting of the Bill would mean that there would be no requirement on a controlled integrated school to have any duty in line with the new meaning accorded to ‘integrated education’ as part of its scheme of management (the effect of which would be to call into question whether a controlled integrated school under its current scheme of management meets the definition of ‘integrated school’).</p> <p>There is no statutory requirement in the Bill for the Department to be satisfied that a school seeking integrated status actually meets the definition of ‘integrated school’.</p>
<p>Clause 2</p>	<p>This is so wide that the impact on current school provision is hard to quantify but potentially significant. In comparison to the current provisions it could potentially serve to dilute what integrated education has meant since its inception.</p> <p>The Education and Libraries (NI) Order 1986 defines education at differing phases e.g. primary education, secondary education. The Education Order (NI) 2006 requires every grant-aided school to exercise their functions to ensure the curriculum for the school “promotes the spiritual, emotional, moral, cultural, intellectual and physical development of pupils at the school and thereby of society.”</p> <p><u>Implications</u> It could be argued that this clause is seeking to provide a definition of education.</p>

<p>Clause 3</p>	<p>This would require the Department in exercising any of its functions (not limited to those connected to integrated education) to consult with any body tasked with the promotion of integrated education and recognised by the Department to do so.</p> <p><u>Implications</u> From the Explanatory Memorandum it is evident that the body is intended to be NICIE. For the Department to consult NICIE before exercising any function has the potential to be unworkable and may indeed place an unmanageable burden on NICIE itself. There are issues with confidential and sensitive information, and the fact that the Departmental function could relate to other Arm’s Length Bodies. The Bill does not state its expectation about what happens if NICIE disagrees with what the Department proposes.</p> <p>In Area Planning terms it will be impactful, particularly in relation to the public objection period associated with Development Proposals. The established practice is based on previous case law regarding that the manner and intensity of inquiry to be undertaken is a matter for the public body, subject to Wednesbury unreasonableness (i.e. if the Department felt it has sufficient information on DPs then there is no need to consult specifically; and the statutory DP process facilitates the submission of views before final decisions are taken). In short - ‘The Department (supported by legal judgment) does not consult with specific groups on statutory Development Proposals’ as it may be perceived that to do so promotes the views of that consultee above all others.</p> <p>It is also not clear at what stage of education the Bill would apply from and therefore it has the potential to impact on pre-school provision, whether intentionally or otherwise.</p>
<p>Clause 4/5</p>	<p>The impact of these clauses is significant and has far-reaching policy implications. Currently the Department does not promote one sector over another. Encouragement and facilitation enable actions to be taken for the integrated sector that do not have to be taken for other sectors, however, the Education Order (Northern Ireland) 1997 provides that parents be allowed to express a preference for the school they wish their child to attend.</p> <p><u>Implications</u> For the Department to invest in the promotion of integrated education as required by the Bill it is likely this will be at the expense of other sectors. The Explanatory Memorandum, whilst referencing consultation conducted in 2016/17, makes no reference to specific consultation with schools to consider the implications for them of the Bill – again these are significant, especially in relation to clause 7; establishing a presumption that any new school will be integrated and neither the religious demographics of an area, or any existing places in local schools can be the reason used not to establish an integrated school.</p> <p>The Explanatory Memorandum sets the duty to promote alongside the Shared Education (Northern Ireland) Act 2016. Despite the similar wording, the implications are entirely different. Shared Education is a programme with associated support funding, involvement in which does not alter a school’s management type, unlike integrated education where schools are designated as integrated.</p>

<p>Clause 4/5</p>	<p>An impact of clause 4 (2) is to create duplication in what the Department and the EA must do to meet the meaning of “promote”.</p> <p>The Department considers that the meaning of promotion ignores cost to the public purse in meeting demand. It also ignores the ability of an integrated school to deliver effective and efficient education – or to take account of its physical capacity – in meeting demand. This unfettered meeting of demand is expected to increase pressure on oversubscribed integrated schools whilst doing nothing to address those integrated schools that are undersubscribed.</p> <p>Current policy and practice already facilitate increases e.g. through the temporary variation process, to integrated schools based on availability of alternative places in the integrated sector only.</p> <p>Currently the Department funds the Northern Ireland Council for Integrated Education (NICIE) to encourage and promote integrated education. It has ten staff and works directly with schools, Boards of Governors, Area Planning structures, Grant Maintained Integrated schools, the Education Authority. It provides guidance, support and training as well as resources to schools. It supports schools considering transforming to integrated status as well as existing integrated schools. If the duty to promote is placed on the Department it calls into question what impact this would have on the role of NICIE.</p> <p>From an Area Planning (AP) perspective this suggestion would require the AP process to be reviewed and refocused. The work required to do this in all the participating organisations would introduce a major risk to the delivery of the Strategic Area Plan 2 (SAP2) (currently in the pre-planning year and due to commence in Sept 2022) and the development of Operational and Exploratory Plans (OP/EP) which would need to change mid-cycle (2022-2027). A new process and revised guidance would be required. As a result the implementation of the Sustainable Schools Policy would be delayed and an unacceptable number of children and young people would continue to be taught in unsustainable schools (currently sitting at 43,000).</p>
<p>Clause 6</p>	<p>The fact that this seems intended to require provision for integrated education to be an overriding factor – or at least of equivalent statutory standing as existing statutory duties - for all listed education bodies across all their areas is concerning.</p> <p><u>Implications</u> Support and provision for children should be at the core of education rather than sectoral interests. The effect of Area Planning change on this scale will be a major disruption to the provision of sustainable education provision, with children and young people continuing to be educated in unsustainable schools. It will also cut across the priorities set by the Minister in her written statement to the Assembly, curtailing the collaborative and innovative solutions she has tasked the managing authorities and sectoral body representatives to bring forward.</p> <p>The Bill is silent on how CCMS is intended to deliver its core statutory functions for the maintained sector – for which it is funded – alongside a requirement to include provision for integrated education. This would include any Development Proposals CCMS sought to bring forward or comment on.</p> <p>The Bill is silent on what impact it envisages having on e.g. curricular support documentation, examination specifications and regulatory functions, end of key stage assessment requirements in relation to CCEA including provision for integrated education.</p>

	<p>The Bill is also silent on how the EA is meant to e.g. manage an open and transparent Area Planning process, provide SEN, newcomer, admissions, transport services whilst including provision for integrated education. It should also be noted that YCNI is not currently operational.</p>
<p>Clause 7</p>	<p>The impact of this clause is amongst the most significant in the Bill. It has major implications for existing schools, who are not listed as having been, or intended to be, consulted with about this Bill.</p> <p><u>Implications</u> Currently any significant change in the characteristic of a school, or which would have a significant effect on another grant-aided school, requires a Development Proposal under Article 14 of the Education and Libraries (Northern Ireland) Order 1986. The move to a presumption of integrated status is set out with no such requirements and therefore it is questionable whether it removes the process of local consultation, including with schools in the area, currently provided by a Development Proposal.</p> <p>As currently drafted clause 7 will – albeit unintentionally - include amalgamations as well as the establishment of brand new schools. It should be noted that amalgamation can only be achieved by closing two or more schools and opening a new one. It is unclear how this clause will work in practice alongside the provisions of the 1989 Order relating to transformation to integrated status. Despite the Bill proposer’s assertions, it is the Department’s view that this clause does not provide scope for a school other than an integrated school to be established should that be the wish of the community in which it will be based. The Department acknowledges that special schools will not be affected as they are provided and planned for separately under current legislation which is not amended by this Bill.</p> <p>This provision has the potential to inflame legal challenge on a sectoral basis rather than bring people together. There is the potential for an increase in complaints from areas that do not wish to have an integrated school as the only option, with limited legal means of taking a different course of action for the Department. Each Judicial Review has a significant cost to the public purse.</p>
<p>Clause 8/9</p>	<p>Again this wording draws on the Shared Education (Northern Ireland) Act 2016 without recognising that integrated education is very different.</p> <p><u>Implications</u> The concept of a strategy solely for the integrated sector would pose a risk to Area Planning by placing one sector above all others.</p> <p>Another risk would materialise when it came to developing shared and collaborative arrangement as the integrated sector would have its own separate strategy when all sectors are required to formulate the optimum collaborative solutions. The requirement to produce a bi-annual report on the implementation of an Integrated Education Strategy is underpinned by the requirements to set and monitor targets for growth, collect and analyse data on the effectiveness of the Department’s approach and on catchment areas, for example. These are targets such as the numbers of Development Proposals brought forward and delivered. These are all new requirements not currently in operation for any sector of education. These are all matters which will impact on the delivery of the Sustainable Schools Policy through the Area Planning process, and in Area Planning terms two years is a</p>

<p>Clause 8/9</p>	<p>relatively short time. It is not therefore evident how these reports would be helpful in practice, or indeed how merely counting activity would provide evidence of robust policy making a difference to the educational experiences of children and young people.</p> <p>An over-emphasis on targets can distract from the broader strategic direction of travel under the draft PfG and NDNA to support an outcomes based approach. What is put forward here would focus minds on activities without looking to the 'customer' - i.e. children, parents, schools / staff and communities – or, in effect, outcomes.</p> <p>The Explanatory Memorandum refers to anticipated costs for the provision of the required Integrated Education Strategy – this is estimated at £291,315k per annum based on the costs associated with developing the Childcare Strategy. Actual costs would be dependent on the requirements of the finalised Bill in delivering the required Integrated Education Strategy. There is no funding currently available to provide for any of these Strategy costs.</p> <p>It is the view of the Department that many of the requirements of these clauses are legislatively unclear, for example the coverage of the proposed definitions of “strategy” and “promote” vs their ordinary meanings. The only means of achieving legal clarity should such provisions become law will be through Judicial Review.</p>
<p>Clause 10</p>	<p>The Department would be required to make Regulations designed to supplement the provisions of the Bill.</p> <p><u>Implications</u> The Department is not clear what purpose they would serve or why they must be made rather than an enabling power being provided for here. The suggested provisions are adequately covered throughout the primary legislative requirements of the Bill, including the factors to be covered in an Integrated Education Strategy. The Department is content with Regulations being made via negative resolution.</p> <p>Clause 10 (3) provides a power to amend any piece of primary legislation – not limited in any way to education law let alone integrated education law – via these Regulations i.e. subordinate legislation. This is a significant power with far-reaching implications. The Department considers it wholly inappropriate to provide this power for any primary legislation to be amended via subordinate legislation.</p>
<p>Clause 11</p>	<p>Guidance may be given by the Department in relation to the Bill by the Department and by an education body in relation to its functions in respect of integrated education.</p> <p><u>Implications</u> Clause 11 contains an incorrect reference to the section under which Regulations would be made. The reference to “any other public authority with functions relating to education” creates a wide requirement for circulation of guidance – and has the potential to include, for example, health and social workers who are engaged with some of the most vulnerable children and young people in the education system. The focus for e.g. health and social workers should not be integrated education but the child they are engaged in supporting.</p>

Clause 12	<p>There are a number of issues with incorrect cross-references to sections in the Bill and significant gaps in the Articles to be amended.</p> <p>As Shared Education is a funded programme, the Department sees no legislative purpose in amending the Shared Education (Northern Ireland) Act 2016 to include the suggested provision in clause 12 (3).</p> <p>The Department is of the view that, whatever definition of integrated education is provided for in law following this process, that definition needs to be consistently applied across all relevant legislation. No inaccuracies, such as are currently reflected in the Bill, should form part of an Act of the Northern Ireland Assembly.</p>
Clause 13	<p>The list of education bodies defined in this clause are lifted from the Shared Education (NI) Act 2016 without recognising that integrated education is very different. See comments at clause 6.</p>

Integrated Education Bill: Clause by Clause Consideration
Written Submissions – All Other Organisations

Clause 1

<p>Organisation</p>	<p>Clause 1 Comments *Comments/numbered points taken from written submissions</p>
<p>Department of Education 22/09/2021</p>	<p>Definitions of integrated education and integrated school The Bill seeks to redefine integrated education [clause 1], define the purpose of this [clause 2] and, provide a new definition for an integrated school [clause 1 (2)].</p> <p>The Department has a range of concerns in relation to these matters. The current legal definition of integrated education is set out in Article 64 of the Education Reform (Northern Ireland) Order 1989 – the 1989 Order. This states that integrated education is: “the education together at school of Protestant and Roman Catholic pupils.”</p> <p>An integrated school has, until this point, been a specific legal entity i.e. one defined and constituted in law as a grant maintained or controlled integrated school under the 1989 Order. The Bill proposes to 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. This proposed change would allow any school to potentially meet the definition of an integrated school and reduces legal clarity in the definition of an integrated school.</p> <p>The Bill is silent on the very real impact it would have on existing integrated schools. In reality it places a conflict between the definition in the Bill and the existing statutory requirements for controlled integrated schools in particular, of which there are 30. An integrated school has, until this point, been a specific legal entity i.e. one defined and constituted in law as a grant maintained or controlled integrated school. An “integrated school” for the purposes of the Bill has a definition that goes much wider than a grant-maintained or controlled integrated school. Additionally, the Bill has the potential to mean that existing integrated schools will lose their integrated status as they may not meet the definitions it sets out. The Bill amends certain existing statutory provisions but not others, with a resultant impact of conflict with existing legislation, confusion for existing integrated schools, and schools that will be in a position to argue they meet the definitions of the Bill and are therefore integrated schools. Should the requirements to promote, plan for, and meet demand for a place in an integrated school also come into operation this has the logical potential for many schools to claim integrated status without changing any current practice. In effect, as the Minister clearly stated during the second stage debate, serving to dilute what integrated education has meant since its inception. Legally the Department will have no power to act to prevent this.</p>

<p>Department of Education 22/09/2021 (continued)</p>	<p>It is not clear from the drafting whether the impact of the Bill will be that any school which argues that it meets the proposed definition could ask to be re-designated as an integrated school without going through the current Transformation process that includes a Development Proposal. The Development Proposal process includes consultation with other affected schools in an area. Re-designation does not. All schools have a mix of children from different socio-economic backgrounds and a great many schools of all types have a significant number of children on Free School Meals. Similarly, all primary schools are 'all ability'. Consequently, these elements of the definition would potentially apply to a wide range of education. It seems that a school that is entirely single identity is capable of being an integrated school within the meaning of the Bill. Preliminary advice suggests that, one effect of the Bill could, for example, leave an integrated school which streams its pupils – common practice at post-primary level either before or after entry to the school– open to legal challenge from a parent on the basis it is not educating those of different abilities together. These types of impact will apply in law whether this is the intention of the Bill or not.</p>
<p>Transferor Representatives' Council 04/10/2021</p>	<p>Aside from 1(c) the “meaning of integrated education” within Clause 1 simply replicates what is included section 2 of the Shared Education Act 2016. It is unclear how this appropriation of what already exists elsewhere in legislation is helpful.</p>
<p>Church of Ireland Board of Education (NI) 05/10/2021</p>	<p>At a strategic level Clause 1, as set out, seems to indicate that future education in Northern Ireland will prioritise comprehensive all-ability schools. How will the intention of Clause 1 ensure a mix of socio-economic groups in any new Integrated schools be delivered, given that educational demographics indicate that many children, particularly the socially deprived, live in single religious identity communities?</p>
<p>Controlled Schools' Support Council 08/10/2021</p>	<p>The definition of “integrated education” and an “integrated school” proposed in clause 1 of the draft Bill is not only a fundamental change to the existing definition of integrated education in legislation, but its inclusion of pupils with different abilities and experiences of socio-deprivation is a defining factor of the controlled sector.</p> <p>Controlled schools welcome pupils from all cultures and religious beliefs, including pupils from all backgrounds and abilities. In the controlled sector:</p> <ul style="list-style-type: none"> • 61% of pupils in controlled schools are Protestant, 10% are Catholic, 29% are 'other'. • 39.5% of newcomer pupils in Northern Ireland attend controlled schools. • 28% of controlled pupils are entitled to free school meals.

	<p>The current wording of the draft Bill also raises questions about the expected “reasonable numbers” of Protestant and Catholic children and young persons in integrated schools. In addition, a measure of how a school “intentionally promotes” integration must also be outlined, particularly in the context of the controlled schools’ ethos which welcomes pupils from all backgrounds and promotes integration.</p>
<p>Education Authority 08/10/2021</p>	<p>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 ‘selfdesignate’ 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.</p> <p>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.</p>
<p>Equality Commission for Northern Ireland 08/10/2021</p>	<p>9. We note the broad definition of integrated education at Clause 1, as ‘the education together, in an integrated school of: (a) those of different cultures and religious beliefs and of none, including reasonable numbers of both Protestant and Roman Catholic children or young persons; (b) those who are experiencing socio-economic deprivation and those who are not; and (c) those of different abilities.’</p> <p>10. The Commission is on record that we consider that the core focus of sharing in education should be on ensuring meaningful and sustained sharing between learners of different community backgrounds; while also incentivising sharing across all equality grounds, including to address the socio-economic issues which are experienced by a number of equality groups.</p>
<p>Integrated Education Fund 08/10/2021</p>	<p>Suggested amendments: Delete “none” and insert “other ethical beliefs and worldviews”. In order to be recognised as integrated, a school should have to go through a Development Proposal process. The suggested amendments to the proposed new definition of integrated school in the draft Bill is in keeping with the spirit of the Bill; it will clarify the intention of such legislation and assist in protecting the unique nature of integrated schools</p>

<p>National Secular Society 08/10/2021</p>	<p>11. The definition accords with public understanding. Though the public may associate many other positive characteristics with integrated education, the definition covers the heart of the matter, which should be supported by the DoE, while allowing integrated schools to build on this definition to create their individual inclusive ethos.</p> <p>12. While the language is functional, and its intent worthy, minor amendments could make it more inclusive and accurate.</p> <p>13. The phrase “those of different cultures and religious beliefs and of none”, would be better replaced with “those of different cultural, religious or belief backgrounds”. This is more accurate as demographic assessments are usually based on parents’ self-declaration rather than pupils, and it turn tend to focus on religious identity rather than belief. This language better respects children and young people’s rights to define their own religious identity and beliefs. Northern Ireland’s growing minority of non-religious families are also defined by positive belief backgrounds, rather than simply not having religious beliefs.</p> <p>14. Under the same reasoning, the phrase “both Protestant and Roman Catholic children or young persons”, would be better replaced with “children or young persons from both Protestant and Roman Catholic backgrounds”.</p> <p>16. While the language is functional and positively encapsulates the core definition of an integrated school, it could be improved with similar tweaks to those mentioned above.</p> <p>17. The phrase “those of different cultures and religious beliefs and of none”, would be better replaced with “those of different cultural, religious or belief backgrounds”.</p> <p>18. We also strongly recommend the inclusion of “, including” as in: “...respect and understanding*, including* between those of different...”. This reflects the integrated ethos’ wider commitment to inclusive education; they see educating pupils of different backgrounds as a key aspect of such inclusion.</p>
<p>Northern Ireland Human Rights Commission 08/10/2021</p>	<p>3.2. The Commission welcomes this; it is consistent with international human rights standards set out above. It is necessary to reflect the social diversification in contemporary society and provide an environment in which all identities are supported equally.</p> <p>3.8. The Commission welcomes Clause 1, which widens the statutory definition of integrated education to recognise all cultures and religious beliefs, including non-religious beliefs, and different abilities.</p> <p>3.9. The Commission welcomes Clause 1(2), which places the ethos for integration on a statutory footing.</p>

<p>Presbyterian Church in Ireland 08/10/2021</p>	<p>D. The suggested definition of Integrated Education borrows heavily from the wording used to define the purpose of Shared Education in the Shared Education Act 2016, and this appears to be unnecessary duplication.</p> <p>E. Further, the suggested definition of Integrated Education removes any reference to Christian ethos or character, which continues to be part of the definition used by the NI Council for Integrated Education in its Statement of Principles document. This is a particularly surprising development given the lack of consultation and engagement with the Churches in advance of the Bill's introduction.</p>
<p>Workers Party 09/10/2021</p>	<p>Almost every aspect of life in Northern Ireland, political, social, cultural and educational, is viewed through a sectarian lens. In the case of education that has resulted in the inescapable fact that the implementation of an integrated education system has been deliberately side-lined to facilitate and secure the permanence of community divisions and the consolidation of sectarian power bases.</p> <p>These are the realities against which this Bill has been drafted and the conditions in which it will operate should it come into law. These realities are also the source of the Bill's torturous definitions of integrated schools and integrated education. Both are simply the process whereby Northern Ireland's children should be educated, but the political environment in which we live forces extended definitions in over-elaborated attempts to ensure perceived 'balance' while compounding the bogus mantra of 'different but equal'.</p>
<p>Catholic Schools' Trustee Service 10/10/2021</p>	<p>5.1. Purpose of integrated education. CSTS would contend that the purposes as outlined in this clause are in fact equally attributable to Catholic education. Indeed, all sectors within Northern Ireland that they subscribe to these purposes.</p>
<p>Governing Bodies Association N.I. 10/10/2021</p>	<p>11. Clause 1 – Meaning of Integrated Education The legislation defines an integrated school as being open to:</p> <p>(a) those of different cultures and religious beliefs and of none, including reasonable numbers of both Protestant and Roman Catholic children or young persons;</p> <p>(b) those who are experiencing socio-economic deprivation and those who are not;</p> <p>and</p> <p>(c) those of different abilities</p> <p>The GBA does not consider these characteristics to be unique to the integrated sector and the same definition could be applied to most schools across the education system. We would suggest that the final draft of the Bill contains a more specific definition of integrated education and what is an integrated school.</p>

<p>Northern Ireland Council for Integrated Education 10/10/2021</p>	<p>NICIE is supportive of the definition of Integrated Education provided in the Bill. Article 64 of the 1989 Education Reform Order (NI) provided a minimalist definition of Integrated Education, referring to it as, ‘...the education together at school of Protestant and Roman Catholic pupils’. The definition provided in the draft Bill expands on this definition, to include those of different cultures, religious beliefs (or none), those experiencing socio-economic deprivation and those of different abilities. This enhanced definition essentially takes elements of the NICIE ‘Statement of Principles’ for Integrated Education and includes them in legislation.</p> <p>The Statement of Principles was first devised in 1991 and was further revised in 2007. It was created to provide schools with a set of principles that could guide the development and maintenance of an Integrated ethos and give practical expression to the legislation. NICIE recognise that in the outworking of this definition, it will be necessary for the Department of Education to provide a new policy framework to discharge their duties outlined throughout the Bill. NICIE would suggest in applying clauses 1(a) and 1(b) that a ‘reasonable for the area’ approach could be taken in line with how they currently assess levels of religious balance stipulated in the ‘Integration Works’ guidance.</p> <p>NICIE notes that the draft Bill does not alter the process for an existing school to acquire Integrated status through Transformation, as laid out in the 1989 Education Reform Order (NI). Should any further drafting of the definition be required, NICIE would be happy to support this process.</p>
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<p style="text-align: center;">Northern Ireland Humanists 10/10/2021</p>	<p>11. We largely agree with the definition, which covers the remit of integrated education quite well. However, it should use the language of human rights law and refer to ‘religions or beliefs’ rather than ‘religious beliefs and none’.</p> <p>13. Again, we largely agree with the definition. However, for the reasons outlined in our previous answers, we are of the view that the purposes of the integrated school as defined would be undermined by any decision to retain the expectation that such schools have an exclusively Christian ethos. This is made particularly clear by the use of the phrase ‘an ethos of diversity, respect and understanding’ which is supposed to apply to all cultures, religions, and beliefs. This clearly cannot happen in circumstances where pupils learn purely Christian RE and are expected to participate in solely Christian worship. This is further evidenced by case law from England where, in a case pertaining to the inclusion of humanism on the RE curriculum, the High Court ruled that ‘the state must accord equal respect to different religious convictions, and to non-religious beliefs; it is not entitled to discriminate between religions and beliefs on a qualitative basis; its duties must be performed from a standpoint of neutrality and impartiality as regards the quality and validity of parents’ convictions.’ For this reason, the Court found that a failure to include non-religious perspectives on the Key Stage 4 curriculum was unlawful because it failed to accord such respect.</p> <p>The judgment also noted that the existence of a right to withdraw from RE (similar to that which exists in Northern Ireland under the 1986 Order) was not sufficient to demonstrate that provision respected the philosophical convictions of parents and their children – ‘an opt-out is not an adequate substitute for the provision of an educational programme which accords the Parents their right to respect for their convictions. The need to withdraw a Child would be a manifestation of the lack of pluralism in question.’</p>
<p style="text-align: center;">Shane Greer; Trustee, Integrated Alumni 10/10/2021</p>	<p>1. The bill as currently drafted defines “integrated education” without reference to the conferral of such status by the Department of Education.</p> <p>4. The bill as currently drafted risks enabling super mixed schools to argue that they qualify as integrated schools. This could have a two-fold effect. First, enabling such schools to argue that future legislation relating to integrated schools applies to them, as and when it suits. Second, and more worryingly, it may enable interests opposed to integrated education to frustrate the development of integrated education.</p> <p>5. To address this issue, Section 1(2) of the bill could be amended accordingly: An "integrated school" is a school approved as such by the Department of Education 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.</p>

<p>The Methodist Church in Ireland 18/10/2021</p>	<p>5. We further question whether the intention of Clause 1 to have a mix of socio-economic groups in new Integrated schools can be delivered, considering that many of the most socially deprived children live in single religious identity communities.</p>
<p>Northern Ireland Youth Forum 20/10/2021</p>	<p>In terms of next steps, there may be an opportunity for the Northern Ireland Youth Forum to bring together young people and elected representatives involved in the integration education bill to explore:</p> <ul style="list-style-type: none"> •The definition and terminology associated with integrated education and whether there is potential in developing a more comprehensive information package around what integrated education entails alongside the potential personal and societal benefits.
<p>Department of Education 22/09/2021</p>	<p>Definitions of integrated education and integrated school The Bill seeks to redefine integrated education [clause 1], define the purpose of this [clause 2] and, provide a new definition for an integrated school [clause 1 (2)].</p> <p>The Department has a range of concerns in relation to these matters. The current legal definition of integrated education is set out in Article 64 of the Education Reform (Northern Ireland) Order 1989 – the 1989 Order. This states that integrated education is: “the education together at school of Protestant and Roman Catholic pupils.”</p> <p>An integrated school has, until this point, been a specific legal entity i.e. one defined and constituted in law as a grant maintained or controlled integrated school under the 1989 Order. The Bill proposes to 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. This proposed change would allow any school to potentially meet the definition of an integrated school and reduces legal clarity in the definition of an integrated school.</p> <p>The Bill is silent on the very real impact it would have on existing integrated schools. In reality it places a conflict between the definition in the Bill and the existing statutory requirements for controlled integrated schools in particular, of which there are 30. An integrated school has, until this point, been a specific legal entity i.e. one defined and constituted in law as a grant maintained or controlled integrated school. An “integrated school” for the purposes of the Bill has a definition that goes much wider than a grant-maintained or controlled integrated school. Additionally, the Bill has the potential to mean that existing integrated schools will lose their integrated status as they may not meet the definitions it sets out. The Bill amends certain existing statutory provisions but not others, with a resultant impact of conflict with existing legislation, confusion</p>

	<p>for existing integrated schools, and schools that will be in a position to argue they meet the definitions of the Bill and are therefore integrated schools. Should the requirements to promote, plan for, and meet demand for a place in an integrated school also come into operation this has the logical potential for many schools to claim integrated status without changing any current practice. In effect, as the Minister clearly stated during the second stage debate, serving to dilute what integrated education has meant since its inception. Legally the Department will have no power to act to prevent this.</p> <p>It is not clear from the drafting whether the impact of the Bill will be that any school which argues that it meets the proposed definition could ask to be re-designated as an integrated school without going through the current Transformation process that includes a Development Proposal. The Development Proposal process includes consultation with other affected schools in an area. Re-designation does not. All schools have a mix of children from different socio-economic backgrounds and a great many schools of all types have a significant number of children on Free School Meals. Similarly, all primary schools are 'all ability'. Consequently, these elements of the definition would potentially apply to a wide range of education. It seems that a school that is entirely single identity is capable of being an integrated school within the meaning of the Bill. Preliminary advice suggests that, one effect of the Bill could, for example, leave an integrated school which streams its pupils – common practice at post-primary level either before or after entry to the school– open to legal challenge from a parent on the basis it is not educating those of different abilities together. These types of impact will apply in law whether this is the intention of the Bill or not.</p>
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Clause 2

<p>Organisation</p>	<p>Clause 2 Comments</p> <p><small>*Comments/numbered points taken from written submissions emailed to Committee for Education related to relevant Clause.</small></p>
<p>Church of Ireland Board of Education (NI) 05/10/2021</p>	<p>Clause 2 sets out the purposes of Integrated education but these are indistinguishable from the purposes that apply to all schools. However, the presumption that all new schools will be Integrated schools regardless of the existence of spare places in other schools (Clause 7), directly contradicts Clause 2.b. which aims to promote the efficient and effective use of resources.</p>
<p>Controlled Schools' Support Council 08/10/2021</p>	<p>Clause 2 of the draft Bill outlines that the purpose of integrated education is:</p> <ul style="list-style-type: none"> •to deliver educational benefits to children and young persons; •to promote the efficient and effective use of resources; •to promote equality of opportunity; •to promote good relations; and •to promote respect for identity, diversity and community cohesion. <p>Again, CSSC would argue that the purposes outlined for integrated education in the Bill are the existing purposes of controlled education, and indeed should also be the purpose of all education in Northern Ireland.</p>
<p>Equality Commission for Northern Ireland 08/10/2021</p>	<p>We note in Clause 2 that the purpose of integrated education includes:</p> <ul style="list-style-type: none"> (a) to deliver educational benefits to children and young persons; (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. <p>13.The Commission considers that sharing in education, across the full range of equality grounds has the potential to advance equality of opportunity - improving educational access and attainment for pupils from a diverse range of backgrounds and abilities. This will however necessitate a particular focus in practice on the steps required to facilitate improved educational attainment for those groups identified as being at particular disadvantage.</p>

<p>Integrated Education Fund 08/10/2021</p>	<p>Integrated schools bring together children and adults from Catholic, Protestant and other backgrounds in each school. The schools strive to achieve a religious balance of pupils, teachers and governors, and acknowledge and respect the cultural diversity they represent. Integrated schools educate children in an environment where self-esteem and independence are developed as priorities; supporting the development and improvement of their understanding of and respect for diversity and difference.</p> <p>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.</p> <p>Integrated education encourages open-minded attitudes among pupils as well as building the confidence and ability to question, observe, listen and make informed decisions.</p> <p>Integrated education recognises the value of active parental involvement in all aspects of school life and this is actively encouraged, for example in the governance of the school and the Parents' Council.</p>
<p>National Secular Society 08/10/2021</p>	<p>While we strongly support these core purposes of integrated education, we would amend (e) to include: “to promote respect for identity, diversity, equality and human rights, and community cohesion”</p>
<p>Northern Ireland Human Rights Commission 08/10/2021</p>	<p>The Commission welcomes Clause 2 which incorporates expressly the equality and good relations duties into integrated education, including for schools. Note, schools in Northern Ireland are not designated as public authorities for the purpose of the good relations duty in Section 75 of the Northern Ireland Act. In England and Wales however the Equality Act 2010 makes it clear that the public authority duty is applicable to those educational bodies listed in Schedule 19 to the 2010 Act.²⁰ As Clause 2 of the Bill relates to integrated education only, the Commission reminds the Committee of its previous recommendation that all schools should be included in Section 75 of the Northern Ireland Act.</p>
<p>Northern Ireland Council for Integrated Education 10/10/2021</p>	<p>4.2. NICIE believe the Clause largely reflects the purpose of Integrated Education. The purpose clause is in line with the NICIE Statement of Principles⁵ and the current body of research that attests to the impact of Integrated Education in relation to educational benefits, good relations and respect for identity, diversity and community cohesion. NICIE would suggest that this clause could be further strengthened with an emphasis that these purpose statements are provided through standalone Integrated schools rather than through two or more schools from different sectors working together. An appropriate amendment to this clause might involve changing the line: ‘The purpose of integrated education is—’ to “The purpose of integrated education provided through an Integrated School is...’.</p>

<p style="text-align: center;">Northern Ireland Humanists 10/10/2021</p>	<p>While we thoroughly agree with the purposes listed, particularly the need to promote good relations and to promote respect for identity, diversity, and community cohesion, we must once again highlight the manner in which they contradict the suggestion that integrated schools retain a Christian ethos.</p> <p>Further, purpose (c), to promote equality of opportunity, must be considered in light of the issue of fair employment. At present, teacher employment is excluded from the Fair Employment and Treatment (Northern Ireland) Order (FETO) 1998 meaning that teachers can be recruited on religious grounds. The exemption means that both Catholic and Protestant teachers may lose out on jobs in schools on the other side of the community divide. But, because all the schools in Northern Ireland have some kind of Christian character, non-Christian teachers are likely to face discrimination whatever type of school they apply to. A recent report from the UNESCO Centre at Ulster University highlighted that integrated schools ‘actively seek to achieve a balance in appointments’ and therefore ‘may call on the exception to justify the selection of one candidate over another in order to keep within a predefined community staffing ratio’. Because the desired ratio is generally 40% Catholic, 40% Protestant, 20% other, even at integrated schools, the vast majority of jobs are likely to be for Christian teachers. With all this in mind, we think the requirement to promote equality of opportunity must extend to teaching staff and governors as much as pupils and as such the law on teacher employment should be addressed in association with the Bill.</p> <p>Purpose (e) should be expanded to read ‘to promote respect for identity, diversity, religious and non religious beliefs, and community cohesion’ in order to ensure clarity of the purpose.</p>
<p style="text-align: center;">Northern Ireland Commissioner for Children & Young People 08/11/2021</p>	<p>Clause 2 of the Bill states the purpose of integrated education is:</p> <ul style="list-style-type: none"> a. to deliver educational benefits to children and young persons 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. <p>NICCY recommends that Clause 2 should be revised to make explicit reference to the UNCRC and provisions outlined in Articles 28 and 29.</p>

Clause 3

<p>Organisation</p>	<p>Clause 3 Comments</p> <p><small>*Comments/numbered points taken from written submissions emailed to Committee for Education related to relevant Clause.</small></p>
<p>Department of Education 22/09/2021</p>	<p>The Bill seeks to require the Department to consult with “any body” which includes in its objectives the provision of support and advice to the Department in its promotion of integrated education when it is exercising any function [clause 3], including in respect of decisions which have no bearing whatsoever on integrated education.</p> <p>This is of particular concern in relation to the appropriateness of this requirement regarding sensitive matters, issues of confidentiality, timeliness, conflicts of interest, lack of information about managing situations where e.g. such a body takes a different or opposing view to the Department.</p> <p>The statutory Development Proposal process includes a statutory two-month objection period during which anyone can make their views known to the Department. The Department does not consult with any specific group in relation to Development Proposals in line with previous advice and judgements. However, the impact of the Bill places a wide consultative duty on the Department which, for the purposes of Development Proposals would result in the promotion of the views of that particular consultee over all others.</p> <p>The Explanatory and Financial Memorandum sets out the view that this body could be the Northern Ireland Council for Integrated Education (NICIE). NICIE has 10 FTE staff with very committed work plans. In addition to concerns about the appropriateness of clause 3, the Department has significant concerns about NICIE’s capacity to undertake this consultation role should such a requirement become law. This requirement is potentially open to challenge from other ALBs as it significantly elevates the role of NICIE.</p>

<p>Integrated Education Fund 08/10/2021</p>	<p>DE has a duty “to encourage and facilitate” integrated education under the Education (Northern Ireland) Order 1989.</p> <p>The Northern Ireland Council for Integrated Education (NICIE) is the organisation tasked by the Department of Education (DE) with promoting, supporting and growing integrated education by providing advice to parent groups and existing schools on the development and provision of integrated education. NICIE, which was established in 1987, and is now a registered charity incorporated as a company limited by guarantee, has been funded by DE since 1989.</p> <p>The role of NICIE is to assist the development of integrated education in Northern Ireland. This role is increasing, with four new schools becoming integrated in 2021/22 as well as development proposals from two further schools currently under consideration with the Department of Education and over 30 schools currently expressing an interest in exploring integration.</p> <p>NICIE can only do this work if it is sufficiently funded; currently it is underfunded.</p>
<p>National Secular Society 08/10/2021</p>	<p>Efforts to integrate Northern Ireland’s education system remain woefully slow, something for which the Department must take at least some responsibility. Strengthening the language in the Department’s statutory duty would help to prioritise integrated education. While the Department does need to be given flexibility in its approach, some prescription (including minimum targets) is needed to prevent institutional inertia.</p> <p>Legislating to add the duty to “promote” integrated education is necessary to fulfil Northern Ireland’s obligations under the United Nations Convention on the Rights of the Child, the UN committee for which has called on the government to: “actively promote a fully integrated education system and carefully monitor the provision of shared education, with the participation of children, in order to ensure that it facilitates social integration”.</p>
<p>Catholic Schools' Trustee Service 10/10/2021</p>	<p>Advisory Body. CSTS would suggest that this function is largely carried out by the Northern Ireland Council for Integrated Education who are already funded by the Department with regard to the promotion of Integrated education.</p>
<p>Northern Ireland Council for Integrated Education 10/10/2021</p>	<p>NICIE concur with the principle that consultation with a specialist body would be an important element in the outworking of the Bill. NICIE would believe itself to be well positioned to play such a role, given the experience gained over nearly 35 years in the development of Integrated Education. NICIE would suggest this clause could be further enhanced if the scope and focus of consultation was more clearly defined as functions of the Department of Education pertaining to Integrated Education.</p>

<p>Northern Ireland Humanists 10/10/2021</p>	<p>We are unsure about this provision because it fails to make clear the criteria according to which the Department will recognise such a body. In our view, such a clause must include a requirement for independence and impartiality, as well as commitment by recognised bodies to equality and diversity, including with respect to religion or belief.</p>
<p>Northern Ireland Youth Forum 20/10/2021</p>	<p>The findings from the focus groups illustrated that for the most part young people don't discuss integrated education. However, the conversations revealed that when presented with the opportunity, it is a topic that most young people have a lot of thoughts, views, and opinions on. The main points of interest, include the following:</p> <p>f. Politicians have a considerable role in promoting integrated education and improving opportunities for young people to attend integrated schools.</p>
<p>Northern Ireland Commissioner for Children & Young People 08/11/2021</p>	<p>Clause 3 refers to advisory bodies the Department of Health must consult with. NICCY as Child Rights Advisor to Government would expect to be consulted when necessary.</p>

Clause 4

<p>Organisation</p>	<p>Clause 4 Comments</p> <p><small>*Comments/numbered points taken from written submissions emailed to Committee for Education related to relevant Clause.</small></p>
<p>Controlled Schools' Support Council 08/10/2021</p>	<p>Clause 4 proposes to extend the existing statutory requirements on the Department of Education (DE) and the Education Authority (EA) from “encourage and facilitate integrated education”, to “encourage, facilitate and promote”. The draft Bill is vague on the definition of “integrated education” and is vague on whether controlled schools are already integrated. Depending on the definition of “integrated” being used, clause 4 could potentially, put an unfair emphasis on one area of education and therefore compromise DE and EA’s roles to promote and provide education for all.</p>
<p>Integrated Education Fund 08/10/2021</p>	<p>All integrated schools in Northern Ireland were set up by the direct action of local parents in either setting up a school or voting to have their children's existing school transform to integrated status.</p> <p>This Bill places the onus on the Department of Education to promote integrated education and to have additional resources to ensure they fulfil this duty.</p> <p>DE currently advises that they cannot promote one type of school over another and this clause will ensure that integrated education is promoted.</p> <p>Currently the Integrate My School website provides parents with a chance to voice their preference for an integrated school for their child. DE did provide some financial support for the launch of this website, and directs parents to it in their publication ‘Integration Works: Transforming Your School’. Such support is welcome but the IEF believes that much more could be done by the DE to encourage and facilitate integrated education.</p>
<p>Catholic Schools' Trustee Service 10/10/2021</p>	<p>Promotion of Integrated Education.</p> <p>The Department of Education has, since 1989, had a duty to encourage and facilitate and has carried out this function, as demonstrated by the growth of Integrated education. However, the inclusion of a duty to promote, as defined, would, in effect, amount to discriminatory action against all other sectors. CSTS would strongly be of the view that such a duty therefore is inappropriate and should not be included in any legislative framework and that the promotion of Integrated education should continue to be a function of the Northern Ireland Council for Integrated Education.</p>

<p>Governing Bodies Association N.I. 10/10/2021</p>	<p>Clause 4 – Promotion of Integrated Education</p> <p>Clause 4 proposes to change the statutory duty from to encourage and facilitate to encourage, facilitate and promote. If this legislation is enacted, it would amend the Education Act (Northern Ireland) Order 2014 and place a duty on the Education Authority to increase the demand for the provision of integrated education which could only be at the expense of Controlled Schools.</p>
<p>Northern Ireland Humanists 10/10/2021</p>	<p>We firmly support the proposal that integrated education – conceived of as education that not only involves teaching pupils from different backgrounds together, but that does so in a fully inclusive way – should be actively promoted. Promoting the full meaning of integration and inclusive education will need to be supported by an updated curriculum where RE is taught in a critical, objective, and pluralistic manner and all religions and beliefs are treated equally. Promoting integrated education will only succeed if the curriculum, employment, governor appointments, and admissions are fair and secular in approach.</p> <p>There are sectors, such as Irish medium and special schools, where inclusive education may already be in place, but they are not covered by this bill. We would recommend that these sectors are fully engaged in the integrated education process and if their approach and ethos meet the requirements, they are given integrated status and equal access to the provisions of the bill.</p>
<p>Northern Ireland Commissioner for Children & Young People 08/11/2021</p>	<p>The Commissioner is also supportive of Clauses 4 and 5, relating to adding to the duties on the Department of Education in relation to integrated education, so that ‘promotion’ is added to the current duty ‘to encourage and facilitate’. Given that the demand for integrated education outstrips current provision [1], and the 2016 Concluding Observation from the UN Committee on the Rights of the Child, it is important that DE seeks to increase this provision significantly.</p>
<p>Northern Ireland Council for Integrated Education 10/10/2021</p>	<p>NICIE agrees with the overall objective of these clauses which seek to make the Department of Education alongside the Education Authority ultimately responsible to assess, monitor and provide Integrated Education places based on demonstrable parental demand. NICIE is cognisant that every Integrated school has either been established by a parent group or Transformed through a parental ballot. No Integrated school to date has ever been established by a statutory planning authority. The current proposal to create a Controlled Integrated School in the Coleraine area is a welcome development and may provide a model for future planning. The aim of this clause could have a significant and positive impact on the growth of Integrated Education.</p> <p>NICIE believes Integrated Education should be a viable option in our education system for all parents and children who want it. There have been a series of policy initiatives and political agreements across the past 20 + years that have contained promising references to the advancement of Integrated Education but have not been fully</p>

<p>Northern Ireland Council for Integrated Education 10/10/2021 (continued)</p>	<p>implemented or operationalised. These include Article 13 of the ‘Belfast/Good Friday Agreement’ (1998), The ‘Shared Future’ policy (2005) and the ‘Stormont House Agreement’ (2014). The Independent Review of Integrated Education published in 2017 also recommended: ‘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 education’. (Page 26).</p> <p>There have been a number of surveys that evidence public support for Integrated Education. A recent NI Attitudinal Poll by LUCID Talk launched in July 2021 shows 71% of NI people questioned in this survey believe Integrated Education should be our main model of education. This is an increase of 5% since the last Lucid Talk poll conducted in 2013 (66%). Likewise, there is consistent oversubscription of several Integrated schools, with The Executive Office Good Relations Indicators citing that in 2018/19, 21% of first preference applications to post-primary integrated schools did not result in admission to that particular school. Research conducted by Ulster University published in 2021 concluded 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...’</p> <p>There is ongoing evidence of parental demand in the form of polls and actual oversubscription of Integrated schools, yet geo-mapping exercises illustrate that for many families across Northern Ireland, Integrated Education is not a viable or accessible option. The reality is that without strategic planning at Departmental level, Integrated Education will not be able to grow at the pace necessary to meet demand and be a realistic choice for those families who wish it for their children. It is worth noting that unfilled places in Integrated Schools are below those for non-Integrated provision as evidenced in the table below based on the 2020/21 school year. It is well documented that there are too many schools in Northern Ireland and whilst it is healthy to have some unfilled places to ease movement by individual children within and between sectors, all sectors will experience unfilled places until the school estate has been fully rationalised. This should never be used as a reason to inhibit meeting the demand for Integrated Education. NICIE notes some concern that has been expressed that these clauses, alongside clause 7, ‘elevate’ one sector above another. There are multiple perspectives from which to view this assertion. Firstly, whilst the term ‘sector’ is applied to Integrated Education, what this means in any legal or practical sense is unclear. Integrated schools are presently either under the auspices of the Education Authority as the managing authority of ‘Controlled Integrated’ schools or ‘Grant Maintained’ whereby the individual school Board of Governors are the managing authority. Secondly, Integrated Education has developed across 40 years to a situation where in 2021/22 there are presently 68 Integrated schools or just over 6% of the number of schools in NI. Integrated schools enrol c.25,000 pupils or about 7.3% of the total school enrolment. There are 50 Voluntary Grammar Schools, 446 Catholic Maintained schools and 488 Controlled schools (excluding Special and Hospital Schools). Some of these</p>
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**Northern Ireland Council
for Integrated Education
10/10/2021
(continued)**

schools were founded over 100 years ago and have had considerable time to develop. These specific clauses are primarily focused on measuring and meeting demand and there is no legislative basis on which these schools could be forced to become Integrated. The pathway to a Transformation to Integrated status would continue to be guided by the 1989 Education Reform (NI) Order. NICIE would contend that these clauses would enable the 'levelling up' of Integrated Education as opposed to elevation over other forms of schooling. Ultimately, we contend that the principle of parental preference should always underpin the provision of school options.

With regards to the use of the word 'Promotion' NICIE would be happy to consider alternative language that may better reflect the responsibilities outlined in the clauses. The phrase 'Assessing and Meeting Parental Demand for Integrated Education' might be an appropriate alternative. We also recognise that inclusion of an aim to increase the demand for the provision of Integrated Education may cause some concern for other providers. NICIE notes that current government policy outlines a vision of a "a united community, based on equality of opportunity, the desirability of good relations and reconciliation - one which is strengthened by its diversity, where cultural expression is celebrated and embraced and where everyone can live, learn, work and socialise together, free from prejudice, hate and intolerance.". The Draft Programme for Government aligns Integrated Education with the priority area 'Tackling Sectarianism, Building Respect and Identity'. The Department of Education's own guidance 'Integration Works' (2017) states:

'Integrated education brings together pupils, staff and governors from Protestant, Catholic and other cultural traditions within a single school community. As children and young people prepare to live and work in a global, multicultural and pluralistic society, the benefits of educating them together are increasingly recognised. As we aim to become a shared society that respects diversity, Integrated Education has much to offer the school system and society as a whole.'

As has been noted, the Executive Office measure applications to Integrated schools as a good relations indicator on the basis that, 'Preference for integrated education is an important indicator of attitudes towards other communities, as well as an indicator of preference for a shared community'. Given the trajectory of government policy towards reconciliation and a shared society and the fact that these policies cite Integrated Education as a method of delivery, it would seem reasonable to conclude that government should pro-actively seek to increase demand for Integrated Education, thus enabling it to fulfil its potential to support these initiatives. NICIE is willing to work with the Bill's sponsor and legislators to further shape these clauses to address current impediments to the growth of Integrated Education.

Clause 5

<p>Organisation</p>	<p>Clause 5 Comments</p> <p><small>*Comments/numbered points taken from written submissions emailed to Committee for Education related to relevant Clause.</small></p>
<p>Department of Education 22/09/2021</p>	<p>The Bill seeks to require the Department to promote integrated education [clause 4], defining what it means by this [clause 5]. This wording intentionally replicates the Shared Education (Northern Ireland) Act 2016. However Shared Education is a programme, open to all schools in all sectors. Integrated education is not a programme; it is a sector. Currently the Department does not promote one sector over another.</p> <p>Encouragement and facilitation enable actions to be taken for the integrated sector that do not have to be taken for other sectors, and the Education Order (Northern Ireland) 1997 provides that parents be allowed to express a preference for the school they wish their child to attend. Current policy and practice already facilitate increases e.g. through the temporary variation process, to integrated schools based on availability of alternative places in the integrated sector only.</p> <p>The Bill is also silent on the current operation of the temporary variation process, whereby a school requests this for the pupil/s next in line for a place according to the admissions criteria determined by its Board of Governors. The Bill appears to require the Department to meet all parental demand for integrated education with no reference or definition as to what is meant by ‘parental demand’ and, furthermore, no recourse for the integrated school as to how it manages any increase in pupil numbers.</p> <p>For the Department to invest in the promotion of integrated education in the way required by the Bill it is likely this will be at the expense of other sectors. Meeting the demand for integrated education in the unfettered way required by the Bill will negate any considerations of:</p> <ul style="list-style-type: none"> <input type="checkbox"/> cost to the public purse; <input type="checkbox"/> physical capacity of an integrated school to facilitate more pupils; <input type="checkbox"/> associated capital demands; <input type="checkbox"/> teaching complement of an integrated school; <input type="checkbox"/> SEN provision; <input type="checkbox"/> quality of education in an integrated school; <input type="checkbox"/> timely implementation of the Sustainable Schools’ Policy through the current Area Planning process, structures and guidance; <input type="checkbox"/> addressing existing spare capacity across the education estate; <input type="checkbox"/> transport provision; <input type="checkbox"/> the effective and efficient provision of education to pupils; <input type="checkbox"/> long-term impact on enrolment for other local schools; and <input type="checkbox"/> high probability of sustained legal challenge. <p>From an Area Planning perspective, in particular, this suggestion would require the Area Planning process to be completely reviewed and existing area planning procedures and structures to be completely overhauled. If policy changed - and depending on timing - this would provide a major and unmanageable risk that the next Strategic Area Plan (SAP2) which is currently under development and due to commence in September 2022</p>

<p>Department of Education 22/09/2021 (continued)</p>	<p>would be derailed, as its underpinning priorities, processes and guidance would all need reviewed and revised.</p> <p>The effect of change on this scale will be a major disruption to the provision on sustainable education provision, with children and young people continuing to be educated in unsustainable schools. It will also cut across the priorities set by the Minister in her written statement to the Assembly, curtailing the collaborative and innovative solutions she has tasked the managing authorities and sectoral body representatives to bring forward.</p> <p>Area planning involves all bodies involved in planning for education provision here, good work has been done to make Area Planning more agile, flexible and responsive to create momentum in getting to the vision that all children have access to high quality education in a school which is sustainable. To elevate one sector above all others could be detrimental to the dedicated work by all bodies which serve in the best interests of children across all sectors.</p>
<p>Transferor Representatives' Council 04/10/2021</p>	<p>Section (b) of Clause 5 does not seem viable in terms of current Area Planning policy, particularly around sustainability. There is no rationale for the caveats for meeting demand which seem to create an unbalanced system that does not allow for the choice of both students and parents.</p>
<p>Controlled Schools' Support Council 08/10/2021</p>	<p>In addition, clause 5 calls for changes in the overall objective of the area planning process – placing the focus on the provision of integrated schools and the intention to increase the demand for integrated education. This could have implications for area planning, the provision of new schools and open enrolment. It could give one type of education a higher position and priority over other types of education. This conflicts with the role of DE and EA, dilutes the role of advocacy bodies for the other sectors and impacts upon parental preference.</p>
<p>Equality Commission for Northern Ireland 08/10/2021</p>	<p>At Clause 5(1)(b) the Bill states: 'A reference to the promotion of integrated education is a reference to 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)'. While recognising the overall focus of this clause on promoting integrated education, and the importance of seeking to meet expected future demand, consideration should be given to how the existence of spare places in existing schools can be reconciled with ensuring an efficient and cost effective school estate.</p>

<p>Integrated Education Fund 08/10/2021</p>	<p>The DE has a statutory duty to “encourage and facilitate” integrated education through the 1989 Education Reform Order, however this has not led to any strategic commitment or significant action by DE to proactively support the growth and development of integrated schools.</p> <p>In fact all 68 integrated schools in Northern Ireland (four opened in the last month alone); have resulted from the actions of parents and schools alone, supported by charitable bodies such as the IEF and Northern Ireland Council for Integrated Education (NICIE).</p> <p>https://www.irishnews.com/paywall/tsb/irishnews/irishnews/irishnews//news/northernirelandnews/2021/09/01/news/four-ni-schools-transform-to-integrated-status-2434832/content.html</p> <p>The promotion of integrated education over the last 40 years has been through the efforts of parents who want an integrated education and integrated schools for their children, backed by charitable bodies such as IEF and their supporters.</p> <p>This clause will now place the onus on the Department of Education to not only be alive to the demand for integrated education but to promote integrated education and underwrite this with additional resources.</p> <p>In addition, the Department must monitor and report back on demand for integrated school places. This demand can be illustrated by the integrated school, Lagan College, during the Academic Year 2020 /21.</p> <p>Approved Admissions: 211 Total applications (all preferences): 518</p> <p>http://www.lagancollege.com/wp-content/uploads/2021/01/Lagan-College-Admissions-2021-January-2021-1.pdf</p> <p>This demand for integrated school places is Northern Ireland wide. The lack of integrated schools, and insufficient places in many of the existing integrated schools, can make a parent feel there is no point in putting an integrated school as their first choice. This demand was illustrated in the growth in demand for integrated places in the most recent Good Relations indicators.</p> <p>https://infogram.com/northern-ireland-good-relations-indicators-annual-update-2019-infographic-1h7g6k1ol1j04oy?live</p>
<p>Labour Party in Northern Ireland 09/10/2021</p>	<p>We fully support that there should be a duty on the Department of Education and the Education Authority to encourage, not merely to promote and facilitate, the development of integrated education. There should be minimum targets for children being educated in integrated schools within the next ten years.</p>
<p>National Secular Society 08/10/2021</p>	<p>We support this definition of the term “promotion”, to be read alongside the subsequent clauses in the Bill.</p>

<p>Northern Ireland Council for Integrated Education 10/10/2021</p>	<p>IBID – Clause 4&5 comments closely related.</p>
<p>Northern Ireland Humanists 10/10/2021</p>	<p>The definition of promotion in clause 5 is too passive. It requires monitoring and provision of adequate places to meet the demand for integrated education but places no duty to actively promote integrated schools. Whilst monitoring is essential, the act of promotion must include a duty on the Government to promote the benefits of integrated education and challenge existing controlled schools to consider becoming integrated. This should include (but not be limited to) training for head teachers and governing bodies on the process and support given for integrated education and actively engaging stakeholders such as the Council for Catholic Maintained Schools, the Controlled Schools Support Council, and the organisations responsible for appointing transferor governors.</p>
<p>Northern Ireland Commissioner for Children & Young People 08/11/2021</p>	<p>The Commissioner is also supportive of Clauses 4 and 5, relating to adding to the duties on the Department of Education in relation to integrated education, so that ‘promotion’ is added to the current duty ‘to encourage and facilitate’. Given that the demand for integrated education outstrips current provision, and the 2016 Concluding Observation from the UN Committee on the Rights of the Child, it is important that DE seeks to increase this provision significantly.</p>

Clause 6

<p>Organisation</p>	<p>Clause 6 Comments *Comments/numbered points taken from written submissions emailed to Committee for Education related to relevant Clause.</p>
<p>Department of Education 22/09/2021</p>	<p>The Bill is silent on how CCMS is intended to deliver its core statutory functions for the maintained sector – for which it is funded – alongside a requirement to include provision for integrated education. This would include any Development Proposals CCMS sought to bring forward or comment on.</p> <p>The Bill is silent on what impact it envisages having on e.g. curricular support documentation, examination specifications and regulatory functions, end of key stage assessment requirements in relation to CCEA including provision for integrated education.</p> <p>The Bill is also silent on how the EA is meant to e.g. manage an open and transparent Area Planning process, provide SEN, newcomer, admissions, transport services whilst including provision for integrated education.</p> <p>It should also be noted that YCNI is not currently operational.</p>
<p>Transferor Representatives' Council 04/10/2021</p>	<p>The TRC is concerned that Clause 6 unworkable. Each of the education bodies has its own ethos and it would be unreasonable to expect those bodies to be compelled to include provision for integrated education. If this clause was to remain part of the legislation the TRC suggests that the phrase “must include provision for integrated education” could be amended to read “should give consideration to provision for integrated education”.</p>
<p>Controlled Schools' Support Council 08/10/2021</p>	<p>In addition to the changes proposed for DE and EA in clause 4, clause 6 calls for other education bodies to include provision for integrated education in their strategies, plans and policies. This would appear to be an unreasonable and unworkable request for a number of the designated education bodies. Once again the Controlled Schools' Support Council, despite representing 49% of schools in Northern Ireland, is not listed here amongst the list of other education bodies.</p>

<p>Integrated Education Fund 08/10/2021</p>	<p>Very few pupils actually attend their nearest school, and many post-primary pupils commute considerable distances. Hence, if there were more integrated schools there would be less need for pupils to travel. The Ulster University (UU) Report 'Isolated Together: Pairs of Primary Schools Duplicating Provision' (December 2019) makes the case for rationalisation of designing and delivering services: Each of the 32 pairs of schools identified here requires sufficient teachers to deliver the curriculum to 4 to 11-year olds. Even in very small schools, and 10 of these schools have fewer than 50 pupils, there must still be a principal with responsibility for running the school. (Page 05)</p> <p>In 2019, the Northern Ireland Affairs Committee found "...an acknowledgement that there was a large amount of wasted capacity in the [education] system". Giving evidence to the committee, Sir Robert Salisbury contrasted duplicated provision in his local town in Northern Ireland with a similarly sized town in England, and concluded "...if you replicate that across the whole of Northern Ireland, you have your funding crisis in one view".</p> <p>There is also duplication of teaching – again as evidenced in the UU 'Isolated Together' report, "... in 94% of the unsustainable schoolspupil-teacher ratios (are) higher than the Northern Ireland average for primary schools of 22.3 in 2018-19. In some cases, ratios are as high as 1 teacher for 8 pupils. A classroom in a school just a few hundred yards away may well have a similar ratio.</p> <p>"There is also duplication in ancillary staff. Sometimes on-site catering is provided at each school which requires a cook and other staff. Schools invariably have a number of classroom assistants, a secretary, a building supervisor/caretaker and a range of other staff. "Of course, small schools require these staff to service the curriculum and to support the children in myriad ways, but these particular schools are close neighbours with other schools providing identical services."</p> <p>https://www.ulster.ac.uk/_data/assets/pdf_file/0007/506878/TEUU-Report-03-Isolated-PairsREVISED-VERSION-08-JANUARY-2020.pdf</p>
<p>Catholic Schools' Trustee Service 10/10/2021</p>	<p>General duty. The Bill proposes that education bodies must include Integrated education in developing, adopting, implementing, or revising policies, strategies and plans and in designing and delivering public services. While all education partners, within the area planning processes, consider, and include, as demand requires, Integrated education, to place this duty on education bodies is inappropriate. CSTS would for example, highlight the impact this would have on CCMS should they be defined as an 'Education body'.</p> <p>CCMS was set up following the 1989 Order. Among its statutory functions (Article 142 of the Order); the provision of advice to the Department on matters relating to Catholic maintained schools; Promote and Co-ordinate, in consultation with trustees, the planning of effective provision for Catholic maintained schools; Promote the effective management and control of Catholic maintained schools. It</p>

	<p>is clear that CCMS could not undertake its statutory functions were it to be required to promote Integrated education. A similar contradiction is likely to exist for the Education Authority.</p>
<p>Governing Bodies Association N.I. 10/10/2021</p>	<p>Clause 6 – Planning and Strategy General Duties Places a duty on education bodies such as the Council for Catholic Maintained Schools to include provision for integrated education when developing, adopting, implementing or revising policies, strategies and plans, and designing and implementing public services.</p> <p>The GBA believes that it would not be reasonable to expect organisations like CCMS to include provision for integrated schools at the expense of schools within the maintained sector.</p>
<p>Northern Ireland Council for Integrated Education 10/10/2021</p>	<p>NICIE support the general principle that Integrated Education can be best supported by a coordinated effort across Education bodies. Clause 6 may benefit from detailing what is meant by ‘include provision for Integrated Education’.</p> <p>This is particularly pertinent for the Education Authority and the Council for Catholic Maintained Schools as they are planning authorities. NICIE notes that the Department of Education’s Arm’s Length Bodies already have to include an action to ‘support DE in fulfilling its statutory duty to encourage and facilitate the development of Integrated and Irish Medium Education’ within their annual Business Plans. This Clause would appear to be largely a continuation of that duty.</p>
<p>Northern Ireland Humanists 10/10/2021</p>	<p>The requirement for education bodies as listed in clause 13 to include provision for integrated education in their strategies, plans, and policies is crucial to the success of this Bill but could be expanded further to include targets setting out the levels of integrated provision bodies should be aiming at. This requirement needs to be enforced and reported on. The duty to provide integrated education needs to be met by all education bodies and an independent inspection of their compliance should form part of the integrated education strategy.</p>

Clause 7

<p>Organisation</p>	<p>Clause 7 Comments</p> <p><small>*Comments/numbered points taken from written submissions emailed to Committee for Education related to relevant Clause.</small></p>
<p>Department of Education 22/09/2021</p>	<p>Clause 7 is of significant concern. This seeks to require a presumption of an integrated school – within the meaning given by the Bill – being established in any situation where a new school is being planned. In preventing the Department from considering the religious demographics of an area or spare places in existing schools, the Bill prevents the Department from having any due regard to the choices made by the people living in an area - including those influencing their choice of school. The Development Proposal process allows for all voices to be heard and views to be expressed. The Bill serves to silence those voices by presuming that all new schools would be integrated. The logical impact of this will be increased Judicial Reviews reflecting the impact on all other sectors that are not integrated.</p> <p>The Department does not at present have any specific duty to ensure that there are ‘sufficient places’ of any particular type of school (although a more specific duty applies to the Education Authority under Article 6 of the 1986 Order). This new duty, applicable to both the Department and the EA, will undoubtedly have an impact in terms of both the development and consideration of Development Proposals for new or existing schools, as well as in respect of the wider, connected matter of Area Planning.</p> <p>Currently any significant change in the characteristic of a school, or which would have a significant effect on another grant-aided school, requires a Development Proposal under Article 14 of the Education and Libraries (Northern Ireland) Order 1986. The move to a presumption of integrated status is set out with no such requirements. The Bill would require the EA to ensure that demand for integrated education is met. There is no equivalent duty, e.g., to ensure that there are sufficient places at Catholic maintained schools or controlled schools to actually meet the demand for such places. Again preliminary advice confirms that the duty to provide sufficient integrated schools to meet demand is not curtailed by considerations for public expenditure, unlike every other sector. It is also clear that this requirement to meet demand in this way could conceivably operate to the detriment of parental preference over time by reducing the availability of other types of school. The Bill is silent on the definition of parental demand.</p>
<p>Church of Ireland Board of Education (NI) 05/10/2021</p>	<p>The proposals in Clause 7 seem to be contrary to the Department of Education’s Sustainable Schools Policy and Area Planning guidance.</p>

<p>Transferor Representatives' Council 04/10/2021</p>	<p>Additionally Clause 7(2) suggests that religious demographics of an area are not to be treated as a special circumstance for the purpose of rebutting the presumption that a new school will be an integrated school. This would appear to be in contradiction to the meaning of integrated education that reasonable numbers of Protestants and Catholics are educated together. Finally this definition ignores the fact that many other schools which are not formally labelled as 'integrated' have pupils from different backgrounds being taught together every day. The TRC notes that NICIE include 'Christian in character' as part of its own definition of an integrated school. This important foundation appears to have been omitted by the Bill sponsor.</p> <p>At the most basic level the presumption that a new school, (as proposed by clause 7 of the draft Bill), will be an 'integrated' school removes parental choice. It also denies the reality that schools outside of the integrated sector may also be naturally integrated but associated with a different sectoral body. The type of school is only a small element in the overall educational experience and outcomes for pupils. There is a need to seek clarification as to the definition of "special circumstances" given that the examples of what are not to be regarded as "special circumstances" raise concerns of waste and duplication with the education sector as a whole.</p>
<p>Controlled Schools' Support Council 08/10/2021</p>	<p>Clause 7 proposes that new schools which are intended to be established should be integrated schools. Again this dramatically changes the objective of the area planning process in Northern Ireland. It also impacts on parental preference and appears to devalue all education which is not considered to meet a particular definition of integrated. There is also a need for the definition of the "special circumstances" referenced in the clause as this is fundamental to the outworking of the proposal.</p>
<p>Education Authority 08/10/2021</p>	<p>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.</p>
<p>Equality Commission for Northern Ireland 08/10/2021</p>	<p>Clause 7 provides for a presumption that any new school will be integrated, unless inappropriate due to 'special circumstances'. While the text sets out the criteria not to be taken into account, it would be beneficial to convey the criteria that might constitute special circumstances and/or the situations in which they might apply.</p>

<p>Integrated Education Fund 08/10/2021</p>	<p>Realistically, it is unlikely that there will be a large number of new schools in the near future. However, we think this provision is important symbolically as it signifies a change of direction and could be the precursor to a more fundamental reform of the system. We think it is right to use the word “presumption” rather than a more prescriptive term.</p> <p>This ensures that local views and alternatives can be considered. There is an increasing oversubscription of integrated schools as referenced in the 'Good Relations' report, which stated that 21% of children who had put down Integrated Education as their first preference were unable to get a place in an integrated school. https://infogram.com/northern-ireland-good-relations-indicators-annual-update-2019-infographic-1h7g6k1ol1j04oy?live</p> <p>Current provision does not meet this demand.</p> <p>In terms of planning new schools we are not talking about equality but equity; it is only right and proper that we support a movement that is young, small, supported by parents and fast growing. As stated earlier: A recent survey shows that 71% of people in Northern Ireland believe an integrated education should be the norm, this LucidTalk NI-wide attitudinal poll also reveals that a further 73% of people here would support their child’s school becoming integrated. https://www.ief.org.uk/2021/08/03/lucid-talk-ief-poll-released/</p> <p>Yet only 7.5 % can actually attend an integrated school, as there are insufficient integrated school places in their area, or no integrated school at all.</p>
<p>National Secular Society 08/10/2021</p>	<p>The de facto segregation across the non-integrated sector in Northern Ireland’s education system creates the gross inefficiencies of dozens of “isolated pairs” (controlled and maintained schools inclose proximity but each unsustainably undersubscribed), tens of thousands of empty school places and tens of millions of pounds in additional costs that could otherwise improve schools.</p> <p>Demand for additional integrated school places remains high across the country, however the ability and need to supply new school places is highly constrained. Adding additional nonintegrated schools exacerbates these problems. These problems were built up over decades of a presumption against integrated schools. If the ambition is to move towards a far more integrated system, this presumption must be reversed.</p> <p>As integrated schools are attractive to families from all religious backgrounds, the religious demographics of an area are not a special circumstance which would make them unsuitable in particular settings.</p> <p>The clause will not exclude any genuinely exceptional circumstances where a new school is needed, but an integrated school is not practicable.</p>

<p>Northern Ireland Human Rights Commission 08/10/2021</p>	<p>The Commission notes the difference between the ethos of integrated education put forward by this Bill, which is fully inclusive of all cultures and religions and of none, and that provided for in NICIE’s Statement of Principles which set out that integrated schools are to be “essentially Christian in character” and would provide “a Christian based rather than a secular approach”.</p> <p>The Commission welcomes Clause 7 for enabling the State to increase the accessibility of alternatives for those who do not share the Christian dominated ethos. That will better meet the needs of minority or non-faith children.</p> <p>The Commission welcomes the rebuttable presumption in Clause 7, which aims to enhance the provision of integrated education in accordance with recommendations from the UNCRC Committee.</p>
<p>Catholic Schools' Trustee Service 10/10/2021</p>	<p>New Schools. As with the previous clause of the Bill this amounts to discrimination against all other sectors and, as such, ignores the rights of parents to have available to them an education that meet with their philosophy.</p>
<p>Governing Bodies Association N.I. 10/10/2021</p>	<p>Clause 7 – New Schools (1) when planning for the establishment of a new school, education bodies must apply a presumption that it will be an integrated school unless that would be inappropriate by reasons of special circumstances. The clause specifies that special circumstance cannot be (a) the religious demographics of an area; (b) the existence of spare places in existing schools.</p> <p>This clause causes particular concern for several reasons. The Bill directly conflicts with the right of parents to choose a particular school for their child by proposing that all new schools must be integrated.</p> <p>Consultation and parental engagement have been key features of any proposal to transform a school to integrated status. This Bill, as presented, is completely contrary to these tenets.</p> <p>For example, under the proposed legislation, if two Controlled schools were to close and amalgamation created a new school, this would automatically become an integrated school without consultation with parents or pupils to identify if they preferred an alternative management type.</p> <p>The special circumstance exclusions will enable the growth of the integrated sector but will do so by preventing the growth of any other sector.</p> <p>The GBA would like to draw the Committee’s attention to the exclusion of existence of spare places as a special circumstance. The Northern Ireland Audit Office report, Sustainability of Schools, published in 2015 was critical of the then 71,000 available places</p>

<p>Governing Bodies Association N.I. 10/10/2021 (continued)</p>	<p>and the cost of this to the education system. In recent years the Area Planning process has tackled this issue. All sectors have worked together to reduce the number of spare places and delivering education in educationally and financially viable and sustainable schools. As the Education Minister noted in her statement to the Northern Ireland Assembly the number of available places in primary and post-primary has fallen by 31,803 from 84,487 (2010/11) to 52,684 (2020/21) which is a reduction of 38%.</p> <p>By not acknowledging the existence of spare places as a special circumstance this legislation will create further duplication in the system, undermine over five years of area planning activity and create many more unsustainable schools.</p> <p>Good legislation is clear and provides certainty. While the Bill identifies two instances that cannot be considered as a special circumstance it does not identify or make clear what can be regarded as a special circumstance</p>
<p>Northern Ireland Council for Integrated Education 10/10/2021</p>	<p>NICIE supports the principle that new schools should be presumed to be an Integrated School unless that would be inappropriate by reason of special circumstances. This support is on the understanding that parental preference in an area remains the cornerstone of planning decisions. The will of parents and local communities should constitute a 'special circumstance' if an Integrated school was not the preferred option. NICIE believes that the provision of Special Needs Education would fall outside of this Clause as current legislation prevents a Special School from having Integrated status alongside Hospital Schools. NICIE believes that preference for an Irish Medium School would also constitute a 'special circumstance'.</p> <p>NICIE contends that working from an operating assumption that a new school is Integrated will require enhanced community consultation on the part of planning authorities and that ultimately this will lead to a more participative and democratic form of school provision. NICIE agree that the religious demographics of an area and the existence of spare places in existing schools should not be treated as special circumstances. Planning school types based on religious demography runs the risk of further separating children based on religion. We note that there are non-Integrated schools where mixing occurs, and this should be viewed very positively. However, our analysis of the 2020/21 school census data shows that these schools are limited in number.</p> <p>There are 996 Primary and Post Primary schools in NI and of those, only 143 reach a base criterion of 10% mixing i.e., a minimum of 10% of pupils from the 'minority tradition, either Protestant or Catholic. If we remove the Integrated schools only 83 schools reach this low criterion. There are 287 schools (across Primary and Post Primary) that have no pupils from the other main tradition within their enrolment (i.e. a Controlled school with no Catholic pupil or a Catholic Maintained with no Protestant pupil).</p>

<p>Northern Ireland Council for Integrated Education 10/10/2021 (continued)</p>	<p>In relation to the ‘existence of spare places in other schools’, this is an ongoing issue that has constrained the growth of Integrated Education. This criterion essentially blocks additional Integrated places in an existing school, or the creation of a new school, by measuring it against the enrolment of non-Integrated schools. This means that Integrated Education can only grow where neighbouring schools of other types are either at full enrolment or oversubscribed. For example, in 2021, writing against a Development Proposal to establish a new Integrated College in the Mid-Down area, the Education Authority stated: ‘With a number of schools in the area undersubscribed, the proposal fails to consider the potentially detrimental impact of the establishment of another school in the area on these existing schools’.</p> <p>Whilst NICIE takes Area Planning processes seriously, the current application of this criterion is unfair and negates parental preference for Integrated Education. It would appear in this situation that EA and the managing authorities are acting as ‘arbiters of growth’, a situation referred to by Justice Treacy in his ruling on the Drumragh Judicial Review in 2014, where he established that Integrated Education is a ‘standalone concept’. The EA position seems to be an attempt to veto the establishment/growth of an Integrated school in an attempt to protect undersubscribed schools of other types. The Mid-Down scenario further evidences that spare places in other schools are being used to inhibit growth, hence the need for ‘the existence of spare places in other schools’ to not be a special circumstance of rebuttal.</p> <p>Clarification from the Bill’s sponsor outlined that Clause 7 is only referring to the establishment of a ‘brand new’ school as opposed to amalgamations. If this is the case, NICIE believes the current wording of the Bill would need amended. It is NICIE’s understanding that the concept of an amalgamation has no legal standing under current planning measures. The process from a legal point of view is the discontinuation of two or more schools and the creation of a new school, which we believe would invoke this clause. It would be NICIE’s belief that in order to transform the well documented sectoral focus of area planning, that clause 7 should include schools that are brought about through a rationalisation process. Again, this is on the basis that ultimately the wishes of parents and communities would decide what type of school would best meet the needs of the area. In evaluating this clause, NICIE notes that it is not a new idea. The first Triennial Action Plan (2006-2009) under the Shared Future policy (2005) made three similar commitments:</p> <ul style="list-style-type: none"> • in decision making on new schools or reorganisation/rationalisation of schools, proposals will be required to demonstrate that options for collaboration/sharing on a cross-community basis have been considered and fully explored; • on the basis of clear criteria to be developed, projects relating to new schools, re-organisation or rationalisation are more likely to justify receipt of financial support if they are shared or operate across the community divide; and
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<p>Northern Ireland Council for Integrated Education 10/10/2021 (continued)</p>	<ul style="list-style-type: none"> • a shared model of schooling will be treated as the presumed option for new housing developments which are similarly shared;’ <p>NICIE would contend that if a clause that presumes new schools to be Integrated cannot be agreed, that the formal consideration of shared solutions should be placed on a statutory footing, whether in the case of a brand-new school or one resulting from an amalgamation. These solutions should maximise the potential for young people to be educated together in one school with mixed personnel in terms of governance and staff. Any exploration should include rigorous and demonstrable evidence being produced by the proposer(s) as to why shared and Integrated solutions are being rejected. The religious demographics of an area should not be treated as a special circumstance to prevent a shared solution.</p>
<p>Northern Ireland Commissioner for Children & Young People 08/11/2021</p>	<p>For this reason, NICCY also supports Clause 7 which states that ‘when planning for the establishment of a new school education bodies must apply a presumption that it will be an integrated school unless that would be inappropriate by reason of special circumstance.</p>

Clause 8

<p>Organisation</p>	<p>Clause 8 Comments *Comments/numbered points taken from written submissions emailed to Committee for Education related to relevant Clause.</p>
<p>Department of Education 22/09/2021</p>	<p>The requirements underpinning the preparation and laying of an integrated education strategy [clause 8] and associated bi-annual reporting [clause 9] draw on the Shared Education (Northern Ireland) Act 2016 without recognising that integrated education is very different. These are all matters which will impact on Area Planning policy, and in Area Planning terms two years is a relatively short time. It is not therefore evident how these reports would be helpful in practice, or indeed how merely counting activity would provide evidence of robust policy making a difference to the educational experiences of children and young people.</p> <p>Under the Draft Programme for Government and the New Decade, New Approach agreement there is a commitment to an outcomes based approach which (while recording quantity and quality of effort – how much did we do? How well did we do it?) has its main focus on quantity and quality of effect - is anyone better off? What is put forward here would focus minds on activities without looking to the ‘customer’ - i.e. children, parents, schools / staff and communities - outcomes.</p>
<p>Controlled Schools' Support Council 08/10/2021</p>	<p>Clause 8 calls for an integrated education strategy and clause 9 requires DE to publish a biennial report on integrated education. CSSC believes that time and resource would be better spent promoting and encouraging diversity in existing schools. The ethos of controlled schools is to welcome pupils from all faiths and none, all backgrounds and abilities. Diversity and integration can be achieved in existing schools, shared education plays a major role in this. This is an area which requires more promotion, support and investment. A significant amount of time and investment is currently being committed to the development of shared education campuses. The question needs to be asked on how this will align.</p>
<p>Equality Commission for Northern Ireland 08/10/2021</p>	<p>In particular, views on the impact of Clause 8 – Integrated Education Strategy, from representatives of other education sectors, are an important consideration. In general terms, the Commission has highlighted the need to engage with pupils, parents, education providers and wider stakeholders.</p>

<p>Integrated Education Fund 08/10/2021</p>	<p>The Independent Review of Integrated Education was published in November 2016.</p> <p>https://www.ief.org.uk/wp-content/uploads/2017/03/Integrating-Education-Report.pdf</p> <p>The Review, instigated by previous Education Minister John O’Dowd and released by outgoing Minister Peter Weir, contained 39 recommendations for developing and supporting the growth of integrated education in NI including reconsidering the official definition of the term and extending the current legal duty “to encourage and facilitate” the development of integrated education to include a requirement to “promote” the model.</p> <p>The 130-page report, produced by Mr Colm Cavanagh and Dr Margaret Topping, was submitted to the Department stating: “We submit these proposals in the certain knowledge that understanding and friendship across our community divisions are strengthened by our young people going together to school; and that offering parents this choice is in everyone’s interest.”</p> <p>To date, only 8 of these 39 recommendations have been implemented so it is important that DE will be accountable to the Education Committee for its implementation of the Integrated Education Strategy – i.e. an Integrated Education Strategy will be formulated within six months of this Bill being passed and will be resourced within the Department which will report back to the Education Committee every two years.</p>
<p>National Secular Society 08/10/2021</p>	<p>We have long supported a duty on the DoE to clearly set out what steps and tangible actions it is taking to promote integrated education. Such a strategy and action plan are necessary to restore public belief that integrated education is a genuine priority for the DoE.</p>
<p>Northern Ireland Human Rights Commission 08/10/2021</p>	<p>The Commission welcomes Clauses 8 to 11 which provide for monitoring and governance arrangements. In particular, the Commission welcomes the inclusion of mandatory training for teachers and advises that it should be developed in consultation with children and young people and their representative organisations.</p>
<p>Catholic Schools' Trustee Service 10/10/2021</p>	<p>Integrated education strategy and biennial reporting. CSTS would again highlight that the requirements of the strategy in effect amount to discrimination against all other sectors of education which is unacceptable.</p>

<p>Northern Ireland Council for Integrated Education 10/10/2021</p>	<p>NICIE strongly concur with the purpose of Clause 8. Placing such requirements on the Department of Education to strategically plan for Integrated Education in partnership with key stakeholders accompanied with accountable targets and monitoring is required to further develop Integrated Education. NICIE would again refer to the Independent Review of Integrated Education which also recommended this as an area for development. NICIE notes that this clause would also enable Grant Maintained Integrated schools to fully avail of services provided by the Education Authority which is welcomed and necessary.</p>
<p>Northern Ireland Humanists 10/10/2021</p>	<p>The integrated education strategy is vital for ensuring the success of the Bill. However, a draft of this plan needs to be created prior to the passage of the Bill in order to make sure there is clear understanding of what is expected to be delivered. Target numbers and timelines for integration are needed, along with commitment to equality for all religions and beliefs in the approach of all integrated schools. Additional areas of integrated education which need to be included in the strategy are teacher training and qualifications and appointment of all staff and governors. The strategy also needs to cover an update to the curriculum to include equality of all religions and beliefs, and removal of any requirement for compulsory worship are all.</p>
<p>Northern Ireland Commissioner for Children & Young People 08/11/2021</p>	<p>The Commissioner is mindful that the Independent Review of Education as outlined in New Decade, New Approach' (2020) has commenced. The NDNA commitment is that the review will: "focus on securing greater efficiency in delivery costs, raising standards, access to the curriculum for all pupils and the prospects of moving towards a single education system." It is clear that this Bill will provide a pathway to progressing the intentions outlined in NDNA.</p> <p>Therefore Clause 8, placing a duty on DE to 'prepare, publish and maintain a strategy for the encouragement, facilitation, promotion and provision of integrated education', and Clause 9 on reporting are both supported by the NICCY. This should ensure a more proactive approach by the Department in meeting its responsibilities in relation to integrated education. However, NICCY strongly recommends that that Clause 8 references Articles 28 and 29 of the UN Convention on the Rights of the Child in accordance with the change proposed to Clause 2.</p>

Clause 9

<p>Organisation</p>	<p>Clause 9 Comments *Comments/numbered points taken from written submissions emailed to Committee for Education related to relevant Clause.</p>
<p>Integrated Education Fund 08/10/2021</p>	<p>Only by the Strategy being implemented by Department of Education staff and by the Department being made accountable to the Education Committee can we be sure that there will be progress in providing sufficient integrated schools and integrated school places as demanded time and time again by all those concerned including parents, schools, teachers, school governors, academics and other bodies and individuals.</p> <p>Politicians made a case to wait until the Independent Review of Education is completed but the Review is in the early stages, with members of the Panel still being appointed and the full report not expected until 2023 at the very earliest, and with implementation of any recommendations even further into the future.</p> <p>https://www.education-ni.gov.uk/independent-review-education</p>
<p>National Secular Society 08/10/2021</p>	<p>The two-year reporting period provides sufficient time for significant changes including transformation processes to take place. It also allows progress to be monitored and improved within the term of an assembly.</p>
<p>Catholic Schools' Trustee Service 10/10/2021</p>	<p>Integrated education strategy and biennial reporting. CSTS would again highlight that the requirements of the strategy in effect amount to discrimination against all other sectors of education which is unacceptable.</p>
<p>Northern Ireland Council for Integrated Education 10/10/2021</p>	<p>NICIE agrees with the accountability measures outlined in this clause which will enable the transparent and effective monitoring and refining of the Integrated Education strategy. NICIE is open to options on the time period for reporting but believe a minimum requirement should be at least one report within the lifetime of an NI Assembly mandate.</p>
<p>Northern Ireland Humanists 10/10/2021</p>	<p>This is a reasonable measure and timeframe. The reporting could specify inclusion of a summary of all Education and Training Inspectorate reports on integrated schools, monitoring of teaching staff and governors in terms of equality of appointments, as well as curriculum content meeting the standards set out above, ensuring equal treatment of religions and humanism.</p>

<p>Northern Ireland Commissioner for Children & Young People 08/11/2021</p>	<p>Therefore Clause 8, placing a duty on DE to 'prepare, publish and maintain a strategy for the encouragement, facilitation, promotion and provision of integrated education', and Clause 9 on reporting are both supported by the NICCY. This should ensure a more proactive approach by the Department in meeting its responsibilities in relation to integrated education.</p>
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Clause 10

<p>Organisation</p>	<p>Clause 10 Comments *Comments/numbered points taken from written submissions emailed to Committee for Education related to relevant Clause.</p>
<p>Department of Education 22/09/2021</p>	<p>Clause 10 requires the Department to make Regulations and sets out requirements that may be included. These requirements reflect those that are already covered throughout the primary legislation. The Department sees no merit in having to make Regulations which may have little or no additional content or context to add. It should also be noted that this clause provides a power for primary legislation to be amended via subordinate legislation. The Department questions the rationale for such an approach.</p>
<p>Transferor Representatives' Council 04/10/2021</p>	<p>Clause 10 appears to be a catch-all for a range of issues some of which would be better suited as policy and guidance from the Department rather than as legislative proposals. The TRC supports the provision for inclusion and diversity training for all teachers, school governors, non-teaching school staff and education bodies. We re-iterate that prioritising one sector above the others does not seem to promote the equity and diversity professed to be a consequence of the introduction of this legislation.</p>
<p>Integrated Education Fund 08/10/2021</p>	<p>The Department of Education is the rightful owner of this role as outlined on the website noted below: “The Department is accountable through its Minister to the Assembly for the effective delivery of its statutory functions and for the effective use of the public funds for which it is responsible. It is supported in delivering its functions by a range of ‘Arm's Length Bodies’, each of which is accountable to the Department.” https://www.education-ni.gov.uk/about-department-education#toc-2</p>
<p>Northern Ireland Human Rights Commission 08/10/2021</p>	<p>If the Bill progresses, the Commission would welcome further detail and consultation on the Regulations and Departmental Guidance proposed at Clauses 10 and 11. In particular, the Commission supports the explicit and comprehensive incorporation of human rights standards in education, with particular attention to the duty to promote inclusion, tolerance and mutual understanding. To that end, the Commission welcomes the intention to require “a standardised and accredited diversity and all-inclusive module on how to teach in a truly inclusive and integrated classroom for primary and secondary schools and Postgraduate Certificate in Education for schools”.</p>

<p>Northern Ireland Council for Integrated Education 10/10/2021</p>	<p>NICIE believes that this clause enables the effective infrastructure and policies to be developed that will support the other elements of the Bill. NICIE would be happy to support policy development around these themes working in partnership with the Department of Education and other stakeholders. NICIE welcomes that provision of training in areas of diversity and inclusion extends beyond Integrated schools, enabling greater impact. This is important as evidence suggests there is still considerable work required to uphold high standards of teaching and learning in these areas. We note in particular two reports by the Education and Training Inspectorate (ETI).</p> <p>I. Inspection Reports on CRED Policy, 2015 ‘In the inspection period 2012-2014, one-quarter of the PDMU lessons in primary schools and one-third of Citizenship and Personal Development lessons in postprimary schools were not effective’. (Page 10)</p> <p>II. The Shared Education Signature Project Evaluation Report, 2018 stated: ‘Across the sector, there is a limited consensus and understanding of what is meant by reconciliation outcomes. In addition, some of the partnerships did not recognise sufficiently the potential of key curricular areas such as PSE, PDMU, LLW and history education to support their shared learning. ‘</p> <p>‘Others stated that they did not have the confidence and skills needed to handle sensitive and controversial issues and reported the need for ongoing professional learning and up-to-date resources. (Page 19)</p> <p>NICIE is pleased that the Clause includes inspection measures which can support ongoing reflection on and refinement of Integrated Education practice. NICIE has developed a quality framework for ‘Excellence in Integrated Education’ through the development of Self Evaluation Indicators. This has already been shared with ETI and we would be happy to engage further with them on this matter.</p>
<p>Northern Ireland Humanists 10/10/2021</p>	<p>Provisions need to be included for appropriate governing body appointments. There also need to be provisions for curriculum reform for teaching of religious education and provision for inclusive assemblies in place of collective worship.</p>

Clause 11

<p>Organisation</p>	<p>Clause 11 Comments *Comments/numbered points taken from written submissions emailed to Committee for Education related to relevant Clause.</p>
<p>Department of Education 22/09/2021</p>	<p>Clause 11 contains an incorrect reference to the section under which Regulations would be made. The reference to any public authority with functions relating to education creates a wide requirement for circulation of guidance – and has the potential to include, for example, health and social workers who are engaged with some of the most vulnerable children and young people in the education system.</p>
<p>Integrated Education Fund 08/10/2021</p>	<p>Section 64 of the 1989 Education Order imposes a statutory duty on the Department of Education in Northern Ireland to “encourage and facilitate the development of integrated education” and this is underlined in the Good Friday/Belfast Agreement.</p> <p>Integrated education is the statutory responsibility of the Department of Education, although the Department has had to be challenged to ensure it complies with its duty. For example, a High Court judgment, delivered in May 2014 in Belfast, had far-reaching implications for education planning and delivery in Northern Ireland and represents a significant step forward for the campaign to grow integrated education provision.</p> <p>However, even with the 2014 High Court Judgment, a number of decisions made by the Department of Education continue to cast doubt on how well the Department is fulfilling its duty, including the recent decision to initially turn down the Development Proposal for Strangford Integrated College to increase its enrolment in response to increased demand in the local area.</p>
<p>Northern Ireland Human Rights Commission 08/10/2021</p>	<p>If the Bill progresses, the Commission would welcome further detail and consultation on the Regulations and Departmental Guidance proposed at Clauses 10 and 11. In particular, the Commission supports the explicit and comprehensive incorporation of human rights standards in education, with particular attention to the duty to promote inclusion, tolerance and mutual understanding. To that end, the Commission welcomes the intention to require “a standardised and accredited diversity and all-inclusive module on how to teach in a truly inclusive and integrated classroom for primary and secondary schools and Postgraduate Certificate in Education for schools”.</p>
<p>Northern Ireland Council for Integrated Education 10/10/2021</p>	<p>NICIE would view the Department of Education issuing and receiving guidance relating to the act as a necessary part of full implementation.</p>

<p>Northern Ireland Humanists 10/10/2021</p>	<p>All guidance must be produced and published by the Department of Education. Delegating authority for issuing guidance to education bodies where they have an interest in areas other than integrated education could lead to confusion. Guidance needs to be clear and follow the intended definition of integrated education in its fullest sense: appropriate for those of all backgrounds regardless of their religion or belief. As such, any guidance can only be published by and with the independence and commitment to equality from the Department of Education.</p>
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Clause 12

<p>Organisation</p>	<p>Clause 12 Comments *Comments/numbered points taken from written submissions emailed to Committee for Education related to relevant Clause.</p>
<p>Department of Education 22/09/2021</p>	<p>Clause 12, for example, contains an incorrect reference to the section under which a presumption of a new school being an integrated school would be required.</p>
<p>Transferor Representatives' Council 04/10/2021</p>	<p>It is disingenuous to describe the provisions within Clause 12 as minor and technical. In fact this proposal completely re-defines the meaning of an “integrated” school diluting the definition of such that all schools could be called integrated schools overnight.</p>
<p>Integrated Education Fund 08/10/2021</p>	<p>Suggested amendment (as stated earlier at Q. 11): "1. (2) An "integrated school" is an integrated school (as per current legislation to set up a new integrated school and as per current legislation to transform an existing nonintegrated school and legal process outlined in that legislation) 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 socioeconomic backgrounds and between those of different abilities."</p>
<p>Northern Ireland Council for Integrated Education 10/10/2021</p>	<p>NICIE notes the change to Article 64 of the 1989 Education Reform (Northern Ireland) Order. We understand that the revised meaning of Integrated Education in Clause 1 of the Bill will effectively replace the statement “, that is to say the education together at school of Protestant and Roman Catholic pupils”. NICIE has commented on this in Section 4.1 of this response.</p> <p>NICIE notes the change to Article 66 of the 1989 Education Reform (Northern Ireland) Order. Again, we understand that this change requires Boards of Governors to exercise their best endeavours to provide Integrated Education as defined in Clause 1 the proposed Bill. NICIE would query if Article 8825 of the 1989 Education Reform (Northern Ireland) Order would not also require such an amendment with reference to Controlled Integrated schools.12(3) NICIE have outlined our view on Clause 7 of the Bill. The Shared Education Act or other necessary legislation should be amended in line with this Clause.</p>

Clause 13

<p>Organisation</p>	<p>Clause 13 Comments *Comments/numbered points taken from written submissions emailed to Committee for Education related to relevant Clause.</p>
<p>Transferor Representatives' Council 04/10/2021</p>	<p>Some clarity is required regarding the list of bodies included in Clause 13. The Youth Council for Northern Ireland was stood down in 2019 and even when in operation had no jurisdiction in any school. NICCEA acts as both an examining body and curriculum support body. Therefore its role would need to be further defined in relation to this legislation so as not to impact on their impartial status. There is no mention of the Irish Medium Sector, should they not be included?</p>
<p>Northern Ireland Council for Integrated Education 10/10/2021</p>	<p>NICIE would suggest that under Clause 13, the inclusion of a measure to enable the Department of Education to add any relevant education body without the need to amend the legislation. This could be a newly established body or one that has been redesignated.</p>