



RESPONSE FROM THE NORTHERN IRELAND COUNCIL FOR INTEGRATED EDUCATION TO THE EDUCATION BILL

EXECUTIVE SUMMARY

Statutory obligation

Both the Education Reform Order (1989) and the Belfast Agreement (1998) place an obligation on the Department of Education to ‘encourage and facilitate the development of integrated education, that is the education together of Catholic and Protestant children’. In establishing ESA, DE must ensure that ESA fulfils this primary obligation on its behalf.

Under clause 2(5) of the Education Bill, there is a duty on ESA to encourage and facilitate the development of education in an Irish speaking school but no corresponding duty on ESA regarding integrated education. This omission should be resolved by amending the bill to place a similar duty on the ESA in respect of integrated education.

NICIE argues that the Education Bill must enshrine this statutory obligation to ‘facilitate and encourage integrated education’.

The Bain Report recommended: ‘We acknowledge that integrated schools make a highly significant and distinctive approach to educating children and young people together. In light of our thinking on integrating education and improving collaboration, we believe the time is right for DE to make clear that, in discharging its duty to encourage and facilitate integrated education, it is committed to facilitating and encouraging an inclusive strategy with a variety of meaningful approaches. We also advocate that in undertaking its functions in relation to the planning of the schools’ estate, there should be a **duty on ESA to maximise opportunities for integrating education within a system of sustainable schools.**’ (our bold)

Representation

NICIE demands representation on the board of ESA. As constituted at the moment, the board reflects the segregation of our educational system and our divided society. There must be representation on the board for the integrated education movement to ensure the statutory obligation referred to above is met, and to ensure that an alternative and innovative voice for the effective provision of educational services is heard.

To refuse such representation would be both unfair and unequal.

NICIE requests representation, as of right, on the board of ESA

Area based planning

The bill outlines responsibilities under area based planning. NICIE seeks urgent clarification with regard to the powers of ESA to establish new schools. It appears that there is no mechanism under the bill (section 7, clause 4) for the establishment of new integrated schools, either controlled or grant maintained. Yet the mechanism for establishing new GMI schools under the 1989 Order had been superseded by the process of ABP. **The mechanism for opening new integrated schools must be written into this bill.**

Provision exists for the establishment of new controlled and new Catholic Maintained schools. Matching provision must be made for the establishment of new integrated schools.

NICIE is concerned that the duties outlined in the bill do not allow sufficient strategic powers to enable future decisions based on the principles outlined by the minister in 'Putting our pupils first: shaping the future'.

Significant work was undertaken by the Bain Report and it provides the framework in which area based planning must move forward: 'Two other arguments for rationalisation became even more important: first, the educational case — access for pupils to the full range of the curriculum, to high quality teaching, and to modern

facilities — and second, the social case — societal well-being by promoting a culture of tolerance, mutual understanding, and inter-relationship through significant, purposeful and regular engagement and interaction in learning.’

NICIE asks that clarity is given to the principles underpinning ABP and recommends those principles quoted above.

NICIE would also see commitments to the principles of **human rights** and **equality** made explicit in the working out of the bill.

FULL SUBMISSION

Statutory obligation

Both the Education Reform Order (1989) and the Belfast Agreement (1998) place an obligation on the Department of Education to ‘encourage and facilitate the development of integrated education, that is the education together of Catholic and Protestant children’.

We note with concern, that nowhere in the bill is there a reference to this duty to ‘encourage and facilitate’ integrated education.

NICIE asks that this omission be rectified and that this obligation be expressly stated in the bill.

Specific reference to integrated education was written into both of these important documents in recognition of the role integrated education plays in healing division, in breaking down barriers and in promoting cohesion. It is worth remembering that prior to the successful establishment of the first integrated school, Lagan College, in 1981, followed by three other integrated schools in 1985, it was contested by the main sectors, by the political parties and by the churches that there was neither demand nor need for such a type of integration. This was in spite of a background of ongoing civil unrest and violence fuelled by the divisions in society. Parental demand for integrated education proved otherwise.

The Minister for State for Education at the time, Brian Mawhinney, saw the need for these schools as attested by enrolment patterns and growth and saw the potential in

this type of education. He ensured that protection for integrated education was written into the Education Reform Order as well as a mechanism for funding and developing such schools. The importance of this type of education to supporting the peace building process was further recognised in the Belfast Agreement.

This obligation was written into both legislation and international agreement because of the deeply segregated system of education that existed in Northern Ireland, a segregation which reflected the deep divisions which were being played out in the violence endemic on the streets. These divisions still exist and must be addressed if we are to build a ‘shared future.’

Thirty years on from the inception of integrated education, there are now sixty-two integrated schools, educating together 22,000 children. The model of education developed in integrated schools has received international recognition and acclaim, and has been adopted in other divided societies. Nonetheless this represents only 7% of the student body: more than 90% of children are still educated in single identity schools. Each year children are unable to secure a place in an integrated school and are expected to ‘make do’ with a segregated alternative. Public opinion as expressed in opinion polls is overwhelmingly in favour of integrated education (Ipsos Mori poll 2011; Belfast Telegraph poll, 2012).

It is the concern of NICIE that, over the intervening years, the statutory obligation as outlined has not been fully addressed by the range of educational bodies, resulting in a failure to challenge adequately the status quo, as evidenced by the contrast between those supporting integrated education and the actual places available.

NICIE argues that to redress this situation, the Education Bill must contain reference to the statutory obligation to ‘facilitate and encourage integrated education’.

NICIE asks that this obligation be written into the bill.

NICIE notes, with approval, that under Part 1 (5) ESA shall ‘ensure that its functions relating to grant-aided schools are (so far as they are capable of being so exercised) exercised with a view to encouraging and facilitating the development of education provided in an Irish speaking school.’

There are further references throughout the bill where this duty is explicitly translated into commitments on the boards of governors of Irish Medium schools.

As a result, Irish Medium education is profiled in the bill and it is clear that the statutory obligation to ‘encourage and facilitate it’ is taken seriously. There is no similar recognition given to integrated education and this omission is striking and worrying.

NICIE asks that this omission be rectified and that this obligation is expressly stated in the bill.

An explicit recognition of this duty and its application to ESA will ensure that ESA is aware of its duty under ERO and the Belfast Agreement and must test its decisions against this obligation. This is of particular importance in regard to area based planning which will fall within the remit of ESA.

Representation

NICIE’s second concern relates to the composition of the management board of ESA.

‘ESA shall consist of

‘(a) a Chair appointed by the Department,

‘(b) 8 persons nominated in accordance with paragraph 3 (‘political members’), and

‘(c) 12 persons appointed by the Department (‘appointed members’) of whom

‘(i) 4 shall be persons appearing to the Department to represent the interests of transferors of controlled schools, appointed after consultation with persons or bodies appearing to the Department to represent such interests;

‘(ii) 4 shall be persons appearing to the Department to represent the interests of trustees of maintained schools, appointed after consultation with persons or bodies appearing to the Department to represent such interests; and

‘(iii) 4 shall be persons appearing to the Department, so far as practicable, to be representative of the community in Northern Ireland.’

NICIE's concern is that such representation is unequal. It reflects the divisions that exist in our society.

We note that transferors and trustees have been allocated four representatives each, further institutionalising the segregated nature of our educational system.

There is no representation for those who support or are involved in integrated education.

In other words the historic sectoral bodies representing our segregated system of education are preserved; the model of education that looks to the future is ignored.

This is an unequal and untenable situation.

NICIE suggests that the bill be amended to rectify this situation. The sectoral representation available could be reduced to three seats each for the main sectors allowing two places to be made available for integrated education.

If the main traditions are to be represented formally on ESA, then it is just and equitable that the body representing all those parents who seek a different model of education is also represented.

- It is worth noting that there are today sixty-two integrated schools, forty of which were set up by parents groups often in the face of fierce opposition. All major polls show the public expressing a preference for having their children educated together; c.f. Ipsos Mori poll March 2011; Belfast Telegraph survey, 2012.
- All research shows that those young people educated in integrated schools continue to hold more cross-community friendships into adulthood and are more positive about building community relations in a shared society.
- The perpetuation of a segregated system is based on false assumptions about how people see or want to be seen with regard to identity.
- Such a system ignores the peace-building process and equally ignores the massive changes in society that the peace process heralded. Where in a segregated system is there place for newcomers, for those of different religions and for those who are of no faith?

The implementation of ESA represents an opportunity for Northern Ireland to shape an educational system that will meet the needs of the 21st century.

The board of ESA must represent those wider trends in our society and the peace we are building as a society. The board of ESA should model the future shape of our educational system, and should not reflect the divided and segregated nature of our society.

There is an opportunity through appropriate representation to ensure that ESA has the capacity to shape an education system for a 'shared future' moving beyond our present 'shared out' reality.

Area based planning

ESA has been delegated the duty to plan educational provision. The process of area based planning already initiated has the potential to shape a new educational estate, fit for purpose and meeting the needs of children not institutions, areas not sectors. However, the model used to date to frame the area based planning process is deeply flawed, based on a sectarian headcount of children within the straitjacket of the existing sectors. Not surprisingly, the innovative and creative solutions sought by the minister have not been forthcoming and sectoral solutions have resulted.

NICIE argues that the framework for ABP should be defined in the bill and that it should be based on the recommendations of the Bain Report and the Sustainable Schools Policy.

Bain provides a useful definition of areas: "Local areas should comprise coherent sets of nursery, primary and post-primary schools, and, as appropriate, special schools, as well as accessible further education provision, and as far as possible should lie within a single local council's boundaries."

In particular we ask for the following recommendations of the Bain Report to be considered.

"We acknowledge that integrated schools make a highly significant and distinctive approach to educating children and young people together. In light of

our thinking on integrating education and improving collaboration, we believe the time is right for DE to make clear that, in discharging its duty to encourage and facilitate integrated education, it is committed to facilitating and encouraging an inclusive strategy with a variety of meaningful approaches. We also advocate that in undertaking its functions in relation to the planning of the schools' estate, there should be a duty **on ESA to maximise opportunities for integrating education within a system of sustainable schools.**"

In the light of this, NICIE raises its grave concerns on the absence from the bill of a mechanism under ESA for establishing new integrated schools. Schedule 7, clause 4 refers to the powers to open new controlled (other than integrated) and new Catholic maintained schools.

There must be a mechanism under ESA to open new integrated schools, whether these emerge as a result of the closure of a number of schools and the foundation of a new integrated school, or because of the need to ensure integrated provision in every area. The mechanism available under the 1989 Order in effect has been superseded by the process of area based planning.

NICIE is concerned that the duties outlined in the bill do not allow sufficient strategic powers to enable future decisions based on the principles outlined by the minister in 'Putting our pupils first: shaping the future'.

Significant work was undertaken by the Bain Report and it provides the framework in which area based planning must move forward: 'Two other arguments for rationalisation became even more important: first, the educational case — access for pupils to the full range of the curriculum, to high quality teaching, and to modern facilities — and second, the social case — societal well-being by promoting a culture of tolerance, mutual understanding, and inter-relationship through significant, purposeful and regular engagement and interaction in learning.'

NICIE asks that clarity is given to the principles underpinning ABP and recommends those principles quoted above.

The Education Bill allows for a consultation process on any development proposals. Bain in Recommendation 23 states: 'In area-based planning, the Education and Skills Authority should have the option of consulting directly with communities to ascertain

views on options for educational provision, with the information obtained being considered alongside the assessments of need made by the various school sectors.’

NICIE argues strongly that a local consultative process that allows the voices of those directly concerned, including young people, be developed. This should include the use of community audits.

Human rights

The preamble to the bill outlines the duty of ESA: (a) to contribute towards the spiritual, moral, cultural, social, intellectual and physical development of children and young persons in Northern Ireland and thereby of the community at large by ensuring that efficient and effective primary and secondary education and educational services are available to meet the needs of such children and young persons.

NICIE welcomes this commitment and notes that this statement places a considerable duty on ESA.

Article 3 in the UN Convention on the Rights of the Child (UNCRC 1990) places a responsibility on the state to consider the rights of the child as an *‘individual’* and on state responsibility to ensure *‘the best interests of the child’*. Article 12 defines the child as an autonomous person *‘who is capable of forming his or her own view’* and *‘the right to express those views freely in matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.’* Article 14 asserts that States *‘shall respect the right of the child to freedom of thought, conscience and religion’*. In addition, Article 29 (1) asserts that education should be directed to *‘(a) the full development of the human personality, talents and mental and physical abilities to their fullest potential; (b)...to respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations’* for *‘(c) the development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own; and (d) the preparation of the child for*

responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes and friendship amongst all peoples, ethnic, national and religious groups and persons of indigenous origin.'

This emphasis on recognition of the moral worth and human dignity of the growing child requires the system, structure and contents of education to adapt. In a divided society integrated education is likely to be a more effective education in preparing the child for '*responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes and friendship amongst all peoples, ethnic, national and religious groups and persons of indigenous origin*'.

NICIE argues that ESA must engage with the issue of shaping an educational system that supports the development of children in becoming active and contributing members of a shared society. NICIE would support explicit recognition being given to the rights of children in the Education Bill. This recognition would ensure that all parents seeking integrated education for their children could do so; at the moment those turned away from over subscribed schools must accept a segregated alternative. Our system is based on a presumption in favour of segregated education. That situation must be reversed.

Equality

An Equality Commission Statement on Key Inequalities in Education and a Strategy for Intervention, 'Every Child an Equal Child', was published in 2008. It welcomed the growth of integrated and shared education as a means of breaking down barriers and quoted a speech given by the ECNI Chief Commissioner: 'It is hard to escape the conclusion that educating children of different backgrounds together has the potential to reduce the fears and tensions between communities that are founded on ignorance. It is equally difficult to avoid the conclusion that the long experience of separate educational provision has represented a lost opportunity for everyone in Northern Ireland.'

This report analysed and described the key inequalities in education, noting the 'relationship between low educational attainment and social exclusion'.

A long tail of educational underachievement is a direct outcome of our selective system. Protestant working class boys are those most disadvantaged by our present system.

The other groups identified as suffering from inequalities in education were: children from the travelling community, disabled young people, children from areas of social and economic deprivation, looked after children, children from minority ethnic backgrounds, children of new residents and migrant workers, young carers, young people of different sexual orientations: in effect, the groups identified under Section 75.

NICIE's statement of principles has as a core principle a commitment to equality: 'The integrated school promotes equality in sharing between and within the diverse groups that compose the school community. This occurs structurally at every level amongst pupils, staff and the board of governors, as well as culturally within the overt and hidden curricula of the school.'

NICIE argues that explicit commitment should be made to the principle of equality in the bill. Educational provision should be tested against this principle.

NICIE requests that the education committee considers this representation and looks forward to meeting with the committee on 5th December.