

**SHARED EDUCATION BILL**  
**Equality Commission submission – Committee Stage**

**Introduced to the Assembly on 2 November 2015**

**Closing date for feedback is Thursday 19 November 2015**

**Introduction**

While welcoming progress in implementation of the Act, which has potential to tackle segregation, improve attainment levels and facilitate greater efficiencies, we note that a number of our recommendations made at the consultation stage have not been adopted. These aimed to maximise the impact and effectiveness of the proposed legislation.

Our comments below are aligned to the order as set out in the Bill, and reiterate as relevant our consultation response from March 2015.

<b>Text from the Bill</b>	<b>Equality Commission comment</b>
<p>Section 1(2) ‘Shared Education’ means the education together of:</p> <p>(a) those of different religious belief, including reasonable numbers of both Protestant and Roman Catholic children or young persons; and</p>	<p>1. We welcome the removal of ‘political opinion’ from the definition of Shared Education.</p> <p>2. We suggest that rather than referring to religious belief, community background is more fitting. There are potential difficulties of ascribing a religious belief to children and young people.</p> <p>Further, the Fair Employment and Treatment (NI) Order 1998<sup>1</sup>, while offering protection on grounds of religious belief or political opinion, uses the concept of community background for the purposes of assessing participation. (See Articles 52-60).</p> <p>Our model Fair Employment monitoring questionnaire<sup>2</sup> explains the practical reasons for using this definition: ‘Regardless of whether they actually practise a religion, most people in Northern Ireland are perceived to be members of either the Protestant or Roman Catholic communities.’</p> <p>3. We would welcome a definition within explanatory guidance of ‘reasonable numbers’, particularly as this may impact on the range of learners that can participate in Shared Education.</p>
<p>Section 1(2) ‘Shared Education’ means the education together of:</p>	<p>1. We welcome the removal of ‘significant’ from the phrase, as this provides greater clarity and broadens the scope for sharing.</p>

<sup>1</sup> [Fair Employment and Treatment \(NI\) Order 1998](#)

<sup>2</sup> ECNI [Unified Guide](#) page 114

<p>(b) those who are experiencing socio-economic deprivation and those who are not.</p>	<p>2. Clarification, within explanatory guidance, as to how socio-economic deprivation will be measured would be helpful. That is, whether it will be based on levels of free school meal entitlement, and if so, how this will be applied to youth providers. Statistics in relation to how this measure will impact on the range of providers who can participate would also be welcome.</p>
<p>Section 1 ... which is secured by the working together and co-operation of two or more relevant providers.</p>	<p>We note that two definitions have been adopted in relation to shared education in the Bill and the Policy. Guidance on the interplay between the two would be helpful.</p> <p>The Policy definition<sup>3</sup> refers to ‘education together of learners from all Section 75 categories, and socio-economic status’, whereas the Bill is narrower, referring to learners of different religious belief and those who are experiencing socio-economic deprivation and those who are not.</p> <p>The Bill seems to preclude two schools with learners experiencing socio-economic deprivation from working together. It is also unclear as to whether two schools from the same sector could participate in a joint project.</p>
<p>Section 2 (1) The bodies listed in subsection (2) may encourage and facilitate shared education. (2) The bodies are: (a) the Department of Education; (b) the Council for Catholic Maintained Schools; (c) the Youth Council for Northern Ireland; (d) the Northern Ireland Council for the Curriculum, Examinations and Assessment.</p>	<p><b>1. With regard to the Department:</b> <b>a. Duty not a power</b></p> <p>It is recommended that the obligation on the Department in respect of shared education should be a duty, not a power. A duty on the Department would appear to be more consistent with the Education Authority’s existing duty in respect of shared education and the Department’s existing duties in respect of integrated and Irish-medium education.</p> <p>While the exercise of a power is discretionary, a duty would send out a much stronger message that shared education is set to be an integral part of our education system and would signal a clear commitment to mainstream shared education within the education system.</p> <p>This extended position would also be in line with the Ministerial Advisory Group recommendation to “place a statutory duty on the Department of Education...to encourage and facilitate shared education’.</p> <p>We note the explanatory note’s contents at paragraph 16 explaining why a duty was not included, but we remain of the view that it is fitting for a duty rather than a power on the Department.</p>

<sup>3</sup> [DENI \(2015\) Shared Education Policy](#) at page 15

	<p><b>b. Extent of the obligation</b>  The difficulties envisaged by the Minister<sup>4</sup> if the duty mirrored that of the Education Authority (as suggested in the Shared Education Inquiry Report<sup>5</sup>) can be resolved by leaving the ‘promotion’ duty solely to that body. Therefore the Department’s duty would be the same as with regard to integrated and Irish-medium education, to ‘encourage and facilitate’.</p> <p><b>2. With regard to the Arm’s Length Bodies</b>  We recommend that, of the bodies listed in s.2(2), only the Department should hold a statutory obligation with regard to shared education. The other bodies listed do not currently have any statutory duty in relation to integrated and Irish-medium education.</p> <p>A statutory obligation to encourage and facilitate shared education would appear to more appropriately sit with the body with primary responsibility for education policy. Our recommendation would provide consistency of approach in terms of the Department being the body allocated the statutory duty across shared, integrated and Irish-medium education.</p> <p>In our response to the consultation on the draft Bill and Policy we had recommended that a rationale for subjecting these bodies to a power be set out, including an assessment of the strengths and weaknesses of so doing, and would welcome such an assessment.</p>
Section 3	No comment.
Explanatory and Financial Memorandum	<p>We welcome the information set out at paragraph 18 of the explanatory and financial memorandum – Financial effects of the Bill, that funding has been secured for shared education up to June 2018. However, we question whether two academic years of funding will provide a sufficient basis to ensure shared education can be effectively mainstreamed.</p> <p>We are unsure that this short period will allow sufficient learning and experience to be gained, particularly in relation to the financial implications, as well as general learning and relationship building, required to allow shared education work to flourish. We therefore suggest that a</p>

<sup>4</sup> [NI Assembly Official Report, Second Stage, 10.11.15](#) page 2

<sup>5</sup> [NI Assembly Inquiry into Shared Education Final Report 0915](#) at paragraph 226. It recommends a duty on the Department to encourage, facilitate and promote shared education.

	<p>longer initial implementation period may be advisable.</p> <p>In its Together: Building a United Community strategy, the Executive commits to ensuring 'that sharing in education becomes a central part of <b>every</b> child's educational experience'. This may prove difficult without sustained resourcing, particularly in rural partnerships which may have increased costs associated with sharing.</p> <p>The TBUC strategy and Shared Education<sup>6</sup> policy envisage all children having the opportunity to be involved in shared education. However, the explanatory note suggests that this is not the case, stating<sup>7</sup> that 'shared education will potentially involve the <b>majority of schools</b> in our education system.' We would welcome clarification as to whether this is a change of approach, and if so an explanation of the rationale for it would be helpful.</p>
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<sup>6</sup> At page 4

<sup>7</sup> At paragraph 16