

NICIE's response to the announcement by Minister John O'Dowd introducing the Shared Education Bill into the Assembly

Introduction

This document sets out NICIE's position with regards to the Shared Education Bill which was introduced to the Assembly on 2 November 2015 and to be presented at the last Hearing on 10 November 2015. It also provides the overall framework for NICIE's written submission which will be issued on Thursday 19 November 2015.

The draft of the Shared Education Bill and Shared Education Policy were under public consultation between January 2015 and March 2015. NICIE submitted its written response through two papers. Paper One presented a general overview of NICIE's position with regards to the definition of Shared Education, how it meets the state's commitments to the UN Convention of the Rights of the Child and it suggested a number of amendments to the proposed policy and Bill and proposed the development of a policy for integrated education. Paper Two presented a more detailed account of NICIE's response using the consultation response booklet provided by DE.

The present document is focused solely on the Bill as introduced to the Assembly and captures the main concerns and areas of debate for integrated education within the three of the four clauses of the Bill as follows.

NICIE's commentary on the clauses of the Bill

Clause 1: "Shared Education"

Clause 1 provides a common definition of shared education.

*"The Bill provides a **legislative definition of Shared Education** as involving those of different religious belief, including reasonable numbers of both Protestant and Roman Catholic children or young persons; and those who are experiencing socio-economic deprivation and those who are not, which is secured by the working together and co-operation of two or more relevant providers".*

As stated in previous responses, NICIE wants to see the proposed Bill recognise the contribution that integrated education has made in modelling a shared society and greater clarity in the definition and scope of Shared Education. In line with this, concerns were also raised in relation to Shared Education obviating or replacing the need for the statutory duty to "encourage and facilitate integrated education". For this reason NICIE has argued for making explicit in the Bill the connection and relationship between Integrated Education and Shared Education. NICIE is disappointed that none of these suggestions were considered in the final Bill presented to the Assembly, particularly given that the shared education policy issued by DE in September recognises:

"The level of sharing across schools is at different levels along a continuum where integrated education, which has already embraced a culture of diversity, is at the upper end of that continuum. Indeed, by supporting Shared Education, it is envisaged that a proportion of schools may move along the continuum to a more fully integrated model".

There are many other references to the important role of Integrated Education in relation to sharing in the DE Policy Document, yet this is not reflected in the Bill.

Clause 2: Power to encourage and facilitate shared education

Clause 2 confers on the listed bodies (the Department of Education; the Council for Catholic Maintained Schools; the Youth Council for Northern Ireland; and the Northern Ireland Council for the Curriculum, Examinations and Assessment) a power to encourage and facilitate shared education.

“The Bill also places a power on the Department and its arm’s length bodies to encourage and facilitate Shared Education and will also enact the duty on the Education Authority in relation to Shared Education as set out in the Education Act 2014.”

NICIE notes the distinctive use of the terminology in clause 2, which highlights “power to encourage and facilitate shared education” instead of “duty to”, which is the wording in the DE statutory “duty to encourage and facilitate integrated education”. This distinction is important when arguing parity within the policy framework and resourcing for both integrated and shared education if they are meant to constitute the ends of a continuum towards creating a more integrated system in Northern Ireland, as stated in the Shared Education Policy.

NICIE has also argued that the Shared Education Bill should be an opportunity for DE to commit to equal support for Integrated Education and Shared Education, and in previous submissions has called on DE to ensure that resources to meet its statutory duty regarding Integrated Education are provided proportionally to those allocated to Shared Education. The power placed to the DE and its arm’s length bodies within the Bill to encourage and facilitate Shared Education provides a policy framework and an infrastructure which is absent but absolutely necessary for meeting the DE statutory duty for Integrated Education. This will allow Integrated Education to expand and develop monitoring mechanisms to assess more acutely its effectiveness and societal impact while contributing to a more holistic model of shared education. However the Bill provides a legal framework in which substantial investment in terms of infrastructure and resources can be secured for Shared Education which is absent, disproportional and in detriment of the allocation of resources for the development of Integrated Education.

Clause 3: Commencement of duty of Education Authority in relation to shared education

Clause 3 amends Section 7 of the Education Act (Northern Ireland) 2014 to provide for the commencement of the duty on the Education Authority to encourage, facilitate and promote Shared Education. That duty will come into operation on the day after the day on which the Shared Education Bill receives Royal Assent.

The Education Bill introduced to the Assembly, as stated above, places a duty on the Education Authority to “encourage, facilitate and promote shared education”. NICIE has argued that such a duty should also be extended to Integrated Education with regards to planning provision and expansion of integrated schools. These areas of development are currently led by parents and individual schools which are expected to undertake such duties, duties that only apply to the integrated sector.

On the basis of fundamental principles of equality and the right of parents to access Integrated Education when it is their preferred choice, NICIE has requested on several occasions that the Education Authority take responsibility of planning for the development of Integrated Education. NICIE has also stressed that through area based planning the state must also undertake initiatives to “promote” Integrated Education in order to fully meet its statutory duty.

Clause 4: Short title and commencement

Clause 4 cites the short title of the Act. The Bill proposed to name it as: Shared Education Act (Northern Ireland) 2015.
(No comments)

Final comments

While NICIE is deeply disappointed with the outcomes of the consultation of the Bill as introduced to the Northern Ireland Assembly as it does not reflect any of the above recommendations, NICIE will continue to advocate and formally request DE to establish an Independent Commission to review the DE legislative framework and its statutory duty towards Integrated Education.

The review of the DE legislative framework was also one of the recommendations that the Education Committee included in their final report to the Inquiry on Shared Education and Integrated Education. This stated that “the Department undertake a strategic review of its approach to Integrated Education, the terms of reference of which should include: the effectiveness of its actions in encouraging and facilitating this form of education in particular its assessment and treatment of parental perceptions and demand for Integrated Education in the Area Planning and Development Proposal processes; the roles of the sectoral bodies; and the relevance of minority community designation in the enrolment of Integrated schools”.

In line with these recommendations, NICIE will continue to make a case and ask for a Policy on Integrated Education which will provide a legislative infrastructure setting out how Integrated Education is to be “promoted” in addition to “encouraged and facilitated”. Through area based planning, this policy should grant power to the Education Authority for planning Integrated Education and effectively support DE statutory duty under Article 64.

In summary, NICIE asks for

- **An Independent Commission on Integrated Education; and**
- **A Policy for Integrated Education**

In order to secure parity of support, resources and planning for Integrated Education.

NICIE is available to provide oral evidence.