



Northern Ireland
Assembly

Committee for Education

Report on the Shared Education Bill

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Table of Contents

Remit, Powers and Membership	3
Executive Summary	4
Introduction	6
Consideration of the Bill	9
Clause by Clause Scrutiny of the Bill	23

Remit, Powers and Membership

The Committee for Education is a Statutory Departmental Committee established in accordance with paragraphs 8 and 9 of the Belfast Agreement, Section 29 of the Northern Ireland Act 1998 and, under Standing Order 48.

Statutory Committees have been established to advise and assist the appropriate Minister on the formation of policy in relation to matters within his/her responsibilities. Specifically, the Committee has power to:

- consider and advise on departmental budgets and annual plans in the context of the overall budget allocation;
- consider relevant secondary legislation and take the committee stage of primary legislation;
- call for persons and papers;
- initiate inquiries and make reports; and
- consider and advise on matters brought to the Committee by the Minister for Education.

The Committee has 11 members, including a Chairperson and Deputy Chairperson, and a quorum of 5. The membership of the Committee is as follows:

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Peter Weir (Chairperson)¹

Sandra Overend (Deputy Chairperson)²

Maeve McLaughlin

Jonathan Craig

Danny Kennedy^{3,4}

Nelson McCausland

Chris Hazzard

Trevor Lunn

Robin Newton

Pat Sheehan

Sean Rogers

¹With effect from 11 May 2015 Mr Peter Weir replaced Miss Michelle McIlveen as Chairperson

² With effect from 15 June 2015 Mrs Sandra Overend replaced Mr Danny Kinahan as Deputy Chairperson

³ With effect from 23 June 2015 Mr Ross Hussey replaced Mrs Sandra Overend

⁴ With effect from 14 September 2105 Mr Danny Kennedy replaced Mr Ross Hussey

Executive Summary

The Shared Education Bill is described as providing for a legislative definition of Shared Education, conferring power on the Department and its relevant arms-length bodies to encourage and facilitate Shared Education, and at the same time commencing the duty specified in the Education Act (NI) 2014 for the Education Authority to encourage, facilitate and promote Shared Education. The Bill is underpinned by a Departmental policy paper entitled “Sharing Works - A Policy for Shared Education”.

During the Committee Stage, Members considered written evidence from over 40 organisations and undertook 7 oral evidence sessions and 5 formal meetings. Deliberations were also informed by the Committee’s recently published report (1 July 2015) on its inquiry into Shared and Integrated Education which can be viewed at the following link:

<http://www.niassembly.gov.uk/globalassets/documents/reports/education/inquiry-into-shared-and-integrated-education-complete.pdf>

In line with the findings and recommendations of its recent inquiry, the Committee agreed that it strongly supported the extension of access to Shared Education programmes to all schools. The Committee agreed that Shared Education should foreground improvements in educational attainment while also enhancing good relations and improving attitudes of children and young people in respect of persons of different backgrounds. The Committee welcomed the development of a legal definition of Shared Education and accepted that incorporating all of the above into the legal definition would not be practicable.

The Committee agreed to put down a number of amendments which would:

- require the Department to report regularly on the progress made in Shared Education programmes in respect of the level of participation and the impact on educational attainment, good relations, and improved attitudes among children and young people;
- amend the definition of Shared Education in order to ensure the inclusion of children and young people of all faiths together with those who designate as having no religious belief;

- place a duty on the Department, in line with that currently on the Education Authority, to promote, facilitate and encourage Shared Education;

The Committee also agreed to put down an amendment which would extend powers to education sectoral bodies in respect of the facilitation and encouragement of Shared Education. The Committee agreed to seek legal advice on this amendment.

In order to ensure the widest possible participation in Shared Education by all schools including small, rural or other schools, the Committee agreed to seek a Ministerial assurance that the “reasonable numbers” aspect of the Shared Education definition would be interpreted flexibly by the Department.

Further to the objective of promoting more sharing between schools, the Committee also agreed to support a Departmental amendment to the Shared Education Bill which will permit the Department and the Education Authority to establish and participate in a company which can act as the owner/manager of school buildings and facilities in a Shared Education campus.

Introduction

1. The Shared Education Bill (NIA 66/11-16) (the Bill) was introduced to the Assembly on 2 November 2015 and referred to the Committee for Education for consideration on completion of the Second Stage of the Bill on 9 November 2015 in accordance with Standing Order 33(1).
2. At introduction the Minister for Education (the Minister) made the following statement under Section 9 of the Northern Ireland Act 1998:

“In my view the Shared Education Bill would be within the legislative competence of the Northern Ireland Assembly.”

3. The Shared Education Bill (NIA 66/11-16) is designed to ‘...make provision in relation to shared education.’ The Bill’s Explanatory and Financial Memorandum (EFM) sets out the purpose of the Bill and a summary of its main provisions. The Bill and the EFM can be viewed at

<http://www.niassembly.gov.uk/assembly-business/legislation/primary-legislation-current-bills/shared-education-bill2/>

4. The objectives of the Shared Education Bill are described as follows: to provide a legislative definition of Shared Education, to confer power on the Department and its relevant arms-length bodies to encourage and facilitate Shared Education, and at the same time commence the duty specified in the Education Act (NI) 2014 for the Education Authority to encourage, facilitate and promote Shared Education.

Committee’s Approach

5. The Committee had before it the Shared Education Bill (NIA 66/11-16) and the Explanatory and Financial Memorandum that accompanied the Bill. The Committee had also recently completed an inquiry into Shared and Integrated Education. The Committee’s report on the inquiry can be found at the following link:

<http://www.niassembly.gov.uk/globalassets/documents/reports/education/inquiry-into-shared-and-integrated-education-complete.pdf>

6. The Committee received a Departmental briefing on the Shared Education Bill, at its meeting on 4 November 2015, in advance of the Committee’s formal consideration of the Bill at Committee Stage.
7. Following introduction of the Bill to the Assembly the Committee wrote, on 4

November 2015, to key education stakeholders. The Committee also inserted notices in the Belfast Telegraph, Irish News and News Letter seeking written evidence on the Bill by 19 November 2015. The Committee also highlighted its call for evidence via social media.

8. Owing to the extensive nature of the Executive's general legislative programme and the introduction of a number of Education Bills during the final session of the mandate and as the Committee had recently concluded an in-depth inquiry into Shared and Integrated Education, the Committee agreed to undertake its scrutiny of the Shared Education Bill over a much shorter timescale than is usual. Some Members expressed concerns in respect of the consequent limited opportunity for effective Committee scrutiny of the Bill.
9. Around 40 organisations and individuals responded to the request for written evidence and copies of these submissions received by the Committee are included at Appendix 3.
10. During the period covered by this Committee Stage Report, the Committee considered the Bill and related issues at 5 of its meetings. The relevant extracts from the Minutes of Proceedings for meetings, as appropriate, are included at Appendix 1. From 25 November 2015 to 2 December 2015, the Committee took oral evidence from selected stakeholders who had submitted written evidence. These included:
 - Northern Ireland Council for Integrated Education and the Integrated Education Fund (25 November 2015);
 - Centre for Shared Education at Queen's University, Belfast (25 November 2015);
 - Council for Catholic Maintained Schools (2 December 2015);
 - Equality Commission for Northern Ireland and the Northern Ireland Human Rights Commission (2 December 2015);
 - Northern Ireland Commissioner for Children and Young People (2 December 2015);
 - Rural Centre for Shared Education (2 December 2015); and
 - Transferors' Representative Council (2 December 2015).
11. Both stakeholders and Departmental officials answered Members' questions after

their individual sessions - as reflected in the Minutes of Evidence for each of these meeting sessions (extracts reproduced at Appendix 2). Departmental officials were requested to provide specific follow-up information to the Committee - this is reproduced at Appendix 4.

12. The Committee commenced its informal deliberations on the clauses of the Bill on 9 December 2015 and completed its formal clause by clause scrutiny of the Bill at its meeting on 16 December 2015.

Report on the Committee Stage of the Shared Education Bill

13. At its meeting on 6 January 2016, the Committee agreed that its Report on the Shared Education Bill - this Report - would be the 7th Report of the Committee for the 2011-16 mandate. The Committee also agreed that this Report should be printed.

Consideration of the Bill

Shared Education: Purposes, Reviewing and Reporting

14. A number of stakeholders wrote to the Committee and gave oral evidence suggesting that an additional “purposes” clause be added to the Bill in order to set out the purpose or objectives of Shared Education. Stakeholders identified different objectives for inclusion in the Bill.
15. The Northern Ireland Commissioner for Children and Young People (NICCY) contended that the Bill should include a formal link with the objectives of the United Nations Convention on the Rights of the Child (UNCRC) to develop the personalities and talent of children and young people and to help them live full and satisfying lives.
16. Some Integrated schools and the Community Relations Council (CRC) felt that the Bill should formally set the purpose of Shared Education as enhancing community reconciliation and contributing to the development of a shared future for Northern Ireland.
17. Other submissions including those from Dr D A Wilson, University of Ulster suggested that the Bill should indicate that the purpose of Shared Education should focus on tackling educational underachievement and should support other educational attainment initiatives.
18. The Rural Centre for Shared Education (RCSE) and the Corrymeela Community suggested a balanced set of purposes arguing that the Bill should indicate that Shared Education should: provide societal benefit; support improved educational attainment; and ensure the efficient and effective use of resources.
19. RCSE and the UNESCO Centre at the University of Ulster suggested that the Department be statutorily obliged to report regularly in respect of Shared Education progress. The Northern Ireland Council for Integrated Education (NICIE) also argued that the Northern Ireland Audit Office should undertake a review of the efficiency and effectiveness of Shared Education programmes.
20. The Department advised that the inclusion of a “purposes” clause might lead to some level of confusion in respect of the interpretation of the provisions of the Bill or the expectations of stakeholders. The Department also expressed concern that a prescriptive set of purposes or objectives for Shared Education might serve to

limit the inclusion of some high quality Shared Education projects which may not necessarily always obviously match the stated objectives.

21. The Committee noted with approval the imaginative and intelligent suggestions from stakeholders in respect of the purposes of Shared Education and the resonance between many of their proposals and the Committee's recommendations in its report on its inquiry into Shared and Integrated Education. In particular, Members felt that Shared Education should be based on meaningful curriculum-based interactions between schools, foregrounding educational attainment while also supporting societal development and community cohesion by improving the attitudes of children and young people to relevant Section 75 groups. The Committee noted also the importance of sharing in schools being a continual and improving process which makes effective use of resources including the exploitation of the existing school IT infrastructure.
22. The Committee accepted the Department's argument that a "purposes" clause may be both an inappropriate inclusion in the Shared Education Bill and an inefficient means of giving effect to the Committee's stated views on the purposes of Shared Education. The Committee therefore agreed to put down an amendment which would insert a new clause requiring the Department to review and report on Shared Education including the relevant actions of the Education Authority.
23. The Committee agreed that the Department should be obliged to report on the extent to which Shared Education has: improved educational attainment; improved the attitudes of children and young people to persons of different social and other backgrounds; used resources efficiently and effectively including ICT infrastructure; and increased participation in sharing in schools and relevant organisations. The Committee agreed that the report should be produced on a similar timescale to the Education and Training Inspectorate's Chief Inspector's report i.e. once every 2 years.

Clause 1: "Shared Education"

24. Clause 1 is described as providing a common definition of Shared Education.

Other Definitions

25. Stakeholders wrote to the Committee and made oral submissions suggesting a

wide range of changes to the definition of Shared Education

26. NICCY, the Northern Ireland Human Rights Commission (NIHRC), the National Association of Head Teachers (NAHT) and others suggested that the relevant definition be extended beyond Protestant and Catholic children and young people and those experiencing different levels of socio-economic deprivation in order to include a wide range of different Section 75 groups - including those of different race, gender, disability, sexual orientation and gender assignment and those with and without dependents etc. NIHRC advised that it believed that the failure to reference these groups meant that the Bill might not “meet the reasonable and objective justification test required by human rights standards”.
27. The National Association of Schoolmasters and Union of Women Teachers (NASUWT), Rural Community Network (RCN) and the UNESCO Centre at the University of Ulster argued that the Bill should be amended such that instead of simply referring to children and young people being educated together, the Shared Education definition should be based on either the Department’s “Sharing Works” definition or the Ministerial Advisory Group (MAG) report which defined Shared Education as “2 or more schools from different sectors working to deliver educational benefits to learners promoting the efficient and effective use of resources and equality of opportunity and identity, good relations and respect for diversity and community cohesion.”
28. The Department contended that a reference to a wide range of Section 75 groups or the adoption of the MAG definition or its own Shared Education policy definition would not be appropriate for legislation. The Department argued that the inclusion of any of the above in legislation could serve to prevent the participation of some schools or other organisations in high quality Shared Education projects which may not necessarily always meet the requirements of the revised definitions including the involvement of Section 75 groups or schools from different sectors. The Department also asserted that as schools do not record most of the Section 75 identities that have been suggested, it would be impossible to determine whether Shared Education projects were indeed compliant with the revised definitions.
29. Additionally the Department assured the Committee that as its “Sharing Works” policy clearly sets out an expectation in respect of community cohesion and attitudinal improvement, it was unnecessary to set out these expectations again in

legislation.

30. The Department also strongly contended that the Bill was indeed compliant with human rights legislation and that there was reasonable and objective justification for the proposed definition. The Department indicated that Shared Education is designed, among other things, to tackle community divisions in Northern Ireland and thus it unsurprisingly focuses largely on Protestant and Catholic children. The Department also argued that socio-economic deprivation was included in the definition as there is a clear correlation between educational underachievement and poverty. Additionally DE asserted that as the Bill allows all grant-aided schools including Special Schools to participate in Shared Education, this would ensure the inclusion of children with disabilities.
31. The Committee noted the findings and recommendations of its recent inquiry into Shared and Integrated Education. In particular, the Committee recalled its recommendation that Shared Education should promote community cohesion and attitudinal improvement in respect of Section 75 groups. Notwithstanding the above, the Committee accepted that the suggested alternative definitions of Shared Education (which are designed to enhance inclusion) may have little effect given the limited Section 75 profiling of children and young people currently undertaken by schools. The Committee felt that the new obligations it had proposed in respect of the Department undertaking regular review and reporting on Shared Education would go some way to meeting the Committee inquiry recommendations and the concerns of stakeholders in respect of Shared Education and inclusion.
32. The Committee noted with concern the assertions made by NIHRC in respect of the possible non-compliance of the Bill with human rights standards. The Committee felt that its suggested amendment, which would insert a new review and report clause focusing among other things on good relations and attitudinal improvement, would address some of the concerns raised by NIHRC.
33. The Association of School and College Lecturers (ASCL) and Drumragh Integrated College commented that the definition of Shared Education included in the Bill should make some reference to the nature or the quality of the evolving Shared Education experience in which children and young people were to be involved.
34. The Committee felt that further amendments in this regard were unnecessary as its review and report amendment would oblige the Department to report on Shared

Education progress and the overall impact that Shared Education projects had on children and young people.

“Religious Belief” / “Reasonable Numbers”

35. A number of stakeholders including the Equality Commission (EC), the Community Relations Council (CRC), the Integrated Education Fund (IEF) and the Centre for Shared Education (CSE) at Queen’s University Belfast commented in respect of the requirement for Shared Education projects to include children and young people of different “religious belief” including “reasonable numbers” of Protestants and Catholics.
36. It was argued that the “religious belief” wording was inappropriate as schools could not determine the actual religious practices or beliefs of their pupils. EC and CSE etc. argued that a more useful term would be community or cultural background.
37. CRC and IEF contended that the reference to Protestants and Catholics was restrictive and might lead to the exclusion of some schools with a high proportion of children with no designated religion. CRC and IEF also suggested that the “reasonable numbers” wording was unclear and might lead to poor definition of Shared Education projects.
38. The Department advised that schools presently do not consistently record the community or cultural background of their pupils but instead record in some detail their religion - this, DE advised was an inclusive definition which always covered children who designate as having no religious belief. DE therefore contended that as this terminology was in line with Section 75 guidance from the Equality Commission and was understood in law and by schools and other stakeholders, compliance with the associated criteria could be assured. DE also indicated that the “reasonable numbers” condition would be applied flexibly recognising the diverse and varying circumstances that e.g. large urban and small rural schools may experience in respect of the numbers of pupils with different religions or “religious belief”.
39. The Committee indicated its support for a wide-range of good quality Shared Education projects involving schools (and other providers) of varying sizes and with children and young people of different community backgrounds throughout Northern Ireland. The Committee accepted Departmental assurances in respect of the recording and inclusive meaning of the information relating to pupils’ religion which is presently held by schools. The Committee therefore agreed that it would

not pursue amendments which would alter the Shared Education definition in order to refer to community or cultural background.

40. However Members expressed concerns in respect of the possible inadvertent exclusion of the growing number of children designating as having no religious belief. The Committee therefore agreed to put down an amendment which would explicitly include children and young people with no religious belief in the definition of Shared Education. The Committee agreed that it would review its position on this amendment in the event of the Department suggesting alternative wording.
41. The Committee also agreed to seek a Ministerial assurance at Consideration Stage in respect of the flexible application of the “reasonable numbers” criteria in order to ensure the inclusion of schools of varying size and differing pupil backgrounds. Consequently, the Committee agreed that it would not bring forward amendments in this regard.
42. Stakeholders - including the Transferors’ Representative Council (TRC), EC, CSE and the UNESCO Centre at the University of Ulster - commented on the inclusion of socio-economic deprivation as part of the qualifying criteria for Shared Education programmes. TRC suggested that these be removed in order to avoid the possible exclusion of some schools from Shared Education. Other stakeholders sought clarity as to how deprivation would be assessed.
43. The Department advised that a variety of socio-economic measures would be employed including Free School Meal Entitlement in schools and spatial deprivation indicators for other educational providers. The Department assured the Committee that such measures would be applied flexibly and on a case-by-case basis with a view to including a wide range of differing high quality Shared Education projects.
44. The Committee noted the clarification and assurances provided by the Department and agreed that as the intention of the wording in the Bill was to widen participation in Shared Education, it would not bring forward related amendments.

Integrated Education

45. NICCY; NICIE; the Rural Community Network and a number of Integrated schools argued that the clause should be amended in order to link Shared and Integrated Education. Some stakeholders contended that the Bill should make clear that Integrated Education was the logical progression for schools participating in

Shared Education. These stakeholders also referenced the Department's "Sharing Works" policy which refers to Integrated Education as being at the upper end of the sharing continuum - they suggested that this wording should be incorporated into the Bill.

46. The Department countered that Integrated Education was clearly defined in legislation in terms of the nature and governance of an Integrated school etc. and thus could not be linked in the Bill to Shared Education which requires participation between more than 1 school. DE contended that the reference in the "Sharing Works" policy to the upper end of a sharing continuum referred to the inclusive elements of Integrated Education rather than a Departmental expectation that schools involved in Shared Education will necessarily ultimately become Integrated schools.
47. Some Members felt that the absence of any reference to Integrated Education in the Bill was a serious omission and exposed inconsistencies between the Department's policy on Shared Education and the Bill. These Members contended that an amendment - indicating that, in line with "Sharing Works", Integrated Education was a natural progression of Shared Education - was required, in order to address this problem.
48. Other Members accepted the Department's explanation that Integrated and Shared Education differed considerably and consequently could not be usefully linked in legislation.
49. The Committee agreed that it would not support related amendments.

Relevant Providers

50. A number of stakeholders - NICCY, CSE, TRC and NAHT - commented on the "relevant providers" provisions which set out that all grant-aided schools and other providers of educational services can participate in Shared Education.
51. Some stakeholders argued that, in line with the MAG definition, these provisions should require participating schools to be from different sectors so as to ensure that schools with predominantly Protestant pupils are obliged to share with schools with predominantly Catholic pupils. CSE and NAHT also argued that the provisions should require or encourage sharing between mainstream and Special Schools.
52. NICCY argued that the clause should specifically reference early years settings and Further Education colleges - highlighting the existing support for sharing

projects provided to schools by these providers.

53. Other stakeholders - including some schools - suggested that communities or individual schools with a high level of mixing should be recognised as “relevant providers” of education and thus participants in Shared Education.
54. The Department clarified that the Bill would permit schools/providers from the same sector to participate together in Shared Education projects. The Department argued that the fair and flexible application of the “reasonable numbers” criteria would ensure that projects always involved cross-community participation. The Department also advised that as the definition of “relevant providers” was widely drawn, this would allow the participation of individual mainstream schools, early years settings, Further Education colleges and Special Schools etc.. The Department contended that consequently the definition of relevant provider required no amendment.
55. Some Members felt that Further Education colleges should be explicitly referenced in the Bill as relevant providers in line with the existing reference to youth services in the Bill. Other Members disagreed and accepted the Department’s explanation that an explicit reference to Further Education colleges was superfluous. The Committee divided on the question of the explicit inclusion of Further Education colleges in the Bill as relevant providers. The Committee agreed that it would not put down amendments in this regard.
56. The Committee accepted the Department’s explanations in respect of the inclusion of other providers e.g. early years settings etc. and agreed that it would not bring forward related amendments.

Clause 2: Power to encourage and facilitate shared education

57. Clause 2 is described as conferring 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.

Listed Bodies

58. Stakeholders suggested that a number of additional organisations be identified in

the Bill as listed bodies.

59. NICCY suggested that the Department for Employment and Learning should be a listed body as Further Education colleges' enrolments tended to be mixed and as colleges were already participants with schools in Shared Education projects.
60. The submission from Armagh - A Learning City and the Corrymeela Community contended that district councils and non-statutory voluntary organisations etc. should also be recognised as listed bodies with the associated powers in respect of Shared Education.
61. A large number of respondents indicated that they believed that NICIE should have powers in respect of Shared Education - arguing that Shared Education was a logical forerunner of Integrated Education and that without the suggested amendment, NICIE would unfairly be excluded from access to Shared Education funding.
62. TRC, UNESCO Centre and NICIE contended that all sectoral bodies and perhaps the General Teaching Council Northern Ireland should be listed in the Bill as having powers to facilitate and encourage Shared Education. These respondents felt that if the Department was to maintain the distinction between the definitions of Shared and Integrated Education and if the former was to be available to all schools in all sectors, it was only logical to allow a wider range of bodies to have the associated powers.
63. The Department indicated that the suggested additions to the listed bodies may be inappropriate or unnecessary as in some cases the organisations were companies limited by guarantee and in other cases they had no direct responsibility for Shared Education and in still other cases were currently directly involved in delivering Shared Education and thus would derive no benefit from having a power in respect of Shared Education.
64. DE further advised that it had received legal advice that indicated that statutory powers should not be conferred on non-statutory organisations including e.g. NICIE or Comhairle na Gaelscolaíochta (CnaG) etc.. DE also advised that it understood that where the Department had a statutory duty, this would influence its dealing with statutory Arms Length Bodies in respect of e.g. funding etc. although the duty itself would not necessarily automatically transfer to the statutory Arms Length Body. DE also indicated that existing legislation limited its discretion in respect of placing further statutory duties on the General Teaching Council

Northern Ireland.

65. The Committee accepted the Department's argument in respect of the General Teaching Council Northern Ireland. The Committee therefore agreed that it would not pursue amendments in that regard.
66. The Committee noted the Department's argument that non-statutory bodies should generally not be given statutory powers. However the Committee felt that an amendment which permitted DE to recognise organisations as sectoral bodies (i.e. those representing the interests of different kinds of grant-aided schools) would be compatible with the extension of relevant powers. The Committee anticipated that these bodies will be: the Northern Ireland Council for Integrated Education representing Integrated schools; Comhairle na Gaelscolaíochta representing Irish Medium schools; and the Controlled Schools Support Council representing Controlled schools. The Bill, as drafted, already references CCMS which represents the interests of Catholic Maintained schools.
67. The Committee felt that the above approach was necessary in order to ensure fairness and wider access to Shared Education for schools. The Committee agreed to seek legal advice in respect of the amendment.

Powers and Duties

68. Stakeholders also commented suggesting alternatives to the powers in respect of Shared Education which the Bill, as introduced, places on the listed bodies. Some stakeholders felt that duties should be specified for the Department of Education etc. in this regard.
69. Armagh - A Learning City and ASCL suggested that the clause should place an obligation on DE to facilitate discussions between schools and enhance local autonomy in order to support Shared Education. CRC, NIHRC and CSE also appeared to support an amendment which would place a duty on DE to encourage, facilitate and also promote Shared Education in line with the existing obligations on the Education Authority. RCSE and the UNESCO Centre supported the extension of the new duty to all of the Arms Length Bodies named in the Bill. In contrast, NICIE suggested that powers in respect of Shared Education should remain as drafted in order to prevent the development of a hierarchy in which Shared Education took precedence over Integrated Education.
70. The Department argued that a power rather than a duty to facilitate and encourage

Shared Education would permit the listed bodies (including the Department) a necessary level of flexibility in the application of the relevant power. The Department also argued that new duties on the Department in respect of Shared Education could have wide-ranging, unfortunate and unforeseeable consequences for other Departmental policies and its efficient use of resources.

71. Some Members noted that in the absence of any relevant legislative powers, the Department had been encouraging, facilitating, and promoting Shared Education for some years and with some success. The Committee therefore felt that the Department's support for the introduction of a new power which would appear to have no additional effect did not appear to be logical. These Members argued that in order to consistently encourage, facilitate and promote Shared Education in support of improved educational attainment and attitudinal improvement among children and young people etc., a new clause was required which would place a duty on the Department in respect of Shared Education. These Members felt that this would not conflict with DE's existing duties in respect of Integrated Education or lead to a hierarchy of obligations.
72. Other Members referred to the legal concerns raised by the Department and in view of the apparent level of uncertainty in respect of the impact on statutory Arms Length Bodies of a new duty on the Department, contended that consideration of such an amendment be deferred.
73. The Committee divided and agreed to support the application of a new duty on the Department in line with the existing duty on the Education Authority in respect of the promotion, facilitation and encouragement of Shared Education.
74. The Committee recalled its recent inquiry recommendation which suggested that Shared Education duties should extend to all relevant Arms Length Bodies. Members accepted the Department's advice in respect of possible difficulties associated with placing statutory duties (rather than statutory powers) on non-statutory bodies and therefore agreed to not pursue amendments which would extend duties in respect of Shared Education to the revised set of listed bodies in the Bill.
75. In submissions to the Committee, RCSE suggested that the Bill be amended in order to require DE to screen all policies and commitments - similar to the practice in respect of rural proofing - in order to determine whether they promote sharing or further entrench division in education.

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76. DE advised that an obligation to screen all policies in respect of sharing and to make related reasonable adjustments to those policies may entail a significant financial and administrative burden.
 77. The Committee accepted the Department's explanation and agreed that it would not pursue amendments in this regard.
 78. NICIE, IEF and a number of Integrated schools suggested that the clause be amended in order to place a duty on DE to facilitate the transformation of schools involved in sharing to formal Integrated status. Some of these submissions also suggested that new duties be placed on DE and/or the Education Authority in respect of a formal obligation to plan for the Integrated sector (equivalent to the obligation on CCMS in respect of the Maintained sector).
 79. The Department argued that the extension of the power to include the encouragement of schools to transform to Integrated status was beyond the policy intention of the Bill.
 80. Members agreed that additional duties in respect of the promotion and planning of Integrated Education were likely to be outside the scope of the Bill and would require further study of their implications before their adoption could be considered.
 81. Members also recalled the Committee's recent inquiry recommendation that the Department should 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; and the roles of the sectoral bodies etc.. The majority of Members felt that this review should be undertaken and conclusions developed prior to the adoption of any new legislation in respect of Integrated Education.

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

82. Clause 3 is described as amending Section 7 of the Education Act (NI) 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.

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83. NASUWT argued that the duties on the Education Authority in respect of Shared Education should not be commenced until an appropriate Shared Education framework is established with a coherent implementation plan.
 84. The Committee felt that Shared Education should be encouraged, facilitated and promoted and that the relevant duties should be commenced as soon as an agreed statutory definition of Shared Education was in place.
 85. The Committee therefore agreed that it was content with Clause 3 as drafted.

Clause 4: Short title and commencement

86. This clause contains the short title of the Act - Shared Education Act (Northern Ireland) 2015.
87. Members noted that the short title ill likely reference the year in which Royal Assent is achieved i.e. 2016. Otherwise, the Committee was content with the Clause as drafted.

Shared campus clause

88. The Department proposed an amendment which would insert a new clause which would permit the Department or the Education Authority to establish and participate in a company which could act as the owner of school buildings etc. in a shared educational campus.
89. The Committee noted that the Strule shared campus in Omagh included schools from a number of different sectors. The Committee recognised the challenge that different ownership models, prevalent in each sector, might present to the governance of a shared educational campus. The Committee accepted that resolution of the ownership question might facilitate progress in Strule and in other future shared campuses. Consequently, the Committee agreed to accept the Department's amendment.

Other Issues

90. Irish National Teachers' Organisation argued that the Bill should explicitly indicate that progress in respect of Shared Education should not be linked to academic

performance but should instead be based on a “dashboard of measures” of participating schools including respect and empathy for others. NAHT also indicated that Shared Education progress should not be linked to Levels of Progression and that the Bill should indicate this.

91. The Committee recalled its inquiry recommendation that the Department should give consideration to a wide range of agreed, objective impact measures for Shared Education based on educational improvement in the first instance and societal reconciliation progress in the second. The Committee noted DE’s programme to develop a “dashboard of measures” of school performance and recent developments in respect of the ongoing industrial dispute relating to Levels of Progression. The Committee therefore agreed that it would not pursue amendments related to the assessment of associated educational attainment or other aspects of Shared Education.
92. IEF proposed an additional clause which would compel DE to adopt an Integration Strategy which would support the progression of schools from Shared Education to Integrated Education and specify actions and outcomes which DE must adopt. NICIE also proposed that the Bill be amended in order to oblige DE to establish an independent commission to review the legislative framework and the statutory duty in respect of Integrated Education. NICIE also called for the development of a new Integration policy in order to secure support, resources and planning arrangements for Integrated Education.
93. The Department argued that the proposed amendments and other comments referred to matters which were outside the policy intention of the Bill.
94. Members agreed that new strategies in respect of Integrated Education were likely to be outside the scope of the Bill and would require further study of their implications before their adoption could be considered. Members recalled the Committee’s inquiry recommendation that the Department should undertake a strategic review of Integrated Education. The majority of Members felt that this should be undertaken prior to the adoption of new legislation etc. in respect of Integrated Education.

Clause by Clause Scrutiny of the Bill

95. This section gives the decisions on the Committee's scrutiny of the clauses of the Shared Education Bill. Members and other readers of this report may wish to refer to the previous section so as to gain a full understanding of the Committee's consideration and deliberations on the individual clauses, alongside the decisions set out below.

Clause 1: "Shared Education"

96. The Committee agreed that it would not recommend to the Assembly that an amendment be made to 1(2)(a) replacing the wording 'religious belief' with 'community background'.
97. The Committee agreed that it would recommend to the Assembly that an amendment, as indicated below, be made to the wording of 1(2)(a) adding after 'those of different religious belief', reference to children and young people with no religious belief.

Clause 1, page 1, line 8

After 'belief', insert 'or none'

98. The Committee also agreed that its views on the inclusion of a reference to children and young people of no religious belief in the Clause may alter subject to the consideration of an anticipated related Departmental amendment.
99. The Committee agreed to seek a formal Ministerial assurance, at Consideration Stage, that a flexible approach will be taken on the interpretation of the 'reasonable numbers' criteria in 1(2)(a) in order to ensure the inclusion of small, rural or other schools in Shared Education projects.
100. The Committee agreed that it would not recommend to the Assembly that an amendment be made, as indicated below, to 1(2) linking the definition of Shared Education to Integrated Education.

Clause 1, page 1, line 13

At end insert -

'with a view to supporting a natural progression towards integrated education, as appropriate, where this is supported by the school community'

101. The Committee agreed that it would not recommend to the Assembly that an amendment be made, as indicated below, to 1(3) explicitly identifying Further Education colleges as relevant providers of Shared Education.

The Committee divided.

Ayes	Noes	Abstained	Not voting
Peter Weir	Sandra Overend Trevor Lunn	Chris Hazzard Seán Rogers	

Clause 1, page 1, line 15

At end insert -

‘(aa) further education, as defined in Article 3 of the Further Education (Northern Ireland) Order 1997’

New Clause 1A

102. The Committee agreed to recommend to the Assembly that amendments be made, as indicated below: to Clause 1; inserting a new clause; and to Clause 2 in order to place a duty on the Department of Education in respect of Shared Education.

The Committee divided.

Ayes	Noes	Abstained	Not voting
Peter Weir Sandra Overend Seán Rogers	Chris Hazzard Trevor Lunn		

New Clause

After clause 1, insert -

‘Duty to promote, encourage and facilitate shared education

1A.–(1) It is the duty of the Department of Education to promote, encourage and facilitate shared education.’

Paving amendment:

Clause 1, page 1, line 3

After ‘section’ insert ‘1A,’

Consequential amendment:

Clause 2, page 2

Leave out paragraph (a)

103. The Committee agreed that it was content with Clause 1, subject to the proposed amendments.

Clause 2 Power to encourage and facilitate shared education

104. The Committee agreed to recommend to the Assembly that 2(2) be amended, as indicated below, in order to allow powers in respect of Shared Education to be extended to sectoral bodies.

Clause 2, page 2, line 6

At end insert -

'(e) any sectoral body

(3) In this section, "sectoral body" means a body—

(a) which is recognised by the Department as representing the interests of grant-aided schools of a particular description; and

(b) to which grants are paid under Article 115 of the 1986 Order, Article 64 of the 1989 Order or Article 89 of the 1998 Order.'

105. The Committee also agreed to seek legal advice on the proposed amendment.
106. The Committee agreed that it was content with Clause 2, subject to the proposed amendments.

New Clause 2A

107. The Committee agreed to recommend to the Assembly that the Bill be amended in order to insert a new clause, as indicated, below which would require the Department of Education to review and report on Shared Education progress including the relevant actions of the Education Authority, every two years.

After clause 2, insert -

'Review

2A. —(1) The Department must—

(a) not later than two years after the date on which this Act receives Royal Assent, and

(b) at intervals of not more than two years thereafter, review, and prepare a report on, the operation of this Act and section 2(3) of the Education Act (Northern Ireland) 2014 ("the 2014 Act").

(2) The Department must lay any report under this section before the Assembly.

(3) A report under this section must include statements on the following matters, so far as relating to the reporting period—

(a) the extent to which the bodies listed in section 2(2) have exercised their powers under that section;

(b) the extent to which the Education Authority has complied with its duty under section 2(3) of the 2014 Act;

(c) the level of participation in shared education and the extent to which there has been any increase or decrease in participation;

(d) efficiency in the use of resources allocated for the purposes of shared education, including information and communications technology infrastructure;

(e) the impact of shared education on—

- (i) educational attainment;
- (ii) good relations between participating children;
- (iii) attitudes of participating children towards persons from backgrounds other than their own.'

New Clause 2B

108. The Committee agreed to recommend to the Assembly that the Bill be amended in line with a Departmental suggestion, to insert a new clause, as indicated below which would allow DE or the Education Authority to form a company in order to provide for the ownership of school buildings etc. in a shared campus.

After clause 2 insert

'Power to form company

2B.(1) For the purposes of its functions under section 2, the Department of Education may form, or participate in the formation of, a company under the Companies Act 2006.

(2) For the purposes of its functions under section 2(3) of the Education Act (Northern Ireland) 2014, the Education Authority may form, or participate in the formation of, a company under the Companies Act 2006.'

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

109. The Committee agreed that it was content with Clause 3, as drafted.

Clause 4 Short title and commencement

110. The Committee agreed that it was content with Clause 4, as drafted.

Long Title

111. The Committee agreed that it was content with the Long Title of the Bill, as drafted.

Links to Appendices

[Appendix 1 - Minutes of Proceedings](#)

[Appendix 2 - Minutes of Evidence](#)

[Appendix 3 - Written Submissions](#)

[Appendix 4 - Memoranda and Papers from the Department for Education](#)

[Appendix 5 - List of Witnesses](#)

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