

Integrated Education Bill

[AS AMENDED AT FURTHER CONSIDERATION STAGE]

LEGISLATIVE COMPETENCE

At Introduction the Member in charge of the Bill, Ms Kellie Armstrong, had made the following statement under Standing Order 30:

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

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Integrated Education

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BILL

TO

Make provision about integrated education; and for connected purposes.

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

Integrated education

Meaning of “integrated education”

1.—(1) “Integrated education” means the education together, in an integrated school, of—

- 5 (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
- 10 (c) those of different abilities.

(2) An “integrated school” is a school which—

- (a) intentionally supports, protects and advances 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
- 15 between those of different abilities, and
- (b) has acquired—
- (i) grant-maintained integrated status, or
- (ii) controlled integrated status
- under the Education Reform (Northern Ireland) Order 1989.

20 (3) Subsections (1) and (2) apply for the purposes of—

- (a) this Act;
- (b) the Education Reform (Northern Ireland) Order 1989;

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- (c) section 2(3A) of the Education Act (Northern Ireland) 2014 (inserted by section 4 of this Act);
- (d) the Shared Education (Northern Ireland) Act 2016; and
- (e) any other provision of Northern Ireland legislation (unless it contains a different definition).

Purpose of integrated education

2. The purpose of integrated education is—

- (a) to deliver educational benefits to children and young persons;
- (b) to promote awareness and appreciation of human rights;
- (c) to promote equality of opportunity;
- (d) to promote good relations; and
- (e) to promote respect for identity, diversity and community cohesion.

Advisory body

3. In exercising any functions relating to integrated education the Department of Education must consult with—

- (a) any body appearing to the Department of Education to have as an objective the encouragement or promotion of integrated education, and if required
- (b) any other body the Department of Education considers appropriate.

Statutory duty to support

Support etc. for integrated education

4.—(1) In Article 64(1) of the Education Reform (Northern Ireland) Order 1989 (Department's duties in respect of integrated education) for "to encourage and facilitate" substitute "to encourage, facilitate and support".

(2) In section 2 of the Education Act (Northern Ireland) 2014 (functions of Education Authority) after subsection (3) (Authority's duties in respect of shared education) insert—

"(3A) It is a duty of the Authority (so far as its powers extend) to encourage, facilitate and support integrated education."

Meaning of support

5.—(1) A reference in any provision of Northern Ireland legislation to support for integrated education (including support for the development of integrated education) is a reference to—

- (a) identifying, assessing, monitoring and aiming to meet the demand for the provision of integrated education within the context of area planning and the overall sustainability of the school estate (including, in particular, monitoring the number and success of applications for integrated education), and
- (b) providing sufficient places in integrated schools to aim to meet the demand for integrated education within the context of area planning and the overall sustainability of the school estate (including examining evidence of expected future demand).

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(2) In subsection (1)(a) “monitor” means monitor by reference to data collected in respect of relevant catchment and other areas.

Duties of Department and Authority relating to the development etc. of integrated education

5 **6.**—(1) After Article 64(1) of the Education Reform (Northern Ireland) Order 1989 (Department’s duty to encourage, facilitate and support the development of integrated education) insert—

10 “(1A) In considering what steps it should take for the purposes of its duty under subsection (1) to encourage, facilitate and support the development of integrated education, the Department must in particular take account of any representations made under section 3 of the Integrated Education (Northern Ireland) Act 2022 (consultation) which relate to that duty.”

15 (2) The Education Authority must, for the purpose of assisting its strategic planning of the provision of education, take steps to ascertain the demand for integrated education.

20 (3) In this Act, a reference to ascertaining the demand for integrated education is a reference to ascertaining the extent to which parents would prefer their children to be educated at grant-maintained integrated or controlled integrated schools rather than at schools which are not grant-maintained integrated schools or controlled integrated schools.

(4) The Education Authority must take the steps mentioned in subsection (2) at such times as the Education Authority and the Department of Education agree to be appropriate, having regard to the purpose specified in that subsection.

25 (5) The duty in subsection (2) may be met by seeking the information required by that duty together with other information about parental preferences.

30 (6) In making decisions in connection with proposals about the provision of education, including in respect of its duty to encourage, facilitate and support integrated education, the Education Authority must have due regard to the response to its enquiries under subsection (2) (in addition to any other factors to which the Education Authority is required to have regard).

Planning and strategy

General duty

35 **7.**—(1) Without prejudice to the generality of the duty under Article 64(1) of the Education Reform (Northern Ireland) Order 1989, the Department of Education must take account of that duty when—

(a) developing, adopting, implementing or revising policies, strategies and plans; and

(b) designing and delivering public services.

40 (2) The active fulfilment of duties in respect of support for integrated education conferred on education bodies by this Act (or regulations made under it) shall not prejudice or subordinate their duties in respect of promoting shared education or

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the due discharge of their continuing statutory duties under other enactments including the Shared Education (Northern Ireland) Act 2016.

New schools

5 **8.**—(1) Education bodies must consider integrated education when planning for the establishment of a new school.

(2) In exercising their functions under subsection (1), education bodies must consult with—

- (a) teachers,
- (b) governors,
- 10 (c) pupils,
- (d) families, and
- (e) sectoral and community bodies

who would, in the opinion of the relevant body, be affected by the proposal.

15 (3) Education bodies must prepare and publish a report on the consultation under subsection (2).

(4) The report must include, in particular, an assessment in relation to—

- (a) the manner in which, and the extent to which, the relevant body has considered integrated education when planning for the establishment of a new school, and
- 20 (b) the levels of demand for integrated education.

(5) In this section a “new school” does not include—

- (a) two or more existing schools that have amalgamated to create a new school,
- (b) an existing school that has significantly changed in size,
- 25 (c) an existing school that has relocated, or
- (d) an Irish-medium school which comes into existence after this Act receives Royal Assent.

(6) The interpretation of subsection (5) will not preclude education bodies receiving or responding supportively to applications or expressions of interest by such schools in respect of transforming into integrated schools.

Integrated education strategy

9.—(1) The Department of Education must prepare, publish and maintain a strategy for the encouragement, facilitation, support for and provision of integrated education (“the integrated education strategy”).

35 (2) The integrated education strategy must, in particular—

- (a) include provision for resources (including personnel) to encourage, facilitate and support integrated education;
- (b) include provision designed to facilitate the maintenance and protection of the ethos of existing and new integrated schools;
- 40 (c) include arrangements for full access for integrated schools to training and resources provided by the Education Authority and other services accessible by publicly funded schools;

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- (d) quantify funding commitments and identify respective resources made available for the support for and provision of integrated education (including resources for facilitating the establishment of new integrated schools, the expansion of existing integrated schools and the transformation of existing schools into integrated schools);
- (e) include an action plan, which must—
- (i) be prepared in consultation with persons with knowledge and experience of integrated schools including teachers, governors, pupils, families, and sectoral and community bodies;
 - (ii) include targets (including timetables);
 - (iii) include measurable benchmarks against which the success of the strategy (including progress towards meeting targets) can be assessed;
- (f) include provision for reviews to provide a clear indication of how education bodies are delivering integrated education; and
- (g) have due regard to the provisions of Section 75 of the Northern Ireland Act 1998 in regard to subsection (1) of this section.
- (3) Targets and benchmarks may, in particular, refer to—
- (a) percentages of pupils granted or denied their choice of education in an integrated school;
 - (b) numbers of development proposals created and delivered for expansion of existing integrated schools;
 - (c) numbers of schools transforming into integrated schools;
 - (d) numbers of new integrated schools established;
 - (e) numbers of consultations issued in respect of transformed or new integrated schools; and
 - (f) support provided for ensuring the success of integrated education (including training and other resources designed to facilitate teaching within the integrated education system).
- (4) The integrated education strategy must be published during the period of 6 months beginning with the date on which this Act comes into force.
- (5) The Department of Education must—
- (a) lay the strategy, and each revision, before the Assembly; and
 - (b) cooperate with any post-legislative scrutiny exercise carried out by the Assembly or any Committee of the Assembly in relation to the strategy or a revision.

Reporting

- 10.**—(1) The Department of Education must prepare or commission and publish a report on integrated education—
- (a) during the period of 2 years beginning with the date on which this Act receives Royal Assent; and
 - (b) at subsequent intervals in line with the budget framing timetable but not more frequently than every three years.

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(2) A report must include, in particular, an assessment of performance of functions relating to integrated education under—

- (a) this Act;
- (b) the Education Reform (Northern Ireland) Order 1989;
- 5 (c) section 2(3A) of the Education Act (Northern Ireland) 2014 (inserted by section 4 of this Act); and
- (d) any other provision of Northern Ireland legislation.

(3) A report must include, in particular, an assessment in relation to the reporting period of—

- 10 (a) the manner in which, and the extent to which, the Department of Education has performed its functions in respect of integrated education;
- (b) the manner in which, and the extent to which, other education bodies have performed their functions in respect of integrated education;
- (c) the levels of demand for and supply of integrated education;
- 15 (d) increase or decrease in levels of demand for and supply of integrated education since the previous reporting period;
- (e) successes and failures in respect of the provision of integrated education; and
- (f) the extent to which the purpose of integrated education has been achieved.

20 (4) Wherever possible, the assessments in the report must operate by reference to benchmarks identified in the action plan in the integrated education strategy.

(5) The Department of Education must—

- (a) lay each report before the Assembly; and
- 25 (b) cooperate with any post-legislative scrutiny exercise carried out by the Assembly or any Committee of the Assembly in relation to the report.

(6) As soon as is reasonably practicable after the publication of a report the Department of Education must review and where necessary revise the integrated education strategy.

Final provisions

30 **Regulations**

11.—(1) The Department of Education must make regulations in respect of integrated education supplementing the provisions of this Act.

(2) The regulations may, in particular, include—

- 35 (a) provision designed to ensure consistency and effectiveness in the capture of data (including in relation to area-based data capture);
- (b) provision about the formulation and measuring of targets;
- (c) provision about the formulation and measuring of benchmarks;
- (d) provision about the designation of catchment or other areas for area-based data capture;
- 40 (e) provision about other aspects of assessments and monitoring;
- (f) provision about steps to be taken in pursuit of a duty to support integrated education (including measures to support integrated schools);

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- 5 (g) provision about training provided to facilitate teaching within the integrated education system (which may include requirements for training in diversity, inclusive and diverse classes and other matters related to integrated education to be incorporated in training provided as part of initial teacher training and in teachers' continuing professional development programmes);
- (h) provision for initial and continuing professional development for all teachers, school governors, non-teaching school staff and education bodies in respect of inclusive and diverse classes;
- 10 (i) provision about inclusion of matters relating to the provision of integrated education in the school inspection regime;
- (j) provision designed to encourage and enhance collaboration and coordination between other stakeholders in relation to integrated education; and
- 15 (k) provision designed to integrate assessment of demand for and supply of integrated education in systems for the planning and development (including housing development) or regeneration of urban and rural areas.

(3) Regulations under this section may include any supplementary, incidental, consequential, transitional, transitory or saving provision the Department considers appropriate—

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- (a) for the general purposes, or any particular purpose, of this Act;
- (b) in consequence of any provision made by this Act; or
- (c) for giving full effect to the provisions of this Act.

25 (4) Provision under subsection (3) may, in particular, include supplementary, incidental or consequential amendments of any Northern Ireland legislation (including amendments equivalent or similar to those effected by sections 4 and 13).

(5) Regulations under this section may not be made unless a draft of the regulations has been laid before and approved by a resolution of, the Assembly.

30 **Guidance**

12.—(1) The Department of Education may give guidance about—

- (a) the implementation or application of a provision of this Act (including a provision amending another enactment);
 - (b) any matter in respect of which regulations under section 11 have been, or could be, made.
- 35

(2) The Department of Education must—

- (a) lay the guidance, and each revision, before the Assembly; and
- (b) publish the guidance in such a manner as it considers appropriate.

40 (3) An education body, and integrated schools must have regard to any guidance issued under subsection (1).

(4) An education body may give guidance about any matter relating to the body's functions in respect of integrated education.

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Consequential amendments

13.—(1) In Article 64(1) of the Education Reform (Northern Ireland) Order 1989 (Department's duties in respect of integrated education) omit “, that is to say the education together at school of Protestant and Roman Catholic pupils” and
5 insert “and to provide support for integrated education”.

(2) In Article 66(2) of that Order (management of grant-maintained integrated schools) for “are such as are likely to attract to the school reasonable numbers of both Protestant and Roman Catholic pupils” substitute “are such as are likely to ensure the provision of integrated education”.

10 (3) In Article 71(8) of that Order (proposals for acquisition of grant-maintained integrated status), for “be attended by reasonable numbers of both Protestant and Roman Catholic pupils” substitute “provide integrated education”.

(4) In Article 79(2) of that Order (significant changes to grant-maintained integrated schools), for “be attended by reasonable numbers of both Protestant and
15 Roman Catholic pupils” substitute “provide integrated education”.

(5) In Article 81(3)(d) of that Order (withdrawal of grant by Department) for “attended by reasonable numbers of both Protestant and Roman Catholic pupils” substitute “providing integrated education”.

(6) In Article 88 of that Order (management of controlled integrated schools) for
20 “attract to the school reasonable numbers of both Protestant and Roman Catholic pupils” substitute “ensure the provision of integrated education”.

(7) In Article 92(6) of that Order (proposals for acquisition of controlled integrated status), for “be attended by reasonable numbers of both Protestant and Roman Catholic pupils” substitute “provide integrated education”.

25 (8) In Article 97 of that Order (significant changes to controlled integrated schools), for “be attended by reasonable numbers of both Protestant and Roman Catholic pupils” substitute “provide integrated education”.

Interpretation: general

14. In this Act—

30 “education bodies” means—

- (i) the Department of Education; and
- (ii) the Education Authority;

“integrated education” has the meaning given by section 1;

“integrated education strategy” has the meaning given by section 9;

35 “integrated school” has the meaning given by section 1; and

words and expressions which are defined in Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986 have the same meaning as in that Order.

Commencement

40 15. This Act comes into operation at the end of the period of 6 months beginning with the day on which it receives Royal Assent.

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Short title

16. This Act may be cited as the Integrated Education Act (Northern Ireland) 2022.

Integrated Education Bill

[AS AMENDED AT FURTHER CONSIDERATION STAGE]

A Bill to make provision about integrated education; and for connected purposes.

Introduced by: Ms Kellie Armstrong

On: 01 June 2021

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