



Northern Ireland
Assembly

Committee for Education

Report on the Integrated Education Bill

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Report: NIA 146/17-22 Committee for Education.

Contents

- Powers and Membership 3
- List of Abbreviations and Acronyms used in this Report..... 4
- Executive Summary.....7
- Introduction 9
- Consideration of the Bill 16
- Clause by Clause Scrutiny of the Bill 19
- Links to Appendices..... 22
 - Appendix 1: Printable version of Report 22
 - Appendix 2: Memoranda and Papers from the Department of Education.... 22
 - Appendix 3: Memoranda and Papers from Others 22
 - Appendix 4: Minutes of Proceedings 22
 - Appendix 5: Minutes of Evidence 22
 - Appendix 6: Written submissions..... 22
 - Appendix 7: Research Papers 22
 - Appendix 8: Other Documents relating to the report..... 22
 - Appendix 9: List of Witnesses that gave evidence to the Committee 22

Powers and Membership

Powers

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 9 members, including a Chairperson and Deputy Chairperson, and a quorum of 5.

Membership

The Committee has 9 members, including a Chairperson and Deputy Chairperson, and a quorum of five members. The membership of the Committee is as follows:

- Mr Chris Lyttle MLA (Chairperson)
- Mr Pat Sheehan MLA (Deputy Chairperson) (1)
- Ms Nicola Brogan MLA
- Mr Robbie Butler MLA
- Mrs Diane Dodds MLA (2)
- Mr Harry Harvey MLA (2)
- Mr Daniel McCrossan MLA
- Mr Justin McNulty MLA
- Mr Robin Newton MLA

(1) From 1 February 2021 Mr Pat Sheehan replaced Ms Karen Mullan as a member of the Committee.

(2) From 21 June 2021 Mrs Diane Dodds and Mr Harry Harvey replace Mr William Humphrey and Mr Maurice Bradley as members of the Committee.

List of Abbreviations and Acronyms used in this Report

DE: Department of Education

NICIE: Northern Ireland Council for Integrated Education

IEF: Integrated Education Fund

CCMS: Catholic Council for Maintained Schools

EFM: Explanatory and Financial Memorandum

Executive Summary

1. The Integrated Education Bill includes a definition of Integrated Education.
2. During the Committee Stage, Members considered written evidence from 1118 organisations and individuals, and undertook 14 oral evidence sessions and 17 formal meetings.

Citizen Space

3. 523 of these responses were received via the Assembly's Citizen Space online survey platform, 8 of which were anonymous. The 523 Citizen Space responses were from individuals who filled out the online questionnaire about the provisions of the bill. The statistic breakdown of these answers was collated and found to be strongly in favour of the Bill.

"Uplift" online campaign

4. This online campaign called on the public to support the Integrated Education Bill.
5. These responses were generic messages indicating support for the Bill.
6. 18 substantive email responses were received from sectoral bodies and individual stakeholders. These were exceptionally detailed and many were followed up in the oral evidence sessions so that Members could explore that detail with stakeholders.
7. The Committee's deliberations were also informed by briefings from Assembly Research and Information Services; legal advice from Assembly Legal Services; advice on secondary regulation making powers and Assembly control by the Examiner for Statutory Rules; and procedural advice from the Bill Clerk and the Committee Clerk.

8. The Committee sought to extend its Committee Stage a second time given the complexity of the legal framework and outstanding uncertainties as to the legal, financial and area planning impacts of proposed clauses and amendments.
9. The Committee did not divide and was unable to reach unqualified agreement on the clauses of the Bill as drafted or the amendments before it. However, when Members made clear their positions on each amendment and clause, it was evident that the Committee had come to an overall position of qualified support for the clauses of the Bill as drafted.
10. A range of views was reflected in the clause-by-clause consideration, of which a majority of members supported the clauses and proposed amendments either entirely or subject to further work on adjustments, legal advice, clarifications and amendment.
11. A number of Committee members did not agree with the clauses as drafted or with the Sponsor's proposed amendments, or with the Committee's amendments.
12. However, no proposal was made that the Committee should oppose the question that a clause should stand part of the Bill at Consideration Stage.
13. The Committee agreed to recommend the amendments below to the House:
 - Clause 5, Page 2, line 29
 - After 'to' insert 'aim to'
 -
 - Clause 10, Page 5, Line 8
 - After 'regulations' insert 'in respect of integrated education'
 -
 - Clause 10, Page 6, Line 1
 - Leave out subsections (3) and (4) and insert-
 -
 - '(3) Regulations under this section may include any supplementary, incidental, consequential, transitional, transitory or saving provision the Department considers appropriate—

- (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.
-
- (4) 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.'
-

Clause 11, Page 6, Line 9

At end insert –

'(1A) 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.'

- Clause 12, Page 6, Line 22
- Leave out subsection (3)

Introduction

1. The Integrated Education Bill (the Bill) was introduced to the Assembly on 1 June 2021 and referred to the Committee for Education for consideration on completion of the Second Stage of the Bill on 6 July 2021 in accordance with Standing Order 33(1).
2. The Integrated Education Bill (NIA 23/17-22) has 15 clauses and no schedules. 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/2017-2022-mandate/non-executive-bill-proposals/integrated-education-bill/>

3. The objectives of the Integrated Education Bill are described in the Explanatory and Financial Memorandum (EFM) as follows: to make provision about the promotion and provision of integrated education, and to provide for reform and the expansion of integrated education.

Committee's approach

4. The Committee had before it the Integrated Education Bill (NIA 23/17-22) and the Explanatory and Financial Memorandum that accompanied the Bill.
5. The Committee received an informal briefing from the Bill's sponsor Ms Kellie Armstrong MLA at a meeting on 22 June 2021, in advance of the Committee's formal consideration of the Bill at Committee Stage.
6. Following introduction of the Bill to the Assembly, the Committee wrote on 17 July 2021 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 10 October 2021. The Committee also highlighted its call for evidence via social media.

7. Around 1118 organisations and individuals responded to the request for written evidence. Copies of these submissions received by the Committee are included at Appendix 6.
8. During the period covered by this Committee Stage Report, the Committee considered the Bill and related issues at 17 of its meetings. The relevant Minutes of Proceedings are included at Appendix 4. From 22 September 2021 to 17 November 2021, the Committee took oral evidence from the Bill's sponsor (6 October 2021 and 17 November 2021), the Department of Education (22 September 2021) and selected stakeholders who had submitted written evidence. These included:
 9. The Northern Ireland Council for Integrated Education (NICIE) (6 October 2021);
 10. The Integrated Education Fund (IEF) (7 October 2021);
 11. Integrated AlumNI and Northern Ireland Humanists (21 October 2021);
 12. The NIC-ICTU Education Group (4 November 2021);
 13. The Council for Catholic Maintained Schools (CCMS), the Catholic Schools' Trustee Service, the Northern Ireland Commissioner for Children and Young People (NICCY), and the Transferor Representatives' Council (TRC) (10 November 2021);
 14. The Controlled Schools' Support Council (CSSC) and the Education Authority (EA) (11 November 2021); and
 15. A panel of young people from the Northern Ireland Commissioner for Children and Young People (NICCY) youth panel and Northern Ireland Youth Forum (11 November 2021).
16. Both stakeholders and Departmental officials answered Members' questions after their individual sessions, as reflected in the Minutes of Evidence - extracts of which are reproduced at Appendix 5. The Bill's Sponsor and the

Department were requested to provide specific follow-up information to the Committee – this is reproduced at Appendix 8.

17. The Committee began its evidence sessions on the Bill at its meeting on 22 September 2021 when Members were briefed by officials from the Department of Education.
18. Officials told the Committee that the Department had concerns that the Bill may elevate the Integrated Education sector above others, limit parental preference, impose additional funding demands, impact on area planning and require the Department to consult on every function, whether related to integrated education or not, with a body that provides support and advice to it relating to promoting integrated education. Officials also expressed concerns regarding the requirement for every new school that is established to be an integrated school. Officials also expressed concerns about the potential for judicial reviews, financial implications and implications for area planning.
19. This was followed by a briefing from the Bill's sponsor Ms Kellie Armstrong MLA who briefed the Committee on the background and purpose of the Bill. Ms Armstrong explained that currently the default options for new schools based on spare places and demographics are that they will be controlled or maintained, and her proposal is that the presumption is for a new integrated school, rebuttable by the Department defining special circumstances such as the instance of a community preferring to choose a special school or an Irish-medium school. She clarified that as integrated education does not have a planning authority as the controlled and maintained sectors do, it has been difficult for integrated schools to be facilitated and encouraged as originally anticipated. She stressed that integrated education still meant reasonable numbers of Catholic, Protestant and other children educated together, in a Christian ethos. She clarified that the term "new school" did not include amalgamations, and undertook to draft amendments addressing these and other concerns.

20. The Committee was briefed by the Northern Ireland Council for Integrated Education (NICIE) at its meeting on 6 October 2021. Representatives stated that the Bill offered an opportunity to identify, assess and meet the demand in communities. They indicated that it had taken 40 years to develop 68 integrated schools, that Integrated Education needed to be supported to identify, assess and meet parental demand and that the Integrated Education Bill presented the best opportunity for integrated education to be a more accessible option for parents since the Education Reform (Northern Ireland) Order 1989.
21. The Committee was briefed by representatives of the Integrated Education Fund (IEF) at its meeting on 7 October 2021 who stated that there is a genuine and clear demand for more integrated schooling and that this is not being met which is evidenced by more than one in five first-preference applications to integrated colleges at post-primary level being turned down due to the lack of places. They raised concerns that the Department of Education measures demand only on the basis of existing schools and that the current system maintains the status quo, with only minor changes taking place.
22. At the Committee meeting on 21 October 2021 witnesses from Integrated AlumNI shared their own experiences of attending integrated schools and suggested that currently a level playing field did not exist and that there is a need for promotion and proper facilitation of Integrated Education.
23. The Committee was briefed by representatives of Northern Ireland Humanists at its meeting on 21 October 2021 who supported the Bill's overarching intention to further expand integrated education and to introduce a presumption that all new schools should have integrated status. They also stated that they felt the Bill should go further and require the integrated schools to promote the principles of equality, non-discrimination and freedom of religious belief laid out in the European Convention on Human Rights and the United Nations Convention on the Rights of the Child.

24. Following the briefing, Northern Ireland Humanists wrote to the Committee proposing an amendment to Clause 2 of the Bill the stated purpose of which is to:

- a. Add a requirement for Religious Education in integrated schools to be objective, critical, and pluralistic and to replace worship with inclusive assemblies;
- b. Bring Religious Education in integrated schools into the general inspection framework and stipulate that it should be regularly inspected (not just at the request of Boards of Governors); and
- c. Introduce a core syllabus for Religious Education in integrated schools that is critical, objective, and pluralistic and is drawn up by a group involving representatives from the principal religious and non-religious belief groups in Northern Ireland, alongside teacher representatives.

25. The NIC-ICTU Education Group briefed members on 4 November 2021 that it welcomed the Private Member's Bill, making provision for integrated education and its promotion and hoped that it paves the way for the expansion of integrated education.

26. At the Committee meeting on 10 November 2021 representatives of the Council for Catholic Maintained Schools (CCMS), and the Catholic Schools' Trustee Service briefed members. They indicated concerns that the Bill does not appear to recognise the contribution and diversity of the Catholic maintained sector and its schools and that they felt that the Bill was at odds with ensuring diversity and respect, and would fundamentally create a two-tiered system of education provision. They highlighted concerns that Clause 4(1) of the Bill proposes to place a specific duty on the Department of Education and other education bodies, including CCMS, "to encourage, facilitate and promote" integrated education which they believed would conflict with CCMS's existing statutory duties, as outlined in the aforementioned 1989 Order. They also expressed concern regarding the inclusion of the word

“promote” in legislation which would lead to the Department of Education effectively being required to promote one sector above all others and to the integrated sector being elevated above other education sectors.

27. The Northern Ireland Commissioner for Children and Young People (NICCY) briefed the Committee on 10 November 2021 that it was generally supportive of the Bill and its intention to add "promote" to the Government's duty towards Integrated Education.
28. The Transferor Representatives' Council (TRC) briefed the Committee on 10 November 2021 and highlighted the cultural diversity that currently exists in controlled schools. Representatives indicated concerns about the timing of the Bill when the Independent Review of Education is reviewing the whole education system and suggested that that the Bill interferes with that. They expressed concerns that the Bill may put one sector or one type of school above another and disrupt the area planning process.
29. Representatives of the Controlled Schools' Support Council (CSSC) briefed the Committee on 11 November 2021 about concerns that if the Bill became law, all other grant-aided schools in Northern Ireland would be placed in a secondary position to integrated schools. They indicated that Clause 1 of the Bill represented a fundamental change and a dilution of the existing legislative definition of integrated education, that the promotion requirement and the meaning given in clauses 4 and 5 would have significant implications for the controlled sector and that they have concerns that Clause 7 would override the area-planning process. They indicated that the Bill fails to acknowledge the diversity of the controlled sector and its ethos of being open to all and that the prioritisation of one group of schools over all others would have an adverse effect on the quality of education provision and educational outcomes for children and young people in all other schools and would erode much of the progress that has been made in building good community relations.
30. At the Committee meeting on 11 November the Education Authority indicated concerns about the timing of the introduction of the Bill and how that could cut

across the work of the independent review panel, a lack of connection between the Bill and existing legislation and the use of the term “promote”.

31. A panel of young people from the Northern Ireland Commissioner for Children and Young People (NICCY) youth panel and Northern Ireland Youth Forum briefed Members on 11 November 2021. They indicated that research carried out by the Northern Ireland Youth Forum found that young people saw integrated education as a positive thing and stressed the importance of building cross-community relations and that young people feel that provision needs to go beyond the traditional Catholic/Protestant narrative. The young people were adamant that the new duty on the Department should be to “promote” integrated education.
32. The Committee commenced its informal deliberations on the clauses of the Bill on 11 November 2021 and completed formal clause-by-clause scrutiny at its meeting on 23 November 2021.
33. Assembly Research Services provided the Committee with research papers on the Bill itself which are also included at Appendix 7
34. Summaries of all written submissions and all bill documents were provided to the Committee in a discrete Bill folder for consideration. These summaries are at appendix 6 of the report.
35. At its meeting on 24 November 2021, the Committee agreed that its Report on the Integrated Education Bill – this Report – would be the 1st Report of the Committee for the 2017-22 mandate. The Committee also agreed that this Report should be printed.

Consideration of the Bill

36. The Integrated Education Bill passed its Second Stage on 7 July 2021. The original Committee Stage end date was 12 October, but the Committee wished to ensure full consultation with education stakeholders and decided its call for written evidence should not close until 10 October. Accordingly, the Chairperson moved a motion in the Assembly on 4 October for extension of the Committee Stage from 12 October to 24 November 2021. The Assembly granted this extension.

37. The Committee identified as main issues with the bill:

definitional issues; the extent of proposed duties on the Department in respect of Integrated Education as compared with other sectors; perceived conflict between the existing statutory roles of CCMS and CCEA and the proposed duties of the Bill; the extent of current integration in other sectors; the potentially adverse operational impact on education bodies, health and social care bodies and playgroups and the resource implications for other sectors of the Bill's implementation; and the extent of and scrutiny mechanisms for the regulation-making powers in the Bill.

38. The Committee sought legal advice from Assembly Legal Services (ALS) on the congruence of the Bill's definition of integrated schools with the existing definition in the 1989 Order; the legal effect of the terms "promotion" and "presumption"; and compatibility of new duties with existing legal duties.

39. The Committee received briefing from Assembly Research and Information Services (RAISE) on the background and impact of the provisions of the Bill. Addendum research was provided to address the extent of integration in other sectors and clarify evidence from the Transferors' Representatives Council and the Controlled Sector Support Council about this.

40. The Committee sought advice from the Examiner for Statutory Rules on the extent of and scrutiny mechanisms for the regulation-making powers proposed by the Bill.
41. The Committee sought and received further legal advice from ALS on the impact of each clause of the Bill as drafted on the existing legislative framework for education in NI.
42. The Committee received additional legal advice from ALS on the amendments proposed by the Bill Sponsor.
43. The Committee remained concerned at the operational impact on education bodies and the resource implications for other sectors of implementation of the Bill as drafted.
44. While the Sponsor's amendments went some way to address the concerns of the Committee, it remained concerned about the impact of additional duties in respect of Integrated Education, be they described as "promotion" or as "support".
45. The Committee wrote to the Speaker of the Assembly to request another extension of Committee Stage, explaining that *"as the Committee is still receiving advice and considering draft amendments, and given the wide-ranging provisions of the Bill and the complexity of the legislative framework in respect of education in Northern Ireland, more time is needed to reach decisions, and an extension would not be unreasonable."*
46. The Speaker replied to say that he had no ability to extend the deadline and no role in the day-to-day business of Committees.
47. He advised that *"while it is the Assembly's expectation that the Committee will report by the deadline [of November 24], it is perfectly in order for the Committee to note in its report if it has not been able to conclude or clarify matters to its satisfaction, or to reach agreement."*

48. Furthermore, the Speaker suggested that the Committee might continue its deliberations beyond the Committee Stage and report again; and that it was open to the Committee to liaise with the Bill Sponsor who is free to arrange scheduling of the Consideration Stage from 24 November.

Clause by Clause Scrutiny of the Bill

Formal Clause-by-Clause Decision-making

49. The Committee considered every clause of the Bill in open session on 23 November 2021.
50. The Committee focused on the clauses of the Bill as drafted, but it was also open to the Committee to take a position on amendments presented to it.
51. The Department of Education did not provide any amendments to the Committee. Nonetheless, the Department's oral and written evidence was considered thoroughly by the Committee.
52. A summary of written responses was collated and provided to Members in their Bill Folder. These are at Appendix 8 of the report and may be of assistance to MLAs preparing for Consideration Stage.
53. First, the Committee had before it the text of amendments from the Bill Sponsor Kellie Armstrong MLA which she, over the course of the Committee Stage, had had drafted to address issues considered by the Committee to be problematic.
54. Secondly, the Committee also had before it the text of amendments proposed by Humanists NI. The Committee had the option to agree and adopt, to note or to set aside these amendments.
55. The Committee noted these amendments and agreed to write to Humanists NI advising that it was not going to adopt them as they did not seem to relate to the content of the Bill. The Committee agreed that it looked forward to future engagement with the organisation.
56. Thirdly, the Committee had before it the text of amendments drafted on its behalf to address issues raised by the advice of the Examiner of Statutory Rules in respect of a) the regulation-making powers delegated to the

Department by the Bill; and b) the level of Assembly control over the scrutiny of any regulations that should be made in the exercise of those powers.

57. The text of the amendments referred to is in Appendix 8 of the Report and the minutes of the meeting of 23 November 2011.

58. A range of options was open to Committee members: to agree, note or set aside amendments presented; to agree or disagree with clauses as drafted; to agree or disagree with clauses as amended; and in the case of disagreeing with a clause, to agree that the Committee should oppose the clause standing part of the Bill.

59. The Committee did not push any of the clauses or amendments to division. The Committee considered that the legislative framework for education was complex, and that outstanding issues and impacts of the Bill and proposed amendments required to be clarified.

60. However, given that voting in the Assembly is by simple majority, when Members made clear their positions on each amendment and clause, it was evident that the Committee had come to an overall position of qualified support for the clauses of the Bill as drafted.

61. A range of views was reflected in the clause-by-clause consideration, of which a majority of members supported the clauses and proposed amendments either entirely or subject to further work on adjustments, legal advice, clarifications and amendment.

62. It is envisaged that this work is to be continued with the Bill Sponsor and within parties after the Committee Stage concludes.

63. A number of Committee members did not agree with the clauses as drafted or with the Sponsor's proposed amendments or the Committee's amendments.

64. However, no proposal was made that the Committee should oppose the question that a clause should stand part of the Bill at Consideration Stage.

65. The Committee agreed the Committee amendments to Clauses 10 and 11 in relation to the extent and scrutiny mechanisms for the regulation-making powers in the Bill, and the publication of guidance respectively. A number of the Committee Members did not agree to these amendments due to outstanding concerns.

66. The Committee agreed without qualification clauses 14, 15 and the Long Title.

Explanation of Consideration Stage and “Clause Stand Part”

67. It should be noted that amendment does not occur within the Committee Stage, but gives the Committee the opportunity to consider, propose and advise the Assembly on potential amendments in its report.

68. The Consideration Stage takes place in plenary and gathers all amendments tabled, subject to the Speaker’s decisions on their admissibility, for debate in topical groups and for decision chronologically as they impact on each clause.

69. At Consideration Stage the Assembly decides on whether amendments should be made, but also on whether clauses (as amended or not) should “stand part” of the Bill. In other words, the Assembly takes a blank sheet of paper and populates it with the provisions it does not oppose.

70. For this reason, a decision of “opposition to [the question that a clause] stand part” is tabled akin to and will be listed and accorded discussion time in the same manner as an amendment.

Links to Appendices

Appendix 1: Printable version of Report

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Appendix 2: Memoranda and Papers from the Department for Education

[View Memoranda and Papers supplied to the Committee by the Department](#)

Appendix 3: Memoranda and Papers from Others

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Appendix 4: Minutes of Proceedings

[View Minutes of Proceedings of Committee meetings related to the report](#)

Appendix 5: Minutes of Evidence

[View Minutes of Evidence from evidence sessions related to the report](#)

Appendix 6: Written submissions

[View written submissions received in relation to the report](#)

Appendix 7: Research Papers

[View Research Papers produced by the Assembly's Research and Information Service \(RaISe\) in relation to the report](#)

Appendix 8: Other Documents relating to the report

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Appendix 9: List of Witnesses that gave evidence to the Committee

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