

TOR/GL

7 March 2006

Post-Primary Support Team
Department of Education
Rathgael House, Room 602
43 Balloo Road
Bangor
BT19 7PR

Dear Sir or Madam

Re: Consultation on a draft Education (Northern Ireland) Order

The Equality Commission for Northern Ireland (“The Commission”) welcomes the general intent envisaged within the provisions of the draft Education (Northern Ireland) Order 2006 (draft Order). The draft Order will implement the revised statutory curriculum and give effect to aspects of the new arrangements for post-primary education, including the prohibition of academic selection, the introduction of the new entitlement framework and powers to introduce the new admissions arrangements. We recognise the emphasis given, in the Ministerial statement, to equal opportunity for young people to fulfil their potential.

Overall, the Commission agrees with the key principles and objectives underlying the articles and provisions set out in the draft Order, and agrees in general with the legislative amendments proposed in relation to new post primary arrangements. They are broadly consistent with our recommendations made in our response to ‘New Admissions Arrangements for Post Primary Schools’. While we do not wish to re-iterate our previous response, there are some issues that we would like to highlight.

We acknowledge the Department’s commitment to undertake further consultations on the details to be contained in subsequent regulations. Many of our original comments will be relevant at this stage.

We are aware that some groups have found the information presented for this consultation to be complex and difficult to work through. Given these concerns, and the ongoing level of debate about post-primary transfer

arrangements, we recommend that the further consultation proposals relating to admissions criteria, as well as other legislative amendments, be presented in a clear easy-to-read format. This would have the express purpose of engaging all key stakeholders, particularly traditionally marginalised and excluded groups, such as ethnic minorities, disabled people and older people.

The Minister has indicated that, for over-subscribed schools, there will be a range of community-focused/geographical criteria applied to the admissions procedure. As we have previously stated, given that the criteria as presented during the last consultation now feature in the statement, all criteria other than the tie-breaker could reinforce existing social divisions, and therefore inequalities. We recommended then that the Department consider criteria which give priority to ensuring that each school allocates a number of places to children of lower socio-economic groups. While we accept that the Department will have to use a broad range of criteria, our view remains that the community-focused/ geographical criteria will very likely reinforce existing social divisions, and widen the economic disparity between groups.

We note that the Explanatory Memorandum in paragraph 10 says that, "...in finalising the way forward on new admissions criteria and the preparation of draft regulations for further consultation, the responses will be considered further to inform decisions on whether a full equality impact assessment or rural proofing exercise is required."

In line with our guidance, the Department should take into account the views of consultees, alongside the Department's own information, in informing its screening decision. The Commission recommends that the Department take into consideration the four screening criteria and information gathered internally as part of this assessment. The screening and impact assessment process should help determine the criteria which will best achieve the stated aim of affording "all our young people equal opportunity to fulfil their potential no matter where they live..." We seek clarification from the Department on the approach it will take.

In our previous response we have indicated that there could be a potential adverse impact in the criteria proposed for over-subscribed schools, given that disabled people, those from ethnic minorities and women are more likely to be economically excluded. Therefore we would expect that this is screened in, and impact assessed.

We welcome the commitment to establish partnership arrangements, and that this replaces the proposed collegiate system. We welcome this in particular as we assume that the arrangements will include special schools.

The Commission welcomes the Department's proposal to establish a common scheme specifying the procedure to be followed in relation to the expulsion and suspension of pupils from grant-aided schools. A common scheme is likely to ensure consistent practice in schools. We have not previously commented on this issue, but note that the Department screened this out, as no adverse impacts were identified.¹ However, the development of such a common scheme must ensure equity and be without bias. According to statistical data for England, Black boys (particularly those of Black Caribbean heritage) and those of Irish Traveller or Gypsy/Roma heritage are consistently more likely to be excluded.² We seek clarification that the Department has considered this in the development of the proposals for Northern Ireland, to ensure that any inequalities are not replicated here.

The Minister has made reference to falling pupil numbers in her statement of December 2005. The Commission welcomes the link between these proposals and the wider agenda for education; however, the statement missed other issues which will need to be considered. There is no obvious link made with the changes under the Review of Public Administration or the emerging government strategies, such as A Shared Future, the Race Equality Strategy, Gender Matters and Making it R Wrld 2.

In respect of the Department's obligations under section 75, the Commission would remind the Department to screen for equality considerations against the nine grounds in developing any policies, practices or procedures arising from the draft Order.

Notwithstanding our concerns raised above, we welcome many of the measures proposed for admissions arrangements for post primary schools. We look forward to receiving detail of the next stage of implementation and that our recommendations have been incorporated into the proposals.

Yours faithfully

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¹ Paragraph 9, Explanatory Memorandum

² 'Permanent and Fixed Period Exclusions from Schools and Exclusion Appeals in England, 2003/04', Department for Education and Skills (National Statistics, 23 June 2005)