

DEPARTMENT OF EDUCATION POLICY SCREENING FORM

The Legal Background

Under Section 75 of the Northern Ireland Act 1998, the Department is required **to have due regard to the need to promote equality of opportunity:**

- between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- between men and women generally;
- between persons with a disability and persons without; and,
- between persons with dependants and persons without.

Without prejudice to the obligations set out above, the Department is also required **to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.**

Screening

In order to determine whether an EQIA is necessary, all policies must be screened. This form is intended to assist with the screening of any policies for which you take the lead and to record the outcome in respect of each policy. It should also be used as a prompt when considering legislative proposals.

The screening procedure should lead to one of these conclusions:

- the policy being screened has an insignificant impact on equality of opportunity; or
- the policy being screened has (or is likely to have) a significant impact on equality of opportunity. Policies falling into this category will need to be considered further and may require an Equality Impact Assessment.

Officials should complete a form for each of the new or revised policies for which they are responsible. When you have completed the form it should be retained on file in the branch for record purposes.

1. POLICY TO BE SCREENED

What is a policy?

The Equality Commission has defined 'policies' as '**all the ways a public authority carries out or proposes to carry out its functions relating to Northern Ireland**'. The Act defines 'functions' as including powers and duties.

These definitions cover all Departmental policies, strategies, schemes, procedures and functions. If in doubt please contact the Equality Unit for advice.

1.1 Title of policy to be screened:

Composition of School Boards of Governors

1.2 Brief description of policy to be screened:

The composition of school Boards of Governors will be revised to facilitate the structural changes in funding and accountability arrangements for schools arising out of RPA and to streamline the various categories of school governors in a way that does not change radically their make up.

Currently there are 11 different management compositions of school Boards of Governors prescribed in legislation. This provides very limited flexibility for innovation, for example through appointment of additional governors with specific expertise and there can be problems if vacancies in certain categories cannot be filled. Our proposals involve standardisation on the basis of 4 governor categories:

- **Foundation governors** (school owners or former owners or their representatives) who would hold the largest proportion of seats but (with the exception of schools in receipt of 85% capital grant) not majority management control. They would normally represent the character and ethos of the school;

- **Community governors**, appointed by ESA for the skills and expertise they bring and drawn from the local community which includes the local business community;
- **Staff governors** (with this category extended to remove the ban on part-time teachers serving on Boards of Governors in this category and to allow for the appointment of non-teaching as well as teaching staff; and
- **Parent governors** (elected from among the parents of pupils currently attending the school).

In addition, DE intends to determine a code of practice for the appointment of governors which will cover appointment procedures, including term of office, eligibility; disqualification provisions, vetting and training and support. The actual appointments of governors will be handled by the ESA in the context of the code of practice, with the appointment of community governors made by ESA and appointments in other categories processed by ESA.

In cases where additional support is needed – for example where a school has no governors with adequate financial skills – it is intended to give ESA the power to appoint support governors to an individual school or to a group of schools for the purpose of promoting good governance and management. It is also intended to give ESA the power to remove governors in certain circumstances.

This policy takes account of equality issues that affect the rights of the Presbyterian Church, the Methodist Church and the Church of Ireland to nominate representatives to school Boards of Governors of controlled schools. These 3 churches will as former owners maintain the right to nominate representatives to those primary schools that they originally provided and then transferred to state control. They will lose their nomination rights to controlled primary and secondary schools that they never owned but they will be eligible under new revised arrangements to put forward representatives to serve as governors of these schools. This change comes about because new legislation retaining the existing rights would now amount

to discrimination on the grounds of religious belief and not be within the legislative competence of the Assembly. The views of the Transferors' Representatives Council will be considered when determining the new arrangements.

1.3 Aims of policy to be screened:

The main aim of this policy is to enhance the quality of school governance to operate the Local Management of Schools arrangements across all grant-aided schools in Northern Ireland. Strong governance is essential to support the delivery of high quality education and the promotion of raising education standards in schools.

School Boards of Governors fulfil a wide range of responsibilities on a voluntary basis and we aim to strengthen their capabilities through the recruitment of an increased number of skilled volunteers and the provision through the ESA of more direct support and training. The capabilities of school governors was an issue raised in the Westminster House of Commons Public Accounts Committee in 2005 following the publication of its report in 2004 on the operation of the Local Management of Schools in Northern Ireland. We are continuing to build on the recommendations in that report, by taking forward further improvement measures.

We aim to redefine the categories of school governors and facilitate the recruitment of individuals from the local community including the business community with a wider range of essential management skills. This means that the Governor categories will be directly representative of all stakeholder interests in schools. All the Churches will also be able to be represented, although in the case of some schools this will be decided by ESA on the basis

of voluntary recruitment rather than on the basis of statutory nomination rights. The intention is to set out the detail of actual composition of school Boards of Governors and the provisions that will apply to the various categories of governor appointments in subordinate legislation for the purpose of consultation with stakeholder interests. This will provide a further opportunity to address equality issues and carry out a second screening process.

We also aim to enable ESA to exercise a support role for school governance by enabling the authority to appoint support governors where a school requests or is in need of such support. We have had evidence in recent years of weaknesses in financial management at school level and we need to ensure that the ESA has powers to intervene to support the governance of a school where management is weak in any area.

A complementary aim is to promote equality of opportunity and community relationships with ESA monitoring the make up of school Boards of Governor against the section 75 requirements on a cross sectoral basis and promoting improvements where necessary.

The ESA will report annually to the Department on issues arising in relation to school governance and the steps that it has taken to support and promote effective governance at school level.

*It is essential that **all** the aims of the policy be clearly and fully defined.*

1.4 Branch responsible for devising and delivering policy:

Schools Administration Branch

You should indicate if responsibility is shared with another Government Department or Departments.

1.5 Name of and contact details for person carrying out screening:

Roberta Sterling
Phone 02891279360

Email Roberta.sterling@deni.gov.uk

2. **SCREENING ANALYSIS**

When proceeding to screening “proper”, the Equality Commission has stated that there are four criteria to be considered. These are listed at 2.1 – 2.4 below. You are asked to consider the criteria/question in relation to the Section 75 groups and to answer the questions accordingly.

“Don’t know?” “No Evidence?”

The questions ask for evidence in relation to the Section 75 categories. You should not think of the “don’t know” column in the form as the easy option to respond to any of the questions. In cases where you don’t know and you don’t have data on file, you will need to make a pragmatic judgement based on experience as to whether the policy you are screening may have an impact on any of the categories. If your judgement is that the policy may have a differential adverse impact on any of the Section 75 groups (i.e. it affects them differently and less favourably than other people), you should seek to obtain evidence. You should note that evidence can be qualitative – i.e. drawn from the experience of individuals from their perspective - as well as quantitative. Officials must give consideration to steps that they could reasonably be expected to take to obtain evidence and thereby inform their decision making. Such steps could include meeting with a representative group or selective consultation.

Where there is little or no evidence, and common sense indicates that a differential impact may be expected, you should discuss this with the Equality Unit.

2.1 Is there any evidence of higher or lower participation or uptake by different groups? If so, please indicate below.

CATEGORY	YES	NO	DON'T KNOW
Gender	[]	No	[]
Sexual orientation	[]	No	[]
Religion	[]	No	[]
Political opinion	[]	No	[]
Disability (physical and learning)	[]	No	[]
Race or ethnic origin (includes Travellers)	[]	No	[]
Age	[]	No	[]

Dependant responsibilities	[]	No	[]
Marital status	[]	No	[]

If **YES** give details, including source:

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2.2 Is there any evidence that different groups have different needs, experiences, issues and priorities in relation to the particular policy?

CATEGORY	YES	NO	DON'T KNOW
Gender	[]	No	[]
Sexual orientation	[]	No	[]
Religion	[]	No	[]
Political opinion	[]	No	[]
Disability (physical and learning)	[]	No	[]
Race or ethnic origin (includes Travellers)	[]	No	[]
Age	[]	No	[]
Dependant responsibilities	[]	No	[]
Marital status	[]	No	[]

If **YES** give details, including source:

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2.3 Is there an opportunity to better promote equality of opportunity or better community relations by altering the policy or working with others in Government or in the larger community?

CATEGORY	YES	NO	DON'T KNOW
Gender	[]	No	[]
Sexual orientation	[]	No	[]
Religion	[]	No	[]
Political opinion	[]	No	[]
Disability (physical and learning)	[]	No	[]
Race or ethnic origin (includes Travellers)	[]	No	[]
Age	[]	No	[]
Dependant responsibilities	[]	No	[]
Marital status	[]	No	[]

If **YES** give details, including source:

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2.4 Have consultations with relevant groups, organisations or individuals indicated that particular policies create problems, which are specific to them?

CATEGORY	YES	NO	DON'T KNOW
Gender	[]	No	[]
Sexual orientation	[]	No	[]
Religion	[]	No	[]
Political opinion	[]	No	[]
Disability (physical and learning)	[]	No	[]
Race or ethnic origin (includes Travellers)	[]	No	[]
Age	[]	No	[]
Dependant responsibilities	[]	No	[]
Marital status	[]	No	[]

If **YES** give details, including source:

If the answer to **any** of the questions in respect of any of the categories is “**YES**”, you – in discussion with the Equality Unit - will have to consider whether the policy has a significant impact on equality of opportunity and, therefore, should be subject to an equality impact assessment.

If the answer to **all** the questions in section 2 is **NO** an equality impact assessment is not required.

If the answer to any of the above questions is **DON'T KNOW**, and common sense and experience indicate that a differential impact may be expected, you will need to discuss this with the Equality Unit.

It may be that a policy has an adverse differential impact on certain people in one or more of the categories as a consequence of targeting or affirmative action to combat an existing or historical inequality. If this is the case, please give details below and contact the Equality Unit if you are in doubt:

3. EQUALITY IMPACT ASSESSMENT RECOMMENDATION

Equality Impact Assessment procedures are confined to those policies considered likely to have significant implications for equality of opportunity.

3.1 If screening has indicated that a policy is having an adverse differential impact, how would you categorise it?

Please tick.

Significant impact	<input type="checkbox"/>	
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Low impact	<input type="checkbox"/>	
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3.2 Do you consider that this policy needs to be submitted to a full equality impact assessment?

YES	NO
<input type="checkbox"/>	<input type="checkbox"/>
	No

If NO but the policy has significant impact, please give reasons for your recommendation:

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Please forward a copy of this form to the Equality Unit.