Equality Screening of the Education Bill.

Introduction

1. The appendices (1-9) attached to this document update the equality screening work that, in the context of delivering upon the Review of Public Administration (RPA), was previously conducted by the Department of Education (DE) on the proposal to establish the Education and Skills Authority (ESA). The form of this update is a re-screening of the changes that will be delivered by the Education Bill (hereafter the Bill) that is currently progressing through the Assembly.

Background

2. The Bill provides for the establishment of the new and regional ESA. The history of this proposal stretches back over several Assembly mandates and heralds major changes throughout the education sector, streamlining structures and redefining relationships, creating a new and fundamentally different approach to the way education is administered here.

3. The establishment of the ESA as now envisaged under the Bill will bring about the most fundamental reform of our education system since 1973. The rationale for the ESA is the need to replace a 1970s model of education administration with one explicitly designed for the 21st Century. The establishment of the ESA should support the delivery of education-related Programme for Government commitments, Ministerial priorities, and statutory functions in order to deliver improved educational services to children and young people. More particularly, the establishment of the ESA should:

   o ensure the provision of high quality education that will improve educational outcomes for pupils and reduce educational underachievement;

   o foster high quality leadership, teaching and management in the education workforce, through the provision of employment arrangements that support school autonomy and as the provider of challenge, development and support services;

- create a single and statutory authority for the area-based planning of schools and provision, that gives all pupils access to a broad curriculum in sustainable schools and fit-for-purpose facilities;

- to deliver consistency, equity and improved efficiency in the provision of educational services to ensure that they are fit-for-purpose and maximise value-for-money;

- to establish a structure of improved and rigorous governance that challenges, holds to account and manages the performance of all those responsible for the educational experiences of children; and

- to transform capital procurement to ensure the speedy and cost-effective delivery of investment in schools and youth services.

4. At the point of the ESA's establishment, the following organisations shall be dissolved and their functions, assets and staff shall transfer to the ESA:

- the 5 Education and Library Boards (ELBs);
- the Council for Catholic Maintained Schools (CCMS);
- the Staff Commission for the Education and Library Boards (SCELB);
- the Youth Council (YCNI).

5. The ESA will also absorb elements of DE, the Northern Ireland Council for Integrated Education (NICIE) and Comhairle na Gaelscolaíochta (CnaG).

Equality Impact Reviews within the RPA

6. Since the public consultation on the RPA in 2005 there have been a number of reviews conducted into the equality impact of the RPA proposals within DE and the wider education sector.   In early 2006, DE set up a working group to consult with education stakeholders to keep them informed of policy developments. This series of stakeholder meetings also provided stakeholders with the opportunity to offer their views.

7. On 28 November 2006, DE issued to interested parties a number of high level policy papers, giving them the opportunity to comment on the content of those policy papers. The views of the education stakeholders group were also reflected in these policy papers. An analysis of these consultation responses was published in May 2007.

8. Following on from this exercise, in 2008 the policy proposals at the heart of the RPA in education were screened for their potential equality impact. The outcome of the screenings was that these policies were unlikely to have an adverse differential impact and therefore did not require a full EQIA. This was reflected in the document that the Department published for consultation in May 2009: *Promoting Equality through the Review of Public Administration.*

Revised Approach

9. The ESA proposal now bears some differences in comparison to the ESA proposal as previously screened. The Council for the Curriculum, Examinations and Assessment (CCEA) is not now to be dissolved and shall remain alongside the ESA. Also, the ESA shall no longer be supported by an Education Advisory Forum as previously proposed. Finally, the membership of the ESA is larger – 21 (including Chairperson) rather than between 7 and 12. All these changes reflect the policy decisions of the Executive following the *Heads of Agreement* of 16 November, 2011 (See attached Annex).

10. Given the passage of time and the fact that the policy emphasis has changed in some areas it is important to look again at the equality impact of the changes at the heart of the proposal to establish the ESA. As before, the approach has involved a high level screening of policy proposals. Full impact assessments may be conducted closer to the time of implementation across a range of areas. Indeed, there will be a requirement on the ESA to have its own Equality Scheme.

11. Up-to-date screenings have been conducted by dividing the provisions in the Bill into 10 separate areas – and then screening each individual area as

required. All 69 clauses and 8 schedules of the Bill are covered – except where this would not be necessary and such instances are explained below. The table below provides the detail. The screening documents themselves are at Appendices 1-9.

App No.	Screening Title - Including relevant clauses and schedules of the Education Bill	Outcome of screening
1	Establishment of the ESA and related operational functions (Clauses 1,2,14-20, 22, 23, 31 and 32 and Schedules 4 and 5)	No adverse differential impact. EQIA not required
2	New employment & management arrangements in schools (Clauses 3-13, 21, 33-37 and 62 and Schedules 2 and 3)	No adverse differential impact. EQIA not required
3	The delivery of area planning by the ESA (Clauses 24-30)	No adverse differential impact. EQIA not required
4	Boards of Governors of grant- aided schools (Clauses 38-43)	No adverse differential impact. EQIA not required
5	Inspections (Clauses 44-48)	No adverse differential impact. EQIA not required
n/a	CCEA (Clauses 49-54)	n/a
6	Protection of Children and Young Persons (Clauses 55-59)	No adverse differential impact. EQIA not required
7	Establishment of Sectoral Support Bodies (Clauses 11, 13, 28, 3 and 63)	No adverse differential impact. EQIA not required
8	Membership of the ESA (Schedule 1)	No adverse differential

App No.	Screening Title - Including relevant clauses and schedules of the Education Bill	Outcome of screening
		impact. EQIA not required
9	Transfer of DE staff & functions to ESA (Schedule 6)	No adverse differential impact. EQIA not required.

12. Clauses 60, 61 and 64-69 are technical adjustments and for that reason are not included above. The same applies to Schedules 7 and 8. Clauses 49-54 have not been screened as, amidst all other changes, they reflect what is required in order to deliver no change in the role of CCEA.

13. It is recognised that as the ESA becomes established this will involve a programme of change to service delivery that will span a number of years. As this programme is rolled out equality impact assessments may be required at the appropriate time. Each of the 9 areas that are the focus of the screening exercises is briefly described below.

14. **Appendix 1 - Establishment of the ESA and related operational functions (Clauses 1-2, 14-20, 22, 23, 31 and 32 and Schedules 4 and 5)**: these provide for a simplified structure of education administration through the establishment of the ESA and the dissolution of the 8 organisations it will replace. These clauses and schedules of the Bill also place a range of duties and powers on the ESA which give it a clear focus on delivering high quality educational services with clear lines of accountability. In broad terms these clauses and schedules consolidate all of those duties and powers necessary for the ESA to deliver its responsibilities which are not covered elsewhere in the Bill.

15. **Appendix 2 – New Employment and Management Arrangements in Schools (Clauses 3-13, 21, 33-37 and 62 and Schedules 2 and 3)**: these parts of the Bill will establish the ESA as the single employing authority for all staff working under contracts of employment in grant-aided schools .Within

this single employing authority arrangement, the Bill will also establish that all schools must have an employment scheme, approved by the ESA. Through its employment scheme a school can determine for itself that it will continue or change the role it has practised to date in relation to employment matters. In the case of controlled and grant-maintained integrated schools, the schemes will be drawn up by the Board of Governors. For voluntary schools the schemes will be drawn up by the Trustees or, if the Trustees so determine, the Board of Governors.

16. The role of DE will be to issue guidance and model schemes of employment to assist schools. The role of the ESA will be to approve the employment schemes drawn up by schools; and to give effect to decisions taken by Boards of Governors in accordance with their employment schemes. In terms of schemes of management, Clauses 33-37 generally consolidate existing requirements in the context of the roles for DE, ESA, Boards of Governors and Trustees. OFMdFM will bring forward regulations to establish an independent Tribunal to adjudicate on any disputes regarding schemes of employment and management.

17. **Appendix 3 – Delivery of area planning by ESA (Clauses 24-30)**: the sustainable schools' policy provides the context for area planning. The sustainable schools policy seeks to establish a network of viable and sustainable schools that are of the right type, the right size, located in the right place and have a focus on raising standards. To realise this requires the strategic planning of education provision on an area basis. Area planning will be delivered and managed by the ESA. The Bill provides for the first time that an organisation, i.e. the ESA, will have a statutory responsibility for the area planning of educational provision.

18. **Appendix 4 – Boards of Governors of grant- aided schools (Clauses 38-43)**: the publication in April 2009 of "Every school a good school" a policy for school improvement recognised the important contribution of schools' governors and the important role they play in taking forward improvements in individual schools. The Every school a Good School (ESaGS) policy highlights

the key strands in making every school a good school. It recognises the important contribution effective leadership and governance play in raising standards. It also recognises the important role school governors play in forming and preserving the ethos of individual schools. .ESaGS did however highlight there is no current statutory provision which places clear responsibilities for raising standards and tackling educational under achievement on boards of governors or education organisations.

19. The current provisions within the Bill (Clauses 38-43) help to address this situation. They provide a clear duty on Boards of Governors in relation to achievement of high standards of educational attainment. The Bill specifies that it is the duty of the Board of Governors of a grant-aided school to exercise its functions with a view to promoting the achievement of high standards of educational attainment by pupils registered at the school. In particular, it is the duty of the Board of Governors to co-operate with ESA in relation to actions undertaken by ESA with a view to promoting the achievement of high standards of educational attainment by those pupils.

20. **Appendix 5 – Inspections (Clauses 44-48)**: these changes effect modest or minor adjustments, in some cases, putting on a statutory basis what was already custom and practice. This is in line with GB legislation. The Bill places duties on inspectors to:

- promote the highest standards of education and professional practice by monitoring, inspecting and reporting;
- advise DE about inspected establishments;
- monitor, inspect and report on any advisory and support services provided to the establishment by the ESA; and
- monitor, inspect and report on the discharge by CCEA of relevant functions.

21. **Appendix 6 – Protection of Children and Young Persons (Clauses 55-59)**: these put a clear duty on the ESA to safeguard and promote the welfare of children and young persons. This policy provides a clear responsibility on all

those involved in the delivery of education or youth services within funded or grant aided organisations to have proper procedures in place in respect of the safeguarding and promoting the welfare of children and young persons. Secondly, there is a duty on the ESA to monitor and review these procedures and along with DE, issue guidance or direction to ensure compliance with safeguarding and protecting children and young people. These proposals represent a strengthening of current arrangements and the addition of a statutory duty on providers of funded pre-school or youth services to safeguard and protect and promote the welfare of children.

22. **Appendix 7 – Establishment of Sectoral Support Bodies (Clauses 11, 13, 28, 39 and 63)**: the Heads of Agreement of 16 November, 2011 (Annex 1) and Policy Memorandum of 14 December, 2011 have established that there shall be a sectoral support body for each of the following sectors: Catholic schools, Controlled schools, Integrated schools, and Irish-medium schools. These will provide the means by which a number of non-statutory organisations can discharge advisory, representation, and advocacy roles in respect of schools of a particular character or ethos (including the controlled sector). This will include participation in the ESA's area planning arrangements, and engagement with other sectors to develop opportunities for greater co-operation and sharing. The Bill provides the definition of a sectoral body and at various points – e.g. area planning - reserves for sectoral bodies the right to be consulted.

23. **Appendix 8 – Membership of ESA (Schedule 1):** in line with the 16 November, 2011 Heads of Agreement, Schedule 1 of the Education Bill specifies the membership of the ESA. It provides for a membership of 21, comprising:

   - 1 Chair "appointed by the Department";
   - 8 political members nominated by their political party according to the d'Hondt formula as applied to party strengths in the Assembly as at May 12, 2011;
   - 12 members appointed by the Department, of whom:

- o 8 shall be persons appearing to the DE to represent the interests of the transferors of controlled schools (4) and the interests of trustees of maintained schools (4); and
- o 4 shall be persons appearing to DE to be representative of the community.

24. Screening reflects how the membership provisions introduce specifications around religious belief and political opinion. .

25. **Appendix 9 – Transfer of DE staff and functions to the ESA (Schedule 6)**: the transfer of DE staff and functions to the ESA will be governed by Schedule 6 of the Education Bill and a Staff Transfer Scheme drawn up in accordance with this. This Staff Transfer Scheme has been developed in accordance with other requirements arising from the 3rd Guiding Principle, issued by the Public Service Commission (PSC) and accepted by Government. The scheme sets in place the arrangements for the transfer of staff, who wholly or mainly perform operational functions, from DE to the ESA.

High Level Conclusions

26. As shown in detail in the screening documents (Appendices 1-9), all 9 screenings concluded that there was no adverse differential impact and no necessity, at this stage, to proceed to a full impact assessment. This conclusion importantly reflects two things:

- At the level of policy, the establishment of the ESA and associated changes represent a structural exercise in unification and regionalisation (in the interests of improved services and educational outcomes), whilst retaining important and historic sectoral representation in a clearly balanced way. As such, all aspects of the ESA proposal lend themselves to a positive assessment in terms of equality as they intrinsically promise greater standardisation and consistency in education administration and much less scope for variation.

- Notwithstanding this, at the level of implementation it will be important for proposals to be assessed for their equality impact. This is specifically flagged up in certain screenings.

Establishing ESA: Heads of Agreement (16 November, 2011)

1. The Education Minister will table legislation to give effect to agreed arrangements in education. This would establish a single body – the Education and Skills Authority (ESA) which would subsume the functions, assets and liabilities of 8 bodies:

    a) The Education and Library Boards;
    b) Council for Catholic Maintained Schools (CCMS);
    c) Staff Commission;
    d) Youth Council.

2. There should be further consideration of the future of the Council Curriculum, Examinations and Assessment (CCEA) and the inspectorate including the option of some or all of its functions remaining in a separate body.

3. ESA will be established by amending the Education and Libraries (NI) Order 1986.

4. The Department of Education will continue to be the policy making body while ESA's focus will be on management and service delivery.

5. ESA will also be the single employing authority of all staff in all grant aided schools. Board of Governor's role will be enshrined in legislation as set out in the draft, The Education (Employment Schemes) Regulations 2010

6. ESA's key functions are to include raising standards and area planning, and it is to be the single authority for those functions.

7. The Board of ESA shall consist of 20 members plus a Chair made up of 40% Trustees/Transferors, 40% political representatives and 20% appointed by the Education Minister. The Political representatives will be appointed under the principle of d'Hondt by respective party leaders in proportion to the strength in the Assembly. The 20% element will be appointed by the Minister of Education following a public appointment process taking into account as far as practicable that they are representative of the community.

8. The Minister of Education will appoint the Chairperson following a public appointment process.

9. Sectoral support bodies will be established for the controlled and maintained sector. The legislation will contain provisions guaranteeing a role in the discharge of certain functions for the Trustee Support Body for Catholic Schools and the Controlled Sector Support Body/Transferors.

10. Notwithstanding the foregoing, nothing in the new arrangements will undermine the following principles;

      a) There will be no change to the ownership arrangements which negatively affects the respective role of the Boards of Governors of a school.
      b) There will be no change to the method of appointing governors.
      c) Where it is already the case, Boards of Governors will continue to employ and dismiss members of staff.
      d) There will be no transfers, secondments or redeployments of teachers without the consent of the respective schools, Boards of Governors or teachers involved.

11. A Policy memorandum will be presented to the Executive for approval with a target date of July 2012 for completion of legislation.

12. This agreement will allow a smooth passage of the ESA legislation through the Assembly and give confidence to the education sector that an agreed way forward has been clearly set out.

Department of
Education
www.deni.gov.uk

DEPARTMENT OF EDUCATION

EQUALITY AND HUMAN RIGHTS POLICY SCREENING

FOR PROPOSED/REVISED POLICY

ESTABLISHMENT OF THE ESA AND RELATED OPERATIONAL FUNCTIONS (CLAUSES 1, 2, 14-20, 22,23,31,32 AND SCHEDULES 4 AND 5 OF THE EDUCATION BILL)

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1.   POLICY SCOPING

1.1   Title of policy

Establishment of the ESA and related operational functions (Clauses 1-2, 14-20, 22, 23, 31 and 32, Schedules 4 and 5 of the Education Bill).

1.2   Type of Policy Development

This is an Existing/Revised/New Policy *(Delete as appropriate)*

This is a revised policy

1.3   Description of policy

The relevant clauses 1-2, 14-20, 22, 23, 31 and 32 and Schedules (4 and 5) of the Education Bill provides for a simplified structure of education administration through the establishment of ESA and the dissolution of the 8 organisations it will be replacing.   These sections of the Bill also places a range of duties and powers on ESA which gives it a clear focus on delivering high quality educational services and clear lines of accountability. In broad terms these clauses and schedules consolidate all of those duties and powers necessary for ESA to deliver its responsibilities which are not covered elsewhere in the Bill. These are covered in more detail below.

Clause 1 provides for the establishment of ESA and applies Schedule 1 which puts in place arrangements to for membership of the Authority. Clause 2 places a duty on ESA to contribute towards the development of children, young people and the community. It will perform this duty by planning and ensuring the provision of efficient and effective schools, youth services and other educational services and gives ESA a central role in promoting the achievement of high standards.

Clauses 14 to 16 places a duty on ESA to provide or secure a range of services which were previously delivered by the Education and Library Boards (ELBs). These include training and advisory and support services for schools; the provision of library services to schools and other educational establishments; and places a duty on ESA to secure the provision of adequate facilities for educational and youth services. To enable ESA to perform requires the assets

Clauses 17 to 19 confer on ESA duties that were previously delivered by either the Department of Education (DE) or the ELBS. Clause 17 requires ESA to provide capital grants to schools, while Clauses 18 and 19 gives ESA power to establish controlled schools and defines its responsibilities for maintenance, equipment, employment of staff and funding.

Clause 20 gives ESA the power to enter into contracts for the provision or alteration of school premises.

Clauses 21 and 22 affords ESA the scope to do anything which in its opinion would be useful in fulfilling its functions and allows ESA to charge other bodies or persons for goods or services, subject to DE approval.

Clauses 31 and 32 and schedules 4 and 5 formally dissolves the following organisations and allows the assets and liabilities and staff to be transferred to ESA;

   a. Education and Library Boards;
   b. the Council for Catholic Maintained Schools (CCMS);
   c. the Youth Council; and
   d. the Staff Commission for Education and Library Boards.

1.4 What factors could contribute to, or detract from the intended aim/outcome of the policy? *(Please tick relevant boxes)*

None	
Legislative	Yes
Financial	Yes
Others please specify) Time – PfG commitment requires the establishment of ESA by 2013. Implications of this timescale mean that ESA's complete "ready state" will be achieved over a period of time. The impact of this will be that some processes and working practices will be implemented incrementally. At that time these will need to be reviewed to determine their equality impact.	Yes

1.5 Main stakeholders affected *(Please tick* ✔ *relevant boxes)*

Pupils (Actual or Potential)	✔
Parents	✔
Teaching and non-teaching staff	✔
Trade Unions or Professional Organisations	✔
Employees of the ELBs, CCMS, Youth Service and staff Commission and some employees from NICIE and CnaG	✔
Departmental Staff	✔
Others (please specify)Governors and Trustees	✔

1.6 Who is responsible for:

(a) Devising the policy
(i.e. is it DE, a Whitehall Department, EU etc)

DE

(b) Implementing it
(i.e. is it DE, another Department, NDPB etc.)

DE (including ESAIT using ESA designated capacity and the 8 disbanding organisations).

(c) Explain the relationship?

DE will focus on strategy and policy and set priorities and standards for the ESA. A range of operational functions will be delegated to ESA which will be responsible for the delivery of education support services to schools and youth providers.

2) Available Evidence

1.7 Other policies or objectives with a bearing on this policy

Links to a PfG target which sets an objective of establishing ESA in 2013.

2. EVIDENCE

2.1 **What evidence/information (both qualitative and quantitative) have you gathered to inform this policy?** *(Relevant details should be given for each of the categories.)*

Section 75 Category	Details of Evidence/Information
Religious Belief	As at 1 January 2012, the community background of the (amalgamated) 8 bodies is: 49.2% Protestant and 46.3% Roman Catholic. The NICS Employment Equality and Diversity Report, 2011 reported that in January 2011 the community background of the NICS was 49.6% protestant and 47.9% were Roman Catholic. The Northern Ireland census 2011 relates only to the general population rather than to the labour availability pools. Nevertheless, it is still useful for comparative purposes. Bringing together the information on Religion and Religion brought up in, 45% of the population were classified as Catholic, while 48 % were classified Protestant. The Equal Opportunities departmental monitoring return, 2012 records that of the 586 staff in DE whose community background was determined, 63.1% were Protestant and 36.9% Roman Catholic. Waterside House has 113 staff of which 30% are Protestant, 68% are Catholic and 2% not determined. Rathgael House has 491 staff of which 68% are Protestant, 29% are Catholic and 3% not determined. Given that the establishment of ESA will directly impact upon schoolchildren evidence was also collated on this key stakeholder group. The Northern Ireland Schools' census 2012/13 revealed that out of a total school population of 324,255, 50.9% were Roman Catholics, 36.7% were Protestant and the other largest grouping "Other/No religion/Not recorded" was 8.9%.
Political Opinion	There is limited evidence collated on this section 75 group. However, research conducted by PricewaterhouseCoopers in 2010 on school governance in NI showed that almost two thirds of respondents reported their political opinion as Unionist (33%) or Nationalist (28%), while the remaining respondents stated that they had no political opinion (11%), stated another political opinion, for example Alliance (9%), or preferred not to say (19%).
Racial Group	Within the affected bodies data has not been collected on the racial ethnic origin of staff; however, since 2001 the racial ethnic origin of job applicants has been monitored. The figures although small indicate an under-representation of employees of black and minority ethnic communities employed by the Boards. The Northern Ireland census for 2011 recorded that 1.79% of the population were from an ethnic minority.

	NICS Employment Equality and Diversity Report, 2011 reported that in January 2011 0.2% of the workforce were from an ethnic minority group. The DE Equal Opportunities Monitoring return for January 2012 reported that the number of staff from an ethnic background was too small to analyse. The Northern Ireland Schools' Census 2012/13 recorded that 3.1% of pupils were recorded as from mixed or minority ethnic groups.
Age	In the period 2010-13 within the 8 bodies 410 employees who left on voluntary severance a substantial majority of whom were in the 55 + age range. The NICS Employment Equality and Diversity Report, 2011 did not report any statistics on age profile of the workforce. However, the DE Equal Opportunities Monitoring return for January 2012 noted that over 2/5ths of staff (44.7%) were aged between 35 and 49 years and half of the staff that joined DE during 2011 were aged between 35-49 years. The average age of both female and male staff was approximately 45 years. The Northern Ireland census 2011 recorded the average age of the population as 37. The Northern Ireland Schools' Census 2012/13 recorded that there were 14,613 children attending nursery school/classes (age 2-4 approx), 159,331 school children were attending primary school (age 4-11 approx) and 145,658 were attending secondary schools (age 11-18).
Marital Status	There are no statistics routinely collated on marital status within either DE or the 8 affected bodies. However, research conducted by PricewaterhouseCoopers in 2010 on school governance in NI showed that the majority of governor respondents were married (84%), with a smaller population of single (8%) or widowed governors (4%). The Northern Ireland census 2011 recorded that 47. 56% of the population were married and 36.14% were single.
Sexual Orientation	The Shout report (2003) indicated that between 2% and 10% of the population may be lesbian, gay or bisexual. The Rainbow Projects research into LGB people's experiences in employment indicates that almost one in four lesbian, gay and bisexual (LGB) respondents from the public sector conceal their sexual orientation in the workplace.
Men And Women Generally	As of 1 January 2012, the gender composition of the (amalgamated) 8 bodies is 18.6% male and 81.4% female. Within DE the composition is 36.7% male and 63.3% female. The NICS Employment Equality and Diversity Report, 2011 reported that in January 2011 47.6% of the workforce were male and 52.4% were female. Within schools, as at March 2012, the makeup of the teaching workforce was 75.53% female

and 24.47% male. For non-manual support staff the breakdown for the 2011-12 year was 91.6% female and 8.4% male; this group can be further broken down by employment type as follows:

	Male	Female
	%	%
Admin/Clerical/Finance	3.6%	96.4%
Nursery Assistants	0.9%	99.1%
Classroom Assistants	4.1%	95.9%
Technicians/Lab Assistants	54.7%	45.3%
Foreign Language Assistants	21.5%	78.5%
Library Assistants	10.2%	89.8%
Other	9.1%	90.9%
Total	**8.4%**	**91.6%**

As way of comparison the Northern Ireland census, 2011 reported for the general population 49% were male and 51% female.

School statistics shows that is there is a fairly evenly distribution of males and females within the school population, with 50.7% male pupils and 49.3% female.

Disability	The NI Census 2011 found that just over one in five of the resident population (21%) had a long-term health problem or disability which limited their day to day activities. The NICS Employment Equality and Diversity Report, 2011 reported that in January 2011 5.4% of staff declared that they had a disability. Within DE, this figure was slightly smaller with the DE Equal Opportunities Monitoring return 2012 reporting 4.5% of staff with a disability. In the DE Equality report 2012 4.5% of staff declared themselves as disabled. The Northern Ireland Schools' Census 2012/13 recorded that 21.2% of pupils in schools were recorded as having special education needs; 4.5% had a statement of special educational needs. In total some 4,731 pupils attended either a special school or hospital school.
Dependants	The Northern Ireland Census 2011 reports that of 703,275 households approximately 34% had dependent children, of this 9.13% were single parents. Data is not collected on dependents by the 8 affected bodies and the NICS generally.

2.2 **Taking into account the evidence gathered at 2.1 what are the needs, experiences and priorities of each of the categories in relation to this particular policy?** (Relevant d*etails should be given for each of the categories.)*

Section 75 category	Needs/Experiences/Uptake/Priorities
Religious Belief	The needs of the various section 75 groups are taken into account insofar as the overall policy objective of the establishment of ESA is to create a modern, fit for purpose administration arrangements for education which will deliver improved educational outcomes. Additionally, a key priority will be to ensure that the terms and conditions of the new workforce are safeguarded. The Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) shall apply to all transfers and so all of the school workforce (across all Section 75 categories) will transfer into the employment of ESA on their existing terms and conditions. DE staff transferring to ESA will have the further option of working under a temporary transfer, while also retaining their conditions of service from the parent department.
Political Opinion	The needs of the various section 75 groups are taken into account insofar as the overall policy objective of the establishment of ESA is to create a modern, fit for purpose administration arrangements for education which will deliver improved educational outcomes. Additionally, a key priority will be to ensure that the terms and conditions of the new workforce are safeguarded. The Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) shall apply to all transfers and so all of the workforce (across all Section 75 categories) will transfer into the employment of ESA on their existing terms and conditions. DE staff transferring to ESA will have the further option of working under a temporary transfer, while also retaining their conditions of service from the parent department.
Racial Group	The needs of the various section 75 groups are taken into account insofar as the overall policy objective of the establishment of ESA is to create a modern, fit for purpose administration arrangements for education which will deliver improved educational outcomes. Additionally, a key priority will be to ensure that the terms and conditions of the new workforce are safeguarded. The Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) shall apply to all transfers and so all of the workforce (across all

	Section 75 categories) will transfer into the employment of ESA on their existing terms and conditions. DE staff transferring to ESA will have the further option of working under a temporary transfer, while also retaining their conditions of service from the parent department.
Age	The needs of the various section 75 groups are taken into account insofar as the overall policy objective of the establishment of ESA is to create a modern, fit for purpose administration arrangements for education which will deliver improved educational outcomes. Additionally, a key priority will be to ensure that the terms and conditions of the new workforce are safeguarded. The Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) shall apply to all transfers and so all of the workforce (across all Section 75 categories) will transfer into the employment of ESA on their existing terms and conditions. DE staff transferring to ESA will have the further option of working under a temporary transfer, while also retaining their conditions of service from the parent department.
Marital Status	The needs of the various section 75 groups are taken into account insofar as the overall policy objective of the establishment of ESA is to create a modern, fit for purpose administration arrangements for education which will deliver improved educational outcomes. Additionally, a key priority will be to ensure that the terms and conditions of the new workforce are safeguarded. The Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) shall apply to all transfers and so all of the workforce (across all Section 75 categories) will transfer into the employment of ESA on their existing terms and conditions. DE staff transferring to ESA will have the further option of working under a temporary transfer, while also retaining their conditions of service from the parent department.
Sexual Orientation	The needs of the various section 75 groups are taken into account insofar as the overall policy objective of the establishment of ESA is to create a modern, fit for purpose administration arrangements for education which will deliver improved educational outcomes. Additionally, a key priority will be to ensure that the terms and conditions of the new workforce are safeguarded. The Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) shall apply to all transfers and so all of the workforce (across all Section 75 categories) will transfer into the employment of ESA on their existing terms and conditions. DE staff transferring to ESA will have the further option of working

	under a temporary transfer, while also retaining their conditions of service from the parent department.
Men And Women Generally	The needs of the various section 75 groups are taken into account insofar as the overall policy objective of the establishment of ESA is to create a modern, fit for purpose administration arrangements for education which will deliver improved educational outcomes. Additionally, a key priority will be to ensure that the terms and conditions of the new workforce are safeguarded. The Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) shall apply to all transfers and so all of the workforce (across all Section 75 categories) will transfer into the employment of ESA on their existing terms and conditions. DE staff transferring to ESA will have the further option of working under a temporary transfer, while also retaining their conditions of service from the parent department.
Disability	The needs of the various section 75 groups are taken into account insofar as the overall policy objective of the establishment of ESA is to create a modern, fit for purpose administration arrangements for education which will deliver improved educational outcomes. Additionally, a key priority will be to ensure that the terms and conditions of the new workforce are safeguarded. The Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) shall apply to all transfers and so all of the workforce (across all Section 75 categories) will transfer into the employment of ESA on their existing terms and conditions. DE staff transferring to ESA will have the further option of working under a temporary transfer, while also retaining their conditions of service from the parent department.
Dependants	The needs of the various section 75 groups are taken into account insofar as the overall policy objective of the establishment of ESA is to create a modern, fit for purpose administration arrangements for education which will deliver improved educational outcomes. Additionally, a key priority will be to ensure that the terms and conditions of the new workforce are safeguarded. The Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) shall apply to all transfers and so all of the workforce (across all Section 75 categories) will transfer into the employment of ESA on their existing terms and conditions. DE staff transferring to ESA will have the further option of working under a temporary transfer, while also retaining their conditions of service from the parent department.

3. SCREENING QUESTIONS

3.1 **What is the likely impact of this policy on equality of opportunity for each of the Section 75 equality categories?**

(* Please tick ✔ relevant boxes)

Section 75 category	None*	Minor *	Major *	Details of policy impact Level of impact?
Religious belief	✔			
Political opinion	✔			
Racial group	✔			
Age	✔			
Marital status	✔			
Sexual Orientation	✔			
Men and women generally	✔			
Disability	✔			
Dependants	✔			

3.2 Are there opportunities to better promote equality of opportunity for people within the Section 75 equality categories?

(* Please tick ✔ relevant boxes)

Section 75 category	NO*	Yes*	Provide Details
Religious belief	✔		
Political opinion	✔		
Racial group	✔		
Age	✔		
Marital status	✔		
Sexual Orientation	✔		
Men and women generally	✔		
Disability	✔		
Dependants	✔		

3.3   To what extent is the policy likely to impact on good relations between: people of different religious belief, political opinion or racial group? *(* Please tick ✔ relevant boxes)*

Good relations category	No impact*	Minor impact*	Major impact*	Details of policy impact
Religious belief	✔			
Political opinion	✔			
Racial group	✔			

3.4   Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?

(* Please tick ✔ relevant boxes)

Good relations category	NO*	YES*	Provide Details
Religious belief	✔		
Political opinion	✔		
Racial group	✔		

3.5   Additional considerations - Multiple identities

Please provide details of data on the impact of the policy on people with multiple identities and specify relevant Section 75 categories concerned.

4.   SCREENING DECISION

Not to conduct an equality impact assessment because no equality issues have been identified.

Please provide details which support the decision

Not to conduct an equality impact assessment because no equality issues have been identified.

It is contended that the establishment of ESA by creating a modern, fit for purpose administration arrangements for education will be beneficial cross all section 75 groups, with a clear focus on improving education. As a truly regional authority it will be able to apply standardised practices and procedures which will be fair and equitable.

Therefore, it is concluded that there will be no adverse impact.

If the Decision was:

1   Proceed to Section 5.
2   Proceed to Section 6.
3   Proceed to Section 7

5.   TIMETABLING AND PRIORITISING

5.1   If the policy has been 'screened in' for equality impact assessment, then please answer the following questions to determine its priority.

On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

Criterion	Priority Rating
Effect on equality of opportunity and good relations	
Social need	
Effect on people's daily lives	
Relevance to a public authority's functions	
Total	

Details of the Department's Equality Impact Assessment Timetable will be included in a Quarterly Screening Report.

5.2   If the policy is affected by timetables established by other relevant Public Authorities please provide details

6.   MITIGATION

If you conclude that the likely impact is **'minor'** and an equality impact assessment is not to be conducted, you should consider: mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

Why and how will the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?

7.   MONITORING

Effective monitoring will help identify any future adverse impact arising from the policy, as well as help with future planning and policy development.

Please detail what data you will collect in the future in order to monitor the effect of the policy on any of Section 75 equality categories.

Monitoring will take place as ESA beds in, normally within the first 6 months. This will used staff surveys, customer surveys, and statistical data on performance such as number of internal complaints to assess equality impact.

8.   DISABILITY DISCRIMINATION

8.1   Please state if the policy/decision in any way discourages persons with disabilities from participating in public life or fails to promote positive attitudes towards persons with disabilities.

> No.

8.2   Please state if there is an opportunity to better promote positive attitudes towards persons with disabilities or encourage participation in public life by making changes to the policy/decision or introducing additional measures.

8.3   Please detail what data you will collect in the future in order to monitor the effect of the policy with reference to the disability duties.

9. CONSIDERATION OF HUMAN RIGHTS ISSUES

9.1   How does the policy/decision affect anyone's Human Rights?

I.E.

The Human Rights Act (1998)

The United Nations Convention on the Rights of the Child (UNCRC)   *The United Nations Convention on the Rights of Persons with Disabilities*   *(UNCRPD)*

The United Nations Convention on the Elimination of All Forms of   *Discrimination Against Women (CEDAW)*

(* Please tick ✔ as appropriate)

Insert Right Considered	*
Positive Impact	
Negative Impact (human right interfered with or restricted)	
Neutral Impact	✔

If the effect you have identified is positive or neutral proceed to Question 9.3.

9.2   If you have identified a negative impact who is affected and how?

At this stage you should determine whether to seek legal advice and to refer to the issue to the Equality Team to consider:

- *whether there is a law which allows you to interfere with or restrict rights*
- *whether this interference or restriction is necessary and proportionate*
- *what action would be required to reduce the level of interference or restriction).*

9.3 **Outline any actions which could be taken to promote or raise awareness of human rights or to ensure compliance with the legislation in relation to the policy/decision.**

10. APPROVAL AND AUTHORISATION

Screened By:	Position	Date
Liam Barr	Grade 7	1 May 13
Approved BY:	**Position**	Date
Paul Price	Grade 5	1 May 13

Note: A copy of the Screening Form must be approved and 'signed off' by a senior manager responsible for the policy.

The **TRIM** version of the completed Screening Form must be sent to the Equality Team (equality@deni.gov.uk) for quality assurance.

FOR COMPLETION BY EQUALITY TEAM

Quality Assured by: **Richard Magowan**   Date: **8 May 2013**

Screening Decision   Agreed

Comments: _____**None**_____

                                      _____

                                      _____

Date Directorate/Team Informed: **8 May 2013**

If your decision was to "Screen Out":

1   As soon as possible following quality assurance you must publish a copy of the screening form on the Department's website, with a link on the "Policy Screening" page

Placed on Internet by: _____   Date: _____

2   You must tell the Equality Team once your screening is published so it can fulfil the Department's statutory obligation to inform the Department Consultees when and where the screening was published

Consultees Informed by   _____   Date: _____

3   You must store this completed screening form on TRIM and finalise it. Use the record naming convention "Completed Screening form of……"

Department of
Education
www.deni.gov.uk

DEPARTMENT OF EDUCATION

EQUALITY AND HUMAN RIGHTS POLICY SCREENING

FOR PROPOSED/REVISED POLICY

NEW EMPLOYMENT AND MANAGEMENT ARRANGEMENTS IN SCHOOLS (CLAUSES 2-13, 21, 33-37, 62 and SCHEDULES 2 and 3 OF THE EDUCATION BILL)

Equality Team
Room 501, Rathgael House
Ext 59686/59472
equality@deni.gov.uk

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1.   POLICY SCOPING

1.1   Title of policy

New employment and management arrangements in schools. (Clauses 3 – 13; 21, 33-37 and 62; and Schedules 2 and 3 of the Education Bill)

1.2   Type of Policy Development

This is a New Policy.

1.3   Description of policy

The Education Bill will establish ESA as the single employing authority for all staff working under contracts of employment in grant-aided schools. To give effect to this, transfer schemes drawn up by the Department in accordance with the Schedules of the Bill will ensure that all staff working in schools under contracts of employment are employed by ESA. Staff transferring to ESA will have their terms and conditions of service protected in accordance with the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE).

Within this single employing authority arrangement, the Bill will also establish that all schools must have an employment scheme, approved by ESA. An employment scheme is a framework document that sets out the principles that will govern employment relationships within the school. The employment responsibilities of schools are set out in their employment schemes and associated policies and procedures. Through its employment scheme a school can determine for itself that it will continue or change the role it has practised to date in relation to employment matters.

In the case of controlled and grant-maintained integrated schools, the schemes will be drawn up by the Board of Governors. For voluntary schools the schemes will be drawn up by the Trustees or, if the Trustees so determine, the Board of Governors.

The role of DE will be to issue guidance and model schemes of employment to assist schools; the role of ESA will be to approve the employment schemes drawn up by schools and to give effect to decisions taken by Boards of Governors in accordance with their employment schemes.

In terms of schemes of management, clauses 33-37 of the Bill generally consolidate existing requirements in the context again of the same roles for DE, ESA and Boards of Governors/Trustees.

OFMdFM will bring forward regulations to establish an independent Tribunal to adjudicate on any disputes regarding schemes of employment and management, given that there is a statutory responsibility to ensure that every school has an employment and management scheme in place. To help minimise any potential disputes a model scheme of employment and management has been developed by DE. This will help stakeholders understand what is required and provide reassurance as to the arrangements in individual schools. Furthermore, the ESA and Boards of Governors will be under a statutory duty to comply with schemes of employment and management.

ESA's role will focus on system-wide workforce planning and development. Boards of Governors will take all employment decisions in relation to individual schools including: determining the staff complement; recruitment and appointment; management; discipline; promotion; loan or secondment; and termination of employment.

1.4   What factors could contribute to, or detract from the intended aim/outcome of the policy

None	
Legislative	✔
Financial	
Others please specify) Time – the Programme for Government (Commitment 76) requires the establishment of ESA in 2013.	✔

1.6   **Main stakeholders affected**

Pupils (Actual or Potential)	
Parents	
Teaching Staff	✔
Trade Unions or Professional Organisations	✔
Other Public Sector Organisations	✔
Departmental Staff	
Others (please specify) Non-teaching staff in grant-aided schools; governors; trustees; transferors.	✔

1.6   Who is responsible for :

(a) Devising the policy

DE

(b) Implementing it

DE, ESA

(c) Explain the relationship?

DE will focus on strategy and policy and set priorities and standards for the ESA. Operational functions will be delegated to the ESA which will be responsible for the delivery of education support services to schools.

1.7   Other policies or objectives with a bearing on this policy

The Programme for Government sets an objective of establishing ESA during 2013. The creation of a single employing authority for school staff will help the Department meet its policy objectives to improve teaching and leadership in schools and ultimately to raise standards and improve educational outcomes.

2. EVIDENCE

2.2   **What evidence/information (both qualitative and quantitative) have you gathered to inform this policy?**

Section 75 Category	Details of Evidence/Information
Religious Belief	This information is not available in respect of teaching staff as Article 71 of the Fair Employment and Treatment (NI) Order 1998 makes schools exempt from the requirement to monitor the community background of their teaching staff. However, the school sector is used as a proxy for religion with those teaching in Catholic maintained schools being deemed as predominantly Catholic and those in controlled schools as predominantly Protestant. For non-teaching staff this type of information is typically collected by employing authorities during recruitment activity in line with statutory monitoring requirements. This information is not usually collated and we have not been able to identify any single source of information on the workforce in relation to this measure. However, there is no indication that this policy will disproportionately impact on the basis of religious belief. Research conducted by PricewaterhouseCoopers in 2010 on school governance in NI showed that nearly half of the 751 Governors who responded were members of the Protestant community (49%), compared to 38% of respondents who stated that they were members of the Roman Catholic community.
Political Opinion	This information is not available in respect of teaching staff as Article 71 of the Fair Employment and Treatment (NI) Order 1998 makes schools exempt from the requirement to monitor the Political Opinion of their teaching staff. For non-teaching staff this type of information is typically collected by employing authorities during recruitment activity in line with statutory monitoring requirements. This information is not usually collated and we have not been able to identify any single source of information on the workforce in relation to this measure. However, there is no indication that this policy will disproportionately impact on the basis of political opinion. Research conducted by PricewaterhouseCoopers in 2010 on school governance in NI showed that almost two thirds of respondents reported their political opinion as Unionist (33%) or Nationalist (28%), while the remaining respondents stated that they had no political opinion (11%), stated another political opinion, for example Alliance (9%), or preferred not to say (19%).
Racial Group	At present this type of information is typically collected by employing authorities during recruitment activity in line with statutory monitoring requirements. This information is not usually collated and we have not been able to identify any single source of information on the workforce in relation to this measure. However, there is no indication that this policy will disproportionately impact on the basis of

	racial group. Research conducted by PricewaterhouseCoopers in 2010 on school governance in NI showed that in terms of ethnic origin, almost all governor respondents (96%) described their ethnic origin as "White" while there were no governor respondents from the Black and Minority Ethnic (BME) community. The remaining 4% of respondents stated 'other' or 'prefer not to say'. The Northern Ireland census for 2011 recorded that 1.79% of the population were from an ethnic minority.
Age	The table below shows the age profile of the teaching workforce in grant-aided schools at March 2012: | Age Range	% Total
24 and under	1.31%
25 to 29	10.65%
30 to 34	17.07%
35 to 39	16.83%
40 to 44	15.92%
45 to 49	12.14%
50 to 54	11.85%
55 to 59	11.57%
60 to 64	2.42%
65 and over	0.25%
Totals:	**100.00%** | The age profile of teachers indicates that all age groups are represented from 22 to 65+. The policy change is being implemented equally for all regardless of age. Research conducted by PricewaterhouseCoopers in 2010 on school governance in NI showed that respondents represented a range of age groups: - Almost three in ten respondents were aged 36-45 years (29%) and the same proportion was aged 46-55 years (29%). - More than one in six governors (18%) were aged 65 or older. - There was a greater representation of governor respondents aged 36 and above compared to the wider NI population, with fewer governors in the age range of 26-35.
Marital Status	At present this type of information is typically collected by employing authorities during recruitment activity in line with statutory monitoring requirements. This information is not usually collated and we have not been able to identify any single source of information on the workforce in relation to this measure. However, there is no indication that this policy will disproportionately impact on the basis of

	marital status. Research conducted by PricewaterhouseCoopers in 2010 on school governance in NI showed that the majority of governor respondents were married (84%), with a smaller population of single (8%) or widowed governors (4%).
Sexual Orientation	The Shout Report (2003) indicated that between 2 and 10% of the population may be lesbian, gay or bisexual.
Men And Women Generally	The policy will affect both men and women. At March 2012 the makeup of the teaching workforce was 75.53% female and 24.47% male. For non-manual support staff the breakdown for the 2011-12 year was 91.6% female and 8.4% male; this group can be further broken down by employment type as follows: <table><tr><td></td><td>Male</td><td>Female</td></tr><tr><td></td><td>%</td><td>%</td></tr><tr><td>Admin/Clerical/Finance</td><td>3.6%</td><td>96.4%</td></tr><tr><td>Nursery Assistants</td><td>0.9%</td><td>99.1%</td></tr><tr><td>Classroom Assistants</td><td>4.1%</td><td>95.9%</td></tr><tr><td>Technicians/Lab Assistants</td><td>54.7%</td><td>45.3%</td></tr><tr><td>Foreign Language Assistants</td><td>21.5%</td><td>78.5%</td></tr><tr><td>Library Assistants</td><td>10.2%</td><td>89.8%</td></tr><tr><td>Other</td><td>9.1%</td><td>90.9%</td></tr><tr><td>Total</td><td>8.4%</td><td>91.6%</td></tr></table> Research conducted by PricewaterhouseCoopers in 2010 on school governance in NI showed that there was an equal split in relation to the gender of governor respondents, 50% female and 50% male. The NI Census 2011 recorded that for the general population 49% were male and 51% female. There is no indication that this policy will impact disproportionately on men or on women.
Disability	At present this type of information is typically collected by employing authorities during recruitment activity in line with statutory monitoring requirements. This information is not usually collated and we have not been able to identify any single source of information on the workforce in relation to this measure. However, there is no indication that this policy will disproportionately impact on the basis of disability. Research conducted by PricewaterhouseCoopers in 2010 on school governance in NI showed that less than 5% of governor respondents considered themselves to have a disability; with physical impairment the most frequently cited disability (69%).
Dependants	This information is not collected by employing authorities. There is no evidence that this policy will disproportionately impact on the basis of dependant status. Research conducted by PricewaterhouseCoopers in 2010 on school governance in NI showed that more than a quarter (28%) of governor respondents acted in a caring role to support family members,

	friends, neighbours or dependants with a long-term illness.

2.2 **Taking into account the evidence gathered at 2.1 what are the needs, experiences and priorities of each of the categories in relation to this particular policy?**

Section 75 category	Needs/Experiences/Uptake/Priorities
Religious Belief	The needs of the various education sectors and section 75 groups have been taken into account in the new Employing Authority arrangements. The Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) shall apply to all transfers and so all of the school workforce (across all Section 75 categories) will transfer into the employment of ESA on their existing terms and conditions. As the single, regional employing authority for all staff employed in schools and youth services, ESA will deliver departmental policies for workforce planning and development. ESA will also maintain the delivery of regionally agreed terms and conditions of employment. At the same time, ESA shall maintain and develop school autonomy in employment matters: Boards of Governors will be able to employ and dismiss members of staff in keeping with a scheme of employment approved by ESA in accordance with statutory requirements.
Political Opinion	As above
Racial Group	As above
Age	As above
Marital Status	As above
Sexual Orientation	As above
Men And Women Generally	As above
Disability	As above
Dependants	As above

3.   SCREENING QUESTIONS

3.2   **What is the likely impact of this policy on equality of opportunity
for each of the Section 75 equality categories?**

Section 75 category	None*	Minor *	Major *	Details of policy impact Level of impact?
Religious belief	✔			The proposal for a single employing authority for all school based staff has the potential to offer positive impacts across Section 75 groups. ESA will deliver a unified, coherent approach to workforce planning and development; and will also ensure the consistent delivery of regionally agreed terms and conditions of employment. Historically, the multiplicity of employing authorities has militated against redeployment between ELB areas or across school management types. The Department has actively encouraged employing authorities to co-operate in securing volunteers for redundancy and the redeployment of staff in redundant posts where appropriate. The advent of ESA as the single employing authority should facilitate the redeployment of staff and the matching of volunteers to redundant posts.
Political opinion	✔			As above
Racial group	✔			As above
Age	✔			As above
Marital status	✔			As above

Sexual Orientation	✔			As above
Men and women generally	✔			As above
Disability	✔			As above
Dependants	✔			As above

3.2   Are there opportunities to better promote equality of opportunity for people within the Section 75 equality categories?

Section 75 category	NO*	Yes*	Provide Details
Religious belief	✔		
Political opinion	✔		
Racial group	✔		
Age	✔		
Marital status	✔		
Sexual Orientation	✔		
Men and women generally	✔		
Disability	✔		
Dependants	✔		

3.3   To what extent is the policy likely to impact on good relations between: people of different religious belief, political opinion or racial group?

Good relations category	No impact*	Minor impact*	Major impact*	Details of policy impact
Religious belief	✔			
Political opinion	✔			
Racial group	✔			

3.4   Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?

Good relations category	NO*	YES*	Provide Details
Religious belief	✔		
Political opinion	✔		
Racial group	✔		

3.5   Additional considerations - Multiple identities

Please provide details of data on the impact of the policy on people with multiple identities and specify relevant Section 75 categories concerned.

N/A

4.   SCREENING DECISION

Not to conduct an equality impact assessment because no equality issues have been identified.

Please provide details which support the decision

The proposal for a single employing authority for all school based staff has the potential to offer positive impacts across Section 75 groups.

ESA will deliver a unified, coherent approach to workforce planning and development; and will also ensure the consistent delivery of regionally agreed terms and conditions of employment. Boards of Governors will take all employment decisions in relation to individual schools including: determining the staff complement; recruitment and appointment; management; discipline; promotion; loan or secondment; and termination of employment.

There will be a range of safeguards to underpin these policy intentions. OFMDFM will bring forward regulations to establish an independent Tribunal to adjudicate on any disputes regarding schemes of employment. To help minimise any potential disputes a model scheme of employment has been developed by DE. This will help stakeholders understand what is required and provide reassurance as to the autonomy of individual schools. Furthermore, the ESA and Boards of Governors will be under a statutory duty to comply with schemes of employment.

If the Decision was:

1   Proceed to Section 5.
2   Proceed to Section 6.
3   Proceed to Section 7

5. TIMETABLING AND PRIORITISING

5.1 **If the policy has been 'screened in' for equality impact assessment, then please answer the following questions to determine its priority.**

On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

Criterion	Priority Rating
Effect on equality of opportunity and good relations	
Social need	
Effect on people's daily lives	
Relevance to a public authority's functions	
Total	

Details of the Department's Equality Impact Assessment Timetable will be included in a Quarterly Screening Report.

5.2 **If the policy is affected by timetables established by other relevant Public Authorities please provide details**

6.   MITIGATION

If you conclude that the likely impact is **'minor'** and an equality impact assessment is not to be conducted, you should consider: mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

Why and how will the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?

8.   MONITORING

Effective monitoring will help identify any future adverse impact arising from the policy, as well as help with future planning and policy development.

Please detail what data you will collect in the future in order to monitor the effect of the policy on any of Section 75 equality categories.

Monitoring will take place as ESA settles in, normally within the first 6 months. This will include staff surveys, customer surveys, and statistical data on performance. The number of cases referred to the Tribunal will also be used to measure impact.

8. DISABILITY DISCRIMINATION

8.1   Please state if the policy/decision in any way discourages persons with disabilities from participating in public life or fails to promote positive attitudes towards persons with disabilities.

No.

8.2   Please state if there is an opportunity to better promote positive attitudes towards persons with disabilities or encourage participation in public life by making changes to the policy/decision or introducing additional measures.

No.

8.4   Please detail what data you will collect in the future in order to monitor the effect of the policy with reference to the disability duties.

As a public authority ESA will be required to collate data annually.

9. CONSIDERATION OF HUMAN RIGHTS ISSUES

9.1   How does the policy/decision affect anyone's Human Rights?

I.E.

The Human Rights Act (1998)

The United Nations Convention on the Rights of the Child (UNCRC)   *The United Nations Convention on the Rights of Persons with Disabilities*   *(UNCRPD)*

The United Nations Convention on the Elimination of All Forms of   *Discrimination Against Women (CEDAW)*

Insert Right Considered	*
Positive Impact	
Negative Impact (human right interfered with or restricted)	
Neutral Impact	✔

If the effect you have identified is positive or neutral proceed to Question 9.3.

9.2   If you have identified a negative impact who is affected and how?

At this stage you should determine whether to seek legal advice and to refer to the issue to the Equality Team to consider:

- *whether there is a law which allows you to interfere with or restrict rights*
- *whether this interference or restriction is necessary and proportionate*
- *what action would be required to reduce the level of interference or restriction).*

9.4 **Outline any actions which could be taken to promote or raise awareness of human rights or to ensure compliance with the legislation in relation to the policy/decision.**

ESA will be appointing a Director of Children and Young People's Services who will have as part of his/her remit the human rights of children in an education setting and will be cognisant of all legal requirements in respect of the human rights of children.

10. APPROVAL AND AUTHORISATION

Screened By:	Position	Date
Mark Mawhinney	Principal	1 May 13
Approved BY:	**Position**	Date
Paul Price	Grade 5	1 May 13

Note: A copy of the Screening Form must be approved and 'signed off' by a senior manager responsible for the policy.

The **TRIM** version of the completed Screening Form must be sent to the Equality Team (equality@deni.gov.uk) for quality assurance.

FOR COMPLETION BY EQUALITY TEAM

Quality Assured by: **Richard Magowan**   Date:_**8 May 2013**_____

Screening Decision   **Agreed**

Comments: _____**None**_____

          _____

          _____

Date Directorate/Team Informed: _____**8 May 2013**_____

If your decision was to "Screen Out":

---

4   As soon as possible following quality assurance you must publish a copy of the screening form on the Department's website, with a link on the "Policy Screening" page

Placed on Internet by: _____ Date: _____

5   You must tell the Equality Team once your screening is published so it can fulfil the Department's statutory obligation to inform the Department Consultees when and where the screening was published

Consultees Informed by   _____ Date: _____

6   You must store this completed screening form on TRIM and finalise it. Use the record naming convention "Completed Screening form of……"

DEPARTMENT OF EDUCATION

EQUALITY AND HUMAN RIGHTS POLICY SCREENING

FOR PROPOSED/REVISED POLICY

THE DELIVERY OF AREA PLANNING BY ESA (CLAUSES 24-30 OF THE EDUCATION BILL)

Equality Team
Room 501, Rathgael House
Ext 59686/59472
equality@deni.gov.uk

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1. POLICY SCOPING

1.1 Title of policy

The delivery of area planning by ESA - (Clauses 24 to 30 of the Education Bill).

The Explanatory and Financial Memorandum to the Bill set out what an area plan should contain and the role of both the ESA and the Department of Education (DE) in preparing area plans.

1. The new arrangements will be reflected in a general duty on the ESA to promote and co-ordinate planning. There are provisions within the Bill on:

   - the definition of an area plan;

   - the procedure for preparing, revising or revoking area plans;

   - a duty on the ESA to consult and involve a broad range of stakeholders;

   - consultation on draft area plans; and

   - the effect of area plans on development proposals for schools.

1.2 Type of Policy Development

This is an Existing/Revised/New Policy *(Delete as appropriate)*

This is a new policy.

1.3 Description of policy

- *What is it trying to achieve? (aims/outcomes)*
- *How will this be achieved? (key elements)*

The sustainable schools' policy provides the context for area planning. The sustainable schools policy seeks to establish a network of viable and sustainable schools that are of the right type, the right size, located in the right place and have a focus on raising standards. To realise this requires the strategic planning of education provision on an area basis. Area planning will be delivered and managed by the ESA. The Education Bill provides for the first time that an organisation, i.e. the ESA, will have a statutory responsibility for the area planning of educational provision.

The scope of the new responsibilities will be broad, covering primary and secondary education, special education, early years services and youth services. The focus of the planning arrangements will be on the education estate and the provision of services to meet assessed need and, in particular, on how to ensure equality of access to the school curriculum for children and young people. It is expected that area planning will lead to greater collaboration and sharing of facilities both within and across education sectors which should contribute to improved community relations and improving opportunities for children to avail of facilities beyond their own school. This is reflected in the approach adopted by the Minister in commissioning the Education and Library Boards (ELBs) to begin the area planning process in 2012 stating that this should be in conjunction with Catholic Council for Maintained Schools (CCMS) and also ensuring that the views of both the Integrated and Irish Medium sectors were sought. Once ESA is established it will continue to consider the broad spectrum of views in implementing area planning.

The overall policy approach of area planning is not expected to have a differential impact on any specific group. It is designed to help support a range of education policies. At a local area level proposed changes consistent with an area-based planning approach may have impacts on particular groups and these would need to be considered and addressed if necessary before decisions would be made. This would include the need to conduct equality impact assessments.

Generally, the Education Bill which will result in the establishment of the ESA with responsibilities in area planning has the potential to make an overwhelmingly positive contribution, by enabling equality of access to a modernised curriculum; delivering more effective planning and delivery of infrastructure for all sectors; and by tackling the current unacceptable inequalities in educational attainment. Through a more streamlined administrative structure and the delivery of services in a more unified and efficient manner will lead to benefits across all the education sectors. The establishing of ESA will involve a programme of change to service delivery that will span a number of years and as this programme is rolled out, further equality impact assessments at that time will be required.

1.4 What factors could contribute to, or detract from the intended aim/outcome of the policy? *(Please tick relevant boxes)*

None

1.7   Main stakeholders affected *(Please tick ✔ relevant boxes)*

Pupils (Actual or Potential)	✔
Parents	✔
Teaching Staff	✔
Trade Unions or Professional Organisations	✔
Other Public Sector Organisations	
Departmental Staff	
Others (please specify)	

1.6   Who is responsible for:

(a) Devising the policy
(i.e. is it DE, a Whitehall Department, EU etc)

The Department of Education

(b) Implementing it
(i.e. is it DE, another Department, NDPB etc.)

The DE is currently responsible but the ESA will assume responsibility once established.

(c) Explain the relationship?

Sections 24 to 30 of the education Bill sets out the arrangements which will exist between the ESA and the DE. In summary, the ESA will be responsible for preparing areas plans, involving and consulting a range of stakeholders and submitting these plans to the DE for approval. The DE may issue guidance to the ESA on the content of plans and the procedures for preparing, revising or revoking an area plan. The DE may also make statutory regulations on the form and content of area plans and the procedure to be followed in connection with preparing, revising or revoking an area plan; and the arrangements to be put in place to involve a broad range of stakeholders;

1.7 Other policies or objectives with a bearing on this policy

- *What are they? (Programme for Government, Public Service Agreement targets etc.)*
- *Who owns them?*
- *Are there any links to other NI departments/NDPBs?*

The Programme for Government (PfG) sets an objective of establishing the ESA in 2013. This is a commitment (no. 76) in its own right within the 2011-15 Programme for Government. However, other education-related commitments include raising standards of educational achievement and literacy and numeracy, increased pre-school provision and taking forward Shared Education. As it shall be the single delivery authority for education services, the establishment of ESA, with statutory responsibilities for area planning, together with a well-functioning and representative membership, would be important for all of these commitments.

Area planning directly contributes to:-

Standards and school improvement – This is evident in the successful introduction, in 2009, of the Department's school improvement policy, *Every School a Good School* and its model of support for, challenge to and intervention in schools. A key part of raising standards is schools that are able to give children access to a broad curriculum. The challenge to post-primary schools in order to raise standards, for instance, is to improve the range of qualifications and courses on offer to pupils at Key Stage 4. The Minister has triggered the legislation that puts **the Entitlement Framework** on a statutory basis – in order to ensure that schools can offer young people a breath of course choices that meets their needs, interests and career aspirations. This will from September 2013 require all post-primary schools to offer pupils at least 18 courses at Key Stage 4 and 21 courses at post-16 level, rising to an offer of at least 21/24 courses in 2014 and to 24/27 courses in 2015.

2. EVIDENCE

2.3 **What evidence/information (both qualitative and quantitative) have you gathered to inform this policy?** *(Relevant details should be given for each of the categories.)*

Section 75 Category	Details of Evidence/Information
Religious Belief	One third of our 863 primary schools have fewer than 100 children enrolled. One fifth of our 217 post-primary schools have fewer than 400 pupils enrolled. 50 of our 172 sixth forms have fewer than 100 pupils enrolled. The tables below show by education sector the number of schools failing to meet the required pupil thresholds. In primary schools this equates to 105 in rural schools and 140 in urban schools. For post primary the threshold it is 500(excluding 6th form) and 100 for 6TH form.

Primary schools (year 1 - 7) that are under thresholds - 2012/13

Management type	No of schools under threshold	Total schools
Controlled non IM	135	375
Controlled IM	2	2
Voluntary	3	12
Catholic Maintained non IM	143	386
Catholic Maintained IM	1	1
Other Maintained non IM	3	4
Other Maintained IM	19	25
Controlled Integrated	7	19
GMI	0	23
Total	313	847

Post primary schools that are under thresholds - 2012/13

Management type	No of schools under threshold		Total schools (Y8-12 and sixth forms combined	Total schools
	Years 8 - 12	Sixth form		
Controlled	30	19	38	72
Catholic maintained	43	19	44	71
Other maintained (IM)	1	0	1	1
Controlled integrated	3	1	3	5
GMI	9	4	9	15
Voluntary - Other managed	2	0	2	22
Voluntary - Catholic managed	5	0	5	29
Total	93	43	102	215

	The NIAO report "Improving Literacy and Numeracy Achievement in Schools (Feb 2013) reports that there persists a significant difference between the academic achievement of catholic and protestant pupils. The Department has set a target of 65% of socially disadvantaged children (defined by FSM entitlement) achieving 5 GCSEs by 2019/20. Currently this figures stands at 31.7%. However, overall this average reflects 35.9% of catholic pupils and 23.3% of protestant pupils. The *Qualifications and Destinations of Northern Ireland School Leavers 2010/11* shows that 61.2% of Catholic school leavers left with at least five GCSEs at grades A* - C or equivalent including GCSE English and maths. The corresponding proportion for Protestant school leavers was 57.9% - a difference of 3.3 percentage points. More specifically, there exist disparities in the performance between protestant and catholic boys. Between 2010 and 2011 the percentage of FSME (Free School Meal Entitlement) Protestant male school leavers achieving 5 or more GCSEs (or equivalent) including GCSEs in English and maths fell by 1.7 percentage points, from 20.3% to 18.6%. Whereas the proportion of Catholic boys entitled to free school meals achieving at this level, increased by 3.1 percentage points from 28.2 % to 31.3% in 2011. However, in real terms, the number of Catholic boys entitled to free school meals who did not achieve this level was double that of their Protestant counterparts – 888 compared to 450.
Political Opinion	
Racial Group	The Northern Ireland Schools' Census 2012/13 recorded that 3.1% of pupils were recorded as from mixed or minority ethnic groups.
Age	The Schools' census 12/13 reported:- • there are 158,914 pupils in primary schools and preparatory departments (Year 1 – 7). In 2007/08 the figure was 157,911. This represents a rise of 0.6% over the five year period 07/08 to 12/13 and continues the rise in Year 1 – 7 enrolments seen in 2011/12, after a decade in which they had been declining; • there are 145,658 pupils in post-primary schools (Years 8 – 14). In 2007/08, the figure was 147,942. Within the 1.5% drop in overall enrolment in post-primary schools since 2007/08, there has been a drop of 4.6% in year 8 – 12 pupils, but a rise of 12.1% in the number of post year 12 pupils. The proportion of pupils staying on into Year 13 had increased from 57.4% in 2007/08 to 69.2% in 2012/13; and • In the post-primary phase, 62,599 pupils (43.0%) attend grammar schools. In 2007/08, the number of pupils in grammar schools was similar (62,279), but, because the cohort was larger, this represented a slightly smaller proportion of the overall total (42.1%). The Northern Ireland census shows that there is a fluctuation in trend across most school age ranges is a reduction in potential pupil numbers. The number of 4 year olds in 2013 is estimated at 26,000 which will decline to 23,000 by 2028. Conversely, the estimated population of 12 year-olds is in decline to 2013, levelling off at 22,000 but expected to increase to 25,000 in 2028. There are local variations which are reflected in the statistics compiled for each of the individual ELBs' Area plans.

Marital Status	
Sexual Orientation	The Shout Report (2003) indicated that between 2 and 10% of the population may be lesbian, gay or bisexual.
Men And Women Generally	School statistics shows that is there is a fairly evenly distribution of males and females within the school population, with 50.7% male pupils and 49.3% female (source Statistics branch, DE). The table below provides a breakdown by school sector. {{TABLE1}} As way of comparison the Northern Ireland census 2011 recorded that 49% of the population were male and 51% female. In respect of performance girls continue to outperform boys. The **Qualifications and Destinations of Northern Ireland School Leavers 2010/11 (revised)** statistical press release issued by DE in August 2012 stated, "Girls continue to outperform boys in terms of qualifications achieved. By the time they left school 61.3% of girls achieved at least two A levels or equivalent compared to 45.7% of boys, and 56.2% of girls achieved three or more A levels or equivalent in 2010/11 compared to 40.9% of boys."
Disability	The Northern Ireland Schools' Census 2012/13 recorded that 21.2% of pupils in schools were recorded as having special education needs (pupils with SEN may not necessarily be registered as disabled or indeed, see themselves as having a disability); 4.5% had a statement of special educational needs. In total some 4,731 pupils attended either a special school or hospital school. This percentage of the school population recorded as having a special need is consistent with the overall population average of those having a long term illness or disability. The Northern Ireland 2011 census found that just over one in five of the resident population (21%) had a long-term health problem or disability which limited their day to day activities.

Table (TABLE1):

School type	Male	Female	Total
Preschools	4211	4199	8410
Nursery Schools	3082	2828	5910
Primary schools	85738	82296	168034
Post primary schools	72535	73123	145658
Special schools	3212	1441	4653
Total	168778	163887	332665

Dependants	In the 2010 Young Life and Times survey 5% of respondent's stated they had caring responsibilities

2.4 **Taking into account the evidence gathered at 2.1 what are the needs, experiences and priorities of each of the categories in relation to this particular policy?** (Relevant d*etails should be given for each of the categories.)*

Section 75 category	Needs/Experiences/Uptake/Priorities
Religious Belief	There is evidence that protestant pupils are performing less well than catholic pupils. Area planning as it is rolled out will ensure that such disparities are considered in any new educational provision to address this and any other specific disparities. Further equality screening will be required at the time of implementation.
Political Opinion	The needs of this section 75 Groups will not change. Area planning delivered through ESA will identify future education needs and planning to meet those needs on an area basis, i.e. it is about ensuring children and young people have the opportunity to access and benefit from services that can meet their educational needs and enable them to reach their full potential at each stage.
Racial Group	As above
Age	As above
Marital Status	As above
Sexual Orientation	As above
Men And Women Generally	There is evidence that girls are outperforming boys in terms of qualifications achieved. Area planning as it is rolled out will ensure that such disparities are considered in any new educational provision to address this and any other specific disparities. Further equality screening will be required at the time of implementation.
Disability	The needs of this section 75 Groups will not change. Area planning delivered through ESA will identify future education needs and planning to meet those needs on an area basis, i.e. it is about ensuring children and young people have the opportunity to access and benefit from services that can meet their educational needs and enable them to reach their full potential at each stage.
Dependants	As above

3.   SCREENING QUESTIONS

3.3   **What is the likely impact of this policy on equality of opportunity for each of the Section 75 equality categories?**

(* Please tick ✔   *relevant boxes)*

Section 75 category	None*	Minor *	Major *	Details of policy impact Level of impact?
Religious belief	✔			As stated in section 1.3 the overall policy approach of Area planning is not expected to have a differential impact on any specific group. Indeed, the impact should be positive and general. Overall, as set out in the Education Bill and taken together with the other provisions in the Bill, including the establishment of the ESA there is the potential to make an overwhelmingly positive contribution, by enabling equality of access to a modernised curriculum; delivering more effective planning and delivery of infrastructure for all sectors; and by tackling the current unacceptable inequalities in educational attainment.
Political opinion	✔			
Racial group	✔			
Age	✔			
Marital status	✔			
Sexual Orientation	✔			

Men and women generally	✔			
Disability	✔			
Dependants	✔			

3.2   Are there opportunities to better promote equality of opportunity for people within the Section 75 equality categories?

(* Please tick ✔ relevant boxes)

Section 75 category	NO*	Yes*	Provide Details
Religious belief		✔	Area planning will provide a number of opportunities to promote equality of opportunity. As set out in section 2.1 Area planning addresses the need to ensure that schools are educationally sustainable, with a better use of resources available to education. The scope of the new arrangements will be broad, covering primary and secondary education, special education, early years services and youth services. The focus of the planning arrangements will be on the education estate and the provision of services to meet assessed need and, in particular, on how to ensure equality of access to the school curriculum for children and young people. It is expected that Area planning will lead to greater collaboration and sharing of facilities both within and across education sectors which should contribute to improved community relations and improving opportunities for children to avail of facilities beyond their own school. One specific example of this is the proposal for a shared site for a number of post-primary schools on the Lisanelly site in Omagh.
Political opinion		✔	
Racial group		✔	
Age		✔	
Marital status		✔	
Sexual Orientation		✔	

Men and women generally		✔	
Disability		✔	
Dependants		✔	

3.3   To what extent is the policy likely to impact on good relations between: people of different religious belief, political opinion or racial group? *(* Please tick ✔ relevant boxes)*

Good relations category	No impact*	Minor impact*	Major impact*	Details of policy impact
Religious belief	✔			
Political opinion	✔			
Racial group	✔			

3.4   Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?

(* Please tick ✔ relevant boxes)

Good relations category	NO*	YES*	Provide Details
Religious belief	✔		
Political opinion	✔		
Racial group	✔		

3.5   Additional considerations - Multiple identities

Please provide details of data on the impact of the policy on people with multiple identities and specify relevant Section 75 categories concerned.

None

4.   SCREENING DECISION

(Select appropriate option 1-3 and Delete others)

Not to conduct an equality impact assessment because no equality issues have been identified.

Please provide details which support the decision

Not to conduct an equality impact assessment because no equality issues have been identified.

The aim is that through the statutory duty placed on ESA to address need by providing a sufficiency of education places through the appropriate mix of facilities, of the right size, in the right locations. Area-based planning should address the need to ensure that schools are educationally sustainable, with a better use of resources available to education.

Area planning is expected to lead to greater collaboration and sharing of facilities both within and across education sectors which should contribute to improved community relations and improving opportunities for children to avail of facilities beyond their own school.

The overall policy approach of area planning is not expected to have a differential impact on any specific group. It is designed to help support a range of education policies. At a local area level proposed changes consistent with an area-based planning approach may have impacts on particular groups and these would need to be considered and addressed if necessary before decisions would be made.

If the Decision was:

1   Proceed to Section 5.
2   Proceed to Section 6.
3   Proceed to Section 7

5. TIMETABLING AND PRIORITISING

5.1 **If the policy has been 'screened in' for equality impact assessment, then please answer the following questions to determine its priority.**

On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

Criterion	Priority Rating
Effect on equality of opportunity and good relations	
Social need	
Effect on people's daily lives	
Relevance to a public authority's functions	
Total	

Details of the Department's Equality Impact Assessment Timetable will be included in a Quarterly Screening Report.

5.2 **If the policy is affected by timetables established by other relevant Public Authorities please provide details**

No

6.   MITIGATION

If you conclude that the likely impact is **'minor'** and an equality impact assessment is not to be conducted, you should consider: mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

Why and how will the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?

9.   MONITORING

Effective monitoring will help identify any future adverse impact arising from the policy, as well as help with future planning and policy development.

Please detail what data you will collect in the future in order to monitor the effect of the policy on any of Section 75 equality categories.

There will be an on-going assessment of area planning given the numerous factors which impact upon it, such as demographics, political, social and economic stability. As detailed area plans are prepared these will also be subject to equality impact assessments and as stipulated in the legislation will also need to be reviewed and approved by DE.

8. DISABILITY DISCRIMINATION

8.1   Please state if the policy/decision in any way discourages persons with disabilities from participating in public life or fails to promote positive attitudes towards persons with disabilities.

> No.

8.2   Please state if there is an opportunity to better promote positive attitudes towards persons with disabilities or encourage participation in public life by making changes to the policy/decision or introducing additional measures.

> None

8.5   Please detail what data you will collect in the future in order to monitor the effect of the policy with reference to the disability duties.

> As a public authority ESA will be required to collate data annually

9. CONSIDERATION OF HUMAN RIGHTS ISSUES

9.1   How does the policy/decision affect anyone's Human Rights?

I.E.

The Human Rights Act (1998)

The United Nations Convention on the Rights of the Child (UNCRC)   *The United Nations Convention on the Rights of Persons with Disabilities*   *(UNCRPD)*

The United Nations Convention on the Elimination of All Forms of   *Discrimination Against Women (CEDAW)*

(* Please tick ✔ as appropriate)

Insert Right Considered	*
Positive Impact	✔
Negative Impact (human right interfered with or restricted)	
Neutral Impact	

If the effect you have identified is positive or neutral proceed to Question 9.3.

9.2   If you have identified a negative impact who is affected and how?

At this stage you should determine whether to seek legal advice and to refer to the issue to the Equality Team to consider:

- *whether there is a law which allows you to interfere with or restrict rights*
- *whether this interference or restriction is necessary and proportionate*
- *what action would be required to reduce the level of interference or restriction).*

9.5 **Outline any actions which could be taken to promote or raise awareness of human rights or to ensure compliance with the legislation in relation to the policy/decision.**

None

10. APPROVAL AND AUTHORISATION

Screened By:	Position	Date
Liam Barr	Grade 7	1May 13
Approved BY:	**Position**	Date
Paul Price	Grade 5	1 May 13

Note: A copy of the Screening Form must be approved and 'signed off' by a senior manager responsible for the policy.

The **TRIM** version of the completed Screening Form must be sent to the Equality Team (equality@deni.gov.uk) for quality assurance.

FOR COMPLETION BY EQUALITY TEAM

Quality Assured by: **Richard Magowan** Date: **8 May 2013**

Screening Decision Agreed / Not Agreed (delete as appropriate)

Comments: _____**None**_____

_____

_____

Date Directorate/Team Informed: **8 May 2013**

If your decision was to "Screen Out":

---

7 As soon as possible following quality assurance you must publish a copy of the screening form on the Department's website, with a link on the "Policy Screening" page

Placed on Internet by: _____ Date: _____

8 You must tell the Equality Team once your screening is published so it can fulfil the Department's statutory obligation to inform the Department Consultees when and where the screening was published

Consultees Informed by _____ Date: _____

9 You must store this completed screening form on TRIM and finalise it. Use the record naming convention "Completed Screening form of……"

Department of
Education
www.deni.gov.uk

DEPARTMENT OF EDUCATION

EQUALITY AND HUMAN RIGHTS POLICY SCREENING

FOR PROPOSED/REVISED POLICY

BOARDS OF GOVERNORS OF GRANT-AIDED SCHOOLS (CLAUSES 38-43 OF THE EDUCATION BILL)

Equality Team
Room 501, Rathgael House
Ext 59686/59472
equality@deni.gov.uk

Index

1. POLICY SCOPING

1.1 Title of policy

Boards of Governors of grant-aided schools (Sections 38-43 of the Education Bill).

The Explanatory and Financial Memorandum to the Bill set out new responsibilities on Boards of Governors. In summary this includes:-

- a new duty on the Board of Governors of a grant-aided school to exercise its functions with a view to promoting the achievement of high standards of educational attainment by pupils registered at the school.
- a duty on the Board of Governors to co-operate with the Education and Skills Authority (ESA) in relation to actions undertaken by ESA with a view to promoting the achievement of high standards of educational attainment by those pupils.
- ESA will have responsibility for making appointments to Boards of Governors that currently fall to the Department of Education (DE) and the Education and Library Boards (ELBs). There is a duty on the ESA to consult specified groups when appointing Governors. There is also a duty on the ESA to appoint Governors committed to the ethos school, and with regard to Irish speaking schools, to the viability of those schools.
- For the first time, part time teachers will now be eligible for election to a Board of Governors
- The Bill also makes Boards of Governors of controlled schools responsible for their control and management and permits more than one controlled or maintained nursery school to be grouped under a single Board of Governors.

1.2 Type of Policy Development

This is an Existing/Revised/New Policy *(Delete as appropriate)*

This is a new policy

1.3   Description of policy

- *What is it trying to achieve? (aims/outcomes)*
- *How will this be achieved? (key elements)*

The publication in April 2009 of "Every school a good school" a policy for school improvement recognised the important contribution of Schools' governors and the important role they play in taking forward improvements in individual schools.

The Every school a Good School (ESaGS) policy highlights the key strands in making every school a good school.   It recognised the important contribution effective leadership and governance play in raising standards. It also recognised the important role school governors play in forming and preserving the ethos of individual schools. ESaGS highlights that there is evidence which "suggests that schools that are performing well invariably have a strong ethos and a positive, caring culture, one that drives and motivates not just staff and pupils but also parents and the wider community served by the school".

ESaGS did however highlight there is no current statutory provision which places clear responsibilities for raising standards and tackling educational underachievement on boards of governors or education organisations.

The current provisions within the Education Bill (sections 38-43) help to address this situation. There is now a clear duty on Boards of Governors in relation to achievement of high standards of educational attainment. The Bill specifies that it is the duty of the Board of Governors of a grant-aided school to exercise its functions with a view to promoting the achievement of high standards of educational attainment by pupils registered at the school. In particular, it is the duty of the Board of Governors to co-operate with ESA in relation to actions undertaken by ESA with a view to promoting the achievement of high standards of educational attainment by those pupils. Furthermore, the legislation now allows for part time teachers to be eligible for election as governors.

That said, most the functions of Boards of Governors and how they are appointed remain unchanged. This was clarified in the "Heads of agreement" document agreed and issued by the First and deputy First Minister on 16 November 2011. It explained that:-

- There will be no change to the method of appointing Governors;
- Boards of Governors will continue to employ and dismiss members of staff; and
- There will be no transfers, secondments or redeployments of teachers without the consent of the respective schools, Boards of Governors or teachers involved.

1.4 What factors could contribute to, or detract from the intended aim/outcome of the policy? *(Please tick relevant boxes)*

None	
Legislative	Yes
Financial	Yes
Others please specify) Time – PfG commitment requires the establishment of ESA in 2013. Implications of this timescale mean that ESA's complete "ready state" will be achieved over a period of time. The impact of this will be that some processes and working practices will be implemented incrementally. At that time these will need to be reviewed to determine their equality impact.	Yes

1.8   Main stakeholders affected *(Please tick ✔ relevant boxes)*

Pupils (Actual or Potential)	✔
Parents	✔
Teaching Staff	✔
Trade Unions or Professional Organisations	✔
Other Public Sector Organisations	
Departmental Staff	
Others (please specify) Governors, Trustees, Transferors	✔

1.6   Who is responsible for :

(a) Devising the policy
(i.e. is it DE, a Whitehall Department, EU etc)

DE

(b) Implementing it
(i.e. is it DE, another Department, NDPB etc.)

DE and ESA once established.

(c) Explain the relationship?

DE will focus on strategy and policy and set priorities and standards for the ESA. The ESA will have responsibility for making appointments to Boards of Governors that currently falls to the Department of Education (DE) and the Education and Library Boards (ELBs). There is a duty on the ESA consult specified groups when appointing Governors. There is The ESA is also required to appoint Governors committed to the ethos of a school, and with regard Irish speaking schools, to the viability of those schools.

1.7   Other policies or objectives with a bearing on this policy
- *What are they? (Programme for Government, Public Service Agreement targets etc.)*
- *Who owns them?*
- *Are there any links to other NI departments/NDPBs?*

The Programme for Government (PfG) sets an objective of establishing ESA in 2013.

2. EVIDENCE

2.5 **What evidence/information (both qualitative and quantitative) have you gathered to inform this policy?** *(Relevant details should be given for each of the categories.)*

Section 75 Category	Details of Evidence/Information
Religious Belief	Research conducted by PWC in 2010 on Boards of Governors. This has been the main source of evidence relating to the make-up of Boards of Governors. The research was commissioned by DE to assess if governors have the necessary knowledge, skills and experience to discharge successfully their responsibilities, including those relating to equality; how representative school governors are of the community; and survey governors on the training and support available to them to discharge their responsibilities. The Research showed that:- • Nearly half of respondents were members of the Protestant community (49%), compared to 38% of respondents who stated that they were members of the Roman Catholic community. • Of the different types of governor, almost two thirds (62%) of ELB Governors were members of the Protestant community compared to less than a third (26%) belonging to the Roman Catholic community. • Almost a third (31%) of DE Governors were members of the Protestant community and 52% were from a Roman Catholic background which equates to the proportion of DE Governors posts in controlled schools and in schools with a Catholic ethos.
Political Opinion	The Research showed that:- • Almost two thirds of respondents reported their political opinion as Unionist (33%) or Nationalist (28%) • the remaining respondents stated that they had no political opinion (11%), stated another political opinion, for example Alliance (9%), or preferred not to say (19%).
Racial Group	The Research showed that in terms of ethnic origin, almost all governor respondents (96%) described their ethnic origin as "White" while there were no governor respondents from the Black and Minority Ethnic (BME) community which is similar to the statistics from the 2001 NI Census where 99% of the population described themselves as "White". The remaining 4% of respondents stated 'other' or 'prefer not to say'. The Northern Ireland census for 2011 recorded that 1.79% of the population were from an ethnic minority.
Age	In terms of age, respondents to the 2010 survey represented a range of age groups, tending, as might be expected towards the older groups. • Almost three in ten respondents were aged 36-45 years (29%) and the same

	proportion was aged 46-55 years (29%).
	• More than one in six governors (18%) were aged 65 or older.
	• There was a greater representation of governor respondents aged 36 and above compared to the wider NI population, with fewer governors in the age range of 26-35.
	Age profile differed by sector. Governors in primary and nursery schools have a tendency to be younger: More than a third of governors in the nursery sector (37%) and primary sector (34%) were aged 36-45.
	Boards in the post-primary sector tended to be composed of a higher percentage of governors aged 46-64 (54% in post-primary non grammar schools and 57% in post-primary grammar schools). There was a slight age difference in terms of geographical location, with governors in schools in rural areas tending to be younger, 43% of participating governors in rural areas were aged 45 and under compared to 31% of participating governors in urban areas.
	Differences were also notable by governor type. The survey recorded that two thirds of Parent Governors (66%) and seven in ten Teacher Governors (70%) were aged 45 and under compared to less than approximately a fifth of DE Governors (22%) and Trustees (21%) and one in seven ELB Governors (16%).
Marital Status	The 2010 research recorded that the majority of governor respondents were married (84%), with a smaller population of single (8%) or widowed governors (4%). Only 8% of Parent Governors were not married which is considerably lower than the NI average where lone parents constitute 28% of families with dependent children (NISRA, 2009 - Continuous household survey 08-09).
Sexual Orientation	The Shout report (2003) indicated that between 2% and 10% of the population may be lesbian, gay or bisexual. The Rainbow Projects research into LGB people's experiences in employment indicates that almost one in four lesbian, gay and bisexual (LGB) respondents from the public sector conceal their sexual orientation in the workplace.
Men And Women Generally	The 2010 research showed that there was an equal split in relation to the gender of governor respondents, 50% female and 50% male which was in line with of the broader population (52% female and 48% male) at that time. The NI Census 2011 recorded that reported for the general population 49% were male and 51% female. However, there were differences identified by phase. The majority of governor respondents in nursery schools were female (82%). However, Boards of Governors appear to become more male-dominated in post-primary phases, for example the research showed that men account for almost two thirds (63%) of governors in the post-primary grammar sector.
Disability	The 2010 Research showed that less than 5% of governor respondents considered themselves to have a disability; with physical impairment the most frequently cited disability (69%).

	This compares favourably with the overall population. The NI Census 2011 found that just over one in five of the resident population (21%) had a long-term health problem or disability which limited their day to day activities.
Dependants	The 2010 research reported that more than a quarter (28%) of governor respondents acted in a caring role to support family members, friends, neighbours or dependants with a long-term illness. These figures are similar to the overall population percentages. The Northern Ireland Census 2011 reports that of 703,275 households approximately 34% had dependent children, of this 9.13% were single parents.

2.6 **Taking into account the evidence gathered at 2.1 what are the needs, experiences and priorities of each of the categories in relation to this particular policy?** (Relevant d*etails should be given for each of the categories.)*

2.7

Section 75 category	*Needs/Experiences/Uptake/Priorities*
Religious Belief	The needs of the Section 75 Groups will not change. As specified in the ESaGS school governors' guidance the Board of Governors has an important strategic role to play in the management of the school. This is to "help the school principal and staff, provide the best possible education for all of the pupils. Governors bring their experience, life skills and common sense to this task. In everything they do, they should aim to raise expectations of what can be achieved by all pupils and strengthen the involvement of parents and the community". This guidance and other personal development opportunities address the main needs of governors, irrespective of section 75 grouping.
Political Opinion	As above
Racial Group	As above
Age	As above
Marital Status	As above
Sexual Orientation	As above
Men And Women Generally	As above
Disability	As above

Dependants	As above

3. SCREENING QUESTIONS

3.4 **What is the likely impact of this policy on equality of opportunity for each of the Section 75 equality categories?**

(* Please tick ✔ relevant boxes)

Section 75 category	None*	Minor *	Major *	Details of policy impact Level of impact?
Religious belief	✔			
Political opinion	✔			
Racial group	✔			
Age	✔			
Marital status	✔			
Sexual Orientation	✔			
Men and women generally	✔			
Disability	✔			
Dependants	✔			

3.2 Are there opportunities to better promote equality of opportunity for people within the Section 75 equality categories?

(* Please tick ✔ relevant boxes)

Section 75 category	NO*	Yes*	Provide Details
Religious belief	✔		
Political opinion	✔		
Racial group	✔		
Age	✔		
Marital status	✔		
Sexual Orientation	✔		
Men and women generally	✔		
Disability	✔		
Dependants	✔		

3.3   To what extent is the policy likely to impact on good relations between: people of different religious belief, political opinion or racial group? *(* Please tick* ✔ *relevant boxes)*

Good relations category	No impact*	Minor impact*	Major impact*	Details of policy impact
Religious belief	✔			
Political opinion	✔			
Racial group	✔			

3.4   Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?

(* Please tick ✔ *relevant boxes)*

Good relations category	NO*	YES*	Provide Details
Religious belief	✔		.
Political opinion	✔		
Racial group	✔		

3.5   Additional considerations - Multiple identities

Please provide details of data on the impact of the policy on people with multiple identities and specify relevant Section 75 categories concerned.

Are there any potential impacts of the policy/decision on people with multiple identities? i.e.: disabled minority ethnic children, school age mothers, religion and gender, young LGB and T people etc).

No

4.   SCREENING DECISION

Not to conduct an equality impact assessment because no equality issues have been identified.

Please provide details which support the decision

Overall, the role and composition of Boards of Governors remain unchanged. The relevant sections within the Education Bill put a clear responsibility on Governors for raising standards and tackling educational underachievement.

There is also a provision which will now allow part-time teachers to seek appointment as a Governor. This is to be welcomed.

Overall, there is no evidence to suggest an adverse impact and the need to conduct a full equality impact assessment.

If the Decision was:

1   Proceed to Section 5.
2   Proceed to Section 6.
3   Proceed to Section 7

5. TIMETABLING AND PRIORITISING

5.1 **If the policy has been 'screened in' for equality impact assessment, then please answer the following questions to determine its priority.**

On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

Criterion	Priority Rating
Effect on equality of opportunity and good relations	
Social need	
Effect on people's daily lives	
Relevance to a public authority's functions	
Total	

Details of the Department's Equality Impact Assessment Timetable will be included in a Quarterly Screening Report.

5.2 **If the policy is affected by timetables established by other relevant Public Authorities please provide details**

No

6.   MITIGATION

If you conclude that the likely impact is **'minor'** and an equality impact assessment is not to be conducted, you should consider: mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

Why and how will the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?

10. MONITORING

Effective monitoring will help identify any future adverse impact arising from the policy, as well as help with future planning and policy development.

Please detail what data you will collect in the future in order to monitor the effect of the policy on any of Section 75 equality categories.

8.   DISABILITY DISCRIMINATION

8.1   Please state if the policy/decision in any way discourages persons with disabilities from participating in public life or fails to promote positive attitudes towards persons with disabilities.

No.

8.2   Please state if there is an opportunity to better promote positive attitudes towards persons with disabilities or encourage participation in public life by making changes to the policy/decision or introducing additional measures.

None

8.6   Please detail what data you will collect in the future in order to monitor the effect of the policy with reference to the disability duties.

As a public authority ESA will be required to collate data annually

9.   CONSIDERATION OF HUMAN RIGHTS ISSUES

9.1   How does the policy/decision affect anyone's Human Rights?

I.E.

The Human Rights Act (1998)

The United Nations Convention on the Rights of the Child (UNCRC)   *The United Nations Convention on the Rights of Persons with Disabilities   (UNCRPD)*

The United Nations Convention on the Elimination of All Forms of   Discrimination Against Women (CEDAW)

(* Please tick ✔ as appropriate)

Insert Right Considered	*
Positive Impact	
Negative Impact (human right interfered with or restricted)	
Neutral Impact	✔

If the effect you have identified is positive or neutral proceed to Question 9.3.

9.2   If you have identified a negative impact who is affected and how?

At this stage you should determine whether to seek legal advice and to refer to the issue to the Equality Team to consider:

- *whether there is a law which allows you to interfere with or restrict rights*
- *whether this interference or restriction is necessary and proportionate*
- *what action would be required to reduce the level of interference or restriction).*

9.6 Outline any actions which could be taken to promote or raise awareness of human rights or to ensure compliance with the legislation in relation to the policy/decision.

ESA will be appointing a Director of Children's services who will have as part of his/her remit the human rights of children in an education setting and will be cognisant of all legal requirements in respect of the Human rights of children.

10. APPROVAL AND AUTHORISATION

Screened By:	Position	Date
Liam Barr	Grade 7	1 May 13
Approved BY:	Position	Date
Paul Price	Grade 5	1 May 13

Note: A copy of the Screening Form must be approved and 'signed off' by a senior manager responsible for the policy.

The **TRIM** version of the completed Screening Form must be sent to the Equality Team (equality@deni.gov.uk) for quality assurance.

FOR COMPLETION BY EQUALITY TEAM

Quality Assured by: **Richard Magowan**   Date: **8 May 2013**

Screening Decision   **Agreed**

Comments: _____**None**_____

                                           _____

                                           _____

Date Directorate/Team Informed: **8 May 2013**

If your decision was to "Screen Out":

10   As soon as possible following quality assurance you must publish a copy of the screening form on the Department's website, with a link on the "Policy Screening" page

Placed on Internet by: _____ Date: _____

11   You must tell the Equality Team once your screening is published so it can fulfil the Department's statutory obligation to inform the Department Consultees when and where the screening was published

Consultees Informed by   _____ Date: _____

12   You must store this completed screening form on TRIM and finalise it. Use the record naming convention "Completed Screening form of......"

DEPARTMENT OF EDUCATION

EQUALITY AND HUMAN RIGHTS POLICY SCREENING

FOR PROPOSED/REVISED POLICY

INSPECTIONS (CLAUSES 44-48 OF THE EDUCATION BILL)

Equality Team
Room 501, Rathgael House
Ext 59686/59472
equality@deni.gov.uk

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1.   POLICY SCOPING

1.1   Title of policy

Inspections – (Clauses 44-48 of the Education Bill).

Generally, the relevant clauses in the Bill and the Explanatory and Financial Memorandum do not make significant change to the current role and responsibilities of the Education and Training Inspectorate (ETI).

The key changes relate to the ETI having some additional powers to take copies of documents etc. This puts on a statutory basis what has been custom and practice to date. This is the same position as in GB legislation.

The Bill also clarifies the power of the Department of Employment and Learning (DEL) and the Department of Culture, Arts and Learning (DCAL) to authorise DE inspectors to act on their behalf.

1.2   Type of Policy Development

This is an Existing/Revised/New Policy

This is a new policy

1.3   Description of policy

As previously mentioned there is little change to the role and responsibilities exercised by the ETI as specified in previous legislation. Indeed, the Heads of Agreement issued on 16 November 2011 by the First Minister and deputy First Minister stated that the ETI should remain as it is but that further consideration should be given to the Inspectorate, including the option of some or all of its functions remaining in a separate body. As such, the clauses within the Education Bill give effect to modest and minor adjustments, in some cases, putting on a statutory basis what was already custom and practice. This is in line with GB legislation. The Bill places duties on inspectors to:

- promote the highest standards of education and professional practice by monitoring, inspecting and reporting;
- advise DE about inspected establishments;
- monitor, inspect and report on any advisory and support services provided to the establishment by ESA; and
- monitor, inspect and report on the discharge by CCEA of relevant functions.

Inspectors may also monitor, inspect or report on wider aspects of establishments, including the management, staffing, equipment and accommodation. Inspectors will not be able to exercise their powers in relation to the provision of religious education in grant-aided schools, except with the agreement of the Board of Governors of that school. As a result of an inspection report, DE may give directions to require the school to remedy any matter raised in the report.

Inspectors will now have the power to inspect, take copies of, or take away any documents relating to the establishment they are inspecting. It also gives inspectors the power to require the production of any document.

Inspectors will be required upon completion of an inspection, to make a written report and send copies of that report to DE, ESA and a Board of Governors, a proprietor of an independent school or a body or person in charge of activities carried on at the inspected establishment.

There is also a duty on institutions of further education and colleges of education to be open at all reasonable times for inspection. These inspections shall be carried out by inspectors authorised by DEL.

There is also provision that inspectors carrying out inspections on behalf of DE or DEL may be accompanied and assisted by assessors and lay persons appointed by the Department, subject to certain requirements.

1.4 What factors could contribute to, or detract from the intended aim/outcome of the policy? *(Please tick relevant boxes)*

None	
Legislative	Yes
Financial	Yes
Others please specify) Time – PfG commitment requires the establishment of ESA in 2013. Implications of this timescale mean that ESA's complete "ready state" will be achieved over a period of time. However, with regard to Inspections these requirements will be operational from Day 1 of ESA.	Yes

1.9   Main stakeholders affected *(Please tick ✔ relevant boxes)*

Pupils (Actual or Potential)	
Parents	
Teaching Staff	✔
Trade Unions or Professional Organisations	
Other Public Sector Organisations	
Departmental Staff	
Others (please specify) Governors, Trustees, Transferors	✔

1.6   Who is responsible for :

(a) Devising the policy
DE

(b) Implementing it

DE and ESA once established.

(c) Explain the relationship?

DE will focus on strategy and policy and set priorities and standards for the ESA. The ESA will have responsibility for ensuring that quality education is delivered. The ETI will conduct inspections of all educational institutions as a means to promoting improvement by providing an external, professional perspective on the quality of provision. These reports will help DE, the ESA and educationalists deliver quality education.

1.7   Other policies or objectives with a bearing on this policy

The Programme for Government (PfG) sets an objective of establishing ESA in 2013.

2. EVIDENCE

2.8 **What evidence/information (both qualitative and quantitative) have you gathered to inform this policy?** *(Relevant details should be given for each of the categories.)*

Section 75 Category	Details of Evidence/Information
Religious Belief	The key evidence stems from the Chief Inspector's Reports, particularly the 2010-12 report. Inspections will provide a positive role in identifying and addressing under-performance across all section 75 groups. ETI has and will continue to provide an inspection function that will serve to promote quality education. Relevant to inspections is educational attainment across religious belief groups. The NIAO report "Improving Literacy and Numeracy Achievement in Schools (Feb 2013) reports that there persists a significant difference between the academic achievement of catholic and protestant pupils. The Department has set a target of 65% of socially disadvantaged children (defined by FSM entitlement) achieving 5 GCSEs by 2019/20. Currently this figures stands at 31.7%. However, overall this average reflects 35.9% of catholic pupils and 23.3% of protestant pupils. The *Qualifications and Destinations of Northern Ireland School Leavers 2010/11* shows that 61.2% of Catholic school leavers left with at least five GCSEs at grades A* - C or equivalent including GCSE English and maths. The corresponding proportion for Protestant school leavers was 57.9% - a difference of 3.3 percentage points. More specifically, there exist disparities in the performance between protestant and catholic boys. Between 2010 and 2011 the percentage of FSME (Free School Meal Entitlement) Protestant male school leavers achieving 5 or more GCSEs (or equivalent) including GCSEs in English and maths fell by 1.7 percentage points, from 20.3% to 18.6%. Whereas the proportion of Catholic boys entitled to free school meals achieving at this level, increased by 3.1 percentage points from 28.2 % to 31.3% in 2011. However, in real terms, the number of Catholic boys entitled to free school meals who did not achieve this level was double that of their Protestant counterparts – 888 compared to 450.
Political Opinion	There is no data collected on political opinion
Racial Group	The key evidence stems from the Chief Inspector's Reports, particularly the 2010-12 report. Inspections will provide a positive role in identifying and addressing under-performance across all section 75 groups. ETI has and will continue to provide an inspection function that will serve to promote quality education. The Northern Ireland Schools' Census 2012/13 recorded that 3.1% of pupils were recorded as from mixed or minority ethnic groups.

Age	The key evidence stems from the Chief Inspector's Reports, particularly the 2010-12 report. Inspections will provide a positive role in identifying and addressing under-performance across all section 75 groups. ETI has and will continue to provide an inspection function that will serve to promote quality education. Relevant to inspections is the age profile of the school population. The Schools' census 12/13 reported:- • there are 158,914 pupils in primary schools and preparatory departments (Year 1 – 7). In 2007/08 the figure was 157,911. This represents a rise of 0.6% over the five year period 07/08 to 12/13 and continues the rise in Year 1 – 7 enrolments seen in 2011/12, after a decade in which they had been declining; • there are 145,658 pupils in post-primary schools (Years 8 – 14). In 2007/08, the figure was 147,942. Within the 1.5% drop in overall enrolment in post-primary schools since 2007/08, there has been a drop of 4.6% in year 8 – 12 pupils, but a rise of 12.1% in the number of post year 12 pupils. The proportion of pupils staying on into Year 13 had increased from 57.4% in 2007/08 to 69.2% in 2012/13; and • In the post-primary phase, 62,599 pupils (43.0%) attend grammar schools. In 2007/08, the number of pupils in grammar schools was similar (62,279), but, because the cohort was larger, this represented a slightly smaller proportion of the overall total (42.1%). Between 2010-12 the ETI conducted 388 inspections in pre-school, primary and post-primary schools
Marital Status	There is no data collected on marital status for the school population
Sexual Orientation	The key evidence used was the Chief Inspector's Reports, particularly the 2010-12 report. Inspections will provide a positive role in identifying addressing under-performance across all section 75 groups. ETI has and will continue to provide an inspection function that will serve to promote quality education. The Shout Report (2003) indicated that between 2 and 10% of the population may be lesbian, gay or bisexual.
Men And Women Generally	The key evidence used was the Chief Inspector's Reports, particularly the 2010-12 report. Inspections will provide a positive role in identifying and addressing under-performance across all section 75 groups. ETI has and will continue to provide an inspection function that will serve to promote quality education. Relevant to inspections is the educational performance of males and females. In respect of performance girls continue to outperform boys. The Qualifications and Destinations of Northern Ireland School Leavers 2010/11 (revised) statistical press release issued by DE in August 2012 stated, "Girls continue to outperform boys in terms of qualifications achieved. By the time they left school 61.3% of girls achieved at least two A levels or equivalent compared to 45.7% of boys, and 56.2% of

	girls achieved three or more A levels or equivalent in 2010/11 compared to 40.9% of boys."
Disability	The key evidence used was the Chief Inspector's Reports, particularly the 2010-12 report. Inspections will provide a positive role in identifying and addressing under-performance across all section 75 groups. ETI has and will continue to provide an inspection function that will serve to promote quality education. The Northern Ireland Schools' Census 2012/13 recorded that 21.2% of pupils in schools were recorded as having special education needs; 4.5% had a statement of special educational needs. In total some 4,731 pupils attended either a special school or hospital school. ETI during the period 2010-12 conducted 18 Inspections in special schools and 365 evaluations within SEN mainstream organisations.
Dependants	In the 2010 Young Life and Times survey 5% of respondent's stated they had caring responsibilities

2.9 **Taking into account the evidence gathered at 2.1 what are the needs, experiences and priorities of each of the categories in relation to this particular policy?** (Relevant d*etails should be given for each of the categories.)*

Section 75 category	Needs/Experiences/Uptake/Priorities
Religious Belief	Inspections will be one of a number of tools which will be used to identify under-performance of all the section 75 groups and contribute to educational strategies to address these.
Political Opinion	As above
Racial Group	As above
Age	As above
Marital Status	As above
Sexual Orientation	As above
Men And Women Generally	As above

Disability	As above
Dependants	As above

3. SCREENING QUESTIONS

3.5 **What is the likely impact of this policy on equality of opportunity for each of the Section 75 equality categories?**
(* Please tick relevant boxes)

Section 75 category	None*	Minor *	Major *	Details of policy impact Level of impact?
Religious belief	✔			
Political opinion	✔			
Racial group	✔			
Age	✔			
Marital status	✔			
Sexual Orientation	✔			
Men and women generally	✔			
Disability	✔			
Dependants	✔			

3.2   Are there opportunities to better promote equality of opportunity for people within the Section 75 equality categories?

(* Please tick relevant boxes)

Section 75 category	NO*	Yes*	Provide Details
Religious belief	✓		
Political opinion	✓		
Racial group	✓		
Age	✓		
Marital status	✓		
Sexual Orientation	✓		
Men and women generally	✓		
Disability	✓		
Dependants	✓		

3.3   To what extent is the policy likely to impact on good relations between: people of different religious belief, political opinion or racial group? *(* Please tick ⍰relevant boxes)*

Good relations category	No impact*	Minor impact*	Major impact*	Details of policy impact
Religious belief	✔			
Political opinion	✔			
Racial group	✔			

3.4   Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?
(* Please tick relevant boxes)

Good relations category	NO*	YES*	Provide Details
Religious belief	✔		.
Political opinion	✔		
Racial group	✔		

3.5   Additional considerations - Multiple identities

Please provide details of data on the impact of the policy on people with multiple identities and specify relevant Section 75 categories concerned.

No

4.   SCREENING DECISION

Not to conduct an equality impact assessment because no equality issues have been identified.

Please provide details which support the decision

Not to conduct an equality impact assessment because no equality issues have been identified.

As previously mentioned there is little change to the role and responsibilities exercised by the ETI as specified in previous legislation. Indeed, the Heads of Agreement issued on 16 November 2011 by the First Minister and deputy First Minister stated that the ETI should remain as it is but that further consideration should be given to the Inspectorate, including the option of some or all of its functions remaining in a separate body. As such, the proposals within the Education Bill are modest and only make minor adjustments, in some cases, putting on a statutory basis what was already custom and practice. This is in line with GB legislation.

As such an equality impact assessment is not required.

If the Decision was:

1   Proceed to Section 5.
2   Proceed to Section 6.
3   Proceed to Section 7

5.   TIMETABLING AND PRIORITISING

5.1   If the policy has been 'screened in' for equality impact assessment, then please answer the following questions to determine its priority.

On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

Criterion	Priority Rating
Effect on equality of opportunity and good relations	
Social need	
Effect on people's daily lives	
Relevance to a public authority's functions	
Total	

Details of the Department's Equality Impact Assessment Timetable will be included in a Quarterly Screening Report.

5.2   If the policy is affected by timetables established by other relevant Public Authorities please provide details

No

6.   MITIGATION

If you conclude that the likely impact is **'minor'** and an equality impact assessment is not to be conducted, you should consider: mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

Why and how will the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?

11. MONITORING

Effective monitoring will help identify any future adverse impact arising from the policy, as well as help with future planning and policy development.

Please detail what data you will collect in the future in order to monitor the effect of the policy on any of Section 75 equality categories.

The provisions within the Education Bill ensure that all inspection reports are shared with DE, ESA and the relevant organisation which has been subject to inspection. All reports are published and Chief Inspector's reports are published every two years.

8.   DISABILITY DISCRIMINATION

8.1   Please state if the policy/decision in any way discourages persons with disabilities from participating in public life or fails to promote positive attitudes towards persons with disabilities.

No.

8.2   Please state if there is an opportunity to better promote positive attitudes towards persons with disabilities or encourage participation in public life by making changes to the policy/decision or introducing additional measures.

None

8.7   Please detail what data you will collect in the future in order to monitor the effect of the policy with reference to the disability duties.

9. CONSIDERATION OF HUMAN RIGHTS ISSUES

9.1   How does the policy/decision affect anyone's Human Rights?

I.E.

The Human Rights Act (1998)

The United Nations Convention on the Rights of the Child (UNCRC)   *The United Nations Convention on the Rights of Persons with Disabilities*   *(UNCRPD)*

The United Nations Convention on the Elimination of All Forms of   *Discrimination Against Women (CEDAW)*

(* Please tick ☐ as appropriate)

Insert Right Considered	*
Positive Impact	
Negative Impact (human right interfered with or restricted)	
Neutral Impact	✔

If the effect you have identified is positive or neutral proceed to Question 9.3.

9.2   If you have identified a negative impact who is affected and how?

At this stage you should determine whether to seek legal advice and to refer to the issue to the Equality Team to consider:

- *whether there is a law which allows you to interfere with or restrict rights*
- *whether this interference or restriction is necessary and proportionate*
- *what action would be required to reduce the level of interference or restriction).*

9.7 Outline any actions which could be taken to promote or raise awareness of human rights or to ensure compliance with the legislation in relation to the policy/decision.

10. APPROVAL AND AUTHORISATION

Screened By:	Position	Date
Liam Barr	Grade 7	**2 May 13**
Approved BY:	**Position**	**Date**
Paul Price	Grade 5	**2 May 13**

Note: A copy of the Screening Form must be approved and 'signed off' by a senior manager responsible for the policy.

The **TRIM** version of the completed Screening Form must be sent to the Equality Team (equality@deni.gov.uk) for quality assurance.

FOR COMPLETION BY EQUALITY TEAM

Quality Assured by: **Richard Magowan**   Date: **8 May 2013**

Screening Decision   **Agreed**

Comments: _____**None**_____

                                  _____

                                  _____

Date Directorate/Team Informed: **8 May 2013**

If your decision was to "Screen Out":

13   As soon as possible following quality assurance you must publish a copy of the screening form on the Department's website, with a link on the "Policy Screening" page

Placed on Internet by: _____ Date: _____

14   You must tell the Equality Team once your screening is published so it can fulfil the Department's statutory obligation to inform the Department Consultees when and where the screening was published

Consultees Informed by   _____ Date: _____

15   You must store this completed screening form on TRIM and finalise it. Use the record naming convention "Completed Screening form of……"

Department of
Education
www.deni.gov.uk

DEPARTMENT OF EDUCATION

EQUALITY AND HUMAN RIGHTS POLICY SCREENING

FOR PROPOSED/REVISED POLICY

PROTECTION OF CHILDREN AND YOUNG PERSONS (CLAUSES 55-59 OF THE EDUCATION BILL)

Equality Team

Room 501, Rathgael House
Ext 59686/59472
equality@deni.gov.uk

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1.   POLICY SCOPING

1.1   Title of policy

<u>Protection of Children and Young Persons – (Clauses 55-59 of the Education Bill.</u>

The Explanatory and Financial Memorandum to the Bill puts a duty on the Education and Skills Authority (ESA) to safeguarding and promoting the welfare of children and young persons.

1.2   <u>Type of Policy Development</u>

This is an Existing/Revised/New Policy *(Delete as appropriate)*

This is a new policy

1.3   Description of policy

- *What is it trying to achieve? (aims/outcomes)*
- *How will this be achieved? (key elements)*

The Protection of Children and Young Persons policy as outlined in Clauses 55-59 of the Education Bill (and the Explanatory and Financial Memorandum to the Bill) puts a duty on ESA to safeguard and promote the welfare of children and young persons. This policy provides a clear responsibility on all those involved in the delivery of education or youth services within funded or grant aided organisations to have proper procedures in place in respect of the safeguarding and promoting the welfare of children and young persons. Secondly, there is a duty on the ESA to monitor and review these procedures and along with DE, issue guidance or direction to ensure compliance with safeguarding and protecting children and young people.

These proposals represent a strengthening of current arrangements and the addition of a statutory duty on providers of funded pre-school or youth services to safeguard and protect and promote the welfare of children.

In summary, these proposals place:-

- a duty on ESA to ensure that its functions are exercised with a view to safeguarding and promoting the welfare of children and young persons. ESA shall review the exercise of child protection functions by Boards of Governors, providers of funded pre-school education and persons in receipt of certain grants. The ESA, as well as DE, will be able to issue guidance and direction to ensure compliance with child protection duties;
- **a duty on providers of funded pre-school education to safeguard and promote welfare of children. They will be** required to determine and review measures that will protect children from abuse, having regard to any guidance given by DE or the ESA. An important feature of these proposals is that they will be required to prepare a written statement of those measures and provide copies free of charge to parents and staff, and to ensure that those measures are taken;
- **a duty on providers of educational and youth services to safeguard and promote welfare of children** and that any grants for educational or youth services are made subject to conditions which safeguard and protect the welfare of children and young persons;
- **a duty which** allows ESA to direct a Board of Governors of a grant-aided school in relation to the performance of any duty to safeguard and protect the welfare of children and young persons; and
- a duty on all providers of funded or grant aided education or youth service providers and any other person on whom a duty has been imposed, to co-operate with the ESA or any authority discharging functions under the Children Order in its duty to safeguard and protect the welfare of children and young persons.

As highlighted in the "Overview of the RPA", the establishment of the ESA, has the potential to make an overwhelmingly positive contribution, by enabling equality of access to a modernised curriculum; delivering more effective planning and delivery of infrastructure for all sectors; and by tackling the current unacceptable inequalities in educational attainment. Through a more streamlined administrative structure and the consistency and efficiency in the delivery of services will lead to benefits across all the education sectors. Specifically, in relation to the Protection of Children and young persons, it is anticipated that this policy will have a positive impact on all section 75 groups is. It provides those involved in the delivery of education with clear and uniform guidance on the safeguarding and protection of children and young people. It also provides reassurance to pupils and their parents and guardians that measures are in place and are monitored and reviewed to ensure compliance with clear standards of practice.

The Assembly Education Committee has considered the relevant clauses in the Bill and has indicated that it is content with what is proposed.

1.4 What factors could contribute to, or detract from the intended aim/outcome of the policy? *(Please tick relevant boxes)*

None	
Legislative	Yes
Financial	Yes
Others please specify) Time – PfG commitment requires the establishment of ESA in 2013. Implications of this timescale mean that ESA's complete "ready state" will be achieved over a period of time. However, the proposals outlined in 1.3. will be implemented from day 1 of ESA.	Yes

1.10   Main stakeholders affected *(Please tick ✔ relevant boxes)*

Pupils (Actual or Potential)	✔
Parents	✔
Teaching Staff	✔
Trade Unions or Professional Organisations	✔
Other Public Sector Organisations	
Departmental Staff	
Others (please specify) Governors, Trustees, Transferors	✔

1.6   Who is responsible for :

(a) Devising the policy
(i.e. is it DE, a Whitehall Department, EU etc)

DE

(b) Implementing it
(i.e. is it DE, another Department, NDPB etc.)

DE and the ESA once established.

(c) Explain the relationship?

DE will focus on strategy and policy and set priorities and standards for the ESA. The ESA will have responsibility for ensuring that all funded and grant aided providers of education or youth services have proper procedures in place for child protections. Both DE and the ESA will be able to issue guidance and direction to ensure providers are in compliance with the child protection requirements.

1.7   Other policies or objectives with a bearing on this policy

The Programme for Government (PfG) sets an objective of establishing ESA in 2013.

There are a range of other policies within DE which contribute to the protection of children and young persons. In particular the department has an anti –bullying policy, the purpose of which is to ensure that all schools have in place an effective approach to tackling all forms of bullying among pupils and that all pupils and their parents are confident their concerns about bullying will be dealt with in an appropriate and timely manner.

The iMatter Programme previously known as the Pupils' Emotional Health and Wellbeing Programme was conceived as a vehicle for bringing together the range of activities occurring at school level which contribute to a positive outcome for pupils. Key aspects of the Programme include:-

- To achieve a shared/agreed understanding of pupils' emotional health and wellbeing;
- To audit practice across the full range of activities within the school and identify those which can contribute to promoting a pupil's emotional health and wellbeing;
- To evaluate practice and identify how they might improve and what further practice could/should be introduced;
- To prepare a plan, as part of school development planning, in partnership with the school community – staff, pupils and parents-   which sets out how pupils' emotional health and wellbeing will be promoted and how the effectiveness of the plan will be evaluated;
- To make accessible information about relevant evidence based good practice which is regularly updated;
- To have up to date information about the full range of community based services available to support pupils both inside and outside of the school; and
- To enable external/community based support services for pupils to be accessible as required.

2. EVIDENCE

2.10 **What evidence/information (both qualitative and quantitative) have you gathered to inform this policy?** *(Relevant details should be given for each of the categories.)*

Section 75 Category	Details of Evidence/Information
Religious Belief	The policy in relation to the safeguarding and promoting the welfare of children is well established within the education sector. This is evident in the Education & Libraries (NI) Order 2003 which places specific responsibilities upon the Board of Governors of every grant-aided school such as safeguarding and promoting the welfare of registered pupils and determining the measures to be taken to protect pupils from all forms of abuse. The main impact of the protection of children and young people provisions within the Education Bill is to place a direct responsibility on the ESA and extend the provisions to cover those education sectors, i.e. funded pre-school providers and grant aided Youth providers. This is to be welcomed and provides greater protection for all, irrespective of religious belief.
Political Opinion	The policy in relation to the safeguarding and promoting the welfare of children is well established within the education sector. This is evident in the Education & Libraries (NI) Order 2003 which places specific responsibilities upon the Board of Governors of every grant-aided school such as safeguarding and promoting the welfare of registered pupils and determining the measures to be taken to protect pupils from all forms of abuse. The main impact of the protection of children and young people provisions within the Education Bill is to place a direct responsibility on the ESA and extend the provisions to cover those education sectors, i.e. funded pre-school providers and grant aided Youth providers. This is to be welcomed and provides greater protection for all, irrespective of political opinion.
Racial Group	The policy in relation to the safeguarding and promoting the welfare of children is well established within the education sector. This is evident in the Education & Libraries (NI) Order 2003 which places specific responsibilities upon the Board of Governors of every grant-aided school such as safeguarding and promoting the welfare of registered pupils and determining the measures to be taken to protect pupils from all forms of abuse. The main impact of the protection of children and young people provisions within the Education Bill is to place a direct responsibility on the ESA and extend the provisions to cover those education sectors, i.e. funded pre-school providers and grant aided Youth providers. This is to be welcomed and provides greater protection for all, irrespective of racial group.
Age	The policy in relation to the safeguarding and promoting the welfare of children is well established within the education sector. This is evident in the Education & Libraries (NI) Order 2003 which places specific responsibilities upon the Board of Governors of every grant-aided school such as safeguarding and promoting the welfare of registered pupils and determining the measures to be taken to protect pupils from all forms of abuse. The main impact of the protection of children and young people provisions within the Education Bill is to place a direct responsibility on the ESA and extend the provisions to cover those education sectors, i.e. funded pre-school providers and grant aided Youth

	providers. This is to be welcomed and provides greater protection for all, irrespective of age.
Marital Status	The policy in relation to the safeguarding and promoting the welfare of children is well established within the education sector. This is evident in the Education & Libraries (NI) Order 2003 which places specific responsibilities upon the Board of Governors of every grant-aided school such as safeguarding and promoting the welfare of registered pupils and determining the measures to be taken to protect pupils from all forms of abuse. The main impact of the protection of children and young people provisions within the Education Bill is to place a direct responsibility on the ESA and extend the provisions to cover those education sectors, i.e. funded pre-school providers and grant aided Youth providers. This is to be welcomed and provides greater protection for all, irrespective of marital status.
Sexual Orientation	Although N. Ireland was not part of the study, *"The school report: the experiences of young gay people in Britain's schools"* (*London: Stonewall: Guasp April 2012*) it was shown that over half (55%) of lesbian, gay and bisexual young people have experienced homophobic bullying at school. The policy in relation to the safeguarding and promoting the welfare of children is well established within the education sector. This is evident in the Education & Libraries (NI) Order 2003 which places specific responsibilities upon the Board of Governors of every grant-aided school such as safeguarding and promoting the welfare of registered pupils and determining the measures to be taken to protect pupils from all forms of abuse. The main impact of the protection of children and young people provisions within the Education Bill is to place a direct responsibility on the ESA and extend the provisions to cover those education sectors, i.e. funded pre-school providers and grant aided Youth providers. This is to be welcomed and provides greater protection for all, irrespective of sexual orientation.
Men And Women Generally	One study ("The protection of children online: a brief scoping review to identify vulnerable groups", Department for Education (2011:) showed that between 8% and 34% of children and young people in the UK have been cyberbullied, and girls are twice as likely to experience persistent cyberbullying than boys (source: . The *NSPCC/ChildLine facts and figures (2012) showed that* Bullying was the main reason that boys called ChildLine. The policy in relation to the safeguarding and promoting the welfare of children is well established within the education sector. This is evident in the Education & Libraries (NI) Order 2003 which places specific responsibilities upon the Board of Governors of every grant-aided school such as safeguarding and promoting the welfare of registered pupils and determining the measures to be taken to protect pupils from all forms of abuse. The main impact of the protection of children and young people provisions within the Education Bill is to place a direct responsibility on the ESA and extend the provisions to cover those education sectors, i.e. funded pre-school providers and grant aided Youth providers. This is to be welcomed and provides greater protection for all, irrespective of whether male or female.

Disability	A study by *Chamberlain, Tamsin, George, Nalia, Golden, Sarah, Walker, Fiona and Benton, Tom (2010 Tellus4 national report : Department for Children, Schools and Families) showed that* 38% of disabled children worried about being bullied. The policy in relation to the safeguarding and promoting the welfare of children is well established within the education sector. This is evident in the Education & Libraries (NI) Order 2003 which places specific responsibilities upon the Board of Governors of every grant-aided school such as safeguarding and promoting the welfare of registered pupils and determining the measures to be taken to protect pupils from all forms of abuse. The main impact of the protection of children and young people provisions within the Education Bill is to place a direct responsibility on the ESA and extend the provisions to cover those education sectors, i.e. funded pre-school providers and grant aided Youth providers. This is to be welcomed and provides greater protection for all, irrespective of disability.
Dependants	The policy in relation to the safeguarding and promoting the welfare of children is well established within the education sector. This is evident in the Education & Libraries (NI) Order 2003 which places specific responsibilities upon the Board of Governors of every grant-aided school such as safeguarding and promoting the welfare of registered pupils and determining the measures to be taken to protect pupils from all forms of abuse. The main impact of the protection of children and young people provisions within the Education Bill is to place a direct responsibility on the ESA and extend the provisions to cover those education sectors, i.e. funded pre-school providers and grant aided Youth providers. This is to be welcomed and provides greater protection for all, irrespective of whether someone has dependants.

2.11 **Taking into account the evidence gathered at 2.1 what are the needs, experiences and priorities of each of the categories in relation to this particular policy?** (Relevant d*etails should be given for each of the categories.)*

2.12

Section 75 category	Needs/Experiences/Uptake/Priorities
Religious Belief	The needs of the Section 75 Groups will not change. The impact of these provisions within the Education will serve to strengthen the safeguarding and promoting the welfare of children and young people.
Political Opinion	The needs of the Section 75 Groups will not change. The impact of these provisions within the Education will serve to strengthen the safeguarding and promoting the welfare of children and young people.
Racial Group	The needs of the Section 75 Groups will not change. The impact of these provisions within the Education will serve to strengthen the safeguarding and promoting the welfare of children and young people.

Age	The needs of the Section 75 Groups will not change. The impact of these provisions within the Education will serve to strengthen the safeguarding and promoting the welfare of children and young people.
Marital Status	The needs of the Section 75 Groups will not change. The impact of these provisions within the Education will serve to strengthen the safeguarding and promoting the welfare of children and young people.
Sexual Orientation	The needs of the Section 75 Groups will not change. The impact of these provisions within the Education will serve to strengthen the safeguarding and promoting the welfare of children and young people.
Men And Women Generally	The needs of the Section 75 Groups will not change. The impact of these provisions within the Education will serve to strengthen the safeguarding and promoting the welfare of children and young people.
Disability	The needs of the Section 75 Groups will not change. The impact of these provisions within the Education will serve to strengthen the safeguarding and promoting the welfare of children and young people.
Dependants	The needs of the Section 75 Groups will not change. The impact of these provisions within the Education will serve to strengthen the safeguarding and promoting the welfare of children and young people.

3. SCREENING QUESTIONS

3.6 **What is the likely impact of this policy on equality of opportunity for each of the Section 75 equality categories?**

(* Please tick ✔ relevant boxes)

Section 75 category	None*	Minor *	Major *	Details of policy impact Level of impact?
Religious belief	✔			
Political opinion	✔			
Racial group	✔			
Age	✔			
Marital status	✔			
Sexual Orientation	✔			
Men and women generally	✔			
Disability	✔			
Dependants	✔			

3.2 Are there opportunities to better promote equality of opportunity for people within the Section 75 equality categories?

(* Please tick ✔ relevant boxes)

Section 75 category	NO*	Yes*	Provide Details
Religious belief	✔		
Political opinion	✔		
Racial group	✔		
Age	✔		
Marital status	✔		
Sexual Orientation	✔		
Men and women generally	✔		
Disability	✔		
Dependants	✔		

3.3   To what extent is the policy likely to impact on good relations between: people of different religious belief, political opinion or racial group? *(* Please tick* ✔ *relevant boxes)*

Good relations category	No impact*	Minor impact*	Major impact*	Details of policy impact
Religious belief	✔			
Political opinion	✔			
Racial group	✔			

3.4   Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?

(* Please tick ✔ *relevant boxes)*

Good relations category	NO*	YES*	Provide Details
Religious belief	✔		.
Political opinion	✔		
Racial group	✔		

3.5   Additional considerations - Multiple identities

Please provide details of data on the impact of the policy on people with multiple identities and specify relevant Section 75 categories concerned.

Are there any potential impacts of the policy/decision on people with multiple identities? i.e.: disabled minority ethnic children, school age mothers, religion and gender, young LGB and T people etc).

No

4.   SCREENING DECISION

Not to conduct an equality impact assessment because no equality issues have been identified.

Please provide details which support the decision

It is anticipated that this policy for the protection of children and young people will have a positive impact on all section 75 groups is. It provides those involved in the delivery of education with clear and uniform guidance on the safeguarding and protection of children and young people. It also provides reassurance to pupils and their parents and guardians that measures are in place and are monitored and reviewed to ensure compliance with clear standards of practice.

If the Decision was:

1   Proceed to Section 5.
2   Proceed to Section 6.
3   Proceed to Section 7

5. TIMETABLING AND PRIORITISING

5.1   If the policy has been 'screened in' for equality impact assessment, then please answer the following questions to determine its priority.

On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

Criterion	Priority Rating
Effect on equality of opportunity and good relations	
Social need	
Effect on people's daily lives	
Relevance to a public authority's functions	
Total	

Details of the Department's Equality Impact Assessment Timetable will be included in a Quarterly Screening Report.

5.2   If the policy is affected by timetables established by other relevant Public Authorities please provide details

No

6.   MITIGATION

If you conclude that the likely impact is **'minor'** and an equality impact assessment is not to be conducted, you should consider: mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

Why and how will the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?

12. MONITORING

Effective monitoring will help identify any future adverse impact arising from the policy, as well as help with future planning and policy development.

Please detail what data you will collect in the future in order to monitor the effect of the policy on any of Section 75 equality categories.

The ESA which will be required to have its own Equality statement will be required to undertake evaluations of its policies and where necessary undertake further equality assessment screenings

8. DISABILITY DISCRIMINATION

8.1   Please state if the policy/decision in any way discourages persons with disabilities from participating in public life or fails to promote positive attitudes towards persons with disabilities.

No.

8.2   Please state if there is an opportunity to better promote positive attitudes towards persons with disabilities or encourage participation in public life by making changes to the policy/decision or introducing additional measures.

None

8.8   Please detail what data you will collect in the future in order to monitor the effect of the policy with reference to the disability duties.

As a public authority ESA will be required to collate data annually

9.   CONSIDERATION OF HUMAN RIGHTS ISSUES

9.1   How does the policy/decision affect anyone's Human Rights?

I.E.

The Human Rights Act (1998)

The United Nations Convention on the Rights of the Child (UNCRC)   *The United Nations Convention on the Rights of Persons with Disabilities*   *(UNCRPD)*

The United Nations Convention on the Elimination of All Forms of   *Discrimination Against Women (CEDAW)*

(* Please tick ✔ as appropriate)

Insert Right Considered	*
Positive Impact	
Negative Impact (human right interfered with or restricted)	
Neutral Impact	✔

If the effect you have identified is positive or neutral proceed to Question 9.3.

9.2   If you have identified a negative impact who is affected and how?

At this stage you should determine whether to seek legal advice and to refer to the issue to the Equality Team to consider:

- *whether there is a law which allows you to interfere with or restrict rights*
- *whether this interference or restriction is necessary and proportionate*
- *what action would be required to reduce the level of interference or restriction).*

9.8 Outline any actions which could be taken to promote or raise awareness of human rights or to ensure compliance with the legislation in relation to the policy/decision.

None

10. APPROVAL AND AUTHORISATION

Screened By:	Position	Date
Liam Barr	Grade 7	1 May 13
Approved BY:	**Position**	Date
Paul Price	Grade 5	1 May 13

Note: A copy of the Screening Form must be approved and 'signed off' by a senior manager responsible for the policy.

The **TRIM** version of the completed Screening Form must be sent to the Equality Team (equality@deni.gov.uk) for quality assurance.

FOR COMPLETION BY EQUALITY TEAM

Quality Assured by: **Richard Magowan**   Date: **8 May 2013**

Screening Decision   **Agreed**

Comments: _____**None**_____

                                              _____

                                              _____

Date Directorate/Team Informed: **8 May 2013**

If your decision was to "Screen Out":

16   As soon as possible following quality assurance you must publish a copy of the screening form on the Department's website, with a link on the "Policy Screening" page

Placed on Internet by: _____ Date: _____

17   You must tell the Equality Team once your screening is published so it can fulfil the Department's statutory obligation to inform the Department Consultees when and where the screening was published

Consultees Informed by   _____ Date: _____

18   You must store this completed screening form on TRIM and finalise it. Use the record naming convention "Completed Screening form of……"

Department of
Education
www.deni.gov.uk

DEPARTMENT OF EDUCATION

EQUALITY AND HUMAN RIGHTS POLICY SCREENING

FOR PROPOSED/REVISED POLICY

ESTABLISHMENT OF SECTORAL SUPPORT BODIES (CLAUSES 11,13,28,29 AND 63 OF THE EDUCATION BILL)

Equality Team
Room 501, Rathgael House
Ext 59686/59472
equality@deni.gov.uk

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1. POLICY SCOPING

1.1   Title of policy
Establishment of Sectoral Support Bodies (SSBs) - (Clause 11,13,28,29 and 63 of the Education Bill)

1.2   Type of Policy Development
This is a New Policy.

1.3   Description of policy

Throughout the Review of Public Administration (RPA) there has been an assumption that there will continue to be educational sectors in Northern Ireland, and that the Department of Education (DE) will continue to engage with those sectors.   Indeed, as detailed policy work underpinning the implementation of the RPA in education has progressed, it became clear that there would be a significant role for the sectoral interests within the new arrangements. The Heads of Agreement of 16 November, 2011 and Policy Memorandum of 14 December, 2011 have established that there shall be a sectoral support body for each of the following sectors: Catholic schools, Controlled schools, Integrated schools, and Irish-medium schools.

Sectoral representation is therefore a key component of the reform of education administration. It will provide the means by which a number of non-statutory organisations can discharge advisory, representation, and advocacy roles in respect of schools of a particular character or ethos (including the controlled sector). This will include participation in the ESA's area planning arrangements, and engagement with other sectors to develop opportunities for greater co-operation and sharing.

Sectoral bodies already exist in the Integrated and Irish-medium sectors (the NI Council for Integrated Education (NICIE) and Comhairle na Gaelscolaíochta (CnaG) respectively); and the Catholic Trustees have well-developed plans for a Trustee Support Body.   The Department is working actively to assist the Controlled sector to establish an effective sectoral body as quickly as possible.

Sectoral support bodies will be supported through the provision of departmental funding for the following types of activities:
- A representational and advocacy role, including advice and support in responding to consultation exercises in respect of education policies, initiatives and schemes, and in regard to relationships with the Department, the ESA and other Departments;
- Working with schools within the sector to develop and maintain the collective ethos of the sector including, where appropriate, a role in ensuring ethos is part of employment considerations;
- Working with ESA to raise educational standards;
- Identifying/nominating foundation governors and encouraging others to put themselves forward as community governors;
- Discharging any role or responsibility relating to ownership of schools where appropriate;
- Participating in the planning of the schools estate, assessing current and ongoing provision within the sector, participating in area-based planning co-ordinated by the ESA, and engaging where appropriate in strategic planning processes, including community planning; and
- Building co-operation and engaging with other sectors in matters of mutual interest, including promotion of tolerance and understanding, respect for diversity and the aims of A Shared Future.

DE will not support the development or continuation of functions that duplicate or overlap with functions that are the responsibility of the ESA. All of the front-line support and related functions that DE funds CCMS, NICIE and CnaG to deliver will be transferred to the ESA. The ESA will be required to establish the capacity and expertise to provide sectorally sensitive services to schools of all types.

1.4 What factors could contribute to, or detract from the intended aim/outcome of the policy?

None	
Legislative	✔
Financial	✔
Others please specify) Time – the Programme for Government (Commitment 76) requires the establishment of ESA in 2013.	✔

1.11 Main stakeholders affected

Pupils (Actual or Potential)	✔
Parents	✔
Teaching Staff	✔
Trade Unions or Professional Organisations	✔
Other Public Sector Organisations	✔
Departmental Staff	
Others (please specify) Governors, Trustees, Transferors	✔

1.6 Who is responsible for :

(a) Devising the policy

DE

(b) Implementing it

DE

(c) Explain the relationship?

n/a

1.7 Other policies or objectives with a bearing on this policy

The Programme for Government sets an objective of establishing ESA during 2013. By providing for the active engagement of sectoral interests, the establishment of sectoral support bodies is expected to have a positive impact on overall school performance. This will help the Department meet its policy objectives to raise standards and improve educational outcomes.

2. EVIDENCE

2.13 **What evidence/information (both qualitative and quantitative) have you gathered to inform this policy?**

Section 75 Category	Details of Evidence/Information
Religious Belief	The current (2012/13) pupil population of NI breaks down into categories of religious belief as follows (data gathered as part of the annual school census exercise – includes nursery, primary, post-primary and special schools): <table><thead><tr><th>Protestant</th><th>Catholic</th><th>Other Christian</th><th>Non Christian</th><th>Other/ No Religion/ Not recorded</th><th>Total</th></tr></thead><tbody><tr><td>119,118</td><td>165,192</td><td>9,193</td><td>1,997</td><td>28,755</td><td>324,255</td></tr><tr><td>36.7%</td><td>50.9%</td><td>2.8%</td><td>0.6%</td><td>8.9%</td><td>100%</td></tr></tbody></table> This information is not available in respect of teaching staff as Article 71 of the Fair Employment and Treatment (NI) Order 1998 makes schools exempt from the requirement to monitor the community background of their teaching staff. However, the school sector is used as a proxy for religion with those teaching in Catholic maintained schools being deemed as predominantly Catholic and those in controlled schools as predominantly Protestant. Research conducted by PricewaterhouseCoopers in 2010 on school governance in NI showed that nearly half of the 751 Governors who responded were members of the Protestant community (49%), compared to 38% of respondents who stated that they were members of the Roman Catholic community.
Political Opinion	This information is not available in respect of teaching staff as Article 71 of the Fair Employment and Treatment (NI) Order 1998 makes schools exempt from the requirement to monitor the Political Opinion of their teaching staff. Research conducted by PricewaterhouseCoopers in 2010 on school governance in NI showed that almost two thirds of respondents reported their political opinion as Unionist (33%) or Nationalist (28%), while the remaining respondents stated that they had no political opinion (11%), stated another political opinion, for example Alliance (9%), or preferred not to say (19%).
Racial Group	Data gathered as part of the annual school census exercise in 2012 shows that 3.3% of pupils were recorded as from mixed or minority ethnic groups (nursery, primary, post-primary and special schools). At present this type of information is typically collected by employing authorities during recruitment activity in line with statutory monitoring requirements. This information is not usually collated and we have not been able to identify any single source of information on the workforce in relation to this measure. However, there is no indication that this policy will disproportionately impact on the basis of

	racial group.
	Research conducted by PricewaterhouseCoopers in 2010 on school governance in NI showed that in terms of ethnic origin, almost all governor respondents (96%) described their ethnic origin as "White" while there were no governor respondents from the Black and Minority Ethnic (BME) community. The remaining 4% of respondents stated 'other' or 'prefer not to say'. The Northern Ireland census for 2011 recorded that 1.79% of the population were from an ethnic minority.
Age	Data gathered as part of the annual school census exercise in 2012 shows that:- • there are 15,030 pupils (4.6%) in nursery schools and in nursery and reception classes in primary schools (pre-compulsory school age); • there are 158,914 pupils (49%) in primary schools and preparatory departments (Year 1 – 7); • there are 145,658 pupils (44.9%) in post-primary schools (Years 8 – 14); and • there are 4,653 pupils (1.4%) in special schools (ages 4-19). The table below shows the age profile of the teaching workforce in grant-aided schools at March 2012:

Age Range	% Total
24 and under	1.31%
25 to 29	10.65%
30 to 34	17.07%
35 to 39	16.83%
40 to 44	15.92%
45 to 49	12.14%
50 to 54	11.85%
55 to 59	11.57%
60 to 64	2.42%
65 and over	0.25%
Totals:	**100.00%**

The age profile of teachers indicates that all age groups are represented from 22 to 65+.

Research conducted by PricewaterhouseCoopers in 2010 on school governance in NI showed that respondents represented a range of age groups:
• Almost three in ten respondents were aged 36-45 years (29%) and the same proportion was aged 46-55 years (29%).
• More than one in six governors (18%) were aged 65 or older.
• There was a greater representation of governor respondents aged 36 and above compared to the wider NI population, with fewer governors in the age range of 26-35.

| Marital Status | At present this type of information is typically collected by employing authorities during recruitment activity in line with statutory monitoring requirements. This information is not usually collated and we have not been able to identify any single source of information on the workforce in relation to this measure. However, there is no indication that this policy will disproportionately impact on the basis of marital status.

Research conducted by PricewaterhouseCoopers in 2010 on school governance in NI showed that the majority of governor respondents were married (84%), with a smaller population of single (8%) or widowed governors (4%). |
| --- | --- |
| Sexual Orientation | The Shout Report (2003) indicated that between 2 and 10% of the population may be lesbian, gay or bisexual. |
| Men And Women Generally | Information drawn from the annual school census exercise (2012) shows that is there is a fairly even distribution of males and females within the school population, with 50.8% male pupils and 49.2% female. The table below provides a breakdown by school sector.

School type	Male	Female	Total
Nursery Schools	3082	2828	5910
Primary schools	85738	82296	168034
Post primary schools	72535	73123	145658
Special schools	3212	1441	4653
Total	164567	159688	324255

At March 2012 the makeup of the teaching workforce was 75.53% female and 24.47% male.

Research conducted by PricewaterhouseCoopers in 2010 on school governance in NI showed that there was an equal split in relation to the gender of governor respondents, 50% female and 50% male. The NI Census 2011 recorded that for the general population 49% were male and 51% female.

By way of comparison the Northern Ireland census 2011 recorded that 49% of the population were male and 51% female.

There is no indication that this policy will impact disproportionately on men or on women. |
| Disability | Data gathered as part of the annual school census exercise in 2012 shows that 21% of pupils in schools were recorded as having special educational needs; 4% had a statement of special educational needs. In total some 4,731 pupils attended either a special school or hospital school. |

| | This information is not collected by employing authorities. There is no evidence that this policy will disproportionately impact on the basis of dependant status.

Research conducted by PricewaterhouseCoopers in 2010 on school governance in NI showed that more than a quarter (28%) of governor respondents acted in a caring role to support family members, friends, neighbours or dependants with a long-term illness. |
|---|---|
| Dependants | |

2.14 **Taking into account the evidence gathered at 2.1 what are the needs, experiences and priorities of each of the categories in relation to this particular policy?**

Section 75 category	Needs/Experiences/Uptake/Priorities
Religious Belief	The need for this category is for sectoral bodies to be established that will work with schools to develop and maintain the collective ethos of the respective sectors, including the controlled sector; for the bodies to perform a representational and advocacy role on behalf of their respective school sectors; and that there should be consistency across all sectors in terms of the types of activities undertaken by sectoral bodies and supported by the Department.
Political Opinion	
Racial Group	
Age	
Marital Status	
Sexual Orientation	The need for all the Section 75 categories is that the views of sectoral interests should be effectively represented following the reform of education administration; and that sectors are treated in a consistent and equitable manner.
Men And Women Generally	
Disability	
Dependants	

3.   SCREENING QUESTIONS

3.7   **What is the likely impact of this policy on equality of opportunity for each of the Section 75 equality categories?**

Section 75 category	None*	Minor *	Major *	Details of policy impact Level of impact?
Religious belief		✔		The establishment of Sectoral Support Bodies will ensure that the views of sectoral interests are effectively represented. This includes the two largest religious groups within the community as represented in the management of controlled schools, through Boards of Governors which include representatives of transferors (mainly the Protestant churches); and Catholic schools, through Boards of Governors which include members nominated by (mainly Roman Catholic) trustees. Given the way in which different sectors emerged and developed here over the years, the sectoral interests have had different relationships with government, played differing roles and received different levels of support. The establishment of Sectoral Support Bodies presents an opportunity to reform these inequalities in relationships, roles and funding, and ensure that sectors are treated in a consistent and equitable manner.
Political opinion	✔			
Racial group	✔			The establishment of Sectoral Support Bodies is not expected to have an adverse differential impact on any specific group. Overall, taken with the other provisions in the Education Bill, the impact should be positive.
Age	✔			
Marital status	✔			

Sexual Orientation	✔			
Men and women generally	✔			
Disability	✔			
Dependants	✔			

3.2   Are there opportunities to better promote equality of opportunity for people within the Section 75 equality categories?

Section 75 category	NO*	Yes*	Provide Details
Religious belief	✔		
Political opinion	✔		
Racial group	✔		
Age	✔		
Marital status	✔		
Sexual Orientation	✔		
Men and women generally	✔		
Disability	✔		
Dependants	✔		

3.3 **To what extent is the policy likely to impact on good relations between: people of different religious belief, political opinion or racial group?**

Good relations category	No impact*	Minor impact*	Major impact*	Details of policy impact
Religious belief		✔		Departmental funding will be provided to allow sectoral support bodies, inter alia, to build co-operation and engage with other sectors in matters of mutual interest, including promotion of tolerance and understanding, respect for diversity and the aims of *A Shared Future*.
Political opinion	✔			As above
Racial group	✔			As above

3.4 **Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?**

Good relations category	NO*	YES*	Provide Details
Religious belief	✔		
Political opinion	✔		
Racial group	✔		

3.5   Additional considerations - Multiple identities

Please provide details of data on the impact of the policy on people with multiple identities and specify relevant Section 75 categories concerned.

N/A

4.   SCREENING DECISION

Not to conduct an equality impact assessment; although there is a minor impact, on one or more of the equality of opportunities and/or good relations categories but mitigation/alternative policies will offset the minor adverse impact(s).

Please provide details which support the decision

Any minor equality impact is positive, not adverse.

There is significant benefit to be derived from the involvement of sectoral interests in education. Past experience has demonstrated that the active involvement/engagement of owners/Trustees/ governors of schools (i.e. sectoral interests) has had a positive impact on the performance of the school, and should be encouraged and facilitated. Involvement of owners/Trustees/governors can help establish a strong sense of ownership and pride in a school that appears to contribute to the positive experience of children attending the school and its overall performance.

The establishment of Sectoral Support Bodies will ensure that the views of sectoral interests are effectively represented following the reform of education administration; and that sectors are treated in a consistent and equitable manner. Any asymmetrical equality impact is intentional in that the policy is designed to promote equality of opportunity for sectoral interests, including the controlled sector which in the past has lacked the sense of shared identity and ownership evident in other sectors.

If the Decision was:

1   Proceed to Section 5.
2   Proceed to Section 6.
3   Proceed to Section 7

5. TIMETABLING AND PRIORITISING

5.1 **If the policy has been 'screened in' for equality impact assessment, then please answer the following questions to determine its priority.**

On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

Criterion	Priority Rating
Effect on equality of opportunity and good relations	
Social need	
Effect on people's daily lives	
Relevance to a public authority's functions	
Total	

Details of the Department's Equality Impact Assessment Timetable will be included in a Quarterly Screening Report.

5.2 **If the policy is affected by timetables established by other relevant Public Authorities please provide details**

No

6.   MITIGATION

If you conclude that the likely impact is **'minor'** and an equality impact assessment is not to be conducted, you should consider: mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

Why and how will the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?

Any asymmetrical equality impact is intentional in that the policy is designed to promote equality of opportunity for sectoral interests, including the controlled sector which in the past has lacked the sense of shared identity and ownership evident in other sectors. This is a positive, not an adverse, impact.

13.   MONITORING

Effective monitoring will help identify any future adverse impact arising from the policy, as well as help with future planning and policy development.

Please detail what data you will collect in the future in order to monitor the effect of the policy on any of Section 75 equality categories.

Monitoring will take place as the SSBs become established, normally within the first 6 months.

8. DISABILITY DISCRIMINATION

8.1　Please state if the policy/decision in any way discourages persons with disabilities from participating in public life or fails to promote positive attitudes towards persons with disabilities.

No.

8.2　Please state if there is an opportunity to better promote positive attitudes towards persons with disabilities or encourage participation in public life by making changes to the policy/decision or introducing additional measures.

No.

8.9　Please detail what data you will collect in the future in order to monitor the effect of the policy with reference to the disability duties.

As a public authority ESA will be required to collate data annually

9.   CONSIDERATION OF HUMAN RIGHTS ISSUES

9.1   How does the policy/decision affect anyone's Human Rights?

I.E.

The Human Rights Act (1998)

The United Nations Convention on the Rights of the Child (UNCRC)   *The United Nations Convention on the Rights of Persons with Disabilities*   *(UNCRPD)*

The United Nations Convention on the Elimination of All Forms of   Discrimination Against Women (CEDAW)

(* Please tick ✔ as appropriate)

Insert Right Considered	*
Positive Impact	
Negative Impact (human right interfered with or restricted)	
Neutral Impact	✔

If the effect you have identified is positive or neutral proceed to Question 9.3.

9.2   If you have identified a negative impact who is affected and how?

At this stage you should determine whether to seek legal advice and to refer to the issue to the Equality Team to consider:

- *whether there is a law which allows you to interfere with or restrict rights*
- *whether this interference or restriction is necessary and proportionate*
- *what action would be required to reduce the level of interference or restriction).*

9.9 Outline any actions which could be taken to promote or raise awareness of human rights or to ensure compliance with the legislation in relation to the policy/decision.

ESA will be appointing a Director of Children's services who will have as part of his/her remit the human rights of children in an education setting and will be cognisant of all legal requirements in respect of the Human rights of children.

10. APPROVAL AND AUTHORISATION

Screened By:	Position	Date
Mark Mawhinney	Grade 7	2 May 13
Approved BY:	**Position**	Date
Paul Price	Grade 5	2 May 13

Note: A copy of the Screening Form must be approved and 'signed off' by a senior manager responsible for the policy.

The **TRIM** version of the completed Screening Form must be sent to the Equality Team (equality@deni.gov.uk) for quality assurance.

FOR COMPLETION BY EQUALITY TEAM

Quality Assured by: **Richard Magowan**   Date: **8 May 2013**

Screening Decision   **Agreed**

Comments: _____**None**_____

                                   _____

                                   _____

Date Directorate/Team Informed: **8 May 2013**

If your decision was to "Screen Out":

19   As soon as possible following quality assurance you must publish a copy of the screening form on the Department's website, with a link on the "Policy Screening" page

Placed on Internet by: _____ Date: _____

20   You must tell the Equality Team once your screening is published so it can fulfil the Department's statutory obligation to inform the Department Consultees when and where the screening was published

Consultees Informed by   _____ Date: _____

21   You must store this completed screening form on TRIM and finalise it. Use the record naming convention "Completed Screening form of……"

Department of
Education
www.deni.gov.uk

DEPARTMENT OF EDUCATION

EQUALITY AND HUMAN RIGHTS POLICY SCREENING

MEMBERSHIP OF ESA (SCHEDULE 1 OF THE EDUCATION BILL)

Equality Team
Room 501, Rathgael House
Ext 59686/59472
equality@deni.gov.uk

Index

1. POLICY SCOPING

1.1 Title of policy

Membership of the Education and Skills Authority (Schedule 1 of the Education Bill)

1.2 Type of Policy Development

This is a new policy. There have been previous and different proposals for the membership of ESA (in the context of past attempts to establish ESA) but none have come to fruition. The relevant provisions of the Education Bill (Schedule 1) shall when passed and commenced create the membership of ESA for the first time.

1.3   Description of policy

Schedule 1 of the Education Bill specifies the membership of ESA. It provides for a membership of 21:

- 1 Chair "appointed by the Department";
- 8 political members nominated by their political party according to the d'Hondt formula as applied to party strengths in the Assembly as at May 12, 2011;
- 12 members appointed by the Department, of whom:
    - 8 shall be persons appearing to the DE to represent the interests of the transferors of controlled schools (4) and the interests of trustees of maintained schools (4); and
    - 4 shall be persons appearing to DE to be representative of the community.

Otherwise Schedule 1:

- establishes the term of office of ESA membership (4 years for non-political members/ likely to be an electoral term for political members);
- sets down standard and minimal conditions for nomination and for successfully holding the office;
- provides for ESA to employ, pay and provide pension arrangements for officers (including a CEO), for delegation by ESA to officers and committees, for standing orders to govern ESA proceedings, for the basic characteristics of ESA's funding relationship with DE and DEL, for ESA's duties in relations to Accounts, reporting, the Commissioner for Complaints and Freedom of Information.

The ESA membership would provide strategic leadership to ESA. The membership will solely oversee the delivery of education services and account for this to DE. This will replace the current and over-complicated governance arrangements between DE and numerous organisations.

1.4   What factors could contribute to, or detract from the intended aim/outcome of the policy?

None	
Legislative	✔
Financial	
Others please specify) Time – the Programme for Government (Commitment 76) requires the establishment of ESA in 2013. Timescales for appointing and inducting the ESA membership reflect this.	✔

1.12   Main stakeholders affected

Pupils (Actual or Potential)	
Parents	
Teaching Staff	✔
Trade Unions or Professional Organisations	✔
Other Public Sector Organisations	✔
Departmental Staff	✔
Others (please specify) Governors, Trustees, Transferors	✔

1.6   Who is responsible for :

(a) Devising the policy
DE

(b) Implementing it

DE

(c) Explain the relationship?

n/a

1.7 Other policies or objectives with a bearing on this policy

Executive: *the establishment of ESA in 2013 is a commitment (no. 76) in its own right within the 2011-15 Programme for Government. However, other education-related commitments include raising standards of educational achievement and literacy and numeracy, increased pre-school provision and taking forward Shared Education. As it shall be the single delivery authority for education services, the establishment of ESA, together with a well-functioning and representative membership, would be important for all of these commitments.*

DE: *the ESA membership would similarly relate to many parts of the Department's policy agenda – as set out in its corporate plan and the key statements of this agenda as provided by the Minister on 26 September, 2011 and 6 November, 2011: raising standards, particularly amongst disadvantaged groups and in primary schools; delivering on school improvement and improving teaching and leadership in schools; delivering upon area-based planning and the requirements of the Entitlement Framework; and improving* capital procurement and management of capital projects. *The ESA membership would provide strategic leadership to ESA as it delivers against this agenda.* This membership will solely oversee the delivery of education services and account for this to DE. This will replace the current and over-complicated governance arrangements between DE and numerous organisations.

2. EVIDENCE

2.15   **What evidence/information (both qualitative and quantitative) have you gathered to inform this policy?**

Section 75 Category	Details of Evidence/Information
Religious Belief	According to the School Census 2012/13, the current pupil population of NI breaks down into religious categories of belief: The breakdown of the religious belief of pupils is:- <table><tr><td>Protestant</td><td>Catholic</td><td>Other Christian</td><td>Non Christian</td><td>Other/ No Religion/ Not recorded</td><td>Total</td></tr><tr><td>119,118</td><td>165,192</td><td>9,193</td><td>1,997</td><td>28,755</td><td>324,255</td></tr><tr><td>36.7%</td><td>50.9%</td><td>2.8%</td><td>0.6%</td><td>8.9%</td><td>100%</td></tr></table>
Political Opinion	The proposal to include in the ESA membership 8 political members nominated by parties in accordance with the D'Hondt formula was informed by the following evidence (aside from the *Heads of Agreement* as quoted above): the established record of the D'Hondt formula in establishing fair levels of representation. An example of this is provided most obviously in the role of D'Hondt in establishing the allocation of roles within the Executive. A fuller account of this record is provided for in the February 2013 memorandum on D'Hondt that was provided by Professor Christopher McCrudden of QUB to the Assembly and Executive Review Committee as part of its review of ongoing Review of D'Hondt; Community Designation and Provisions for Opposition: http://www.niassembly.gov.uk/Documents/Assembly-and-Executive-Review/reviews/review-of-d'hondt/written-submissions/Joint-memorandum-mccrudden-oleary.pdf
Racial Group	The Northern Ireland Schools' Census 2012/13 recorded that 3.1% of pupils were recorded as from mixed or minority ethnic groups. The proposal to include in the ESA membership 4 members to be representative of the community, appointed by DE after a CPA-compliant public competition, was informed by the following evidence (aside from the *Heads of Agreement* as quoted above): the previous work of other departments and organisations: (OFMDFM) appointment of Chair and members to Maze/Long Kesh Development Corporation; (DETI/DARD) appointment of Chair to Food Strategy Board; (DOE) appointment of members to Historic Monuments Council; and (DCAL) appointment of Chair and members to Arts Council. For the documentation for the public competition – the assessment and clearance of an Independent Assessor allocated by the Commissioner.

	As a direct result of this evidence, the competition to appoint the 4 community members specifically encouraged applications from minority Section 75 Groups, specified assistance to disabled applicants and ESA members and was advertised amongst organisations representative of Section 75 groups.
Age	The Schools' census 12/13 reported:- • there are 158,914 pupils **in primary schools and preparatory departments (Year 1 – 7).** • there are 145,658 **pupils in post-primary schools (Years 8 – 14)**.
Marital Status	
Sexual Orientation	The ShOut Report (2003) indicated that between 2 and 10% of the population may be lesbian, gay or bisexual
Men And Women Generally	School statistics shows that is there is a fairly evenly distribution of males and females within the school population, with 50.7% male pupils and 49.3% female (source Statistics branch, DE). The table below provides a breakdown by school sector. (see table below) As way of comparison the Northern Ireland census 2011 recorded that 49% of the population were male and 51% female.
Disability	The Northern Ireland Schools' Census 2012/13 recorded that 21.2% of pupils in schools were recorded as having special education needs; 4.5% had a statement of special educational needs. In total some 4,731 pupils attended either a special school or hospital school.

School type	Male	Female	Total
Preschools	4211	4199	8410
Nursery Schools	3082	2828	5910
Primary schools	85738	82296	168034
Post primary schools	72535	73123	145658
Special schools	3212	1441	4653
Total	168778	163887	332665

Dependants	In the 2010 Young Life and Times survey 5% of respondent's stated they had caring responsibilities.

2.16 **Taking into account the evidence gathered at 2.1 what are the needs, experiences and priorities of each of the categories in relation to this particular policy?**

Section 75 category	Needs/Experiences/Uptake/Priorities
Religious Belief	The need for this category is for the ESA Membership to retain established and important rights of representation – but in a manner balanced with the wider representative requirements bearing upon the ESA Membership (i.e. the need for political, wider community representation, experience and expertise). Provision for 2/5 of the membership to represent equally trustees and transferors secures this with appropriate balance.
Political Opinion	The need for this category is for the ESA Membership to reflect democratically established proportions of political representation - but in a manner balanced with the wider representative requirements bearing upon the ESA Membership (i.e. the need for Transferor/ Trustee, wider community representation, experience and expertise). Provision for 2/5 of the membership to be nominated by parties in accordance with the D'Hondt formula (applied to party strengths in the Assembly as established by the most recent Assembly election) secures this with appropriate balance.
Racial Group	The ESA Membership needs to reflect the community. Provision for a membership that is variously nominated and appointed to represent religious, political and wider community interests will secure that.
Age	
Marital Status	
Sexual Orientation	
Men And Women Generally	
Disability	
Dependants	

3.   SCREENING QUESTIONS

3.8   **What is the likely impact of this policy on equality of opportunity for each of the Section 75 equality categories?**

(* Please tick ✔   relevant boxes)

Section 75 category	None*	Minor *	Major *	Details of policy impact Level of impact?
Religious belief	✔			The ESA Membership shall represent the two largest religious groups within the community in a manner that is equal and proportionate to their historic, established and ongoing rights and contribution in respect of the education system. In addition, four members within the ESA membership will be specifically chosen in a public and transparent competition as independent representatives.
Political opinion	✔			The ESA Membership shall always represent the relative strengths of political opinion in a proportionate manner established by D'Hondt.
Racial group	✔			Four members within the ESA membership will be specifically chosen in a public and transparent competition as independent representatives.
Age	✔			
Marital status	✔			
Sexual Orientation	✔			
Men and women generally		✔		It is likely that an initial membership significantly generated by male-dominated groups (political parties and churches) may be disproportionately male. However, in the longer term, 13 of the 21 ESA members shall be identified by processes compliant with the code of the Commissioner for Public Appointments (8 shall be political appointments).

Disability	✔			Four members within the ESA membership will be specifically chosen in a public and transparent competition as independent representatives.
Dependants	✔			

3.2 Are there opportunities to better promote equality of opportunity for people within the Section 75 equality categories?

Section 75 category	NO*	Yes*	Provide Details
Religious belief	✔		The ESA membership will replace a structure that to some degree reflects religious division in education with one that designs-in joint-working, corporate responsibility.
Political opinion	✔		The ESA membership will replace a structure that reflects political division (to the degree that religious division in education structures provides for political division) with one that designs-in joint-working, corporate responsibility.
Racial group	✔		The ESA membership designs-in joint-working, corporate responsibility. Whilst it is likely that a membership significantly generated by male-dominated groups (political parties and churches) may be disproportionately male, in the longer term, 13 of the 21 ESA members shall be identified by processes compliant with the code of the Commissioner for Public Appointments.
Age	✔		
Marital status	✔		
Sexual Orientation	✔		
Men and women generally	✔		
Disability	✔		
Dependants	✔		

3.3   To what extent is the policy likely to impact on good relations   between: people of different religious belief, political opinion or racial group? *(* Please tick ✔ relevant boxes)*

Good relations category	No impact*	Minor impact*	Major impact*	Details of policy impact
Religious belief	✔			For the first time, there shall be a single body responsible for the delivery of education services, led by a body of members representing the major groupings of religious belief in the community .
Political opinion	✔			For the first time, there shall be a single body responsible for the delivery of education services, led by a body of members representing the major political groupings in the community
Racial group	✔			For the first time, there shall be a single body responsible for the delivery of education services, led by a body of members explicitly providing representation to the interests of the whole community.

3.4   Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?

Good relations category	NO*	YES*	Provide Details
Religious belief	✔		The ESA membership will replace a structure that to some degree reflects religious division in education with one that designs-in joint-working, corporate responsibility.
Political opinion	✔		The ESA membership will replace a structure that reflects political division (to the degree that religious division in education structures provides for political division) with one that designs-in joint-working, corporate responsibility.
Racial group	✔		The ESA membership designs-in joint-working, corporate responsibility and unity across those representative of the community, inclusive.

3.5   Additional considerations - Multiple identities

Please provide details of data on the impact of the policy on people with multiple identities and specify relevant Section 75 categories concerned.

n/a

4. SCREENING DECISION

Not to conduct an equality impact assessment; although there is a minor impact, on one or more of the equality of opportunities and/or good relations categories but mitigation/alternative policies will offset the minor adverse impact(s).

Please provide details which support the decision

Screening has identified one minor impact in terms of Section 75 Groups: that the ESA membership may be disproportionately male. Factors that mitigate this minor impact are:

- It is only potential at this stage

- If this impact is realised – it shall come as a direct consequence of the arrangements made to secure balance and representation in terms of two other Section 75 Groups: Religious belief and Political opinion;

- If this impact is realised then it may reduce in the longer term. After ESA is established, the processes for identifying the ESA members who are to represent transferor and trustee interests have to be compliant with the Code for the Commissioner for Public Appointments.

5.   TIMETABLING AND PRIORITISING

5.1   **If the policy has been 'screened in' for equality impact assessment, then please answer the following questions to determine its priority.**

On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

Criterion	Priority Rating
Total	

Details of the Department's Equality Impact Assessment Timetable will be included in a Quarterly Screening Report.

5.2   **If the policy is affected by timetables established by other relevant Public Authorities please provide details**

n/a

6.   MITIGATION

If you conclude that the likely impact is **'minor'** and an equality impact assessment is not to be conducted, you should consider: mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

Why and how will the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?

Screening has identified one minor impact in terms of Section 75 Groups: that the ESA membership may be disproportionately male. Factors that mitigate this minor impact are:

- It is only potential at this stage;
-
- If this impact is realised – it shall come as a direct consequence of the arrangements made to secure balance and representation in terms of two other Section 75 Groups: Religious belief and Political opinion;
-
- If this impact is realised then it may reduce in the longer term. After ESA is established, the processes for identifying the ESA members who are to represent transferor and trustee interests have to be compliant with the Code for the Commissioner for Public Appointments; and
- ESA will be required to produce and consult on an Equality Scheme which will also seek to address this.

14. MONITORING

Effective monitoring will help identify any future adverse impact arising from the policy, as well as help with future planning and policy development.

Please detail what data you will collect in the future in order to monitor the effect of the policy on any of Section 75 equality categories.

It will be a feature of the processes for identifying all ESA members (and Chair) that all applicants/nominees will complete a "monitoring form" collecting information on age, gender, ethnic origin, community background and disability.

8.   DISABILITY DISCRIMINATION

8.1   Please state if the policy/decision in any way discourages persons with disabilities from participating in public life or fails to promote positive attitudes towards persons with disabilities.

No.

8.2   Please state if there is an opportunity to better promote positive attitudes towards persons with disabilities or encourage participation in public life by making changes to the policy/decision or introducing additional measures.

None

8.10   Please detail what data you will collect in the future in order to monitor the effect of the policy with reference to the disability duties.

It will be a feature of the processes for identifying all ESA members (and Chair) that all applicants/nominees will complete a "monitoring form" collecting information on age, gender, ethnic origin, community background, disability.

9.   CONSIDERATION OF HUMAN RIGHTS ISSUES

9.1   How does the policy/decision affect anyone's Human Rights?

I.E.

The Human Rights Act (1998)

The United Nations Convention on the Rights of the Child (UNCRC)   *The United Nations Convention on the Rights of Persons with Disabilities*   *(UNCRPD)*

The United Nations Convention on the Elimination of All Forms of   *Discrimination Against Women (CEDAW)*

(* Please tick ✔ as appropriate)

Insert Right Considered	*
Positive Impact	
Negative Impact (human right interfered with or restricted)	
Neutral Impact	✔

If the effect you have identified is positive or neutral proceed to Question 9.3.

9.2   If you have identified a negative impact who is affected and how?

At this stage you should determine whether to seek legal advice and to refer to the issue to the Equality Team to consider:

- *whether there is a law which allows you to interfere with or restrict rights*
- *whether this interference or restriction is necessary and proportionate*
- *what action would be required to reduce the level of interference or restriction).*

9.10 **Outline any actions which could be taken to promote or raise awareness of human rights or to ensure compliance with the legislation in relation to the policy/decision.**

None.

10. APPROVAL AND AUTHORISATION

Screened By:	Position	Date
Liam Barr	Grade 7	2 May 13
Approved BY:	**Position**	**Date**
Paul Price	Director (ESA Delivery)	2 May 2013

Note: A copy of the Screening Form must be approved and 'signed off' by a senior manager responsible for the policy.

The **TRIM** version of the completed Screening Form must be sent to the Equality Team (equality@deni.gov.uk) for quality assurance.

FOR COMPLETION BY EQUALITY TEAM

Quality Assured by: **Richard Magowan**   Date: **8 May 2013**

Screening Decision   **Agreed**

Comments: _____**None**_____

                                          _____

                                          _____

Date Directorate/Team Informed: **8 May 2013**

If your decision was to "Screen Out":

22   As soon as possible following quality assurance you must publish a copy of the screening form on the Department's website, with a link on the "Policy Screening" page

Placed on Internet by: _____ Date: _____

23   You must tell the Equality Team once your screening is published so it can fulfil the Department's statutory obligation to inform the Department Consultees when and where the screening was published

Consultees Informed by   _____ Date: _____

24   You must store this completed screening form on TRIM and finalise it. Use the record naming convention "Completed Screening form of……"

ANNEX

POLICY BACKGROUND

DE wishes to have the 21 members of ESA identified before ESA is established – so that they may be effectively inducted and prepared in a designate capacity before formally assuming their role on ESA's Day 1. This means that the processes for appointing the first ESA membership will operate in advance of ESA's establishment. When ESA is established, DE shall be required in law to appoint to its membership in accordance with the code of the Commissioner for Public Appointments. Whilst this requirement will not apply whilst DE appoints ESA's first membership, DE will nevertheless observe this requirement and the code of the Commissioner in the processes to appoint ESA's first Chair and ESA's first set of 4 Community Members. These posts shall be appointed after an open public appointments competition.

The Minister has decided that the first process for the remaining DE-appointed membership – the 8 members to be representative of the interests of Transferors and Trustees – shall be that these interests shall nominate these members for their appointment by the Department as such. This shall exceptionally apply to the first appointments process for the ESA membership – as a confidence-building measure for these key and historic interests in the education system. In any appointments processes that follow ESA's establishment, the Commissioner's Code shall by law apply to the Department's appointment of members to represent the interests of Transferors/ Trustees.

DE policy, otherwise, is that members shall all be remunerated (£8, 800 p.a; NB – any MLA's/MPs nominated for political membership shall be regarded as already in receipt of remuneration in the form of an MLA/MP salary) – in the expectation of providing the time commitment required and contributing professionally to the membership's considerable corporate responsibilities. For all members there is an emphasis on demonstrating the competencies required for the role of ESA membership – which relate to relevant experience in governance, strategic thinking, analytical thinking, making an impact with others and knowledge and experience of education

The evidence gathered to inform the membership of ESA, in relation to religious belief, is also that presented by the history of our education system – and particularly the roles played within it by Christian denominations. Legislation relevant to this history is also a source of evidence. Current legal advice is also evidence – as is the documented political agreement of November 16, 2011 (The *ESA Heads of Agreement*) which set down the major parties' settlement on how the ESA membership would provide for transferor and trustee representation amongst other representative requirements:

"The Board of ESA shall consist of 20 members plus a Chair made up of 40% Trustees/Transferors, 40% political representatives and 20% appointed by the Education Minister. The Political representatives will be appointed under the principle of D'Hondt by respective party leaders in proportion to the strength in the Assembly. The 20% element will be appointed by the Minister of Education following a public appointment process taking into account as far as practicable that they are representative of the community".

This evidence has had a bearing on the proposed membership's inclusion of 8 members representative of the interests of the Transferors of Controlled Schools and of the interests of Trustees of Maintained schools.

The interests of the former stem from the fact that schools owned by three churches (Methodist, Church of Ireland and Presbyterian) "transferred" into state ownership following partition in 1921. Since the transferors have had representative rights on the Board of Governors of transferred or "controlled" schools, as well as further representative rights on the Education and Library Boards. These rights were set down most recently in the Education Order (NI), 1986. It is in recognition of these established rights, themselves a reflection of a founding role in the education system, that the Transferors of Controlled schools are to have representative rights within the membership of ESA. These latest rights were developed in accordance with legal advice.

The interests of the latter stem from the fact that the vast majority of maintained schools are Catholic schools owned by Catholic religious trustees. They are reflected since 1989 and still currently in the role of the Council for Catholic Maintained Schools which in current structures is the employer of all staff working in Catholic maintained schools. They are also reflected in the rights of representation on the Education and Library Boards that are extended to the Catholic Church under the Education Order (NI), 1986. It is in recognition of these established rights and interests, themselves a reflection of a founding role in the education system, that the Trustees of Maintained schools are to have representative rights within the membership of ESA. These latest rights were developed in accordance with legal advice.

DEPARTMENT OF EDUCATION

EQUALITY AND HUMAN RIGHTS POLICY SCREENING

FOR PROPOSED/REVISED POLICY

TRANSFER OF DE STAFF AND FUNCTIONS TO ESA (SCHEDULE 6 OF THE EDUCATION BILL)

Equality Team
Room 501, Rathgael House
Ext 59686/59472
equality@deni.gov.uk

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1.   POLICY SCOPING

1.1   Title of policy

Transfer of DE Staff and functions to ESA (Schedule 6 of the Education Bill)

1.2   Type of Policy Development

This is a Revised Policy

1.3   Description of policy

The transfer of DE staff to ESA will be governed by a Staff Transfer Scheme. This Staff Transfer Scheme has been developed in accordance with the Education Bill and the other requirements arising from the 3rd Guiding Principle, issued by the Public Service Commission (PSC) and accepted by Government. The scheme sets in place the arrangements for the transfer of staff, who wholly or mainly perform operational functions, from the Department of Education (DE) to the Education and Skills Authority (ESA)

The scheme confirms that staff can either choose to transfer to the ESA on a temporary transfer arrangement for a maximum period of three years or transfer with existing contractual terms and conditions of employment.

The scheme includes the elements included in the RPA Code of Practice on Staff Transfers recommended by PSC and affirmed by the Executive. The contents are as follows:
- Identification of transferring staff by location/business unit/post as appropriate
- Date of transfer, post/grade and location
- Contractual terms and conditions
- Pension arrangements and protection
- Disputes resolution arrangements
- Provision for the payment of compensation for actual loss
- Recognition of Trades Unions
- Transfer to ESA will be protected by TUPE and be within the terms of the legislation and guiding principles of the PSC.

1.4 What factors could contribute to, or detract from the intended aim/outcome of the policy?

None	
Legislative	✓
Financial	
Others please specify)	

1.13 **Main stakeholders affected**

Pupils (Actual or Potential)	
Parents	
Teaching Staff	
Trade Unions or Professional Organisations	✓
Other Public Sector Organisations	
Departmental Staff	✓
Others (please specify)	

1.6   Who is responsible for :

(a) Devising the policy

(b) Implementing it

(c) Explain the relationship?

The Department of Education, in co-operation with the main stakeholders are responsible for devising and delivering the policy.

1.7   Other policies or objectives with a bearing on this policy

- The Executive's Code of Practice on Staff Transfers, relevant legislation and the PSC Guiding

- Principles.

- The Northern Ireland Library Authority (NILA) Staff Transfer Scheme which is a broadly similar scheme, implemented in relation to approximately 1000 staff transferring from the ELBs to NILA on 1 April 2009 as part of the RPA process. The NILA scheme was also subject to equality screening.

2. EVIDENCE

2.17 **What evidence/information (both qualitative and quantitative) have you gathered to inform this policy?**

Section 75 Category	Details of Evidence/Information
Religious Belief	The NICS Equal Opportunities monitoring information indicates that out of 604 staff, 60% are Protestant, 37% Roman Catholic and 3% not determined. Waterside House have 113 staff of which 30% are Protestant, 68% are Catholic and 2% not determined. Rathgael House have 491 staff of which 68% are Protestant, 29% are Catholic and 3% not determined.
Political Opinion	Data is not collected on political opinion
Racial Group	The NICS Equal Opportunities monitoring information indicates 3% of DE staff identified that they are from a minority racial group.
Age	The NICS Equal Opportunities monitoring information indicates out of 604 staff : Under 35 17% Age 35-49 43% Age 50-59 34% Age 60+ 6%
Marital Status	Some data on marital status can be derived from the NICS Equal Opportunities monitoring information, however the data is provided by the employee at the time of appointment and is not consistently updated. The data available on marital status is therefore unreliable.
Sexual Orientation	Data is not collected on sexual orientation
Men And Women Generally	The Northern Ireland Civil Service (NICS) Equal Opportunities monitoring information indicates 63% female and 37% male
Disability	The NICS Equal Opportunities monitoring information indicates 5% of staff have declared that they have a Disability. There may be staff who have not declared their disability, therefore the data on disability is unreliable.

Dependants	Data is not collected on dependent status however given the high percentage of female workers affected; this could be used as an indicator of employees with responsibility for dependants.

2.2 Taking into account the evidence gathered at 2.1 what are the needs, experiences and priorities of each of the categories in relation to this particular policy?

Section 75 category	Needs/Experiences/Uptake/Priorities
Religious Belief	Transfer to ESA will be protected by TUPE and be within the terms of the legislation and guiding principles of the PSC.
Political Opinion	That ESA will promote equality of opportunity for all parties/organisations.
Racial Group	That the ESA will adhere to the equality legislation and positively promote equality of opportunity.
Age	The ESA adheres to the requirements of employment and equality legislation and will positively seek to promote equality of opportunity.
Marital Status	That ESA adheres to the requirements of employment and equality legislation and positively seek to promote equality of opportunity.
Sexual Orientation	The ESA will adhere to the requirements of employment and equality legislation and positively seek to promote equality of opportunity.
Men And Women Generally	That ESA adheres to the requirements of employment and equality legislation and positively seeks to promote equality of opportunity.
Disability	The ESA will adhere to the requirements of employment, disability and equality legislation and will positively seek to promote equality of opportunity.
Dependants	That ESA will adhere to the requirements of employment and equality legislation and will positively seek to promote equality of opportunity.

3. SCREENING QUESTIONS

3.9 **What is the likely impact of this policy on equality of opportunity for each of the Section 75 equality categories?**

Section 75 category	None	Minor		Details of policy impact Level of impact?
Religious belief	✔			The transfer of DE staff to ESA will have an impact when a change of location will be involved. At that point, this change would need to be screened, until that point, transfer will be on existing terms and conditions without any change
Political opinion	✔			The transfer of DE staff to ESA will have an impact when a change of location will be involved. At that point, this change would need to be screened, until that point, transfer will be on existing terms and conditions without any change
Racial group	✔			The transfer of DE staff to ESA will have an impact when a change of location will be involved. At that point, this change would need to be screened, until that point, transfer will be on existing terms and conditions without any change
Age	✔			The transfer of DE staff to ESA will have an impact when a change of location will be involved. At that point, this change would need to be screened, until that point, transfer will be on existing terms and conditions without any change
Marital status	✔			The transfer of DE staff to ESA will have an impact when a change of location will be involved. At that point, this change would need to be screened, until that point, transfer will be on existing terms and conditions without any change
Sexual Orientation	✔			The transfer of DE staff to ESA will have an impact when a change of location will be involved. At that point, this change would need to be screened, until that point, transfer will be on existing terms and conditions without ??? change
Men and women generally	✔			The transfer of DE staff to ESA will have an impact when a change of location will be involved. At that point, this change would need to be screened, until that point, transfer will be on existing terms and conditions without any change
Disability	✔			The transfer of DE staff to ESA will have an impact when a change of location will be involved. At that point, this change would need to be screened, until that point, transfer will be on existing terms and

				conditions without any change
Dependants	✔			The transfer of DE staff to ESA will have an impact when a change of location will be involved. At that point, this change would need to be screened, until that point, transfer will be on existing terms and conditions without any change

3.2   Are there opportunities to better promote equality of opportunity for people within the Section 75 equality categories?

Section 75 category	NO	Yes	Provide Details
Religious belief	✔		The ESA will bring together a workforce with differing skills from varying employment backgrounds which will positively promote equality of religious belief and equality of opportunity.
Political opinion	✔		The ESA will adhere to the requirements of employment and equality legislation and will positively seek to promote equality of opportunity for all employees irrespective of political opinion.
Racial group	✔		The ESA will bring together a workforce with differing skills from varying employment backgrounds which will positively promote equality of religious belief and equality of opportunity.
Age	✔		The ESA will adhere to the requirements of employment and age-ism legislation and will positively seek to promote equality of opportunity for all employees irrespective of age.
Marital status	✔		The ESA will positively promote employment opportunities irrespective of marital status and ensure equality of opportunity.
Sexual Orientation	✔		The ESA will positively promote employment opportunities irrespective of sexual orientation and ensure equality of opportunity.
Men and women generally	✔		The ESA will positively promote employment opportunities irrespective of gender and ensure equality of opportunity.
Disability		✔	The ESA will bring together a workforce with differing skills from varying employment backgrounds which will positively promote employment of staff with disabilities and equality of opportunity.

Dependants	✔		The ESA will positively promote a worklife balance ethic for its employees and ensure quality of employment opportunity.

3.3   To what extent is the policy likely to impact on good relations   between: people of different religious belief, political opinion or racial group?

Good relations category	No impact	Minor impact	Major impact	Details of policy impact
Religious belief	✔			The ESA will positively promote employment opportunities irrespective of religious belief and ensure equality of opportunity.
Political opinion	✔			The ESA will positively promote employment opportunities irrespective of political opinion and ensure equality of opportunity.
Racial group	✔			The ESA will positively promote employment opportunities irrespective of racial group and ensure equality of opportunity.

3.4   Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?

Good relations category	NO*	YES*	Provide Details
Religious belief	✔		The ESA is an equal opportunities employer who will adhere to the requirements of employment and equality legislation and will positively seek to promote equality of opportunity.
Political opinion	✔		The ESA is an equal opportunities employer who will adhere to the requirements of employment and equality legislation and will positively seek to promote equality of opportunity.
Racial group	✔		The ESA is an equal opportunities employer who will adhere to the requirements of employment and equality legislation and will positively seek to promote equality of opportunity.

3.5   Additional considerations - Multiple identities

Please provide details of data on the impact of the policy on people with multiple identities and specify relevant Section 75 categories concerned.

Consultations with affected staff and Trade Unions have indicated if the transfer results in a change of location, there is a potential for impact on some staff. The ESA location will be subject to separate screening and EQIA as appropriate.

ESA will collect and analyse data on the number of and nature of any complaints lodged in accordance with paragraph 8 of Section 2 of the scheme, by staff in order to monitor the effect of the scheme on the Section 75 groups

4.   SCREENING DECISION

1   Not to conduct an equality impact assessment because no equality issues have been identified.

Please provide details which support the decision

The scheme provides for all staff detailed in paragraph 1.3 at the date of transfer the equal right of transfer to ESA with their contractual terms and conditions of employment, pension arrangements and continuity of employment protected.

All staff will have an equal right under temporary transfer or TUPE arrangements to transfer to ESA on their existing terms and conditions of employment. At the date of transfer ESA envisages that all staff (as defined at paragraph1.3) will remain in their current location. For some staff, following the date of transfer their location and/or post may be subject to future change as decisions are made on the location of the ESA Headquarters accommodation and the full organisational design. The ESA Location Strategy will be the subject of a separate exercise within the Department of Finance and Personnel (DFP) Policy Framework for the Location of Public Sector Jobs. The ESA Location Strategy will be subject to screening and Equality Impact Assessment (EQIA) as appropriate.

5.   TIMETABLING AND PRIORITISING

5.1   If the policy has been 'screened in' for equality impact assessment, then please answer the following questions to determine its priority.

On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

Criterion	Priority Rating
Effect on equality of opportunity and good relations	
Social need	
Effect on people's daily lives	
Relevance to a public authority's functions	
Total	

5.2   If the policy is affected by timetables established by other relevant Public Authorities please provide details

N/A

6.   MITIGATION

If you conclude that the likely impact is **'minor'** and an equality impact assessment is not to be conducted, you should consider: mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

Why and how will the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?

N/A

15.   MONITORING

Effective monitoring will help identify any future adverse impact arising from the policy, as well as help with future planning and policy development.

Please detail what data you will collect in the future in order to monitor the effect of the policy on any of Section 75 equality categories.

The ESA will collect and analyse a range of data on the number and nature of complaints lodged by staff regarding the policy in accordance with paragraph 8 of Section 2 of the scheme, by staff in order to monitor the effect of the scheme on all of the section 75 grouping.

8.   DISABILITY DISCRIMINATION

8.1   Please state if the policy/decision in any way discourages persons with disabilities from participating in public life or fails to promote positive attitudes towards persons with disabilities.

> No aspect of the policy discourages persons with a disability for participating in public life. The ESA will ensure all employees inclusive of those with a disability will be given equal opportunities.

8.2   Please state if there is an opportunity to better promote positive attitudes towards persons with disabilities or encourage participation in public life by making changes to the

> There are no opportunities to better promote positive attitudes towards persons with disabilities by making changes to the policy/decision or introduce additional measures.

8.11   Please detail what data you will collect in the future in order to monitor the effect of the policy with reference to the disability duties.

> ESA will collect and analyse a range of statistical data on the number and nature of complaints raised by staff in accordance with paragraph 8 of Section 2 of the Transfer Scheme in order to monitor the effect of the scheme on the staff with a disability.

9. CONSIDERATION OF HUMAN RIGHTS ISSUES

9.1   How does the policy/decision affect anyone's Human Rights?

I.E.

The Human Rights Act (1998)

The United Nations Convention on the Rights of the Child (UNCRC)   *The United Nations Convention on the Rights of Persons with Disabilities*   *(UNCRPD)*

The United Nations Convention on the Elimination of All Forms of   Discrimination Against Women (CEDAW)

Positive Impact	
Negative Impact (human right interfered with or restricted)	
Neutral Impact	✔

9.2   If you have identified a negative impact who is affected and how?

At this stage you should determine whether to seek legal advice and to refer to the issue to the Equality Team to consider:

- *whether there is a law which allows you to interfere with or restrict rights*
- *whether this interference or restriction is necessary and proportionate*

- *what action would be required to reduce the level of interference or restriction).*

9.11 **Outline any actions which could be taken to promote or raise awareness of human rights or to ensure compliance with the legislation in relation to the policy/decision.**

N/A

10. APPROVAL AND AUTHORISATION

Screened By:	Position	Date
Doris Fairfull	DP	2 May 13
Approved BY:	**Position**	Date
Paul Price	Grade 5	2 May 13

Note: A copy of the Screening Form must be approved and 'signed off' by a senior manager responsible for the policy.

The **TRIM** version of the completed Screening Form must be sent to the Equality Team (equality@deni.gov.uk) for quality assurance.

FOR COMPLETION BY EQUALITY TEAM

Quality Assured by: **Richard Magowan**   Date: **8 May 2013**

Screening Decision   **Agreed**

Comments: _____**None**_____

                                     _____

                                     _____

Date Directorate/Team Informed: **8 May 2013**

If your decision was to "Screen Out":

25   As soon as possible following quality assurance you must publish a copy of the screening form on the Department's website, with a link on the "Policy Screening" page

Placed on Internet by: _____ Date: _____

26   You must tell the Equality Team once your screening is published so it can fulfil the Department's statutory obligation to inform the Department Consultees when and where the screening was published

Consultees Informed by   _____ Date: _____

27   You must store this completed screening form on TRIM and finalise it. Use the record naming convention "Completed Screening form of……"