

**DEPARTMENT OF EDUCATION**

**EQUALITY AND HUMAN RIGHTS POLICY SCREENING**

**FOR PROPOSED/REVISED POLICY**

**MEMBERSHIP OF THE EDUCATION BOARD**

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# 1. POLICY SCOPING

## 1.1 Title of policy

Membership of the Education Board

## 1.2 Type of Policy Development

This is a New Policy. The policy is an aspect of the wider policy proposal that the five Education and Library Boards (ELBs) established in 1973 should be replaced from 1 April 2015 by a single Education Board, for which a separate Equality and Human Rights Screening has been completed (a.v.).

## 1.3 Description of policy

For practical reasons, the chair and membership of the Education Board will be provided for in a manner other than that of a current ELB (as described in Schedule 2 of the Education and Libraries (NI) Order 1986 (“the 1986 Order”).

For this to apply to the chair and membership of a single Board would not be satisfactory going forward because it could not provide a stable and precise distribution of representation within a reasonably compact body.

The 1986 Order provides for district council representation on ELBs because this is an appropriate way of securing political representation in a sub-regional model of education administration. This is neither necessary nor appropriate in a regional model.

### **Description of policy (cont'd)**

Rather, the Education Board chair and a compact membership may be provided for in simpler and more practical terms using governance arrangements in line with those previously agreed as an appropriate model for regional-level education administration, i.e. the proposals for an Education and Skills Authority contained in the Education Bill 2012. This envisaged a chair and 20 members comprising:

- eight members nominated by political parties according to the D'Hondt formula as applied to party strengths in the Assembly (as at 12 May 2011);
- four appointed members – representative of the community;
- four appointed members – representative of the interests of the transferors of controlled schools ;
- four appointed members – representative of the interests of the trustees of maintained schools.

Transferor and trustee members would be appointed by the Department after consultation with the relevant interests. A minor amendment is required to provide for an ELB's traditional weighting of transferor membership over trustee membership – to reflect the fact that the major part of an ELB's responsibilities relate to controlled schools, which were historically transferred to the state's control by the three major Protestant churches. This amendment decreases the Trustee membership to three (and total membership to 19 – plus the chair).

A further change to the 1986 Order's governance provisions is also necessary in respect of the chair. Currently, ELB members must elect one of their number to the chair: in line with established best practice in governance, the chair would be appointed by the Minister.

**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 timetable for local government reform requires the establishment of the Education Board by 1 April 2015.	✓

**1.5 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

## 2. EVIDENCE

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

Section 75 Category	Details of Evidence/Information
<p>Religious Belief</p>	<p>The proposal to include in the Education Board membership four members representative of transferors' interests and three members representative of trustees' interests is consistent with an ELB's traditional weighting of transferor membership over trustee membership. This reflects the fact that the major part of an ELB's responsibilities relate to controlled schools, which were historically transferred to the state's control by the three major Protestant churches.</p> <p>Bringing together the information on Religion and Religion brought up in, the Northern Ireland census 2011 records that 45% of the population were Catholic, while 48 % were Protestant.</p> <p>The Northern Ireland Schools' Census 2013/14 recorded that 51.1% of pupils were Catholic, 36.2% Protestant, 3.0% Other Christian, 0.7% Non Christian and 9.0% No Religion/Not Recorded.</p>
<p>Political Opinion</p>	<p>The proposal to include in the Education Board membership 8 political members nominated by parties in accordance with the D'Hondt formula was informed by the formula's established record 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:</p> <p><a href="http://www.niassembly.gov.uk/Documents/Assembly-and-Executive-Review/reviews/review-of-d'hondt/written-submissions/Joint-memorandum-mccrudden-oleary.pdf">http://www.niassembly.gov.uk/Documents/Assembly-and-Executive-Review/reviews/review-of-d'hondt/written-submissions/Joint-memorandum-mccrudden-oleary.pdf</a></p>
<p>Racial Group</p>	<p>The proposal to include in the ESA membership four members to be representative of the community, appointed by DE after a CPA-compliant public competition, was informed by 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.</p>
<p>Age</p>	<p>The proposal to include in the ESA membership four members to be</p>

	<p>representative of the community, appointed by DE after a CPA-compliant public competition, was informed by 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.</p> <p>The Northern Ireland census 2011 recorded the average age of the population as 37.</p> <p>The Northern Ireland Schools' Census 2013/14 recorded that there were 15,147 children attending nursery school/classes (age 2-4 approx), 162,253 school children were attending primary school (age 4-11 approx) and 143,973 were attending secondary schools (age 11-18).</p>
<b>Marital Status</b>	<p>The proposal to include in the ESA membership four members to be representative of the community, appointed by DE after a CPA-compliant public competition, was informed by 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.</p> <p>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%).</p> <p>The Northern Ireland census 2011 recorded that 47.56% of the population were married and 36.14% were single.</p>
<b>Sexual Orientation</b>	<p>The proposal to include in the ESA membership four members to be representative of the community, appointed by DE after a CPA-compliant public competition, was informed by 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.</p> <p>The Shout report (2003) indicated that between 2% and 10% of the population may be lesbian, gay or bisexual.</p> <p>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.</p>
<b>Men And</b>	<p>The proposal to include in the ESA membership four members to be</p>

<p>Women Generally</p>	<p>representative of the community, appointed by DE after a CPA-compliant public competition, was informed by 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.</p> <p>The Northern Ireland census, 2011 reported that 49% of the general population were male and 51% female.</p> <p>The Northern Ireland Schools' Census 2013/14 shows that there is a fairly even distribution of males and females within the school population, with 50.7% male pupils and 49.3% female.</p> <p>In respect of transgender men and women, a UK wide study for the Gender Identity Research and Education Society (GIRES) <a href="http://www.gires.org.uk/assets/Medpro-Assets/GenderVarianceUKreport.pdf">http://www.gires.org.uk/assets/Medpro-Assets/GenderVarianceUKreport.pdf</a> suggests that the prevalence rate for Northern Ireland is 8/100,000 (16 and over) population or approximately .0008% of the population (16 and over, 1,432,501 people in 2011), i.e. approximately 115 people.</p>
<p>Disability</p>	<p>The proposal to include in the ESA membership four members to be representative of the community, appointed by DE after a CPA-compliant public competition, was informed by 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.</p> <p>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.</p> <p>The Northern Ireland Schools' Census 2013/14 recorded that 22% of pupils in schools were recorded as having special education needs; and that 5% had a statement of special educational needs. In total some 4,904 pupils attended either a special school or hospital school.</p>
<p>Dependants</p>	<p>The proposal to include in the ESA membership four members to be representative of the community, appointed by DE after a CPA-compliant public competition, was informed by 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.</p> <p>Data from the 2011 NI Census indicates that 12% of the population provided unpaid care, around a quarter of who did so for 50 or more hours per week. It also reports that of 703,275 households approximately 34% had dependent</p>



	children; of this 9.13% were single parents.
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**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 need for this category is for the Education Board membership to retain established and important rights of representation – but in a manner balanced with wider representative requirements (i.e. the need for political, wider community representation, experience and expertise). Provision for four members to be representative of transferors’ interests and three members to be representative of trustees’ interests secures this with appropriate balance.
Political Opinion	The need for this category is for the Education Board membership to reflect democratically established proportions of political representation - but in a manner balanced with wider representative requirements (i.e. the need for Transferor/Trustee, wider community representation, experience and expertise). Provision for eight of the members 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 Education Board 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.  The competition to appoint the four community members will specifically encourage applications from minority Section 75 Groups and specify assistance to disabled applicants. It will be advertised amongst organisations representative of Section 75 groups.
Age	
Marital Status	
Sexual Orientation	
Men And Women Generally	
Disability	
Dependants	

### 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?

Section 75 category	None	Minor	Major	Details of policy impact Level of impact?
Religious belief	✓			The Education Board membership shall represent the two largest religious groups within the community in a manner that is proportionate to their historic, established and ongoing rights and contribution in respect of the education system. In addition, four members within the membership will be specifically chosen in a public and transparent competition as independent representatives.
Political opinion	✓			The Education Board membership shall always represent the relative strengths of political opinion in a proportionate manner established by D'Hondt.
Racial group	✓			Four members within the Education Board 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, 12 of the 20 Education Board 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 Education Board 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?**

<b>Section 75 category</b>	<b>No</b>	<b>Yes</b>	<b>Provide Details</b>
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?**

<b>Good relations category</b>	<b>No impact</b>	<b>Minor impact</b>	<b>Major impact</b>	<b>Details of policy impact</b>
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?**

<b>Good relations category</b>	<b>NO</b>	<b>YES</b>	<b>Provide Details</b>
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.**

[Empty response box]

#### 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 potential minor impact in terms of Section 75 Groups: that the Education Board 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 the Education Board is established, the processes for identifying the members who are to represent transferor and trustee interests have to be compliant with the Code of 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.

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

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?**

Screening has identified one potential minor impact in terms of Section 75 Groups: that the Education Board 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 the Education Board is established, the processes for identifying the members who are to represent transferor and trustee interests have to be compliant with the Code for the Commissioner for Public Appointments;
- Welcome statements will be used in the recruitment process to encourage female applications; and
- The Education Board will be required to produce and consult on an Equality Scheme which will also seek to address this.

## **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.**

It will be a feature of the processes for identifying all Education Board 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.**

**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.**

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

**9.3 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.**

[Empty response box]

## 10. APPROVAL AND AUTHORISATION

<b>Screened by:</b>	<b>Position</b>	<b>Date</b>
<b>Mark Mawhinney</b>	<b>Grade 7</b>	<b>28 May 2014</b>
<b>Approved by:</b>	<b>Position</b>	<b>Date</b>
<b>Paul Price</b>	<b>Grade 5</b>	<b>28 May 2014</b>

**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: **29 May 2014**

Screening Decision      **Agreed**

Comments:      **Nil**

Date Directorate/Team Informed:      **29 May 2014**

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....."