

DEPARTMENT OF EDUCATION

EQUALITY AND HUMAN RIGHTS POLICY SCREENING

FOR PROPOSED/REVISED POLICY

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1. POLICY SCOPING

1.1 Title of policy

Reconstitution of School Boards of Governors (BoGs)

1.2 Type of Policy Development

This is a revision of an existing policy for the 2013 reconstitution of school BoGs which standardises a number of procedures which apply to ELB and DE governor appointments/nominations.

1.3 Description of policy

The policy aims to ensure all grant aided schools have effective school governance arrangements in place through the reconstitution of the Boards of Governors of schools on a 4 yearly cycle.

The policy aims ensure that BoGs are reconstituted in accordance with statutory requirements and are equipped to fulfil their role and responsibilities.

In the case of public appointments to voluntary grammar and grant maintained integrated schools governors are expected to serve no more that 2 terms of office ie 8 years.

It is intended that the minor changes being introduced for the exercise being undertaken by the Department (DE) and the Education & Library Boards (ELBs) during 2013/14 will further standardise the appointment process and hence enhance equality of opportunity.

All applicants for DE and ELB governor posts including serving governors who are applying for reappointment must now complete a standardised governor application form. This will allow ESA when established to consider all applicants on the same basis.

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

None	
Legislative	✓
Financial	
Others please specify) –	✓

1.5 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) – Boards of Governors/ ELBs/ESA (once established)	✓

1.6 Who is responsible for:

(a) Devising the policy

Department of Education

(b) Implementing it

Department of Education (DE) and the 5 Education & Library Boards (ELBs), together with the Council for Catholic Maintained Schools to a lesser extent and the Education & Skills Authority (ESA) when established.

(c) Explain the relationship?

ELBs are responsible for reconstituting controlled and maintained school BoGs (with input from CCMS regarding the Catholic maintained sector). DE nominates governors to controlled schools but the ELB makes the appointments.

1.7 Other policies or objectives with a bearing on this policy

Every School a Good School policy for school improvement which recognises the importance of strong leadership and governance in schools in delivering high quality education provision for children and young people through schools in delivering high quality education provision for children and young people through schools. DE, ELBs and CCMS involved in providing support for the implementation of the policy.

2. EVIDENCE

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

The profiles of individual schools vary; however, the Section 75 profile of those affected is not a factor in the application of the reconstitution process. The change will introduce a level playing field for all candidates.

Section 75 Category	Details of Evidence/Information
Religious Belief	Provision may be made for the representation of religious beliefs on BoGs through the nomination rights of the school owners (past or present) according to the ethos of the schools in particular sectors i.e: controlled, controlled integrated, Catholic maintained, other maintained, voluntary grammar and Grant Maintained Integrated.
Political Opinion	Political opinion is not requested.
Racial Group	Minority racial groups are included in the governor recruitment campaign. Race is not an eligibility criterion but is used for monitoring the DE governor public appointments in VG and GMI schools.
Age	Anyone aged 18 or over may apply for a governor post. Applicants are asked for their age range but provide it on a voluntary basis. Age is not an eligibility criterion but is used for monitoring the DE governor public appointments in VG and GMI schools.
Marital Status	Marital status of the applicant is not monitored nor is it specifically requested on the application form.
Sexual Orientation	This information is not requested on the application form. There is no indication that this policy will disproportionately impact on the basis of sexual orientation as the shOUT Report stated that, "analysis of the 2001 Census indicates that between 2% and 10% of the population may be lesbian, gay or bisexual".
Men and Women Generally	Gender is not an eligibility criterion.
Disability	Disability is not an eligibility criterion but is used for monitoring the DE governor public appointments in VG and GMI schools.
Dependants	Parents can stand for election as parent governors.

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?

The profiles of individual schools vary; however, the Section 75 profile of those affected is not a factor in the application of the reconstitution process. The change will introduce a level playing field for all candidates.

Section 75 category	Needs/Experiences/Uptake/Priorities
Religious Belief	There is provision for some posts to be filled by applicants with a specific religious ethos in keeping with the ethos of the school.
Political Opinion	N/A
Racial Group	Some schools will have more varied racial profile than others and this will vary with time.
Age	Statutory requirement for school governors to be at least 18.
Marital Status	N/A
Sexual Orientation	N/A
Men and Women Generally	N/A
Disability	N/A
Dependants	N/A

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		✓		By making the DE and ELB governor appointments subject to public recruitment and standardising the application form for these posts, including those applying for reappointment, equality of opportunity to become a school governor is enhanced.
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?

(* 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		✓		In schools of a particular religious ethos Governors can be of a different ethos because religious belief is not an eligibility criterion.
Political opinion	✓			
Racial group		✓		Governors can be of a minority race compared to the racial profile of a school because race is not an eligibility criterion.

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		✓	When a school is oversubscribed with suitable candidates the appointing authority can offer unsuccessful applicants a position as a governor in an alternative school.
Political opinion	✓		
Racial group		✓	When a school is oversubscribed with suitable candidates the appointing authority can offer unsuccessful applicants a position as a governor in an alternative school.

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.

There are likely to be no negative differential impacts on any multiple identity groups as the impact of these minor changes will be positive for all identities.

4. SCREENING DECISION

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

Please provide details which support the decision

School governors are ultimately responsible for the quality of education delivered to, and the achievement of, the pupils attending their school. The aim is to achieve a good a balance of individuals on the Board of Governors, based on the skills and knowledge and experience that they bring to the role.

It is an unfortunate fact that there are insufficient applicants to fill all the governor posts.

When the last reconstitution exercise was run in 2009 the intention was that the 2013 exercise would be run by the Education and Skills Authority (ESA). It is still the intention that future reconstitutions will be run by the single body, which will have the opportunity to review and equality proof the new process.

However, it is necessary to have the BoGs reconstituted by Sept. 2014. DE and the ELBs will take this exercise forward based on the existing process but introducing minor changes with the intention of increasing applications and making the process equitable.

All governor posts which are required by law to be filled by ELB or DE are being opened up to public recruitment. Anyone aged 18 or over may apply for a governor post provided that they complete an application form.

The change in process will also require existing governors to complete a new application form. This will help standardise the process, so that all applicants provide the same information and are considered on the basis of the same criteria.

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	N/A
Social need	N/A
Effect on people’s daily lives	N/A
Relevance to a public authority’s functions	N/A
Total	N/A

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?

When established, ESA will review this 4 yearly process, as a single appointing body, and develop a fully standardised process to replace the existing arrangements.

At this point the policy will be subject to Equality Impact Assessment.

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.

Governor appointments to voluntary grammar and grant maintained integrated Schools are classified as public appointments and are already monitored by Central Appointments Unit of OFMdfM.

When a single process is in place, the opportunity will arise for the ESA to carry out more effective monitoring of the Section 75 profile of Governors.

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.
The policy promotes involvement by persons with disabilities in school governance.

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.

N/A

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.

N/A

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	✓

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

N/A

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.

The policy promotes an open and transparent governor recruitment process.

The policy does not otherwise impact on Human Rights legislation.

10. APPROVAL AND AUTHORISATION

Screened By:	Position	Date
Roberta Sterling	Deputy Principal	20/11/13
Approved BY:	Position	Date
Mervyn Gregg	Principal Officer	20/11/13

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.

<u>FOR COMPLETION BY EQUALITY TEAM</u>		
Quality Assured by:	Richard Magowan	Date:21/11/13
Screening Decision	Agreed	
Comments:	_____ Nil _____	

Date Directorate/Team Informed:	21/11/13	

If your decision was to "Screen Out":

- 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