

## Submission on Kellie Armstrong MLA's proposed Private Members Bill on integrated education

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### ABOUT THE NATIONAL SECULAR SOCIETY

This submission is made by the National Secular Society (NSS). The NSS is a not-for-profit organisation founded in 1866, funded by its members and by donations. It campaigns for an open society where all are free to practise their faith, change it, or to have no faith at all. The NSS advocates separation of religion and state and promotes secularism as the best means of creating a society in which people of all religions or none can live together fairly and cohesively.

### SUMMARY

Education is perhaps the area of public life where a lack of secularism most impacts on the lives and freedoms of UK citizens.

The extent to which state education is religiously segregated in Northern Ireland is unique, both in the UK and among developed nations. In 2016 the United Nations Committee on the Rights of the Child called upon Northern Ireland to "actively promote a fully integrated education system and carefully monitor the provision of shared education, with the participation of children, in order to ensure that it facilitates social integration".

The NSS advocates for a secular education system, free from religious discrimination, privilege or partisanship in its form or content, where young people are educated together regardless of their religion or belief background.

Integrated education can be seen as a stepping stone towards true inclusion and equality, it is certainly the only route open in this direction under the current framework.

However in expanding integrated education it is important that it doesn't replicate the sectarian problems of the current system – i.e. replacing segregation between schools with segregation within schools or reinforcing sectarian schooling albeit with the inclusion of minorities.

#### Q4: SHOULD THERE BE MORE SUPPORT FOR CITIZENSHIP EDUCATION IN SCHOOLS?

**Yes.** The concept of equal citizenship regardless of one's religious or philosophical beliefs is central to secularism and something schools have a duty to promote as part of their Public Sector Equality Duty (PSED). The National Secular Society has therefore long advocated the positive role of citizenship education in fostering good community cohesion and children's rights. In this way good provision of citizenship education can help schools meet their PSED.

Article 29 of the Convention on the Rights of the Child requires education to be directed to "the development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations". We therefore argue that citizenship education should empower pupils to critically engage with the relationship between human rights and different concepts of citizenship.

#### Q9. DO YOU THINK THE DEPARTMENT OF EDUCATION'S STATUTORY DUTY SHOULD BE CHANGED TO ALSO 'PROMOTE' THE GROWTH OF INTEGRATED EDUCATION?

**Yes.** Efforts to integrate Northern Ireland's education system remain woefully slow, something for which the Department must take at least some blame. Strengthening the language in the Department's statutory duty may increase the priority of integrated education. While the Department does need to be given flexibility in its approach, some prescription (including minimum targets) is needed to prevent institutional inertia.

Currently the Department considers development proposals for schools transforming to integrated status. The assumption should be that when a school has made a proposal that it will become integrated within 5 years. The Department should therefore have a duty to work with schools and authorities to make the proposal work.

Q10. DO YOU THINK THE DEPARTMENT OF EDUCATION SHOULD HAVE A DUTY TO STRATEGICALLY PLAN FOR THE GROWTH OF INTEGRATED EDUCATION?

**Yes.** We recommend that the Bill creates a statutory duty on the department to produce a strategic plan for integrated education, to be updated at appropriate intervals.

Q12. DO YOU AGREE THAT IN PLANNING FOR INTEGRATED EDUCATION THE DEPARTMENT OF EDUCATION SHOULD SET MINIMUM TARGETS?

**Yes.** The Department of Education should set out clear indicators by which its progress at integrating education and removing discrimination can be measured and reported on.

Q13. DO YOU BELIEVE THE ENROLMENT CRITERIA SHOULD BE REVIEWED TO GIVE RECOGNITION TO THOSE CHILDREN OF MIXED, OTHER OR NO RELIGIOUS BACKGROUND?

**Yes.** The National Secular Society ultimately advocates that a child's religious or belief background should never privilege or disadvantage them in accessing education or any other public service. However, as long as religiously based enrolment criteria are used, children of non, mixed and minority religious backgrounds should not be further disadvantaged by enrolment criteria that do not acknowledge them or their rights.

Q14. SHOULD THE POLICY OF RELIGIOUS CRITERIA BE CONTINUOUSLY MONITORED AND CHANGED/UPDATED TO REFLECT THE CONTINUING DIVERSITY IN NORTHERN IRELAND (E.G. FOLLOWING THE CENSUS)?

**Yes/No.** The more inclusive a school is, the more it will naturally tend to reflect the makeup of its local community – both in terms of applications and enrolments.

The case for removing any discriminatory religious enrolment criteria maybe strengthened by the expected continued increase in Northern Ireland's religious diversity and irreligiosity, however the case on human rights grounds stands separately.

The deficiencies in the Census data – particularly related to data on religion and belief – should also give pause for thought.

The Census has a history of over-stating religious belief and tends to conflate latent or cultural association with a religion with adherence. It is also far from clear that the 2021 Census will take place as the UK Statistics Authority considers moves towards more accurate statistical sampling approaches.

#### Q15. SHOULD EACH INTEGRATED SCHOOL HAVE AN INDIVIDUAL ENROLMENT CRITERIA SET TO REFLECT THE COMMUNITY IN WHICH IT SERVES?

**No.** Excepting for truly unique local circumstances, there should be a uniform approach to this aspect of enrolment criteria. Parents should be able to very clearly know how and to what extent they will be discriminated against or treated equally when applying to a school. If completely free from discrimination, the make-up of a school would naturally tend towards being reflective of the local community. The simplest way to achieve such reflectiveness is to have a uniform policy of minimalizing potential discrimination.

#### Q16. SHOULD A COMPLETE REVIEW OF THE TRANSFORMATION PROCESS AND LEGISLATION BE CARRIED OUT BY THE DEPARTMENT?

Yes. We support civil society organisations working to support transformation campaigns at a grassroots level. Schools and the Department should have a statutory duty to work with such campaigns. While efforts have been made to make transformation better understood and accessible – particularly the ‘Integrate my School’ initiative – the barriers remain high.

Currently there are 2 routes to starting transformation:

- **The board of governors’ route.** We would recommend that governors are required to give consideration to transformation/integration at some regular interval – perhaps every 3 years or whenever considering significant expansion.
- **The parent petition route.** The problem with this route is that (despite civil society support) it puts a very large burden on parents. We recommend that the 20% target be reviewed. Ideally it should be dropped to 10%. Alternatively - if kept at 20% - groups should receive additional support.

We suggest a third mechanism that would include the views of potential parents that are excluded from the school due to their religion or belief, but who would benefit from an integrated school.

- **The applicant route.** When applying for a school place, parents should be given the opportunity to express the wish for a school to be integrated. If 30% of applicants request a school to be integrated, or a school attracts 20% of applicants from a minority community, then this should trigger a ballot. A school with 20% of such applications is already in excess of the minimum target for the first year of transformation.

### Q19. SHOULD THE EDUCATION AND TRAINING INSPECTORATE (ETI) HAVE A DEDICATED TEAM TO INSPECT AND HELP DEVELOP THE INTEGRATED ETHOS IN INTEGRATED SCHOOLS?

**Yes.** The NSS would like to see a statutory duty on all schools to be religiously non-partisan and equally welcoming to and non-discriminatory towards pupils from all religion and belief backgrounds. Such a duty would not prevent schools developing their own ethos, as long as it is inclusive and non-partisan. We would like to see good practice in this area developed and shared through including non-integrated schools that could become more inclusive. Inspections at 5 and 10 years are insufficient and any school going through transformation should be prepared to provide regular reports on its progress.

### Q21. SHOULD INTEGRATED SCHOOLS HAVE AN ADDITIONAL INSPECTION CRITERIA TO MAKE SURE THEY ARE ATTAINING AN INTEGRATED ETHOS?

**Yes/No.** As mentioned in Q19 we would like to see a duty on all schools to be religiously non-partisan and equally welcoming to and non-discriminatory towards pupils from all religion and belief, this should complement schools' Public Sector Equality duty, and be inspected by ETI. In the meantime it should be possible for ETI to inspect integrated/transforming schools to ensure they are making progress. However we make two caveats. Firstly we are wary of ETI being over used as a policy mechanism not every problem can be solved through inspections. Secondly we are wary of too much divergence in the inspection regimes of integrated and non-integrated schools. Such an approach could lead to non-integrated schools being seen as more sectarian.

## Q24. CURRENTLY THE DEMAND FOR INTEGRATED EDUCATION IS NOT ASSESSED, SHOULD AN AUDIT BE DONE TO EFFECTIVELY PLAN AND BUDGET FOR INTEGRATED EDUCATION?

**Yes.** In 2015 the Audit Office calculated that there were 71,000 empty school places in Northern Ireland - one fifth of the total capacity in the system. While this is not entirely explained by segregation, a segregated system of any type is by its nature inefficient, tending to produce localised incidences of both excess supply and excess demand.

We recommend that wherever over/under supply of school places reaches a certain level, that the local education authority should have a statutory duty to consider whether a local plan for integrated education could ameliorated the situation.

Increasing integrated education would provide local authorities with more options when considering the amalgamation of smaller schools. We would like a statutory duty on local authorities to promote integrated education when planning new school provision/reorganisation.

## Q26. SHOULD TEACHING APPOINTMENTS BE SUBJECT TO FAIR EMPLOYMENT LEGISLATION?

**Yes.** We do not believe that any qualified teacher should ever be discriminated against in a public school on the grounds of their religion or belief - excepting situations where there is a specific, narrow and established case for 'positive discrimination'. We are in agreement with the Equality Commission for Northern Ireland that "the long-term objective should be to include teachers in the religious discrimination provisions". Religious criteria should only play a role in employment where it can be shown that "the essential nature of the job requires it to be done by a person holding, or not holding a particular religious belief".

We do not believe that a blanket exemption to equalities protection for teachers is a proportional means of serving any legitimate aim.

Although we do not believe that maintaining a religiously partisan ethos is a legitimate justification for employment discrimination, we also do not think that such selection is necessary for this aim.

The experience of religious schools across the UK and international – as well as similar ethos led institutions such as religious charities – suggests that an ethos can be perfectly well maintained through other means including governance.

#### Q27. DO YOU THINK REPEALING ARTICLE 71 WOULD ENCOURAGE A MORE INTEGRATED WORKFORCE?

**Yes.** Removing direct religious discrimination would have a direct effect on workforce integration and efficiency. Segregation within any system is inherently inefficient, religious selection criteria reduces flexibility in filling vacancies. As long as schools are organised around religious identity, some schools will be unattractive to some qualified teachers. However, when barriers such as religious discrimination are removed workforces will naturally tend towards being more representative.

A 2004 investigation by the Equality Commission for Northern Ireland found that 85% of teachers in the Controlled schools were from the Protestant community and 98% of teachers were from the Roman Catholic community – a stunning degree of segregation.

A well-integrated workforce within schools provides a diversity of views and is better able to meet the needs of a diverse student body. This helps schools achieve their public sector equality duty and model good integration for their pupils.

#### Q28. HOW DO YOU THINK THE PROPOSED LEGISLATION WILL IMPACT ON HUMAN RIGHTS?

Positively. For the reasons stated above we believe the proposed changes will have a positive impact on human rights of parents, pupils and teachers. We are unaware of and can foresee no possibly detrimental human rights effects of the proposals.

#### Q29. HOW DO YOU THINK THE PROPOSED LEGISLATION WILL IMPACT ON EQUALITY OF OPPORTUNITY?

Positively. For the reasons stated above we believe the proposed changes will have a positive impact on equality of opportunity for parents, pupils and teachers. We are unaware of and can foresee no possibly detrimental equality effects of the proposals.

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