

Report on Seminar

Review of Public Administration “Education”

Ulidia Resource Centre - 12 June 2006

Joint
Consultative
Forum

Education Sector

Aim

To raise awareness on the implementation of the Review and explore how equality can be mainstreamed into the process and the policies, practices and procedures of the new Authority.

Welcome and Introduction

Tansy Hutchinson, Joint Chair welcomed participants and speakers and identified the key question as “How do we ensure equality is an integral part of the process?”

John Curran, Joint Chair indicated that the seminar provided an excellent opportunity to have an honest, forthright and constructive debate about the potential equality impacts of the Review in the Education Sector.

Transforming the Vision into Reality

(Slides used are available by email from patricia.murray@scelb.org.uk)

Chris Stewart, Head of RPA Division, Department of Education was the keynote speaker. Some of the sound bites from his presentation are summarised below-

Main Decisions

- Changes to the Department of Education; Clearer focus on policy, strategic planning and accountability. Lose all operational functions.
- Creation of new Education and Skills Authority (ESA) to support *not* manage or control schools;
- No change in front line service - about schools enabling Boards of Governors to make key decisions.
- Ensure *all* schools are committed to and work toward the principles enshrined in “Shared Future of Public Services”.

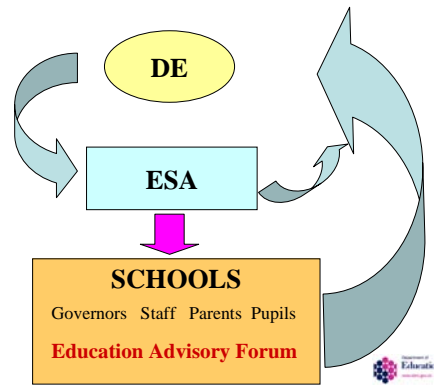
Key Principles

- Enabling decision-making at local level.
- Empowerment of schools.
- Commitment to protect school ethos.

What the arrangements *might* look like

- Single system but not one size fits all.

- Creation of Education Advisory Forum to link Department of Education with stakeholders, - much more broadly based than current arrangements.
- ESA is the 'employing authority' dealing with collective functions.
- School is the 'employer' dealing with individual school specific functions.
- Clear separation between employing authority and employer roles.
- Schools may be empowered to decide how and where to obtain professional and administrative support services. *(On a point of clarification on this point Chris explained that any increased flexibility in this area would be within limits. He said that the thinking on this issue was at an early stage and that the implications needed to be explored).*



In concluding his presentation Chris emphasised that much of what he was saying was “emerging thinking” and was subject to further detailed consideration. He said that whilst there is a lot of uncertainty and fear there is a lot to play for. Ultimately, the vision for education will drive administration and schools will shape that vision.

In the discussion which followed Chris commented as follows.

- New arrangements *must* cost less than current arrangements; savings from administration to be redirected to the front line.
- Recognition that investment is required to fund redundancies/early retirements to facilitate this Review.
- Overarching EQIA being conducted by Central Government.
- ESA operational at 1 April 2008, drafting of enabling legislation to commence November 2006, still at early stages of design and build.
- Equality ethos will be mainstreamed into *all* schools.
- Recognition that there are difficulties in recruiting ‘Governors’. ESA will have responsibility to support, advise and provide training to Boards of Governors. Ensure that they are not left in isolation. Exploring the scope for a Board of Governors to cover a number of schools.
- Use of Public Private Partnerships remains Government policy. Strategic planning decisions may require review in the light of the Bain Review.
- Don’t expect ‘big bang’. Come April 2008 anticipate that the majority of staff will have same job and location but change thereafter. Likely to be a greater impact at senior levels across all bodies affected by the Review.

Some members expressed concern about the lack of clarity on how the Section 75 issues would be addressed and sought an assurance that a list of policies to be screened would be issued to consultees. Chris said that he didn’t expect that this would be a problem and said that the Department of Education would consult in a meaningful manner on all screening decisions and that EQIAs would be conducted, as appropriate, prior to legislation being drafted.

Group Discussion

Two questions were addressed in the group discussion:

1. What are the equality issues?
2. How can they be addressed in a simple and meaningful manner?

Issues identified:-

Screening

- Equality screening needs to be an inherent part of the process - need for a standard checklist whereby policy decisions can be looked at in terms of their potential impact on the nine equality categories covered by section 75.
- Need to ensure that the equality issues relating to the relocation, transfer, appointment and harmonisation of terms and conditions of staff are addressed. Potential for adverse impacts on women, people with disabilities, carers but differential impacts likely on all grounds covered by Section 75.
- Compile a checklist of what's proposed, how screening, EQIA and consultation process is going to be assessed by each work stream; allow a shorter timeframe for consultation on urgent policies.
- Outcomes of the Bain Review will have to be screened and consulted on and this will add to the timescale.

Equality Impact Assessments

- Look at how mechanisms (e.g. screening and EQIAs) could be effectively streamlined whilst ensuring that issues are properly addressed.

Consultation and Joint Consultative Forum

- Important to ensure that the Education Advisory Forum has the promotion of equality of opportunity and good relations within its remit. Members felt that the continued existence of the Joint Consultative Forum was crucial.
- The JCF should also be used more effectively by Department of Education as a communication/discussion forum on issues related to the Review.
- Use the JCF as the initial communication base to fill the "gap".
- Ask the Department:
 - what is the method and timeframe for consultation;
 - suggest that related policies be consulted on at the same time.
- How do we get our concerns across to influence adherence to Section 75? Suggestion that consultees go through the Equality Commission if mechanisms are ineffective.

Schools

- How do schools mainstream equality?
- Common Funding Formula. Examine how its currently operating. Needs to be looked at in context of the promotion of equality of opportunity, social justice and new TSN. The additional allowances payable in terms of LMS issues could also be considered as part of the restructuring.
- How do we get the RPA to recognise that differences exist, particularly in targeted services that 'fall off' the Board and school agenda i.e., English as an Additional Language.

Accountability

- The need for a clear framework to ensure that the Department of Education, Education Skills Authority (ESA) and Boards of Governors are made more accountable.
- How will the Department ensure that the appointees to the Board of the ESA; Boards of Governors and the Education Advisory Forum are representative of the equality categories specified under section 75, in particular how will young people be given a voice at the various decision making levels.
- Importance of ensuring "effective transparency" in the review process.

- **Mainstreaming**
- Is there a clear mechanism to mainstream “equality” into the new process?

Miscellaneous issues

- “Ideas” emerging which appear to go beyond the remit of the Review e.g. emerging parallel debate on the role of Boards of Governors.
- Impact of structural changes proposed - Boards will no longer exist - what’s going to be the interface?
- Concerns at “ideas” emerging to increase flexibility in the procurement of services and the possible negative impact on women, carers and other groups specified under Section 75.
- Greater clarification required on how work on the Review is being co-ordinated across the various sectors, health, education and local government.
- The substantial knowledge and skills being lost in relation to the number of staff leaving Boards through voluntary redundancy and early retirement needs to be addressed by the Department. Concern that expertise in services such as Educational Psychology, Speech and Language Therapy will be lost as officers may go into private practice, which has been the experience in England.
- If services are centralised this may lead to a diluted service which will cost more and will create greater inequality.
- New pension arrangements being introduced in Great Britain may impact on Northern Ireland. The implications of this need to be examined. Boards will be meeting with NILGOSC on this matter.
- Suggest that:
 - hand picked nominees from the JCF meet with the Minister;
 - the ideas and issues emerging are communicated to the Department. That the Department is asked to consider these ideas in the policy making process;
 - Chris Stewart be invited back to update the Forum on the RPA;
 - the new Chief Executive designate, when appointed, be invited to address the Forum.

What are the challenges/opportunities to mainstream presented by this change management process? (Slides are available on request or by email from patricia.murray@scelb.org.uk)

Grainia Long, Director of Policy and Research, Equality Commission. The key points are summarised below.

- Initial concern is that the language used hasn’t moved on from ‘review’ to ‘implementation’, the current stage.
- The Equality Commission has developed a set of principles which should underpin the exercise.
- The Equality Commission believes employment rights must be fully considered.
- Relocation *must* be considered as part of the process.
- The importance of screening, EQIAs and consultation being open and transparent is a must. In this context the Water Reform proposals reflected good practice in terms of the process adopted.
- The importance of collecting and effectively using data and of monitoring both impacts and outcomes. Equality Commission guidance due to be published March 2007.
- In the transition phase the Department of Education has a responsibility to ensure Section 75 considerations are built into all aspects of the implementation process and to monitor its implementation in the new Authority/schools.
- New Authority, will be designated from the date it is operational April 2008, no ‘gap’.
- Section 75 works best when there is leadership from the top. Important role for new Authority’s Chief Executive and Senior Management Team.

Tim Cunningham speaking on behalf of the Equality Coalition

- Tim questioned whether the process was about quality and excellence in service provision or about savings.
- The experience of organisational mergers/restructuring exercises in the past were generally painful.
- The commitments to screening and meaningful consultation were important but in the event that there is *not* proper consultation, participation, adherence to statutory equality duties it is open to those affected to initiate complaints under the Department's Equality Scheme by utilising paragraphs 10 and 11 of Schedule 9 of the Northern Ireland Act 1998. In such circumstances the Department of Education would be given a reasonable time to investigate. If there was an unsatisfactory outcome or the matter was not addressed it would be referred to the Equality Commission. There would be an expectation that the Equality Commission would, given the urgency of the matter, address the complaint in a timely manner. At any stage of the process the complainant could ask for an injunction.

The Equality Commission indicated that they would be monitoring the entire process to ensure that the statutory equality duties are fulfilled.

Questions and Answer session

In the discussion that ensued, the following information emerged.

- The Equality Commission would provide information on the role and responsibilities of its senior staff and their involvement in the various sectors of the Review process.
- The Equality Commission would consider how best to communicate information and/or general advice on key aspects of the Review process.
- The Equality Commission explained that it had just agreed an investigations procedure which was available on its website.

The Role of the Community/Voluntary sector in the process

Panel members highlighted what they saw as the key equality issues for their organisations in relation to the Review process.

David McConnell – Age Concern

- Older people have a vested interest in the new structures for service provision with regard to health, education and local government.
- Having seven larger Councils may end the 'postal code' lottery in terms of health issues.
- Concern at the closure of libraries since older people are the biggest library users.
- Age Concern would be concerned that older people, 50+, may be pressurised and targeted for redundancies and early retirement.
- Older people can very often be the main care givers e.g., childminding and therefore retain an active interest in education i.e., interest in their grandchildren's education; retired teachers are members of Age Concern.
- A large number of older people work as volunteers i.e. school governors.

Anne Moore - Northern Ireland Council for Voluntary Action (NICVA)

- NICVA has been focusing on the community planning aspect of the RPA as it offers the voluntary and community sector an opportunity for the first time to engage with politicians,

service providers and budget holders to work out the services needed in an area in a holistic and joined up way.

- With regard to education NICVA has been concentrating on the successful passage of the Education Order through Parliament.
- NICVA bases its argument for reform on equality and social justice grounds – 1 in 5 young people leave school with less than the equivalent of one good GCSE.
- Under the new arrangements every child will have the choice of the same wide range of academic and vocational options.
- NICVA believes that we must look to the needs of many people coming to Northern Ireland to make this a much more diverse society.
- It wishes to ask the Department of Education if it has factored in the growing number of migrant workers' children when it talks about falling rolls.

Elaine Campbell - Youthnet

- Youthnet has raised concerns in relation to what will happen to the Youth Service under the Review process. It wants:
 - A definition of youth work.
 - Youth work in terms of young peoples' rights and entitlements to be 'rights' based.
 - The 4 – 25 age range for youth provision to be retained and not the 13 – 19 model as in Great Britain.
 - Stakeholder representation at local and community level to ensure consistency of approach.
 - A Ministerial Committee which includes the Department of Education, the Department of Social Development etc., to ensure a co-joined approach so that all young people are entitled to the same service.
 - Youthnet has secured representation on the Youth Council workstream which will allow it to input directly to the process.

Alison Millar – Northern Ireland Public Service Alliance (NIPSA)

- NIPSA's primary concern is protecting the interests of staff.
- It wants to ensure that equality considerations are at the heart of the decision making process, Government and Departments do not have a good track record on Section 75 - very often publishing EQIAs after decisions have been taken – this cannot be tolerated, Section 75 must be mainstreamed into every decision making process.
- The Chief Executive posts in the five new Health Bodies have been advertised – the field of consideration is anyone working in the public sector affected by the Review. NIPSA, through the Irish Congress of Trade Unions, made strong representation that the competition for the Chief Executives' posts should be by restricted trawl – it is too early to predict how the Chief Executive and other senior posts will be filled in the new Education Skills Authority.
- Concern at the 'Silo' affect – how will staff be affected if we continue to use a 'silo mentality'.
- The location of jobs is a key area that needs to be addressed.

Mike Graves – Ulster Teachers' Union (UTU)

- The UTU has concerns about the proposed reduction in the level of public involvement in the governance of public services.
- It wishes to suggest that there needs to be some mechanism built in to deal with the interface between health and education to look at issues such as physiotherapy, speech therapy etc.
- It is concerned that there is no mention of teachers in the consultation document. It believes that in order to achieve the desired outcomes one of the aims should be to ensure that there is a well-motivated workforce whose health and well-being are of integral importance.

- The recent education funding crisis has created a high level of uncertainty and has affected the ability of teachers and other education service staff to maintain the level of ‘front-line’ service.
- It welcomes a more flexible approach to the use of education facilities provided it does not put additional pressures on principals or teachers in terms of workload or responsibility.
- It would suggest that there is a need for the retention of a number of local offices in whatever new system emerges to provide local services where required.
- It believes that responsibility and accountability should be a two-way process and there needs to be a new focus on how schools and parents can work together in the best interests of the pupils.
- There also needs to be a focus on the accountability of the Department of Education.

Paschal McKeown - MENCAP

- Mencap encourages groups/individuals to come together to bring about real change in their community and provides a range of services to children, young people, men and women with a learning disability.
- Mencap provides a link with people who are excluded and has developed expertise around engagement.
- The challenges for Mencap arising from the RPA process are:
 - Who will we be working with?
 - What sub-structures will be in place and what will the links be between central and local structures?
 - What will the links be between education, health and social care and councils?
 - How will community planning work?
 - Invisibility of the role played by the voluntary and community sector in new structures.
 - Communication - getting information to people directly affected by the changes.
- Under the RPA there is an opportunity to mainstream equality of access and benefit - there is little evidence of this happening.
The RPA must respond positively to difference; engage with communities and groups who are excluded. Ensure that excluded groups are not an afterthought in the design of the new structures; that their needs and voices are not drowned out by the views and needs of larger groups; and that they are listened to and responded to.

Mairéad McCafferty – Coalition on Sexual Orientation (CoSO)

- Members of CoSO have worked consistently over the years through numerous consultations to make vital representation and submissions aimed at influencing policy, practice and legislation on the road to true equality and human rights for Lesbian, Gay, Bisexual and Transgender (LGBT) people.
- The experience of LGBT young people, students, teachers and indeed all those involved in the education system has historically been one of alienation and isolation.
- The suicide rate amongst LGBT young people is the highest in its age category with approximately 150 suicides each year in Northern Ireland.
- 70% of young people who left school earlier than they would have preferred left because they were bullied. In CoSO’s submission to the RPA it highlighted that in schools’ anti bullying policies there is no mention of homophobic bullying – how do you tackle something if it is invisible?
- In ¹CaraFriend’s submission to the RPA it highlighted that it would like to see a Code of Conduct in place in respect of those providing services to the public.
- In implementing the RPA we have an opportunity to implement good practice within and throughout our whole education system which will promote, encourage and safeguard equality and human rights of all our citizens.

¹ One of the foundation members of CoSO

The Role of the Public Service Commission

Sid McDowell, Chair of the Public Service Commission (PSC) provided members with an overview of the role of the Public Service Commission in the Review process and the key areas of its work to date. The main areas covered are summarised below:-

- The role of the PSC is: *'To make recommendations to government on the guiding principles and steps necessary to safeguard the interests of staff and ensure their smooth transfer to new organisations, established as a consequence of government decisions on the Review of Public Administration taking into account statutory obligations, including those arising from Section 75 of the Northern Ireland Act 1998'*.
- The PSC will engage directly with the inter-departmental RPA Steering Group chaired by Nigel Hamilton.
- The PSC will provide early advice to Government on issues such as:
 - the application of the TUPE principles as set out in the Guidance issued by the Cabinet Office in January 2000 "Statement of Practice on Staff Transfers in the Public Sector" ;
 - the arrangements for the appointment of staff to the new organisations;
 - the arrangements for dealing with any staff surpluses and the avoidance of compulsory redundancies
 - the arrangements for engagement with Trade Unions;
 - the development of informal dispute resolution procedures.
- Through a programme of meetings the PSC will engage with stakeholders.
- The PSC has indicated to the Secretary of State that it would expect to be consulted on the Libraries Order which is currently being drafted as this is an important piece of legislation which may be the template for how staff will be treated in the Review process.

Sid said that the Government had sought the views of the PSC in relation to the recruitment of the Chief Executive (Designate) post for the proposed Health and Social Services Authority and the Chief Executive (Designate) posts in the 5 proposed HSS Trusts. He said that in the case of the latter the PSC had recommended that the posts should be filled by inviting applications from those people employed in those public services which were affected by the RPA and had also made reference to the statutory obligation to make every possible effort to avoid compulsory redundancies. He said that this recommendation had been taken on board and the PSC was currently considering, in consultation with the Department, how the Chief Executive (Designate) for the new Education and Skills Authority should be filled.

Key Recommendations

- The PSC's first recommendation was to recommend that the RPA Steering Group ensures that arrangements are put in place, as a matter of urgency, to ensure that all staff are informed in a timely way about how change is to be implemented and what arrangements are planned to safeguard the interests of staff and secure their co-operation during and after the period of change.
- Its second recommendation will be in relation to the managing of vacancies. A draft document is currently out for consultation with principal stakeholders.

Sid, in his closing remarks, said that he had an intrinsic belief in the people who worked in the Northern Ireland Public Service and it was the aim of the PSC to safeguard the interests of staff and avoid compulsory redundancies.

In the discussion which followed the following issues were noted/raised.

- The Public Service Commission was not a statutory body.
- There was an expectation that Government would accept its recommendations and if not Government would issue a statement stating why.
- Legislation to be drafted will have clauses relating to staffing.
- Government has indicated that TUPE principles will apply to the public sector.
- Guiding principles on the transfer of staff – if your work transfers from existing authority to new authority and you are mostly engaged in the same duties then you should be transferred.
- There may be a case for an overarching Public Service Commission.

Celebrating 20 years of Disability Action

Due to time constraints Kevin Doherty, Director of Services Disability Action, was unable to deliver his PowerPoint presentation on Disability Action's 20 Year Anniversary, however, he provided members with a few key points with regard to the implementation of the review, these are summarised below. Kevin's slides are available on request or by email from patricia.murray@scelb.org.uk.

- The underlying outcome for people with disabilities should be better service development and service delivery.
- Groups such as the Joint Consultative Forum should take the initiative to ensure that there is open communication and trust between the various Departments and the community and voluntary sector.
- The Department of Education should provide leadership and listen to the views of the community and voluntary sector.

Closing Remarks

Patricia Weir, Chief Executive of the Staff Commission for Education and Library Boards in her closing remarks thanked the Speakers for their interesting and informative presentations. She said that the seminar had emphasised the importance of the Joint Consultative Forum as a communication vehicle and she asked Deirdre Vaughn, Secretary to the Forum to outline the way forward.

Way Forward

Deirdre indicated that:

- A report would be compiled of the seminar to document the comments made, questions asked and commitments given.
- Forum Officers would prepare an Action Plan on how matters could be progressed.
- The report would be circulated to the Department of Education, the Equality Commission, the Public Service Commission and also to Forum members in order that the key players knew the strength of feeling coming through from the Forum.
- Representatives of the Forum to meet with the Department.
- A meeting of the Forum's Steering Group will be held in September 2006.