

Quarterly Update

Joint Consultative Forum Workshop
Ulidia Resource Centre - 23 January 2006

Joint
Consultative
Forum

Education Sector

Workshop on the Education Authorities' Five Year Review of Equality Schemes

Aim:

To provide an opportunity for affected representative groups to participate in the review process.

Overview of the Review Process

Aubrey McCrory, Manager, Statutory Duty Unit of the Equality Commission gave a broad overview of the context of the five yearly review process, namely that there were three elements:

- i) Review of the operation of the Section 75 equality duty;
- ii) Equality Commission for Northern Ireland 'Effectiveness Review'; and
- iii) Five Year Review of Equality Schemes (self assessment by public authorities which will be used as part of the review at ii) above).

He encouraged the public authorities to be candid in their review as the information would be used constructively to inform the way forward rather than to dwell on past performance. He indicated that it was important that the process was fully utilised to identify impacts and outcomes at all levels of government. For example, if there is a lack of compliance with regard to Section 75 at Central Governmental level, what is the impact of this at Non-Departmental Public Body (NDPB) level?

In the discussion that followed a range of issues were raised including the Draft Priorities and Budgets and the extent to which equality considerations had been addressed in terms of screening and equality impact assessment and engagement with affected groups.

Screening and Equality Impact Assessment

- Greater clarity was still required on 'What is a Policy?' The view was expressed that in some cases policies were being called procedures in an attempt to avoid the need for screening. In sensitive policy areas some consultees indicated that it was less likely that the policy was written and this had led to gaps in the screening process. One group expressed the view that the screening questions were problematic, in particular the question 'Is there any evidence of higher or lower participation or uptake by different groups?'
- In terms of the discussion under each of the Workshop headings the views of consultees were as follows:
 - i) The two tier approach adopted by the Boards/Staff Commission/Council for Catholic Maintained Schools represented good practice and had been widely utilised across the public sector.
 - ii) The Boards'/Staff Commission's collaborative working produced beneficial outcomes and made it easier for the community and voluntary sector to engage in the process.
 - iii) The screening process had worked well.

- iv) With regard to screening of new policies, it was noted that the Boards/Staff Commission consulted as part of the screening process (normally pre screening to inform the process; post screening on the decisions reached; providing feedback on the consultation process). This process was acknowledged as a good practice model but there was concern that it may not have been universally applied across the education sector. The Boards/Staff Commission indicated that increasingly consultation and equality considerations were built in as an integral part of the policy development process. This being the case it was less likely that screening would identify significant equality implications. The Boards/Staff Commission accept the need to screen and consult on the screening decision with regard to new policies. However, they believe there would be merit in building into the process the provision for a re-screen after a period of implementation. This view was supported by the consultee groups in attendance.
- v) The importance of monitoring the implementation of policy was emphasised. In this context an example was given of an excellent policy 'Transition (14+) Plan' and what appeared to be deficiencies in its implementation. The Boards indicated that this matter had been brought to their attention and an investigation was underway. A report would be provided at the next meeting of the Steering Group of the Joint Consultative Forum.
- vi) The methodology and standard of work with regard to the conduct of equality impact assessments by the Boards/Staff Commission was cited as good practice.
- vii) Concerns were expressed at the range and quality of equality impact assessments overall. It was agreed that a more effective audit mechanism was required. It was noted that the Equality Commission's effectiveness review, which included an independent research element, may provide a useful mechanism to address this issue.

Engagement and Consultation

- There was general consensus that the Joint Consultative Forum and its Steering Group operated as a model of good practice. It was a good method of communication and its open and transparent approach to the conduct of business had resulted in the building of positive relationships based on mutual respect and trust.
- Consultees expressed the view that they felt the Boards/Staff Commission were good at communicating decisions, providing information and feedback on consultation exercises.
- Concerns were raised that the Department of Education was less effective in providing feedback on decisions.
- Consultees felt that there was scope to improve consultation arrangements around the development of new legislation. The view was expressed that consultation should take place at all the key stages of the process.
- It was the view of consultee groups that there was scope for improvement by all the education authorities in:
 - i) seeking to consult more with hard to reach groups; and
 - ii) providing more time (12 weeks) for consultation. This would enable umbrella and constituent groups more time to consult internally.
- The Boards'/Staff Commission's proposal to explore, in consultation with young people, the establishment of a representative group of the equality categories which could participate more in the policy and/or decision making process was warmly welcomed.
- Consultees suggested that the Joint Consultative Forum, because it was such a good mechanism for sharing information, could be used very effectively in the context of the Review of Public Administration. Consultees indicated that it would be extremely useful if the Department of Education would share with them its vision on the:
 - i) Review of Public Administration; and
 - ii) Designation of Schools for the purpose of Section 75.

Training

- The Training Strategy adopted by the Boards/Staff Commission was identified as a model of good practice.
- Clarity was sought on whether induction training included 'equality awareness re Section 75 and the other anti discrimination legislation'. Boards/Staff Commission and CCMS all confirmed this was standard practice.
- Partnership training projects between the Boards/Staff Commission and the community and voluntary sector were commended as good practice.
- Boards/Staff Commission were asked if they had assessed the impact of their equality training strategy. It was noted that all training was evaluated. The assessment of the impact of such training was often difficult to quantify but a number of indicators had been used. They were:
 - i) indication of cultural change, commitment to the statutory duties;
 - ii) level of awareness at all levels of the organisation;
 - iii) the extent of equality thinking which was an important component of mainstreaming.

The evidence so far had produced positive indications in all three areas.

General Issues

Designation of Schools

- Concern was expressed that insufficient work had been undertaken to engage with teachers working in a classroom situation, particularly with regard to the Special Educational Needs and Disability (Northern Ireland) Order 2005¹ and the approved Codes of Practice (January 2006).
- A concern was also expressed regarding the potential inequalities in the classroom in relation to Special Educational Needs support for teachers who were teaching pupils with special needs.
- Clarification was provided on the reason for the deferment of the equality impact assessment of the Recruitment and Selection Procedures for teaching staff.

Notwithstanding these specific points the overall view of the community and voluntary sector was that there was a 'gap' in equality provision given that Section 75 does not apply directly to schools. It was however recognised that any application of this provision required that it be proportionate, effectively resourced and that practical issues were addressed to minimise the administrative impact of these duties. It was noted that Queens University Belfast was currently conducting research on whether the duties should be extended to schools.

Draft Priorities and Budgets

It was acknowledged that very positive work was on-going by the Boards/Staff Commission on the implementation of their Equality Schemes but to some extent it was being overshadowed by the on-going under-funding issue. Consultees indicated that one of the key challenges was how Section 75 could be factored into the high level policy-making process at Central Government level. Consultees were of the view that Central Government Departments, Ministers and Permanent Secretaries had a legal duty to apply Section 75 as part of the policy making process. Boards also had a responsibility for their decisions which could have serious impacts for people for whom they provide services. Consultees suggested that methods of working together to ensure that Section 75 was factored into the budgetary process should be further explored.

¹ Disability Discrimination Code of Practice for Schools. This Code of Practice was approved by the Department of Education and was laid before the Northern Ireland Assembly and deposited at Westminster on 5 January 2006.

Administrative

The Equality Commission commended the Boards/Staff Commission for the production and circulation of their draft report on the Five Year Review and the Joint Consultative Forum for its organisation of the Workshop to provide a forum for discussion. Consultees also acknowledged the efforts made by the Boards/Staff Commission, within a very tight timeframe, to produce and make available their draft report.

It was suggested that a glossary would be a useful addendum to the report.

Conclusion

It was noted that impact and outcomes had emerged in the course of the earlier discussions. There was general consensus that much of the practice applied could be classified as 'good practice' and that the Boards'/Staff Commission's good work in this area should be promoted. The establishment of a forum in which constituents felt comfortable in sharing and/or further developing good practice would also be beneficial. In terms of the Workshop those present found that it had been a useful opportunity to review progress and input to the process.

List of Participants

COMMUNITY & VOLUNTARY

Elaine Campbell	Youthnet
Anne Moore	NICVA
Patricia Bray	Disability Action
Tansy Hutchinson	NICEM, Joint Chair
Terry Deegan	NICEM
Kathryn Stevenson	Children's Law Centre
Brenda Liddy	Carers NI
Alan Sheeran	MENCAP
Norman Richardson	N I Inter-Faith Forum

EQUALITY ORGANISATIONS

Aubrey McCrory	Equality Commission
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TRADE UNIONS

Joanne Evans	GMB
Sandra Douglas	Association of Teachers & Lecturers
Alison Millar	NIPSA

PUBLIC AUTHORITIES

John Curran	Inter-Board Services Manager, Joint Chair
Deirdre Vaughn	Staff Commission for E&LB, Secretary
Patricia Murray	Staff Commission for E&LB
Linda McGowan	B E L B
Alf Armstrong	N E E L B
Nicky McBride	S E E L B
Maura Murphy	S E L B
Stan McIvor	W E L B
Helen Leith	C C M S
Anne Perry	C C E A