

# REVIEW OF PUBLIC ADMINISTRATION

Promoting Equality through the Review of Public Administration



Department of  
**Education**

[www.deni.gov.uk](http://www.deni.gov.uk)

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INVESTOR IN PEOPLE

May 2009



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## FOREWORD

The Review of Public Administration (RPA) will bring about the most fundamental reform of our education system in more than 30 years. This will culminate in the establishment of the Education and Skills Authority (ESA) on 1 January 2010.

The focus of the RPA in education is about improving education. The new arrangements will enable a clearer focus on the provision of more consistent and high quality support to front-line education service providers, but they must also act as a vital instrument for raising the achievement of every child and closing the gap in performance that currently exists between the most advantaged and disadvantaged in our community.

The promotion of equality will be central to all aspects of the ESA, reflected in its organisation, functions and the services it provides.

The success of the Education and Skills Authority (ESA) will be measured by its contribution towards the promotion of equality in education and the raising of achievement. This must be an active role, matching the organisation and delivery of services and administrative support to the needs of the system it serves.

All inequalities must be challenged, and priority must be given to those children and young people who are at particular risk including Travellers; children from ethnic minorities; children with additional needs or children from disadvantaged backgrounds. Disability, community background, race or sexual orientation cannot be used as justifications for reduced opportunities; nor can any form of bullying (particularly homophobic bullying) be tolerated inside or outside schools.

We can no longer allow our young people to complete 12 years of compulsory education yet be unable to achieve the level of attainment (Level 2, equivalent to 5 GCSE's at Grade C or better) that allows them access to career opportunities and greater fulfilment.

Lack of achievement will be examined and remedied – especially those cases where schools serving communities with similar levels of economic disadvantage have widely varying achievement rates.

I believe the full implementation of the RPA will help to ensure we have schools and youth services that are second to none and that all learners, irrespective of geographical location, social background, gender, disability or race, will have the opportunity to achieve their full potential. The promotion of equality must be at the heart of the transforming education

agenda if we are to enable our young people to develop the skills, knowledge and self confidence to make a unique and positive contribution to society.

This consultation document invites your comments on how RPA reform will assist in the promotion of equality and addressing the inequalities which have been apparent for too long.

I urge you to engage in this consultation process and to consider carefully the content and direction this document describes.

A handwritten signature in black ink, reading "Caitríona Ruane". The signature is written in a cursive style with a large initial 'C' and 'R'.

**CAITRÍONA RUANE MLA**  
**Minister for Education**

## EQUALITY CONSIDERATIONS

Section 75 of the Northern Ireland Act imposes a range of duties on public authorities.

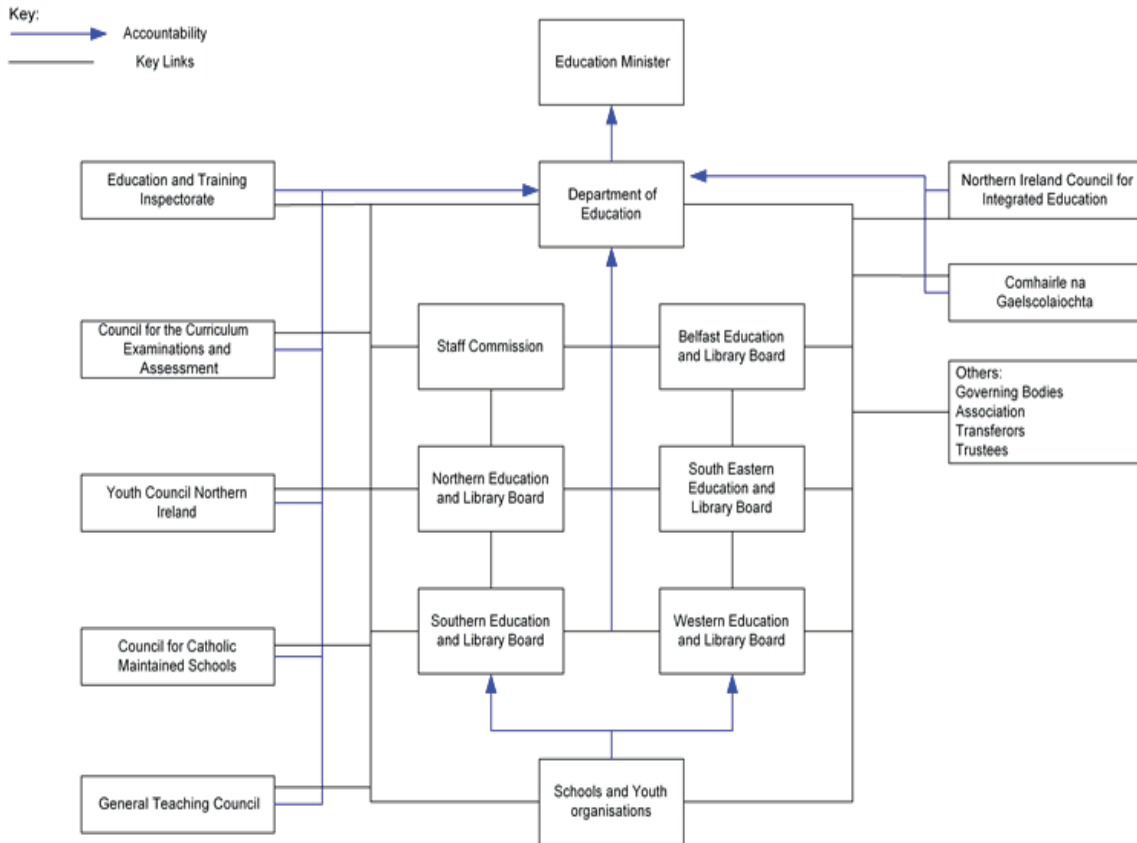
Public authorities are also required to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group. These obligations are designed to ensure that equality and good relations considerations are carefully considered as part of the policy development process and that consultation can take place with those on whom the policy will impact most.

The Department of Education has concluded that the proposals put forward in this paper do not require a full equality impact assessment (EQIA). The proposals aim to improve the delivery of education here by addressing specific issues to make the system more 'fit for purpose'. The proposals suggested would not result in adverse implications to Section 75 groups and altering the proposals would not result in better community relations or equality of opportunity. In addition each of the policies has been screened and they have not been found likely to have an adverse differential impact and therefore do not require a full EQIA.

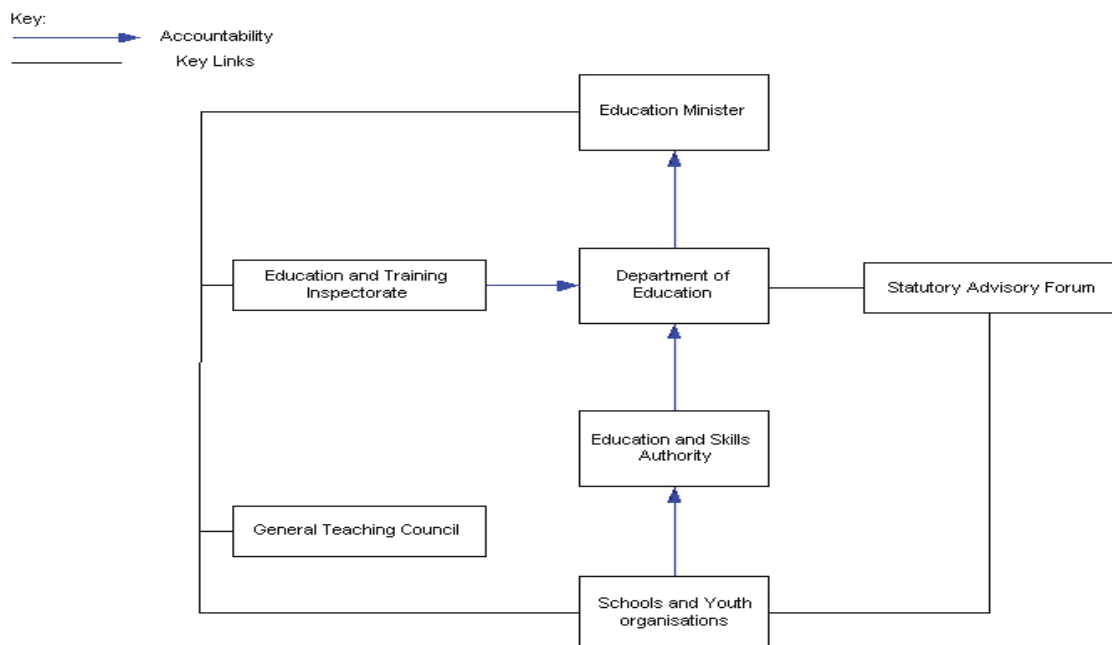
Each of the policies has also been the subject of a policy paper with the relevant document placed on the Department's website for comment by stakeholders and interested parties. Such comments have informed the development of the policies. No equality related issues have been raised to date.

However the Department is eager to invite comments on the context for further policy reforms which will follow in the coming months. Specific consultation exercises on each of these policy proposals will be taken forward as they arise.

The current structure of educational provision in this jurisdiction was determined over thirty years ago and is as follows:-



To deal with the challenges of the 21<sup>st</sup> century the following new structure is proposed:-






### An Opportunity to promote Equality

The RPA will be the most far reaching reform of our education system in over 30 years. Implementation of the RPA will take a number of years, and involve a number of stages: from the development of policy, the passage of legislation, through to the restructuring of organisations and services on the ground. The promotion of equality will be central to each of these stages.

The equality impact assessment process consists of a number of steps starting with equality screening. The purpose of screening is to identify the policies which are likely to have a significant impact on equality of opportunity. In these cases it is normally appropriate to carry out a formal equality impact assessment to determine whether they have an impact on equality of opportunity for the relevant groups. If the assessment of the impact of any policy shows a possible adverse impact, the Department must consider how this impact might be reduced, including changing to an alternative policy to better promote equality of opportunity.

The Department has already carried out consultations on the outcome of equality screening on some of the RPA policies – youth services, school governance and sectoral support. Responses to these earlier consultations will be taken on board in the analysis of responses to this document.

### The Department of Education Vision for Education



"to educate and develop the young people to the highest possible standards, providing equality of access for all"

### The Desired Strategic Outcomes for the Education Sector

1. Achievement levels that are the best in the OECD and reducing the effects of economic and social disadvantage.
2. Access to an education and youth curriculum in settings that meet young people's individual learning needs and enables them to reach their full potential.
3. The varying learning and development needs of young people met by highly skilled and motivated teachers, youth workers, other staff and volunteers.
4. Education and youth services organised and funded so that young people in all education and youth work settings have appropriately resourced and cost effective provision.
5. Widespread recognition of the value and benefits of education to the individual, society and the economy.

At the heart of the proposals is a commitment to improve the quality of education services and enhance the delivery of teaching and learning for young people.

From an administrative perspective the RPA will deliver benefits through:

- streamlining the administration of education;
- realising economies of scale;
- delivering services in a more efficient way;
- releasing resources to improve the quality of services at the front-line; and
- improving the speed, consistency and coherence of decision-making and policy implementation.

Under the RPA, responsibilities of bodies will be as follows:-

- The [Department of Education](#) will be responsible for:-
  - establishing the strategic direction for education;
  - setting policy, priorities and standards for schools and youth services;
  - allocating and monitoring resources; and
  - ensuring the efficient and effective delivery of services by the new ESA

- The [Education and Training Inspectorate](#) will be responsible for the inspection and monitoring of all education, training and youth establishments and related services and operating independently of all service providers and users.
- The [Education and Skills Authority](#) will be responsible for:-
  - funding and providing support services to all schools;
  - delivering school improvement programmes;
  - monitoring school performance, intervening and supporting as necessary;
  - strategic planning and procurement of the schools' estate;
  - advice on curriculum and assessment;
  - development and delivery of qualifications; and
  - acting as employing authority for teaching and other staff in grant-aided schools.
- The [Education Advisory Forum](#) representing the education stakeholder interests on a statutory basis and providing advice to the Department on key issues.

Schools (subject to necessary safeguards):

- can take on greater responsibilities;
- become more autonomous than at present;
- be more sustainable; and
- have a greater capacity to act as drivers of educational improvement.

In responding, consultees are invited to offer comments on the impact of these proposals on the capacity of the education sector to close the inequality gaps that exist. Over the coming months, the Department of Education will offer further detail on policies that will shape the delivery service offered by the ESA. This consultation exercise offers an opportunity to tell the Department how it can use this opportunity to address inequality and optimise the opportunity presented by the current reforms.



## HOW TO RESPOND

If you wish to comment on the proposals contained at Annexes A and B in this document **please complete and return the response questionnaire** which can be found at the back of this consultation document (Annex D) or may be downloaded from the Department's website.

[http://www.deni.gov.uk/index/85-about-the-dept/85-about\\_dept-consultations.htm](http://www.deni.gov.uk/index/85-about-the-dept/85-about_dept-consultations.htm)

The completed response questionnaire can be returned by e-mail, post or fax.

The closing date for comments is **Friday 7<sup>th</sup> August 2009**.

Please address any queries on this consultation to

Written: RPA Division  
Department of Education  
Rathgael House  
Balloo Road  
BANGOR  
Co Down  
BT19 7PR

E-mail: [rpa@deni.gov.uk](mailto:rpa@deni.gov.uk)

Telephone: 028 9127 9978

Fax: 028 9127 9100

Please ensure the completed questionnaire includes your name, organisation, address and telephone number, and whether your comments represent your own view or the corporate view of your organisation.

**Please contact the Department if you require any of these documents in other formats.**

## Background to the Proposals

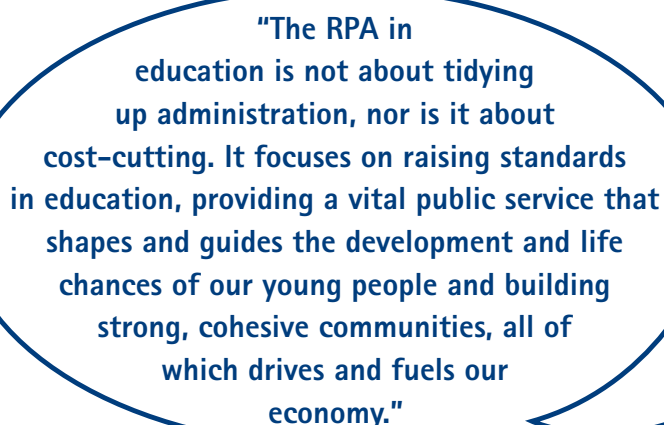
RPA policy papers and the response analysis document can be found at:

[www.deni.gov.uk/index/8-admin\\_of\\_education\\_pg/100-review-of-public-administration/100-policy-documents.htm](http://www.deni.gov.uk/index/8-admin_of_education_pg/100-review-of-public-administration/100-policy-documents.htm)

Given the scale and complexity of the legislation needed to bring about the RPA reforms in education, the Department, with the agreement of the Executive, is preparing two substantial pieces of legislation to secure a phased approach to implementation.

The first Bill (see Annex A) focuses on structural reform – the establishment of the Education and Skills Authority including the transfer of staff, functions, assets and liabilities from the existing legacy organisations was introduced to the Assembly on 25 November 2008 with the aim that it will allow the ESA to come into being by 1 January 2010.

In introducing the first Bill the Minister for Education stated:-



**"The RPA in education is not about tidying up administration, nor is it about cost-cutting. It focuses on raising standards in education, providing a vital public service that shapes and guides the development and life chances of our young people and building strong, cohesive communities, all of which drives and fuels our economy."**

A summary of the Education Bill, the Bill (in full) and the Outline Business Case supporting the establishment of the ESA can be found on the following links:-

[http://www.deni.gov.uk/summary\\_of\\_the\\_education\\_bill\\_as\\_introduced\\_on\\_25\\_november\\_2008.pdf](http://www.deni.gov.uk/summary_of_the_education_bill_as_introduced_on_25_november_2008.pdf)

[http://www.niassembly.gov.uk/legislation/primary/2008/niabill3\\_08.pdf](http://www.niassembly.gov.uk/legislation/primary/2008/niabill3_08.pdf)

[http://www.deni.gov.uk/esa\\_obc\\_final\\_report\\_issued-4.pdf](http://www.deni.gov.uk/esa_obc_final_report_issued-4.pdf)

Copies of these documents can also be obtained from RPA Branch of the Department of Education – contact details are shown at the front of this consultation document.

The second Bill (see Annex B) is scheduled to be introduced to the Assembly by June 2009 with the aim that it would become law by 1 January 2010 if possible, and no later than 1 April 2010.

### Monitoring for Adverse Impact

The impact of the policies contained in the Review of Public Administration will be reviewed on an annual basis and the results of the monitoring published in the Department of Education and/or the ESA annual review on progress to the Equality Commission.

If the monitoring and analysis of results over a two year period show that the policy results in greater adverse impact than predicted, or if opportunities arise which would allow for greater equality of opportunity to be promoted, the Department of Education and/or the ESA will ensure that the policy is revised to achieve better outcomes for the relevant equality groups.





# ANNEXES

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## Annex A

### SCOPE OF FIRST RPA EDUCATION BILL

1. **Establish the ESA** – including role, remit, constitution, size and balance of the membership of the authority, tenure of office and remuneration; appointment of ESA Chief Executive; Payments to ESA by DE from monies appropriated; and some general provisions regarding Freedom of Information, equality etc.
2. **Functions of the Department of Education** – transferring certain functions and staff to the ESA.
3. **Education and Library Boards** – dissolution of the 5 Education and Library Boards and the transfer of duties, functions, assets, liabilities and staff to the ESA.
4. **Council for Curriculum Examinations and Assessment (CCEA)** – dissolution of CCEA and transfer of the duties, functions, assets, liabilities and staff to the ESA.
5. **Staff Commission** – dissolution of the Staff Commission and transfer of duties, functions, assets, liabilities and staff to the ESA.
6. **Youth Council** – dissolution of the Youth Council and transfer of duties, functions, assets, liabilities and staff to the ESA.
7. **Council for Catholic Maintained Schools (CCMS)** – dissolution of CCMS and transfer of the relevant duties, functions, assets, liabilities and staff to the ESA.
8. **Civil Contingencies** – the RPA legislation offers the opportunity to strengthen local civil contingencies activities, and as part of the wider introduction of civil contingencies duties for new and restructured organisations. This would include placing a mandatory duty on ESA to undertake civil contingencies activities in relation to its functions.
9. **School Library Service (SLS)** – the main purpose of this provision is to secure the provision of the SLS within the ESA, and provide scope for service level agreements with the new libraries authority.
10. **Employing Authority** – the ESA should be the Employing Authority for teaching and non-teaching staff for grant-aided schools. Provisions will set out the respective

roles of the ESA and Boards of Governors in relation to employment matters and the management of schools generally.

11. **General Teaching Council** – an adjustment is required to keep the functions of the General Teaching Council wholly in line with the equivalent body in England and Wales. The adjustment makes provision for the removal of a teacher from the register and the power to call witnesses to elicit evidence and to administer oaths.
12. **Child Protection** – the ESA should be required to hold schools and other education providers to account in relation to their child protection responsibilities.
13. **Improving Education and Raising Standards in Schools (School Improvement)** – the legislation will establish powers and duties for boards of governors, the ESA, and the Department of Education, and clarity of accountability arrangements.
14. **Inspection powers** – the legislation will modernise and strengthen the inspection powers of the Department of Education in relation to schools, and the Department of Culture, Arts and Leisure in relation to libraries. DEL has reviewed the existing legislative provisions in terms of inspection powers, and considers these to be sufficient for the organisations that it funds. The Bill will also address an anomaly in the existing legislation and ensure that all three Departments will be able to authorise members of the Education and Training Inspectorate to exercise these powers on their behalf or to make alternative arrangements if desired.
15. **Area-based planning** – the legislation will place a duty on the ESA to secure the effective planning of the education estate.
16. **Early years services** – Responsibility for a range of early years services was transferred from the Department of Health, Social Services and Public Safety (DHSSPS) under the previous administration. The legislation will confer statutory duties and functions on the ESA in relation to early years services (referred to in the Bill as 'education services')

## Annex B

### SCOPE OF SECOND RPA EDUCATION BILL

1. **Area-based planning** – Interim administrative arrangements will be introduced prior to the first Bill, followed by legislative provisions in the second Bill.
2. **Ownership of publicly-owned (controlled) schools** – The ESA will initially take ownership of the current controlled schools, ie those owned by Education and Library Boards. The second Bill will remove the ownership of these schools from the ESA, to avoid any potential conflict of interest with the ESA's role as a planner of schools.
3. **Education Advisory Forum** – The intention of the EAF is to provide a new more effective mechanism through which DE and DEL can commission and receive advice.



## Annex C

### KEY DOCUMENTS

The Department of Education - A Guide to the Administration of Education September 2003

*[http://rhiis3/rathgael/Documents/\\_DECommon/CorporateServices/PersonnelandDevelopment/Induction/AGuidetoAdminofEduc.pdf](http://rhiis3/rathgael/Documents/_DECommon/CorporateServices/PersonnelandDevelopment/Induction/AGuidetoAdminofEduc.pdf)*

Department of Education Resource Accounts for the year ended 31 March 2008 NIA 153/07-08

*[http://www.deni.gov.uk/department\\_of\\_education\\_2007-08\\_resource\\_accounts.pdf](http://www.deni.gov.uk/department_of_education_2007-08_resource_accounts.pdf)*

Review of Public Administration - Consolidated Policy Paper

*[http://www.deni.gov.uk/index/8-admin\\_of\\_education\\_pg/100-review-of-public-administration/100-policy-documents.htm](http://www.deni.gov.uk/index/8-admin_of_education_pg/100-review-of-public-administration/100-policy-documents.htm)*

Review of Public Administration - Policy Papers

*[http://www.deni.gov.uk/index/8-admin\\_of\\_education\\_pg/100-review-of-public-administration/100-policy-documents.htm](http://www.deni.gov.uk/index/8-admin_of_education_pg/100-review-of-public-administration/100-policy-documents.htm)*





## Annex D

# CONSULTATION RESPONSE QUESTIONNAIRE

## Promoting Equality Through The Review Of Public Administration

You can respond to the consultation document by e-mail, letter or fax.

Before you submit your response, please read Annex E about the effect of the Freedom of Information Act 2000 on the confidentiality of responses to public consultation exercises.

Responses should be sent to:

E-mail: *rpa@deni.gov.uk*

Written: RPA Division  
Department of Education  
Rathgael House  
Balloo Road  
BANGOR  
Co Down  
BT19 7PR

Fax: 028 9127 9100

Responses must be received no later than **Friday 7<sup>th</sup> August 2009**.

I am responding: as an individual

on behalf of an organisation

*(please tick a box)*

Name: \_\_\_\_\_

Job Title: \_\_\_\_\_

Organisation: \_\_\_\_\_

Address: \_\_\_\_\_

Tel: \_\_\_\_\_

Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

Proposals

- Q1.** This document sets out the various components of the RPA programme in education together with an initial high level assessment of the potential for the promoting of equality or reduction of inequality.

Please indicate whether you agree or disagree with each of the following proposals. If you disagree with any of the proposals please provide, in the space provided, detail of your reasons. We would also ask that you provide detail of any additional suggestions you may wish to make.

List of Policies	Y/N
1. Establishment of Education and Skills Authority	
2. The Role of the Department of Education	
3. Improving Education and Raising Standards	
4. Single Employing Authority	
5. Schemes of Management for grant-aided schools	
6. Protection of children and young people	
7. School library service	
8. Powers of inspection	
9. Civil contingencies	
10. Powers to collect pupil records	
11. General Teaching Council (NI)	
12. The Education Estate (including Area Based Planning)	
13. Publicly owned (controlled schools) – ownership and representation/ advocacy	
14. School Governance	
15. Education Advisory Forum	
16. Youth Provision	
17. Sectoral Support	



Equality implications

**Q2.** Do you think the proposals are likely to have an adverse impact on any of the nine equality groups identified under Section 75 of the Northern Ireland Act 1998? If yes, please state the group or groups and provide comment on how these adverse impacts could be reduced or alleviated in the proposals

Yes       No

Response:

- Q3.** Are you aware of any evidence, qualitative or quantitative, that the proposals may have an adverse impact on equality of opportunity or on good relations? If yes, please give details and comment on what you think should be added or removed to alleviate the adverse impact.

Yes       No

Response:

**Q4.** Could the proposals better promote equality of opportunity or good relations? If yes, please give details as to how.

Yes  No

Response:

THANK YOU FOR YOUR COMMENTS.

## Annex E

### FREEDOM OF INFORMATION ACT 2000 – CONFIDENTIALITY OF CONSULTATIONS

The Department will publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. **Before** you submit your response, please read the paragraphs below on the confidentiality of consultations and they will give you guidance on the legal position about any information given by you in response to this consultation.

The Freedom of Information Act gives the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a consultation. The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity should be made public or be treated as confidential.

This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances. The Code of Practice on the Freedom of Information Act provides that:

- the Department should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the Department's functions and it would not otherwise be provided
- the Department should not agree to hold information received from third parties "in confidence" which is not confidential in nature
- acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner

For further information about confidentiality of responses please contact the Information Commissioner's Office or see website at: <http://www.informationcommissioner.gov.uk/>

# REVIEW OF PUBLIC ADMINISTRATION

Promoting Equality through the Review of Public Administration