



Article 64

Definition & Duty

The Education Reform (Northern Ireland) Order 1989

General functions of Department and Education and
Library Boards in relation to integrated education

64. (1) It shall be the duty of the Department to encourage
and facilitate the development of integrated education,
that is to say the education together at school of
Protestant and Roman Catholic pupils.



Opening Minds

The Government's duty to you as an integrated school

A High Court judgment, delivered in May 2014 in Belfast, has far-reaching implications for education planning and delivery in Northern Ireland and represents a significant step forward for the campaign to grow integrated education.

This leaflet outlines the Northern Ireland Executive's legal duties towards integrated education, what the High Court said these duties mean, and how we should hold the government to carrying out these duties in practice.

Article 64 of the 1989 Education Order imposes a statutory duty on the Department of Education (DE) in Northern Ireland to "encourage and facilitate the development of integrated education" and this is underlined in the Good Friday/Belfast Agreement.

When the DE turned down Drumragh Integrated College's application to expand in order to meet local demand for places, the College challenged the decision in court. The College was supported in this by the Integrated Education Fund (IEF) and the Public Interest Litigation Support project (PILS). PILS provides legal and financial help for public interest cases.

The High Court ruling has important implications for other integrated schools seeking to grow or for schools seeking to transform to an integrated ethos.

Thanks to the judgment, we now have a clarification of what defines integrated education. Only you, as an integrated school, can deliver it. The DE argued that Article 64 could apply to any school which educates children from both Catholic and Protestant backgrounds. However, the judge decided that "Integrated Education is a standalone concept" and said a school which is fundamentally constituted to serve one religious denomination over another (with "a partisan board") cannot be said to be serving members of different religious groups equally: "As against this, an integrated school strives to achieve an equal balance in relation to worship, celebration and exposure to both faiths. This is reflected in its constitution and the board must strive in its ethos to achieve this".

Schools that want to grow

The current area planning process for education provision at primary and post primary levels uses a "needs model" which looks at current patterns of schools and uses this as a basis for the proposed future pattern. This means that, for example, in an area where there is no availability of integrated education, it is presumed that there will be none in the future. As the judgment said "The needs model assumes no growth in the integrated sector".

The ruling found this to be flawed. The plan was described as "comparatively static" and it was pointed out that "dynamic decisions which are out of line with the long-range plan" face "an additional friction impeding their progress [which is] the opposite of encouraging and facilitating".

Mr Justice Treacy said

"The department needs to be alive to Article 64 at all levels, including the strategic one."

Your development proposal

The judicial review means that, when considering a development proposal from an integrated school, the duty of the Department to encourage and facilitate the development of integrated education must be borne in mind by the Department.

A development proposal from any school goes out to pre-consultation with other local schools and then to public consultation. Neighbouring schools can object to plans from an integrated school for growth which would probably impact on their own enrolment, by attracting pupils away from them.

However, during the judicial review, the DE denied that the growth of integrated schools was thus in the hands of 'competitor schools' and added that when considering proposals in the future, consent of other schools would not be a prerequisite to a proposal being granted.

Wider school enrolments will still be considered, but this ought not to overrule DE's duty to integrated education, and the decision should not be based on the number of surplus places in other sectors.

The impact on other schools of any growth in an integrated school must be managed by the relevant authorities responsible for planning and delivering education.

In addition, development proposals do not have to reflect the vision for integrated education as expressed in the existing area plan. The DE itself submitted that "lack of agreement in the area plan does not preclude proposals being brought forward in any sector."

Keeping watch: the impact on the Integrated Education Movement

The IEF, the Northern Ireland Council for Integrated Education (NICIE), the Association of Principal Teachers in Integrated Schools (APTIS) and PILS have formed a committee – the Judgment Implementation Group (JIG) to liaise with the Department of Education and influence strategic planning; to monitor the outworking of the judicial review and to keep schools, parents and the wider community informed as to the significance of the judgment and the implications for the growth of integrated education.

If you would like to use the judgment in your work, or perhaps reference the judgment in your development proposal to remind the government of their statutory duty, please contact the IEF for in-depth information. You can find a summary of the judgment and more details of the work of JIG at www.ief.org.uk

“This ruling sets things straight, for the good of us all. This ruling creates hope. It is not a victory over anyone; it is a victory for everyone.”

Principal of Drumragh IC, Nigel Frith



Opening Minds

Forestview
Purdy's Lane
Belfast BT8 7AR
Northern Ireland

T: 028 9069 4099
E: info@ief.org.uk
www.ief.org.uk

The IEF is registered with The Charity Commission for Northern Ireland, NIC104886, and with Companies House, NI636289.