

DEPARTMENT OF EDUCATION

EQUALITY AND HUMAN RIGHTS POLICY SCREENING

**FOR COMPLAINTS TRIBUNALS (CURRICULUM AND
RELATED MATTERS) REGULATIONS AND
REVOCATION OF EXISTING REGULATIONS**

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Index

1. POLICY SCOPING
2. EVIDENCE
3. SCREENING QUESTIONS
4. SCREENING DECISION
5. TIMETABLING AND PRIORITISING
6. MITIGATION
7. MONITORING
8. DISABILITY DISCRIMINATION
9. CONSIDERATION OF HUMAN RIGHTS ISSUES
10. APPROVAL AND AUTHORISATION

1. POLICY SCOPING

1.1 Title of policy

Complaints Tribunals (Curriculum and Related Matters) regulations and revoking existing regulations

1.2 Type of Policy Development

This is a New Policy

1.3 Description of policy

The Education (Northern Ireland) Order 2006 provides for a complaints tribunal to be established by each Board on receipt of a written complaint. The proposed new regulations differ from the previous regulations in:

- (a) Changing references from ELBs to EA.
- (b) Specifying that complaints should be sent to an address specified by the EA rather than the headquarters of the relevant ELB.
- (c) Disqualifying all EA employees rather than the employees of a particular ELB from sitting on a Complaints Tribunal.
- (d) Providing a period of 20 working days after receipt of a complaint during which complaint should (typically) be heard.
- (e) Providing that the complaints tribunal rather than the relevant ELB should decide matters of procedure (such as whether the tribunal should sit in public).
- (f) Amending the name of the regulations from Curriculum (Complaints Tribunal) Regulations to Complaints Tribunals (Curriculum and Related Matters). This change reflects a suggestion from stakeholders involved in Curriculum Complaints tribunals that these tribunals have been used to adjudicate complaints that were not strictly related to the curriculum. This wider remit is reflected in the enabling power for these regulations (Education (Northern Ireland) Order 2006, Article 25).
- (g) removing the parts of Schedule 1 which outlined the persons who should comprise the panel established by the EA for the purpose of selecting who should sit on a Complaints Tribunal and instead stating that the EA can appoint members to a panel who appear to the EA to have experience in education or who are the parents of a registered pupil at a school but excluding any person employed by the EA otherwise than as a teacher.

These new regulations will ensure that complaints tribunals that parents / guardians have greater clarity on the complaints procedure following the creation of the EA.

1.4 What factors could contribute to, or detract from the intended aim/outcome of the policy?
(Please tick relevant boxes)

None	
Legislative	✓
Financial	
Others please specify)②	

1.5 Main stakeholders affected *(Please tick relevant boxes)*

Pupils (Actual or Potential)	✓
Parents	✓
Teaching Staff	✓
Trade Unions or Professional Organisations	✓
Other Public Sector Organisations	
Departmental Staff	
Others (please specify) Education Authority staff (EA)	✓

1.6 Who is responsible for :

(a) Devising the policy

DE

(b) Implementing it

The EA is responsible for secretarial duties relating to these tribunals. The complaints tribunal once instituted is independent of the EA and EA staff (other than teachers) cannot sit on a complaints tribunal.

(c) Explain the relationship?

DE has a statutory responsibility to make regulations for the operation of complaints tribunals (Art. 25 of the Education (Northern Ireland) Order 2006). The EA is responsible for secretarial duties relating to the tribunal.

2) Available Evidence

1.7 Other policies or objectives with a bearing on this policy

- NI Curriculum
- Entitlement Framework
- Compulsory School Age

2. EVIDENCE

2.1 What evidence/information (both qualitative and quantitative) have you gathered to inform this policy?

Section 75 Category	Details of Evidence/Information
Religious Belief	These regulations enable the parents / guardians at any grant-aided school, regardless of religious belief to make a complaint in regard to the curriculum or matters related to the curriculum.
Political Opinion	Using religious belief as a proxy for political opinion, we can conclude that these regulations enable the parents / guardians at any grant-aided school regardless of political opinion to make a complaint in regard to the curriculum or matters related to the curriculum.
Racial Group	These regulations enable the parents / guardians of any racial group to make a complaint in regard to the curriculum or matters related to the curriculum.
Age	These regulations enable the parents /guardians at any grant-aided school, regardless of age to make a complaint in regard to the curriculum or matters related to the curriculum.
Marital Status	These regulations enable the parents /guardians at any grant-aided school, regardless of marital status to make a complaint in regard to the curriculum or matters related to the curriculum.
Sexual Orientation	These regulations enable the parents /guardians at any grant-aided school, regardless of sexual orientation to make a complaint in regard to the curriculum or matters related to the curriculum.
Men And Women Generally	These regulations enable the parents /guardians at any grant-aided school, regardless of gender to make a complaint in regard to the curriculum or matters related to the curriculum.
Disability	These regulations enable the parents /guardians at any grant-aided school, either with a disability or not, to make a complaint in regard to the curriculum or matters related to the curriculum.
Dependants	These regulations enable the parents /guardians at any grant-aided school, regardless of dependants or not, to make a complaint in regard to the curriculum or matters related to the curriculum.

2.2 Taking into account the evidence gathered at 2.1 what are the needs, experiences and priorities of each of the categories in relation to this particular policy?

Section 75 category	Needs/Experiences/Uptake/Priorities
Religious Belief	Minor positive impact: The 2006 Order enables complaints tribunals to hear complaints related to religious education and collective worship. New regulations would clarify the procedure and scope of tribunals to encompass religious education and collective worship.
Political Opinion	No differential impact.
Racial Group	No differential impact.
Age	Minor positive impact on those of school age (4-19) attending grant-aided schools as these regulations provide for a complaints procedure for the curriculum and matters related to the curriculum for those complaints that cannot be resolved at school level. New regulations in this area ensure that the operation of tribunals by the Education Authority rather than ELBs is clear.
Marital Status	No differential impact.
Sexual Orientation	No differential impact.
Men And Women Generally	No differential impact.
Disability	Minor positive impact: Complaints related to curricular provision for pupils with a disability or pupils with special educational needs can be made under these regulations. These regulations clarify the procedure and scope of tribunals.
Dependants	Minor positive impact: Those with dependents of school age are most likely to use these regulations and new regulations will ensure that parents who wish to make a complaint have clarity on the scope of complaints tribunals and their operation by the EA.

3. SCREENING QUESTIONS

3.1 What is the likely impact of this policy on equality of opportunity for each of the Section 75 equality categories?

Section 75 category	None*	Minor *	Major *	Details of policy impact Level of impact?
Religious belief		✓		Minor positive impact – ensure any complaints related to religious education or collective worship that cannot be resolved at school level are heard and adjudicated.
Political opinion	✓			
Racial group	✓			
Age		✓		Minor positive impact on pupils in grant-aided schools (aged 4 to 19) - ensure that any complaints related to the curriculum that cannot be resolved at school level are heard and adjudicated.
Marital status	✓			
Sexual Orientation	✓			
Men and women generally	✓			
Disability		✓		Minor positive impact on pupils with a disability including pupils with Special Educational Needs (SEN) – ensure that any complaints related to curricular provision for pupils with SEN that cannot be resolved at school level are heard and adjudicated.
Dependants		✓		Minor positive impact: Parents / guardians of children and young people in school are most likely to use these regulations and benefit from clarity on procedure, timing and scope of tribunals.

3.2 Are there opportunities to better promote equality of opportunity for people within the Section 75 equality categories?

(* Please tick ✓ relevant boxes)

Section 75 category	NO*	Yes*	Provide Details
Religious belief	✓		
Political opinion	✓		
Racial group	✓		
Age	✓		
Marital status	✓		
Sexual Orientation	✓		
Men and women generally	✓		
Disability	✓		
Dependants	✓		

3.3 To what extent is the policy likely to impact on good relations between: people of different religious belief, political opinion or racial group? (* Please tick ✓ relevant boxes)

Good relations category	No impact*	Minor impact*	Major impact*	Details of policy impact
Religious belief	✓			
Political opinion	✓			
Racial group	✓			

3.4 Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?

(* Please tick ✓ relevant boxes)

Good relations category	NO*	YES*	Provide Details
Religious belief	✓		
Political opinion	✓		
Racial group	✓		

3.5 Additional considerations - Multiple identities

Please provide details of data on the impact of the policy on people with multiple identities and specify relevant Section 75 categories concerned.

No differential impact on those with multiple identities.

4. SCREENING DECISION

Not to conduct an equality impact assessment because no equality issues have been identified.

Please provide details which support the decision

This is essentially a technical policy which arises from the replacement of the regional boards with a single Education Authority. This new policy also clarifies the scope of the Tribunal. This policy supports the delivery of the curriculum and matters related to the curriculum and will ensure that high quality is maintained for all pupils by having a complaints procedure that will allow complaints that cannot be resolved at school level to be heard.

If the Decision was:

- 1 *Proceed to Section 5.*
- 2 *Proceed to Section 6.*
- 3 *Proceed to Section 7*

5. TIMETABLING AND PRIORITISING

5.1 If the policy has been ‘screened in’ for equality impact assessment, then please answer the following questions to determine its priority.

On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

Criterion	Priority Rating
Effect on equality of opportunity and good relations	
Social need	
Effect on people’s daily lives	
Relevance to a public authority’s functions	
Total	

Details of the Department’s Equality Impact Assessment Timetable will be included in a Quarterly Screening Report.

5.2 If the policy is affected by timetables established by other relevant Public Authorities please provide details

6. MITIGATION

If you conclude that the likely impact is ‘**minor**’ and an equality impact assessment is not to be conducted, you should consider: mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

Why and how will the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?

7. MONITORING

Effective monitoring will help identify any future adverse impact arising from the policy, as well as help with future planning and policy development.

Please detail what data you will collect in the future in order to monitor the effect of the policy on any of Section 75 equality categories.

The EA is responsible for implementing this policy. As part of DE's monitoring of this policy, DE will liaise with the EA as to any issues that arise in relation to these tribunals to ensure that they are efficiently run and do not have an adverse affect on any Section 75 group.

8. DISABILITY DISCRIMINATION

8.1 Please state if the policy/decision in any way discourages persons with disabilities from participating in public life or fails to promote positive attitudes towards persons with disabilities.

This policy does not discourage persons with disabilities from participating in public life.

8.2 Please state if there is an opportunity to better promote positive attitudes towards persons with disabilities or encourage participation in public life by making changes to the policy/decision or introducing additional measures.

N/A

8.3 Please detail what data you will collect in the future in order to monitor the effect of the policy with reference to the disability duties.

N/A

9. CONSIDERATION OF HUMAN RIGHTS ISSUES

**9.1 How does the policy/decision affect anyone’s Human Rights?
I.E.**

- [The Human Rights Act \(1998\)](#)
- [The United Nations Convention on the Rights of the Child \(UNCRC\)](#)
- [The United Nations Convention on the Rights of Persons with Disabilities \(UNCRPD\)](#)
- [The United Nations Convention on the Elimination of All Forms of Discrimination Against Women \(CEDAW\)](#)

(* Please tick ✓ as appropriate)

Insert Right Considered	*
Positive Impact	
Negative Impact (human right interfered with or restricted)	
Neutral Impact	✓

If the effect you have identified is positive or neutral proceed to Question 9.3.

9.2 If you have identified a negative impact who is affected and how?

At this stage you should determine whether to seek legal advice and to refer to the issue to the Equality Team to consider:

- *whether there is a law which allows you to interfere with or restrict rights*
- *whether this interference or restriction is necessary and proportionate*
- *what action would be required to reduce the level of interference or restriction).*

9.3 Outline any actions which could be taken to promote or raise awareness of human rights or to ensure compliance with the legislation in relation to the policy/decision.

An independent complaints procedure ensures that those with complaints related to the curriculum that cannot be resolved at school level can write to the EA to seek that they convene a complaints tribunal to hear the complaint.

This ensures that the rights of those in grant-aided schools are promoted in having the ability to appeal above the school, following the completion of the school's complaints procedure, regarding the curriculum and matters related to the curriculum.

10. APPROVAL AND AUTHORISATION

Screened By:	Position	Date
Giulia ní Dhulchaointigh	Staff Officer, Curriculum Development Team	07/09/15
Approved By:	Position	Date
Dale Heaney	Head of Curriculum Development Team	07/09/15

FOR COMPLETION BY EQUALITY TEAM

Quality Assured by: Richard Magowan Date: 14/09/15

Screening Decision Agreed

Comments:

Date Directorate/Team Informed: 14/09/15

If your decision was to "Screen Out":

1 As soon as possible following quality assurance you must publish a copy of the screening form on the Department's website, with a link on the "Policy Screening" page

Placed on Internet by: _____ Date: _____

2 You must tell the Equality Team once your screening is published so it can fulfil the Department's statutory obligation to inform the Department Consultees when and where the screening was published

Consultees Informed by _____ Date: _____

3 You must store this completed screening form on TRIM and finalise it. Use the record naming convention "Completed Screening form of....."