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Dear Evelyn

EFFECTIVE IMPLEMENTATION OF THE SECTION 75 EQUALITY AND GOOD RELATIONS DUTIES

Thank you for your email letter of 21 August on the above subject. I fully agree that the Section 75 duties provide a mechanism to identify and mitigate any adverse impacts of policies being developed and are important duties. This response reflects the comments of policy teams responsible for policy areas mentioned in your letter.

Draft Equality Screening of Alternative Awarding Arrangements for Summer 2020 Examinations - GCSE, AS and A Level

As it was essential that arrangements were put in place to allow young people to progress, there was a need for the Department and CCEA to react extremely quickly to address both an emergency and an inescapable situation that no one could have reasonably foreseen.

The Department screened the high level policy decision while CCEA undertook an equality screening exercise to assess whether the implementation of the new and temporary arrangements for summer 2020 examinations could introduce new and/or additional bias to the system of awarding to the normal trends experienced in previous typical examination series. The direction from the Minister to CCEA specifically stated: "CCEA should consider how mitigation of any potential biases in relation to gender and disadvantaged pupils can be factored into the statistical models".

At the time, due to the emergency situation we found ourselves in, the Department did not have access to any available data, other than that reflected in the screening. If any other data had been readily available within the timeframe it is highly unlikely that it would have impacted on the decision to implement the alternative awarding arrangements in any meaningful way.

While the relevant policy team regret that the Equality Screening could not have been published earlier they had been liaising with CCEA about their Equality Screening and safeguards for pupils who could be disadvantaged by the process.

The screening identifies minor impacts on the grounds of religion, race and men and women. The Commission have identified these as equality grounds where key inequalities exist and impact upon the whole education journey. References to the Commission's findings are referenced in the screening.

Mitigations, shown in the screening, relate to activities that CCEA were undertaking to ensure that pupils could have "fair and equitable results reflecting their hard work and effort". Appeals procedures were to be aimed at benefiting those pupils who were perceived to be disadvantaged by the new procedures – particularly those equality groups previously identified. Impacts were deemed to be minor because they could be mitigated by the appeal process.

Although the policy on awarding grades has since changed, the Commission's feedback will be considered carefully, by both the Department and CCEA, as part of the screening arrangements for summer 2021 examination arrangements.

Draft Equality Screening of a Direction to the Education Authority to delay the 2021 Post Primary Admission Process

The Department's focus is on ensuring that post primary transfer is delivered in a timely fashion for every pupil in Northern Ireland, although it should be noted that children with a statement of special educational needs are placed by the Education Authority (EA) through a different process. You make reference to the fact that a number of public authorities are involved in the transfer of pupils, however I should highlight that the entrance tests used by many schools are set by private organisations and the Department has no control over the timings of these tests. Nevertheless, the importance of ensuring the process of transfer is successfully delivered for all children is paramount.

There has been ongoing liaison between the Department, EA, AQE Ltd and PPTC regarding post primary transfer and the Department will shortly be issuing a timetable that reflects the decision of the test providers to opt for exam dates in January 2021, yet ensures the process completes in advance of September 2021.

This decision was subject to an equality screening, which identified that while there is a minor impact on one or more of the Section 75 Groups, mitigation activities can offset any minor adverse impacts. While there may be a delay in the notification of placement for pupils of a number of weeks, all pupils should still receive a school placement by the start of term.

If you or your colleagues have any queries arising from this letter you may wish to raise them initially with Andrew Scott, who has recently become the Department's Director for Corporate Services and Governance (as well as the Department's Equality Officer).

Yours sincerely

Personal Data

DEREK BAKER