Social Policy & Society 4:2, 147–156 Printed in the United Kingdom
© 2005 Cambridge University Press doi:10.1017/S1474746404002283

Devolution, Social Policy and Education: Some Observations from Northern Ireland

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Many commentaries on social policy in the UK assume that policy as developed in England applies to the constituent countries of Wales, Scotland and Northern Ireland. However, the advent of political devolution in the last five years is slowly being reflected in the literature. This paper takes education policy in Northern Ireland and discusses recent policy developments in the light of the 1998 Belfast Agreement. The Agreement, it is suggested, is providing a framework which promotes equality, human rights and inclusion in policy making. Some early indications of this are discussed and some of the resultant policy dilemmas are assessed. The paper concludes that accounts of policy development in the UK, which ignore the multi-level policy-making contexts created by devolution, do a disservice to the subject.

Introduction[1]

Traditional analyses of social policy issues have tended to neglect the local/regional expressions of and variations to government policy throughout the UK. This has led to the over-representation of Anglo-centric versions of policy analysis represented in the social policy literature. With devolution however analysts are increasingly under pressure to respond to the realities of the new policy-making structures if they are to provide a comprehensive account of a more complex political and policy-making environment in what, to date, remains the United Kingdom.

This paper is an attempt to address these concerns by exploring recent educational policy issues in Northern Ireland. The Belfast Agreement, 1998 (hereafter referred to as The Agreement), a political blueprint designed to address the roots of community conflict through the establishment of a pluralist democracy, has found clear expression in an education system increasingly geared towards the promotion of human rights, equality, choice and inclusion. Yet the practical application of some of these principles to education has already created a number of policy dilemmas which are likely to have long-term financial consequences and may inadvertently lead to greater division. These dilemmas are interesting, not only in the Northern Ireland context but could provide policy lessons for other regions in the UK, which are also seeking to instil the values of choice and equality in education.

Education policy in Northern Ireland: an irrelevancy in the UK context?

UK-based social policy literature has a long tradition of skimming over region-specific policy issues on the basis that the core of social policy decisions are taken in Westminster

https://doi.org/10.1017/S1474746404002283 Published online by Cambridge University Press

and simply transferred to the other UK countries. This is reflected in one of the most long-standing texts on social policy in the UK (Hill, 2003). Although there are attempts to 'fit' Northern Ireland in terms of administrative structures and processes within the new context of devolution to Scotland, Wales and Northern Ireland, regret is expressed that the security of a 'united nation' is challenged by devolution and, in what appears to be a personal observation, the new complexity of this changing world is characterised by:

> English incomprehension of events in Northern Ireland and a propensity to underestimate the intensity of the feelings of some people in Scotland on the issue of devolution. (Hill, 2003: 4)

The existence of gerrymandering and discrimination up to the early 1970s is described but there is no reflection of, any of the recent literature on the huge social and economic changes, which have taken place over the past 35 years, where major innovative social policies have been at the heart of reform (Osborne, 2003). In the chapter on education the only Northern Ireland reference refers to the baleful example of religious schools, which have reinforced social divisions, giving 'pause for thought' as a model for England.

Yet increasingly there is an acknowledgement that UK policy analysis based on an equation of 'UK = Britain = England' is no longer appropriate. There is evidence (although this is still by no means universal – see Baldock *et al.*, 2003) of a shift towards an *intra*-national UK analysis of policy. For example, Blakemore (2003) not only examines devolution in some detail but the chapter on education offers some assessment of current developments in Northern Ireland. Phillips (2003) continues this trend. Focusing specifically on education policy, in the 'disunited Kingdom' he makes explicit reference to the fact that analyses of UK education policy have traditionally been pre-occupied with the English context, thus ignoring the complexities of regional variations or policy re-contextualisation:

> Although much academic interest has focused on the impact of neo-conservative centralisation for example through the national curriculum (Lawton, 1989) . . . what is important is that nearly all of these studies were, in fact, concerned with the implementation of policies in England. In other studies (as in much social scientific analysis) England and Britain are often conflated. (Phillips, 2003: 6)

Such conflation, he goes on to suggest disregards the differentiated policy orientations and outcomes originating from the contrasting educational traditions and histories. Devolution thus places a greater imperative on policy researchers, not only, as he argues to, compare regional policy agendas but also to explore the distinctive policy issues arising in each of the regions.

The Northern Ireland education system presents a particularly interesting lens through which to examine devolved policy in action. While education policy has always been strongly influenced by national trends, the region's school system has also retained distinctive features. Notably, the model of education continues to be academically selective and religiously segregated. Indeed the school system itself has been accused of not only reflecting sectarian division but of creating and reinforcing sectarianism. With its focus on finding a lasting solution to the conflict, however, The Agreement has created an appetite for change and this is reflected in many of the educational policy decisions taken since 1998. Yet Northern Ireland continues to operate within a national framework,

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itself responding to perceived global imperatives. As a result policies rehearsed especially in England continue to find expression in this complex education system.

The Agreement

The Agreement was signed in April 1998; the island-wide referendums endorsing it took place a little over a month later and the elections to the power-sharing Northern Ireland Assembly a month afterwards. Since 1998 The Agreement and the subsequent Northern Ireland Act (1998) have defined the political context against which educational policy decisions have been taken.

Representing the most significant shift in party political positions since the partition of Ireland in 1921, The Agreement seeks to address the roots of the conflict between unionism and nationalism by providing a framework within which the principle of consent will decide any future constitutional change. The political architecture of the Agreement is subtle and complex; designed to transform a violent war over self-determination into a political conflict where negotiation prevails. Based on concepts of consociationalism (with the added dimension of quasi-federal and confederal institutions) the object is to assuage the animosity which has traditionally characterised relations between Catholic nationalists and Protestant unionists (O'Leary, 1999; Wilford, 2001).

The Agreement provided a unique, though complex, blue print for the return to devolution and eventually devolved structures were instituted almost 18 months after the elections to the new 108 member Assembly were held. Predictably, though, devolution and political power sharing has been a problematic and somewhat fitful experience for Northern Ireland – at the time of writing devolved structures have been in suspension since October 2002 – yet the spirit of pluralism, democratisation and social inclusion, values which are core to The Agreement's ethos still appear to be important for defining the policy context.

These themes have been made particularly manifest in the establishment of two key institutions. First, the Northern Ireland Human Rights Commission (NIHRC), which was established in 1999, is charged uniquely in the British Isles with producing a Bill of Rights. The Agreement stresses that, in drawing up the Bill of Rights, the NIHRC should not only emphasise the particular circumstances of Northern Ireland within international experience but should also 'reflect the principles of mutual respect for the identity and ethos of both communities and parity of esteem' (para. 4 of the Rights, Safeguards and Equality of Opportunity, Human Rights Section, Belfast Agreement, 1998).

Secondly, the equality agenda has also been strengthened by the creation of a new Equality Commission for Northern Ireland (ECNI) which unites the roles of the Equal Opportunities Commission, the Commission for Racial Equality and the Disability Council, with that of the Fair Employment Commission. The need to tackle the problems caused by discrimination on the grounds of religion and politics has led to the enactment of what has been described as the most radical equality legislation in Western Europe. The Northern Ireland Executive committed itself to a Single Equality Act to replace existing anti-discrimination legislation in 2001 and has been consulted on its contents (OFM/DFM, 2004). Moreover, following the Agreement the ECNI has been given responsibility for implementing a new statutory requirement – Section 75 of the Northern Ireland Act of 1998 – on all public bodies to mainstream equality and promote good relations in

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policy making and implementation. The legislation seeks to mainstream equality in policy making in relation to religion, political opinion, sex, ethnicity, disability, marital status and those with/without dependents (Osborne, 2003).

Whilst the emerging policy framework fits with other strands of Labour party policy, its explicit focus on equality and human rights means that policy making in Northern Ireland has the potential to diverge from that in the rest of the UK, where the emphasis on human rights and equality is less pronounced, notwithstanding current plans to create an Equality and Human Rights Commission (DETI, 2004). Indeed it is already possible to identify the emergence of an educational policy agenda in Northern Ireland distinct from the rest of the UK and based on the principles of pluralism, equality and social inclusion.

Education policy in Northern Ireland since 1997

In reflecting on the educational policy trajectory in Northern Ireland there is little doubt that policy has traditionally been (and continues to be) deeply influenced by national (English) priorities. The economic strategy to marketise education services, a key plank of Conservative government policy in the late 1980s, had a defining influence on Northern Ireland. Local Management of Schools (LMS) was introduced under Direct Rule even though virtually no one in the educational world regarded it as relevant to the educational problems of Northern Ireland – rather it was seen as 'an English solution to an English problem' foisted on the local education system (Salters and McEwen, 1993).

The election of the Labour government in 1997 seemed however to signal a new direction in education policy for Northern Ireland. The 'new social democratic politics' with its emphasis on social inclusion and participatory democracy, which Paterson (2003) argues are core to Labour education policy, have underpinned attempts to create a more socially responsive and fair education system

The Agreement is also underpinned by an explicit commitment to parity of esteem and pluralism and so is sympathetic to the values of social inclusiveness and political modernisation promoted by the Blair government (Aughey, 2001). It is perhaps not surprising that education decisions taken by the Labour party under direct rule were simply carried forward by the Education Minister, Martin McGuinness, after devolution. The Pre-school Expansion Programme is a good example of this. A decision to increase provision for pre-school children in Northern Ireland was taken by the Labour government in 1997 and implemented under devolution. By 2003/04 free places were available for 95 per cent of children in their pre-school year, more than double the places available in 1997/98. The decision to review the system of school funding was also taken by direct rule ministers. Following an extensive period of research and consultation, a single or common funding formula is due to be introduced. This single formula, which will replace the existing seven formulas, is regarded as contributing to major inequities in funding between similar schools in similar circumstances (McKeown and Osborne, 1997; Northern Ireland Affairs Committee, 1997).

The most radical and politically contentious decisions to be taken under devolution and subsequently confirmed by a Direct Rule Minister, concerns academic selection of children at 11. Although selection was largely abandoned in favour of comprehensive schools in the rest of the UK, it was retained in Northern Ireland. In 1997, under Direct Rule, Tony Worthington initiated a major research programme on the effects of selection (Gallagher and Smith, 2000), which subsequently became the backcloth for the

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reconsideration of the basis of the transfer of pupils from primary schools to post-primary education (Burns Report, 2002). In one of the most significant decisions taken by the devolved government, the then Minister of Education, Martin McGuinness, announced the abolition of the 'eleven plus' in October 2002 in order to create a more socially inclusive and fair education system. A review group set up once again under Direct Rule to consider how pupils should transfer from primary to secondary schools made no recommendations on the mechanics of the process. Instead the group suggested that all educational interests should decide how this was to be done (Costello, 2004).

While some educational policy decisions pre-date the signing of The Agreement others flow from it. The Agreement contained two specific references to education. In the section concerned with language the Agreement refers to Irish medium education. Here a statutory duty is placed on the Department of Education to 'encourage and facilitate Irish medium education in line with current provision for integrated education' (para. 4 of Rights, Safeguards and Equality of Opportunity Section, Economic, Social and Cultural Issues, Belfast Agreement, 1998). The second reference is in the section on Reconciliation. This suggests 'an essential aspect of the reconciliation process is the promotion of a culture of tolerance at every level of society, including initiatives to facilitate and encourage integrated education and mixed housing' (Reconciliation and Victims of Violence Section, para. 13, Belfast Agreement).

Accordingly, specific provision has been made within the revised Common Curriculum (due to be phased in from 2005) in Northern Ireland to ensure that concepts of reconciliation, tolerance and equality are addressed explicitly. The programme of Education for Local and Global Citizenship for example aims therefore to develop the capacity of young people to participate in a fair and inclusive society throughout their lifetime.

In a further decision reflecting the imperatives of The Agreement, Minister McGuinness announced a change in the viability criteria for integrated and Irish medium schools which created greater opportunity for new schools in these sectors to become established.[2] This move increased parental choice but has also granted greater legitimacy to the cultural preferences of minority interests' and their 'right to choose' in education. The Draft Bill of Rights produced by NIHRC (NIHRC, 2004) appears to further endorse this. The NIHRC proposes to establish:

> the right of parents to choose for their children education in schools with a particular religious ethos, education in integrated schools, education in Irish-medium schools or education specialising in the needs of children with disabilities. (Section 13 (2))

Further:

> the State shall provide financial and other support on an equitable and transparent basis to all schools established in accordance with need . . . subject to reasonable requirements, including minimal numbers of pupils in any area and without prejudice to the need to redress inequalities'. (Section 13 (3))

Although it is not yet clear whether these rights actually surpass existing practice, as presently drafted, they create the conditions wherein any interest group should be able at least in principle, to seek to establish a separate set of schools to reflect and protect their own cultural interests.

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Table 1 Pupil numbers (aged 5–16) and numbers of schools for Northern Ireland and selected areas in Scotland, Wales and England

	Primary school pupils	No. primary schools	Secondary school pupils	No. secondary schools
Northern Ireland	144756	897	144359	235
English area	134650	834	124140	136
Welsh area	145692	936	137805	151
Scottish area	159499	763	112595	137

Note: For details of how these areas have been constructed see Donnelly *et al*. (in press).

In terms of the equality agenda, the issue of anti-discrimination law and the employment of teachers has been considered (see below) and there is considerable speculation that schools may be designated as coming under the mainstreaming equality provisions of Section 75, which will pose radical challenges to the existing structures and practices.

While some of the policy decisions have been made under Direct Rule arrangements and some under devolution, the ethos of the Agreement appears to be setting the overarching framework for policy in general and education in particular. This results in increasing pressure on policy makers to seek local solutions to local problems rather than relying on Direct Rule Ministers to provide the answers to difficult policy dilemmas by importing ideas from Westminster.[3]

Human rights and equality in education: emerging issues

One of the implications of facilitating greater choice by allowing for different interest groups to potentially create new schools as the Bill of Rights could allow, is the proliferation of schools for the same number of children. This has undoubted financial implications. Even in the current situation with the existence of so many school types together with single-sex provision means that there is a higher proportion of smaller schools and higher per-pupil costs in Northern Ireland than in the rest of the UK. Thus any further drive to create more schools arising from human rights provisions may result in even greater financial pressures as Table 1 suggests.

Table 1 identifies regions in England, Scotland and Wales, which are generally equivalent to Northern Ireland in terms of pupil numbers (primary and post-primary) and urban and rural mix. Although caution needs to be exercised in making such comparisons the figures suggest that, in general, Northern Ireland has a higher number of schools relative to pupils than similar regions in the other UK countries.[4]

The number of primary schools in Northern Ireland is quite high relative to the number of primary pupils, but is not hugely out of line with the selected areas in Britain. The provision of primary schools is strongly influenced by the rural environment and of the four areas, Northern Ireland and the Welsh region are the most rural. However, it is in the figures for post-primary schools where the over-provision of schools in Northern Ireland is most marked. Northern Ireland has up to 40 per cent more post-primary schools

https://doi.org/10.1017/S1474746404002283 Published online by Cambridge University Press

than the other regions identified and the reason for the difference is related to the multiple form of provision described above.[5]

It is already clear that there are substantial costs associated with the commitment to choice, selection and single-sex schools. Any policy driven more energetically by political commitments to pluralism and choice, as expressed in the draft Bill of Rights, will inevitably have major financial consequences for the education budget especially in the context of pressure on the devolved administration's budget under the Barnett formula (Heald, 2003).

The implementation of the equality legislation is also likely to have long-term implications for schools. When the first religious anti-discrimination in employment legislation was put in place in 1976, the employment of teachers was exempt (the 'teachers' exception'). This exception resulted from acceptance of the argument made by the Catholic Church, that to create a Catholic educational ethos required a partnership between the church, the home and the school. Hence, it was argued, a school could only guarantee a Catholic ethos if it employed Catholic teachers. Since 1976 the appointment of teachers, therefore, has been an area where religious discrimination has been legal. More recently, the integrated sector has used the same exemption to help ensure a religious balance in staff appointments (although this is not necessary to meet the definition of an integrated school). This 'teacher exception' has been used extensively as a recent review has shown that Catholic schools employ almost 100 per cent Catholic teachers, whilst state-controlled schools (*de-facto* Protestant schools) employ around 85 per cent Protestants (ECNI, 2004).

However it is by no means certain that this situation will continue. A European Directive introducing religious anti-discrimination legislation across the EU has now removed the right to discriminate in terms of religion in terms of treatment within schools (e.g. promotion) in Northern Ireland and this was reflected in an amendment to the Fair Employment and Treatment Order in 2003. The ECNI has since argued for a further restriction of the exception to employment in primary schools in its advice to the Office of First and Deputy First Minister (OFM/DFM) on the content of the Single Equality Bill (ECNI, 2004).

In the context of The Agreement, it is somewhat inconsistent that the only area of state education policy and funding where religious discrimination is legal is in the recruitment of teachers. It is also ironic that teachers who will be implementing the new 'pluralist' curriculum with its stress on citizenship, human rights and tolerance will be doing so from a position in which they may well have benefited from discriminatory practices. Research suggests it is only the teaching unions who want the 'teachers' exception' removed and there is little evidence of any public demand for change (Dunn and Gallagher, 2002).

Recently, however, and in the context of the Agreement, the Catholic Bishops in a major public statement have indicated that Catholic schools are 'for everyone' and not just Catholics (Catholic Bishops of Northern Ireland, 2001). The logic of this position, if it eventually produced a more diverse pupil population in Catholic schools in terms of religion and ethnicity, would be to pose questions about the sector's ethos and practice and how it may accommodate greater cultural and religious diversity. It would also raise the issue of whether the teachers' exception could be retained in a school system that caters for a diverse population. More generally, the current position in which the Catholic authorities own their own schools, receive 100 per cent state funding (for current and capital expenditure), yet want to employ only Catholics as teachers and until now have

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not allowed any Catholic schools to 'transform' to integrated status[6] is to present a 'what we have gained we now hold' position which appears to be at variance with the spirit of the Agreement.

Conclusion

This paper began by noting the failure of much current social policy literature to account for the distinctions in policy in the countries of the UK. To some extent this trend towards the analysis of UK [education] policy is understandable, as in some basic respects the regions of the UK have similar characteristics. Such a broad view underpins the 'home internationals' research of Raffe *et al*. (1999). They argue that although Scotland, in particular, has had a separate education system from England and that there is a widely held belief that Scottish education is different and better, closer scrutiny of key patterns and outcomes produces a picture which reflects a broad UK similarity. By the same token, although Northern Ireland developed a unique set of educational systems and structures after 1930 in a number of key respects it has followed English innovations: the 1944 Butler Education Act created the grammar/secondary divide and raised the school leaving age to 15, which was introduced in Northern Ireland in 1947. Northern Ireland adopted the GCE 'O' and 'A' levels examinations in the 1950s rather than the broader systems developed in Scotland or the Republic of Ireland. As noted, competition, league tables and Local Management of Schools together with a national (termed common in Northern Ireland) curriculum was introduced.

However, such an analysis fails to take account of local circumstances and the tendency for regions to shape and determine national policy in line with their own socio-political circumstances and cultures. Paterson (2003) argues that in Scotland there are distinctive characteristics to education which go beyond specific policy differences and include social openness, its public character, breadth and passion for ideas. Similarly, in Northern Ireland UK policies often produce different outcomes as a result of the political and cultural context. For example, recent research on formula funding and LMS has shown that these policies have had a different expression in Northern Ireland (McKeown, 2005). Northern Ireland has also pursued a distinct policy agenda particularly with respect to academic selection at 11, the full funding by the state of schools, which are *de facto* religiously segregated and the creation of integrated schools and Irish medium schools.

Devolution has set the political structures for the development of distinctive policies in many areas of social policy, including education, as noted by early conclusions from the ESRC's Devolution and Constitutional Change initiative (Jeffrey, 2004). Whilst we have argued that Northern Ireland's distinctive agenda arises mainly from The Agreement, it would be unwise to discount the personal influence which Martin McGuinness, as Education Minister may have brought to bear on key educational decisions. It is, for example, difficult to imagine a Unionist politician making the decision to end academic selection.

What is clear, though, is that The Agreement has provided a new impetus to policy making in Northern Ireland. Whilst the changes thus far have been largely concerned with the institutionalisation of equality, human rights and pluralism it is possible that a return to devolution will help further develop other aspects of The Agreement, which have not yet been capitalised on. For example, a cornerstone of The Agreement was 'Strand

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Two': the institutionalisation and expansion of North–South co-operation. A number of collaborative areas have been identified such as the development of common analyses of educational disadvantage and issues in relation to teachers, including training and qualifications. There is also evidence of new relationships being forged between the two education systems and greater cross-border communication, dialogue, exchanges of personnel, research, and liaison on curricular issues (http://www.ireland.com). This has not been accompanied by significant policy sharing or transfer between the regions. It is possible and indeed desirable that a return to devolved government will bring with it a greater focus on policy learning and exchange within the island of Ireland.

Whatever the future holds the new type of educational landscape, which has begun to emerge in Northern Ireland since 1998, means that increasingly a failure to recognise the more complex and multi-levelled policy-making environments for the different parts of the UK will result in a disservice to students of social policy.

Notes

1 The debates in this paper are informed by the discussions in Donnelly *et al*. (in press).

2 The viability criteria (the number of pupils needed to receive government funding for a new school) was reduced for Irish medium and integrated primary schools to 12 pupils for the first year in rural areas and 15 in urban areas. For second-level schools the number of pupils required to be eligible for funding was reduced from 100 to 50 in 1991.

3 This was perhaps most recently demonstrated in the Ministerial announcement allowing 'specialist' schools in Northern Island – a clear import of contemporary English ideas with little perceived relevance to current debates in Northern Island (DE Press Notice, 23.6.04).

4 These comparisons are of necessity broad as it is difficult to construct exact matches for numbers, socio-economic circumstances and rural – urban mix. Moreover, school numbers in any area will also in part be by policies distinctive to authorities in these locations.

5 Given that Northern Ireland faces demographic changes especially for secondary pupils it might be thought that there would be a chance for rationalisation. The forces behind the creation of new schools, together with the entrenched interests of existing schools, however, mean this is likely to be an aspiration, except partially perhaps in relation to single sex schools.

6 Existing controlled (predominantly Protestant) schools and maintained (predominantly Catholic) schools have the option of transforming to integrated status if the majority of balloted parents agree. To date no Catholic school has opted to transform, whilst 17 controlled schools have done so.

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