

Report
Whistle-Blowing Exposures into
Auditing, Governance and Regulatory Failings
In the UK higher education sector
&
NI Unionist
Student, Researcher and Academic
Marginalisation within the NI University Sector

2 April 2023

Dr Edward Cooke

BA, (Open University) (self-funded)

BSc (Building), UU (self-funded)

BSc (Architecture), QUB (government grant)

LLB (Law and Government), UU (self-funded)

PGC (Teaching and Learning in Higher and Professional Education), UCL (funded by employer)

PGD (Administration and Law), UU (self-funded)

PGD (Property Development), UU (self-funded)

MA (Modern British History), QUB (self-funded)

MA (Legislative Studies and Practice), QUB (internship programme)

MSc (Environmental Management), QUB (self-funded)

MSc (Construction Management), UU (self-funded)

LLM (Corporate Law and Public Policy), QUB (self-funded)

LLM (Environmental Law and Sustainability), QUB (self-funded)

PhD (Housing Association Governance and Audit, QUB, School of Law) (1 year DEL funding, 2 years self-funding)

PhD (QUB School of HAPP (Orange parading rituals, 3 year, self-funded PhD, submitted for Viva, January 2022)

Ex-member by examination of the RICS, CIOB, APS and the CI of Arbitrators.

The specific Sections within this NI University Sector Report that have a UK wide application are: Sections 5.00, 6.00, 8.00, 10.00, 11.00, 12.00 and 13.00. Material submitted to the Parliamentary Commission Inquiry on the Office for Students - 7 April 2023

Sections:

5.00	Athena Swann: University Affirmative Action Programmes
6.00	BAEM (Black, Asian, Ethnic Minority) Comparators
8.00	Academic Race to the Bottom
10.00	Whistle-blowing in the university (and other public) sectors
11.00	Academic Freedom of Expression in NI & GB universities
12.00	Marginalisation of religious beliefs
13.00	Article 6, Article 9 and Article 10 Human Right's Concerns

See also:

Separate (interim) Report sent to the Inquiry Committee addressing; the racially differentiated UK university funding models, religious under-representation within the UK university sectors, PhD scholarship funding, drop-out rates and auditing concerns, and the high rates of academic staff churn within the UK university sector (2020-22) prepared by Dr Cooke and resubmitted to the Inquiry on the 7 April 2023.

Report Sections

Executive Summary and Recommendations

1.00	Introduction
2.00	Section 75 Equality Screening Failings in the NI University Sector
3.00	The 'Holyland': Student housing subsidies and Unionist perceptions
4.00	QUB and UU Student's unions
5.00	Athena Swann: University Affirmative Action Programmes
6.00	BAEM (Black, Asian, Ethnic Minority) and State School Comparators
7.00	NI University Sector Regulatory Controls
8.00	QUB's Student Complaint's Regime and 'the Race to the Bottom'
9.00	Castlereagh Foundation & Proposed Ulster-Scots Research institute/s
10.00	Whistle-blowing in the NI university (and other public) sectors
11.00	Academic Freedom of Expression in NI & GB universities (and Union Theology College)
12.00	Marginalisation of religious beliefs in the UK's university sectors
13.00	Article 6, Article 9 and Article 10 Human Right's Concerns
14.00	QUB and UU Complaint Case Studies
15.00	Formal Statutory Responses
16.00	Summary
17.00	The position in December 2022 (Response from Department of the Economy)
18.00	Comparators
19.00	FOI Act Data Analysis

20.00 FOI Act Requests and Responses

21.00 Appendix (FOI Act Date Set Responses from May 2017 until May 2022)

Executive Summary and Recommendations

Introduction

This report argues that the NI University sector is poorly audited and badly regulated and that historically, poor regulation and auditing has enabled a culture to exist within which; transparency is opaque, the NI universities are unaccountable to the university students (consumers) and marginalisation of the minority NI Unionist student, research and academic populations, within certain campuses, academic disciplines and degree courses has been enabled by historical and systemic S.75 equality screening failures. Contentiously, this report suggests that devolution and flowing from devolution, dysfunctional governance systems, powerful (unaccountable) government departments, statutory auditing bodies, political parties and the hierarchies within the university sector, are responsible for a NI university sector that is inadequately regulated and monitored, vis-à-vis, the university sectors in England and Wales. The report concludes by suggesting that the NI university sector should immediately be subject to an independent (equality and best-value) audit and that new regulatory mechanisms and legislation (similar to those within England and Wales) is urgently required.

In 2016/17, a series of probing FOI Act questions into the regulation and auditing of the NI University Sector commenced. These questions, and the FOI Act responses that followed, culminated in this 'whistle-blowing' report and the protected disclosures contained within. Throughout the five-year period between 2017 and 2022, Dr Edward Cooke was a post-graduate MA Master's and PhD research student at Queen's University Belfast (QUB) and regularly over the five-year period, protected whistle-blowing disclosures were made to various NI government departments and statutory agencies accompanied by numerous FOI Act requests. In December 2022, the Department for the Economy (NI) in addressing a formal complaint from Dr Cooke rejected (once again) all protected disclosures within this report and confirmed that no remedial action was to be taken to address the claims within the report (see Section 16.00 of the report). In taking this stance, the DfE was acting in a political and governance environment within which the NI Assembly / Executive had been suspended for most of 2022 after being previously suspended for three years (e.g. between most of 2017 until January 2020). When the NI Assembly / Executive was reconstituted in January 2020 under the terms of the New Decade New Approach Deal, two measures agreed to by the British Government, the Irish Government and the local NI political parties, namely, the Castlereagh Foundation and the Ulster-Scots Research Institute, gave support to NI Unionist concerns about marginalisation of NI Protestants / Unionists within the NI university sector and the declining output of Ulster-Scots academic literature. Since 2016, the DfE (NI) took control of the funding and regulation of the NI university sector.

During the first three-years when making protected disclosures (between 2017 and 2020), the NI Executive / Assembly was suspended. As a result of another whistle-blower's disclosures, made in relation to renewal heat subsidies, the NI Executive collapsed in 2017 and the protected exposures made within this Report during 2017-2020 to the NI DfE and Equality Commission NI, were never seriously

addressed. This report argues that fragmented political oversight from the NI Executive, NI Assembly and NI Committees and the power-sharing arrangements within which there is no parliamentary opposition, is in part responsible for the regulatory failings within the NI university sector. Subsequently, in 2020/21 the 'judicial' RHI Inquiry Report highlighted serious structural and financial concerns within the governance of Northern Ireland's public sector. These concerns were reiterated in 2022 by the NI Audit Office. Central to the RHI Report's concerns was the financial mismanagement of UK Treasury funding distributed by the various NI government departments.

This Whistle-blowing report documents the regulatory, governance and auditing failures of various statutory agencies, government offices and the universities within Northern Ireland. The efficacy of the report is evidenced by the failure of the same public bodies, over a ten month period, to acknowledge or engage with the protected disclosures within the report. Over a ten month period, the DfE, NIEC, NIAO, QUB and UU collectively failed to reply to the report. Eventually, the DfE's interim director for education responded to the report in December 2022, however, the short response was received only after a formal complaint was made to the DfE.

The report suggests that not only have the NI universities, regulators and government departments failed within the NI university sector, but that a dysfunctional NI political framework supports systemic and institutional failure. The governance flaws designed within the power-sharing Executive have enabled NI government departments to self-protect rather than address the interests of the tax-paying public and the university student consumers. Disappointingly, NI politicians, and NI political parties (with a few notable exceptions) have failed in their obligations to act as bulwarks against powerful NI government departments who, in effect, are the real decision makers within Northern Ireland

Between 26-29 May 2017, a series of protected disclosures were made to Dr Andrew McCormick (Permanent Secretary for the Department of the Economy and to the NI Assembly Committee for the Economy, Equality Commission NI, and the QUB / UU Vice-Chancellors, in relation to; discrimination and marginalisation of the award of PhD scholarship funding to NI Unionist students in social science / humanity disciplines and value-for-money (quality) concerns in the monitoring of PhD scholarships. Over a five-year period, the Department of the Economy (the main funding body for PhD scholarships at QUB / UU) and the central NI government department charged with ensuring value-for-money (best value) for government funding, failed to address the impact of the concerns first raised in May 2017. Moreover, the first draft NI University report sent to QUB, UU, the Department of the Economy (DfE) and other government departments and regulators on the 11 February 2022 had failed to generate responses from numerous statutory bodies, all of whom had sufficient reasons to self-protect to minimise their historical regulatory, auditing and monitoring failings.

A series of Freedom of Information Act questions were asked of the University of Ulster and Queens University Belfast in March and April 2017. The FOI Act questions centred on the numbers of undergraduates, post-graduates and teaching academics within the two local universities. The FOI Act requests were designed to discover if there was age / religious / political / gender discrimination in the award of PhD scholarship funding. The (limited) information received in May 2017 from

Queen's University Belfast indicated that: PhD's were not awarded in terms of a quantitative scoring matrix based upon academic excellence; that PhD scholarship proposals in relation to subjects such as the 'Orange Order' are not favoured; and, that age / gender may be a factor in awarding or rejecting PhD scholarship applications. Within a UK context, if the NI experience in assessing PhD scholarships is repeated, then serious concerns arise in relation to academic freedom of expression within the UK, if scholarship applications and awards are undertaken in highly politicised social science academic disciplines by individual academics, or small peer groups, who are not constrained by oversight equality regimes such as S.75 equality screening. This report suggests that academic freedom of expression arises not only when academics, researchers and students feel unable to express their opinions, but prior to this, when PhD scholarship funding is awarded and individual researchers may be prevented from obtaining PhD scholarship places and therefore denied entry into academia.

The FOI Act replies received by Dr Edward Cooke in 2016-2017, indicated that there were structural imbalances within certain undergraduate and postgraduate student communities within QUB and UU. The structural imbalances (in tabular form) were sent to the NI University Vice-Chancellors on the 26 May 2017 with subsequent reminders on the 1 June 2017, 21 July 2017, and 9 September 2017 asking for formal responses. In the five years following, no responses were ever forthcoming from UU or QUB Vice-Chancellors and this failure to respond (eventually) led indirectly to the publication and distribution of this NI University Sector Report by Dr Edward Cooke.

The NI University Sector Report is based upon the specific experiences of Dr Edward Cooke. Whilst the report is limited by the restricted data collection methodology of a single 'outsider' who has often had to resort to the FOI Act (and its limitations), the 'case-study' experiences of Dr Cooke are strongly supported by several years of FOI Act replies from QUB, UU and various NI government departments. Essentially, the Report is based on a well-educated, older white Protestant (Christian) male from the NI Unionist community attempting to secure PhD scholarship funding from a variety of different funding sources in order to undertake research into religious / political subjectivities of interest to the NI Unionist community.

Having been rejected (multiple times) for scholarship funding by QUB and UU (on questionable grounds such as 'inappropriate academic background' or the 'unavailability of PhD supervisors'), in October 2018, Dr Cooke commenced a second self-funded PhD research into Orange Order parading rituals at QUB. The direct costs and opportunity costs of the self-funded PhD equate to approximately £125,000 and demonstrate how an academic discourse can become skewed, if S.75 equality screening is not undertaken in the assessment of research scholarship grants. Quite simply, academic discourse (and hence academic freedom of speech) within the UK is determined by those who provide and determine academic research funding and within certain academic disciplines in NI, evidence indicates that research funding has been skewed by S.75 equality screening failures. Two decades of S.75 equality screening failure within NI has created academic and structural imbalances that requires auditing, and if necessary, funding rebalancing. Regrettably, in December 2022, the DfE (NI) confirmed that they disagreed with this assessment.

After commencing the self-funded PhD, Dr Cooke's second PhD supervisor (between October 2018 and July 2021) declined to provide PhD supervision and then the second supervisor retired in July 2021 without him, or QUB notifying Dr Cooke and without putting in place another second supervisor at the appropriate time. QUB, has since August 2021 failed to explain through formal complaint's procedures why the second PhD supervisor declined to supervise the self-funded PhD, leading to Dr Cooke asking the Equality Commission NI and NI Public Service Ombudsman's Office to intervene.

In August 2021, QUB School of HAPP wrote to all the PhD cohort expressing concerns that significant numbers of PhD students had (at the end of the academic year) failed to satisfactorily record progress, giving rise to concerns that generic problems in PhD supervision and progress within the School had arisen. The QUB School of HAPP (August 2021) PhD progress concerns are however importantly, also concerns that should engage the DfE and the NI Audit Office, who are statutorily obliged to ensure that NI government scholarship grant funding is subject to value-for-money audits. Paradoxically, similar value-for-money concerns within DfE PhD funding programmes were first raised by Dr Cooke in May 2017 to the Department of the Economy and had again resurfaced in August 2021.

Finally, several (evidenced-based) concerns raised within this NI University Sector Report about discrimination, under-representation and marginalisation of NI Unionist students within the NI university sector were included within the PhD thesis submitted in May 2022 for examination. The rhetorical questions within the submitted PhD thesis about marginalisation and discrimination of NI Unionist subjectivities by QUB, the School of Anthropology and the School of HAPP (at QUB) were instructed to be removed during the PhD Viva examination giving rise to ethical, procedural and Freedom of Expression (Article 10) concerns. In essence, this NI University Sector Report is based upon; an older, male, NI Unionist student repeatedly, applying for and failing to obtain £35,000 - £50,000 scholarship funding to help research diminishing Unionist subjectivities; the failure of university academics to provide supervision of the PhD; and freedom of speech constraints preventing evidence-based criticism.

Within the submitted PhD thesis and within this sectoral Report, the common argument is made that the established academic paradigm on Orangeism has been skewed by historical research funding biases that prevent NI Unionist students undertaking research and thereafter entering the NI university research sector/s. Without a redistribution of scholarship research funding, the current academic considerations of Unionist subjectivities such as Orangeism (consideration that are fundamentally negative) will not be changed given the economic constraints in undertaking self-funded PhDs and thereafter getting access to academic book publishers.

Importantly, the individual experiences of Dr Cooke noted above, find universal support within the January 2000 *New Decade New Approach Deal Agreement* that commits the UK government to bring forward an Ulster-Scots Research Institute and to support a Castlereagh Foundation.

As a result of the New Decade New Approach Deal (2020) and the RHI Inquiry Report (October 2021), two new financial governing bodies, the NI Fiscal Commission and Fiscal Council, emerged in order to help (better) protect the UK

public purse. After the resumption of government at Stormont, from January 2020 until April 2022, whistle-blowing disclosures about the NI university sector were reported to the NI Department of the Economy (DfE), other NI government departments, NI politicians, statutory auditing bodies and NI Assembly sub-committees. Worryingly, for the UK Treasury Office, the whistle-blowing assertions made within this report about the NI DfE are not dissimilar to the substantive findings made within the RHI Report by Sir Patrick Coghlin.

The RHI Inquiry Report was critical of actions, decisions and procedures of NI government ministers and NI civil servants as well as management, administrative and documentation processes common within the DfE. Within the RHI Inquiry Report 44 recommendations made, however, as of April 2022, many of these recommendations had not yet been acted upon, to the consternation of the NI Audit Office. Embarrassingly, had the NI Departmental Minister and DfE senior civil servants listened to and acted upon the public interest disclosures made by the RHI whistle-blower (Janet O'Hagan) in 2013, the NI Executive would not have collapsed in 2017.¹

On 7 January 2023, the BBC NI News website reported how UU announced that its income from international students had increased by more than 50% in one year to £12 million.² The financial statements referred to by the BBC also reveal UU's overall income rose by £20m to almost £260m compared to the previous year. Likewise, on 14 December 2022, the BBC News NI website confirmed that QUB announced that its income from international students rose to almost £50m in income from tuition fees paid by about 3,500 international students in 2020-21. This income stream was up from about £44m the previous year, according to QUB's recently published annual accounts.³ Queen's total income rose to almost £400m in 2020-21, up from £377m in 2019-20. The annual reports and financial statements from UU and QUB reported that the combined income for UU and QUB for 2020-21 was £660 million.

In addition, QUB's new student union building (costing in the region of £40 million) was constructed with substantial grant support from the DfE and after a number of prolonged delays, UU's extensive new £350 million Belfast campus opened in September 2022. Ulster University was a recipient of some £70 million Irish and UK government funding for the extension of the new medical campus at Magee. The UU's financial statements for 2021-22 reveal that it has fully drawn down a long-term loan from the NI strategic investment board of £158.6m towards the construction cost of the new Belfast campus. Paradoxically, the NI strategic investment board was subject to a damning review led by Sir Michael Lyons in January 2023. The independent panel report found the agency to be dysfunctional and disjointed in its leadership, operating too many programmes for too few clients, Belfast-centric and with limited impact on productivity.

The DfE, the funding department for the NI University sector was also implicated within the Lyon's report, occasioning the DfE to acknowledge 'that the review

¹ <https://www.bbc.co.uk/news/uk-northern-ireland-43000614>

² <https://www.bbc.co.uk/news/uk-northern-ireland-64190561>

³ <https://www.bbc.co.uk/news/uk-northern-ireland-59642617>

presents challenges for DfE and is determined to act quickly on these.⁴ A legacy of DfE failings arising from the RHI Scandal, the subsequent RHI Report, the NIAO assessment of the DfE in 2022 and Sir Michael Lyon's January 2023 report, coupled with assertions within this report of systemic S.75 equality screening failings in the NI university sector, asks questions if the university sector within Northern Ireland is best regulated and audited by a government department that regulates a much wider economic portfolio and that has been at the centre of auditing criticisms since 2017.

The new UU Belfast campus therefore has been supported by tax-payers (grant and loan) funds with the UU repaying its loan over a generous 30 year period at a very low interest rate of 0.25%. Previously, the UU confirmed to Dr Cooke by way of FOI Act request that the UU had (worryingly) not undertaken an S.75 equality screening exercise on the new Belfast campus. Hence, the anticipated impact the new UU campus would have on the existing demographics and infrastructure of Belfast was therefore never adequately (or perhaps even legally) determined.

The BBC NI news website confirmed that Undergraduate students in Northern Ireland pay £4,630 a year in tuition fees, compared to £9,250 elsewhere in the UK.⁵ The UU claimed in its financial statements that 'universities in England received about £9,143 in funding per student, compared to £8,990 for universities in Northern Ireland'.⁶ However, unlike England and Wales, resident NI students studying at QUB and UU receive substantial (fee subsidy) funding from Stormont that helps to make up the balance between the £4,630 (average under-graduate tuition fees in NI) and £8,990 (total under-graduate university fees in NI).

The NI university sector is, without any doubt, a wealthy, profitable and powerful information / knowledge based sector, one that has large financial reserves, however, it is also a sector that continually looks to the NI (and UK) public purse for even greater financial support. It is supposed that the financial reserves of UU and QUB exceed £1 billion. By contrast the university sector within England and Wales, receives much less (head for head) financial support from government, but, paradoxically, is regulated to a much greater extent. The NI university sector by comparison is under-regulated; by the NI Executive / Assembly, by the funding department (the DfE), and indeed by the Equality Commission NI, who has not undertaken a comprehensive equality review of the NI university sector since it was originally formed. Moreover, the ECNI has recently declined to undertake Paragraph 10 investigations into S.75 equality screening failures in the provision of PhD scholarships that in turn have a direct nexus with academic employability as well as declining to investigate the QUB's Complaints and Appeal Office's processes. Therefore, whilst the NI university sector annually pleads with the DfE for ever greater funding, profitability and reserves increase annually by international student fees, UKRCI funding and tax-payer's funding whilst at the same time, fee-paying

⁴<https://www.belfasttelegraph.co.uk/business/northern-ireland/lord-empey-calls-for-urgent-reset-after-damning-report-on-invest-ni-42285167.html>

⁵ <https://www.bbc.co.uk/news/uk-northern-ireland-59642617>

⁶ <https://www.bbc.co.uk/news/uk-northern-ireland-64190561>

university students (consumers) have less equality and consumer protections than similar university students within England and Wales.

If the NI universities are to continue to receive tax-payers funding, when there are assertions that; the tax-paying NI Unionist community is marginalised within the sector, that equality (and freedom of expression) protections are in question; that student consumer protections are inadequate and that regulation is lax, financial support to QUB/UU cannot be increased until proper due diligence and a major review of the NI university sector is undertaken.

Executive Summary

1.00 Within Northern Ireland (NI), unlike England and Wales, governance structures at Stormont mandated under the GFA consociational arrangements (1998) invites fundamental questions related to a diminution of political scrutiny, bottom-up accountability and transparency in the operations of the NI Executive and NI Assembly. The inability, or the lack of willingness of NI Assembly MLAs sitting in the NI Assembly and the various NI Assembly Committees to hold to account a powerful NI Executive, government ministers and by association NI government departments, demands that within NI, the (independent) statutory auditors tasked with holding the NI public sector and the NI government departments to account, are fully independent and operational. Within the NI university sector there are concerns of collective, systemic and historical governance failures evidenced by S.75 screening omissions.

2.00 Importantly, the NI university sector has not undergone any systemic or universal equality (or value for money) audits since the mid-1980s. The failure by the Secretary of State and the NI Executive to undertake substantive, value-for-money, equality and human rights reviews within the NI university sector, has in 2022 allowed the situation to arise where the NI university sector has become a powerful, self-regulating sector that annually receives substantial amounts of (direct and

indirect) funding from the NI Executive and UK Treasury. Since 1998 and the creation of the NI Assembly / Executive, the NI Assembly has taken a 'hands-off' approach to regulating the premier knowledge / information-based sector within Northern Ireland; one that has the ability, directly, and indirectly, to influence all other economic, social and cultural sectors within Northern Ireland. For example, in August 2020, it seems that QUB Covid-19 'risk-assessments' convinced the NI Executive to permit local and international university students to return to the QUB campus for lectures despite the high-risk and likelihood of harm arising from further Covid-19 outbreaks. The intimate relationship between the NI Executive, the DfE and QUB / UU permitted 5,000 university students to return to the student halls of residence and the surrounding student HMOs when within days, large scale Covid-19 student outbreaks were reported by QUB even before the first semester had commenced.

3.00 The inability of the NI Assembly to hold to account the NI Executive combined with the congenial relationship between QUB / UU and the NI Executive, must be considered in terms of the historical and systemic S.75 equality screening breaches that are documented within this report. Within the main body of this report, substantive S.75 equality screening breaches are alleged to amount to ultra-vires public spending. Importantly, (acknowledged) S.75 equality screening breaches also have a nexus with academic and research recruitment within the NI university sector which in turn, invites questions about possible human rights failings by QUB / UU.⁷ Furthermore, within QUB's students' appeal and complaint's system, this report argues that other S.75 equality screening failures have allowed the situation to develop whereby student complaints are 'under-reported'. In terms of human rights (Article 10) academic freedom of expression breaches, the failure to undertake a S.75 equality exercise prior to QUB withdrawing from the Union Theology College in 2020 impacted on one specific sub-group within the NI Protestant / Unionist population and effected how economically marginalised, working-class Protestant communities receive pastoral care from the Presbyterian ministry. Ironically, the Human Rights Commission (NI) has failed to engage with the first drafts of this report, asking questions about the seriousness of Alyson Kilpatrick's (chief commissioner at the Northern Ireland Human Rights Commission) who when giving evidence to the Parliament's NI Affairs Committee (11 January 2023) argued that 'NI Unionists should catch up with others and start using human rights language'.⁸

Section 75 equality screening failures by QUB in the design of QUB's student's complaints system and in the closure of the (Presbyterian) Union Theology College have created a scenario whereby deeply indebted university students within NI are unable to get 'access to justice' (comparable to students in England and Wales) and Presbyterian theology students (in 2020) were denied fundamental human rights by being denied a third-level theology education and the freedom to express their religious viewpoints. More generally, within Northern Ireland, unlike England, Scotland and Wales, the complex and integrated legal nuances that exist between

⁷ FOI Act replies contained in the Appendix indicates that QUB, UU, DfE and NIEC could not provide S.75 Equality Screening exercises and that the DfE requested QUB/UU to introduce S.75 screening exercises after Dr Cooke's interventions.

⁸ <https://www.newsletter.co.uk/news/crime/unionists-should-catch-up-with-others-and-start-using-human-rights-language-more-mps-are-told-3982762>.

equality issues and human rights' issues are compromised by the existence of two separate (Equality and Human Rights) Commissions that allows one Commission to 'pass the buck' to the other when politically expedient. In GB, it is now acknowledged by the 'combined' Equality and Human Rights Commissions (of Scotland, England and Wales) that there are significant legal overlaps in these legislative disciplines that demand an integrated approach to human rights and equality matters. Moreover, if within England and Wales, 20,000 university students are attempting in 2023 to take group legal actions against eighteen mainland universities and within Northern Ireland, QUB and UU are immune to the possibility of similar group actions, this differential suggests restricted legal (human rights and equality) freedoms for Northern Ireland students. That the Equality Commission (NI) and Human Rights Commission (NI) have over a ten-month period failed to acknowledge genuine concerns documented within this report suggests that in this matter, commission self-protection, is more important than challenging a dysfunctional university sector.

Non-intervention from the ECNI and NIHRC amounts to a combined failing to hold to account the NI University Sector for potential equality and human rights monitoring failings. The failure of the ECNI and NIHRC in this matter cannot be over-stated. The law exists in its current form because it is subject to a process continual testing, review and revision. Not only are the UK courts responsible for bringing about legislative change, but the various UK legal commissions, acting as advocates for legal change and improvement, have important legal, moral and ethical obligations to ensure that where potential equality and / or human rights failings exist, these potential failings are questioned and examined.

Since 1985, despite a period of legislative, constitutional and demographic transition within Northern Ireland, the NI university sector has escaped the oversight monitoring processes from the ECNI and NIHRC. By contrast, within England and Wales over the last two decades, several important legislative and governance changes have taken place in the formation of the Office for Students, the creation of the Independent Office for Adjudication (in the higher education sector) and the academic freedom of expression legislation currently progressing through Parliament. Regrettably, there have been no similar legislative reforms of the NI university sector and no lobbying for reform by Northern Ireland leading legal commissions. Disappointingly, when in 2017-18, systemic S.75 equality screening failings in the process that determines academic employability at QUB/UU were reported to the ECNI, the ECNI declined to investigate the assertions that the NI Unionist minority student, researcher and academic populations at QUB and UU were beginning marginalised in the award of PhD scholarship funding. If, as this report suggests, there is evidence of marginalisation of NI Unionist academics, researchers and students at QUB/UU, the ECNI should be held account for its monitoring failings.

4.00 Fundamentally, the university sector in Northern Ireland, vis-à-vis the university sector in England and Wales, is under-regulated. Within England and Wales, Westminster since 2005 has increasingly endorsed new legislation in order to help protect; UK tax-payers, fee-paying university students and academics. No similar legal protections have been endorsed within the NI university sector. In 2005, the Independent Adjudicator for Higher Education was established by Westminster. In 2018, the Office for Students was created and in 2021/22, the Higher Education

(Freedom of Speech) Bill progressed through Westminster. By contrast, the NI university sector has failed to keep pace with the regulatory and auditing processes that help protect those who fund, work within, and who are educated within the English / Welsh university sectors.

Whereas the UK government, and the English and Welsh universities have introduced various 'affirmative' / 'positive' action programmes to address marginalisation / discrimination of minority and protected student groups, by contrast within Northern Ireland, the senior management at QUB / UU still publicly reject all suggestions that the NI Unionist community are marginalised at QUB / UU. Disappointingly, unlike the 1960s, when academics at QUB became prominent civil-rights advocates for promoting equality of housing, employment and representation for the Nationalist community within NI, the NI university academic community has worryingly, stayed silent on the diminution of Protestant / Unionist academics, students and researchers and the lack of Unionist orientated literary output within the NI university sector.

5.00 When in January 2020, QUB Unionist students obtained 3,500 signatures suggesting that QUB and the QUB Student's Union was becoming a 'cold house' for Unionist students, QUB's Vice-Chancellor's Office dismissed without any further investigation all petition concerns. In both QUB and UU, NI Unionist students have periodically alleged that they feel marginalised in the University Students' Unions, however, the funding of the Students' Unions – indirectly by the DfE on behalf of the fee-paying students - means that NI Unionist student's pay contributions, or indirect subsidies to QUB / UU Students Unions that they do not fully engaged with.

It is suggested that there needs to be a greater degree of transparency and accountability of funding between; individual university students, student unions, the NI universities and the DfE that goes towards the funding of the students unions at QUB and UU. Greater transparency is demanded more so, when one group of students has frequently complained about marginalisation and discrimination within QUB and UU student unions.

Within England and Wales, there appears to be a greater degree of separation between university students who are currently embarking upon group legal actions against universities for alleged breach of contracts arising from striking academics than between QUB students and the university that subsidises the QUB student's union. Student union subsidies within Northern Ireland (directly by the universities and indirectly by the DfE), present potential conflicts and challenges in an economic environment where university lecturers demand increased salaries and university students (and their union representatives) demand educational fee reductions.⁹ On the 12 January 2023, Westminster announced that 'university tuition fees in England are to stay frozen at £9,250 for the next two years', within Northern Ireland, the DfE is under intense financial pressure to reduce departmental funding to a heavily subsidised NI university sector (within which there are outstanding equality issues that need to be addressed).¹⁰ On the 12 January 2023, Westminster announced that

⁹ <https://www.bbc.co.uk/news/education-64253904>

¹⁰ <https://www.bbc.co.uk/news/education-64236906>

maintenance loans and grants for English undergraduate and postgraduate students would go up 2.8% for the 2023/24 academic year.

University lecturers demands for increased salaries present problems for university student who face considerable hardship concerns and this conflict has, in part, occasioned the 2022/23 student group legal actions. The National Union of Students (NUS) welcomed the January 2023 financial help from the government towards English university students, however, the NUS also said that hardship funds were "a quick fix to a long-term problem". The NUS argued that the 2.8% rise falls below the current inflation rate of 10.7% and called the increase "woefully inadequate" suggesting that university students in England were £1,500 worse off than if support had been increased in line with inflation. By contrast, in Scotland, Scottish university students are eligible for free university tuition, while those from elsewhere in the UK can pay up to £9,250. In Wales, university tuition fees are capped at £9,000, while in Northern Ireland, home students pay a maximum of £4,630 (with the DfE paying a large fee subsidy for each undergraduate studying at QUB/UU). Within the economic crisis occasioned by higher UK inflation, high university fee levels, demands for increases in university staff salaries, academic strikes, and student actions over academic strikes, the rationale of the funding of student unions appears to have been overlooked.

6.00 The NI University Sector Report suggests that the lack of statutory intervention within the sector, combined with auditing failures from the NI Audit Office and the Equality Commission NI, invites questions about the independence and competencies of the statutory auditors who themselves have strong ties to the NI university sector. If, as the report suggests, S.75 equality screening failures within the NI university sector can, de-facto be considered as an ultra-vires public spending failures, then the failure of the NIAO and ECNI to properly and fully investigate the whistle-blowing disclosures within the university sector invites questions about ultra-vires public spending from all NI government departments. If the NIAO and ECNI, have regulatory, surveillance and auditing obligations, not just over the NI university sector and the DfE, but over many other NI government departments, institutions and sectors, then S.75 equality screening failures within the NI university sector, may be symptomatic of ultra-vires spending within other areas of NI government. It is recognised that the NIAO / NIEC have 'universal' auditing and monitoring roles throughout central and local NI government, hence any equality, ultra-vires, or value-for-money auditing failures within one NI government department (the DfE) will (most likely) be manifested across other NI government departments.

7.00 If, as demonstrated within this report, the NIAO (after two-years) was unable to determine the extent of its regulatory obligations in terms of auditing departmental funding programmes that had not undergone statutory S.75 equality screening exercises, there are universal questions to be addressed about the equality commitments provided in 1998 under the Good Friday Agreement. The inability of the NI Audit Office, to quickly determine if S.75 equality screening failures in the funding of PhD scholarship programmes and in university capital building projects, amounted to ultra-vires government spending suggests that it is probable that the same S.75 screening conundrums are endemic within other NI government departments. If that is so, there has possibly been widespread failure to ensure that NI government spending programmes (since 1998) have been equitably distributed between all communities within NI.

8.00 Where regulatory failings exist, the failings allow marginalisation and discriminatory claims to be promoted by those subject to the defective regulatory regime. Section 75 equality screening failings, by the NI Audit Office, the NI equality Commission and QUB / UU, enable different minority (protected) communities within the NI university sector to make marginalisation claims. The same S.75 equality screening failures also makes it difficult for QUB, UU, the NIEC and the DfE (the department that part funds the NI university sector) to argue that there is no systemic, or institutionalised, discrimination within the university sector.

This report suggests that the NI Protestant / Unionist student community can make valid marginalisation complaints in terms of; progression into academic / research employment at QUB / UU, student accommodation cost differentials, visibility of cultural markers, marginalisation within the Student Union buildings, and perhaps, even in terms of student loan debts. Protestant / Unionist students and academics, particularly males from within the NI Loyalist community can further argue that their increasing invisibility within the university sector, evidenced by the diminution of research output, is an equality / human rights concern that has been overlooked by the NIEC and the universities. As such, the failure of the Castlereagh Foundation and the Ulster-Scots Research Institute to become a reality, simply exacerbates long-standing human rights / equality concerns, particularly for the minority working-class 'loyalist' males within the university sector

9.00 This NI University Sector Report, documents through numerous FOI Act requests and replies that were in turn forwarded onto NI Assembly Committees and NI auditing bodies, the insurmountable difficulties facing any public servant, or member of the NI public who decides to become a whistle-blower and who makes public interest disclosures. In essence, this report suggests that the 'go-to' reaction when individuals make protected disclosures is for large institutions, organisations, government departments, and ironically even the NI auditing bodies, to prevaricate, offer meaningless platitudes and then to self-protect rather than address their historical oversights.

Recommendations

1.00 The Report suggests that QUB and UU should undertake investigations into the increasing number of allegations made over the last five years by Unionist students at QUB and UU who have suggested (publicly within the NI media) that they feel increasingly marginalised on the university campuses and within the student unions.

2.00 The Report argues that there have been historical S.75 equality screening failures in the provision of PhD scholarship funding by the (defunct) DEL and DfE and that the impact of these screening failures should be investigated and importantly that economic, pedagogic and literary 'restitution', made good. If, the Castlereagh Foundation can be considered as one such remedial action, then the scale of the Foundation should be commensurate to the extent of the marginalisation uncovered through any subsequent audit of PhD scholarship funding. S.75 equality failings in the determination of PhD funding awards (and hence thereafter, academic employability) are asserted to be potential breaches in Human Rights commitments and are possibly indicators of other systemic S.75 equality screening failures within other NI government departments.

3.00 The Report confirms that as of January 2023, S.75 equality screening exercises are still not undertaken for all other non-departmental PhD scholarship funding competitions. Research grant funding that derives from the UK Treasury via the UK Research Council / Institutes, and other research funding from programmes, such as NINE and Northern Bridge, should undergo S.75 equality screening in order to ensure that all communities within Northern Ireland have equal opportunities to access academic employment in the NI university sector and to help balance post-graduate literary output. It is suggested that UKRI research funding to QUB and UU be suspended until both universities embark on equality screening of research projects, particularly the research projects undertaken within the humanities and social science faculties.

4.00 Higher education academics and students within Northern Ireland should have the same statutory protections that currently exist within England and Wales and hence, the equivalents of the; Adjudicator for Higher Education, the Office for

Students and a NI Higher Education (Freedom of Speech) Act should be legislated for.

5.00 University students within Northern Ireland should have the ability to access justice without undue economic restrictions when making independent complaints about the education received within QUB and UU. A new independent student complaint's body should be endorsed, one that also has the power to investigate and regulate the NI university sector. In particular, the DfE should ensure that DfE PhD scholarship funded research students have available an independent forum that audits 'value for money' concerns and PhD student satisfaction levels.

6.00 The existing arrangements for funding QUB and UU Student's Unions should be examined to ensure that marginalised students communities do not, without their permission, indirectly pay for the maintenance of Student's Unions that they feel disenfranchised from.

7.00 Within the 'Holyland' HMO student housing area of south Belfast there has developed (over several decades) an informal student housing village within which student accommodation is cheaper than elsewhere in Belfast, but within this neighbourhood, NI Unionist university students feel unwelcome, unable, or unsafe, to live. If, one NI student community receives a substantial housing 'subsidy' by being able to live safely within the Holyland whilst another student community feels unable to safely live in the Holyland, then the informal housing subsidy unavailable to NI Unionist students that impacts upon school leavers' selection of higher education institutes, of must be addressed.

8.00 The Equality Commission (ECNI) should reassess its historical position which is based on the assumption that residential NI Unionist school leavers prefer to relocate to GB for their higher education and hence voluntarily commit to paying higher GB university fees and accommodation costs. Instead, the ECNI should take a polar position and investigate the factors that discourage NI born Unionist students from continuing their higher education in certain schools, disciplines and campuses within QUB and UU and thereby leading to a higher proportion of NI Unionist students incurring higher levels of student debt.

9.00 The diminution of NI Unionist born academics, researchers and students at the UU Magee campus should be reversed as a matter of urgency. The diminution of NI Unionist academics and researchers within several UU / QUB campuses, disciplines and schools should be urgently investigated in order to determine why NI Unionists reject these institutions as suitable places to study or teach. Affirmative action programmes, similar to others promoted by QUB / UU, should be quickly initiated to reverse historical demographic trends and to rebalance NI Unionist researcher and academic numbers. If Irish Government grant funding (under the NDNA 2000 Deal package at Magee college) funds a college campus extension that benefits a disproportionate number of Nationalist (over Unionist students and staff), then any such funding programmes should (under equality legislation and screening) be considered as contrary to the equality principles contained within the GFA.

10.00 The totality of S.75 equality screening exercises historically undertaken within different NI departmental funding programmes should be investigated to determine if S.75 equality screening legislation (enacted as part of the GFA) has been regularly breached and whether new legislative enactments are required to correct the

systemic failings. If, substantive breaches in S.75 equality screening programmes are discovered within other NI departmental spending programmes; e.g., educational provision, arts funding, sports funding, cultural programmes, social housing provision, etc., then an independent audit of NI government funding imbalances should be undertaken and mitigation and restitution steps undertaken.

11.00 The Castlereagh Foundation commitments included within the NDNA Deal (January 2020) should be instigated as quickly as possible and should be brought forward by Westminster, when Irish language legislation is also enacted at Westminster. Moreover, it should be recognised that the Castlereagh Foundation is a direct consequence of QUB, UU, government departments and the ECNI to undertake S.75 equality screening of PhD research funding between 2000 and 2020.

12.00 The proposed Ulster-Scots Research Institute should become a reality as soon as possible in order to address the continuing, and growing, academic literary void that has developed within Ulster-Scots, Unionist, PUL and British academic research subjectivities. The new Ulster-Scots Research Institute should reside within a Northern Ireland or GB university that recognises the extent of NI Unionist marginalisation within the NI university sector and within an institution that is fully committed to address the research imbalances that have arisen over the last three / four decades. The new Ulster-Scots Research Institute should have as wide a remit as possible and it should be brought forward by Westminster when Irish language legislation is enacted at Westminster.

13.00 At the time of writing (January 2023) the NI Executive and Assembly is in suspension with no signs that the NI Assembly / Executive will return to power. The NI Executive, and / or the NI Secretary of State, whoever has legislative authority, should bring forward new legislation to protect and promote public sector whistle-blowing and to create a new independent agency to facilitate whistle-blowers who make protected disclosures that in turn helps to protect the public purse.

14.00 In connection with recommendation 13.00, a new NI 'auditing' body should be considered within Northern Ireland that has power to audit the NI Audit Office, the Equality Commission NI, the NIHRC and the NI Public Service's Ombudsmen's Offices. Accepting that whistle-blowers are unlikely to be given leave to take judicial reviews and that they are unlikely to be able to afford the cost of judicial reviews, another over-arching statutory agency is required where NI whistle-blowers (who find their protected disclosures blocked by the self-interest of the existing statutory auditing agencies), can have their concerns addressed. The new over-arching auditing body, would also have a role in monitoring the existing NI auditing bodies and would work closely with the NI Fiscal Council and Fiscal Commission where protection of the NI public purse is the main issue.

15.00 The dubious and controversial decision by QUB to open-up the university, and halls of residence, to international and home university students for teaching in September 2020, and the Covid-19 risk assessments prepared by QUB and submitted to the NI Executive in August / September 2020 should be examined. Any, indeed all discussions between the First and Deputy First Ministers' Office and QUB that allowed the NI Executive to permit QUB to open-up for face-to-face teaching and to fly in international Chinese students to NI in September 2020, should be made public. The NI Public Health Agency and DoHNI should be asked to determine if there were any H&S failings in the Covid-19 risk assessment process that enabled

QUB to open up for business, and then, within four weeks, close down again. If HSE failings are discovered, those responsible for the failings should be held to account.

16.00 If, as suggested S.75 equality screening omissions have been a feature of the NI university sector over the last two decades, then the possibility exists that within the university sector 'indirect' discrimination is an unwelcome by-product of the screening failures. Any regime within which regulatory failings exist, enables abuse and self-interest. Regulatory failings that include S.75 equality screening failures, promote indirect discrimination. If this is so, then the NI legal professions and courts should be made aware that whenever QUB / UU student and staff complaints are brought before the NI courts or employment tribunal, there are potentially, generic, indirect discrimination concerns to be addressed arising from inadequate equality monitoring and auditing of the sector.

17.00 The NI University Sector Report invites the newly appointed NI Executive / Assembly and or the Secretary of State (in the continued suspension of the First and Deputy First Minister positions) to endorse a long-overdue, comprehensive, 'independent' equality, human rights and value-for-money inspection and audit of the NI university sector. However, given the inactivity of the Equality Commission NI and its close nexus with the NI university sector, any inspection / review should be undertaken by expert bodies within England and Wales, for example; the Office For Students.

18.00 As within England and Wales, the NIHRC and the ECNI should be combined into one single Commission that has legal powers to address equality and human rights concerns. In addition, legislation should be promoted within NI to protect academic freedom of expression.

19.00 UKRIC funding to QUB and UU (between 2000 and 2022) should be subject to an equality audit to determine if UKRIC research funding has marginalised or discriminated against NI Unionist PhD research programmes and NI Unionist students entering the NI research community. In addition, all UKRIC research funding of academic research projects at QUB/UU should be subject to an equality audit to ensure that UKRIC funding is subject to S.75 equality screening and thereby subject to equality legislation within Northern Ireland.

20.00 There should be an equality and human rights review on the 2020 decision by QUB to end its historic relationship with the Union Theology College. This review should consider the lack of theology courses within the NI university sector and the failure of the ECNI and NIHRC to step in and review the 2020 decision making process by QUB to abolish the Union Theology College.

1.00 Introduction

Between 11 February and 4 March 2022, the first of a series of whistle-blowing reports on the NI University Sector was forwarded onto the two NI universities, NI government departments, NI regulators, NI Assembly Committees, academics, politicians, school governance boards, and other NI and UK oversight bodies / individuals who have an interest in the NI university sector. The intention of the author was, and still is, to forward on a final sectoral report to the newly formed NI Assembly political parties, politicians and NI Assembly Committees after the May 2022 NI Assembly election (or as it appears in January 2023, any subsequent NI

Assembly elections). The responses of the individuals, institutions and auditing bodies who responded to the preliminary (and intermediate) reports will be included within the final Report. This Report has been submitted to the NI Department for the Economy, NI Audit Office, NI Public Sector Ombudsman's Office, NI Equality Commission and various others for information, discussion and action with the hope that the Report will inform the existing NI Assembly (and the new NI Assembly MLAs and political parties when they return to power after the May 2022 NI Assembly election). If however, no NI Assembly is formed in 2023, the Report which has been sent to the Westminster NI Affairs Committee, UK Treasury, NI Office and Secretary of State is designed to promote the UK government to take action (in the absence of devolved government) to address the alleged equality, human rights and S.75 screening problems that impact on the minority NI Unionist community and others, within the NI university sector.

In December 2021, the Final Report from the Commission on Flags, Identity, Culture and Tradition was (finally) published after the Commission was set up in 2016. After being embargoed for 18 months (from July 2020) and costing in the region of £900,000.00, the report was published without an action plan and de-facto was 'binned' because contentious issues remained unresolved around bonfires, flags and memorials. The 'Flags' Report runs to 168 pages and contains 17 chapters looking at a wide range of areas including identity, flags, bonfires, murals, memorials in public spaces, etc. By contrast, this whistleblowing report, comprehensively considers very specific equality problems within one sector (the NI university sector) that have not been addressed since 1985 and it does at little expense to the UK taxpayers or the Treasury. However, that is not to say that this whistle-blowing report was prepared without considerable psychological and economic costs to the whistleblower.

Based on FOI Act requests arising from 2017, this report has 'cost' the author (over a five year period) 3,000+ hours in research and whistle-blowing time and regular periods of psychological frustration and angst. The importance of this whistleblowing report lies in its 'publication', when by comparison, over the last decade there have been no similar NI university or NI academic reports, addressing matters that impact on NI structural and societal changes. If the Report findings are correct, or even partly correct, within Northern Ireland significant societal changes have arisen resulting from differentiated Nationalist / Unionist access into the NI university sector and importantly, the policy publications that emanate from the NI university sector and that find their way into NI government departments. If, as suggested in this Report, NI Unionist academics are playing a diminishing role informing the NI Executive and NI government departments of Unionist concerns in social housing, cultural identity, policing, education policies and legacy, then the legitimacy of the NI Executive and NI Unionists voting to sustain the institutions of the GFA is at risk

The stated intention of the (whistle-blowing) Report is to bring forward a new, university sector regulatory regime within Northern Ireland, complete with a new independent auditing authority that will have within it a wide remit to; regulate, monitor, adjudicate and protect the key NI university stakeholders and UK / NI funding bodies. In essence, this Report argues, supported by extensive FOI Act data that the NI university sector has failed to adequately negotiate the dynamic forces that have arisen from a growing and dominant (global) academic imperialism. There has been a failure within the NI university sector to maintain the strategic balance

that is important to sustain the local, NI indigenous academic community and to enable principles of subsidiarity and sustainability to prosper. Central to these failings has been an inexplicable disregard of S.75 equality screening obligations within QUB and UU which in turn has disadvantaged, in particular, resident born NI Unionist researchers, academics and students. FOI Act findings contained within the Appendices of the Report indicate the degree of NI Unionist student and academic under-representation (marginalisation) within specific university schools and academic disciplines.

Whilst the forces of academic colonialism can point to numerous global benefits as academia colonises small, local university sectors, it is specifically within these small local university sectors, that statutory protections are required in order to protect local academic research output, symbolic representations, cultural traditions, and academic employability. The claims made within this report that NI Unionists have been marginalised and are under-represented within a sector that has escaped the attention of different NI auditing regimes, are neither fanciful, nor confined only to the NI university sector.

Within Sections 6 and 11 of this report, I argue that there are increasing global concerns being expressed that different academic communities are being (in different ways) denied freedom of expression. One manifestation of denying groups, or classes of individual's, academic freedom of expression is by ensuring that PhD scholarship funding is orientated towards preferenced political and philosophical peer groups, whilst being (also) directed away from others. Moreover, within Section 11, the report documents how the abandonment of the Union Theology College by QUB in 2019/20 has parallels with the continuing diminution of theological and religious study in the UK university sector. Importantly, within the context of increasing diminution of religious and theological studies in the UK university sectors, the report suggests that existing equality and human rights legislation has not been engaged with by the Christian academic community and that the UK (and NI) auditing commissions created to help protect religious faith groups, have failed in their statutory obligations. The NI university sector is a small, yet important knowledge-based sector that promotes authoritative policy papers to the NI Executive. Any intentional, or unintentional biases within the sector, impact upon legislative and structural changes within NI. If the findings within this report are accurate, it is suggested that the sustainability of the NI university sector and the employability of local academics, has been compromised by a dysfunctional regulatory and auditing regime, something that is addressed later in Section 7 of the Report.

The primary objective of this Report is to fast-forward a comprehensive equality review and independent audit of the NI university sector as well as to raise awareness of the historical regulatory and governance failures that have been a feature of increased Unionist marginalisation in the sector since 1998. Regrettably, almost a year after the first drafts of the Report were presented to the different NI statutory agencies, the primary objective has failed with no NI government office, regulatory agency or university, admitting to failures. After several years of compiling FOI Act data and asking critical questions of the NI statutory bodies charged with funding, managing, regulating and auditing of the NI university sector, this Report concludes that there have been systemic auditing failings, and institutional cover-up, in the regulation and governance of the NI university sector. Importantly, in

comparison with the English and Welsh university sectors, the NI sector is manifestly, poorly audited and in need of a dedicated NI university regulatory and auditing body to ensure that the marginalisation trends reported within this report, are addressed. It is suggested that NI departmental funding, fee-paying university students, and academic freedoms of expression within the NI university sector, are not afforded the same degree of statutory protection that exists in the university sector in England and Wales.

If, as suggested within this report, the auditing failures within the NI university sector also include evidence of financial ultra-vires government spending, then the UK Treasury and the NI Fiscal Commission may wish to take interventionist actions and consider if similar ultra-vires spending failures arise within other NI government departments and funding programmes. Undeniably, the centrality of the NI Audit Office (NIAO) to all NI government departments means that any failure of the NIAO to audit one government department, in any specific function, is likely to be repeated with other NI government departments. The historical failure of the NI Audit Office to audit the S.75 equality screening commitments of the NI Department of the Economy (and its predecessor) within all university sector spending programmes, has wider implications for the forensic auditing of all NI government departments to ensure that proper due diligence was undertaken in the equitable distribution of numerous NI government funding programmes (in multiple policy areas) to the two main NI (religious and political) communities

To help contextualise this Report, in 2016, the report's author (Dr Edward Cooke) applied for PHD scholarship funding to UU and QUB. The two 2016 scholarship applications proposals were rejected. In the following two academic years (2017-18) I applied for another 28 funded PhD scholarships to UU and QUB. All the PhD scholarship proposals submitted, proposed undertaking research into subjects that engage NI Unionists and within which there were (and still are) academic literature voids. All the 28 PhD scholarship proposals were rejected. Thereafter, between 2017 and January 2023, Dr Cooke made a series of FOI Act requests to Queen's University Belfast (QUB) and Ulster University (UU) in order to make visible the changing demographics within the NI university sector and to ascertain if the Unionist community was marginalised within the sector. Based upon the FOI Act replies received, and the responses from with various NI public sector auditors and NI government departments, this report argues that long-term regulatory and auditing failures have resulted in poor governance practices which in turn have increased Unionist marginalisation and under-representation within the NI university sector. This report argues for greater legal protections for the diminishing, minority NI Unionist student, research and academic populations at QUB and UU.

In 2022, the results of the recent 2021 NI Census will (incrementally over the year) were published. This data, specifically the age range data of younger people within NI, is important and can be used as a benchmark to analyse the different FOI Act data-sets made available below. In addition, there is other comparative data sets that can be used to support the assertion that the NI Unionist academic and student community within the NI university sector has become increasingly marginalised and that (indirect) discrimination is encouraged by a series of statutory S.75 equality screening failures. These statutory S.75 equality screening failures give rise to the possibility that ultra-vires government spending within at least one NI government department (DfE) has continued unchallenged over many years. If, the arguments

below have any merit, the inactions and omissions of NI financial monitoring, and equality auditing agencies, requires scrutiny. The FOI Act datasets included provided below and provided by the NI universities and the DfE, indicates systemic failures and suggests;

(a) NI government spending by the Department of the Economy (DfE) within the NI university sector was ultra-vires,

and,

(b) The NI departmental and independent regulating and monitoring agencies (Department of the Economy, the NI Equality Commission and the NI Audit Office) failed in their statutory duties to ensure that government spending within the NI university sector was equitably distributed.

Importantly, given the nexus between S.75 equality screening of PhD research scholarships and academic recruitment at QUB / UU, any failings in the equality screening of PhD scholarships has a direct impact on academic and research recruitment. Equality protections in the recruitment of NI academics and researchers within the NI university sector does not start when academic and research jobs are advertised, rather, it commences much earlier when; university research programmes are imagined, when PhD scholarship funding is decided, when certain academic courses are aborted, and when other new academic courses are proposed. The changing demographics of the NI university sector is determined not only by academic recruitment policies, but by decisions to create and to close certain institutes, academies, courses and colleges and hence the decision by QUB in 2020 to close the Union Theology College engaged equality issues that appear to have been 'overlooked' by both the university and the equality regulator.

Academic employment and research recruitment within the NI university sector is conditional upon applicants for lecturing posts holding PhD qualifications. Any S.75 equality screening failings or omissions in the award of PhD scholarship funding potentially distorts applications for lecturing, teaching and research posts at QUB and UU. The FOI Act data provided below confirms that the NI universities and DfE failed to equality screen PhD scholarships between 2000 and 2018. As yet, no NI government agency or department wishes to address the important issue of the (legacy) impact of 18 years of equality screening omissions. Instrumental in making transparent DfE and university S.75 screening failings within NI, is the fact that there is no independent university auditing authority. According to the feedback from the NI Equality Commission and the NI Audit Office (as of January 2023), there is no legal authority, or sectoral body within NI to ensure that the NI funding departments and the NI universities comply with equality legislation. The inability of the NI Equality Commission to expose S.75 screening failings within the sector and to investigate the impact of the failings, suggests that a new regulator dedicated to the NI university sector is urgently required.

Equality and Human Rights concerns

Several Human Right's Convention Articles, theoretically protect university students, researchers and academics within the NI university sector by endorsing various rights and freedoms that prevent discrimination under the Human Rights Act 2000. I suggest within the NI University Sector Report, that there is a growing body of

evidence to argue that there are increasing equality and human rights failings within the NI university sector and that (in particular) the NI Unionist community are marginalised by failures of the universities, government departments and auditors to engage with Convention Articles 6, 9 and 10 and Protocol 1, Article 2.

What is disconcerting, is that the NI Equality Commission tasked with protecting all communities within the NI university sector, has failed in its statutory obligations and this – paradoxically – engages with Article 6 of the Human Rights Act. In essence, individuals, groups and protected classes who feel discriminated or marginalised within the NI university sector, have little recourse to legal address, except through an expensive judicial review system within which many individuals are denied standing to engage with. If within QUB's student complaints system there are design defects and if there is no additional, sectoral independent appeal or review body that provides students with free / inexpensive access to justice, this failing supports claims that there are human rights failures that should be of concern to the NI Equality Commission and the NI Human Rights Commission.

The Human Rights Convention (and Act) ensures that all have a right to be treated equally and fairly by the 'courts', however the definition of 'courts' is wide and includes tribunals and decision-making (appeal) bodies. Tribunals, complaints and appeal bodies, and complaint systems should not be designed in order to self-protect and any such bodies and procedures should be economically accessible to individuals, more so individuals who are in high levels of student debt and have not the financial power to access the civil courts. In this respect the NI university sector compares unfavourably with the student appeals' systems in the English and Welsh university sector. If as evidenced later in this Report, NI university students are economically disadvantaged and have limited access to justice, then within NI, the student complaint and review systems should be considered in Human Rights terms defective and in need of review.

If, individuals and groups of people are entitled to fair and public hearings by independent and impartial tribunals in the determination of their complaints, then QUB students are denied their human rights. Within QUB, student complaints (in the first instance) are not recognised by QUB as bona-fide complaints, that is, until the university students have first negotiated their complaints with the academic staff. QUB Student Complaint's system will refuse to address, monitor or track any complaint that has not first been addressed to a member of staff and QUB acknowledge that most student's complaints are dealt with before being formalised by the central complaint's handling system. Student complaints that are sent to QUB Complaint's Office, or indeed the Vice-Chancellor's Office are considered invalid, they are not registered or monitored and QUB students are advised to address all complaints back to the academics / schools where the complaints first materialised. The lack of neutrality in the handling of QUB students' complaints at the first point of the complaint handling process, is worrying and questions the neutrality of the central complaint's office.

In the first instance, QUB students are in effect barred from the university student's complaint's system by the design of the complaint's process. In different ways, the design of the student's complaint system benefits QUB and I suggest (later) that by failing to monitor all first stage complaints, QUB's complaints handling process runs contrary to S.75 equality screening requirements.

The Human Rights Act determines that within the UK, individuals have a right to freedom of thought, conscience and religion; this right includes freedom to manifest one's religion or belief in teaching, practice, worship and observance. Within NI, UU and QUB no longer enable NI students to study theology and in 2022, QUB aborted its historical links with the Presbyterian Union Theology College. In doing so, QUB took a decision that had significant social, civic, S.75 equality, and human rights implications. In essence, within Northern Ireland, the university training programmes for church ministers who provide pastoral care to local Protestant communities ended without a S.75 equality screening exercise and without any NIEC intervention. Individuals, an academics, also have rights to freedom of political opinion and expression which includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. Yet, within the NI university sector, Unionist politicians, have by their policy actions in January 2020 suggested that there are significant equality and human rights breaches in how academics from within the Unionist community have been unable to express their beliefs and opinions by pointing to a diminishing body of academic literature.

In essence, I argue that the 2020, New Decade New Approach Deal (proposed) Castlereagh Foundation and the proposed Ulster-Scots Research Institute, resulted from perceived (historical) equality / human rights failings within the NI university sector.

Again, if within the NI university sector, there has been (proven and recognised) historical and systemic S.75 equality screening failures in the award of Departmental PhD scholarships, then it can be argued that these failures infringe on the ability of Unionists to gain employment as academics and researchers within the NI university sector. In FOI Act responses included within the appendix to this report, there is evidence of diminishing numbers of Unionist students, researchers and academics in various schools, disciplines and campuses. The diminution of Unionist researchers and academics arises at a time when S.75 equality screening exercises were omitted in the award of DfE PhD scholarships (e.g. in the apprenticeship route into academia).

In *Eweida and Chaplin v United Kingdom*, (ECHR, Applications 48420/10 and 59842/10) it was heard that the Framework Directive for Equal Treatment in Employment and Occupations 2000/78/EC, prohibits indirect discrimination on the grounds of religion or belief in the workplace. The failure to promote S.75 equality screening in the award of PhD scholarship awards between 2000 and 2018 in Northern Ireland, I suggest is a form of indirect discrimination. Without the monitoring and regulating protections that arise from regular equality screening the potential for indirect discrimination arises. Within the NI university sector, individual centres of PhD assessment and award, by individual (or small groups of) academics who are decreasingly from the NI Unionist / Protestant community, or who are increasingly secular, have taken important funding decisions between 2000-2018, without central oversight. These funding decision, taken without S.75 equality screening, furthermore have a direct relationship to potential employment as researchers and academics within the NI university sector.

Article 2(b) defines indirect discrimination as follows: "indirect discrimination shall be taken to occur where an apparently neutral provision, criteria or practice put persons

having a particular religion or belief.....at a particular disadvantage compared with other persons. This does not require a person to show that others who share the religion are actually put at a disadvantage by an employer's actions.

If a right to an education, is a recognisable human right, then working-class Unionist (Loyalist) males, not only in the primary and secondary educations, but also within the University sector, can make claims that statistically there is evidence that numerically, this population / group of students, researchers and academics is the most disadvantaged and marginalised within the NI university sector. If human rights legislation suggests that higher education shall be equally accessible to all on the basis of merit, then, within my own experiences, I suggest there have been human right's failings when I was rejected for 28 departmental PhD funded scholarships between 2016 and 2019 to undertake research Unionist / Orange subjectivities. My academic, professional and research background, coupled with FOI Act details about my scholarship competitors suggests that my numerous PhD scholarship rejections were not on the basis of academic merit! Whilst S.75 equality screening might normally be considered as an equality issue of concern to the NI Equality Commission, when considered in terms of PhD scholarships and their importance in gaining entry to undertake research or teach at university, S.75 equality screening omissions in the award of PHD scholarships, is a potential breach in Human Rights that should be of concern to the NIHRC.

On the 4 April 2022, the NIHRC, reported in the News Letter confirmed that 'in spite of Brexit, Northern Ireland must ape the EU's laws on human rights', or else the NIHRC proposed that it would start litigation.¹¹ The NIHRC has a duty to ensure that within NI, human rights obligations are not diminished as a result of Brexit (NI Protocol). The NI Human Rights Commission made this assertion in a major report within which the NIHRC set out its programme of work for the next three years. Alyson Kilpatrick, within the report states that "if certain European Union equality laws are changed... to improve the protection of human rights, then Northern Ireland must keep pace with those changes"

The HRC goes on to say that it will consider launching court challenges if it considers that "rights protection [has] diminished as a result of the UK having left the EU". In arguing that NI must track future EU human rights / equality laws, the NIHRC logically must legally reinforce existing statutory equality / human rights protections. Section 2 of the Protocol says the UK "shall ensure no diminution of rights" – specifically, those spelled out in a segment of the Belfast Agreement entitled "Rights, Safeguards and Equality of Opportunity".

The Belfast Agreement lists the human rights / equality protections as, rights to "free political thought", "freedom and expression of religion"; and the right to "equal opportunity in all social and economic activity, regardless of class, creed, disability, gender or ethnicity". This NI University Sector Report, argues (in part) that NI born Unionist researchers, academics and students are increasingly denied freedom of political thought, religious expression and equal employment opportunities. Added to the Belfast Agreement protections, Section 2 of the NI Protocol also promises that

¹¹ <https://www.newsletter.co.uk/news/politics/public-body-declares-that-in-spite-of-brex-it-northern-ireland-must-ape-the-eus-laws-on-human-rights-or-it-will-launch-court-fights-3640506>

the UK will uphold six particular directives governing equality between the sexes and among different races. These six directives are: 2004/113/EC, 2006/54/EC, 2000/43/EC, 2000/78/EC, 2010/41/EU, and 79/7/EEC. These are the EU directives that the NIHRC would seek to uphold within the courts if as a result of the NI Protocol the UK, or NI Executive, seeks any diminution of the human rights protections within the six directives. However, it appears that whilst human rights / equality protections within NI, guaranteed under the Belfast Agreement, the EU Directives and reaffirmed by Section 2 of the NI Protocol, are of concern to the NIHRC who have avowed to take legal action to prevent future human rights divergences between NI and the EU, other existing human rights failings within the NI university sector, are not worthy of the same NIHRC attention. In April 2022, the NIHRC suggested somewhat simplistically that the concerns identified within the NI University Sector report, were 'equality' concerns, rather than 'human rights' concerns, and hence, the concerns were best addressed by the NI Equality Commission. I suggest, that when the NIEC declines to address these equality / human rights issues, then the possibility exists for the NIHRC to step in and intervene.

Department of the Economy Regulatory Failings

In a FOI Act Request and Reply from the NI Department of the Economy (2022-95, 28 June 2022), the DfE was asked to provide copies of S.75 equality screening exercises undertaken within its spending programmes since 2000. The DoE replied by stating that the *'Department was formed in May 2016, but due to the collapse of the Executive in December 2016, there were no formal budget exercises undertaken until the Executive was reinstated in 2019/20'*. The DfE therefore functioned between December 2016 and January 2020 deciding upon, and allocating various annual and capital grant funding and spending programmes without equality screening programmes in place. The DoE's FOI Act reply invites the following legal questions; (1) whether or not, S.75 equality screening exercises are contingent upon the existence of the NI Executive / Assembly, and (2) whether or not other NI government departments followed the same decision and failed to implement S.75 equality screening within spending programmes between 2016 and 2020?

In making claims that ultra-vires spending by the DfE within the NI university sector requires to be audited, the Report points to other recently identified spending failures within the DfE. In March 2022, the NI Audit Office described the Department for the Economy's failure to learn from the Renewable Heating Incentive (RHI) scheme as "completely unacceptable" after highlighting a number of irregularities in its expenditure. In March 2022, the Comptroller and Auditor General (C&AG) published a report on the DfE (2020-21) annual accounts. The NI Audit Office heavily criticised several DfE grant support allocations during the Covid-19 pandemic.

The C&AG (Mr K Donnelly) concluded that four Covid-19 schemes, totalling £140 million recorded in Invest NI's accounts, were actually controlled and administered by DfE. Invest NI, had no role in the Covid-19 schemes' design or delivery. The four schemes were actually administered by the DfE, meaning that the expenditure should have been, but was not, recorded in the DfE's accounts. The C&AG concluded that expenditure in these schemes were incurred by DfE without the appropriate legal authority. As a result, the NIAO qualified the DfE accounts on the basis that this expenditure was "irregular". Had a private sector / plc business undertaken similar auditing practices, issues of fraudulent reporting could have

arisen. Any such NI Audit Office ‘qualification’ similarly asks questions about the role played (if any) by the DfE Minister and the NI Assembly DfE Committee in overseeing and agreeing to the funding for the Covid-19 schemes.

Damningly, the C&AG reported that *“It is important to stress, that the issues I have identified do not merely pertain to technical matters, but to fundamental principles and standards of accounting with which all public bodies should comply.”*¹² It is within this contextual framework of the RHI Scandal and DfE 2020-21 accounts being ‘qualified’, that serious claims of ultra-vires DfE spending in the NI university sector should be considered. What is markedly different between the RHI Scandal, the Covid-19 grant schemes and the funding of QUB / UU DfE PhD scholarships (without S.75 equality screening funding between 2000 and 2018), is the longevity of the ultra-vires DfE funding of the NI university sector. For 18 years, the DfE (and its predecessor departments) funded PhD scholarships without monitoring or requesting evidence that large amounts of departmental funding had been first made subject to S.75 equality scrutiny.

Again, in March 2022, the NI Auditor General expressed disappointment that fewer than half of the 44 recommendations made by the Renewable Heat Incentive Inquiry have been implemented. The 44 RHI Inquiry recommendations was drawn up for the NI Civil Service and NI Executive to prevent any similar reoccurrences. The recommendations covered everything from governance and financial controls, to record keeping and guidance for officials and Stormont special advisers. The NI Auditor said that the RHI inquiry showed that ‘it is not enough to simply have rules and policies in place, but rather it is much more important to have the proper culture to ensure that the intention of the rules are followed’.¹³ The seriousness of the departmental failures exposed during the RHI scandal inquiry were such that an independent disciplinary panel recommended that charges of gross misconduct should be considered against six people, charges of misconduct considered against four, and disciplinary processes should to be levied against one individual.

However, the manner in how NI civil servants self-protect and cover up their own omissions was subsequently demonstrated when in the end only one person involved in the RHI saga received a written warning for misconduct. The NI Auditor General, Mr Donnelly said, without reference to the collapse of the NI Executive, that given the scale of the RHI inquiry, the whistle-blower’s intervention and the magnitude of the financial loss to the public purse, ‘it seems surprising in that only one individual has received a written warning for misconduct.’

UU Staff Redundancy Failings

In December 2017, Ulster University was ordered to pay over £1million to former staff. An employment tribunal said that the UU’s 2016 redundancy process had led to “palpable bitterness” at the university and the UU was ordered by the Tribunal to pay out an estimated total of at least £1m to 143 former members of its staff. The

¹² <https://www.belfasttelegraph.co.uk/news/northern-ireland/audit-office-critical-of-irregularities-in-department-for-the-economy-and-invest-ni-covid-spending-41429479.html>

¹³ <https://www.belfasttelegraph.co.uk/news/northern-ireland/stormont-watchdog-disappointed-majority-of-recommendations-by-rhi-inquiry-still-not-implemented-41472900.html>

Tribunal found that UU was guilty of a "serious failure to consult" with the union over redundancies in April 2016. I suggest, that the UU within the same redundancy process, also failed to properly conduct the necessary statutory S.75 equality screening exercise to assess how the redundancy scheme would change the staffing demographics (and hence the student demographics) within the university. This, and other seemingly individual managerial failings by UU and QUB should have sent out warning signals to the NI public sector auditors that the NI university sector was long overdue a comprehensive review.

The UU were very selective in its 2016 exit and redundancy strategy and hence generous redundancy terms were restricted to the most senior UU employees, with other middle and junior managerial employees being denied redundancy. Being selective, however impacted upon S.75 equality screening obligations and invited claims of indirect discrimination. The implications of the UU redundancy scheme in terms of the changing demographics of the UU was not subject to a full and proper S.75 equality screening scrutiny. Damningly, the tribunal concluded that the UU management "actively misled" the union and wanted to keep it "in the dark".¹⁴ Subsequently, the UU admitted that mistakes had been made, however, the equality screening mistakes did not seem to attract the full attention of the NI Equality Commission or the NI Audit Office. Within the problems uncovered by the Employment Tribunal were serious fiduciary and financial mismanagement problems that warranted further independent investigation.

The University and College Union who took the tribunal case said that the union had been "actively misled" by the HR manager. Within the UU redundancy procedures there were failures to inform staff of their future, there was a culture of secrecy, paradoxically based on the freedom that comes from being under-regulated. Statutory S.75 equality screening processes have an important role to play in ensuring equity and fairness within the NI public sector. Throughout this report, there is substantive evidence that S.75 equality screening exercises were ignored within the NI university sector. If this is so, fundamental questions arise not only for QUB and UU to address, but for the NI public sector regulators who have monitoring roles of equality programmes and financial spending to also address.

S.75 equality screening was abandoned within the UU's 2016 redundancy scheme, the UCU confirmed that *'Our members did not volunteer for severance, they were told to take an enhanced package or be dismissed with a reduced payment'*.

The UCU said that the UU management made unilateral decisions to close specific courses. However, even prior to this 2016 decision, the UU closed the Ulster-Scots Institute situated in the Jordanstown campus in 2007/08, without, I suggest, undertaking a statutory S.75 equality screening exercise to determine the impact of the closure on; Ulster-Scot's research, academic and popular publications, or research scholarships. In 2017, the UCU confirmed that *'by the time UCU were informed of management's 'proposals', university courses had already been removed from marketing materials and from the University and Colleges Admissions Service (UCAS), so redundancies in those areas were a fait accompli'*. All this was done, without, I suggest statutory S.75 equality screening consultations being undertaken.

¹⁴ <https://www.bbc.co.uk/news/uk-northern-ireland-42238937>

It is actions such as this, coupled with other failings referenced below, that allows the minority Unionist populations at UU to increasingly argue that UU (and QUB) are 'cold houses' for unionists.

Covid-19 Risk-Assessment Auditing Failures at QUB

For over two decades, both as member of the Association for Project Safety and as a certified Risk Assessor in the construction industry, the author of this report had extensive experience in preparing and analysing health and safety risk assessments. Risk assessments are primarily interested in the likelihood of an occurrence happening and, thereafter the degree of harm arising from the occurrence. Within the construction sector, and indeed all other sectors, the NI Health and Safety Executive and the Environmental Health Offices (based within local authorities) have a role to play in ensuring the Health and Safety of employees, workers, students and the general public.

In March 2020, throughout the UK on the instruction of the UK and regional governments, universities throughout GB and NI being subject to emergency Covid-19 legislations were ordered to close their doors to face-to-face teaching. Universities throughout 2020 and 2021 were then subject to the legal constraints imposed upon them by Westminster, the Scottish Parliament and the Northern Ireland and Welsh Assemblies. Unless, and until legislation permitted universities throughout the UK could not open up their doors for face-to-face teaching.

On the 24 October 2020, the Guardian newspaper reported that 'the UK's largest academic union is seeking a judicial review of the government's decision to ignore advice from its own Sage committee of experts to move all non-essential university and college teaching online in September'.¹⁵ The University and College Union (UCU) argues the government's failure to direct universities to move to online teaching this term was unlawful, unfair, unjust and irrational. The Guardian confirmed that 'on 21 September, the Scientific Advisory Group for Emergencies (Sage) advised the government to introduce immediate measures that would require universities and colleges to move all their teaching online "unless face-to-face teaching is absolutely essential". Minutes of the meeting, which were disclosed publicly on 12 October, show that the committee warned that "outbreaks are very likely in universities", and emphasised that the risk of Covid-19 death and severe disease was higher for university and college workers than for students. Some of those UK universities who opened up for teaching in September 2020 and who by opening up for face-to-face teaching inviting thousands of national and international students to relocate to university accommodation are facing in 2023, large group student legal actions for breach of contract.

In November 2020, the author of this report called on the NI Executive through the NI Assembly Committees to hold public inquiry into the Covid-19 decisions of QUB. Various submissions were made to the NI Committees within which FOI Act information was submitted asking questions about the decision by QUB to open up when within QUB, the expert virology and epidemiology expertise, would have agreed with the SAGE experts. In November 2020, QUB were shown to have invited

¹⁵ <https://www.theguardian.com/education/2020/oct/24/uk-academics-opening-of-universities-was>

3,016 university students into its halls of residence,¹⁶ UU had invited 1,002 students into its halls of residence, a thousand university students were living in the Holyland HMO neighbourhood of Belfast and the number of university students living in the new private sector HUB accommodation in Belfast city centre was unknown.

Barrister Adam Wagner emphasises not only the draconian nature of the Covid-19 emergency legislation imposed during 2020 throughout the UK, but he touches on the way Covid-19 impacted on the ability of members of the public, members of the UK's different legislatures, and members of the academic community engage with freedom of speech.¹⁷ International (and regional) students were invited to UK universities and then locked in their dormitories and provided with on-line learning after universities had given commitments to face-to-face learning. Students were then subject to Fixed Penalty Notices (FPNs) if they broke Covid-19 rules when trapped in their rooms within HMOs. Wagner points out that within two years 100,000 FPNs had been issued throughout the UK. Importantly, UK Executives imposed the national (and local) Covid-19 emergency legislation without recourse to parliamentary / assembly debates and within Northern Ireland, the risk assessment, Covid-19 decision making process that allowed QUB to open-up for face-to-face teaching whilst UU offered only restricted face-to-face teaching in September 2020, was, and remains, opaque.

The pedagogic question of QUB opening up for face-to-face teaching in September 2020, the Covid-19 risk assessments including their efficacy, validation and scrutiny, that enabled QUB to open-up, and the legal questions of; breach of contract, frustration, and damages arising from any breach of contract are questions that the UK courts will adjudicate upon in 2022 when the first group student action is taken against University College London in February 2022.

In September 2020, Queens University Belfast embarked upon a high risk Covid-19 strategy that exposed students and their families to the likelihood of exposure to Covid-19 and to the serious harm that can arise from contracting Covid-19. It appears however, that because the Office of First Minister and Deputy First Minister was implicated in the decision making, that those who should have been charged with holding to account, those who breach health and safety laws, showed no interest in one of the two most serious breaches of public safety that has arisen within Northern Ireland in the last decade. The other serious public H&S breach that still remains unresolved and without independent investigation (within Northern Ireland, but not England or Scotland) is the decision making and responsibility for Covid-19 death rates within the NI care home sector. As it stands, civil actions are being taken by the families of those Covid-19 residents who died in the NI care homes against the Department of Health. No such concerns however were raised against QUB when in September 2020, QUB opened up for teaching and thereafter became the catalyst for the spread of Covid-19 throughout Northern Ireland that led to the second phased NI lockdown in November 2020.

Whilst within Northern Ireland, care home residents died in large numbers from Covid-19 because they were confined within institutions that prevented their

¹⁶ Belfast Live article dated 22 November 2020.

¹⁷ Wagner, A., (2022) *Emergency State*, (Milton Keynes, Bodley Head)

movement (escape) out of some the high risk care homes, within the university sector, it was the ease of student mobility and the regularity of student mobility that helped spread Covid-19 from the densely populated student HMOs and halls of residents to the family homes of the students. The likelihood of university students coming into contact with one another, the frequency of their migratory movements and ease of spread of Covid-19 appears to have been risk assessment factors ignored by the NIHSE, various Environmental Health Offices responsible for the university campuses, QUB, the First and Deputy First Minister's Office and the NI Assembly Committees charged with ensuring public safety.

The NI university sector is one of the most important sectors within Northern Ireland, not only in terms of scale, employment, external investment, but also as an instrument of societal and community change. The importance, and the consequences of an unregulated NI university sector are becoming increasingly visible. During 2020-21, the NI Executive locked down much of Northern Ireland for long periods during the Covid-19 pandemic. Several things became apparent during the Covid-19 period in Northern Ireland. The 'science' provided to sustain lockdown measures was in part driven by the academic and scientific experts located in QUB's virology department

In September 2020, after the NI First, and Deputy First Ministers met with the NI university vice-chancellors, QUB was allowed to reopen with university students permitted to attend lectures and tutorials and both NI universities were allowed to bring home and foreign students into their respective halls of residence. The decision by the NI Executive to allow QUB to resume face-to-face teaching for the 2020-21 academic year could only have been agreed after QUB first submitted a bona-fide Covid-19 risk assessment and the First Ministers' Office / NI Executive subsequently checked and agreed that the Covid-19 risk assessment had merit. Within the week before the start of the academic term, serious outbreaks of the Covid-19 virus arose in QUB's students' halls of residences. By mid-October 2020, QUB abandoned face-to-face teaching and resorted to online-learning. The Covid-19 risk assessment prepared by QUB and presented to the NI Executive was obviously defective and the NI Health and Safety Executive confirmed that no such Covid-19 risk assessment had been sent to the HSE by either QUB or the First Minister's Office.

In the absence of an independent university regulatory office, the NI Executive allowed QUB to promote face-to-face learning and 'encouraged' students to move into the halls of residences and HMO accommodation adjacent to QUB in September 2020. Previously, throughout the first six months of lockdown, the NI Executive relied heavily of the virology and epidemiology expertise within NI to promote Covid-19 lock-down throughout Northern Ireland. The same in-house virology expertise failed to inform QUB Vice-Chancellor, or else was presented to, and importantly ignored by the Vice-Chancellor, when QUB requested the NI Executive to allow QUB to open up for teaching in September 2020. Within England, in August and September 2020, most English universities offered students only online learning. In August 2020, Ulster University rejected face-to-face teaching for the 2020 / 21 academic year. Evidentially, QUB were privileged to very different scientific Covid-19 expertise and QUB prepared a very different type of Covid-19 risk assessment to most other UK universities.

Foreign and local university students were enticed to study at QUB for the 2020-21 academic year after being given a commitment to face-to-face teaching. Covid-19 risk assessments undertaken throughout the English university sector determined that face-to-face teaching was too high risk and that face-to-face teaching would likely be only temporary given the concerns for Covid-19 increasing in the winter. The UK university teaching unions also agreed that face-to-face teaching was potentially dangerous for staff and students alike.

Within a month of university students commencing studies at QUB, in October 2020 QUB students reverted to online learning. QUB's Covid-19 risk assessments presented to the NI Executive in August 2020, were erroneous, and very quickly QUB student expectations were shattered. However, unlike the situation within England and Wales, NI university students have not the same level of independent legal protection as their student peers within the English and Welsh university sector. This has been demonstrated in May 2022 with the publication of student complaint compensatory awards within England and Wales arising from Covid-19 concerns.

Whereas GB university students had the benefit of an office for adjudication and an Office for Students to support student complaints against GB universities, NI students had no such independent support as numerous accommodation problems arose between students and their university and HMO landlords. Essentially, in August 2020, QUB packed with scientific virology expertise, promoted the idea that the university as a safe zone for teaching and attracted a thousand (plus) local and foreign students into the QUB halls of residence, thereby maximising university income. Thereafter, it was the NI Executive and the UK Treasury who compensated NI university students for the Covid-19 failures of QUB. However, two years later, the financial loss to the public purse arising from the Covid-19 decisions of the First Ministers' Office and QUB in August / September 2020 have not been worthy of investigation by the NI Audit Office.

As Covid-19 was starting to spread in September 2020, QUB's halls of residence had almost immediately to be locked down because of extensive Covid-19 outbreaks.¹⁸ University student parties in the QUB Halls of Residence and student house parties throughout the Holyland HMO neighbourhood, even before the start of the academic term, helped to spread Covid-19 throughout the NI university population.¹⁹ By November 2020, hundreds of university students at QUB and UU had been suspended and hit with fines totalling over £14,000 for breaking lockdown restrictions. Queen's University Belfast (QUB) imposed sanctions on 109 students for coronavirus-related offences, while Ulster University (UU) said it has dealt with 146 transgressions.²⁰ The Irish Independent Newspaper confirmed that 'the situation in the Holyland student area of south Belfast at the start of September sparked an intervention by the PSNI and stark warnings were issued by the universities detailing how they expect their students to behave'.

¹⁸ <https://www.bbc.co.uk/news/uk-northern-ireland-54318849>

¹⁹ <https://www.itv.com/news/utv/2020-09-10/police-crack-down-on-house-parties-in-belfasts-holyland>

²⁰ <https://www.independent.ie/irish-news/hundreds-of-students-suspended-and-fined-over-covid-breaches-39764450.html>

QUB confirmed on the 27 November 2020 (FOI-20-401) that at one house party at Penrose Street within the Holyland, there were 11 QUB students present who were notified of Covid-19 breaches by the PSNI. At the same student house party, the UU also confirmed (FOIA/20/225) that 9 Ulster University students, breached Covid-19 regulations on the 11th of November 2020. However, what was not addressed by the QUB Virology Department and the QUB virology and epidemiology experts who helped locked-down NI during Covid-19 was how QUB's August 2020 Covid-19 risk assessments allowed QUB to promote face-to-face teaching and to 'open-up' when GB university students were being offered online learning and being dissuaded from migrating to university campuses. Between October and November 2020, many hundreds of QUB / UU university students, each weekend returned home to their family homes. QUB / UU students in October and November 2020, by their weekly migrations, helped spread Covid-19 from the student house parties and halls of residence to the rural counties of Northern Ireland without QUB virologist interventions. Whereas, universities within GB prevented students from periodically leaving the campus areas, in Northern Ireland, no such prohibitions were attempted.

Between March 2020 and January 2022, the NI Executive relied heavily on the 'independence expertise' from QUB virologists such as Conor Bamford, Ultan Power, and Lindsay Broadbent to front the NI media campaign to promote and continue lockdown measures.²¹ Constantly, throughout 2020 the NI Health Minister informed the NI public that the NI Executive were being guided by independent science, however, the 'independence' of the science emanating from QUB, as well as the NI Department of Health, has to be questioned when QUB were awarded an additional £15 million Covid-19 funds from the DfE in the same financial year when QUB had an increased surplus of income. Paradoxically, the spread of Covid-19 prior to, and during the 2nd phase lockdowns within NI, emanated (in part) from QUB and UU halls of residences, university HMO student house parties, and the weekly migration of QUB / UU university students back to Tyrone, Fermanagh, Armagh and Londonderry whilst the NI universities were unable to 'lock-down' university students.

Two sets of photographs included below were taken over a six-week period in October and November 2020. The photographs were subsequently sent to the NI Assembly Committee for the Economy inviting the Committee at Stormont to investigate the role of QUB and UU as a transmitter of Covid-19 virus. The Holyland, during term-time resembles a massive public carpark. Day students find it impossible to park near QUB to attend lectures punctually. The permanent Holyland families, during term-time and during weekdays, cannot push prams on pavements, cannot allow their children to play in the streets safely and cannot live a semi-normal existence because of the volume of car-parking. However, during vacations and at

²¹ <https://www.newsletter.co.uk/news/people/ni-virologist-warns-covid-19-airborne-and-social-distancing-going-be-us-quite-some-time-come-2564863>
<https://www.belfasttelegraph.co.uk/news/health/coronavirus/northern-ireland-should-keep-covid-lockdown-going-until-april-says-qub-virologist-40091326.html>
<https://www.belfasttelegraph.co.uk/news/health/coronavirus/shielding-period-from-coronavirus-could-be-more-than-12-weeks-says-qub-virologist-bamford-39201958.html>
<https://www.irishnews.com/news/northernirelandnews/2021/02/17/news/headline-2226084/>

weekends, the Holyland turns into a deserted oasis as student cars leave the Holyland on a Friday only to return on a Sunday night / Monday morning.

When, in October and November 2020, the student car-parking in the Holyland should have been minimal because of online learning, the photographs taken below demonstrate that, not only were substantial numbers of students living (and partying) in the Holyland, but there was no serious attempts to constraint HMO students from returning to their family homes and transmitting Covid-19 virus. These H&S transmission issues were however, apparently, of little concern to the NI Executive and the DfE who had permitted QUB to promote face-to-face lectures prior to the September 2020/21 enrolment.

All photographs included below are 'date-stamped', evidencing when they were taken.

Holyland Photographs taken during October and November 2020 (Weekdays)

The photographs below were taken over a six week period indicating the level of car-parking in the Holyland during weekdays when QUB and UU students had already entered into 9-12 month tenancy agreements / contracts with HMO private landlords. Compare the weekday car-parking with the weekend car-parking photographs on the next page during the 2nd phase Covid-19 lockdown





Holyland Photographs taken during October and November 2020 (Weekends)

The photographs below were taken over a six week period to document QUB / UU university students exiting the Holyland HMO neighbourhood over the 'Covid-19 weekends', during a period when QUB and UU students were receiving online tuition and face to face teaching had been abandoned. Copies of the photographs were sent to the NI Assembly

Committee for the Economy.



Paradoxically, during this same period (September 2020) QUB were flying in Chinese university students into Northern Ireland via chartered airplanes. Shortly thereafter, in October and November 2020, a second phase Covid-19 lockdown was imposed upon NI by the NI Executive arising from new regional outbreaks of Covid-19 and ever increasing Covid-19 deaths. Despite being informed that NI based university students within NI were able each weekend to migrate (in large numbers) to (and from) the student HMO neighbourhoods and halls of residences to their family homes, the NI Executive and the NI university sector were unable to minimise student movements in the same way that student movements were restricted in England and Wales. On the 3 November 2020, QUB confirmed by way of a FOI Act reply (FOI-20-340) that 344 students and 18 staff had contracted Covid-19 (as of the 15 October 2020). Prior to the FOI Act request, details of the number of students within Northern Ireland who had contracted Covid-19, unlike those within English universities, were not published. The number of Covid-19 cases among UU students, theoretically should have been much smaller than those of QUB given that UU had informed its students (prior to the start of the academic year) that distance learning would be the norm for 2020-21.

QUB and UU were able to successfully argue for increased NI Executive funding to mitigate the problems arising from Covid-19, without it appears, any concerns from the NIAO. However, in hindsight, QUB's financial surplus for 2020-21 greatly exceeded that of 2019-20. The surplus was helped in part by an additional £15 million in 'Covid-19 grant assistance. Between March 2020 and January 2022, the NI Executive relied heavily of the independent QUB Covid-19 scientists to maintain the Covid-19 lockdowns, but during this period, grant funding, income funding and research funding to QUB was increased.

To highlight the size and significance of the NI university sector, a brief analysis of QUB's annual report indicates why bringing foreign students into Northern Ireland during the Covid-19 pandemic was important. QUB depends heavily on international student fees and providing accommodation to foreign and local students. QUB's (2020-21) Annual Report also confirms that in 2020-21, 39 QUB academics were awarded salary packages of between £100,000 and £310,000. QUB's income for 2020-21 was £397 million and its expenditure was £372 million.

QUB's (2020-21) fee income:

International Student Fees:	£49.7 million
Full time NI/GB/EU student fees:	£66.6 million
DfE Grant Funding:	£97.4 million
Covid-19 Funding:	£15.0 million
Research Council / UKRI Funding:	£24.0 million
UK and EU government:	£43.7 million
Accommodation charges:	£11.3 million

QUB's audited accounts for 2020-21 indicated that government grant funding to QUB was up by £10.6m, QUB income from tuition fees was up by £16.7 m (13.3%) and research grant funding was up by £14.4 m, however QUB were still successful in

arguing that additional DfE funding was required because of the Covid-19 pandemic. By contrast, other retail outlets throughout the UK were returning Covid-19 grant funding back to the UK Treasury at the end of 2020. Large retail businesses did not make the anticipated profit losses envisaged as a result of the Covid-19 lockdown measures, but instead made larger profits. Without audit, the NI universities retained tax-payers Covid-19 grant funds whilst increasing surpluses, questioning the financial auditing and the independent regulation of the DfE, the NI Assembly and the NI university sector.

By the end of 2020, Tesco's had returned £585 million to the UK Treasury, Morrison's £274 million and Sainsbury's £440 million because the different forms of UK government Covid-19 grant assistance were offset by increased profits through sales.²² In the year prior to Covid-19 (2019-20), QUB made a surplus of £4.9 million, however during the Covid-19 pandemic year (2020-21) QUB made an even larger surplus of £24.3 million, partly as a result of the £15 million DfE Covid-19 funding. It appears that the Covid-19 pandemic did not negatively impact on QUB and that additional DfE Covid-19 funding was not required given QUB's revenue increases from other income streams. It appears that the decision to provide £15 million Covid-19 grant funding to QUB to address Covid-19 concerns, whilst well intentioned, was erroneous and should have been prefaced on proof of actual financial loss.

If, as is suggested within this Report, QUB and UU have been subjected to a 'light-touch', or a laissez-faire, auditing regime over the last two decades, The nature of the auditing regime helps explain why the DfE and the NI Assembly approved additional Covid-19 grant-funding to QUB / UU without any conditions around potential repayments of the Covid-19 grant. One further issue related to the light-touch regulation of the NI university sector was highlighted by the Covid-19 pandemic. It is possible, perhaps even probable, that QUB's Vice-Chancellor, and / or the NI Executive could have been subject to 'corporate manslaughter' charges if QUB's August / September 2020 Covid-19 risk assessments were either badly defective, or worse still, if they were never undertaken. If no Covid-19 risk assessments were presented to the First and Deputy First Ministers in August / September 2020 when QUB convinced the NI Executive to allow QUB to open up, it can be argued that the NI Executive's decision impacted on the Covid-19 death rate during the second NI Covid-19 lockdown phase. However, if QUB's Covid-19 risk assessments were badly framed and substantially underestimated; the number of students who would contract Covid-19, the likelihood of cross-infection, and the danger / harm arising from cross-infection, then the legal grounds exist for corporate manslaughter charges to be brought against QUB and the Vice-Chancellor by QUB student families who may have suffered Covid-19 deaths of students' parent / grandparents.

University student migration occurred each weekend over October to December 2020 in such numbers that Covid-19 transmission would have occurred within the family homes of infected students. Covid-19 deaths, if analysed within QUB students' family homes, after students who had caught Covid-19 whilst on, or near

²² <https://www.theguardian.com/business/2020/dec/02/tesco-to-pay-back-585m-of-covid-business-rates-relief>

the campus, and who then went home and transmitted Covid-19 to older family members was a direct consequence of opening up QUB to NI students in September 2020. However, the power-sharing Executive and the NI Assembly is designed in such a way that any concerns raised by the NI public and addressed to NI Assembly Committees about NI Executive decisions, finds concerns 'subverted' as Committee Assembly members have a conflict of interest and can choose to protect their own ministers sitting in government, rather than addressing the interests of the NI public.

Throughout July and August 2020, small, local, socially distanced parades and public events were permitted throughout NI subject to the PSNI having sight of, and giving approval to, Covid-19 risk assessments. In hindsight, the NI Executive was heavily reliant on QUB's expert virology expertise throughout 2020-21, and thereafter, the NI Executive provided significant additional grant funding to QUB. Ethical, moral transparency issues arise from QUB virologists (throughout the Covid-19 period) when the 'experts' publically proposed various Covid-19 'policing' measures and civil rights infringements in order to ensure that significant parts of the NI economy stayed locked-down. The same virologists were publicly critical of any political decisions to free up the NI economy. However, and puzzlingly, the same virologists appear to have stayed publicly silent on the issue of QUB opening-up for teaching of home and international students in September 2020. That no independent oversight, auditing, or scrutinising body liaised with the NI Health and Safety Executive after September 2020 to request sight of the QUB / UU's Covid-19 risk assessments submitted to the NI Executive in August / September 2020, suggests that there are gaps in the NI university auditing regime that require to be filled.

On the 18 January 2023, in order to try to ascertain if a Covid-19 H&S risk assessment had been undertaken by QUB in August / September 2020, I contacted the Department of Health. The DoH NI (Covid-19 Directorate) responded on the 9 February 2023 to the following FOI Act Question:

FOI Act Question:

I would be obliged if under the FOI Act 2000, the Department of Health and / or the Public Health Agency NI could provide me with the August / September 2020 Covid-19 risk assessment that allowed the NI Executive to permit QUB to open up for face to face teaching. I have already contacted the Office of First Minister and the HSENI, both parties have confirmed that they have no such H&S documentation that allowed QUB to open up for face to face teaching in September 2020. I can confirm that I have written to the UK Covid-19 Public Inquiry to express my concerns about the decision to allow QUB to open up in September 2020 when there was a high risk of young students contracting Covid-19, in addition, the attached report is part of a more detailed report addressing the governance and regulation of the NI university sector and the FOI Act request is required in order to complete the report that is to be submitted later in 2023 to the NI Executive / Assembly, if and when it returns for business.

DoH FOI Act Response:

The Department of Health does not hold the specific information in the format requested as it was not involved in policy decisions relating to the provision of face-to-face lessons. In November 2020, the Department of Health began to engage with the Department for Economy (DfE) and each of the Universities to facilitate the provision of Covid-19 testing arrangements across the campuses. The Department

for Economy and the Universities were themselves responsible for the development of policy regarding the return to face-to-face lessons and may be able to provide you with further information.

Demographic Changes within the NI university sector

Whilst recently, some NI mainstream media sources have concentrated upon the demographics within the NI university sector at any given moment in time, this method of investigative research is, I suggest, limited. It is the 'rate of change' within the NI university sector that suggests that certain demographic populations are preferenced and others marginalised. These periodic rates of change require statistical analysis of academic staff, researchers, funding regimes and student-intake over different time periods. However, given the legal, financial and numerical restrictions of individuals obtaining FOI data, data limitations impact upon the scope of this exercise and report. The usefulness of this report is that it should expose sufficient concerns in order to enthuse the DfE, the NIEC and the NIAO to undertake full investigative reports using the resources at their disposal. In the absence of any other academic research into the changing demographics within the NI university sector, this Report, should invite other NI based-academics to conduct more substantive research, research that is supported by full research teams and substantive funding that has access to data sets unavailable to the author of this Report.

This Report suggests that there is a lack of authoritative research from within the NI academic community into the societal significance of the demographic changes within the university sector. Possibly, this lack of research is determined by a lack of research funding. Academic research tends to be concentrated upon the NI primary and secondary education sectors (for which there is research funding) and not the NI university sector. When in 2017-18, QUB and the DfE were asked to advertise and fund a dedicated PhD research project to consider the impact of S.75 equality screening failings within the NI university sector, both the DfE and QUB refused to support the suggestion. QUB's School of Education confirmed during this period, that there was a lack of academic authoritative research in this area that would hinder any such PhD scholarship research. However, it is the absence of any such research projects that demands this academic subject area be properly and fully researched

The information obtained by Dr Edward Cooke between 2017 and 2022 within the 50 plus FOI Act requests contained below, provide growing evidence of NI Protestant / Unionist marginalisation within the NI university sector. Historically, when Unionist student and politicians' claims of marginalisation were raised within the NI media, the Vice-Chancellors' Offices of UU and QUB have very publicly denied that there are marginalisation problems to be addressed. These strenuous denials suggest that the changing demographic trends within the NI university sector will continue unabated unless affirmative action is taken. Affirmative action however cannot commence, until QUB and UU admit that there are actual, or perceived, marginalisation problems to be addressed.

In March 2020, the QUB Vice-Chancellor, rather than acknowledging that there were marginalisation problems within QUB, instead, the Vice-Chancellor somewhat arrogantly, and forgetting the existence of S.75 equality screening omissions,

suggested that Unionist perceptions needed to be changed.²³ The QUB Vice-Chancellor is not alone in his views that Unionist mentalities are at fault and need to be changed. In May 2019, the academic union at QUB also argued that Unionist perceptions about anti-Unionist and anti-British bias at QUB were mistaken.²⁴ Rightly, or wrongly, increasingly, the Unionist political community has become more vocal of the marginalisation of Unionists within the NI university sector.²⁵ When ex-DUP Ministers voiced their concerns within the media, the marginalisation perceptions, in the minds of Unionist schoolchildren and their Unionist parents (some of whom will have attended QUB and UU) brings a new reality that QUB and UU, or indeed, a new independent regulator, must address. Significantly, the substantive FOI Act data included within this report, lends weight to Unionist 'perceptions' of marginalisation in the NI university sector and invites QUB, UU and the regulators to deny the claims within the Report.

The above assertions within this Report are not new, they have been made by Dr Edward Cooke regularly to; the NI (and UK) government and statutory agencies, the NI Unionist political parties, and the NI media since 2017. What is however new, is that the assertions about Unionist marginalisation, were never previously supported by such a comprehensive set of FOI Act data-sets. Also, with the passage of the last five years, what has also transpired between 2017 and 2022 is that the NI equality and financial monitoring and auditing regimes appear to have turned a 'blind-eye' to the sector's S.75 equality auditing failures, possibly because of the need to self-protect their own historical omissions and inactions.

The Freedom of Information Act data provided below, provides support to my claims that there has been demographic changes within the NI university sector that require addressing at the highest levels within NI and / or the UK government. Over two decades, these underrepresentation trends have not been reversed, rather they have intensified. In the diminution of NI born Unionists progressing into the NI academic and research professions, there are real structural and societal dangers arising from the perception / reality of Unionist marginalisation within the NI university sector and the network of other sectors that university graduates feed into.

When the FOI Act replies are analysed in terms of; demographic changes, S.75 equality screening omissions within the sector, poor independent monitoring / auditing, and, academic freedom of expression concerns, the NI university sector is ready for a comprehensive equality review. Given that the last comprehensive equality review of the NI university sector was in 1985, it is puzzling that after 37

²³ <https://www.belfasttelegraph.co.uk/news/northern-ireland/we-must-be-welcoming-for-all-says-qub-vice-chancellor-professor-ian-greer-amid-cold-house-for-unionism-row-39015470.html>

²⁴ <https://www.bbc.co.uk/news/uk-northern-ireland-48313902>

²⁵ <https://www.belfasttelegraph.co.uk/opinion/columnists/nelson-mccausland/nelson-mccausland-queens-university-has-to-address-perception-as-cold-house-for-protestants-37814059.html>

years, no review has been undertaken when the magnitude of the demographic changes within the sector have been regularly reported in the media.²⁶

The NI Unionist political parties already recognised these pedagogic concerns when in January 2020 the DUP included within the New Decade New Approach Deal for the provision of a report on working-class Protestant male under-achievement in the NI education and university sectors and for the instigation of the Castlereagh Foundation. The NDNA Deal education report when it was eventually instigated took on a much wider remit and the Castlereagh Foundation appears (as of May 2022) to have floundered. The paradox is that whilst the NI Minister Conor Burns on the 8 February 2022 committed to bringing forward legislation on Irish Language provisions before the NI May 2022 Assembly election, no such commitment was made for legislating for the Castlereagh Foundation, a foundation which is seen within the Unionist community as going some small way to rebalancing academic research output within Northern Ireland. The optics of such measures, as I suggest filtering down through the NI Unionist civic communities and has resulted in increasing levels of distrust between the Unionist and Nationalist communities.

The Queen's University-Ulster University joint ARK (2018) research project found that 59% of Catholics described themselves as Nationalist last year compared to 50% in 2018. The figure is the highest recorded figure of any Northern Ireland Life and Times (NILT) survey since 2003. Two-thirds of Protestants (67%) described themselves as Unionist compared to 55% in 2018. In various NILT surveys since 1998, distrust and polarisation between the two main communities within Northern Ireland has increased from the signing of the Good Friday Agreement and in 2018.²⁷ The two main communities within Northern Ireland in May 2022 are again at loggerheads after the results of the 5 May 2022 Assembly Referendum. The DUP having lost some 40,000 votes, have resisted calls to return to the NI Executive because of pre-election manifesto commitments given by the DUP in relation to the NI Protocol. For many NI Unionists, there is a growing feeling that the Good Friday Agreement (1998), power-sharing and the New Decade New Approach Deal (2020) has delivered nothing of any significance for the Unionist community. A political vacuum within Northern Ireland becomes increasingly likely as NI Unionists feel increasingly disenfranchised in the employment sectors that the NI university sector feeds into.

Given the QUB 'cold house' petition that was signed by 3,500 people in January 2020, the 'collapse' of Stormont on the 3 February 2022, and the increasing Unionist political perception that the NI university sector is marginalising Unionists, the

²⁶ <https://www.belfasttelegraph.co.uk/news/northern-ireland/qub-should-focus-on-attracting-working-class-unionists-instead-of-irish-language-residency-scheme-claims-wells-41352572.html>
<https://www.belfasttelegraph.co.uk/news/northern-ireland/low-number-of-queens-university-belfast-academics-from-a-protestant-background-a-cause-for-concern-41305412.html>
<https://www.belfasttelegraph.co.uk/news/education/protestants-and-universities-the-students-hit-back-28498312.html>

²⁷ <https://www.belfasttelegraph.co.uk/news/northern-ireland/northern-ireland-public-became-more-polarised-in-the-run-up-to-brexit-research-39291878.html>

Unionist political parties, if they are to return to devolved government in 2022 may wish to reflect that the NDEA Deal commitments agreed to in January 2020 were never addressed. Since January 2020, the under-performance of the Unionist professional and managerial networks, vis-a-vis, the perceived success of Nationalist professional and managerial networks in influencing policy outcomes has become a media concern for the Unionist political elites. Central to the respective successes of both Nationalist and Unionist professional, managerial and academic networks, is community progress within the NI university sector. If that is so, the demographic data included within the FOI Act replies within the Appendix making depressing reading for the NI Unionist community.

Demographic Comparators

Without the results of the NI 2021 census to guide us, in the interim, according to the Labour Force Survey Religion Report (January 2019) (LFSRR) between 1990 and 2017 the proportion of the population of NI aged 16 and over reporting as Protestant had fallen from 56% to 42%, while the proportion reporting as Catholic increased from 38% to 41%. Data from the 2011 census is also included within this report of the age ranges of children within NI who would now (in 2021/22) be entering or passing through the NI university sector. Within the NI university sector, it would be reasonable to assume that academics and students reporting as either Roman Catholic or Protestant will mirror the LFSRR 2019 figures, or the forthcoming 2021 NI Census figures, that is, if educational equality of opportunity at primary and secondary school level in NI is a reality.

Any significant deviation in the demographic data within the NI university sector from the LFSRR data poses problems for the NI universities and the regulators. Deviations from expected statistical norms, are problematic, more so for the NI Unionist population who are the minority community with many sub-sectors within the NI university sector.

The importance of under-representation of any community within the NI university sector cannot be overstated, given the importance of a university education in relation to employment status, employment mobility, property acquisition, lifetime income and life opportunities of the university graduates and their family members. It should be recalled that in the late 1960s, when the NI Nationalist community demanded equality within Northern Ireland through the NI Civil Rights movement, the demands were for equality in housing, employment and representation, not educational equality or equality within the NI university sector. NI society changed phenomenally from 1972 as a result Direct Rule and the hands-off government agencies associated with Direct Rule. Within two decades, between 1972 and 1998, there was a noticeable rebalancing of Catholic / Nationalist economic, housing and political representation. Over the same timeframe, I suggest, evidence of Unionist under-achievement in the NI education sectors is strong and that the NI university sector has been poorly monitored and regulated vis-à-vis other social and economic sectors within NI.

As NI moves ever closer to holding referendums that may change the status of Northern Ireland, other research undertaken by Dr Cooke between 2018 and 2022 indicates that the Unionist and Loyalist communities feel ever increasingly under threat. Within working-class Unionist neighbourhoods, continued and growing threats of marginalisation will lead to civil unrest and public disorder. In April 2020

and again in November 2021, civil unrest did break out in Unionist communities around the NI Protocol.

It is within working-class Unionist neighbourhoods, that marginalisation within the NI university sector is most evident. It is within these communities that resistance to moves towards Irish unification will be most active. As Catholics and Nationalists within Northern Ireland felt marginalised in the 1960s, working-class Unionists and Protestants in 2022 feel abandoned by a state and a system of power-sharing government that they feel has delivered nothing for them in two decades. The implications of marginalised working-class Unionists abandoning the institutions of the Good Friday Agreement and creating a political void for others to fill, is something the NI university sector needs to consider. The NI Assembly election results of May 2022 could see a substantial number of working-class Unionists abandoning the political system and creating a level of political instability and dysfunctionality not seen in NI for many years. Should political and civil violence return again to the streets of NI, the implications of this violence for continuing to attract foreign students into Northern Ireland university sector are significant. The inability to advance NI working-class Unionists into, and up through the NI university sector, is I suggest, creating an inward looking Unionist community who may have little other option but to use violence to have their collective voice heard.

The NI Community Relations Council found that Northern Irish Protestant boys on Free School Meals Entitlement (FSME) are seriously underachieving at school. Only children from Roma or Traveller families have a poorer school performance. At the other end of the spectrum Catholic girls from better off backgrounds are only outperformed by well-off Chinese pupils. The 2014 Report found that 76.7% of Catholic non-FSME girls in NI obtained 5 good GCSEs whereas only 19.7% of Protestant boys with FSME, achieved the same standard. For Northern Irish pupils as a whole, 62% obtained the target of 5 GCSEs.²⁸

The age demographics of the NI school population are another benchmark figure when considering the demographics of the NI university sector. The increase in Catholic / Nationalist school children in the primary and secondary school sectors is often, too simplistically, argued to be the cause of Unionist under-representation within QUB and UU. In reality, within NI the indigenous Protestant / Catholic school populations have also been skewed by two decades of inward migration. Table DC2253NI of the NI Census 2011 indicates that the religious balance of NI has been skewed by migration from within Europe (since 2004). It is likely that this inward migratory pattern will have further increased from 2011 until 31 January 2020 when the UK (through Brexit) left the EU. The two key demographic groups that have changed the school population of NI are the groups from the EU accession countries (post 2004) and the Republic of Ireland (as indicated in the table below).

Inward migration to NI	Protestant	Roman Catholic
ROI	8,546 (26%)	24,148 (74%)

²⁸<https://educationni.wordpress.com/2014/04/10/northern-irish-protestant-boys-underachieving/comment-page-1/>

EU Accession countries (post 2004)	<u>2,220 (9%)</u>	<u>22,539 (91%)</u>
Total	10,766 (18.7%)	46,787 (81.7%)

The above figures for migration from EU accession countries and the RoI into NI can be further broken down into age ranges which impact upon the NI education sectors. Table DC2253NI (from the 2011 census results) indicates that the age populations within NI from these two destinations are as follows;

Age	Protestant	Catholic
0-4	93	1,116
5-9	194	1,634
10-14	189	1,925
15-19	201	1,634
20-24	<u>363</u>	<u>3,235</u>
Total	1,040 (10%)	9,544 (90%)

Whether Brexit diminishes these migratory patterns within NI it is yet too soon to say, however, it appears that since 2004, the EU Accession Treaty has been partly responsible for maintaining and increasing the size of the NI Catholic school population over the size of the Protestant school population.

Another set of data released by the NI Department of the Economy, was the recent NISRA 'Enrolment UK Educational Institutes, NI Analysis 2019/20' report. Page 15 of the NISRA report indicates that in the year 2019/20, there was 59,075 students resident in NI attending NI higher education institutes. However, students from NI in 2019/20 account for a smaller proportion of the total population of students at NI HEIs than they did 10 years ago. In 2010/11, students from NI accounted for 85.8% (48,580) of the total population of students at NI HEIs. By 2019/20 this proportion has decreased to 77.8% (45,980).

In 2019/20, 62,500 NI students were enrolled at UK HEIs. In 2019/20, 73.2% of NI domiciled enrolments were full-time.

Of the 62,500 NI domiciled students enrolled at UK HEIs in 2019/20; 73.6% (45,980) were enrolled at NI HEIs (including 6.8% studying locally at the Open University), and the proportion studying in GB (26.4%). In the past I have suggested to the NI Equality Commission, that the NIEC was negligent in making the assumption that this 26.4% of NI students chose to move to mainland GB for their higher education because of positive reasons and that. The NI Equality Commission, neglected the possibility that for the Unionist school-leaving community, there were increasing negative reasons to reject QUB and UU as suitable (and also less expensive) places of higher education. The reasons why Unionist parents and school children preferred the higher expense of choosing GB higher education institutions over NI higher education institutions, has I suggest not been fully or properly researched.

Of the 59,075 students enrolled at NI HEIs in 2019/20, 77.8% were from NI, 5.9% from GB, 3.5% from the Republic of Ireland, 0.6% from other EU countries and 12.1% from non-EU countries.

Total HEI students	59,075 (all students studying in NI in 2019/20)
NI students	45,960

GB students	3,485
Republic of Ireland students	2,067
EU students	354
Other non-EU students	7,148

The NISRA Report confirms that 16,515 NI students chose to continue their education within GB higher education institutions, whereas 45,980 NI students chose to be educated in NI higher education institutions (including within that figure 4,230 people who enrolled in the OU programme of higher education). Removing those students who enrolled on the OU online learning programme, 58,265 NI students were engaged in higher education, with 71.6% preferring institutions within NI and 28.4% preferring institutions in GB. It is against this statistical data, that benchmarked observations will later be made in the report, to suggest that in various courses, schools and campuses, Unionist university students and staff are under-represented.

Democratic and Accountability Deficits within NI

This Report argues for the creation of an independent university regulating body within Northern Ireland. The following sections within the Report outline the rationale for a new independent university regulator. There is however one over-arching reason for the creation of an independent regulator within NI that does not exist elsewhere within the UK. Within Northern Ireland, the period between 1972 and 1998 was known as a period of democratic void, when regional government at Stormont was suspended and NI was governed under a process of Direct Rule by a Secretary of State aided by the NI Office and newly created government agencies. Post-1998, and NI has been governed (intermittently) by a power-sharing Executive and a local Assembly. Since 1998, the power-sharing governance arrangements under the GFA have struggled to continue. Whilst Stormont has been suspended several times, the NI Assembly has persistently struggled to hold to account the NI Executive.²⁹

Within the NI Executive, the SDLP, SF, Alliance, DUP and UUP political parties all shared power between January 2000 and May 2020. In May 2022, after the NI Assembly election there are substantial political problems that may see the NI Assembly suspected yet again. The DUP and the TUV were elected by 250,000 Unionist voters on a mandate not to return to Stormont unless the NI Protocol and the Irish Sea Border posts were removed. The political parties within the NI Assembly that are not part of the power-sharing government are small and are politically unable to hold to account the NI Executive. Paradoxically, if all NI political parties belonged to the NI Executive, the NI Assembly would be less able to hold the NI government and the NI government departments to account. Theoretically, the function of all elected assemblies and parliaments is to hold the Executive to account and to ensure government departments function effectively and efficiently.

In 2021, the Scottish government and the government at Westminster announced public inquiries into aspects of their respective Covid-19 strategies. Within Northern Ireland, it has transpired that some 40% of all Covid-19 deaths occurred within the NI

²⁹ <https://publications.parliament.uk/pa/cm201719/cmselect/cmniaf/613/613.pdf>

care-home sector. However, as yet, the NI Executive has not authorised a public inquiry into Covid-19 deaths in the NI care home sector. Sharing power within NI was required in 1998 to address a democratic deficit, however, power-sharing also enables Executive Ministers to self-protect and to protect their respective departments from public censure.

The RHI Public Inquiry exposed how NI government ministers and senior civil servants can self-protect and cover up their errors. In 2017, poor governance within one NI government department brought about the collapse of the NI Executive. NI Assembly members sitting in the Assembly, or in Committee, are (potentially) faced with exposing departmental failings whilst at the same time opening-up their Assembly party colleagues who sit as Ministers in the Executive, to criticism. Hence, when QUB ‘opened-up’ for face-to-face learning in September 2020, should any NI Assembly member critique the NI Executive and QUB’s Covid-19 risk assessment decisions, they would at the same time be criticising senior members of their own parties. Parliamentarians who criticise their government ministers are in danger of losing the party whip and the benefits that come from being within a larger political party. When in April 2020, the SDLP and Alliance parties (finally and publicly) advocated for an inquiry into Covid-19 care home deaths within NI, the NI Assembly had been dissolved and the possibility of a NI Executive quickly resuming was remote.

The ‘dysfunctional’ NI Executive that collapsed in 2017 because of allegations of financial malfeasance, is a small yet very powerful, draconian institution because the NI Assembly members and Committees have a poor track record of holding the NI Executive to account. Throughout the NI Covid-19 crisis, the NI Executive, implemented Covid-19 lock-down legislation and curtailed human and civil rights, without the engagement of the NI Assembly. In the absence of a parliamentary system of government that has within it strong opposition parties, the NI public, public sector stakeholders and the UK Treasury require strong, independent regulatory bodies. This Report argues that the absence of a democratic deficit in 1972-1998, the existence of a self-protecting NI Executive since 1998, ineffectual NI Assembly Committees, over-stretched public sector auditing bodies, a sustained period of ‘direct rule’ from 2017-2020, substantive S.75 equality screening failures, and the existence of a powerful NI university sector, demands that a NI university regulatory system similar to that within England and Wales is created.

QUB were asked to provide all Covid-19 risk assessment data sent to the NI university funding department that allowed QUB to provide face-to-face tuition in September 2020. QUB confirmed by way of a FOI Act reply (FOI-23-056, 16 March 2023) that *‘Whilst the University followed the guidelines provided by the PHA and DoH during the pandemic, there was no requirement to seek DfE approval, therefore this information is not held’*. What is of concern is that QUB sent no Covid-19 risk assessments to the PHA, NI DoH, NI HSE, NI Executive and the DfE simply allowed QUB to open up for face-to-face tuition without asking for evidence of QUB Covid-19 risk assessments.

2.00 Section 75 Equality Screening Failings in the NI University Sector

The Irish News reported how certain members of the Nationalist community raised concerns after the Armagh, Banbridge and Craigavon Borough Council decided to hold the St Patrick’s Day parade in Armagh on Saturday March 16, 2019 and not on

Sunday 17 March 2019.³⁰ Understanding the importance of S.75 screening, the Nationalist community suggested that the local council did not equality screen the decision before it was taken. Whether equality screening, was or was not, required in this particular case was the subject of political debate and disagreement within the Council. However, the NI Equality Commission directives suggest that such decisions should be screened. The Equality Commission's website states: *"If a policy shows a possible 'adverse impact' on any group, the public authority must consider how this might be reduced. The Equality Commission confirms that "this would include how an alternative policy might lessen this effect and serve to promote equality of opportunity and good relations."*

More recently, Belfast Live confirmed that the Department of the Economy (NI) failed to undertake S.75 equality screening exercise in the handling of the High Street Voucher scheme.³¹ What is important, and relevant with this particular Section 75 screening failure is that; (a) the screening failure follows on from a series of systemic DfE equality screening failures and (b), the way in which the equality screening failing (omission) was addressed by the Equality Commission NI, when for several years the ECNI has stayed (publicly) silent about systemic S.75 equality screening failures within the NI university sector and how these failings might impact upon the NI Unionist / Protestant academic and student communities.

Geraldine McGahey, Chief Commissioner, Equality Commission for Northern Ireland highlighted the importance of S.75 equality screening within NI government programmes when she said that the investigation of the High Street Voucher Scheme identified a number of areas where the Department for the Economy failed to comply with its Equality Scheme commitments in relation to the equality screening of the High Street Scheme. "The report outlines several recommendations for the Department to action," she said. "By implementing these recommendations, they will put equality of opportunity and good relations considerations at the centre of their policy making and service delivery processes, as they are required to do to comply with their Equality Scheme. "We are recommending to the Department that an equality assessment is undertaken at the earliest opportunity during its policy development process. "Also, that they take a clear, consistent approach to this and finalise any screening documentation in a timely manner, before presenting it and all the relevant information to the decision maker for the policy concerned. "All departmental policy officers should implement the screening practices committed to in the Department's Equality Scheme and ensure they fully understand the purpose of equality screening.

The paradox, perhaps even the hypocrisy of the above statements is that the ECNI, cannot simply stand on the 'side-lines' over some DfE equality failures whilst at the same time publicly criticising the same NI government department for equality screening failings in March 2023, when the ECNI was made aware numerous times

³⁰ <https://www.irishnews.com/news/northernirelandnews/2019/02/09/news/no-quality-assessment-carried-out-controversial-st-patrick-s-day-parade-1547984/>

³¹ Belfast Live, 'Department for the Economy failed to comply with equality commitments on High Street Voucher Scheme report finds', 10 March 2023, <https://www.belfastlive.co.uk/news/departments-economy-failed-comply-equality-26420031>

from 2018 that the same NI Department has authorised substantial annual capital and grant funding to the NI university sector in the absence of S.75 equality screening exercises, for example, in the funding of the new UU Belfast campus and in the awards and funding of PhD scholarships. To add to the confusion, the ECNI has at the same time stubbornly refused to address the S.75 screening omissions in the demise of QUB's Union Theology College. The difference in 'double-standards' in the actions of the Equality Commission NI in relation to its voiced concerns over the High Street Vouchers and its public silence in relation to the absence of equality screening within NI's seminal knowledge-based sector, simply gives rise to growing suspicions within the NI Unionist political and civic communities, that the Equality Commission NI is a partial office that has no interest in protecting the NI Unionist community.

It is within the realm of promoting equality of opportunity and good relations in the NI university sector, that I suggest, based on the data provided below, there has been systemic and profound equality failings in the NI university sector. In addition, I suggest that in many instances, where equality screening exercises have been undertaken they have been perfunctory and superficial. At best, they are of little value and at worse they are designed to camouflage equality failings, and therefore, missing or inattentive S.75 equality screening exercises call into question the efficacy of the 1998 GFA equality commitments. The S.75 equality failings within the NI university sector allow NI Unionists to argue that marginalisation arises within the NI university sector. Furthermore, not only should QUB and UU scrutinise all historical funding and appointee decisions taken in the absence of S.75 equality screening, the NI regulators who monitor equality and financial decisions within the NI university sector should be invited to explain why historically these matters have been of little concern. Given the extent of the S.75 equality screening failings within the sector, the equality commitments of QUB and UU can justifiably be questioned.

Statutory Section 75 Equality Screening Obligations

In 1998, Section 75 of the Northern Ireland Act aimed to change the practices of government and public authorities so that equality of opportunity and good relations became central to policy making and service delivery. Section 75 statutory duties aim to encourage public authorities to address inequalities and demonstrate measurable positive impact on the lives of people experiencing inequalities. Its effective implementation should improve the quality of life for all of the people of Northern Ireland. These duties apply to designated public authorities, including government departments and agencies, local councils, health trusts, housing associations, colleges and universities, and education and library bodies.

The ECNI confirms that public authorities need to consider equality in all aspects of their organisation. This includes how they plan and deliver a service, to policies on employing people, enforcing the law, buying services, approving budgets and regulating others. Integrating equal opportunity principles and practices from the outset ensures that equality considerations are mainstreamed and built into the policy development process from the beginning, rather than being bolted on at the end. Mainstreaming can help improve methods of working by increasing a public authority's accountability, responsiveness to need and relations with the public.

Section 75 requires public authorities to have due regard for the need to promote equality of opportunity between: persons of different religious belief, political opinion,

racial group, age, marital status or sexual orientation, men and women generally, persons with a disability and persons without, persons with dependants and persons without. The promotion of equality of opportunity entails more than the elimination of discrimination. It requires proactive action to promote equality of opportunity and encourages public authorities to take action to address inequality among the groups listed above. The Equality Commission emphasises that the good relations duty embraces and extends beyond the religious / political dimension of 'community relations'. Consideration of the needs and interests of all minority ethnic groups is also important in this context. Public authorities must recognise the inter-dependence of equality and good relations.

Section 75 equality screening identifies policies that are likely to have an impact on equality of opportunity and screening helps to mainstream considerations of equality of opportunity into the policy making process. To be effective, it is important that public authorities commit to screening at the start of the policy development process, rather than when the policy has been established. This helps to identify any policies that are likely to have major equality issues, and if so, they must be subject to a full equality impact assessment (EQIA). In terms of the practical implementation of S.75 equality screening exercises, single decision-makers, as opposed to integrated teams of decision-makers, more so, if the decision maker's decisions are not subject to periodic monitoring and analysis can (paradoxically) perpetuate existing inequality practices.

In addition, S.75 equality screening relies heavily upon compiling and maintaining statistical data-banks, ensuring that all relevant data is obtained and then periodically reviewed. Comparing the equality data obtained with equality objectives and addressing any statistical deviances is essential if screening is to be useful in eliminating inherent inequalities that in turn give rise to indirect discrimination. Indirect discrimination can be unintentional and may arise as an innocent consequence of failures to screen business policies, programmes and project decisions. Unless all relevant equality data has been regularly collected, collated and monitored, S.75 equality screening exercises are simply perfunctory. Within the assessment and award of DFE PhD funded scholarships and QUB's Appeal and Complaints systems this Report suggests that there major flaws arising from equality data collection voids which in turn suggests that S.75 equality screening was ignored and that the potential for indirect discrimination civil claims exist.

The ECNI suggests that there are a range of factors that should be considered when implementing the Section 75 statutory duties:

- 1 Audit of Inequalities
- 2 Action measures and outcomes
- 3 Assessment of equality implications
- 4 Consultation
- 5 Complaints and investigations
- 6 Monitoring
- 7 Annual Progress Reports

8 Five year review of equality schemes.

I am of the opinion, based on several years of academic research beginning in 2016, that there is no, or very little evidence, that UU and QUB embarked on any of the above eight strategies in the award of NI Departmental or other UKRI PhD scholarships and that FOI Act responses from the DfE and NIEC confirm that no internal or external audits of the S.75 equality screening obligations within the PhD scholarship programmes were undertaken by the universities, the funding department or the independent regulators. Importantly, when the FOI Act datasets within the Appendix on academic staff levels within certain academic disciplines are examined, there are indicators within the data that NI Unionist recruitment within the NI university sector was declining at a rate that should have invited university scrutiny and / or serious Equality Commission monitoring. Regrettably, the protected whistle-blowing disclosures made to the NI Equality Commission in 2017/18 on these Section 75 concerns failed to galvanise the NIEC into action.

Multi-variable data presented by QUB and UU in tabular form to the DfE in relation to university PhD scholarship progress failed to include the necessary statistical data that would allow S.75 equality screening measures to be undertaken. When analysed (by the author of this Report) the PhD data indicated serious concerns over delayed PhD thesis submissions, PhDs awarded to under-graduate students who did not have the necessary research competencies and PhD drop-out rates. The PhD data received when analysed was then the subject of another whistle-blowing exercise in 2018 within which questions were raised to the DfE about the value-for-money monitoring of annual DFE/DEL PhD scholarship programmes.

PhD funded scholarships within UU and QUB (between 2000 and 2018) were essentially awarded by individual, or small cohorts of academics, without any centralised analysis of the equality implications of the scholarship awards. Given that PhD awards within QUB and UU have a nexus with academic employability at QUB / UU, 17 or 18 (+) years of PhD scholarship screening failings has, I suggest, impacted upon the employment of minority (protected) groups within the academic and research communities at QUB / UU. On 30 March 2022, the UU provided by way of a FOI Act request, data on the employment of academics and researchers within the four UU campuses. Ulster University confirmed that between 2016/17 and 2021/22 Protestant researcher and academic employment decreased substantially inviting questions about S.75 equality screening undertakings not only in PhD scholarship awards but throughout the university;

UU Campus	Protestant academic / research employment in 2021/22
Belfast	declined from 36% to 23% over a 5 year period
Jordanstown	declined from 40% to 27% over a 5 year period
Coleraine	declined from 41% to 20% over a 5 year period
Magee	declined from 19% to 12% over a five year period

Given the changing demographics within NI indicated in the 2011 census, and the creation of equality legislation within the GFA framework, any failure to apply equality legislation, more so over a sustained period of time has the ability to allow structural changes to arise within NI that can subsequently give rise to social and community

unrest in a deeply divided and fractured society. The failure to apply S.75 screening to QUB / UU PhD scholarship programmes between 2000 and 2018 allows fundamental questions to be raised in relation to the research output of the NI university sector and in the recruitment of academics which is today contingent upon obtaining a PhD. I believe, that in the absence of S.75 equality screening exercises carried out on all PhD scholarship competitions (between 2000 and 2018) at QUB / UU, that Vice-Chancellor, student's union and staff union statements that there is no Unionist marginalisation within the NI university sector cannot be justified. The legal basis to suggest that marginalisation of Unionist academics, researchers and students within the NI university sector, in the absence of compliant equality screening programme, does not exist! Moreover, I suggest that the reverse is more likely to be true, that if S.75 equality screening exercises have not been undertaken, indirect discrimination, is a probable consequence of the screening failures in a sector that is highly political.

If, as is claimed, UK equality legislation is directed to ensure primarily equality of opportunity, and not equality of outcomes, though evidently, equality of opportunity in university procedures and processes, should (in theory) bring about equality in outcomes, the failure of Queen's University Belfast, Ulster University and the Equality Commission NI to ensure that S.75 equality screening exercises were applied to departmental and other PhD scholarship competitions over two decades presents systemic problems for how 'impartial' or 'biased', academic literature is perceived within several communities within Northern Ireland. Simply put, S.75 equality screening failings in the consideration and award of PhD scholarships (by QUB, UU and external monitoring agencies) were procedural and process equality failings, that were detrimental to ensuring equality of outcome for the minority NI Unionist student and research populations.

S.75 Equality Screening of DfE PHD Scholarships

In a redacted email send from a 'NI government department' to the NI Audit office on the 14 February 2022 (and thereafter confirmed within a subsequent FOI Act reply to the author of this Report) the 'Department' (finally) states its legal understanding in relation to the (Department's and to other's) Section 75 equality screening omissions and ultra-vires government spending in relation the DfE PhD scholarship programmes. In the redacted email, the Department admits to the NIAO to the possibility of there being '*historical non-compliance with Section 75 duties*'. The Department's email suggests that S.75 equality screening failures do not invalidate or make unlawful government spending programmes. This argument, if legally justified, relieves the department of any obligations to ensure that PhD spending programmes should have been first subject to S.75 screening. If the argument is justified, it means that all funding programmes agreed by the Department of Finance and authorised through the different NI government departments do not legally need to be subject to equality screening! If this is the case, then one of the major equality tenets contained within the GFA is brought into question and S.75 equality screening within the NI public sector is simply a sham with no meaningful purpose. If the Department's legal opinion, one that self-protects the Department's own failings has been endorsed and universally applied across all NI government departments, then all NI public (and private) sector employers, other large institutions, and organisations can disregard S,75 equality screening as being central to their decision-making and spending programmes. The implications of the DfE's legal

interpretations of the 14 February 2022 are widespread for public sector governance within NI and for the NI political parties who in good-faith considered that equality screening was built-into all NI government spending decisions

The Department, on the 14 February 2022, correctly admits to the ‘*wide-reaching implications*’, of rigorously applying S.75 equality screening requirements to Departmental spending programmes, however, the political ramifications of the failure to apply the same equality criteria to government spending programmes is not considered. The Department (finally) confirmed to the NIAO, after a period of two years when the author of the Report made representations to the NI Audit Office, that;

‘The Department’s position is that any historical non-compliance with Section 75 duties has no bearing on the lawfulness of the spend. Section 75 places statutory obligations on public authorities; it does not confer legal authority to spend. The consequence of not complying with those obligations that XXXXX (Redacted) has mooted would not only nullify the spend, but would also, in consequence, nullify any actions flowing from the spend. If that consequence were intended, one would have expected it to have been specified on the face of the Northern Ireland Act. The language used in the Act militates against such a consequence (note the references to “due regard” and “regard” - section 75 does not guarantee the promotion of equality or good relations) and the ECNI’s own guidance recognises that there has to be a degree of proportionality (i.e. the weight that is given to either duty must be proportionate to the relevance of that particular duty to the functions of the public authority – see page 26 of the ECNI’s “Guide for Public Authorities”). I think it is worth reflecting also that if unlawful expenditure was deemed to be the consequence of non-compliance with Section 75, it would be a consequence of considerable magnitude with wide-reaching implications across many public authorities. There are well-publicised examples of public authorities not complying with their Section 75 duties’.

In the same departmental e-mail of the 14 February 2021 the Department confirmed to the NIOA that that ‘*the Department ought to have equality screened the provision of these awards at an earlier stage and we undertook to do so moving forward. This was done in October 2021*’. The question then arises, if equality screening is not legally essential to validate the DfE’s scholarship programme, why introduce the screening requirements in 2021? Had it not been for the whistle-blowers protected disclosures during 2017/18 to the DfE, it is possible that no such Section 75 changes (in October 2021) would have been authorised given that the DfE and the NIEC’s had failed over almost two decades to uncover the ‘failings’. What however complicates the department’s S.75 screening failings, is that these failings goes to the heart of academic employment and Unionist research output within QUB and UU. Importantly, and of direct concern to the NI Unionist political and civic community, the crucial matter of the IMPACT of two decades of Departmental / university sector S.75 equality screening omissions within the award of PhD funding has never been addressed by the NI Equality Commission or the Department of the Economy.

When the Department confirmed its legal interpretation to the NIAO on 14 February 2022, the NIAO, then supported the Department and confirmed that PhD scholarships in the absence of S.75 equality screening did not constitute ultra-vires

public expenditure. This interpretation by the NIAO protects the NIAO from claims that the NIAO was remiss in failing (over two decades) to ask questions when auditing the NI departments about the existence of S.75 equality screening in spending programmes. However, the NIAO's interpretation was made without reference to the NI Equality Commissions legal interpretations of equality screening requirements and without any thought of the political consequences of having to return to the GFA legislative process to amend, or clarify, defective equality legislation. In essence, the NIAO and DfE's narrow legal interpretation of S.75 equality screening obligations within NI public sector spending programmes comes at a time when the NI Executive is in suspension following Unionist political concerns over the GFA being subjugated by the NI Protocol

S.75 Equality Screening Omissions in the NI University Sector

Within certain 'politicised' academic faculties and schools, PhD scholarship awards, without centralised oversight screening and determined by individual academic assessors, are susceptible to the political and philosophical bias of the academic assessors. If this is a reasonable assumption, then indirect discrimination, within the recruitment of NI academics and researchers is a very real and distinct possibility in these faculties and schools. If S.75 equality screening was mandated in 1998 in order to help promote equality, or to help prevent discrimination, then the failure to apply S.75 screening allows a culture to exist where individual decisions makers, might, in the absence of historical oversight information, take individual decisions that constitute indirect discrimination. In 2017-2018, historical S.75 equality screening failures were brought to the attention of the DfE. I believe this intervention and exposure was instrumental in the DfE, writing to QUB and UU in 2018 to request that PhD equality screening commenced thereafter of DfE (but not other) PhD scholarship competitions. Subsequently, the DfE refused to examine and failed to invite QUB / UU to examine the historical impact of these S.75 screening failings in a sector that has been undergoing rapid demographic change. Without any such investigation, the question of Unionist marginalisation within the NI university sector can justifiably be argued but it cannot be contested on the existence of equality screening exercises that were never undertaken.

Section 75 equality screening was one of several important equality measures legislated for within the Good Friday Agreement in 1998. Sadly, it is one of the least effective legislative controls used to promote equality of opportunity and good relations within the NI education sectors. On the basis of the FOI Act replies contained within this Appendix, in consideration of non-existent S.75 equality screening exercises in the closure of university institutes and construction of campuses and upon examination of QUB's Appeal and Complaint's Office S.75 equality screening exercise, I am of the opinion equality screening in the NI university sector is a sham and that the monitoring body, the NIEC has allowed the sham of equality screening to permeate the sector by endorsing a lightweight regulatory and monitoring regime.

Whilst in theory, S.75 equality screening offers the prospects of promoting 'balanced' employment in all sectors, in practice, S.75 equality screening is either overlooked or is undertaken as a charade. In this report, I argue that government auditors participated in the charade of monitoring S.75 equality obligations within the NI university sector. More importantly, when their S.75 monitoring failures were

exposed, the regulators embarked on a policy of self-protection and denial. The NI political parties within the NI Executive had a duty to expose these historical departmental failings, however exposure of departmental S.75 equality screening errors, mistakes or omissions, would also expose the individual departmental Ministers. As it stands, conflicts of interest designed into consociation government within the NI power-sharing government conspire to help NI government departments and senior civil servants to self-protect.

That substantive S.75 screening exercises have been ignored within the NI university sector, and indeed by the NI Equality Commission, asks questions if S.75 screening was considered important only in sectors where it was important to change what was perceived as Unionist hegemony. Enclosed below are numerous FOI Act requests that address specifically S.75 screening failures in the NI university sector. A S.75 equality screening exercise undertaken by QUB's Appeals and Complaints Office (in March 2022) was so perfunctory, and devoid of information, that its utility value in ensuring that students' complaints were handled within an equality assessed framework was seriously prejudiced.

Coupled with other natural justice concerns about the design of QUB's complaint's system, individual students and marginalised students within QUB may currently be negotiating their way through a student complaint's system that; under-reports complaints, is self-protecting, and is systemically dysfunctional. If so, any form of maladministration within the design of the QUB student complaint's system invites the NIPSO to investigate QUB in order to prevent more university students being compelled by the university to engage with a legally suspect internal complaint's system that is not underpinned by the free, third-party, independent adjudication processes available in England and Wales. To the detriment of all students within QUB, students are compelled to first negotiate a QUB internal complaint system that this Report argues is compromised by S.75 screening failures, before students can access external complaint processes such as the NIEC and the NIPSO.

As a legal protection technology, S.75 equality screening within QUB and UU has been under-used, omitted and / or given only cursory attention. Moreover, failure to undertake S.75 equality screening measures as the very first undertakings in the policies and proposals to close controlled schools within NI has led to the diminution of school pupils within the controlled sector, the same sector that currently sends less (pro-rata) Protestant / Unionist children into the NI university sector than other competing sectors. In the 24-years since the passing of the GFA, only one maintained school (Seaview Glenarm) has become an integrated school in March 2021. Of the other 70+ integrated schools within Northern Ireland, the vast majority have arisen from the closure of controlled schools and their re-designation as integrated schools.

Had S.75 screening considerations been undertaken in the controlled education sector from the very outset, I believe that many of the NI rural controlled schools would not, could not, have closed. Section 75 screening operations within the primary and secondary school's sectors were only undertaken after the NI Department of Education / Education Authority had already given notice of possible school closures, by which time the future of small rural schools were already blighted in policy operations designed to prejudice the views of the pupils' parents about the continued financial commitment to the schools.

The New Decade New Approach Deal of January 2020, proposed several new policy areas. All the new policy proposals had within them S.75 equality screening implications. The promotion of Irish Language and Ulster-Scots legislation has within it, serious (and perhaps insurmountable) S.75 equality concerns. The British and Irish governments funding commitments within the NDNA Deal to the extension of the Magee UU campus were undertaken in the knowledge that there was substantive statistical data indicating that the Magee UU campus was a 'cold house' within which NI Unionist students and staff were seriously under-represented. By the same token, the commitment within the NDNA Deal to address working-class Protestant male representation within the NI university sector and the promotion of the Castlereagh Foundation, had within them affirmative equality actions that potentially gave rise to other S.75 equality screening concerns. This Report argues that if the rebalancing of NI university sector is to be achieved, positive (affirmative) action is required in order to; prevent a Unionist 'brain drain', to enthuse male Protestant / Unionist students into the sector, and to maintain Unionist academic research output. This matter is addressed in more detail in consideration of the Athena Swann and other affirmative action programmes promoted within GB to address female and BAEM representation and marginalisation within the English / Welsh university sectors.

'In recent history, more females than males have been progressing into higher education. In 2019/20, 57.7% of NI domiciled enrolments were female.' (*Enrolments at UK Higher Education Institutions: Northern Ireland Analysis 2019/20*, page 9). Under-representation of males within the NI university sector in some academic disciplines and faculties is now reaching unacceptable proportions that in turn presents structural and societal problems. When in 2017, I applied for three PhD scholarship competitions to UU to undertake research into Unionist orientated subjects, a FOI Act reply from UU confirmed that within the 3 funding applications 25 females and 13 males were invited for interview, an imbalance that thereafter impacts upon entry into the university sector and academic research output. Section 75 screening, unless properly undertaken, can allow various protected classes to become subjected to indirect discrimination. People of age, males or females, those with dependents or disabilities, transsexuals, gays and ethnic minorities are all groups better protected by fully operational S.75 equality screening commitments. By the same token, the absence of this protective equality technology potentially increases the likelihood of discrimination. Throughout several years asking for sight of S.75 screening exercises from QUB and UU, the Report concludes that on a number of occasions, FOI Act replies indicated that no S.75 screening exercises had been undertaken (see Appendix).

Additional S.75 screening concerns within the NI university sector arise over; the abolition of the Ulster-Scots Institute at UU, the abolition of the Union Theology College, university student accommodation provision, IT security programmes, the new (temporary) QUB Students Union accommodation, and the decision to build the UU Belfast York Street campus. The decision by the UU to undertake a S.75 equality screening exercise, only after the new Belfast, York Street campus was constructed, rather than at the feasibility stage, beggar's belief!

Given the seismic demographic changes in relocating students, academic staff, administrative staff, and other staff from Jordanstown to Belfast and considering the implications of student housing provision in Belfast, this S.75 UU screening failure

asks serious questions about how the Department of Finance, the DfE and other NI Executive Departments' protect the public purse. It appears from the FOI replies (enclosed below) from the DfE and NI universities, that S.75 equality screening requirements were wilfully neglected within the university sector, this in turn poses problems for those communities who see themselves as marginalised, or minority, university communities. It is often overlooked that the NI Unionist community, whilst still numerically on a par with the NI Nationalist community, within the NI university sector, the NI Unionist community is within many faculties and disciplines increasingly under-represented.

QUB, for example in February 2021 confirmed that when a new IT security system was instigated in 2021, there was no equality screening exercises undertaken. Even today, it appears that whilst QUB and UU (since 2019) were obliged by the DfE to undertake S.75 equality screening of DfE PhD scholarship funding competitions, that QUB and UU do not equality screen scholarship grants from the UK Research Institute and other UK research funding bodies. If so, the situation has arisen post-2019 that the NI universities apply equality screening for some PhD scholarship competitions, but other research funding competition remain unscreened.

PhD Scholarship Applications: Indirect discrimination arising from systemic S.75 failures.

I suggest that when applicants for government funded PhD scholarships have historically submitted their PhD proposals to QUB and UU, it is implied that PhD applications would be dealt with equitably and fairly and that statutory equality legislation (in place since 1998) to protect PhD applicants and to prevent direct and indirect discrimination, should have been an integral feature of the PhD decision-making process. However, it appears that over a period of two decades (circa. 2000-2020) PhD scholarship applicants to QUB and UU were unaware that their PhD applications were not being equality screened. This failure potentially means that large amounts of funding scholarship grant were being considered and approved by individual academics, and / or small teams of academic assessors, who in different academic disciplines may have been influenced by subjective biases.

S.75 equality screening recognises that everyone is influenced (to some degree) by their individual and community subjectivities and hence S.75 equality screening sets in place a system of balances and checks. Simply put, equality screening attempts to eliminate individual subject biases by setting in place monitoring checks. QUB and UU should have set in place the pre-requisite equality screening procedures for collecting equality data, analysing the data and reflecting upon any statistic skews discovered in order to take effective corrective action and to ensure inequalities in the system are screened out. QUB and UU failed, for nearly two decades to instigate the statutory screening requirements. Regrettably, over the same period, the NIEC failed to audit this equality screening failure and unfortunately the DEL / DfE continued (over two decades) to fund PhD scholarship awards without ever monitoring the equality regime that should have been part of the decision-making process. Substantial DEL / DfE funds were distributed by QUB/UU on behalf of the departments without being equality screened!

It is suggested that those individuals who between 2000 and 2020 took considerable time in constructing their PhD proposals for application, made the assumption that the QUB and UU's PHD scholarship application process conformed to statutory

equality legislation. Perhaps, now in 2022, some or many of the PhD applicants who applied for DEL, DfE and other PhD funding scholarships and who were rejected from scholarship funding, in light of the recent equality screening admissions from the NI universities and the department (February 2022) may find themselves aggrieved that their funding applications were not considered within a bona-fide equality screening framework.

No doubt many of these rejected PhD applicants, when they discover that the equality screening regime was defective will simply shrug their shoulders and assume that the passage of time gives them no legal remedy? The universities and the DfE may argue that no specific groups of individuals were disadvantaged by these screening failures, and paradoxically, the universities could use their won failures to collect the screening information to argue there is no evidence of indirect discrimination arising from the screening failures. However, there is now increasing data to suggest that the PhD cohorts, and the academics recruited from the ranks of PhD candidates at QUB and UU, have changed over the last two decades in terms of gender and religious affiliation.

The following information obtained through FOI Act requests suggests that two decades of S.75 equality screening failures within the NI university sector may have disadvantaged certain groups, or protected classes.

(1) Freedom of Information Act questions and answers (dated 26 April 2018) to UU in relation to PhD scholarship applications:

Q - Could the university confirm when the university /faculty will have completed their S.75 screening analysis (as now required by the Department of the Economy) of the PhD scholarship interviewing process and the PhD awarding process?

A – ‘The ‘Student Admissions’ policy is due to be re-screened in October 2018 and will be included in the University’s subsequent policy screening consultation exercise. The impacts of this policy, in terms of studentships awarded and teaching staff profile, will inform the screening’.

Q - Of the PhD candidates offered interviews, how many were Protestant and how many were Catholic?

A – ‘The University is currently in the process of developing a system for collecting this data from applicants and has agreed to implement this during 2018. This data was not collected at application for this scholarship competition’

Q - Of the PhD candidates offered interviews within my 3 PhD applications, how many were female, and how many were male?

A – 25 female and 13 male

(2) In a FOI Act reply from the UU to MP Sammy Wilson’s Office (2107) the UU confirmed that the number of registered PhD students at UU was as follows: No58 Buddhist / Muslim / Hindu / Jewish and Sikh, No 159 Protestant, No 219 Catholic (Other Religion 37, information refused 72 and No Religious Belief 151). Within the UU in 2017, the split between the Protestant / Catholic PhD community was as follows: Protestant PhD students accounted for 42%, and Catholic PhD students 58%.

Within the Humanities and Social Sciences Schools at the UU there were 73 registered PhD students (May 2017). The breakdown of the PhD subjects being studied was as follows:

PhD subjects that explore joint Unionist and Nationalist traditions - 36 (49%)

PhD subjects that explore Nationalist / Celtic and Irish research areas - 24 (33%)

PhD subjects that explore Unionist research subject areas -13 (18%).

Importantly, FOI Act questions to QUB and UU during 2017/2018 could not reveal important equality data-sets! QUB and UU confirmed that the universities failed to ask for, and hence could not retain and monitor, details of the political / religious / marital / carers / sexual orientation of PhD applicants making it impossible to undertake S.75 equality screening.

(3) Freedom of Information data provided within FOIA/18/182 by UU for DfE funded PhD applications for 2018/19, indicated that 32 scholarships were awarded by the UU to Catholics and 19 PhD scholarships were awarded by the UU to Protestants. In addition, for the same academic year 53 PhD scholarships were awarded to females and 24 PhD scholarships were awarded by the UU to males.

(4) A Freedom of Information Act Request (dated 6 November 2020 to QUB) indicated that 62 (39%) of QUB PhD funded scholarships were awarded to Protestants and 99 (61%) QUB PhD funded scholarships were awarded to Catholics.

(5) Table 31, within the Appendix to this Report indicates that within a nine-month period (September 2018 and May 2019), 21 PhD home and international candidates within QUB School of HAPP passed their Viva examinations and became doctors of philosophy. Of the 21 new doctors in philosophy, only one could be considered to have studied a 'Ulster-Scot's' or PUL academic discourse

(6) Within the UU's 2020/21 Belfast / Jordanstown graduation handbook, of the total 103 UU PhD candidates who were awarded the degree of doctorate, only one student appears to have undertaken a PhD into an Ulster-Scots / PUL research subject area (Border Protestants and Republican Violence).

It is possible that some (many) individuals (Protestants, Catholics, gays, males, females, disabled, transgender, and older people, etc.) who applied for PhD scholarship applications between 2000 and 2020 were disadvantaged, perhaps even subject to indirect discrimination by QUB and UU by the universities' failure to apply statutory equality screening practices in the PhD scholarship process. This failure becomes even more alarming, when the direct nexus between; obtaining PhD scholarship funding, being awarded a PhD and then being able to apply for an winning an academic or research post within QUB / UU, which today is conditional upon academic applicants holding a PhD. Besides giving rise to possible individual legal challenges, the systemic nature of the S.75 equality screening failures in considering PhD applications, may have impacted on the changing demographics of NI's research establishment and importantly, the research output from the NI universities.

Is it possible that any disgruntled PhD applicants, if upon learning of the PhD equality screening failures have cause for legal redress and compensation for having their proposals rejected? Well, if QUB / UU are considered to have a legal duty of care to the PhD applicants, perhaps some of the rejected applicants do have a legal case contingent upon the statute of limitations. Normally, anyone wanting to bring a claim in the Employment Tribunal must generally do so within three / six months of the date of the act complained of (although there is some ability for that deadline to be extended in certain circumstances). The Limitation Act allows actions for breaches of contract and tort, such as negligence, to be brought within a statutory period of six years. It is nevertheless, still possible (but difficult) to bring tortious or contractual claims into the civil courts outside the six-year limitation period if the damage complained of was not discovered until after the expiry of this period.

If 'Latent damage', can be shown, the claimant has three years from either the date of knowledge of loss, or the date when it ought to have reasonably known about the loss. The time period runs from the date the damage is suffered. If issues of 'fraud' are involved, the time limit for a claimant to make a claim is within six years and the time does not begin to run until the fraud has, or with reasonable diligence would have been discovered. An issue to be considered here is when a defendant deliberately conceals any fact relevant to the cause of action. If facts related to a claim made by a claimant have been concealed by defendant, it is possible for the limitation period to commence after the claimant becomes aware of the relevant facts. This presents problems for QUB and UU who awarded PhD scholarships after they were notified that the PhD application process was ultra-vires breaching S.75 equality screening requirements.

In addition, civil claims can still be made by claimants even if the limitation period has passed, however defendants, in this case the universities, can (and will) raise the defence that any such claims are statute barred. Nevertheless, the courts have the equitable discretion to allow statute barred claims to proceed if there are 'very good', case specific reasons for allowing each case to proceed. The 'very good' reasons could be related to 'latent' public policy failures, cases where large classes or groups of individuals have been unlawfully disadvantaged, or, where the defendant has allegedly, discretely and improperly failed to apply statutory legislation or, perhaps if the actions of the defendant were found to be ultra-vires. Whether PhD applicants who made funded scholarship applications back in the 2000s to QUB / UU and who had their applications rejected now have a claim against QUB / UU for failing to consider their applicants within an statutory, over-arching S.75 equality screening framework, is dubious, but perhaps not impossible.

UK Research Institute, NINE, Northern Bridge Scholarship and Research Funding

Of specific concern to the various UK research funding programmes should be the existence of a different equality regime within Northern Ireland to the equality regimes that exist within the rest of the UK. Over the last two decades, NINE, Northern Bridge and other UKRI scholarship and research funding programmes has helped to fund substantial research projects at Queen's University Belfast and Ulster University, however in 2018, the NI Department of the Economy and all other research funding programmes were called into question, when it was discovered that statutory S.75 equality screening had never been applied to departmental PhD scholarship competitions.

Supposedly since 2019, thought it might not have been effective until 2021, the NI Department for the Economy PhD scholarship funding programme has been made subject to S.75 equality screening legislation, however, NINE, Northern Bridge and other UK Research Institute programmes are not subject to the same standard of legislative equality controls. The equality commitments that each of the UK research funding institutions and grant awarding bodies commit to, whilst they might be fundamentally sound within GB, they are suspect in terms of research funding within Northern Ireland.

Within NI, most university research funding, in some form or other, emanates from the UK Treasury. NINE, Northern Bridge and other UK research funding within NI has not been subjected to S.75 equality screening and the DfE reasons that the NI universities do not need to screen PhD and other research funding emanating from GB institutions! If, this is the case, PhD and other UK research funding directed to QUB and UU may be legally suspect and hence ultra-vires because the research funding grants are not subject to the same equality impact assessments within QUB / UU as they would be within GB universities, if S.75 screening omissions at QUB / UU continue to be permitted?

Within England and Wales, indirect discrimination is the legal term that describes situations when policies, practices or procedures are put in place that appear to treat everyone equally but, in practice, are less fair to those with a certain protected characteristic under the Equality Act 2010. Within England and Wales, some universities have taken equality measures to avoid indirect discrimination practices arising. Cambridge University for example states that 'As indirect discrimination is often not obvious, the University has developed an Equality Impact Assessment process, which reviews policies and their implementation, in order to avoid indirect discrimination'.³²

In relation to Northern Ireland, the failure to undertake S.75 equality screening exercises can more readily give rise to universal claims of indirect discrimination. It is the absence of S.75 equality screening in university PhD funding decisions that theoretically, opens up UU and QUB academic recruitment policies and practices to universal claims of indirect discrimination. Within Northern Ireland, individuals the right not to be disadvantaged by a policy at work because of their religious or similar philosophical belief or political opinion. Indirect discrimination occurs when a policy is applied equally to everyone, but which may put people of a particular belief or political opinion at a disadvantage.

Statutory S.75 equality screening requirements impose equality screening obligations on employers to design out when policies and procedures or practices are first proposed to ensure that indirect discrimination does not arise. In the absence of S.75 equality screening, the NI Universities cannot claim that their equality commitments have been properly or adequately scrutinised. Indirect discrimination is when a working condition or rule disadvantages one group of people more than another. For example, saying that applicants for a job must be clean shaven puts members of some religious groups at a disadvantage. However, if applying for a career as a university researcher or an academic within Northern

³² <https://www.equality.admin.cam.ac.uk/training/equalities-law/key-principles/indirect-discrimination>

Ireland is contingent upon first obtaining a PhD, and if DfE, DEL, NINE and Northern Bridge PhD programmes are not subject to equality screening, then this report suggests that there are equality failings, previously reported in 2017-2018 to the DfE and NI Equality Commission, that have not been addressed.³³

S.75 Screening Failures in the provision of the new UU York Road campus

As documented elsewhere within the NI University Sector Report, the DfE and Invest Northern Ireland subsidised (through substantial multi-million pound grants and loans) the expansion of the Ulster University campus at Belfast. The decision to provide a new UU campus at Belfast, or more accurately to abandon higher education provision at the Jordanstown campus and relocate higher education back into Belfast was taken some 15 years after the earlier Spingvale university campus proposals for West Belfast were abandoned. Importantly, the UU confirmed (see the appendices of the Report) that prior to the formalisation of the new Belfast UU campus and the various decisions by the DfE and Invest NI to fund the new York Street campus, no S.75 equality screening exercise on how the new UU campus would impact upon the demographics of the UU, QUB or indeed the general population of Belfast was undertaken. In this funding and equality failing, questions about the monitoring role of the ECNI also need to be asked. De-facto, departmental NI and government funding of the new UU Belfast campus was ultra-vires in the absence of statutory S.75 equality screening.

The decision to relocate the Jordanstown camps to Belfast has caused major environmental and infrastructural problems that indicate in 2022/23, that the feasibility planning of the new campus was not properly undertaken. Post-traffic management proposals are today, in 2023 being considered in order to make the area around the new campus safe for pedestrian traffic. However, any such proposals will impact on vehicular access to the M2. In addition, the provision of new student accommodation to service the new UU campus at York Street was not considered, as it should have been within preliminary environmental feasibility and S.75 equality screening studies. Ciaran Bartlett suggested on the 16 January 2023 (in the Belfast Telegraph) that 'My beloved Belfast is selling its soul to universities'.³⁴ Sadly, this view is echoed by many within the Nationalist community of Lower North Belfast who fear the destruction of their community, in the same way that QUB and UU destroyed the resident community of the Holyland.

In addition, the failure to undertake S.75 equality screening exercises in advance of the decision to fund the UU York Street campus has also brought forward equality issues for the NI Unionist and Orange parading communities. The UU has ignored these communities when planning the York Street campus and the associated student housing infrastructure and to date the Equality Commission NI has shown little interest in holding UU to account. The provision of thousands of student flats and rooms in new student hubs at York Street, Donegal Street and Gresham Street, Belfast impacts on the continuance of the Orange West and North Belfast parades

³³ <https://www.nidirect.gov.uk/articles/introduction-discrimination>

³⁴ <https://www.belfasttelegraph.co.uk/opinion/comment/my-beloved-belfast-is-selling-its-soul-to-universities-42286962.html>

and presents potential policing problems for the PSNI.³⁵ It is suggested that the UU, DfE and the Equality Commission NI were badly remiss in allowing the new UU campus at York Street to progress in the absence of a statutory S.75 equality screening exercise. Alas, the DfE and ECNI, are allowed to render their equality screening failings invisible by the inability, or reluctance of the NI political community to hold the DfE and ECNI to account

The NI university sector has changed demographically because of the necessity to attract renowned academic experts from across the world. The academic changes at QUB and UU however present problems for the NI universities to ensure that local cultural, historical, arts and other social science studies and research areas are protected. As the academic cohorts at UU and QUB continue to change, the distribution of PhD research grants by global academics who may not have the same interest in the local vernacular, demands the intensified use of S.75 equality screening protections. If these equality protections are not in place in NI for the distribution of UKRI scholarships and research funding, the current trends in under-representation of NI Unionist academics, researchers and literary output is likely to continue.

3.00 The Holyland: Student housing subsidies and Unionist perceptions

In terms of UU and QUB university student accommodation provision, Tables 13(a) – 13 (c) within the Appendix indicate the degree of religious segregation in student housing provision within the Holyland HMO district of South Belfast. If the data received through FOI Act requests on the religious imbalances in the Holyland is also indicative of the national / political identity of the students, then QUB and UU over decades have turned a ‘blind-eye’ to racial segregation within a student housing neighbourhood where only 2% to 5% of Protestant / Unionist students feel safe to live. Central to this issue of student polarisation and rental subsidies, is the absence of S.75 equality screening in the provision of university student accommodation and the failure of QUB and UU to acknowledge that one student community within UU and QUB has access to cheaper university accommodation than another.

On the 7 February 2022, the Belfast Telegraph confirmed that the Holyland residents instructed a Belfast law firm to consider taking immediate legal action against the PSNI, the Department for Justice and Belfast City Council in an effort to stop anti-social behaviour in the area. Phoenix Law’s, Darragh Mackin confirmed that a number of residents in the south Belfast area are looking to “challenge the current regime in place”. This report suggests, based upon many years of observation, that the Holyland residents have just cause for holding QUB and UU vicariously liable for the anti-social actions of QUB / UU students based on the economic nexus between the students and the universities. The continuing and systemic unacceptable levels of anti-social, racial and sectarian behaviour within the Holyland HMO

³⁵ <https://www.belfasttelegraph.co.uk/business/northern-ireland/belfasts-biggest-student-development-yet-a-step-closer-at-old-tele-car-park-42284157.html>

neighbourhood has finally driven the Holyland residents to seek legal remedies. The visibility of this continuing Holyland problem, as regularly portrayed within the NI mainstream media, presents substantial problems for NI Unionist school leavers, students and their families in choosing their preferred universities, and in deciding whether to encourage Unionist university students to live away, or to stay at home, when attending university.

Embarrassingly, for UU and QUB it is a fact that the university students living within the Holyland do so in a ratio of 95% Nationalist / Catholic vis-à-vis 5% Unionist / Protestant. The religious / ethnic / racial imbalance of the Holyland student population is indisputable. The rationale for the extent of the student segregation in the Holyland has never been addressed by QUB, UU or the NI Equality Commission. Unionist politicians rightfully suggest that a residential student campus that was 95% Unionist would be equally unacceptable to Nationalist politicians.

During the Covid-19 academic year (2020-21) QUB confirmed (FOI-20-338, 4 Nov 2020) that as of 22 October 2020, 646 QUB students with a term time address within 18 Holyland declared that they are Catholic and 45 QUB students declared as Protestant. The UU confirmed (FOIA / 20/ 193) that at the start of the 2020/21 academic year there were 24 Protestant UU students living in the Holyland and 465 Catholic UU students residing there. The UU, in contrast to QUB, confirmed prior to the September 2020 enrolment that UU would deliver online lectures and tutorials and hence UU student numbers living in the Holyland during 2020-21 were lower than QUB Holyland student numbers.

Within the mainstream NI media and social media coverage of the anti-social behaviour in the Holyland, GAA and nationalist regalia features prominently. Within the social media sites, the sectarian nature of the Holyland anti-social student frolics are well documented. In 2017-18, QUB was sent numerous photographs taken within the Holyland of sectarian graffiti, flags and emblems that made it difficult for Unionists to feel safe living there (see below). During the St Patrick's week (March 2022), again numerous political flags, symbols and emblems were displayed within the Holyland that would make NI Unionist students reticent living in the 'cheaper', HMO Holyland residential area (see photographs enclosed).

For Unionist students at UU and QUB, the problem continues as the Holyland students' uniform of choice is not Manchester United, Liverpool or Chelsea football kits, instead, it is emblematic GAA sportswear that also dominates the QUB and UU campus grounds and buildings. Unionist university students attending the student's union, the library, sports facilities, or the lecture rooms cannot fail to be overwhelmed by the sea of Gaelic cultural / sports regalia displayed throughout the university campuses that gives Nationalist students a visual dominance imposing itself on their Unionist peers. Paradoxically, if flags, bunting and murals can be considered as sectarian markers that stake claims to different Nationalist and Unionist neighbourhoods, GAA regalia seems to have escaped being considered as a cultural marker within the NI university sector.

Each of the episodic reports of civil disorder in the Holyland, highlighted by the BBC and / or local newspapers indicates to NI Unionist students, school-leavers and parents, that there are long-standing sectarian problems in the largest student

neighbourhood interfacing QUB.³⁶ Within the social media videos of student anti-social behaviour within the Holyland, pro-Republican and sectarian songs are clearly audible. Between 2015 and 2019, there were 3,600 complaints about Student behaviour, many of those complaints were from Holyland residents. 2,510 complaints were made to the UU and 1,056 complaints made to QUB about student anti-social behaviour. The anti-social, criminal and sometimes misogynist, racist and sectarian problems within the Holyland have not been adequately addressed by the universities in over two decades. The problems within the Holyland are not new. On the 8 February 2005, the Belfast Telegraph confirmed that between October 2004 and January 2005, there were 270 complaints against students living in the Holyland.

On the 24 November 2004, the Guardian newspaper reported that *'hundreds of university students took to the streets of Belfast last night to demonstrate against a BBC documentary that accused them of anti-social behaviour. Around 400 students gathered in the Holylands area of Belfast following the 10.30pm screening of the Spotlight documentary, which showed students urinating in doorways and being noisy at night, and highlighted tensions between students and residents. Speaking as the disturbances occurred, Bronagh Hinds, from the local residents group, told the BBC: "They are chucking bottles and things at us and they are running around talking about students being discriminated against, that it is their area'*.³⁷ In 2020/21, a Holyland resident, a Catholic lady, informed Dr Edward Cooke that she had been threatened with 'the RA', by the student HMO residents who at the same time made misogynist comments about her when she appealed to the students about their drunken behaviour. The BBC 2004 Spotlight programme reported that the Holyland is dominated by student houses, suggesting that some 80% of Holyland residents are students at Queen's University Belfast, Ulster University and several local colleges.

In October 2018, racial tensions came to a head, when several student cars parked in the Holyland were set on fire over a series of different nights (see photographs below). However, since the Covid-19 lockdown measures of March 2020 there has been a noticeable demographic change in the population of the Holyland. Between March 2020 and March 2022, HMO landlords have experienced a loss of rental income from QUB and UU students and private landlords who previously let houses as HMOs, have been re-letting houses in the Holyland to BAME and Romanian families. The changing demographic mix within the Holyland places the growing family orientated, long-term stake-holding population in conflict with HMO students as parents seek to protect their children from the anti-social problems emanating from student HMOs. If anything, the problems within the Holyland HMO area are potentially more volatile in March 2022 than they were in March 2020.

³⁶ <https://www.belfastlive.co.uk/news/belfast-news/holyland-trouble-leads-number-students-21582927>
<https://www.belfasttelegraph.co.uk/news/northern-ireland/people-think-trouble-in-belfasts-holyland-only-happens-on-st-patricks-day-and-freshers-week-but-it-is-all-the-time-38948566.html>
<https://www.bbc.co.uk/news/uk-northern-ireland-35853759>
<https://www.belfasttelegraph.co.uk/news/northern-ireland/watch-belfast-holyland-resident-demands-action-over-disorder-39032249.html>

³⁷ <https://www.theguardian.com/education/2004/nov/24/students.uk>

On the 17 March 2022, the PSNI attendance within the Holyland was extensive. Within the QUB carpark there were (at different times) between 15 and 20 PSNI cars and land-rovers parked with over 100 PSNI officers on beat-duty in the Holyland. The paradox is, that the Holyland residents (and NI taxpayers) have to pay for PSNI Holyland security when these additional security costs should fall to QUB and UU who profit from the Holyland student fees. This report suggests that the systemic nature of the problems within the Holyland encourages many Unionist families to look outside of Northern Ireland when choosing a suitable higher education institution for prospective students. To emphasise the changing demographics of the Holyland and how one (Nationalist) student population benefits from a rental subsidy that is unavailable to the other (Unionist) student population, a recent incident highlights how the Holyland HMO student area is unwelcoming of Unionists and Unionist culture.

On the 12 July 2022, the Ballynafeigh District Orange parade proceeded from the Ballynafeigh Orange Hall into Belfast City centre, via Agincourt Avenue being prevented from proceeding along the lower-Ormeau Road by the NI Parades Commission. When the parade reached the Holyland junction of Agincourt Avenue and Rugby Road, a man visiting, or living in an HMO in Agincourt Avenue ran out from the house and through a bin at the parading bandsmen causing a fracas. The HMO house in question had Irish Tri-colour flags draped from the upper FF front bedroom window and rear fire-escape (since mid-June 2022).³⁸ The demographic changes within the HMO Holyland area means that NI Unionist students could not safely reside there. It would also be mistaken to think that this incident was a solidary incident. Whilst undertaking a PhD researching orange parading rituals, a similar 'hate' incident took place during a Sunday Orange parade in 2019 in Rugby Road when anti-Orange chanting took place by residents from a HMO. A subsequent complaint lodged by Dr Cooke to QUB and UU led to the PSNI and the UU issuing a warning to the UU students resident in the HMO.

Unsurprisingly, as the new 2022 autumn semesters commenced in September 2022 at QUB and UU, within the first two days, local long-term, stake-holding residents within the Holyland were again complaining about the anti-social / criminal behaviour of the university students within the Holyland.³⁹ Conor Lynch reported on the 21 September that residents of the Holyland were forced to sleep elsewhere after student riotous behaviour on the 19th and 20th September 2022, the first two nights that the new semester commenced. Subsequently, on the 23rd September, Jessica Rice writing in the Belfast Telegraph reported that the student anti-social behaviour long associated with the Holyland was spreading to the adjacent Stranmillis area.⁴⁰ During the Covid-19 pandemic of 2000-2021, private sector HMO landlords within the Holyland sourced alternative tenants for the HMO properties in the Holyland area and hence a reduction in available houses to let arose. The spread of the Holyland

³⁸https://www.irishnews.com/news/northernirelandnews/2022/07/13/news/man_46_arrested_after_bin_thrown_at_loyalist_bandsmen-2770975/

³⁹<https://www.belfastlive.co.uk/news/belfast-news/holyland-residents-forced-sleep-elsewhere-25066009>

⁴⁰ <https://www.belfasttelegraph.co.uk/news/northern-ireland/fed-up-stranmillis-residents-we-are-becoming-an-extension-of-the-holyland-42010810.html>

student problems into the adjacent Stanmillis area can come as no surprises to the senior management of QUB / UU. The inability to regulate the anti-social behaviour of the mainly Catholic / Nationalist students within the Holyland over the last few decades has led to revanchism in South Belfast which has seen the evacuation of the Unionist population within the Holyland. Given the extension of the QUB and UU student populations into the small Unionist areas of Stranmillis (and Ballynafeigh), the likelihood is that these two smaller Unionist neighbourhoods will soon no longer exist.

Holyland car damage photographs taken during October 2018

(Note the proximity of the fire damaged car to the front entrance door in the lower RHS photograph)

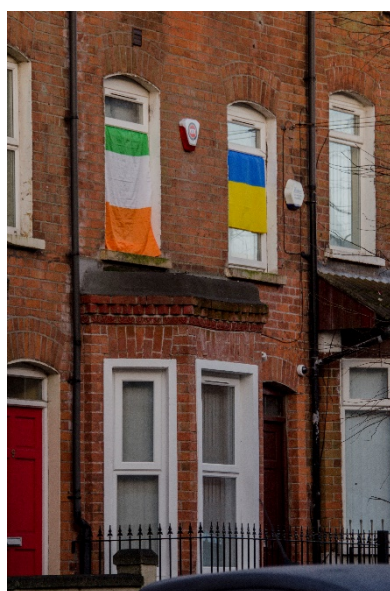


Whilst the multifarious problems associated within the Holyland are presented within the media by QUB and UU as inconsequential problems of individual anti-social behaviour, often undertaken by 'others', or explained as student high jinks, this view belittles the more serious structural implications associated with the Holyland. The Holyland Residents' Association have documented the nefarious student problems within the Holyland over two decades and are incensed at how QUB and UU senior managers have continually minimised and trivialised the residents' concerns. The Holyland has become a large private landlord HMO neighbourhood where one NI student community receives a massive student housing subsidy vis-à-vis another NI student community. The magnitude of the Holyland student subsidy is included within Tables 13 below and this financial subsidy discriminates against NI Protestant / Unionist students who feel for different reasons unable to live in the Nationalist dominated student village. In essence, Nationalist students in the Holyland over the years have through their anti-social behaviour created a low-cost residential zone which provides the same students with substantial accommodation cost reductions over a three or four year study period. In effect, Holyland HMO students gain economic benefits through their anti-social behaviour by keeping HMO rental levels within the Holyland lower than elsewhere.

The very low numbers of Unionist students living in the Holyland suggests that it has become a sectarian, 'no-go' area for NI Unionists, however, it appears that QUB and UU have never undertaken any S.75 equality screening exercises in student accommodation provision. The student differentials suggest that QUB and UU give this sectarian / equality matter little, or no, priority. Table 13a below provides a brief analysis of student residential costs within the Holyland vis-a-vis residential costs within the managed student halls of residences and student residential hubs.

The photographs include below indicate why the minority Unionist students at QUB and UU feel increasingly marginalised by the majoritarian Nationalist students who reside within the Holyland. The photographs help explain why Unionist students cannot avail of the lower HMO rents within the HMO neighbourhood closest to QUB's campus.

Holyland Photographs (St Patrick's week 16 – 18 March 2022)



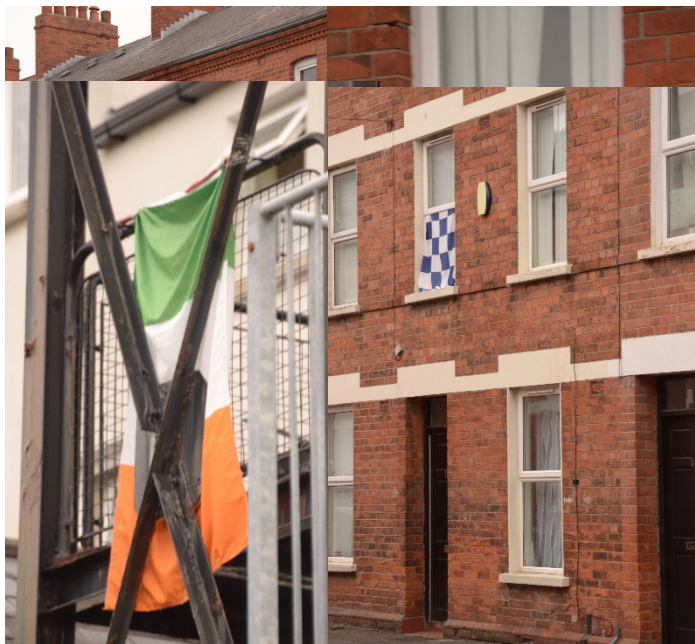


Sectarian Graffiti within the Holyland (Photographs taken 2017 - 2021)





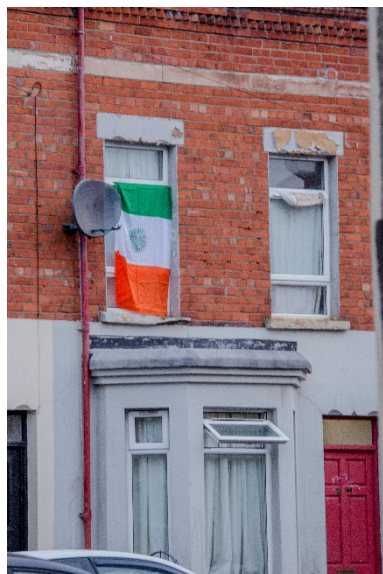
Photographs taken in the Holyland Student HMO Area on the 22 July 2022 reflecting how the Holyland has become a 'cold house' for NI Unionist university students



Houses at Agincourt Avenue, College Park Avenue and Curzan Street

Photographs taken in the Holyland HMO Area (Agincourt Avenue, Rugby Avenue and Palestine Street) on the 14 September 2022 in the week before QUB and UU autumn term times

commences. The incoming Nationalist students on the 13 and 14 Sept started to fly flags in the Holyland that many NI Unionist university students at UU and QUB would find uncomfortable and intimidating and hence would be reluctant to seek accommodation in the Holyland



Over the recent past, the NI news media and the universities have continued to downplay the two major problems that exist within the Holyland. The first is the sectarian nature of the student problems within which Unionist students feel

unwelcome, uncomfortable and unsafe residing in the Holyland. The second problem is the drink culture associated within all UK university students but a drink culture that appears to be particularly problematic with Holyland students who migrate from Co Tyrone, Fermanagh and Derry. In September 2022, at the start of the new semester, QUB Students Union and the Student's 'Rag' held a student pub-crawl on a night that coincided with more anti-social behaviour in the Holyland. On the 25 September 2022, on a gable wall on the Ormeau Road adjacent to Stranmillis Embankment a full size bill board appeared proudly announcing that the Limelight (bar complex) was the 'Belfast Student HQ'.

The Vice-Chancellors of QUB and UU have continued to downplay the role of university students within the Holyland's anti-social / criminal activities whilst at the same time maximising their own efforts to manage the problem. The Belfast Holylands Regeneration Association reject all claims that QUB and UU are serious in their management efforts. Furthermore, the Holylands Regeneration Association are extremely critical of all attempts by the NI universities to downplay the extent of the problems and their regularity. On the 27 September 2022, Belfast Live published FOI Act information from Belfast city Council about the extent of the anti-social behaviour problem.⁴¹

Belfast Live confirmed that *'there were 1,134 complaints in 2019, 770 in 2020, 1,008 in 2021 and around 140 in 2022 so far. Around 6,900 alcohol units disposed of in 2019, mainly over the St Patrick's, freshers' and Halloween periods. There were approximately 750 alcohol units seized in 2020 and 2,160 in 2021 during the height of the Covid-19 pandemic'*. Ray Farley, chair of the Belfast Holylands Regeneration Association, said the statistics were the "tip of the iceberg". Frighteningly, for the long-term, stake-holding residents of the Holyland, Belfast Live confirmed that 'More than 3,000 complaints of anti-social behaviour and littering have been recorded by the city council since 2019, according to detailed logs obtained by Belfast Live'.

Within England and Wales, university cities such as Manchester, Liverpool, Glasgow have achieve an harmonious balance between providing accommodation for the transient housing needs of university students whilst at the same time protecting the long term needs of the local residential populations who are the economic, cultural and social stakeholders in the neighbourhoods they live within. The same is not true within Belfast and in particular within the Holyland area of south Belfast that is situated adjacent to QUB and which houses large UU and QUB HMO student populations.

On 1 November 2022, Belfast Live reported that 'Holyland residents call for action following 'worst Halloween ever'.⁴² Those long-term residents living in the area say that they had to deal with a night of partying and anti-social behaviour. The experience reported by Belfast Live was however an experience that lasted for

⁴¹ <https://www.belfastlive.co.uk/news/northern-ireland/south-belfast-holylands-student-areas-25109199>

⁴² <https://www.belfastlive.co.uk/news/belfast-news/holyland-residents-call-action-following-25408204>

several weeks during October 2022 as reported by Belfast Live on the 12 October 2022.⁴³

4.00 QUB and UU Student's Unions

In January 2020 a group of 'concerned QUB students started an online 'Change.Org' petition which attracted almost 3,500 signatories.⁴⁴

The petition stated that, *'We, the undersigned, are saddened and dismayed to see the continual alienation of Protestant and Unionist students at Queen's University Belfast and all other Universities in Northern Ireland. It has long been accepted that QUB has become a 'cold house' for those from the Protestant and Unionist community'*.

The petition then went on to specifically name QUB Student's Union and the President of QUB's SU, for *'seemingly endorsing terrorism and using vitriolic sectarian language against members of the Unionist community on social media'*. Some of the 3,500 individuals who signed the petition and who left comments supporting the hypothesis claimed to be current students, past students, or parents

⁴³ <https://www.belfastlive.co.uk/news/belfast-news/concern-fireworks-thrown-people-cars-25243732>

⁴⁴ <https://www.change.org/p/queen-s-university-belfast-end-the-sectarianism-towards-protestants-and-unionist-students-at-qub#:~:text=It%20has%20long%20been%20accepted%20that%20QUB%20has,for%20those%20from%20the%20Protestant%20and%20Unionist%20community.?msclkid=192293b9a45211ec9acffcd96e9b324> AND BELFAST TELEGRAPH <https://www.belfasttelegraph.co.uk/news/northern-ireland/queens-univeristy-seen-as-cold-house-by-some-unionists-claims-allister-38845673.html?msclkid=2e8ed10ca45511ecb1e3dcbaefca451>

of students at QUB, these individuals included: Jonathan Boyd, Lloyd Kane, Mark Thompson, Philip Williamson, Jim Moffett, David Cahoon, Charles Neville, Brian Armstrong, Christopher Reid, Natalie Rutherford, Silvia Harris, Ernest Hammond and Jonny Baxter.

The 'Cold House' petition and its concerns were ignored by QUB. Rather than recognising concerns, QUB's response was to suggest that the Unionist community perceptions were mistaken! However, this report clearly indicates that Unionist perceptions about the NI university sector have been formed within a sector where there has been substantive S.75 equality screening failings. The way in which Unionist and QUB students' concerns were dismissed by the management of QUB who paradoxically fund QUB's Student Union through block grants which are in turn underpinned by student fees and DfE grant funding, invites pertinent questions about the nexus that exists between the NI universities and the NI Student Unions. The response from both QUB and indeed the QUB students union, which is affiliated to the National Union of Students (NUS) can be contrasted with the response of the NUS after Jewish students made (repeated) allegations of discrimination against the NUS. Nina Lloyd, writing in the Independent newspaper reported on the 12 January 2023, how Jewish students 'faced hostile culture' in National Union of Students.⁴⁵ It was found that Jews have been subjected to harassment – as defined by the Equality Act 2010 – and breaches of the union's own policies, according to the report commissioned by the NUS and prepared by Rebecca Tuck KC. Over the years there have been a series of NI media articles where Unionist students have claimed to feel marginalised and discriminated against within the QUB and UU Student Unions, unlike the Jewish students' case, the complaints from NI Unionist students have not found favour with the NUS.

In November 2018, Ulster Young Unionists opposed the erection of Irish language signs at Ulster University's Students' Unions after the proposal was given the go-ahead at a meeting of Ulster University's Students' Council. Ulster Young Unionist Chairman Joshua Lowry expressed concern that a "*hierarchy of equality*" is being introduced at Ulster University. The Unionist students at UU, similar to those at QUB stated that '*promoting the use of the Irish language ... is an attempt to make the University a cold house for unionists, and others who do not support the republican agenda in the University*'. The Unionist students claimed that '*Irish language signs were taken down from Queen's University Belfast in 1997 because the Fair Employment Commission concluded at the time that it created a 'chill factor' amongst Protestant students*'.⁴⁶ Irish language concerns, outside the political context of Northern Ireland, appears to the neutral outsider to be a sectarian and trivial issue, however for Unionist students on campus, the sea of GAA sports regalia impacts upon their insecurities. In addition, all claims that the GAA is simply a non-sectarian sporting association needs to be considered realistically in light of main-stream and social media reports. It was not until 2011 that the GAA agreed to scrap Rule 21 and allowed British soldiers and policemen to become members and when the GAA changed the rule to facilitate the expanded membership, five of the six GAA boards

⁴⁵ <https://www.msn.com/en-gb/news/uknews/jewish-students-faced-hostile-culture-in-national-union-of-students/ar-AA16fEkK?ocid=msedgdhp&pc=U531&cvid=f759e45f5a2a4ca1ab6f557a85f26549>

⁴⁶ <https://www.belfasttelegraph.co.uk/news/northern-ireland/young-unionists-to-oppose-irish-language-signs-at-ulster-university-37558497.html>

in Northern Ireland objected to the proposals.⁴⁷ Ignoring that historically, the display of GAA regalia within Northern Ireland can be considered as a symbol of Nationalist resistance within a Unionist hegemonic state, also ignores the reality that some communities have always adopted hidden, latent, covert and subtle resistance strategies. James C Scott researched these resistance strategies in his study of the hill tribes of SE Asia.⁴⁸ However, within the context of Northern Ireland, whilst the minority Nationalist and Catholic community have in many sectors been historically marginalised and had reason to resist, the NI university sector has by contrast been a sector where the Nationalist / Catholic community have been dominant.

In 1997, the FEC chairman, Mr Bob Cooper, said that the *'Irish language signs at QUB led to a "chill factor" among Protestants students, with fewer applying for part-time jobs in the union. Criticising the "tokenism" of the signs, he added: These in no way facilitated the spread of the use of the Irish language. Whatever the intent of its initiators, the signs' policy served only to demonise the language.'*⁴⁹

Whilst the Fair Employment Commission agreed in 1997 that Irish language signage at QUB's student Union was unlawful, over the last 25 years, the student and academic demographics at QUB have changed significantly. In February 2022, Queen's University confirmed that it was set to introduce measures that will see *Gaeilgeoirí* housed together in its halls of residence. The move follows a campaign by *An Cumann Gaelach* QUB, the university's Irish language student society. The proposal, is expected to be in place by September once approved by the university's senate.⁵⁰ If Irish language students are to be housed within a common QUB hall / halls of residence, then it follows that Irish language signs will soon feature

⁴⁷ <https://www.bbc.co.uk/news/uk-northern-ireland-48911306>
<https://www.belfasttelegraph.co.uk/sport/gaa/gaa-managers-do-not-wish-to-continue-media-ban-as-discomfort-grows-over-gpa-position-41446004.html>
<https://www.bbc.co.uk/sport/gaelic-games/60286771>
<https://www.balls.ie/gaa/down-hurling-sectarianism-499353>
<https://www.bbc.co.uk/news/uk-northern-ireland-55223639>
<https://www.bbc.co.uk/news/uk-northern-ireland-60483921>
<https://www.belfasttelegraph.co.uk/sunday-life/sunday-life-reveals-sports-bodys-controversial-memorials-to-dead-ira-members-in-ulster-28527638.html>
<https://www.belfasttelegraph.co.uk/news/northern-ireland/anger-over-singing-of-sectarian-song-on-tyrone-gaa-team-bus-38294380.html>
<https://www.belfasttelegraph.co.uk/news/northern-ireland/michelle-oneill-criticised-over-ira-memorial-launch-at-tyrone-gaa-club-41369809.html>
<https://www.northernirelandworld.com/news/crime/gaa-told-stop-ira-memorial-football-match-2738681>
<https://www.northernconstitution.co.uk/news/2020/08/28/gallery/gaa-ira-banner-a-hate-incident-11053/>
<https://api.parliament.uk/historic-hansard/commons/1982/jul/14/gaelic-athletic-association-grants>
<https://group.irishecho.com/2011/02/gaa-delegates-vote-to-allow-cops-soldiers-3/>

⁴⁸ *The Art of Not Being Governed: An Anarchist History of Upland Southeast Asia*, James C. Scott, Yale Press, 2009.

⁴⁹ <https://www.irishtimes.com/news/students-union-had-no-choice-in-removing-irish-signs-at-queen-s-1.98403>

⁵⁰ <https://www.irishnews.com/news/northernirelandnews/2022/02/12/news/queen-s-confirms-plans-for-irish-language-residential-scheme-2587243/>

prominently in the QUB halls of residence, which in turn provides similar arguments for Irish language signage to be reintroduced to the new QUB Student's Union building (when completed). Furthermore, with Irish Language legislation and a new Irish Language Commissioner expected in 2022-23, it appears inevitable that Irish language signage will be erected throughout QUB's and UU's campuses.

In March 2018, Queen's University Belfast rejected demands to reintroduce bilingual English-Irish signs across the whole QUB campus '*insisting that it seeks to maintain 'a good and harmonious environment'*'.⁵¹ However, within days, the QUB Vice-Chancellor apologised to An Cumann Gaelach QUB. Professor McElroy said in apology that '*I would also take this opportunity to reinforce the university's commitment to the Irish Language. This is evidenced by our broad range of research and courses at both undergraduate and postgraduate level that involve the teaching of the language. The university has always supported An Cumann Gaelach QUB, one of the oldest societies at the University, and has a range of initiatives that respect, support and promote the Irish language*'.⁵²

Thereafter, the question of Irish language signage within the QUB Student's Union was (temporarily) parked when the existing QUB Student's Union building was demolished. QUB have confirmed that they expect a new Student's Union Centre to be completed in 2022 when again it is likely that the issues of Irish language and Unionist student marginalisation within the Student Unions will resurface.

4.01 Questions about the Student Unions that need to be addressed?

NI Unionist student concerns pose a series of questions that need to be addressed if Unionist confidence in the NI university sector is to be reignited. The questions that present problems for Unionist university students and school leavers are:

1 - What are the primary functions of the Student Unions? Are they representational, promotional, charitable, cultural and / or social?

2 - Who effectively controls the activities of the Student Unions and how representative are the paid employee Union representatives of the students? How effectively are minority communities represented within the Student's Unions?

3 - Who participates in the events and the activities of the Student's Unions during the academic terms and between the 9am to 5pm teaching periods, vis-à-vis other periods, e.g. at night, weekends and out of term? If for instance, NI Unionist students within QUB and UU, in the main, reside within their parental homes and NI Nationalist students and foreign students reside in, or adjacent to the university campuses, then the Student Union buildings because of demographic and structural reasons, will not be populated equitably by students from both NI's main political, cultural and religious traditions at all times.

⁵¹ <https://www.newsletter.co.uk/news/qub-rejects-demands-reinstate-irish-language-signs-326281>

⁵² <https://www.belfasttelegraph.co.uk/news/northern-ireland/queens-university-apologise-after-irish-language-sign-criticism-36705877.html>

4 – What is the impact of the media coverage of QUB / UU Student Union presidents and societies on NI Unionist school leavers, and does this media coverage impact upon Unionist school leavers rejecting UU and QUB as suitable places of study?

5 - In relation to questions of control, who pays for the salaries and running of the Student Unions? Is the funding of QUB and UU Student unions equitable, transparent and legitimate, if a substantial body of NI Unionist Students feel disenfranchised by the Student Unions and do not fully participate in SU events?

4.02 Trade Unions and Student Unions

Is a Student's union similar to a Trade Union? In terms of their importance, functions, membership and funding regimes this is a fair question to ask of Student's unions. If Students Unions can ask students to strike and to campaign on political issues such as education, abortion, university fees, freedom of academic speech, academic salaries, Irish language promotion, transgender rights, BAEM issues, etc., are they de-facto political associations, albeit with parallel social and charitable objectives.

Employees within the UK (with certain exemptions) have the legal right to choose to join, or choose not to join, a trade union. Within the QUB and UU Student Unions, there is a veil drawn over the ability of students to positively assent to joining the Union and thereby giving authority to the Student Union.

The Ulster University Student's Union (from 2017), is a private limited company whose accounts must be audited and published annually. QUB's Student Union seems to be less transparent in its financial affairs and appears to be more closely integrated with the University. Noticeable in 2021/22, the UUSU rejected supporting the recent University and College Union lecturer's strikes whereas QUB Student's Union lent their support to the striking academics. Within both QUB and UU, all students upon enrolment are automatically members of their respective Student's Union (and by extension the representative body, the Union of Students Ireland (USI) that represents students throughout the island of Ireland). NUS-USI was formed in 1972 to ensure that all students in Northern Ireland could be members of the national union USI. However, the USI however, is a representative student body that many Unionist students within NI would feel uncomfortably voluntarily belonging to! For example, the USI Brexit's Policy paper states that the 'the student movement in Ireland, North and South, has stood firmly against Brexit, believing that it represents the very worst of public discourse.' Given the size of the student body within the Republic of Ireland vis-à-vis the students within Northern Ireland, the USI cannot be seen as a body that adequately represents NI Unionist student's political opinions.

The question of voluntarily opting in, and opting out, of the QUB and UU student unions, or agreeing to belong to the USI, and importantly of endorsing Student Union funding regimes which are less than transparent are questions that have been massaged over as Unionist students at QUB and UU perceive themselves to be increasingly marginalised within and by the student's unions. The QUB and UU Student Unions are not funded directly by university students agreeing to opt-in and paying annual student union membership fees. Unionist students at QUB and UU are denied the option of withdrawing from the Student Unions and from withholding their indirect Union fee contributions.

On 6 May 2022, QUB confirmed through a FOI Act reply that the approved development cost of the new Students' Union building complex was circa £42 million however additional details on the expected final costs of the new building project were not provided under S 43(2) exclusions of the FOI Act. In addition, QUB also confirmed that the University are currently (from the outset of the development process) providing approximately 60% (£25 million) and DfE approximately 40% (17 million) towards the tendering costs of the new QUB student Union building (however the proportion of the costs are subject to changes depending on availability of capital grant funding). If however, increasingly, Unionist students at QUB feel unwelcome or indeed marginalised within the Student Union, if they feel that 'Unionist' student societies are under-funded, the capital and annual funding programmes of the Students Union by QUB and the DfE needs to be reassessed.

Students at QUB and UU have no say in the block funding of the student unions, rather, a proportion of their student fees and a proportion of the DfE grant funding to QUB / UU is extracted by QUB and UU and it is used (on their behalf) to pay for the management, administration, upkeep and construction of the Student Unions and the full-time salaries of Student Union representatives. This arrangement is problematic because of the nexus between the Student Unions and the universities that financial dependence brings.

The NI Unionist student community that has made claims in the media of marginalisation, is indirectly subsidising QUB and UU Student Union infrastructure and salaries because student fees / DfE grant is utilised without their express permission to fund the Student Unions. For example, the 2020-2021 QUB Annual Report confirms that £41.8 million was being invested by QUB into building a new Student Centre, however, NI Unionist students who reside at home, who are reluctant to attend the night-time social activities at the QUB Student Union and who feel marginalised by the dominance of Irish nationalist culture in the Union and who are ignored by the QU Vice-Chancellor's Office, had no say in how their student fees are being directed.

Currently within QUB's Student Union there are part-time student officers for BAME rights, Irish language rights, LGBT rights, Trans-rights and Women's rights. An analysis of the minutes of QUB Student Union meetings indicates few documented SU concerns for issues that Unionist students consider important. The QUB Student's Union apparently (and despite the NDNA Deal of 2020) sees no need to protect or promote Ulster-Scots language or working-class Unionist / Protestant males by refusing to create union posts similar to those mentioned above.

4.03 QUB and UU Student Unions

The UU Student Union's audited accounts for 31 July 2021 confirm that the Union's main source of income is the block grant. The UU's Student Union income for 2021 was £2,359,815 or approximately £90-£100 per student. The net deficit was reported as £3.3 million (due mainly to the UU Student Union's superannuation scheme). Student Union expenditure towards UU societies was £234,001 compared to the expenditure on SU staff which was £1,076,370.

QUB's Student Union audited accounts are not readily accessible on either the QUB Student Union, or on the main QUB university, websites. The inability to easily

access QUB's SU accounts, prompted me on the 16 March 2022 to write to the Student's Union asking where the annual accounts are published.

In the absence of articles of association, or annual accounts, the QUB Student Union Constitution confirms that all QUB students are automatically members of the Student's Union and Part 2.4.1 of the Constitution confirms that QUB owns the Student's Union building. Part 5.2 of the SU Constitution confirms that QUB provides a block grant to the Student's Union that enables the SU to deliver on the strategic plan. The Student's Union have overall responsibility for block grant spending, however the inability to access financial spending reports and accounts, asks questions about the transparency of how funds within the QUB Student's Union are disseminated.

As a mature QUB PhD student from the NI Unionist community, I first attended QUB in 1976 as a full-time student. Within the School of Architecture, I found, over a four-year period no evidence of Unionist marginalisation within the School or within the Department of Engineering. By contrast, within a month of starting QUB, I found the atmosphere within QUB's Student Union to be so hostile to Unionists that I no longer participated in the events and social functions held within the Union. When in 1976, the QUB Student's Union should have afforded me, and my peers, a safe haven during the height of the NI Troubles, the QUB Student's Union was the opposite.

Unlike my Unionist student peers who had declined to study at QUB or Jordanstown's Polytechnic, the NI Unionist students who relocated to GB for their higher education, had access to Student's Unions in England and in Scotland that provided them with a much richer and socially enjoyable university experience. I and my other Unionist student friends felt unwelcome in QUB / UU Student's Unions dominated by Nationalist / Republican students. Our university experience was negatively impacted upon by the inability to fully access the otherwise rich social life that is centred upon the Student's Union. Five decades on, the respective experiences of NI Unionist parents and grandparents who attended universities in NI and in GB, today help shape the prospective destinations of Unionist school-children today. Ongoing Unionist concerns about the politicisation of the QUB/UU Student Unions, regular media portrayal of the ghettoization of Holyland HMO student area, S.75 screening failures of university accommodation provisions, the prominence of GAA cultural emblems on university campuses and the continual denial that there are any significant marginalisation problems to be addressed, all combine to ensure that higher percentages of NI Unionist students relocate to GB for their higher education, than NI Nationalist students.

Within England and Wales, the UK government has taken a radically different approach to dealing with the politicisation of Student Unions than the approach taken from the NI Assembly / Executive. On the 15 May 2022, the Universities minister, Michelle Donelan announced that 'the government is cutting ties with the National Union of Students because of concerns about anti-Semitism' and therefore the 'NUS would not be eligible for government funding'.⁵³

By contrast when in February 2020 students at Queen's University Belfast (QUB) described feeling 'saddened and unwelcome' after finding the incoming Students

⁵³ <https://www.bbc.co.uk/news/uk-61447105>

Union (SU) President has endorsed, or made a series of Facebook posts about the IRA, no similar NI Assembly actions were considered to prevent the discriminatory pressures emanating from QUB Student's Union president Grian Ní Dhaimhín.⁵⁴ It was asserted that the newly elected QUB Student union President had posted an article about a rap band which chanted, 'Get the Brits out now'. She commented: "Thank f*** I was there....Tiocfaidh ar la". She apparently wrote "Hup Strabane" over a photo of graffiti which said: "Xmas is balls, F*** Santa, IRA"; liked a post put on her page by a friend which showed a photo of a masked woman with an Armalite, and shared on her own Facebook page a post by the Tyrone Sinn Féin Commemorations Committee for three IRA members shot by the SAS. Given the sensitivities of Unionist students within the NI university sector, the democratic election of the student president could only serve to further alienate and dissuade unionist students attending QUB.

4.04 Student Unions and political (in)tolerance

The BBC News website confirmed on the 2 November 2022, that 'the NUS president was dismissed over anti-Semitism claims'.⁵⁵ Within the GB and NI university sector, student unions are not just social centres for students, they are also politically motivated centres when student activists promote and denigrate different political ideologies. This Report argues that within the UU and QUB student unions, places that are directly and indirectly funded by the universities and the DfE (NI), there is a growing intolerance of Unionism and Unionist students have increasingly felt uncomfortable and ostracised. The inability to fully participate within the Union is exacerbated by the high percentage of Catholic / Nationalist university students who have relocated to live in and around the university campuses. Within Northern Ireland, the NIEC has intervened after claims of discrimination in the various UU students union campuses against Unionist students. A previous QUB student union president has made been vocal on social media in her support of the IRA and increasingly Irish language signage is promoted within the student union buildings to the chagrin of Unionist students.

Those who argue that student unions throughout the UK, places which are funded directly and indirectly by the taxpayers, are neutral environments where all are welcome are misled. Student Unions are active in many different areas of politics and are often responsible for promoting and banning various guest speakers on Universities campuses. Increasingly within the UK, minority student groups, including Judeo-Christian, right-of-centre and conservative students and the student societies that they belong to feel marginalised within the student unions. It therefore comes as no surprise when the BBC reported on the 2 November 2022 that "Jewish students across the country will be asking how an individual deemed unfit for office by NUS was elected in the first place." The National Union of Students (NUS) has dismissed its president, Shaima Dallali, over anti-Semitism claims. The NUS claims to represent seven million students in the UK, through its member students' unions across the country. Within Northern Ireland, university students at QUB / UU (automatically) without being offered a choice, appear to belong to a student's union

⁵⁴ <https://www.northernirelandworld.com/news/politics/qub-students-union-president-in-row-over-ira-facebook-posts-2004294>

⁵⁵ BBC News, 2 Nov 2022 <https://www.bbc.co.uk/news/education-63477692>

body that in some way is a confederation between the NUS and the Irish equivalent of the NUS.

In 2012, Ms Dallali posted a tweet that included an Arabic chant that referenced what has been described as a massacre of Jews in the year AD 628, which she has since apologised for. The decision to remove Ms Dallali, follows an independent code-of-conduct investigation after allegations were made against her. Importantly, and in terms of (direct / indirect) government funding of student unions in England, in May 2022, the government in England cut ties with the NUS because of concerns about anti-Semitism. In a statement, the NUS apologised for the "harm that has been caused" and said it hoped "to rebuild the NUS in an inclusive way". Chloe Field, the acting chair of the NUS UK Board, said she was "proud to fight on behalf of all students". The Union of Jewish students in a statement said that it "respects" the decision. However, the UJS added: "Anti-Semitism in the student movement goes beyond the actions of any one individual and this case is a symptom of a wider problem.

Education Minister Robert Halfon said the Department for Education welcomed the verdict and looked "forward to seeing the outcome of the next stage". He added that the wider report, which was originally due out at the end of last month, would "provide more detail on National Union of Students' plans to address anti-Semitism within the organisation".

5.00 Athena Swann: An example of an Affirmative Action Programme

On the 8 February 2022, in response to the Belfast Telegraph's article entitled '*concern over low number of Protestant academics at QUB*', a QUB spokesperson denied the Belfast Telegraph claims and responded by saying that 'since 2005, the University has been relentless in its pursuit of increasing female representation through the award winning Queen's Gender Initiative, which enhances the participation and visibility of women in aspects of University life.' The failure of the NI universities to recognise that marginalisation of Protestants / Unionists in the NI primary and secondary education sectors continues on into the NI university sector has now become damaging to QUB and UU. Legislative proposals endorsed by the

British and Irish Governments in the NDEA Deal of January 2020 include within them a Castlereagh Foundation and Ulster-Scots Research Institute. The funding, management and administrative control of these newly proposed legislative policy areas, cannot automatically be granted to UU and QUB, who reject all claims of Protestant / Unionist marginalisation in the university sector and hence reject the need for the two legislative measures. All Unionist MLAs sitting in Stormont consider that the Castlereagh Foundation and the Ulster-Scots Academy are necessary in order to help manage Unionist marginalisation within the NI university sector.

The Advance HE Athena Swan Charter is used internationally as a framework to support the advancement of gender equality within higher education and research. The Charter was established in 2005 to encourage and recognise commitment to advancing the careers of women in science, technology, engineering, maths and medicine (STEMM) employment in higher education and research. Queen's University Belfast has been a member of the Athena Swan Charter since its formation in 2005.⁵⁶ The legal conundrum for QUB is that whilst the Athena Charter has been successful in advancing the position of one demographic community within the NI university sector, another community claims that it is increasingly marginalised. Importantly, QUB senior management, over the last few years refuse to recognise the different equality stances that the university has taken to address female marginalisation and NI Unionist marginalisation! Simply put, if affirmative action within the NI university sector is legally acceptable to increase representation of one marginalised (female) community, the same affirmative actions must be applied to increase representation of another marginalised (Unionist) community.

The paradox is that the Athena Swan affirmative action programme is, when considered with other FOI Act data contained within this report, a mechanism for 'positive' discrimination! In addition the Athena Swan scheme was endorsed in 2005 by QUB and for the next 13 years the programme was a successful policy instrument in changing the number of female PhD entrants, graduates, researchers and academic staff during a period of time that QUB (and UU) failed to equality screen PhD scholarship awards. I suggest that the Castlereagh Foundation, which was part of the NDNA Deal but was never implemented, as a similar affirmative action programme required to encouraged, and not ignored by academia in order to increase the visibility of the NI Protestant / Unionist population at QUB and UU. Paradoxically, the Castlereagh Foundation has parallels with Athena Swan, but has gained no traction, or support, within NI academia. For example, within the 2022/23 UU competition for PhD scholarships, certain scholarships are designed around female research subjects and appear to be directed towards female research applicants, whilst none are directed towards PUL academic interests. This in turn raises yet more S.75 screening and indirect discrimination conundrums!

During the 13 years that QUB were winning 15 National Athena Swan Awards, QUB failed to implement S.75 equality screening measures in the crucial 'training', or 'apprenticeship' route that helps bring NI graduates into the academic research community. Ulster University, likewise, are also invested in the Athena Swan scheme, however within NI university sector, structural and community factors

⁵⁶ <https://www.qub.ac.uk/sites/QueensGenderInitiative/AthenaSwan/>

suggest that female representation within STEMM subjects are not the only equality concerns to be addressed.

Page 11 of the *'Enrolments at UK Higher Education Institutions Report'* indicates that within the largest four subject areas studied by NI university students (education / teaching, social sciences, business / management, and medical sciences) of the 28,500 student places in 2019/20, NI females accounted for 19,000 (67%) and NI male students accounted for 9,500 (33%) places. In all the other twenty subject areas, NI male students are more prominent in only two subject areas; building / engineering and computing, of which some 8,000 (80%) NI male students and 2,000 (20%) NI female students study.

In January 2020, within the NDNA Deal the Irish government committed itself to considerable funds for the extension of the UU campus at Magee. Data enclosed below indicates that the UU Magee campus marginalised Unionist students, researchers and academic staff. It is therefore somewhat paradoxical, when Micheál Martin, the Irish PM wrote (3 April 2021) that 'he regrets more has not been done to tackle "educational disadvantage" in Northern Ireland' and he admitted that 'the Irish and British governments and the Northern Ireland Executive have failed to adequately address the problem'.⁵⁷ 'A Fair Start', Report (June 2021) said the Department of Education needed to spend more than £180m on measures to tackle educational underachievement over the next five years. The report again highlighted that there are "particular issues" facing boys in working-class Protestant areas in terms of educational achievement, but said it is "not a problem which affects only one community". If however, working-class Protestant boys are progressively falling behind in the NI primary and secondary school sectors, then over a period of time, structurally, the NI university sector will be impacted upon by this demographic decline and additional regulatory and monitoring controls of the university sector will be required.

The NI Community Relations Council found that Northern Irish Protestant boys on Free School Meals Entitlement (FSME) are seriously underachieving at school. The 2014 Report found that 76.7% of Catholic non-FSME girls in NI obtained 5 good GCSEs whereas only 19.7% of Protestant boys with FSME, achieved the same standard. For Northern Irish pupils as a whole, 62% obtained the target of 5 GCSEs. The 2019/20 academic year evidenced more females than males progressing into higher education in NI. In 2019/20, 57.7% of NI domiciled enrolments were female.⁵⁸ The growing problem of white, working-class, school-boys being under-represented within the UK university sector is nothing new. With overall A and A* grades expected to decrease from 45% (in 2021) to 34% (in 2022) it is expected that even fewer working-class, white school-boys will attend university within the UK. Data provided by the Department of Education (UK) indicates that white school-leavers are now the least likely to go to the top UK universities.⁵⁹ Within Northern Ireland,

⁵⁷ <https://www.belfasttelegraph.co.uk/news/education/taoiseach-we-must-do-better-to-create-a-fairer-education-system-in-northern-irelands-schools-41515809.html>

⁵⁸ Enrolments at UK Higher Education Institutions: Northern Ireland Analysis 2019/20, page 9.

⁵⁹ The Times, Woodcock, N. (Education editor), 15 August 2022, 'White working-class boys likely to slip further in race for university'

with decreasing numbers of white, working-class Protestant school boys attending QUB and UU, it is suggested that the NI university networks and support programmes required to support this marginalised student group are insufficient and inadequate compared to other network groups and promotional programmes to support ethnic minority, transgender and female student cohorts.

The Ulster University confirmed (see Table 20 below) that in 2018 there were 77 DfE scholarships (valued at £53,000 each) awarded; 53 (69%) PhD scholarships were awarded to female students and 24 (31%) PhD scholarships awarded to males. Labouring the point, these PhD awards were made without S.75 equality screening in place and the distribution of PhD funding in the ratio of 69% female : 31% male suggests a degree of individual assessor or institutional bias. This institutional bias is compounded by the NICR Council 2014 data that concludes, other than travellers, Protestant working-class males within NI are the group least likely to advance into higher education and then to advance into the academic professions.

UCAS reported in July 2022 that record number of school leavers from NI (vis-à-vis England and Wales) have applied to start university this year.⁶⁰ More than half of all 18-year-olds within NI (52.8 per cent), have applied to UCAS, an increase of 48.2 per cent in 2020. The UCAS statistics reveals that Northern Ireland has the highest rate of 18-year-olds applying to start undergraduate degrees across the UK. Importantly, from an equality perspective, out of the 12,070 18-year-olds within Northern Ireland who applied to go to university, almost 60 per cent of those applicants are from women, compared to 42 per cent of 18-year-old men applying. UCAS also confirmed that fewer students over the age of 18 or "mature students" (defined as over 21 when they start their course) from Northern Ireland have applied through UCAS in 2022. If, over the last two decades, the GB and NI university (and schools) sectors have rolled-out affirmative action programmes to encourage females and BAEM students into, and up through higher education, the time has come to reassess, how within NI, younger males, Protestants (Unionists) and older (mature) people are disenfranchised within the NI University sector.

When the DfE, in 2018/2019 reassessed the criteria for approving DfE grant funding for PhD scholarships, it is suggested that the blanket ban exclusion on anyone who previously undertook PhD study from applying for a PhD scholarship was discriminatory in terms of age. Moreover, this DfE decision was taken without proper S.75 equality screening. Given the age imbalances that exist within Northern Ireland's Protestant and Catholic communities and the religious / political persuasion imbalances that exist within the younger NI university student population, the blanket ban on anyone holding a self-funded, or other funded PhD, from applying for and being awarded a DfE PhD is a form of indirect discrimination that should have prompted the NIEC to undertake an investigation. This blanket ban on funding older / mature PhD research students, possibly also helps to promote the demise of Ulster-Scots literary output vis-a-vis the output of Irish-Gaelic literature.

I suggest, that the evidence contained in the FOI Act replies below, not only demands that the Castlereagh Foundation be quickly endorsed by the NI Executive,

⁶⁰https://www.irishnews.com/news/northernirelandnews/2022/07/15/news/ucas_says_record_number_of_school_leavers_have_applied_to_start_university_this_year-2772530/

or instead by Westminster (in the absence of devolved government), but that QUB and UU must promote a similar higher educational framework to address the increasing marginalisation of the resident NI Protestant / Unionist community within the social science and humanities faculties. The extent of this marginalisation within different schools at QUB and UU is detailed in the FOI Act replies provide below. If Athena Swann has increased female representation into the STEMM subject areas at QUB and UU, then a similar scheme is now urgently required to help increase Unionist and Protestant (male) NI Unionist students into the QUB / UU social science and humanities schools and faculties.

The DoE within a FOI Act reply received on the 27 June 2022, attached a document entitled "Department of Education, Equality Screening (Resources Budget for 2021-22)". The document provides data from the NI annual school census, for the year 2019-2020, the DoE confirms that the following number of Catholic / Protestant school children educated within NI schools (with religious belief being taken by the DoE as a proxy for political opinion) are as follows;

- Protestant school children 112,626 (32%)
- Catholic school children 176,372 (51%)
- Other school children 59,876 (17%)
- Total school children 348,874 (100%)

Furthermore, within the same screening document, the Department of Education confirms that:

"Protestants continue to have lower levels of attainment than Catholics at GCSE, GCSEs including English and Maths, and A Level. There is persistent under-achievement and lack of progression to further and higher education of school leavers entitled to free school meals, particularly Protestants, notably Protestants males." Within the same document, the DoE refers to a separate study by the ONS in 2014 entitled "Intergenerational transmission of disadvantage in the UK & EU" within which it is demonstrated that educational attainment is the most important predictor of a person's chances of future poverty: "It is well established that higher levels of educational attainment are associated with better employment prospects and higher earnings, and therefore a reduced risk of poverty. An adult with poor qualifications is more likely to be in poverty than one that is highly educated". Moreover the DoE confirms that "Males continue to have lower levels of attainment than females, beginning in primary school and continuing throughout schooling to GCSE and A Level".

Given the above DoE facts and comments, the following question arises;

Why, if the NI and UK universities promote affirmative action programmes for female, transsexual, GLTB and BEM groups does QUB and UU not promote affirmative action programmes for working-class, NI Unionist / Loyalist students, researchers and staff?⁶¹

⁶¹ <https://www.education-ni.gov.uk/sites/default/files/publications/education/2021-22%20Resource%20Budget%20Equality%20and%20Human%20Rights%20Screening%20January%20Monitoring%20Update.pdf>

I suggest, that the demographic changes of the last two decades within the NI university sector should (by 2022) have motivated the NI Equality Commission to action a comprehensive equality review of the NI university sector, however, the NI Equality Commission's own staff imbalances of 33.3% males / 66.7% females and 38.5% Protestants / 61.5% Catholics, suggests that the NI Equality Commission is aware of, but endorses the demographic changes within the NI university sector.⁶²

6.00 BAEM (Black, Asian, Ethnic Minority) and State School Comparators

Within Northern Ireland, Unionist / Protestant academic under-achievement within the primary and secondary school sectors, undeniably, plays an important part in Unionist / Protestant marginalisation within the NI university sector, however, for too long, this has been used as an excuse by the NI universities and other statutory monitoring and auditing agencies for their own lack of action. In England, BEM under-achievement in the primary and secondary education sectors has been

⁶² NI Equality Commission Annual Report 2021

acknowledged and addressed by various university sector programmes to promote BEM inclusion whilst navigating equality laws that prevents positive discrimination. Over the last decade, Russell Group universities within England (including Oxford and Cambridge) have continued to adopt different university strategies to promote BAEM students into (and up through) academic institutions. In recent years, the introduction of the Office for Students in England, which includes within it an Office for Fair Access, has encouraged, enthused, cajoled and threatened the elite English universities to include more BAEM and state-school pupils into the sector. Disappointingly, there are no similar schemes within Northern Ireland and no similar independent oversight institutions to monitor and 'encourage' QUB and UU to address Protestant / Unionist student and academic under-representation.

The May 2019, Black Asian and Minority Ethnic Student Attainment Report at UK Universities entitled '*Closing the Gap*', confirms that whilst the BAME representation within English universities is still low, the number of BAME students starting an undergraduate course increased by 15.7% between 2013/14 and 2017/18. In the *Closing the Gap* report, affirmative action (positive discrimination) is suggested as a technology to improve BAME representation at university. Appendix B of the *Closing the Gap* report suggests that (in terms of English discrimination law), to lawfully implement positive action, a university must reasonably think that students who share a protected characteristic (age, disability, gender reassignment, marriage and civil-partnership, pregnancy and maternity, race, religion and belief, sex, sexual orientation):

- (1) Experience a disadvantage connected to that characteristic; or
- (2) Have needs that are different from the needs of persons who do not share that characteristic; or
- (3) Have disproportionately low participation in an activity compared to others who do not share that protected characteristic.

Within Northern Ireland, the Unionist / Protestant student population is, I suggest a protected group in terms of its political, cultural and racial identification. Within Northern Ireland, the British / Irish ethnic differentiation within a deeply divided society is one that is perhaps more deeply contentious than BEAM identity because within England and Wales there are no perceived threats to a student's national identity. The same is not so within NI, where the working-class Loyalist / Unionist / Protestant population are developing a siege mentality as a Irish unification referendum becomes increasingly likely. It is within the NI Loyalist working-class, male student population that marginalisation within the NI university sector is most evident. The statistical data presented below within subsequent FOI Act Replies indicates that within various NI university campuses, faculties, schools and courses, Protestant / Unionists are under-represented and importantly, the statistical trends indicate that under-representation is increasing. To address issues of under-representation, the *Closing the Gap* report provides examples of how 'positive action' could help address BAME under-representation.

The *Closing the Gap* examples include:

- (A) Providing bursaries (or in the case of NI providing a scholarship foundation such as the Castlereagh Foundation) to obtain qualifications in a profession such as

journalism for BAME students whose participation in that profession might be disproportionately low. Moreover, in the case of NI, any such action would help address Baroness Hoey's concerns that the Nationalist / Republican professional networks within Northern Ireland are more numerous, effective and dominant than the Unionist / Loyalist professional networks;

And,

(B) Providing mentoring to BAME students to facilitate their progress into highly skilled employment.⁶³

The *Closing the Gap* report suggests that any such 'actions would need to be proportionate to the disadvantage or under-representation faced by students with protected characteristics. The action must be justifiable with appropriate evidence, quantitative or qualitative, including student feedback data'. In relation to justifiable actions being taken in accordance with student feedback data, the NI universities and NI Equality Commission have, I suggest, been remiss in dismissing the QUB 'cold-house' petition of 2020 and of failing to undertake research into why higher percentages of NI Unionist students declined to study within NI and why disproportionately less Unionist students (in certain academic faculties) advance to masters and PhD programmes. The lack of authoritative research into Unionist perceptions of marginalisation within the NI University sector by the NI Equality Commission, the DfE, the NI university sector and importantly, the academics within the legal, social sciences, humanities and educational schools at QUB / UU asks questions about institutional bias.

On the 23 February 2022, *The Times* reported that the advancement of state-school pupils into the UK's leading universities had slowed down, in contrast to the advancement of state school pupils into Oxford and Cambridge. The changing rates of access into different universities suggests that whilst introducing regional legislation is important, the actions and decisions of individual universities (who have some latitude in determining positive (outreach) actions to attract BAME and state-school sector pupils) are also important. The diminishing number of state-school pupils entering Russell Group universities prompted John Blake (director for Fair Access at the Office for Students) to urge the English universities 'to redouble efforts to ensure their doors were open to students from disadvantaged backgrounds'. Importantly, the Office for Students (within England) has powers to 'encourage' English universities to increase representation of disadvantaged school-pupils into individual universities, within NI, no similar university regulation or monitoring body has the same statutory powers as the Office for Students.

The Office for Students (OfS) confirms that, '*universities and colleges registered with the OfS must set out in access and participation plans how they will improve equality of opportunity for underrepresented groups to access, succeed in and progress from higher education, and what outreach they will do to support that. Alongside this, the OfS-funded 'Uni Connect' programme brings together 29 partnerships of universities, colleges and other local partners to offer impartial outreach activities, advice and*

⁶³ <https://www.irishnews.com/paywall/tsb/irishnews/irishnews/irishnews//news/northernirelandnews/2022/01/07/news/platform-baroness-kate-hoey-2553951/content.html>

*information on the benefits and realities of going to university or college. Through collaboration, the hubs deliver a coordinated outreach offer which allows schools to engage with higher education efficiently and effectively'*⁶⁴

Within Northern Ireland, the NI university sector, despite being heavily subsidised (directly by the DfE and indirectly by the UK Treasury), is poorly regulated. Increasing claims that the NI Unionist / Protestant university student population considers QUB and UU campuses to be cultural and political cold houses have been ignored not only by QUB and UU but also by the NI Equality Commission. Moreover, the absence of an Office for Students within Northern Ireland has serious repercussions in maintaining university standards within Northern Ireland. It appears that whereas in England and Wales, BAEM marginalisation within the university sector has been recognised and tentative steps have been taken to address historic failings, by contrast, within Northern Ireland there exists a culture of deniability, which is instrumental in ensuring that Unionist marginalisation continues.

On the 24 November 2021, the government at Westminster published new levelling up plans to improve student outcomes (within England). Universities in England are now required to set new ambitious targets to support students throughout their time at university by reducing dropout rates and improving progression into high paid, high skilled jobs. *'Universities will be expected to improve education outcomes for disadvantaged students in the schools and colleges across the region'*. The Government also *'announced £8million investment to remove barriers to post-graduate research for Black, Asian and minority ethnic students, with projects looking at admissions and targeted recruitment'*.

As part of the government's plans 'the Office for Students will ensure that the new plans focus on the following priorities:

(1) Ensuring that universities move from just getting disadvantaged students through the door, to admitting them onto courses that deliver positive outcomes; universities should tackle dropout rates and support them through university to graduation and into high skilled, high paid jobs.

(2) Working more with schools and colleges to raise standards in schools so students get better qualifications and have more options and can choose the path that is right for them.

(3) Offering more courses that are linked to skills and flexible learning such as degree apprenticeships, higher technical qualifications and part time courses (See footnote 7 below).

In January 2020, the *New Decade New Approach Deal* endorsed the Castlereagh Foundation, a scholarship foundation within Northern Ireland that by March 2022 appears to have floundered. The NDNA Castlereagh Foundation was promoted to address declining output of PUL / Ulster-Scots / Unionist-British orientated research within QUB and UU. During the same period within England, the government at Westminster promoted and enacted a (similar) interventionist scheme which arguably moves from being positive, or affirmative action, to bordering on positive

⁶⁴ <https://officeforstudents.org.uk/publications/coronavirus-briefing-note-higher-education-outreach/>

discrimination. Under this 2021 interventionist scheme, thirteen new projects, worth nearly £8million, were proposed in order to *'attempt within England to tackle persistent inequalities that create barriers for Black, Asian and minority ethnic students to access and take part in postgraduate research (PGR). The projects, worth nearly £8 million, are innovative in scope, scale and focus to an extent that has not been seen in England before. Delivered over the next four years, they will improve access into research, enhance research culture and the experience for Black, Asian and minority ethnic PGR students, and diversify and enhance routes into a range of careers'*.

*The investment, by Research England (which is part of UK Research and Innovation) and the Office for Students (OfS), is well spread geographically across English higher education providers and their partners. The projects range from targeting recruitment, admissions and transition to increasing the number of Black, Asian and minority ethnic female professors, and generating new admissions practices to creating longitudinal, systemic, and structural change at various English universities.*⁶⁵

In March 2022, the University of Hull demonstrated another affirmative action programme that delivers new LGBTQ+ scholarship for students. It is the willingness of individual universities within the UK to promote different programmes to increase Black, female, gay advancement within the university sector that contrasts with the reluctance of QUB and UU to address Unionist marginalisation. The Attitude Magazine Foundation Scholarship will support six students from the LGBTQ+ community with £1,000 each to support the cost of their studies at Hull. It builds on the University's commitment to widening participation at Higher Education level, and follows the recent success of the Jeremy Round Scholarship.⁶⁶ The LGBTQ+ student representative at the University of Hull, said: "Members of the LGBTQ+ community can face a variety of barriers when accessing Higher Education. Paradoxically, there is no such representatives at UU or QUB to advance Unionist student concerns.

Anne Longfield, Chair of the Commission on Young Lives, published the Commission's third thematic report, 'All Together Now: Inclusion not exclusion - supporting all young people to succeed in school' on the 29 April 2022. The report looks incentivising all schools to become more inclusive and makes a series of recommendations for how schools can be supported to divert vulnerable teenagers away from crime and exploitation and enable them to thrive. Among the report's proposals the Commission suggests:

- Workforce strategies implemented to increase the number of Black teachers in classrooms and in leadership roles. Race-equality training should be a core aspect of all teacher training and should be included as a core module at the new Teacher Training Institute.

⁶⁵ <https://www.gov.uk/government/news/new-levelling-up-plans-to-improve-student-outcomes>

⁶⁶ <https://www.msn.com/en-gb/money/careersandeducation/university-of-hull-s-new-partnership-to-launch-lgbtq-scholarship/ar-AAVczFc?ocid=msedgdhp&pc=U531>

The paradox is that within Northern Ireland, employment data within the NI education sectors indicate that Protestant / Unionist teachers are marginalised by being 'excluded' from teaching in the Maintained education sector and within the NI university sector there have not as yet been calls for levelling up of the diminishing number of NI Unionist / Protestant academics

Within England, commendably, there has been government recognition and legislative action to address the historical marginalisation of BAEM school children and students. Within Northern Ireland, despite several decades of increasing Unionist / Protestant marginalisation within the NI university sector that has been no such recognition. Indeed, worryingly, the NI universities argue that Unionist / Protestant student concerns are misperceptions and hence are unwarranted! Coupled with the lack of independent monitoring and auditing of the NI university sector, these claims suggest that the rate of Unionist / Protestant participation within all areas of QUB and UU will continue to decline.

7.00 NI University Sector Regulatory Controls

In January 2022, I wrote to the DfE, the NI Assembly Committee for the Economy and the NI Select Committee at Westminster to point out that academics and students within NI do not have the same degree of statutory protections compared to those within England and Wales. In England and Wales, the Office of the

Independent Adjudicator for Higher Education (OIA) was created in 2005, and the Office for Students (OfS) was created in 2018. Last year (2021) a Higher Education (Freedom of Speech) Bill was introduced into Parliament designed to protect academic freedom of expression in England and Wales. QUB has recently confirmed that because of the design of its complaints system, QUB does not keep records of all student complaints. Individual complaints must be first addressed to, and dealt by, individual academics and hence the totality of student complaints cannot be accounted for by the university. In January 2020, 3,400 Unionist students, academics and others signed a petition that suggested QUB is a 'cold house' for Unionists. Over the last few years, Unionist and Orange students' societies have made complaints to QUB about marginalisation within the QUB student's union. The inability of NI Unionist students to fully participate in university life by marginalisation in the Students' Unions is a factor when NI Unionist school-leavers and students decide whether or not to stay within NI, or to go to GB, for their higher education.

Without full and proper regulation of the NI university sector, student complaints 'disappear' without being addressed. The regulation of the NI university sector vis-à-vis the regulation of the English and Welsh university sectors needs to be redressed. NI students (Catholic and Protestant, Nationalist and Unionist) have less regulatory protections than their counterparts in England and Wales.

Several decades of Direct Rule and the NI Assembly (thereafter) undertaking a laissez-faire, auditing disinterest in the NI university sector, has led to a situation where NI / UK taxpayers pay large government subsidies for university student education in NI. However, there is not the same degree of departmental or independent monitoring and regulation of the NI university sector as there is within England and Wales (where government subsidies are much less given the nature of university fee structures).

The inability, or lack of will, of the DfE, the NI universities and the NI Audit Office to monitor and audit the best value / value for money spending in the distribution of PhD scholarships (today worth approximately £55,000 each) is highlighted in Table 6 and 7 below. Over the last two years, I have written to the DfE and the NI Audit Office about regulatory and value for money concerns within the NI university sector, however, my concerns go acknowledged without any substantive written response.

Within NI, the absence of effective independent regulation of the university sector places an onerous burden on the NI universities to design and implement student complaint systems which are transparent and that provide taxpayers and students with data on the magnitude and nature of complaints. It is suggested that the disparity in regulatory systems within the university sectors in England / Wales and Northern Ireland can no longer be tolerated and that in the short term, similar regulatory and auditing controls that exist within England / Wales must be implemented within the NI university sector.

Within England and Wales, the Office of the Independent Adjudicator (for the university sector) within its 2021 Annual Report, the OIA states that *'as an ombuds service we have a deeply held commitment to fairness. Our values include equality and diversity and we are committed at all levels of our organisation to promoting this. We do this both through our work and as an employer. In 2021 our Diversity Steering Group, which includes Board members with relevant expertise and the Senior*

Leadership Team, continued to oversee our work in this area'.⁶⁷ Within the Northern Ireland university sector, I suggest that the equality undertakings within the NI university sector have been poorly monitored and audited. If I am correct, S.75 equality auditing failures in PhD scholarship funding, the closure of the Union Theology College and the provision of new UU academic schools and campuses at Belfast and Magee, equates to ultra-vires public spending and hence, these claims give credence to the possibility that the NI university sector requires to be equality audited. Moreover, this report argues that within Northern Ireland, the Unionist student, research and academic community has been increasingly marginalised and that there are no affirmative action programmes in place, or regulatory bodies such as the OIA to halt the marginalisation processes.

Transparency and 'Consumer' Protection Concerns in NI University Sector

With the medical profession and the NHS, judicial findings from several public inquiries have highlighted that professionals (and the NHS) can at times self-protect when faced with medical negligence claims and hence increasingly there are calls for the introduction within the UK of a legal duty of candour. Recognising that medical professionals and the NHS have legal duties to their patients, a duty of candour places a legal responsibility on medical professionals to be transparent and to provide a factual account as to what is already known. Likewise, within the house sales market, the long-standing commercial principle of caveat-emptor was abandoned over a decade ago within the UK and estate agents and house sellers have a legal duty to disclose certain things that potential house buyers need to know if they are contemplating purchasing a house. Therefore, the Consumer Protection from Unfair Trading Regulations 2008 (Consumer Protection Regulations) help protect house purchasers who are committing to major, live-time purchases funded by long-term mortgages. In both examples, the law moves to protect individuals weakened by lack of knowledge, from others empowered by knowledge. Similar legislative protections have, and are currently taking place, within the English and Welsh (but not the NI) university sectors.

Within the UK, university under-graduate and post-graduate students incur increasing debt levels when they become consumers of the university product, however, within Northern Ireland university students have not had the same level of statutory (consumer) protection that exists within England and Wales. Today, it has been announced that university advertisements within England and Wales, designed to attract new students, will be required to include information on student dropout rates and the proportion of students who go on into employment (under new government guidance published on the 1 July 2022).

According to the *Telegraph* (1 July 2022) Michelle Donelan (Higher and Further Education Minister), accused some English and Welsh universities of misrepresentation, or misleading potential university students by mis-selling, or by

⁶⁷ <https://www.oiahe.org.uk/media/2706/oia-annual-report-2021.pdf>, page 30

omitting crucial factual details from university course advertisements that could otherwise impact upon the student's choice of university and course of study.⁶⁸

In the same way that an estate agent when selling a house has a duty of disclosure, universities, because of historical student (consumer) mis-selling complaints will have to fully disclose employment opportunities, course completion rates, academic attainment levels, etc., in the advertising literature designed to attract incoming students. The danger here however is, that in order to maximise student intake and student fees, university examination grade inflation keeps increasing.

The government's guidance to English and Welsh universities will apply to all forms of advertising. Essentially, Michelle Donelan's motivation is to make the university sector transparent to its consumers. The increase in regulation of the English and Welsh university sector contrasts with the laissez faire regulatory system historically adopted by the NI Assembly, the NI Executive and the NI DfE.

According to the *Telegraph*, the government said that the '*latest data showed fewer than six in 10 students would make the same choice of university or course if they could make the decision again.*' If this statement is true, then contrary to the consumer satisfaction data surveys compiled by, and provided by, individual UK universities, student dissatisfaction levels with the university experience are high. Importantly, if the new government 'guidance' within England and Wales that enables university self-regulation is not complied with, tougher statutory measures will be introduced. Within Northern Ireland, giving the growing number of university students that entered the NI university sector during the Covid-19 years (2020-2022), there is an urgent need to follow the regulatory regime within England and Wales.

Within the 2022-2027 programme for government, the NI political parties should consider bringing forth statutory regulations within the NI university sector that; promotes transparency, protects students, regulates 'consumer' complaints, encourages academic freedom of speech, and audits growing inequalities within the NI university sector.

Regulatory Monitoring and Independent Adjudication failings in the NI university sector

Article 6 § 1 of the Convention states that In the determination of his/her civil rights and obligations... against him/her, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

If Article 6 is considered as the gold-standard by which different liberal democratic countries enable citizens to uphold their civil rights (at the very highest levels of legal systems), it then follows that providing independent and impartial 'tribunals', appeal bodies and adjudication offices, right down through central and local government administration systems is a pre-requisite to ensure that individuals maintain their civil rights and access justice. To enable civil rights to exist, accountability systems need to be in place. Where accountability systems are not in place, powerful governing elites are protected and powerless, minority communities are disadvantaged. Those

⁶⁸ <https://www.msn.com/en-gb/money/other/university-ads-must-now-include-information-on-dropout-and-progression-rates/ar-AAZ3QdZ?ocid=msedgdhp&pc=U531&cvid=4632c278e8ad43298bd052410a4c6d4f>

who administer justice (and all other sorts of decision making) need to be held accountable from both above and below, from those who pay for services and those who use services. Accountability mechanisms depend upon the existence of knowledgeable / dedicated monitoring and regulatory bodies as well as independent adjudicators. Fair and equitable administration systems require both regulatory control and independent review mechanisms. One way within which government can ease the burden of its monitoring obligations is to empower others; users and consumers to hold to account those agencies who redistribute government policy, funds and grants. Within the NI university sector the twin systems of top-down regulation and monitoring and bottom-up independent adjudication do not exist thereby denying NI university student consumers' access to justice and taxpayers, accountability. Another way that government can utilise others to hold powerful decision public authority makers to account (and protect the tax-paying public) is to encourage, and to protect whistle-blowers.

This section addresses specifically, the inability of university students within Northern Ireland to access a NI university sector adjudication / arbitration body similar to the Office of the Independent Adjudicator for Higher Education (OIA). This paper argues that fee-paying NI university students at QUB / UU are disadvantaged in comparison to their GB peers by the absence of an stand-alone NI university sector regulator (and independent adjudication /arbitration body) and that (historically) the absence of an independent adjudicator has resulted in QUB/UU becoming unaccountable to the NI Assembly, UK tax-payers and NI university students.

Access to justice, legal aid, principles of natural justice, equity, the existence of independent tribunals and affordable access to external appeal bodies are central to the development of the criminal and civil law within the UK. Linked to these long-established fundamental legal principle of access to justices, the efficacy of the UK's criminal and civil law depends upon regular Executive oversight of the UK's public sectors to ensure that dominant, powerful actors within the different sectors are constrained by public policy and 'human rights / civil rights' interests. Importantly, Article 6(1) of the European Convention on Human Rights, is said to complement UK common law rather than replace it. The essence of the need for tribunals and decision makers to be impartial was noted by Lord Denning, the Master of the Rolls, in *Metropolitan Properties Co (FGC) Ltd v Lannon* (1968):[15] "Justice must be rooted in confidence and confidence is destroyed when right-minded people go away thinking, 'the judge was biased'. Judge Denning's remarks I suggest, apply not only to decision-making within the judiciary, but decision-making at all levels of society

The right to a fair hearing, promotes individual liberties, however importantly, the right to a fair hearing has also been used by courts as a base on which to build up fair administrative procedures. It is established in law that it is not the character of the public authority that matters but rather the character of the power exercised. Article 6 alone, it is argued, is not enough to protect the procedural due process, and only with the development of a more sophisticated common law will the protection of procedural due process extend further into the administrative machine. Within many policy sectors, such as the English and Welsh university sectors, natural justice concerns have allowed for the expansion of the common law to protect an important class of people. If higher education has a nexus to; individual debt levels, gaining employment; having a livelihood, and a person's social standing within the community, then providing university students with the full armour of natural justice

and providing students with independent appeal and adjudication / arbitration systems is a requirement for the UK's devolved governments.

Within different UK public sectors, there are legal protections in place for individuals that contrast with the legal protections available to NI students attending QUB and UU. For example, within the UK, employees have statutory rights to conciliation, mediation or arbitration when disputes arose with their employers. Often access to justice for workers in dispute with employers is accompanied by legal aid and legal / trade union representation. Within England, school children expelled from schools have a right to bring their expulsion cases to independent appeal panels. Industrial / Employment Tribunals enable employees to take employment cases against employers and often employees will be helped with the legal costs of the industrial action. Under the Sale of Goods Act, consumers within the UK have statutory protections and rights and can take their complaints to the Consumer Council. For minor consumer disputes, the Small Claims Court helps to ease the formable burden of the consumer's legal costs. When disputes within the financial industry arise, complainants can take their complaints to the Financial Conduct Authority. Within the UK, construction and engineering dispute cases have increasingly been addressed to the expertise that sits within the Technology and Construction Court or to the expertise that sits within the several construction arbitration systems / tribunals. Family disputes are directed to the expertise that exists within UK's Family Division of the courts and environmental NGOs have legal protections under the Aarhus Convention that enables environmental groups to commence judicial reviews and importantly to seek legal costs that help to protect the NGO and the environment.

Within the UK, the university sector has become one of the UK's most important and influential economic sectors. The scale of student loans in England is almost £20 billion (loaned to around 1.5 million students in England each year). The total value of outstanding student loans at the end of March 2022 reached £182 billion. These debt levels prevent most students taking disputes into the civil courts. Moreover, the £182 billion in UK student loans is substantially increased by the massive individual student debts incurred by international students (and their governments) with the rising number of foreign students attending universities within the UK. In 2021, students graduating from English universities had incurred an average student debt of over £45,000, compared with £27,600 in Wales, £24,700 in Northern Ireland, and around £15,200 in Scotland.⁶⁹

The BBC reported in February 2022, that 'the reality is that most graduates won't pay back the full amount they borrow before the debt gets wiped at 30 years. If this is so, then the devolved governments and the UK taxpayers, directly and indirectly provide massive economic support the UK university sector, through UKRIC scholarship funding, tuition fee support and student loan debt right offs, must monitor, audit and hold the UK universities to account. One way of holding the UK universities to account is vicariously through the ability of pro-active students challenging university decisions within external, neutral adjudication processes. The social mobility charity, The Sutton Trust, estimated in 2017 that 81% of students would not pay off their loans in full. The government's own Office for Budget Responsibility estimates that

⁶⁹ <https://www.statista.com/statistics/376423/uk-student-loan-debt/>

only 38% of total student loans and interest will be repaid'.⁷⁰ Funding the UK university sector through tax revenues, without holding it to account is a failure of the UK government, the devolved legislatures and those existing Ombudsman Offices / Equality Commissions / Audit Offices who have failed to monitor, audit and regulate the UK university sectors. In essence, failure to properly monitor, regulate and enable users to hold the sector to account, (a sector that incurs debts of £182 billion), is a failure to protect the UK tax-paying public.

University students resident in the UK, after they leave university, pay 9% of their earnings over a certain threshold to reduce the student loans. In Scotland and NI, university tuition fees are partly subsidised by the Scottish Parliament and the NI Assembly. In Scotland, students start repaying their student loan when they earn £25,000 a year. In Northern Ireland, the earnings threshold is £20,000 and the current interest rate is currently at 1.1%, though student loan interest rates must rise sharply with raising Bank of England rates with interest rates of 4.5% anticipated.⁷¹

The UK Government forecasts that the value of outstanding student loans is will be around £460 billion (2021-22 prices) by the mid-2040s.⁷² The forecast average debt among the cohort of UK student borrowers who started their course in 2021/22 will be £45,800 when they complete their course.

UK university students because of the high student debt levels incurred and their commitment to several years of academic study, require affordable, independent complaint handling systems. Within Northern Ireland, these student adjudication systems do not exist.

The rising level of student debt is a serious economic imposition that prevents NI students perusing complaints when disputes arise over the provision of university services. Government and various legal advocates recognise the basic principles and importance of legal-aid to make access to justice affordable and to provide low-income individuals with meaningful rights to natural justice. In England and Wales, since 2004, university students are protected with the introduction of a university sector adjudication process. In Northern Ireland, QUB and UU remain unfettered by a laissez-faire, self-regulatory system which not only disadvantages all student consumers, it also impacts on minority / marginalised student populations.

The inability of fee-paying students to hold to account the universities, perpetuates poor academic provision. Consumer accountability in all sectors drives up performance, without accountability, one of the main drivers to ensure improvement is lost. UK students contemplating commencing breach of contract disputes against their university providers, have to scale considerable economic hurdles that in turn invites questions of the ability of UK students to access justice and to obtain natural justice in the absence of independent appeal tribunals. The problems of university students accessing justice within Northern Ireland are however more pressing and

⁷⁰ <https://www.bbc.co.uk/news/newsbeat-51190779>

⁷¹ <https://www.gov.uk/government/news/student-loans-interest-rates-and-repayment-threshold-announcement--2>

⁷² <https://commonslibrary.parliament.uk/research-briefings/sn01079/>

problematic than in England and Wales because of the NI devolved government's historical failure to endorse similar legislative reforms to the NI university sector to those legislated within England and Wales. This legislative failure, directs NI (and international) university students contemplating taking a dispute against QUB / UU into the NI civil courts without recourse to other independent university sector adjudicators. For most university students within NI, access to the civil courts is an economic impossibility.

In England and Wales, university students when they are dissatisfied with the services provided by universities have stronger legal protections arising from the regulation and monitoring service of the Office For Students (OfS) and independent dispute resolution services available from the Office of the Independent Adjudicator for Higher Education (OIA). In addition, within England and Wales, in November 2022, the Higher Education (Freedom of Speech) Bill progressed to the House of Lords (Committee Stage). The Bill, when enacted will give the OfS (expanded) statutory powers to address academic freedom of expression (Article 10) Rights within England and Wales. Within NI, there have been no such calls from the NIHRC to promote academic freedom of expression legislation which is concerning considering that for several years the minority NI Unionist political community have been expressing concerns within the media in relation to marginalisation, under-representation and discrimination of NI Unionist academics, researchers and students at QUB/UU. If, the Unionist political community are correct in their assertions, then it follows that there are Article 9 and 10 Rights to be protected within the NI university sector to protected by endorsing similar legislation and by ensuring that a university sector regulator enforces the legislation.

Within England and Wales, the university adjudicator, the OIA cannot address student complaints in relation to academic judgements, something that I suggest prejudices high fee paying university (consumer) students, however, university students within England and Wales can complaint to the OIA in relation to; accommodation provision, bullying and harassment, disciplinary matters (including plagiarism), discrimination, procedural irregularities, research supervision, teaching provision and facilities and unfair practices. Over the last 18 years, the OIA has built up a body of expertise as an independent adjudicator set apart from government and regulators such as the Office for Students (OfS) and the Higher Education Funding Council for Wales (HEFCW). In addition, the OIA works with the Office of Qualifications and Examinations Regulation (Ofqual) when the OIA considers complaints from students studying for Ofqual-regulated qualifications.

As the designated operator of the student complaints scheme (under the Higher Education Act 2004), the OIA has a statutory duty to supply relevant information to the appropriate UK and Welsh Assembly Government Ministers. Within Northern Ireland there is no such independent body to advise the NI Executive or to protect fee paying university students.

The OIA, in exceptional circumstances, has power to address student complaints where the internal university complaints or appeals procedures have not been completed. For instance, where a provider has unduly delayed in either progressing the complaint or in issuing a Completion of Procedures Letter, or if there is evidence that the higher education provider might be obstructing the complaint, or where there is nothing to be gained by progressing with the internal processes. I suggest that

another area where independent adjudicators can step in before university internal complaint's processes are completed is where there are large scale universal problems to be addressed that impact on the student cohort, or where there are concerns about the efficacy of the internal complaint systems. It appears counterintuitive that an external independent adjudication body, or a university regulator, would allow university students to progress within an internal university complaint's system that was legally flawed, or judicially suspect, hence allowing the university to issue a final (authoritative) complaint's decision using a flawed, or even biased, self-protecting student complaint's framework

In all these cases, the OIA expects the student to have pursued the matter first with the university provider. Within Northern Ireland, university students at QUB / UU, more so those who progress into Master's research degree courses, have similarly accrued large amounts of student (tuition and accommodation) debt and hence a large body of students are unable to gain access to the NI civil courts to address university service provision failings. As previously stated, NI university students do have not the same degree of regulatory, monitoring or adjudication protections that currently exist within England and Wales and hence natural justice and access to justice concerns arise.

In *Campbell and Fell v. the United Kingdom* (28 June 1984, No 7819/77, paragraph 76): "the word 'Tribunal' in Article 6 paragraph 1 is not necessarily to be understood as signifying a court of law of the classic kind, integrated within the standard judicial machinery of the country". A tribunal may also be set up to deal with specific subject-matter which can be appropriately administered outside the ordinary court system. What is important, to ensure compliance with Art. 6(1) ECHR, are the guarantees, both substantive and procedural, which are in place (*ECtHR, Rolf Gustafson v. Sweden*, 1 July 1997, No. 23196/94, paragraph 45). Within any such tribunals, hearings must be fair and free from bias.

The UK domestic courts encounter some confusion when they come to determine whether a matter involves a "civil right" or not; moreover, Strasbourg case law on the point is far from clear. In trying to determine whether a freezing order on a claimant's assets affected his civil rights, Sedley LJ observed that the Strasbourg Court is very clear about the concept having an autonomous meaning, but "What is neither certain nor clear is what that meaning is." (*Maftah v FCO* [2011] EWCA Civ 35).

Within the UK, the university sector engages with different 'human rights', including; the right to freedom of thought, belief and religion, the right to freedom of expression and it could increasingly be argued, the right (under Protocol 1, Article 2) to an (effective) education. Within England and Wales, government concerns about freedom of expression breaches within the university sector has promoted the Academic Freedom of Expression Bill, legislation that will be administered by the Office For Students (in England and Wales). Since the late 1990s, when the New Labour government made a commitment to ensure that 50% of more school children got access to university, I suggest that the concept of an effective education has extended to beyond the primary and secondary education sectors to include the further and higher education sectors. Under Protocol 1, Article 2, *(No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and*

philosophical convictions) parents also have a right to ensure that their religious and philosophical beliefs are respected during their children's education.

On the face of it, Protocol 1, Article 2 seems to be directed at primary/ secondary school education and not higher education, however Protocol 1 can be read that a parent paying his son or daughter's university fees has a right to ensure that their religious and philosophical protections are considered within university teaching programmes and university curricula. The essence of the academic freedom of expression legislation passing through Parliament in November 2022 is that higher education providers and the academics within them are not conforming with their own religious and philosophical convictions.

Within the UK higher education sector, many parents help fund the higher education of their children, however, traditional Christian and religious and philosophical and theological beliefs are increasingly threatened by a dominant, secular atheist and agnostic academic body. Any student within GB denied their Article 9 or 10 (and perhaps even theoretically their Protocol 1, Article 2) rights has the ability to take their complaints to the OIA, however within Northern Ireland, there are access to justice impediments to students at QUB / UU who attempt to uphold their Article 9 and 10 rights arising from the inability of the NI Executive to track the legislative changes (from 2004) within the university sector in England and Wales.

Within the UK university sector, there has been an ongoing diminution of religious and theological under-graduate and post-graduate degree programmes. Within Northern Ireland, QUB and UU no longer provide theology undergraduate degree programmes and when in 2020, QUB abolished the Union Theology College, the ability of Presbyterian university students to engage in theology courses within Northern Ireland was impeded and the ability of Presbyterian school-leavers to obtain the theology qualifications necessary to enter the Presbyterian ministry and thereafter help meet the social, pastoral, spiritual and religious needs of their impoverished, working-class, Protestant communities was diminished. The closure of QUB's Union Theology College invited human rights and equality concerns that as yet the NIHRC and NIEC have failed to address. Within the NI higher education sector there is not the same degree of religious and philosophical protections as there are within the NI primary and secondary education sectors. In addition, within the Northern Ireland university sector, NI Unionist (Protestant) philosophical ideas, increasingly find it more difficult to find outlets being suppressed by more dominant and oppositional philosophical views that increasingly find favour among agnostic, atheist, secular, and non-Christian QUB/UU academics employed within social science and humanities faculties.

Within the Northern Ireland university sector, I argue that indebted university students are economically prevented from accessing the civil courts when disputes over academic service provision arises and that access to justice failures are compounded by natural justice failures within which there is no independent sector adjudicator in NI that compares with the OIA in England and Wales. NI university students moving to universities in England and Wales have greater 'consumer rights' protections and access to independent 'tribunals' than NI students who remain within NI and attend QUB and UU. The increasing number of university student complaints cases being taken annually against universities within England and Wales to the OIA highlights the need for an independent adjudicator. By contrast,

the S.75 equality screening failure of QUB's Appeal and Complaint's system (to document all QUB student complaints and the failure of QUB to record all student complaints that involve assignment and examination marking), presents consumer rights, equality and access to justice concerns for the NI Executive, and I suggest the current NI Ombudsman / NI Commissioners to address. Importantly, the civil courts within NI are not an appropriate tribunal for economically impoverished university students to address consumer, equality or human rights concerns. Regrettably, the NIHRC and the NIEC seems to have endorsed over the last two decades the 'self-regulatory' regime of the NI university sector; a rapidly changing sector that has not been subject to a full equality / human rights audit since the mid-1980s.

I argue that within Northern Ireland there is no appropriate university arbitration system of independent tribunal to address the concerns of students who feel aggrieved by consumer failings, or equality / human rights breaches.

8.00 QUB's Student Complaint's Regime and 'The Race to the Bottom'!

This report suggests that within the Northern Ireland (and UK) university sectors there are direct and indirect relationships between different aspects of central and individual governance within UK universities. On the 27 March 2023, *The Telegraph* reported that within a six-month period in 2022, student suicides at Cambridge

University increased 500% to 6 student deaths.⁷³ Student suicide rates are not just confined to the UK's leading universities. Five years previously, the *National Student* confirmed on the 31 August 2017 that a report commissioned by *Unihealth* found that a survey based on 'over 1000 first and second year university students revealed that 82% of students at UK universities suffer from stress and anxiety and 45% have experienced depression. More worrying still, 1 in 5 students have suicidal feelings'.⁷⁴

The results of the Natwest Student Living Index for 2019 based on a survey of 3,604 students at UK universities, demonstrated that almost half (45 percent) were feeling stressed by their course.⁷⁵ On the 19 March 2023, the parents of Edinburgh University student, Romy Ulvestad, argued after their daughter committed suicide that, 'the UK government had a legal duty of care for students'.⁷⁶ The university, which apologised for failing Romy, said it had improved the support it offers since her death but if government and the universities have imposed upon them statutory legal duties to care for the physical and psychological well-being of their students, the starting point is in ensuring that students unsuitable for academic study are not admitted, and quickly thereafter ensuring that students who are failing in their academic studies (and who are unlikely to meet the stringent demands of academia) are directed to career paths more suitable to their abilities. Any such steps undertaken to ensure the well-being of students, would inevitably reduce the income to universities.

Throughout the UK university sector, student suicides, depression and well-being are fast becoming the central important drivers of university and student union care-programmes. Levels of student stress are related to; student fees, examination grade inflation / deflation, internal and external complaints regimes and fundamentally the ability (or inability) of increasing numbers of students to cope with the pedagogic requirements of three-years in a post-secondary educational environment. Universities under pressure to maximise fee-income appear to have no duty of care in preventing students entering universities who might otherwise be inadequate for the academic experience, furthermore, once the students have enrolled and paid their academic fees, the universities have a selfish financial aim to ensure that students stay the distance and pay the full three-years fees. Thereafter, the universities have little concern about student debt levels averaging £30,000, or the ability of students to pay-back the debts incurred. Financial necessity drives; university entry levels, examination grade inflation, and student complaints mediation processes, the same financial pressures, from a very different perspective, also drive-up student suicide rates.

⁷³ The Telegraph - <https://www.telegraph.co.uk/news/2023/03/27/cambridge-university-rocked-rise-student-suicides/>

⁷⁴ National Student - https://www.thenationalstudent.com/Student/2017-08-31/82_of_students_suffer_from_stress_and_anxiety.html

⁷⁵ <https://www.topuniversities.com/student-info/university-news/nearly-half-students-are-stressed-uk-universities>

⁷⁶ <https://www.bbc.co.uk/news/uk-scotland-edinburgh-east-fife-65007151>

The correlation between student stress, examination grade inflation and student entry levels, may however be the subject of review, as student debt levels and the burden on the public purse continues to increase. Rishi Sunak has reported that he is increasingly concerns about reform of the university sector, partly because of the impact of debt levels on the UK taxpayer. The *Sunday Times*, reported on the 26 March 2023 that ‘only a quarter of students who started full-time undergraduate degrees in 2021 forecast to repay loans in full.’⁷⁷ Growing concern over low-quality degrees, another feature of the university ‘race-to-the bottom’, has promoted the UK Prime Minister and other government ministers to consider the minimum entry level requirements for admission to university. The problem for government ministers in 2023 is that entry to university is generally determined by the student’s academic achievements at A-levels and during the Covid-19 pandemic years of 2020-21, academic grade inflation of UK school children arose because of a decrease in moderated examinations and an increase in student assessment by individual schools and teachers. The Sunday Times also reported on the 26 March 2023 that the Education Secretary, Gillian Keegan supports a 2019 report by the *Onward* think-tank that warned ‘too many students were facing hefty payments for degree that won’t help them financially.’

In the university ‘race-to-the-bottom’, a race unlike the Oxford-Cambridge boat race, where endeavour and excellence ensure a successful income, universities mis-sell students’ academic products (in the form of academic degrees) where the chance of employment success is severely limited. Hence, aware of threats from the Office for Students, Sheffield Hallam University suspended its English literature degree for the 2023-24 cohort, knowing that universities (within England and Wales, but not Northern Ireland) will be subject to substantial fines if 60% of graduates fail to obtain professional careers. It appears that the days when UK universities could entice students into new, ‘post-modernist’ degree programmes by a combination of low-entry requirements and massaging student examination results by; multiple choice examinations, group assignments, reducing assignment lengths and minimising the number of moderated examinations, are coming to an end as £20 billion is lent to around 1.5 university students within England each year. It is also possible, that should the 2023 Student Group Claim, breach of contract action be successful against universities within England and Wales in the UK courts, that the UK government(s) will be forced to take more direct action in regulating, monitoring and scrutinising the UK university sectors.

On the 8 May 2022, the NIPSO Office confirmed by way of a FOI Act reply that between 2016 and 2021, 71 QUB students approached the NIPSO about concerns related to their academic studies at QUB. In addition, the NIEC confirmed on the 11 May 2022 that; in 2019 the NIEC assisted one QUB student in a County Court case that was settled, one prospective QUB student in 2020 in a County Court case, and one other QUB student in 2022 who was being assisted by the NIEC in County Court proceedings. This report argues that the 71 QUB students and the 3 students who progressed complaints into the County Courts and NIPSO were potentially disadvantaged because their legal advisers and the NIPSO were unaware of the information contained within this Report and specifically within the section below. If

⁷⁷ Wheeler, C and Yorke, H., Sunday Times, 26 March 2023, ‘Ministers to rule on entry grades for university’, page 6.

the NIPSO, NIEC, legal advisers and the Civil Courts presumed that QUB students had taken complaints into an internal complaints system that was compliant with NIEC equality screening requirements, this Report suggests that they were mistaken. The procedural faults found within the design of QUB's internal complaint system (and documented below), might have better informed those adjudicating on the 74 external complaint cases brought before the NIPSO and Civil Courts. Moreover, the existence of the procedural design faults within QUB's complaint system, may have also been a factor influencing QUB students to take external complaints into the civil courts or the Ombudsman's Office in an attempt to get the justice that the QUB procedures denied.

This Report argues that NI university students because of high debt levels are constrained from pursuing their complaints within the NI civil courts. Unless NI university students receive help assistance from the NIEC, it is unlikely that students will proceed with claims against QUB or UU the high costs involved. Therefore, it is essential that NI university students have access to bona-fide internal university complaints systems that are underpinned by a competent equality screening regime that in turn has been periodically monitored and approved by the NIEC. Regrettably, it appears that QUB students have to negotiate a QUB appeal and complaints system that has serious equality defects within its design. Moreover, all NI university students have restricted access to justice outside the university internal complaints system because since 2005 the NI Executive has failed to follow the Westminster government in providing independent sectoral regulating and adjudicating authorities.

Based upon correspondence received from QUB's Appeal and Complaints Office (during February 2022), there is substantive evidence of systemic equality screening failings in how QUB addresses student complaints. This Report argues, de-facto that S.75 equality screening of student complaints has been neglected to the detriment of the students, and that if, or when, S.75 equality screening exercises have been undertaken they had been devoid of all the necessary requirements to validate the exercises as bona fide. The equality failings within the complaint's system have implications for the self-funding students, the Department of the Economy who subsidises university student places, the NI Equality Commission who have equality monitoring and regulatory obligations, and the NI Audit Office who must ensure that value-for-money is achieved and that due-diligence processes are not subverted to allow organisations to financially benefit from ultra-vires practices.

Simply put, the NIAO needs to be assured that the substantial DfE grant funds to the NI university sector are monitored and audited for value for money and that student satisfaction levels, or student complaints about value for money are within reason. If, as suggested, the QUB Appeal and Complaint's system is legally unsound, then all QUB students who are currently, and who have previously progressed through the complaint's system, theoretically have a legal right of appeal. Simplistically, it is suggested that S.75 equality screening failings discovered within the QUB complaints system may have occurred by, accident, error or design, nevertheless the failings are symptomatic of a 'hands-off' DfE and NIEC auditing regime within the NI university sector that cannot give assurance of value for money returns to the DfE.

In essence, QUB operates a students' complaints system akin to that of any large organisation that is designed to address internal staff complaints. The QUB student complaint system is user friendly, streamlined and perhaps efficient in terms of QUB resources. It is a system that is possibly compatible with dealing with internal staff complaints, it is not however a complaint system suitable for dealing with external, fee-paying stakeholder complaints. Imagine if you will, Tesco shoppers' purchasing a defective product / service, complaining to Tesco's complaints office, only be re-directed back by the Tesco counter staff who delivered the defective service / product? This is the sequence that QUB students must adhere to when making complaints. Students at QUB are not permitted to take concerns addressed initially to individual academic school staff to the central QUB Appeal and Complaint's Office unless they first make verbal / written complaints to the school from whence the complaint emanated.

Student complaints at QUB are not considered as legitimate, or bona-fide complaints unless they are first addressed to the individual academics and schools from which the complaints arose and this practice presents insurmountable S.75 equality screening problems that QUB are statutorily obliged to resolve.⁷⁸ The QUB Appeals and Complaints Office have designed a students' complaints system that allows a large percentage, perhaps even a substantial majority of all student complaints to go unrecorded by the Complaint's Office. All first stage, student complaints (many of which are oral complaints) may be successfully addressed by the academic staff.

Thereafter, student first stage complaints are never recorded by the QUB central complaints system. If the complaints are not registered with the QUB complaint's system, there are no details of the nature of the complaint or the resolution agreed between student and staff. Importantly, the statistical data required to monitor and analyse equality screening requirements and protected classes of complainant is not recorded and therefore the complaint's system is legally unsound and can potentially give rise to indirect discriminatory practices.

Besides breaching S.75 equality screening procedures, the design of QUB complaint's system suggests that QUB's management directorate do not wish to be informed of the universal, or generic nature of student complaints! The lack of transparency invites numerous questions. In the retail and service sectors, complaint systems are designed to present management with user / shopper feedback in order to improve the equality of the product / service. This is not the case at QUB. Regrettably, the QUB Appeal and Complaints Office refuses to address student complaints sent directly to the Complaint's Office and instead it refers complaining students back to the academics within the QUB schools. This process has hidden benefits for QUB (that I document below) but the process, by subverting quantitative information, breaches S.75 equality screening requirements and presents problems for the NI Audit Office / DFE who must ensure that value for money is not undermined by excessive student complaints addressing managerial deficiencies. Realistically, the QUB student complaint's system is designed to allow staff to self-protect and to address student complaints without senior central management being informed of potential staff failings.

⁷⁸ Annex 1 - QUB Student Complaint Procedure (Flowchart) <https://www.qub.ac.uk/directorates/media/Media,837250,smxx.pdf>

The design of the QUB complaints system means that QUB cannot properly collect, correlate, monitor, synthesise and analyse the nature of all QUB student complaints because all first stage complaints are not recorded. This means that S.75 screening problems that might otherwise be identified through complaints, remain undiscovered and ameliorating action is prevented. Without full knowledge of all complaints and complainants, QUB cannot take proactive, remedial action to prevent generic student complaints arising. The lack of visibility and transparency in the QUB complaint's system means that student complainants, the regulating authorities, and the courts, cannot have any confidence in the impartiality of the process! Given the financial commitment of university students and the DfE to QUB (and UU), the design of QUB's student complaint's system cannot be allowed to continue, however, as of 31 January 2022 in a written email, QUB defended the design of the student complaint system.

Based upon correspondence dated 31 January 2022, QUB is reluctant to accept that there are equality and natural law concerns to be addressed in the student complaint system. Responding to concerns expressed about S.75 equality screening of QUB's complaints' procedures and policies, QUB on the 7 April 2022 provided me with a copy of QUB's generic S.75 Screening Form which includes several generic references that *'students are expected to benefit from a clear complaints procedure and there is an explicit commitment to equality, diversity and fair treatment in the policy and a commitment that students are not treated less favourably having used the procedure. All students are advised on how to receive support and guidance when using the Student'*.

The above statement went unsupported by other evidence of how QUB have historically monitored student complaints, most of which have fallen under the Complaint Office's radar. The paradox is that without allowing all complaining students to make formal complaints that are monitored and tracked by the central complaint's office, there is nothing clear about the QUB complaint system and hence any 'equality' data collected periodically by the complaints' office is insufficient to allow the management of QUB to address students' generic complaints.

QUB's generic S.75 equality screening form (signed 18/21 March 2022) and sent to Dr Edward Cooke on the 7 April 2022. The QUB equality screening form however was signed and dated three weeks after a formal Stage 1 student complaint of 1 March 2022 was sent to QUB and eight weeks after the issue equality screening concerns were first raised. Within the Stage 1 student complaint dated the 1 March 2022, the complaint states that *'if QUB has no means of collecting and collating all Stage 1 Formal Complaints, there is clearly a breach in S.75 equality screening requirements which in turn questions legitimacy and efficacy of the complaint's handling system.'* Moreover, within the S.75 equality screening form sent on the 7 April, QUB provides very different statistical totals for students attending QUB suggesting that the S.75 screening form was not examined by senior officers for its contents. According to the S.75 equality screening form, QUB stated that there are 6,653 Protestant students, 9,579 Catholic students and 2,470 others giving a total of 18,701 students. However, later in the next section of the same form, QUB confirm that there are 14,594 male students and 10 767 female students, giving a much larger total of 25,361 students. The significant and obvious differences in the totals of the respective QUB student populations invites questions as to efficacy of the S.75 equality screening form.

Section 75 equality screening cannot be properly undertaken if, first stage complaints are initially addressed at the local level by individual academics and the number and nature of the student complaints is not relayed back and recorded by the central QUB complaints office. Section 75 equality screening, if undertaken, would have eliminated this design flaw and would have required all QUB student complaints to be initially registered with the centralised QUB's Complaint's and Appeals Office before being passed to local dispute resolution centres. The QUB complaints' process, besides being compromised by S.75 equality screening failings, also appears to breach universal arbitration / adjudication best practices and long established rules of natural justice. I believe that QUB students (external fee-paying stakeholders) who are directed to make complaints back to the academic school staff, feel compromised and disempowered when initial complaints are rejected by the Complaints Office and students are compelled to bring the complaints to the schools within which academics form tight-knit peer groups.

Referring students at the beginning of a complaint's process, immediately back to the source of the complaint, only serves to intimidate and to minimise the volume of student complaints. Worryingly from an arbitration / adjudication perspective, directing students back to have their complaints resolved by academic staff without the complaints being formally registered and monitored, encourages localised 'sweetheart' deals within which powerful academics can self-protect by offering intimidated students accommodation in order to have the complaint against the academic or school disappear. Any such system can potentially allow errant individuals to continue with unacceptable behaviours and / or practices that may become problematic for subsequent students. Moreover, the lack of transparency appears to disadvantage students and their legal advisers who commence external civil actions and who may at some point request generic information about QUB's complaint's handling process.

It has to be accepted that Queen's University Belfast, is staffed and managed by professionals and academics of the very highest calibre. This is how QUB markets itself to international and home students, therefore simple, fundamental, equality failings at QUB demands scrutiny. The uncomfortable question arises, what if QUB had a self-interest in designing and maintaining a student complaint system that was less than transparent? What if full student complaint records were not kept by deliberate design? If this is a possibility, then, is this equality 'failure' simply sharp practice to attain an advantage in a very competitive market, or is it a form of corporate sharp practice, or corruption to be prosecuted? Student satisfaction and complaint levels are important benchmarks in attracting students (and the fees that they bring with them), however, student satisfaction is also determined (in part) by student academic success and student academic success, as noted elsewhere, features heavily in student complaints. I suggest that it is not at all controversial to suggest that QUB, like all other UK universities, have a financial interest to ensure that student complaints, or the formal recording of student complaints, are kept to a minimum.

Race to the Bottom

On the 21 July 2017, the BBC New NI reported that in 1997, 8% of students at QUB and UU were awarded first-class honour degrees. In 2009, 17% of university students in NI were awarded first-class honours degrees. In 2011/12, only 15% of NI

students were awarded first-class honours degrees. In 2015/16, 24% of QUB students were awarded first-class honours degrees. On the 27 January 2022, BBC News NI reported that 37% of university students in NI were awarded first-class honour degrees. In 2021, 60 out of 210 graduates at St Mary's University College (29%) and 65 out of 270 graduates at Stranmillis University College (24%) were awarded first-class honour degrees. Simplistically, but erroneously, it appears from the data above, that NI students in 2021 are four times 'more intelligent', more studious, or better educated than university students in 1999! It is within this context of academic grade hyper-inflation, that the efficacy (and regulation) of the QUB complaints' system must be addressed. Currently, the UK university sector is very lucrative, very competitive and attracts large amounts of foreign capital. The sector, which is increasingly funded by student loans, will cease to function if student grades rapidly started to move south!

The number one source of university student complaints within England concerns low, or incorrect academic grades, and university teaching that is not-fit-for purpose. The Office of Independent Adjudication (OIA) exists within England and Wales to provide university students with a free (and independent) complaint system. The OIA also analyses student complaints and has pro-active powers to regulate the sector. There is no similar regulatory office within the Northern Ireland university sector and hence DfE grant subsidies to QUB have no independent regulatory oversight. Without the existence of an OIA, dissatisfied, economically-challenged students within NI are either forced to abandon complaints, or else, they are forced into expensive arbitration, adjudication, and civil appeal processes.

In April 2021, the Guardian reported that university students in England and Wales (in 2020) made record complaints against English and Welsh universities with the Office of Independent Adjudication awarding £742,132 to students who brought complaints. Significantly, the student complaints lodged with the OIA were only the tip of the academic iceberg because most undocumented complaints about examination grades will have been addressed in the first instance by academics and these complaints – if they do not advance to the OIA – are settled to the benefit of the complaining student. Interestingly, the OIA concluded that of the 2,604 complaining students, only 300 complaints related to Covid-19. In the following year the 2021 record figures were increased significantly. The number of student complaints taken to the NIPSO and County Courts in Northern Ireland vis-a-vis the number of student complaints within GB, suggest that there are structural problems within Northern Ireland university sector that need to be addressed.

As someone who has studied, lectured and tutored for UCL, UU, QUB and the University of Reading, I can attest to the pressure that university tutors, teaching assistants and lecturers are placed under by university course directors to moderate and review student disagreements over assignment marks. I have watched over four decades how university assignments and examinations have evolved to ensure grade inflation. I have watched on in interest as multiple-choice type examinations and group-work exercises enable student grade inflation. I have looked on in astonishment as Master's dissertations have been reduced from 20,000 words to less than 10,000 words and how examination marks are increasingly moderated upwards as university schools seek to minimise student drop-out rates. Over the last four decades, the benchmark for attaining a lower-2:1 university degree within NI is simply to gain entry into university. University academic achievement in NI, is

determined by student's 'A level' results, this was confirmed recently by the NI Higher Education Statistics Agency.⁷⁹

When teaching law at University College of London, in 2014, the Bartlett School discovered that under-graduate students were purchasing assignments on line and submitting the assignments for marking. The 'race to the bottom' within the UK academic sector has been perpetrated during the Covid-19 period by the rapid movement from semester examinations to university assignments presented online and with that movement an inability to invigilate or validate the legitimacy of the examination submissions..

The Daily Mail revealed on the 17 July 2022, the extent of the growth in online, unregulated examination cheating within the UK university sector.⁸⁰ Both the universities, and the students, appear to conspire in a fraudulent process that questions the integrity of the university examination system. If such practices are becoming widespread, then university student invigilation systems and complaints systems will be manufactured to enable cheating as a way of increasing the necessary grade inflation to ensure ever higher student fee income. The mathematical equation is relatively simple, as students need to spend increasingly more time in part-time employment (and less time in studies) to pay for higher university fees and as university contact and teaching-time with students diminishes, university grades will decline unless ways are found to circumvent traditional examination scrutiny. Allied to the need to increase grades, universities continue to introduce multiple-choice examinations, group assignments and even peer marking. Chris McGovern, chairman of the Campaign for Real Education, said: 'Online exams are grossly unfair because they encourage and favour cheating over honesty. Any assessment system that aids and abets fraud should be outlawed.'

The Daily Mail (17 July 2022) points to the minutes of an education committee meeting at University College London (UCL) in October 2021 show the move to online assessment 'appeared to have led to a large increase in academic misconduct cases'. UCL uncovered 57 cases of collusion and 42 cases of 'contract cheating' where students used essay mills – businesses that allow customers to commission pieces of writing. The minutes lament 'a significant and concerning expansion' that resulted in 31 students being expelled. What is worrying is not the number of university students discovered cheating, but the lack of academic scrutiny in invigilating cheating practices that are widely commercially available.

Despite this and an acknowledgement that the problem 'may be widely underestimated by the sector', UCL, as did most other UK universities decided to persist with online exams in 2021-22, with minutes showing a move back to in-person exams was rejected because of problems arranging exam halls for 95,000 people in a short time, continued uncertainty over Covid restrictions and concerns any change would cause 'significant student dissatisfaction'. Online exams, have

⁷⁹ https://www.bbc.co.uk/news/uk-northern-ireland-60787327?at_medium=custom7&at_custom1=link&at_campaign=64&at_custom4=F30EBE5C-A685-11EC-BDE5-4A8096E8478F&at_custom2=twitter&at_custom3=BBC+News+NI

⁸⁰ <https://www.dailymail.co.uk/news/article-11021269/Universities-turning-blind-eye-online-exam-cheats-studies-rates-fraud-risen.html>

increasingly become the preferred method of student examination by UK universities and the Covid-19 crisis provided the momentum to roll out both online study programme and examinations. Moreover, the higher education unions, support the reduction of traditional (invigilated) examinations suggesting that online examinations are here to stay. As universities roll-out ever more online, remote teaching programmes, the face-to-face, invigilated examinations of the past will continue to disappear and with their disappearance, more questions will arise about university grade inflation.

At Durham University, most exams were online this summer and departments seeking in-person exams had to apply for permission. The maths department did so after finding 46 students had cheated the year before.

Cheating within the academic sector does not just begin at end of semester examinations. Cheating, I suggest is increasing in relation to student applicants, students and even academics. When St Marys College University London refused to pay staff for three weeks for taking part in the lecturers strike, students reported that the assignment feedback from the academic staff of assignments was 'questionable'. One final-year film student, who asked not to be named, said students did not trust feedback from anonymous replacement markers. "The quality of some of the feedback has been atrocious. Sometimes students have just got one word," he said.⁸¹

Ghost writing is a form of cheating. Ghost-writing of academic assignments is however nothing new.⁸² Thriving ghost-writing services have been in existence for over a decade, servicing first international students and increasingly domestic UK university students with the demise of moderated end of term examinations and the increase of online-assignments. However, academic ghost-writing services does not just take place at end of term assignments, for the international students wishing to enter the UK university sector, agencies charge between £70 and £170 to write university application (personal statement) scripts. Access to high-cost Master's degree programmes at UCL is so competitive that for a course with 100 master's places, over 1,000 applications can be expected with the bulk of the applications coming from Chinese undergraduate students who have poor language skills.

Personal statements that are submitted with university application forms via UCAS help marginalise students from poorer working class backgrounds. In the case of working-class Protestant schoolboys, the inability to write personal statements and the lack of guidance and support in gaining entry to university is compounded by the increase in fee paying agencies prepared to write personal statements. In 2012, the BBC reported that personal statements discriminate against students from poor backgrounds.⁸³ In 2019, The Times newspaper reported that middle class school-children have an unfair advantage and 'cheat' their way into university with personal

⁸¹ <https://www.theguardian.com/education/2022/jul/30/university-bosses-attack-staff-pay-protest-wages-queen-mary-university-london?amp;amp>

⁸² <https://www.theguardian.com/higher-education-network/blog/2014/apr/09/international-students-proofreading-academic-writing-support>

⁸³ <https://www.bbc.co.uk/news/education-20625567>

statements written by parents or professionals.⁸⁴ Today, in 2022, the same ghost-writing agencies that write academic assignments have increasingly been writing university personal statements taking the degree of cheating to different level. Student access to these on-line ghost-writing services is simple, but thereafter, the problem arises of UK universities who enable badly equipped international students access to the UK university sector and the economic constraints in removing these students from the sector when their language deficiencies are realised.⁸⁵

The Sutton Trust concerned at the lack of social mobility within the UK university sector expresses alarm (July 2022) when an education firm (Winland Academy) was found to be advertising to pay people to write university applications for students, including their personal statements. Winland Academy, which specialises in helping Chinese students to study in the UK, put an advert for a "university application writer" on LinkedIn.⁸⁶ Whilst this problem has surfaced in 2022, in 2014, as a member of the academic faculty at UCL (Bartlett Faculty of the Built Environment), it was obvious that the economic benefits of maximising high-fee paying Chinese students into the UCL master's programmes trumped all other academic ethical considerations. Within England and Wales, the universities sectors can claim that they are removed from centralised government funding and hence can be regulated with a light-touch. The paradox is that within England and Wales, government regulation of the university sectors is greater than the NI Executive's and DfE's regulation of the NI university sector. Given the degree of DfE grant funding provided annually to the NI university sector, the lack of monitoring and regulation of international student access that in turn impinges on home based student access is of growing concern as all UK universities seek to maximise income from international students.

Sadly, the UK and NI higher education system, the universities within it, their Vice-Chancellors and senior academics are participating in a 'race to the bottom' within which university income is everything and academic standards are sacrificed in order to achieve a competitive advantage. Degree awards have, year on year, increased despite students spending less time studying in order to fund their academic studies through part-time employment. Student, drop-out rates have reduced, facilitated in part by ever decreasing academic standards and relaxed testing regimes. In Northern Ireland, the Covid-19 pandemic, coupled with abandoning 'A level' examinations in 2020/21 has brought about record levels of students into the NI university sector.

The Department for the Economy (DfE) has confirmed that the sharp increase in enrolments related to a change in how A-level grades were awarded in 2020. Pupils received grades calculated by schools in both 2020 and 2021 after summer exams were cancelled. Just over 65,500 NI students were at university in 2020/21, a rise of 5% from 62,690 the previous year. A 5% increase in university admissions, is a significant statistical change and it suggests that either historically, testing at A-levels

⁸⁴ <https://www.thetimes.co.uk/article/middle-class-cheat-their-way-into-university-with-personal-statements-hzbml8j3x>

⁸⁵ <https://www.freelancer.com/projects/ghostwriting/personal-statement-for-university>

⁸⁶ <https://www.bbc.co.uk/news/uk-62305043>

was too strenuous, or testing in 2020/21 was inaccurate and marking was too low. According to the DfE, the 5% increase equated to the largest annual percentage increase over the past decade.⁸⁷

As more university students exit university with ever higher degree classifications, the recruitment of students by employers becomes challenging and hence increasingly, larger UK employers are looking outside the university sector and are developing their own in-house employee training programmes. Tesco's and Marks and Spencers' have never recruited so many full-time retail employees who are university degrees. Unfortunately, the university retail graduates have cumbersome student debts to service. Since 1998 and New-Labour's crusade to maximise student intake into the UK university sector, there are new moral and ethical dilemmas that university vice-chancellors and boards of governors are failing to address. From the top down, university staff are pressurised into attracting the highest fee-paying (international) students. Global students require that universities attract academics from across the world. I have previously taught in a UK university where the international, third year under-graduate and post-graduate students did not have the basic understanding of English language to gain entry into their university courses. That these international students managed to gain entry to, and stay within, their university degree programmes, was enabled only because of the vast financial riches that they brought to the coffers of the university. The danger then arises from universities forgetting their pedagogic and research obligations to local communities, local histories, regional problems, indigenous communities and paradoxically, marginalising all that is local in order to pursue all that is stereotypically universal.

The proportion of university students dropping out of degree courses in Northern Ireland has fallen to the lowest level on record. The drop-out rate in Northern Ireland for students who began their degree course in 2019-2020 was also lower than the overall rate for the UK. Today, fewer than one-in-25 (3.9%) Northern Ireland students aged under 21 who began a full-time undergraduate degree in 2019-20 dropped out of their course. Paradoxically, within the UU/QUB PhD cohort, the drop-out rates were in 2016/17 around 15%, however, when PhD scholarship students drop-out without completing their PhD degrees, they are compensated by £55,000 in scholarship fees that they do not have to repay

Between 90% and 96% of students who enrol in university in NI will gain a degree. Queen's University Belfast is one university seeing fewer students dropping out, it is also a university whose student complaint's system allows students to complain to academics about grades and marks without the complaint's first being addressed within the centralised complaint's system. Out of 7,265 new "young" students at Queen's University of Belfast, Ulster University, Stranmillis University College and St Mary's University College in 2019-2020, only 280 decided to leave higher education.

The statistical information does not exist within NI to determine if low academic grades, or failing academic standards are the number one source of student complaints at QUB! Unless, QUB rectify their complaint recording processes, this information is innocently, or deliberately kept hidden. The problem is that the NI

⁸⁷ <https://www.bbc.co.uk/news/uk-northern-ireland-60848796>

Assembly cannot adequately monitor student complaints because the statistical and equality data available on student complaints is not fully recorded by QUB and is not demanded by the DfE.

Grade inflation, is the dirty little secret that academics dare not voice in public for fear of offending university course directors and heads of schools who argue academic excellence is being achieved because of increasing student standards and teaching excellence. No sooner was chatbot, ChatGPT (OpenAI) developed and released by Elon Musk's company in November 2022, than students began to use the service to cheat in their assignments.⁸⁸ The advancement of online information technologies present major problems to a UK university sector that for two decades has promoted the diminution of invigilated term examinations, substituting examinations for individual and group student written assignments. Not only is the ethics of students submitting online assignments being tested, the ethics of universities allowing assignment submissions that can easily be plagiarised, or written by others, is again brought into question. The Telegraph reported in January 2023 that ChatGPT, is able to pass US medical examinations and can write reputable scientific articles. Mike Sharples, emeritus professor of educational technology in the Institute of Educational Technology at The Open University, told The Telegraph that anecdotal evidence indicates that students at British universities are already using it to complete assignments. In a university sector within which, grade inflation (particular during the Covid-19 lockdown period) has become an existential problem, leading to further loss of confidence from UK employers when selecting students for employment, ChatGPT demands a fundamental rethink on how university students are assessed and marked. Professor Sharples argues that 'we need a new pedagogy' and Prof Jerry Davis, from the University of Michigan, told the Financial Times, 'our whole enterprise in education is being challenged by this and it is only going to get more challenging'.

On the 18 February 2023, the Daily Telegraph published FOI Act data from Russell group universities that indicated steep increases in reported cases of plagiarism.⁸⁹ Of concern, is that academic plagiarism in its many different guises goes unreported and in an environment of periodic university strikes, assignment assessments undertaken by underpaid PhD candidate (tutors) and new technological advancements, the veracity of student assignments in the absence of moderated examinations is called into question. The Telegraph reported that cases of academic misconduct had risen from 201 to 464 in 2022, and at the University of Glasgow, reported of alleged cheating rose from 209 cases in 2019 to 1,300 cases in 2022. For the 21 Russell Group universities, plagiarism cases rose from an average of 157 in 2019 to 352 in 2022.

Academics are aware of increasing problems with student written individual and group assignments and I suggest, most junior academics fail to speak with *parrésia* because of the threat to their employment or research funding, or, if they dare to speak their truth, they do so in general terms never daring to reference their own

⁸⁸ <https://www.telegraph.co.uk/news/2023/01/23/essay-writing-ai-chatbot-chatgpt-faces-ban-universities-fearful/>

⁸⁹ The Telegraph, 18 February 2023, Louise Clarence-Smith, page 10 (Exam cheat claims double since going online).

academic institution. Professor Tonge, writing in the Belfast Telegraph, takes to task the practice of advance offers and students' personal statements used when applying to universities.⁹⁰

Professor Tonge, points out that 85% of university students get a first or an upper-class degree qualification and he concludes that the current university grading system is not fit for purpose and lacks credibility, however, the Liverpool professor then goes on to conclude that any alternative grading system, will (paradoxically) have to be replaced because of grade inflation. In the interim, academics stay silent on this matter and are under extreme pressure from above to moderate disputed grades within complaint's systems that are less than transparent. The irony is sublime, Tonge points to increasing grade inflation at the same time university student attendance levels are falling because of internet teaching and monetary pressures which demand increased levels of part-time student employment. Tonge says that 'some students have an absenteeism record to shame even a Northern Ireland Executive!' Meanwhile, the conspiracy of academic silence by university Vice-Chancellors and heads of schools, is damning and contagious. At some point, in the not-too-distant future, the NI and UK university system will collapse unless, independent audits and reviews address these value-for-money and cost benefit concerns.

In Northern Ireland, the 2020/21 and 2021/22 Covid-19 examination changes at A-levels increased the number of students entering into QUB and UU, whilst at the same time they diminished the number of students entering into the further education colleges. Here within lies an existential problem for society, students, employers and also the universities. In 2019, in England, symbolically for the first time, 50% of young people entered university thereby meeting the objective promoted two decades earlier by Tony Blair. However, up to a quarter of students in England are doing degrees that will not give them sufficient earnings to justify the cost of their loans, according to the Onward Report published in January 2019.⁹¹

The Onward Report acknowledges that "education has a value in its own right" and that "earning a living is not the only reason people study" but the report concludes that too many young people "are being sold a false promise". The study says that between 18% and 25% of undergraduates were studying for degrees that fail to deliver a lifetime-earnings premium that justifies the average student debt arising from tuition fees and maintenance loans, of £50,000. The average student debt for university students in England is higher than the average student debt for students attending university in NI. However, a substantial number of Unionist (and Nationalist) students relocate to England for their higher education and receive no benefits from the departmental grant subsidy paid (indirectly) to NI students who attend QUB and UU.

The reality of NI school-children historically deciding to relocate to GB for their university education for positive reasons, or choosing GB universities (over and above QUB / UU) for negative reasons was addressed in August 2022 by the MLA

⁹⁰ Tonge, J., 'Universities fail to make the grade on tackling outdated traditions', Belfast Telegraph, 2 April 2022.

⁹¹ <https://www.bbc.co.uk/news/education-46781569>

Clare Sugden.⁹² Writing in the Newsletter (16 August 2022), Ms Sugden confirmed that 'Northern Ireland students going to university in Great Britain are at a 'serious disadvantage' when it comes to loan support'. Ms Sugden who represents the 'mainly Unionist' NI Assembly East Londonderry constituency confirmed that she has been contacted by students from her constituency desperately struggling to meet rising rents and living costs while receiving a fraction of the loans and grants of their classmates. Unionist school-children (and their families) who historically have (for different unexplained reasons) chosen to relocate to mainland GB for their continued education face, higher debts and are significantly economically disadvantaged. For various (as yet unexplained) reasons NI Unionist school-leavers within the East Londonderry constituency reject the local UU's Magee campus as a suitable campus to continue their higher-education studies and hence face higher costs and loans in applying to and attending university in GB.

Within England, 40% of undergraduates were enrolled in courses that led to median earnings below the student-loan repayment threshold, of £25,000, after five years. The Onward report suggests that 'too many students are facing hefty repayments for degrees that won't help them financially and too few are being offered quality technical and apprenticeship options instead.' In the English university sector, the conundrum of ensuring that 50% of all school-leavers get a university education and the ability of those students to fully participate in their degree programmes, was exposed by the Sutton Trust and the BBC in March 2023.⁹³ A new poll suggests that university students in England are neglecting their studies in order to earn an income. The poll commissioned by the Sutton Trust with BBC News, suggests just 49% of undergraduate students have missed a lecture, seminar or workshop since September 2022 to do paid work. Furthermore, illustrating the broken nature of the English (and UK) university sectors the pool found that; one in eight (12%) students say they have skipped university to do paid work once, almost a third (31%) say they have done so more than once and 6% say they often prioritise paid work over study. Almost a quarter (24%) of the students who responded to the poll have also missed a university deadline, or asked for an extension, in order to do paid work.

On the 6 March 2023, BBC News NI confirmed that a recent National Union of Students-Union of Students in Ireland Report has highlighted the financial difficulties that university student in Northern Ireland face.⁹⁴ The report confirmed that previous data released by the Student Loans Company showed a rise in the number of Northern Irish students dropping out of university after the Covid pandemic. The NUS-USI report recommended a one-off 'hardship' payment to help university students and a rent freeze, however as most university rent accommodation within NI is now provided by the private rented sector, no such rent freeze is possible and additional one-off hardship payments are increasingly unlikely given that the DfE NI urgently need to reduce funding to the NI higher and further education sectors. On

⁹² <https://www.newsletter.co.uk/news/politics/northern-ireland-students-going-to-university-in-great-britain-are-at-a-serious-disadvantage-when-it-comes-to-loan-support-says-mla-claire-sugden-3806885>

⁹³ Cost of living: 'I skip university lectures to do paid work instead' - <https://www.bbc.co.uk/news/newsbeat-64816948>

⁹⁴ Cost of living: Student support payment would cost up to £189m - <https://www.bbc.co.uk/news/uk-northern-ireland-64857366>

the 4 March 2023, the Belfast Telegraph reported that ‘there are fears the 2023/24 budget for further and higher education could be reduced by almost 20% after the Department for the Economy held an urgent meeting with arm’s-length bodies this week to discuss the funding crises.’⁹⁵

If the UK and NI university system in 2022 is designed to; ensure ease of entry into the sector, maintain students within the sector and allow them to exit university with inflated grades in subject areas that will attract only moderate incomes, then the system (as it appears to be doing) will eventually implode. QUB’s student complaint system, by design or by accident, is designed to massage the number of complaints and to allow students and academics to negotiate disputed examination grades without the disputes being formally recorded. The economic power of students and the need to maximise student numbers has redesigned university complaint systems in order to improve student satisfaction levels. However, within England, the Department for Education is working up potential options to curb the costs of the burgeoning student loan system. Reintroducing controls on student numbers and barring some from accessing student loans altogether have been reported as options. Importantly for Northern Ireland, and the NI Executive which in 2021 saw the introduction of the NI Fiscal Council and Commission, the UK Treasury is also looking at how to cut costs, with outstanding student loans reaching £140bn last year.⁹⁶

In November 2021, the Institute of Fiscal Studies confirmed that large numbers of students are going to university where the benefits are questionable...especially to the taxpayer.⁹⁷ The IFS points out that some 20% of higher education students are worse off by going to university over their lifetime, however, large numbers of university students – within certain disciplines and faculties – economically benefit from a university education. Within Northern Ireland there is evidence that 4,000 university students have left university saddled with debts in excess of £50,000.⁹⁸ The Belfast Telegraph, through a FOI Act request to the Student Loans Company (SLC) confirmed that within Northern Ireland, the average student loan is £24,720. The debt burden that NI university students have to face is softened by direct funding from the NI DfE for all under-graduate students resident within Northern Ireland who attend QUB and UU.

Student debt levels and the importance of obtaining a degree certificate at the end of the academic studies empowers the university in how it addresses student’s complaints. In Northern Ireland, students leaving university with massive debt levels, are unlikely to challenge QUB / UU within the civil court’s system because of financial constraints. Unlike university students within England, who have higher

⁹⁵ <https://www.belfasttelegraph.co.uk/news/education/further-and-higher-education-in-northern-ireland-braces-for-funding-cuts-of-20/1116062015.html>

⁹⁶ <https://news.sky.com/story/are-too-many-students-going-to-university-record-number-have-been-accepted-into-their-first-choice-12378060>

⁹⁷ <https://ifs.org.uk/publications/15858>

⁹⁸ <https://www.belfasttelegraph.co.uk/news/northern-ireland/northern-ireland-students-burdened-with-debts-of-almost-100k-41540544.html>

debt levels, NI university students are denied access to justice by the absence of free, independent sectoral adjudication systems. I suggest that within the NI university sector that the nexus that exists between; indebted NI university students, poorly designed student complaint systems and ineffective sectoral monitoring presents equality and human rights challenges that have yet to be addressed.

Within the NI university sector, more so with post-graduate degree programmes, university graduates are pressurised by the universities to take out additional student loans to pay for master's programmes. The Belfast Telegraph article (11 April 2022) when it referenced NI university students with student loans approaching £100,000, possibly addressed NI students who have either embarked on (one or more) post-graduate degree programmes, or who have moved from NI to GB and incurred higher university education fees and accommodation costs. Table 14 within the appendix, highlights how in the eleven academic years between 2005 and 2016, that higher percentages of Protestant / Unionist university students left NI to study than Catholic / Nationalist students, and in doing so these students may have incurred higher student loans.

The fundamental question for the NI public sector regulators and auditors to address is; are the S.75 equality failures within QUB's complaint procedures as a result of managerial accident, incompetence or connivance? If QUB's complaint system is defective by accident, the NI Equality Commission is obliged to take action. If the QUB complaint system is defective by design, then the NI Audit Office and the NIPSO must take action to ensure that tax-payers receive value-for-money for all departmental subsidies annually attributed to QUB. That four times the number of QUB students in 2021 obtained first-class degrees than did in 1997, suggests that the NI Assembly has left the NI university sector under-regulated for too long.

The QUB complaint's system must be considered within the context of the 'light-touch' regulation of the NI university sector and the absence of similar university statutory protections that exist within England and Wales. An internal complaint's system, is the first stage, in a legal process that includes further external, independent civil (and / or Alternative Dispute Resolution) legal stages. Access to justice concerns over the last decade suggest that certain demographic communities have less access to justice than others. University students face considerable economic challenges attending universities and they exit university with considerable student loan debts. The importance of ensuring that internal complaint systems are fair, equitable and comply with S.75 equality requirements is more important within Northern Ireland than in England where students have access to free, independent, external appeal bodies.

That QUB's internal complaint system is not fit for purpose, goes to add further weight for the establishment of new university regulating and monitoring bodies within Northern Ireland. To lend weight to the argument that fee-paying university students within Northern Ireland are prejudiced by; the absence of regulatory controls, the lack of independent (external) statutory auditors and the existence of defective (self-protecting) NI university complaints systems, a report dated 4 May 2022 from the Office of the Independent Adjudicator (OIA) confirmed that complaints

from students in England and Wales about their university courses reached a record high last year.⁹⁹

More than a third of the 2,763 student complaints to the Office of the Independent Adjudicator (OIA) were related to the impact of the pandemic and the amount of compensation awarded to students in England and Wales exceeded £1.3m. The OIA report suggested that staffing issues, industrial action, and delays in submitting complaints from 2020 were behind the high figures. By far the largest category of student complaints were related to how courses were delivered. This is an indictment on the universities course managers and heads of schools. Many students within England and Wales complained about staffing issues, including key experts in their field leaving the university auditing agencies.

One of the student complaint cases heard by the OIA, resulted in approximately £68,000 paid in compensation. Within Northern Ireland there is no similar independent monitoring or reporting body to determine student (consumer / service user) satisfaction levels, however, given the lack of independent auditing of the NI university sector, it is likely that students within NI face similar very problems to the university students within England and Wales. However, NI university students will never get the same compensatory redress as those within England because of the reliance upon internal, rather than external, university complaints systems

Importantly, and this is something that I have previously discovered and reported to the NI DfE in 2017/18 and to QUB in August 2021, the OIA Report found that PhD and postgraduate students in England and Wales were overrepresented in registering complaints. PhD students submitted just under half of all complaints despite accounting for 27% of the English and Welsh student population. Given the cost of the annual under-graduate DfE grant subsidies paid to QUB and UU and the extent of annual DfE PhD research scholarship funding grants the failure of the NI Executive, the DfE, and the NIAO to impose upon QUB and UU greater scrutinising mechanisms and periodic value-for-money audits, suggests that tax-payers and students within the NI university sector have less statutory protections than elsewhere within the UK.

The OIA 2021 Annual report confirms on page 11 that within England and Wales, 'issues with the supervisory relationship are a common theme in complaints from PhD students'.¹⁰⁰ I concur and would point out that within a preliminary, 1st Stage and 2nd Stage complaint brought against my own second PhD supervisor in 2021/22, QUB School of HAPP and QUB Complaint's Office seemed more concerned about protecting both the academic and the School, rather than determining the validity of the breach of contract complaint. However, unlike PhD students within England and Wales, I (and other PhD students at QUB / UU) have not the ability to bring my (our) supervisory concerns to an independent, university sector adjudication body.

The commoditisation of students has become an over-arching problem within the GB and NI university sectors. Today, the continued existence of the UK universities is

⁹⁹ <https://www.bbc.co.uk/news/uk-61314662>

¹⁰⁰ <https://www.oiahe.org.uk/media/2706/oia-annual-report-2021.pdf>

predicated upon increasing student numbers to off-set rising labour costs. To ensure that the very high number of students attending universities within the UK is maintained, universities cannot bring students into the system, charge three-years academic fees, encourage massive student debts and then allow students to leave with poor or moderate grades. Universities manipulate university grades for different purposes. Grades can be manipulated upwards to promote university income or grades can be manipulated downwards if academics disagree with the philosophical and political discourse of the students.

The Guardian article of the 5 July 2022 entitled 'Proportion of top degree grades in England could fall by nearly 25%', explains how under-regulation within the NI University sector (vis-a-vis university regulation within England and Wales) disadvantages the economy, employers, university students and university funders.

It is suggested that the proportion of top degree grades awarded to undergraduates in England could fall by nearly 25% after universities said they want to reverse the grade inflation seen during the Covid pandemic. The English universities however have come to this conclusion only after repeated concerns expressed by the Higher Education Minister for and the Office for Students (OfS). Zoe Tidman (The Independent newspaper, 1 September 2022) reported how the Office for Students (England and Wales) for the first time ever after new legislative powers were granted to the OfS, investigated three English / Welsh universities for 'sharp increases in top grades'.

The university regulator refused to name the universities under investigation saying that "we expect to publish further details in due course, as our investigations progress." Within Northern Ireland, there is no university sector regulator to ensure that the large amounts of annual funds allocated to QUB and UU by the DfS are protected and that university students within NI obtain value for money. The OfS in August 2022 released figures last month showing the proportion of first class degrees more than doubled in just a decade – up from just under 16 per cent to 37 per cent in the 2020-2021 academic year.

By the end of this year, universities within England and Wales (but not Northern Ireland) are expected to publish degree outcome statements setting out how they intend to bring future awards into line with the proportion of first and upper second-class degrees awarded in 2019. Anthony McClaran, (vice-chancellor of St Mary's University, Twickenham) and chair of GuildHE, acknowledged that during the pandemic, universities supported students' achievements by being flexible in marking assignments and aborting formal examinations. The vice-Chancellor of St Mary's (the same university also moderates the degree programme from the Presbyterian Union Theology College in Belfast) argues that the time is right to ensure that confidence and trust is restored to the university sector by reviewing university grade inflation.

Universities UK said that measures to make sure that those hard-working university students who were first-class honour's calibre were not unfairly disadvantaged by the sector wide increases in firsts and 2:1s awarded over the last few years. In 2021, nearly 38% of undergraduates in England were awarded a first, more than double the 16% awarded firsts a decade earlier, and well above the 29% awarded before the pandemic. Last year a combined 84% of students achieved a first or upper second, compared with 67% a decade earlier.

The OfS analysis of university degree awards made in England and Wales 2021 claimed that more than half of first-class degrees could not be explained by “observable factors” such as student attainment or social background. Within Northern Ireland there has been no such independent examination of university grades.

Michelle Donelan, the higher education minister for England, said that “hard-working students deserve to know that earning a first or upper second really counts and that it carries weight with employers, who in turn should be able to trust in the high value and rigorous assessment of university courses.” As it stands within Northern Ireland, decades of government and independent under-regulation of the NI university sector means that employers can have no such confidence as to the grades awarded within a university sector where grade awarded is related more to the need to sustain student numbers (and hence university income) rather than reflecting on academic endeavours

Post Covid-19 Student Breach of Contract student complaints within England

The BBC reported on the 1 November 2022, that 20,000 University students within England were increasingly taking legal action against the universities arising for academic failings during the two years of Covid-19.¹⁰¹ By February 2023, 90,000 university students had joined the group student claim with a preliminary court hearing re-scheduled for April 2023.¹⁰² Regrettably, cost impediment accessing justice within Northern Ireland associated with legislative failings means that NI university students do not have the same legal address against QUB and UU as their peers within England.

Within England and Wales, international university students, students from Northern Ireland, post graduate and PhD students, students living within university accommodation, in other words those university students who have maximised their student loans to enrol as students within universities in England and Wales will have the opportunity to taking legal action to recover tuition fees paid for academic services that were not fully delivered during the two years of Covid-19. Paradoxically, university students from Northern Ireland studying within Northern Ireland at QUB (Stranmillis and St Marys) and UU will not have the same opportunity to take legal action against QUB and UU for disruption to their studies and for breaches of contract arising from Covid-19 because within Northern Ireland, there is not the same degree of statutory protection for students.

It could be argued that home based, (NI/British) university students within QUB and UU do not have the same legal protections as other UK students at Liverpool, Manchester and Nottingham and hence they are ‘discriminated’ against. Paradoxically, the blame for this lies with the NI political parties, the NI Assembly / NI Executive, DfE, QUB / UU and the various NI regulators who have looked on over the last 2 decades as legal protections for university students in England and Wales have been reinforced by statutory legislation whilst within NI, the local universities

¹⁰¹ BBC, 1 Nov 2022 <https://www.bbc.co.uk/news/uk-england-nottinghamshire-63434284>

¹⁰² ITV News, 23 February 2023 - <https://studentgroupclaim.co.uk/video-itv-news-90000-students-to-sue-their-universities-over-covid-disruption/>

have been content to hide behind the systemic failings of devolution in order to self-protect.

The BBC news website confirmed that thousands of students are taking legal action against their universities over their education during the pandemic. The University of Nottingham is just one of 18 institutions set to face claims. Mikail Ranjit, who moved from Malaysia to study in Nottingham, said Covid measures meant he paid about £15,000 a year for online lectures. A university spokesperson said it was "aware of this potential claim" but "unable to comment further on it at this point". Nearly 20,000 university students have joined group claims through *StudentGroupClaim.co.uk* to take action against their universities over what they say were insufficient provisions for their education. Some paid as much as £40,000 a year despite truncated timetables and lessons being cancelled or moved online.

From a legal stance, Mr Ranjit argues that "I believe that the level of education that I received, and the level of material I received, wasn't worth the money that I paid," Within England and Wales (but not NI) for those unhappy with the teaching they received, the first course of action is to complain direct to the university. Only when that process is exhausted can they turn to the Office of the Independent Adjudicator. In Northern Ireland, without an equivalent to the OIA, students who feel that they have suffered from breaches of contract, must look to the civil courts. The high costs of taking civil actions, particularly for indebted students means that NI students face significant access to justice problems that students within England and Wales do not. Having access to independent tribunals to address the administration, self-interested adjudication processes endorsed by UU and QUB, it can be argued is a right protected by Article 6 and the NI Executive and Assembly have together failed to protect the Article 6 rights of NI students, if higher education is in turn a means of accessing employment, housing and securing the economic stability upon which the family is based.

Last year within England and Wales, the OIA upheld a third of complaints, many of which were about how courses were delivered. Any court might want to know if these avenues have been fully pursued.

The law firm Harcus Parker, is working with students on their claims, said they "weren't given what they were promised" but still paid the full amount in fees for "a sub-par service". In other words, contracts to provide academic services were broken and breach of contract claims arise against the UK universities. QUB in August / September 2020 encouraged QUB students to return to university for face-to-face teaching. Prior to the academic year commencing, outbreaks of Covid-19 arose within QUB halls of residence as QUB were at the same time flying international students from China to Northern Ireland. In October 2022, face-to-face teaching was abandoned by QUB only after all students had paid their fees for the academic year. Regrettably, QUB and UU met with the NI executive and the joint first Ministers in August / September 2020, and submitted Covid-19 risk assessments which were accepted by the NI Executive. In effect, the NI Executive approved QUB's strategy of returning to face-to-face teaching, a decision that within NI may prevent university students following the same breach of contract legal path as students within England and Wales

Addressing the breach of contract claim, Harcus Parker confirmed that "it's not that we're criticising necessarily what the universities did, it's we're criticising that they

charged full fees for this. Moreover, and this point has relevance to Northern Ireland. Marcus Parker claim that "The universities have generally increased their income from tuition fees [during the pandemic], and quite frankly the financial impact of Covid19 should not have been pushed on to the students." Within Northern Ireland, the university failures to address student housing provision as the local universities expand and relocate student populations has in turn caused economic hardship for students.¹⁰³ The NI Executive and DfE (and hence the tax-payers) have recently subsidised student economic hardship that has arisen directly from QUB and UU's strategic failure to provide adequate and affordable student housing provision for NI students.

9.00 The Castlereagh Foundation & Proposed Ulster-Scots Research institute/s

¹⁰³ <https://www.economy-ni.gov.uk/news/lyons-announces-additional-ps28-million-student-hardship-funding>

When the New Decade New Approach Deal was signed in January 2022, the NI political parties, Dublin and London agreed to an Irish Language ‘Act’ in unison with an Ulster-Scots package to enable devolved government and power-sharing at Stormont to resume. The Ulster-Scots package was badly defined and was criticised within the NI Unionist community as offering less cultural and employment protections and opportunities than the proposed Irish language package. What appears to have been lost in arguments to provide a Castlereagh foundation and Ulster Scots Research Institute, is that these new institutions are required in 2022 to address long-term, systemic equality and human rights failings within the NI University sector that have helped marginalised NI Unionist employability in the sector and by extension, NI Unionist research output. The paradox is obvious, but it remains understated. The NI Unionist political community within all shades of unionism believes that the NI Unionist and British professional, managerial and academic networks are marginalised and disadvantaged. The rationale for the Ulster-Scots Research Institute and the Castlereagh Foundation proposals within the New Decade New Approach Deal are based on systemic and institutional marginalisation of pro-Unionist / British / Ulster-Scots, PUL, research within QUB and UU but no politicians will speak this truth. Yet, when Steve Aiken (UUP) in November 2020 called QUB to create a professorship to study Unionism, immediately Dr Marie Coleman from QUB denied that any such professorial chair was required.

Recently, the British government has indicated, that in the absence of devolution at Stormont, it would move to enact Irish language legislation at Westminster, in so doing, rationally and equitably, similar commitments within the NDEA Deal to an Ulster-Scots package and the Castlereagh Foundation should also be honoured. However, it appears that the NDNA 2020 Deal commitment to the Castlereagh Foundation, which was simply a limited scholarship package, may now have evolved into an Ulster-Scots cultural and educational package. I suggest that the NDNA Deal Ulster-Scots / Castlereagh Foundation commitments are partly based upon NI Unionist political and NI Unionist academic perceptions of increasing marginalisation within the NI university sector which is underpinned by (proven) S.75 equality screening failings identified within this report.

The publication of a recent report prepared by the Ulster-Scots Language, Heritage & Culture Panel includes within it recommendations for the creation of three research and educational bodies:

- (1) an Ulster-Scots research institute;
- (2), an Ulster-Scots College;
- and,
- (3) an Ulster-Scots ‘language institution’

The Report Panel also recommended the appointment of an ‘Ulster-British/Ulster-Scots Commissioner’ to ensure, among other things, that “Ulster-Scots has an ever-growing place in the curriculum” is another recommendation¹⁰⁴. The expert advisory

¹⁰⁴ www.communities-ni.gov.uk/publications/

report panel has recommended that the Ulster-Scots research institute be 'university based', but the panel provides no further elaboration on the specifics of its recommendation. In the lack of detail the early demise of this proposal is probable.

The previous Ulster-Scots Academy at UU was abolished in 2007/08 and I suggest that without a S.75 equality screening undertaking, the abolition of the existing UU Ulster-Scots Academy was unlawful. Here within lies the existential problem of where any Ulster-Scots research academy should be situated, managed and how it is funded. The proposed Ulster-Scots research academy cannot be situated within either QUB or UU because of long standing S.75 equality screening failings that the universities continue to refuse to acknowledge. Over the last decade, all university student, MLA and Ex-Ministerial claims that the NI Unionist / Protestant community has been marginalised, has been denied by the management of UU and QUB. It is from within this NI Unionist community, that substantive support will come to maintain any Ulster-Scots Institute. Paradoxically, the establishment of an Ulster-Scots institute opens research doors to the international research community that has increasingly dominated the NI university research sector to the disadvantage of NI Unionist students.

Within Northern Ireland, as the seminal authorities of the Unionist research community have retired, they have not been replaced by a new generation of residential NI Unionist academics, partly because of; S.75 equality screening failings, refusal to endorse affirmative action programmes and the fascination of the university community with attracting international researchers. Within larger university sector, the influx of new international researchers and academics, bringing with them global philosophical views, can be accommodated without disadvantaging local students. However, in a small university sector such as the NI university sector, the influx of international academics into the sector, has disadvantaged local NI Unionist students. For example, in attempting to obtain an external examiner for my 'Orange' PhD, the available gene pool of informed academics within the UK to examine my Viva is small. The same problems do not impact upon Gaelic or Irish studies research students, where those students have available academic expertise from within the whole island of Ireland.

The abolition of the previous Ulster-Scots Academy by the UU and the diminishing Unionist student, research and academic populations at UU makes the UU an unsatisfactory home for the new Ulster-Scots research institute. Similarly, I believe that QUB when it recently abandoned its historical relationship with the Union Theology College, again with S.75 equality screening questions unanswered, cannot be a suitable home for the Ulster-Scots research institute. When I wrote to Prof Richard English in 2018 to suggest that QUB should create an Ulster-Scots institute similar to the Irish Studies institute at QUB, my suggestion was denied, leaving myself as an Ulster-Scots, British, Unionist, Loyalist, Presbyterian student at QUB with no cultural network to reside within.

If QUB and UU are not suitable homes for any new Ulster-Scots Research Institute, this leaves a third possible home for the Ulster-Scots research institute, one that is independent from the two NI universities. The Union Theology College's undergraduate degree programmes today are validated by St Mary's Twickenham. The new Ulster-Scots institute could be under the direction of an academic institution within England or Scotland, and possibly universities such as Dundee or St Andrews

where large number of NI school-leavers relocate for their under-graduate studies could be suitable homes for the new Ulster-Scots Research Institute.

In addition, and crucially, the Expert Advisory Panel, fail to clearly define exactly what is mean by 'Ulster-Scots' research. Is there a narrow, or wide definition, of what is to be included under the banner of Ulster-Scot's research? If there are narrow constraints on the nature of the research that the Ulster-Scots institute will undertake, then I suggest there is no equity with the wide-ranging proposals included within the Irish Language Strategy Expert Advisory Panel Recommendations Report. As I understand it, the Irish language Strategy Report, if enacted, potentially enables much greater employment benefits to Irish speakers than the employment opportunities endorsed within the Ulster Scots Advisory report!

If 'Ulster-Scots' research is narrowly defined, potential employment, publications and further post-doc research benefits are marginalised. If however, the nature of the research embraces subject areas within the wider diaspora of British / Northern Irish cultural, economic, social and political studies, then employment benefits are increased, but nevertheless, still fail to compare with the employment opportunities proposed under the Irish Language Advisory panel's recommendation. Significantly, any Ulster-Scots academic research institution must have the ability to influence NI government departments by its policy outputs. If the research scope of the new institute is narrowly defined, it cannot properly influence NI government legislative formation and hence the Ulster-Scots institute will be seen within the Unionist community as a political 'sop', designed simply to facilitate Irish Language legislation.

In December 2016 I submitted a proposal for two PhD scholarship competitions to QUB with the working title: *What different philosophical and political problems does Brexit / Scottish Independence pose for the Orange Order in Glasgow and Belfast? An interdisciplinary study of the Orange Order using a combination of Oral history and photography*. My PhD applications were rejected.

Thereafter, in 2017 and 2018, I submitted seven more PhD proposals for scholarship funding to QUB and UU. The PhD proposals were submitted for 28 different scholarship competitions, including DfE, NINE, Northern Bridge and UU Vice-Chancellor's scholarship awards. All my scholarship applications – applications for financial assistance of approximately £36-55K (over a two/three year period) were rejected. My PhD applications were based on research areas that if widely interpreted could fall under the definition of 'Ulster-Scots' studies. However, if narrowly interpreted, the PhD proposals would not be eligible for funding or supervision within any new Ulster-Scots Research Institute. The inability to define exactly what constitutes Ulster-Scots research, and indeed how this definition can lawfully navigate the S.75 equality screening issues and affirmative action programmes, is a challenge that the Ulster-Scots Expert Advisory panel has so far chosen to ignore. In failing to define the scope of the proposed research institute, there are serious reservations in relation to the efficacy of the Ulster-Scots proposals, more so, if as I suggest there is evidence of the NI universities having marginalised the community that will be most supportive of the new institute.

In 2018, the DfE confirmed that there were systemic S.75 omissions in the award of government PhD scholarships and thereafter, the DfE instructed UU and QUB to address this omission in the 2019/20 round of PhD scholarship competitions.

Importantly, the DfE did not undertake any investigations into the impact of 18 years of PhD screening failures and the issue of ultra-vires government spending was not addressed. This failure supports the need for the Ulster-Scots research Institute. In addition, QUB and UU since 2019 co-manage PhD research funding programmes (such as NINE and Northern Bridge) that also fall outside the legal protection of S.75 equality screening requirements. All my 28 PhD scholarship applications were rejected in 2017-18 by UU and QUB (School of Politics, Education and HAPP) proposed undertaking research into areas which would be of interest to the NI Unionist community. What was not rejected by QUB was the importance of my research subject, because whilst denying me the opportunity of research funding, QUB accepted my self-funded PhD proposal for academic supervision. Regrettably, my second PhD supervisor at QUB decided not to take no part in the PhD supervision inviting further value-for-money questions for the NI Audit Office to address.

The Ulster-Scots Advisory Panel might however conclude that some of these 28 PhD proposals would not be suitable for inclusion within the Ulster-Scots Research Institute's research portfolio. The PhD scholarship applications that were rejected by QUB / UU included the following working titles:

- *What philosophical and political problems does Brexit / Scottish Independence pose for the Orange Order in Glasgow and Belfast: A Cross-Disciplinary Study* (Ref: 00508094).
- *The impact of S.75 failings on the Protestant / Unionist student and academic population within Northern Ireland's university sector* (Ref: 00517571). The DfE were also invited to advertise and promote this PhD competition.
- *What philosophical and political problems does Brexit pose for the Orange Order in Glasgow, Belfast and the border counties of Ulster when considering the impact of recent political contestations* (Ref:00510670).
- *Parrésia, Resistance and the End Game: A Unionist Perspective* (Ref: 00511728).
- *Orange Parrésia and Resistance: A Photographic Investigation of Orange culture, politics and philosophy as demonstrated annually on the streets of Scotland, N Ireland, England and Ireland.* (Ref: 00510668).
- *A comparative assessment of the politics that frame the photographic images taken of Orange, Black and Pink demonstrations, carnivals and parades.* (Ref: 00510667).

and, in 2018;

The Orange Triage: An anthropological study of identity and ritual as exhibited regularly within the Orange parading culture on the streets of Liverpool, Glasgow and Belfast. (Ref: 00556279/81).

I believe, that the economic opportunities derived from the Ulster-Scots Advisory Panel Report recommendations, fail in comparison with the economic opportunities included within the Irish Language Advisory Panel Report's recommendations. I also believe, that whilst the Ulster-Scots Research Institution proposal is a vast improvement on the New Decade New Approach Castlereagh Foundation commitments (if indeed this new 2022 package of proposed measures replaces the

2020 Castlereagh Foundation), to allow any such Ulster-Scots Research institution to be captured by a university sector that is exposed by the equality failings identified within this report, would be self-defeating. The progressive decline of Unionist / PUL / Ulster-Scots publications within the mainstream bookshops from academics within UU and QUB over the last decades, suggest that QUB and UU are not suitable homes for any Ulster-Scots Research Academy.

In short, I do not believe that the NI university sector includes the academic authorities willing to establish, grow and secure an Ulster-Scots Research institute and that the preliminary Ulster-Scots proposals on the establishment of an Ulster-Scots triage of academic institutions is vague in terms of financial commitments, legal protections and overall scope. If, the 2020 Castlereagh Foundation was a research scholarship fund designed to direct funding to Ulster-Scots-British academic research, then it cannot be subsumed into the proposed Ulster-Scots research Institute, if the research within this newly proposed institute has a narrow focus which sees British cultural and political identity outside that of Ulster-Scots.

On the 8-9 April 2022, QUB held a 2 day conference on Ireland, Museums, Empire and Colonialism. What was obvious within the list of expert speakers was the absence of academics who were from the Ulster-Scots tradition.

PROFESSOR HAKIM ADI, Professor of the History of Africa, University of Chichester

PROFESSOR CORINNE FOWLER, Professor of Colonialism and Heritage, University of Leicester.

PROFESSOR JANE OHLMEYER, Erasmus Smith's Professor of Modern History Trinity College Dublin;

LYNN SCARFF, Director, National Museum of Ireland.

DR AUDREY WHITTY, Deputy Director/Head of Collections & Learning, National Museum of Ireland,

DR SHAHMIMA AKHTAR (Chair, Speaker), Royal Holloway, University of London.

KATHRYN THOMSON, Chief Executive, National Museums NI

DR DOMINIQUE BOUCHARD (Speaker), Head of Learning and Interpretation, English Heritage.

DR LAURA VAN BROEKHOVEN Director, Pitt Rivers Museum; Linacre College, Oxford University.

PROFESSOR DOMINIC BRYAN Professor, School of HAP, Queen's University Belfast.

PAT COOKE Former Director, Pearse Museum and Kilmainham Gaol.

PROFESSOR ELIZABETH CROOKE, Professor, Heritage and Museum Studies, Ulster University.

HANNAH CROWDY, Head of Curatorial, National Museums NI

PROFESSOR TERENCE DOOLEY (Chair), Professor of History Maynooth University.

DR DARRAGH GANNON (Speaker) Lecturer in Irish Studies (UCD)/O'Malley Residential Fellow (NYU).

DR RACHEL HAND, Museum of Archaeology and Anthropology, University of Cambridge.

DR ASHOK MALHOTRA Senior Lecturer in History, School of HAP at Queen's

DR LAURA McATACKNEY Department of Archaeology and Heritage Studies, Aarhus University

PROFESSOR ERIC MORIER-GENOUD

DR ANGUS MITCHELL MDU / University of Limerick.

DR AOIFE O'BRIEN Oceania Curator, National Museums of World Culture, Sweden.

GINA O'KELLY (Chair), Director, Irish Museums Association.

DR CIARAN O'NEILL Ussher Associate Professor Nineteenth-Century History, Trinity College Dublin.

DR MAEBH O'REGAN (Speaker) Lecturer, National College of Art and Design.

PROFESSOR OLWEN PURDUE Professor, School of HAPP, Queen's University Belfast.

DR EMMA REISZ Lecturer, School of HAPP, Queen's University Belfast.

DR GAYE SCULTHORPE Head of Oceania, The British Museum.

JENNY SIUNG (Speaker) Head of Education, Learning and Education Department, the Chester Beatty.

SIOBHAN STEVENSON, Director, Northern Ireland Museums Council.

PROFESSOR ANNIE TINDLEY Professor of British and Irish Rural History; Newcastle University.

PROFESSOR SHAHID VAWDA Archie Mafeje Chair in Critical Humanities, University of Cape Town.

DR PATRICK WALSH Assistant Professor in Eighteenth-Century Irish History; Trinity College Dublin.

DR BRIONY WIDDIS ESRC Postdoctoral Fellow, School of HAPP Queen's University Belfast.

LUCY WRAY PhD Candidate, School of HAPP, Queen's University

Dr JONATHAN WRIGHT, Maynooth University

The conference speakers included the following 35 experts of which only two or three come from, and are expert in NI Unionist, Ulster-Scots research traditions. The paradox is that within the Unionist cultural traditions, and within the Loyal Orders and Ulster-Scots diaspora, the importance of Empire and Colonialism is a central aspect of NI Unionist identity, however, within the QUB conference, there appears to have been an academic void in the participating UK, Irish and global, participants who do not belong to, or speak for, local NI Unionist academic and research centres.

This Report argues that NI Unionists are increasingly under-represented and as a result of under-representation, Unionist academics and academic output is marginalised. This argument appears to get little academic support and few academic papers or reports emanating from the NI university sector supports this thesis. However, there is supporting evidence, more than simply 'anecdotal' evidence that suggests Unionist academic marginalisation is a real, and not imaginary thesis. The problem is that research into the diminishing NI Unionist academic population and the impact of the diminution is not a subject area QUB or UU wishes to support. Paradoxically, my PhD proposals to QUB (School of Education), UU and to the DfE in 2017/18 to undertake PhD scholarship research into S.75 equality screening failures and NI Unionist marginalisation within the NI university sector were all declined.

Table 31, within the Appendix to this Report indicates that within a nine-month period (September 2018 and May 2019), 21 PhD home and international candidates within QUB School of HAPP passed their Viva examinations and became doctors of philosophy. These self-funded, and or scholarship funded, part-time and full-time academics would have applied for, and been admitted to their respective research projects sometime between 2012 and 2015 a period within which QUB failed to undertake S.75 equality screening of PhD scholarship applicants. Of the 21 newly appointed doctors of philosophy, only one undertook and completed research into an Ulster/ Scots or PUL research subject.

More recent evidence made available in spring 2022 within the UU graduation handbook (for the Belfast and Jordanstown campuses) demonstrates why the Unionist community should be alarmed at the extent of under-representation of Unionist academics and researchers and the subsequent research output of Ulster-Scots, PUL subjectivities. The publication of PhD students who in the two academic years (2020 and 2021) graduated from Belfast and Jordanstown after completing their PhD studies is disconcerting and asks questions of equality of academic opportunities and the fair and equitable distribution of DfE funds and S.75 equality monitoring within UU.

Within the UU's 2020/21 Belfast / Jordanstown graduation handbook, 11 PhD candidates graduated from Belfast and 92 PhD candidates graduated from Jordanstown. Two of the Belfast doctoral graduates submitted their PhDs in the Irish language. Of the total 103 UU PhD candidates who were awarded the degree of doctorate, there appears to have been approximately 41 foreign national students and 62 UK/ Irish / Northern Irish students. UU does not provide a breakdown of the numbers of self-funded and scholarship funded PhD candidates, or the number of full-time and part-time PhD candidates, however of the total 103 PhD candidates only one student appears to have undertaken a PhD into an Ulster-Scots / PUL research subject area (Border Protestants and Republican Violence). If less than 1 % of this two year PhD cohort has been interested in and accepted for scholarship funding to undertake Ulster-Scots type research, the PhD funding regime requires to be audited.

If the QUB School of HAPP 2018/19 and the UU 2020/21 PhD doctoral awards are an indicator, the output of Unionist academic literature that manifests itself in the bookshops, libraries and academic campuses is not sustainable. This Report argues that the diminution of Ulster-Scots Research output from UU and QUB is another form of curtailment of academic freedom of speech, or in legal terms, it could amount to systemic indirect discrimination? Within the PhD graduation cohorts from QUB School of HAPP (2018/19) and UU Belfast / Jordanstown (2020/21), from an equal opportunities' perspective, none of the new doctors awarded their PhD degrees, or more importantly, their PhD competitors who applied for, and where rejected for PhD scholarship funding, were subject to S.75 equality screening exercises. If this is the case, then the failure of the NIHR and the NIEC to address academic employment opportunities within the NI university sector needs to be challenged.

UKRI Funding to Northern Ireland University sector.

It appears from evidence provided by a review team led by Sir David Grant that Northern Ireland receives less than 1% of UK research funding.¹⁰⁵ Whilst this figure appears extremely low, paradoxically, the level of research funding is justified because the NI university sector has breached S.75 equality screening requirements over the last two decades and there is increasing evidence of increased marginalisation of NI Unionist academics, researchers and students within the NI university sector. UK public funds processed, directly, or indirectly (through various research institutes / councils) to the NI university sector must be mindful that collectively the NI Equality Commission, Department of Economy, NI Audit Office and

¹⁰⁵ <https://www.bbc.co.uk/news/uk-northern-ireland-62243998>

QUB / UU have failed to address the discriminatory nature of funding within the NI university sector. More importantly, so far, the NI government departments and regulators have refused to conduct a universal equality review of the NI university sector.

Such is the extent of the discrimination and marginalisation of NI Unionists and Unionist research output within the NI university sector that the New Decade New Approach Deal of 2020, recognising the degree of Unionist marginalisation at QUB / UU promoted (in agreement with governments in Dublin and Westminster) the Castlereagh Foundation and the Ulster-Scots Research Institute. These two new institutions that are currently under consideration at Stormont are the products of decades of discrimination against Unionist research output within sub-sectors of the NI university sector.

In March 2022, I forwarded onto the UK Research Council / Institute the NI University Sector Report and informed the UKRI that research funding to QUB / UU in the absence of S.75 equality screening was ultra-vires. I argued that UKRI funding to QUB and UU could not increase because of systemic equality problems and that more careful equality screening was required for specific research projects directed by the UKRI to QUB / UU.

UKRI is the UK's largest public funder of research and innovation, investing billions of pounds directed from the UK treasury each year to UK universities. Within NI, the university sector, unlike the university sectors within England and Wales, is poorly regulated and badly monitored. There is a strong argument that UKRI funding to NI university sector must remain at the current low levels of research funding until the NI university sector is regulated and monitored to the same degree as the sectors in England and Wales. There is no guarantee that increased levels of research funding directed to QUB / UU will then be equally distributed between Unionist / Nationalist research teams at QUB / UU

UKRI was set up in 2018 by the UK government, combining a number of existing research funding bodies and Innovate UK - the UK's innovation agency. In June 2022, Queen's University Belfast (QUB) received a £2.8m grant from UKRI's Impact Acceleration Account to advance some of their research. Ulster University (UU) was awarded over £450,000 from the same fund for research in a number of arts and humanities subjects. It is within these same arts and humanities faculties that the NI Unionist parties claim that Unionist marginalisation is most concerning and that research output is most skewed.

According to a review of the organisation led by Sir David Grant, Northern Ireland received only 0.9% of total UKRI funding in 2020/21. Queen's University of Belfast received a £2.8m grant from the UKRI in 2022. Out of more than £3.7bn distributed by UKRI's research councils in 2020/21, Northern Ireland received £29m. However, there is no equality auditing systems in place and no statutory body within NI charged with determining if this £29 million was subject to equality scrutiny.

The review into UKRI research spending "found no evidence of a specific English bias," the review said that UKRI may need to take account of the government's "levelling up" plan in future decisions. Levelling up plans however need to be premised upon a full equality audit of the NI University sector. Unless, and until, the NI university sector is audited, monitored and regulated in the same way as the

university sector in England Wales, UKRI funding should not be increased for fear of increasing marginalisation of the minority NI Unionist research community.

UKRIC Funding to the NI University Sector

Dr Cillian McGrattan writing in the Newsletter (2 November 2022) argues that UKRI research funding for legacy issues within Northern Ireland has been skewed.¹⁰⁶ Several times during 2022, Dr Edward Cooke wrote to the UKRI to complain that PhD and post-doc research funding to QUB and UU needed to be suspended, or at least reviewed, in light of almost two decades of S.75 equality screening failures of PhD scholarships. After DEL / DfE PhD scholarship funding, the UKRI is the largest single funding agent of academic research within Northern Ireland. What is of concern to Dr McGrattan is that ‘hidden in the text of the Northern Ireland Troubles (Legacy and Reconciliation) Bill is the idea that the UK Research and Innovation Councils (UKRICs) will oversee research into the ‘themes and patterns’ of the conflict. Dr McGrattan suggests that ‘given the recent history of the UKRICs in Northern Ireland, that proposal is extremely problematic: UKRIC funding has, over the past decade and a half, mistaken individuals for organisations and worked to exclude mainstream unionist voices (still the majority of the population) from what has become known as the legacy debate’.

The UKRICs (specifically, the Economic and Social Research Council (ESRC) and the Arts and Humanities Research Council (AHRC)) have fostered and supported an effective monopoly in Northern Ireland as regards the policy area of dealing with the past for many years. Of concern to the Unionist community, these two funding councils (according to Dr McGrattan) ‘have facilitated the establishment and promoted the continued work of a group of transitional justice academics at Queen’s University, Belfast, known as the Model Bill Team (MBT) in conjunction with the Committee on the Administration of Justice (CAJ) – a lobby group which the Northern Ireland Office itself described as ‘left of centre group with mainly nationalist support’. Within the NI University Sector (2022) Report, Dr Cooke has argued that UKRI PhD scholarship funding within Northern Ireland has been skewed between 2000 and 2018 with individual academics responsible for funding favoured research programmes without the oversight required by S.75 equality screening programmes in place. Over almost two decades of skewed research funding, NI Unionist researchers and academics at QUB/UU have become increasingly marginalised.

Considering the need to ensure academic freedom of expression, Dr McGrattan argues that ‘it is reasonable and legitimate for academics to take up and advance or promote political positions. This is probably inevitable, particularly given the need for academics to show ‘impact’. Relatedly, academic promotion and progression emphasise participation in civil society organisations. However, it ‘is at that intersection that UKRIC funding goes askew. The MBT have accumulated nearly £4m from the AHRC and ESRC over the past decade and a half. In and of itself this is not a problem, until one realises that all of the MBT are directors for CAJ’. ‘Taxpayer’s funds, directed through the UKRI and the AHRC and ESRC have seemingly mistaken individual academics for what they are not rather than for what

¹⁰⁶ Newsletter, 2 November 2022 <https://www.newsletter.co.uk/news/opinion/columnists/cillian-mcgrattan-legacy-rewriting-the-troubled-past-conflict-in-northern-ireland-3902824>

they are – namely, a coherent and cohesive group who have worked and continue to work closely with a political lobby group’. The imbalance in large amounts of research funding to these partial research centres requires scrutiny.

Dr McGrattan argues that ‘the CAJ a self-proclaimed human rights advocacy group. It states that it ‘takes no position on the constitutional status of Northern Ireland’. However, there is little to no indication that CAJ’s advocacy work extends beyond allegations of state-perpetuated abuses’. Dr McGrattan suggests that ‘the history of the nexus of academics, anti-state human rights activists and UKRICs has meant that the latter has funded a monopolistic capture of legacy ideas, ideology and policy within Northern Ireland. Mainstream NI Unionist voices and the Unionist collective memory of the Troubles are unwelcome within that nexus’. It is within this context that UKRI research funding to NI university sector should be considered by the UK Government and the NI Equality Commission in the absence of a NI Executive.

Dr McGrattan concludes by suggesting that not only should the relevant clauses of the draft (Northern Ireland Troubles (Legacy and Reconciliation) Bill) legislation be examined, but, it is the considered view of this author that a review into UKRICs’ Northern Irish funding ought to be set up as a matter of urgency. In agreement with Dr McGrattan, Dr Cooke made a formal complaint to UKRI in 2022, a complaint that was dismissed without consideration.

10.00 Whistle-blowing in the NI university (and other) sectors

This NI University Sector Report is de-facto a whistle-blowing report. On the 29 May 2017 the first of the protected disclosures were made to the Vice-Chancellor at QUB. Thereafter, on the 21 July and 9 September 2017, QUB Vice-Chancellor’s Office was contacted (without success) for a response. Regularly and again in the autumn of 2021 further disclosures were made (as research brought forward new findings) to the QUB Vice-Chancellors Office. Finally, in February and May 2022, a preliminary and final whistle-blowing report was sent to QUB and UU Vice-Chancellors without acknowledgement of receipt.

This report advocates that individuals and academics should be able to engage with *parrésia* (courageous speech spoken to power when the speaker is at risk for speaking his, or her, truth). *Parrésia*, freedom of speech and the use of FOI Act to obtain information that is otherwise hidden, have been central ingredients within this whistle-blowing report. Paradoxically, it is a lack of *parrésia* of Unionist undergraduate students and Unionist academic staff that has failed to hold the NI academic sector to account and has failed to expose the different problems identified within this Report. The power held by academic deans, heads of department, and university managers is immense. Any Unionist academic who was to challenge the university on issues of Unionist marginalisation would find different research, funding and career advancement obstacles placed in his, or her, path. A young university student progressing through his or her first undergraduate bachelor degrees, would rarely contemplate publically challenging academic authorities, and yet, paradoxically this is what a university education trains them to do! Today, given the substantial economic costs of obtaining degrees, This report suggests that Unionist undergraduate students are even more unlikely to individually make complaints for fear of potential academic retribution, more so in some academic faculties within which non-Unionist academics dominate.

In 2017, the NI Executive collapsed as a result of the DfE and NI Government Ministers ignoring whistle-blowing concerns in the payment of RHI fuel subsidies. Five years on, no lessons appear to have been learnt and within the Northern Ireland public sector there still exists a culture of self-protection within which senior civil servants self-protect whenever courageous whistle-blowers endeavour to make protected disclosures. This whistle-blowing report takes generic whistle-blowing exposures against NI government departments a step further and argues that the government watchdogs who are tasked with holding government departments and other institutions can equally self-protect and ignore whistle-blowing complaints when complainants make protected disclosures that suggest that the auditing watchdogs have been negligent in their auditing duties. This report argues that the NI Equality Commission and the NI Audit Office, have over the last few years ignored complaints about S.75 equality screening and the ultra-vires public spending programmes that arise as a result of S.75 equality screening omissions.

On the 20 April 2022, Janette O'Hagan, (the RHI whistle-blower) told the Belfast Telegraph how she was 'so disheartened, dismayed and disgusted' about the treatment of the treatment of Tamara Bronckaers. Ms Bronckaers was the whistle-blowing vet who made public disclosures about the NI Department of Agriculture.¹⁰⁷ Likewise, Stephen Grimason told the Belfast Telegraph that there is no point in Jayne Brady (head of the NI civil service) holding her post if she does not intervene in the case of Ms Bronckaers, when ironically, the civil servant who forced Ms Bronckaers out of her veterinary job was himself promoted.¹⁰⁸

From 2017 until 2022, whilst a tutoring assistant, Master's and PhD research student at QUB, the author of this Report, made a series of qualified disclosures to MLAs, the NI DfE and the NI Equality Commission during the period Stormont was dissolved. When devolved government returned to Stormont in January 2020, further protected disclosures were made to NI Assembly and Westminster Committees, the NI DfE, the NIEC, the NI Audit Office, the NI Office, the UK Treasury Office, UK research councils, and the recently formed NI Fiscal Commission and Council. All the qualified disclosures revolved around concerns of NI Unionist marginalisation within the NI university sector.

Over the five-year period making whistle-blowing disclosures, this report concludes that the NI public cannot act effectively as whistle-blowers to highlight public sector governance failures. Within NI public sector institutions there is a culture of self-protection perpetuated by a dysfunctional arrangement of power-sharing government. In addition, it is suggested that the independent NI auditing bodies who are charged with holding the NI public sector to account, are just as likely to self-protect, if they are also charged with failing in their auditing duties.

Between 2017 and 2022, different UK and NI government departments, agencies and politicians were invited to investigate the following whistle-blowing claims:

¹⁰⁷ <https://www.belfasttelegraph.co.uk/news/politics/nothing-has-changed-in-civil-service-claims-rhi-whistleblower-41572165.html>

¹⁰⁸ <https://www.belfasttelegraph.co.uk/news/politics/stormonts-former-spin-chief-denounces-scandalous-vet-case-41572132.html>

- S.75 equality failings in DfE grant funding to the NI university sector.
- Value for money failures in the scrutiny of PhD scholarship funding.
- Student migration during the Covid-19 pandemic (in October and November 2020).
- Covid-19 risk assessment failures by QUB and the Office of First and Deputy First Minister in August and September 2020.
- Ultra-vires government spending within the NI university sector (associated with S.75 equality screening failures).
- S.75 equality screening failures and under-reporting of student complaints within QUB's appeals and complaints procedures.
- Indirect discrimination of Unionist academics, students and researchers arising as a result of S.75 screening failures in PhD awards.

and

- The failure to apply S.75 equality screening exercises to UK Research council PhD funding scholarships and grants.

The above protected disclosures have in the main been unsuccessful. Whilst the DfE recognised in 2018 that S.75 equality screening of PhD funding had arisen between 2000 and 2018, the DfE refused to determine the impact of the equality screening failures. The NIEC has never rejected or criticised the protected disclosures, however the NIEC has also refused to undertake a (long-overdue) equality audit and inspection of the NI university sector. The NI Audit Office, had for two years declined to take investigative action, whilst at the same time declining to write and document the reasons for failing to address the ultra-vires spending claims and value for money concerns around departmental PhD funding.

When in August / September 2020, the NI First and Deputy First Minister's Office allowed QUB to open up for face-to-face teaching, QUB and the First Ministers did not appear to understand that potentially, under the legal principle of vicarious liability, they were (potentially) inviting charges of corporate manslaughter against the Vice-Chancellor and the First Ministers, should subsequently parents / grandparents of Covid-19 students returning from the HMOs house parties and QUB (and UU) Halls of Residence infect vulnerable older parents / grand-parents with Covid-19.

The failure, over a five-year period, to garner recognition for the marginalisation of Unionists within the NI university sector and to galvanise remedial action in these matters has resulted in this whistle-blowing sectoral report. The Report, however, is in many ways deficient being devoid of the conventional, intellectual, information and financial resources that NI government auditors, or the NI universities would / should channel into any such sectoral study. Nevertheless, despite the obvious deficiencies of the Report, the Report is significant because of the absence of other similar critical reports of the NI university sector from other NI social science, humanities, legal, or political science, academics.

In the 1960s, the NI Civil Rights movement helped change NI society campaigning against perceived injustices in housing, employment and representation. Leading the campaign for civil rights in NI in the 1960s and 1970s were numerous academics

and students from QUB. The Young Unionist, Robin Cole was joined with other academics from QUB, such as Prof Michael Dolley (history), Bernadette Devlin (psychology), Austin Curry (politics and history), Michael Farrell, and Seamus Mallon (QUB, St Marys). Fifty years on, Northern Ireland society is unrecognisable, however, whilst the working-class NI Unionist community within NI is massively under-represented within QUB and UU, there appears to be few NI Unionist or Nationalist orientated academics, willing to assert the need for fairer representation and equality within the NI university sector for NI Unionists. This report has been compiled by a NI Unionist / Loyalist student and (sometimes) academic, it is within the dichotomy, that the report is a whistle-blowing Report that argues (speaking with *parrésia*) that the NI university sector is already a cold-house for Unionists. The report argues that without immediate, corrective action, without statutory interventions, the decline of Unionist students, researchers and academics within the NI university sector, will inevitably continue to diminish.

Central to the publication of this whistle-blowing report is the existence of FOI Act and the data forthcoming from FOI Act responses. In the main, QUB, the DfE and UU have, without dissent, provided much of the FOI Act information requested. However, there are restrictions on the information that whistle-blowers can acquire using the FOI Act. This report is hampered because of the existence of generic FOI Act limitations and because it is undertaken by an 'outsider', a 'uniformed' whistle-blower, who has not the same economic resources of the NI universities or the same access to all internal information that senior university management or government officials have.

Over the last five-years, there has been individual instances where QUB and UU have rejected providing FOI Act information on grounds of cost and based upon the frequency of the FOI requests made. QUB and UU may have been justified in their arguments to deny access to FOI data, however, the FOI Act data sets included below are data sets that otherwise would not have been published. Full publication of S.75 screened information within annual reports, can I believe substantially reduce FOI Act costs. Where however, large institutions fail to provide full and comprehensive public information on an annual basis, or where S.85 screening exercises have not been undertaken, I believe that public interest concerns trumps FOI Act cost prohibitions and that these institutions should not be able to keep hidden information using the cost limitations contained within the FOI Act. In collecting the data to compile this report, the NI Equality Commission (paradoxically), refused to provide me with FOI Act information about the nexus that existed between the members of its senior management team / Commissioners and QUB/UU. Part of this information was eventually obtained but only through a protracted appeal to the Information Commissioner's Office.

The FOI Act has been a valuable surveillance resource in helping to compile the quantitative and qualitative information that supports the arguments and conclusions within the Report. Collecting and collating the FOI Act data is however time-consuming and is likely to dissuade other potential whistle-blowers from obtaining supporting information to expose; omissions, irregularities, statutory non-compliances, illegalities and criminalities within the NI private and public sectors

The employee, academic, or student who stays knowingly silent whilst aware that senior management is undertaking acts that may be unlawful, colludes in the

illegality. However, economic self-preservation often trumps ethical and moral considerations. To support this insight, for several years European, Japanese and American manufacturers of diesel cars unlawfully falsified car emissions data, breaking numerous environmental laws in order to make massive financial profits. In their emissions strategies they deceived the public who purchased their cars. From 2014 onwards, software installed in cars made by Volvo, Volkswagen, Fiat, Renault, Nissan, etc., recognised when MOT standardised emissions tests were being carried out. The emission recognition software installed by the manufacturers was corrupted and programmed to adjust the car engines to emit less pollutants during the test period and hence meet government emissions regulations that the cars could not otherwise meet when driving on the roads.

The environmental fraud was perpetrated by many of the world's leading car manufacturers. The car manufacturers and those employees who designed and fitted the software were aware that the diesel cars emitted higher levels of pollution under actual driving conditions. The scale of the environmental fraud was global and the extent of the corporate silence was reflected in the massive and punitive fines demanded by the US Federal government and the European Court of Justice.

Software consultants, designers and managerial staff employed by the major car-manufacturers knew of the existence of the testing emissions software but they failed to speak using *parrésia*. There was de-facto, global corporate collusion enabled by a systemic moral and ethical collapse of individuals employed at different managerial levels within the global car industry. Here was demonstrated a collective failure to speak with *parrésia*! The same collective failure has predominated within the NI university sector, however in 2020, some 3,500 people (including ex-QUB and current QUB academics and students) signed an online petition suggesting that QUB was a cold-house for Unionists.

David Christopher Kelly, the biological warfare expert in the British Ministry of Defence and former weapons inspector in Iraq, revealed material from the British government's dossier on weapons of mass destruction in Iraq. Dr Kelly subsequently committed suicide in the wake of the interrogations and intense pressure that followed the disclosure. Suspected of leaking over 250,000 U.S. diplomatic cables to the website WikiLeaks, private (Chelsea) Bradley Manning was sentenced to 35 years imprisonment in 2013 for aiding and abetting the enemy. The question to be asked is why did Kelly and Manning dare risk the inevitable negative consequences of their exposures?

Whistle-blowers, those who speak their truth against powerful individuals and agencies, often find that their disclosures are frustrated and that in exposing themselves to risk, their concerns are ignored. The Kincora child abuse sex-scandal in Northern Ireland is still today surrounded with mystery and alleged cover-ups. The scandal occurred between 1958 and 1980 and eventually William McGrath and two others were convicted in 1981 on charges of buggery, gross indecency, and indecent assault. It was reported in the courts that 29 boys had been abused and raped in the Kincora Boys Home. McGrath had connections to a loyalist organisation known as Tara, and he was also member of Orange Order. However, one whistle-blower's disclosures, those of Valeria Shaw (a Free Presbyterian missionary), were allegedly made to her MP and to the Royal Ulster Constabulary. Ms Shaw's whistle-blowing *parrésia* was ignored, and hence the perpetrators of the Kincora sexual abuse

crimes were left free to continue to abuse for seven more years when they could otherwise have been detained.

Within the global Roman Catholic Church, clerical child abusers have been institutionally protected by the Church. In the 2000s, the Roman Catholic Church and the religious orders, frequently attempted to include non-disclosure agreements within out-of-court abuse settlements. However, increasingly within Australia, Europe, America and Ireland, as individuals' waived rights of anonymity, groups and collectives were established who spoke with *parrésia* to take on the might of the local Cardinals and the heads of religious orders in order to win compensation for clerical sexual and physical abuses within the courts. Individual silence, a failure to speak with *parrésia*, I suggest perpetrated these institutional Church abuses. However, in truth, the religious and societal forces gathered against individual church abuse victims was of a degree that most whistle-blowers in the public and private work sectors have never experienced.

The House of Commons, Public Accounts Committee (PAC) within their *Ninth Committee Report* supported the notion that whistle-blowing is an altruistic act meant to assist the functioning of government by stating that 'whistle-blowing is an important source of intelligence to help government identify wrongdoing and risks to public service delivery' (16 July 2014, p.1) Importantly, the House of Commons also recognised the reluctance of people to speak with *parrésia* when the PAC suggested that many concerns still go unreported, and that low-level surveillance, in the form of whistle-blowing intelligence is not routinely reported. The PAC concluded that there is substantial evidence indicating that whistle-blowers have been shockingly treated. Furthermore, those whistle-blowers who have come forward, particularly in the UK NHS and Health Trusts, were recognised by the PAC to have shown remarkable courage.

When in 2011, two whistle-blowers, nurses Julie Bailey and Helene Donnelly exposed the systemic failings in Mid-Staffordshire NHS Trust, they did so after a period when they were vilified by the management of the NHS. Throughout their initial disclosures, the NHS embarked upon a culture of denial. Eventually, through their courage, a public inquiry was set up that recognised that both nurses were harassed by senior members of the NHS Trust. In 2013, the two nurses subsequently received honours awards (CBE and OBE) in the New Year's honours list for speaking with *parrésia*. Had it not been for their courage, time and conviction, the defective practices and procedures which resulted in NHS deaths would have continued.

I suggest within this Report, that whistle-blowing exposures (post 2017) about S.75 failings within the NI university sector have been badly handled by the DfE and subsequently by the NIEC and NIAO. Ironically, in 2017, the NI Executive and power-sharing within Northern Ireland collapsed, in part because senior civil servants and government ministers ignored the concerns of the RHI whistle-blower. The failure of senior NI civil servants and NI Executive Ministers to address the outsider's whistle-blowing concerns, became the subject of the 2020-21 RHI review and report.

Reflecting on Ms O'Hagan's RHI first whistle-blowing disclosures, whilst Ms O'Hagan was not a paid employee of any NI government department, and whilst she could be described as a whistle-blowing 'outsider' rather than a whistle blowing 'insider', Ms O' Hagan suffered a real loss as a result of RHI legislation. Firstly, as a tax-payer,

Mrs O'Hagan suffered the financial loss of paying taxes to subsidise a small number of RHI boiler owners who were granted large amounts of government money to burn pellet fuel, not to reduce pollution. Secondly, Ms O'Hagan's RHI whistle-blowing disclosures were prompted by the loss of business (and hence profits) that her energy saving business suffered as a direct result of unconscionable legislation; legalisation that was not in the best interests of public policy and which possibly was ultra-vires. If this assessment is accurate, Ms O'Hagan, and possibly others, could have instigated a civil action against the NI Executive and the Department of the Economy for loss of profits!

As 'insiders' within private sector organisations, government departments or other institutions, or as 'outsider' members of the public, individuals have ethical, moral and perhaps even legal obligations to expose legislative failings that negatively impact on the tax-paying general public. Whistle-blowers, are a specific category of 'insiders / outsiders', who (unlike others) refuse to stay silent and courageously speak their truth to power in order to bring about a societal benefit. That government still fails to protect whistle-blowers and fails to provide institutional governance mechanisms to enable their disclosures, suggests that government prefers to self-protect rather than enable transparency.

What, I suggest is different within this NI university sector whistle-blowing report, is that not only has a government department, (the DfE) kept invisible its own S.75 equality screening failings, the NIAO and NIEC – as independent regulators – have ignored complaints about equality screening failings and the unlawful actions of the NI universities in ultra-vires public sector spending.

Whilst the RHI scandal related to newly enacted environmental legislation that was subsequently repealed, the S.75 equality failings and claims of ultra-virus spending asserted within this report, relate to DfE, NIEC and university failures over two decades. The longevity of the failing, only seeks to further embarrass those whose duty it was to audit equality undertakings. Importantly, the failure of the DfE and NI auditing agencies to seriously examine and take action in relation to these whistle-blowing allegations invite questions over the S.75 screening of all NI government spending over the last two decades and the commitment of the NI government departments to the central equality tenets of the Good Friday Agreement.

Exposing powerful professionals, whether it is within the academic, or other sectors within NI, is almost impossible within Northern Ireland. The culture of professional self-protection was demonstrated, tragically, by the NI Hyponatraemia Inquiry chairperson, Justice John O'Hara QC when he delivered his report in 2018. Addressing how health professionals, supported by health trusts self-protected in the hyponatremia deaths of five NI children, Justice O'Hara reported in 2019 that there had been a 'cover-up by some consultants, accusing some doctors of behaving "inadequately, evasively, dishonestly and ineptly".¹⁰⁹ Justice O'Hara went on to identify 'a failure at leadership level after the whistle-blower raised concerns in the public interest. Not only was the whistle-blower failed but so too was the service'

As a result of the Hyponatremia Inquiry, Justice O'Hara recommended that 'a statutory duty of candour should now be enacted in Northern Ireland and that

¹⁰⁹ <https://www.newshopper.co.uk/news/national/17714422.hyponatraemia-whistleblower-failed-inquiry-says/>

criminal liability should attach to breach of this duty and criminal liability should attach to obstruction of another in the performance of this duty'.¹¹⁰ I believe that the DfE has been shown to have a history of ignoring whistle-blowing disclosures and has subsequently ignored my protected disclosures listed above and that in doing so, the DfE has chosen to self-protect its own failings rather than bring the NI university sector to account for S.75 equality and Covid-19 failings. Had the DfE listened to my whistle-blowing concerns, I believe that the DfE would have authorised, or invited a report on the impact and implications of S.75 equality screening omissions within the NI university sector. In addition, the DfE and NIAO should have considered asking other NI government departments to review their historical S.75 equality screening processes to determine the full extent that S.75 equality screening had been omitted from NI government spending programmes.

Shrewsbury and Telford Hospital NHS Trust (March 2022 Report)

This report argues that large organisations and institutions have a propensity to hide corporate failures, they do not publicise them or voluntarily expose them. Initial denials of government officials when mistakes or omission have been made, demand further investigation. Cultures of deniability exist within the public sector, designed to self-protect and these cultures can embrace bullying tactics to ensure staff silence. Unless internal whistle-blowers, external invigilators, 'consumers', or independent auditors spend considerable time, energy and resources to expose the institutional failings, the failings will be perpetuated and will result in waste of taxpayers funds and in the case of the Shrewsbury and Telford Hospital NHS Trust, the failings can result in multiple injuries and deaths.

Recently, in March 2022, the largest maternity scandal in the history of the NHS was exposed when NHS experts not only hid their own incompetence's but blamed innocent mothers for the 200 deaths of still-born babies. Regrettably, the scandal continued over decades. The March 2022 report into the Shrewsbury and Telford Hospital NHS Trust confirmed that the hospital trust failed to properly investigate historic failures and but for the *parrésia* and exposures of a group of grieving mothers, the report would never have materialised and the hospital blunders would still be continuing. The inquiry report found that 201 babies and nine mothers could have, or would have survived, if the NHS trust had provided better care.

In response, the Health Secretary, Sajid Javid, said in the House of Commons that NHS staff responsible for the serious and repeated failures would be held to account. "There is also an active police investigation, Operation Lincoln, which is looking at around 600 cases," he said. Importantly, the investigation that led to the report, was launched after bereaved families doggedly campaigned for a probe into the fatal errors. The report discovered that maternity units were short-staffed for years and that NHS bosses refused to take responsibility for mistakes. During the investigation, staff members came forward to paint a picture of a hierarchical clique endorsing a culture of undermining and bullying. This culture of bullying within the NHS Trust ensured that staff members did not act as whistle-blowers to challenge the maternity practices or to expose the corporate failings that may now give rise to corporate manslaughter charges. Again, but for the dogged efforts, of 'outsider'

¹¹⁰ <http://www.ihrdni.org/Vol3-09-Recommendations.pdf>

mothers acting as corporate watchdogs and whistle-blowers, this institutional failing would never have been made visible.

Summary

The assumption is that educated professionals in the health service and university sector do not misinform people, however, various NHS public inquiries suggest that maintaining a cloak of invisibility is common practice with professionals who attempt to hide their professional failings. The extent of corporate 'cover-ups' was exposed by an ex-government minister in May 2022.¹¹¹ Jeremy Hunt argues that the UK NHS was a 'rogue system' during his time as health secretary. Mr Hunt, described how the service suffered from a cover-up culture that failed patients and staff. It was claimed by Mr Hunt, that the culture of self-protection extended to the most senior people in the department of health and that civil servants in the Department of Health and Social Care tried to block him from reading patients' letters of complaint. Damningly, and this was witnessed with regards to the NI RHI Inquiry, Mr Hunt claimed that failed managers were often recycled into new jobs, he says, where they continued to make the same mistakes!

In April 2019, the UK health secretary vowed to end the use of non-disclosure agreements that prevent would-be NHS whistle-blowers speaking out. Non-disclosure agreements, made as either part of employee contracts, or within litigation cases underpins the NHS compensatory system within which self-protection and the avoidance of reputational damage are key to dispute resolution. Matt Hancock said he wanted more people to feel they could "put their head above the parapet", and described settlement agreements that infringed on people's rights to voice concerns as "completely inappropriate".

In the context of this NI University Sector Report, Hancock's comments follow growing concern about the use of such agreements to silence staff across a range of sectors. It emerged last in April 2019 that universities had spent nearly £90m on pay-offs with so-called gagging orders attached over the last two years.¹¹²

Using Freedom of Information laws, nearly 140 universities were asked by the BBC to detail how much they had paid in settlements that included NDAs. Figures from the 96 higher education institutions that responded showed around £87 million had been spent since 2017 in 'pay-offs' with so-called gagging orders attached over the last two years, it has been reported. The huge sum is said to have been spent on around 4,000 settlements, some of which are reported to relate to allegations of bullying, harassment or sexual misconduct. Universities UK (UUK), the sector's representative organisation, said non-disclosure agreements (NDAs) were used for "many purposes", including protecting valuable research. However, the body said the contracts should not be used to prevent victims from speaking out and such practices "will not be tolerated". The existence of any such NDA within an

¹¹¹ <https://www.theguardian.com/politics/2022/may/15/jeremy-hunt-says-nhs-was-a-rogue-system-during-his-time-as-health-secretary?fr=operanews> and 'Zero: Eliminating Unnecessary Deaths in a Post-Pandemic NHS'.

¹¹² <https://www.theguardian.com/society/2019/apr/22/nhs-end-non-disclosure-agreements-vows-matt-hancock>

academic's contract, also means that when students take complaints cases, academic staff owe a contractual duty to their employers to primarily look after the interests of the employer rather than adjudicate equitably on the student complaint. Non-disclosure agreements between signed by academic staff, within the NI university sector present problems for students who make formal complaints to academics.

According to the author of '*Burned: The Inside Story of the 'Cash-for-Ash' Scandal and Northern Ireland's Secretive New Elite (2019)*', in March 2022, the same culture of secrecy and self-protection within the NI civil service still continues.¹¹³ The continuance of this culture of secrecy ensures that issues of ultra-vires departmental spending and equality failures will continue within Northern Ireland undermining the seven principles of public life. McBride argues in the Belfast Telegraph (22 March 2022) that the NI government departments still do not treat 'with appropriate seriousness whistle-blowers, whether they are fellow officials or members of the public'. This NI university sector report supports Mr McBride in his well-researched views of the NI civil service.

More recently, in April 2022, the NI Department of Agriculture, Environment and Rural Affairs (DAERA) 'unreservedly apologised' and abandoned its attempt to overturn an industrial tribunal judgment that a civil servant was hounded out of her job because she blew the whistle on potential fraud and animal suffering. Sam McBride points out that DAERA may have spent £1m in taxpayers' money in bringing the legal case, before capitulating and apologising for the department's treatment of the whistle-blower.¹¹⁴

11.00 Academic (Article 10) Freedom of Expression in NI and GB universities

Marginalisation (direct and indirect discriminatory trends) of Unionist researchers & research subjectivities.

Within England and Wales, growing concerns related to university academics being banned from speaking within GB universities and colleges by students, other members of staff and / or university administrators, helped bring forward the current (2022) Academic Freedom of Expression Bill progressing through Westminster. Regrettably, there is no such human rights legislation on the horizon for Northern Ireland and disappointingly, the NI regulatory authorities charged with protecting academic freedom of expression within QUB / UU and morally responsible for ensuring equality within the NI university sector seem disinterested (based upon their responses to the first drafts of this Report and to subsequent written representations) in addressing potential academic freedom of expression (Article 10) concerns within the NI university sector.

¹¹³ <https://www.belfasttelegraph.co.uk/opinion/columnists/Sam-mcbride/secretive-and-defensive-ni-civil-service-remains-profoundly-flawed-in-the-wake-of-rhi-41472908.html>

¹¹⁴ <https://www.belfasttelegraph.co.uk/news/politics/stormont-department-apologises-and-drops-its-legal-challenge-over-whistleblower-41530611.html>

Preventing an academic from taking to the stage, or the podium, in order to deliver an academic lecture or seminar is the most obvious individual form of denial of academic freedom of expression, however there are more insidious, and less obvious forms of denial of academic freedom of expression and these universal restrictions are promoted when academics, researchers and students are denied grant funding, research funding, scholarship funding and when academic peer groups prevent academics access to journal publications. The marginalisation of NI Unionists within different disciplines throughout the NI university sector, is I suggest not only an equality concern, but it is also a potential Human Rights (Article 10) Freedom of Expression violation.

Within the NI university sector, this Report argues that there are human rights, equality, financial and procedural concerns that are not being addressed by the NIHRC, the NIEC, NIAO and the NIPSO. The NI university sector, the students within it, and those responsible for funding the sector, require the protection of a 'one stop shop' regulator. The Department of the Economy, a department that promotes 'joined-up governance' has relied on several 'independent regulators' to ensure that public funds to the NI university sector are safeguarded. Sadly, the NI university regulators have proven unequal to the task primarily due to the degrees of legislative separation and statutory obligations that restrict their individual remits. Within NI what is required is one NI university sector regulator, a regulator that has the legislative authority to address potential complaints that embrace elements of human rights breaches, equality breaches and procedural concerns.

Disappointingly, after ten months from the initial whistle-blowing draft report was forwarded onto the DfE and the NI regulators, there were no formal responses to the protected disclosures until formal complaints were made to the DfE. However, as the Report also asks probing questions about the role of the regulators in auditing and monitoring QUB and UU, the failure of the regulators to respond to the Report (in the absence of a functioning NI Assembly and Executive) is unsurprising.

Claims made that the NI university sector preferences some groups of students (e.g. internal students paying high fees) and marginalises other groups (e.g. NI Unionist students) are not unique to Northern Ireland. On the 12 January 2023, BBC News Scotland reported that 'Ordinary Scots rejected by Edinburgh university' according to the Labour MSP Michael Marra.¹¹⁵ If, local students, middle, or working-class students, religious students, or student from the political left, or political right, are being denied access into university because of economic or political discrimination then academic freedom of expression concerns arise. If certain political, religious, cultural, or social groups are denied access into education, then this equates to (unlawful) restrictions in academic freedom of expression by in turn, skewing the output of academic literature. Michael Marra claimed that Scottish applicants from good schools and affluent areas have been turned down by the University of Edinburgh and he based his claims on data from the University of Edinburgh. The University of Edinburgh, did not dispute Mr Marra's assertions but rather tried to explain the reasons why some sections of the Scottish student population were not accepted into the university.

¹¹⁵ <https://www.bbc.co.uk/news/uk-scotland-edinburgh-east-fife-64247475>

In a university sector within which academic fees are free to local Scottish students, Labour's Michael Marra suggested that 'reliance on income from UK and overseas students meant many "ordinary Scots" were missing out'. In an interview with The Scotsman, Mr Marra said a "basic principle" of a Scottish education was being breached. Within Scotland, Edinburgh University follows a flag system to prioritise student intake. Whilst this 'flag' system of student selection is overt, within Northern Ireland, it is suggested that student access into university, particularly at PhD level, is more covert and possibly unlawful in terms of equality legislation. Mr Marra, Scottish Labour's education spokesperson, said that the 13-year cap on the number of local students receiving government funding for free university education places for Scots was causing the problem.

Returning to the Northern Ireland university sector and more familiar forms of academic freedoms of expression, in October 2022, Dr Robin Adams (QUB) launched his book publication at QUB's Institute of Irish Studies (IIS). The book entitled, *Shadow of the Taxman: Who funded the Irish Revolution?* examines how in 1918-1921, 300,000 Irish republican sympathisers in the USA 'donated' almost £6m (worth approx. £400m today) and 140,000 supporters in Ireland donated £370,000 (worth approx. £20m today) in 'war bonds' to the underground Irish republican movement in order to fund the creation of the Irish Republic. Also in October 2022, Dr Shonagh Hill (QUB) presented her seminar entitled, *Theatres of Freedom and Resistance: Women Playwright during the years of the Irish Free State*. The seminar helped to broaden understanding of the history of Irish Theatre as well as the role of women within it. As theatre helps shape the arts and as the arts are an outlet of various political and social expressions, such seminars like this add to the growing body of Irish academic literature that continues to dwarf the literature produced by the Unionist / British academic community based at QUB / UU. It is clearly obvious that the Institute of Irish Studies facilitates academic freedom of expression. It is less obvious if the IIS facilitates NI Unionist academic freedom of expression to the same degree as Irish academic freedom of expression

QUB's Institute of Irish Studies promotes seminars, research programmes and book launches encouraging academics and future generations of academics to undertake research into Irish studies. The IIS provides a platform upon which academics can exchange ideas, create important research nexuses and work towards publication of journal articles, books and government research papers that in turn informs and shapes the NI university curriculum. In August 2023, EFACIS (European Federation of Associations and Centres of Irish Studies) travels to QUB to co-host with QUB IIS a conference entitled: *Unions and Partitions in Ireland*. The conference committee from the IIS includes:

- Peter Gray (chair), authority in Irish immigration and the famine
- Síobhra Aiken, authority in Irish language and Irish Civil War
- Ruth Duffy, authority on medical and oral history
- Alison Garden, author of *The Literary Afterlives of Roger Casement, 1899-2016*.
- Steffi Lehner, QUB academic engaged with the '*Sounding Conflict: From Resistance to Reconciliation*' project

- Peter McLaughlin, authority on the Peace Process, SDLP, Labour Party, Socialism, and Irish Nationalism
- Cathal McManus, authority on Nationalism and Identity politics
- Margaret O'Callaghan, authority on the Partition of Ireland, Rodger Casement and commemoration

Within QUB and UU there are no similar platforms to promote Unionist / British cultural awareness or to help shape Unionist / Northern Irish / British / Ulster-Scots research and education. NI Unionist academic freedom of expression is increasingly diminished within the NI university sector. When, in 2017-2018, Prof Richard English (QUB) was asked by Dr Edward Cooke to initiate an Institute of Ulster-Scots Studies, Prof English declined suggesting that any such Ulster-Scots research studies could be provided within the context of the established Institute of Irish Studies. Besides this denial being a potential S.75 equality screening matter that falls within the jurisdiction of the NIEC, the refusal to consider a similar Ulster-Scots Institute by QUB engages with academic freedom of expression concerns which fall under the remit of the NIHRC.

There appear to be significant (growing) imbalances in the output of research from QUB and UU that can broadly, and loosely be termed 'Irish' and 'Ulster-Scots'. Whilst the question of an Ulster-Scots Research Academy is currently being considered (by Parliament and not Stormont) the limited provisions of the Ulster-Scots Research Academy appears to fall far short of the impact that the (parallel) Irish Language legislative provisions and how those provisions will promote Irish culture and Irish language within Northern Ireland's public sector and indeed within the NI university sector. Importantly, the Ulster-Scots Research Academy has not been sold to the NI public and the political establishment as a result of decades of Unionist marginalisation, under-representation and discrimination against NI Unionists within the NI university sector. The passage of the Ulster-Scots Research Academy and the Castlereagh Foundation through Parliament, presupposes academic freedom of expression (Article 10) failures that the NIHRC appears disinterested in.

In essence, the current 2022 proposals for an Ulster-Scots Research Academy are the result of political bargaining to restore power-sharing to Stormont in January 2020. As such, the proposed Ulster-Scots Research Academy arises from the growing perceptions within the NI Unionist community that NI Unionist academic research has been historically marginalised at QUB and UU. The provisions of the January 2020, New Decade New Approach Deal, suggests that the British and Irish governments have some sympathy with this argument. This NI University Sector Report (2022) goes further and suggests that the proposed Ulster-Scots Research Academy is necessitated because of two (or more) decades of Section 75 equality and Article 10 (Academic Freedom of Expression) failures within the NI university sector and specifically the failure of the NIHRC (and NIEC) to regulate, audit, examine and investigate how academic freedom of expression has been denied to Unionist students arising over 2 decades within which departmental PhD scholarship funding was not subject to statutory S.75 equality screening exercises but was awarded at the subjective behest of individual academics..

Academic freedom of expression begins when; university students and potential researchers are denied access into university, when established university courses are abandoned, when colleges (such as the Union Theology College) are closed, and when grant funding, research funding, PhD funding pathways are blocked, denying access into the university teaching and research professions. Indirectly, S.75 equality screening auditing failures by the DfE, NI universities and NIEC (between 2000 and 2018) in the award of departmental PhD scholarships potentially denied NI Unionist students and researchers access into certain (heavily politicised) academic faculties within QUB and UU. Today, without a PhD, access into the NI university sector is extremely limited. Without PhD scholarship funding, access into the university sector is extremely difficult. Whilst S.75 equality screening failure appears (on the face of it) to be fundamentally an equality issue, it is also an academic freedom of expression (Article 10) issue that impacts on one NI community's ability to gain access into the NI university sector and thereafter to lecture and publish within the sector and to be published outside the sector.

Since 2017, the NI Unionist political parties have (periodically) been made aware that from 2000 until 2018, departmental PhD scholarship funding at QUB and UU was not subject to S.75 equality screening and that this failure may in part be responsible for the growing imbalance in Irish studies research vis-à-vis that of Ulster-Scots subjectivities. The increasing number of academic authorities undertaking Irish studies research at QUB / UU in turn influences research output and the evolution of academic curriculums. The impact of this research will in turn impact on NI Unionist students deciding to relocate to mainland GB for their university education within disciplines such as; humanities, languages, law, social science and the arts. It is within this historical nexus that academic freedom of expression and the regulation of academic freedom of expression within the NI university sector should be considered.

This Report argues that Unionist academic Freedom of Expression within the NI university sector is curtailed, primarily by the constructive ambiguity that brought about the GFA and the 'imprecisions' within the Section 75 equality legislation that flowed from the GFA. Reduced NI Unionist academic freedom of expression is demonstrated in the alarming diminution of academic literature and government policy papers flowing from the NI academic and research community. Often, when what is loosely defined as the 'Unionist', or the 'PUL' literary genre is published, it is often agnostic, or even hostile to the Unionist, pro-British position. Of even greater concern is the increasing literary void that are growing because of the under-representation of Unionist researchers within several disciplines in the NI university sector. To illustrate my point, recently, Professor Cathal McCall's (QUB) book (*Border Ireland*) which received considerable media (RTE and Belfast Telegraph) attention suggested that there were still concerns that Britain could invade Ireland if SF came to power in Belfast and Dublin.

Setting aside the professor's particular discourse, this Report suggests that from the NI Unionist perspective, Unionist academic publications that inform students, government and the public have been numerically diminishing. Moreover, the Unionist fervour of arguments presented within publications has been similarly diminished because of the changing political demographics of the sector they reside within and because of the self-imposed constraints to speak openly and courageously to power using *parrésia*. Whereas Professor McCall feels free to

strongly articulate nationalist perceptions and ideologies, the diminished number of unionist academics in the sector feel constrained. The issue of the minority (token) Unionist academic voice refusing to speak using *parrésia*, in order to self-protect, is considered further later in this chapter).

Writing in the News Letter, Ken Funston (Advocacy Manager South East Fermanagh Foundation), noted on the 28 May 2020 that *'in May 2018, Queens' awarded honorary professorships to Peter Robinson and Mitchel McLaughlin. The following month, 37 members of QUB staff, including senior academics, penned an open letter protesting against Mr Robinson receiving this award as they had, "deep concern and profound regret". Mr Funston then pointed out that there was not a single member of staff that had an issue with Mr McLaughlin, his background and the statements he had made in the past. Highlighting how academic freedom of expression, and perhaps even more importantly academic suppression of expression, impacts upon the student population, Mr Funston said that 'It was after the printing of that letter, a parent of a 'straight A' student who had been accepted into Queens', informed me that his son had changed his mind and was going to a university in mainland UK, and the Robinson case was an influencing factor'*.¹¹⁶

During 2016-2018, Dr Edward Cooke submitted seven proposals for PhD research funding to QUB and UU. All the research areas were Unionist / Ulster-Scots / Orange / PUL orientated. The several proposals were submitted for over 28 PhD DfE, Vice-Chancellor, NINE and Northern Bridge scholarship funding competitions. All PhD scholarship applications to QUB / UU were rejected, despite Dr Cooke having a research and academic pedigree superior to all his PhD competitors. The common feature in the scholarship rejections was that Dr Cooke was an older white, Protestant / Unionist male applicant and that all PhD proposals were submitted to undertake research into aspects of Unionist / Orange cultural areas that had not been previously researched. Feedback from QUB suggested that there was not the expertise within the School of History, Anthropology, Philosophy and Politics to supervise two of the research projects. That there was not the academic expertise within this QUB School to supervise these projects, invited questions about the changing nature of academic employment within QUB / UU and the possibility of increasing marginalisation, or indirect discrimination of Unionist students, researchers and academics at QUB / UU.

Eventually, in October 2018, unable to attract scholarship funding for the many Orange / Unionist PhD research proposals, Dr Cooke commenced a three-year, self-funded PhD research project at QUB examining Orange parading rituals in Glasgow, Liverpool and Belfast. However, between July and August 2018, before committing to the self-funded PhD at QUB, Dr Cooke also made unsuccessful applications for scholarship funding / research supervision to numerous academics in universities in Ireland and GB. Such is the diminishing field of academic authorities on Unionist subjectivities that some of the academics who were approached were already committed to other research projects; other academics did not have the right academic 'fit' to supervise the PhD proposals, and still other academics simply declined to reply.

¹¹⁶ <https://www.newsletter.co.uk/news/opinion/letters/ken-funston-queens-university-needs-address-concerns-it-cold-house-unionists-2867148?msclkid=2e8f2e9aa45511ec8a748b1395c231b3>

Unfortunately, for Northern Ireland students wishing to undertake PhD or post-Doc research into Unionist / Ulster-Scots / Orange / PUL political, anthropological or cultural systems, there are a decreasing number of UK universities and academics with the expertise (or indeed interest) to supervise and help fund these areas of research. The growing literary void that I highlight has been acknowledged by two recent policy initiatives that have not yet come to fruition; namely, the Castlereagh Foundation and the Ulster-Scots Research Institute which were both incorporated within the New Decade New Approach Deal of January 2020.

In July / August 2018, after unsuccessfully contacting Dr McAuley and Professor Mycock (Huddersfield), Professor Kaufmann (Birkbeck), Professor Shirlow, Professor Tonge and Dr Urquart (Liverpool), Professor McPherson (University of the Highlands), Don MacRaild (Roehampton), Dr Busteed (Manchester) and Professors Finlay, Benoit, Causey, Barton, Pierce and Mitchel (University College Dublin), about the possibility of PhD supervision / funding, Dr Cooke then self-funded an 'Orange' PhD at the School of HAPP (QUB) at a cost £25,000+ and at a loss of income in the region of around £100,000. If Dr Cooke's recent research experiences are mirrored by other NI Unionist students, the research void into Unionist academic studies will continue to grow. Recent data provided by QUB School of HAPP (2019) and the UU's Belfast and Jordanstown colleges (2020-21) indicates the NI Unionist research progression through the PhD scholarship route is disappointing and that NI Unionist under-representation in the university research community will continue unless affirmative action programmes are endorsed.

Dr Cooke's experiences, in attempting to undertake research into Orange and Unionist subjectivities, suggests that within the UK, GB, NI and Irish university sectors, NI Unionist students will find it challenging and costly to fill the growing academic literary void. From a Unionist academic perspective, numerous policy areas within Northern Ireland that Unionists have concerns about, will be increasingly dominated by non-Unionist authorities, unless the Castlereagh Foundation and Ulster Scots Research Institute quickly becomes a reality. Essentially, from 2016 until 2022, a six year journey undertaken by Dr Cooke, attempting to obtain research funding and supervision to undertake research into important areas of Unionist / British culture has proven extremely challenging. If NI Unionist students, or students situated on the right of the political centre, are unable to gain access to research funding, academic freedom of speech is stifled. The concern that arises is that not only is individual academic freedom of expression curtailed, but the academic freedom of expression of a whole community is stifled and this process is enabled by the failure of regulatory intervention.

Freedom of Speech in UK and USA academic institutions.

On the 14 July 2022, the *Evening Standard* reported that 'almost 200 speaker requests or events were rejected by English universities or other higher education institutions in 2020/2'.¹¹⁷ Though only a small proportion of the overall guest speakers had been rejected, the increasing proportions of rejected speakers gives

¹¹⁷ <https://www.msn.com/en-gb/news/newslondon/number-of-rejected-university-speakers-sharply-increased-in-2020-21/ar-AAZz2CQ?ocid=msedgdhp&pc=U531&cvid=3e825ca043f34c98af331fa56f9b907d>

rise to concerns about academic freedom of expression. Data provided by the Office for Students (OfS), show that within England and Wales, 193 guest speakers were rejected in 2020/21, compared with 94 in 2019/20, 141 in 2018/19 and 53 in 2017/18. Within Northern Ireland, there is no similar regulatory or monitoring authority to compile similar academic freedom of information data. Without the existence of a similar independent university sector regulation and monitoring body within Northern Ireland, academic freedom of expression has not the same degree of statutory protection that exists within England and Wales.

The figures provided by the OfS are the highest on record since the OfS began collecting data in 2017. Moreover, some 632 events went ahead subject to conditions giving rise to OfS concerns. Susan Lapworth, interim chief executive at the OfS, said the organisation would be “concerned if those cases suggest that lawful views are being stifled”. Ms Lapworth said universities within England and Wales are required to take steps to “secure freedom of speech within the law” and that this applies to their arrangements for external speakers, as well as to discussion and debate in lecture and seminar rooms or across academic communities. Importantly within England and Wales the OfS has the statutory power to intervene if these freedom of expression obligations are not being adhered to. By contrast, within Northern Ireland, there is no independent university sector regulator to undertake such interventions.

In 2021, a government Bill was introduced in Parliament designed to protect academic free speech. In England and Wales, Freedom of Speech Czars are being considered in Parliament in order to protect academic freedoms. Academic apartheid, is nothing new, what is new is how apartheid has evolved as academics within the social sciences, humanities and law faculties evolve their societal, political and religious stances. In 1940, Bertrand Russell was denied employment as a philosophy professor at City College New York because of his political beliefs (Smith, 2011). In 1950, academics in some Californian universities were required to sign a political loyalty oath within which they declared they were not Communists (Radin, 1950). In 2019, the University and College Union (UCU) accused some NI unionist parties and politicians of attacks on academic freedom of speech, when the UCU said the unionist politicians were trying to gag academics, especially over Brexit.¹¹⁸

Academic censorship and freedom of speech restrictions are an anathema to how Socrates and his successors imagined how intellectual and philosophical inquiry should proceed. Academic freedoms of expression and intellectual inquiry, I suggest, can only be facilitated by promoting pluralist research platforms for all intellectual and academic opinions, irrespective of their religious, secular or political bias. If however, the demographics within UU and QUB is substantially changing and within certain university schools and faculties, Unionist academic views are marginalised or constrained, there is no plurality to maintain academic freedom of expression. The changing student and academic demographics within QUB and UU, have been known by the NIEC, however, it appears that the evolving student and academic communities never gave rise to concerns within the NIHRC that academic

¹¹⁸ https://www.bbc.co.uk/news/uk-northern-ireland-48313902?intlink_from_url=&link_location=live-reporting-story

freedom of expression breaches might be impacted and follow the same trajectories that have arisen within England and Wales.

Whereas, Socrates died in order to promote academic freedom of speech, far too many academics today have stayed silent and in their silence they have been swept over by a tsunami of political correctness and woke ideology. Those few academics working in the university sector who have spoken out courageously have placed their academic careers on the line. Within NI, there is a propensity for majoritarian, left-of-centre, anti-Brexit, pro-Irish unification academics to take to the public stage whilst minority Unionist, pro-Brexit academics self-censor. Paradoxically, NI Unionist orientated academics, more so those in senior positions within QUB and UU, have stayed silent preferencing the maintenance of their academic status rather than voicing their concerns. Understandably, self-preservation of token NI unionist academics within sections of the NI university sector dictates academic self-censorship.

In the future, as student consumers within the global university sector are empowered by rising academic fees, universities being aware of the power of the university consumers and this power will further influence academic freedom of speech. In Northern Ireland, the changing demographics of the student fraternity, demands NI Unionist academic silence which in turn impacts upon the nature of the research publications that find their way into the NI Executive, NI Assembly, NI government departments and hence influence the political, social and economic direction of Northern Ireland.

This Report argues that few NI resident Unionist researchers or academics, working within the NI university sector can today be effective advocates for the Union. Unionist academics in the NI university sector might be able to write about Unionism, critique it, explain it, but never advocate for it. When they write about Unionism, it is often from the perspective of the 'other', almost as if there is an unwritten law that prevents research studies into Unionism from being considered from the perspective of indigenous NI Unionists. Within NI, Unionist academic self-censorship arises around pro-Unionist / British ideologies, by contrast, within the GB university sector, academic self-censorship arises around issues such as gender identification, feminism and right-of-centre political ideologies. Importantly, throughout the UK, academics from all political persuasions, self-censor and subjugate their Article 10 Rights freedoms by refusing to speak-out against university employers and the dominant academics within their universities who control funding and research grants and determine academic futures.

To advocate for the Union and Unionism, resident NI Unionist born academics need to seek a safe haven somewhere in England or further afield. I suggest that the Ulster born, Unionist academics who once could have been considered as advocates for Unionism have now retired from UU / QUB, or else they write now from the relative safety of universities where the Irish Republican / Nationalist student population is less numerous and politically vocal. Whilst retired professors and academics who discover the ability to speak with *parrésia* (courageous speech) after they leave the sector help expose the dangers that Article 10 restrictions brings to all academics, employed academics nevertheless should be advocates for their own freedoms. Speaking with *parrésia*, academics should all be prepared to voice their opinions, advocate for their beliefs and then take the criticisms that is an

integral part of public debate. When however, academics are situated within miniscule peer groups, these academics face greater internal and external resistance when they speak with *parrésia*.

Below, the Report documents for the NI Unionist political community and Unionist academics who feel increasingly oppressed in the university sector, examples of some recent events that have arisen within the UK and American academic communities to give support for the hypothesis of increasing marginalisation of right-of-centre, conservative, pro-Christian and Unionist academics (and research students) in the NI university sector.

Regrettably, authoritarianism, political discrimination, and self-censorship is, apparently growing in British and other universities. These trends are to the detriment of all academics irrespective of their political, social or religious ideologies. Lecturing in one of the well-known London universities, I witnessed how academic freedom of speech was curtailed. When invited to tutor at QUB, tutoring was made conditional on an induction programme which clearly moderated what topics and language was considered taboo. I can argue these points, also having been a mature, part-time student who has embraced a journey of life-long learning, spanning five decades within many disciplines and schools in the NI university sector.

What is a central feature of the academic self-censorship today, and what differentiates students within NI today as opposed to four decades ago, is that students have been commoditised and turned into fee-paying students. The commoditisation of students, determines the direction of academia within the UK today. For instance, University College London's financial existence is increasingly reliant upon a large Chinese student population, a population that is threatened by deteriorating Anglo-Chinese political relationships. Fee-paying students have the power today to determine academic discourse that their predecessors never had. Commoditised, fee-paying students have an increasing ability to dictate academic research, academic recruitment and academic curricula. Just as Marks and Spencer shoppers, dictate what brands are sold, university students can dictate, what is, and what is not academically acceptable. Within some of the examples provided below where university management have denied academics (and others) their Article 10 Freedom of Expression Rights, the financial importance of fee-paying university students cannot be under-estimated.

The removal of monuments, artefacts and statues within the UK university campus sites today is testimony to student financial empowerment. In Northern Ireland, the minority Unionist student and academic communities are being marginalised by larger Nationalist student and academic populations coming from within, and from without Northern Ireland. Paradoxically, the colonial imperialism of the university sector denigrates all local political, cultural and religious beliefs. The cancel culture that concerns the British government today, is alive and well within Northern Ireland. The recent 'cold house' petition by 3,500 QUB students made no impression with the NI Unionist political community or the DfE and the same petition was dismissed as insignificant by the QUB Vice-Chancellor's Office. The paradox is that the GFA, attempted in 1998 (by legislating equality measures) to promote within Northern Ireland, institutions, public spaces and places where the interests of both main communities could be protected. These (theoretical) GFA equality protections in the

NI university sector have failed to prevent the under-representation of NI Unionist academics and students.

Academic Self-Censorship and Article 10 Freedom of Expression Concerns'

The Centre for the Study of Partisanship and Ideology (CSPI) investigated authoritarianism and political discrimination in academia. The main findings of the recent report entitled, '*Academic Freedom in Crisis: Punishment, Political Discrimination, and Self-Censorship*' (March 2021), concluded:

(a) Over four out of five US and Canadian academics would not hire a Trump supporter.

(b) One in three British academics would not hire a Brexit supporter.

(c) Right-leaning academics experienced a high level of institutional authoritarianism and peer pressure. In the US, over a third of conservative academics and PhD students have been threatened with disciplinary action.

(d) In the social sciences and humanities, 8 out of 10 Brexit-supporting academics say they would not feel comfortable expressing their views to a colleague.

(e) More than half of North American and British conservative academics admit self-censoring in research and teaching.

(e) According to the surveys, over a third of conservative academics and PhD students in the United States say they have been threatened with disciplinary action for their beliefs.

If, one in three conservative academics and Ph.D. students have 'either been disciplined or threatened with discipline in their university,' Professor Kaufmann said that 'that's a significant level of prejudice.' He continued, that 'If we saw even anything remotely approaching that on race and gender that would be an absolute scandal.'¹¹⁹ Paradoxically, the diminution of NI Unionist students, staff and Unionist based research emanating from the NI university sector, also engages with issues of religious difference, political difference and race, if the Northern Irish people, according to equality legislation, are recognised as (legally) racially different from Scots, Welsh, English and Southern Irish.

Professor Kaufmann added two caveats to the above data. Kaufmann pointed out that it is not only academics on the political left that discriminate against the right, those on the right also discriminate against those on the left, at roughly the same rate. However, in UK universities, academics considered to be on the political right are outnumbered by around nine to one by those on the left, resulting in a much higher rate of discrimination against right-leaning academics. 'The critical mass is so skewed that the discrimination has to flow basically one way'" Kaufmann said, and this goes to my continuing arguments made to the Unionist body politic since 2016 about hard and soft, and direct and indirect, discrimination against NI Unionists in the NI university sector. If within the UK university sector, academics on the political-left out-number academics on the political-right, by nine to one, then it is presumed that within certain academic disciplines (those outside of the hard-sciences) numerically,

¹¹⁹ Academic Freedom in Crisis: Punishment, Political Discrimination, and Self-Censorship' (March 2021).

this academic imbalance increases and the impact of the imbalance has more serious freedom of expression consequences.

Another key Report finding also noted the propensity of younger academics to discriminate against dissenting views compared to older academics. If this trend is mirrored within Northern Ireland, then, given that older Unionist academics are retiring and new (younger) appointments are from outside the NI Unionist community, this propensity brings with it significant future problems for Unionist academic research within Northern Ireland. Moreover, in a highly intelligent, but also extremely politicised university environment, political (and religious) discrimination will rarely be overt. Academic marginalisation will be covert and conducted within small peer groups where other opposing academic reputations are assassinated by using platitudes, rhetoric and stealth. Knowledge of how the covert politics within individual university schools can dictate research funding, enable the formation of research projects, and provide security of employment, can promote academic self-censorship, a censorship to discriminate against university minorities and minimises academic freedom of expression.

Speaking of the current proposals within Westminster to address academic freedoms, Kaufmann argued in 2021 that ‘essentially the law protects academic freedom, and it doesn’t protect emotional safety’. Kaufmann goes on to say that ‘universities have been essentially bending the law’.¹²⁰ This NI University Sector Report agrees and provides evidence to support Kaufmann’s analysis. Within QUB, there is no Institute of Northern Irish Studies. There is no Ulster-Scots Academy for NI Unionist researchers and students to gravitate to and to find emotional, financial and political support. At the UU, the Ulster-Scots Academy was dissolved without a S.75 equality screening exercise in 2007/08. Rather than wait for individuals who have been wronged to take legal action against the English universities, academic freedom champions, or ‘czars’ proposed by Westminster will proactively monitor and sanction non-compliant universities. However, this legislation at Westminster is promoted for England and Wales, not for Northern Ireland, where I argue similar protections are long overdue. Northern Ireland Unionist students and academics, are denied the same regulatory protections that exist within England and Wales and are disadvantaged because the NI university sector is not proactively audited by independent third party regulators with the monitoring powers of the OfS.

The Centre for the Study of Partisanship and Ideology (CSPI) 2021 Report was preceded by a specific UK university poll conducted in August 2020. In one of the largest polls of UK university academics undertaken in recent years, the 2020 YouGov poll questioned 820 UK academics, of whom 484 were currently employed and 336 were retired staff. The think tank *Policy Exchange* analysing the findings found that;

- (a) 32% of ‘fairly right’ or ‘right’-leaning academics say they have shied away from openly airing their views in teaching and research;
- (b) 15% of their ‘centre’ and ‘left’ colleagues voiced the same views;

¹²⁰ Academic Freedom in Crisis: Punishment, Political Discrimination, and Self-Censorship’ (March 2021).

(c) 40% of Leave-voting social science and humanities academics have refrained from publishing or airing their views in research and teaching from ‘fear of consequences to your career’;

(d) 16% of those who identify as ‘fairly left’ also confirmed that they suppressed their views;

(e) Conservative academics are 2.5 (times) more discriminated against when applying for grants, promotion and publishing manuscripts.

Whilst this research data can be interpreted different ways, one commonality emerges; many UK university academics (from the left and the right) do not demonstrate courage and do not speak with *parrésia* in order to care for the academic self, the academic community, or indeed the principle of freedom of speech. Freedom of speech, was hard won, it is more than simply a theoretical principle, it is something that must be engaged with, protected and used in order to be self-sustaining. The degree to which academics feel that they must self-censor, demands that the same freedoms and protections are given to the resident NI Unionist academic community working within QUB / UU that their peers in England and Wales are afforded.

On the 12 May 2021, the UK Education Secretary Gavin Williamson introduced the Higher Education (Freedom of Speech) Bill to Parliament. The Bill makes provision in relation to freedom of speech and academic freedom in; higher education institutions, in students’ unions, and for connected purposes. The Bill however, does not address the important issue of equal opportunity and equal access into the academic and research communities, these equality protections sit within other UK equality legislation, which I argue, within the context of NI have been inadequately monitored and audited by the NI Equality Commission. There is however a nexus between Article 10 Freedom of Expression breaches and equality failings. Legal and regulatory complications arise when academics from one (perceived) political belief, religion, race or sex discriminate between academics of another political belief, religion, race or sex and the outcome is a denial of academic freedom of expression. Often the motives behind Article 10 freedom of expression breaches are difficult to legally prove and in these instances a unitary regulator that can consider equality, human rights and procedural breaches is best placed to regulate the NI university sector. This report argues that an independent university regulator, in the shape of the OfS is long overdue within Northern Ireland.

Academic decision makers, those who decide who will advance up through the university research establishment through the award of funded PhD scholarships, help to control academic discourse and academic output. Unless, this specific area of the university sector is monitored and regulated, freedom of academic expression is endangered.

Gavin Williamson said during the second reading of the Bill (12 July 2021). ‘*The privileges that we are enjoying today and that underpin any successful democratic society are essential and fundamental to a free and liberal society. Genuine academic freedom has long been a cornerstone of our world-leading universities. Their mission to stretch the boundaries of human learning, knowledge and wisdom was only possible because they were free to challenge the views of the time.*’

The Bill, progressing through Parliament is an admission that these important academic cornerstones are endangered. In the context of Northern Ireland, the diminution of Unionist research from resident NI Unionist academics questions the existence of these fundamental cornerstones of a free, liberal democracy. Paradoxically, the 'Free Speech' Bill also challenges academics to be brave and to speak with *parrésia* to defend their academic positions. The individual defence of these cornerstone principles is enabled by the existence of a powerful regulator who can hold the university sector to account. In addition, individual academics have a moral and ethical obligation to speak truths and face the associated risks for doing so.

The creation of the university monitoring bodies within England and Wales and the introduction of the Higher Education (Freedom of Speech) Bill have been necessitated because significant problems have been uncovered and some individual case studies in leading American and British universities have found prominence within the media. This Report invites the NI Executive, and / or the Secretary of State to bring forward similar protective legislation within Northern Ireland.

Unfortunately, the progress of the 'Free Speech' Bill in Parliament during 2022 was interrupted as Ministers ran out of parliamentary time to push the Bill through and on 25 April 2022 the UK Parliament passed a motion to carry the Bill over to the next parliamentary session. Speaking to the Policy Exchange think-tank on the 26 April 2022, Michelle Donelan, the Higher and Further Education Minister, said that the "erosion of free speech" could cause the quality of British universities to go into sharp decline. She said that the world's 'best universities are in countries that rank highly on the free speech index. Authoritarian countries limit their students to a narrow view of the world and teach their students what to think rather than how to think.'¹²¹

Paradoxically, legislating for freedoms of speech in a university sector that prevents marginalised academics speaking with *parrésia*, can of itself be regarded as an authoritarian, anti-democratic measure. However, within the NI university sector, the statistical diminution of NI born Unionist academics and researchers and their inability to 'speak' through publishing pro-Unionist / British academic literature, demands that the statutory protections that exist within the university sector in England and Wales, be quickly introduced within Northern Ireland.

The Oxford professor, Selina Todd, required security to protect her from a radical trans-rights mob. Todd is extremely critical of UK universities over their 'dismal failure' on free speech that lets 'liberals' shut down debate by accusing people of 'hate speech'. Professor Todd, engaging with *parrésia* (courageous speech) argued that UK universities could not uphold free speech obligations because of the incompatibility of some diversity policies that they had adopted. Former Home Secretary, Amber Rudd was snubbed by Oxford University students over her links to the Windrush scandal of the 1950s. Miss Rudd, who was Home Secretary when the Windrush scandal broke in 2018, had planned to deliver a speech encouraging young women to get involved in politics before International Women's Day. Amber

¹²¹ <https://www.gov.uk/government/speeches/minister-donelan-addresses-policy-exchange>

Rudd arrived to an empty hall after student activists forced the organisers to cancel the event. American (conservative) law professors such as Jonathan Turley (George Washington University), William Jacobsen (Cornell) and Josh Blackman (South Texas) have all experienced freedom of speech censorship from BLM and left-of-centre activists. In recent years the student unions and student union presidents at QUB and the various campuses at UU have all demonstrated an increasingly intolerance of all things Unionist / British.

Nicola Dandridge, chief executive of the Office For Students argued that free speech and academic freedom are essential to teaching and research. Universities and colleges have legal duties to protect both free speech and academic freedom, and their compliance with these responsibilities forms an important part of their conditions of registration with the OfS. Irrespective of the legal duties that universities have historically had to comply with, it is their failure to uphold those legal obligations that has necessitated Academic Freedom of Expression legislation.

Speaking of the forthcoming new university free speech czars in England, Dandridge said 'we will ensure that the changes that result from the proposals reinforce these responsibilities and embed the widest definition of free speech within the law.' However, Prof Todd, believes that the initiative would have a limited effect saying that 'I think these kind of tsars and champions tend to go nowhere and it can end up being a bit of a blunt instrument'. Todd, argues that university academics work in a culture of fear and that they are afraid to speak their mind. The reason for the existence of this culture of fear is economic; research grant funding is increasingly important and is increasingly conditional in academics belonging to acceptable academic peer groups. These peer groups in turn are determined by university deans, heads of schools and course directors who within social science and humanities faculties are highly politicised.

Todd says that 'universities do have a legal right to uphold freedom of debate and they've dismally failed to do so in recent years and things have got a lot worse for academics and for students, many of whom get in touch with me anonymously to say how frightened they are to speak out'. The same can be argued within Northern Ireland. Whilst equality legislation offers some theoretical protections in terms of academic employment and recruitment, practical legal protections to ensure a balanced output of left/right, secular/sacred, Conservative/Socialist or Unionist/Republican research are less certain. Resident born NI Unionists, might find their way into the NI academic sector, thereafter, they will have to keep their heads down, their mouths shut, and hope for a post within mainland GB where they can speak truths unspoken in the NI sector. When the recent QUB 'cold house' petition signatories were analysed, there were a number of retired Unionist academics who also signed the petition. However, it seems that whenever these same academics were employed within the NI university sector the same signatories stayed silent about their 'cold house' concerns, giving weight to arguments of NI Unionist academic self-censorship.

Within Northern Ireland, the debates about academic freedom of expression have not yet begun. Within QUB and UU, the diminution of the number of Protestant / Unionist / Christian academics and researchers (as witnessed within the FOI Act data within the appendix) may take a different form from the freedom of expression debates that are raging within university sector in England around gender.

In October 2022, Professor Kathleen Stock (ex-Sussex university) asserted that ‘No freedom of speech means I will never work in a British university again’¹²² The ex-Sussex academic went on to add that UK academic institutions treat students like customers and the “grown-ups” no longer tell anxious young people that someone saying something that they disagree with is not actually harming them. She made the comments during a debate about how institutions have been “captured” by ideology surrounding trans-rights at the annual LGB Alliance conference in central London. Prof Stock suggested that she was forced out of her post in the philosophy department of Sussex University after she began to highlight the difference between biological sex and a person’s gender identity and when she raised concerns about the erosion of women’s rights.

Similarly, in October 2022, a Cambridge (Gonville and Caius) College, was embroiled in freedom of expression rows, once again over academic debates on trans-gender issues.¹²³ Gonville and Caius students launched protests, with the college’s LGBT reps demanding that a forum be cancelled within which Helen Joyce (Economist journalist and author) was invited to debate the notion that men and women are being reshaped by trans-activists that privilege self-identified gender over biological sex. The reasons that the college’s LGBT representatives gave for demanding that the debate be cancelled were because they were “unanimously disgusted by the platforming of such views”. In an unprecedented intervention, the college’s master Prof Pippa Rogerson rebuked her own staff for hosting the debate giving rise to academic freedom of expression concerns.

Prof Rogerson, writing alongside Dr Andrew Spencer, the college’s senior tutor, said that while freedom of speech is “a fundamental principle... on some issues which affect our community we cannot stay neutral”. Prof Rogerson went on to say that “Caius should be a place for the highest quality of research to be produced and discussed, rather than polemics. We will not be attending the event.” The college master’s intervention sparked an outcry from other Cambridge academics and allegations of “intellectual cowardice”.

Ms Joyce was invited by Prof Arif Ahmed, a philosophy lecturer and fellow of the college, to be interviewed by Sir Partha Dasgupta, an economist, in a talk titled “criticising gender-identity ideology: what happens when speech is silenced”. Prof Ahmed told The Telegraph: “The point of this event is not to endorse Helen Joyce’s views but to debate them. “Half the allocated time is set aside for objections and comments from the floor. Her ideas about sex and gender are important and deserve free and open discussion.” Prof Ahmed stressed that “Cambridge isn’t a primary school”, adding: “Free speech is not negotiable. The event will go ahead. Anyone who finds this uncomfortable is welcome not to attend.”

¹²² <https://www.msn.com/en-gb/news/uknews/kathleen-stock-no-freedom-of-speech-means-i-will-never-work-in-a-british-university-again/ar-AA13ecni?ocid=msedgdhp&pc=U531&cvid=273b21c4626d497097538fa472026d2c>

¹²³ <https://www.msn.com/en-gb/entertainment/music/cambridge-don-in-trans-row-after-boycotting-gender-critical-speaker/ar-AA13eofN?ocid=msedgdhp&pc=U531&cvid=273b21c4626d497097538fa472026d2c>

Freedom of academic expression concerns arise not only when academics and writers are denied a platform within the university to explain and debate their views in public, but it also arises also when academics (of all political beliefs) are denied access to publication. The Telegraph informed its readers on the 29 October 2022 that dons accused Oxford University of trying to ‘kill off’ critical magazine.¹²⁴ The Oxford Magazine (founded in 1883) describes itself as “a forum for the free expression of opinion within the university”. “This is management trying to squash a free speech vehicle because it might be free speech that it doesn’t want to read,” one senior don told The Telegraph. Within Northern Ireland, the diminution of journal articles, book publications and policy papers submitted by academics from QUB and UU to government outlining NI Unionist views, is (this Report argues) a diminution of academic freedom of expression.

Freedom of speech means that academics (from right and left of the politically centre) are legally entitled to voice their informed opinions; by contrast, the philosophical concept of *parrésia* (courageous speech) demands that every individual voices openly and without equivocation what they truthfully believe, in doing so, open, honest and contrasting views are aired in public to encourage truths to be formed. However, *parrésia* spoken within the university sector today means that academics potentially face the wrath of fee-paying students and the management of universities obsessed with fee income. The problem then arises over students, not learned scholars, shaping academic curriculum and research. A recent example of students dictating the academic curriculum, assignment delivery and delivery of teaching was highlighted in the case of New York University chemistry professor Maitland Jones Jr, who was fired by the university after a petition signed by 82 of his 350 students cited his teaching methods and course outline as reasons for their poor grades.¹²⁵ The college administrators who fired Professor Maitland ignored his counter arguments that students failed to attend lectures and whilst Prof Jones admitted to taking part in some grade inflation, he expressed concern at the general trend to ‘dumb-down’ academic courses to facilitate students who might be best suited to the academic environment.

The Telegraph reported that some academics within Gonville and Caius College have becoming increasingly nervous faced with freedom of expression restrictions. The Telegraph (21 October 2022) reported one academic as saying that, “those who try to present a different view have found it’s not all that easy to conduct a debate.” “Some fellows don’t feel comfortable being in the same room as other fellows. There’s been a much greater willingness to give ground to activists within the student community – what worries me is the sense you all have to sing from the same hymn sheet.” Another insider said it was an “abuse of power” for the college chiefs to use the closely guarded ‘all-student mailing list’ and their official Cambridge emails for their letter while claiming to write in a personal capacity. A third Cambridge source

¹²⁴ <https://www.msn.com/en-gb/entertainment/tv/dons-accuse-oxford-university-of-trying-to-kill-off-critical-magazine/ar-AA13w7xb?ocid=msedgdhp&pc=U531&cvid=96b847e326ba4a0fbc45ed11035f7c6>

¹²⁵ Daily Mail, 23 October 2022, <https://www.msn.com/en-gb/lifestyle/other/nyu-professor-fired-after-students-said-class-was-too-hard-urges-tough-love-from-college/ar-AA13hXCK?ocid=msedgdhp&pc=U531&cvid=41f2503f6fb143c4956aa4dac4fe129a>

added: "The fact that she [Prof Rogerson] isn't obviously captured by leftist-ideological activism shows how deep the double-think goes, how captured even the moderate and sane people are that they act in this way"

Earlier in 2022, additional questions of academic freedom of speech within the UK arose in the aftermath of the Russian invasion of the Ukraine. Freedom of speech means that academics (from both the right and left of the politically centre) are legally entitled to voice their informed opinions; by contrast, *parrésia* demands that all academics are obligated to say what they truthfully believe, however in so doing they potentially face the wrath of fee-paying students and the management of universities obsessed with fee income. The BBC confirmed that University of Edinburgh professor, Tim Haywood faced criticism from students when he incorrectly reported 'disinformation' when he reported that a bombed hospital in the Ukraine contained no patients. In response, the University of Edinburgh said that *'the university was committed to "academic freedom" but that it takes "a strong view... against the spread of misinformation" and encourages students to report concerns'*.¹²⁶

Importantly, within England and Wales, the Office for Students (OfS) regulates universities and monitors student complaints. In Scotland there is no OfS to address the freedom of expression / disinformation concerns of the students and the universities. Also, as stated several times, there is no direct equivalent to the OfS in Northern Ireland. Within Northern Ireland the university sector has been governed by a laissez-faire governance regime that would not be acceptable today in England. Humanities, social science and political science university students in Northern Ireland or Scotland, who for example complain about academic political bias, skewed lecture programmes, community (or political) marginalisation, or political biases within lectures and examination marking, have no independent authority to voice their concerns. The NI civil courts, rightly do not wish to be embroiled in disputes about academic assessments, and hence within Northern Ireland, minority NI Unionist student and academic populations have no independent regulators to look for protection against from powerful, politically charged university academics.

The notion that academics are politically neutral and completely objective within their teaching programmes is absurd. The social sciences and the research that flows from it is predicated on the existence of academic and research subjectivities. Not only is academic subjectivity acknowledged, it is celebrated and promoted within the social sciences and humanities. Essential to the individual academic's subjectivity being central to research programmes, is the importance in recognising, acknowledging, publicising and ensuring that no conflicts of interest exist arising from the academic's research proactivity's. Academics, more so senior academics, who are politically motivated and who exist within university schools where majoritarian and minority peer groups exist determine research funding and help shape academic curriculums that are determined by research projects. Within the social sciences and humanities faculties of all universities, academic curriculums have been revolutionised in the space of just a few decades and many of the new university courses and research programmes are as a result of political leanings of

¹²⁶ BBC News website, 31 may 2022, 'Students accuse lecturer of sharing Russia war lies', URL: <https://www.bbc.co.uk/news/education-61597405>

heads of school. As new academic programmes emerge, others courses die and within the NI university sector, today in the social science disciplines, there are fewer academic courses and subjects that fit NI Unionist students.

Academics (rightly) have the same subjectivities as all others, and within the social sciences, political sciences and humanities disciplines, academics are possibly more subjective, and politically motivated in their opinions. The extensive volume of post-modernist literature not only points to the subjectivities of academics, but argues that these subjectivities are real, meaningful and contingent to the research process. Academic subjectivities are real and they are permissible, however, they also sit within a dynamics of power, within which certain academic paradigms are favoured and promoted and other minority paradigms are rejected and curtailed. Within England and Wales, in March 2022, Ms Donelan said new legislation in England would "put a duty on universities to promote free speech and academic freedom, not just protect it".

Protecting academic free speech, must therefore ensure that within universities, academic courses are offered to all minority groups, and paradoxically within England and Wales, in some universities right-of-centre and conservative student populations are within growing minorities and within Northern Ireland for over two decades, Unionist students (in certain disciplines) have been a growing minority population. Enabling academics to express their academic opinions is of little importance, if universities at the same time deny those academics the ability to undertake research and deliver up academic programmes to majoritarian and minority student groups.

Michaels, writing of the '*Death spiral of American academia*', states the obvious, saying, 'scientific literature is the basis for the development of paradigms in all disciplines'. Kuhn's *The Structure of Scientific Revolutions* points out that scientific paradigms are highly resistant to change. In today's highly politicised arenas of gender, diversity, climate change and Covid-19, Michaels argues that any research findings that may indicate that established paradigms are inaccurate will be systemically suppressed.

Of academic grant funding in the USA, Michaels says that 'anyone not espousing the establishment view ... had better self-censor'. Paradoxically, in 2020-22, the same discriminatory academic funding process that Dr Cooke encountered in the rejection of 28 Unionist orientated PhD scholarship applications in 2016-19 has contaminated research output into UK and NI Covid-19 lockdown interventions. Powerful academic research centres, specifically centres endorsed by government, centres that are the prime beneficiaries of substantial government funds will not dare to bite the government hands that feeds it!

Moving from the USA to Canada, the words of Jordan Peterson explaining why he is no longer a tenured professor at the University of Toronto are words of warning to many within the global university sector, a sector that has become a neo-colonial power and a sector that today subverts academic freedom of speech rather than enables it. Psychology professor Peterson, argues that the 'appalling ideology of

diversity, inclusion and equity is demolishing education and business' and has prompted him to leave the University of Toronto.¹²⁷

Of concern to all those who fund academia, Peterson suggests that 'my qualified and supremely trained heterosexual white male graduate students face a negligible chance of being offered university research positions, despite stellar scientific dossiers'. This Peterson suggests is partly because of Diversity, Inclusivity and Equity mandates that are being imposed universally in academia. Peterson, addressing the ability of research students to move into academia and thereafter find a voice, argues that 'his students are also partly unacceptable precisely because they are my students. I am academic persona non grata, because of my unacceptable philosophical positions. And this isn't just some inconvenience. These facts rendered my job morally untenable. How can I accept prospective researchers and train them in good conscience knowing their employment prospects to be minimal?

Addressing the Canadian university sector, Peterson argues that 'there simply is not enough qualified BIPOC people in the pipeline to meet diversity targets quickly enough (BIPOC: black, indigenous and people of colour). This means we're out to produce a generation of researchers utterly unqualified for the job. That, combined with the death of objective testing, has compromised the universities so badly that it can hardly be overstated. And what happens in the universities eventually colours everything. As we have discovered'.

Agreeing with Michaels, Peterson highlights how his academic colleagues must craft DIE statements to obtain a research grant. He says that they 'all lie (excepting the minority of true believers) and they teach their students to do the same'. Some of his colleagues allow themselves to undergo so-called anti-bias training, conducted by supremely unqualified Human Resources personnel, lecturing inanely and blithely and in an accusatory manner about theoretically all-pervasive racist/sexist/heterosexist attitudes. Such training is now often a precondition to occupy a faculty position on a hiring committee.

For Peterson, 'the fight for equality and against discrimination has turned into aggressive dogmatism bordering on absurdity, when the works of the great authors of the past -- such as Shakespeare -- are no longer taught at schools or universities, because their ideas are believed to be backward. The classics are declared backward and ignorant of the importance of gender or race'

Similarly, the authorities who control and fund the UK university sector, no longer have the confidence to allow academics the freedom to postulate and to express their different orthodox and heterodox viewpoints. The ability to silence different academic viewpoints, skews and damages research output. In 2020-21 QUB was awarded an additional £15 million in DfE funding to address financial losses arising from Covid-19. Throughout 2020-21, the NI Executive's Covid-19 lockdown strategies received almost total (public) support from the expertise within QUB's virology department. Between 2000 and 2022, QUB Virology Department became the media propaganda unit for the NI Executive. In the 2020-21 QUB Annual Report, it transpired that QUB's 2020-21 financial surplus had increased during the Covid-19

¹²⁷ <https://virtueonline.org/why-i-am-no-longer-tenured-professor-university-toronto>

pandemic by almost £20 million asking probing questions why NI government funding was provided to a university that suffered no adverse financial cost as a result of the pandemic.

It is no secret throughout academia, that the likelihood of academics obtaining research funding, or being published for views that disagree with say, climate change, government endorsed Covid-19 policies, or Unionist marginalisation within NI, are minimal. When in 2020, Dr Cooke brought to the attention of the NI Health Minister a detailed report from the University of Canterbury arguing that the UK park-runs should no longer be banned because they were very low-risk, the report was not even acknowledged.

Academic debate is thus stifled. Academics in order to self-protect must stay silent and hence, established (often politicised) academic paradigms are perpetuated. The paradox is that to justify themselves, dominant paradigms require the existence of subservient minority paradigms in order to test the dominant hypotheses against. Without plurality in academic discourse and research, all accepted academic discourses are suspect. In Northern Ireland, the growing diminution of local Unionist orientated research questions the authority and integrity of NI university research output. Research output from UU and QUB, is now becoming so politically skewed, that the research output should no longer inform the various NI government departments. If this is the case, then government's funding of university research through the NI DfE, the UK Research Council or the UK Treasury, is circumspect. In Northern Ireland, I argue there is no longer any plurality of academic research within which resident NI Unionist academics have a meaningful part to play. NI Unionist academics have in 2022, become 'token' researchers, utilised to endorse the research of 'others' and necessitated in order to win research grant funding. Where 'Unionist' orientated (tokenistic) research is undertaken within QUB / UU, it is often carried out by non-local, English, Scottish, Irish or international academics, who have identified a research void. Paradoxically, these Unionist, Ulster-Scots, research voids will become more visible as research funding, over several decades, has been directed to other research areas.

Michaels notes that in order to enable academic freedom of expression, in order to prevent a growing culture of self-censorship, Kaufmann advocates for 'interventionist' measures. It is not clear if these unspecified 'interventionist' measures referred to by Michaels and Kaufmann, involve affirmative action / positive discrimination programmes. However, within the NI university sector the time has now come when advertising for some academic and research posts that advertisements for these posts should state that the NI Unionist community is under-represented and that academic applications are welcomed from the minority NI Unionist community. Moreover, affirmative action should be considered in order to promote Unionist orientated journal submissions, grant proposals, PhD applications and applications for promotion within QUB / UU. For 2 decades, QUB and UU have endorsed UK-wide affirmative action programmes to promote females into academia and to enable their progress up through the university and research sector. The failure to introduce similar affirmative action programmes and indeed to argue that that NI Unionist marginalisation within the NI university sector is not an issue, presents considerable problems for the DfE and the NIEC.

The Castlereagh Foundation that has sat in the doldrums for 2 years must quickly be actioned. Paradoxically, the Castlereagh Foundation and Ulster-Scots Research Institute proposals contained within the NDNA Deal (2000) are premised on historical and systemic discrimination against the NI Unionist academic community. Whilst QUB and UU, like all universities today look to maximise their global research output, that cannot come about to the detriment of the local, or the resident NI Unionist academic community. The colonial power that is global academia, increasingly marginalises all local academic discourse, hence its political influence must be balanced by a strong local nexus.

Affirmative action policies that are promoted to enable ‘diversity, equity, and inclusion’, now have a place in protecting the resident NI Unionist academic and research community in the local university sector, however, as yet there is no civic organisation and no political party, advocating for, or promoting these Unionist ‘rights and protections’. More importantly, as of January 2022, when this report was being drafted there was no recognition within the government and governance of Northern Ireland that the protections called for within this Report were required. Indeed, the reverse is true in that all previous representations made by Dr Cooke to the NI Department of Economy, QUB, NI Audit Office and NI Equality Commission were all ignored.

In Northern Ireland, within university campuses, within student union buildings and in lecture theatres, visibly, Nationalist / Gaelic / Irish / Republican culture and ideologies are predominating and Unionist visibility diminishes. The provision of joint ‘Irish’ honours under-graduate and master’s degrees, indicates the dominant community attending QUB and UU. Anthropology and Irish, Archaeology and Irish, Irish History, Irish Arts, Irish Studies, French and Irish, International Relations and Irish, Irish and Celtic studies, etc., etc., has no Unionist / British equivalency. In different academic modules, disciplines and campuses in the NI university sector, NI Unionist student and academic marginalisation witnessed by reducing Unionist numbers and applications are getting to critically low levels. The reduced numbers of NI Unionist students within the NI university sector will continue to diminish as school leaver demographics changes. The changing demographics of NI will continue therefore to marginalise and diminish NI Unionist academic output within QUB and UU.

Unless, immediate protective steps are taken to promote Free Speech Czars in NI, to ensure an equality in academic freedom of speech, to give effect to the Castlereagh Foundation, to introduce similar monitoring and auditing bodies to those in England and Wales, and to undertake the first equality inspection and audit of the sector since 1985, the NI University sector will continue to increasingly be a ‘cold house’ for NI born Unionist students and those who identify in the NI university sector as pro-UK / British academics.

Articles 9 and 10 Rights and the removal of the (Presbyterian) Union Theology College (NI) as a college of Queen's University Belfast, and the marginalisation of theology teaching and research within the NI (and GB) university sectors.

The different UK faith groups all provide (in different ways) 'denominational' higher education to those of their faith who wish to proceed into the ministry. Outside of the private (theological) higher education sector, there have been disturbing recent developments in the diminution of theological, biblical, religious and faith teaching (and research) within the UK's public university sectors. Theology is still an important component in the curricula of some UK universities, however, throughout the UK university sector, covertly (and overtly) theological and religious studies are being banished with little defence coming from non-religious academic scholars. There is however a paradox, whilst the provision of academic disciplines such as, physics, arts, languages and classics at university have few legal protections, the provision of theology and religion in the UK university sector, has, (centred upon current equality and human rights legislation), inherent legal protections.

The Christian Church also has an obligation to give unto Caesar the things that are Caesar's; within the modern-day context of neo-liberal, democratic government, this obligation demands that everyone, including the church, becomes an active participant in the democratic process enforcing the church to act as an advocate to evolve what is perceived to be misconceived (prejudicial) laws, and to enforce existing legislation, that has been enacted to protect religious beliefs and maintain religion in the public space. The UK universities are public spaces, where the continuing demise of religion, in several different ways, can be evidenced.

The Higher Education Students Statistics, UK 2018-19, published data on the popularity of UK higher education courses in January 2020.¹²⁸ Within the HESS comparative tables, there is no inclusion of theology or religious studies. The comparative league tables over the three academic years between 2016/17 and 2018/19 indicates that in the non-science subjects, one of the smallest subject areas (mass communications and documentation) had 51,000 enrolled students in 2018/19, and Historical and Philosophical studies had 82,000 enrolled students, however theology was not seen to be popular enough to warrant inclusion as a standalone academic subject area.

Whilst there are important fundamental, theological and philosophical differences between the various faiths and churches within the UK, all faiths face the same challenges from global consumerism, secularism, modernity, post-modernism, and atheism. These challenges are increasingly visible within the UK (public) higher education sectors, within which university students studying religion, theology and

¹²⁸ <https://www.hesa.ac.uk/news/16-01-2020/sb255-higher-education-student-statistics/subjects>

Biblical studies are becoming increasingly invisible. Below, I make reference to the recent removal of the Presbyterian Union Theology College from Queen's University Belfast and ask questions why the Equality Commission NI and the NI Human Rights Commission did not intervene in order to determine that fundamental, legal, equality and human rights protections were not violated. Whilst, some of the UK churches have long histories in establishing, and maintaining, the delivery of higher education courses to individuals entering the ministry, the increasing secularisation of the UK's public university sectors, presents significant societal challenges for faith groups in a society that appears to be determined to relegate religion to the private sphere. Below, I argue that the UK's equality and human rights commissions have failed to intervene in order to protect the delivery of faith education within the UK's university sectors. With this in mind, this commentary has been forwarded onto the different UK equality and human rights commissions in order to gauge their reactions.

In April 2019, Queen's University Belfast (QUB), after a hundred years association with the Union Theology College (UTC) announced that it would withdraw its support for the College, without regard to the welfare and well-being; of the theology lecturers, the 150 theology students within the college, future theology students, legal (human rights and equality) ramifications and importantly, the social and pastoral needs of working-class Protestant neighbourhoods that have relied increasingly on the churches in an age of austerity.¹²⁹ The same can be said of the churches and their ministers and priests throughout the UK as churches increasingly provide welfare support, food supplies and child care facilities to marginalised working-class and rural communities. In 2020, it was reported that the use of foodbanks in Northern Ireland had increased by 80%.¹³⁰ Food-aid delivered by the Trussell Trust within NI operates through the churches. In November 2022, it was reported that nurses throughout the UK had resorted to using foodbanks.¹³¹ Mother and toddler groups and crèches within the UK increasing make use of church halls.

Tom Wright (2016) argues that the theological narrative that has most recently dominated debate within the UK, is the demise of religion and God in the public space, 'when the church tries to say anything today in the public square loud voices are raised to tell it to shut up' (2016, 152). Christianity is accepted, or tolerated, if it is practised as a private faith. Wright argues that whilst Western nation states have not tried to replace God, they have 'tried to replace the church' (2016, 157). Briefly, Wright (simplistically) suggests that the 'Big Society' was an attempt to replace the church. I suggest that the many different manifestations of the Big Society were attempts by government to make use of the local resources and contacts of the churches, channel government funds through trusted church organisations, make use of an existing church infrastructure that was too costly to emulate, and to a degree, control churches through financial funding. To a degree the church was 'captured' by the funding initiative within the Big Society platform.

¹²⁹ <https://www.bbc.co.uk/news/uk-northern-ireland-47868212>

¹³⁰ <https://www.itv.com/news/utv/2020-12-03/80-surge-in-demand-for-food-banks-in-northern-ireland>

¹³¹ <https://www.theguardian.com/society/2022/nov/10/nurses-among-rising-numbers-of-workers-using-food-banks-research-shows>

Wright points out that historically, within the UK, the church has long established credentials providing facilities and community support that the state has failed to provide; founding hospitals, schools, hospices and supporting refugees and others requiring sanctuary. Starting with Epicurus, and later developed by Hobbs and Rousseau, Wright traces today's split between church and society. If any one sector within the UK demonstrates this continuing split between church and state, the demise of God, theology, church and religion within the UK university sectors, reinforces Wright's arguments. Rightly, the church today does not escape Wright's condemnation, as Wright argues that Christianity has an obligation expressed within the Sermon on the Mount and the Beatitudes that the Kingdom of God resides not only on heaven, but also on earth, and the church therefore has moral, ethical and spiritual obligations to fully participate in the public arena.

Whereas Calvin in his Geneva experiment (1555-1564) was instrumental in divorcing the governance of the church from the control of the (city) state, it would be wrong to suggest that Calvinism and the Puritanical brands of Calvinism later exported to England, Scotland and America, agreed to the removal of the Church from the public arena. The reverse is true, within the UK, the church has always been integrated within the social, political and cultural life of the state, it has only been since the Enlightenment and on through modernism and post-modernism, that the Church has meekly accepted its demise into the private space.

The post-modernist argument, often perpetuated within humanities and social science disciplines in the UK university sectors, that churches and religion are superfluous to society's needs has been demolished by the continued integration of the UK churches and the UK voluntary (Third / NGO) sectors. Faith groups, paradoxically, in different forums work well together in helping to eliminate poverty and to help individual and community well-being in neighbourhoods where the UK government has withdrawn its financial support. Where the churches have disappeared, voids in the social infrastructure of UK communities, towns and cities now remain. Voluntary youth provision by the churches, in the form of the Boys Brigade, Girls Brigade, Scouts and Guides, Youth clubs cannot be provided in 2023 by local government because of economic constraints. The consequences of the destruction of the churches and the pastoral services that they have always delivered, negatively impacts on other areas of society. The continued maintenance of the UK's churches, in part, depends upon ensuring that sufficient numbers of individuals can move through third-level theology programmes and on into the ministry. When QUB withdrew its support from the UTC, it did so without first undertaking a statutory S.75 equality screening exercise inviting questions as to the legality of the university's actions and the monitoring role of the Equality Commission NI.

The abandonment of the UTC by QUB was well publicised throughout 2018-2019 within the NI media, however, interestingly despite the degree of publicity afforded to the media stories, the Equality Commission NI (ECNI) and the NI Human Rights Commission (NIHRC) did not step in to determine if potentially, equality infringements, or human rights breaches, had arisen. The ECNI has as part of its remit a statutory obligation to 'ensure that equality considerations are central to decision making by focusing particular attention in a number of key public policy

areas'.¹³² The NIHRC, similarly has obligations to 'to make sure government and other public bodies protect the human rights of everyone in Northern Ireland'.¹³³ Within England and Wales, concerns within the English and Welsh university sectors about academic freedom of expression, prompted Westminster in May 2021 to introduce an academic freedom of speech bill. Within Northern Ireland, to date (January 2023) the ECNI and NIHRC have stayed silent on whether a similar Bill is required within Northern Ireland's university sector.

The NIHRC and the ECNI, similarly to the equality and human rights commissions throughout the UK undertake their own investigative reports, for example the NIHRC's ongoing investigation into Sexual and Reproductive Health Education in Northern Ireland is due to be completed in Spring 2023.¹³⁴ However, when approached to investigate the possible marginalisation, under-representation and discrimination of NI Unionist students, researchers and academics within the NI university sector as well as alleged S.75 equality screening failings and potential Article 9/10 breaches, both the NI Commissions confirmed that they would not intervene. When QUB abandoned the UTC, some 150 Protestant theology students were impacted by the withdrawal. Some of these theology students would have moved on into the church ministry and would have delivered pastoral care to communities who paradoxically in 2020-22 found their communities devastated as a result of Covid-19 lockdowns and the economic hardships that followed.

It is suggested, that QUB too easily and without regard to equality and human rights legislation were able to remove the Union Theology College from the university and in so doing, QUB's decision ensured that within the NI university sector (QUB and Ulster University (UU)), theology and religion are no longer taught within undergraduate and post-graduate courses, again inviting the ECNI and NIHRC to review QUB's decision. Similarly, within GB, data included below points to the ongoing diminution of theology courses, theology academics and theology students, inviting questions of the monitoring roles of GB equality and human rights commissions. If religion / theology is taught within the NI university sector it is taught as a secondary adjunct within mainstream, secular, modernist / post-modernist social science schools, in courses and subjects delivered by lecturers and professors who (in the main) are atheist, agnostic, and perhaps even antagonistic to God, religion and the church.

Today, within Northern Ireland, anyone wishing to study theology in preparation for the ministry must do so by attending the UTC (now supported and validated by St Mary's University Twickenham), Edgehill (Methodist) Theological College, the Irish Baptist College (courses validated by the University of Chester) or Belfast Bible College (courses validated by the University of Cumbria). Roman Catholics wishing to enter the priesthood within Northern Ireland have historically and traditionally, under church guidance trained for the priesthood at the Maynooth (College and

¹³² <https://www.equalityni.org/ECNI/media/ECNI/Publications/Individuals/Leaflet-GuideEqualityCommission.pdf>

¹³³ <https://nihrc.org/about-us>

¹³⁴ <https://nihrc.org/publication/detail/terms-of-reference-investigation-sexual-and-reproductive-health-education-in-northern-ireland>

Seminary) in the Republic of Ireland, or within Catholic training seminaries in Dublin and Europe. Resident NI school leavers and students who wish to study religion or theology degree programmes at public university (rather than private colleges validated by universities) must relocate to the RoI of GB for their degree programmes. Given that when NI students leave NI to study at university in GB, there is an increased probability that they will not return home, this scenario again invites intervention by the NI equality commissions.

If, for example the 2023 UK university ranking list indicates that QUB is ranked much higher than St Mary's Twickenham (who stepped in to validate the UTC degree programmes when UTC was abandoned by QUB), the ECNI should be concerned that UTC theology students were discriminated against when QUB withdrew support without looking at the wider societal functions of the UTC and without undertaking the required S.75 equality screening exercise.¹³⁵

UK University Ranking Table (2022-23)	Ranked
QUB	23rd
UU	44 th
Chester (validates Irish Baptist College courses)	60 th
ST Mary's Twickenham (validates UTC courses)	87 th
Cumbria (validates Belfast Bible Courses)	118 th

More, generally, there is increasing alarm within the Christian, and indeed other religious communities, that Christian and religious orientated academics, researchers and students are being marginalised by the growing dominance of politicised secularisation within the higher education sector. Data obtained from FOI Act requests from QUB and UU indicates that within the NI university sector, Christian academics are numerically decreasing. However, within the UK university sector, there is a lack of data on the comparative religious / atheist / agnostic beliefs of the lecturers and professors who deliver higher education courses and who (importantly) decide upon the curricula and determine the research output from the university sector. The Higher Education Staff Statistics: UK, 2019/20, provides tables of comparative data on the nationality, age, sex, ethnicity, etc., of academic staff, but not their religious beliefs.¹³⁶ By contrast, statistical data (referred to below) points to a large reduction in the number of UK university students studying theology (and religion) and a corresponding reduction in theology courses and higher education institutions providing theology as a subject for study. It is assumed that the reduction in theology students is also accompanied with a corresponding reduction in the number of academic theologians teaching within the UK university sector and thereafter a diminution of third-level religious academic literary output.

¹³⁵ <https://www.thecompleteuniversityguide.co.uk/league-tables/rankings>

¹³⁶ <https://www.hesa.ac.uk/news/19-01-2021/sb259-higher-education-staff-statistics>

If, for example, over the next five years there was to be a 15%, 20%, 25%, or God forbid, a 33% reduction of Black, transgender, female or British Asian students studying at university in the UK, any such numerical fall would immediately flag up alarm bells to the UK's equality and human rights commissions and no doubt elicit an intervention and response. If the UK's equality commissions would intervene to examine the reasons for the dramatic and sudden drop in Black, or gay student numbers to assuage the commissions that there are no direct, or indirect discriminatory reasons for the decline in students, why have these same legal commissions not been alarmed at the diminution in theological students and courses? If the UK's equality and human rights commissions have a proactive role in shaping the law and have obligations to conduct sectoral, or specific investigations, it is reasonable to ask what discriminatory typologies and what sort of human rights breaches are of interest and what groups, or classes do these commissions seem to be most willing, and indeed least willing to protect. By their non-interventions, the UK's equality and human rights commissions send out alarming signals to the UK's religious communities.

The scale of the academic student reduction referenced below, suggests the possibility that direct, or indirect discrimination, may be partly responsible for the diminution of theology courses and theology academics in the UK university sector. It is, at the same time possible that universal Article 9 (freedom of thought, belief and religion) and Article 10 (freedom of {academic} expression) breaches have arisen within the UK's university sector. In addition, I suggest that academics teaching within all university disciplines who hold religious views are under intense peer (and funding) pressures to keep their religious orientation invisible. Institutional and peer pressure demands means that religious and Christian academics must not voice their religious views if they intend to seek promotion, funding and be an integral part of cross-disciplinary research groups. To summarise, the UK university sector no longer does religion, or God, a polar contrast to the historical (religious) foundations of the sector. Failing to 'do God' is one thing, however discriminating (directly or indirectly, covertly or overtly) against those academics who 'do God' is another (unlawful) thing altogether.

At a recent submission to the NI Parliamentary Select Committee, Alyson Kilpatrick (Chief Commissioner at the Northern Ireland Human Rights Commission (NIHRC)) gave evidence to Parliament's NI Affairs Committee (10 January 2023) arguing that 'NI Unionists should catch up with others and start using human rights language'.¹³⁷ I would go further, I would suggest that the Unionist, Protestant and Christian communities within Northern Ireland (and possibly within GB) have been slow to use the language of human rights and have been reluctant to engage with the UK's equality and human rights commissions. Individualism, the belief in individual responsibility, education, church teachings and the Protestant work ethic, are all factors that in different prevent many Protestants and Christians from engaging in the language of human rights. Moreover, within UK university law schools, theology is not a subject for intellectual discussion and secular law academics have little time for Christian students who wish to engage with research into human rights from a pro-faith viewpoint.

¹³⁷ <https://www.newsletter.co.uk/news/crime/unionists-should-catch-up-with-others-and-start-using-human-rights-language-more-mps-are-told-3982762>

Of all the UK academic disciplines, it could be debated that law is the discipline that has least regard for God! Needless to say, the population of the UK's equality and human rights commissions is staffed by high percentage of graduates from the UK university law schools. The UK's Equality and Human Rights Commission, within the 2020-21 Annual Report confirms that 35% of its staff have no religious beliefs, 10% preferred not to say, and 54% have a religious belief (or some sort).¹³⁸ The 2008-09 Annual report provides more detailed information on the religious beliefs within the EHRC's staff. The 2008-09 Annual Report confirmed that 45% of the EHRC staff held religious beliefs (35% Christian and 10% other), 10% preferred not to say and 36% held no religious belief. The main difference within the religiosity of EHRC's staff over the 12 year period, was an increase in those who held a religious belief by 9%, however, the manner in how the EHRC the data is presented in 2020-21 prevents a direct comparison of different religious faith groups. It is suggested, from other EHRC data and UK census data, that the increase of 9% in EHRC staff holding religious views (in 2020-21) may have come from non-Christian beliefs.

In the 2008-09 Annual Report the EHRC confirmed that 75% of the EHRC staff were White (compared to the general population of 92% - as per the 2001 census) and 25% of the ERHC were from different ethnicities. The 2020-21 EHRC Annual Report confirmed that the White members of staff of the EHRC had risen from 75% to 83% whilst other ethnicities and those who declined to answer had fallen by 8% from 25% to 17%. Within the UK's ethnic communities religious belief is still strong. The Office for National Statistics confirmed in its Report on Religion, England and Wales: Census 2021, that there 'were increases in the number of people who described themselves as "Muslim" (3.9 million, 6.5% in 2021, up from 2.7 million, 4.9% in 2011) and "Hindu" (1.0 million, 1.7% in 2021, up from 818,000, 1.5% in 2011). For the first time in a census of England and Wales, less than half of the population (46.2%, 27.5 million people) described themselves as "Christian", a 13.1 percentage point decrease from 59.3% (33.3 million) in 2011; despite this decrease, "Christian" remained the most common response to the religion question'.¹³⁹ Simply put, the decline of religious, and possibly Christian beliefs, within the UKs equality and human rights commissions, may be one factor, among others, that prejudices the research areas the commissions are interested, and disinterest in!

I believe, that it is generally the case within the UK university sector, that people of faith have increasingly shied away from using the language of human rights to defend their religious beliefs and theological positions. Later, I suggest that within the UK university sector, since the late 1960s, there has been no cohesive Christian student movement to protect the equality and human rights of Christian university students and theological discourse. Within the university sector faith academics and students of different faiths (in the absence of academic freedom of speech legislation) increasingly feel threatened by the growing power of their secularist academic peers. It must be remembered that the power imbalances that exist between undergraduate students funding academic studies on high levels of debt,

¹³⁸ <https://www.equalityhumanrights.com/sites/default/files/annual-report-and-accounts-2020-21.pdf>

¹³⁹ <https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/religion/bulletins/religionenglandandwales/census2021>

and tenured academics surrounded by powerful academic peer groups, does not promote students to voice opinions about academics who have the power to decide their fate. In a sector that is increasingly seen to be secular and hostile to religion and God, faith students, I believe are increasing under-pressure to keep their heads down, to accept the subjective political, philosophical and religious biases of their examiners.

If, Ms Kilpatrick is correct, and is of the opinion that certain groups / communities within Northern Ireland have not engaged with the language and *raison-d'être* of human rights, it seems ethically and morally emcumbrent on the NIHRC (and indeed the ECNI) to ensure that these communities, ignorant in 'rights' are given greater Commission protections. However, paradoxically, over a nine-month period throughout 2022, the ECNI and NIHRC have both failed to address the equality and human rights concerns included within earlier versions of the NI University Sector Report, prompting a formal complaint by Dr Cooke to the Equality Commission, the NIHRC, and a follow-up complaint about the NIHRC to the Parliamentary Ombudsman's Office.

I suggest, based upon the lack of response from the ECNI and NIHRC to the NI University Sector Report and from the available staff breakdown of the Commissions, that the NI Commissions are institutionally, culturally and religiously biased. Within Northern Ireland, the recent Asher's bakery equality case, gives some indicators to the *mens rea* of the Equality Commission NI and the equality concerns that generate the interest of the staff and commissioners of the ECNI.¹⁴⁰ By contrast, numerous appeals by Dr Cooke since 2017 to enthuse the ECNI to address possible discrimination against NI Unionist / Protestant students within the Northern Ireland university sector have come to no avail. More importantly, the NIEC have not been able to adequately explain why, over several years, the Commission has failed to intervene within a university sector where acknowledged S.75 equality screening failings are known to have arisen.

Over a seven year period, the ECNI's enthusiasm to financially and legally support Gareth Lee after the Christian-run bakery (Asher's) refused to make a cake with the slogan 'support gay marriage', ended up with the legal case moving through the UK court system and on into the European Court of Human Rights only for the ECHR to refuse to rule on a case that the UK Supreme Court had already determined. Clearly, the ECNI, rejected the legal, philosophical and theological arguments of the Christian bakers and instead the ECNI and Mr Lee's legal team (errantly) supported the legal and philosophical arguments contained within the case brought by Mr Lee.¹⁴¹

Paradoxically, the UK Supreme Court and ECHR's decisions, were a damning criticism of the legal support and advice provided to Mr Lee by the ECNI. The cost of the case, was however supported, in the main, by the UK's tax-paying public. In their ruling, the ECHR judges said the case was inadmissible because Mr Lee had not invoked his rights under the European Convention of Human Rights "at any point in the domestic proceedings" in the UK courts. The ECHR judges decided that in

¹⁴⁰ Lee v Ashers Baking Company Ltd and others [2018] UKSC 49

¹⁴¹ <https://www.bbc.co.uk/news/uk-northern-ireland-59882444>

order for a complaint to be admissible, "the Convention arguments must be raised explicitly or in substance before the domestic authorities".

In assisting Mr Lee to take this case to the UK Supreme Court and then on to ECHR, the ECNI determined that the Bakery owners' religious beliefs and rights to freedom of expression, were secondary to Mr Lee's legal rights and that Mr Lee was legally entitled to 'coerce' the bakers into writing something on the cake that they theologically disagreed with. The Asher's cake case, gives fundamental pointers to the direction of the Equality Commission's philosophical and legal considerations and to the importance of the individual's religious beliefs, freedoms and expressions. The ECNI, de-facto took the incorrect view that Asher's religious freedom of expression was legally subservient to Mr Lee's right to be provided with a service.

Taking a considered view of the Asher's 'cake' case, Peter Tatchell (a prominent LGBT rights campaigner), confirmed that whilst he strongly disagreed with Asher's opposition to same-sex marriage and had great sympathy for Mr Lee, Mr Tatchell argued that he did not believe Asher's had discriminated against Mr Lee. Within the UK university sector, I suggest that similar majoritarian, secular, anti-faith, atheist views, common within university humanities and social science disciplines are, overtly and covertly conspiring to ensure that theology students and academics have limited space to discuss, write, learn, and / or to publish their religious discourses. It increasingly appears that UK human rights and equality legislation, and how it is interpreted by the Courts and the various human rights and equality commissions, is not offering the UK's religious community the legal protection it needs. This is even more so within a UK university sector, where within England and Wales, the government is in currently the throes of introduction freedom (of academic) expression legislation and has faced stiff opposition from the (secular) academic trade unions.

The abandonment of the Union Theology College (UTC) by QUB in 2019/2020 came as no surprise to many academics and clergy within Northern Ireland. However, the separation of the UTC from QUB was not of itself unique within the UK. The theological institution, Heythrop College, founded in 1614 by the Jesuits, closed its doors in 2018 after over 400 years of teaching philosophy and theology. Heythrop had been a member of the University of London since 1970. The College retained a modern Catholic ethos and offered theological education courses that respected all faiths and perspectives. Unlike mainland GB, within Northern Ireland today, theology is no longer taught in the NI university sector.

Given the importance in 2023 of churches and faith groups managing and supporting the UK's Third (Voluntary) Sector and the continued engagement of UK churches in the pastoral support of marginalised, impoverished communities, the loss of the UK's theology courses that help bring individuals into the ministry has important social consequences that impact upon those individuals in greatest economic and social need. The 2011 UK census revealed that 22% of those who identify as Christian were over 65. It is within the older, inner-city Christian communities that the loss of the churches, not only in their religious life, but in their social life and in their friendship circles impacts on their emotional well-being. Secular academics, fail to consider the pastoral duties that clergy provide in marginalised communities, partly because, these academics no longer live or work within these working-class neighbourhoods.

Whereas secularism, modernity and post-modernist thinking has been responsible for the demise of all the churches throughout the UK, government still relies on churches for the distribution of significant amounts of charitable funding and the voids created by the loss of local churches within working-class, marginalised neighbourhoods have not been filled by local or central government agencies. Paradoxically, within large areas of Birmingham, London, Glasgow and Manchester, migration, has been responsible for increasing Islamic, Hindu and Sikh religious communities.

In the ongoing diminution of theological, Biblical and religious courses within the UK university sector, universities are failing the same marginalised working-class communities that they find greatest difficulty to attract students. By not acknowledging the social contribution that churches, faith groups, and their ministers, priests, pastors and Imams make to working-class communities, and by assisting in the destruction of theology courses, UK universities are harming the very communities they argue they wish to help by denying these communities the pastoral care that comes from university educated ministers.

According to the British Academy, in 2019, within the UK there are 10,000 theology and religious students in the UK's public and private higher education sector. The British Academy acknowledges that some of these students are international students when it reports that 'UK higher education attracts students from around the world and continues to provide professional training and qualifications for authorised religious personnel and other religious vocations.'¹⁴² To put the number of theology students into context, in 2020-21, there were 2.66 million students studying at UK higher education providers.¹⁴³ The 2.66 million students comprised 1.94 million under-graduate students and 0.71 million post-graduate students (and 2.10 million full-time students and 0.55 million part-time students).

Of the 2.66 million part-time and full-time students studying in higher education, approximately 0.38% study theology, Biblical studies and religion. In the middle ages and later Reformation and Renaissance eras, theology students dominated the UK university sector. Later in the sixteenth and seventeenth century, academic institutions throughout the UK had a distinctly Christian (Anglican) religious foundation, hence names such as Trinity College Dublin and Trinity College Oxford, All Souls (Oxford), Christ Church (Oxford), Corpus Christi (Oxford), Jesus College (Oxford) Trinity College (Cambridge) and Emmanuel (Cambridge) predominated. It was indeed from these theology universities that the Reformation in England and Scotland found its ideological bases and paradoxically from which the Enlightenment, and subsequently, 'modernity' materialised.

Two hundred years ago, pedagogic philosophical and theological teachings were integrated, one could not be divorced or taught, from the other and they both were centred within the UK universities. Moreover, knowledge of theology and biblical scripture was integrated into other studies within the UK's university 'sector' and

¹⁴² <https://www.thebritishacademy.ac.uk/documents/288/theology-religious-studies.pdf#:~:text=Theology%20and%20Religious%20Studies%20%28TRS%29%20disciplines%20are%20studied,and%20private%20higher%20education%20providers%20in%20the%20UK.>

¹⁴³ <https://www.universitiesuk.ac.uk/latest/insights-and-analysis/higher-education-numbers>

thereafter UK schools. Theology and the Christianity were integrated components within law, history and many other under-graduate courses.

The earliest European universities were established in Bologna in 1088, Paris in the early twelfth century, and Oxford in 1166. Other universities followed in relatively quick succession across Europe, for example the universities of Cambridge in the early 13th century, Toulouse in 1229, and Montpellier in (about) 1289. Operating as integral parts of the church, academics and teachers being religious figures delivered lectures rather like sermons (Clark 2006).

In medieval and renaissance times, the Trivium, (comprising grammar, logic and rhetoric), had academic priority and precedence over the Quadrivium, (comprising music, arithmetic, geometry and astronomy). In essence, within the early universities, understanding the Word of God was a prerequisite to making sense of the world. Together, the Trivium and the Quadrivium comprised the seven liberal arts taught in the mediaeval and renaissance universities with some universities individually focusing on either arts and theology and others on law and medicine. To ignore the theological background of the UK universities is to ignore the pedagogic and philosophical development of higher education.

Southern Spain, e.g., Granada and Cordoba, was established as the Islamic seat of learning contributing to the development of the European Christian universities. Much later, Christian scholars and clergy were also amongst the earliest colonists of North America. A notable early aspect of colonisation of the USA, therefore, was the building of colleges of higher education, modelled on the northern European (Protestant) model of the University. In 1636, and thereafter, Harvard University, the University of Pennsylvania and the College of William and Mary were founded. These early institutions were highly Christian in nature.

It was indeed through the European, English and Scottish universities that the Reformation was (finally) born in the sixteenth century. The founding fathers of the Reformation were leading students within the European universities and went on to have distinguished academic careers. Today, within the increasingly hostile secular and atheist climate that exists towards theology and religion in the UK university sector, it would be impossible for the emergence of the likes of John Calvin, John Knox, John Wycliffe, or Martin Luther. Today, paradoxically, it could be argued that these courageous philosophical pioneers, individuals who risked spiritual excommunication, social alienation, economic poverty and physical death, would find it even more difficult to express their religious views in the UK university sector today, than they did in the sixteenth century.

Whilst all the following academic theologians are (in some shape or form) associated with proto-Protestantism and the Reformation, the likes of John Knox (University of St Andrews), John Huss (University of Prague), John Wycliffe (Merton and Balliol, Oxford), Martin Luther (Universities of Erfurt and Wittenberg), John Calvin (universities of Paris, Orleans and Bourges), John Foxe, (Brasenose and Magdalen, Oxford), Nicholas Ridley (Pembroke Hall, Cambridge), Hugh Latimer (Clare College, Cambridge), William Tyndale (Magdalen College, Oxford and Cambridge), Huldrych Zwingli (universities of Vienna and Basel) and Thomas Cranmer (Jesus Cambridge and Magdalen Oxford), were all brought up in the (Roman) Catholic tradition. These scholarly men, were radical, free-thinking individuals, men who spoke with *parrésia*

and rejected rhetoric, and men who combined their religious academic studies with a greater depth of scientific, ethical, philosophical and legal studies.

The likes of Knox and Calvin, were (and still are) regarded as academically brilliant, combining their knowledge of history, classics, languages and Greek / Roman philosophy to challenge the powerful, elitist academic, religious and political orders of their day. Similarly, the likes of Thomas Aquinas (universities of Naples, Paris and Cologne) and many more early intellectuals and academics who stayed within and helped shaped Catholic theology (as well as wider secular philosophical and legal discourses) did so within a university and collegiate system that was populated by religious academics and students. Sadly, these eminent intellectuals would not find even greater resistance from academia today to their innovative philosophical ideas than when they first lived.

The development of Catholicism has similarly been facilitated by religious education within the universities of Oxford, Cambridge and continental Europe. John Newman (Trinity and Oriel, Oxford), Thomas More (Oxford), John Fisher (Michaelhouse, Cambridge) as well as the likes of Rene Descartes (University of Portiers). More recently, prominent Roman Catholics within the UK have benefited from engaging with the UK university sector whilst still managing to preserve their faith, for example, Evelyn Waugh (Oxford), Michael Gove (Oxford), Jacob Rees-Mogg (Trinity, Oxford), and Theresa May (St Hugh's, Oxford)

Today's hostile university sector would appear alien to the early theological pedagogic pioneers who helped shape and change intellectual thought in the sixteenth century. Two centuries later, religion and theology were still welcomed within the UK universities. Methodism, in the shape of John Wesley (Christ Church and Lincoln, Oxford) and John Whitefield (Pembroke Oxford) was, in part founded in the halls, tutorials and lecture theatres of Oxford and from this 'elite' university, impoverished, numerous working-class communities throughout England, Wales and further afield, benefited spiritually and socially in an era where early death, economic deprivation and contagious diseases were rife. John Keble (who Keble College Oxford is named after) attended both Corpus Christie and Oriel College, Oxford, whilst many other non-conformist theologians in the eighteenth century (Isaac Watts) attended 'other' universities, being excluded from the Anglican colleges of Oxford and Cambridge

Mistakenly, the seventeenth century Enlightenment is commonly seen as sounding the death knell for Christianity, however Brooke (2012) points out, for leading scientists, including Newton and Darwin, religion and Christianity still remained necessarily intertwined. Thereafter, the commencement of the English Civic University movement, increased the decline in religiosity of higher education across the UK. The new universities focused on the teaching of science to help enhance the economic growth of Great Britain (Jones 1988). University College London was the first university in England to admit students regardless of their religious beliefs and (later) to admit women on equal terms with men, however, it wasn't until the passing of the University Tests Act in 1871 that religious discrimination in UK higher education was ended for non-theological courses (Gillard 2011).

Much later, the new UK universities of the 1960s initiated by the 1963 Robbins Report were founded as secular organisations. Nevertheless, the secularisation of the UK university sector did not prevent political figures such as Tony Benn (New

College, Oxford), Mary Archer (Oxford and Imperial London), and Ann Widdecombe (Birmingham and Oxford) from working for the public good whilst still advocating Christian principles. Ryrie (2017) points out that the dominant Christian presence in British universities in the 1960s was the Student Christian Movement (SCM). However, between 1963 and 1973, when student numbers in Britain were rising fast, the SCM membership fell by 90%. During this period, the general secretary of the SCM, Ambrose Reeve, promoted to the SCM; policies of ignoring distinctions between Christians and non-Christians, embracing secularism and prioritising the needs of non-Christian students. Reeves own philosophical viewpoint, split the SCM and caused many Christian university students to leave the SCM. A far cry from the early-Reformationist university students such as Knox, Ryrie suggests that in a decade 'Christians who disliked radical policies withdrew from the SCM, and Christians who embraced radical politics increasingly saw themselves simply as radicals and no longer Christians' (312, 2017).

Since the late 1960s and early 1970s, effectively Christian and religious students have been without a coordinated voice in the UK's university sector and the National Union of Students (NUS) appears to be disinclined to support certain student groups whilst moving to protect and support others. Within the public domain, religion is on the defensive. Religion in the UK is tolerated provided it keeps to the private spaces, in the public spaces and public forums it is no longer wanted. Street preachers are prosecuted by the police and Crown Prosecution Service for 'hate-crimes, religious programmes are removed from the television and radio stations, and those responsible for the post-modern pogrom against religion in the public space, hail from the secular university sector. In January 2023, it was reported that the number of anti-Semitic incidents at British universities has increased over the past two academic years. The Community Security Trust (CST) reported that it had received 150 reports of anti-Semitic incidents affecting Jewish students, academics, university staff and student bodies across the UK during 2020/21 and 2021/22.¹⁴⁴ The NUS has commenced investigations of Jewish marginalisation within the UK's university sector and in December 2022, Dr Cooke invited the NUS to investigate reports of marginalisation of NI Unionist students, researchers and academics within the NI university sector and the students unions at QUB and UU.

Today within the UK higher education sector, education is wholly secular (Gilliat-Ray 2000). Nevertheless, across many UK universities, theology, religion and divinity courses continue to exist and Islamic Studies is now offered across a range of universities. Many, perhaps most, UK university religious degree modules and programme, provide a holistic overview of the world's major religions and different theological positions enabling an increased harmony between peoples of different faiths, a harmony that is contrasted with the intolerance that exists between atheists or people of no faith and those who profess faith. Some universities, for centuries old historical reasons such as Oxford and Cambridge still remain overtly Anglican tradition, nevertheless, the current secular, anti-faith trajectories within the UK university sectors places religious education in these bastions of theology at risk. The massive loss of the theology schools within the university sector not only invites questions of the changing societal demographics of the UK, it also invites questions

¹⁴⁴ <https://www.telegraph.co.uk/news/2023/01/19/jewish-student-attacked-bat-anti-semitism-rises-universities/>

as to the *raison d'être* behind the scaling-down of the university theology sector and the inabilities of the various UK's human rights and equality commissions to intervene to examine if the removal of UK's theology courses give rise to human rights (freedom of expression) and / or equality concerns.

In 2023, not only has the teaching and research of theology and religious courses been systematically reduced from the UK university sector, but other university courses and modules that previously had large theological and religious components have been redesigned to remove, or substantially reduce, the degree of theological and religious teaching within social science disciplines. Today within the university sector, the history of England and the UK will be taught without any, or little reference to the religious influences that dominated civil society, social welfare, social justice, legal reforms etc, etc. The exception to this is the trend to reference Christianity and religious conflict in university courses that address Colonialism, Slavery and Empire.

The Guardian confirmed that in 2021, that only 33 universities within the UK delivered Theology and Biblical studies courses. Included within this cohort were Russell Group universities such as Oxford, Cambridge, Durham, Edinburgh and Manchester, as well as more modern (new) universities such as the Newman (Birmingham) and the University of the Highlands and Islands.¹⁴⁵ Currently, there are approximately 150 public universities within the UK.¹⁴⁶ Today, approximately, 78% of all UK universities exclude theology as part of their under-graduate and post-graduate curricula. Within these 33 universities where theology is taught, the quantity of theology and religious modules within other academic disciplines has reduced considerably over the last four decades. Given the reduction in the number of universities teaching theology, the reduction in theological courses and the substantial reduction in theology students, it is suggested that secular academics within the UK university sector (along with other rationalities) have made the UK university sector a 'cold-house' for the study of theology and for the academic theologians who teach the subject. I suspect, that the theological academics within the UTC, abandoned by QUB in 2019/20, would subscribe to this view.

In May 2019, The Christian Post confirmed that 'theology and religious studies in British higher education is suffering a major decline'.¹⁴⁷ The Christian Post referenced the London-based British Academy's report titled "Theology and Religious Studies Provision in U.K. Higher Education." The report found that there were approximately 6,500 fewer students enrolled in theology and religious studies courses in higher education during the 2017-2018 academic year than in 2011-2012. Within five years, the number of theology students within the UK dwindled from 16,500 to 10,000 students, a massive reduction within a short time-frame, suggesting that the implications of this reduction on academic theologians, their academic output and entry into the ministry, demands serious examination.

¹⁴⁵ <https://www.theguardian.com/education/ng-interactive/2020/sep/05/best-uk-universities-for-religious-studies-and-theology-league-table>

¹⁴⁶ <https://o3schools.com/list-of-universities-in-the-united-kingdom-uk/>

¹⁴⁷ <https://www.christianpost.com/news/religious-studies-disappearing-uk-universities-british-academy-warns.html>

Research scholarship and PhD scholarship funding within the UK is (despite spurious objections to the contrary) determined by the subjective philosophical and political beliefs of individual academics, or small teams of academics, who approve PhD funding for subjectivities that they are interested in, believe in, and are engaged with. Secular academics, or academics from atheist or agnostic backgrounds are unlikely to direct funding to theological research programmes that they fundamentally disagree with. This hypothesis can be substantiated by an examination of the PhD scholarship theses that academics supervise. More simplistically, ask yourself would Peter Singer, (Princeton), or Richard Dawkins(Oxford), or Anthony Grayling (Birkbeck) award PhD grant funding to, and would they supervise, for example, a PhD supporting evidence for the resurrection of Christ. The answer is NO! Individual academics, from the political left or the political right, from theology or from secular atheism, or from other polar philosophical positions should not be able to determine PhD grant funding without oversight, but in reality they do. Academic discourses evolve, and some fade into history, because of the philosophical beliefs of the dominant academic peer groups. Today, unfettered academic political opinions are changing the UK's university sector and the UK's equality and human rights commissions, seem oblivious to the abuses incurred. Importantly, without PhD scholarship funding, faith based, theological students (and indeed others on the Conservative right) cannot (without incurring substantial, punitive debts) move into academia and this I suggest subjugates religious academic expression.

In addition, another important issue to be addressed in relation to academic freedom of speech, relates to the diminution of the 'publication' of academic religious and theological literature. Excommunication of theology academics from the UK university sector, makes it much more difficult for theological discourses to be published, and this, to me, appears to be a fundamental breach of Article 9 and 10. It is a fact, underpinned by the REF that within academia that the ability to get peer reviewed articles published by established (academic) book publishers or within certain academic journals, is more academically prestigious than by publication in 'lesser', or by non-academic publishers.¹⁴⁸

The ongoing diminution of UK academic theologians, therefore, has an impact on the quantity and quality of the religious literature that finds its way into the UK's bookshops. In essence, there are I suggest serious questions to be asked, if religious freedom of expression, is being denied, or impacted upon by the demographic and philosophical changes that have undertaken within the UK university sectors. Theology courses are heavily invested in issues of morality, ethics and community, the increasing disappearance of theological studies within the UK's university sector creates a void that government and academia cannot otherwise fill. That the UK's equality and human rights regimes appear to have ignored these significant demographic changes within the UK university sectors, suggests there are problems to be addressed in how these UK Commissions are failing to protect religious people who wish to; teach, research and study theology. If the EHRC within GB fails to act quickly, the GB university sector could sadly go the

¹⁴⁸ <https://www.ref.ac.uk/about-the-ref/what-is-the-ref/#:~:text=The%20REF%20is%20a%20process%20of%20expert%20review%2C,of%20senior%20academics%2C%20international%20members%2C%20and%20research%20users.>

way of the NI university sector where theology is no longer taught in university degree programmes. That scenario, would however please many of those teaching within academia today.

While the study and research of theology and religion remains an attractive area for many, it has seemingly fallen foul of the many challenges faced by the higher education sector, and particularly since the reforms to fees and funding in 2012: the number of students studying theology and religious studies degrees has fallen by a third. Fewer students means additional pressures on schools and departments to demonstrate their worth or face closure. Given the significant reduction of theology students (33%) in just five years, there are good legal grounds for arguing that some form of direct, or indirect discrimination, has arisen that in turn demands the intervention of the UK equality and human rights commissions in order to protect the different religious Church and ministry groups within the UK. All churches depend upon being able to train clergy and for hundreds of years, UK universities have been instrumental in providing the specific higher education required to equip clergy for their religious and pastoral roles. If obtaining a theological degree is a necessary step in entering the ministry, then it could be argued that the massive reduction in university theological courses marginalises, or discriminates against students of religion and all faith based churches

The British Academy's report found that there was a significant gender gap and age gap when comparing theology and religious studies with other fields. The Academy emphasised that women made up 37% of academic staff in theology and religious studies, versus 53% for similar humanities subjects. The report also confirmed that while the average age for academic staff in theology and religious studies was 47, in the fields of philosophy, classics, and history the average age was 43. The fact that the British Academy highlighted this data appears to be a 'justification' from the Academy for the removal of academic courses which are no longer acceptable in a secular UK university sector that has endorsed various affirmative action programmes to change racial, ethnic, and gender imbalances of students and academics.

Paradoxically, the same statistical data could give the UK equality and human rights commissions cause for concern, and intervention, if today the number of older, white, males teaching theology had been reduced by redundancy programmes. The British Academy's report suggests to me, that affirmative action programmes are now required throughout the UK university sectors to protect faith-based students and to encourage universities to protect, or indeed to promote new, theology courses and academics.

Reference to the above section:

Clark, W. (2006) Academic Charisma and the Origins of the Research University Chicago: University of Chicago Press.

Gilliat-Ray, S. (2000), Religion in Higher Education: the Politics of the Multi-faith Campus, Aldershot: Ashgate.

Bebbington, D. W. (2011) Christian Higher Education in Europe: A Historical Overview, Christian Higher Education, 10 (1), pp. 10-24.

Equality Challenge Unit (ECU) (2011), Religion and Belief In Higher Education: The Experiences of Staff And Students, London: ECU.

Henry, D.V. & Beaty, M.D. (eds) (2006) *Christianity and the Soul of the University: Faith as a Foundation for Intellectual Community*, Baker Books.

Higton, M. (2012) *A Theology of Higher Education*, Oxford: Oxford University Press.

Lennox, J. C., (2007) *God's Undertaker Has Science Buried God?* Lion.

Lloyd-Jones, D. M., and Murray, I. H., (2014) *John Knox and the Reformation, Banner of Truth*.

Marsden, G. (1994) *The Soul of the University: from Protestant Establishment to Established Non-Belief*, New York: Oxford University Press.

MacCulloch, D. (2016), *Thomas Cranmer*, Yale University Press.

Reymond, R. L., (2004) *John Calvin: His Life and Influence*, Christian Focus.

Ryrie, A., (2017) *Protestants: The radicals who made the modern world*, William Collins.

Stevenson, J. (2013), *Discourses of inclusion and exclusion: religious students in UK Higher Education, Access and Widening Participation*, *Journal of Widening Participation and Lifelong Learning* 14 (3), Winter 2012/13, pp. 27-43.

Stevenson, J. (2014) *Internationalisation and religious inclusion in UK higher education*, *Higher Education Quarterly*, 68 (1), pp. 46–64.

The religious Tract Society, (1884), *The Life and Times of John Wycliffe: the Morning Star of the Reformation*.

Wright. T., (2016) *God in Public: How the Bible speaks truth to power today*, SPCK

12.00 Marginalisation of academic and student religious beliefs and theological teaching in the UK's university sectors

This Report addresses (primarily) marginalisation, under-representation and discrimination of the NI Unionist community within the NI university sector, however, the assertions made within this report sit within a wider global nexus of right-of centre conservative, neo-liberal, and theological academics being subject to overt and covert and direct and indirect, discriminatory processes as the American and UK university sectors become increasingly secular, populated by powerful, agnostic and atheist academics whose philosophical backgrounds are ever dominant. Within the UK university sectors, it is argued that the different UK equality and human rights commissions have failed to step in to monitor, screen and thereafter to intervene to address the rate of demographic changes that gives rise to concerns to indirect discriminatory processes.

The Report, in part, calls for the UK's devolved governments and different equality and human rights commissions to intervene to prevent the further diminution of religious teaching and courses within the UK's university sectors and to determine if religious students, researchers and academics (as minority groups) have been afforded the same legal (equality and human rights) protections as other university

groups. A common factor within this report, is the failure of the Equality Commission NI and the NI Human Rights Commission to protect the minority NI Unionist academic and student populations within the NI university sector and the UK Equality and Human Rights Commission/s to protect the religious academic and student communities and their religious discourse within the GB university sectors.

There is also a growing body of academic and philosophical research that suggests current societal changes are being driven from the left-of centre, critical theorist intelligentsia who increasingly dominate the social sciences, humanities and legal disciplines within the university sectors. The current philosophical changes dominating the social sciences and filtering out into legal disciplines and government legislation have been the subject of research from renown academics such as Charles Taylor (*Sources of the Self and A Secular Age*), Philip Rieff (*The Triumph of the Therapeutic*) and Alasdair McIntyre (*After Virtue*). These philosophical contributions on how society has changed are further elaborated on by academics such as Voddie Baucham (*Fault Lines*) and Carl Trueman (*The Rise of the Triumph of the modern self*) and Tom Wright (*God in Public*) and theologians such as Mervyn Tinker (*That Hideous Strength*).

The secularisation of the UK university sector is well advanced, asking questions if academics and students who hold religious beliefs are being directly, or indirectly, overtly or covertly, discriminated against by the employment policies and ontological ideologies of the universities within the different UK university sectors). Puzzlingly, given the data included below, questions must be addressed to the NI and GB equality and human rights commissions, who have statutory obligations to ensure that; people (academics and students) with religious beliefs are not directly or indirectly discriminated against, that employers (universities) screen-out potential (religious) discriminatory employment policies, that marginalised and minority groups when they are identified are protected, and that religious individuals and groups' Article 9 and 10 freedoms are upheld. Statistical evidence is provided below evidences that religious groups within the UK's university sectors are minority groups and that marginalisation of these groups is growing.

The Higher Education (Freedom of Speech) Bill currently progressing through Westminster is founded upon the premise that certain individuals and groups within the English and Welsh university sector have not been afforded the same Article 9 and 10 Human Rights protections as others. The current academic freedom of speech legislation recognises failings that the existing legal framework and equality and human rights commissions have not been able to address. Even more disconcertingly, within Northern Ireland and Scotland, the NI Executive and Scottish Parliament have been disinclined to advance similar human rights protections for individuals and groups within the Northern Irish and Scottish university sectors. Disappointingly, within Northern Ireland, the Equality Commission NI has been made aware since 2017 of historical and systemic S.75 equality screening failures within the NI university sector. The importance of ensuring freedom of expression within the UK's university sectors is crucial given the strategic importance of the sector in disseminating philosophical, political, social, cultural, religious, pedagogic and ontological research to the UK's primary and secondary education sectors and influencing the direction of local, regional and central government policy.

Throughout the different regions of the UK, the Human Rights Act 1998 rules supreme, it acts as an integrating mechanism for the UK devolved governments. Equality legislation throughout the UK is also (largely) similarly designed to ensure equality of opportunities, procedures and processes, in order to attempt to bring about (eventually) equality of outcomes. The UK's different equality commissions are obligated to monitor the equality (and employment) procedures and processes within the UK's university sectors and have a statutory duty to intervene when the Equality Commissions perceive there are equality (and / or human rights) breaches arising. There is however another important economic (rather than legislative) factor that unifies the four different UK university sectors that are regulated by four different devolved legislatures.

The 2021 census in Northern Ireland revealed that 42% of the NI population are Catholic, 39% Protestant and 19% of the general population have no religious beliefs or declined to answer the question.¹⁴⁹ Some 81% of the NI population subscribe to the Roman Catholic and Protestant (Christian) faiths, however the changing demographics within the academic staff of Queen's University Belfast (QUB) do not match the demographics of the general population. The religious imbalance within the NI university sector, should give rise to concerns from the Equality Commission NI (ECNI) and the NI Human Rights Commission, but despite repeated calls for the ECNI to undertake an equality review of the NI university sector, the ECNI refuses to intervene. QUB confirmed by way of a FoI Act reply in January 2023, that in the 16 months prior to January 2023, QUB employed 60 (14.2%) Protestant academic staff, 74 (17.4%) Catholic academic staff and 290 (68.4%) 'other' academic staff, inviting equality questions to answer why a Catholic / Protestant general population of 81% is 'represented' by only 31.6% members of the two churches in Queen's University Belfast's academic staff. The statistical data of religious staff employed by QUB, is reflective of data sets (provided below) of religious representation within the UK university sector. In order to obtain more comprehensive and comparative data, Dr Cooke has asked 40 UK universities to provide data on the religious backgrounds of academic staff by way of the FOI Act.

UK universities increasingly depend upon research funding derived from the UK Research and Innovation Institute for their existence. The Research Council (UKRI) confirms that 'the seven UK Research Councils offer some of the most generous funding for PhD study at universities in England, Scotland, Wales and Northern Ireland'.¹⁵⁰ However, within the context of Northern Ireland, the Research Council for over two decades has been funding PhD scholarship programmes without the NI universities, or statutory 'others', applying the obligatory statutory equality screening safeguards required to minimise the potential of indirect discrimination arising in the decision-making and award of academic 'apprenticeship' programme upon which entry to the university teaching profession is dependent.

¹⁴⁹ <https://m.belfasttelegraph.co.uk/news/northern-ireland/ni-census-2021-key-graphics-as-results-shine-light-on-religion-identity-and-council-area-sizes/42009753.html#:~:text=Religion%20Key%20finding%3A%2042%25%20of%20the%20population%20say,Northern%20Ireland%20has%20become%20more%20secular%20since%202011>

¹⁵⁰ <https://www.findaphd.com/guides/research-council-studentships>

If within NI, the UK Research Councils' PhD funding programmes have been administered without equality screening oversight, then it is entirely probable that PhD funding streams to all UK universities has not been subject to equality screening programmes, and have not been subject to scrutiny by the UKs' equality commissions. Therefore, within several university disciplines such as law, social sciences, humanities and arts, disciplines where academics throughout the UK are highly politicised and have strong philosophical and ontological positions, the possibility of PhD awards being skewed and thereafter, access into the university sector for researchers and academics being subject to academic bias, presents problems for all minority groups within universities. Recent data provided by the British Educational Research Association (BERA) indicates that within the UK university sector, faith academics are very much in a minority group and other statistical evidence suggests that within the UK university sectors decreases in theology courses, and theology students are of a scale that invites government and equality commission interventions.¹⁵¹

The State of the Discipline Report (January 2023) suggests that religious marginalisation and discrimination within education, and indeed many other academic disciplines in the UK university sectors needs to be addressed.¹⁵²

The State of the Discipline Report was undertaken by Dina Zoe Belluigi & Joanne O'Keeffe (Queen's University Belfast) and Jason Arday (University of Glasgow) for the British Educational Research Association (BERA). The report confirms that it is an exploration of existing statistical data relating to staff equality in UK higher education (vis-a-vis academic staff in other UK higher education disciplines). It is suggested that when this report is considered in conjunction with a growing body of statistical evidence on the reduction of religious and theology courses within the different UK higher education sectors, changing curricula, academic freedom of expression concerns, and allegations of PhD scholarship awards bias, two concerns arise.

The first concern is why the UK's equality and human rights regimes have not intervened to examine the changing religious demographics within the UK's higher education sectors and stemming from the first concern, why there are no 'affirmative', or positive, equality action programmes within the UK higher education sectors to protect students and academics of faith, religious freedom of expression, religious beliefs and theological teaching, in the same way that the UK, over the last two decades has increasingly introduced positive equality programmes to protect females, minority ethnic groups and the LGBT+ communities? More often, questions arise as to why the UK equality and human rights regimes are staying silent, and by their silence, are enabling or are complicit in the demise of religious academic courses and beliefs within a powerful university sector that influences all other areas of UK society?

This report presents findings on specific aspects of the composition and employment of academic staff in the discipline of education in higher education (HE) across the

¹⁵¹ <https://www.bera.ac.uk/publication/education-the-state-of-the-discipline-staff-equality>

¹⁵² file:///C:/Users/10354085/Downloads/BERA_State-of-the-Discipline-Staff-equality_digital.pdf

UK and in each of the devolved nations: England, Northern Ireland, Scotland and Wales. The findings are informed by analysing statistical data collected by HE institutions during the academic years 2015-16 to 2019-20, as reported to the Higher Education Statistics Agency (HESA).

In terms of the religious belief of academics working within the education disciplines and faculties in the UK's higher education sector, the 2023 State of the Discipline Report confirmed that the majority of staff reporting was 'information refused' or 'no religion and not available' under religious belief. When the comparative data within the report is compared with the comparative data on religious beliefs confirmed in the 2021 English and Welsh census and the 2011 census in Northern Ireland and Scotland, it becomes apparent that the religious affiliations / beliefs of the UK's academic populations within the higher education disciplines in the UK university sector do not reflect the general populations of England, Wales, NI and Scotland. This disparity in the State of the Discipline Report findings with the data within the English and Welsh 2021 census and the interim reports of the NI 2021 census invite equality concerns and questions from the Churches, faith groups and UK's equality commissions

Importantly, the BERA Report confirmed that *'significantly higher proportions of staff in education were recorded as Christian compared with the proportions in the UK HE sector'*, however, the report (for reasons best known to the authors makes no comparisons with the religious beliefs of education staff (in the higher education sector) and the religious beliefs of the UK public as confirmed in the 2021 census. Disappointingly, The State of the Discipline Report, indicates that within the UK's higher education colleges, universities and teacher training courses, there is very low level of employees who hold religious beliefs. There can be no justification in these statistics, by suggesting that the data presented of say, just 12% Christian academics in Scotland, compares favourably with the Christian beliefs expressed within the rest of the UK's higher education sector. If the data provided for Christian academics in the UK's education disciplines is of concern to faith groups, the significantly lower numbers of Christians employed within the rest of the UK's higher education sector is damning. Secular academics throughout the UK dominate the philosophical, cosmological, and ontological education provided to all students within the UK's colleges, universities and teaching training establishments.

In addition, to compare only the religious, ethnic, gender backgrounds of the staff in education with the staff in all other academic disciplines (or sectors) has little practical relevance. To be of greater relevance, the Report might have been better making comparison with other social science, hard-science, or individual subject disciplines, however this might then have impacted on the conclusions within the report that could be anticipated by the comparators chosen.

The Report goes on to suggest that 'there were lower proportions of staff recorded as Buddhist, Hindu, Jewish, Muslim, Sikh or 'spiritual and other' in education than those of the UK HE sector. However, when a comparison between male and female staff in the university educational disciplines is made, females in this academic sector predominate and this presents problems for within the largest UK ethnic / religious population (Muslims), because there are still substantive cultural and religious barriers preventing female Muslims moving into higher education.

Wales had the largest proportion of education staff recorded as Christian, at proportions higher than those of its local HE sector. Scotland had the largest proportion of staff with religious beliefs recorded as Buddhist, Hindu, Jewish, Muslim, Sikh, and 'spiritual and other'.

The above table however can be compared for the UK 2021 census for England and Wales¹⁵³ In Northern Ireland that only 30% of University, education staff declared themselves to be Christian, reflects a worrying philosophical schism between the non-religious educational academics and a general tax-paying population whose world view on many social and cultural matters is non-aligned with the staff in the education faculties. In the 2011 Northern Ireland census it was reported that 77% of the population identified themselves as belonging to one of the four denominations that draw up the syllabus. Only 23% identified as having other, or no religious beliefs; 5.8% belonged to an 'other' Christian denomination, 0.8% had a non-Christian faith and 16.9% followed no religion or did not state their religion.

In addition, the census question on religious identity in England and Wales was not compulsory and since 2001 this census question is a voluntary question. The Scottish 2022 census results await publication later in 2023.

State of the Disciple report data (Sex):

	<u>England</u>	<u>N Ireland</u>	<u>Scotland</u>	<u>Wales</u>
Female	69%	64%	68%	70%
Male	31%	36%	32%	30%
Total	83%	2%	10.5%	4%

When a comparison is made between academic staff within the UK's university (education) disciplines and faculties and the UK general population, there appears overt or covert, or direct or indirect, discriminatory factors in place that operate to prevent people of all faiths from entering the education faculties and disciplines within UK universities and this in turn impacts upon the teaching of faith and religious theology within the universities and indeed the UK schools. Moreover, whilst the BERA suggests within its report that there are concerns to be addressed about younger female academics progressing up the academic career ladder, the more evident equality concern for the equality commissions to address within this sector, is the massive imbalance in male / female employees.

Throughout the UK, there are philosophical debates arising that presents problems for the UK's different religious communities. Some social issues such as same sex marriage, abortion and transgender identification, (by and large) unite the different UK faith groups. However the churches view these matters, and how individual religious students and academics consider these matters is diametrically different to many secular academics. Paradoxically today, throughout the UK, discrimination in the university sector no longer is an issue between different faiths (even within

¹⁵³<https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/religion/bulletins/religionenglandandwales/census2021>

Scotland and Northern Ireland), discrimination is however an increasing issue between majoritarian secular academics and the minority faith (all faith) religious academic population.

In 2022/23 in Scotland, the Scottish government proposed transgender identification laws that the Scottish churches, and indeed many in the general public, find deeply disturbing. This issue became even more divisive when Isla Bryson (a male by birth, who has transitioned to a female) and who committed rape was housed at Cornton Vale all-women's prison in Stirling. In England, in 2019 primary school parents (mainly of the Muslim faith) at Parkfield Community School removed their children from school and protested over their children being taught about LGBT rights and homophobia. Parental rights in determining what their children should be taught were subjugated by the secular state and by academics coming from the university sector. Irrespective of the different individual viewpoints in these cases, there are fundamental legal protections to freedom of speech. There are also fundamental differences of how faith groups, churches and people with religious views understand these social conflicts and how many powerful individuals within the social sciences, humanities, education and legal disciplines in the UK universities sectors imagine these social transformations.

It is suggested that the time has come for the UK Government, and / or the UK equality and human rights commissions to intervene to determine if faith groups, churches and people who hold religious beliefs are being directly or indirectly, or covertly or overtly discriminated against within the UK's university sectors. One of the drivers behind the Higher Education (Freedom of Speech) Bill is the fear factor that silences individual right-of-centre, socially conservative and liberal academics within the social science disciplines who chose silence over speaking with parrésia. Understandably, economic survival, career progress, access to research funding and the ability to join interdisciplinary research groups influences many faith academics, however the silence of this group should not be interpreted by the UK's legal commissions that there are no human rights and equality concerns to be addressed.

The suggestion that the time has come from the intervention of government and / or the equality commissions, is based (in part) upon the following evidence;

1 – The January 2023, the British Educational Research Association 'State of the Discipline Report, confirmed that, 'significantly higher proportions of staff in education were recorded as Christian compared with the proportions in the UK HE sector', this statement is damning of the entire UK higher education sector because the statistics provide within the State of the Discipline report for faith academics was low, much lower than data included within the 2021 Census suggests for the general population.¹⁵⁴

State of the Discipline report data (Faith):

<u>England</u>	<u>N. Ireland</u>	<u>Scotland</u>	<u>Wales</u>
----------------	-------------------	-----------------	--------------

¹⁵⁴ [file:///C:/Users/10354085/Downloads/BERA_State-of-the-Discipline-Staff-equality_digital%20\(3\).pdf](file:///C:/Users/10354085/Downloads/BERA_State-of-the-Discipline-Staff-equality_digital%20(3).pdf)

Christian	22%	30%	12%	35%
Other	6%	8%	9%	3%
Refused to answer	51.5%	56%	57%	30%
Unknown or no return	21%	6%	22%	32%
Total	83%	2%	10.5%	5%

The 2021 census in Northern Ireland revealed that 42% of the NI population are Catholic, 39% Protestant and 19% of the NI population have no religious beliefs or declined to answer the question.¹⁵⁵

2021 Census (England and Wales) data for religious beliefs:

Christian 46.2%

Other religious beliefs 10.7%

Refused to Answer 6%

No Reply 37.2%

2 – Within Northern Ireland, the inclusion within the New Decade New Approach agreement of January 2020 to bring back devolved government included two policy areas that are currently being augmented by Westminster (in the absence of devolution in Northern Ireland). The two policy initiatives agreed to by the NI political parties, and importantly the UK and Irish governments were the creation of a Castlereagh Foundation and the provision of an Ulster-Scots Research Institute. Both these new policy initiatives are premised upon systemic discrimination within the NI University sector against the minority NI Unionist academic and student populations

3 – Within England and Wales, the current Higher Education (Freedom of Speech) Bill is premised upon historical equality and human rights monitoring failures within the English and Welsh university sectors. The failure of the Scottish Parliament and the NI Assembly to bring forward similar human rights protections, it is argued, fails to protect the minority, and diminishing, religious student and academic groups within the devolved university sectors.

4 - The Guardian confirmed that in 2021 that only 33 universities within the UK delivered Theology and Biblical studies courses. Included within this cohort were Russell Group universities such as Oxford, Cambridge, Durham, Edinburgh and Manchester, as well as more modern (new) universities such as the Newman (Birmingham) and the University of the Highlands and Islands.¹⁵⁶ Currently, there are approximately 150 public universities within the UK.¹⁵⁷ Today, approximately,

¹⁵⁵ <https://m.belfasttelegraph.co.uk/news/northern-ireland/ni-census-2021-key-graphics-as-results-shine-light-on-religion-identity-and-council-area-sizes/42009753.html#:~:text=Religion%20Key%20finding%3A%2042%25%20of%20the%20population%20say,Northern%20Ireland%20has%20become%20more%20secular%20since%202011.>

¹⁵⁶ <https://www.theguardian.com/education/ng-interactive/2020/sep/05/best-uk-universities-for-religious-studies-and-theology-league-table>

¹⁵⁷ <https://o3schools.com/list-of-universities-in-the-united-kingdom-uk/>

78% of all UK universities exclude theology and religious studies as part of their under-graduate and post-graduate curricula.

5 – In 2019, the British Academy's report titled "Theology and Religious Studies Provision in U.K. Higher Education" found that there were approximately 6,500 fewer students enrolled in theology and religious studies courses in higher education during the 2017-2018 academic year than in 2011-2012. Within five years, the number of theology students within the UK dwindled from 16,500 to 10,000 students. It is suggested, that there had been a similar decline in Black, Asian, female, LGBT+ or disabled students within the same timeframe, any similar reduction would have promoted action by the UK's equality commissions.

6 – In 2019/20, Queen's University Belfast abandoned its 100 year association with the Presbyterian Church in Ireland's, Union Theology College leaving 130 Protestant / Christian academics and theology students with a pedagogic stigma that impacts on their long-term employability. QUB failed to undertake the necessary statutory S.75 equality screening exercise prior to the closure of the UTC and during the period of its pending closure and for three years thereafter, the Equality Commission NI declined to examine the possible equality issues in the closure of this Christian, theology college.

It is suggested that there is growing, and sufficient statistical evidence to suggest that within the UK university sectors, academic employment processes (and patterns) indicate that direct, or indirect discrimination, against academics who hold religious beliefs is taking place by agnostic, atheist and secular academics. I could be argued that either, the UK university sector should be removed from the suite of current UK equality and employment legislation that prevents discrimination on grounds of religious belief, or else, the different UK equality and human rights commissions should intervene to determine the reasons for the demise of religious academic staff teaching and undertaking research in the UK university sectors.

13.00 Article 6, Article 9 and Article 10 Human Right's Concerns

The Office of the Independent Adjudicator (OIA) confirmed that for 2019, the most common form of student complaint received by universities within England and Wales referred to academic appeals. The OIA reported a record level of complaints across 2020, with 2,604 student complaints registered. Within Northern Ireland there is no single, independent auditing or monitoring agency charged with collating and adjudicating university student complaints.

The largest level of student complaints facing universities is related to academic appeals and the outcomes emerging from courses. Assignment grades, examination marks, degree classifications, module results and the ability to be assessed fairly and robustly are, according to the OIA, at the top of the university student complaints agenda. Within Northern Ireland, there is no independent body established to review student appeals. In comparison to university students within England and Wales, NI university students do not have the same degree of Article 6 (right to a fair and public hearing) protection. Student complaints to the OIA include accounts of assessments being conducted unfairly or for outcomes that do not effectively reflect student performance.

Other common forms of student complaints received by the OIA include; the Impact of Covid-19, increasing industrial action by academics, consumer rights, and poor service delivery. The issue of value for money and consumer rights is rapidly becoming of greater importance, particularly in light of the Covid-19 pandemic. Value for money, however is also a concern that should be paramount in the mind of all government funders to the university sector and the auditing agencies charged with ensuring that government departments undertake value for money exercises. Increasingly university students are calling for tuition fee refunds or financial compensation within their complaints, feeling that the services delivered to them do not match what they have paid for. It is within this context that the civil courts are faced with increasing pressures. However, adjudicating on provision of academic services poses different problems and skill sets than adjudicating upon, the provision of construction services or financial services. Financial services complaints are addressed by financial regulators and construction services disputes are referred to special construction courts and to various construction arbitration schemes. The continued growth of the UK university sector (with student numbers approaching 2 million) and increasing student (consumer) complaints within the UK university sectors demands the provision of independent regulators and independent adjudicators in order to protect Article 6, 9 and 10 rights.

The problem of university students taking civil cases in order to hold their universities to account is reflected in the 'access to justice' concerns reported in The Guardian

news article (dated 2 June 2019).¹⁵⁸ Pok Wong reached an out-of-court settlement with Anglia Ruskin university after suing the university for false advertising. The graduate sued Anglia Ruskin over what she termed her “Mickey Mouse degree” and received a £61,000 out-of-court settlement, however the size of the financial settlement, according to Pok Wong, barely covered her legal costs, tuition fees and the time spent fighting the protracted battle.

Pok Wong, 30, confirmed that “I raised my complaints with the university but they didn’t do anything, they said I was the only student who complained so perhaps that was my own issue, I had no way to complain, but there were a lot of students who were not happy.” Wong, alleged that Anglia Ruskin offered her a higher amount to settle out-of-court privately, with a non-disclosure agreement. However the university claimed that she had offered to sign the NDA for more money and it had refused. The court case also reflected the imbalance in power that students face when taking legal challenges against powerful, capital rich institutions such as universities. Anglia Ruskin countered that “Ms Wong’s longstanding litigation ... has been settled at the instruction of our insurers to draw a line under these matters and to prevent a further escalation of their legal costs.” All UK universities are protected against financial awards offered to complaining students by insurance policies that underwrite settlements and awards. By contrast, UK university students attempting to hold the universities to account for human rights failures, equality complaints or consumer breaches, face large legal costs which on top of student loans could potentially place university student litigants into a life of bankruptcy. Access to justice concerns abound within the UK university sector if students are directed to the civil courts to hold universities to account for consumer services breaches. Unlike other forms of service provision, there are no warranties or guarantees of satisfaction provided when university students enter into contract to purchase academic services that can cost in excess of £30,000!

Miss Wong retorted that the pay-out represented a “proven victory” despite the university denying any wrongdoing. But it was no cause for celebration. “I didn’t want to settle the case, I wanted to take it to the courts so it would set a precedent,” she said. “However, I didn’t have much money to keep the case going and hire a legal team ... so I had to compromise and reach a settlement.” The National Union of Students has said the report of the settlement indicated a way that students can seek recourse.

The Equality and Human Rights Commission, promotes and upholds equality and human rights ideals and laws across England, Scotland and Wales. There is no such unitary body within Northern Ireland. Instead, within Northern Ireland there exists two separate bodies; the Northern Ireland Human Rights Commission and the Equality Commission (NI). However, when scenarios arise within which there are combined human rights and equality concerns, the separation of legal powers (and remits) between the NIHRC and the NIEC can lead to neither Commission intervening to protect the public. The 2022 NI University Sector Report (prepared by Dr Edward Cooke) argues that both Commissions within NI have been historically remiss in monitoring and regulating human rights and equality matters, more so

¹⁵⁸ <https://www.theguardian.com/uk-news/2019/jun/02/graduate-who-sued-university-says-payout-barely-covers-her-costs>

where these matters impinge on the minority NI Unionist population within the NI University sector.

Throughout the UK, the university sector and the process of marking academic scripts has been one area of consumer law that the UK civil courts have tried hard to stay clear from. The judiciary, rightfully do not wish to get embroiled in disputes between students and academic 'authorities', involving the marking of university assignments and examination results. However, over the last decade, as university students have been transformed into fee-paying consumers of university services, the judiciary (and indeed Parliament) has come to recognise that high fee-paying, university students need greater legal protection if the university product (service) that they have purchased is defective. Parliament in turn (for England and Wales), has introduced over the last two decades new university sector regulators / arbitrators in order to better protect fee-paying students (and to ensure that these issues are kept out of the civil courts). Within Northern Ireland, there has been no such legislation arising from Stormont to promote the better regulation of the NI university sector. Legislative and regulatory failures within Northern Ireland disadvantage NI university students vis-a-vis university students within England and Wales.

The Equality and Human Rights Commission confirms that individuals under Article 6 have a right to a fair trial.¹⁵⁹ Furthermore, the right to a fair trial extends not just to areas of criminal law but into other areas such as property law, planning law, employment law. The NI University Sector Report suggests that university students within Northern Ireland who sit academic examinations and assignments are entitled (under the 'natural law', access to justice, and Article 6 obligations) to have their university scripts, and any disputed academic scripts adjudicated upon by independent assessors and that when disputes over academic standards arise, the students are entitled to have scripts remarked.

This process of second-marking happens almost automatically today within the GCSE and 'A' level marks, where school children increasingly on-mass request second marking and remarking in order to pursue ever higher grades. This process of second marking also occurs increasingly frequently within the university undergraduate system where throughout the UK, first-class honours are increasingly awarded. Within QUB, the frequency of student requests to have assignment and examination scripts remarked is unknown because students are directed in the first instance to their university departments. Covertly, within the university sector, large numbers of students are awarded additional marks subject to them bringing concerns / complaints to the academic staff (rather than the university). The scale of the re-marking within the NI university sector is unknown, however academics are increasingly put under pressure by course directors to inflate student grades upon complaint and this questionable process questions the validity of the assignment process. Moreover, this process of students expressing concerns / complaints over assignment grades and not having their concerns documented (and quantified) helps protect the university and the academics. However, the NI University Sector Report argues that this process introduces equality, procedural and human rights issues that should be of concern three, possibly four, different monitoring bodies within NI; the

¹⁵⁹ <https://www.equalityhumanrights.com/en/human-rights-act/article-6-right-fair-trial>

NIHRC, the Equality Commission, the Public Services Ombudsman's Office and the NI Audit Office.

Within England and Wales, pro-rata, the highest number of university student complaints (as confirmed by the OIA and the OfS) arises from PhD students. This level of complaints is not surprising given the fact that PhD candidates may invest three to seven years before completing their PhD thesis. Within Northern Ireland, the largest number of PhD scholarships is provided through grant assistance from the DfE. Currently, DfE PhD Scholarships currently approach £60,000, however between 2017 and 2022, Dr Edward Cooke, acting as a whistle-blower has argued that the DfE and the NIAO has; not properly monitored the delivery of PhDs, has not undertaken any 'best value' monitoring, has failed to examine PhD candidate satisfaction levels, and has failed to consider the impact on academic employment within the sector of S.75 equality screening omissions within the award of PhD scholarships (between 2000 and 2018).

In terms of human rights and equality legislation, within the PHD Viva examination process in Northern Ireland, when PhD candidates feel that their PhD theses are unfairly marked, these students (unlike A level students) have no opportunity to have their Viva examinations reassessed. These students may have legal rights and protections to have the Viva process reassessed for procedural irregularities, however, without Viva examinations being filmed and recorded, remarking is evidentially impossible. The inability to reassess PhD Viva examination present Article 6 human rights breaches for the NIPSO, the NIHRC, the NIEC and the funding department (the DfE) to consider.

In addition the Equality and Human Rights Commission confirms that Article 9 provides protection for individuals (students) in relation to their freedom of thought, belief and religion. Within the NI University Sector Report, I have argued that protection of Article 10 (Freedom of Expression) Rights, particularly within the university sector is important given the nexus that academic output has to other sectors and to the structural stability of NI. This importance has been recognised within England and Wales by the UK government with Article 10 legislation currently progressing through Westminster appropriate for England and Wales. Within the NI University sector, the 2022 Report suggests that increasingly NI Unionist students, as the minority student group within various academic faculties, schools and disciplines, are increasingly denied their Article 9 and 10 right to freedoms of expression, thought, belief and religion.

If NI Unionist students are denied access to university courses and PHD funding because of their minority status, human rights and equality concerns within the NIEC and NIHRC should arise, however historically the NIHRC and NIEC has expressed little interest in addressing these concerns. The NIHRC and NIEC have over two decades failed to monitor or audit the NI University Sector in order to disprove these arguments and hence neither the NIEC nor the NIHRC are in a position in October 2022 to disprove the assertions made within the 300-page university sector report.

Moreover, within Northern Ireland, regrettably, the legal and financial separation between the NI Human Rights Commission and the NI Equality Commission, means that NI university students' rights to fair legal processes (Article 6), rights to freedom of expression (Article 10) and rights to freedom of thought, belief and religion (Article 9) face much greater challenges (vis-a-vis students within England and Wales) trying

to ensure that these rights are upheld. For example when in 2020, QUB decided to abolish the (Presbyterian) Union Theology College, it could reasonably be argued that procedural errors, S.75 equality screening omissions and Article 6 and 10 Rights were infringed by QUB without intervention by the NIEC and / or the NIHRC. The abandonment of the UTC by QUB, should have engaged the NIHRC and the NIEC who have investigatory powers to ensure that all legal human rights and equality protections were availed to the UTC and the academics and students within the UTC. Their combined failure to investigate the actions of QUB, places question marks over the neutrality of the NIEC and NIHRC and indeed asks questions why two expensive (separate) commissions are required within NI when one Commission is found satisfactory within England and Wales.

The Equality and Human Rights Commission points out that *'public authorities (universities) cannot interfere with your right to hold or change your beliefs, but there are some situations in which public authorities can interfere with your right to manifest or show your thoughts, belief and religion. This is only allowed where the authority can show that its action is lawful, necessary and proportionate in order to protect: public safety, public order, health or morals, and the rights and freedoms of other people'*.¹⁶⁰ With the changing academic staff demographics within QUB and UU, increasingly the social sciences and humanities disciplines require to be policed to ensure that Unionist, Protestant and Christian students, researchers and academics who choose to write assignments, or submit PhD theses, books or articles, promoting their religious and political beliefs are not suppressed. The NI University Sector Report is a whistle-blowing report undertaken by a PhD candidate within QUB who has several decades experience as a student within the sector. The first drafts of the Report were distributed to QUB, UU, DfE, NIEC, NIAO, NI Assembly Committees, political parties, politicians and other NI (and UK) government departments and regulators in February / March 2022. Eight months later, as of 26 October 2022, the protected disclosures, recommendation and conclusions made within the Report have gone unacknowledged asking important questions in relation to how NI government departments, regulators and government agencies address whistle-blowing within Northern Ireland.

¹⁶⁰<https://www.equalityhumanrights.com/en/human-rights-act/article-9-freedom-thought-belief-and-religion>

14.00 QUB and UU Student Case Studies

The following individual case studies, warrant being brought to the attention of the NIPSO / NIEC. Whilst some of the case studies noted below resulted in a successful outcome to the complainant, the pervasive problem arises that when individual university students resolve complaints with academic staff, generic problems that impact on larger collectives of students are not addressed. This I suggest, is more likely an outcome if a university directs student complaints away from the centralised complaints office to outlying staff and only thereafter registers and monitors complaints that academic staff have failed to address.

The benefit to universities who mandate that student complaints be first resolved at the level of the individual university schools and therefore go unrecorded, is that numerically, recorded student complaints figures are distorted and are likely to be much lower than published. If all university student complaints are not in the first instance lodged with a central complaints office and thereafter monitored and analysed, then the complaint's system promotes 'sweetheart' deals.

Wikipedia informs us that *'a sweetheart deal' is an agreement, usually worked out in secret, that greatly benefits some of the parties while inappropriately disadvantaging other parties or the public at large'* Sweetheart deals within QUB cannot be made, if student complaints are made to (and registered and monitored by) the central QUB Appeals and Complaints, however referring initial complaints to front-line academic supervisors from whence the complaint originated, allows complainants and staff to make 'sweetheart deals.' These 'deal's possibly disadvantage all other students by keeping the generic nature of the complaint hidden from QUB management.

Within example 10.02 below, I reference a 'sweetheart deal' that I previously agreed to with the QUB School of Politics. The deal was without doubt to my personal benefit, however, in hindsight, I believe that I should have been brought my concerns to the attention of QUB (and thereafter to the NIEC). It is my opinion that QUB's complaints system by referring all complaints back to the schools, enables individual 'sweetheart deals' to be arrived at between complaining students and protecting academics.

(14.01) UU School of Management

Within My Law and Administration PgD at UU, I objected to being asked to attend and to pay for an extra-curricular managerial 'self-improvement' course at an outdoor pursuit centre. As part of my previous MSc degree in Construction Management at UU, I had attended a similar programme. I argued to the module / course director that the UU had failed to inform all prospective students within the course literature that an outdoor pursuit / leadership course was part of the curriculum. Contractually,

I argued that UU could not oblige students to attend and pay for the course that they had not been notified about before enrolling. All UU students within the module were subsequently obliged to attend and pay the course fees. Thereafter, I conducted a survey of the post-graduate attendees, many of whom were professionals within the construction sector.

The unflattering results of the 'survey' were not well received by the academic staff. I believed that my subsequent module assignment mark was compromised by the bias of the academic markers who took external factors into account when marking my paper.¹⁶¹ Thereafter, in my assignment, I was awarded a grade that statistically was so low in comparison to all my other high grades, that the mark awarded was highly suspect. The very low mark awarded within this module only slightly impacted upon my total PgD mark, for which I was awarded with a professional prize. However, rather than challenging this grade with the UU central complaints system, I rejected speaking with *parrésia* and as a result, the academic/s concerned was not challenged and may have penalised other students unfairly by adopting the same strategies.

(14.02) QUB School of Politics

In 2009, I applied for a Master's degree internship at QUB that was co-managed and funded by QUB / NI Assembly. My application for inclusion in the inaugural MA scholarship in Legislative Studies and Practice degree programme was rejected. Of the six applicants accepted for the internship degree, there was one NI Unionist. I was the oldest applicant, and by some distance, I had the strongest research, academic and professional background. After the rejection, I wrote to QUB School of Politics to inform the School that I may have been subject to age, religious or political discrimination and informed the School of Politics that I intended to write to the DUP Speaker, (William Hay) at the NI Assembly to inform the speaker that I may have been discriminated against in my application.

Subsequently QUB, reviewed my complaint and application and quickly offered me a position on the QUB / NI Assembly Master's programme. I believe, I may have erred not taking this complaint into QUB's central complaints system and thereafter to external adjudication. My 2009/10 complaint against the QUB School of Politics was rectified at school level and therein lies the problem. It is possible that QUB Complaint's Office (if the same complaints reporting regime that exists today was in place then) would have been unaware of my 2009/10 localised complaint. Regretfully, and in hindsight, I believe that I should have taken this equality complaint into the central complaint's system and possibly to the NIEC.

(14.03) QUB School of Planning

In 2011/12 when I submitted my dissertation for the MA in Environmental Management to the QUB School of Planning I was unfairly disadvantaged. After I had submitted my dissertation in late August for marking, dissertation students within

¹⁶¹ The case of Dr Maria Konstantaki who was sacked by Buckingham New University for deliberately failing two students (for externalities) was heard and upheld by a tribunal in March 2022 - <https://www.msn.com/en-gb/news/uknews/lecturer-at-buckingham-new-university-sacked-after-falsifying-results/ar-AAUVSpD?ocid=msedgdhp&pc=U531>

the School of Planning complained to the School, (but not the QUB Appeal and Complaints Office) about the dissertation programme and about student problems submitting their dissertations on-time. The complaining students were granted an extension of time, however, the extension was granted after other (studious) students, including myself, had worked to the original dissertation deadline and had submitted, or were about to submit, their dissertations. The QUB Board of Visitors eventually agreed that the late extension of time offered by the School of Planning academics was inequitable. Had I not taken this matter into the centralised complaints system, the School of Planning would have faced no censure and would have combined with the complaining dissertation students to inflate the Master's grades awarded as a result of the extension of time. This case study however also demonstrates how student power and student complaints can go to impact upon assignment hand-ins and assignment marking. Had no (late) extension of time been offered to the student body, it is likely that dissertation grades would have been reduced impacting upon the credibility of the master's programme and the class of individual Master's degrees obtained. Paradoxically, individual student and the school had selfish interests to maximise dissertation marks. The real issue of why one, several, or many, Master's students felt that they could not hand-in on time, dissertations commenced four months previously, was never addressed.

(14.04) QUB School of History

In 2017/18, I enrolled in a two-year, part-time Masters in Modern British History. When later I asked if I could submit my dissertation early for marking, the School of History (HAPP) rejected my proposal. However, my other part-time master's courses at QUB and indeed the other comparator masters courses within the School of HAPP, allowed students to enrol in September, submit their dissertations the following September and graduate in December. I wrote to QUB and suggested that I was being disadvantaged as an older student wishing to quickly return to other work / studies and that the timeframe of the Modern British History programme discriminated against all British History MA students.

Unexpectedly, and without me asking, QUB surprisingly returned £2,000 of my master's fee payment and allowed me to submit my dissertation early. Again, whilst this remedial action was welcome, other (previous or then current) British history students may not have been offered the same fee reduction. Given that some of these history students came from mainland GB and had to pay for an additional year's accommodation in Northern Ireland, this was a matter that possibly should have engaged QUB's Complaint and Appeals Office, S.75 equality screening and the NI Equality Commission.

Whilst individual students, particularly those who have a law training, can at times successfully negotiate the QUB complaint's system and get satisfactory resolution, unless the central complaint's office tracks and monitors the totality of the student complaints and solutions, the wider QUB (fee-paying) student cohort is disadvantaged. The universal process of directing complaining QUB students in the first instance to their individual academic supervisors and schools disadvantages the QUB student population as well as creating S.75 equality screening obstacles.

(14.05) QUB School of HAPP

In October 2018, after being rejected for No28 PhD scholarship proposals to undertake research into Unionist / Orange subjectivities, Dr Edward Cooke commenced a self-funded PhD at QUB undertaking research into Orange parading rituals in Liverpool, Belfast and Glasgow. The self-funded PhD also addressed philosophical underpinnings of; care of the self, community and *parrésia* (fearless speech). Over the three-year duration of the self-funded PhD, the School of HAPP's second PhD supervisor, failed to participate in supervising the PhD and retired in July 2021 without notifying Dr Cooke of his pending retirement. When the PhD was submitted for the Viva examination, the PhD internal and external examiners asked for all thesis references to the contents of this whistle-blowing report to be removed as well as insisting upon the removal of all evidence-based criticisms of; the NI university sector, systemic S.75 equality screening omissions by the DfE (and NI universities) in scholarship funding within NI, QUB School of Anthropology's poor record in funding Orange PhD research, and, the research methodology of an ex-academic member of QUB's School of Anthropology used when researching Orangeism within Scotland, as a condition to progressing the PhD.

Following the Viva examination recommendations, Dr Cooke progressed a formal complaint to QUB and wrote to the NI Human Rights Commission to suggest that his Article 10 Freedom of Expression Rights had been violated.

In summary, between 2016 and 2019, Dr Cooke applied for numerous PhD scholarships (to research various aspects of Unionism and Orangeism) and was rejected for all funding competitions. During this period, and in the period between 2000 and 2019, no PhD scholarship competitions or awards within Northern Ireland had been subject to S.75 equality screening exercises and hence there were no substantive research undertaken on the distribution of DEL/DEL and UKRC research funding that had a direct nexus to academic employment within UU and QUB or how this funding may have been skewed by the lack of equality screening. Thereafter, between 2018 and 2021, Dr Cooke was not provided with second PhD supervisory services and between 2021 and 2022, when Dr Cooke complained to QUB and asked for explanations as to why no second PhD supervision was provided, Dr Cooke was denied this information by the QUB Appeal and Complaint's procedures. In January 2023, Dr Cooke asked the ECNI and NIPSO to determine why QUB had failed to interview or speak to the appointed 2nd PhD supervisor in order to determine why he failed to engage with Dr Cooke's 'Orange' PhD.

15.00 Formal Statutory Responses

From January 2022 until March 2022, letters of complaint as well as letters of information were sent to the DfE and the NI Auditing Offices who are charged with monitoring, auditing, addressing complaints handling processes and dealing with 'whistle-blowing' complaints in the NI public sector. Moreover, on 11 February 2022, a draft copy of this report was also sent to the DfE, QUB, UU, the NI auditing offices and numerous other consultees (as outlined at the end of the report). Section 13.00, provides an overview of the statutory responses to the claims and assertions made in this report by the author, Dr Edward Cooke.

Over the last decade, individual whistle-blowing complaints, particularly within the UK National Health Service have exposed universal problems that might not have otherwise been exposed but for the actions of the individual whistle-blowers and the follow-up investigations undertaken by external monitoring, auditing and investigating agencies. Individual whistle-blowers are motivated by different rationalities. Importantly, the individual (protected) disclosures made by whistle-blowers, when thoroughly investigated by auditing organisations can help to expose even greater universal and generic concerns that the whistle-blowers may have only touched upon.

Without the input and follow-up investigations of the independent auditing offices, individual whistle-blowing concerns addressed by internal organisational complaint handling systems, will fail to expose the universal extent of the problems which engage with public interest concerns. When exposed, large organisations and public sector bodies have a propensity to keep hidden their own systemic failings in order to provide time (and resources) to discretely resolve the failings. Paradoxically, whistle-blowing disclosures, even when denied by organisations and institutions will bring about change as later the same organisations and institutions will seek to claim

credit for making progressive changes to their defective systems and procedures that the whistle-blowers exposed.

In order to expose fraud, malpractice, negligence, malfeasance or systemic failings within the UK public sectors, auditing bodies need to be both vigilant and responsive. This report suggests that not only has there been substantive equality and value-for-money failings in the NI university sector, but that the NI regulating agencies have failed to address these concerns when raised by a whistle-blower. If this claim is supported by evidence, which I believe it is, then within Northern Ireland there are public sector watch-dog failings that permeate throughout the NI public sector. In the space that exists between government funding departments and recipients of government funding, the void in between must be filled by officious, independent and diligent auditing organisations. I believe that these are missing within Northern Ireland. If as stated earlier in the report, within NI there exists accountability and democratic deficits arising from the design of the NI power sharing governance arrangements, then the role that the independent auditing agents play in protecting UK treasury funds is crucial. This report, presents evidence that asks questions about the independence and effectiveness of the NI auditing bodies

Some of the whistle-blowing disclosures reported within this report, stem back to disclosures made in 2017-2018. These protected disclosures have continued thereafter despite having been addressed to numerous NI government departments, the NI Assembly (when resurrected in February 2020) and Westminster parliamentary committees. It is suggested here, that had government departments or auditing agencies, investigated protected disclosures made in relation to S.75 equality screening of PhD funding, then other doors would have opened that would have invited still further investigations. In order to galvanise the auditing agencies into action, whistle-blowing disclosures therefore within this Report have been made to the NI media, politicians, university academic staff, ministers of religion and school governance boards.

The motivation for individual whistle-blowers to undergo the time, trouble and stress of making public-interest exposures arises from a wide range of factors; from self-interest and self-protection, and from altruistic or beneficent concerns for the local community and the general public. However, unlike some other public sector whistle-blowers, this whistle-blowing report is energised by many years of academic studies of philosophical authorities such as; Socrates (self-examination), Caputo (hermeneutics), Foucault and Socrates (care of the self and *parrésia*), and Foucault (critical theory). In 2012, the first PhD thesis undertaken by the report's author was at QUB School of Law and it addressed the governance and audit of the NI housing association sector. This PhD exposed failures in the DSD / DfC auditing regime of local and community based NI housing associations. In 2018, the second PhD embarked upon by the author engaged with issues of; community construction, care of the self, *parrésia* (fearless speech) and public expressions of faith and truth. The public interest exposures within this report are therefore driven by philosophical underpinnings of ethics, truth, justice and equity.

On the 2 April 2022, I (again) wrote to the NIPSO and NIEC to suggest that ' the NIPSO and NIEC should undertake a review of QUB's complaint's system. Furthermore, I suggest that systemic S.75 equality failings within the NI university

sector and the absence of a university sector regulator within NI requires the NIEC to undertake an equality review of the NI university sector.

Nine weeks after forwarding on the NI University Sector draft report to 300 consultees, the main responses are included below:

15.01 NI Assembly Committee for the Department of the Economy Response:

The Committee confirmed that the report would be considered by the Committee.

15.02 NI Department for the Economy (12 April 2022)

Six questions were asked of the DfE and the questions and replies are enclosed below

(Q1) Were funds directed by the DfE to QUB / UU for university scholarships between 2000 and 2018 spent ultra-vires, e.g., outside the legal process?

I understand that NIAO has written to you to outline their view on this matter.

(2) Is S.75 equality screening a legislative pre-requisite measure to be undertaken before government departments allocate public funds for large programme, policies and projects?

The allocation of public funds for large programmes is deemed to be covered by statutory equality duties under Section 75 of the NI Act 1998 and the DfE Equality Scheme commits the Department to subject such policy to equality screening.

(Q3) Which NI government department or agency has the monitoring, or auditing role, to ensure that NI government departments do not spend funds outside their legislative powers?

This is outside the Department's remit.

(Q4) If a judicial review was undertaken of DfE S.75 equality screening failures and the failure to audit the spending of departmental funds within the NI university sector, could the department defend its position?

A judicial review has not been undertaken. As such the Department has no comment to make.

(Q5) Can the DfE confirm If QUB and UU undertakes section 75 equality screening for all DfE PhD scholarship awards from 2019 onwards? And does QUB / UU also undertake equality screening for Northern Bridge, NINE and Vice-Chancellor PhD scholarships.

The completion of equality screening for non-Departmentally funded PhDs is outside the Department's remit.

(Q6) In 2016-2017, the DfE sent me by way of a FOI Act request information that indicated that 85% of all NI PhD students had failed to submit their theses in time and that one in six NI PhD students withdrew from their PhD's without submitting their thesis. I informed the Department of these alarming figures in 2018 and suggested that serious quality monitoring, best-value and value for money concerns existed in the administration and management of scholarship funding was an issue. I

have further evidence of such recent failures. Given my concerns about best-value auditing, is there a role here for the NIAO to determine if public money is being well spent? The impact of Covid-19 on the NI PhD community between March 2020 and June 2021 will increase delays in PhD thesis submissions and will increase PhD drop-out rates. If this is so, value for money concerns in a financial environment that may see NI university undergraduate places cut becomes a departmental priority.

This is a matter for NIAO to provide a response to.

15.03 QUB / UU Vice-Chancellor's Offices Response:

No Response

15.04 NI Equality Commission Response:

The Report was forwarded to Investigations Teams on the 14 February 2022.

15.05 NI Audit Office Response:

After 2 years of writing to the NI Audit Office in relation to university and auditor failings re: S.75 equality screening of PhD scholarships, ultra-vires spending failures in the NI university sector, S.75 equality screening failures in NI university capital building projects and value-for-money failings in the award, management and administration of DEL and DfE PhD scholarships, the NI Audit Office confirmed the following on the 25 March 2022.

"Now that I have considered the position in more detail, and held discussions with both the Department and the Equality Commission, I can confirm that the expenditure by DfE on the Postgraduate Award Scheme is not ultra-vires. The Department has the proper vires to incur the expenditure under Article 51 of the Education and Libraries (NI) Order 1986, as amended by Schedule 5 of the Education (NI) Order 1996, as follows:

'Provision of awards by Department

(1) The Department may make—

(a) awards to, or in respect of, persons in respect of their attendance at—

(i) approved postgraduate courses at universities, colleges or other institutions; or

(ii) other approved courses, being courses which, in the opinion of the Department, are comparable to postgraduate courses; and

(b) such other awards as it considers desirable for the purpose of enabling or encouraging persons to take advantage of educational facilities available to them.

(2) Awards under this Article shall be of such amount, and be made to, or in respect of, such persons on such terms and conditions, as the Department may determine.'

The Department failing to comply, insofar as you believe it has, with its equality obligations does not undermine the lawfulness of the expenditure and therefore does not make it ultra-vires". Furthermore, I understand that the scheme has been equality screened and that you have been provided with this information.

The NI Audit Office declined (above) on the 22 March 2022 to address the following issues; S.75 equality screening failures in NI university capital building projects and

value-for-money failings in the award, management and administration of DEL and DfE PhD scholarships.

I believe that the NIAO reference above to Article 51 of the Education and Libraries (NI) Order 1986, as amended by Schedule 5 of the Education (NI) Order 1996, is simply a restatement of the law and that it provides no legal authority or succour that between 2000 and 2018, PhD scholarship funding within NI was lawful. I maintain that in the absence of S.75 equality screening, PhD scholarship funding by the NI Department of Education & Learning and the Department of the Economy was ultra-vires and that those charged with auditing the spending failed. Moreover, the FOI Act requests and responses noted below indicate that no S.75 equality screening took place between 2000 and 2018/19. Multi-data DfE Scholarship returns from QUB and UU to the Department in 2016/17 omitted the essential S.75 details necessary to assure the DfE that the universities had undertaken S.75 equality screening exercises. Moreover, when I asked for comparative S.75 equality screening data after multiple PhD applications were rejected, QUB and UU confirmed that this equality screening information was not retained.

In relation to the NIAO's opinion that DfE (and DEL) PhD scholarships had not been funded without the legal power, because scholarship funding had 'allegedly' been subject to equality screening, the six FOI Act responses below suggest otherwise:

(1) Freedom of Information Act reply from the NI Equality Commission dated 11 May 2017 in relation to S.75 equality screening of PhD funding. The NI Equality Commission confirmed that it did not have information on whether PhD funding at QUB / UU was compliant with S.75 equality screening requirements.

(2) Freedom of Information Act request to QUB (Professor Johnston) dated 26/29 May 2017 in relation to S.75 equality screening of PhD research funding. Question – Could QUB (copied to UU and DfE) confirm if PhD scholarship funding since 1999 has been subject to S.75 equality monitoring / auditing? Answer – No

(3) Freedom of Information Act reply from UU dated 6 June 2017 in relation to S.75 equality screening of PhD research funding. The UU confirmed that no S.75 equality screening had taken place specifically in regard to PhD funding.

(4) Freedom of Information Act reply from Department of the Economy dated 4 April 2018 in relation to S.75 equality screening of PhD research funding. The Department of the Economy confirmed that it had no responsibility to monitor or audit S.75 equality screening in the award of PhD scholarships and confirmed that it was the responsibility of QUB and UU to meet all legislative requirements.

(5) Freedom of Information Act reply from QUB dated 30 May 2018 in relation to the religious breakdown of PhD scholarship applicants and recipients. QUB confirmed that information requested on the religious breakdown of applicants for PhD funding and recipients was not required, held or correlated.

(6) Freedom of Information Act reply from Department of the Economy dated 12 September 2018 in relation to S.75 equality screening of PhD research funding.

The DfE Director of Education Policy and Finance (Trevor Cooper) confirmed that specific arrangements had been put in place by the DfE to collect and monitor S.75

equality screening data for recipients of the Department's postgraduate awards for 2017/18 onwards.

NIAO Response of the 16 May 2022

The NIAO confirmed the general (undisputed) principle that 'the Department has specific direct authority to fund the Postgraduate Awards Scheme under Article 51 of the Education and Libraries (NI) Order 1986, as amended by Schedule 5 of the Education (NI) Order 1996', the NIAO also confirmed that the 'Department has responsibilities in relation to the Northern Ireland Act 1998, being part of the general framework within which it conducts its activities'.

In the same email, the NIAO referred to the Public Audit Forum's Practice Note 10, which provides some detail on how legal authorities are considered as part of our audit work. Practice note 10 section 2-20 says – 'In considering the framework of authorities, the auditor distinguishes between those authorities which are specific to the entity and provide specific direct authority for its financial transactions and those laws and regulations which provide the general framework within which it conducts its activities', moreover section 2-21 says that 'Laws and regulations that fall within the general framework include, for example, those relating to health and safety, environmental protection and employment. While non-compliance with those laws and regulations that provide the general legal framework would not affect the auditor's opinion on the regularity of transactions, some of these may be relevant to the auditor's assessment of compliance with laws and regulations under ISA (UK) 250 Section A.' I suggest that section if S.75 equality failings had been uncovered (between 2000 and 2020), and if section 2-21 had been applied, this section would have given the NIAO authority to step in and address the S.75 screening failures within Departmental funding programme.

15.06 NIPSO Response:

The NIPSO wrote on the 28 February 2022 to say that 'under the above Act our Office can investigate complaints from those who claim they have sustained injustice through maladministration by listed authorities in Northern Ireland, including the Northern Ireland Audit Office (NIAO). However, under Section 5 of the above Act, our Office may investigate a complaint made by a member of the public (in this Act referred to as "a person aggrieved") who claims to have sustained an injustice. One of the tests applied to decide if the complainant can be deemed to be aggrieved is whether he or she is directly affected by the actions complained about. It is also important to note that our Office cannot accept a complaint from someone who is raising a matter of general concern about the actions of a public body.

Having reviewed the information you have supplied it is clear that the issues raised are of great concern to you. However I consider these to be matters of general concern and I have not identified how you have been directly affected by the actions of the NIAO and sustained a personal injustice as a result. In these circumstances, you cannot be considered to be a person aggrieved and our Office can take no further action in relation to this matter.

I subsequently replied to the NIPSO on the 28 February 2022 to say 'During 2016-2017-2018, I applied for 28 PhD funding scholarships to QUB / UU undertake studies into Orange and PUL subject areas. After all applications were rejected, I

began my FOI Act information searches which have been used to expose S.75 screening failures within the sector and ultra-vires spending. Had there been S.75 screening exercises undertaken of PhD scholarship applications, and if there had been NIAO qualitative assessments of PhD spending programmes, I believe, I would have warranted scholarship funding. Having thereafter spent £25K in academic fees and costs and having lost £120K in earnings to undertake a current 'Orange' PhD at QUB between 2018-2022, I suggest, that I have been personally aggrieved and disadvantaged and I invite the NIPSO to review their decision of the 28 February 2022'.

The NIPSO later confirmed that 'Having considered the information you submitted below, I note that you are awaiting a final response from Queen's Unniversity Belfast. As you will be aware, you should await this final response before considering submitting a complaint to this Office in respect of this. I have in the meantime however, passed your correspondence onto our Own Initiative Team to review given the issues you have raised'.

15.07 NI Assembly Committee for Finance Response:

On the 10 March 2022, the NI Assembly Committee for Finance replied to my request of the 2 March 2022 regarding the application of Section 75 rules and processes relating to spending authorised by the Department for the Economy in respect of universities in Northern Ireland. The Committee confirmed that the request was considered by the Committee for Finance at its meeting of 9 March 2022. 'The Committee noted that I had also corresponded on this subject with the Committee for the Economy and with the Public Accounts Committee. The Committee therefore agreed that as the spending etc. in question fell within the competence of those committees, it would note simply note my correspondence

On the 11 March 2022, I wrote to the NI Assembly Committee for Finance to express some concerns. I wrote saying that, 'if the DfE has over the last 2 decades been found to have directed public funding to the NI university sector and the funds directed were not monitored for S.75 equality screening, then the funding directed by the Department of Finance was ultra-vires. If one, or indeed more NI government departments have been shown to have spent UK Treasury money ultra-vires, then I suggest the Department for Finance, cannot without a conducting a review, continue to fund that government department otherwise, it colludes in ultra-vires public spending'.

I also wrote to say that 'I would be obliged, if the Committee could ask of the Department of Finance , what Departmental checks are taken to ensure that NI Government Departments' evidence that S.75 equality screening exercises are, or will be undertaken within all their spending bids. If no such S.75 equality checks and balances are undertaken by the Department of Finance when funding bids are approved, or when evidence of S.75 equality failings is provided, then the Department must be held to account by the NI public. If the contents of my Draft Report have been read by the Department, it appears that considerable public funds were directed to the new UU campus in Belfast, but there was no S.75 equality screening undertaken prior to the funds being directed to UU. If I am correct, the money directed by the DFF to the DfE and then onto the UU and to the NI universities between 2000 and 2018 for PhD scholarships was ultra-vires.

I suggest that possible ultra-vires public spending by the various NI government departments is something that should be of concern to the DFF and the NI Assembly Committee for Finance. If the DFF has a monitoring or auditing role on how each NI government department lawfully allocates UK Treasury funding, then within the DfE funding bids, there has been serious and systemic failings which the NI Assembly Committee for Finance appears to be disinterested in! Could the Committee, via the Department confirm if S.75 equality screening checks are undertaken by the DFF when departmental bids are made for annual funding rounds or individual funding projects and where any such checks undertaken in the award of PhD scholarship funding by the DfE!

15.08 - NI Department of Finance Response:

No Response

15.09 – QUB Student’s Union Response:

The Student Officers continue to lobby the university about areas of the University’s complaints procedure that we feel cause disadvantage to students, including the serious misconduct procedures and a number of issues within the conduct regulations. (Katie Ní Chléire (she/her) QUB SU President)

15.10 – NI Fiscal Council & Commission Response::

I have circulated your report into recent demographic changes in the NI university sector to the members of the NI Fiscal Council

15.11 – NI School Headmasters and Governance Boards Response:

Two large grammar schools replied expressing surprise at the statistical data within the draft report and one school suggested the names of additional consultees

15.12 – NI Politicians and political parties Response:

No Response

15.13 – NI Academics

One senior NI academic replied to express interest and concern about the draft report

15.14 – NI Select Committee at Westminster Response:

The NI Select Committee wrote to suggest that ‘Most of these issues are for the Assembly to scrutinise or the Executive to decide on’. The Committee later affirmed that ‘I did send your initial email to the Chair. I will discuss with him whether he may wish, for example, to write to the Treasury or table a question on this himself’.

15.15 – NI Public Accounts Committee Response:

Confirmed that the content of my report were noted by the Committee in their meeting on the 24 February 2022.

15.16 – United Kingdom Research Institute Response:

The UKRI Complaints Policy provides a framework where we can investigate and provide recommendations for the resolution of issues. There are some limitations to

the types of complaints we can investigate. Complaints against the actions / decisions made by the organisations that we fund are out of scope. We will therefore not be registering this as a formal complaint. Equality diversity and inclusion (EDI) has been an organisational priority since UK Research and Innovation (UKRI) was formed and builds upon the work of the research councils that preceded this. However, UKRI has not been designated as a prescribed body to escalate your concerns to. As a funder, our role is to incentivise and assure that those we support are acting appropriately but, we cannot and should not act as arbiters in specific cases.

As the UK's largest public funder of research and innovation, UKRI can play a significant role by working with partners from across the research and innovation sector to enhance approaches to EDI and building on good practice. In light of this, we are committed to working with the sector to build a high quality research and innovation culture where everyone can participate in, contribute to, and benefit from, our investments in research and innovation.

As you may have seen, UKRI has recently published a consultation on our new EDI strategy. We are keen to hear from everyone involved in research and innovation, to listen to their experiences and develop our future plans. We recognise that you might not want to repeat the matter you have already raised in your complaint but given the nature of your correspondence with UKRI, we would welcome your input.

If you would like to contribute, you can do so via our UKRI Engagement Hub

In reply, the draft report, and this final version was sent to the UKRI Engagement Hub

15.17 NI Human Rights Commission

On the 8 April 2022, the NI Human Rights Commission were asked to confirm if it was possible, based on the contents of the Report, that S.75 equality screening breaches within the NI university sector and failure to address widely acknowledged concerns of working-class Protestants within the university sector may have breached the following EU Directives and Human Rights obligations, specifically:

- Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services
- Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation
- Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin
- Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation

If, as suggested there is evidence of marginalisation of NI Unionist born academics / researchers within the NI university sector and over the last 5-10 years, QUB and UU are disproportionately appointing academic staff from outside NI, I asked if

issues of race and ethnicity had been engaged, if NI born academics are considered a different race / ethnicity to Scottish, English and Irish academics.

On the 7 April 2022, the NIHRC wrote to confirm *'in reading the report I noted that the matter engages strong Equality issues, which are reviewed by the Equality Commission NI. Our office does not cross over into their remit and I note that you have contacted them separately for response'* and asked *'concerning human rights, can you advise which articles you consider are impacted'*. When the Directives engaged (as noted above) were clarified, the NIHRC wrote on the 8 April 2022 to say that, *'as noted your equality concerns are best directed at the Equality Commission NI'*.

15.17 NI Media Outlets' Response

No response

15.18 Scottish Government

On the 5 April 2022, the NI University Sector Report was sent to various Scottish government departments and Ministers to suggest that within the Scottish university sector there was a growing evidence of Unionist / Ulster-Scots literature gaps and a disparity within some faculties, universities and concentrating on Gaelic / pro-independence research and teaching, than on low-land Ulster-Scots and Unionist research and teaching. In a preliminary review of different cultural, sociological, anthropological, political and history courses taught within the Scottish university sector, the lack of courses, modules and research projects that considered Ulster-Scots research interests was disappointing. The low level of Ulster-Scots research programmes suggests the existence of wider equality concerns within the Scottish university sector. Whilst the evidence obtained from my formative studies within the Scottish university sector about marginalisation of Unionist students, researchers and academics is not as conclusive as within the NI university sector, nevertheless, there are early warning signs, that unless this potential problem is monitored and managed the diminishing number of Ulster-Scots studies, research programmes and even perhaps Unionist academics at different levels within the Scottish university sector would provide the legal basis for disenfranchised Unionist academics and students to make claims for indirect indiscrimination.

The Scottish Directorate for Advanced Learning and Science, on behalf of the Angus Robertson MSP, Cabinet Secretary for Constitution, External Affairs and Culture, wrote on the 5 May 2022 (Ref: 202200293399) without addressing any of my specific concerns to confirm that;

Scottish universities are autonomous bodies and as such they have responsibility for their own staffing, admission, subject provision, curriculum, degree awarding and research. Academic freedom is of paramount importance in Scotland and we legislated to expand the statutory definition of academic freedom in the Higher Education Governance Act 2016. The Act requires our universities must aim to uphold the academic freedom of persons engaged in teaching, the provision of learning or research at the body. We expect our Higher Education institutions to be robust in their defence of that freedom.

Universities in Scotland are required by the Equality Act 2010 to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to

advance equality of opportunity; and to foster good relations when they are carrying out their public functions. In line with this Act, Scottish universities are covered by the Public Sector Equality Duty (PSED), which requires them to, amongst other things, report on mainstreaming the equality duty; publish equality outcomes and report progress; and assess and review policies and practices. The Equality and Human Rights Commission (EHRC) are responsible for enforcing the Equality Act and PSED.

The Scottish Funding Council (SFC) is a non-departmental public body that has a role to ensure universities and colleges are complying with the PSED, reducing inequalities and working towards achieving equality. In 2020 the SFC entered into a Memorandum of Understanding (MoU) with the EHRC to support colleges and universities in meeting PSED requirements.

15.19 NI Department for the Economy – Redacted email from DfE to NIAO

In a redacted email send from a ‘NI government department’ and ‘departmental official’ to the NI Audit office on the 14 February 2022 (and thereafter confirmed within a subsequent FOI Act reply to the Report’s author) the ‘Department’ confirmed that;

‘The Department’s position is that any historical non-compliance with Section 75 duties has no bearing on the lawfulness of the spend. Section 75 places statutory obligations on public authorities; it does not confer legal authority to spend. The consequence of not complying with those obligations that XXXXX (Redacted) has mooted would not only nullify the spend, but would also, in consequence, nullify any actions flowing from the spend. If that consequence were intended, one would have expected it to have been specified on the face of the Northern Ireland Act. The language used in the Act militates against such a consequence (note the references to “due regard” and “regard” - section 75 does not guarantee the promotion of equality or good relations) and the ECNI’s own guidance recognises that there has to be a degree of proportionality (i.e. the weight that is given to either duty must be proportionate to the relevance of that particular duty to the functions of the public authority – see page 26 of the ECNI’s “Guide for Public Authorities”). I think it is worth reflecting also that if unlawful expenditure was deemed to be the consequence of non-compliance with Section 75, it would be a consequence of considerable magnitude with wide-reaching implications across many public authorities. There are well-publicised examples of public authorities not complying with their Section 75 duties’.

In the same departmental e-mail of the 14 February 2021 to the NIAO, the Department confirmed that that ‘the Department ought to have equality screened the provision of these awards at an earlier stage and we undertook to do so moving forward. This was done in October 2021’.

15.20 NI Department of Finance

In a June 2022 FOI Act Reply sent by the Department of Finance (DofF) to Dr Edward Cooke, the DofF confirmed that departmental spending is through the delivery of services to other NICS and public sector bodies. In relation to equality screening in term of; religion, political belief, race, gender, age, etc., etc., the DofF repeatedly confirms within its S.75 equality screening exercise for 2018-2019 that ‘any

allocation of funding to projects will be subject to screening exercises by the appropriate business area', this statement suggests, or supposes, that the individual business areas regularly, periodically, or for each funded project, undertake S.75 equality screening exercises and (supposedly) thereafter provide confirmation / feedback to the DofF that S.75 equality screening has been undertaken and that there are no screening concerns.

Fundamentally, there has to be an auditing and checking process of the equality screening exercises undertaken by the 'appropriate business areas' to enable year-on-year government funding, from the doff to each department, and from the individual government departments to the funding recipients, to continue. However, other similar S.75 equality questions addressed to the NI Department for the Economy and the NI Audit Office have revealed in February 2022 that the DfE and NIAO both agree that there is no statutory obligation on the DfE / NIAO to monitor or audit government spending in terms of equality commitments. Within the NI University Sector, for two decades, those who distributed government funds, the recipients of the government funds, and the NI Equality Commission and NI Audit Office, collectively failed to monitor the distribution of government funds in terms of equality (S.75) commitments.

A key question that the NI political parties should address within any forthcoming (2022-2027) programme for government is the efficacy of the existing S.75 equality screening legislation promoted under the GFA and if there has been systemic S.75 equality failings in the distribution of NI government funds since 2000. A further existential question arises which is then central to all other NI government spending plans; should there now be an audit of all government spending since the GFA to ensure that all protected classes and communities within Northern Ireland have been equitably funded in areas such as arts, education, social housing, economic development, cultural protections and education?

In the FOI Act Request to the Department of Finance (FOI DOF/2022-0212), two questions were asked:

(1) Has S.75 equality screening been undertaken within all annual and capital individual departmental spending programmes since 2000?

(2) Could I have a copy of the S.75 equality screening exercise undertaken by each specific department for the department's annual spending programme 2000-2021?

The FOI Act Response of the 22 June 2022 confirmed that *'We do not hold information relating back to 2000, however I have attached the completed screening documents for the last four years budget allocations'*.

It is interesting to note that the DofF provided Dr Cooke with departmental screening documents dating back only as far as 2018/19 and not 2000, because it was in 2017/18 that Dr Cooke first addressed equality spending concerns within the NI University Sector to the NI DfE, the NI Unionist political parties and the NI Equality Commission.

It appears, that by either accident or by design, that NI government departments, 'business areas', funding recipients and equality monitoring agencies have collectively failed to ensure that government funding was equitably distributed (between 2000 and 2020) to all communities within Northern Ireland. Some

equivalences come to mind; in terms of project management, project budgets have been prepared without any subsequent post-budget analysis or preparation of the project final account. Or, in health and safety terms, all parties concerned have been studious in preparing generic, 'catch-all' H&S policies without however putting resources into actively managing health and safety. Whenever university, organisation and, or departmental S.75 equality screening exercises are examined they appear at first sight to be impressive, comprehensive documents, however, they are also 'cut and paste', generic, all singing-all dancing exercises in self-protection and are defacto meaningless, unless equality spending is monitored, audited and regulated. Increasingly, I have found that there is little evidence of NI government departments (and independent auditors) providing resources and manpower to monitor equality spending.

If, as the NI DfE and NIAO seem to argue there is no statutory obligation on either the Department or the NI Audit Office to monitor equality spending, and if within different sectors, recipients of capital funding and year-on-year government funding programmes have failed to monitor equality spending, there appears to be an urgent need within the programme for government to revisit the equality legislation promoted under the GFA. If an audit of NI government spending between 2000 and 2020 exposes inequalities in government spending then equitably, the financial programmes for 2022-2027 must take this into account to provide financial compensation / restitution. As it stands, it appears that the equality commitments within the GFA have misled and defrauded the NI public.

Throughout 2018-2022, as a whistle-blower, I have presented to various NI statutory agencies and government bodies considerable evidence that within the NI University Sector there are serious equality problems to be considered. I believe that the S.75 equality 'controls' on NI government spending are simply a façade, a paper exercise, with the emphasis on preparing generic, all-embracing equality policies without any further commitment of monitoring or auditing equality commitments! If that is so, NI society may have under-gone significant structural and economic changes within which pre-1998 notions of what constitutes economically marginalised and disadvantaged communities, two decades on, needs to be comprehensively reassessed.

16.00 Summary

Constructive ambiguity within the equality legislation flowing from the GFA has enabled the NI universities, and those responsible for auditing the NI university sector, (namely, the NIAO, DfE and NIEC) for two decades to waive equality screening in the decision-making process for; research grant allocations, academic recruitment, course closures and new school construction programmes. The impact of the same constructive ambiguity, given the centrality of the NIEC and NIAO to government funding programmes, needs to be examined in other key public sectors and NI government spending programmes. If, as this Report suggests, equality screening has been a sham in the NI university sector since 1998, then two decades

of; arts council funding programmes, sport funding decisions, community grants, cultural funding programmes, economic investment decisions, resource allocations, social housing provision, and / or school building and school closure programmes requires to be audited, more so because the NI Unionist political community have increasingly suggested that they believe NI government funding has been unfairly directed away from the NI Unionist community.

The Newsletter informed the public (29 April 2021) that there is a 'Perfect storm' ahead for higher education. The alarm was signalled by Queen's university.¹⁶² QUB Vice-Chancellor, Ian Greer said potential budget cuts for the sector and fewer university places will lead to an education migration. Addressing the CBI *NI's An Audience with Northern Ireland's Political Leaders* event at Queen's, Prof Greer said that a failure to act now will leave a "legacy of inequality and a legacy of stifled economic growth". Prof Greer said some £216 million (40%) has been cut from third-level education by the Northern Ireland Executive in the past 10 years, contending it is the only part of the UK which has reduced government investment in higher education during that period.

Prof Greer then went on to say that 30% of students in Northern Ireland – around 5,000 – leave the Province to go to university in Great Britain, and just 12% of those – around 600 – return. BBC News NI also confirmed that Queen's University of Belfast (QUB) may have to cut more than 1,500 undergraduate student places by 2025 because, according to QUB's vice-chancellor, the Department for the Economy (DfE) had asked Queen's to plan for funding cuts of up to 15%.¹⁶³

However, there are some facts that Professor Greer chose not to address and some questions the NI Unionist political parties need to consider when issues of university funding arise in 2022-27. Data provided by QUB in April 2022 (extracted from QUB S.75 Screening Form signed 18/21 March 2022) confirmed that for the academic year 2020/21, there were 6,652 (35%) Protestant students at QUB and 9,579 (51%) Catholic students at QUB. Furthermore, a FOI Act reply revealed that a higher percentage of Protestant school leavers (annually) over the 11 year period between 2005/06 and 2015/16, rejected (annually) studying at NI's two universities compared to Catholic school leavers. The annual higher rate of Protestant vis a vis Catholic student exit from NI was as follows: 2015/16 (9%), 2014/15 (13%), 2013/14 (4%), 2012/13 (7%), 2011/12 (12%), 2010/11 (13%), 2009/10 (10%), 2008/09 (9%), 2007/08 (7%), 2006/07 (6%), 2005/06 (10%). Protestant school leaver migration from NI to GB has traditionally been higher than Catholic migration and to date, however, the NI Equality Commission has refused to address the reasons for the statistical differences.

In 2020, 3,400 people signed a petition saying that they believed QUB was a cold house for Unionist students, earlier this year when QUB confirmed that it would introduce Irish language signage in QUB Halls of residence, QUB again rejected all suggestions that QUB marginalised Unionist / Protestant students. Queen's

¹⁶² <https://www.newsletter.co.uk/education/perfect-storm-ahead-for-higher-education-queens-university-chief-warns-3672942>

¹⁶³ <https://www.bbc.co.uk/news/uk-northern-ireland-61263867>

rejection that Protestants are marginalised at QUB flies in the face of NDNA 2020 policy proposals, premised on systemic and institutional bias against NI Unionists in the NI university sector. Equality and human rights concerns, this Report argues led to the NDNA demands for the introduction of a Castlereagh Foundation and an Ulster-Scots Research Institute.

Regrettably, the NI Equality Commission has rejected continual calls from 2018 to undertake an equality audit and inspection of the NI university sector and the NIEC has declined to examine the reasons why NI Unionist / Protestant school leavers decide to pay additional higher fees to study in GB universities and why they reject studying at UU and QUB. Professor Greer himself declines to address why 5,000 NI school leavers leave NI to study in GB and pay double the academic fees for their choice.

The recent data for full-time undergraduate students at the four UU campuses makes even more depressing reading for the NI Unionist community. There were 3,355 Protestant students enrolled at UU in September 2021 and 7,485 Catholic students enrolled at UU. At the Magee campus, the numerical decline and marginalisation of Protestant students is simply unacceptable. At the Magee campus, in September 2021, 520 full-time undergraduate Protestants enrolled, compared to 1,525 Catholic undergraduates.

As it stands within Northern Ireland, government spending programmes have been reduced from NI further education colleges as total further education numbers decline. However, it is within the further education sector that Protestant students more evenly compete with Catholic students. Arguing for increases NI government in expenditure to the NI university sector where there are substantive S.75 equality questions to be addressed and within which the totality of government fee subsidies to students from the Catholic community are much greater than fee subsidies to students from the Protestant community, is something that needs to be questioned by the Unionist political community who have an obligation to hold the NI university sector and the Vice-Chancellors of QUB and UU to account.

Based on the FOI data included below, I believe there is sufficient evidence to argue that systemic S.75 equality screening failings and monitoring omissions occurred within the NI university sector. Those responsible for the equality failings and omissions were; the NI Equality Commission, the NI Audit Office, the DfE, QUB and UU. This Report argues that these equality screening failures have marginalised Unionist students and staff within the NI university sector and that positive, affirmative equality actions are now required to prevent further marginalisation and in order to help rebalance the sector. In addition, UKRI research funding to the NI universities, is I suggest suspect because all UKRI funding directed to NI is not equality screened and does not comply with the letter, or the spirit, of NI's equality regime. Athena Swan provides one of numerous affirmative action templates appropriate to resolve this marginalisation conundrum. However, central to any affirmative, or positive action programmes being undertaken within the university sector is the recognition by QUB, UU, and the NIEC that there is a long standing equality problem to be addressed.

The S.75 equality screening failures noted above and below within the Appendix, indicate systemic, ultra-vires NI government / departmental spending. Given the reticence of the NIAO to address this problem since 2020, and its failure to

undertake preliminary inquiries, the independence of the auditing authorities within NI can be questioned. Lack of financial resources, on its own cannot be used as a rationale for non-action, if individuals such as myself are then forced to subsidise the auditing costs of the NI Executive by individual whistleblowing research, this itself is an indicator of the dysfunctional nature of value for money, and equality, auditing within the NI university sector.

The failure of the independent auditing agencies to address S.75 screening problems first brought to their attention in 2017 asks questions about their competence and impartiality. It is suggested that even the most cursory investigation into these disclosures would have exposed other latent concerns worthy of full-scale governance, financial and equality audits. If the same level of S.75 equality screening failure is to be found within other DfE and other NI departments, it appears that statutory equality legislation brought forward under the Good Friday Agreement in 1998 has been systemically ignored by the very institutions and government officers that were obligated to promote equality of opportunity and good relations within Northern Ireland.

Within Northern Ireland's Unionist community, increasingly in 2021 and 2022, questions were raised about the diminution and effectiveness of the Unionist professional, managerial and academic networks. Central to the formation, continuation and effectiveness of these Unionist economic and civic networks is access into, and up through the NI university sector. The continuing saga of Brexit and the NI Protocol has exposed the diminution of the Unionist networks, evidenced in part by the lack of Unionist publications supporting Unionist civic concerns about the Protocol and the backstop. The ever increasing Unionist literary void, demonstrated by a visit into any Waterstone's bookshop in Northern Ireland, suggests that there are fundamental problems within certain academic disciplines and schools in the NI university sector that requires urgent remedial action

The NI Equality Commission resisted providing details within FOI Act requests (and replies) about the number of NIEC staff who had attended QUB and UU when it was claimed that a strong nexus between the NIEC and QUB / UU was a factor in the NIEC deciding not to audit the NI university sector. After a successful appeal to the Information Commission Office, the NIEC thereafter confirmed that it its senior management and legal offices had was a very strong nexus between the NIEC and QUB/UU. Table 13, extracted from the NIEC annual report also indicates that there is an alarming disproportionate number of NIEC Catholic Staff vis-à-vis Protestant staff in NIEC decision making posts. The extent of Protestant marginalisation in the professional and managerial positions within the NIEC can be compared (and contrasted) with similar information provided by the NI Audit Office (FOI Act dated 15 April 2022). The professional, managerial and technical staff employed by NIAO appears to be much more balanced, and commensurate with the NI population than the staff employed by the NIEC.

The FOI Act, as a surveillance technology works well and makes visible information that would otherwise remain invisible. However, the utility value of the FOI Act to help address generic problems associated with Unionist marginalisation within the NI university sector has limited research value given the restrictions contained with the Act. Whilst, it is understandable that any organisation or institution, such as a university, may wish to keep hidden managerial failures, omissions or oversights until

internally these failures have been addressed and corrected, the independent monitoring and auditing agencies have obligations to expose government spending and equality failures, even if in exposing these failures, the same monitoring bodies implicate themselves. 'Independent' auditing and monitoring bodies, however, just like other government departments and organisations also self-protect, but in self-protecting they invite questions about their utility value, their independence, their impartiality and their ability to act equitably.

This Report suggests that Unionists have suffered direct, and indirect (systemic) discrimination as a result of unchecked demographic trends and auditing failures within the NI university sector. The societal implications of NI Unionist marginalisation within the university sector have been increasingly addressed within NI's main-stream media. The paradox is that by 'airing ones dirty linen in public', by addressing these concerns in public, Unionist marginalisation will increase as more Unionist school leavers reject UU and QUB as suitable higher education institutions and instead these school leaver and students, influenced by recent media stories, will look to England and Scotland for their higher education needs!

Lately, Baroness Hoey and the ex-DUP Education Minister (Peter Weir) have expressed their concerns in January and February 2022 about the dominance of Nationalist professional, managerial and academic networks and the changing demographics of QUB academic staff. Their concerns were dismissed by spokesmen and academics within QUB. Those within QUB who rejected the Unionist concerns did so without knowledge of the content of this Report. Paradoxically, for society within NI to move forward from the GFA, both the Nationalist and Unionist communities required improved access into the NI university sector, regrettably, the data enclosed indicates that the NI Unionist community's access into the NI university sector (at all levels) appears to be declining, rather than increasing. If so, the implications for community divisions and heightened community tensions pose other more frightening problems for the government and governance of NI.

That there has been no significant policy undertakings in two decades to reverse the polarising trends within the NI university sector invites questions about the efficacy of equality commitments contained within the Good Friday Agreement. In March 2022, the Loyalist paramilitary organisations who signed up to the GFA, stressed that they would not today sign up to a similar agreement.¹⁶⁴ Brexit, coupled with the NI Protocol are the latest rationalities polarising Unionists and Nationalists within NI. However, for the last two decades Unionist voters have been withdrawing from the political process because they believe that the GFA has delivered no substantive benefits for the Unionist community. I believe that when Unionists look to the NI education and university sectors, they reasonable come to the conclusion that the GFA has delivered little of consequence for NI Unionists.

In the absence of NI 2021 Census data, if we take as a benchmark the NI 2011 Census and the NI Labour Force Survey (LFSRR, January 2019) data, then students and academics within QUB and UU should disclose their religious / community

¹⁶⁴<https://www.belfasttelegraph.co.uk/news/northern-ireland/loyalist-paramilitaries-couldnt-back-ceasefires-now-pup-41481698.html>

background in similar corresponding proportions. Protestant students in the NI universities, faculties, schools and courses should account to approximately 45% of the university population while the proportion of academics and students reporting as Roman Catholic should be around 55%. The statistical differences between academic staff should not be as high as the student differential given the older age ranges within QUB and UU staff, vis-à-vis students. Protestant academics should equate to approximately 41% of the university population and Roman Catholic academics accounting for approximately 41%, and 47% of academics, with some 12-18% of academics declaring no religious affiliation.

Minor deviations from these norms should be of little concern, however substantive deviations suggest structural problems within the NI university and education sectors. Statistical deviations pose existential problems for the continued political and social stability in Northern Ireland given the societal importance of attending university and how academic research output changes the social, economic and cultural life of Northern Ireland. The data presented below within numerous FOI Act replies, makes visible the changing demographic trends within the NI university sector. This Report also suggests that the data in the appendix, indicates a laissez-faire approach to regulation / monitoring of the sector that in turn has perpetuated Unionist marginalisation.

If a comprehensive audit is to be undertaken of the NI university sector, and after four decades, a comprehensive audit is long overdue, I suggest that there are only two viable options that would satisfy the NI political community, the fee-paying student, and the UK Treasury. Option 1 is an independent audit of the NI university sector by experts from within the English and Welsh Office for Students, or option 2 is a newly formed audit body comprising experts from the NIPSO, NIAO and NIEC. Any such joint auditing group would allow experts from all of NI's existing auditing agencies to have oversight over the experts from the other agencies in order to address the lack of transparency that continues to plague the NI university sector.

The Report Recommendations are contained within the Executive Summary

Enclosed below is FOI Act data obtained from 2017, this data suggests that within certain university schools and campuses, there is unacceptable under-representation of NI Unionist students and academics at QUB and UU.

Summary of S.75 equality failings within NI government spending programmes.

In 2017, I started asking questions about the use of S.75 equality screening within the NI University Sector. With each reply to my Freedom of Information Act requests, new concerns arose that the equality legislation enacted as part of the Good Friday Agreement was at best ambiguous, or at worst misleading. In terms of the legislative remit and the application of S.75 equality screening legislation by various NI government departments, auditing bodies and recipients of government funding, it appears that there has been systemic failings in the equality legislation that brought about devolved power sharing within Northern Ireland. These statutory failings are also the concern of the UK Treasury and the UK Government at Westminster who are being asked to devolve greater financial powers to the NI Executive.

The evidence provided below from numerous Freedom of Information Act responses suggests that the NI government departments have periodically breached their equality screening obligations and that there has been serious failures to monitor government budgets and spending in terms of the equitable provision of government funding to all communities within Northern Ireland. Any such systemic equality failure questions the *raison-d'être* of the GFA. Within the NI university sector, I assert with some confidence that S.75 equality screening failures have (in part) been responsible for; the diminution of NI Unionist research output, and for the declining number of NI Unionist university researchers and academics within several academic disciplines and university faculties. This failure has in turn impacted upon the effectiveness of the NI Unionist professional, managerial, legal and university networks in promoting NI Unionist political projects. Furthermore, it also appears that more recent departmental Freedom of Information Act responses highlight that NI government officials have previously misled FOI Act respondents in FOI Act replies and as yet, the NI auditing bodies responsible for ensuring that public spending is not *ultra-vires* have declined to commence investigations into these failures. Given that some of these matters were addressed by NI Assembly Committees in 2020, any disinformation in relation to S.75 equality screening by NI government departments within spending reviews, budgets and spending programmes, presented to MLAs sitting within Committees should be re-examined for malfeasance.

Based upon the numerous FOI Act replies referenced below, there are considerable challenges arising in 2022/23 whenever, or if, the NI political parties finally decide to restore power-sharing and attempt to agree a programme for government (2022-2027). The NI political parties before deciding to return to Stormont will have to address the equality failings, both the legislative failings and the implementation (and scrutinising) failings that flow from the suite of legislation attached to the GFA. Essentially, within Northern Ireland, a comprehensive review and audit of equality legislation is now required. Moreover, with serious, indeed systemic equality screening omissions admitted to by some NI government departments (and auditing agents) a complete audit is required to determine if NI government spending programmes (between 2000 and 2022) have been equitably distributed between all communities within Northern Ireland. In addition, the effectiveness, independence and role of NI auditing agencies, those agencies that are tasked with the equality and financial monitoring of NI government departments and who are obligated to act on 'whistle-blowing' concerns, should be part of the forthcoming 2022-27 programme for government considerations.

In a Freedom of Information Act reply from the Department of the Economy (dated 4 April 2018) in relation to S.75 equality screening of university PhD research funding, the Department of the Economy (DfE) confirmed that it had no responsibility to monitor or audit S.75 equality screening in the award of PhD scholarships and confirmed that it was the responsibility of QUB and UU to meet all legislative requirements. Legally, I believe that the Department of the Economy was incorrect in this view, a view that the DfE repeated again in 2022 to the NI Audit office. I believe that when the equality monitoring actions of the DfE are compared with other NI government departments, as documented within the following FOI Act replies, that the DfE has serious equality screening failings to address.

In a further Freedom of Information Act reply from the Department of the Economy dated 12 September 2018 (in relation to S.75 equality screening of PhD research funding), the DfE Director of Education Policy and Finance confirmed that specific arrangements had been put in place by the DfE to collect and monitor S.75 equality screening data for recipients of the Department's postgraduate awards for 2017/18 onwards. I suggest that this Freedom of Information Act response was incorrect and misleading based on a subsequent Freedom of Information Act reply dated June 2022 by the DfE

On the 25 March 2022, after another FOI Act request, the NI Audit Office wrote to me to say that in reference to historical, S.75 equality screening of PhD scholarships (2000-2018) that the *'The Department (DfE) failing to comply, insofar as you believe it has, with its equality obligations does not undermine the lawfulness of the expenditure and therefore does not make it ultra-vires. Furthermore, I understand that the scheme has been equality screened and that you have been provided with this information'* The 'understanding' provided to the NI Audit Office, however, is directly contrary to several FOI Act replies that I received between 2017-2022 from the universities, NIEC and DfE.

In a FOI Act reply from the NI Equality Commission (dated 11 May 2017) in relation to S.75 equality screening of PhD funding, the NI Equality Commission confirmed that it did not have information on whether PhD funding at QUB / UU was compliant with S.75 equality screening requirements. To my knowledge since 2017, the Equality Commission failed to revisit my concerns in this matter. In another FOI Act request sent to QUB (Professor Johnston) dated 26/29 May 2017 in relation to S.75 equality screening of PhD research funding, QUB responded to the FOI Act request, 'could QUB (copied to UU and DfE) confirm if PhD scholarship funding since 1999 has been subject to S.75 equality monitoring / auditing'? QUB simply and honestly responded 'No'. In a similar FOI Act response from UU (dated 6 June 2017) in relation to S.75 equality screening of PhD research funding, the UU confirmed that no S.75 equality screening had taken place specifically in regard to PhD funding. Therefore, large annual PhD funding grants have not been subject to S.75 monitoring by QUB, UU, NIEC, the DfE or the NIAO. Perhaps even more importantly, major capital construction programmes within the NI university sector, programmes, such as the ending of the Union Theology College's relationship with QUB and the provision of the new York Street UU campus, (that have attached to them substantial demographic implications) have not undergone statutory S.75 equality screening exercises.

A FOI Act reply (dated 24 November 2017) from UU in reference to the new UU Belfast, York Road campus confirmed that during 2010/11, Ulster University undertook a pre-consultation exercise on the transfer of academic activity from its Jordanstown campus to Belfast and at that stage no significant issues were identified in regard to equality of opportunity or good relations. Any such exercise given the importance of this decision and subsequent issues of resource allocation and student housing provision ask fundamental, existential questions about the meaning of equality legislation within Northern Ireland.

On the 24 November 2017, UU confirmed that the university had originally anticipated that the quality screening would commence in March 2013 when the planning permission for the Belfast campus development was granted but due to

circumstances beyond the University's control the scheduled date for the opening of the Belfast campus was (back then) 2020/21. Therefore, the University confirmed that it would undertake the policy screening exercise sometime during 2020/21. With some disbelief, it appears the largest university project within NI within the last 2 decades was not subject to an equality screening exercise at a time when equality screening would have highlighted potential equality concerns. Equality screening of capital projects after they are complete suggests that equality screening within Northern Ireland is simply a deceptive illusion. Once again, there appears to have been no independent auditing / monitoring of this major equality failing and all previous attempts to highlight the auditing failures have come to nothing. The DfE's equality screening role in this debacle is explained more fully by the DfE's most recent FOI Act reply(dated 28 June 2022), a reply that exposes the DfE to similar political and legal oversight processes as the 2000 RHI Public Inquiry.

In June 2022, after being informed by the NI Audit Office, who rather than taking independent legal advice, instead relied on the DfE's opinion that government spending in the absence of S.75 equality screening exercises was not ultra-vires and therefore, the NI Audit Office has not failed in auditing the existence, or the authenticity of S.75 equality exercises within various NI government spending regimes, I asked a series of FOI Act Requests of the NI Government Departments to determine if there was a consistent approach to applying S.75 equality screening to NI government spending programmes and budgets. The replies received ask serious questions about the governance of Northern Ireland and the efficacy of political and auditing controls of NI public expenditure.

The NI Department of Education seems to have been the NI government department that has most consistently and judiciously applied S.75 equality screening to the DoE budgets. In a FOI Act reply received on the 27 June 2022, the DoE provides comprehensive details of equality screening in spending programmes that several other NI government departments cannot provide. Moreover, when the other NI government department FOI Act replies are compared to that of the DoE, questions over equality auditing and monitoring at the heart of NI government spending arises.

Addressing the same FOI Act request that the DoE addressed, the NI Executive Office (FOI TEO / 2022- 0032) replied on the 28 June 2022 to say that *'in line with the department's data retention scheme, we do not routinely hold records for longer than 7 years so we cannot provide information dating back to 2000'*. In response to the FOI Act question *'could I have a copy of the S.75 equality screening exercise undertaken by each specific department for the department's annual spending programme 2000-2021'*, the Executive Office confirmed that;

(i)) *The 2020-21 Equality Screening for the TEO draft budget was not published due to the UK-wide lockdown which was implemented in March 2020. It was not possible to undertake a full public consultation at that time and other emergency funding measures were implemented.*

and,

(ii) Prior to 2019-20, screening exercises on annual budget allocations were led by the Department of Finance.

However, the within the FOI Act reply from the Department of Finance (see below), the Department of Finance replied to say that *'We do not hold information relating back to 2000, however I have attached the completed screening documents for the last four years budget allocations'*.

In relation to the TEO's answer (ii), the DfF in an FOI Act reply earlier this week were unable to provide details of S.75 equality screening exercises of Department of Finance spending programmes prior to 2018-19.

The anomaly therefore arises, if other NI government departments have undertaken S.75 equality screening exercises within their budgetary obligations during the Covid-19 pandemic period, why should the Executive Office be exempt. Moreover, NI NI government spending throughout 2000-2022 was impacted upon because of the Covid-19 pandemic. One example of Covid-19 impacting on NI government budgets and demanding equality screening was within the NI university sector. During 2020-21, the Executive Office relied heavily on the virology expertise within QUB to lock-down significant parts of Northern Ireland. QUB was subsequently 'rewarded' with an additional £15 million in grant funding by the DfE because of financial losses arising from Covid-19, however, QUB's annual budget indicates that QUB made a greater profit in the first year of Covid-19 than in the previous year. The Covid-19 pandemic with substantial spending allocation changes necessitated even greater equality scrutiny within NI government spending programmes not less scrutiny! If for example, there are disproportionately more Catholic students within the NI University sector vis-a-vis Protestants and spending within the NI university (higher) sector is increased pro-rata spending within the NI further education sector (where the numbers of Protestants and Catholics are more equal), the DfE and / or Executive Office's failure to address equality screening as part of its statutory obligations within its spending policy reviews is a serious statutory failing. Moreover, if the other functions of government operated during the Covid-19 pandemic, there appears to be no justification why equality screening (which is not a manual, or 'site' related' activity, should have been neglected).

Returning to the NI Department of the Economy (DfE), the DfE confirmed by way of FOI Act reply (dated 28 June 2022) that *'the Department was formed in May 2016, but due to the collapse of the Executive in December 2016, there were no formal budget exercises undertaken until the Executive was reinstated in 2019/20.'*

During these three years the DfE funded PhD scholarship awards, university capital projects and other projects across other areas of the NI economy without 'formal' budgets and without equality screening. When, in April and September 2018, I began asking the DfE for information and details on the equality undertakings of large annual amounts of grant funding for PhD scholarships at QUB and UU, the DfE were at the same time embarking on 'informal' budgetary exercises, within which they had omitted to undertake equality screening. In February 2022, the DfE confirmed to the NIAO that no such equality screening of spending programmes was required.

During a three-year period when there was no political oversight of the DfE because of the collapse of Stormont, department informal budgets were being processed without the DfE, NIAO or NIEC undertaking S.75 equality monitoring, auditing or scrutiny. The impact of these omissions on academic research output and recruitment into the NI University academic and research sectors has equality and

human rights implications that I believe need to be addressed. However, because the S.75 equality screening failings have been systemic and endemic, involving; NI government departments, 'independent' regulators, recipients of government funding and even those within the political parties. Paradoxically, those who should have been part of the democratic process designed to make transparent regulatory failings have coalesced, to hide them.

The NI Department of Justice replied to the following FOI Act questions (dated the 16 May and 31 May 2022) on the 29 June 2022 (Ref: FOI\22\26) as follows:

(Q1) Has S.75 equality screening been undertaken within all annual and capital individual departmental spending programmes since 2000?

(Q2) Could I have a copy of the S.75 equality screening exercise undertaken by each specific department for the department's annual spending programme 2001-2021?

(Q3) I would be obliged if your department could confirm whether or not, S.75 equality screening was undertaken prior to, and subsequently monitored and audited, within ALL departmental annual, and ALL other, departmental spending / grant programmes.

(A) *'In relation to questions (1) and (3), the Department has determined that these questions do not constitute requests for recorded information and therefore do not fall within the Department's obligations under the Freedom of Information Act 2000. A separate response will be provided by the business area responsible'*. The DoJ, unlike the Department of Education, declined to answer Q1 and declined to confirm within the FOI Act reply whether or not from its existence in 2010, the DoJ had undertaken equality screening within its annual spending programmes.

On the 29 June 2022, the NI Department for Health (DOH/2022-0099) ambiguously confirmed in its reply to the following question *'has S.75 equality screening been undertaken within all annual and capital individual departmental spending programmes since 2000'* that *'I can confirm that the Department of Health endeavours to ensure that our policies and programmes are appropriately equality screened and compliant with the requirements of Section 75 of the Northern Ireland Act 1998'*. In response to Q2 *'Could I have a copy of the S.75 equality screening exercise undertaken by each specific department for the department's annual spending programme 2000-2021'*, the DOH confirmed that *'information is only available from April 2012/13'*. I suggest that inability of NI government departments to provide historical S.75 equality screening information to the general public or to those government agencies tasked with monitoring and auditing equality decisions by government is both worrying and self-protecting.

Based upon the FOI Act replies obtained of the NI government departments that responded within the time constraints of the FOI Act (on the 30 June 2022) to my FOI Act requests of 31 May 2022; the unavailability of equality screening data means that there can never be effective historical auditing of NI government spending

programmes between 2000 and 2022. This in turn means that the NI Unionist community cannot be assured that there has been equality in public spending within, for example, arts council funding, cultural spending programmes, sport's funding allocations, economic investment, or higher education research programmes. If this is the case, the NI Unionist political parties may wish to reflect on the perceived benefits for the Unionist community reengaging with the NI power-sharing Executive / Assembly and the equality protections within the Northern Ireland Act 1998.

17.00 The position in February 2023 (Twelve months after the first preliminary Whistle-blowing Report was sent to public authorities and QUB/UU in February 2022)

Some recent media articles suggest that under-representation, marginalisation and discrimination of NI Unionist students within the NI University sector is a hard reality. If so, the time for the NI Equality Commission to (finally) undertake investigative action has come. In addition, recent data from the GB university sector lends support to the argument that faith students and faith academics throughout the UK's university sectors are being marginalised and appear not to have the protections available from the UK's equality and human rights commissions.

The four media articles published on the 28 October 2022 (Newsletter), 29 October 2022 (BBC NI News webpage), 31 October 2022 (Belfast Telegraph) and 11 November 2022 (Belfast Telegraph) lend support to the claims within the NI University Sector Report of increased marginalisation, under-representation and discrimination against NI Unionist students within the NI University sector.

In one NI news media report, Sir Jeffrey Donaldson confirmed that QUB students from two Unionist student societies within QUB have made additional claims (outside the contents of this Report) of religious / political discrimination at QUB. However, Sir Jeffrey Donaldson failed to confirm if the new Unionist whistle-blowing complainants had informed the NIEC or had taken their complaints of discrimination into the Civil Courts. Importantly, these new complaints should not be silenced by QUB coming to individual agreements with the students that are subject to non-disclosure agreements, when there is a societal benefit to ensure that these complaints are made public to bring about sectoral change.

In the other NI news media report, the DfE confirmed in one media report that in 2015/16; 12,936 Protestant students enrolled at university within NI; five years later in 2019/20 12,944 Protestant students enrolled at university in NI. Over the five year period, only an additional eight Protestant students attended QUB/UU. By comparison, in 2019/20 an additional 1,020 Catholic students enrolled in university in

Northern Ireland than did in 2015/16. On the 17 November 2022, after it was reported at Westminster that for every £1 spent on the Ulster-Scots language, £10 was spent on the Irish language, the ECNI reported in the Belfast Telegraph that funding policies within NI should be subject to S.75 equality screening. However, when the issue of PhD scholarship funding not being subject to S.75 screening was first raised in 2017, the NIEC declined to hold a similar S.75 review or examination.

News Article (1) "Prof Colin Harvey: DUP leader Jeffrey Donaldson meets QUB over university's logo on united Ireland report"¹⁶⁵

The Newsletter reported on the 28 October 2022 (in reference to Prof Harvey, QUB School of Law) that "an image of his planned report, which he tweeted, included logos for the Left in the European Parliament and QUB". Thereafter, DUP leader Sir Jeffrey Donaldson tweeted that he would be raising the (Harvey) "United Ireland" Report with QUB President and Vice-Chancellor Professor Ian Greer in a meeting on Friday (28 October 2022).

"Use of the University logo on this report is very worrying," Sir Jeffrey added. "Our universities should be above partisan politics." He added that, separately, the Queen's University Democratic Unionist Association recently reported on "some very worrying cases of intimidation against unionist students".

UUP Councillor John Kyle also expressed concern about the report. "Very surprised to see Queen's University Belfast branding on an overtly political report," he tweeted. "A very questionable use of public funds." Another academic, Dr Kevin Breslin / Caoimhghín Ó Breasláin, tweeted: "Prof Harvey, why should an 'Independent' report not sponsored by QUB nor accredited by its Academic Council use the QUB logo/copyright?"

Speaking after discussions with Prof Greer, Mr Donaldson described it as "very constructive meeting". "I raised with him concerns on behalf of some of the unionist students there, related both to the Orange Society and the DUP Association," he told the News Letter. "They felt that at times they are finding it difficult and challenging to engage in normal political and cultural activities at the university, so I was assured by the Vice Chancellor that steps are being taken to address those concerns." He added: "With regards to a planned publication on a united Ireland, I also made known my concerns about the use of the university logo on that publication and again, the university assured me that matter was being dealt with as well."

QUB and Prof Harvey were invited to comment by the Newsletter. The newsletter confirmed that Prof Harvey responded to Mr Donaldson about his report asking: "Why not try talking to me directly first?" The paradox arising here is that Professor Harvey and numerous other senior academics throughout QUB and UU have been aware of the existence of a NI University Sector Report first submitted to QUB and UU in February 2022 but not one academic has contacted Dr Cooke to discuss the allegations of human rights and equality concerns within the NI university sector that impact on Unionist students, researchers and academics. Despite Professor Harvey

¹⁶⁵ Philip Bradfield (Newsletter, 28 October 2022) <https://www.msn.com/en-gb/news/uknews/prof-colin-harvey-dup-leader-jeffrey-donaldson-meets-qub-over-university-s-logo-on-united-ireland-report/ar-AA13uqum?ocid=mailsignout&pc=U591&cvid=f66e6f04ce2645e9a083bb3c591d15bb>

being an academic and legal authority on human rights, the NI University Sector Report asserting discrimination against unionists has generated no interest from QUB School of Law.

What is important to take from this recent Newsletter article is that some QUB Orange Society and QUB Democratic Unionist Association students claim to have experienced intimidation at QUB, however, these Unionist students (in order to self-protect) may have acted as whistle-blowers and have taken their protected disclosures to a political party and not perhaps to QUB and / or the NI Equality Commission. If, however these QUB Unionist students have brought claims of discrimination against QUB, academics or others within QUB, to the NI Equality Commission, and should the NIEC be considering action against QUB, there is the backdrop of a 300-page whistle-blowing report on the NI University Sector, to provide evidence of systemic and historical marginalisation, under-representation and discrimination against NI Unionist students, researchers and academics at QUB.

It appears, on the basis of the Newsletter Article of the 28 October 2018 that the NIEC is obliged to contact QUB and Jeffrey Donaldson (leader of the DUP) to determine the extent of the discrimination allegations, to determine if there is substance to the allegations and to undertake an investigation which might eventually lead to legal action. In addition, the DfE should be mindful that substantial DfE grant is channelled into the NI university sector when at the same time there are growing (in)equality concerns that the DfE has also identified within its Report of 28 October 2022 (see below)

News Article (2) Department of the Economy Report (October 2022) highlighting NI Unionist marginalisation within the NI University Sector¹⁶⁶

In 2018, Dr Edward Cooke wrote to the Department of the Economy (NI) arguing that S.75 equality screening failures arising in the provision of Departmental PhD scholarship awards (between 2000 and 2018) had; disadvantaged NI Unionist students, had prevented Unionist / Ulster-Scots / Loyalist / Orange orientated research and had skewed academic employment at QUB/UU. Dr Cooke also argued that NI Unionist perceptions of marginalisation within the NI university sector was increasingly responsible for ensuring that a higher pro-rata number of Protestant / Unionist school-leavers rejected QUB/UU and instead chose mainland GB for their higher education. The argument was made that the NIEC was mistaken in assuming (without investigation) that NI Unionist school-leavers preferred to go pay the higher education fees and accommodation costs to travel to mainland GB for their higher education when there was increasing evidence that NI Unionist school-leavers were rejecting attending QUB/UU for other reasons.

In 2018, the NIEC confirmed that it could not undertake any equality investigation into Dr Cooke's request for a full audit of the NI University sector because the NIEC was (at the time) reviewing its investigative processes. The NIEC, during 2018 and thereafter has not refuted Dr Cooke's claims, claims that in February 2022 were more fully documented within a comprehensive (whistle-blowing) NI University Sector Report and supported with substantive FOI Act data. Since February 2022,

¹⁶⁶ BBC NI News, 29 October 2022 <https://www.bbc.co.uk/news/uk-northern-ireland-63432396>

Dr Cooke has again written to the NIEC (several times) asking for the NIEC to commence a full equality audit of the NI university sector without any reply. Nine months after the NI University Sector Report was submitted to the NIEC, the NI Equality Commission has declined to comment upon the whistle-blowing Report's recommendations and conclusions. The DfE's (*Understanding Wider Participation*, October 2022) Report gives further support to Dr Cooke's 2017-2022 assertions.

Regretfully, the NIEC failed to conduct any sectoral audit / investigation into Dr Cooke's claims of 2017/2018. In addition, NIEC refused to undertake a paragraph 10 investigation in Dr Cooke's assertions of equality concerns in the award of PhD scholarship funding, funding that determines employment of academics at QUB and UU. Similarly, the DfE rejected Dr Cooke's arguments of S.75 equality screening failures and refused to address the impact and effects of historical S.75 omissions within PhD awards. Again, regrettably, the DfE has so far declined to reply to the February / March 2022 whistle-blowing Report on marginalisation and discrimination against NI Unionists within the NI University Sector.

Paradoxically, but understandably, the *Understanding Wider Participation Report*¹⁶⁷, makes no mention that QUB, UU and the DfE rejected Dr Cooke's PhD thesis submissions (dated 2017/2018) to undertake academic research into NI Unionist under-representation and S.75 equality screening failures within the NI university sector. Five years later, the degree of the NI Unionist marginalisation has increased and this issue has started to emerge as a major policy issue within the public domain. Nevertheless, within the BBC NI news article published below there was no mention of how the DfE has previously rejected all complaints by Dr Cooke of growing NI Unionist marginalisation within the NI university sector or how the DfE and the NI universities have so far failed to fund research and strategies to minimise the degree of Unionist / Protestant under-representation.

The DfE's (*Understanding Wider Participation October 2022*) Report confirms (referencing student enrolment within the NI university sector) that '*enrolments by Roman Catholics are considerably higher than for Protestants. The gap in the proportion of enrolments by religion in NI has increased slightly over the past five academic years (17% gap in 2015/16 and 19% gap in 2019/20). This is because Roman Catholic enrolments have increased over the past five years (from 47% to 51%), while Protestant enrolments have remained virtually static (from 30% to 31%). Disparities in student enrolment according to religion, particularly for Protestant males, was highlighted as a priority area in Access to Success. These trends suggest that little progress has been made to increase access to HE for Protestant students, and this should remain a priority in a future approach*'.

However, even the reporting of the data within the DfE Report should be of concern to the NI Unionist public and Unionist political parties. The DfE's database considers only up until the 2019/2020 academic year and other more recent statistical data available from QUB / UU FoI Act replies by QUB/UU indicates that for the Covid-19

¹⁶⁷ https://www.economy-ni.gov.uk/sites/default/files/publications/economy/understanding-widening-participation-in-northern-ireland_0.pdf

academic years 2020/21 and 2021/22, the 19% reported gap has increased. The DfE Report also minimises the increase in the gap between Unionist (Protestant) and Nationalist (Catholic) university students that was 17% in 2015/16 and that rose to 19% in five years to 2019/20. Reading the data within the DfE's report differently to the statistics provided, we find that influx of Catholic students into the NI University sector (over Protestants) between 2015 and 2019 has been significant

In 2015/16; 12,936 Protestant students enrolled at university in NI whilst 20,266 Catholic students enrolled at university within NI. In 2019/20; only 12,944 Protestant students enrolled at university in NI whilst some 21,295 Catholic students enrolled at university within NI. Over the five year period, only an additional 8 Protestant students attended QUB/UU whereas over the same period, in 2019 and additional 1,020 Catholic students attended QUB/UU than attended QUB/UU in 2015. Over the five year period, the increase in Protestant students into QUB and UU in 2019/20 was significantly less than 0.1% compared to 2015/16, however, the increase in Catholic students into QUB and UU over the same period was by contrast 5%. When the statistical data is presented in this form, the NI Protestant / Unionist community should be alarmed at the progress of Protestant /Unionists into the university sector and they should also ask probing questions about how NI Protestant / Unionist students progress up through the sector and into employment.

Significantly, the DfE failed within its October 2022 Report to provide similar data (broken down into community / religious orientation) for university students continuing on at QUB and UU after achieving their first degrees into other post-graduate diploma, masters and PhD programmes and courses. Regrettably, whilst the NI universities and colleges are reported by the DfE to have endorsed a wide range of outreach activities to try to attract more students from low-income backgrounds and other under-represented groups, QUB and UU have not endorsed similar affirmative action programmes such as *Athena Swan* to encourage NI Unionist male students into and up through the NI university sector. The data provide by the DfE in this October 2022 Report is not new and is not surprising, what however should be of surprise and concern is the continued inactivity of the government funding department, the NIEC regulator, and QUB and UU to address the trends that go to change the economic structure (and political stability) of Northern Ireland.

News Article (3) QUB logo and its use within Professor Harvey's Report on Irish Unification

Following on from the meeting of the 30 October 2022 ¹⁶⁸ between Sir Jeffrey Donaldson and QUB, a meeting that expressed NI Unionist concerns about the use of the QUB logo on an Irish unification Report used by Professor Colin Harvey, the Belfast Telegraph (31 October 2022) highlighted Ms Michelle O'Neill's (NI Deputy

¹⁶⁸ Newsletter, 31 October 2022 <https://www.newsletter.co.uk/education/prof-colin-harvey-united-ireland-report-dup-leader-jeffrey-donaldson-meets-qub-over-universitys-logo-3898125>

First Minister) concerns that “abuse of QUB academic could spark violence and demands DUP stop ‘dangerous attacks’”.¹⁶⁹

On the 30 October 2022, Sir Jeffrey Donaldson (reasonably) asked QUB to clarify if the Report on Irish unification co-authored by Professor Harvey was a report entitled to make use of the QUB logo whilst at the same time referring to QUB’s Vice-Chancellor other concerns expressed by QUB Unionist students alleging discrimination at QUB.

Following on from Sir Jeffrey Donaldson’s intervention, Sinn Féin’s vice president demanded an immediate end to “dangerous” and “sustained” attacks on academics from Queen’s University Belfast. Michelle O’Neill warned it is “wrong” to target the credibility of those engaged in research relating to Brexit and NI’s constitutional future as she blamed senior DUP politicians and loyalists. However, based on the media publications, Ms O’Neill’s defence of Professor Harvey appears somewhat disingenuous. The concerns raised by the DUP to QUB and reported within the Newsletter related to the use of the QUB logo for a report that may, or may not, have been an official QUB publication and the meeting was not an attack on Professor Harvey’s right to hold or to publish his pro-Irish unification views

The Belfast Telegraph article went on to point out that “Earlier this year, the university management made contact with the PSNI, who now have ongoing engagement with the university security team to ensure the safety and welfare of all our staff, and a member of the university management team has ongoing contact with Professor Harvey. “The university strongly supports freedom of thought and expression within a framework of respect for the rights of other persons.

According to QUB, “Academic freedom is enshrined as a guiding principle in the university’s charter and statute. Whilst the Belfast Telegraph article confirms that “The university fully supports the right of its academics to publish work and express academic opinion within this framework,” the NI University Sector Report (2022) (prepared by Dr Edward Cooke) argues that increasingly NI Unionist students, researchers and academics are marginalised at QUB/UU and do not have the same opportunity of academic freedom of expression. Academic freedom of expression must also be addressed in terms of the ability of minority populations to access higher education and to move up through the academic (and research) ladder. Minority populations marginalised within the NI university sector, unlike Professor Harvey, do not have the same ability to promote their academic discourse because of systemic, historical direct and indirect legislative and equality failures at QUB and UU.

Professor Harvey, the head of QUB Human Rights Centre is one of the main drivers behind *Ireland’s Future* – an Irish non-profit company formed in 2017 to campaign for new constitutional arrangements on the island. When the NI University Sector

¹⁶⁹ Belfast Telegraph, 31 October 2022 <https://www.belfasttelegraph.co.uk/news/northern-ireland/michelle-oneill-warns-abuse-of-qub-academic-could-spark-violence-and-demands-dup-stop-dangerous-attacks-42107767.html>

Report asserting NI Unionist marginalisation at QUB was sent to Professor Harvey, he declined to respond. Returning to the use of the QUB logo by Professor Harvey, it appears from another SF MLA (Caoimhe Archibald) source, that Professor Harvey did have permission to use the QUB logo on the publication entitled “Making the Case for Irish Unity in the EU”. If that is so, then the “Cold House” effect asserted by NI Unionist students at QUB in an online petition in January 2020 is given further credence. The SF MLA confirmed in the Belfast Telegraph article of the 31 October 2022, that “We note public support for Professor Harvey from Queen’s University. “That is welcome and I call on the university to publicly acknowledge permission to use the university logo on publications by Professor Harvey was sought and granted. “Attempts to suppress an informed discussion about the future through academic debate is an attack on democracy and freedom of expression and I call on the leadership of political unionism to defend the rights of academics to publish their opinion free from threat and intimidation.” Whilst echoing this call, the NI university sector and some academic disciplines within it marginalise NI Unionists and Unionist subjectivities to a degree that the NI university sector must be subject to an equality audit.

When the whistle-blowing Report into NI Unionist marginalisation, under-representation and discrimination against NI Unionist students, academics and researchers at QUB and UU was sent in February 2022 to the QUB Vice-Chancellor and senior academics at QUB and UU, QUB failed to acknowledge receipt of the Report or to reply to the whistleblowing disclosures contained within the NI University Sector Report. Nine months later, the author of the whistle-blowing report is still awaiting a reply!

News Article (4) Comparison between ECNI, interpretation of S.75 equality screening obligations within language funding provisions in NI and the lack of S.75 equality screening of funding programmes within the NI university sector.

On the 17 November 2022, the Belfast Telegraph published the following article entitled ‘Equality Commission to carry out ‘assessment’ on Irish and Ulster-Scots funding after DUP challenges ‘disparity’’.¹⁷⁰ This raises the interesting question of why the Equality Commission within NI would undertake an investigation into language provisions within NI and not address the alleged marginalisation, under-representation and discrimination of NI Unionist students, researchers and academics within the NI university sector. Also of interest is that the Equality Commission seems to have given a commitment to a Westminster MP to “assess” language provisions within NI, when one would have expected that the Equality Commission’s own auditing, monitoring and surveillance obligations would have uncovered concerns that would in turn have necessitated the equality assessment.

The Belfast Telegraph pointed out that the Equality Commission will carry out an “assessment” after claims from the DUP there is a disparity in funding between

¹⁷⁰ <https://www.belfasttelegraph.co.uk/news/northern-ireland/equality-commission-to-carry-out-assessment-on-irish-and-ulster-scots-funding-after-dup-challenges-disparity-42151645.html>

Ulster-Scots and Irish. The issue was raised by Upper Bann MP Carla Lockhart during a meeting of the Northern Ireland Affairs Committee looking at the 2021 census findings on language.

Ms Lockhart cited the similar usage of the two languages revealed by the most recent census data and claimed it demonstrated the need for an equality assessment due to the “complete disparity in funding of both languages”. “Census 2021 shows that 12.4% (228,600 people) of our population aged 3 and over had some ability in the Irish language,” Ms Lockhart said. “Census 2021 also shows that 10.4% (190,600 people) of our population aged 3 and over had some ability in the Ulster-Scots language. “Currently, it is a conservative estimate to say that for every £1 spent on Ulster-Scots, at least £10 is spent on Irish.

Also of interest (and in relation to the urgent need to audit the NI university sector), a spokesperson for the Equality Commission NI said its statutory duties and functions “are not directly or primarily concerned with the promotion of languages” and that it does not have direct jurisdiction on language issues. “However, it is clear that policies including funding policies, including those relating to languages, can engage the Section 75 duties,” they added. “Section 75 of the Northern Ireland Act requires that public authorities, in carrying out their functions, have due regard to the need to promote equality of opportunity and regard to the desirability of promoting good relations.”

The ECNI spokesperson said the allocation of budgets “should be transparent and accountable” and reminded public bodies they must be able to show evidence that they have given appropriate consideration promoting equality of opportunity. “This does not mean that Section 75 stops decisions which will affect one group more than another, but it allows financial decisions that are informed by evidence,” they added.

The issue of the DfE and the NIAO auditing DfE university PhD scholarship funding and other forms of research funding within the NI university sector (in terms of S.75 equality screening) is a matter that Dr Cooke addressed directly with the DfE and NIAO and it is an issue that is addressed within this Report. This report argues that systemic failures to audit the funding of DfE PhD scholarships by the DfE / NIAO meant that DfE spending within the NI university sector was ultra-vires. Moreover this report suggests that the DfE and NIAO erred in their legal interpretations when they argued that they had no statutory obligations to undertake S.75 equality screening of departmental spending programmes. As yet, after 10 months raising this subject with the ECNI, I still wait a response to my whistle-blowing exposures.

Interestingly the ECNI stated in the Belfast Telegraph article that “If someone who is directly affected believes a public body has breached its own equality scheme arrangements in relation to any funding decision, they can make a complaint to us under Paragraph 10 of Section 75.” Notwithstanding the ‘obligations’ of employees and the general public to become whistle-blowers and to face the wrath of their employers, the ECNI have statutory obligations to undertake these investigations when their monitoring activities suggest there is a need for investigation.

What is confusing and possibly points to double standards, since 2017, Dr Cooke has been writing, providing substantive evidence to the NIEC and the DfE asking for the ECNI to undertake a Paragraph 10 investigation into the impact of S.75 equality screening failures in the NI university sector between 2000 and 2018. In addition, in 2018, Dr Cooke asked the NIEC to undertake a full audit of the NI university sector and he repeated these invitations many times thereafter. Throughout 2022, numerous drafts of this report has been forwarded onto the NI universities, Equality Commission, NI Audit Office and DfE. The Report as of the 19 November remains uncontested. In 2018, the Equality Commission wrote to Dr Cooke to say that they were reviewing their investigation processes and could not undertake any equality audit of the NI university sector until that review was concluded. Four years after, the Equality Commission have failed to commence an equality audit into a sector that has not been subject to a full equality audit since 1985. If however, as confirmed on the 17 November 2022 within the Belfast Telegraph that language provisions within NI warrant an Equality Commission 'assessment', then the provision of university education within Northern Ireland warrants the same degree of attention.

NI Unionist political Inactivity / Disinterest in the NI university sector

By the 16 December 2022, after several years writing to and informing the NI Unionist political community about systemic 'problems' of Unionist marginalisation, under-representation and discrimination within the NI university sector, and ten months after the first draft of the February 2022 whistle-blowing report was sent to all NI Unionist MLAs and MPs, Northern Ireland Unionist politicians had shown little interest in the protected disclosures identified by Dr Cooke. This disinterest poses the interesting question of why are NI Unionist politicians so unwilling, or unable, to acknowledge, refute or support the whistle-blowing disclosures contained within the NI University Sector Report? On the 2 December 2022, Dr Cooke e-mailed all NI Unionist MLAs and councillors posing two scenarios to explain their level of disinterest / inactivity. The e-mail of the 2 December 2022 was not replied to and is included below to help make visible the failures contained in the design of the current power-sharing arrangements at Stormont, arrangements that are yet once again suspended.

E-mail of the 2 December 2022 to NI unionist politicians and parties

Over the last nine months I have sent amended versions of my whistle-blowing NI University Sector Report to various NI (and UK) government agencies, NI political parties and various media outlets. The whistle-blowing Report containing numerous protected disclosures has gone without reply. Within Northern Ireland, it appears that the public acting as whistle-blowers can be ignored by politicians, government departments and statutory agencies without impunity.

Since the whistle-blowing report was first sent to Queen's University Belfast, Ulster University, the DfE (NI), NI Audit Office, NI Human Rights Commission and Equality Commission (NI) and indeed all NI MLAs on the 11 February 2022, there has been no written response to the protected disclosures. As new information has come to

light and been appended within subsequent updated versions of the report, these reports have also gone without reply or acknowledgement.

The failure to respond to the report's protected disclosures; disclosures that suggest that various NI government departments, organisations and NI auditing agencies have failed to undertake equality audits of major government and other funding programmes within the NI university sector, can come as no surprise to the NI media. If the NI government departments do one thing well, the 2017-2022 RHI investigations indicates that, that one thing is self-protection.

What however is even more puzzling than the NIRHC, ECNI and NI Audit Office failings to reply to the whistle-blowing disclosures within the Report, is the continued failure of the NI Unionist political parties and NI Unionist politicians to reply to the report. The report alleges marginalisation, under-representation and discrimination against NI Unionist students, researchers and academics. If the report is flawed, then politicians within the SDLP and SF, as well as the Department and ECNI would be quick to point out the report's failings and to defend the equality regime within the NI higher education sector. If, however, the report is factually correct and the NI university sector is poorly regulated and monitored, then one would expect the DUP, PUP, TUV and UUP to make political capital in order to protect NI Unionists within different academic disciplines, campuses and schools at QUB/UU.

Why then have NI Unionist politicians ignored the report for the last nine months? Have they the capacity to undertake their own research, research that contradicts my whistle-blowing exposures? Or, have they other ulterior motives? It is a fact that several UUP and the DUP MLAs have held ministerial positions within government portfolios that funded the NI university sector. Danny Kennedy and Reg Empey (UUP) held the Department of Employment and Learning portfolio between 2007—2011. Subsequently, when higher education became the remit of the Department of the Economy in 2017, the DUP Ministers, Simon Hamilton, Diane Dodds, Paul Frew and Gordon Lyons had control over government funding to the higher education sector. Paradoxically, it can be argued that for periods between 2007-2011 and 2017-2022, the NI Unionist political community had ministerial oversight and that Unionists approved departmental funding (without equality screening of the spending programmes) to QUB and UU. Therefore, the NI University Sector Report, indirectly, highlights the failure of NI Unionist politicians to defend the interest of NI Unionist students, researchers and academics at QUB and UU.

However, there is another even more important reason why NI Unionist politicians wish to downplay departmental regulatory failures, systemic and historical equality funding failures, and increasing NI Unionist marginalisation within the NI university sector. There is a fear factor that helps in turn to protect those in government and in the university sector who have failed to regulate the sector. The NI Unionist political community is fearful of publicising and exposing the protected disclosures within the attached NI University Report, for fear that the already diminishing NI Unionist student populations at UU and QUB will further diminish. The paradox is, that in attempting to downplay the sector's regulatory failures in the hope that at some time in the future, NI Unionists sitting in the Executive can quietly and discretely legislate

to help prevent the inequalities of the past, the NI Unionist political community cannot seek recompense or restitution for decades of regulatory failure.

Unionist politicians hope to still attract NI Unionist students into the NI university sector when within the New Decade New Approach Deal (January 2020) the DUP acknowledge with the inclusion of the Castlereagh Foundation and the Ulster-Scots Research Institute, that these two policy proposals are the result of historical, institutional and systemic discrimination of NI Unionist researchers and academics within QUB and UU. Recently, the NI media confirmed that Sir Jeffrey Donaldson met the QUB Vice Chancellor to complaint about Professor Colin Harvey's use of the QUB logo and about unionist students at QUB being discriminated against. The DUP leader failed to make mention in the media of the NI University Sector Report's contents, despite the report having been copied to all DUP MLAs, MPs and Councillors (several times) since February 2022.

I suggest that the NI Unionist political elites are mistaken in trying to self-protect and in seeking to encourage NI Unionist students into certain QUB and UU academic schools and disciplines without acknowledging the scale of the problem and without improved equality regulation of the NI university sector. If there has, as I suggest, been two decades of regulatory failure, two decades of equality screening failures, two decades of funding bias, then these failures need to be exposed to enable restitution, much in the same way as the Unionist political community has sought restitution for legacy victims. Strange as it seems, the NI Unionist political community has ignored the contents of the NI University Sector Report, much in the same way as SF, SDLP and numerous UK / NI government departments and statutory agencies.

If truth exists, then denying the truth through collaborative silence, promotes falsehoods, this it seems is the business not only of NI government departments and agencies, but also the business of the NI Unionist and Nationalist politicians.

Ineffectual Whistle-blowing in the Northern Ireland public sectors

On the 9 December 2022, frustrated with the failure of government departments, politicians, regulators and QUB/UU to respond to the protected disclosures within the NI University sector reports first sent out in February 2022, Dr Cooke listed 14 of the main protected disclosures and again contacted over sixty NI and UK government offices, statutory agencies, NI university Vice-chancellors and others to complain that the general public within Northern Ireland could not operate as whistle-blowers to hold to account powerful government departments and large institutions funded by government.

On the 9 December 2022, Dr Cooke wrote:

Dear Sir / Madam

I would like to take this opportunity of writing to all NI Government departments and the Northern Ireland Office to raise my concerns about the inability of whistle-blowers within Northern Ireland to highlight concerns within large organisations, government departments and, paradoxically, NI regulators. Furthermore, in the absence of a NI Executive, I suggest that my whistle-blowing disclosures about NI government departments and regulators, may be of interest to the office of the Parliamentary Ombudsman.

Justice John O'Hara, within a recent public inquiry report, suggested in 2019 that there should be introduced within the health service a statutory duty of candour. I would go further and suggest that where senior government officers, public-servants and executives ignore whistle-blowing exposures in order to protect their own reputation, career progression or department, that a criminal 'conspiracy' charge should be introduced. If, by ignoring justified whistle-blower exposures, or by vilifying the character of the whistle-blowers, psychological harm or economic damage arises, then whistle-blowers need additional legal protections. By placing a legal duty on senior managers and executives to acknowledge bona-fide protected disclosures, and by statutorily discouraging senior managers and executives acting corporately to dismiss justified whistle-blowing disclosures, government empowers bottom-up taxpayers to help prevent institutionalised malpractice and malfeasance

Any such new civil or criminal legislation would ensure that meaningful whistle-blower's claims were not ignored and were taken seriously. Given the current high legal threshold that exists attempting to indict government employees for malpractice and the few disciplinary actions that arose after the publication of Rt Hon Sir Patrick Coglán's Renewable Heat Incentive Inquiry Report, the NI / UK tax-paying public need to encourage whistle-blowers in holding central and local government departments to account to prevent ultra-vires public-sector spending.

A criminal conspiracy takes place when two or more people get together and plan to carry out a course of conduct which will necessarily involve the commission of an offence. In other words, more than one person agrees to do something that could be construed as a criminal offence. I suggest that the documented treatment of many whistle-blowers within the UK and evidenced in two Parliamentary reports, amounts to criminal offences when the whistle-blowers suffer economic and psychological harm as a result of their protected disclosures. In addition, rarely does a whistle-blower suffer harm, or damage, from one manager or senior executive acting alone after the whistle-blower makes his, or her, protected exposures up through the different levels of organisational management.

Internal whistle-blowers, within government departments and the NHS, are best placed to expose universal problems and when they do so, departmental heads conspire with others to silence the whistle-blowers whose reputations are then damaged in their efforts to expose corporate malpractices. External whistle-blowers, can expose only individual, or limited disclosures, however, those in authority are acutely aware that individual, incremental exposures made by external whistle-blowers can lead to the exposure of more substantive, generic, or universal failings already known to the organisation and hence institutional cover-up, or corporate silences, are rarely undertaken by only one senior executive or government officer acting by himself (or herself) alone.

Recently, within the private sector, and within the global car-manufacturing sector, high profile car-manufacturers were found guilty of universally tampering with car emission systems in order to defraud potential purchasers and government emission testing inspectors. The fraud was covered up by numerous executives occupying the highest corporate positions throughout the car manufacturing industry. Similarly, within the UK public sector, several recent public inquiries have established that senior managers within the NHS have been discovered covering up clinical mistakes that resulted in the death of NHS patients.

Unlike the rest of the UK/GB, within Northern Ireland there is an unstable political administration, one that when it operates, operates without an effective political opposition party. I suggest that the NI public sector is not held to account from above by the political process, or from below, because historically whistle-blowers within Northern Ireland are not taken seriously. Since 2017, for over four years there has been no power-sharing NI Executive or Ministerial oversight of the NI government departments. The concept of power sharing within government, a political concept that binds more closely the Executive and the Legislature demands additional provisions to hold to account the machinery of government.

During this period (2017-2022), I have made numerous individual whistle-blowing public disclosures in an attempt to expose failings within the NI university sector and in February 2022, (and several times thereafter), I forwarded on a substantial (and costly) whistle-blowing report to numerous NI / UK government departments and statutory agencies that so far (over the last 10 months) has been ignored. The whistle-blowing assertions and protected exposures contained within the 300-page report; exposures that question the efficacy of statutory S.75 equality screening

obligations within large scale departmental spending programmes, are of such a nature that they are deserving of reply. The whistle-blowing report suggesting that NI government spending within the NI university sector, and indeed spending within other NI government sectors, is ultra-vires because of the absence of S.75 equality auditing of departmental annual spending programmes. The seriousness of the assertions within the Report demand reply, not institutional silence.

In recent times, there have been several high-profile concerns raised by whistle-blowers within the UK, Northern Ireland and Ireland that could have prevented infant deaths, institutional abuse and unnecessary wasteful public expenditure. Within Northern Ireland there are still ramifications arising from Kincora, the NI Hyponatremia Inquiry and the RHI Scandal. Within the UK, the Mid-Staffordshire NHS Trust and other UK regional health trusts have been subject to whistle-blowing inspired inquiries. Within these inquiries, the general pattern emerges of whistle blowing exposures being initially ignored, then denied, before the public inquiries exposed truths that suggested that many lives could have been saved if the whistle-blowing protected disclosures had not been ignored. Normally, whistle-blowers acting alone are unsuccessful in their exposures, their whistle-blowing success is conditional upon additional support.

In 2017, the NI Executive and Assembly collapsed over concerns in relation to the renewable heat incentive scheme. UK Treasury concerns over systemic NI departmental spending programmes, highlighted by the RHI Scandal ensured that greater financial top-down accountability was included within the New Decade New Approach Deal (January 2020). In addition, pages 45-53 of Chapter 23, Volume 2 of the RHI Inquiry Report highlights how government officers and senior politicians ignored the whistleblowing efforts of Ms O'Hagan. Had the whistle-blower, Ms O'Hagan been listened to, the DfE and high-profile NI government ministers could not have proceeded to endorse a laughable renewable heating scheme that was designed to pay a small group of individuals for burning excessive amounts of fuel / heat to generate individual profits.

Jeremy Hunt (UK Chancellor of the Exchequer and previously SS for Health and Social Services {2012-2018}) writing in Zero (2022) documents the whistle-blowing efforts of nurse Helene Donnelly and how this NHS whistle-blower helped to expose systemic failings within the Mid-Staffordshire NHS Trust and how senior NHS staff asked the internal whistle-blower to lie in relation to the death of a hospital patient. Jeremy Hunt, who for a decade has occupied the highest ministerial offices within the UK government, highlights how Ms Donnelly was first ignored and then vilified by those within the NHS responsible for systemic failures within the hospital trust.

Over the past five years, acting as a whistle-blower, I have made numerous individual protected disclosures about ineffective regulation, defective monitoring and inadequate adjudication processes within the NI university sector. Several of the protected disclosures, have been proven and concern large-scale NI public sector spending programmes that have gone without statutory S.75 equality scrutiny. Since February 2022, I have compiled and forwarded on detailed reports within which my individual (2017-2021) whistle-blowing disclosures have been combined and correlated. In over 10 months, between 11 February 2022 and 8 December 2022, I

have copied my whistle-blowing disclosures contained within the reports to the DfE(NI), Queen's University Belfast, Ulster University, the NIHRC, ECNI, NI political parties, NI Select Committee at Westminster, UK Treasury Office, UK Research Institute Council, the NI Audit Office and others. For ten months, departmental officials, the Vice-Chancellors at QUB/UU and the offices of the NIAO, ECNI and the NIHRC have ignored the whistle-blowing report. In Section 10 of the attached report I address my general concerns about whistle-blowing within the NI university (and other NI public) sectors.

Common courtesy, suggests that my report, no matter how erroneous or inaccurate is worthy of an informed response. The irony is that whilst whistle-blowing exposures are potentially damaging to corporations, institutions and government departments, even more damaging is the consequence of institutional silence and cover-up. The failure of the universities and NI government agencies to respond to the report is not due to the report's erroneous content, rather the failure to reply arises because the report compares and contrasts the regulatory and monitoring regimes within the NI university sector with those of university sectors within England and Wales. When a direct comparison is made between the regulatory systems within the NI and the English / Welsh university sectors, the potential for regulatory 'abuse' within the NI university sector becomes glaringly apparent.

Within Northern Ireland, the failure of the NI Executive and Assembly, to track the changing and improved regulatory regime that now exists within universities in England and Wales has created an environment within which two powerful institutions (QUB and UU) are poorly and inadequately monitored and regulated. An additional problem has also arisen. In failing to track the English and Welsh university regulatory changes, the onus then falls to the NIAO, ECNI and NIHRC to ensure that they regularly engage and monitor the value-for-money, Article 10 and S.75 obligations of UU and QUB. My report therefore is not simply critical of QUB and UU, the report exposes regulatory oversights of the NIAO, NIHRC and ECNI. To compound matters even further, the NI political parties seem disinterested in addressing my whistle-blowing exposures.

Protected disclosures contained within the NI University Sector Report:

The attached NI University Sector (whistle-blowing) Report includes the following protected disclosures that I suggest are (paradoxically) further evidenced by the failure of the same statutory agencies and universities to fulfil their legal (whistle-blowing) obligations to acknowledge and to respond to the report over the last ten months.

Protected Disclosures:

PD1 – QUB presented defective and inaccurate Covid-19 risk assessments to the Office of First and Deputy First Minister in August / September 2020 that allowed QUB to 'open-up' for face-to-face teaching in September 2020 therefore risking universal spread of the Covid-19 virus throughout Northern Ireland. The QUB Covid-19 risk assessments, promoting face-to-face teaching at QUB were contrary to the expert advice then being given by the in-house QUB virologists and

epidemiologists to the NI Executive and it appears that the QUB Covid-19 risk assessments were not scrutinised by H&S or virology expertise.

PD2 – UU failed to undertake a meaningful (statutory) S.75 equality screening exercise of its staff redundancy scheme.

PD3 - UU failed to undertake a meaningful (statutory) S.75 equality screening exercise in the preliminary and intermediate stages of the £500 million development of the new campus at York Street, Belfast. The UU also failed to undertake a S.75 equality screening exercise before it closed the Ulster-Scots Institute at Jordanstown.

PD4 – QUB and UU failed, between 2000 and 2019 to undertake S.75 equality screening exercises of all annual DEL / DfE PhD research scholarship funding programmes. The funding programmes went without screening by QUB / UU and without equality monitoring by the DfE and ECNI. More importantly, the DfE failed to undertake an investigation into the impact of the systemic PhD scholarship screening failures in the recruitment of academics at QUB/UU.

PD5 – Annual research funding of other PhD scholarship programmes and mainstream academic research within Northern Ireland emanating from the UK Research Institute Councils was not subject to S.75 equality screening or monitoring.

PD6 – Historical, institutional and systemic failure to undertake equality screening of DfE, DEL and UKRCI research funding led to claims of increasing marginalisation, under-representation and discrimination of NI Unionist researchers and academics at QUB/UU and therefore indirectly necessitated the inclusion of the Castlereagh Foundation and the Ulster Scots Research Institute proposals within the New Decade New Approach Deal of January 2022.

PD7 - The above statutory S.75 equality screening failures gives rise to claims of ultra-vires public spending within the DfE.

PD8 – QUB’s internal student complaints and appeals procedures are designed to ensure that the large majority of student complaints go undocumented and unregistered within the central QUB Complaints Office. The failure to document all student (consumer) complaints suggests non-compliance with S.75 equality screening requirements.

PD9 – The NI Audit Office in failing to audit the S.75 equality screening requirements of DfE within the NI university sector and indeed all spending and funding programmes within the DfE, suggests that public spending within this NI government department, and indeed other NI government departments has been ultra-vires. If the NI Audit Office, by admission, has not scrutinised the efficacy of S.75 equality screening with the DfE’s spending programmes, then this auditing failure is likely to be a common failure across all NI government department spending programmes since 2000.

PD10 – Historical NI department failures to audit spending programmes in terms of statutory S.75 equality screening obligations, invites fundamental questions about the efficacy of the equality commitments made in 1998 under the Good Friday Agreement. If for example, PhD funding programmes have not been subject to S.75 equality screening exercises, then arts council funding programmes, social housing spending programmes, sport grants, cultural funding programmes, language funding programmes, are all potentially ultra-vires.

PD11 – Inadequate, ineffective, or missing S.75 equality screening exercises in the funding of university research programmes, new school and campus construction programmes, institute closures, and student complaints systems, coupled with the failure of the NI Executive / Assembly to track the progressive regulatory changes within the English and Welsh university sectors has allowed the situation to arise where claims of marginalisation, under-representation and discrimination against NI Unionist students, researchers and academics at QUB/UU can be justifiably made and demand a response. The current system of self-regulation, or laissez-faire regulation of QUB and UU by the NI Executive, DfE, NIAO, NIEC and NIHRC (since 2000) has failed, suggesting that a comprehensive equality review of the NI university sector is urgently required, a review that should be undertaken by an effective, independent, impartial investigating authority. In addition, the NI University Sector (whistle-blowing) Report suggests that the current regulatory system of the NI university sector is broken and new governance bodies mirroring those that exist within the English and Welsh university sectors should be brought forward by the NI Executive and / or Westminster to protect UK taxpayers and UU / QUB student consumers.

PD12 – The failure of the ECNI and NIHRC to intervene to prevent the closure of the Union Theology College (between 2018 and 2022) by QUB, and the subsequent failure of the ECNI and NIHRC to investigate QUB for possible S.75 equality screening failures and Article 9 and 10 human rights breaches, asks questions about the legitimacy of the closure of the Union Technology College and the reasons why the ECNI and NIHRC failed to intervene.

PD13 – S.75 equality screening failures within the award of PhD scholarship programmes has a direct impact upon academic recruitment within QUB and UU. The potential for individual academic prejudice in PhD scholarship award distributions has a nexus with subsequent academic recruitment within the university sector. Today, a career as an academic is conditional upon obtaining a PhD and obtaining a PhD is dependent upon obtaining scholarship funding. Systemic failures in undertaking S.75 screening of PhD scholarship funding programmes (2000-2020) has potentially created the environment within QUB / UU for indirect discrimination to exist. If this is so, the failure of the ECNI to address this protected disclosure requires explanation. Any individual biases emanating from individual centres within QUB / UU schools where PhD funding is awarded, without the oversight that S.75 scrutiny provides, presents Article 9 and 10 concerns for the diminishing cohort of NI Unionist researchers and academics within humanities, arts, languages, law and social science, schools, faculties and disciplines. The failure of the NIHRC to address the human rights (and equality) concerns that were made public by the NI Unionist political community within the 2020 Castlereagh Foundation and Ulster-

Scots Research Foundation and the whistle-blowing exposures within the attached report requires explanation.

PD14 – The continued separation of the NI Human Rights Commission and the Equality Commission NI is outdated and both statutory bodies should be merged after they are scrutinised to ensure that their historical cultures and employment records do not constitute indirect discrimination against the NI Protestant / Unionist community’.

To conclude, over a five-year period, through old age and ill-health, I have spent over 4,000 hours making a string of individual and collective whistle-blowing exposures supported by FOI Act evidence. Each individual protected disclosure was essentially ignored by numerous statutory agencies. The DfE admitted in 2018 to S.75 screening failures in the award of PhD scholarship funding between 2000 and 2020 but ignored all calls to address the impact (or legacy) of the screening failures. The DfE refused to ensure that all other research funding to QUB and UU from the UKRIC was subject to equality screening. The NI regulators, who a whistle-blower would normally turn to for assistance when making protected exposures, have shown by ignoring the report that they are equally likely to hide behind a wall of silence when whistle-blowers ask questions of their own incompetencies, failures, decisions and biases.

The paradox is that as whistle-blower, in order to reinforce my protected disclosures, I have had to compile several years of individual exposures into a comprehensive sectoral report. In other words, I as an individual have undertaken (in part) the work that QUB, UU, ECNI and the DfE should have undertaken or paid other independent experts for. My whistle-blowing claims that NI Unionists within the NI university sector are marginalised, under-represented or discriminated against as a result of S.75 equality screening failures and ineffective ECNI and NI Human Rights Commission oversight have not been refuted. To conclude, I suggest that internal and external whistle-blowers within Northern Ireland are unable to hold the NI public sector to account and that in the absence of strong government oversight and new regulatory whistle-blowing protections and penalties, the NI public sector will continue to be unaccountable to NI/UK taxpayers.

NI University Sector Whistle-blowing Report (dated November 2022) attached

Dr Edward Cooke

Formal Response from Department of the Economy (Mark Lee, interim direct for education) to complaints made by Dr Edward Cooke that the Department had ignored the whistle-blowing report.

In my capacity as interim Director of Higher Education in the Department for the Economy, I am responding to your correspondence dated 19th November 2022.

I note, and offer apologies, that you feel the Department has not provided you with a satisfactory response in relation to this report but I can acknowledge receipt of the final report entitled: “Whistle-Blowing Exposures into Auditing and Regulatory

Failings & NI Unionist Student, Researcher and Academic Marginalisation within the NI University Sector.” Previous iterations of the report have been considered by officials as received.

Having reviewed the latest version of this report, alongside other correspondence, the Department considers that:

- there are a considerable number of issues raised that are outside the remit of this Department;
- there are a number of areas relating to issues within Higher Education Institutes. Whilst the Department provides funding and sets the strategic direction for the Higher Education sector in Northern Ireland, universities are autonomous institutions and are responsible for their own policies and procedures;
- there are a number of issues raised specifically in relation to Queen’s University Belfast and, I understand from previous correspondence, that you have engaged with their complaints procedure in line with the proper process. You will also be aware that the University has its own whistleblowing policy QUB Whistleblowing Policy;
- the report contains no significant new information in relation to matters, within the Department’s remit, from previous correspondence on similar matters previously provided to, and considered by, the Department;
- there is a recurring issue around Section 75 which following an investigation by the Department was the subject of a formal complaint regarding the findings. The decision letter (DfE Ref No. COM: 2021-0008) sent to you on the 5th March 2021 concluded that “your complaint is not upheld because the matters raised have been addressed by the Department satisfactorily, and it has engaged with you in an open and transparent manner”. You were also referred to the Northern Ireland Public Service Ombudsman in line with the legislation Public Services Ombudsman Act (Northern Ireland) 2016 (legislation.gov.uk). You may also note that the Department’s complaints procedure states that a complaint is not “an attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our final decision” DfE complaints procedure | Department for the Economy (economy-ni.gov.uk);
- I have also consulted the Department’s raising concerns team who concur that any matters pertinent to the department have been considered, addressed and closed. Raising Concerns - Whistleblowing guidance | Department for the Economy (economy-ni.gov.uk).

After careful consideration, I have determined that the Department now considers the line of business, contained within the report, as closed and we do not intend responding to any further correspondence relating to these matters, unless information deemed by the Department as new and significant is provided.

Mark Lee (Director of Higher Education Division (interim))

Response from Jayne Brady (Head of NI Civil Service) dated 22 December 2022

Dear Dr Cooke

Thank you for your email of 8 December, which Naomi Long MLA forwarded to me. It is very important that the Civil Service is ready to look at any concerns that are raised, because that way we can identify and manage the risks and problems that can emerge in the work of government. You may be aware that following the RHI Inquiry, the NICS Code of Ethics was revised to make it clear that civil servants have a responsibility to give consideration to concerns raised by members of the public and other stakeholders, and to ensure that they are properly addressed.

Work has since progressed on a new Raising a Concern Framework Policy which will set out a general approach for all Departments as to how they should handle concerns – both those raised by members of the public and those raised from within the Departments and agencies – reflecting good practice in the public sector generally. Each Department will then need to ensure that their existing arrangements are consistent with that framework.

I hope that this provides helpful context.

Student Group Legal Actions Commencing in England and Wales in 2023.

On 1 November 2022, it was widely reported in the UK media that 20,000 university students within England and Wales were in the process of taking legal action against 18 universities.¹⁷¹ The class / group student action coordinated through Student Group Claim is supported by two major UK legal firms.¹⁷² Asserson and Marcus Parker have commenced legal action on behalf of students for breaches arising from university lecturers strikes and from the disruption to academic studies that arose

¹⁷¹ <https://www.totalstudentcare.com/news/2022/12/mass-lawsuit-against-uk-universities-by---lockdown-students---/31/#:~:text=Nearly%20%2C000%20students%20from%20across%20the%20United%20Kingdom,received%20a%20sub-par%20educational%20experience%20during%20the%20disruptions.https://www.express.co.uk/news/uk/1690770/students-sue-universities-covid-lockdown-disruption-compensation-pandemichttps://www.bbc.co.uk/news/uk-england-nottinghamshire-63434284https://www.itv.com/news/london/2022-11-01/london-universities-facing-costly-legal-action-from-lockdown-students>

¹⁷² <https://studentgroupclaim.co.uk/>

from Covid-19 lockdowns.¹⁷³ Within the Student Group Claim support, there are seven solicitors and five paralegals working to compile a series of group actions with the civil courts with the first group action due to commence in February 2023. However, it appears that the university student legal actions are (so far) confined to England and Wales and not yet Scotland and Northern Ireland. The paradox is, that international, UK and NI home students within Queen's University Belfast, possibly have a better legal claim against not only QUB for breaches of contract to provide academic services arising from Covid-19, but also against the NI Executive who may have erred allowing QUB to open up for face-to face teaching only to breach individual student contracts four weeks later.

In December 2022, Dr Cooke e-mailed numerous NI statutory bodies, both NI government departments and other statutory agencies, to point out that a series of whistle-blowing reports first sent out in February 2022 and several times thereafter had not been acknowledged or responded to. Within the whistle-blowing report, Dr Cooke made a series of protected disclosures, one protected disclosure was made in reference to QUB opening up for face-to-face teaching in September 2020 after a Covid-19 risk assessment had, apparently, been sent (and was approved) by the NI Executive sometime in August / September 2020. Previously, in 2020//2021, Dr Cooke as an ex-member of the Association for Project Safety (and a CDM Risk Assessor) contacted the HSENI to determine if the HSENI had sight, or had vetted, the QUB Covid-19 H&S Risk Assessment.

The HSENI confirmed then, and again confirmed on the 13 December 2022, that no such H&S Risk Assessment was ever sent to the leading H&S body within Northern Ireland before the NI Executive took its decision to allow QUB to open up for teaching, and it appears that the HSENI never asked to see this risk assessment after Dr Cooke's interventions of 2021. If so, serious questions arise in relation to the decision to allow QUB to open up for face-to-face teaching in September 2020.

Until the 1 November 2022, Dr Cooke's whistle-blowing report has been ignored by QUB, UU and various government departments and regulators. The class-action within England and Wales however places a different dynamic on Dr Cooke's protected disclosures, should the forthcoming class actions in England and Wales prove to be successful. Within the whistle-blowing report, Dr Cooke asserts that in opening up QUB for face-to-face teaching QUB helped to spread Covid-19 throughout Northern Ireland as students migrated weekly from student accommodation in Belfast to the rural counties. Dr Cooke's whistle-blowing report asserts that QUB's student complaints system is defective because the vast majority of student complaints are not recorded or tracked by the QUB Appeal and Complaints Office and that without compilation and tracking of all student complaints, S.75 equality screening cannot be undertaken.

This problem of tracking and recording student complaints is of particular importance if, as in the case of first student group action pending against UCL, those most

¹⁷³ <https://asserson.co.uk/>
<https://harcusparker.co.uk/>

disadvantaged by QUB opening up in September 2020, and then quickly closing down in October 2020, are international Chinese students paying larger academic fees for post-graduate education. If these classes of students can show that they have been disadvantaged, or discriminated against, there are grounds for not only the NI Ombudsman's Office to intervene on grounds of procedural irregularities, there are equality grounds for the ECNI to intervene. Regrettably, as it currently stands, the whistle-blowing report of February 2022 has been ignored by different statutory agencies, and hence complainants like Dr Cooke, and any QUB students currently complaining of breach of academic contracts arising from Covid-19 are having to negotiate a questionable QUB complaints system. Unfortunately, the ECNI have recently confirmed that Dr Cooke's separate request for the ECNI to undertake a Paragraph 10 investigation into the efficacy QUB Appeal and Complaint's system is not justified. However, in rejecting the request for a paragraph 10 equality investigation, the ECNI may be uniformed of the current class actions in England and Wales and the actual number of disgruntled students within QUB who have no legal redress. It is however most probable, on a pro-rata basis that if there are 20,000 student complainants within 18 GB universities, that there are perhaps 650 to a 1,000 students within QUB and many more within QUB and UU combined, that feel just as aggrieved but unlike those students in England and Wales, the QUB and UU students have not the same legal protections.

Without the support of large legal solicitors' practices and barristers operating to protect groups of university students, individual students within Northern Ireland, without the aid of an equivalent to the Office of Students and the Office of the Independent Adjudication have not the same legal protections. These are points repeatedly made within Dr Cooke's February 2020 whistle blowing report and these are points that for 10 months have been ignored by the NI university funding department, various NI auditing bodies, parliamentarians and the NI universities. The recent commencement (and publication) of the student class actions for breaches of academic contracts within England and Wales, without similar actions arising in Northern Ireland, highlights the failure of the NI Department of the Economy and existing regulatory and auditing bodies to protect student consumers. To this end, the following e-mail was sent to the different agencies charged with protecting NI university students between the 12 and 14 December 2022.

Group E-mail and FOI Act requests dated 12 and 14 December 2021 sent to QUB, the NI Executive Office, DfE and copied to Equality Commission and NIPSO.

Early in 2023, a large (group/class) legal action commences against University College London with student (consumers) alleging that UCL was in breach of contract to provide academic services. Having taught previously at UCL, the choice of the university to take this first group action is unsurprising. The high number of pro-rata, post-graduate international (Chinese) students at UCL and the high level of academic post-graduate fees and accommodation costs that they pay, provides the grounds for such a legal action. If this first action is successful, then more student group actions will occur throughout GB during 2023. Within England and Wales, legal claims against individual universities are unlikely to be made also against the UK government, however, within Northern Ireland, it is possible that any class student actions could be made against the NI Executive.

If within England and Wales, there is the potential for 20,000 + students to recover for breach of contract, then within Northern Ireland there is the potential of between 650 and 1,000 students taking legal action against QUB and UU, with the larger proportion of consumer claimants taking action against QUB.

The Freedom of Information Act requests to QUB, the Executive Office, DfE and HSENI included below relate to the Covid-19 H&S Risk Assessment submitted by QUB to the Executive Office and assessed by the Office of First and Deputy First Minister in August / September 2020 prior to QUB being allowed to open-up for face-to-face teaching in September 2020.

The Executive decision to allow QUB to open up for face-to-face teaching presents a legal opportunity for creative legal experts to join the DfE/NI Executive to any student group claim that might arise against QUB / UU. Whilst the UK universities are covered by legal insurance, individual breach of contract awards made to international students, if upheld by the courts, will be significant. Attached to these breach of contract claims, other legal issues of psychological harm and physical damage may also arise from students invited to reside in university halls of residence

From February 2022, for the last 10 months, I have been raising the matter of QUB opening-up for face-to-face teaching, and the impact of this decision on the spread of Covid-19 in October / November 2020 throughout NI. My whistle-blowing protected disclosures have been ignored by NI government departments and statutory agencies over the last 10 months. It is more than likely that the student's unions at QUB and UU will be currently tracking the UCL group action and should the UCL students be successful in their breach of contract claims, then one would expect the various student groups affiliated to the National Union of Students to engage legal firms within Northern Ireland to commence similar legal actions against QUB/UU. Those students who possibly suffered the greatest economic loss from the breach of academic contracts in 2020-21 when face-to-face teaching was aborted are the Chinese post-graduate student community who paid much higher academic fees than home students. I would envisage that if, or when, QUB/UU student group actions reach the NI courts, the QUB Covid-19 Risk Assessment of the summer 2020 and the subsequent deliberations of the Executive Office will be evidence that would help the NI courts in their decision making.

Pages 121-144 of the attached NI University Sector Report outlines my whistle-blowing concerns expressed to the NI Assembly, DfE, QUB and UU in February 2022 and several times thereafter. I can also confirm that I previously raised this matter with the HSENI and various local council environmental and public health offices in 2020/2021. The HSENI have recently confirmed by way of a FOI Act reply that they have had no sight of the August / September 2020 QUB Covid-19 Risk Assessment. I have therefore invited the HSENI to obtain this document and to comment upon its competence.

I would be obliged if any of those members of the NI Assembly in September 2020 has sight of the QUB Covid-19 risk assessment, if they could forward on a copy to myself. Enclosed below is the FOI Act request to QUB/ Executive Office / DfE and

HSENI requesting details of student complaints and a copy of the Covid-19 H&S Risk Assessment

Freedom of Information Act request:

Opening up of QUB for face-to-face teaching in September 2020

Rationale for the FOI Act Request

Introduction

The rationale for the following FOI Act requests (see below) to QUB, NIHSE, DfE and NI Executive Office is determined by the possibility that within NI, QUB (and possibly UU) university students may have justified legal claims against QUB and indeed the NI Executive arising from QUB's decision to open-up for face-to-face teaching in September 2020. The information provided below indicates that within England and Wales, some 20,000 university students have signed up for group claims against their universities. Within Northern Ireland, based on the comparative sizes of the NI and English/Welsh university sector, it is possible that between 650 and 1,000 university students at QUB / UU could make similar claims in either contract or tort. Where students at QUB entered into contracts for the provision of academic services in September 2020 shortly thereafter to be denied face-to-face teaching, theoretically they have cause to complain and recover for breach of contract. In addition, domestic resident, UK and international students who were invited into the QUB halls of residence in September 2020 and who then caught Covid-19 when resident within the halls of residence could take negligent actions against QUB by arguing that it was foreseeable, probable, likely that large groups of students confined in close proximity would contract Covid-19.

This Freedom of Information Act requests sight of the QUB Covid-19 Risk Assessment of the Summer of 2020 that allowed QUB to open up for face-to-face teaching in September 2020. If risk assessments are attempts to pre-determine the likelihood of an event happening and the seriousness (or degree of harm) arising if the event arises, it is suggested that QUB erred in opening up for face-to-face teaching in September 2020 and that either the DfE/NI Executive Office facilitated QUB or the DfE/NI were misinformed by QUB when the NI Executive allowed QUB to open up for teaching and at the same time invited thousands of international students to enter into educational and residential contracts that were quickly thereafter breached. In 2023, large student group legal actions will commence in mainland GB. The GB student group actions are facilitated in part because of the existence of an independent student adjudication body. By contrast, within Northern Ireland, the absence of a similar body and the way that QUB handles the recording and documentation of student complaints to a centralised complaint's office prejudices potential student (consumer) complaints. The Equality Commission NI will note that within England and Wales, international students, many coming from the Chinese community who pay much larger academic fees (than home students) are featured heavily within the group action against University College London. The large number of international / foreign students taking action against universities that opened up for face-to-face teaching in September 2020 introduces the possibility that these students were economically discriminated against having flown thousands

of miles to attend university within the UK only then to be taught online within the confines of small bedrooms within student halls of residence.

Rationale: Northern Ireland and English and Welsh university sector comparators and student group (class) actions within England and Wales

On the 14 November 2022, Josh Bradbury reported that nearly 20,000 students within England and Wales are taking legal action against 18 universities over the education they received due to the COVID-19 pandemic. The students have joined various group claims through StudentGroupClaim.co.uk to demand compensation for what they believe was insufficient provision for their education. Student Group Claim says that students ought to receive compensation as they “received substantially less valuable services than those for which they paid” due to the alterations to education provisions implemented by universities in response to the Covid-19 pandemic, and that said compensation should be equivalent to “the difference between the market value of the services paid for and the market value of the services provided”.

There will be a hearing at the High Court on 2 February 2023 to decide whether to issue a Group Litigation Order for the claim against UCL, which involves 2,500 current or former students. If this is successful, other student groups are likely to pursue similar orders for litigation against their universities. Shimon Goldwater, solicitor to Student Group UK, stated: “When you pay for a service, if you did not receive what you paid for you deserve compensation. Universities promised students in-person tuition and access to facilities and other services in return for substantial fees. During strike action and the pandemic they failed to provide this but still expected to be paid in full. Students have often taken out substantial loans to pay for a package of education and experiences which they did not receive...” The claimants will be represented by Anna Boase KC, Patricia Burns, and Matthew Hoyle of One Essex Court, with a litigation and insurance package of £13.5m secured by Student Group Claim.

Within England and Wales, the first recourse for students who are dissatisfied with the teaching they received is to complain directly to the University. Once the internal complaints procedure has been exhausted, students may then escalate the matter to the Office of the Independent Adjudicator which upheld 1/3 of complaints last year with many related to how courses were delivered. However, the situation within Northern Ireland is different because there is no Office of the Independent Adjudicator and it is unlikely that the ECNI would help most university students to take negligence or breach of contract actions against QUB or UU, however, there is the possibility that disabled, or foreign nationalist students ‘enticed to study at QUB just prior to the start of the 2020 academic term could win support from the ECNI. In addition, statistical data from QUB in relation to student complaints cannot be relied upon because the universities complaint’s system does not record, document or track the majority of student complaints whereas the Office Of Students and Independent Adjudicator in England and Wales can provide independent statistical data that the English and Welsh civil courts would find informative. Regrettably, NI and international students at QUB/UU have not the same independent research data to rely upon should they as individual, or group complainants, proceed to the civil courts.

Without the assistance of an independent sectoral adjudicator in Northern Ireland university students within QUB (and possibly UU) would need to join a similar group to 'Student Group Claim' and would need engage with one of the larger legal firms in Northern Ireland, possibly supported by resources from the National Union of Students to impress upon the NI Courts how the statutory and legal frameworks within Northern Ireland disadvantage university students at QUB and UU vis-à-vis university students in England and Wales who have the support of an independent adjudicator and who have the ability to undertake class / group actions. It can come as no surprise that the first university student group action will be taken against UCL given the high percentage of foreign national students paying proportionately much higher academic fees (and associated accommodation costs) to study in London.¹⁷⁴

Within Northern Ireland, university students from within NI as well as international students were invited over the Summer 2020 to enrol at QUB in September 2020. It is believed that QUB submitted a Covid-19 risk assessment to the Office of First and Deputy First Minister in August / September 2020 to get Executive permission to allow QUB to open up for face-to-face teaching when many UK universities, the University and College Union and indeed the epidemiology and virology experts based at QUB, were throughout all of 2020 warning of caution, promoting Covid-19 'lock-downs' and suggesting that further outbreaks of Covid-19 virus was likely in the Autumn.¹⁷⁵

Even before the first 2020 semester at QUB began, outbreaks of Covid-19 were reported within the Holyland HMO 'village' and at the QUB Elms complex.¹⁷⁶ During this same period QUB were flying in from China Chinese students who were given a commitment to face to face learning.¹⁷⁷ It appears from my e-mail exchanges with the NIHSE that the NI Health and Safety Executive were never asked to determine the competence of the QUB Covid-19 risk assessment submitted to the NI Executive to allow QUB to open-up for face-to-face teaching and encourage students from within Northern Ireland (and from as far away as China) to come and relocate to Belfast). Having attracted many students into the QUB Halls of Residence, those students within the QUB halls had an experience very different to the one that QUB contracted to provide.¹⁷⁸

It is possible that NI home students, as well as international students studying at QUB in 2020/21, have good legal claims for breach of contract and / or tortious

¹⁷⁴ <https://theboar.org/2022/11/20000-university-students-launch-covid-education-lawsuit/>

¹⁷⁵ <https://www.bbc.co.uk/news/uk-northern-ireland-54229139>
<https://www.belfastlive.co.uk/news/belfast-news/qub-academic-concern-after-virologists-18447422>

¹⁷⁶ <https://www.belfasttelegraph.co.uk/news/health/coronavirus/students-suspended-as-almost-200-covid-notice-issued-after-belfast-holyland-unrest-39553187.html>.
<https://www.bbc.co.uk/news/uk-northern-ireland-54318849>

¹⁷⁷ <https://www.bbc.co.uk/news/uk-northern-ireland-53335074>

¹⁷⁸ <https://www.belfastlive.co.uk/news/belfast-news/queens-university-belfast-student-describes-19073441>

(negligence) claims arising from QUB's premature decision to open up for teaching and the subsequent decision in October 2020 to quickly abandon 'face-to-face' teaching. It can be easily established in law that QUB had a duty of care to potential students and that there was a high risk in bringing large numbers of younger NI students onto campus, that students' health (and the health and safety of university staff and the families of students) would be put at risk by the Covid-19 virus. The regular week-end movements of NI students living within the QUB/ UU halls of residence and within the Holyland are well known to the university estate management teams. It is possible that extensive knowledge of the weekly migration of students from campus to family homes (at weekends) was the primary reason that UU decided not to embark on face-to-face teaching in 2020.

Evidently, in September 2020, there was an immediate breach of duty of care within the QUB Elms student complex and the breach led to both physical harm and economic harm. Contractually, there is evidence of contracts being entered into (between QUB and students) from which QUB students had academic expectations that were subsequently not met. Whilst QUB might claim that contracts to provide academic services were frustrated by the outbreak of Covid-19, QUB acted in opening up for face-to-face teaching contrary to UU, many UK universities, the advice of the UK government, and the Covid-19 lockdown advice provided by the experts from within QUB throughout all of 2020. QUB took an economic decision to open up for face-to-face teaching running the risk that student's academic experiences would be impacted upon by a return of Covid-19. In essence this is why 20,000 mainland university students are contemplating legal action.

Given the information exchange that exists within the National Union of Students, it follows that university students within QUB (who are NUS members) are likely to be tracking the Student Group Claim and one would expect the QUB Student's Union to advise QUB students impacted by the Covid-19 virus 2nd phase outbreak within NI to pursue similar tortious or breach of contract claims. These matters are in part addressed within the attached NI University Sector Report, however in order to complete the report ready for submission to the NI Assembly Committees when they (hopefully) resume in 2023, the following information is required by way of a FOI Act request.

Freedom of Information Act Requests:

(1) Could QUB's Appeal and Complaints Office of the Office of Vice-Chancellor confirm under the FOI Act:

(a) how many GB and international students, and (b) how many NI home students made formal complaints, or took legal action against QUB arising from QUB's decision in August / September 2020 to open up for face-to-face teaching programmes only to abandon face-to-face teaching in October 2020 after Covid-19 virus started to spread throughout Northern Ireland?

(c) May I have a copy of the QUB Covid-19 Risk Assessment of Summer 2020 submitted to the Office of First and Deputy First Minister (and approved by the NI Executive) that allowed QUB to open up for face-to-face teaching in September 2020.

(2) Could The NI Executive Office, the NIHSE and the NI Department of the Economy provide by way of the FOI Act 2000:

A copy of QUB Covid-19 Risk Assessment of Summer 2020 submitted to the Office of First and Deputy First Minister (and approved by the NI Executive) that allowed QUB to open up for face-to-face teaching in September 2020.

The above FOI Act request is also copied to the NIPSO and ECNI a part on an ongoing whistle-blowing Report on procedural, regulatory and equality concerns within the NI university sector.

The HSENI quickly confirmed that it did not have a copy of the August / September 2020 QUB H&S Risk Assessment. The HSENI was then invited to obtain a copy of the risk assessment and to deliberate on its efficacy. On the 15 December 2022, the HSENI confirmed that they would not be requesting or analysing the QUB Covid-19 H&S risk assessment prompting Dr Cooke on the 16 December 2022 to invite the senior Executives within the HSENI to reassess their initial decision and to take steps to determine the validity and efficacy of the QUB Covid-19 Risk assessment of August / September 2022. In addition, the DfE also confirmed on the 16 December 2022, that the Covid-19 H&S risk assessment submitted to the NIFDFM Office to allow QUB to open up for teaching in September 2020 was not held by the DfE, the NI university sector funding department.

17.00 Comparators

Comparator 1: LFSRR (January 2019) workplace data)

Protestant	Roman Catholic
42%	41%

Comparator 2: NI 2011 Census data (Table DC2253NI)

	Protestant	Roman Catholic	
All ages	48.4%	45.1%	
Age in 2011	Protestant	Roman Catholic	Age in 2022
Age range 5-9	40,200	50,588	16-20
Age range 10-14	<u>45,109</u>	<u>54,491</u>	21-25
Total	85,312 (44.8%)	105,079 (55.2%)	

Note, the above data – without migration from the ROI and EU Accession counties would have been changed to:

	85,312	105,079
Less	<u>383</u>	<u>3,559</u>
	84,929 (45.6%)	101,520 (54.4%)

If, as it seems probable, that school children from the EU accession countries have not yet progressed into the NI university sector to the same degree as resident born NI school children, then given comparators 1 and 2, then within academic disciplines, university populations and academic populations, over the last few years, one might expect (all things being equal in the primary and secondary school sectors) Protestant (Unionist) / Catholic (Nationalist) populations within the NI university sector balanced in ratios of Protestant 42%-46% and Roman Catholics 54%-58%. The FOI Act data in different tables and data sets below, indicates that there are statistical trends which should worry the Unionist political and academic communities. Where statistical differences exceed 10-12 %, I suggest, here are anomalies that require detailed investigation by independent equality monitors and auditors.

Comparator 3: NI Equality Commission Employment 2017 / 2018 Monitoring Reports

In 2017, 50.7% of the NI labour market was Protestant and 49.3% was Catholic

Comparator 4: NI 2021 Census - part 1 published in September 2022

19.00 FOI Act Data Analysis

The FOI Act responses enclosed below (received between 2017 and 2022) provide evidential support that residential NI Unionist academics, staff and students are being

marginalised within the NI university sector, more so when the data in the FOI Act replies is compared to the comparators contained within the NI 2011 Census and the NI Labour Force (January 2019) workplace data.

Statistical (benchmarked) norms

Given the two benchmarked comparators, the ratio of NI university students within different courses, schools. Etc., should be approximately 45% Protestant and 55% Roman Catholic.

The statistical differences between academics should be approximately 41% to 43% Protestants, and Roman Catholic academics accounting for approximately 41%, and 47% (and approx.. 12% to 18% of others / non disclosures), or excluding non-disclosures, 47%-50% Protestant and 50%-53% Catholic.

Ulster University

Table 1 indicates that in the academic years between 2008 and 2016 there was a total of 57,080 (38%) Protestant undergraduates and postgraduates and a total of 92,403 (62%) Catholic undergraduates and postgraduates at UU.

Table 2 indicates that in 2008 there was 521 (50.1%) Protestant academics employed and 518 (49.9%) Catholic academics. By 2016, there was 372 (45.1%) Protestant academics and 453 (54.9%) Catholic academics at UU.

In both of the above data sets by 2016, there was increasing Protestant under-representation in staff and students at UU.

In the academic year 2021-22 (Table 22) at UU there were 4,935 (32%) Protestant students and 10, 485 (68%) Catholic students, showing a very large Protestant under-representation at UU and suggesting potential future structural problems for the Northern Ireland.

The FOI Act Reply (FOIA/22/050) dated 30 March 2022 paints a despondent picture for Unionist academics and researchers within the UU campuses. Enclosed in the appendices below is statistical data provided on the 30 March 2022 by Ulster University.

Numerically, NI Protestant full-time academic staff numbers, lags badly behind Catholic lecturing staff, particularly in the Magee and Coleraine UU campuses. This I believe, can in part be attributed to S.75 equality screening oversight failings in the award of Departmental PhD research funding between 2000 and 2019. Sadly, the same numerical disparities can also be seen in the employment of full-time research staff at Coleraine, Jordanstown and Magee. By contrast, Protestant (non-academic) employees seem to be more equally balanced with Catholic management and ancillary staff in all campuses except Magee. An interesting equality question arises from the data provided – why should Protestant academics and researchers at UU be employed in such low numbers, compared to Protestant management and ancillary / support staff? The data provided by the UU for the employment of Protestant academics, researchers, management, administration and ancillary staff at the Magee campus makes grim reading and questions recent political decisions to expand the Magee university campus when the campus appears to marginalise Protestants in all academic and managerial positions.

In 2021-22, medical degree programmes were transferred from the Jordanstown campus to the Magee campus and in September 2021, numerous degree programmes were transferred from the Jordanstown campus to the newly enlarged Belfast campus, hence there is a break in continuity in the statistical data of the community backgrounds of staff employed at Magee, Belfast and Jordanstown campuses. The data provided by UU below suggests that the Protestant / Unionist academic and research populations at the UU campuses are in serious decline. It also appears from the FOI Act data that less UU staff are nominating themselves as Protestant / Catholic and are instead describing themselves as 'Others', this in turn suggests that more UU staff are being employed from; other faith groups, no faith groups, or there are changes in the way UU categorise newly appointed staff in the UU employment records. It is also possible that as academics and researchers

are appointed from the international academic community, that more academics are of different religious faiths or of no faith. This demographic change however has to be considered in terms of the delivery of Ulster-Scots, British and local academic and research programmes that are of interest to the NI Unionist (indigenous) community.

UU FOI Act FOIA/22/50 dated 30 March 2022

Belfast

Academic and Research Staff	Protestant	Catholic	Other
2016-2017	36%	41%	22%
2018-2019	31%	40%	27%
2021-2022	23%	31%	46%

Jordanstown

Academic and Research Staff	Protestant	Catholic	Other
2016-2017	40%	41%	19%
2018-2019	38%	38%	24%
2021-2022	27%	35%	38%

Coleraine

Academic and Research Staff	Protestant	Catholic	Other
2016-2017	41%	37%	22%
2018-2019	40%	38%	29%
2021-2022	20%	47%	29%

Magee

Academic and Research Staff	Protestant	Catholic	Other
2016-2017	19%	66%	15%
2018-2019	15%	62%	23%
2021-2022	12%	50%	38%

FOI Act Replies for UU staff employed in 2016/17, 2018 and 2021/22 included within the Appendix

QUB

QUB confirmed on the 11 April 2017 that over the 18 year period from 1999, there were 378 (42%) Protestant academics appointed at QUB and 513 (58%) Roman Catholic academics appointed suggesting that by 2017, Protestants were being under-represented in the academic appointments to QUB.

PhD Scholarship Funding

In 2016-17, QUB confirmed (Table 8) that the DfE PhD scholarships awarded to Catholics (168) and Protestants (170) were about equal, however, because of the absence of equality screening, the data on the religious breakdown of the PhD applicants was not collected. However, when a comparison is made of the Catholic:Protestant ratio of self-funded PhDs, the ratio was Catholics 46% and Protestants 55%.,

Table 27, indicates that for the 2021-22 academic year, QUB awarded DfE PhD scholarships in the following ratios:

Protestant 46 (26.7%), Roman Catholic 43 (25%), Others 83 (48.3%).

However, what is problematic is that QUB did not collect and collate S.75 equality screening data on the NINE / Northern Bridge and other UK Research council funded PhD scholarships that are awarded to PhD researchers in the Social Sciences, Arts and Humanities faculties. It is within these 'soft science' faculties that the NI Unionist political community is most concerned about unionist marginalisation.

Table 20 provides data for UU PhD awards for 2018. The UU made 77 DfE PhD awards (which from 2019 would be equality screened) and 32 other PhD awards (which from 2019 would not be subject to equality screening) asking questions of equitable distribution of possibly 33.3% of UU PhD (unscreened) research awards.

Department for the Economy

Table 3 (School leavers' destinations 2016/17) indicates that 3,486 (40.6%) Protestant school leavers attended a higher education institute compared to 5,088 (59.4%) Catholics, which when compared to the NI 2011 Census and LFSRR comparators suggests problems within the NI primary and secondary education sectors which prevents Protestant school children accessing university.

UU Staff Changes (2018-2022)

On the 8 February 2022, the Belfast Telegraph provided FOI Act data that confirmed that the (ALL) Protestant staff at UU was 50.20% and that the Catholic staff was 49.72%. This data can be compared to the FOI data presented in Table 18 (FOI 18/183 dated October 2018) from the UU. Table 18 gives the statistics for all staff employed by UU in September 2018. Since September 2018, there have been significant changes in the respective size of the UU campuses, which in turn impacts upon staff mobility and employment patterns. The FOI Act data for September 2018 indicates that Protestant staff equated to 56% and Catholic staff equated to 44%. In the space of three years, it appears that there has been a reduction of 5.8% Protestant staff and an increase of 5.72% Catholic staff at UU. If this data is correct, a 5-6% employment shift in all the employees at UU just 3 years represents major employment changes.

However when you compare the academic staff employed at UU, the number of Protestant staff in 2008, 50.1% reduced to 45.1% in 2016 and between 2008 and 2018, the number of Catholic academic staff at UU increased from 49.9% to 54.9%. Again, within the data, there are factors not accounted for and the redundancy schemes which the UU (controversially) rolled out in 2015-2017 should be examined in terms of their S.75 equality screening.

The Holyland

Tables 13a, 13b and 13c, address a long-standing anti-social problem that QUB and UU has failed to address in over two decades. The problem of the Holyland HMO neighbourhood is portrayed in the media as an anti-social problem rather than one of religious or racial discrimination which has within it elements of revanchism and population movement. Previously, I send a series of photographic images to UU and QUB Vice-Chancellors evidencing my assertions.

Of even greater importance, Unionist perceptions of the regular anti-social and criminal activity within the Holyland impacts upon the parental / student choice of university. The statistical evidence shown in Tables 13 indicates that NI Unionist students reject staying in accommodation within the Holyland and in doing so, they are financially penalised. The extent of the financial discrimination equates to systemic, indirect discrimination which QUB / UU have not addressed.

Within the Holyland student accommodation in 2017 the average costs was £60 per room per week (£3120 per year). Within the city centre student hubs and the halls of residence the minimum cost of student accommodation in 2017 was approximately £110 per week (it is currently £125 per week). The difference in a student being housed in the Holyland and living within the Belfast city centre or halls of residents over a three year degree programme is approximately: £5,720 x 3 years = £17,160, less £3120 x 3 years = £9,360 – which equates to a subsidy of around £7,800 in student housing costs for those who can live safely within the Holyland.

I suggest that Tables 13 indicate that NI Unionist families have less choice in accessing 'cheap' student accommodation in Belfast, primarily because of the unacceptable behaviour of nationalist students who have claimed the Holyland as a 'No Go' area for Unionist.

Position as of February 2023 (see FOI Act responses below)

The 2021 census in Northern Ireland (depending upon the interpretative analysis) revealed (1) that 42% of the Population are Catholic, 39% are Protestant and 19% of the population have no religious beliefs or declined to answer the question and / or (2) 45.7% of people were brought up Catholic, 43.5% were brought up Protestant and 9.5% were brought up in no faith.¹⁷⁹ The data for students and academics within the NI university sector in the 2022/23 academic year can be compared to 2021 census data. When all other religions and no religion is factored out of the equation, it is suggested that the academic staff within the NI university sector should equate of an approximate ratio of 52-54% Catholic and 46-48% Protestant (subject to regional variations). The differential for university students (setting aside academic performance differences should approximate to a ratio of approximately 56-59% Catholic and 41-44% Protestant students. The FOI Act statistics provided below, particularly from Ulster University, suggests that Protestant under-representation within the

¹⁷⁹ <https://m.belfasttelegraph.co.uk/news/northern-ireland/ni-census-2021-key-graphics-as-results-shine-light-on-religion-identity-and-council-area-sizes/42009753.html#:~:text=Religion%20Key%20finding%3A%2042%25%20of%20the%20population%20say,Northern%20Ireland%20has%20become%20more%20secular%20since%202011.https://www.irishcentral.com/news/thenorth/northern-ireland-census-catholics#:~:text=The%202021%20Northern%20Ireland%20census%20shows%20that%2045.7%25,as%201%2C903%2C175%2C%20the%20highest%20ever%20in%20Northern%20Ireland.>

UU campuses is of unacceptable levels that should invite audit and scrutiny from the funding department (Department of the Economy NI) and the NI Audit Office.

February 2023 Main Observations:

QUB Academic Staff:

Consideration of the statistical information (for 2022/23) provided by QUB indicates that when a direct comparison is made, the current percentage of Protestant academic staff of 45% compared to Catholic academic staff is 55%, however, only 24% of all QUB academic staff confirm they are Protestants with 76% of all QUB academic staff confirm that they are Catholic, other religions, no religion, or who failed to answer the question. More worryingly, is the employment trends at QUB. Over the last sixteen months only 14.2% of QUB's newly appointed academic staff are from the Protestant community. Of the 424 QUB academic staff appointed in this 16 month period, 364 QUB staff come from outside the Protestant community.

On 8 February 2022, Belfast Telegraph published FOI Act data on the 1,340 strong academic population of QUB (as of September 2021). In September 2021, there were 370 (28%) Protestant academics, 460 (24%) Catholic academics and 510 (38%) 'others' academics. In two years, QUB's academic population has grown by over 800 employees. The comparative table below indicates the relative decline of NI Unionist academics at QUB and this decline, is part of a historical trend that provides the rationale for the Ulster-Scots Research institute and the Castlereagh Foundation.

QUB Academics	Sept 2021	December 2022
Protestant	370 (28%)	512 (24%)
Catholic	460 (34%)	621 (29%)
Others	<u>510 (38%)</u>	<u>1,019 (47%)</u>
Total	1,340	2,152

QUB Students:

QUB confirmed that new student enrolments for the 2022/23 academic year were as follows; 775 (35%) Protestant full-time undergraduates and 1,333 (63%) full-time Catholic undergraduates. When compared with the numbers of part-time, post-graduate taught degree students, there seems to be a considerable difference between undergraduates and postgraduates enrolled at QUB in September 2022, with the post-graduate student numbers aligning more closely to the expectations from the 2021 census. In 2022, 253 (42%) Protestant part-time post graduates enrolled at QUB compared to 344 (57%) Catholics.

When post-graduate PhD funded students are compared, Catholic and Protestant PhD candidates are equal. However, QUB without giving actual numbers, confirmed that most of the 2022 PhD candidates who received postgraduate PhD funding of around £60,000 each were defined as 'others'. This means, that over 70 PhD students outside the Catholic and Protestant communities were awarded the bulk of Departmental and UKRI PhD research funding by QUB, something that may be of interest as the Castlereagh Foundation and Ulster-Scots Research Institute proposals become transparent.

Worryingly, UKRI PhD funding within NI is not subject to S.75 equality screening. Other data for self-funded PhDs indicates that 15 (60%) Protestant PhD students and 10 (40%) Catholic PhD Students self-funded their PhD research projects however no information is provided if any of the self-funded candidates applied for, and were rejected for PhD funding streams. PhD fees for home students at QUB for 2022/23 are £4,500 per annum (PhD fees for international students at QUB for 2022/23 range between £18,000 and £22,700 per annum). This fee differential brings into question equality concerns, such as; similar supervision of

home and international PhD candidates, direct discrimination in the higher fees levels paid by foreign students, and indirect discrimination in the lower fees of PhD home applicants whose reduced fees impact on the annual profits made by QUB (and indeed all UK universities).

Faith Academics within UK:

The British Educational Research Association's *State of the Discipline* report (published January 2023) confirmed the proportions of staff in the education disciplines, schools and faculties within the UK's university sector. Within England, 22% of educational academics had a Christian faith background, the corresponding figures for the other devolved regions were reported as; Northern Ireland (30%), Wales (35%) and Scotland (12%). The Report also confirmed that throughout the rest of the UK university sector, substantially less academic staff in other disciplines reported themselves as being Christians compared to academics within the education faculties. If this is the case, it is suggested Equality Commission NI intervention is required.

Stranmillis TTC:

Stranmillis reported by way of FOI Act that less than half the teacher training students enrolled in 2022/23 were members of the Protestant community (204 students, 49%). 146 (35%) of Stranmillis students reported themselves as Catholic, and 48 (16%) of the students reported themselves as 'other / no religion'. What however is significant, is that within NI, if 70% of all teaching academics in Northern Ireland are not from a Christian background (as per BERA's Report), the religious beliefs of teaching academics diverge significantly from the students within one of NI's two teacher training colleges. Within Stranmillis TTC 90% of academic staff are Christian (66% Protestant and 24% Catholic) however, of the 26 new academic appointments made in the last two years (80% are Christian {50% Protestant and 30% Catholic}) and 20% are non-Christian.

In 2016/17, Stranmillis TTC had 200 (61%) Protestant students and 130 (39%) Catholic students. It appears that over the six year period, Protestant student numbers have stayed roughly the same (204) and Catholic students at Stranmillis (have slightly increased to 146). To determine the demographic changes within NI's teacher training colleges, similar data is required from St Mary's TTC.

St Mary's TTC:

FOI Act data awaited

UU Magee and Coleraine Campuses:

UU confirmed by way of a Freedom of Information Act reply that 1,060 new students commenced the 2020/21 academic year at Coleraine campus and 1,251 new students commenced at Magee. As a result of the New Decade New Agreement proposals and from the (one-off) transfers from the closure of Jordanstown campus to the Magee and Coleraine campuses, UU confirmed by way of a FOI Act reply (FOIA/22/28) that 2,109 new students commenced Magee in September 2022 and 1,648 new students commenced at Coleraine campus. In 2020/21, there were 191 more new students enrolling at Magee than at Coleraine, in 2022/23, there were 461 more new students enrolling at Magee than at Coleraine.

The UU also confirmed (FOIA/22/28) that in 2022/23, there were a total of 3,913 (16%) students studying at Coleraine campus and 4,995 (21%) students studying at Magee campus, and 15,173 (61%) students at Belfast. In the space of three years. Magee campus has increased in student population vis-a-vis Coleraine and Magee has become the second largest UU campus when prior to the closure of Jordanstown, Magee was the smallest of the UU campuses. Since 2021/22, Coleraine has lost 208 students and Magee has gained 1,462 students. The medium term significance of this demographic change is that the economic viability of maintaining the campus at Coleraine comes into question. Should the NI universities continue to rationalise for economic reasons, it is suggested that Coleraine

will cease to exist and student and staff transfers from Coleraine will move to Magee thereby accommodating the political aspirations of 10,000 students demanded by the SDLP and SF in the North West.

Community background of UU students:

In the 2022/23 academic year there are approximately 4,200 (30%) Protestant full-time and part-time undergraduates throughout UU and 9,700 (70%) Catholic full-time and part-time undergraduates at UU. In addition, there are approximately 1,340 (39%) Protestant full-time and part-time postgraduates at UU and 2,100 (61%) Catholic full-time and part-time postgraduates.

UU (FOIA/22/28) confirmed that the total number of new students enrolled in September 2022 across all campuses was as follows: 2,460 (24%) Protestants, 4,863 (47%) Catholics, 1,879 (18%) students who did not say or had no religion, and 735 (7%) students of other religions. Excluding all others, the percentage of new Protestant students (34%) compares to Catholic students (66%) throughout all UU campuses.

Under the terms of the New Decade New Approach Deal (2020), the Irish government committed itself to a funding package of £75 million directed towards the expansion of UU campus at Magee. This funding package was announced regardless of the need to undertake S.75 equality screening requirements. UU (FOIA/22/28) provided data on the number of new students enrolled at Magee (2022/23). It is suggested that across all UU campuses, the NI Unionist community are under-represented within undergraduate, taught postgraduate and research post-graduate student cohorts. The extent of the Protestant under-representation at Magee campus however gives concern that Protestant students may feel marginalised and discriminated against.

Of the 2019 new students enrolled at Magee in September 2022, 443 (21%) were Protestant, 1,170 (55%) were Catholic, 287 (14%) declined to say or held no religious beliefs and 97 (5%) were of other faiths. Excluding all others, the percentage of new Protestant students (27%) can be compared to 73% new Catholic students within the Magee Campus. Whilst recent, major, DfENI and Irish government capital funding programmes have been committed to the expansion of UU Magee campus, it appears that the funding programmes benefit primarily the Catholic community within Northern Ireland.

When the PhD research funding at UU is compared against PhD funding within QUB, further concerns of equitable distribution of DoE and UKRI funding streams arise. PhD research funding indirectly leads to academic literary output, and directly leads to academic employability within the NI and GB university sectors. PhD scholarships can be considered as the apprenticeship route into the academic and research communities and any failure to apply S.75 equality screening in the PhD application and award processes, has an impact, on the religious, gender, political and philosophical demographics of the academic community.

When the PhD cohort at UU is analysed concerns are manifested about how UU appoints substantive sums of research funding. UU confirmed that the total of PhD candidates within all its campuses for the academic year 2022/23 included 159 (24%) Protestants, 234 (35%) Catholics, 200 (30%) candidates who declined to answer or were of no religious beliefs, and 80 (11%) PhD candidates who held non-Christian religious beliefs. From the minority NI Unionist perspective concerned at the diminution of NI Unionist academic and research literature, the 24% Protestant PhD cohort is alarming. This low figure however becomes even more alarming when the new PhD intake for the 2022/23 academic year is considered.

UU confirmed that the total of 68 new PhD candidates enrolled within all its campuses for the academic year 2022/23 included 11 (16%) Protestants, 28 (41%) Catholics, and 43% others. UU confirmed the number of new funded PhD scholarship for 2020/23 (e.g., DoE / UKRI scholarships approximating to £60K over a three-year period) were awarded within the following campuses; Belfast awarded 4 PhD scholarships to Protestants and 13 to Catholics, Coleraine awarded 6 scholarships to Protestants and 9 to Catholics, and Magee awarded 6

scholarships to Catholics and just one PhD scholarship to a Protestant. If each PhD scholarship is worth around £60,000 (paid by the DoE and / or UKRI), then UU awarded £660,000 PhD research funding to Protestants and £1,680,000 research funding to Catholics.

The new enlarged UU campus at Belfast is the largest of the three UU campuses. It would be reasonable to assume that the demographics of the new Belfast campus reflected the general demographics of the Greater Belfast area, including the populations of Newtownabbey, Castlereagh and Lisburn, however this is not the case.

UU confirmed that the total (full-time and part-time) students within its largest campus (Belfast) for the academic year 2022/23 is 15,173. The Belfast UU student campus population can be broken down as follows: 3,284 (21%) Protestant students, 7,272 (48%) Catholic students and 4,667 (31%) others. The demographics of the new UU campus at Belfast reinforces the failure of UU to carry out a S.75 equality screening exercise when the university was programmed and equally of the Equality Commission NI for failing to undertake a comprehensive equality audit of the changing demographics of the NI university sector.

20.00 FOI Act Requests and Responses

Summary of FOI Data received in Tabular Form

Table 1	UU student demographics in nine years between 2008 and 2017.
11 April 17	QUB student demographics from 1999 until 2016.
Table 2	Academics employed by UU in the nine years between 2008 and 2017.
11 April 17	QUB academic teaching staff appointments, 1999-2017.
20 June 17	NI school leaver destinations 2015/16.
Table 3	NI School leaver destinations 2016/17.
Table 4	QUB 2016-2017 academic recruitment.
Table 5	UU Academic and Research Staff employed 2016-17.
Table 6	UU Post-graduate research students enrolled 2016-17.
Table 7	UU Under-graduate students enrolled 2016-17.
Table 8	QUB PhD scholarship students and self-funded students 2016-17.
Table 9	UU PhD scholarships (Value for Money audit) 2006-2014.

Table 10	QUB PhD scholarships Value for Money audit) 2006-2014.
Table 11a	QUB Rationale for PhD withdrawal rates.
Table 11b	UU Rationale for PhD withdrawal rates.
Table 12	UU response to Sammy Wilson's (MP) Office, re: PhD subjects funded.
Table 13 (a)	Student housing 'subsidies'.
Table 13 (b)	QUB Holyland students.
Table 13 (c)	UU Holyland students.
Table (13d)	UU owned and managed student accommodation.
Table 14	Comparative Protestant / Catholic school-leaver destinations
Table 15	QUB Academic and Research Staff 6 Feb 18
Table 16	UU students living in NI at the start of the 2018/2019 academic term.
Table 17	2016-2017 student intake at Stranmillis College & St Mary's TT College.

Summary of FOI Data received in Tabular Form (continued)

Table 18	UU staff and researchers employed at the start of Autumn Semester 2018.
Table 19	UU comparative staff changes 2016/17 and 2018/19
Table 20	PhD scholarship funding at UU for 2018
6 Feb 2019	UU data for Magee and Magee medical school
Table 21	QUB students enrolled for the 2020-21 academic year.
Table 22	UU students enrolled for the 2020-21 academic year.
12 Aug 21	QUB School of HAPP PhD quality control concerns
Table 23	Magee College - Newsletter Article dated 3 Dec 2021, by Dr Paul Kinsley.
Table 24	QUB lecturing staff demographics as of September 2021.
Table 25	UU Magee College student data for 2021-22.
17 Jan 2021	FOI Act request to NI Audit Office to determine NIAO investigations.
17 Jan 2021	FOI Act request to QUB / UU screening of PhD applications and awards
21 Jan 2021	Request for information to Mr Cooper (DfE) and Mr Barr (NI Audit Office)
Table 26	UU students enrolled / registered or the 2021/22 academic year.
8 Feb 2022	Protestant academics at QUB / UU (Belfast Telegraph Report).
Table 27	QUB students enrolled / registered or the 2021/22 academic year
9 Feb 2022	UU S.75 equality screening of PhD scholarships in 2021.
Table 28	NIEC employment data (2017 / 2018) for schools, colleges and QUB
Table 29	NI Equality Commission managerial staff nexus with QUB and UU
Table 30	NI Equality Commission staff breakdown for 2021
Table 31	QUB School of HAPP completed PhD titles (Sept 2018 – May 2019)

Summary of FOI Act replies re: S.75 equality screening failings

(1) FOI Act dated 11 May 2017	NIEC PhD screening failures.
(2) FOI Act dated 26/29 May 2017	QUB PhD screening failures.
(3) FOI Act dated 6 June 2017	UU PhD screening failures.
(4) FOI Act dated 24 Nov 2017	UU new Belfast campus screening failure.
(5) FOI Act dated 31 January 2018	UU new teaching block at Magee College.
(6) FOI Act dated 4 April 2018	NI DofE screening of PhD research funding.
(7) FOI Act dated 30 May 2018	QUB PhD scholarship applicants.
(8) FOI Act dated 12 Sept 2018	DoE S.75 equality screening of PhDs.
(9) FOI Act dated 16 April 2018	QUB relocation of the QUB student's union.
(10) Dept of Health – Feb 2019	S.75 screening Magee Medical School.
(11) FOI Act dated Feb 2020	S.75 screening of the abolition of the UTC.
(12) FOI Act dated 21 Dec 2021	NIEC new Belfast campus screening.
(13) FOI Act dated 21 Dec 2021	NIEC Union Theology College screening.
(14) Request for Info 21 Jan 2022	NIAO / DfE obligations to monitor S.75
(15) QUB reply dated 1 Feb 2022 regime	Equality screening of QUB IT security
(16) UU reply dated 9 Feb 2022	UU S.75 equality screening of PhDs in 2021.

21 - Appendix

FOI Data Sets from 2017 - 2023

Table 1 – Freedom of Information Act response from UU dated 15 May 2017 – UU student demographics in nine years between 2008 and 2017

Year	No of Undergrads from U/P Community	No of Undergrad from C/N Community	No of Postgrads from U/P Community	No of Postgrads from C/N Community
2008/09	5,787 (39%)	9,167 (61%)	8,99 (43%)	1,198 (57%)
2016/17	4,929 (36%)	8,734 (64%)	961 (41%)	1,377 (59%)
Nine year	<u>(-3%)</u>	<u>(+3%)</u>	<u>(-2%)</u>	<u>(+2%)</u>
Total	48,381	79,944	8,699	12,459

Total Protestant undergraduates and post graduates (2008-2016) = 57,080 (38%)

Total Catholic undergraduates and postgraduates (2008-2016) = 92,403 (62%)

Freedom of Information Act reply dated 11 April 2017 from QUB, QUB student demographics from 1999 until 2016

QUB confirmed that in 1999 there were 1,223 more Catholic under-graduates than Protestants attending QUB.

The NI Census for 2001 indicated that within NI there were 767,914 (53%) Protestants and 678,462 Roman Catholics (47%). However even in 1999 because of other structural factors within the NI primary and secondary school systems, NI Protestants were the minority student population at QUB.

The FOI Act reply of the 11 April 2017 indicated that by 2016, this figure of 1,223 Catholic under-graduates had increased to 2,256; with 2,256 more Catholic under-graduates than Protestant under-graduates at QUB. In 2016, there were 7,165 Catholic under-graduates at QUB and 4,949 Protestant under-graduates. In 1999, there was 42 more Catholic post-graduates at QUB than Protestant post-graduates. By 2016, this figure had increased from 42 to 562 more post-graduate Catholics than Protestants.

Table 2 - Freedom of Information Act dated 15 May 2017 - Academics employed by UU in the nine years between 2008 and 2017

Year	Protestant	Catholic	No Disclosure	Total
2008	521	518	239	1278
	(50.1%)	(49.9%)		
2014	506	586	239	1331
2016	372	453	161	986
	(45.1%)	(54.9%)		

The net reduction of Protestant / Unionist academic staff at the UU over the 9 years was 29%

The net reduction of Catholic / Nationalist staff at the UU over the 9 years was 13%

Freedom of Information Act reply dated 11 April 2017 from QUB (QUB academic teaching staff appointments)

QUB confirmed on the 11 April 2017 that over the 18 year period from 1999, there were 378 Protestant academics appointed at QUB and 513 Roman Catholic academics appointed.

Freedom of Information Act reply from the Department of Education NI dated 20 June 2017 re: NI school leaver destinations.

NI school leaver destinations for 2015/16.

The DENI confirmed that 62.8% of Protestant school leavers choose to go to university in NI and 34.8% choose to attend university in GB and 71.7% of Catholic school leavers choose to attend university in NI with 26.1% of Catholics choosing to attend university in GB.

When I subsequently suggested to the NI Equality Commission that the high Protestant school leaver exit rate from NI to GB required research, my suggestions were ignored.

Table 3 - Freedom of Information Act reply from the Department of Education NI dated 31 May 2018 School leavers' destinations 2016/17

Institute	Protestants	Catholics
Higher Education	3,486 (40.6%)	5,088 (59.4%)
Further Education	3,277 (48%)	3,350 (52%)
Employment	793 (45%)	977 (55%)
Training	737 (37%)	1,247 (63%)
Unemployment	224	269
Unknown	<u>97</u>	<u>177</u>
Total	8,664 (44%)	11,108 (56%)

Table 4 – QUB Fol Act reply (11 April 2017, for 2016-2017 academic year)

	Protestant	Roman Catholic
Post-grad students	41%	59%
Under-grad students	41%	59%
Academic recruitment	42%	58%

Table 5 – UU FOI Act reply (29 June 2017, for academic year 2016-2017)**Academic and research Staff employed at the following UU campuses:**

	Protestant	Roman Catholic	No Disclosure	Total
Belfast	36	41	22	99
Jordanstown	200	207	92	499
Coleraine	105	96	56	257
<u>Magee</u>	<u>34</u>	<u>119</u>	<u>27</u>	<u>180</u>
Total	375 (36%)	463 (45%)	197 (19%)	1035

Table 6 – UU FOI Act reply (29 June 2017, for academic year 2016-2017)**Post-graduate research students enrolled at the following UU campuses:**

	Protestant	Roman Catholic	No Disclosure	Total
Belfast	48	68	95	211
Jordanstown	804	1326	1055	3185
Coleraine	242	515	535	1292
<u>Magee</u>	<u>75</u>	<u>239</u>	<u>196</u>	<u>510</u>
Total	1169 (22%)	2148 (41%)	1881(37%)	5198

Table 7 – UU FOI Act reply (29 June 2017, for academic year 2016-2017)**Under-graduate students enrolled at the following UU campuses:**

	Protestant	Roman Catholic	No Disclosure	Total
Belfast	513	794	582	1889
Jordanstown	2674	5055	1850	9579
Coleraine	1606	1462	1216	4284
<u>Magee</u>	<u>654</u>	<u>2581</u>	<u>740</u>	<u>3975</u>
Total	5447 (28%)	9892 (50%)	4388 (22%)	19727

Table 8 – QUB FOI Act (29 July 2017, for academic year 2016-2017)**PhD (funded) scholarship students and self-funded PhD students**

	Protestant	Catholic	Other Religions	No Disclosure
DfE Scholarship	170	168	29	150
Other Scholarship	85	85	11	70

Self-funded	161 (35%)	139 (30%)	37 (8%)	118 (26%)
Total	416 (34%)	392 (32%)	77 (6%)	338 (28%)

(Note, in relation to Table 6 that the failure between 2000 and 2016 to S.75 equality screen all PhD applications means that no data was asked for, or kept, by QUB / UU of the community background of the PhD applicants and the applicants who were accepted and rejected for PhD funding. Furthermore, a number of PhD candidates only commence self-funded PhDs after scholarship applications are rejected. In addition, it would be beneficial for analysis if this data was provided for individual QUB faculties and schools to ascertain which faculties receive greater scholarship funding and where this funding is distributed to. From 2019, QUB and UU were obliged to keep equality screening data on DfE PhD scholarship applicants and recipients).

Table 9 – UU FOI Act Reply (21 Aug 2017, for 8 previous academic years 2006/2014)

Quality Audit / Value for money monitoring of funded PhDs managed by UU

Academic Year	No of PhDs Awarded	No of years to submit thesis for examination			
		3 years	5 years	7 years & ongoing	Withdrawal No submission
2013/14	144	19	21	79	25
2012/13	119	18	56	22	23
2011/12	126	15	68	21	22
2010/11	127	15	62	18	32
2009/10	158	26	79	23	30
2008/09	133	30	59	17	27
2007/08	130	26	62	19	13
2006/07	124	25	73	15	11
Total No	1061	174	480	214	183

Average scholarship grant – approximately £47,000

£ £49.9m £8.6m

Over eight academic years (between 2006/2014)

£49.9 million awarded in PhD scholarship funding by UU without S.75 screening in place

£8.6 million funds directed by UU to students who failed to submit theses for examination

Table 10 – QUB FoI Act Reply (15 Nov 2021, for 8 previous academic years, 2006/2014)
Quality Audit / Value for money monitoring of funded PhDs managed by QUB

Academic Year	No of PhDs Awarded	No of years to submit thesis for examination			
		3 years	5 years	7 years & ongoing	Withdrawal No submission
2013/14	170	24	69	65	12
2012/13	131	18	73	21	19
2011/12	144	24	78	23	21
2010/11	203	30	121	12	40
2009/10	144	29	85	6	24
2008/09	205	19	133	21	32
2007/08	101	17	57	7	20
<u>2006/07</u>	<u>131</u>	<u>26</u>	<u>75</u>	<u>9</u>	<u>21</u>
Total No	1229	187	691	162	189

Average scholarship grant – approximately £47,000

£ £57.8m £8.8m

Over eight academic years (between 2006/2014)

£57.8 million awarded in PhD scholarship funding by QUB without S.75 screening in place and £8.8 million funds directed by QUB to students who failed to submit theses for examination

Tables 6 and 7 Financial Projections

£49.9m UU managed PhD scholarship funds (8 academic years) and £57.8m QUB managed PhD scholarship funds (8 academic years). £107.7m total, or £13.5 million per annum was managed by QUB and UU over the 8 years

Between 2000 and 2019 when S.75 screening was introduced, approximate £242 million in PhD funding directed to and managed by QUB was not subject to S.75 equality screening

£8.6m UU managed scholarship funds were wasted due to PhD withdrawals (8 years) and £8.8m QUB managed scholarship funds were wasted due to PhD withdrawals (8 years). £15.4m total, of £1.9 million per annum was spent on PhD students who withdraw without submitting final theses.

Between 2000 and 2019 when S.75 screening was introduced, approximately £34.6 million was spent on PhD students who failed to deliver theses for examination

Table 11a – Rationale for PhD withdrawal rates (QUB data)

FOI Act reply dated 15 September 2017 from Department of the Economy (in the form of 2015 pro-forma PhD spreadsheet data for QUB)

Within the QUB spreadsheet return there was no S.75 data provided, S.75 data returns were not mandated by the DfE

Within the spreadsheet, there are 588 PhD scholarship students within QUB who commenced their scholarships from October 2012.

12 of the PhD students who were awarded scholarships had achieved a 2:2 class in their primary degree;

234 of the 588 PhD scholarship students who were awarded scholarships were in receipt of a Higher (Masters/ PGD) qualification;

354 of the 588 PhD scholarship students who were awarded scholarships were in receipt of a Bachelors degree. The most common Bachelor's Degree was a 2:1.

173 of the 588 PhD students who were awarded PhD scholarships (between 2012-15) had no Master's degrees – e.g. approximately 30% of all PhD scholarship awards made by QUB between 2012-15 were awarded to PhD applicants who had only Bachelor's degrees and had not undertaken a Master's level, dissertation / research module.

Table 11b – Rationale for PhD withdrawal rates (UU data)

FOI Act reply dated 15 September 2017 from Department of the Economy (in the form of 2015 pro-forma PhD spreadsheet data for UU)

Within the UU spreadsheet return there was no S.75 data provided, S.75 data returns were not mandated by the DfE until 2019

Of the 369 UfU PhD scholarship students 22 of the PhD students were awarded PhD scholarships who had achieved a 2.2 class in their primary degree.

Of 441 UU PhD students, who commenced their PhD programmes between the 1 October 2010 and the 1 October 2014 only 42 have completed their PhDs and only 18 students completed without required lengthy extensions of time or without leave of absence.

Data for 402 UU PhD students indicated that 150 students were granted an extension of time (for more than 121 days) e.g. 37% of the UU PhD population. Data for 402 PhD students indicates that 58 students were granted a leave of absence (for more than 60 days) – 14% of the student population.

The data provided by the UU 2015 spreadsheet for 402 PhD students indicates that 208 students (over 50%) have failed to complete their PhD programmes on time and have either been granted extensive extensions of time / leave of absence.

Table 12 - UU Freedom of Information Act response to DUP MP Sammy Wilson's Office (2107)

The information provided by UfU confirmed that number of registered PhD students at UU was as follows:

No58 Buddhist / Muslim / Hindu / Jewish and Sikh, No 159 Protestant, No 219 Catholic (Other Religion 37, information refused 72 and No Religious Belief 151),

Total 696 (scholarship and self-funded students)

Protestant PhD students 42%, % of Catholic PhD students 58%

Within the Humanities and Social Sciences Schools at the UU there were 73 registered PhD students (May 2017).

The breakdown of the PhD subjects are as follows:

PhD subjects that explore joint Unionist and Nationalist traditions - 36 (49%)

PhD subjects that explore Nationalist / Celtic and Irish research areas - 24 (33%)

PhD subjects that explore Unionist research subject areas -13 (18%)

S.75 equality screening failings within the NI university sector

(1) Freedom of Information Act reply from the NI Equality Commission dated 11 May 2017 in relation to S.75 equality screening of PhD funding

The NI Equality Commission confirmed that it did not have information on whether PhD funding at QUB / UU was compliant with S.75 equality screening requirements.

(2) Freedom of Information Act request to QUB (Professor Johnston) dated 26/29 May 2017 in relation to S.75 equality screening of PhD research funding.

Question – Could QUB (copied to UU and DfE) confirm if PhD scholarship funding since 1999 has been subject to S.75 equality monitoring / auditing?

Answer – No

(3) Freedom of Information Act reply from UU dated 6 June 2017 in relation to S.75 equality screening of PhD research funding.

The UU confirmed that no S.75 equality screening had taken place specifically in regard to PhD funding. Therefore, PhD funding has not been subject to S.75 monitoring.

(4) FOI Act Reply (dated 24 November 2017) from UU in reference to the new UU Belfast, York Road campus

UU confirmed that during 2010/11 Ulster University undertook a pre-consultation exercise on the transfer of academic activity from its Jordanstown campus to Belfast and at that stage no significant issues were identified in regard to equality of opportunity or good relations. UU confirmed that the University had originally anticipated that the screening would commence in March 2013 when the planning permission for the Belfast campus development was granted but due to circumstances beyond the University's control the scheduled date for the opening of the Belfast campus is now 2020/21. Therefore the University will undertake the policy screening exercise during 2020/21.

I suggest, that this response indicates that the largest university project within NI within the last 2 decades was not subject to an equality screening exercise. My concerns in this matter have been raised during 2020-22 with the DfE and NI Audit office.

(5) Freedom of Information Act reply from UU dated 31 January 2018 in relation to S.75 equality screening of new teaching block at Magee College

UU confirmed (mistakenly) that the new teaching block at Magee College did not include the transfer of staff from any other university campus and as such there was no requirements to undertake S.75 screening (*I suggest that S.75 screening would have embraced additional factors other than simply staff transfers from other campuses and the scale of the capital building programme required an automatic S.75 screening exercise*).

(6) Freedom of Information Act reply from Department of the Economy dated 4 April 2018 in relation to S.75 equality screening of PhD research funding.

The Department of the Economy confirmed that it had no responsibility to monitor or audit S.75 equality screening in the award of PhD scholarships and confirmed that it was the responsibility of QUB and UU to meet all legislative requirements.

(7) Freedom of Information Act reply from QUB dated 30 May 2018 in relation to te religious breakdown of PhD scholarship applicants and recipients.

QUB confirmed that information requested on the religious breakdown of applicants for PhD funding and recipients was not required, held or correlated.

(8) Freedom of Information Act reply from Department of the Economy dated 12 September 2018 in relation to S.75 equality screening of PhD research funding.

The DfE Director of Education Policy and Finance (Trevor Cooper) confirmed that specific arrangements had been put in place by the DfE to collect and monitor S.75 equality screening data for recipients of the Department's postgraduate awards for 2017/18 onwards.

(9) Freedom of Information Act reply from QUB dated 16 April 2018 re: the temporary relocation of the QUB student's union complex to the Lisburn Road.

QUB confirmed that no S.75 equality screening exercise had taken place prior to QUB purchasing the Fat Buddha complex on the Lisburn Road to relocate the students union.

(10) NI Department of Health response (Feb 2019), re:S.75 screening Magee Medical School

When the NI Department of Health was asked in February 2019, if the proposed medical campus at Magee had been subject to a S.75 screening exercise, the Department of Health confirmed in February 2019 that:

'No decision has been reached on the University's proposal for a new medical school and accordingly no screening has been completed. Any decision on the expansion of medical student numbers trained in Northern Ireland will required to be taken by an incoming Executive given the significant level of investment required and the cross-cutting nature of the proposals'.

It is suggested, that had the comparative student data provided within FOIA/19/05 and other FOI Act replies for student and staff populations at Magee Campus been considered and if S.75 equality screening exercises had been undertaken at the feasibility stage that there would have been serious equality misgivings locating the medical school at Magee. Table 14 above indicates that the student populations at QUB Medical School and the existing medical academic expertise and facilities at QUB would have been a more appropriate location for the new medical school. In January 2020, the new medical school at Magee

was included within the NDEA Deal as part of a package to restore devolved government to Northern Ireland.

(11) Freedom of Information Act reply from QUB in relation to S.75 screening of the abolition of the Union Theology College

QUB responded (Feb 2020) to the following FOI Act questions as follows.

(Q1) In response to the following FOI Act question, Was the decision to suspend undergraduate applications to the UTC taken after the preparation of a S.75 screening report?

(A1) QUB replied, No.

(Q2) In response to the following FOI Act question, If so could I have a copy of the S.75 screening exercise, and specifically the considerations of the policy decision on (a) the total number of Protestants attending QUB and the balance of males / females in QUB?

(A2) QUB replied, not applicable.

(Q3) The last two years QUB have provided me with student population statistics. Could the university confirm if the student numbers provided by way of FOI Act replies, included the number of students within the UTC.

(A3) QUB replied, Yes.

(Q4) How many students have been accepted into the UTC undergraduate programmes in the last five academic years?

(A4) QUB replied as follows:

Year	Number
2018-19	26
2017-18	53
2016-17	43
2015-16	53

2014-15	<u>64</u>
Total	239

I suggest that QUB's decision to suspend the undergraduate programme at the Union Theology College clearly failed the Equality Commission's test of - If a policy shows a possible 'adverse impact' on any group, the public authority must consider how this might be reduced. The Equality Commission confirms that "this would include how an alternative policy might lessen this effect and serve to promote equality of opportunity and good relations."

Given that QUB's decision to abolish the UTC meant that within Northern Ireland there were no more taught under-graduate or post graduate theology modules, and that less Protestant theology graduates would be able to be taught within NI and thereafter move on to providing pastoral care as Presbyterian ministers to Protestant congregations, the failure to undertake a S.75 screening exercise, and of the NI Equality Commission to either intervene during (or immediately) after the well-publicised abolition of the UTC requires explanation.

(12) Freedom of Information Act request and reply from the NIEC, dated 28 November 2021 and 21 December 2021 referencing new UU campus complex at Belfast.

In this FOI Act request, I asked the NIEC to provide answers to two questions:

Q1 – I asked the NIEC to provide me with a copy of the Ulster University's S.75 equality screening exercise (undertaken prior to the commencement of the construction of the new UU York Street campus building).

And,

Q2 – for a copy of the NIEC's subsequent S.75 equality assessment / review report.

On the 21 December 2021, The NIEC replied to confirm that:

A1 - The Commission does not hold this information.

A2 - The Commission did not carry out an assessment/ review report.

(13) Freedom of Information Act request and reply from the NIEC dated 26 November 2021 and 21 December 2021 referencing QUB's Union Theology College

In this FOI Act request, I asked the NIEC to provide answers to two questions:

I asked for;

Q1 - A copy of the QUB S.75 equality screening exercise (undertaken in 2018-2019) when QUB cut its ties with the Presbyterian Union Theology College, and,

And,

Q2 - A copy of the NIEC's subsequent S.75 equality assessment / review report.

On the 21 December 2021, the NIEC confirmed that;

A1 - The Commission does not hold a copy of the QUB S75 equality screening exercise in relation to the Presbyterian Union Theology College.

And,

A2 - The Commission did not carry out a subsequent S75 equality assessment/review report.

(14) Freedom of Information Act request and reply to NI Audit Office to determine if any investigative action had been taken in relation to S.75 equality screening (ultra-vires spending) failures

FOI Act Request - Could I have copies of all letters, emails or other correspondence between the NIAO and QUB / UU / DfE within which the NIAO requested information about S.75 screening failures in the NI university sector; and copies of all DfE / QUB / UU replies to the NIAO?

FOI Act NIAO Reply (dated 18 January 2022), the NIAO, Louise Donnelly confirmed that 'I wish to advise that since the responsibility for the administration of Section 75 Equality screening does not fall within the remit of NIAO, we hold no such information on this subject matter'.

(15) S.75 Equality screening omissions in the instigation of a new QUB IT security regime

In a reply (dated 1 February 2022) to a formal complaint, Mr Ian Purdy (QUB, Director of Information Studies) confirmed why QUB did not undertake a S.75 equality screening exercise when instigating a new It security arrangement. QUB confirmed that 'the requirement for multi-factor authentication (MFA) to use QUB online services was an urgent response to the cyber incident in February 2021. The need for a S.75 equality screening exercise before making this change was considered lower priority than the security of QUB networks and data'. However, in making this S.75 equality screening admission, QUB failed to point out that the university did not inform students of the February 2021 security breach and only informed students after the BBC news went public.

Table 13a – Student housing ‘subsidies’

The data within this table is based on UU FoI Act reply dated 24 November 2017 and a QUB FoI Act reply dated 22 November 2017. The data provided applies to the 2016/17 academic year.

University students living within the Holyland HMO neighbourhood of South Belfast:

UU students	Protestants	Roman Catholics	Total
Undergraduate students	55	1397	1452
Post Graduate students	0	25	25
UU Total	55	1422	1477
QUB students	Protestants	Roman Catholics	Total
<i>Undergrad & post grad</i>	<i>less than 50</i>	<i>547</i>	<i>unknown</i>
UU and QUB Totals	55-104 (3-5%)	1967 (95-97%)	

Within the Holyland student accommodation in 2017 the average costs was £60 per room per week (£3120 per year)

Within the city centre student hubs and the halls of residence the minimum cost of student accommodation in 2017 was approximately £110 per week (it is currently £125 per week)

The difference in a student being housed in the Holyland and living within the Belfast city centre or halls of residents over a three year degree programme is approximately:

£5,720 x 3 years = £17,160, less £3120 x 3 years = £9,360 – which equates to a subsidy of around £7,800 in student housing costs for those who can live safely within the Holyland

Table 13b - QUB Freedom of information Act Response – FOI-18-307 dated 23 January 2019

In the academic year 2017-2018 the religious background of UU students living in the Holyland HMO neighbourhood of South Belfast was as follows:

Protestant students	181 (12.6%)
Roman Catholic students	1247 (87.4%)
Total	1428

Table 13c – UU Freedom of Information Act Response – Holyland Student demographics

The UU confirmed that in the 2020/21 academic year (the first Covid-19 year) there were 489 UU students living in the Holyland

	Protestant	Roman Catholic	Total
Postgraduate	0	5	5
Undergraduate	24	460	484
Total	24	465	489

Table 13d - UU Freedom of Information Act replies (FOIA/20/194 and FOIA/20/193) dated 17 and 18 November 2020 - UU Owned and managed student accommodation

From the commencement of the 2020/21 academic year there were 1002 students residing in university owned, controlled and managed accommodation. 972 residents were undergraduate and 30 postgraduate students.

	Postgraduate	Undergraduate	Total
Protestant	0	24	24
Roman Catholic	5	460	465
Grand Total	5	484	489

Table 14 - FOI Act Request to DENI dated June 2017

The FOI Act reply revealed that a higher percentage of Protestant school leavers rejected (annually) over the 11 year period from 2005/06 until 2015/16 studying at NI's two universities compared to Catholic school leavers.

Year	Protestant Pupils	Catholic Pupils	% Difference
	% of Protestant	% of Catholic	
	Students studying	Students studying	

	Outside of NI	Outside of NI	
2015/16	38%	29%	9%
2014/15	39%	26%	13%
2013/14	28%	24%	4%
2012/13	28%	21%	7%
2011/12	35%	23%	12%
2010/11	40%	27%	13%
2009/10	35%	25%	10%
2008/09	31%	22%	9%
2007/08	32%	25%	7%
2006/07	32%	26%	6%
2005/06	35%	25%	10%

Table 15

QUB Academic and Research Staff by School & Community Background as at 6 Feb 18

	ND	Protestant	Catholic	Total
<u>Arts, Humanities and Social Sciences</u>	154	115	183	452
Inst of Professional Legal Studies	0	3	4	7
Queen's Management School	26	19 (38%)	31 (62%)	76
School of Arts, English and Languages	48	22 (32%)	45 (68%)	115
School of HAPP	39	20 (37%)	34 (63%)	93
School of Law	11	13 (37%)	22 (63%)	46
School of Social Sciences, Ed & S work	25	33 (42%)	45 (48%)	103
The Senator George J Mitchell Inst	<u>5</u>	<u>5</u>	<u>2</u>	<u>12</u>
		112 (38%)	179 (62%)	
<u>Engineering and Physical Sciences</u>				583
School of Chemistry and Chemical Eng	52	13	20	85
School of Electronics, E Eng & Com Sc	68	32	36	136
School of Mathematics and Physics	60	26	29	115

School of Mechanical and Aerospace Eng	36	18	17	71
School of Natural and Built Environment	53	40	40	133

Medicine, Health and Life Sciences	229	230	250	709
School of Biological Sciences	66	35	35	136
School of Medicine, Dentistry & Bio Sc	112	120	144	376
School of Nursing and Midwifery	11	49	42	102
School of Pharmacy	40	26	29	95

Table 16 - UU Freedom of Information Act Reply FOIA/19/198

UU full-time, undergraduate and post-graduate students living in Northern Ireland at the start of the 2018/2019 academic term.

UU (A) Faculty of Arts, Humanities & Social Sciences (Sept 2018)

School	F u l l t i m e U n d e r g r a d u a t e S t u d e n t s						F u l l t i m e P o s t g r a d u a t e S t u d e n t s				A c a d e m i c / R e s e a r c h S t a f f					
	P			C			P		C		P		C			
1 Belfast School of Art	3	0	5	3	5	8	9		1		9	2	1	2	6	
	(46.0%)		(54.0%)		(32.1%)		(67.9%)		(44.7%)		(55.3%)					
2 Arts and Humanities	2	0	1	3	7	3	1		2	3		5	1	3	2	5
	(35.0%)		(65.0%)		(25.5%)		(74.5%)		(34.2%)		(65.8%)					
3 Communications and Media	2	0	2	4	3	7	1		3	2		3	1	1	1	2
	(31.6%)		(68.4%)		(36.1%)		(63.9%)		(47.8%)		(52.2%)					
4 Education	9			1		7	4		2	5		3	1	2	7	
	(34.6%)		(65.4%)		(44.2%)		(55.8%)		(63.2%)		(36.8%)					
5 Law	9		4	2	1	3	1		2	1		8	5		1	4
	(30.6%)		(69.4%)		(40.0%)		(60.0%)		(26.3%)		(73.7%)					
6 Applied Science & S. S.	3	1	2	5	8	9	0		<		5	2	3	3	4	
	(34.6%)		65.4%)		(0.0%)		(100.0%)		(40.4%)		(59.6%)					
7 Dean's Office (AHSS)	0			0			2		2	2		0	<	5	0	
	(0.0%)		(0.0%)		(52.4%)		(47.6%)		(100%)		(0.0%)					

Total	Arts,	1	1	2	3	1	9	8	7	1	1	0	1	7	2	8	8	1	1	8
Humanities & S. S.		(36.1%)		(63.9%)		(39.0%)		(61.0%)		(42.7%)		(57.3%)								

UU (B) Faculty of Computing, Engineering & the Built Environment (Sept 2018)

School	F u l l t i m e						F u l l t i m e				A c a d e m i c /			
	Undergraduate						Postgraduate				Research Staff			
	P			C			P		C		P		C	
1 Computing	2	5	9	4	2	3	0		<	5	2	7	1	3
	(38.0%)			(62.0%)			(0.0%)		(100.0%)		(67.5%)		(32.5%)	
2 Computing, Eng & Intell. Sys	1	1	2	3	9	9	6		2	2	<	5	2	3
	(21.9%)			(78.1%)			(21.4%)		(78.6%)		(14.8%)		(85.2%)	
3 Engineering	2	2	0	3	9	3	<	5	<	5	2	3	2	2
	(35.9%)			(64.1%)			(33.3%)		(66.7%)		(51.1%)		(48.9%)	
4 Architecture & Built Environ.	2	6	1	8	5	9	<	5	9		3	1	2	6
	(23.3%)			(76.7%)			(30.8%)		(69.2%)		(54.4%)		(45.6%)	
5 Dean's Office (Comp, Eng & BE)	0			0			1	7	3	3	<	5	<	5
	(0.0%)			(0.0%)			(34.0%)		(66.0%)		(33.3%)		(66.7%)	
Total Computing, Eng. & Built Env.	8	5	2	2	0	7	4	2	8	6	7	8	7	8
	(29.1%)			(29.1%)			(29.5%)		(70.5%)		(49.7%)		(50.3%)	

UU (C) Faculty of Life & Health Sciences (Sept 2018)

School	Fulltime Undergraduate Students						Fulltime Postgraduate Students				Academic / Research Staff			
	P	C	P	C	P	C	P	C	P	C	P	C	P	C
1 Biomedical Sciences	293	261	273	0	2	6	1	2	73	0	4	24	4	
	(52.9%)	(47.1%)	(47.4%)	(52.6%)	(48.8%)	(51.2%)								
2 Geography & Env. Sciences	122	102	6	<	57	1	1							
	(54.5%)	(45.5%)	(75.0%)	(25.0%)	(38.9%)	(61.1%)								
3 Health Sciences	204	400	<	50	2	12	8							
	(33.8%)	(66.2%)	(100.0%)	(0.0%)	(42.9%)	(57.1%)								
4 Nursing	233	506	192	0	2	24	7							
	(31.5%)	(68.5%)	(48.7%)	(51.3%)	(31.9%)	(68.1%)								
5 Pharmacy & Pham Science	4	34	70	0	6	6								
	(47.8%)	(52.2%)	(0.0%)	(0.0%)	(50.0%)	(50.0%)								
6 Psychology	176	182	151	8	1	33	1							
	(49.2%)	(50.8%)	(45.5%)	(54.5%)	(29.5%)	(70.5%)								
7 Sport	186	304	252	11	1	11	6							
	(38.0%)	(62.0%)	(54.3%)	(45.7%)	(40.7%)	(59.3%)								
8 Dean's Office (L&H Sc.)	0	0	35	45	<	5	<	5						
	(0.0%)	(0.0%)	(43.8%)	(56.3%)	(33.3%)	(66.7%)								
Total Life & Health Science	1257	1802	1291	391	1241	187								
	(41.1%)	(58.9%)	(48.1%)	(51.9%)	(39.9%)	(60.1%)								

UU (D) Ulster University Business School (Sept 2018)

School	F u l l t i m e U n d e r g r a d u a t e S t u d e n t s						F u l l t i m e P o s t g r a d u a t e S t u d e n t s		A c a d e m i c / R e s e a r c h S t a f f			
	P			C			P	C	P		C	
1 Accounting, Fin. & Economics	1	5	9	4	4	9	6	9	1	4	1	1
	(26.2%)			(73.8%)			(40.0%)		(56.0%)		(44.0%)	
2 Global Business & Enterprise	1	6	9	4	1	3	0	7	6	1	4	
	(29.0%)			(71.0%)			(0.0%)		(30.0%)		(70.0%)	
3 Hospitality & Tour. Man.	1	9	7	2	1	7	<	5	5	6	9	
	(47.6%)			(52.4%)			(50.0%)		(40.0%)		(60.0%)	
4 Management, Lead. & Mark	2	4	9	5	2	6	1	9	3	1	5	6
	(32.1%)			(67.9%)			(30.6%)		(48.4%)		(51.6%)	
5 Business Institute	0			0			0	0	<	5	<	5
	(0.0%)			(0.0%)			(0.0%)		(66.7%)		(33.3%)	
6 Dean's Office (UBS)	0			0			6	<	5	5	<	5
	(0.0%)			(0.0%)			(85.7%)		(55.6%)		(44.4%)	
Total Business	7	7	4	1	6	0	5	3	3	6	2	5
	(34.7%)			(67.5%)			(34.7%)		(47.2%)		(52.8%)	

Within numerous UU schools the disparity between high numbers of Catholic undergraduate students and corresponding low numbers of Protestant undergraduates is worthy of research. The fifteen UU schools within which Catholic undergraduates predominate include: Arts and Humanities, Communications and Media, Education, Law, Applied Science and Social Studies, Computing, Computing Engineering and Intelligent Systems, Engineering, Architecture and the Built Environment, Health Sciences, Nursing, Sport, Accounting Finance and Economics, Global Business Enterprise and Management Leadership and Marketing.

In addition, I suggest the disparity between high numbers of Catholic post-graduate students and low numbers of Protestant post-graduate students is of concern in the following ten UU academic schools; the Belfast School of Art, Arts and Humanities, Communications and Media, Law, Applied Science and Social Studies, Computing. Computing Engineering and Intelligent Systems, Engineering, Architecture and the Built Environment, Computing and Engineering and BE.

Table 17 - FOI Act Reply from the Department of the Economy (dated 28 February 2018) in reference to the 2016/2017 student intake at Stranmillis College and St Mary's Teacher Training College

School leavers enrolling into Stranmillis and St Mary's teacher training colleges for the academic year 2016/17

College	Protestant	Roman Catholic	Total
Stranmillis	200 (61%)	130 (39%)	330
St Marys	<u>5 (2%)</u>	<u>240 (98%)</u>	<u>245</u>
Total	205 (35.6%)	370 (64.4%)	575

Table 18 – UU Freedom of Information Act Reply, FOI 18/183 dated 18 October 2018

UU staff and researchers employed at the start of Autumn Semester 2018

Campus	No of Protestant	No of Catholic	'Others'
Belfast Campus			

Academic teaching and Post-doctoral research Staff	31	40	27
Administration / Clerical Staff	44	48	20
Service Staff (porters, cleaners, gardeners, maintenance staff, etc)	7	7	11
Jordanstown Campus			
Academic teaching and Post-doctoral research Staff	202	204	129
Administration / Clerical Staff	302	164	42
Service Staff (porters, cleaners, gardeners, maintenance staff, etc)	27	5	3
Coleraine Campus			
Academic teaching and Post-doctoral research Staff	110	108	62
Administration / Clerical Staff	252	147	19
Service Staff (porters, cleaners, gardeners, maintenance staff, etc)	20	11	1
Magee Campus			
Academic teaching and Post-doctoral research Staff	31	129	49
Administration / Clerical Staff	21	99	5
Service Staff (porters, cleaners, gardeners, maintenance staff, etc)	4	12	0
UU Overall four campuses			
Management	5	9	1

**Table 19 - University of Ulster – Comparative staff changes 2016/17 and 2018/19
Religious Breakdown of UU Staff (based upon UU FOIA/18/183 Reply - Oct 2018)**

Belfast Campus	Protestant	Catholic	Others
No of Academic and Research Staff (2016-17)	36	41	22
<i>No of Academic and Research Staff (Sept 2018)</i>	<i>(31)</i>	<i>(40)</i>	<i>(27)</i>

Percentage Change (approximate)	(-16%)	(-2.5%)	(+25%)
No of Support and Administrative Staff (2016-17)	48	38	18
<i>No of Support and Administrative Staff (Sept 2018)</i>	<i>(51)</i>	<i>(57)</i>	<i>(31)</i>
Percentage Change	(+3%)	(+50%)	(+72%)

Jordanstown Campus	Protestant	Catholic	Others
No of Academic and Research Staff (2016-17)	200	207	92
<i>No of Academic and Research Staff (Sept 2018)</i>	<i>(202)</i>	<i>(204)</i>	<i>(129)</i>
Percentage Change	(+1%)	(-1%)	(+40%)
No of Support and Administrative Staff (2016-17)	325	146	39
<i>No of Support and Administrative Staff (Sept 2018)</i>	<i>(329)</i>	<i>(169)</i>	<i>(45)</i>
Percentage Change	(+1%)	(+16%)	(+12%)

Coleraine Campus	Protestant	Catholic	Others
No of Academic and Research Staff (2016-17)	105	96	56
<i>No of Academic and Research Staff (Sept 2018)</i>	<i>(110)</i>	<i>(108)</i>	<i>(62)</i>
Percentage Change	(+5%)	(+12%)	(+11%)
No of Support and Administrative Staff (2016-17)	273	143	27
<i>No of Support and Administrative Staff (Sept 2018)</i>	<i>(272)</i>	<i>(158)</i>	<i>(20)</i>
Percentage Change	no change	(+10%)	(-25%)

Table 19 – continued

Magee Campus	Protestant	Catholic	Others
No of Academic and Research Staff (2016-17)	34	119	27
<i>No of Academic and Research Staff (Sept 2018)</i>	<i>(31)</i>	<i>(129)</i>	<i>(49)</i>
Percentage Change	(-10%)	(+9%)	(81%)
No of Support and Administrative Staff (2016-17)	24	113	4
<i>No of Support and Administrative Staff (Sept 2018)</i>	<i>(25)</i>	<i>(111)</i>	<i>(5)</i>
Percentage Change	no real change on S & A staff		

Over all Four UU Campuses	Protestant	Catholic	Others
<i>No of Managers (Sept 2018)</i>	(5)	(9)	(1)
All Academic & Research Staff (2016-17)	375	463	197
<u>All Academic & Research Staff (Sept 2018)</u>	<u>(374)</u>	<u>(481)</u>	<u>(267)</u>
Percentage Change over 18 months	no change	+4%	+35%

Table 20 - FOI Act data, UU PhD scholarship funding for 2018

(Information provided within FOIA/18/182 by UU)

NI Department for the Economy Scholarship Applications

- 1 How many scholarships were awarded? **There are currently 77 DfE funded PhD Researchers with some left to fill.**
- 2 How many candidates applied for the scholarship awards? **316 applicants had applied at 18 June 2018.**
- 6 How many Catholics were awarded scholarship funding? **32**
- 7 How many Protestants were awarded scholarship funding? **19**
- 8 How many 'others' were awarded PhD scholarships? **26 (includes 'refused to say' and 'no religious belief', as well as other religions)**
- 9 What was the age/s of the scholarship recipients? **The average age was 29.7 years**
- 10 What was the gender of the scholarship recipients? **53 female and 24 male**

VCS and NINE Scholarship Applications:

1 How many scholarships were awarded? **There are currently 32 PhD Researchers through VCRS and other externally funded scholarships with some left to fill.**

2 How many candidates applied for the scholarship awards? **316 applicants (confirmed at 18 June 2018)**

6 How many Catholics were awarded scholarship funding? **10**

7 How many Protestants were awarded scholarship funding? **4**

8 How many 'others' were awarded PhD scholarships? **18 (includes 'refused to say' and 'no religious belief' as well as other religions)**

9 What was the age/s of the scholarship recipients? **The average age was 32**

10 What was the gender of the scholarship recipients? **18 male and 14 female**

Statistical Analysis	Protestant	Catholic	Others	Total
DfE Funded Scholarships	19 (24%)	32 (42%)	26 (34%)	77 (100%)
<u>Other Funded Scholarships</u>	<u>4 (12.5%)</u>	<u>10 (31.5%)</u>	<u>18 (56%)</u>	<u>32 (100%)</u>
<u>All Funded Scholarships</u>	<u>23 (21.1%)</u>	<u>42 (38.5%)</u>	<u>44 (40.3%)</u>	<u>109</u>
Self-funded Doctorates	4 (36%)	4 (36%)	3 (28%)	11 (100%)

Approximate Cost of DfE Scholarship - £57,000.00 over three academic years

Funding awarded (2018 - 21)	Protestant	Catholic	Others
All Funded Scholarships million	£1.31 million	£2.38 million	£2.5

FOI Act (FOIA/19/05) reply from the UU dated 6 February 2019 – Magee College

FOIA/19/05 confirmed that the student demographics for the 2018/19 academic year at Magee College was as follows:

Full-time students at Magee	Protestants	Catholics	Total
Undergraduates	785 (26%)	2,246 (74%)	3031
<u>Postgraduates</u>	<u>57 (19%)</u>	<u>251 (81%)</u>	<u>308</u>
Total	842 (25%)	2,597 (75%)	3'349

The ratio of Protestant undergraduates to postgraduates is 7%

The ratio of Catholic undergraduates to postgraduates is 11%

Table 21 - Freedom of Information Act Request dated 6 November 2020 to QUB

No of QUB students enrolled in September 2020 for the 2020/21 academic year

Full-time undergraduates: 1,377 (42%) Protestants and 1,941 (58%) Catholics
 Full-time Post Graduate taught: 281 (41%) Protestants and 400 (59%) Catholics
 Other F/T post Graduates taught: 132 (47%) Protestants and 149 (53%) Catholics
 Part-Time Post Grad taught: 96 (40%) Protestants and 143 (60%) Catholics
 Other part-time post grad taught: 244 (42%) Protestants and 338 (58%) Catholics
 PHD funded research scholarships: 62 (39%) Protestants and 99 (61%) Catholics
 PHD non-funded students: 11 (50%) Protestants and 11 (50%) Catholics
 Total Protestant: 2,203 students. Total Catholics: 2,974 students

Table 22 - Freedom of Information Requested FOIA/20/215 (dated 8 December 2020)
No of UU students enrolled in September 2020 for the 2020/21 academic year

Full-Time Undergraduates

Campus	Catholics	Protestants
Belfast	194	141
Coleraine	288	268
Jordanstown	1,451	547
<u>Magee</u>	<u>659</u>	<u>189</u>
Total	2,592	1,145

Part-Time Undergraduates

Campus	Catholics	Protestants
Belfast	52	25
Coleraine	56	27
Jordanstown	357	258
<u>Magee</u>	<u>89</u>	<u>19</u>
Total	554	329

Full-Time Post-graduates

Campus	Catholics	Protestants
Belfast	48	36
Coleraine	115	90
Jordanstown	158	76
<u>Magee</u>	<u>51</u>	<u>10</u>

Total	372	212
-------	-----	-----

Part-Time Post-graduates

Campus	Catholics	Protestants
Belfast	49	29
Coleraine	115	70
Jordanstown	816	455
<u>Magee</u>	<u>166</u>	<u>55</u>
Total	1146	609

Post graduates (PHD research scholarship and self-funded) students

Campus	Catholics	Protestants
Belfast	5	between 1 and 5
Coleraine	15	14
Jordanstown	16	9
<i>Magee</i>	<i>8</i>	<i>between 1 and 5</i>
Total	44	between 25 and 33

All university students who commenced studies at UU in September 2020

Campus	Catholics	Protestants
Belfast	348	246
Coleraine	589	471
Jordanstown	2,798	1,345
<u>Magee</u>	<u>973 (78%)</u>	<u>278 (22%)</u>
Total	4,667 (67%)	2340 (33%)

(Tables 21 and 22) Total number of students accepted by UU and QUB in September 2020

Protestants 4,543 (37%)

Catholics 7,642 (67%)

Email sent to all postgraduate PhD research students sent by QUB School of HAPP – 12 August 2021

Dear All

We are fast approaching the end of the academic year and I wanted to bring to your attention that all of you, at this stage, should have had a minimum of 10 recorded meetings as per the University Study Regulations for Research Degree Programmes. This should average at least 1 per month. Following an analysis of the School's performance there is 40% of you that have had 5 or less (!) over the year.

Table 23 – FOI Act (published in Newsletter) in reference to UU Magee College

Newsletter Article – 3 December 2021, by Dr Paul Kinsley

From a Freedom of Information request for Magee Campus of Ulster University in Londonderry the respective Catholic / Protestant populations for 2021 were as follows:

Protestants at Magee

Undergraduate (21.3%), Postgraduate (17%), Full time (9.7%) and Part time (20.7%)

Catholics at Magee

Undergraduate (64.3%), Post-graduate (59.4%), Full time (38.7%) and Part-time (51.1%)

Non-disclosures

Undergraduate (14.4%), Post-graduate (23.7%), Full-time (51.7%) and Part-time (28.3%)

Table 24 - QUB FOI Act reply (31 January 2022, FOI-21-447, for 2021-22 academic year)**QUB lecturing staff demographics as of September 2021**

	Protestant	Roman Catholic	No Disclosure	Total
Full Time Academic	295 (25%)	379 (33%)	458 (42%)	1132
Lecturing Staff				
Full Time Academic	115 (18%)	144 (22%)	374 (60%)	633
Research Staff				
Total	410 (23%)	523 (30%)	832 (47%)	1765

FOI Act request sent to NI Audit Office (17 January 2022) in order to determine if NIAO had undertaken any investigative actions after 2 years of my written concerns.

FOI Act Request - Could I have copies of all letters, emails or other correspondence between the NIAO and QUB / UU / DfE within which the NIAO requested information about S.75 screening failures in the NI university sector; and copies of all DfE / QUB / UU replies to the NIAO?

FOI Act NIAO Reply (dated 18 January 2022), the NIAO, Louise Donnelly confirmed that 'I wish to advise that since the responsibility for the administration of Section 75 Equality screening does not fall within the remit of NIAO, we hold no such information on this subject matter'.

Subsequent question from Edward Cooke to Louise Donnelly (Complaints Co-Ordinator Northern Ireland Audit Office) asked on the 18 January 2022,

Could I ask a question?

I simply wished to ascertain, if after two (+) years writing to the NIAO about a specific problem that is not per se, a S.75 equality screening problem, but rather is a matter of ultra-vires government expenditure, if the NIAO had written to the Department or the NI universities to ascertain if there was any validity in my whistle-blowing concerns. It appears, that my concerns about ultra-vires DfE spending between 2000-2018 in the award of PhD scholarship grants did not merit the NIAO contacting the DfE, or the universities to determine if departmental funds had been distributed without assurance that equality screening measures had been properly undertaken.

May I ask the NI Audit Office, if departmental spending that has been authorised, but does not first ensure that the necessary S.75 equality safeguards have been undertaken, which statutory agency or body has the auditing or monitoring obligations to ensure that public funds comply with equality legislation and to safeguard the public purse? Or, indeed, is it lawful for NI government departments to direct substantive funds by way of loans and grants to policies and processes that have not been equality screened?

No Reply was forthcoming to this question by the NI Audit Office.

FOI Act request to DfE (and QUB / UU) – 17 January 2022 – re; screening exercises on PhD research applications and awards

I would be obliged if the DfE, NIAO, QUB and UU could provide me with the following information requested below under the FoI Act 2000:

FOI Act request sent to QUB, UU and NI Department for the Economy – 17 January 2022

- (1) Could I have copies of the 2019-2020 S.75 equality screening exercises of the PhD award and assessment process for all DfE funded scholarship PhDs?
- (2) Could I have copies of the 2020-21 S.75 equality screening exercises of the PhD award and assessment process for all DfE funded scholarship PhDs?
- (3) Could I have copies of the 2021-22 S.75 equality screening exercises of the PhD award and assessment process for all DfE funded scholarship PhDs?
- (4) Could I have a copy of the UU's 2019-2020 S.75 equality screening exercise carried out prior to the UU agreeing its list of designated PhD subject areas which the UU advertises in the media to prospective PhD applicants in January 2020?

Request for information to Mr Trevor Cooper (DfE) and Mr Patrick Barr (NI Audit Office) dated 21 January 2022 in relation to S.75 screening failures and ultra-vires government spending

Questions:

- (1) Were funds directed by the DfE to QUB / UU for university scholarships between 2000 and 2018 spent ultra-vires, e.g., outside the legal process?
- (2) Is S.75 equality screening a legislative pre-requisite measure to be undertaken before government departments allocate public funds for large programme, policies and projects?
- (3) Which NI government department or agency has the monitoring, or auditing role, to ensure that NI government departments do not spend funds outside their legislative powers?
- (4) If a judicial review was undertaken of DfE S.75 equality screening failures and the failure to audit the spending of departmental funds within the NI university sector, could the department defend its position?
- (5) Can the DfE confirm If QUB and UU undertakes section 75 equality screening for all DfE PhD scholarship awards from 2019 onwards? And does QUB / UU also undertake equality screening for Northern Bridge, NINE and Vice-Chancellor PhD scholarships.

(6) In 2016-2017, the DfE sent me by way of a FOI Act request information that indicated that 85% of all NI PhD students had failed to submit their theses in time and that one in six NI PhD students withdrew from their PhD's without submitting their thesis. Given my concerns about best-value auditing, is there a role here for the NIAO to determine if public money is being well spent?

Responses:

On the 21 January 2022 Mr Barr offered to meet but declined to respond in writing to my questions. I subsequently wrote to Mr Barr on the 21 January 2022 to say that 'it appears that the Covid-19 restrictions are soon lifting and that I shall soon be able to meet with you. I do however feel that having spent a great deal of time writing to the NIAO - providing whistle-blowing advice - over the last two years, it is now appropriate for the NIAO to place its views on this matter in writing. These matters are relatively straight-forward, either the NIAO has a role to play in addressing the ultra-vires nature of the departmental S.75 spending, or it does not. If the NIAO has no auditing role to play, then, it appears there is an auditing gap that needs to be filled.

Mr Cooper and Mr Barr, as of the 8 February 2022 have declined to provide written replies.

Table 25 – Freedom of information Act Reply – details included within the Belfast Telegraph, 3 February 2022 – UU Magee College

The Belfast Telegraph reported that a FOI Reply from UU indicated that student numbers at Magee have fallen this academic year.

Magee UU student population

2014/15 – 5,089 peak

2020/21 – 4,188

2021/22 – 3,533

Coleraine UU student population

2002/21 – 4,390

2021/22 – 4,121

Belfast UU student population

2021/22 - 13,660

Jordanstown UU student population

2021-22 – 3,150

The Belfast Telegraph also pointed out that within the Derry and Strabane Council area, of the 5,800 students, 4,460 students chose to study elsewhere

Table 26 – UU FOI Act reply dated 3 February 2022 (FOI Act 22/ 001)

UU students enrolled / registered or the 2021/22 academic year

There was a total of full-time and part-time 20,240 students, within all academic years and courses enrolled at UU in September 2021

(A) Full-Time Undergraduates

Campus	Catholics	Protestants	Others
Belfast	4360	1780	1570
Coleraine	845	725	410
Jordanstown	765	330	130
Magee	<u>1525</u>	<u>520</u>	<u>380</u>
Total	7495	3355	2490

(B) Part-Time Undergraduates

Campus	Catholics	Protestants	Others
Belfast	700	460	330
Coleraine	80	30	225
Jordanstown	70	55	30
Magee	<u>140</u>	<u>35</u>	<u>40</u>
Total	990	580	625

(C) Full-Time Post-graduates

Campus	Catholics	Protestants	Others
Belfast	205	85	340
Coleraine	80	40	140
Jordanstown	50	35	35
Magee	<u>75</u>	<u>25</u>	<u>95</u>
Total	410	185	610

(D) Part-Time Post-graduates

Campus	Catholics	Protestants	Others
Belfast	635	320	370
Coleraine	240	85	270
Jordanstown	380	250	150
Magee	<u>140</u>	<u>45</u>	<u>80</u>
Total	1395	700	870

(E) Post graduates (PHD research scholarship) applications

Campus	Catholics	Protestants	Others
Total	160	119	524

Campus is not allocated to Research students until enrolment.

(F) Post graduates (PHD research scholarship) awards

Campus	Catholics	Protestants	Others
Belfast	11	9	22
Coleraine	60	54	59
Jordanstown	69	66	144
Magee	<u>46</u>	<u>17</u>	<u>45</u>
Total	186	146	270

(G) PHD non-scholarship funded / self-funding students

Campus	Catholics	Protestants	Others
Belfast	6	1	9
Coleraine	23	19	23
Jordanstown	22	11	21
Magee	<u>18</u>	<u>1</u>	<u>9</u>
Total	69	32	62

(H) UU - All university students who commenced studies in September / October 2021

Campus	Catholics	Protestants	Others	Total
Belfast	5910	2650	2635	11195
Coleraine	1305	930	1095	3332
Jordanstown	1335	720	460	2515
Magee	<u>1935</u>	<u>635</u>	<u>630</u>	<u>3200</u>
Total	10485	4935	4820	24,240

Freedom of information Act Reply – details included within the Belfast Telegraph, 8 February 2022 – Queen’s University Belfast & UU.

The Belfast telegraph reported on the 8 February 2022 on the low number of Queen’s University Belfast academics from a Protestant background was a ‘cause for concern’. Former NI Department for Education Minister, Peter Weir said that it was important that all institutions are inclusive. The former Stormont education minister has described the proportion of academic and other staff from a Protestant background at Queen’s University in Belfast as a “cause for concern”. DUP MLA Peter Weir was reacting to figures obtained by the Belfast Telegraph through a Freedom of Information (FOI) request.

<https://www.belfasttelegraph.co.uk/news/northern-ireland/low-number-of-queens-university-belfast-academics-from-a-protestant-background-a-cause-for-concern-41305412.html>

The data provided by the Belfast Telegraph on the 8 February 2022 compares to the FOI Data that I was provided with on the (31 January 2022) (See table 20 above)

QUB lecturing staff demographics as of September 2021

	Protestant	Roman Catholic	No Disclosure	Total
My FOI Data (Table 20)				
Full Time Academics	295 (25%)	379 (33%)	458 (42%)	1,132
Telegraph Data				
Academics	370 (28%)	460 (34)	510 (38%)	1,340
Non-academic staff	1,060 (35%)	1,220 (41%)	720 (24%)	3,000

Belfast Telegraph FOI Act Data for UU (Note correlations between academic figures for QUB and UU given by the Belfast Telegraph cannot be directly made because QUB figures contains also non-disclosure numbers, but UU figures excludes this data set

	Protestant	Roman Catholic	No Disclosure	Total
Academic staff	43.91%	56.09%	FIGURES NOT GIVEN?!	
ALL employees	50.28%	49.72%	(including academic, admin, management, etc).	

Table 27 – QUB FOI Act reply dated 8 February 2022

QUB students enrolled / registered or the 2021/22 academic year

QUB No of students enrolled / registered in September and October 2021 - 25,482

Full-time undergraduates:

P 4,838 (29%), RC 7,069 (42%), Other 4,869 (29%)

Full-time Post Graduate taught:

P 443 (16%), RC 718 (26%), Other 1,633 (58%)

Part-Time undergraduates:

P 369 (34%), RC 542 (49%), Other 189 (17%)

Part-Time Post Graduates

P 699 (24%), RC 955 (33%), Other 1,269 (43%)

PHD funded research scholarships applications

P 105 (7.7%), RC 130 (9.6%) Other 1,124 (82.7%)

PHD funded research scholarships awards - the Economy NI (DfE).

P 46 (26.7%), RC 43 (25%), Other 83 (48.3%)

PHD non-scholarship funded students:

The University does not hold data on funded students who are on scholarships not administered by the University (presumably this is UK Research Council scholarships / NINE and Northern Bridge Scholarships)

Total students

P 6,729 (26%), RC 9,762 (38%), Other 8,991 (35%)

Freedom of information Act Reply from UU dated 9 February 2022 in response to FOI At request dated 17 January 2022, (FOIA/22/013), re: S.75 equality screening of PhD scholarships.

The UU confirmed on the 9 February 2022 that the Ulster University does not equality screen the PhD award and assessment process for DfE funded scholarship PhDs or screen the list of designated PhD subject areas which are advertised to prospective PhD applicants and therefore we are unable to provide the information you have requested.

UU PhD research competitions – 2022/23

The most recently advertised UU PhD scholarship competition (2022/23) included more generic research areas than in other previous years allowing PhD applicants more discretion in submitting their PhD proposals, however of the specific research areas advertised by the UU, two PhDs were centred on females, three of Irish language / Gaelic sports and none

were directed towards PUL research areas.¹⁸⁰ The latitude of individual academics, in the absence of S.75 oversight screening to favour PhD students and student proposals that best matches their own philosophical and political opinions is further increased by denigrating (in some PhD competitions) having a Master's research degree to a desirable, rather than an essential criteria. If first class (taught) degrees, or 2:1 (taught) degrees are the benchmark for PhD research funding and not Master's degrees (with research dissertations) then the lowering of the academic bar, provides academics with too much freedom in determining PhD research funding (more specifically of PhD scholarship competitions that are not subject to equality screening).¹⁸¹

The UU confirmed by way of FOI Act (dated 9 February 2022) that no S.75 equality screening had taken place of the research areas decided by the various UU schools. I suggest that the UU require to equality screen their list of advertised PhD areas and that in the past, the absence of equality screening has impacted upon the PhD research undertaken and thereafter the academic and research entrants into UU.

UU & QUB equality screening of NINE & Northern Bridge PhD Scholarship Competitions

It appears, from recent UU and QUB FOI Act responses that QUB (8 Feb 2022) and UU (9 Feb 2022) do not undertaken any equality screening exercises of UK Research Council and the Economic and Social Research Council scholarship programmes such as NINE and Northern Bridge. Since 2019 therefore, the anomalous position has existed where the NI universities are required to undertaken S.75 equality screening exercises to ensure fairness and equity in the distribution of DfE funded PhDs, but not other scholarships funded by the British taxpayer. I suggest, that the source of the funding is immaterial, rather it is the subject area under research, the candidate selected and the management of the researcher by the NI university institutions that demand everything the universities do conforms to NI equality legislation. Paradoxically, the perception that exists within the NI Unionist political community is that inequalities within the NI university sector exist mainly in the social science, legal, arts, languages, educational, cultural studies and humanities schools and faculties, not the other 'hard' science faculties where a student's religion or politics is of little concern. The NINE and Northern Bridge scholarships, are programmes which according to QUB, UU and DfE appear to lie outside S.75 equality screening obligations, however these scholarship programmes are directed specifically to the humanities and social science faculties which most concern the Unionist political community.

¹⁸⁰ <https://www.ulster.ac.uk/doctorscollege/find-a-phd?query=&type=funded>

¹⁸¹ <https://www.bbc.co.uk/news/uk-northern-ireland-60147530>, 85% of NI university degree students were awarded first class and upper second class degrees in 2020/21 (HESA data)

Table 28 - NI Equality Commission Employment data extracted from 2017 / 2018 Monitoring Reports for schools, colleges and QUB

Higher and Further Education Colleges:

Stranmillis University College:

108 (63%) Protestant employees and 67 (37%) Catholic employees

St Mary's University College:

15 Protestant (10%) employees and 132 (90%) Catholic Employees

Stranmillis and St Mary's combined:

Protestant (41%) and Catholic (59%) employees

North West Regional College:

150 (20%) Protestant employees and 612 (80%) Catholic employees

Southern Regional College:

325 (39%) Protestant employees and 507 (54%) Catholic Employees

Belfast Met College:

47 (44%) Protestants and 60 (56%) Catholics

NE Regional College:

20 (16%) Protestants and 107 (84%) Catholics

SW College:

43 (29%) Protestants and 104 (71%) Catholics

Universities: 2018 Data

QUB: 1574 (46%) Protestants and 1822 (54%) Catholics

Appointments made by various NI public sector bodies (as per 2018 report)

Stranmillis College:

(60%) Protestants and (40%) Catholics

Maintained Secondary and Grammar Schools (as per the ECNI 2017 and 2018 reports).

The 2018 Equality Commission employment numbers are enclosed in brackets (2018)

Maintained Schools

Sacred Heart Grammar: (53) Catholics, less than 10 Protestants,
 Saint Columb College: (65) Catholics, less than 10 Protestants,
 St Colman's College: 30 Catholics, less than 10 Protestants,
 St Joseph's Grammar, 45 Catholics, less than 10 Protestants,
 St Malachy's College, 77 Catholics, less than 10 Protestants,
 St Michael's College, 50 Catholics, less than 10 Protestants,
 St Mary's College CBGS, 74 Catholics, less than 10 Protestants,
 St Patrick's Academy, 50 Catholics, less than 10 Protestants,
 St Patrick's Grammar, 26 Catholics, less than 10 Protestants,
 St Patrick's Grammar, 61 Catholics, less than 10 Protestants,
 Christian Brothers Grammar, 51 Catholics, less than 10 Protestants
 Loreto Grammar, (57) Catholics, less than 10 Protestants,
 Lumen Christie College, 50 Catholics, less than 10 Protestants,
 Dominican College, 31 Catholics, 18 Protestants
 St Mary's Grammar, 42 (53) Catholics, 20 (17) Protestants
 St Louis Grammar, 26 Catholics, 16 Protestants

Equality Commission 2018 Data

Aquinas Diocesan Grammar: Total of 55 staff; less than 10 Protestants
 Abbey Christian Grammar: Total of 47 staff, less than 10 Protestants
 Assumption Grammar: Total of 31 staff, less than 10 Protestants
 Lumen Christie College: Total of 49 staff, less than 10 Protestants
 Rathmore Grammar: Total of 57 staff, less than 10 Protestants
 Thornhill College: Total of 53 staff, less than 10 Protestants
 St Dominic's High School: Total of 41 staff, less than 10 Protestants
 St Ronans College: Total of 94 staff, less than 10 Protestants

Integrated Schools:

Malone College: 12 Protestants and 26 Catholics
 Shimna Integrated College: 12 Protestants and 26 Catholics
 Integrated College Dungannon: (24) Protestants and (26) Catholics
 Ulidia Integrated College: (45) Protestants and (13) Catholics

Controlled Schools:

Ballymena Academy: Total of 45 staff, less than 10 Catholics
 Belfast High School: Total of 38 staff, less than 10 Catholics
 Coleraine Grammar School: Total of 38 staff, less than 10 Catholics
 Dalriada School: Total of 32 staff, less than 10 Catholics

Larne Grammar: Total of 39 staff, less than 10 Catholics

Rainey Endowed: Total of 36 staff, less than 10 Catholics

Royal School Dungannon: Total of 44 staff, less than 10 Catholics

Sullivan Upper: Total of 62 staff, less than 10 Catholics

Strathern School: Total of 69 staff, less than 10 Catholics

Bangor Grammar: (40) Protestants and (15) Catholics

BRA: (45) Protestants and (15) Catholics

Campbell College: (102) Protestants and (10) Catholics

Enniskillen Royal Grammar: (39) Protestants and (17) Catholics

Foyle and Londonderry College: (20) Protestants and (28) Catholics

Friends School: (44) Protestants and (11) Catholics

Hunterhouse College: (21) Protestants and (12) Catholics

Methodist College: (75) Protestants and (15) Catholics

RBAI: (47) Protestants and (17) Catholics

Royal School Armagh: (44) Protestants and (14) Catholics

Victoria College Belfast: (50) Protestants and (25) Catholics

Table 29 – FOI Act 2 May 2018 to the NI Equality Commission
NI Equality Commission managerial staff nexus with QUB and UU

Within the assistance of the ICO, the ECNI (eleven months after the FOI Act request) eventually provided information that shows a very strong nexus between the ECNI and QUB / UU. Within the Table below (YES) indicates the number of ECNI staff members who attended QUB / UU as well as the number of staff members who did not attend UU / QUB (or indeed any university).

Grade	Yes	No
Grade 7 and above	5	2
Deputy principal	20	2
Staff Officers	26	11
EOI & EOII	4	13
AA & AO	4	8

Of the 95 ECNI staff, 59 attended QUB / UU. Of the 29 senior managers employed by the ECNI, 25 attended QUB / UU.

Table 30 - NI Equality Commission Annual Report 2021

Equality Commission staff at 1 January 2021.

Grade	Male	Female	Total
Senior Civil Service	0	1	1
Other grades	<u>26</u>	<u>51</u>	<u>77</u>
Total	26(33.3%)	52 (66.7%)	78

The following table provides a breakdown of Commission staff by community background as at 1 January 2021.

Grade	Protestant	Catholic	Total
-------	------------	----------	-------

Senior Civil Service	1	0	1	
Other grades	<u>29</u>	<u>48</u>	<u>77</u>	
All Staff	30 (38.5%)	48 (61.5%)	78	
Commissioners				
	Protestant	Catholic	Neither	Total
Commissioners	4	8	2	14
	29%	57%	14%	100%

Table 30 a – NI Human Rights Commission Staff (FOI Act Reply dated 19 July 2022)

The HR's Commission's latest Equality Monitoring Returns highlight that the organisation employs the following staff:

8 Protestant

11 Roman Catholic

5 Not determined

The Northern Ireland Human Rights Commission's Commissioners are appointed by the Secretary of State for Northern Ireland.

Table 31 - PhDs successfully completed within QUB School of HAPP (September 2018 – May 2019)

Twenty-one PhD scholarships concluded at QUB's School of History, Anthropology, Philosophy and Politics in the 2018 academic year provides an inkling into the research topics that are of interest to the academics within the School.

PHDs awarded (September 2018 – May 2019)

1 - 'Communicating Gay Life and Liberation in Belfast and Boston in the 1970s' (*Dr Rachel Wallace*)

2 - 'Chasing Canon 15 of the First and Second Council in Constantinople (861): A Study of the Limits of Communion in the Byzantine Church (861- c. 1350)' (*Dr Andrei Psarev*)

3 - 'Drones at EU borders and their impact on human rights' (*Dr Panagiotis Loukinas*)

4 - 'Belfast Corporation, 1874-1896: managing a mature industrial city' (*Dr Stuart Irwin*)

5 - 'Non-aligned Minorities in Deeply Divided Societies' (*Dr Siofra Frost*)

6 - 'John Stearne's Confirmation in context: witchcraft, religion and popular culture in East Anglia, 1645-1648' (*Dr Scott Eaton*)

7 - 'The Victoria Institute 1865-1932: A Case Study in the Relationship Between Science and Religion' (*Dr Stuart Mathieson*)

8 - 'Scottish Presbyterian Dissent after the Disruption, 1843-63' (*Dr Ryan Mallon*)

9 - 'Technological Politics and EU Border Security. (*Dr Georgios Glouftsiotis*)

10 - 'Ireland and empire: colonial cultures and politics, 1882-1898' (*Dr Fergal O'Leary*)

- 11 - 'Censorship and propaganda in Northern Ireland during the Second World War' (*Dr Conor Campbell*)
- 12 – 'Moral disagreement and radicalization: the case of abortion' (*Dr Anna Szabelska*)
- 13 – '(In)Security and Storytelling in Sri Lanka: Negotiating Safe Spaces to Remember, Reenact and Reconcile Violence' (*Dr Nirosha Ranmalie Jayawardana*)
- 14 – 'The Emergence and Development of Deontic Competence' (*Dr Gary Lavery*).
- 15 - 'Palestinian Female Suicide Bombers and Western Broadcast News. (*Dr Matthew Kirk*).
- 16 – 'Privacy vs. Technology: What privacy rights do we have etc. (*Dr Jamie Day*).
- 17 – 'G. W. Leibniz and Johnathan Edwards on Free Agency' (*Dr Marci Barone*)
- 18 – 'Sacred Values, Ritual, Fusion and Radicalisation in the NI Conflict' (*Dr Conal Smyth*)
- 19 – 'Multinational Corporations and State Capture in Columbia' (*Dr Fabian Espejo Fandino*)
- 20 – 'Archibald Johnston of Wariston: The Formation of a British Puritan (1611-38)' (*Dr David Whitla*).
- 21 - 'Mini-Publics and the Maxi-Public: Investigating the Perceived Legitimacy of Citizens' Assemblies in a Deeply Divided Place' (*Dr James White*).

It is assumed that the above PhD scholarships would have commenced around 2013 - 2015.

FOI Act request dated 17 January 2022 to the DfE, information received on the 14 February 2022. The DfE confirmed the following vis-à-vis screening of PhD scholarships

Correspondent's requests:

- (1) Could I have copies of the 2019-2020 S.75 equality screening exercises of the PhD award and assessment process for all DfE funded scholarship PhDs?
- (2) Could I have copies of the 2020-21 S.75 equality screening exercises of the PhD award and assessment process for all DfE funded scholarship PhDs?

Departmental response (1) – (2): This information is not held by the Department.

Correspondent's request:

- (3) Could I have copies of the 2021-22 S.75 equality screening exercises of the PhD award and assessment process for all DfE funded scholarship PhDs?

Departmental response (3) The Department's S.75 equality screening of the policy in relation to DfE funded scholarships is publicly available <https://www.economy-ni.gov.uk/publications/pga-studentship-scheme>.

Correspondent's requests:

- (4) Could I have a copy of the UU's 2019-2020 S.75 equality screening exercise carried out prior to the UU agreeing its list of designated PhD subject areas which the UU advertises in the media to prospective PhD applicants in January 2020?

If this information is contained within any publicly available reports on PhD scholarship screening, could you provide me with a link to the sources?

If there are any publicly available reports on PhD equality and value for money assessments, could you provide me with a link to the sources?

- (5) Could I have a copy of the UU's 2020-21 S.75 equality screening exercise carried out prior to the UU agreeing its list of designated PhD subject areas which the UU advertises in the media to prospective PhD applicants in January 2021?

(6) Could I have a copy of the UU's 2021-22 S.75 equality screening exercise carried out prior to the UU agreeing its list of designated PhD subject areas which the UU advertises in the media to prospective PhD applicants in January 2022?

Departmental response (4) – (6): This information is not held by the Department.

Correspondent's request:

(7) Could I have a copy of any formal Departmental reviews of the QUB / UU 2019-2022 S.75 screening exercises send from QUB/ UU to the Department for monitoring and audit purposes.

Departmental response (7); This information is not held by the Department.

Correspondent's request:

(8) Could I have a copy of any formal quality / value for money Departmental reviews of the QUB / UU PhD scholarship programmes undertaken in the academic years 2018/19, 2019/20, 2020/21?

Departmental response (8): This information is not held by the Department.

Correspondent's request: (9) Could I have copies of all letters, emails or other correspondence between the NIAO and QUB / UU / DfE within which the NIAO requested information about S.75 screening failures in the NI university sector; and copies of all DfE / QUB / UU replies to the NIAO?

Departmental response (9):

This information is not held by the Department

Ulster University FOIA Reply – 30 March 2022 (FOIA/22/050) – Staffing levels

Enclosed below is statistical data provided on the 30 March 2022 by Ulster University. The FOI Act data provided below should be read in conjunction with other data provided in the March 2022 NI University Report prepared by Dr Edward Cooke that argues that the NI Unionist community is increasingly marginalised in a NI university sector that is badly audited and poorly regulated. The FOI Act data provided below, I believe helps support this hypothesis.

Numerically, NI Protestant full-time academic staff numbers, lags badly behind Catholic lecturing staff, particularly in the Magee and Coleraine UU campuses. This I believe, can in part be attributed to S.75 equality screening oversight failings in the award of Departmental PhD research funding between 2000 and 2019. Sadly, the same numerical disparities can also be seen in the employment of full-time research staff at Coleraine, Jordanstown and Magee. By contrast, Protestant employees seem to be more equally balanced with Catholic management and ancillary staff in all campuses except Magee. An interesting equality question arises from the data provided – why should Protestant academics and researchers at UU be employed in such low numbers, compared to Protestant management and ancillary / support staff?

The data provided by the UU for the employment of Protestant academics, researchers, management, administration and ancillary staff at the Magee campus makes grim reading and questions recent political decisions to expand the Magee university campus when the campus appears to marginalise Protestants in all academic and managerial positions.

(B) UU staff employed at the start of the 2021-22 academic year

(B1) Full-time* Academic Lecturing Staff **

Campus	Protestant	Catholic	Others
Belfast	32.4%	40.1%	27.5%
Coleraine	30.9%	45.5%	23.6%
Jordanstown	39.6%	40.8%	19.6%
Magee	<u>18.8%</u>	<u>50.9%</u>	<u>30.3%</u>
Total	30.8%	44.3%	24.9%

* Full-time has been determined as Full-time Equivalent (FTE) = 1 and ** Academic Lecturing Staff excludes Academic members of the University's Senior Leadership Team

(B2) Full-Time* Academic Research Staff

Campus	Protestant	Catholic	Others
Belfast	14.3%	21.4%	64.3%
Coleraine	18.4%	47.4%	34.2%
Jordanstown	13.6%	28.4%	58.0%
Magee	<u>5.0%</u>	<u>50.0%</u>	<u>45.0%</u>
Total	12.8%	35.8%	51.7%

(B3) Full-Time* Management Staff **

Campus	Protestant	Catholic	Others
Belfast	38.1%	46.0%	15.9%
Coleraine	59.7%	35.8%	4.5%
Jordanstown	32.0%	56.0%	12.0%
<u>Magee</u>	<u>11.5%</u>	<u>88.5%</u>	<u>0.0%</u>
Total	40.6%	48.8%	10.6%

(B4) Full-time* ancillary and support staff *

Campus	Protestant	Catholic	Others
Belfast	58.7%	25.4%	15.9%
Coleraine	62.9%	28.5%	8.6%
Jordanstown	45.4%	27.3%	27.3%
<u>Magee</u>	<u>21.2%</u>	<u>63.6%</u>	<u>15.2%</u>
Total	51.7%	33.2%	15.1%

** Ancillary and Support staff have been determined as Technical, Scientific and Operational Support staff

(B5) Full-time* administration staff **

Campus	Protestant	Catholic	Others
Belfast	44.9%	35.5%	19.6%
Coleraine	56.2%	35.4%	8.4%
Jordanstown	64.9%	25.8%	9.3%
<u>Magee</u>	<u>17.0%</u>	<u>76.0%</u>	<u>7.0%</u>
Total	47.4%	40.0%	12.6%

** Administration staff have been determined as Business Support staff up to and including Grade 7 and all Clerical staff

(B6) Part-time* Academic Lecturing Staff **

Campus	Protestant	Catholic	Others
Belfast	33.3%	35.7%	31.0%
Coleraine	36.4%	21.2%	42.4%
Jordanstown	29.4%	47.1%	23.5%
<u>Magee</u>	<u>22.2%</u>	<u>55.6%</u>	<u>22.2%</u>
Total	31.5%	37.8%	30.7%

* Part-time has been determined as Full-time Equivalent (FTE) < 1

(B7) Part-Time* Academic Research Staff

Campus	Protestant	Catholic	Others
Belfast	25.0%	37.5%	37.5%
Coleraine	28.6%	42.8%	28.6%
Jordanstown	22.7%	18.2%	59.1%
<u>Magee</u>	<u>25.0%</u>	<u>25.0%</u>	<u>50.0%</u>
Total	24.4%	26.8%	48.8%

(B9) Part-Time* ancillary and support staff **

Campus	Protestant	Catholic	Others
Belfast	50.0%	22.2%	27.8%
Coleraine	50.0%	50.0%	0.0%
Jordanstown	75.0%	0.0%	25.0%
<u>Magee</u>	<u>0.0%</u>	<u>100%</u>	<u>0.0%</u>
Total	48.8%	36.6%	14.6%

(B10) Part-time* administration staff **

Campus	Protestant	Catholic	Others
Belfast	70.0%	21.4%	8.6%
Coleraine	63.5%	29.7%	6.7%
Jordanstown	75.0%	16.7%	8.3%
<u>Magee</u>	<u>26.9%</u>	<u>73.1%</u>	<u>0.0%</u>
Total	62.4%	30.9%	6.7%

FOI Act dated 9 March 2022 to QUB – Re: Funding of the new QUB Student Union complex

QUB confirmed through a FOI Act reply on the 6 May 2022 that the approved development cost of the new Students' Union building is circa £42 million however additional details on the expected final cost of the project were not provided under S 43(2) of the Act,

In addition, QUB also confirmed that the University are currently providing approximately 60% (£25 million) and DfE approximately 40% (17 million), however this is subject to change depending on availability of capital grant funding going forward.

FOI Act dated 4 April 2022 to QUB – Re: QUB Covid-19 Financial Relief to students

I Would QUB Information Office provide me with the following information under the FOI Act 2000 and within the timeframe of the Act.

How many QUB students applied for a six-month fee extension in the payment of university fees as a result of Covid-19

How many QUB students were granted the six-month fee extensions?

Reply awaited

FOI Act requests and replies dated 8 April 2022 made to NIPSO, NIAO and NIEC

(a) NI Audit Office

On the 25 March 2022, the NI Audit Office wrote to me to say that in reference to historical, S.75 equality screening of PhD scholarship (2000-2018) that the 'The Department failing to comply, insofar as you believe it has, with its equality obligations does not undermine the lawfulness of the expenditure and therefore does not make it ultra-vires. Furthermore, I understand that the scheme has been equality screened and that you have been provided with this information' The 'understanding' provided to the NI Audit Office, however, is directly contrary to several FOI Act replies that I received between 2017-2022 from the universities, NIEC and DfE, copies of which are within the draft university report. I believe, that the NI Audit Office, given the seriousness of my assertions and considering the 'whistle-blowing' time that I have dedicated to this whistle-blowing research project,

could not, indeed, should not have relied on verbal / phone discussions to reach this 'understanding', and that there must be written confirmations received from the DfE and / or 'others'.

Furthermore, I believe that the NIAO may have been misdirected, or ill-advised, by whatever communication was sent to assure the NIAO that PhD scholarships between 2000 and 2018 were properly screened and hence not ultra-vires. If that is so, then I suggest that there are ethical, moral and perhaps legal considerations that the NIAO must address, if its investigations have been deliberately misinformed.

Under the FOI Act I would be obliged, if the NIAO could provide me with all copies of written communications provided by the Department (and / or others) in February / March 2022 that have helped to inform the NIAO that my assertions that S.75 equality screening of PhD scholarships between 2000 and 2018 does not amount to ultra-vires public spending.

FOI Act data provided by the NIPSO on the 9 May 2022 in relation to QUB student complaints taken to the NIPSO

2021 15 student complaints including, 2 Enquiry 4 Initial Assessment 8 Assessment 1 Investigation
2020 14 student complaints including, 4 Enquiry 3 Initial Assessment 7 Assessment
2019 21 student complaints including, 5 Enquiry 4 Initial Assessment 12 Assessment
2018 13 student complaints including, 4 Enquiry 5 Initial Assessment 4 Assessment
2017 6 student complaints including, 1 Enquiry 5 Assessment
2016 2 student complaints including, 1 Initial Assessment 1 Assessment

Data provided by QUB in April 2022 (extracted from QUB S.75 Screening Form)

QUB Screening Form signed on the 18 / 21 March 2022

Table 1

QUB students HESA Data 2020/21

Others	2470	13.10%
Protestants	6,652	35.57%
<u>Roman Catholics</u>	<u>9,579</u>	<u>51.22%</u>
Total	18,701	

However, other data provided by QUB within the S.75 screening form provided a very different unionist student population

Table 2

Males	14,594	57.4%
Females	10,767	42.4%
<u>Others</u>	<u>3</u>	<u>0.1%</u>
Total	25,364	

There appears to be a discrepancy of 6,600 students between table 1 and table 2 above which asks questions over the efficacy of the S.75 equality screening exercise

FOI Act data provided by the NIPSO on the 9 May 2022 in relation to student complaints to the NIPSO

2021 15 student complaints including, 2 Enquiry 4 Initial Assessment 8 Assessment 1 Investigation

2020 14 student complaints including, 4 Enquiry 3 Initial Assessment 7 Assessment

2019 21 student complaints including, 5 Enquiry 4 Initial Assessment 12 Assessment

2018 13 student complaints including, 4 Enquiry 5 Initial Assessment 4 Assessment

2017 6 student complaints including, 1 Enquiry 5 Assessment

2016 2 student complaints including, 1 Initial Assessment 1 Assessment

FOI Act response form the NI Equality Commission dated 11 May 2021 – QUB student complaints

I refer to your freedom of information request below relating to assistance granted by the Commission to QUB students for Tribunal cases. The Commission does not hold a comprehensive record of the status (eg student, employee, applicant, service user) of applicants for assistance in actual or prospective discrimination proceedings against QUB. Tribunal proceedings relate mainly to employment issues and proceedings under the goods, facilities and services provisions of the anti – discrimination legislation are dealt with in the County Court.

The NIEC confirmed on the 11 May 2022 that in 2019, the NIEC assisted one QUB student in a County Court case that was settled, one prospective QUB student in 2020 in a County Court case and one QUB student in 2022 who was being assisted by the NIEC in County Court proceedings.

FOI Act Data provided by the NI Audit Office (15 April 2022)

This is extracted from the paper submitted to the equality commission on an annual basis as follows:

	P r o t e s t a n t Employees	R o m a n C a t h o l i c Employees	C o m m u n i t y c a n n o t b e determined	Totals
M a n a g e r s a n d Senior Managers	10	14	2	26
P r o f e s s i o n a l Occupations	36	29	4	69
A s s o c i a t e Professional a n d t e c h n i c a l occupations	16	4	5	25
A d m i n i s t r a t i v e a n d s e c r e t a r i a l occupations	1	4	0	5

	63	51	11	125
Total				

FOI Act Request – 28 April 2021 to QUB / UU, Re: Non-Disclosure Agreements

I am currently preparing a report on the NI university sector that will be submitted to the NI Assembly / Executive in May 2022.

In order to complete the report, I would be obliged if QUB and UU could confirm under the FOI Act 2000, the number of student/ staff complaints made in the last ten academic years (commencing in 2011/12 and concluding in 2021/22) that have been resolved and have included the signing of non-disclosure agreements.

If QUB and UU would include the total number of internal / externally resolved student / staff complaints, e.g. those resolved without moving into the different forms of civil courts / arbitration / adjudication proceedings and those resolved through the civil courts / tribunals that included non-disclosure agreements I would be obliged.

FOI Act Request to the NI Department of Finance (FOI DOF/2022-0212)

(1) Has S.75 equality screening been undertaken within all annual and capital individual departmental spending programmes since 2000?

And

(2) Could I have a copy of the S.75 equality screening exercise undertaken by each specific department for the department's annual spending programme 2000-2021?

FOI Act Reply by the Department of Finance (22 June 2022)

We do not hold information relating back to 2000, however I have attached the completed screening documents for the last four years budget allocations.

FOI Act Request and Reply from the Executive Office (FOI TEO / 2022- 0032, 28 June 2022)

(Q1) Has S.75 equality screening been undertaken within all annual and capital individual departmental spending programmes since 2000?

(A1) In line with the department's data retention scheme, we do not routinely hold records for longer than 7 years so we cannot provide information dating back to 2000. Section 75 screening has been carried out on all relevant spending programmes.

(Q2) Could I have a copy of the S.75 equality screening exercise undertaken by each specific department for the department's annual spending programme 2000-2021?

(A2) (i) A Section 75 equality screening for the draft budget for the 2021-22 financial year was undertaken and was published on TEO's website.

(ii) The 2020-21 Equality Screening for the TEO draft budget was not published due to the UK-wide lockdown which was implemented in March 2020. It was not possible to undertake a full public consultation at that time and other emergency funding measures were implemented.

(iii) The 20-21 screening document is attached at Annex A

(iv) The 2019-20 Equality Screening for the TEO draft budget was published on TEO's website

(v) Prior to 2019-20, screening exercises on annual budget allocations were led by the Department of Finance.

However, in relation to answer (v), the DfF in an FOI Act reply earlier this week were unable to provide details of S.75 equality screening exercises of Department of Finance spending programmes prior to 2018-19 (see FOI Act reply from Department of Finance above).

FOI Act Request and Reply from the NI Department of the Economy (2022-95, 28 June 2022)

You have requested the following information:

(Q1) Has S.75 equality screening been undertaken within all annual and capital individual departmental spending programmes since 2000?

(Q2) Could I have a copy of the S.75 equality screening exercise undertaken by each specific department for the department's annual spending programme 2000-2021.

The Department was formed in May 2016, but due to the collapse of the Executive in December 2016, there were no formal budget exercises undertaken until the Executive was reinstated in 2019/20. Since then, all equality screening exercises have been published on the Department's website.

FOI Act reply from the NI Department of Education (received on the 27 June 2022)

The DoE within a FOI Act reply received on the 27 June 2022, attached the following document "Department of Education, Equality Screening (Resources Budget for 2021-22)". The document provides data from the NI annual school census, for the year 2019-2020, the DoE confirms that the following number of Catholic / Protestant school children educated within NI schools (with religious belief being taken by the DoE as a proxy for political opinion) are as follows;

- Protestant school children 112,626 (32%)
- Catholic school children 176,372 (51%)
- Other school children 59,876 (17%)
- Total school children 348,874 (100%)

Furthermore, within the same screening document, the Department of Education confirms that:

"Protestants continue to have lower levels of attainment than Catholics at GCSE, GCSEs including English and Maths, and A Level. There is persistent under-achievement and lack of progression to further and higher education of school leavers entitled to free school meals, particularly Protestants, notably Protestants males." Within the same document, the DoE refers to a separate study by the ONS in 2014 entitled "*Intergenerational transmission of disadvantage in the UK & EU*" within which it is demonstrated that educational attainment is the most important predictor of a person's chances of future poverty: "*It is well established that higher levels of educational attainment are associated with better employment prospects and higher earnings, and therefore a reduced risk of poverty. An adult with poor qualifications is more likely to be in poverty than one that is highly educated*". Moreover the DoE confirms that "Males continue to have lower levels of attainment than females, beginning in primary school and continuing throughout schooling to GCSE and A Level".

<https://www.education-ni.gov.uk/sites/default/files/publications/education/2021-22%20Resource%20Budget%20Equality%20and%20Human%20Rights%20Screening%20January%20Monitoring%20Update.pdf>

FOI Act reply from the Department of Justice received on the 29 June 2022

The NI Department of Justice replied to the following FOI Act questions (dated the 16 May and 31 May 2022) on the 29 June 2022 (Ref: FOI\22\26) as follows:

(Q1) Has S.75 equality screening been undertaken within all annual and capital individual departmental spending programmes since 2000?

(Q2) Could I have a copy of the S.75 equality screening exercise undertaken by each specific department for the department's annual spending programme 2001 -2021?

(Q3) I would be obliged if your department could confirm whether or not, S.75 equality screening was undertaken prior to, and subsequently monitored and audited, within ALL departmental annual, and ALL other, departmental spending / grant programmes.

Answer (A1 and A3), 'In relation to questions (1) and (3), the Department has determined that these questions do not constitute requests for recorded information and therefore do not fall within the Department's obligations under the Freedom of Information Act 2000. A separate response will be provided by the business area responsible'.

The DoJ, unlike the Department of Education declined to answer Q1 and declined to confirm within the FOI Act reply whether or not from its existence in 2010, the DoJ had undertaken equality screening within its annual spending programmes.

In a follow-up reply dated the 1 July 2022, Eileen Maxwell of the NIDDOJ confirmed the following in response to the Q1 and Q3:

(1) Has S.75 equality screening been undertaken within all annual and capital individual departmental spending programmes since 2000?

(3) I would be obliged if your department could confirm whether or not, S.75 equality screening was undertaken prior to, and subsequently monitored and audited, within ALL departmental annual, and ALL other, departmental spending / grant programmes.

"Under the Section 75 statutory equality duties the Department of Justice, since its formation in April 2010, must consider the impact of its spending proposals in relation to the services provided by the Department on each of the Section 75 groups. The Department endeavours to ensure that our policies/programmes comply with legislative requirements in relation to equality screening, and also comply with requirements of managing public funds."

The vagueness of the reply and the inability to provide direct answers to Q1 and Q3, may suggest to some that the DoJ has not screened all spending programmes from 2010 and that S.75 screening was not undertaken in advance of, or after, annual spending programmes had been decided.

FOI Act reply from the NI Department of Health (29 June 2022)

On the 29 June 2022, the NI Department for Health (DOH/2022-0099) ambiguously confirmed in its reply to the following question 'has S.75 equality screening been undertaken within all annual and capital individual departmental spending programmes since 2000?' that 'I can confirm that the Department of Health endeavours to ensure that our policies and programmes are appropriately equality screened and compliant with the requirements of Section 75 of the Northern Ireland Act 1998'. In response to Q2 'Could I have a copy of the S.75 equality screening exercise undertaken by each specific department for the department's annual spending programme 2000-2021', the DOH confirmed that 'information is only available from April 2012/13'. I suggest that inability of NI government departments to provide historical S.75 equality screening information to the general public or to those government agencies tasked with monitoring and auditing equality decisions by government is both worrying and self-protecting.

FOI Act reply (FOI-22-155) from QUB (21 July 2022); Re: use of non-disclosure agreements

FOI Act Request:

In order to complete the report, I would be obliged if QUB and UU could confirm under the FOI Act 2000, the number of student/ staff complaints made in the last ten academic years (commencing in 2011/12 and concluding in 2021/22) that have been resolved and have included the signing of non-disclosure agreements. If QUB and UU would include the total number of internal / externally resolved student / staff complaints, e.g. those resolved without moving into the different forms of civil courts / arbitration / adjudication proceedings and those resolved through the civil courts / tribunals that included non-disclosure agreements I would be obliged.

FOI Act Reply

Please note the University has not settled any staff or student complaints internally, which involved the signing of non-disclosure agreements. The following information is provided by Legal Services and the Employee Relations Department which includes externally resolved staff and student complaints lodged in the last ten years that were settled, the terms of which included a confidentiality clause.

Externally resolved complaints made in the last 10 years that included a non-disclosure agreement

Academic Year agreement was signed within (and number of agreements each year)

2013-2014 (4)

2014-2015 (3)

2015-2016 (1)

2016-2017 (4)

2017-2018 (5)

2018-2019 (7)

2019-2020 (3)

2020-2021 (1)

Total (28); 2 cases during the period related to students and 26 were staff related

FOI Act reply (FOI-22-168) from QUB (21 July 2022); Re: QUB staff contracts and confidentiality agreements

FOI Act Request:

I would be obliged if QUB and UU could confirm whether within contracts of employment signed by academic staff at QUB and UU demand that staff sign non-disclosure agreements?

FOI Act Reply:

Queen's University Belfast's terms and conditions of employment do not demand that any staff sign non-disclosure agreements.

FOI Act Request:

I would be obliged if QUB and UU could confirm how much money annually QUB has paid under NDAs to university staff as a result of complaints, disputes or legal / civil cases over the academic years 2020/21, 2019/20, 2018/19, 2017/18 and 2016/17?

FOI Act Reply:

The information below is held by the Legal Services and the Employee Relations Department. Academic Year Amount paid to university staff where the settlement agreement of a legal case included a confidentiality clause.

Academic Year when financial settlement was paid to QUB staff member with a confidentiality clause being signed (amount of settlement in brackets)

2016/17 (£7,000.00)

2017/18 (£85,788.61)

2018/19 (£49,900.00)

2019/20 (£98,957.89)

2020/21 (£20,000)

FOI Act Request – Re: QUB Covid-19 H&S Risk assessments of Summer 2020 (dated 12 December 2022) - (Sent to QUB, DfE, Executive Office and HSENI)

Freedom of Information Act request:

Possibility of Group legal action by QUB students to recover economic losses / damages arising from Covid-19

Rationale for the FOI Act Request

On the 14 November 2022, Josh Bradbury reported that nearly 20,000 students within England and Wales are taking legal action against 18 universities over the education they received due to the COVID-19 pandemic. The students have joined various group claims through StudentGroupClaim.co.uk to demand compensation for what they believe was insufficient provision for their education. Student Group Claim says that students ought to receive compensation as they “received substantially less valuable services than those for which they paid” due to the alterations to education provisions implemented by universities in response to the Covid-19 pandemic, and that said compensation should be equivalent to “the difference between the market value of the services paid for and the market value of the services provided”.

There will be a hearing at the High Court on 2 February 2023 to decide whether to issue a Group Litigation Order for the claim against UCL, which involves 2,500 current or former students. If this is successful, other student groups are likely to pursue similar orders for litigation against their universities. Shimon Goldwater, solicitor to Student Group UK, stated: “When you pay for a service, if you did not receive what you paid for you deserve compensation. Universities promised students in-person tuition and access to facilities and other services in return for substantial fees. During strike action and the pandemic they failed to provide this but still expected to be paid in full. Students have often taken out substantial loans to pay for a package of education and experiences which they did not receive...” The claimants will be represented by Anna Boase KC, Patricia Burns, and Matthew Hoyle of One Essex Court, with a litigation and insurance package of £13.5m secured by Student Group Claim.

Within England and Wales, the first recourse for students who are dissatisfied with the teaching they received is to complain directly to the University. Once the internal complaints procedure has been exhausted, students may then escalate the matter to the Office of the Independent Adjudicator which upheld 1/3 of complaints last year with many related to how courses were delivered. However, the situation within Northern Ireland is different because there is no Office of the Independent Adjudicator and it is unlikely that the ECNI would help most university students to take negligence or breach of contract actions against QUB or UU, however, there is the possibility that disabled, or foreign nationalist students ‘enticed to study at QUB just prior to the start of the 2020 academic term could win support from the ECNI. In addition, statistical data from QUB in relation to student complaints cannot be relied upon because the universities complaint’s system does not record, document or track the majority of student complaints whereas the Office Of Students and Independent Adjudicator in England and Wales can provide independent statistical data that the English and Welsh civil courts would find informative. Regrettably, NI and international students at QUB/UU have not the same independent research data to rely upon should they as individual, or group complainants, proceed to the civil courts.

Without the assistance of an independent sectoral adjudicator in Northern Ireland university students within QUB (and possibly UU) would need to join a similar group to 'Student Group Claim' and would need engage with one of the larger legal firms in Northern Ireland, possibly supported by resources from the National Union of Students to impress upon the NI Courts how the statutory and legal frameworks within Northern Ireland disadvantage university students at QUB and UU vis-à-vis university students in England and Wales who have the support of an independent adjudicator and who have the ability to undertake class / group actions. It can come as no surprise that the first university student group action will be taken against UCL given the high percentage of foreign national students paying proportionately much higher academic fees (and associated accommodation costs) to study in London.

<https://theboar.org/2022/11/20000-university-students-launch-covid-education-lawsuit/>

Within Northern Ireland, university students from within NI as well as international students were invited over the Summer 2020 to enrol at QUB in September 2020. It is believed that QUB submitted a Covid-19 risk assessment to the Office of First and Deputy First Minister in August / September 2020 to get Executive permission to allow QUB to open up for face-to-face teaching when many UK universities, the University and College Union (<https://www.bbc.co.uk/news/uk-northern-ireland-54229139>) and indeed the epidemiology and virology experts based at QUB, were throughout all of 2020 warning of caution, promoting Covid-19 'lock-downs' and suggesting that further outbreaks of Covid-19 virus was likely in the Autumn (<https://www.belfastlive.co.uk/news/belfast-news/qub-academic-concern-after-virologists-18447422>).

Even before the first 2020 semester at QUB began, outbreaks of Covid-19 were reported within the Holyland HMO 'village' (<https://www.belfasttelegraph.co.uk/news/health/coronavirus/students-suspended-as-almost-200-covid-notices-issued-after-belfast-holyland-unrest-39553187.html>) and at the QUB Elms complex (<https://www.bbc.co.uk/news/uk-northern-ireland-54318849>). During this same period QUB were flying in from China Chinese students who were given a commitment to face to face learning (<https://www.bbc.co.uk/news/uk-northern-ireland-53335074>).

It appears from my e-mail exchanges with the NIHSE that the NI Health and Safety Executive were never asked to determine the competence of the QUB Covid-19 risk assessment submitted to the NI Executive to allow QUB to open-up for face-to-face teaching and encourage students from within Northern Ireland (and from as far away as China) to come and relocate to Belfast). Having attracted many students into the QUB Halls of Residence, those students within the QUB halls had an experience very different to the one that QUB contracted to provide (<https://www.belfastlive.co.uk/news/belfast-news/queens-university-belfast-student-describes-19073441>).

It is possible that NI home students, as well as international students studying at QUB in 2020/21, have good legal claims for breach of contract and / or tortious (negligence) claims arising from QUB's premature decision to open up for teaching and the subsequent decision in October 2020 to quickly abandon 'face-to-face' teaching. It can be easily established in law that QUB had a duty of care to potential students and that there was a high risk in bringing large numbers of younger NI students onto campus, that students' health (and the health and safety of university staff and the families of students) would be put at risk by the Covid-19 virus. The regular week-end movements of NI students living within the QUB/ UU halls of residence and within the Holyland are well known to the university estate management teams. It is possible that extensive knowledge of the weekly migration of students from campus to family homes (at weekends) was the primary reason that UU decided not to embark on face-to-face teaching in 2020.

Evidently, in September 2020, there was an immediate breach of duty of care within the QUB Elms student complex and the breach led to both physical harm and economic harm. Contractually, there is evidence of contracts being entered into (between QUB and students) from which QUB students had academic expectations that were subsequently not met. Whilst QUB might claim that contracts to provide academic services were frustrated by the outbreak of Covid-19, QUB acted in opening up for face-to-face teaching contrary to UU, many UK universities, the advice of the UK government, and the Covid-19 lockdown advice provided by the experts from within QUB throughout all of 2020. QUB took an economic decision to open up for face-to-face teaching running the risk that student's academic experiences would be impacted upon by a return of Covid-19. In essence this is why 20,000 mainland university students are contemplating legal action.

Given the information exchange that exists within the National Union of Students, it follows that university students within QUB (who are NUS members) are likely to be tracking the Student Group Claim and one would expect the QUB Student's Union to advise QUB students impacted by the Covid-19 virus 2nd phase outbreak within NI to pursue similar tortious or breach of contract

claims. These matters are in part addressed within the attached NI University Sector Report, however in order to complete the report ready for submission to the NI Assembly Committees when they (hopefully) resume in 2023, the following information is required by way of a FOI Act request.

Freedom of Information Act request to QUB:

Could QUB Appeal and Complaints Office or the Office of Vice-Chancellor confirm:

(a) how many GB and international students, and (b) how many NI home students made formal complaints, or took legal action against QUB arising from QUB's decision in August / September 2020 to open up for face-to-face teaching programmes only to abandon face-to-face teaching in October 2020 after Covid-19 virus started to spread throughout Northern Ireland?

(c) May I have a copy of the QUB Covid-19 Risk Assessment of Summer 2020 submitted to the Office of First and Deputy First Minister (and approved by the NI Executive) that allowed QUB to open up for face-to-face teaching in September 2020.

Kindest Regards.

Dr Edward Cooke

FOI Act Request Copied to: information@equalityni.org info@executiveoffice-ni.gov.uk foi@economy-ni.gov.uk mail@hseni.gov.uk nipso@nipso.org.uk

FOI Act Replies to request about QUB Covid-19 H&S Risk Assessments of Summer to 2020

Received from QUB, DFE, Executive Office and HSENI)

(1) DfE - Ref No. DFE FOI 2022-251 (received 16 December 2022)

Thank you for your request for information relating to obtaining "a copy of QUB Covid-19 Risk Assessment of Summer 2020, submitted to the Office of First and Deputy First Minister (and approved by the NI Executive) that allowed QUB to open up for face-to-face teaching in September 2020". The request was received on 12th December 2022 and the Department is dealing with it under the terms of the above legislation. I am writing to advise you that following a search of our records, I have established that the information you have requested is not held by the Department.

(2) HSE (NI) REPLY DATED 16 December 2022 – Linda Murphy

Good afternoon Dr Cooke,

Thank you for your follow up email of 13th December 2022 to my colleagues reply in FOI/115/2022.

HSENI enquiries from 2020 regarding COVID 19 at Queens University Belfast are complete. There have been various relaxations of guidance relating to COVID19 in 2020 and subsequently and it is not HSENI's intention to request this information. As the information is not held by HSENI, requesting this information in relation to COVID19 in 2020 from Queens University Belfast may be the most direct way of obtaining it. If I could take the opportunity to clarify the enforcement responsibilities of HSENI, while HSENI have enforcement responsibilities for Queens University Belfast campus, Belfast City Council have enforcement responsibilities regarding student halls of residences.

(3) QUB FOI Act reply dated 23 December 2022

Our ref: FOI-22-400 21 December 2022

The information requested:

(a) How many GB and international students, and (b) how many NI home students made formal complaints, or took legal action against QUB arising from QUB's decision in August / September 2020 to open up for face-to-face teaching programmes only to abandon face-to-face teaching in October 2020 after Covid-19 virus started to spread throughout Northern Ireland.

The University did not receive any complaints through the Student Complaints Procedure nor legal action of this nature, therefore this information is not held.

(c) May I have a copy of the QUB Covid-19 Risk Assessment of Summer 2020 submitted to the Office of First and Deputy First Minister (and approved by the NI Executive) that allowed QUB to open up for face-to-face teaching in September 2020. There was no requirement to submit a Covid-19 Risk Assessment to the Office of First and Deputy First Minister, therefore this information is not held. During the pandemic the University followed the guidelines provided by the Public Health Authority and the Northern Ireland Executive to reduce the spread of Covid-19

(4) FOI Act reply from the Covid Strategy and Recovery Division, The Executive Office - 20 December 2022

Dear Mr Cooke,

Freedom of Information Act 2000

I refer to your request which we received on 12 December 2022 for information relating to: A copy of QUB Covid-19 Risk Assessment of Summer 2020 submitted to the Office of First and Deputy First Minister (and approved by the NI Executive) that allowed QUB to open up for face-to-face teaching in September 2020. I am writing to confirm that the Executive Office (TEO) has now completed its search for this information and have established that this information is not held by the Department.

Please note that the Executive Office is only one of a number of separate and legally distinct public authorities within the Northern Ireland Executive. Within the Northern Ireland Executive, the Department for Economy (DfE) takes the lead on the provision of Higher-Level Education.

Universities in Northern Ireland are independent, autonomous bodies. The role of the DfE's Higher Education Division is to formulate policy and administer funding to support education, research, and related activities in the Northern Ireland Higher Education sector.

FOI Act Request to QUB, UU, Stranmillis and St Marys TTC – 23 December 2022

Student and Staff demographic populations of QUB and UU (September 2022)

Dear Sir / Madam

I would like to make this FOI Act request on the number of students and their religious background who entered the NI university sector this academic year. The FOI Act request is related to those students who were domicile within Northern Ireland prior to commencing university in September / October 2022. This FOI Act follows on from other previous FOI Act requests which enable the tracking of the changing demographics within the NI university sector and that will be included within a whistle-blowing report to be submitted to the NI Assembly once power-sharing government returns to Northern Ireland.

It is my belief that S.75 equality screening requirements, specific instructions from the Department of Economy in regards PHD funding awards and NI Equality Commission monitoring requirements oblige the NI universities to collect and collate this information on religious background. Moreover, with a report currently being prepared that addresses concerns raised within the New Decade New Approach Deal (e.g. the Castlereagh Foundation and the Ulster-Scots Research Institute and educational under-achievement and under-representation of some sections of the community within the NI university sector), this FOI Act request is of research value to myself, other statutory agents and the NI universities.

Therefore, I would be obliged if QUB and UU could provide me with the quantitative data requested within the following tables on the respective (new) student intake to QUB / UU for the 2022-23 academic year. It is assumed that the following statistical data can be quickly and easily collated from the S.75 equality screening data that the university is statutorily obliged to collect and publish annually. The information from UU is also required to track the demographic changes that have arisen from the recent / ongoing relocation of UU students and staff at Jordanstown campus to the UU campuses at Magee, Belfast and Coleraine.

A - University of Ulster

2022-2023 Academic Year, Numbers of **new** students enrolled / registered

1.00 Taught Degree Courses

University of Ulster	Full time undergraduates	Full Time post-graduates
<u>Campus</u>	<u>Protestant Students</u>	<u>Catholic Students</u>
Jordanstown	a1	a2
Coleraine	b1	b2
Magee	c1	c2
Belfast	d1	d2
Total	e1	e2

2022-2023 Academic Year, Numbers of **new** students enrolled / registered

2.00 Taught Degree Courses (PGC, PGD and Master's Degrees)

University of Ulster	Part-time post-graduates	
<u>Campus</u>	<u>Protestant Students</u>	<u>Catholic Students</u>
Jordanstown	a1	a2
Coleraine	b1	b2
Magee	c1	c2
<u>Belfast</u>	<u>d1</u>	<u>d2</u>
Total	e1	e2

2022-2023 Academic Year, Numbers of **new** students enrolled / registered

3.00 PhD Research Degrees

University of Ulster	Funded Scholarships (Northern Bridge, DEL, etc)	
<u>Campus</u>	<u>Protestant Students</u>	<u>Catholic Students</u>
Jordanstown	a1	a2
Coleraine	b1	b2
Magee	c1	c2
<u>Belfast</u>	<u>d1</u>	<u>d2</u>
Total	e1	e2

(Including number of all students receiving PhD scholarships funded by NI Government Departments, Vice Chancellor scholarships, the university, Northern Bridge UKRCI and other similar university consortium scholarships and industry / business scholarships)

2022-2023 Academic Year, Numbers of **new** students enrolled / registered

4.00 PhD Research Degrees

University of Ulster	Non funded / self-funded PHD degrees	
<u>Campus</u>	<u>Protestant Students</u>	<u>Catholic Students</u>
Jordanstown	a1	a2
Coleraine	b1	b2
Magee	c1	c2
<u>Belfast</u>	<u>d1</u>	<u>d2</u>
Total	e1	e2

2022-2023, Number of **ALL** graduate degree students

5.00 Graduate Taught Degree courses

University of Ulster	Graduate Degree Courses		
Campus	Protestant Students	Catholic Students	Others
Jordanstown	a1	a2	a3
Coleraine	b1	b2	b3
Magee	c1	c2	c3
<u>Belfast</u>	<u>d1</u>	<u>d2</u>	<u>d3</u>
Total	e1	e2	e3

2022-2023 Academic Year - Total number of All academic and research staff

6.00 Academic and research staff

University of Ulster	Protestant Staff	Catholic Staff	Others
Jordanstown	a1	a2	a3
Coleraine	b1	b2	b3
Magee	c1	c2	c3
<u>Belfast</u>	<u>d1</u>	<u>d2</u>	<u>d3</u>
Total	e1	e2	e3

2021-2023 - Total number of ALL new (recent) academic and research staff appointments

7.00 New academic and research staff appointments made in the 16 months between September 2021 and 23 December 2022

University of Ulster	Protestant staff	Catholic staff	Others
Jordanstown	a1	a2	a3
Coleraine	b1	b2	b3
Magee	c1	c2	c3
<u>Belfast</u>	<u>d1</u>	<u>d2</u>	<u>d3</u>
Total	e1	e2	e3

Number of academics employed throughout UU campuses

UU Campus	Protestant	Catholic	Others	Total
Jordanstown	0	<5	6	7 - 11
Coleraine	96 (35%)	115	64	275
Magee	68 (22%)	175	63	306
<u>Belfast</u>	<u>218 (33%)</u>	<u>247</u>	<u>199</u>	<u>664</u>
Total	382 (29.5%)	581	332	1,295

Number of new academics employed by the UU in the 16 months between September 2021 and December 2022 throughout UU campuses

UU Campus	Protestant	Catholic	Others	Total
Jordanstown	6	14	35	55
Coleraine	30 (32%)	23	41	95
Magee	9 (13%)	29	31	69
<u>Belfast</u>	<u>22 (21%)</u>	<u>26</u>	<u>59</u>	<u>107</u>
Total	67 (21%)	92	166	325

NI 2021 Census – 81% of people within NI report themselves as Christians

Number of UU academics from the Christian faith in all UU campuses – 963 (74%)

Number of new appointment academics (Sept 2021 – Dec 2022) from the Christian faith in all UU campuses – 159 (49%)

B – QUEEN'S UNIVERSITY BELFAST (and ST Marys and Stranmillis TTC)

2022-2023 Academic Year, Numbers of new students enrolled / registered

1.00 Taught Degree Courses

QUB	Full time undergraduates	Full Time post-graduates
-----	--------------------------	--------------------------

<u>College</u>	<u>Protestant Students</u>	<u>Catholic Students</u>
Queen's	a1	a2
St Marys TTC	b1	b2
<u>Stranmillis</u>	<u>c1</u>	<u>c2</u>
Total	d1	d2

2022-2023 Academic Year, Numbers of new students enrolled / registered

2.00 Taught Degree Courses (PGC, PGD and Master's Degrees)

QUB	Part-time post-graduates	
<u>College</u>	<u>Protestant Students</u>	<u>Catholic Students</u>
Queen's	a1	a2
St Mary's TTC	b1	b2
<u>Stranmillis</u>	<u>c1</u>	<u>c2</u>
Total	d1	d2

2022-2023 Academic Year, Numbers of new students enrolled / registered

3.00 PhD Research Degrees

QUB	Funded Scholarships (Northern Bridge, DEL, etc)	
<u>College</u>	<u>Protestant Students</u>	<u>Catholic Students</u>
Queen's	a1	a2
St Mary's TTC	b1	b2
<u>Stranmillis</u>	<u>c1</u>	<u>c2</u>
Total	d1	d2

(Including number of all students receiving PhD scholarships funded by NI Government Departments, Vice Chancellor scholarships, the university, Northern Bridge, UKRCI and other similar university consortium scholarships and industry / business scholarships)

2022-2023 Academic Year, Numbers of new students enrolled / registered

4.00 PhD Research Degrees

QUB	Non funded / self-funded PHD degrees	
<u>College</u>	<u>Protestant Students</u>	<u>Catholic Students</u>
Queen's	a1	a2
St Mary's TTC	b1	b2
<u>Stranmillis</u>	<u>c1</u>	<u>c2</u>

Total d1 d2

2022-2023, Number of **ALL** graduate degree students at QUB and its colleges

5.00 Graduate Taught Degree courses

QUB	Graduate Degree Courses		
College	Protestant Students	Catholic Students	Others
Queens	a1	a2	a3
ST Mary's TTC	b1	b2	b3
<u>Stranmillis</u>	<u>c1</u>	<u>c2</u>	<u>c3</u>
Total	e1	e2	e3

2022-2023 Academic Year - Total number of All academic and research staff

6.00 Academic and research staff

College	Protestant Staff	Catholic Staff	Others
Queens	a1	a2	a3
St Mary's TTC	b1	b2	b3
<u>Stranmillis</u>	<u>c1</u>	<u>c2</u>	<u>c3</u>
Total	e1	e2	e3

2021-2023 - Total number of ALL new (recent) academic and research staff appointments

7.00 New academic and research staff appointments made in the 16 months between September 2021 and 23 December 2022

College	Protestant staff	Catholic staff	Others
Queens	a1	a2	a3
ST Mary's TTC	b1	b2	b3
<u>Stranmillis</u>	<u>c1</u>	<u>c2</u>	<u>c3</u>
Total	e1	e2	e3

Between the 12 and 16 May 2022, copies of this report have been sent to 700 individuals, institutions and government departments / agencies for consultation information, discussion and action, including:

FOI Act Responses from QUB, UU, Stranmillis and St Marys TTC to FOI Act request dated 23 December 2022. Re: Student and Staff demographic populations of QUB and UU (September 2022)

STRANMILLIS

Further to your email received on 23 December 2023. The requested data is provided in the table below from Stranmillis University College. Please note 76 students who stated their religious belief as 'Christian denomination - Other' have been categorised as 'Protestant'

Student Type	Protestant	Catholic	Other	Not provide	Non	Grand
UG - FT	142	58	0	13	30	243
UG - PT	22	31	1	1	6	61

PG - FT	11	4	0	0	0	15
PG - PT	29	53	1	7	9	99
G r a n d	204	146	2	21	45	418

Protestant students at Stranmillis TTC 49% (204)

Catholic students at Stranmillis TTC 35% (146)

'Other' students at Stranmillis TTC 16% (48)

Total 418

Stranmillis - Academic and research staff

College	Protestant Staff	Roman Catholic Staff	Other
Stranmillis University College	50	18	8

Stranmillis - New academic and research staff appointments made in the 16 months between September 2021 and 23 December 2022

College	Protestant Staff	Roman Catholic Staff	Other
Stranmillis University College	13	8	5

Current Protestant academic staff employed at Stranmillis – 66% (No50)

Current Catholic academic staff employed at Stranmillis – 24% (No18)

Current 'Other' staff employed at Stranmillis – 10% (No8)

Protestant academic appointees at Stranmillis in 2021/22 and 2022/23 – 50% (No13)

Catholic academic appointees at Stranmillis in 2021/22 and 2022/23 – 30% (No8)

'Other' academic appointees at Stranmillis in 2021/22 and 2022/23 – 20% (No5)

St Marys TTC – (Note certain important data was withheld by St Mary's TCC)

ST Marys, a college within QUB, (on the 27 February 2023) declined to provide information on the number of Protestant and Catholic academics employed by the College admitting that there was a significant under-representation of Protestant academics. St Marys confirmed by way of the FOI Act reply that *'Unfortunately, we are unable to provide you with any figures relating to the Academic and Research Staff question 6 & 7. We have a significant under representation from the Protestant Community and have an affirmative action plan to address this issue and it would be inappropriate to release this data'*. Also, St Marys provided % comparators and did not provide the actual numbers of respective catholic and Protestant students, making it impossible to compare the respective equality undertakings of StranmillisTCC and St Mary's TCC.

New entrants to St Marys TCC degree programmes for 2022/23

Religion	Protestant	Catholic
Undergraduate taught degrees	10%	84% (note no numbers provided)
Postgraduate taught degrees	0%	100%

All students within the ST Marys TCC (again no numbers, only % provided)

Protestant	Catholic	Others / Did not say
10%	68%	22%

QUB FOI Act Reply (FOI-22-413) dated 27 January 2023

1.0 Taught Degree Courses

2022-2023 Academic Year, Numbers of new students enrolled / registered

Full time undergraduate Protestant students	Full time undergraduate Catholic students
775 (37%)	1333 (63%)

2.0 Taught Degree Courses (PGC, PGD and Master's Degrees)

2022-2023 Academic Year, Numbers of new students enrolled / registered

Part time postgraduate Protestants	Part time postgraduate Catholic students
253 (42%)	344 (57%)

3.0 PhD Research Degrees

2022-2023 Academic Year, Numbers of new students enrolled / registered

(Please note, that at application and enrolment most funded students for the academic year 2022-2023, chose to leave the section on religion blank)

All PhD Funded Scholarships

Protestant PhD Students	Catholic PhD Students	Others
35	35	'Most'

QUB FOI Act Reply (FOI-22-413) dated 27 January 2023 (continued)

4.0 QUB - PhD Research Degrees

2022-2023 Academic Year, Numbers of new students enrolled / registered

Non funded / self-funded PHD degrees

Protestant PhD Students	Catholic PhD Students
15 (60%)	10 (40%)

5.0 QUB - Graduate Taught Degree courses

2022-2023, Number of ALL graduate degree students at QUB

All graduate degree students at QUB

Protestant	Catholic	Others
------------	----------	--------

This information is currently not held.

6.0 QUB - Academic and research staff

2022-2023 Academic Year - Total number of All academic and research staff: The following information relates to the period 01/08/2022 – 10/01/2023 and includes all staff employed during these dates including Leavers.

All academic and research staff

Protestant	Catholic	*Other
512 (24%)	621 (29%)	1019 (47%)

*Please note that 'Other' includes other religions and where no information is held.

7.0 QUB - New academic and research staff appointments made in the 16 months between September 2021 and 23 December 2022 - Total number of ALL new (recent) academic and research staff appointments: The following information relates to the period 01/09/2021 – 23/12/2022 and includes all staff who commenced employment during these dates including Leavers.

All new (recent) academic and research staff appointments

Protestant	Catholic	Other
60 (14.2%)	74 (17.4%)	290 (68.4%)

FOI Act 2000 (2002) Request to UK Universities addressing the religious beliefs of academic staff dated 28 January 2023 (Sent to 40 UK universities)

UK universities are obliged by law to regularly monitor, retain and correlate equality data on their employees. Equality data on age, sex, gender, religious beliefs, etc. of university employees is kept on different data-bases and updated in order to allow university HR departments to track the legal obligations of the universities to ensure that the universities do not fall foul of UK indirect discrimination laws. It is assumed that university data to respond to Table 1 and 2 questions has already been compiled. Under the Freedom of Information Acts (as they apply in England, Wales, Scotland and Northern Ireland) I would be obliged if each of the above universities could provide me (by the 24 February 2023) with the following information to facilitate academic research that will subsequently be submitted to the UK Equality and Human Rights Commissions:

Table (1): Religious Beliefs: How many university academics (full-time and part-time lecturers, teaching associates, and researchers);

- (a) Are members of the Christian faith? (Number and %)
- (b) Are members of other faith (religious) groups? (No and %)
- (c) Are not members of any faith (religion)? (No and %)
- (d) Declined to answer? (No and %)
- (e) Total academic staff of the university (No and 100%)

Table (2) Religious Beliefs of new / recently appointed university academics (lecturers, teaching associates, and researchers): How many full-time and part-time academic members of staff appointed in the last three years (2020, 2021 and 2022);

- (a) Are members of the Christian faith? (Number and %)
- (b) Are members of other faith (religious) groups? (No and %)
- (c) Are not members of any faith (religion)? (No and %)
- (d) Declined to answer? (No and %)
- (e) Total new academic staff of the university appointed between January 2020 and December 2022 (No and 100%)

Table (3): PhD Awards

How many PhD candidates, after obtaining their PhD degrees have been successful in obtaining a teaching, research or lecturing (post-doc) position within the same university that they were awarded a PhD scholarship / degree (in the five academic years between September 2018 and December 2022)?

- (a) How many PhD students were admitted as candidates of the university? (No & %)
- (b) How many of the PhD students awarded PhD degrees thereafter were employed (full-time, part-time, or temporarily) within the same university? (No & %)

Ulster University – FOI Act Response – February 2023

(4a) UU (FOIA/22/28, dated 7 February 2023) data for academic year 2022/23

Student data

UU (FOIA/22/28) Total number of new students across all campuses (2022/23)

2020/23	Number	%
Protestants	2,460	24%
Catholics	4,863	47%
Did Not Say / no Religion	1,879	18%
Other Religions	735	7%
Total Students	10,302	100%

Excluding all others, the percentage of new Protestant students (34%) compares to Catholic students (66%) throughout all UU campuses

Under the terms of the New Decade New Approach Deal (2020), the Irish government committed itself to a funding package of £75 million directed towards the expansion of UU campus at Magee.

UU (FOIA/22/28) provided data on the number of new students enrolled at Magee (2022/23)

2020/23	Number	%
Protestants	443	21%
Catholics	1,170	55%
Did Not Say / no Religion	287	14%
Other (Non-Christian) Religions	97	5%
Total Students	2,109	100%

Excluding all others, the percentage of new Protestant students (27%) compares to Catholic students (73%) at Magee Campus

UU confirmed that the total (full-time and part-time) students within the four UU campuses for the academic year 2022/23 was as follows:

Campus 2021/22	2020/21	2021/22	2022/23	I n c r e a s e o n
Belfast			15,173 (61%)	
Coleraine	4,390	4,121	3,913 (16%)	(-) 208
Magee	4,188	3,533	4,995 (21%)	+ 1,462
Jordanstown			6	
Total			24,763	

(Data above for Coleraine and Magee for 2020/21 and 2021/22 provided by Belfast Telegraph – 3 February 2022)

UU confirmed that the total (full-time and part-time) new students enrolling within the UU campuses for the academic year 2022/23 was as follows:

Campus	Numbers	%
Belfast	6,470	63%
Coleraine	1,647	16%
Magee	2,109	21%
Total	10,302	

UU confirmed that the total of PhD candidates within all its campuses for the academic year 2022/23 was as follows:

	Numbers	%
Protestant	159	24%
Catholic	234	35%
Did Not Say / No Religion	200	30%
Other (Non- Christian) Religions	80	11%
Total	670	100%

UU confirmed that the total of new PhD candidates enrolled within all its campuses for the academic year 2022/23 was as follows:

	Numbers	%
Protestant (Col, Meth and Presby)	11	16%
Catholic	28	41%
Did Not Say / No Religion	19	30%
Other (Non- Christian) Religions	1	
Other (Christians)	9	13%

Total	68	100%
-------	----	------

UU confirmed the number of new funded PhD scholarship for 2022/23 (e.g., DoE / UKRI scholarships approximating to £60K over a three-year period)

Funded scholarships awarded 2020/23

	Protestant	Catholic
Belfast	4	13
Coleraine	6	9
Magee	1	6
	11 (28%)	28 (72%)
£60,000 each	£660,000	£1,680,000

UU confirmed that the total (full-time and part-time) students within its largest campus (Belfast) for the academic year 2022/23 was as follows:

	Number	%
Protestant	3,284	21%
Catholic	7,272	48%
Did Not Say / No Religion / Others	4,667	31%
Total	15,173	100%

UU confirmed that the total new (full-time and part-time) students within its largest campus (Belfast) enrolling for the academic year 2022/23 was as follows:

Number	%
Protestant	1,538 24%
Catholic	3,030 47%
Did Not Say / No Religion / Others	1,902 29%
Total	6,470 100%

UU confirmed that the total (full-time and part-time) students within all its campuses (Belfast) during 2022/23 was as follows:

Number	%
Protestant	5,645 23%
Catholic	11,802 48%
Did Not Say / No Religion / Others	7,317 29%
Total	24,763 100%

Excluding all others, the percentage of Protestant students (32%) compares to Catholic students (68%) throughout UU

QUB FoI Act reply – Re: Covid-19 Risk Assessments (for September 2020)

Our ref: FOI-23-056 (16 March 2023)

Dear Edward

Further to your FOI request received on 23 February 2023 please find below the University's response to your request.

The information requested:

I would therefore be obliged if QUB and the DfE could forward on all correspondence / reports sent between QUB and the DfE in July, August and September 2020 related to QUB's proposals to open-up for face-to-face teaching in September 2020 including all details how QUB proposed to manage the health safety and well-being of academic and ancillary staff, students and visitors at the QUB campus, students union and halls of residence when the continuing threat from Covid-19 existed.

The information requested should include copies of all (redacted) correspondence / reports from QUB (and the DfE) relating to seeking the approval of the Department to open-up for face-to face teaching, and /or to the legal necessity of obtaining departmental approval, and / or the absence of any need to obtain departmental approval to open-up for face to face teaching, and the advices of the DfE to the risks attached to opening up for face-to face teaching should be included.

Specifically, I would be obliged if QUB and the DfE could forward on any correspondence / reports where QUB sought Departmental approval to open up for face-to-face teaching (prior to the September 2020 semester) and any DfE response to the request.

QUB Freedom of Information Reply (FOI-23-056 (16 March 2023)

'Whilst the University followed the guidelines provided by the PHA and DoH during the pandemic, there was no requirement to seek DfE approval, therefore this information is not held'.

Copied to the following different statutory agencies, departments and organisations during 2022:

NI Fiscal Commission and NI Fiscal Council

NI Office

NI Department for the Economy

UK Research Institute / Council

NI Assembly Committee for Finance

NI Human Rights Commission

QUB and UU Vice-Chancellors

QUB Appeal and Complaint's Office

NI Select Committee at Westminster

UK Treasury Office

NI Public Accounts Committee at Stormont

NI media outlets

NI Assembly Committee for the Economy

NI Audit Office

NI Equality Commission

NI Public Services Ombudsman's office

NI Church Ministers

Members of the Scottish Parliament

Scottish University Vice-Chancellors

NI Unionist political parties and politicians (prior to NI Assembly election)

Nationalist political parties and politicians (prior to NI Assembly election)

NI university academics

QUB and UU Students Union Representatives

Ulster-Scots Agency and Ulster-Scot's Panels Report

School Governors, Board Members and head teachers

NINE and Northern Bridge Scholarship Programmes

NI political parties and NI Assembly Sub-Committees (post NI Assembly election)

Office of Taoiseach and Shared Island Unit

Scottish Cabinet Ministers

Head of the NI Civil Service

List of individual and organisational consultees

The NI University Sector Report was forwarded onto the following NI and UK government departments, agencies and offices; UK universities and academics and other interested stakeholders for information (and action)

1- Equality Commission and NIPSO

information@equalityni.org

nipso@nipso.org.uk

CallforViews@communities-ni.gov.uk

Patrick.Barr@niauditoffice.gov.uk

info@fiscalcommissionNI.org

info@nifiscalcouncil.org

hepolicy@economy-ni.gov.uk

private.office@economy-ni.gov.uk

info@executiveoffice-ni.gov.uk

joe.cambell@niauditoffice.gov.uk

Trevor.Cooper@economy-ni.gov.uk

Jennifer.Gorman@NIHRC.ORG

info@niauditoffice.gov.uk

info@nihrc.org

carol.lavery@economy-ni.gov.uk

Committee.Finance@niassembly.gov.uk

info@executiveoffice-ni.gov

EqualityandHumanRights@executiveoffice-ni.gov.uk

admin.capu@executiveoffice-ni.gov.uk

race.equality@executiveoffice-ni.gov.uk

dscteam@executiveoffice-ni.gov.uk

andrew.smith@executiveoffice-ni.gov.uk

2 – School Principals and Board of Governors

info@cssni.org.uk

info@abbeycommunitycollege.newtownabbey.ni.sch.uk

info@abbeyprimary.newtownards.ni.sch.uk

info@abbotscrossps.newtownabbey.ni.sch.uk

info@anahiltps.hillsborough.ni.sch.uk

info@andrewsmemorialps.newtownards.ni.sch.uk

info@annalongps.annalong.ni.sch.uk

info@antrimgrammar.antrim.ni.sch.uk

info@antrimps.antrim.ni.sch.uk
info@armoyps.ballymoney.ni.sch.uk
info@armstrong.armagh.ni.sch.uk
info@artigarvanps.strabane.ni.sch.uk
info@ashfieldboys.belfast.ni.sch.uk
info@ashgirls.belfast.ni.sch.uk
info@ashgroveps.newtownabbey.ni.sch.uk
info@aughnacloyps.aughnacloy.ni.sch.uk
info@ballinamallardps.enniskillen.ni.sch.uk
info@ballinderryys.lisburn.ni.sch.uk
info@ballycarryps.carrickfergus.ni.sch.uk
info@ballycastlehigh.ballycastle.ni.sch.uk
info@ballyclarehigh.ballyclare.ni.sch.uk
info@ballyclaresec.ballyclare.ni.sch.uk
info@ballycraigyps.antrim.ni.sch.uk
info@ballyhenryps.newtownabbey.ni.sch.uk
info@ballyholmeps.bangor.ni.sch.uk
info@ballykeelps.ballymena.ni.sch.uk
info@ballymacashps.lisburn.ni.sch.uk
info@ballymenaps.ballymena.ni.sch.uk
info@ballymoneyhigh.ballymoney.ni.sch.uk
info@ballynahinchps.ballynahinch.ni.sch.uk
info@ballynureps.ballynure.ni.sch.uk
info@ballysillan.belfast.ni.sch.uk
info@ballyvesterps.donaghadee.ni.sch.uk
info@ballywalterps.newtownards.ni.sch.uk
info@banbridgeacademy.banbridge.ni.sch.uk
info@banbridgehigh.banbridge.ni.sch.uk
info@bangoracademy.bangor.ni.sch.uk
info@bbms.belfast.ni.sch.uk
info@girlsmodel.belfast.ni.sch.uk
info@blackmountain.belfast.ni.sch.uk
info@bloomfield.belfast.ni.sch.uk
info@blythefield.belfast.ni.sch.uk
info@branielps.belfast.ni.sch.uk
info@brookeboroughps.enniskillen.ni.sch.uk
info@broughshaneps.ballymena.ni.sch.uk
info@brownlowcollege.craigavon.ni.sch.uk
info@brownlowcollege.craigavon.ni.sch.uk
info@buickmemorialps.cullybackey.ni.sch.uk
info@cairnshillps.belfast.ni.sch.uk

info@cambridgehousegrammar.ballymena.ni.sch.uk
info@carnmoneyps.newtownabbey.ni.sch.uk
info@carrsglen.belfast.ni.sch.uk
info@carrickfergusacademy.carrickfergus.ni.sch.uk
info@carrowdoreps.newtownards.ni.sch.uk
info@carryduffps.belfast.ni.sch.uk
info@castledawson.magherafelt.ni.sch.uk
info@chs.castlederg.ni.sch.uk
info@cavehill.belfast.ni.sch.uk
info@armaghhigh.armagh.ni.sch.uk
info@cloughmillps.cloughmills.ni.sch.uk
info@colerainecollege.coleraine.ni.sch.uk
info@chs.cookstown.ni.sch.uk
info@comberps.newtownards.ni.sch.uk
info@cullybackeycollege.ballymena.ni.sch.uk
info@currie.belfast.ni.sch.uk
info@derrygonnellyps.enniskillen.ni.sch.uk
info@donacloney.donacloney.ni.sch.uk
info@donemanaps.strabane.ni.sch.uk
info@downhigh.downpatrick.ni.sch.uk
info@dps.hillsborough.ni.sch.uk
info@dromorehigh.down.ni.sch.uk
info@drumahoe.londonderry.ni.sch.uk
info@drumglasshigh.dungannon.ni.sch.uk
info@dunclugcollege.ballymena.ni.sch.uk
info@edenps.carrickfergus.ni.sch.uk
info@eglington.londonderry.ni.sch.uk
info@elmgrove.belfast.ni.sch.uk
info@college.fivemiletown.ni.sch.uk
info@forthill.lisburn.ni.sch.uk
info@forthriver.belfast.ni.sch.uk
info@fountainps.londonderry.ni.sch.uk
info@ghirkps.belfast.ni.sch.uk
info@glengormleyhigh.newtownabbey.ni.sch.uk
info@glenlolacllegiate.bangor.ni.sch.uk
info@glenwood.belfast.ni.sch.uk
info@gortinps.omagh.ni.sch.uk
info@grosvenor.belfast.ni.sch.uk
info@hardingmemorial.belfast.ni.sch.uk
info@hartmemorial.portadown.ni.sch.uk
info@kellsandconnorps.ballymena.ni.sch.uk

info@kesh.enniskillen.ni.sch.uk
info@kilcooleyps.bangor.ni.sch.uk
info@killicomaine.portadown.ni.sch.uk
info@lamehs.larne.ni.sch.uk
info@laurelhill.lisburn.ni.sch.uk
info@lgs.limavady.ni.sch.uk
info@limavadyhigh.limavady.ni.sch.uk
info@lisnagarvey.lisburn.ni.sch.uk
info@lisps.belfast.ni.sch.uk
info@loanends.crumlin.ni.sch.uk
info@model.londonderry.ni.sch.uk
info@lurgancollege.lurgan.ni.sch.uk
info@malvern.belfast.ni.sch.uk
info@markethillhigh.markethill.ni.sch.uk
info@nendrumcollege.comber.ni.sch.uk
info@nettlefield.belfast.ni.sch.uk
info@newryhigh.newry.ni.sch.uk
info@nhs.newtownhamilton.ni.sch.uk
info@omagghigh.omagh.ni.sch.uk
info@queenelizabethii.pomeroy.ni.sch.uk
info@rathfrilandhigh.rathfriland.ni.sch.uk
info@rhs.newtownards.ni.sch.uk
info@rosetta.belfast.ni.sch.uk
info@saintfield.saintfield.ni.sch.uk
info@sionmills.strabane.ni.sch.uk
info@strabaneacademy.strabane.ni.sch.uk
info@tjhs.tandragee.ni.sch.uk
info@thompsonps.ballyclare.ni.sch.uk
info@ballynahinchhigh.ballynahinch.ni.sch.uk
info@victoriaps.carrickfergus.ni.sch.uk
info@wellington.belfast.ni.sch.uk
info@wheatfield.belfast.ni.sch.uk
tracey.woods@csscni.org.uk
richard.reid@csscni.org.uk
jill.brown@csscni.org.uk
heather.mckenzie@csscni.org.uk
andrew.brown@csscni.org.uk
derek.harkness@csscni.org.uk
info@antrimgrammar.antrim.ni.sch.uk
info@balacademy.ballymena.ni.sch.uk
info@bgs.bangor.ni.sch.uk

info@bfrsa.belfast.ni.sch.uk
hmooffice@campbellcollege.co.uk
secretary@dalriada.ballymoney.ni.sch.uk
info@ergs.enniskillen.ni.sch.uk
office@friends.lisburn.ni.sch.uk
head@rainey.magherafelt.ni.sch.uk
Info@rbai.belfast.ni.sch.uk
info@royalschool.com

3 – UK Universities and academics

complaints@ukri.org
appeals@qub.ac.uk
p.seawright@ulster.ac.uk
mf.oneill@ulster.ac.uk
paul.bartholomew@ulster.ac.uk
je.farren@ulster.ac.uk
k.derbyshire@ulster.ac.uk
ca.mills@ulster.ac.uk
mj.purdy@ulster.ac.uk
J.Tonge@liverpool.ac.uk
P.Shirlow@liverpool.ac.uk
Sean.Haughey@liverpool.ac.uk
Barry.Hazley@liverpool.ac.uk
S.Monro@hud.ac.uk
j.w.mcauley@hud.ac.uk
C.E.McGlynn@hud.ac.uk
Mel.Ainscrow@glasgow.ac.uk
Chris.Chapman@glasgow.ac.uk
info@stran.ac.uk
a.brown@stran.ac.uk
creu@stran.ac.uk
k.gibson@stran.ac.uk
w.kitchen@stran.ac.uk
n.purdy@stran.ac.uk
j.keers@ulster.ac.uk
jrg.kennedy@ulster.ac.uk
j.a.mccord@ulster.ac.uk
b.skinner@ulster.ac.uk
tj.murphy@ulster.ac.uk
lm.clarke@ulster.ac.uk

j.byrne1@ulster.ac.uk
j.d.barr@ulster.ac.uk
a.chapman1@ulster.ac.uk
r.fee@ulster.ac.uk
i.hawthorne@ulster.ac.uk
A.Miskimmon@qub.ac.uk
p.corthorn@qub.ac.uk
j.knight@qub.ac.uk
roger.clarke@qub.ac.uk
D.Urquhart@qub.ac.uk
p.h.gray@qub.ac.uk
j.elwood@qub.ac.uk
d.bryan@qub.ac.uk
i.tsioulakis@qub.ac.uk
j.barry@qub.ac.uk
[R.English@qub.ac.uk](mailto>R.English@qub.ac.uk)
j.garry@qub.ac.uk
h.johnston@qub.ac.uk
L.McGowan@qub.ac.uk
p.corthorn@qub.ac.uk
c.gribben@qub.ac.uk
o.purdue@qub.ac.uk
a.holmes@qub.ac.uk
L.MvGowna@qub.ac.uk
J.Pow@qub.ac.uk
Joe.allen@qub.ac.uk
a.biggart@qub.ac.uk
g.duffy@qub.ac.uk
i.emerson@qub.ac.uk
am.gallagher@qub.ac.uk
r.loader@qub.ac.uk
ga.robinson@qub.c.uk
j.brewer@qub.ac.uk
g.ganiel@qub.ac.uk
e.kaufmann@bbk.ac.uk
e.calvert@qub.ac.uk
jc.dingley@googlemail.com
jwfoster@mail.ubc.ca
c.harvey@qub.ac.uk
G.Anthony@qub.ac.uk
J.Morison@qub.ac.uk

L.moffett@qub.ac.uk
j.lanman@qub.ac.uk
K.McNeilly@qub.ac.uk
b.dickson@qub.ac.uk
r.craig@qub.ac.uk
wg.campbell@union.ac.uk
d.leach@union.ac.uk
mc.cowna@union.ac.uk
o.mark@union.ac.uk
t.d.alexander@union.ac.uk
admin@union.ac.uk
ben.archibald@usi.ie
c.young@qub.ac.uk
c.higgins@qub.ac.uk
s.bloomer@qub.ac.uk
e.nevin@qub.ac.uk
rachel.stewart@qub.ac.uk
fiona.mcgarra@qub.ac.uk
f.ruddell@qub.ac.uk
gc.kendall@ulster.ac.uk
jg.ward@ulster.ac.uk
law@ulster.ac.uk
Claire.Wright@qub.ac.uk
se.craig@qub.ac.uk
N.Burns@qub.ac.uk
L.Moffett@qub.ac.uk
T.Murphy@qub.ac.uk
L.mallinder@qub.ac.uk
b.murtagh@qub.ac.uk
T.Jeffries@qub.ac.uk
R.Prendergast@qub.ac.uk
E.Stewart@qub.ac.uk
J.Ortega@qub.ac.uk
S.Hazlett@qub.ac.uk
Laura.Steele@qub.ac.uk
p.boland@qub.ac.uk
s.kumar@qub.ac.uk
L.shuttleworth@qub.ac.uk
c.fitzpatrick@ulster.ac.uk
am.gallagher@qub.ac.uk
[enquiries@csap.cam.ac.](mailto:enquiries@csap.cam.ac)

esmond.birnie@ulster.ac.uk
J.Tonge@liverpool.ac.uk
R.J.Bond@ed.ac.uk
J.Hearn@ed.ac.uk
m.j.roise@ed.ac.uk
Rob.Dunbar@ed.ac.uk
Scott.Spurlock@glasgow.ac.uk
Tim.Duguid@glasgow.ac.uk
Neil.Martin@ed.ac.uk
R.Isles@dundee.ac.uk
Gary.campbell@uhi.ac.uk
Iain.morrison@uhi.ac.uk
boyne@abdn.ac

ucu-officers@qub.ac.uk

4 - Student union societies

vp.magee@uusu.org
president@uusu.org
vp.belfast@uusu.org
vp.coleraine@uusu.org
vp.education@uusu.org
vp.jordanstown@uusu.org
jredmond@scrc.ac.uk
studentvoice@qub.ac.uk
studentsunion@qub.ac.uk
su.president@qub.ac.uk
su.equality@qub.ac.uk
su.postgraduate@qub.ac.uk
su.welfare@qub.ac.uk
su.education@qub.ac.uk
alliance-party@qub.ac.uk
qub_conservatives@qub.ac.uk
jewsih_soc@qub.ac.uk
labour-students@qub.ac.uk
greens@qub.ac.uk
Law-Society@qub.ac.uk
niuas-soc@qub.ac.uk
OTC@qub.ac.uk
peoplebeforeprofit@qub.ac.uk

ppe@qub.ac.uk
sdlp@qub.ac.uk
uniteddemocrats-soc@qub.ac.uk
the.gown@outlook.com
polysoc@qub.ac.uk
membership@nus.org.uk
pressoffice@nus.org.uk
Sarah.Lavery@nistudents.org
Nora.Duncan@nistudents.org
Natasha.Dhumma@nus.org.uk
Corrine.Heaney@nistudents.org
Toni.giugliano@nus-scotland.org.uk

5 – UK, Irish / Scottish Government Agencies / Departments

public.enquiries@hmtreasury.gov.uk
communications@nio.gov.uk
committee.publicaccounts@niassembly.gov.uk
Gillian.Barker@niassembly.gov.uk
Marion.Johnson@niassembly.gov.uk
HABBERLEYS@parliament.uk
NORTHIRCOM@parliament.uk
Peter.Hall@niassembly.gov.uk
Michael.Greer@niassembly.gov.uk
equalityunit@economy-ni.gov.uk
northircom@parliament.uk
CabSecES@gov.scot
CabSecCEAC@gov.scot
Webmaster@taoiseach.gov.ie
minister_fheris@dfheris.gov.ie
SharedIsland@taoiseach.gov.ie

6 - UK Politicians and politicians sitting on the NI Affairs committee

michelle.donelan.mp@parliament.uk
brandon.lewis.mp@parliament.uk
office@brandonlewis.co
comms@nio.gov.uk
conor.burns.mp@parliament.uk
mary.foy.mp@parliament.uk

ian.paisley.mp@parliament.uk
beechn@parliament.uk
fay.jones.mp@parliament.uk
robert.goodwill.mp@parliament.uk
scott.benton.mp@parliament.uk
simon.hoare.mp@parliament.uk
bob.stewart.mp@parliament.uk
Jackie.Baillie.msp@parliament.scot
Jeremy.Balfour.msp@parliament.scot
Claire.Baker.msp@parliament.scot
Jackson.Carlaw.msp@parliament.scot
Finlay.Carson.msp@parliament.scot
Sharon.Dowey.msp@parliament.scot
Russell.Finlay.msp@parliament.scot
Jamie.Green.msp@parliament.scot

7 – Westminster NI Politicians

fieldingm@parliament.uk
dupcoleraine@parliament.uk
paul.girvan.mp@parliament.uk
jeffrey.donaldson.mp@parliament.uk
jeffrey.donaldsonmp@laganvalley.net
carla.lockhart.mp@parliament.uk
gavin.robinson.mp@parliament.uk
barronj@parliament.uk

7B – NI Assembly MLAs (when new contact details are provided)

UUP

steve.aiken@mla.niassembly.gov.uk
andy.allen@mla.niassembly.gov.uk
doug.beattie@mla.niassembly.gov.uk
robbie.butler@mla.niassembly.gov.uk
alan.chambers@mla.niassembly.gov.uk
tom.elliott@mla.niassembly.gov.uk
mike.nesbitt@mla.niassembly.gov.uk
john.stewart@mla.niassembly.gov.uk
robin.swann@mla.niassembly.gov.uk

SF

caoinhe.archibald@mla.niassembly.gov.uk

danny.baker@mla.niassembly.gov.uk
cathal.boylan@mla.niassembly.gov.uk
nicola.brogan@mla.niassembly.gov.uk
padraig.delargy@mla.niassembly.gov.uk
linda.dillon@mla.niassembly.gov.uk
jemma.dolan@mla.niassembly.gov.uk
Sinead.Ennis@mla.niassembly.gov.uk
ciara.ferguson@mla.niassembly.gov.uk
orlaithi.flynn@mla.niassembly.gov.uk
colm.gildernew@mla.niassembly.gov.uk
deirdre.hargey@mla.niassembly.gov.uk
declan.kearney@mla.niassembly.gov.uk
gerry.kelly@mla.niassembly.gov.uk
liz.kimmins@mla.niassembly.gov.uk
cathy.mason@mla.niassembly.gov.uk
declan.mcaleer@mla.niassembly.gov.uk
philip.mcguigan@mla.niassembly.gov.uk
Maoliosa.McHugh@mla.niassembly.gov.uk
aine.murphy@mla.niassembly.gov.uk
conor.murphy@mla.niassembly.gov.uk
caral.nichuillin@mla.niassembly.gov.uk
john.odowd@mla.niassembly.gov.uk
michelle.oneill@mla.niassembly.gov.uk
aisling.reilly@mla.niassembly.gov.uk
pat.sheehan@mla.niassembly.gov.uk
emma.sheerin@mla.niassembly.gov.uk

Alliance

kellie.armstrong@mla.niassembly.gov.uk
john.blair@mla.niassembly.gov.uk
paula.bradshaw@mla.niassembly.gov.uk
patrick.brown@mla.niassembly.gov.uk
stewart.dickson@mla.niassembly.gov.uk
danny.donnelly@mla.niassembly.gov.uk
sorcha.eastwood@mla.niassembly.gov.uk
connie.egan@mla.niassembly.gov.uk
david.honeyford@mla.niassembly.gov.uk
naomi.long@mla.niassembly.gov.uk
nick.mathison@mla.niassembly.gov.uk
nuala.mcallister@mla.niassembly.gov.uk

peter.mcreynolds@mla.niassembly.gov.uk

andrew.muir@mla.niassembly.gov.uk

kate.nicholl@mla.niassembly.gov.uk

patricia.olynn@mla.niassembly.gov.uk

eoin.tennyson@mla.niassembly.gov.uk

DUP

maurice.bradley@mla.niassembly.gov.uk

phillip.brett@mla.niassembly.gov.uk

david.brooks@mla.niassembly.gov.uk

diane.dodds@mla.niassembly.gov.uk

keith.buchanan@mla.niassembly.gov.uk

thomas.buchanan@mla.niassembly.gov.uk

jonathan.buckley@mla.niassembly.gov.uk

joanne.bunting@mla.niassembly.gov.uk

Pam.Cameron@mla.niassembly.gov.uk

trevor.clarke@mla.niassembly.gov.uk

Stephen.Dunne@mla.niassembly.gov.uk

deborah.erskine@mla.niassembly.gov.uk

diane.forsythe@mla.niassembly.gov.uk

paul.frew@mla.niassembly.gov.uk

paul.givan@mla.niassembly.gov.uk

harry.harvey@mla.niassembly.gov.uk

david.hilditch@mla.niassembly.gov.uk

william.irwin@mla.niassembly.gov.uk

brian.kingston@mla.niassembly.gov.uk

emma.little-pengelly@mla.niassembly.gov.uk

gordon.lyons@mla.niassembly.gov.uk

michelle.mcilveen@mla.niassembly.gov.uk

gary.middleton@mla.niassembly.gov.uk

edwin.poots@mla.niassembly.gov.uk

alan.robinson@mla.niassembly.gov.uk

SDLP

markh.durkan@mla.niassembly.gov.uk

Cara.Hunter@mla.niassembly.gov.uk

daniel.mccrossan@mla.niassembly.gov.uk

patsy.mcglone@mla.niassembly.gov.uk

colin.mcgrath@mla.niassembly.gov.uk

matthew.otoole@mla.niassembly.gov.uk

sinead.mclaughlin@mla.niassembly.gov.uk

justin.mculty@mla.niassembly.gov.uk

TUV

jim.allister@mla.niassembly.gov.uk

PBP

gerry.carroll@mla.niassembly.gov.uk

Independent MLAs

alex.easton@mla.niassembly.gov.uk

claire.sugden@mla.niassembly.gov.uk

8 – NI & UK Media Outlets

j.bell@belfasttelegraph.co.uk

c.woodhouse@sundaylife.co.uk

c.leebody@belfasttelegraph.co.uk

s.mcbride@belfasttelegraph.co.uk

a.madden@belfasttelegraph.co.uk

nolan@bbc.co.uk

adam.kula@jpimedia.co.uk

Ben.lowry@newsletter.co.uk

cwoodhouse@sundaylife.co.uk

ruthdudleyedwards@rdemail.co.uk

haveyoursay@bbc.co.uk

sbreen@belfasttelegraph.co.uk

sharon.oneill@sundaylife.co.uk

gwalker@belfasttelegraph.co.uk

news@thejournal.ie

education@theguardian.com

politics@theguardian.com

newsdesk@sunday-times.co.uk

Express.newsdesk@reachplc.com

tips@dailymail.com

newsdesk@tyronecourier.co.uk

valeria.martin@jpimedia.co.uk

elinor.glynn@jpimedia.co.uk

darryl.armitage@jpimedia.co.uk

una.culkin@jpimedia.co.uk

peter.hutcheon@jpi.media.co.uk

paul.wilkinson@jpi.media.co.uk

stanley.campbell@jpimedia.co.uk

news@belfastlive.co.uk
ryan.smith@reachpic.com
sarah.scott@belfastlive.co.uk
mirrornews@mirror.co.uk

9 – NI Universities

n.skelly@qub.ac.uk
r.wilkinson@qub.ac.uk
c.l.lewis@qub.ac.uk
chris.deeming@strath.ac.uk
master@st-andrews.ac.uk
proctor@st-andrews.ac.uk
vp.gov@st-andrews.ac.uk
principal@st-andrews.ac.uk

10 – Interested Stakeholders and NI Unionist Civic Society

b.higginson@gmail.com
info@nelson-singleton.co.uk
spencer.b@ntlworld.com
mervyn@goli.org.uk
mervgib1@gmail.com
billymoore13@hotmail.co.uk
nev@alternativesrj.co.uk
amccracken13@qub.ac.uk
royal.black@btconnect.com
allygmcc@hotmail.co.uk
Cllr.Johnston@midandeantrim.gov.uk
fraser.agnew@antrimandnewtownabbey.gov.uk
nmccausland@dup-belfast.co.uk
neilhanna1986@gmail.com
bingy61@hotmail.com
waynecummings@live.co.uk
nicklawrence1124@gmail.com
buntings@belfastcity.gov.uk
Fred.Cobain@belfastcity.gov.uk
copelands@belfastcity.gov.uk
george.dorrian@belfastcity.gov.uk
john.hussey@belfastcity.gov.uk
hutchinsonB@belfastcity.gov.uk

Tracy.Kelly@belfastcity.gov.uk
kingstonb@belfastcity.gov.uk
kylej@belfastcity.gov.uk
mccoubrey@belfastcity.gov.uk
pankhurstd@belfastcity.gov.uk
rodgersj@belfastcity.gov.uk
tommy.sandford@belfastcity.gov.uk
spenceg@belfastcity.gov.uk
Nicola.Verner@belfastcity.gov.uk
hairet@belfastcity.gov.uk
newtona@belfastcity.gov.uk
jeffreydudgeon@hotmail.com
jamie@jwbconsultancy.co.uk
kate@katehoey.com
orangesocietycoleraine@gmail.com
jordanstowncu@gmail.com
uuorangesociety@gmail.com
dua@qub.ac.uk
young-unionists@qub.ac.uk
cu@qub.ac.uk
orange-society@qub.ac.uk
billy@alternativerj.co.uk
info@ulsterscotsagency.org.uk
freena@ulsterscotsagency.org.uk
info@eastsidevoices.com
debbie@alternativesrj.co.uk
tom@alternativesrj.co.uk
pete@alternativesrj.co.uk
denise@alternativesrj.co.uk
billy@alternativesrj.co.uk
joan@alternativesrj.co.uk
mandy@alternativesrj.co.uk
cliffordpeeples@hotmail.co.uk
kennethfunston@btinternet.com

11 - Church Ministers and Elders

dclawson@presbyterianireland.org
Kdoherty@presbyterianireland.org
bmcmillen@presbyterianireland.org
cmorrison@presbyterianireland.org

ineish@presbyterianireland.org
kcampbell@presbyterianireland.org
fmckeown@presbyterianireland.org
rkane@presbyterianireland.org
caitcheson@presbyterianireland.org
cmartin@presbyterianireland.org
mdonald@presbyterianireland.org
rkelly@presbyterianireland.org
mgoudy@presbyterianireland.org
tlaverty@presbyterianireland.org
dbrown@presbyterianireland.org
jcoulter@presbyterianireland.org
rkerr@presbyterianireland.org
dlatimer@presbyterianireland.org
mshaw@presbyterianireland.org
lblair@presbyterianireland.org
mgault@presbyterianireland.org
cburcombe@presbyterianireland.org
ehyndman@presbyterianireland.org
bhamilton@presbyterianireland.org
jdickson@presbyterianireland.org
astewart@presbyterianireland.org
fmckeown@presbyterianireland.org
lhughes@presbyterianireland.org
lmcdonald@presbyterianireland.org
nlockhart@presbyterianireland.org
rlove@presbyterianireland.org
manderson@presbyterianireland.org
jburnett@presbyterianireland.org
pmccrea@presbyterianireland.org
lcarroll@presbyterianireland.org
dbrice@presbyterianireland.org
gfarquhar@presbyterianireland.org
cgrant@presbyterianireland.org
laddis@presbyterianireland.org
lcarton@presbyterianireland.org
rmccullough@presbyterianireland.org
arosborough@presbyterianireland.org
rbuick@presbyterianireland.org
plinkens@presbyterianireland.org
rcraig@presbyterianireland.org

kjones@presbyterianireland.org
Cairin.Salt@FreePresbyterian.org
Ian.Harris@FreePresbyterian.org
Paul.Thompson@FreePresbyterian.org
Andrew.Murray@FreePresbyterian.org
David.McMillan@FreePresbyterian.org
Simon.Anderson@FreePresbyterian.org
Alan.Smylie@FreePresbyterian.org
julian.patterson@FreePresbyterian.org
John.Greer@FreePresbyterian.org
Andrew.Stewart@FreePresbyterian.org
Fred.Greenfield@FreePresbyterian.org
David.Smith@FreePresbyterian.org
Joshua.Moffatt@FreePresbyterian.org
Raymond.Morrow@FreePresbyterian.org
Stephen.McCrea@FreePresbyterian.org
David.McLaughlin@FreePresbyterian.org
Lindsay.Wilson@FreePresbyterian.org
Peter.McIntyre@FreePresbyterian.org
Brian.Lorimer@FreePresbyterian.org
Derek.Erwin@FreePresbyterian.org
Thomas.Martin@FreePresbyterian.org
Jonathan.Creane@FreePresbyterian.org
Marcus.Lecky@FreePresbyterian.org
Ray.Carscadden@FreePresbyterian.org
Gordon.Dane@FreePresbyterian.org
Aaron.Fitzsimons@FreePresbyterian.org
Paul.Foster@FreePresbyterian.org
john.armstrong@FreePresbyterian.org
Nathan.McVeigh@FreePresbyterian.org
James.Porter@FreePresbyterian.org
Graham.Lucas@FreePresbyterian.org
Gregory.McCammon@FreePresbyterian.org
Ian.Kenny@FreePresbyterian.org
John.Woods@FreePresbyterian.org
Raymond.Robinson@FreePresbyterian.org
David.Brown@FreePresbyterian.org
Graham.Lucas@FreePresbyterian.org
Roger.Higginson@FreePresbyterian.org
Ian.Brown@FreePresbyterian.org
Glenn.Wilkinson@FreePresbyterian.org

Thomas.Murray@FreePresbyterian.org
Ryan.McKee@FreePresbyterian.org
Andrew.Patterson@FreePresbyterian.org
Daniel.Henderson@FreePresbyterian.org
Ronald.Johnstone@FreePresbyterian.org
Paul.Fitzsimons@FreePresbyterian.org
Brian.McClung@FreePresbyterian.org
Colin.Mercer@FreePresbyterian.org
Darryl.Abernethy@FreePresbyterian.org
Samuel.Murray@FreePresbyterian.org
David.Stewart@FreePresbyterian.org
gary.goodes@FreePresbyterian.org
Stephen.Nelson@FreePresbyterian.org
Garth.Wilson@FreePresbyterian.org
Timothy.Ormerod@FreePresbyterian.org
John.Gray@FreePresbyterian.org
Timothy.Nelson@FreePresbyterian.org

12 – NI & UK Solicitor's Offices

info@nelson-singleton.co.uk
legal@mbt-law.co.uk
belfast@algoodbody.com
rosemary.lundy@authorcox.com
belfast@authorcox.com
info@cfrlaw.co.uk
law@ffsolicitors.com
jan.cunningham@mmwlegal.com
david.mitchell@mmwlegal.com
Kiera.Lee@MillsSelig.com
alex@worthingtonslaw.co.uk
brian@worthingtonslaw.com
gadair@wilson-nesbitt.co.uk
djohnston@wilson-nesbitt.co.uk
solicitors@pjohare.com
cstewart@stewartsolicitors.com
jbeatty@stewartsolicitors.com
michael.robinson@ccdsolicitors.co.uk
info@mkblaw.co.uk
jj@mkblaw.co.uk
info@phoenix-law.org

law@peterdornansolicitors.com
law@carson.mcdowell.com
info@fmgsolicitor.com
enquiry@stewartsolicitors.com
info@reidblack.com
mail@arthuscoxi.com
malcolm.adler@asserson.co.uk
joshua.battat@asserson.co.uk
robert.gross@asserson.co.uk
dparker@harcusparker.co.uk
jmorrissey@harcusparker.co.uk
rdunleavy@harcusparker.co.uk

13 – NI Government Departments

for@justice-ni.x.gsi.gov.uk
permanent.secretary@health-ni.gov.uk
info@executiveoffice-ni.gov.uk
foi@communities-ni.gov.uk
Stewart.Barnes@finance-ni.gov.uk
dcu@infrastructure-ni.gov.uk
dof.enquiries@finance-ni.gov.uk
DFEMail@economy-ni.gov.uk
EqualityandHumanRights@executive-ni.gov.uk
Rodger.Downey@daera-ni.gov.uk
Anthony.Harbinson@daera-ni.gov.uk
DE.DEWebMail@education-ni.gov.uk
Webmaster@health-ni.gov.uk
DE.Equality@education-ni.gov.uk

14 - Unionist Local Authority Representatives

Antrim & Newtownabbey Councillors

matthew.magill@antrimandnewtownabbey.gov.uk
paul.michael@antrimandnewtownabbey.gov.uk
paul.dunlop@antrimandnewtownabbey.gov.uk
jim.montgomery@antrimandnewtownabbey.gov.uk
john.smyth@antrimandnewtownabbey.gov.uk
leah.smyth@antrimandnewtownabbey.gov.uk
jeannie.archibald@antrimandnewtownabbey.gov.uk
mandy.girvan@antrimandnewtownabbey.gov.uk

vera.mcwilliam@antrimandnewtownabbey.gov.uk
norrie.ramsay@antrimandnewtownabbey.gov.uk
linda.clarke@antrimandnewtownabbey.gov.uk
glenn.finlay@antrimandnewtownabbey.gov.uk
roderick.swann@antrimandnewtownabbey.gov.uk
alison.bennington@antrimandnewtownabbey.gov.uk
phillip.brett@antrimandnewtownabbey.gov.uk
mark.cosgrove@antrimandnewtownabbey.gov.uk
mailto:matthew.brady@antrimandnewtownabbey.gov.uk
matthew.brady@antrimandnewtownabbey.gov.uk
victor.robinson@antrimandnewtownabbey.gov.uk
ben.mallon@antrimandnewtownabbey.gov.uk
fraser.agnew@antrimandnewtownabbey.gov.uk
mark.cooper@antrimandnewtownabbey.gov.uk
sam.flanagan@antrimandnewtownabbey.gov.uk
stephen.ross@antrimandnewtownabbey.gov.uk

North down and Ards Councillors

robert.adair@ardsandnorthdown.gov.uk
naomi.armstrong-cotter@ardsandnorthdown.gov.uk
craig.blaney@ardsandnorthdown.gov.uk
mark.brooks@ardsandnorthdown.gov.uk
angus.carson@ardsandnorthdown.gov.uk
alistair.cathcart@ardsandnorthdown.gov.uk
david.chambers@ardsandnorthdown.gov.uk
stephen.cooper@ardsandnorthdown.gov.uk
trevor.cummings@ardsandnorthdown.gov.uk
nigel.edmund@ardsandnorthdown.gov.uk
robert.gibson@ardsandnorthdown.gov.uk
jennifer.gilmour@ardsandnorthdown.gov.uk
wesley.irvine@ardsandnorthdown.gov.uk
peter.johnson@ardsandnorthdown.gov.uk
colin.kennedy@ardsandnorthdown.gov.uk
janice.macarthur@ardsandnorthdown.gov.uk
carl.mcclean@ardsandnorthdown.gov.uk
stephen.mcilveen@ardsandnorthdown.gov.uk
richard.smart@ardsandnorthdown.gov.uk
marion.smith@ardsandnorthdown.gov.uk
philip.smith@ardsandnorthdown.gov.uk

eddie.thompson@ardsandnorthdown.gov.uk

Armagh Banbridge and Craigavon Councillors

keith.parke@armaghbanbridgecraigavon.gov.uk

ian.wilson@armaghbanbridgecraigavon.gov.uk

paul.greenfield@armaghbanbridgecraigavon.gov.uk

margaret.tinsley@armaghbanbridgecraigavon.gov.uk

gareth.wilson@armaghbanbridgecraigavon.gov.uk

mark.baxter@armaghbanbridgecraigavon.gov.uk

darryn.causby@armaghbanbridgecraigavon.gov.uk

stephen.moutray@armaghbanbridgecraigavon.gov.uk

lavelle.mcilwrath@armaghbanbridgecraigavon.gov.uk

sam.nicholson@armaghbanbridgecraigavon.gov.uk

glenn.barr@armaghbanbridgecraigavon.gov.uk

ian.burns@armaghbanbridgecraigavon.gov.uk

jill.macauley@armaghbanbridgecraigavon.gov.uk

kenneth.twyble@armaghbanbridgecraigavon.gov.uk

gordon.kennedy@armaghbanbridgecraigavon.gov.uk

jim.speers@armaghbanbridgecraigavon.gov.uk

kyle.savage@armaghbanbridgecraigavon.gov.uk

louise.mckinstry@armaghbanbridgecraigavon.gov.uk

julie.flaherty@armaghbanbridgecraigavon.gov.uk

Causeway and Glens Councillors

philip.anderson@causewaycoastandglens.gov.uk

Joan.Baird@causewaycoastandglens.gov.uk

Aaron.Callan@causewaycoastandglens.gov.uk

william.duddy7@btinternet.com

Mark.Fielding@causewaycoastandglens.gov.uk

John.Finlay@causewaycoastandglens.gov.uk

Norman.Hillis@causewaycoastandglens.gov.uk

Richard.Holmes@causewaycoastandglens.gov.uk

sandra.hunter@causewaycoastandglens.gov.uk

Michelle.Knight-McQuillan@causewaycoastandglens.gov.uk

john.mcauley.dup@gmail.com

William.McCandless@causewaycoastandglens.gov.uk

Thomas.McKeown@causewaycoastandglens.gov.uk

Sharon.Mckillop@causewaycoastandglens.gov.uk

Alan.McLean@causewaycoastandglens.gov.uk

garvaghdup@hotmail.co.uk

Alan.Robinson@causewaycoastandglens.gov.uk

edgar.scott@causewaycoastandglens.gov.uk

russell.watton@causewaycoastandglens.gov.uk

Darryl.Wilson@causewaycoastandglens.gov.uk

Derry & Strabane councilors

allan.bresland@derrystrabane.com

maurice.devenney@derrystrabane.com

darren.guy@derrystrabane.com

derek.hussey@derrystrabane.com

keith.kerrigan@derrystrabane.com

hilary.mcclintock@derrystrabane.com

ryan.mccready@derrystrabane.com

david.ramsey@derrystrabane.com

graham.warke@derrystrabane.com

Fermanagh and Omagh Councillors

howard.thornton@fermanaghomagh.com

keith.elliott@fermanaghomagh.com

robert.irvine@fermanaghomagh.com

paul.robinson@fermanaghomagh.com

victor.warrington@fermanaghomagh.com

diana.armstrong@fermanaghomagh.com

paul.stevenson@fermanaghomagh.com

alex.baird@fermanaghomagh.com

bert.wilson@fermanaghomagh.com

errol.thompson@fermanaghomagh.com

matthew.bell@fermanaghomagh.com

allan.rainey@fermanaghomagh.com

mark.buchanan@fermanaghomagh.com

Lisburn & Castlereagh Councillors

james.baird@lisburncastlereagh.gov.uk

thomas.beckett@lisburncastlereagh.gov.uk

scott.carson@lisburncastlereagh.gov.uk

jonathan.craig@lisburncastlereagh.gov.uk

jim.dillon@lisburncastlereagh.gov.uk

david.drysdale@lisburncastlereagh.gov.uk
allan.ewart@lisburncastlereagh.gov.uk
andrew.ewing@lisburncastlereagh.gov.uk
andrew.gowan@lisburncastlereagh.gov.uk
michael.henderson@lisburncastlereagh.gov.uk
stuart.hughes@lisburncastlereagh.gov.uk
john.laverty@lisburncastlereagh.gov.uk
hazel.legge@lisburncastlereagh.gov.uk
uel.mackin@lisburncastlereagh.gov.uk
caleb.mccready@lisburncastlereagh.gov.uk
ross.mclernon@lisburncastlereagh.gov.uk
tim.mitchell@lisburncastlereagh.gov.uk
john.palmer@lisburncastlereagh.gov.uk
jenny.palmer@lisburncastlereagh.gov.uk
paul.porter@lisburncastlereagh.gov.uk
sharon.skillen@lisburncastlereagh.gov.uk
alex.swan@lisburncastlereagh.gov.uk
james.tinsley@lisburncastlereagh.gov.uk
nicholas.trimble@lisburncastlereagh.gov.uk

Mid and East Antrim Councilors

Ald.Wales@midandeastantrim.gov.uk
Ald.Carson@midandeastantrim.gov.uk
Cllr.Armstrong@midandeastantrim.gov.uk
Ald.McDonald@midandeastantrim.gov.uk
Cllr.Gordon@midandeastantrim.gov.uk
Cllr.Gaston@midandeastantrim.gov.uk
Ald.Nicholl@midandeastantrim.gov.uk
Ald.McNeilly@midandeastantrim.gov.uk
Cllr.Adger@midandeastantrim.gov.uk
Cllr.Collins@midandeastantrim.gov.uk
Cllr.Jamieson@midandeastantrim.gov.uk
Cllr.Frew@midandeastantrim.gov.uk
Ald.Cherry@midandeastantrim.gov.uk
Cllr.McCaughey@midandeastantrim.gov.uk
Ald.Ashe@midandeastantrim.gov.uk
Cllr.Johnston@midandeastantrim.gov.uk
Cllr.McDermott@midandeastantrim.gov.uk
Cllr.RStewart@midandeastantrim.gov.uk

Cllr.Clarke@midandeantrim.gov.uk
Cllr.Smyth@midandeantrim.gov.uk
Cllr.Morrow@midandeantrim.gov.uk
Cllr.AWilson@midandeantrim.gov.uk
Cllr.Hadden@midandeantrim.gov.uk
Cllr.MCollins@midandeantrim.gov.uk
Cllr.PJohnston@midandeantrim.gov.uk
Cllr.McKeen@midandeantrim.gov.uk
cllr.turner@midandeantrim.gov.uk
Ald.Reid@midandeantrim.gov.uk

Mid Ulster Councillors

kyle.black@midulstercouncil.org
frances.burton@midulstercouncil.org
meta.graham@midulstercouncil.org
wills.robinson@midulstercouncil.org
william744@btinternet.com
mark.glasgow@midulstercouncil.org
trevor.wilson@midulstercouncil.org
kim.ashton@midulstercouncil.org
walter.cuddy@midulstercouncil.org
clementcuthbertson@hotmail.co.uk
dupmagherafelt@gmail.com
mcleanpaul@me.com
anneforde18@gmail.com
derekmckinney71@gmail.com
roberttcolvin@icloud.com

Newry & Mourne Councillors

robert.burgess@nmandd.org
william.walker@nmandd.org
kathryn.owen@nmandd.org
alan.lewis@nmandd.org
david.taylor@nmandd.org
glyn.hanna@nmandd.org
harold.mckee@nmandd.org

Belfast City Councillors

buntings@belfastcity.gov.uk

Fred.Cobain@belfastcity.gov.uk
copelands@belfastcity.gov.uk
george.dorrian@belfastcity.gov.uk
hairt@belfastcity.gov.uk
carole.howard@belfastcity.gov.uk
john.hussey@belfastcity.gov.uk
hutchinsonb@belfastcity.gov.uk
kellytracy@belfastcity.gov.uk
kylej@belfastcity.gov.uk
mccoubreyf@belfastcity.gov.uk
mcculloughd@belfastcity.gov.uk
newtona@belfastcity.gov.uk
pankhurstd@belfastcity.gov.uk
rodgersj@belfastcity.gov.uk
tommy.sandford@belfastcity.gov.uk
gareth.spratt@belfastcity.gov.uk
vernernicola@belfastcity.gov.uk