



Transferor Representatives' Council (TRC)

Response to consultation on Policy Paper 21

Sectoral Support Post-RPA

14th December 2007

The TRC welcomes this opportunity to comment on the above paper and offers the following comments arranged under the section-headings provided within the policy paper.

Key points of response:

- The TRC welcomes the opportunity provided by RPA of redressing the inequalities in funding presently existing between the various sectoral groups.
- Transferors are key stakeholders within the controlled sector and a significant voice, representing along with others a visible sign of Christian ethos within these schools.
- The TRC is dismayed by the lack of sensitivity of language used within the paper to describe the ethos and identity of schools in the Controlled sector.
- Transferors question the use of ownership as a model for categorising schools, in the context of all schools in NI being 100% funded.
- The failure of the Department to publish Policy Paper 20 (dealing with the future ownership of publicly owned schools) creates a difficulty for the TRC in commenting on post-RPA Sectoral Support in any meaningful way.
- Transferors believe they are historically and organically linked to the whole controlled sector of primary and secondary schools. They believe the proposal to divide the controlled sector into transferred and publicly-owned school is wrongly based.
- The TRC therefore seeks a more cohesive model of support for the controlled sector which enables its distinctive inclusive character and essential Christian ethos to be retained and developed.
- If resourced with professional support the TRC could offer a more coherent and professional contribution especially in areas such as: identification and nomination of governors,

planning for the controlled estate, developing models of shared education, ownership and ethos matters etc.

- Transferors believe that sectoral support is poor exchange for loss of governance rights, and that they will have most to lose if Sectoral support is not continued after the first 4 years, ie in such circumstances Transferors lose both rights of representation and funding. (See table on page 9).

BACKGROUND

The TRC agrees that in policy development it is important that the Department continues to be informed of the views of the full range of stakeholders. The creation of an Education Advisory Forum as a 'unified interface' for receiving advice from the various sectoral interests is to be welcomed as a place where all voices can be heard. However, the TRC is sceptical about whether groups will be able to rise above their self-interest sufficiently to enable such a forum to find consensus on many issues. It would be important to continue to stress that the Forum will not be the only channel of communication between the Department and sectors.

What are 'Sectoral Interests'?

The TRC welcomes the opportunity provided by RPA of redressing the inequalities in relationships, roles and funding presently existing between the various sectoral groups. Protestant church transferors have for several decades urged the Government to address the injustice that they receive no statutory support in the work they undertake within the controlled sector whereas the Maintained, Integrated and Irish Medium sectors have been so supported to a considerable level.

Transferors believe that they are key stakeholders within the controlled sector and a significant voice within that sector, representing along with others a visible sign of Christian ethos within these schools. It is important to note that controlled schools are not secular schools, they are state funded yet church-related. Transferors believe this Christian ethos is part of the essential character of controlled schools; guarantees of the continuity of this ethos were established decades ago in the representational arrangements of transferors on school boards of governors. We believe that many parents and teachers share this understanding of the ethos of controlled schools and value its essential characteristic in the schooling of children in NI.

Therefore the council is astounded and dismayed at the profound lack of sensitivity in the language used to describe the controlled schools in this paper, eg. *'Controlled schools **are not a recognised sector as such. They are the schools that do not fit into any other category and are owned and managed by government. They lack the sense of shared identity and ownership that is evident in other sectors**'*.

It must be acknowledged that *de facto* controlled schools are attended mainly by protestant pupils; to fail to acknowledge in a government policy paper the identity of the Christian ethos expressed through Protestant church representation on the Boards of Governors of these schools, is offensive to transferors.

Transferors also question why ownership is used as a model for categorisation of schools within the context of almost all schools in NI being 100% funded by the state. Further, the failure of the Department to publish Policy Paper 20 (Ownership of Publicly-

Owned schools) creates a difficulty for the TRC in commenting on post-RPA Sectoral Support in any meaningful way.

Transferors believe strongly that they are organically linked to the whole controlled sector. They resent the very limited understanding of their role present within the RPA papers. Technically churches transferred only a portion of what is now the controlled schools estate; however Government has always recognised that they have a legitimate role to play across the controlled sector. The 1968 Education Act in particular enshrined that transferors have rights of nomination to Boards of Governors on all primary and secondary schools. At the time, this Act was seen as a balancing of treatment as Catholic schools received an increase in their capital funding to 85% (subsequently raised to 100%). It is vital for purposes of equity that the two largest communities in NI receive parity of protection of the foundations of their schools' distinctive Christian character. This has particular relevance when considering the proposals under **'Who should receive support?'** - see below.

Why Support Sectoral Interests?

The TRC agrees that the involvement of sectoral interests has had a positive impact on schools; in the case of the controlled sector, transferors have maintained a long standing interest, community link and commitment to these schools.

Policy Paper 21 recognises the significant benefit derived from the involvement in sectoral interests in education. It seems however to fail to understand the significant role that the transferring churches perform in the controlled sector as a whole, believing their influence only affects those schools which were directly transferred by the churches. It fails to appreciate the fact that transferors also influenced the development of all primary and secondary schools in

the sector. The difficulty in commenting on proposals for supporting sectoral interests is that they do not deal with the concern which would appear to be a fait accompli i.e. that church transferors will lose their statutory voice in the controlled sector by comparison with the continued protection of the Catholic voice in the Maintained Sector.

The TRC recognises that it is limited in the advice and voice it can currently provide. It is not professionally supported and believes it is disadvantaged when compared to some other sectors that have enjoyed professional support over many years. The TRC relies upon the expertise of its volunteer members and has access to only part-time secretarial help from one of the church education secretaries. It is severely disadvantaged by these limitations and believes that resourced with professional education support it can offer a more coherent, better informed contribution to policy discussion.

Working assumptions

TRC agrees with the general principles which underpin the proposals for sectoral support and readily acknowledges that as one of the key objectives of RPA is to increase the effectiveness of administration, that the quantum of support is necessarily modest. This has been recognised in the Council's business plan submitted in October 2007. The TRC believes that a support body representative of the entire controlled sector is required; this matter is addressed later under 'Who should receive this support?'

Activities to be supported

The role of sectors in helping to develop models of sharing and cooperation is welcomed by TRC. The churches as community leaders have an important role in encouraging support for such initiatives within the context of the Shared Future vision. Such

encouragement will require increased capacity for the churches to develop field work among controlled schools.

TRC welcomes the proposal to support the identification and nomination of governors. The transferor churches currently provide a pool of approximately 2000 volunteer governors for the controlled sector. At present this nomination administration is undertaken by the churches' boards of education; although the process is cyclical (every four years), there is a constant maintenance element to this work as governors retire, or choose to leave for other reasons. This process of identification and nomination of governors will require efficient administrative support in order to provide for the smooth running of schools' boards of governors especially as their responsibilities increase following the RPA proposals for governance.

The TRC presently works with ELB governor support staff to provide occasional transferor governor training; the TRC plans to further develop this aspect of its role by promoting the distinctive contribution of the transferor governor to the ethos and values espoused by a controlled school.

The council has agreed with the Bain recommendation that area-based planning will be a vital process in the provision of schools in the future. Sectoral Support will also enable the TRC to have an increased capacity to contribute to the planning of the future of schools, in particular as a key stakeholder for the controlled sector. Future collaborative school projects will require courageous leadership within Boards of Governors; transferors are willing to play their full part in such leadership. They believe they have a very real contribution to make to confidence building in developing ideas around sharing provision.

Who should receive this support?

The TRC strongly objects to the Policy Paper's division in the controlled sector of Transferred schools and Publicly-owned schools. This is a persistence of the department's choice of the model of ownership as a basis for awarding the status of foundation governors. In the view of transferors the legal grounds for this model are still uncertain and in particular the model fails to account for the reality that almost all schools in NI are 100% funded by the state. This has been the case since 1993 when the Catholic Church was awarded full funding in return for an alteration in the governance arrangements of its schools.

This unprecedented division of the controlled sector into two also fails to recognise the historic and organic link between transferors and all primary and secondary controlled schools, recognised by government in the 1968 Education Act. For many decades now church transferors have been major stakeholders and contributors to the development of all of these schools. Such church involvement was all the more remarkable as it has been entirely voluntary and never had the benefit of statutory professional support.

Policy Paper 21 is wrongly based upon an imaginary and flawed division of the controlled sector into Transferred schools and publicly owned schools. From a very practical view point it must be realised that there could be immense difficulties in identifying which category (transferred or provided), schools should be placed. Preliminary investigations by the TRC indicate that very few actual buildings which were transferred are currently retained under the control of the Area Boards for use as schools – most of this stock of schools has already been returned to the churches and new

superseded schools built as reorganisation and development has progressed.

It is some little comfort that the Department will recognise transferors on superseded schools, however as mentioned above the history of many amalgamations is a complex one and complete records may not be available. This has already been pointed out by the TRC to the Department and to date no information has been provided to indicate how many schools transferors might expect to be retained as foundation governors. The TRC believe this to be a very small number of primary schools only. The remainder of the present controlled sector would thus be re-designated effectively as having no statutory presence of the Protestant churches.

It is important to consider the effect of RPA upon the various sectors and contrast status, function and support before and after the proposed RPA reforms.

Sector	Current arrangements		Post RPA	
	Sectoral support	Statutory representation for Church governors (All schools)	Sectoral support	Statutory representation for Church governors (All schools)
Controlled	No	Yes	Yes	No
Maintained	Yes	Yes	Yes	Yes

The TRC believes this to be a totally inequitable outcome which delivers protection of Christian ethos as of right in only one sector education namely in Catholic schools. The TRC recognises that a Christian ethos depends on a number of factors including statutory church representation on Boards of Governors. However in the

view of the council, the only way continuity of such Christian ethos can be assured is through statutory provision of church nominees on the membership of the Board of Governors.

It is difficult to escape the conclusion that the RPA proposals are directed towards providing a schools sector which has had the Protestant church ethos removed as of right. The Council believes that many parents and staff will empathise with its concerns and be alarmed at the consequences of these proposals. The TRC believes that there must be another method of devising governance which does not lose the significance of the original transferor pledged agreements that there would be a continuity of Christian ethos in all state controlled primary and secondary schools whether provided by the state itself or transferred by churches.

In addressing sectoral support for the Controlled sector, transferors are grateful that their right for statutory support has at last been recognised, after many decades of discussing this inequality with the Department and successive government ministers. However it is the view of the TRC that a representative body for the entire sector should be formed. Transferors would wish to be a key stakeholder in such a grouping which might also include parents, staff and community members. Full support for the entire sector could thus be created to act as a champion for the presently designated controlled sector, in policy and operational areas such as advocacy, planning the schools' estate, developing collaboration, nominating governors etc.

The TRC therefore urges the Department to develop a more cohesive model of support for the controlled sector which enables its distinctive inclusive character and essential Christian ethos to be retained and developed. The support model for the controlled

sector is also linked to the future ownership of such schools. To date the Department has not published RPA Paper 20 which deals with this issue. The TRC urges the release of this paper for full consultation.

Quantum of support

The TRC acknowledges that in the context of maximising funding for front-line services, support should be modest; however it believes that such support is poor exchange for the loss of governance rights which accompany the proposals. The TRC therefore continues to challenge the Department on its legal rationale for awarding foundation governors on the basis of ownership. The TRC is also alarmed that given the uncertainty of funding beyond the first four years, should this be withdrawn, transferors would suffer the greatest loss of all sectors. The table set out at page 9 demonstrates that such a situation would result for transferors in a catastrophic loss of governance rights and support funding.

Proposal for Allocation process

In order to obtain funding the sectors will be required to submit a robust business case setting out and justifying their requirement for professional support. The funding will then be offered subject to the business case for 1 year with a review and then a 3 year business plan. There is absolutely no guarantee that sectoral support will continue after 4 years. In those circumstances it is quite clear that there is the likelihood of an erosion of the whole area of sectoral support whilst the actual current arrangements will continue in place unaffected i.e. a Christian ethos within Catholic Education will be protected whilst a Christian ethos within schools attended mostly by Protestant children will not.

APPENDIX

Comments on the Policy Screening Accompanying the Sectoral Support Post RPA Policy Document 21.

The TRC has difficulty in commenting in any meaningful way on the Equality Screening of the Policy set out in paper 21 in view of the relationship between post RPA sectoral support and current/proposed arrangements for school governance generally.

Initial policy screening in relation to review of school governance arrangements at the outset of the process failed to identify the obvious and considerable adverse impact of the ownership model chosen by the department and hence is so fundamentally flawed that subsequent screening of post sectoral support is regrettably of little significance. Indeed, the flaw is such that a full equality impact assessment was not considered necessary and hence there was no exploration of other models with a less discriminatory effect.

The table set out at page 9 of the TRC response to Policy Paper 21 clearly shows the discriminatory impact of the governance arrangements under RPA.

Hence it is the TRC's considered view that it would be timely for the Department of Education to carry out a full equality impact assessment of the implications of its ownership model which underpins the entirety of the RPA proposals and the governance arrangements. It is also suggested that it would be appropriate to consider alternative models, such as one based on funding, to mitigate the discriminatory impact of RPA on the sector of schools generally attended by Protestant pupils.