

**Submission to the Advisory Group of the National Forum on
Patronage and Pluralism in the Primary Sector
by
The Board of Education of the Church of Ireland
June 2011**

1. Introduction

The Board of Education of the Church of Ireland recognises that a common duty exists, inter alia, “to promote the right of parents to send their children to a school of the parents choice having regard to the rights of patrons and the effective and efficient use of resources” (Education Act 1998, 6 (e)). The Board believes that this provision in the Education Act provides the foundation for approaching school patronage and pluralism and that its conceptual rationale is that the provision, operation, management and pedagogy of education is the collaborative right and duty of all involved in that venture. The enterprise of education is therefore multi-dimensional in both its delivery and involvement. In convening the forum on patronage, the Minister for Education is providing an opportunity for Irish society to reflect on how the enterprise and venture of educational provision should reflect the realities of diversity in modern Irish society. The Board welcomes the opportunity to engage in this debate. We recognise that Irish society has become increasingly diverse in cultural, ethnic and religious terms in recent years. The Church of Ireland, as a Reformed Christian Church, sees itself as a significant part of diversity in Irish society. Indeed, as a Church, the Church of Ireland is in Communion, through the Porvoo Agreement, with Lutheran Churches in Northern Europe and is also in Communion with the Methodist Church in Ireland. As recently as September 2010 the Church of Ireland hosted an Inter-Faith initiative on Christian Unity and Dialogue. Through these inter-church alliances and initiatives the Church of Ireland works hard to share its faith and enrich its cultural distinctiveness. As such, the Church of Ireland and the other Protestant Churches in Ireland are actively a part of diversity in modern Irish society. This Board, through this written submission and the oral submission to follow, looks forward to contributing to the Ministers vision to enhance recognition of diversity and pluralism in the provision of Irish primary level education.

2. Establishing Parental and Community Demand for Diversity

Irish education “is conducted in a spirit of partnership between schools, patrons, students, parents, teachers and other school staff, the community served by the school and the State” (Education Act 1998). That partnership and collaboration should be evident in the relationships between all stakeholders in the school community. This Board is of the view that the patronage of a school can only be viewed through such a prism. The rights of parents are an essential part of the collaborative partnership of the school. Church of Ireland schools exist primarily to serve the community of the Church of Ireland and the other Protestant Churches. Their right and mandate to do so is founded upon the legal and moral right of parents in our Church to have their children educated within their Christian ethos. The role of the Patron in Church of Ireland schools is to ensure that the school remains true to the Christian principles of its foundational theology. For a community which is spatially dispersed and demographically small, the primary school is essential to the mission of the Church. Each school therefore serves the local Church of Ireland and broader Protestant community in a number of ways: Church of Ireland and Protestant parents can access a school of their own religious denomination; the Church – as a group of Christian believers – can transmit the faith and culture of the community to the next generation; as a religious minority group, the school is a point of group solidification; also as a minority group, the school gives a presence to Irish Protestants in Irish society in a manner that recognises equal citizenship and also recognises and values their distinctive identity. The Patron of a Church of Ireland school, who might also be a parent, has the responsibility as part of their ministry within the Church to be the guardian and the guide of the expression of the faith of the Church in the life of the school. The school staff, in their upholding of the school ethos, are charged with the transmission of this faith expression and community identity to the pupils and must, therefore, be active participants and support the Patron in carrying out his responsibility.¹

3. Divesting of Patronage and Church of Ireland Primary Schools

¹ For the sake of convenience a Patron is referred to in this document as “he”. While the majority of Patrons in Irish Primary Education are Bishops and male, it is also the case that the Boards of limited companies, charities, individuals, and committees are also recognised as Patrons.

In considering a situation where the divesting of a Church of Ireland primary school might be contemplated, there are a number of stakeholders who would have to be canvassed and considered along with the consideration of what is good for the Church community in the long term, while recognising that, in law, the ultimate decision rests with the Patron of the school. Yet, the democratic and consultative nature of the Church of Ireland promotes a culture of respect for the views of fellow members of the Church. This commitment to democratic consultation is also characteristic of the other Protestant Churches. In contemplating divesting a Church of Ireland school to another patron body, the Patron would be inherently mindful of the will of the people of their Church community whether that be within the school community, or the specific parish or diocese gathered in Synod. This Board wishes to stress to the Advisory Group that the Patronage of a Church of Ireland primary school is strongly bound up in the life of the Church and that consequently, the divesting of a primary school to another patron body would be a matter that would require careful consideration and reflection.

4. Contextual background: Identity and Church of Ireland Primary Schools

This Board believes that the Advisory Group can learn much from the model of primary school provision that is currently in operation in Church of Ireland and Protestant primary schools. While they are obviously similar to other denominational schools, Church of Ireland schools have a number of key differences. In the first instance they are often closely related to the local parish. They are therefore connected and deeply embedded in the life of the local faith community. The identity of Church of Ireland schools is therefore bound up with the faith of the Church in Christ as Lord and Saviour. This marks our schools out as being clearly religiously denominational schools. In the daily life of the school the teaching of the Follow Me RE curriculum underlines the school as a place of religious faith in the Reformed tradition. However, specific faith formation remains a matter for the parish through the Sunday School. The preparation of candidates for Confirmation and participation in Holy Communion, whether young people or adults, remains the responsibility of the local parish clergy and is augmented by the work of the Sunday School Society. The RE curriculum in the school is about broad reformed Christian faith awareness but the Sunday school at parish level is about faith formation. This gives the school the freedom to be a place of faith discovery without the additional work of preparation

for matters of specific denominational faith formation. Yet the school remains very much a religious and denominationally religious school. It is current practice in Church of Ireland primary schools that a general Christian RE curriculum is taught while local arrangements have facilitated Roman Catholic pupils having Sacramental preparation either during the school day or immediately after it. This Board is of the view that should the complex and difficult project of the divesting of existing primary schools prove insurmountable, that the current model of RE in Church of Ireland primary schools might provide the basis for a more nuanced approach that may well fulfil difficulties encountered in rural areas where divesting to another patron body might not be practical.

The ethos of Church of Ireland schools is inclusive. It encourages and celebrates diversity of Christian religious belief while recognising the search for the Divine can take many forms. The focus of school life is to make the pupil aware of the citizenship of being a member of the Church. This is what gives identity to both the school and the individual pupil. We wish to emphasise to the Board that in attempting to divest itself of a school, the Church of Ireland community would be removing from itself the opportunity to make its children aware of their Church of Ireland or other Protestant faith and heritage. This would constitute a significant deprivation for the children of that community as a Church of Ireland and Protestant faith and heritage is frequently overshadowed by not only majority religious faith but also groups with a secular agenda. Therefore divesting a Church of Ireland or Protestant school could only occur where it was clear that the school no longer had that opportunity, and specifically that the parents and staff of the school were clearly not in support of the school continuing as a Church of Ireland School and also that the parish congregation shared that view. In such a situation the identity and ethos of the school as a Church of Ireland school would be compromised and this Board would not wish such a school to persevere in the face of such a reality. However, we have no indication that such a situation exists in any of our 176 schools and neither has any Church of Ireland, Methodist, Presbyterian or Quaker (Friends) Patron indicated to this Board that such a situation exists.

As mentioned above, the ultimate decision on the Patronage of a school rests with the Patron. For the Patron to make such a decision they would have to have reliable and

verifiable quantified information and have concluded a protocol of widespread collaboration among the schools stakeholders. We submit to the Advisory Group that such a protocol would have to be agreed by all stakeholders (Patrons, Management bodies, Parent representative groups, the local parish or group of parishes, the Diocese, the Departments of Education and Children and others) as a first phase in contemplating divesting of patronage from one patronage body to another.

5. Education Partnership and Patronage

It has long been common in Church of Ireland and Protestant primary schools that the religious denomination of some or many of the children in the school has not been of a Reformed or Protestant denomination. The Church has long respected the rights of parents in choosing a school which they considered appropriate to how they wished to educate their children. Indeed this Board believes that our schools and therefore our Church has been greatly enriched by this development. It is testament to the fact that pluralism and diversity can be achieved under religious denominational Patronage. This Board wishes to put on record with the Advisory Group how much it admires the way in which the Roman Catholic primary schools across the country also cater for religious diversity within the Catholic religious ethos of their schools. Indeed we admire the vision of the Archbishop of Dublin, His Grace, The Most Rev. Dr. Diarmuid Martin for initiating the establishment of this National Forum on Primary School Patronage and Pluralism. For the last forty years there has been co-operation among Church of Ireland, other Protestant and Roman Catholic Primary schools across the State in facilitating Sacramental preparation for Roman Catholic pupils in Church of Ireland schools and this has been reciprocated by both a sensitivity and celebration of the religious beliefs of Church of Ireland and Protestant pupils in Roman Catholic primary schools. It is important to highlight, we believe, that the spirit of ecumenical partnership between our schools within the one denominationally demarcated education system has facilitated diversity and pluralism for many years and for many generations of parents and pupils across the country. In this context and where divesting to another multi-denominational or non-denominational patronage body is appropriate but cannot be easily facilitated, this Board and/or the existing Church of Ireland Patrons would be open to exploring ways by which these current ecumenical relationships could be developed to advance parental choice. We would submit that this is not an unrealistic proposition. This would especially be relevant to

the establishment of new schools where the local community desires religious denominational education but which is not only of one religious denomination. Joint Patronage would also seem to be a possibility between the Church of Ireland and multi-denominational patronage bodies which are comfortable with faith expression and worship forming part of the school day. While this Board recognises that attempting to reflect the increased diversity in Irish society will include not just Christian religious denomination but also socio-economic status, ethnicity, gender, nationality, and the broad range of abilities, the Church of Ireland is open to exploring ways where it might contribute to an increase in diversity of school type. Under the “Forum Terms of Reference” item one indicates that the Minister is expecting from the Advisory Group advice on how best to provide for “primary schools catering for all religions and none”. This would imply that the Minister has already considered the issue of school patronage and is predisposed to a multi-denominational type of schooling. We look forward to it being clarified at the Forum that Minister is, through this Forum, seeking to explore how all current primary school patrons can co-operate in a spirit of partnership to provide a diversity of primary school provision, as required under the Education Act 1998, while at the same time, in true pluralism, having their own ethos recognised by the other.

6. Divesting of Patronage: Issues for consideration in making the decision to divest:

The decision to divest a school to another patron is not a decision that can be done lightly. The existing Patron has a duty and responsibility to take a long term view of the role of the school in the specific community in maintaining cultural distinctiveness and facilitating future parental choice. After all, in the case of our schools, if a school is divested to another Patron it is unlikely that the Church of Ireland will ever be in a position to establish another school to replace it. The Patron must be certain that he is following the overwhelming desire of the school and parish and that the decision is prudent in the long term. We are of the view that this can only be done through independently conducted quantitative surveys of all the parents and staff in the school and, including also the broader community of the parish. In our view the Advisory Group should seek the advice of professional social researchers as to how such an exercise should be undertaken to avoid bias. We are also of the view that this research should be conducted an agreed number of times so the Patron can be sure that it is the will of all the stakeholders in the school over a time period and not just a specific

cohort. There is a great danger in conducting a survey which indicates a certain course only to discover with time that the wrong decision was taken. This Board is of the view that while the views of parents are essential, they cannot over-ride the responsibility which the Church confers upon the Patron and neither can they over-ride the views of school staff, the local parish and the diocese. We believe this balancing of rights should be done in a formal way in order to avoid a situation where a patron may be placed under a “moral pressure” to divest a school simply because it may seem popular to do so. Nevertheless, we believe that unless such research is available to inform the decision of the Patron that the discontent a “top down” approach would cause might destroy a school community, resulting in the learning environment being compromised and staff-parent relationships being damaged.

The centre of the school is the child. As members of a faith community with a focus on education, this Board wishes to highlight to the Advisory Group the importance of the Religious Education curriculum in the school. As mentioned above, we do not see a difficulty with having a (general) Christian Religious Education curriculum being offered in a school under a specific religious denominational patron. Indeed, that is the current practice in our primary schools. In the context of divesting of a school, we feel it is the duty of the divesting Patron to ensure that the Religious Education curriculum in the divested school is sufficiently religious and prayerful to reflect the fact that there is likely to be parents who still wish their children to receive an education in the context of the ethos in which the child was initially enrolled in the school. That Patron would also have to be mindful that there are likely to be future parents who are members of the Church who would wish their children to be educated within their own religious ethos. Unlike the Roman Catholic school Patron, the Protestant school Patron who’s number of schools are likely to be small in comparison, has a duty to ensure that the choice of a Church of Ireland and Protestant school is not lessened beyond its current levels. In this context, this Board believes that the State should be engaging with the Protestant Churches as to how more parents from minority faiths can access schools that are appropriate to their religious faith.

In making the decision to divest a school, a patron must have regard to the wishes of the staff of the school. We are of the view that this should be done by way of a series of meetings when the survey of parents is complete. We are also of the view that it

would be imprudent to force the divesting of a school where the staff of the school wish to continue to work and are comfortable with the prevailing ethos of the school. The Board of Management of the School is a corporate entity recognised in law and the rights of the Board in determining the future of the school are essential to considering whether or not a school should be divested to another patron body. While the Patron may dissolve a Board of Management, we are not clear if he may do so simply on the grounds that a Board of Management objects to their Patron divesting his Patronage to another Patron Body. We would be of the opinion that legal advice should be sought by the Minister to clarify this issue since the Forum is being initiated by the Minister who is seeking Patrons to co-operate in any future plans to divest their schools which the Advisory Group might advise in its eventual report.

It is essential in our view that clear criteria for the consultation process be agreed and published. It is essential also that this criteria is carefully considered in terms of weighting of the attitudes and opinions amongst all the stakeholders in the school so that the rights of parents are balanced with the rights of Patrons and the Boards of Management and school staff. The numerical size of the parental body might very easily oversize the other stakeholders in the school and on the basis of a majority survey alone, the Patron may feel compelled to divest a school even though the school staff, the Board of Management and the Parish/wider Church are not in agreement. In our view this would be contra-pluralistic. As such, the Advisory Group must give close and detailed consideration to the gathering of data and the canvassing of opinion during the process of deciding to divest a school and must be mindful of the position of the Patron and his role and duty.

This Board is also of the view that the State must be mindful of the direction that the provision of Irish educational provision might take if widespread divesting was to be undertaken without a clear understanding of what the intended outcomes would be and who the divested groups would serve. At the moment there is, at primary level, a significant mix of ability and socio-economic groups which make for an egalitarian system of primary education. The State should be careful not to unwittingly facilitate the primary school system becoming an instrument of overt social engineering. As a faith group we would be greatly concerned if schools were to become delineated in such a way that State support and resources was to become focused on one type of

school over another resulting in Religious school being forced into increasing private fundraising. Developments in educational provision in other European countries, Africa, the USA and Australia can be highlighted as a warning on this issue. State funding and support must remain for schools who have chosen not to divest to another Patron body.

If it were the case that a Patron might take the decision to divest the Patronage of a school to another Patron body we are of the view therefore that a number of issues must be taken into account in making that decision. These include:

- The views of parents
- The views of the Board of Management
- The views of Staff
- Consultation with the Trustees of the school (if any)
- The provision of RE in the transferred school
- The long term effect on the community (as a whole) in making the school something else than what it already is.
- For the Church of Ireland: the role of the school in the life of the Church community and the education of future generations in the faith of the Church.

7. Transfer of Patronage: practical considerations:

At the launch of the Forum on Patronage, the Minister made it clear that divesting of schools could only happen on “cost neutral” basis. This would seem to present an acute difficulty for many primary school patrons since many of the existing primary schools – and certainly for most Church of Ireland Schools – are connected to the parish. The parish may have given the site for the school and may have given financial support in one way or another. It would be difficult to see how a parish would agree to the Patron divesting their school without it being compensated for the financial/economic contribution the parish community have made to the existence and maintenance of the school over many years. Indeed if the Patron is not the landowner it would appear that he might not have the right to divest the school to another patron body (who would be likely to be a limited company). Even if the land were owned by the State and where all stakeholders in the school were in agreement that the Patron would divest the school to another Patron body, the local parish might well consider it

their right to receive compensation for any financial contributions to the school. In such a circumstance, and since it is clear that the State is not in a position to consider providing such compensation, the obligation would logically fall to the proposed patron body. If it proves impossible to transfer the ownership of property to the “new” patron body then, logically, two options are: for the existing patron to lease the land and/or building (perhaps at a “peppercorn” rate) to the new patron body who would not be in a position to buy the land/buildings. If that was not possible then the State might consider acting as the leaser. In relation to compensation to a parish, it would seem that they only other “compensation” that might be given would be for the new patron to give an undertaking that the admissions policy of the school would ensure that children of the Parish and/or the Church and/or another Church would have priority entry on the admissions policy. There are therefore, some very practical considerations that would need to be considered by the Advisory Group. This Board is of the view that the Advisory Group is best placed to seek legal advice and any other professional advice necessary to fully consider matters of land and finances.

Consideration will also have to be given to the classification of schools as feeder schools for second-level. In the majority of cases, primary schools are designated as feeder schools for specific secondary schools on the basis of the compatibility of their ethos and often on the charisms of the founders of the secondary school. If a school was to be divested to another patron body, the existing Patron would have to ensure that such arrangements are considered since the parental choice of primary school can often be influenced by the status of the school as a feeder school at second level.

Once the decision to divest the school to another Patron body has been made, we are of the view therefore that there are a number of practical issues that will have to be considered in relation to the transfer of that Patronage: These include:

- The previous financial contribution of the local parish and wider church to the foundation, maintenance and support of the school.
- Clarification on the ownership of the land occupied by the school and the negotiation of compensation for that land should it not be in State ownership.
- Clarification and possible transfer of the Trustees of the school

- Arrangements in relation to the feeder status of the primary school to second-level
- Membership of the Board of Management of the school (are the existing Patrons nominees expected to resign when the patronage of the school is transferred?)
- Local arrangements in relation to use of other facilities held by the previous patron
- Local arrangements in place to facilitate Roman Catholic children in Sacramental preparation which may be affected by a change in Patronage.
- It would seem obvious that an agreement would have to be reached in relation to any legal or other professional costs incurred by the Patron and/or the Board in relation to the transfer of patronage specifically: legal advice; land registry searches; auditor's reports; survey research; administration, etc. In the opinion of this Board it would seem unfair and illogical for the existing patron to incur such costs.

This Board is of the view that while the decision to divest a school rests, ultimately, with the Patron of the school, the practicalities of how transfer of patronage should operate is more appropriately a matter for the Department of Education in consultation with the Education Management bodies which would be a pre-condition for considering divesting by the existing Patron.

8. Conclusion

The suggestions and comments made in this submission are made by this Board in the context of the invitation that was issued to us by the Minister for Education and Skills. We wish to make it clear that we are not aware of any Church of Ireland or Protestant school where there has been an expressed desire by parents, staff or the Patron to divest their school to another patron/patron body. Indeed, this Board wishes to highlight to the Advisory Group that we are of the view that Church of Ireland schools, as a network of religious minority schools embedded in communities across the country, is playing an active part in providing an option for parents who wish to educate their children in a school of a Reformed Christian denomination. The Board of Education of the Church of Ireland submits that Church of Ireland schools along

with the primary schools of the other religious minorities are already part of the diversity and pluralism that both Professor Coolahan and Minister Quinn spoke about at the launch of this Forum. We therefore greatly welcome the support and encouragement of the Minister and the Advisory Group in increasing the role that Protestant schools play in the Irish Education system.

Submitted by the Board of Education of the Church of Ireland.

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