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The Forum on Patronage and Pluralism – a Ten Year Review.

(Article submitted by Áine Hyland, Emeritus Professor of Education, University College Cork to the Education Matters Yearbook: September 2022.)

Ownership of National Schools in Ireland

National (primary) schools in Ireland are privately owned but publicly funded. In the case of more than 95% of schools their patrons are bishops (Catholic and Church of Ireland) and the owners of the buildings are diocesan trustees - Catholic, Church of Ireland, or trustees nominated by other churches. In the case of Educate Together schools and Gaelscoileanna set up in the past 40 years under the patronage of An Foras Patrúnachta the patron is a limited company.

All national schools which were built before the year 2000 are vested in trustees or in a Trust. Catholic national school are vested in a Diocesan Trust or trustees. On receipt of a government building grant, usually around 90% of the building costs, those Trusts or trustees signed an official lease stating that the building would be used for national school purposes for 99 years from the date of the lease. The leases were tripartite leases. The owner of the site was the first party to the lease; the Minister for Education was the second party, and the Trust or trustees were the third party. Trustees also committed to “repaying the unexpended value of the grant” if the school ceased to be used for national school purposes within a period of 99 years. In most cases, the first party to the lease i.e. the owner of the site, was also the diocesan Trust or trustees and after a period of 99 years, the lease would revert to the owner of the site.

The first multi-denominational school since the foundation of the state was set up by a group of parents and supporters in Dalkey, south Co. Dublin in 1978. Its patron was a limited company called the Dalkey School Project and the patron had to provide a temporary premises in which the school started and a site on which to build a permanent school. The movement for multid denominational schools grew throughout the country and initially each of the school had to have its own individual patron. An umbrella body, Educate Together was set up in 1984 and in the mid-1990s the Department of Education recognised Educate Together as a patron of national schools.

Deeds of Variation.

Following the passing of the 1998 Education Act, the Department of Education began to provide sites and buildings for national schools and to lease them to recognised patrons. During the negotiations with the churches leading up to the passing of the Education Act, the Department agreed to allow the old leases for national schools to be “varied” i.e. they agreed to Deeds of Variation – which legally recognised the denominational nature of Catholic and Protestant schools. Whereas prior to that date national school leases specifically precluded any such recognition, the Deeds of Variation of schools under the patronage of the Roman Catholic Church stated that

the schools should be managed “in accordance with the doctrines, practices and traditions of the Roman Catholic Church” that members of their boards of management should “make and keep themselves familiar with the ethos of the Roman Catholic Church and the Roman Catholic Faith insofar as the same relates to education and schools, and should “manage and cause the school to be managed in a manner which will uphold and foster such ethos”.

It is not clear whether all, some or any of the trustees of national schools under Catholic patronage have signed these Deeds of Variation, but if a Patron of a Catholic school wished to claim legal privilege in copper fastening the Catholic ethos of their school they could now do so.

The Forum on Patronage and Pluralism 2011 -2012.

In 2011, recognising that the demand for multi-denominational and non-denominational education was growing, the then newly elected Fine Gael/Labour government set up a Forum to report on “how it can best be ensured that the education system can provide a sufficiently diverse number and range of primary schools catering for all religions and none” and on the practicalities of achieving this.

In April 2012 the Forum, chaired by the late Professor John Coolahan, submitted its report to the then Minister for Education, Ruairi Quinn. Recognising that 96% of all national school were under denominational patronage (90% under Catholic patronage) the report stated that there was a mismatch “between the inherited pattern of denominational school patronage and the rights of citizens in the much more culturally and religiously diverse contemporary Irish society”. Its 174-page report provided valuable information on the then religious and demographic profile of national schools and identified the challenges that would have to be overcome to provide a religiously and culturally diverse education system. It pointed out that out of a total of 3,169 mainstream primary schools, only 58 were Educate Together schools and five were under the patronage of the then VECs.

It identified three different categories of schools which would be encountered when attempting to increase the number of schools under multi- or non-denominational patronage:- (a) schools in green-field areas where residential housing was being developed and in areas where additional school places were required (b) “catchment areas” where there were already a number of schools under the same patronage, but where it was unlikely that additional places would be required and (c) “Stand-Alone” schools, i.e. areas where there was only one school and where it was not envisaged that the demographic of those areas would require further schools to be set up.

Category (a); In the case of green-field areas and areas where the need for further school places had been identified, the report recommended that a register of parents of pre-school children be established. An independent survey should be carried out in these areas to provide an opportunity for these parents / guardians to indicate their preference for a type of school patronage. The Department would then proceed to provide the type of school sought by the majority of parents.

Category (b); In catchment areas where there were already a number of schools, a process should be set up to identify parental preferences and to move towards a

situation where at least one of the existing buildings under church patronage could be divested and transferred to a multi-denominational or non-denominational patron. Where very significant demand for a new school type had already been evidenced (and the Department at that time had evidence of 47 such areas) the report recommended that these areas should be prioritised and that the Department, in consultation with established patrons, should seek to find if a building could be made available from existing school stock.

Category ©: In relation to stand-alone schools, the report conceded that change of patronage could be problematic. It stated that where a stand-alone school community had gathered evidence that change of patronage was warranted “a calm reflective process should follow”. However, it made some recommendations about current school practices, especially those relating to denominational religious education. It recommended that “boards of management who are or may be accommodating children from diverse backgrounds in their school, should develop a school policy, in accordance with the Department’s Diversity Protocol and in consultation with parents, on the measures that the school will put on place to meet their obligations to children and parents.”

The report also recommended that sacramental preparation, or education for religious rites or other belief systems, should not encroach on the time allocated for the general curriculum. It recommended ongoing discussion with parents and clergy with regard to the parish role in sacramental preparation. It expressed the view that all children have the right to access a programme on Education about Religious Beliefs (ERB) and Ethics and that the State has the responsibility to ensure that this is provided.

While the report recognised that there was an urgency for action on divesting, it stated that “a big bang or radical upheaval approach” would not be advisable. It recommended that change of patronage should happen in a phased incremental way.

Ten years later what has been achieved?

The most recent statistics from the Department of Education show that in 2021 there were 160 multi- and non-denominational schools in the country out of a total of 3,104. In the last decade, the total number of mainstream schools declined by 55 from 3,159 in 2011 to 3,104 in 2021. 126 Catholic and 12 Church of Ireland schools closed (due to amalgamations and declining school population) while the number of multi-denominational schools increased by 80 in the same period. All newly established mainstream primary schools which opened in the last five years have been under multi-denominational patronage, and most of them started in temporary premises of various kinds ranging from private residences to warehouses to pre-fabs. However, despite these changes, Catholic schools still comprise the vast majority of primary schools, with 88.6% of schools having a Catholic ethos in 2021.

In terms of enrolments, the total enrolments in Catholic national schools increased by 23,342 while enrolments in multi-denominational schools increased by 12,934 in the same decade. Overall, the proportion of pupils in Catholic primary schools is still over 89%. However, in the past three years, enrolments in Catholic schools have fallen by more than 18,000 while enrolments in multi-denominational schools continue to grow, with more than 5,000 additional pupils in these schools in the past three years.

Progress since 2012 in the Various Categories:

Category (a) schools: In the first category of schools, the recommendations of the Forum on Patronage and Pluralism are being implemented by the Department of Education. Most of the new schools which opened in the last ten years are multi-denominational schools either under the patronage of Educate Together or the Education and Training Boards (ETBs).

Category (b): The situation has been very slow in the second category, i.e. legal divesting of existing church-owned national schools. In a statement issued in January 2022, the Department of Education stated that 20 new multi-denominational schools have been established under the patronage divestment process and a more recent “reconfiguration” process. In 2012, the Department identified 23 towns/areas in which there was clear and urgent demand for a multi-denominational school¹. These became priority areas for the Department.

Eleven of these areas now have Educate Together schools. Six of these are housed in former national school buildings which suggests that they were subject to a divestment or reconfiguration process. One school is housed in an old vocational/technical school. The other four schools are in various types of buildings which do not appear to have been national schools i.e. a business park building, a hotel, a private house etc. An existing Catholic school in Nenagh has (from September 2022) been transferred to the patronage of the ETB. No multi-denominational school has been set up in the other 12 towns/areas, in spite of ongoing campaigns by parents who are still seeking such a school.

While setting up a multi-denominational school in 23 areas and seeking to have some existing patrons divest one of their buildings, might not have appeared to be unduly daunting task when it was first mooted ten years ago, (indeed many people regarded it as too modest a target) it is disappointing that only eleven have been set up. It is particularly disappointing that only six were set up in buildings vacated by and made available by church bodies, in spite of the commitment of church and state to the principle of divestment².

Category ©: In the third category of schools i.e. stand-alone schools, while increasing numbers of such schools throughout the country have welcomed significant numbers of pupils from non-Irish and non-Christian backgrounds in the past ten years, and treated them with respect and esteem, the formal patronage structure of these schools remains unchanged. Teachers have responded with commendable alacrity to the diverse cultural, ethnic and religious balance in their classrooms, often with little or no additional support or resources, but the recommendations of the Forum on Patronage and Pluralism that a programme on Education about Religious Beliefs (ERB) and Ethics be offered in every school has not been implemented.

¹ The towns/areas were Fermoy; Castlebar; Dublin 12; Tuam; New Ross; Malahide/Portmarnock; Trim; Tramore; Ballina; Dublin 8; Westport; Arklow; Clonmel; Cobh; Dungarvan; Kells; Killarney; Loughrea; Nenagh; Palmerstown; Passage West; Shannon; and Dublin 9.

² In this regard it is relevant to note that in the 1980s, when this author was chair of Educate Together and when demand for multid denominational schools began to build throughout the country, six of the early Educate Together schools were housed in former church-owned national school buildings.

In recent days (September 2022) the Catholic Archdiocese of Dublin announced that preparation for the sacraments of First Communion and Confirmation will be moved to the parish rather than be undertaken in schools. However, it has made it clear that Catholic schools will continue to provide children with “an education in the sacraments” through junior infants and up to sixth class. There has been no statement from the Department of Education as to whether or when a programme on Education about Religious Beliefs (ERB) and Ethics will be made available to all schools.

The Future?

The Department of Education has set a target of 400 multi- or non-denominational primary schools by the year 2030. This would amount to about 13% of all primary schools. Given that the CSO population projections predict a fall in the number of pupils attending national (primary) schools in the foreseeable future, the Department is reluctant to commit to opening further multid denominational schools in addition to the existing Church-run schools and seems to be relying on divestment or reconfiguration to achieve its target. If the trend of the last ten years is to continue, where only one or two schools were divested every year, it is difficult to see how the target will be met.

Following the spring 2022 meeting of the Episcopal Commission, pilot arrangements were agreed between the bishops and the Department of Education involving the possible “reconfiguration” or transfer of eight Catholic schools to other patrons. The areas named were Arklow, Athlone, Cork, Dublin, Dundalk, Galway, Limerick and Youghal. Under the “reconfiguration” deal, the State will pay rent to the Catholic church for the school buildings that transfer to multi-denominational patronage under new 40-year leases. The church will retain ownership of the buildings and receive appropriate rents which will take into account that the schools may have benefited from State capital investment. The Department of Education has appointed a number of independent facilitators to undertake a process of negotiation with school communities. The work of these facilitators has recently commenced and is ongoing at the time of writing (September 2022).

Even if this process is successful, the task of reaching the government target of 400 multi- or non-denominational schools by 2030 will be challenging. And even if that target is met, there will still remain some areas of the country where there will be an unmet demand for such schools. The United Nations Expert Committee of the Rights of the Child has pointed out on more than one occasion that Ireland is in breach of the Convention on Human Rights by denying access to non-religious run schools to so many of its young people. And the Irish Human Rights and Equality Commission (IHREC) recently stated that “while the Commission has welcomed commitments by the State to establish more multi-denominational schools, it shares the UN Committee’s concerns about the slow progress to date.

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