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The Patronage of Schools.

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(Article submitted by Áine Hyland, Emeritus Professor of Education, University College Cork for ETBI's quarterly Magazine)

The evolution of the school patronage system in Ireland is different in the primary and post primary sectors. The patronage of primary (national) schools dates back to the foundation of the system in 1831 – although it was not until the Education Act of 1998 that the term was enshrined in legislation. The majority of national schools have both a patron and trustees (or a Trust) - usually two separate entities.

Historically, post-primary schools were not set up under a patronage system. Most voluntary secondary schools were owned by religious orders or congregations or by diocesan trustees and are nowadays owned and controlled by trustees or a Trust, although some are owned by individuals or companies. In the Education and Training Board (ETB) sector, neither the words patron nor trustees were used prior to 1998, as these schools were owned and run by sub-committees of local authorities.

The Education Act, 1998.

The concept of patronage was enshrined in legislation for the first time in 1998. Section 8 of the 1998 Education Act defines the patron of primary and post-primary schools as follows:

(i) The person who at the commencement of this section is recognised by the Minister as patron of a primary school, and

(ii) The persons who, at the commencement of this section, stand appointed as trustees or as the board of governors of a post-primary school and, where there are no such trustees or such board, the owner of the school.

The Act requires that the Minister for Education maintain a register of school patrons and that *"the Minister enter the name of every patron in the register".* In the case of schools recognised after the commencement of the act, the patron shall be "*the person who requested recognition of the school or a nominee of such person".*

The 1998 Act bestows considerable powers on the school patron. The patron determines the ethos or "characteristic spirit" of a school. The patron not only appoints the members of the board of management; he/she/they can also remove any member of the board for unspecified reasons, or dissolve the board. Section 14(4) states that *"the members of a board (of management) shall … be appointed by the patron of the school".* Under Section 16 of the Act, and subject to the consent of the Minister, the patron may

a) for good and valid reasons stated in writing to a member of a board of management remove that member from that office, or

b) If satisfied that the functions of a board are not being effectively discharged, dissolve that board.

The Act states that it shall be the duty of a board "*to manage the school on behalf of the patron and for the benefit of the students and their parents*". In carrying out its functions, the board shall

- *uphold and* ***be accountable to the patron*** *for so upholding, the characteristic spirit of the school as determined by the cultural, educational, moral, religious, social, linguistic and spiritual values and traditions which inform and are characteristic of the objectives of the school …*

- ***Consult with and keep the patron*** *informed of decisions and proposals of the board*

- *publish, in such a manner as the board* ***with the agreement of the patron*** *considers appropriate, the policy of the school concerning admission to and participation in the school ….*

The 1999 Primary School Curriculum states that responsibility for deciding what form of religious or ethical education will be provided is a matter for the school patron[1]. Although Section 15 (e) of the 1998 Education act recognises the distinct ethos and philosophy of individual schools, it nevertheless requires all schools to "*have regard to the principles and requirements of a democratic society and have respect and promote respect for the diversity of values, beliefs, traditions, languages and ways of life in society".*

Patronage of primary (national) schools – historical background

There are currently about three thousand primary (national) schools in Ireland. About 90% are under the patronage of the Roman Catholic Church; about 5% are under the patronage of the Church of Ireland; a very small number of schools are under the patronage of the Presbyterian or Methodist Churches; two schools are under Muslim patronage; there is one school under Jewish patronage; there are about 90 schools in the Educate Together network; and about the same number under the patronage of An Foras Gaelscolaiochta. Some special schools for intellectually and physically challenged children are under the patronage of a variety of organisations and bodies, including St. Michael's House and other corporate bodies. In recent years, a small number of other patrons have also been recognised (e.g. John Scottus Trust), and there are now 12 Community national schools under the patronage of various Education and Training Boards (ETBs).

It is ironic that over 95% of Ireland's primary schools are under denominational patronage – given that the specific intention of the national school system (when it was set up in 1831) was that it be a multi-denominational system – that it would "unite in one system children of different creeds" and that children of all religions would attend the same local school. The concept of patronage in the Irish primary or national school system was formally enshrined that year, when under the terms of the 1831 Stanley letter, applications for grant aid for schooling for the poor of Ireland

[11] Department of Education and Science*, Primary School Curriculum: Teachers' Handbook*. Dublin, Stationery Office, 1999.

were invited from "patrons" who would be willing to take responsibility for setting up and managing national schools. These patrons could be groups or individuals, landlords or Church leaders, but priority would be given to applications jointly signed by Catholics and Protestants.

In the early years of the national school system, applicants generally abided by the rules and included the requisite number and balance of signatures. In theory at least, the early national schools were religiously mixed i.e. multi-denominational. However, as time went by and religious and political tensions resulted in a growing number of denominational applications, the Commissioners of National Education turned a blind eye to their own rules and regulations, and approved the granting of aid to single-denomination schools. In the middle of the nineteenth century the majority of national schools were religiously mixed (i.e. their enrolment included both Protestant and Catholic children), but by the end of the century the number of religiously mixed schools was in decline.

After 1922, the leaders of the new Free State were content to allow the Churches to maintain and strengthen their control of Irish national schools, and by the middle of the twentieth century, fewer than 5% of the 5,000 or so national schools in the Republic of Ireland were religiously mixed. Moreover, by the mid 1960s, the Rules for National Schools explicitly recognised the denominational nature of the national school system and made no provision to protect the rights of those who did not belong to the main Churches which were patrons of national schools.

This was an issue which had arisen on many occasions in the nineteenth century, when the Rules for national school specifically precluded the recognition of denominational schools. One of the main difficulties faced by the Government was how to devise a formula which would recognise denominational schools, while at the same time ensuring that children who did not belong to one of the main Christian churches would not be discriminated against. In the 19th century, the Nonconformists were particularly vocal in objecting to any change in the national school system which might, as they saw it, effectively disenfranchise children who did not belong to a Church which owned and managed national schools[2].

Developments since the 1970s – an increasingly diverse population

Since the 1970s, there has been an increasing demand for multi-denominational schools, i.e. schools which are not under the patronage of a church or religious body. The first multi-denominational school set up since the foundation of the State was the Dalkey School Project, which opened in 1978. This was the first of the Educate Together schools, and there are now over 90 such schools in the country[3].

In recent years, the population of Ireland has become ethnically, religiously and culturally more diverse. An increase in inward migration has contributed to this diversity, as well as an increase in the number of people who describe themselves as having no religion. In the 2016 Census of Population, 78% of the population

[2] D.H.Akenson, *The Irish Education Experiment: the national system of education in Ireland in the nineteenth century,* 1970.
[3] https://www.educatetogether.ie

identified as Catholic, compared to 84% in 2011. More than 12% of the population described themselves as having no religion or did not state a religion, and a further 3% were Orthodox, Hindu or Muslim[4]. In three counties (Dublin city, Dun Laoghaire and Galway city) more than 1 in 3 of the population are not Catholic. A recent international survey found that those in Ireland who considered themselves religious had fallen from 69% in 2005 to 47% in 2011 – the second greatest drop (after Vietnam) in the 57 countries surveyed[5].

A survey carried out on behalf of EQUATE in 2017 found that more than 70% of those surveyed were of the view that the time has come for Church bodies to have less influence over local schools. A similar number were of the view that the law should be changed so that baptism should no longer be a requirement for school admission in state-funded schools. And a surprising 24% stated that they would not have baptized their child if it wasn't necessary to gain entry to school[6].

Given that 96% of schools are under the patronage of churches to which just 81% of the population belong, it is clear that there is now an imbalance between the religious patronage and ethos of schools and the population. In response to a survey carried out on behalf of EQUATE earlier this year, almost 50% of respondents stated that they would prefer not to send their children to a school under Church patronage[7]. Although in practice many schools under Church patronage have welcomed children from all faiths and none, there are fundamental issues arising from the private nature of school patronage and ownership, which remain unresolved.

Role of the State?

In 1996, the Report of the Constitution Review Group adverted to the failure of the State since 1922 to take a pro-active role in the establishment of primary schools, although the Irish Constitution clearly allowed for this option[8]. The report quoted Article 42.2 which states that *"parents shall be free to provide this education in their homes or in private schools or in schools recognised* ***or established by the State***" and pointed out that *"no national schools have been established by the State since 1922".*

The more passive role of the State until recently, in the provision of primary schooling in Ireland since Independence is in stark contrast to the actions of other democracies throughout the western world. In other OECD countries, privately-owned schools exist in parallel with schools which are publicly owned, controlled and managed. The extent to which privately owned schools exist and receive public funding, varies from country to country. In the US, for example, privately owned Church schools are constitutionally precluded from benefiting from public funding although some concessions in his regard have been made in recent years. In some European countries on the other hand, subsidies to Church controlled schools are

[4] http://www.cso.ie/en/media/csoie/releasespublications/documents/population/2017/Chapter_8_Religion.pdf

[5] McGarry, P., *Irish Times* 8 August 2012. http://www.irishtimes.com/newspaper/ireland/2012/0808/1224321714657.html

[6] https://www.equateireland.ie/educationandresearch

[7] *Ibid.*

[8] Report of the Constitution Review Group, 1996 on http://archive.constitution.ie/constitutional-reviews/crg.asp

generous. The proportion of the school-going population who attend privately run primary schools in OECD countries other than Ireland, varies from fewer than 5% to over 50%.

Community National Schools

In 2008, in response to a shortage of school places in some Dublin suburbs, the State set up a new type of primary school known as "Community National Schools (CNS)". Twelve such schools are now in existence and since 2016, these schools are under the patronage of the relevant ETBs. When the schools first opened, the then Minister for Education conceded to the demands of the Catholic Bishops that Catholic faith formation classes (including sacramental preparation) would be provided within school hours in these schools. Some parents and teachers objected that separating Catholic children for RE would dilute the inclusive ethos of the schools and in particular might be seen as "the segregation of native white Catholic children from non-white newcomers". A pilot RE curriculum called "*Goodness Me, Goodness You"* (GMGY) was introduced in these schools and in order to provide separate faith formation classes for Catholic children within the school day, pupils were divided for part of the school year into four separate RE groups: (1) Catholics, (2) "Other Christians", (3) Muslims, (4) Hindus, Buddhists, Humanists, Atheists and Others. The GMGY programme also made provision for sacramental preparation for Catholic pupils within the school day. This approach aroused public controversy once the details became known[9] and there was ongoing discussion on the form of RE to be provided in recent years.

On 21st September 2017 the ETBI General Secretary Michael Moriarty announced that preparation for the Catholic sacraments of First Communion and Confirmation would no longer take place within school hours in Community National Schools. This decision was described in the Irish Independent the following day as "a significant milestone in the long-running debate over the place of religion teaching in primary schools"[10]. The announcement was welcomed by the Minister for Education, Richard Bruton,and will hopefully bring to an end the controversy about the teaching of religion in Community National Schools. In this regard, it is of interest to note that when the first of the Educate Together schools were recognised by the Department of Education in the late 1970s and early 1980s, a condition of recognition was that "denominational instruction should be provided within school hours for those for whom it was required". While initially the Educate Together schools attempted to meet this condition, over time it became impossible to implement, both for practical and ideological reasons.

Forum on Patronage and Pluralism, 2011

In 2011, a Forum on Patronage and Pluralism, was set up by the then Minister for Education[11]. The forum consulted widely and its report addressed a range of issues

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[9] O'Kelly, Emma (2012) - the following website includes links to numerous government files released to RTE: https://www.rte.ie/news/special-reports/2012/0328/315388-educationfoi/

[10] Katherine Donnelly, "State-run primary schools will no longer offer First Communion class" in *Irish Independent* 22nd Sep. 2017.

[11] Coolahan, John et al, *Report of the Advisory Group on Patronage and Pluralism in Education (DES 2012)* See https://www.education.ie/en/Press-Events/Events/Patronage-and-Pluralism-in-the-Primary-

relating to patronage and diversity. The Forum called for the Rules for National Schools and school policies and practices to be amended to ensure that schools comply with "the human rights requirements of national and international law" in relation to freedom of conscience. It also called for State action to provide a greater diversity of schooling options at primary level. Since parents seldom have a choice about where to send their child for primary schooling, the Forum concluded that a programme for all primary schools on *Education about Religion and Beliefs (ERB) as well as Ethics* be developed to ensure that children can receive education "about religions" as opposed to faith formation in primary schools. Responsibility for developing this programme was delegated to the National Council for Curriculum and Assessment (NCCA).

The Forum also recommended that in areas of stable population, where there is no overall shortage of school places but where there is a demand from parents for multi-denominational education, existing (Church) patrons should hand over their surplus school accommodation to a more relevant patron. In the five years since the report of the Forum was published, almost no progress has been made on this so-called divestment programme. The number of church-run schools which have been handed over or divested – either to Educate Together or to an ETB - in the past six years remains in single figures. In recent months, responsibility for co-ordinating the divestment programme has been devolved to the ETBs. It will be interesting to see whether ETBs will be any more successful than the Department of Education and Skills in achieving the objectives of divestment. The recent reassurance given by the Taoiseach Leo Varadkar to members of the Catholic church led by Archbishop Eamonn Martin, that "divestment should only occur where the parents and prospective parents attending these schools want it to occur" does not provide any great prospects of success in the divestment process.[12]

Will the School Patronage system continue?

How realistic is it in this day and age to assume that the national school patronage system will continue? To the surprise of many, support for school patronage was a theme which unified the otherwise diverse education partners during the debate at the National Education Convention in the early 1990s. Such support was not unexpected from the Churches and other patron bodies, but it was more surprising to hear it voiced by parents and teachers. However, things have changed in the past few years. There is growing disillusionment by the electorate with the role and power of the Churches in Irish society, and parents who see themselves as disenfranchised by the current patronage system are becoming more vocal and insistent. It is in everybody's interest to co-operate in the reconfiguration of patronage, and to support the rights of parents and families who should not find themselves in a position where they have no choice but to send their child to a school which is in "violation of their conscience and lawful preference" [13].

Sector/The-Forum-on-Patronage-and-Pluralism-in-the-Primary-Sector-Report-of-the-Forums-Advisory-Group.pdf

[12] Marie O'Halloran "School divestment up to parents, says Taoiseach" in *Irish Times* 27th September 2017.

[13] Bunreacht na hEireann, Article. 42.3.1.

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