

Education (Admissions to Schools) Bill, 2016 Submission to Committee

1. Introduction

- 1.1. The Education (Admissions to Schools) Bill 2016 is a government initiative to clarify enrolment procedures in Irish schools in the interest of the common good and, for that reason, it is to be welcomed.
- 1.2. Educate Together is acutely aware of the practical difficulties involved in devising and operating fair and transparent enrolment policies, and applauds the Minister and the Department of Education and Skills for their work in this regard.
- 1.3. Educate Together has long advocated for an open and transparent legislative enrolment framework, and is honoured to be able to engage with the Joint Oireachtas Committee on Education And Skills on this issue.
- 1.4. Educate Together asks the Committee to consider this Bill in the context of the need for a deeper and systemic change in the way that school admissions are legislated for in Ireland. This need is outlined in Section 5 of this document.

2. Opts-outs:

- 2.1. The Education (Admissions to Schools) Bill insists that all schools publish policies on arrangements for students who do not wish to attend religious instruction. Whilst this step will increase transparency in the 'opt-out' process, it will do nothing to address the lack of school choice that is the root cause of such exclusions.
- 2.2. Educate Together contends that when children of minorities simply 'opt out' of faith formation classes within school hours, this leads to exclusion. 'Accommodating' minority children is not the same as treating all children as equals and proposals to require schools to outline the 'alternative' activities for these children do nothing to compensate for this inadequate arrangement.

3. Baptism Barrier:

- 3.1. It is our view that all children should be able to apply for enrolment in any state-funded schools, irrespective of religious, social or cultural background. State-funded schools should be open to all. The characteristic spirit of a school should not be dependent on the homogeneity of its student population.
- 3.2. Educate Together is very concerned that this Bill does not address the issue of religious discrimination in access to schools.

- 3.3. As a result the Bill fails to address the ongoing and very real injustice faced by many families attempting to enrol their children in schools all over Ireland. In a system in which over 96% of schools are religious-run, 'Catholic first' enrolment policies force many parents to compromise their own values in order for their children to access the local school. This is because Section 7 3 (c) of the Equal Status Act allows denominational schools the right to discriminate against children on the basis of their religion.
- 3.4. The fact that an increasing number of Irish parents consider that it is necessary to get their children baptised in the Catholic faith in order to access publicly funded schools, rather than out of personal religious conviction, is a shocking alarm note for a modern democratic state.
- 3.5. Educate Together has always contended that state-funded schools should not be allowed to discriminate on the basis of religion. Children of all religious, cultural and social backgrounds should be able to access all state-funded education on an equal basis. Educate Together is not aware of any situation in which such discrimination is necessary in order to maintain the ethos of a school.
- 3.6. The repeal of Section 7 (3)(c) of the Equal Status Act in conjunction with a provision in the current Education Bill that ensures that no state-funded school be allowed to discriminate against children for reasons of religious, cultural or social background, should be the basis of any effort to remove discrimination from the Irish education system.

4. More equality-based schools needed:

- 4.1. There are still large areas of the country where parents have no alternative but to send their children to denominational schools, and the proposed legislation does nothing to address this.
- 4.2. Educate Together suggests that the Government focus its energy on providing both equal access to schools and equal respect within schools for all children throughout Ireland. What would truly serve the common good is a national network of equality-based schools that welcome and cherish all children.
- 4.3. Educate Together applauds the recent Government commitments to increase non-denominational and multi-denominational schools to 400 by 2030. This figure echoes Educate Together's stated aim that all families in Ireland would have access to an equality-based school within 30 minutes travel time from their home.
- 4.4. It is Educate Together's hope that the provision of these schools will reflect the popularity amongst families of the Educate Together model of education, a model that neither requires schools to downgrade children on their enrolment lists on the basis of religion nor necessitates children to 'opt-out' of lessons during the school day.
- 4.5. Genuine choice of school type that is compatible with the constitutional and human rights of all families can only be achieved if equality-based schools such as those provided under the Educate Together model are available all over Ireland. Correcting the current imbalance in school types will, in turn, reduce oversubscription to particular school types, thereby reducing situations where families cannot gain access to their chosen school type.

5. An independent state enrolment authority:

- 5.1. Educate Together is proposing a system whereby an independent state authority (managed independently of the school patrons) writes to all parents of school entry age the year before their children are due to enter school to seek their preference of school and school type. The state can then know the current state of school preference in an area and ensure that state resources and buildings are allocated to meet this demand.
- 5.2. Educate Together has been proposing a solution to this issue for a number of years. A proper state-led system to find out parental preference would allow the state to know the real levels of demand for different school types and to allocate buildings and resources accordingly. The current difficulty is that schools are only aware of their own enrolment applications.
- 5.3. In the Lucan area, a densely-populated Dublin suburb, Educate Together schools have taken the initiative and are piloting an area-based common enrolment process to address this problem. We recognise that this is only a partial solution and a more systemic state-based system is required.
- 5.4. Benefits to such a system:
 - 5.4.1. It will also allow the state to impose transparent criteria that are consistent with social policy and equality legislation.
 - 5.4.2. This would remove the responsibility for enrolments from individual schools
 - 5.4.3. The authority could allocate places to schools of differing types according to this register
 - 5.4.4. This body could also be empowered to bring local school management and patrons together on an annual basis to discuss changing demand and any arising issues such as trends towards social, ability, religious or cultural polarisation between schools
 - 5.4.5. It would also take the pressure away from school principals and boards of management who would be freed from any allegation of unfair preference in their enrolments.
 - 5.4.6. This could minimise social segregation in the school population.

6. Supporting documents

- 6.1. Educate Together's submission "on a Regulatory Framework for Enrolment October 2011" is available here: http://www.educatetogether.ie/sites/default/files/patronage_forum_submission.pdf
- 6.2. Educate Together's "Submission to the Forum on Patronage and Pluralism" is available here: http://www.educatetogether.ie/sites/default/files/20111028_submission-on-enrolment_0.pdf

Background information on Educate Together / the need for reform

Education (Admissions to Schools) Bill, 2016

Committee meeting Leinster House 2000

14:30 December 15th 2016

1. More than 95% of all primary schools in Ireland are privately-owned but publicly funded institutions controlled by religious organisations and are legally obliged to uphold the religious outlook of their 'patrons'.¹
2. The State only funds the education of teachers for the religious programmes of the Catholic and Protestant churches.²
3. Although the Constitution of Ireland, and the Education Act (1998) allow for the right of parents to seek their children to be 'absented' from religious content in schools that conflicts their conscience, no realistic provision for such absenting is provided by the State.³
4. Equality legislation expressly allows for religious schools to prefer applicants from their own faith communities.⁴ This impacts severely on minority families where there is a shortage of school places.
5. The State has failed to recognise the huge increase of parents in Ireland who declare that they either have no religion or decline to state their religion as evidenced in successive national censuses. This group is now the largest minority 'belief identity' in the State.⁵
6. This is causing a rising incidence of the violation of the intellectual, religious and human rights of this section of people in Irish society.⁶

Urgent need for progress and reform

Ireland is experiencing the greatest growth in its school-going population in recent history. Over the last decade, Ireland's population has continued to grow and diversify rapidly in terms of religious and ethnic identities. There has been a generational transformation of attitude to the role of religious bodies in education and to their role in civic society. Recent censuses have demonstrated a rapid increase in the percentage of the population that describes themselves as having "no religion" and this now constitutes the largest minority segment of the population.

The past year has seen a groundswell of public opinion demanding equality in education. Thanks to domestic and international media interest, the Irish education system has come under increasing scrutiny and criticism. Many have now called for an overhaul of the education system, in which 9 out of 10 families still have no choice but to send their children to a religious-run primary school and a system where it is

legal for state funded schools to discriminate against children on grounds of religion. However, recent administrations have failed to capitalise fully on this opportunity.

At the same time, over 95% of all primary schools (4-12years) are owned by religious bodies and are legally obliged to prefer their religious outlook in all aspects of school life. The State continues to uphold laws that allow this overwhelming monopoly of school provision to prefer baptised members of their community in school admissions.

Whilst the parents of minority children may require by law that their children be absented from religious classes in schools, the integrated nature of curriculum makes this right largely inoperable and socially isolating for children. The reality is that, in the vast majority of cases, no reasonable alternative is provided for any child whose parents seek such measures. Many parents decide not to avail of their rights in this matter through concern for their child's socialisation in school.

In locations where there is competition for school places, increasing numbers of parents feel that they are forced to baptise their children for no other reason than to access a school place.

The pace of change on this issue has been very slow to date, and in recent years, the lack of equality-based school places in Ireland has become a desperate situation. Families up and down the country are now advocating for new equality-based schools and for radical reform of the Irish education system. In a modern democratic society, it cannot be acceptable that the state provides no choice other than privately controlled religious schools in the vast majority of areas.

Educate Together

Educate Together is an independent NGO that has been campaigning for the rights of all children to equality of access and esteem in Irish schools. Over the past 38 years, it has built a network of equality and human-rights based schools.

As a result of this escalating parental demand, Educate Together has become the fastest growing section of Irish education over the past decade. In 2016, it successfully opened 9 new schools - this marks the second highest total of Educate Together schools to open in a single year.

It now operates 81 primary and 9 secondary schools serving over 23,000 pupils. Although inundated with demand for its schools, it receives inadequate support from government. In reality, the state will only allow new Educate Together schools to open where gross increases in demographic demand are evident or, in circumstances in which either a religious patron gives the State a building or vacant State buildings are available. This leaves huge areas of the country where parents have no choice at all.

Today, Educate Together has a fully costed plan to embed equality in the Irish education system: the provision of a national network of Educate Together primary and second-level schools throughout the country. To achieve this, increased funding for the opening of schools must be put in place by the Irish Government.

It is important to note that the Educate Together movement is a 'non-denominational body operating equality-based schools'. Educate Together schools operate under a legal obligation to provide "equality of

access and esteem to children, irrespective of their social, cultural or religious backgrounds". The schools provide a programme of ethical education that includes an informative strand on "belief systems" during the school day, but any faith formation classes take place outside the compulsory school day as voluntary facilities run by parents. This faith formation outside school hours (FFOSH) model, ensures that children and families are treated equally in school. No child is placed under any pressure as a result of their family's religious identity and no teacher is contractually obliged to promote a religious view that they may not hold.⁷ In contrast to denominational schools, in Educate Together schools there is no time period during which 'opting out' is necessary, as children from majority, minority and non-faith backgrounds remain with their classmates during the entire school day.

Over the past 38 years, Educate Together has been working to build a national network of schools that provide an alternative to faith-based schooling. We believe that such educational provision should be available to all families within 30 minutes travel time from their homes. Despite the goodwill of many, the effort to provide this alternative has been tortuous and has faced many obstacles.

Evidence of parental demand for Educate Together schools is undeniable: our existing schools and start-up groups are reporting that thousands of children are now signed up to our already over-subscribed waiting lists throughout Ireland. Our education system can no longer ignore parents' rights to choose the type of education they want their child to have.

Educate Together has been encouraged by commitments in the current Programme for Government to increase non-denominational and multi-denominational schools to 400 by 2030.⁸ This figure echoes Educate Together's stated aim - a national network of equality-based schools that welcome and cherish all children.

For more information, please contact:

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References

- ¹ Government of Ireland. Department of Education and Skills (1998). *Education Act*. Accessed at: [http://www.oireachtas.ie / documents/bills28/acts/1998/a5198.pdf](http://www.oireachtas.ie/documents/bills28/acts/1998/a5198.pdf)
- ² Educate Together. (2011) **Educate Together** [Internet]. Dublin. Available from: <www.educatetogether.ie>
- ³ Government of Ireland. *Constitution of Ireland* (1937). Dublin. Accessed at: [http://www.constitution.ie/reports/ ConstitutionofIreland.pdf](http://www.constitution.ie/reports/ConstitutionofIreland.pdf).
- ⁴ Government of Ireland. *Equal Status Act* (2000). Dublin: Office of the Attorney General. Accessed at: <http://www.irish-statutebook.ie/2000/en/act/pub/0008/print.html>.
- ⁵ Government of Ireland. *Census of Ireland* (2006). Volume 12. Cork: Central Statistics Office. Accessed at: http://www.cso.ie/census/census2006_volume_12.htm
- ⁶ Media reports, 1998-2011
- ⁷ Educate Together. (2011) **Educate Together** [Internet]. Dublin. Available from: <www.educatetogether.ie>
- ⁸ Government of Ireland (2016). *A Programme for Partnership Government*. Accessed at: http://www.merrionstreet.ie/merrionstreet/en/imagelibrary/programme_for_partnership_government.pdf