



**THE CHURCH OF IRELAND GENERAL SYNOD  
BOARD OF EDUCATION (RI)**

**Submission to the Minister for Education and Skills in relation to proposals  
on the role of denominational religion in school admissions.**

**20<sup>th</sup> March 2017**

## **Background**

The General Synod Board of Education (RI) is the representative body for the Church of Ireland in the field of Education in the Republic of Ireland.<sup>1</sup> Among its functions is to define the policy of the Church in education, both religious and secular, and to study any legislation or proposed legislation likely to affect the educational interests of the Church of Ireland. It maintains close contact with Government, the Department of Education and Skills, Diocesan Boards of Education, and other educational and school authorities with a view to ascertaining the most efficient and economical use of resources.

At present, there are one hundred and ninety eight primary schools in the Republic of Ireland under Church of Ireland/Protestant management and the remit of the Board of Education.<sup>2</sup> These schools cater for a total of circa 15,000 pupils and are widely dispersed throughout the country. While this submission is focused on the impact of the proposals on primary schools, since that is the focus of the consultation process, it should be noted that there are a further twenty five second level schools under Church of Ireland/Protestant patronage serving circa 30,000 students. Protestant schools have a tradition of being inclusive, welcoming pupils from widely differing faith traditions and many from backgrounds of no faith at all. While the Protestant ethos permeates all aspects of the education of the pupils, the schools under Protestant patronage work to take those moral and personal values which are strongest in the Protestant faith and promote those values amongst the entire student body regardless of their faith background. Many non-religious parents see the ethos of Protestant schools as an attractive moral and spiritual framework within which they wish their children to be educated.

### **Protestant schools can be described as;**

- child-centred;
- faith based, Christian in ethos;
- co-educational;
- welcoming to children of all faith traditions and those with none;
- democratically run with parents, teachers and the church community in partnership;
- providing an inclusive, effective and comprehensive curriculum with an attractive ethos that responds to the academic, cultural, personal and spiritual needs of pupils;
- happy schools and caring communities.

### **Role of Protestant schools and the protestant community**

Protestant schools are a life-blood of the Protestant communities they serve throughout the country. They provide an invaluable focal point for an often scattered minority group. Protestant schools enjoy a strong link with their community and there exists a strong interdependence socially, spiritually and very often practically between the school and the community. Many parish schools owe their very existence and their subsequent development over generations to generous and unwavering support of their parish and the wider church community. To prevent a Protestant school from prioritising children from that community will lead to a splintering and diminishing of that link causing hurt, confusion and

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<sup>1</sup> Referred to in this submission as “the Board of Education”.

<sup>2</sup> For ease of reference, the terms Church of Ireland and Protestant are used interchangeable. The Board understands that the Board of Education of the Presbyterian Church and the Board of Education of the Methodist Church will make separate submissions.

disillusionment. The rights of a minority faith should not be trampled on in a race towards a populist notion of pluralism.

### Views of the parents

In preparation for this submission, The Board of Education asked the parents of children currently attending Protestant primary schools to complete a simple questionnaire and gave them an opportunity to add any comment they may have on this issue. We received replies from seventy primary schools across the country. The results are as follows:

	<b>Questionnaire to parents of children in COI primary schools</b>	YES	NO	DON'T KNOW
1.	Is it important for you to have access to schools that provide education for your child within a Church of Ireland/Protestant ethos?	84%	14%	2%
2.	Aside from a local COI or Protestant school are there any other schools that provide this education and ethos within your locality and parish?	10%	78%	12%
3.	In your opinion, do you think that the possible abolition of the right of your school to give priority to COI/Protestant pupils will undermine parental choice in your locality?	75%	18%	7%

Many of the parents who replied to the survey took the opportunity to make a comment. The comments are included in this submission, anonymously, and are contained in Appendix 1. Many parents express fear and dismay at the proposal that Protestant schools would no longer have the ability to give priority to protestant children on oversubscription. Some refer to long distances they must travel and sacrifices they make in order that their children attend a school of their own ethos; how attending a protestant school gives their children a sense of identity and of belonging. Some parents feel that religion should not be considered in admissions, however, many of those parents said yes to the importance of the Protestant ethos, feeling that it is a positive and inclusive ethos that everyone should have access to if they choose.

### Religious affiliation of children in Protestant schools

In 2011, the Church of Ireland Primary School Managers Association, the General Synod Board of Education (RI) and the Church of Ireland College of Education commissioned research exploring the attitudes and values of parents in protestant primary schools. Part of that research was to ask parents about their religious affiliation. The results are as follows:

Church of Ireland, Methodist, Presbyterian, Society of Friends	38.0%
Roman Catholic	22.5%
Evangelical	5.6%
Christian - unspecified	20%
Other faith	1.1%
No religion	7.4%
No information	5.3%

The distribution of different Christian denominations and the inclusion of people of other faiths and of none, indicates that Protestant schools cater for a high level of religious diversity. This demonstrates a strong commitment to serve the community in an inclusive way and there is evidence that a variety of religious traditions are being educated together.

### **Human Rights concerns**

Article 2 of Protocol 1 to the European Convention on Human Rights (ECHR) provides that:

*No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions*

In other words, apart from any interest that the church may have in educating children according to its lights, parents who are members of this church have an entitlement, which the state must respect to have their children educated on a church basis. This is, perhaps more pertinent in the case of children within a minority faith community.

This right would not apply if the state had concerns that children are being taught to reject the demands of Irish society within a particular church, but that would be a reason not to license the church as an educator in the first place. If the relevant institution is deemed appropriate to educate children then, whereas it will be conditioned by the state's demands in terms of curricula, it should be permitted to operate in accordance with its own ethical rubric.

The churches in Ireland have been licensed to educate children because this is reasonable and aligns with the ECHR. They should be permitted to do so on the basis of their own ethical principles – in the same way as should any other such group, including a parent who wishes to home school his/her child. No one has a right to entry into those schools, and it is inappropriate for parents to demand that they be admitted into these schools while refusing to sign up to the ethical principles on which these schools operate. Rather the obligation should be on the state to provide more non-faith schools. There may well be a right to education, but (a) that is a right exercisable against the state not against an education provider and (b) it is not a right to education in any school on terms set by the parents rather than terms set by the school.

### **Response to consultation process**

S 7 (3) (c) of the Equal Status Act, 2000 allows faith based schools to make preferential provision on admissions for children of their faith – in other words where a school is oversubscribed, the Board of Management may afford a priority to children of families of a particular religious denomination in preference to others. The rationale for this measure is well justified – if a Protestant school is prohibited from using religion as an admissions criterion, and it is oversubscribed, it would be difficult for the school to maintain a Protestant ethos among the school community or to remain a school of that religion to any significant extent. Patronage of the school by a particular denomination or faith group would be devoid of practical meaning.

The Minister has publicly stated that these proposals will affect Protestant minority schools but has not offered a solution as to how to achieve a safeguard for minority schools.

The Minister's outline proposals are radical and will either abolish this protection or at the very least directly restrict the power of Protestant schools to legitimately apply an admissions criteria based on religion where oversubscribed. In other words, local Protestant families could find themselves excluded from an oversubscribed Protestant School and have few other options for their children to secure an education within their own ethos. Such a change would have a major impact on a significant number of Church of Ireland primary schools but it would have a deep and lasting impact on Church of Ireland and Protestant Second level schools and particularly on their ability to continue providing a boarding option for Church of Ireland and Protestant parents.

**The retention of Section 7 (3) (c) of the Equal Status Act, 2000 in its current form is absolutely imperative for the preservation of Protestant Schools and the broad communities that they serve.**

Seeking to radically undermine the legal protections which support the provision of faith based education by religious minorities in Ireland will do little for equality or fairness in Irish education. There are other administrative approaches that the Minister can take to address the challenges proposed in the very limited areas where oversubscription to schools and lack of capacity are creating difficulties.

**Ignoring the real problem of lack of capacity**

The Minister's proposals ignore that the problem facing some oversubscribed schools arises because of an absence of capacity within some areas of high population growth. Put simply the State has failed to make adequate provision for anticipated population growth and the required educational provision. Changing the admissions rules as proposed will do nothing to address this core problem and instead will merely deliver a new cohort of children who are excluded from education within their own faith group and in accordance with their own ethos.

The problem of oversubscription is not addressed by undermining faith schools in every area. It can only be addressed by providing adequate number of school places in specific areas of growing demand.

**Changes in the admissions policy of existing schools will not create new school places – it will merely displace the demand.** It will not fix what is in fact a problem of failure to allocate resources and to forward plan. Not one school place will be added to the education system if any or all of the proposed changes are made. At second level, it will utterly undermine the ability of Protestant second level schools to cater for the communities for which they were established.

**Impact on Minority religions**

The problem will be particularly acute for Protestant schools which have traditionally been inclusive, open and welcoming schools to people of all faith and none. Protestant schools present an attractive ethos which is popular with many parents of different beliefs. They are also generally smaller schools and consequently risk oversubscription far quicker than larger schools – this is a particularly acute problem for Protestant schools in areas of high population growth.

The Ministers' proposals will fundamentally undermine the provision of faith based education for minority faiths. The proposals could have the effect of forcing a minority faith school, on oversubscription, to deny a pupil of that faith access to a school specifically set up to provide a specific ethos and to accommodate that pupil in order to accommodate another pupil of a different faith even where there are other faith or non-faith schools available.

**Consequently, the Minister's measures would introduce a new injustice and unfairness to Irish education where children, particularly of minority faiths, are excluded from schools of their own ethos.**

**The Board of Education believes that the starting point for any consultation or policy discussion in this area should be on the basis of retaining Section 7 (3) (c) of the Equal Status Act, 2000 and looking at different options in that context and that no proposals should be considered unless that protection is secured.**

### **Response to Minister's suggested possible approaches**

Essentially, none of the options outlined by the Minister guarantee protection for education by a minority faith community. The approach of retaining the status quo and finding a solution through the existing legal framework has been ignored. Ostensibly, the views of schools and stake holders are being sought through the consultation process. In fact, they are being asked to choose one option from four eminently unsuitable options, effectively excluding people's opinions – giving the sense that the outcome is predetermined.

The comments of the Board of Education on each suggested approach are as follows:

#### **1. Catchment area**

There is currently no legal definition for what constitutes a catchment area for school admissions purposes. For Protestant schools, this option is highly problematic as most minority faiths will serve areas far greater than an area equivalent to a traditional parish, usually resulting in a broad and diverse social mix. The imposition of a catchment area would create a crude 'hit and miss' approach to accommodating families in their faith community who will be widely dispersed geographically.

Within a minority faith, often parents choose to attend church with grandparents in the parish in which the grandparents live. This leads to choosing the school within that parish due to the link between the parish and the school. For others, grandparents are involved in caring for their grandchildren and it suits parents to have the children enrolled in a school which supports their ethos and is close to the grandparents' home.

Additionally, there are many parishes where the school has closed and in such cases parents are willing to travel to another parish for a school of their ethos. Particularly in urban areas, Church of Ireland schools are situated often in areas where the cost of housing may be prohibitive. This forces young families, who are parishioners, to live further away in more affordable housing. If Protestant schools were forced to prioritise pupils who live nearest to their school, they would have to turn parishioners away in favour of families who can afford more expensive housing but who have no affiliation or interest in the school's ethos. This would impact on the current social mix and diversity Protestant schools enjoy resulting in elitist schools in addition to a dilution of the school ethos. At second level, the majority of schools outside of Dublin are boarding schools and their catchment areas would have to be on a nationwide basis!

#### **2. Nearest school rule**

This option would require a complex and cumbersome set of rules to determine school distances, routes, starting and arrival points, etc. There are additional complexities where the school involved is set up to cater for children of a number of minority faiths, as is the case for most Protestant schools. Also, it would set a narrow limitation on parental choice as parents would be forced to attend one school over another, even if they are members of a parish or church further away from their home. Obviously, a nearest school rule would be a nonsense in relation to second level boarding schools.

### **3. Quota system**

It is a blunt and crude approach which ignores that Protestant Schools are inclusive and cater for a range of minority religions, not just those of a single denomination. It could very easily result in a child from a COI/Protestant tradition losing out on a place in a COI/Protestant school in favour of a child not of that faith or from a non-faith background even where there are other faith or non-faith schools available.

### **4. Outright prohibition**

Sub-option (i) Outright repeal of s.7 (3) (c) of the Equal Status Act, 2000 is not acceptable and would introduce a new injustice and unfairness to Irish education where children, particularly of minority faiths, are excluded from schools of their own ethos.

Sub-option (ii) Repeal of the first part of section 7(3)(c) of the Equal Status Act 200 in respect of publicly-funded primary schools, but make provision to allow denominational schools to require parents or students to sign a declaration stating that they support, respect, will cooperate with or won't disrupt the ethos of the school.

It is already common practice in many schools to ask parents to sign a declaration of support for the school's ethos. In reality, parents would sign a declaration promising to support and respect the school's ethos just to gain admittance. For obvious reasons, it would be a near impossible task to enforce that promise.

The Consultation paper suggests that "this could potentially be done by leaving or modifying the second part of section 7(3) (c) of the Equal Status Act, 2000, allowing a school to refuse 'to admit as a student a person who is not of that denomination and, in the case of a refusal, it is proved that the refusal is essential to maintain the ethos of the school'". However, currently, schools if defending a section 29 appeal against a refusal to enrol based on this provision, face an almost insurmountable burden of proof to establish that the refusal to admit any one single pupil is "essential" to maintain the ethos of a school.

Sub-option (iii) is just another quota system and is unacceptable for the reason already outlined.

### **Conclusion**

The Minister, in his speech at the launch of this process, stated that "given the make-up of the population, if a Protestant or an Islamic primary school for example was prohibited from using religion as an admissions criteria, it is hard to see how it could maintain an ethos among its school community and remain a school of that religion in any real sense."

The retention of Section 7 (3) (c) of the Equal Status Act 2000 is essential if Protestant schools are to be allowed continue to serve the community for which they were founded.

The Board of Education calls on the minister to reconsider these proposals and explore the resolution of issues on admissions within the context of the existing legal framework, by engaging directly with education providers in areas where problems have arisen and ensuring that there is proper forward planning and allocation of resources to meet growing demand.

The Board looks forward to engaging with the Minister and Departmental officials further in relation to the issues raised during this consultation process and is available to do so.

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