



## **JMB Submission on the Role of Religion in School Admissions Processes**

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### **1. Introduction**

The Joint Managerial Body (JMB) welcomes the Minister's invitation to respond to proposals around the role of religion in school admissions processes and is grateful for this opportunity to present a submission.

#### **1.1 Who we are:**

The Joint Managerial Body (JMB) was founded in 1972 to represent the interests of all voluntary secondary schools in the Republic of Ireland. It is the main decision-making and negotiating body for the management authorities of almost 400 voluntary secondary schools. The JMB comprises two founding organisations: AMCSS, the Association of Management of Catholic Secondary Schools and the ISA, the Irish School Heads' Association, representing Protestant Schools in the State.

#### **1.2 What we stand for**

##### ***AMCSS Mission Statement***

*The mission of the AMCSS is to promote, represent and support the work of the Boards of Management and Principals of Catholic Secondary Schools in Ireland in living the ideal of the Catholic school. Inspired by the vision and life of Jesus Christ, our schools strive, in a spirit of partnership, to create and develop communities of faith in which the development of the whole person is paramount.*

There is no such thing as value-free education and even schools set-up to function without any particular spiritual or religious engagement, tacitly espouse a particular set of values which will be transmitted with or without intentionality. While they share many characteristics with other schools in offering a public service, faith schools seek to reflect a distinctive vision of life and a corresponding philosophy of education. The Gospel sees the world in which we live as a creation of God who came among us so that, in his own words, we might 'have life and have it in all its fullness' (John 10:10).

We see this challenge as a call to authentic holism. This not only applies to the development of the individual in providing for pastoral care, an appropriate balanced curriculum and attention to body, mind and spirit but also to the school as a living community in itself.

***Denominational schools are founded on a clear set of values and, in living out their particular faith traditions, aim to:***

*Provide an integral quality education:*

Young people get a single chance at education. Attention to holism and excellence cannot be left to chance and our schools seek to cause to be delivered a consistently high standard of appropriate learning for every student.

*Educate for adaptation and change:*

That change is the only constant has been axiomatic since the latter half of the 20<sup>th</sup> century. The pace of change however is clearly accelerating and the flexibility needed by citizens of the 21<sup>st</sup> century must be reflected in their formative structures, of which schooling forms the greatest element.

*Educate for formation in faith:*

From earliest times, human beings have sought ‘gateways to the sacred’ and our commitment to Gospel values, permeating every aspect of school life reflects an acknowledgement of the true human condition. In the present debate, we look forward to supporting further efforts at enshrining authentic human values into the schooling element of education and to finding space for true growth and hope for our young people.

*Educate in a family spirit:*

School management in faith school settings considers its schools to resemble large families rather than small-to-medium academic organisations. Schools are safe places for young people to make mistakes as the Christian message tells us we are loved and forgiven. We do not want our children to become old before their time and our schools earnestly seek out opportunities to enhance creativity, for play and for recapturing the joy of learning and living. We are conscious of the vital role of pastoral care and remediation in our school life and take a stand against vested interests invading the sacred space of child and young adult-hood.

*Educate for service, justice and peace*

The current dialogue is taking place against a backdrop of serious social flux and anxiety. Individuals, families and indeed entire countries can be seen to be reverting to a fear-driven bunkerisation in the face of real and perceived threat. The need for authentic engagement with social justice issues, locally and further afield, is now an imperative for individuals, communities

and entire nations. School management is working harder than ever, with fewer supports than ever, to preserve calm, optimistic and happy atmospheres in their schools. Meanwhile, there remains an imperative to look to a less fraught future and begin immediately to invest in the mind-set of future leaders and followers with learning space for global perspectives, environmental awareness, social justice and reconciliation.

Thus, our ‘faith schools’ are proudly rooted in a set of traditions which are grounded in affirmative, holistic and life-enhancing values and work to develop such an ethos permeating the day-to-day life of every member of their school communities.

It is therefore against this background that our commentary is set and the leadership of JMB will be happy to clarify or expand on any element of this submission.

### **1.3 Framework of this Submission**

Our contribution to this element of the debate will be made under the following headings:

#### **Context**

Pluralism

Denominational education

Clarifying terminology

#### **Historical and Legal Contexts**

History

Irish Legal and Constitutional Position

UN/International Law and Practice

#### **The Principle of Parental Choice**

Enshrined in statute and practice

Evidence for what parents are seeking

Pupil voice

#### **Primary School Patronage and Enrolment**

Ethos: Inclusion and Diversity

Religious Education and Sacramental Preparation

## 2. Context

### 2.1 Pluralism

As the debate on patronage is brought into the civic space, it is important from time to time, to clarify our terminology. The word 'pluralism' attracts two distinct definitions<sup>1</sup>, each resonating with key components of the present discussion.

*(i) The quality or state of being plural, or in the plural number.*

CSO figures on self-reported religious affiliation in Census 2011<sup>2</sup> speak for themselves in terms of 'the state of being plural':

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<sup>1</sup> Webster's Revised Unabridged Dictionary

<sup>2</sup>[http://www.cso.ie/en/media/csoie/census/documents/census2011profile7/Profile 7 Education Ethnicity and Irish Traveller Tables and appendices.pdf](http://www.cso.ie/en/media/csoie/census/documents/census2011profile7/Profile_7_Education_Ethnicity_and_Irish_Traveller_Tables_and_appendices.pdf)

**Table 2 Persons, males and females, classified by religious denomination with actual and percentage change, 2006 and 2011**

| Religious denomination      | 2006             | 2011             |                  |                  | Actual change<br>2006 - 2011 | Percentage<br>change<br>2006 - 2011 |
|-----------------------------|------------------|------------------|------------------|------------------|------------------------------|-------------------------------------|
|                             | Persons          | Persons          | Males            | Females          |                              |                                     |
| Roman Catholic              | 3,681,446        | 3,861,335        | 1,884,192        | 1,977,143        | 179,889                      | 4.9                                 |
| Church of Ireland           | 121,229          | 129,039          | 63,455           | 65,584           | 7,810                        | 6.4                                 |
| Muslim (Islamic)            | 32,539           | 49,204           | 28,127           | 21,077           | 16,665                       | 51.2                                |
| Orthodox                    | 20,798           | 45,223           | 21,942           | 23,281           | 24,425                       | 117.4                               |
| Other Christian religions   | 29,206           | 41,161           | 19,106           | 22,055           | 11,955                       | 40.9                                |
| Presbyterian                | 23,546           | 24,600           | 12,350           | 12,250           | 1,054                        | 4.5                                 |
| Apostolic or Pentecostal    | 8,116            | 14,043           | 6,498            | 7,545            | 5,927                        | 73.0                                |
| Hindu                       | 6,082            | 10,688           | 6,192            | 4,496            | 4,606                        | 75.7                                |
| Buddhist                    | 6,516            | 8,703            | 3,955            | 4,748            | 2,187                        | 33.6                                |
| Methodist                   | 12,160           | 6,842            | 3,314            | 3,528            | -5,318                       | -43.7                               |
| Jehovah's Witness           | 5,152            | 6,149            | 2,767            | 3,382            | 997                          | 19.4                                |
| Lutheran                    | 5,279            | 5,683            | 2,165            | 3,518            | 404                          | 7.7                                 |
| Protestant                  | 4,356            | 5,326            | 2,316            | 3,010            | 970                          | 22.3                                |
| Evangelical                 | 5,276            | 4,188            | 1,904            | 2,284            | -1,088                       | -20.6                               |
| Atheist                     | 929              | 3,905            | 2,573            | 1,332            | 2,976                        | 320.3                               |
| Baptist                     | 3,338            | 3,531            | 1,673            | 1,858            | 193                          | 5.8                                 |
| Agnostic                    | 1,515            | 3,521            | 2,072            | 1,449            | 2,006                        | 132.4                               |
| Jewish                      | 1,930            | 1,984            | 999              | 985              | 54                           | 2.8                                 |
| Pantheist                   | 1,691            | 1,940            | 866              | 1,074            | 249                          | 14.7                                |
| Latter Day Saints (Mormon)  | 1,237            | 1,284            | 619              | 665              | 47                           | 3.8                                 |
| Lapsed Roman Catholic       | 540              | 1,279            | 546              | 733              | 739                          | 136.9                               |
| Quaker (Society of Friends) | 882              | 925              | 428              | 497              | 43                           | 4.9                                 |
| Baha'i                      | 504              | 520              | 266              | 254              | 16                           | 3.2                                 |
| Brethren                    | 365              | 336              | 159              | 177              | -29                          | -7.9                                |
| Other stated religions      | 8,576            | 14,118           | 7,672            | 6,446            | 5,542                        | 64.6                                |
| No religion                 | 186,318          | 269,811          | 157,219          | 112,592          | 83,493                       | 44.8                                |
| Not stated                  | 70,322           | 72,914           | 39,324           | 33,590           | 2,592                        | 3.7                                 |
| <b>Total</b>                | <b>4,239,848</b> | <b>4,588,252</b> | <b>2,272,699</b> | <b>2,315,553</b> | <b>348,404</b>               | <b>8.2</b>                          |

*(ii) A social system based on mutual respect for each other's cultures among various groups that make up a society, wherein subordinate groups do not have to forsake their lifestyle and traditions but, rather, can express their culture and participate in the larger society free of prejudice.*

No other statement was held to define Margaret Thatcher's ideology more than her statement that "There is no such thing as 'society'." Contextualising this infamous quote however, gives a greater insight into what was meant:

*'There is no such thing as society. There is living tapestry of men and women and people and the beauty of that tapestry and the quality of our lives will depend upon how much each of us is prepared to take responsibility for ourselves and each of us prepared to turn round and help by our own efforts those who are unfortunate'*<sup>3</sup>.

In terms of true ethnic and religious diversity, the people of Ireland have begun the process of creating their own distinct 'living tapestry' only in this current generation. The journey must bring us from mere tolerance or acceptance of difference to genuine inclusion and celebration of difference. In this respect, the JMB has led the way in Irish education by publishing 'Guidelines on the Inclusion of Students of Other Faiths in Catholic Secondary Schools.'<sup>4</sup> The thrust of this document is that school communities can find ways of including and celebrating all while, far from eroding their ethos, actually enriching the spirit of the school and giving life to the true meaning of the word 'Catholic' – *universal*.

## **2.2 Denominational Education**

If the purpose of education is to enrich the capacity of individuals to reach their full potential as human beings, individually and as members of a society, then there is no alternative but to take a holistic approach to the enterprise. Once this premise is accepted, the mission statements gracing the lobbies of schools across the country come alive and their virtually universal goal of '*developing the whole person, body, mind and spirit*' makes sense.

Thus faith-based schools, in acknowledging a place for the sacred, see authentic holism as reflective of the true human condition and adopt a view of education and school life best expressed by the Irish Catholic Bishops in their Pastoral Letter<sup>5</sup>, '*Vision 08*':

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<sup>3</sup> Interview 23 September 1987, as quoted in by Douglas Keay, *Woman's Own*, 31 October 1987, pp. 8–10.

<sup>4</sup> **MULALLY, A.** (2010) *Guidelines on the Inclusion of Students of Other Faiths in Catholic Secondary Schools*, Dublin, JMB/AMCSS Secretariat

<sup>5</sup> <http://www.catholiccommunications.ie/vision08/>

*Catholic education aims to help each student to develop his or her full potential as a human being. It will do so by preparing and disposing our pupils for this fullness of life, by enabling them to be people who are fully alive. Education means the development of the whole person. An education which makes no room to address the fundamental questions about the meaning of life could not be described as seeking such holistic development.*

Objections to denominational education are generally founded on a view that faith and religion are a private matter and should, like smoking, be strictly limited to the private sphere and not allowed to contaminate the workplace, the school or the civic space.

This argument is to ignore the true nature of society, the rich tapestry. Holism does not apply just to individuals. Irish society has an organic life of its own and is in need of the same supports education should afford the individual i.e. enriching the capacity of society to reach its full potential – body, mind and spirit.

In his introduction to Dr. John Murray’s paper on ‘The Liberal Case for Religious Schools’, Bishop Leo O’Reilly says:

*It is untenable to support this [individualistic] view of religion when one considers that the human person is social by nature and the search for truth, including religious truth, cannot be furthered purely as individuals.<sup>6</sup>*

### **2.3 Clarifying Terminology**

In terms of unravelling the distinctions between descriptors of the faith-status of schools and the sometimes peculiar usages in Ireland, the following extract from a draft of Fr. Michael Drumm’s paper<sup>7</sup>, ‘*Schools in the Republic of Ireland - reflecting on the past, clarifying terminology, looking to the future*’ cannot be improved upon.

*‘There are denominational schools, non-denominational schools, multi-denominational schools and inter-denominational schools. Whether this is the most useful terminology is arguable but given its common application it is imperative to reflect on what these terms actually mean. All schools hold much in common in terms of structures, curriculum and the centrality of the State examination system. Every school attempts to serve society in a meaningful way. The life of a denominational school is informed by the vision of a particular religious tradition. In terms of patronage, management, curriculum, symbols, rituals and broader involvement in the community, the school’s identity is inseparable*

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<sup>6</sup> [http://www.ionainstitute.eu/assets/files/lona\\_denominational\\_schools\\_deb.pdf](http://www.ionainstitute.eu/assets/files/lona_denominational_schools_deb.pdf)

<sup>7</sup> **Drumm. M. (2010)** *Schools in the Republic of Ireland*, Position paper

*from its religious ethos. A non-denominational school will, in a similar way, give expression to its own ethos but it will exclude, on clearly articulated philosophical grounds, all religious symbols, rituals and formation in a particular faith tradition. A multi-denominational school will share many of the characteristics of a denominational school except that it must provide religious education in a particular tradition for all those parents who desire such for their children. An inter-denominational school emerges from the close co-operation of at least two religious denominations; the very interaction between them will give the school its particular identity. It should be noted that all of these school types welcome children from varied social, ethnic and religious backgrounds. What distinguishes them from one another is not their openness to children of differing backgrounds but their varied approaches to the reality of religious belief present in the school. If there were no religious believers then the idea of denominational schooling and its prefixes – non, multi and inter, would be redundant’.*

### **3. Historical and Legal Contexts**

#### **3.1 History**

In his address for the launch of the Forum on Patronage and Pluralism in the Primary Sector, Prof. John Coolahan provided a historical context to the debate:

*When the national state-aided school system was set up in 1831, just 180 years ago, the people grasped at the opportunity provided. The system proved to be far more successful and more inclusive than had been originally envisaged. Within thirty years there were 5,632 national schools, with 804,000 pupils on roll. This hunger for education has continued to be a hallmark of our people. In more recent times, when free post-primary education was introduced in the mid-sixties, pupil numbers increased by about 100% within twelve years. Similarly, when free undergraduate fees were introduced, in the mid-nineties, student numbers enrolled in tertiary education soared.*

*The desire for changed school patronage structures today is in the tradition of this active interest in, and desire for education, in line with peoples’ values and beliefs.*

Linkage between faith and education has a long and deep history and has been sustained and even revived in the face of opposition in societies ranging from Penal Times Ireland to the atheistic communist states of the 20<sup>th</sup> century. It would be a mistake, therefore, to characterise the undoubted challenges inherent in an evolving society’s engagement with a debate around schooling and faith as being peculiarly Irish or even a uniquely 21<sup>st</sup> century phenomenon. Irish citizens have a proud tradition of awareness, reflection and courageous engagement with such matters and, whether religious or not, one can have faith in the eventual emergence of soundly moral outcomes, provided the debate is founded in openness of mind, is fully informed and



remains focussed on the wellbeing of both the young people and the wider society at the heart of the enterprise.

### **3.2 The Irish Legal and Constitutional Position**

The importance of parents as the primary educators of their children is a well-accepted principle of social life, and is supported by the Irish Constitution in Article 42:

*The State acknowledges that the primary and natural educator of the child is the Family and guarantees to respect the inalienable right and duty of parents to provide, according to their means, for the religious and moral, intellectual, physical and social education of their children.*

Similarly, Section 30 of the Education Act 1998 on the prescription of the curriculum, allows for linkage with the ‘characteristic spirit’ or ethos of schools as well as freedom of conscience in respect of the student:

*The Minister may, from time to time, prescribe the curriculum for recognised schools and:*

- *shall have regard to the characteristic spirit of a school or class of school in exercising his or her functions under this section,*
- *shall ensure that the amount of instruction time to be allotted to subjects on the curriculum as determined by the Minister in each school day shall be such as to allow for such reasonable instruction time, as the board with the consent of the patron determines, for subjects relating to or arising from the characteristic spirit of the school, and*
- *shall not require any student to attend instruction in any subject which is contrary to the conscience of the parent of the student or in the case of a student who has reached the age of 18 years, the student*

### **3.3 UN and International Law and Practice**

Most democracies provide protection for a plurality of education provision and school types with parental choice given primacy, even to the point of home schooling. These values are enshrined in the Irish Constitution, in the Universal Declaration of Human Rights and in United Nations and European legal instruments.

For example, Article 9 of the *European Convention on Human Rights*, provides for freedom of religion and religious practice, including teaching:

*Article 9 – Freedom of thought, conscience and religion*

*1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, and to manifest his religion or belief, in worship, teaching, practice and observance.*

*2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.*

Such rights are also strongly affirmed in the teaching of both Catholic and Protestant Churches.

#### **4. The Principle of Parental Choice**

##### **4.1 Enshrined in Statute and Practice**

The Irish State is bound by the principle of subsidiarity: it is not reasonable for it to intervene or dominate in every practical matter concerning Irish individuals and society. To do so would be to violate the dignity of the individuals and groups making up society, who have the responsibility and ability to carry out their own roles at their own level, with help from above as necessary certainly, but only as necessary. Education is one of the tasks that the state should not take over completely<sup>8</sup>.

There is a growing awareness among policymakers in western democracies concerning the need to provide space for structures of civil society to emerge between the powerful centralising forces of the State on the one hand and the impersonal dynamic of the market place on the other. The principle of subsidiarity might inform such a process. As an organising principle it suggests that matters ought to be handled by the smallest, lowest or least centralised competent authority.

In Ireland, this organisational principle and the Constitutional protections afforded the family to the education of their children, have translated into the primacy of parental choice and the consequent evolution of small and localised primary schools, mostly based around that other local subsidiary institution – the parish.

Over the past forty years local communities have shown their commitment to their local school by agreeing to establish a board of management and actively engage in the governance of their local school as volunteers on the boards.

In terms of second-level provision a quite different situation pertains as the majority of centres of population, even the comparatively small, provide parents with a choice of voluntary, ETB

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<sup>8</sup> MURRAY, J. (2008) *The Liberal Case for Religious Schools*, Dublin, Iona Institute.

and/or Community/Comprehensive (C&C) schools. While the ETBs themselves are non-denominational, ETB *schools* are multi-denominational in that students have access to religious education and formation in accord with their particular religious tradition. The small number of Comprehensive schools are denominational, providing [in the 1960's when they were established] a more comprehensive curriculum than local voluntary schools and in a co-educational environment. Community schools, with joint voluntary and ETB patronage, are multi-denominational in nature as they must provide for the religious education and formation of all pupils.

There are 720 post-primary schools in Ireland at present with a breakdown per sector as follows:

Voluntary – 380

ETB – 247

C and C – 93

In general terms, parents are afforded a choice of post-primary school, but it is essential that there is in place an independent transparent process for the selection of trustees at second level. Current policy has led to areas of a) rural Ireland where there is now no voluntary secondary school due to rationalisation and b) large areas of rapid population growth on the edge of urban centres where there is a dearth of real choice for parents.

It is vital that thought and consideration be given urgently to the trusteeship of post-primary schools to avoid the loss of the diverse provision which currently exists across the system.

#### **4.2 Evidence for What Parents are Seeking**

Ascertaining verifiable insights into the wishes of parents concerning the education of their children is a complex and nuanced affair. That survey outcomes demonstrate overwhelming support for faith-based schooling in either denominational or multidenominational settings is well established. The wishes of parents as expressed in surveys carried out by both Red C (March 2008) on behalf of The Iona Institute, and the Bishops' Council for Research and Development report, *Factors Determining School Choice* (April 2008), found that for most parents faith in education retains its importance and that there is overwhelming support for the principle of parental choice. For example, in answering the question in the Red C poll: '*Given the choice, which one of the following would you send your children to?*' those with dependent children responded:

|   |     |
|---|-----|
| • A Catholic school                                 | 49% |
| • A state run school where all religions are taught | 39% |
| • A school in which no religions are taught         | 8%  |
| • A school run by another religious organisation    | 1%  |
| • Don't Know  | 3%  |

Thus, while indicating an overwhelming 88% majority in favour of faith-based schooling, the investigative process would benefit from deeper interrogation of existing outcomes as well as the use of mixed methods data-gathering techniques (e.g. focus groups, interviewing, follow-up surveying etc.) in order to inform decisions around the practical delivery of effective pluralism.

The challenges inherent in eliciting the wishes of parents from a population are exemplified in the process of appointing a patron to the new post-primary school in Gorey, Co. Wexford in 2010. Exchanges in Dáil Éireann<sup>9</sup> between the then Minister and her successor offer insights into the need for greater transparency, grounded and fair opinion-gathering and mutually acceptable criteria:

*Deputy Mary Coughlan: On the new second level school to be established in Gorey for the coming school year, I recently announced that County Wexford VEC is to be patron of this new school. This decision followed a process undertaken by my Department, which involved a meeting with the prospective patron bodies, an interview with them and a survey of parental preferences in Gorey.*

*Deputy Ruairí Quinn: Is it the Minister's intention to apply the model applied in Gorey to every other new post-primary school, in respect of which Wexford VEC was able to deploy resources of the order of €50,000 to campaign for a referendum outcome? Is this what the Minister is looking for?*

*Deputy Mary Coughlan: I believe in parental choice. Arising from the survey that took place in Gorey, 65% of respondents expressed a preference for County Wexford VEC as*

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<sup>9</sup> Dail Eireann: Priority Questions - School Patronage Thursday, 16 December 2010

*patron of the new school, with 35% expressing a preference for Educate Together. The results of this survey were part of the decision making process.*

*I do not agree with the view that parental choice in Gorey was not taken into consideration. It is also wrong to suggest that Educate Together had not lobbied or set up a group, either in Lucan or Gorey, to put forward its views or perspectives. If the Deputy comes to my office I will show him correspondence in regard to the considerable amount of lobbying and fundraising activities undertaken by Educate Together, with which I do not have a problem.*

The need to learn from past experiences of allocation of patronage is clear. Determining parental choice requires an information and educative process as well as arms-length exclusion of political interests, close scrutiny of spending on campaigning and absolute independence of procedure in dealing with quantitative and qualitative data-gathering, analysis and the generation of conclusions.

Opinion-gathering in respect of school choice implies a certain passivity on the part of parents. While there is localised activity in many parts of the country, this tends to concentrate on efforts at changing the status quo in a particular area. The silent majority of parents wishing to develop and enrich local provision in terms of Catholic or Protestant primary (or indeed secondary) schools should equally be afforded the opportunity to give voice to their wishes and articulate what are clearly widespread and deeply held values.

#### **4.3 Pupil Voice**

In the present debate, the opinions of children and young people currently at school have been notable by their absence. The emergence of democracy in families in the latter half of the 20<sup>th</sup> century has led not only to a clear engagement with children and young people around the choice of school but increasingly to a veto over parents' initial preferences. No such democratic engagement exists once a child or older student passes the school gate and still less with local or national debates around the type of school and schooling on offer to them.

That said, an insight into student voice around faith and its importance in their lives comes from the International Civic and Citizenship Study (ICCS): Report for Ireland<sup>10</sup>:

*A large majority (95%) of Irish students indicated that they identify with a religion. Of the comparison countries where this question was asked, only Poland had a higher percentage (97%). It was also found that 76% of students in Ireland agreed that religion was an important influence in their lives and that attendance by students in Ireland at*

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<sup>10</sup> COSGROVE, J. *et al* International Civic and Citizenship Study (ICCS): Report for Ireland, Dublin ERC.

*religious services was comparatively high, with 63% reporting attendance at a service at least once a month.*

The need for inclusion of both individual opinions and those of student representative organisations is clear. Neither, however, is presently provided-for.

## **5. Primary School Patronage and Enrolment**

### **5.1 Ethos: Inclusion and Diversity**

Religious affiliation is not the only measure of inclusivity and diversity in Ireland. Arguably, it is the least important such measure. Most religious organisations (educational and otherwise) are extraordinarily inclusive in their approach and very respectful of diversity. Catholic schools are caring and inclusive communities. They have adapted to demographic change with significant net migration into Ireland and have led the way in integrating the ‘new Irish’ into local communities. They have been leaders in areas such as special needs, social inclusion and Traveller education. One of the great strengths of our primary school system has been that in most parts of the country children from various social strata have attended the same school together. In any reconfiguration there is a danger of much more streamlined social stratification as the evidence demonstrates that, given the choice, many parents will opt for a school which draws most of its pupils from the more upwardly mobile social classes. Thus the strength of our present system where most parents identify the local primary school as *their* school, belonging to their local parish, should not be underestimated<sup>11</sup>.

### **5.2 Religious Education and Sacramental Preparation**

At primary school level, Catholic ethos finds particular expression at three interconnected levels:

1. The curriculum and, in particular, the religious education element
2. The characteristic spirit and culture of the school, and,
3. Sacramental preparation

Historical (and indeed current) linkage between parish and school, the wishes of parents to have their children prepared in school for sacramental experience and the concurrence of primary school years with the ages at which the Church generally administers the sacraments of Eucharist, Reconciliation and Confirmation, have led to the present position whereby Catholic primary schools continue to legitimately engage with this aspect of education, in its developmental and preparative, sense.

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<sup>11</sup> **Drumm. M. (2010)** *Schools in the Republic of Ireland*, Position paper

Should any of the aforementioned dispositions change (parish links, parents' wishes or sacramental age), a case could be made for moving away from current practice. The practicalities of such change however, would demand not only changes in parent expectation, choice and indeed culture but also a significant lead-in time for alternative provision to be put in place.

That said, the emergence of alternative forms of patronage will, as with the current position in Educate Together schools, drive the evolution of creative provision for sacramental preparation and may even enrich such catechetical experience and level of engagement on the part of the whole family.

### **5.3 The Challenge of Change: The Minister's Four Options**

The preponderance of a large number of small, local primary schools in Ireland is largely a historical and social artefact and is virtually unique in the developed world. Our national school system emerged long before the foundation of the State, though it continued to be rooted in parental choice over many generations and has thus emerged as numerically very high both in terms of individual schools as well as in its overwhelmingly Catholic patronage. The characterisation, however, of the Catholic Church as struggling to maintain such control is belied by the clear stance taken by the Irish Bishops in 2007:

*It is sometimes the case that people choose the Catholic school simply because it is the only school available, and not because they wish their children to have a Catholic education. This can cause difficulties for parents who do not share the ethos of a Catholic school. It can also put an unfair financial and administrative burden on the parish. We feel that in such circumstances the Church should not be left with the task of providing for the educational needs of the whole community. As the Catholic Church accepts that there should be choice and diversity within a national education system, it believes that parents who desire schools under different patronage should, where possible, be facilitated in accessing them. In new centres of population it is incumbent upon the State to plan for the provision of school sites and to ensure, in consultation with the various patron bodies, that there is a plurality of school provision reflecting the wishes of the parents in the area<sup>12</sup>.*

In light of this stance, the JMB has reflected on the four options as presented in the Minister's consultation brief. It is not the role of a post-primary management body to recommend a particular operational framework which will impact on the primary sector. That said, we acknowledge the challenges and recognise that policy in this area may ultimately inform or influence subsequent regulation in the post-primary setting.

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<sup>12</sup> *Catholic Primary Schools: A Policy for Provision into the Future*, 5.1  
<http://www.catholicbishops.ie/2007/10/02/catholic-primary-schools/>

### ***Option 1: Catchment Areas***

Defined catchment areas do not apply at post-primary, though the provision of transport can operate as a lever for parental decisions around which school to choose for their child.

Catchment areas for primary schools appear straightforward but raise a set of anomalies which will inevitably prove seriously problematic for some families. If the catchment is the parish, then parishes with no primary school will have to be separately determined in a catchment definition. Similarly with Protestant primary schools, whose demographic spread will be geographically very wide. If Protestant, Gaelscoileanna and special schools can have separately defined catchment regulations, it may prove inequitable if Catholic faith schools cannot.

In urban areas, many contemporary families do not know in which Catholic parish their school is situated and may resist the mapping of educational provision on denominational lines. Finally, the non-alignment of transport catchments with enrolment catchments will further confuse the situation for many schools and families and therefore the JMB is cautious around any policy or regulation which uses geography to determine the complex, multi-faceted challenge of enrolment.

### ***Option 2: The Nearest School Rule***

As earlier discussed, the principle of parental choice has primacy in the selection of a school for a family's children. The imposition of such a regulation will not survive a legal challenge in terms of existing Constitutional protections and would meanwhile lead to a mirroring of the UK's 'postcode lottery' wherein a child's school is inflexibly determined based on their address. Importing a failed policy from another jurisdiction is not acceptable to the JMB at primary or post primary levels.

### ***Option 3: A Quota System***

Quotas demand criteria. In terms of the operation of a quota system, families will quite rightly ask:

- What criteria have been determined?
- Who set out these criteria?
- Who consulted us about these criteria?
- Why these criteria?
- Which children are they intended to include and exclude?
- Why are particular children being excluded?



- How can we change the criteria?

The complexities inherent in a quota model are obvious but the hidden consequences of politicisation - micro and macro - as well as the democratic and emotional flux they will generate, lead JMB to recommend their rejection as a model of enrolment management.

#### ***Option 4: Outright Prohibition***

This entire submission represents a framing of the JMB stance on the provision of an educational service underpinned by a particular set of values. Not every family shares these values, though the majority have, time after time, affirmed its worth to them and their primary school-age children. True democracy means not majoritarianism but a collective acceptance that ‘everybody counts’.

‘Everybody’ means ‘everybody’.

Both State and schools have a responsibility to provide for authentic inclusion and, notwithstanding historical legacies, to take courageous steps to invest in this major democratic endeavour. Instead of proceeding to a divisive referendum, enacting discriminatory anti-faith legislation, creating national and local dissonance and still not solving the enrolment problem, JMB simply asks: ‘Why not build more schools and buy some more buses to provide for diversity and an increasing population?’

#### **Concluding Comments**

Efforts to provide for diversity of trusteeship and enhanced parent choice deserve the wholehearted support of every stakeholder and member of civic society. In terms of access to the school of one’s choice, it is the position of the JMB that parental choice be supported, enhanced and provided-for by the State at both primary and post-primary levels.

Existing legislation, though lacking in overall coherence, nonetheless already provides for a comprehensive range of rights and responsibilities in respect of schools, parents, students over 18 years and the State. It is not the case that schools have been operating in a legal vacuum in respect of enrolment. Currently, there are three key pieces of legislation which require to be considered in the context of admissions to schools: the Education Act 1998, as amended, the Education Welfare Act 2000 and the Equal Status Acts 2000-2011.

The forthcoming Education (Admission to Schools) Bill and associated regulations will have a significant impact on schools and families across the primary and post-primary sector. Importantly, this legislation represents a further intervention on the part of the Minister for Education and Skills in the admissions process and future Ministers will be able to dictate to a

large degree the content of admissions policies, including the prescription of permissible and non-permissible criteria to be applied in the case of over-subscription, how admissions policies are to be published and reviewed and how the admissions process is to be conducted by schools, including the conduct of appeals against refusals to enrol.

It has been the JMB position that the introduction of a new regulatory framework, as opposed to a legislatively-driven approach, would have represented a more appropriate methodology to bringing coherence to the question of school enrolment as well as congruity between currently distinct phases of the education system and sectors within it.

JMB nonetheless appreciates the concern for civic values of equity and fairness underpinning the Minister's proposals. Neither the Minister's set of options, nor indeed any legislation, can address the fact that in some areas throughout the country, there is a shortage of school places. Parents will always want the criteria to be applied in the case of over-subscription to be those criteria that will best ensure that their child gets a place in the school.

That said, however, maintaining the status quo is not an option and both the need and desire for change in the current framework of primary school patronage and enrolment practices are beyond argument. It is time for creativity and generosity, for forward-looking solutions and new thinking. Cost-effective solutions *can* be found, allowing for incremental, democratic change as opposed to unwarranted revolution and thus bringing communities and other stakeholders along the journey towards authentic pluralism.

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