

APPENDIX C

Education (Student and Parent Charter) Bill 2019

Regulatory Impact Analysis

1. Summary of RIA

Summary of Regulatory Impact Analysis (RIA)	
Department/Office: Department of Education and Skills	Title of Legislation: Education (Student and Parent Charter) Bill 2019
Stage: Publication of Bill	Date: September 2019
<p>Related Publications:</p> <p>Education (Student and Parent Charter) Bill 2019 Explanatory Memorandum to the Education (Student and Parent Charter) Bill 2019 General Scheme of an Education (Parent and Student Charter) Bill 2016 Student and Parent Charter Briefing Note</p>	
<p>Available to view or download at: https://www.education.ie/en/Parents/Information/student-and-parent-charter/student-and-parent-charter.html</p>	
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<p>What policy objectives have been pursued?</p> <p>Section 28 of the Education Act 1998 provides for the Minister for Education and Skills to prescribe procedures for dealing with complaints from students or their parents. It expresses a desirability of determining appeals and resolving grievances in the school. Since the commencement of Section 28 of the Education Act, 1998 no Minister has elected to prescribe procedures under that section.</p> <p>Section 28 of the Act is narrowly focused on creating procedures to process grievances or appeals once they have arisen. The overall policy objective is to shift away from concentrating on reacting to problems in schools after they have given rise to grievances and move to an approach which aims to improve the day-to-day experience students and their parents can expect from their school and that ultimately reduces the number of grievances that arise.</p> <p>The key aims of the Education (Student and Parent Charter) Bill 2019 are:</p> <ul style="list-style-type: none"> - To improve how schools engage with students and their parents by requiring each school to prepare, publish and implement a Student and Parent Charter; - That every charter must be prepared, published and implemented in accordance with charter guidelines to be developed by the Minister after consultation with the education partners and 	

- To set out in law the matters to which the Minister must have regard to when preparing the charter guidelines.

What policy options have been considered? Please summarise the costs, benefits and impacts relating to each of the options below and indicate whether a preferred option has been identified.

1. Do nothing.
2. Use the existing provisions in Section 28 of the Education Act 1998 and prescribe procedures for complaints.
3. Introduce legislation aimed at fostering a culture change in schools in terms of student and parent engagement, by requiring schools to prepare, publish and implement a Student and Parent Charter in accordance with guidelines published by the Minister for Education and Skills.

Preferred Option:

Option 3 - Introduce legislation aimed at fostering a culture change in schools in terms of student and parent engagement, by requiring schools to prepare, publish and implement a Student and Parent Charter in accordance with guidelines published by the Minister for Education and Skills.

OPTIONS			
	COSTS	BENEFITS	IMPACTS
1	<ul style="list-style-type: none"> Continuation of existing costs associated with processing complaints under the current adversarial process. 	<ul style="list-style-type: none"> No perceived benefits arising from this option. 	<ul style="list-style-type: none"> Current adversarial complaints process continues. Lack of coherent approach in legislation to improving how schools engage with students and their parents and to reducing the number of cases where complaints might arise.
2	<p>Focusing solely on creating procedures to process grievances or appeals once they have arisen will give rise to the costs associated with processing those complaints at school level.</p>	<ul style="list-style-type: none"> Local standardised school complaint procedures, developed in consultation with the education partners, put in place. 	<ul style="list-style-type: none"> Continuation of an adversarial complaints process. Lack of coherent approach in legislation to improving how schools engage with students and their parents and to reducing the number of cases

			where complaints might arise.
	COSTS	BENEFITS	IMPACTS
3	<ul style="list-style-type: none"> • Some minor costs in terms of developing and publishing National Guidelines on a Charter. • Some minor costs where the Minister has to issue a direction to a school. 	<ul style="list-style-type: none"> • Schools required to prepare, publish and implement a Student and Parent Charter. • Fostering of a culture change in schools in terms of student and parent engagement. • Local standardised complaints procedures put in place. • Education partners consulted on the development of charter guidelines. 	<ul style="list-style-type: none"> • Improved culture of positive school/student and school/parent engagement. • Students and their parents (and the school itself) have clarity from national guidelines on what is expected from the school. • Focus on improving engagement and thereby reducing the number of complaints.

2. Policy Context and Objectives

Policy Context

The Education Act 1998, while clearly making some provisions that can guide and influence the relationship between a school and its students and parents, does not currently provide any cohesive approach or strategy to enhance how students and parents are served by schools. The legislative provisions that attempt to set out what students and parents can expect from schools are limited and those that do exist are not supported by an overarching or strategic framework which could guide practice, help set standards and increase the extent to which schools are responsive to students' and parents' needs and expectations.

In specifically providing for student and parental grievances and appeals the 1998 Act recognised that difficulties can arise. However the legislative provision in Section 28 is narrowly focused on creating procedures to process grievances or appeals once they have arisen. It is concerned with managing the process of responding to a complaint as distinct from contributing in any way to managing issues in a school differently and before they give rise to grievances.

A number of attempts were made with the education partners, particularly at primary level, to develop procedures under Section 28, but to date, this has not progressed to the making of regulations in this area. Existing local complaint procedures have been developed and agreed between the school management bodies and the teacher unions.

The alternative approach is to put in place legislative measures aimed at fostering a culture change in schools in terms of student and parent engagement. The proposed legislative changes will place an emphasis on improving the day-to-day experience students and their parents can expect from schools.

The Programme for a Partnership Government (2016) provides that the Government will introduce a stronger complaints procedure and charter for parents. In that regard, the proposed legislation will, when operational, require that grievances of students or their parents relating to a school are dealt with efficiently, effectively and fairly, in accordance with standardised local complaints procedures that will be set out in the national charter guidelines. It will also require that certain key elements must be included in such procedures, including the giving of reasons for decision on grievances and the implementation of remedial actions required by decisions on grievances.

Objectives

The Minister, in this Bill, is proposing to amend Section 28 of the Act and supplement it with a number of new provisions that are aimed at creating a more cohesive approach in the school system to what students and parents can expect from schools, how schools engage with students and their parents and the standards that schools will apply in that regard.

The overall approach is to shift away from concentrating on reacting to problems in schools after they have given rise to grievances to an approach which aims to improve the day-to-day experience students and their parents can expect from schools. This will be done by setting out in law a framework that schools will apply in their engagement with students and parents.

The Bill will require every school to have a Student and Parent Charter.

The Charter in each school must follow guidelines that the Minister will publish. In line with the core principles set out in the General Scheme, the Minister, in preparing the charter guidelines, must have regard to the need for a school to -

- seek to achieve, as far as practicable and subject to the resources available, the best possible outcomes for students in relation to their education and personal development,
- foster and promote the relationship and a spirit of partnership between the school and students and their parents,
- foster and promote mutual respect in communications between the school and students and their parents,
- ensure, as appropriate, confidentiality in communications between the school and students and their parents,
- promote the role and participation of parents in the education and personal development of students,

- consult with, and encourage the participation and engagement of, students (to the extent appropriate to their age and experience) and their parents, and respond (as appropriate) to comments and suggestions made by students and their parents, in respect of the development, review and updating of school plans and policies (other than admission policies) and the activities of the school,
- monitor and review the provision of education by the school to students, including by consulting with, and responding to comments or suggestions made by, students (to the extent appropriate to their age and experience) and their parents, for the purposes of assessing and improving such provision on an ongoing basis,
- foster and promote equality of access for students to, and participation by students in, education by seeking, as far as practicable, to reduce the costs to parents and students of such participation,
- address and resolve concerns of students or their parents relating to the school, as far as possible, at an early stage, and
- ensure that grievances of students or their parents relating to the school are dealt with efficiently, effectively and fairly and, as far as possible, in an informal manner consistent with the principles of fair procedures.

The Minister is also taking a power to direct a school to comply with its obligation under the Bill to prepare, publish and implement a charter. This is to ensure that if any school is failing to comply with its charter obligations, the Minister can give a direction to that school requiring compliance.

3. Identification and Description of Options

Option 1: Do nothing.

Doing nothing will maintain the status quo and will allow the existing lack of clarity in relation to student and parental complaints to persist.

There will be no impetus for culture change in terms of how schools engage with parents and students. There will be no legislative provision to guide how schools engage with parents and students. The current adversarial complaints procedures, as agreed by the school management bodies and the teacher unions, will be continue to be utilised.

Option 2: Use the existing provisions in Section 28 of the Education Act 1998 and prescribe procedures for complaints.

The legislative provision in the current Section 28 is narrowly focused on creating procedures to process grievances or appeals once they have arisen. It is concerned with managing the process of responding to a complaint as distinct from contributing in any way to managing issues in a school differently and before they give rise to grievances.

There will be no legislative provision to guide how schools engage with parents and students. The adversarial nature of the parental complaints process would remain.

Option 3: Introduce legislation aimed at fostering a culture change in schools in terms of student and parent engagement, by requiring schools to prepare, publish and implement a Student and Parent Charter in accordance with guidelines published by the Minister for Education and Skills.

This option entails the introduction of new legislation that will, inter alia:

- Require schools to have a Student and Parent Charter;
- Allow the Minister to make guidelines in accordance with which every school's Student and Parent Charter shall be prepared, published and implemented;
- Set out the key matters that the Minister must have regard to when preparing the charter guidelines;
- Provide a power to enable the Minister to direct School Boards to comply with the guidelines;
- Require the Minister to publish directions issued and where applicable a notice of subsequent compliance;
- Amend Section 9 of the Education Act 1998 to include among the functions of a school:
 - a requirement that a school must promote the involvement of students and their parents in the education provided to students and
 - a requirement to prepare, publish and implement a charter;
- Amend Section 27 of the Education Act 1998 to change the requirement on a student council from one of promoting the interest of the school to a requirement to promote the interests of the students of the school having regard to the characteristic spirit and policies of the school and the charter.

In addressing the areas outlined above, the Education (Student and Parent Charter) Bill 2019 will foster a culture change in schools aimed at improving the day-to-day experience students and their parents can expect from schools and ultimately diminish the need for students and parents to avail of grievance procedures.

Option 3 is the preferred Option.

4. Analysis of Costs, Benefits and Impacts for all Options

Option 1: Do nothing.

The existing costs associated with processing complaints under the current adversarial process will continue. There are no perceived benefits identified in relation to continuing with the status quo.

Option 2: Use the existing provisions in Section 28 of the Education Act 1998 and prescribe procedures for parental complaints.

Costs:

- Focusing solely on creating procedures to process grievances or appeals once they have arisen will give rise to costs associated with processing those complaints at school level.

Benefits:

- Local standardised school complaint procedures, developed in consultation with the education partners, are put in place.

Impacts:

- Continuation of an adversarial complaints process.
- Lack of coherent approach in legislation to improving how schools engage with students and their parents and to reducing the number of cases where complaints might arise.

Option 3: Introduce legislation aimed at fostering a culture change in schools in terms of student and parent engagement, by requiring schools to prepare, publish and implement a Student and Parent Charter in accordance with guidelines published by the Minister for Education and Skills.

Costs:

- Some minor costs in terms of developing and publishing National Guidelines on a Charter.
- Some minor costs where the Minister has to issue a direction to a school.

Benefits:

- Schools required to prepare, publish and implement a Student and Parent Charter.
- Fostering of a culture change in schools in terms of student and parent engagement.
- Local standardised complaints procedures put in place.
- Education partners consulted on the development of charter guidelines.

Impacts:

- Improved culture of positive school/student and school/parent engagement.
- Students and their parents (and the school itself) have clarity from national guidelines on what is expected from the school.
- Focus on improving engagement and thereby reducing the number of complaints.

National Competitiveness

No direct effects.

The Socially Excluded and Vulnerable Groups

The proposed legislation will set out a framework that will guide how schools engage with students and their parents. The Student and Parent Charter should foster a positive culture change in schools.

The Environment

No direct effects.

Economic market, Consumers and Competition

No direct effects.

The Rights of Citizens

The proposed legislation and associated guidelines aim to assist schools in improving how they engage with students and their parents.

Disabilities

The proposed legislation will set out a framework that will guide how schools engage with students and their parents. The proposals will have a positive impact on those with disabilities and those who have special educational needs by setting out in national guidelines how schools should engage with students and their parents. Students and their parents will also have access to a local complaints process. The Student and Parent Charter provides that students and parents must be treated with mutual respect.

Poverty

While not strictly a poverty proofing provision, the proposed provisions will impact positively on the socially excluded and vulnerable groups by providing that schools should consult with students and their parents regularly in relation to school matters including school costs which can act as a barrier to participation.

Compliance Burdens

The proposed provisions will provide a mechanism that would allow the Minister to direct a school board to comply with its obligations under the Bill and charter guidelines. Before making the charter guidelines the Minister must consult with the education partners.

It is intended that the Minister will initially write to the school setting out where he or she proposes to give a direction and stating the terms of the proposed direction and the reasons therefor, and giving the board or patron (or both) the opportunity to make representations or for the board to take steps to remedy the non-compliance.

The Minister will then consider any representations made. It is anticipated that the number of occasions on which the Minister may have to issue a direction to a school board will be small and the burden in relation to these measures is therefore not expected to be significant.

North-South and East-West Relations

No direct effects.

5. Consultation

Before making the charter guidelines, the Minister must consult with the education partners. It is anticipated that this consultation process would commence after the proposed legislation is passed. The education partners and other bodies that will be involved in the consultation process include:

- Bodies representative of school patrons;
- National associations of parents;
- National bodies representative of student councils;
- Recognised school management organisations,
- Recognised trade unions and staff associations representing teachers.
- The Ombudsman for Children and
- The Ombudsman.

6. Enforcement and Compliance

The proposed provisions will provide a mechanism that would allow the Minister to direct a school board to comply with the Bill and the national guidelines on a Student and Parent Charter. Before making the charter guidelines, the Minister must consult with the education partners

It is intended that the Minister will initially write to the school setting out where he or she proposes to give a direction and stating the terms of the proposed direction and give the reasons therefor. A school board or patron (or both) may then make representations in writing to the Minister. The Minister will then consider any representations made to him or her prior to giving a direction to the school board.

7. Review

The proposed legislation, once enacted, will be kept under review to ensure that it is meeting its objectives. The legislation also provides for the Minister to review and update national charter guidelines from time to time.

8. Publication

It is intended to publish the Bill, an Explanatory Memorandum and this Regulatory Impact Analysis on the website of the Department of Education and Skills.

Parents and Learners Unit

Department of Education and Skills

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