



Teachers' Union of Ireland
Response to Consultation on Three Year Strategy
(May 2016)

TUI represents 16,000 members from thirty-five different grades of employment which includes teachers, tutors, trainers, researchers, lecturers, coordinators, managers and other educational experts. Our members are mainly employed by Education and Training Boards (ETBs), Community and Comprehensive (C&C) Schools, adult education centres, further education which includes Post-Leaving Certificate colleges, institutes of technology and training centres. TUI also has members in the Garda Training College in Templemore and recruits from private education providers.

On the 23rd May 2016, The Minister invited submissions from education providers and stakeholders relating to three-year strategy. Enclosed is TUI's preliminary submission on that strategy. TUI wishes to point out that the two-week turnaround time on the call for submissions is very short and more time should have been given for such an important matter.

Introduction

The call for submissions seeks views under eight headings. TUI will place emphasis on the headings which are of more relevance to our membership. While, TUI represents members working in the post-primary and tertiary sectors, the union will also contribute to discussions on the value of a publicly funded education system at all levels.

Tackling Disadvantage

Appendix three of this document sets out the details of TUI's position on education disadvantage and, in particular, its position on the DEIS programme. Suffice to say that the DEIS programme has been shown to have positive impacts as confirmed by the DES at a briefing on May 23rd 2016. Supports to DEIS schools must be continued. Some of those supports include a lower pupil-teacher ratio, additional funding, additional access to HSCL support and SCP services. Furthermore, a new mechanism needs to be put in place to support disadvantaged students in which are not designated as DEIS. A review of the manner in which schools are granted DEIS status should also be undertaken.

TUI believes that greater efforts should be made relating to social inclusion and accommodating the needs of new communities and refugees. To assist teachers, more time, resources and specialised training initiatives are required. TUI is part of a European application to Erasmus KA3 which is led by European Trade Union Council, called Teacher Reach Out which aims to develop tools and resources for teachers working with refugees and new communities.

Promoting Excellence and Innovation in Schools

Irish schools have always demonstrated excellence and innovation as seen by OECD (2014) and Chief Inspector reports (2013). This is supported by high levels of parental trust in, and support for, the Irish education system (OECD, 2013). However, the Irish system has suffered well-meaning 'initiativitis' (Fullan, 2008). Appendix one sets out the forty plus national initiatives that the Post-primary, further education institutes of technology are trying to incorporate. TUI believes that many of these initiatives are positive, but must emphasise that it is not possible to successfully embed all of these new initiatives at the same time whilst the sectors are subject to extensive austerity measures. The timing now is even less propitious, as acknowledged by the DES at the time of the Travers two report, as so many cutbacks have been made in the education system over recent years. Some of these cutbacks are set out in Appendix two.

TUI has recently made a submission to the DES on the issue of 'autonomy in schools'. The term autonomy can mean many things but if the term were to be defined by the DES as providing devolved decision-making similar to that used in 'academies' in England. Evidence from the UK experience suggests that greater 'school autonomy' hasn't led to any significant improvement in educational standards or operations, despite a massive investment of money (Academies Commission, 2013; Office of the School Adjudicator, 2015; Green et al., 2015; Curtis et al., 2008; House of Commons Education Committee, 2015; National College for Leadership of Schools and Children's Services, 2012). It is not

clear to TUI what the DES hopes to achieve by introducing greater 'school autonomy' in Ireland when Ireland currently outperforms the other countries which have introduced costly and unsuccessful 'school autonomy'. TUI will not co-operate with the DES using the currently successful Irish education system as an experiment in an ideology that hasn't worked in other countries. Any movement by the DES to introduce devolved budgets, devolved staffing decisions, changes to national pay schemes, changes to previously agreed terms and conditions of employment etc. will be forcefully resisted by TUI, including by industrial action if required. The full TUI submission on school autonomy is available in Appendix four.

Promoting Creativity and Entrepreneurial Capacity in Students

Irish schools have a long history of promoting creativity and entrepreneurial capacity in students. Indeed, schools themselves demonstrate significant social entrepreneurial capacity in the methods they must resort to provide basic resources to their students. Access to essential support services also often requires entrepreneurial expertise and ingenuity as those support services are themselves significantly underfunded (Children's Rights Alliance, 2015). Entrepreneurial spirit is imbued in students through whole-school events and through subject specific ways e.g. the Junior Cycle and Senior Cycle Business programmes as well as TY/LCVP/LCA course material. Oftentimes the importance of enterprise is also highlighted through extra-curricular activities undertaken by teachers for no reward e.g. Young Entrepreneurs. Further development in the area of enterprise education will take place as part of the revised Junior Certificate. TUI encourages members to engage in European Commission projects such as Erasmus+ which contribute to building entrepreneurial capacity.

Making Better Use of Educational Assets within Communities

TUI represents members in community schools and community colleges. TUI believes that these schools take the term 'community' very seriously and that the schools engaging meaningfully with the wider community. Examples of this include schools opening at weekends to host small local religious groups to host services, or the community schools/colleges which have PE facilities onsite which are available to the local community in evenings or on weekends. Sadly, during the recent austerity period, funding for these sports facilities were cut and in a number of cases funding only became available for the facilities to open during the school day – despite the protestations of the schools who wanted the facilities to be open much longer. TUI would be very pleased to hear that the DES is willing to extend funding to schools to enable the payment of utilities, insurance and staffing which are required to allow schools to open longer. It would not be acceptable for the DES to ask schools to take on additional costs without a commitment from the DES to fund the full cost of same.

Special Needs Education

TUI has repeatedly asked the DES to fund the implementation of the EPSSEN Act. As recently as 2015, TUI was informed by the DES that the necessary funding was not available and no timeline could be offered as to when the necessary funding might be available. TUI would welcome a commitment by the DES that such funding will be sourced as a matter of urgency. Preliminary data from the NCSE (2014) show that over the 2013-2014 school year, 25,572 boys and 9,429 girls were allocated additional teaching resources for low incidence disabilities in mainstream primary and post-primary schools. Barnardos (2008) estimates that 18% of students fall within the parameters of the EPSSEN Act. Growing Up in Scotland (2014) found that 11% of students were classed as having high levels of emotional and behavioural problems whilst 25% of students were classed as having low levels of satisfaction. Research by the University of Edinburgh, which was presented at a conference in Edinburgh on May 5th 2015, showed that social, emotional and behavioural difficulties are by far the most common SEN in mainstream schools and that students with SEN tend to be male and from disadvantaged communities.

A commitment to implementing the EPSSEN Act is essential if provision for students with SEN is to be adequately and appropriately addressed. However, full implementation will only be possible when sufficient resources are allocated to primary and post-primary schools. Almost ten years ago, TUI emphasised that schools were not sufficiently resourced to implement specific elements of the EPSSEN Act, in particular designing and delivering Individual Education Plans (IEPs) for SEN students.

In 2016, schools are in receipt of far fewer resources as a consequence of austerity measures since 2008. Most pertinently, the moratorium on posts of responsibility has diminished capacity to establish special needs departments or otherwise plan and co-ordinate related activity in most schools. In addition, a worrying level of casualisation has emerged and the expertise of many teachers with particular qualifications and training in special education is lost as schools cannot deploy staff to best effect. Furthermore, the Department of Public Expenditure and Reform has removed the allowance payable to teachers who hold a Postgraduate Diploma in Special Educational Needs and participate in the planning and delivery of teaching supports to student with SEN. It's difficult to see how the Government values the work of teachers who have pursued a qualification in SEN when the Government has removed the allowance for that qualification. Likewise, in the current context of much reduced staffing (fewer teachers and middle management posts, removal of ex-quota guidance posts, removal of enhanced allocations for areas such as Travellers and ESOL) many schools will not be in a position to assign adequate staff time to carry out a comprehensive profiling exercise of the student population and, in particular, of the totality of special needs that exist within it.

In the interest of students TUI supports the full implementation of the EPSSEN Act and embraces the core concepts of integration, inclusion, early intervention, individualised planning and monitoring of

progress. However, this is somewhat impractical and overly ambitious as current government cost cutting policies in the public service are completely at odds with intention to implement. Efforts towards full implementation are laudable but TUI is emphatic that any additional work required cannot be imposed on teachers who are already overstretched on a daily basis and have suffered multiple pay cuts. Furthermore, full implementation would place considerable additional demands on other public services, in particular, the HSE. A measured and considered approach to managing the deployment of national resources is therefore critical and realistic expectations of what is achievable at school and service level are essential.

Meeting the Skills Needs of the Future

The adult and further education sector has a long and productive history of meeting the needs of adult learners, students recently out of school and of the workplace. Education and training serves an important need in the development of a skilled staff workforce. However, it also serves the personal development needs of many people. It is vital that both strands continue to flourish. The adult and further education sector is diverse because of the diverse needs of learners. Such diversity is a strength that must be protected.

TUI sees the establishment of SOLAS as an opportunity to locate FET within the mainstream education system, based on the established expertise and capacity of the vocational education sector, completed by particular strengths of other agencies that will come under the remit of ETBs. TUI considers that current ETB models of delivery of FET which are characterised by a holistic learner-centred approach should form the basis for the development of future FET. In this regard, TUI believes that the developmental but under—resourced work of teachers in the ETB system in providing high quality FET. TUI believes that success of the ETB system of further education and training should form the point of departure for the development of an integrated system of FET.

TUI believes that the benchmark grade for FET provision is that of teacher. This would be a guarantor of quality and prevent destabilisation and devaluation of the FET sector. TUI seeks categorical assurances that SOLAS will not attempt to diminish the established pay and terms of employment of teachers in the sector. Therefore, the baseline requirement for staff employed to deliver FET programmes should be an appropriate teaching qualification. Emphasis in this sector should continue to be placed firmly on delivering good quality education.

Other critical issues include the deterioration in teacher and capital allocations, the depletion of guidance services and the artificial and counter-productive limitation on participant places on post-Leaving Certificate courses.

Apprenticeship is central to the development of a high quality skilled workforce. The full version of a recent TUI submission on apprenticeships is in Appendix five. In summary, the Irish national apprenticeship system has an international reputation for the quality and excellence of apprenticeship education and training. The high standard of competency, skill and knowledge demonstrated by Irish apprenticeship students is evidenced in the awards achieved at the biannual Worldskills competition. Young Irish apprentices have gained results competing against apprenticeships from the largest and most developed countries in the world. These developed countries invest heavily in their apprenticeship system and provide specialised additional training programmes for the apprentices who qualify to take part in their national team. Irish apprentices with the expert support from lecturers from institutes of technology have managed to punch above their weight and brought home gold, silver and bronze medals and have been awarded medallions for excellence in their respected trade areas. This success is underpinned by the work of the National Apprenticeship Competition Committee and the Annual National Skills competitions held in institutes of technology. Lecturers in institutes give their time on a voluntary basis to promote the work of both the National Skills competition and the Worldskills competition.

TUI seeks to promote knowledge share and co-operation between vocational educational providers in Europe. TUI, together with Donegal Education and Training Board, has submitted a proposal to Erasmus+ with partners in Norway and Scotland to explore vocational training skills needs in the fish industry.

Furthermore, the Irish apprenticeship system has a brand quality recognised in the real world of work by both small and large employers and multinational companies. Irish apprentices who successfully complete both their theoretical and practical examinations in the institutes of technology and achieve their required work-based learning standards gain a valuable award which can be considered as a passport to gain access to employment markets internationally. It is vital that the brand quality of the Irish apprenticeship system is protected. Any proposed changes to the system need to consider the consequences and evaluate the risks to international brand reputation and the quality and standards of the apprenticeship system. TUI demands that the quality provision of the established apprenticeship system is protected. TUI seeks representation on the national Apprenticeship Council. TUI believes that a governance policy is required for apprenticeship including the operational structures

of the agencies involved and the key stakeholders. TUI, working with the European Trade Union Council, intends to develop European apprenticeship projects through Erasmus+. TUI will work in partnership with the institutes of technology, Education and Training Boards, SOLAS and QQI to promote apprenticeship as a worthwhile career option.

Technological Universities

TUI believes that Institutes of technology should have the opportunity, but not the compulsion, to convert to Technological Universities. Such conversion of status should not be premised on a compulsory merger of existing IoTs. Furthermore, it is absolutely unacceptable to TUI that conversion to TU status would change existing member's terms and conditions or the right of members to have these determined at a national level. Furthermore, conversion to TU status cannot be done on a "shoestring" as highlighted by the CEO of the HEA in February 2015. The full submission of TUI on the Technological Universities Bill can be found in Appendix six.

Funding of Third Level

Existing funding of third level education is wholly inadequate. The DES recognises that a crisis exists in third level in its statement that there has been "a net reduction in core funding per student (22%) given the scale of increase in student numbers (15%)" and that there has been a "reduction of 2,000 staff" (DES, 2016: 83). DES (2016: 85) states that "the current ECF, agreed for the period 2010 to 2014, remains currently in place" and that "the higher education sector has met, and indeed exceeded, all the required reductions in posts".

The Institute of Technology sector has suffered a range of anti-educational cutbacks during the 'austerity' years. Funding was cut by 35% (€190m) between 2008 and 2015. Over the same time period, student numbers rose by a staggering 32% (21,411) while, as a result of operation of the Employment Control Framework (ECF), lecturer numbers fell by 9.5% (535). This has had a serious direct, detrimental effect on the quality of service to students and the working conditions of academics.

While the sharp increase in numbers participating in third level education is most welcome, the complete failure to provide appropriate funding and to maintain appropriate staffing levels is having a direct, negative impact on the student experience of higher education. For example, students now experience larger class sizes, less access to laboratories and libraries and sharp cuts to tutorials and other student supports. TUI considers the current workload of members lecturing in the IoT sector to be excessive and in need of review. The OECD (2014) stated that the average student to teaching staff ratio for higher education institutions in Europe is 16:1. A low student to teaching staff ratio is a positive indicator

of quality, funding and resourcing. In the IoT sector the ratio is currently 23:1. This high level is putting quality at risk. There is an urgent need to recruit lecturing staff into the IoT sector to meet the growing demand for student places in higher education.

TUI considers the IoTs provide a unique regional mission enabling access to higher education opportunities in rural communities throughout the country. For this regional and rural provision to be sustainable, alternative funding models need to be developed. The current unit cost model disproportionately favours higher education providers in dense urban settings. TUI is also engaged in Erasmus+ funded projects which seek to promote higher education initiatives in rural areas. Currently TUI is working with Sweden, Iceland and Romania. Furthermore, TUI has submitted an application for knowledge centre developments with Letterkenny Institute of Technology, Sweden and Iceland.

TUI has repeatedly highlighted the opportunity to properly fund third level education by proposing a one percentage point increase in the Corporation Tax rate. This would allow employers, who benefit from our highly educated and young workforce, to make a meaningful contribution to the education of that workforce through this contribution to a ring-fenced fund.

Professional Development

TUI believes that it essential for all staff in the education system to have access to professional development opportunities. These opportunities should be held within normal working time and should be funded by the relevant employer. TUI considers the conferences, seminars and training provided to our members should be recognised for the purposes of CPD

Guidance Support

TUI has previously welcomed the actions of the DES in providing some alleviation to the abolition of ex-quota guidance in schools. TUI asks the DES to take the next step, as the economy improves, to restore full ex-quota guidance at the earliest opportunity. Mental health issues have increased among students and the lack of adequate counselling support could lead to tragic outcomes. The restoration of middle management posts would also contribute to re-creating the pastoral system that supported students previously.

Integrated Workplace Health Management Project

TUI, together with other stakeholders, has previously met with DES regarding this project. The project has the capacity to make a significant contribution to staff wellbeing in the education sector and should be considered most earnestly by the DES.

Conclusion

To sum up, TUI believes that the priority areas for the DES over the next three years should be:

- Implementation of EPSEN with adequate funding
- Adequate funding of the third level sector
- Support for adult and further education and a recognition of its broad and diverse role
- Focus on a small number of essential initiatives rather than a 'scattergun' approach
- Support for the unique role of Institutes of Technology
- Ongoing support for programmes tackling educational disadvantage
- Restoration of pastoral support systems

TUI asks for the opportunity to meet with the Minister to discuss these matters further. TUI would also welcome other educational stakeholders to meet with it bilaterally to discuss how these priorities could be advanced.

Ends

David Duffy (Education/Research Officer, TUI), *dduffy@tui.ie*, 01 4922588

Acronyms

CPD	Continuing Professional Development
CEO	Chief Executive Officer
DES	Department of Education and Skills
DEIS	Delivering Equality of Opportunity in Schools
EPSEN	Educational Provision for Students with Special Educational Needs
ETB	Education and Training Board
FET	Further Education and Training
HEA	Higher Education Authority
HSCL	Home School Community Liaison
IoT	Institute of Technology
LCA	Leaving Certificate Applied
LCVP	Leaving Certificate Vocational Programme
SCP	School Completion Programme
TU	Technological University
TUI	Teachers' Union of Ireland
TY	Transition Year
UK	United Kingdom

References

Academies Commission (2013), *Unleashing Greatness, Getting the best from an academised system*, Report of the Academies Commission

Barnardos (2008), *Tomorrow's Child*, Dublin: Barnardos

Children's Rights Alliance (2015), *Are We There Yet? Parallel Report to Ireland's Third and Fourth Combined Report under the UN Convention on the Rights of the Child*, Dublin: Children's Rights Alliance

Curtis, A., Exley, S., Sasia, A., Tough, S. & Whitty, G. (2008), *The Academies Programme: Progress, problems and possibilities*, London: Sutton Trust

DES (2016), *Organisation and Current Issues*, Dublin: Department of Education and Skills

DES (2013), *Chief Inspector's Report 2010-2012*, Dublin: Department of Education and Skills Inspectorate

Fullan. M. (2008), *What's Worth Fighting For in Headship?* London: McGraw Hill Higher Education

NCSE (2014), *Delivery for Students with Special Educational Needs*, Trim: National Council for Special Education

Green, F., Allen, R., Jenkins, A. (2015), "Are English free schools socially selective? A quantitative analysis", *British Educational Research Journal* (41, 6: 907-924)

House of Commons Education Committee (2015), *Academies and Free Schools*, London: House of Commons Stationery Office

National College for Leadership of Schools and Children's Services (2012), *Academies: Research into the Leadership of Sponsored and Converting Academies*, Nottingham, UK: National College for Leadership of Schools and Children's Services

OECD (2013), *Government at a Glance 2013*, Paris: OECD Publishing

OECD (2014), *PISA Results 2012*, Paris: OECD Publishing

Office of the Schools Adjudicator (2015), *Annual Report September 2014 to August 2015*, Darlington, UK: Office of the Schools Adjudicator

Appendix One – Current Changes in the Education System

- Pay cuts for all staff
- Different terms and conditions for newer staff
- Growth of precarious employment
- Employment Control Framework
- New Further Education Strategy
- New Higher Education strategy
- SOLAS
- Use of flex hours and Croke Park hours
- New pilot programme in college admissions
- Change in CAO points system
- Mergers of Institutes of Technology
- Technological Universities
- A moratorium on middle management posts
- Changes in guidance provision
- Reductions in funding for already over-stretched support services such as Education Welfare Services, CAMHS, Visiting Teacher Service, speech and language therapy, social work departments
- Changes in guidance provision
- Greater emphasis on STEM
- Greater emphasis on literacy and numeracy
- Review of DEIS, JCSP and SCP
- New Youth Strategy with an impact on education
- Piloting of a new Resource Allocation Model for students with special needs
- The new Centre for School Leadership
- The proposed introduction of the Meitheal system by TUSLA
- Introduction of Part 5 of the Teaching Council Act

- Introduction of new models of induction and probation including the Droichead pilot
- A new framework on teacher CPD – Cosan
- A new digital strategy
- A review of provision in Gaeltacht areas
- A greater emphasis on wellbeing
- New anti-bullying initiatives especially in the area of cyber--bullying
- A revised Junior Cycle
- Revision of some subjects at Senior Cycle
- A new modern languages strategy
- A greater emphasis on enterprise in the curriculum
- A new model for transition points
- Creation of the Inclusion Support Service
- The development of a new statement of strategy on school attendance
- New guidance on the provision of wireless networks in schools
- New national strategy on education for sustainable development
- Longer teacher training
- Admissions Bill
- Foreign Languages in Education Strategy
- Better Outcomes, Brighter Futures
- Higher Education Performance System Framework
- Momentum, Springboard, Skillsnet
- Professional Development Framework for Teachers in Higher Education
- CPD strategy for teachers in FE
- Workforce Development Strategy for FE staff
- Roadmap for Enhancement in a Digital World for HE
- Innovation 2020
- Expert Group on the Future Funding of Higher Education

- National Strategy for Higher Education

Appendix Two – Recent Budget Cuts

2009

Pupil teacher ratio worsened from 18:1 to 19:1 (since amended to 18.7)

Moratorium on filling posts of responsibility

Ceiling of two on number of language support teachers per school re-imposed

Withdrawal of teacher posts under previous disadvantage schemes to non-DEIS schools

Withdrawal/abolition of grants for LCA, LCVP, Transition Year, JCSP, Physics and Chemistry, Home Economics, school book aid, library grants

Reduction in capitation funding for Travellers and withdrawal of capitation for schools in receipt of non-DEIS disadvantaged funding

Substitution cover suspended for absences arising from uncertified sick leave and school business absences

Teacher in-service education support reduced by €5m

Early retirement scheme scrapped

Non-pay grant provision for adult and further education reduced by 5%

Reduction of 500 Back to Education Initiative places and 100 Senior Traveller Training Centre places

2010

Removal of eligibility for student grants for those in receipt of the Back To Education Allowance and the VTOS allowance and for those pursuing a Post Leaving Certificate course

Places provided in Senior Traveller Training Centres (STTCs) reduced from 984 to 684

Allowances to participants in VTOS, Youthreach and STTCs reduced

Provision for teacher in-service education support reduced by over €10m

2011

LCVP PTR worsened from 17:1 to 19:1

Non-appointment of 150 scheduled extra primary/second level posts

Phased reduction of 500 language support posts over five years

5% reduction in funding grants to schools/VECs including grants for Adult Literacy, Community Education, School Completion Programme, Youthreach. Similar reductions in respect of STTCs, VTOS and PLC students.

Introduction of new €200 annual contribution for Post Leaving Certificate students

€10m reduction in training allowances and supports

Cap placed on number of psychologists in National Educational Psychological Service (NEPS)

2012

Ex-quota guidance counselling provision abolished

2% reduction in capitation grants in schools

Cut in Supervision/Substitution administration fee payable to schools

Reduction in capitation grants across a range of further and adult education courses including PLC, VTOS, Youthreach, BTEI and Adult Literacy.

2013

PTR for PLC courses worsened from 17:1 to 19:1

Cut to 'days in lieu' maternity leave provision for teachers

Reduction in supports for Further Education & Training (FET) scheme participants

Allocation to VECs reduced by €13.2m

2% capitation grants reduction for schools

2014

Reduction in supports to some FET participants

1% capitation grants reduction for schools

1% capitation grant reduction in Youthreach, VTOS and PLC colleges

There has also been a 6% cut in the allocation to the School Completion Programme in each of the years 2012, 2013 and 2014.

Appendix Three – TUI Submission on DEIS (May 2015)



Teachers' Union of Ireland Response to Consultation on DEIS (May 2015)

TUI represents education staff (16,000+) employed by Education and Training Boards (ETBs) and in Community and Comprehensive (C&C) Schools, teachers in further and adult education and lecturers and researchers in the Institutes of Technology. Following a request for submissions on DEIS Strategy from the Department of Education and Skills, TUI respectfully makes the enclosed points.

Educational disadvantage was first raised as a concern in Ireland in the 1960's. Greater availability of, and access to, education led to concerns about equality of access, participation and outcome. By the 1980's, it was clear that different social classes benefited to different degrees from education (Smyth and McCoy, 2009). This is not confined to Ireland. In England for example, children from higher professional backgrounds are 8.1 times more likely to get 5 or more, good GCSE passes than students from manual backgrounds (Connolly, 2009). The issue also tends to be gendered i.e. in 2008, 79% of 18 year old women in Ireland were students compared to 68% of their male peers (CSO, 2008). At a recent conference in Edinburgh (May 2015), Beatriz Pont from the OECD made the important point that you can't have an excellent education system if you don't have equity and further pointed out that "investing in equity pays off". The Irish Education Act of 1998 defined educational disadvantage in terms of the "impediments to education arising from social or economic disadvantage which prevent students from deriving appropriate benefit from education in schools." Since then studies indicate that though all social classes have increased their participation and performance since 1979, the gap between professional and working classes of those who complete the Leaving Certificate has not been significantly reduced (Smyth and Hannan, 2000; Smyth, 1999). Furthermore, there is evidence of a widening gap between the social classes in entry to third-level institutions (Smyth and Hannan, 2000)."

What are the causes?

Studies by the Comptroller and Auditor General (2006), and by Downes and Gilligan (2007), found the causes to be:

- Socio-economic status of family. For example, in the United Kingdom children eligible for free schools meals do less well in science, maths, writing and reading than those not eligible for free meals (Connolly, 2009).
- Addiction in the home.
- Low educational attainment by parents and older siblings. For example, the higher the education level of the mother, the better the child performs in maths and vocabulary (ESRI, 2009). First and fifth class students whose mother is a graduate perform significantly better in reading than those whose mother has no qualification (Smyth and McCoy, 2009). Fifty-eight percent of students from higher professional backgrounds achieve four or more honours grades in the Leaving Certificate whereas sixteen of students from manual backgrounds do so (Barnardos, 2009).
- Poor attendance.
- Literacy and numeracy difficulties in the home. DEIS primary and second level schools have much higher levels of literacy, numeracy, emotional/behavioural and absenteeism problems than non-DEIS schools (Smyth and McCoy, 2009). In terms of literacy difficulties in DEIS schools, twenty-seven percent of first and sixth class children, and thirty percent of third class children perform at or below the tenth percentile (McGough, 2007).
- Lack of understanding by parents and, as a result, by children of the benefits of education.
- Inability or unwillingness of parents to help the child with homework.
- Low expectations of parents for children. A study by Erikson and Goldthorpe (2002) found that “even when level of demonstrated ability is held constant, children of more advantaged class origins take more ambitious educational options than do children of less advantaged backgrounds.”
- Family breakdown.

What are the effects?

The effects of educational disadvantage include:

- Absenteeism and punctuality issues.

- Poor academic performance. In the OECD (OECD, 2006), students from the lowest socio-economic backgrounds are 3.5 times more likely in the OECD (3.6 times in Ireland) to be the lowest Maths performers in the PISA study than those students who come from the highest socio-economic status.
- Behavioural problems.
- Low self esteem.
- Weak speech and vocabulary.
- Poor health and poor concentration.
- Early school drop-out.
- Unemployment. In the OECD (OECD, 2009), completing upper secondary education reduces the unemployment rate among 20-24 year olds by 6.7 percentage points and among 25-29 year olds by 6.1 percentage points. Male school leavers are 3.5 times more likely to be unemployed whilst female early school leavers are 2.5 times more likely to be unemployed (Smyth and McCoy, 2009).
- Lower income throughout the lifespan. For example, someone in Ireland with no formal qualifications will earn from employment 24% less than those with upper second level. Someone with a third level qualification will earn from employment 45% more than the person with upper second level (OECD, 2006).
- Impact on the economy as a whole. In the United States, cost benefit analysis suggests that keeping children in school benefits the economy to the tune of \$209,100 per student (Barnardos, 2009).

Smyth and McCoy (2009) found that we can measure educational inequality in terms of:

- Reading scores at primary level
- Literacy scores on entry to second level
- Performance in the Junior and Leaving Certificate examinations
- Retention in second level
- Progression to higher education

A symbol of the inequality in our system is that “the State invests 2.5 times more money per capita in the education of those who complete three years of third level education than it does for those who leave school before the completion of post-primary education.” (CORI, 2005)

What have we done about it and has it worked?

To date most initiatives aimed at reducing educational disadvantage have been aimed at DEIS schools.

“However, it is not at all evident that all, or even the majority of, disadvantaged students attend DEIS schools. Unfortunately, no evidence is available on the primary sector but a national survey of school leavers indicates that sixty-one per cent of young people from semi/unskilled manual backgrounds and fifty-six per cent of those from non-employed households attend non-DEIS schools.” (Smyth and McCoy, 2009).

A study by Archer and Weir (2004) suggested that responses to education disadvantage should encompass

- Smaller classes particularly in the early grades. For example, lowering class sizes below twenty is associated with modest increases in academic achievement. Small class sizes are particularly effective if targeted at pupils from disadvantaged backgrounds (Archer and Weir, 2004). Being in a small class has a positive effect on academic achievement and participants are more likely to complete high school. Effects are more marked for disadvantaged groups and those who remain in small classes for an extended period. Those in classes with fewer than seventeen students for a period of three years were almost six months ahead of their peers in reading achievement (Smyth and McCoy, 2009). Despite the mixed results of the Rutland Street project, the evaluation still showed that participants were more likely to obtain educational qualifications at second level than members of the control group (Archer and Weir, 2004).
- Pre-school provision emphasizing prevention.
- A high degree of parental involvement. Parents who were involved in the home school community liaison scheme had greater confidence afterwards in their own capacities to help their children (Archer and Weir, 2004).
- Reform of school organization to develop a unity of purpose and build on existing strengths of teachers and pupils. The JCSP has a positive impact on student attendance and retention for those pupils at risk of leaving school early. The programme has encouraged teachers to engage with a range of teaching methodologies and the extra resources provided to schools are being used beneficially (D.E.S., 2006). Similar findings have been made in relation to Leaving Certificate Applied (Banks et al., 2010).
- Adequate financial resources. Ireland spends 0.2% of GDP on early childhood care and education compared to an OECD average of 0.4% (NESF, 2005) and 4.7% on education generally compared to an OECD average of 5.7% and an EU19 average of 5.5% (OECD, 2009). More recently, Ireland has spent 6.4% of GDP on education compared to an OECD average of 6.3% but that merely reflects the fact that severe cutbacks in education expenditure

since the end of the Celtic Tiger have been slightly less severe than the reduction in DGDP over the same period (OECD, 2013).

Findings from recent DEIS studies were presented at a conference in Marino Institute of Education on May 1st, 2014. At that conference, Susan Weir pointed to:

- The enduring relationship between poverty and educational outcomes.
- High levels of engagement by staff.
- A focus on planning and target setting.
- Improved pupil outcomes.
- Significantly improved pupil attendance.
- Aspirations and expectations of 9 year olds of going to 3rd level has improved.
- The return on DEIS is more likely in the long-term than the short-term.

At the same conference, Peter Archer and Laura McAvinue discussed the findings of research on what have we learned about DEIS in post-primary. Those findings included:

- Principal teachers in DEIS schools are overwhelmingly positive about the planning aspect of DEIS while acknowledging some of the drawbacks and obstacles e.g. time.
- Principal teachers are very positive about DEIS but concerned about resourcing.
- Principal teachers say that DEIS improved retention, achievement and attendance.
- In Junior Certificate English, there is an average of 1 grade point difference between DEIS schools and non DEIS schools. Results in DEIS schools have improved a little more than non-DEIS schools in previous five years. The difference in grades in Junior Certificate Maths was slightly wider in DEIS schools but there is no greater maths improvement in DEIS vis-à-vis non DEIS.
- Retention, to Junior Certificate, in non-DEIS schools is 97% but about four percentage points lower in non-DEIS schools. It is difficult to interpret how much of a difference DEIS is making here.
- Retention to Leaving Cert is 92% in non-DEIS schools and 79% in DEIS schools.
- Academic performance in Leaving Certificate in DEIS schools is rising significantly faster than in non-DEIS schools.

Nicola Tickner, presented findings on the progression of students in DEIS schools. Those findings included:

- There were 55,000 school completers in 2009/2010.
- There were 8,000 early school leavers. 60% went to 3rd Level. 7% to social welfare. 10% to employment. Over 20% to further education.
- Less than 25% of school completers in DEIS schools went to 3rd Level.
- Many more DEIS school completers went to further education than their non-DEIS peers.
- Repeat Leaving Certificate rates were about same for DEIS and non-DEIS school completers.

- 55% of early leavers overall went back to education or on to training within a year.

The above research makes clear that DEIS is working and needs to be continued and funded to a greater degree. Supports must also continue to other initiatives in disadvantaged areas such as the School Completion Programme. All schools need access to comprehensive pastoral structures including career guidance and middle management. It is also clear that significant resources must be invested in further and adult education as this is an important route into and through education for many students especially in areas of educational disadvantage.

The Future:

Downes and Gilligan (2007) have set out a comprehensive roadmap for the future. Amongst their suggestions are:

- Schools reaching out to parents in genuine ways e.g. expansion of the HSCLO scheme which has been shown to generate positive outcomes (Weir and Archer, 2004).
- Greater emphasis on the teaching-learning relationship in mathematics.
- Greater access for maths students to critical reasoning.
- Continuous professional development.
- More learning support in numeracy.
- A comprehensive system of education for 3-5 year olds.
- Adequate funding of the NEWB (attendance improves by 4% in areas where education welfare officers are based). It needs 300 staff but had far less at the time of recent amalgamations of agencies occurring.
- Provide funding for more posts in NEPS (now the Inclusion Support Service).
- Increase co-ordination between primary schools and second levels.
- More pre-service training for teachers going to designated disadvantaged schools.

It is worth noting that some of the above have since been implemented in whole or in part.

At a recent conference in Edinburgh, Pasi Sahlberg from Harvard University suggested that education can enhance equity if the following are supplied:

- Systematic investment in equity
- Fair funding
- Investment in early childhood care and education
- Early identification of special needs

Conclusion:

Educational disadvantage has been a serious problem for some time in Ireland. Existing initiatives have made some in-roads but much more needs to be done. Many studies have mapped the extent of the problem and offered possible solutions. However, it is unlikely that any radical improvement can be expected until there is an increase in educational investment in areas such as pastoral supports, further education, and school level supports. Investment in home school liaison support is also necessary.

Ends

David Duffy (Education/Research Officer, TUI), dduffy@tui.ie, 01 4922588

References:

- Archer, P. and Weir, S. (2004), *Addressing Disadvantage: A Review of international Literature and of Strategy in Ireland*, Dublin: Educational Research Centre
- Banks, J., Byrne, D, McCoy, S., Smyth, E. (2010), *Engaging Young People? Student Experiences of the Leaving Certificate Applied Programme*, ESRI / NCCA
- Barnardos (2009), *Written Out, Written Off*, Dublin
- Comptroller and Auditor General (2006), *Report on Value for Money Examination – Educational Disadvantage Initiatives in the Primary Sector*, Dublin: Government Publications Office
- Conference of Religious in Ireland (2005), *Education and Education Disadvantage*, Dublin: CORI
- Connolly, P. (2009), *Benefits of Early Interventions for Children from Socially and Economically Deprived Backgrounds*. Presentation to Barnardos Conference, Dublin: May 2009
- CSO (2008), *Women and Men in Ireland*, Cork: Central Statistics Office
- Department of Education and Skills (2011), *An Evaluation of Planning Processes in DEIS Primary Schools*, Dublin: DES
- Department of Education and Skills (2011), *An Evaluation of Planning Processes in DEIS Post-Primary Schools*, Dublin: DES
- Weir, S. & Denner, S. (2013), *The Evaluation of the School Support Programme under DEIS: Changes in pupil achievement in urban primary schools between 2007 and 2013*, Dublin: Education Research Centre
- Department of Education and Science (2006), *An Evaluation of the Junior Certificate School Programme*, Dublin: Government Publications Office
- Downes, P., and Gilligan, A.L. (2007), *Beyond Educational Disadvantage*, Dublin: Institute of Public Administration
- Economic and Social Research Institute (2009), *Growing Up in Ireland*, ESRI
- Erikson, R. and Goldthorpe, J.H. (2002), "Intergenerational Inequality: a Sociological Perspective", *Journal of Economic Perspectives*, Vol. 16, No.3, pp. 31-44
- McGough, A. (2007), "Addressing Disadvantage, What about Teaching?" in P. Downes and A.L. Gilligan (eds.), *Beyond Educational Disadvantage*, Dublin: Institute of Public Administration
- National Economic and Social Forum (2005), *Early Childhood Care and Education*, Dublin: NESF
- OECD (2006), *Education at a Glance*, Paris: Organisation for Economic Co-operation and Development

OECD (2009), *Education at a Glance*, Paris: Organisation for Economic Co-operation and Development

OECD (2013), *Education at a Glance*, Paris: Organisation for Economic Co-operation and Development

Smyth, E. (1999), *Do Schools Differ? Academic and Personal Development among Pupils in the Second Level Sector*, Dublin: Oak Tree Press / ESRI

Smyth, E.. and Hannan, D.F. (2000), "Education and Inequality", in B. Nolan, P.J. O'Connell and C.T. Whelan (eds.), *Bust to Boom? The Irish Experience of Growth and Inequality*, Dublin: IPA / ESRI

Smyth, E.. and McCoy, S. (2009), *Investing in Education: Combating Educational Disadvantage*, Dublin: Barnardos / ESRI

Appendix Four – TUI Submission on School Autonomy (January 2016)



Teachers' Union of Ireland

DRAFT Response to DES Consultation on “Advancing School Autonomy in Ireland”

(January 2016)

TUI represents education staff (16,000+) employed by Education and Training Boards (ETBs) and in Community and Comprehensive (C&C) Schools, teachers in further and adult education and lecturers and researchers in the Institutes of Technology. Following a request for submissions on “*Advancing School Autonomy in Ireland*” from the DES, TUI respectfully makes the enclosed points.

Overview

TUI wishes to immediately put on record its opposition to large parts of the document drawn up by the DES. This TUI submission will deal with issues on a point by point basis but cannot overstate the absolute opposition of our members to any proposal to bring in a system similar to ‘academies’ as practised in the United Kingdom (UK).

Funding

Not only does the evidence from the UK show that ‘academies’ don’t work, but they don’t work at a horrendous price to the taxpayer, not to mention the education system. The Irish education system has been the victim of repeated cutbacks in recent years. Some of those cutbacks are set out in Appendix One. Is the DES willing to fund ‘academies’ in a similar way to how they are funded in the UK i.e.

c.stg£22million (approximately €29.8m) per academy in once-off funding (Adonis, 2012)? If so, where is the €21.87bn (yes billion) to support 734 second-level schools to convert to 'academies' going to come from when the DES isn't even able to afford the €24m necessary to pay for restoration of the full ex-quota guidance service, or the over €700m required for full implementation of the Education for Persons with Special Educational Needs (EPSEN) Act 2004. The above funding doesn't include ongoing costs. Adonis (2012: 203), a government minister who was the driving force behind 'academies' in the UK, has stated that the typical academy at second-level "has about 1,000 pupils and an annual budget of about £6 million". This is funding of a scale that Irish schools can only dream of. A rough estimate for a similarly sized school in Ireland, including staff costs, would be approximately €5m (about stg£3.7m). Adonis also argues that starting salaries for headteachers should be £100,000 (approximately €136,000), again a figure Irish educationalists cannot imagine. Despite this wealth of investment, Adonis (page 217) acknowledges that

"About 20 percent of England's teacher trainees drop out within two years and nearly half drop out within five years, compared to less than 3 percent a year in the world's best education systems."

TUI assumes that this is not the sort of results of school autonomy that the DES is aiming for.

If the DES has access to dramatic additional funding over forthcoming years, then Teachers' Union of Ireland recommends that the DES should, in marking the centenary of the Proclamation of the Irish Republic, cherish all the children of the nation equally by providing for

- a significant increase in investment in public education and frank recognition of the necessity for such an increase in the context of the development of a knowledge economy and knowledge society.
- full implementation of the EPSEN Act 2004
- explicit identification of, and commensurate investment in, further and higher education as essential components of the public education system and the social contract
- rejection of privatisation of public education services
- a statement of government policy and intent entirely to exclude education from the Transatlantic Trade and Investment Partnership (TTIP)
- significant amelioration of the Employment Control Framework as a first step towards its removal
- increased academic staffing levels for Institutes of Technology in recognition of the urgent need to restore appropriate standards of provision to students and to arrest and reverse the

casualisation and demoralisation of academic staff

- targeted improvement in the pupil/teacher ratio at second level and in further education, with an initial focus on tackling and overcoming the disabling effects of educational disadvantage - in the context of which guidance counselling needs to be prioritised. DEIS and School Completion Programmes must, at a very minimum, continue to be funded at their current levels
- further reduction in state support for schools that employ exclusionary practices and that raise very significant annual revenue through the application of fees. Specifically, the TUI asks that such schools be required to repay to the state the full economic cost of each unit of teacher allocation from the fee income they generate, subject only to the retention of such income as is equivalent to the capitation grant that a school of similar size in the state system would receive
- cessation of the misguided practice of favouring the voluntary secondary sector in relation to capitation payments. This practice has resulted from a campaign of misinformation by the managerial body for the voluntary secondary sector regarding the level of subvention to the ETB sector which incorrectly posits that the effective student capitation grant in the ETB sector is disproportionately high
- restoration of school capacity to meet student support, administrative, curricular and compliance needs by way of restoration of the posts of responsibility suppressed as a result of the moratorium introduced in 2009. The significant reduction in middle management capacity in schools over recent years has severely damaged the ability of schools to respond in a timely manner to the pastoral needs of students and their families
- the application of an additional 1% to corporation tax, this addition to be styled an education levy and to constitute a dedicated fund for investment in higher education. In making this demand the TUI notes that corporations – especially transnational corporations – are primary beneficiaries of public funding of higher education and of the highly educated graduate workforce available in this country. The union further notes that corporation tax is payable only in respect of profits made by companies and organisations and that, while the nominal rate of this tax - at 12.5% - is significantly below the international norm, the effective rate is considerably lower.
- promotion and enhancement of all educational disciplines by not focussing solely on Science, Technology, Engineering and Maths

Middle Management

Page five of the DES document references middle management posts being “unevenly distributed” due to retirements. What this actually means is that promoted posts were subjected to a “moratorium” as part of funding cuts in recent years. Vital middle management posts, were simply withdrawn and promotion prospects for teachers put on hold. Remarkably, the moratorium on posts still holds despite the much improved economic climate. As a result, the education of students and the smooth running of schools is jeopardised by the absence of staff to address issues as they arise. This is compounded by withdrawal of allowances for special needs posts and further again by the withdrawal of ex-quota guidance posts, though some alleviation was recently introduced. The recent Travers Two report, which was endorsed by the DES, made an interesting comment that is of relevance here:

“A decade of rapid social, demographic and educational change followed by salary cuts, deteriorating career structures and casualization have left many teachers alienated and distrustful.”

Page 9 of the DES document recounts commitments from the Programmes for Government 2011-2016 that schools will have greater autonomy to set their own staffing needs and that principals and boards will have increased freedom to allocate and manage staff and to delegate management responsibilities to teachers. TUI members are telling us repeatedly that there aren't enough teachers to fulfil “staffing needs” and that the moratorium on recruitment of middle management means that in some schools there isn't anyone to delegate to. A ‘moratorium’ is defined by the Oxford English Dictionary as “a temporary ban on activity”. Given the much improved economic climate recently, and the formal lifting of the ‘temporary ban’ on public service recruitment by Minister Howlin (Irish Times, October 14th, 2014), it is hard to see why the ‘moratorium’ is still in place for recruitment of middle management in schools. TUI believes that the DES would serve the interests of students in crisis much better by focusing on re-establishing the middle management structures that existed previously rather than trying to devise new ‘autonomous’ structures that have no staff to manage. Page ten of the DES document also refers to “increased autonomy of schools over staffing”. In the UK, this has resulted in principal teachers being in the rather unenviable situation of having to decide which, and how many, teachers to make redundant in order to keep their devolved budget in line. As reported in the Guardian (November 20th 2015) “budget pressures are pushing more than half of schools in England towards cutting staff, with most preparing for big reductions to balance their books”. Indeed, some principal teachers have themselves been made redundant when their school gained more ‘autonomy’ by converting to be an academy (Guardian, September 21st, 2012). ‘Academies’ then often form multi-academy trusts. The ‘executive headteachers’ in some of these multi-academy trusts are earning salaries of over stg£200,000 (approximately €273,000) i.e. more than the British Prime Minister (Daily Telegraph November 22nd 2012). TUI asks whether this is what the DES is planning under its proposals for greater school autonomy in relation to budgets.

Recent Cutbacks

As mentioned above, a comprehensive list of cuts to schools is set out in Appendix One but to be concise, investment in education in Ireland lagged significantly behind OECD or EU averages (OECD, 2013) despite Ireland having a very young population (Eurostat, 2015). This is manifested in:

- delays in speech and language assessment (Irish Times, August 31st, 2015),
- high costs to parents for schooling (Barnardos, 2015),
- cuts to the Visiting Teacher Service
- delays in accessing social work and education welfare support
- high costs to parents of children accessing third level education (Irish Times, August 13th, 2015),
- cuts to English language support (FLAC, 2014),
- cuts to the Back to School Clothing and Footwear Allowance (FLAC, 2014),
- cuts to guidance and pastoral supports for students (TUI, 2014; NCGE, 2013; ASTI, 2014; TUI, 2012 - www.irishtimes.com/news/survey-finds-schools-will-have-lost-five-middle-management-teaching-posts-1.500227; INTO, 2015 - www.educationmatters.ie/em_news/in-school-management)
- a lack of funding to implement the EPSEN Act (Irish Examiner, July 10th, 2015)
- underfunding of the Child and Family Agency (Irish Times, September 16th, 2014)
- reduction in the ability of schools to provide curricular programmes such as Leaving Certificate Applied, Leaving Certificate Vocational and Transition Year (ASTI, 2014)

Statistics show that approximately one in ten children live in consistent poverty and one in four live in relative poverty (NESF, 2005; CSO, 2009; Barnardos, 2008; Hayes, 2008). These figures largely pre-date the end of the Celtic Tiger so there is a fear that the consistent poverty rate may in fact be higher now. Childhood poverty is likely to feed into negative life chances later and may also lead to inter-generational difficulties.

Children's Rights Alliance (2015: 3) noted that

"We have the highest EU rate of youth suicide amongst girls and the second highest rate amongst boys. Other stark realities are that one third of LGBT young people have seriously thought about ending their lives and 20 per cent have attempted suicide. Shamefully, Ireland ranks second of 194 countries for binge drinking of alcohol amongst those aged 15 and over. We also spotlight the fact that in 2013 only one in three children detained on remand was later detained upon conviction – raising a serious question on whether detention is being used as a measure of last resort. Add to this shocking landscape a backlog of over 7,000 child protection cases and 3,000 children on waiting lists for mental health support and thousands more waiting for other essential health care and special needs services. There are serious delays in sexual offences cases being heard in court and

very long waiting lists for sexual abuse counselling. It gets even more unfair when you consider that waiting times vary massively from county to county resulting in a geographical lottery dictating the speed at which a child will be supported. This is very far from utopia. The bottom line is that public services and the courts must be better resourced to provide essential supports and uphold children's rights."

And that

"There is no national out-of-hours social work service in Ireland. However, there is a national emergency place of safety service, comprising two services operated by Tusla – Child and Family Agency. These services are not directly accessible by members of the public: access is organised through the Gardaí Síochána (police service). Tusla – Child and Family Agency has developed a business case for a national Emergency Out of Hours Social Work Service but a service has yet to be developed, and it is understood it would continue the model of being only accessible through the Gardaí Síochána." (pg 37)

TUI argues that fixing the problems set out above is a much better use of €29.87bn than changing schools into 'academies'.

The issue of cutbacks again is an issue on page nine when the DES document refers to "giving new freedoms to public service bodies". Perhaps the time involved would be better used giving more staff to public service bodies. Many bodies on which schools rely for expert assistance have suffered dramatic cuts in staffing in recent years. For example, less than half of the recommended 127 specialist Child and Adolescent Mental Health Services (CAMHS) teams have been established, 472 children in care did not have a social worker, 673 children in care didn't have a care plan whilst there were 8,161 child protection cases which have not been allocated a social worker including 2,829 deemed 'high priority' (Children's Rights Alliance, 2015). Furthermore, in a study of 33 countries, Ireland had the seventh highest ratio of students to school psychologists i.e. 5,298:1 as opposed to 927:1 in Denmark for example (Jimerson et al., 2009). The average in the study was 3,709:1. For Ireland to reach a reasonable rate of 2500 students per psychologist, taking into account demographic group, would require the employment of 267 more psychologists by 2021 (Impact, 2015). This is all within the context that during 2014, Gordon Jeyes, the TUSLA Chief Executive publicly stated that the Agency required additional funding of €45 million 'just to stand still' (Irish Times December 30th 2014).

Initiativitis

Page four of the DES document states that "all decision-making with regard to school autonomy has to have regard to the context in which schools operate". This context, as set out above from the Travers Two report, is one of budget cuts and initiativitis. As further noted by Dr. Travers, and acknowledged by the DES,

“ambitious reform requires the wholehearted engagement of teachers - otherwise its chances of success are limited. The timing is not propitious.”

Initiativitis is defined by Fullan (2008: 1) as

“the tendency to launch an endless stream of disconnected innovations that no-one could possibly manage. In Change Without Pain, Abrahamson (2004) calls this the “repetitive change syndrome”: “The symptoms? Initiative overload, change-related chaos and wide-spread employee anxiety, cynicism and burnout” (p.2).”

A list of recent initiatives in the second-level sector is set out in Appendix Two and runs to over thirty large changes currently being rolled-out. Fullan (2001) has argued that schools can rarely cope well with more than approximately six changes at one time. Is the DES arguing that an additional dramatic change should be added to the list i.e. “advancing school autonomy”?

Decision-making regarding profits/pay/staffing/textbooks

Page six of the DES document refers to schools having “decision-making authority over their operations, including the hiring and firing of personnel, and the assessment of teachers and pedagogical practices”. TUI members, including principal teachers, are adamantly opposed to any such plan. A similar model was tried in New York in 2008/2009 and also in Sweden in relation to ‘free schools’. The outcome is described very well in Singer (2014: 42) and Adonis (2012: 150). Singer states that:

“New York City Mayor Michael Bloomberg must have been jumping up and down with glee. He had already pledged to improve Gotham City schools by getting rid of the incompetent teachers who were undermining the education of our children. It is a laudable goal, but the problem is that he did not seem to be able to find that many. According to the New York Times, in 2009 the city’s Department of Education fired only three out of fifty-five thousand tenured teachers.

Even when you add to the three tenured teachers who were fired the ten teachers who were charged and left voluntarily, the nine who were retrained and reinstated, the one who was deported for immigration violations, and the fifty cases that are still pending, that only brought the total to seventy-three possibly incompetent tenured teachers out of a total of fifty-five thousand, which is about 0.1%. And it’s as if the mayor was not trying. Of the fifty-five thousand tenured teachers in the school system, only 1.8% received an unsatisfactory rating by their principals in 2008. This was after Bloomberg threatened to remove school principals if their schools performed poorly on state assessments and promised them substantial bonuses for improved test scores.”

Adonis, a very strong supporter of ‘academies’ and ‘free schools’, states that:

“In Sweden, commercial operators have been a driving force behind independent state schools. But Sweden’s experience has been problematic with a number of recent scandals around profit-taking from

state-funded schools. The Swedish education minister recently announced an inquiry into how free schools which fail to meet accepted standards can be prevented from taking out profits."

An indication of how badly wrong the Swedish model went is highlighted by the decision of the Swedish government to abolish the profit motive of 'free schools' after dreadful results and the collapse of one of the largest providers of 'free schools'. As noted in a report on the matter "venture capitalists (which own many Swedish free schools) would just pull out if they weren't able to make a return" (Times Education Supplement, October 24th, 2014). Indeed, the Swedish Education Minister admitted to the Guardian (June 10th, 2015) that not only had grades declined but inequality had risen. This is the same system that the British Minister Michael Gove said in 2010 that he wanted to copy and create more "independent" schools. These 'free'/'independent schools' are the same concept as the 'academies' which the DES seems to be advocating under the banner of 'school autonomy'. The TES report also cites the case of 'charter schools' in Arizona where "corruption among charter schools was rife and that people were running schools for 'personal gain'".

Page twelve of the DES document states that "it is also suggested by some commentators in US and Australian contexts that the flexibility to incentivise better student outcomes will generate greater teacher effort". TUI strongly rejects any suggestion that teachers are not making maximum effort and draws the attention of the DES to the massive increase in the number of hours worked by teachers in recent years through the Croke Park Agreement, abolition of the payment for substitution/supervision etc. This is also in the context that Irish teachers already teach far more hours than the OECD average (735 as opposed to 643) and have a higher ratio of students to teaching staff than the OECD average (14 as opposed to 13) (OECD, 2015). It should also be pointed out that despite school staff operating absolutely ethically and with the best interests of students at heart, any "incentivisation" of "student outcomes" can result in systemic pressure to 'game the system'. This is highlighted in work by Figlio and Getzler (2002: 2) who clearly state that

"schools may react to these incentives by increasing class time spent on subjects and topics that are emphasized in the accountability exams, while decreasing class time on subjects and topics either not in or not emphasized in the exams".

Figlio and Getzler (2002: 3) also cite a very troubling example from the Richmond Times Dispatch (December 1st, 1999) where a

"Virginia school district superintendent said that the state's accountability exam system "actually encourages higher dropout rates ... It is actually to the school's advantage to drop slow learners and borderline students from the school, because they are usually poor test-takers."

The findings of Figlio and Getzler (2002:11) are troubling and include:

"The incentive to place the students likely to perform worst on the state tests into special education classes may cause schools to place in special education students whom they believe would be better off in other classes."

Similar findings relating to the danger of incentivised school testing have emerged in many areas. For example, Education Week (June 1st, 2015) reports that

“in some places we’re seeing a backlash against this high-stakes testing from frustrated educators and from more and more parents who are choosing to opt out and not have their children take the tests”.

It is worth noting that there are plenty of opportunities to ‘game the system’ in the USA. Times Education Supplement (January 8th, 2016: 5) notes that “the average US student takes 112 mandatory standardised tests between pre-kindergarten and the end of high school” – a figure which is considered by the OECD to be not “heavy” when compared to the number of tests carried out in the Netherlands, Belgium and Asian countries. It is also worth noting that in Colorado alone, 100,000 students refused to take part in the tests. Furthermore, in one small town in Washington State, 550 sets of parents refused to allow their children to take the tests. ‘Gaming the system’ in the USA has even led to the jailing of eight teachers and administrators in Atlanta – a scandal which was found to involve almost two hundred staff (Times Education Supplement, January 8th, 2016). Educational gains made arising from these standardised tests have been found to be “effectively zero”.

Page twelve of the DES document also refers to “devolving management responsibility to schools means schools need more supports and resources”. TUI agrees and has outlined elsewhere in this paper the dramatic cuts to school resources that have happened in recent years, not least of which being the significant cut to middle management posts. It must be further noted that significant and adverse changes have been made to qualification allowances. Hence it is hard to see who responsibility will be devolved to and whether anyone be paid for the devolved responsibility.

Page thirteen of the DES document also refers to the ability of ‘academies’ or ‘free schools’ having the ability to set terms and conditions of staff. The outcome of this system in the UK has been recent advice from the Department for Education and from headteachers’ unions, that schools should be careful not to “discriminate against particular groups of teachers as national salary scales disappear and performance-related pay is introduced” (Times Education Supplement, January 8th, 2016: 16-17). This follows on from evidence that older teachers, and black and ethnic minority teachers were being treated differently to the rest of the profession. TUI cannot overstate its determination that this is absolutely inappropriate in the Irish context. The Irish government has long seen the benefits, such as consistency of approach across all workplaces, of engaging with ‘social partners’ such as trade unions. TUI will not accept any move away from common salary scales etc. The DES document itself identifies concerns in the UK and Australia that ‘autonomous schools’ are incentivised to hire unqualified teachers as they are ‘cheaper’. Presumably the DES has no intention of developing such a model. If DES did develop such a model then it would meet a very strong reaction from TUI.

Page thirty-three of the DES document described how Irish schools currently have autonomy over the choice of textbooks. Indeed Cooney Carey (1993: 4-5), a report for the DES, stated that “in theory, teachers decide what texts to use. In practice they are subject to a variety of parental, school and marketing pressures which are all designed to influence them in different directions.” Furthermore, an

Irish Times report (July 13th 2015) stated that “parents in the Republic have to pay for school books when they are free in other parts of Europe.”

Page thirty-eight of the DES document refers to the possibility of introducing “a more flexible employment contract” for principal teachers. Apart from the fact that this would be a change in previously agreed job contracts which of course would be unacceptable, it would also leave the system open to loss of institutional knowledge. The second-level system has already lost large numbers of experienced school leaders in recent years (DES, 2013). Perhaps it would be more beneficial if the DES halted the seemingly ever increasing administrative demands on principal teachers and restored the post of responsibility system to its previous stature. A clear example of the growing administrative burden on principal teachers, not to mention the huge burden carried by them in dealing with societal change as it impacts their school, is the fact that the National Council for Curriculum and Assessment (NCCA, 2010) reported that the number of circulars published by the then Department of Education and Science increased from one per month at the beginning of the new millennium to one per week in 2006. A cursory look at the DES website indicates that almost two circulars were issued per week by the DES in 2015, though it's fair to say that not all relate to second-level.

Page forty-three of the DES document again addresses the issue of “autonomy over budgets and salary levels of teachers”. This submission has already addressed this issue in clear terms outlining TUI's absolute opposition to same. The DES put forward a suggestion that teachers and principals “may be rewarded with a pay bonus or salary top-up”. TUI would like to draw the attention of the DES to the irony of it suggesting “salary top-ups” when the Government has not restored dramatic pay cuts experienced by public servants over recent years, not to mention the added hours of work which accompanied these pay cuts. The same section of the DES document also states that “autonomy over staffing also means that schools have the freedom to fire inefficient or under-performing teachers”. TUI finds this to be an extraordinary and unacceptable overturning of existing procedures agreed between the trade unions and the DES, and the statement also seems to cast a shadow over work carried out by its own Inspectorate.

In a remarkable rebuke to its own suggestions over devolved budgets, page 44 of the DES document states that “there is no clear relationship between budgetary autonomy and school performance”. This echoes research referred to earlier in this submission that shows that ‘school autonomy’ of the type suggested by the DES has not worked in other countries, despite massive investment of time and money. Page 48 of the DES document also delivers a remarkable rebuke to the proposals from the DES itself when it discusses the issue of payment of salaries to caretakers and secretaries by schools. The actions of ‘autonomous’ schools in this respect has been so fraught with difficulty that the DES is currently considering a Labour Court recommendation on introducing standardised minimum hourly rates of €13 per hour. “The deal, if accepted, is expected to cost €5 million next year, rising to more than €22 million in 2019” as “almost 8,000 secretaries and caretakers in ...are set to receive pay increases of up to 10 per cent over the next four years” (Irish Times November 9th 2015).

Page forty-nine of the DES document explicitly suggests that schools “could explore borrowing” to fund the capital needs of the school. This is a remarkable abdication of responsibility by the DES. Following years of debate about the provision of prefabs to schools, the DES now seems to be suggesting that the school should fund its own buildings. Aside even from the audacity of such a concept, TUI asks how the DES suggests schools repay the money. This submission has previously outlined the issues which have arisen in the UK where ‘autonomous schools’ have been obliged to borrow money to fund budget gaps. The concept of schools having to borrow money to provide basic facilities for schools makes a mockery of the concept of ‘free education’ and raises serious concerns about the commitment of the DES to equality for disadvantaged areas. This causes considerable surprise and alarm to TUI as the DES has traditionally been quite progressive in trying to ‘level the playing field’ for disadvantaged schools through initiatives such as DEIS.

Privatisation

Some aspects of the above have also been tried in Chile. The result has been that the government of Chile is now having to move towards banning publicly funded schools from “charging fees, making a profit and using selective admissions systems” (Times Education Supplement, January 1st, 2015).

Field (2015) also addresses the issue of devolved payment structures and especially ‘outperformance pay’. Field (pg 7) presents compelling evidence that such schemes do not work either in the public or private sector and that issues of “salary, job and workplace characteristics and relationships” matter much more to staff motivation. This needs to be contrasted with the recent experience of Irish teachers who have suffered multiple pay cuts, longer working hours, reduced pension entitlements and a workplace where half of all second-level teachers under the age of thirty-five do not even have a full-time job.

The issue of ‘academies’/‘free schools’/‘charter schools’ is tightly tied with issues of privatisation as opposed to education as a public good. Bottery (2009:22) discusses the privatisation of education and writes of how the education market could reflect private business practice. He specifically cites the ‘unit’ i.e. school, having the right to:

- “Determine the price it should charge”
- “Make a profit from its dealings”
- “Determine the kind of product it sold to customers (curriculum, teaching methods)”
- “Determine the right kind of clientele it aimed to attract (including its ability to refuse or select particular applicants on its own terms)”

In the context of the “right kind of clientele” it is interesting to note that ‘charter schools’ in the USA “are often criticised for serving smaller proportions of students with disabilities than regular school districts, and a new analysis of national data finds that’s still the case” (Education Week, November 11th, 2015). Furthermore, a report in the New York Times (October 29th, 2015) that a ‘charter school’ network in New York may operate a ‘got to go’ list of students including in its kindergarten schools. According to the report the ‘charter chain’

“has long been dogged by accusations” that its achievements “are due, in part, to a practice of weeding out weak or difficult students. The network has always denied it. But documents obtained by the New York Times and interviews” with current and former staff in five of the schools within the chain “suggest that some administrators in the network have singled out children they would like to see leave”.

This type of language with a child as a “customer”/profit centre/economic widget, sadly is used in the DES document on page 8. As shown above, the privatisation of education hasn’t worked. Ratings and league tables are not a full measure of any education system but they tend to acquire a certain credibility especially in privatised systems but even then privatised systems perform poorly. For example, in the PISA ratings for Maths (OECD, 2014), Ireland is rated significantly higher than the UK, USA, Sweden and Chile and only slightly behind Australia. All five of those countries have, as set out here, a history of privatisation/autonomy in education. In reading, Ireland comes before all five countries. In Science, Ireland also comes before all five countries. It is difficult for TUI to understand why the DES is seeking to replicate countries that perform significantly poorer than Ireland does in PISA. The above doesn’t even include the fact that Ireland has a higher rate of school completion than all of the other five countries and a higher rate of third level education than all five, despite Ireland investing less per student than three of the other five countries (OECD, 2015).

Perhaps the most important measure of the success of the education system is that parents have expressed satisfaction with the way teachers do their jobs (Teaching Council, 2010; OECD, 2013; DES, 2013) and that students, especially girls, reported liking school (OECD, 2009).

If further evidence was required of how a private/autonomy agenda was misguided, it can easily be found in reports from the countries which have tried such an agenda. The Sydney Morning Herald (September 7th 2015) has reported on how “teachers accuse global education giant of profiting out of conflict of interest”. The report cites a member of parliament accusing Pearson, “the world’s largest education business” of a “conflict of interest” in marking standardised tests from schools and generating “revenue out of the same exams”. The report goes on to give examples of where Pearson has lost contracts in Los Angeles, New York, Florida and Texas. A report from the Guardian (July 16th, 2012) cites the example of Pearson running the only for-profit exam board in the UK whilst also carrying “out a probe this year (2012) into whether the English exam system is promoting high standards”. Pearson,

together with a number of other 'educational entrepreneurs' is also mentioned by CNBC (Companies cash in on Common Core despite controversy, March 11th, 2015) as benefiting significantly from contracts with US states for provision of materials related to the Common Core curriculum.

The issue of 'venture capital' in schools took an interesting twist in a report in the Times Education Supplement on October 16th, 2015. The report gave examples of 'independent schools' that were being 'bought' by Chinese investors. The report quoted a company "which acts as a go-between for people wishing to buy and sell schools" as saying that "enquiries from the Far East had been growing significantly".

Twice a year in England an "Academies Show" is held to give 'academies' an opportunity to meet each other and to see products on sale that may be of interest. One of the advertisements at a recent event was "fixed price" advice to schools wishing to convert to 'academies'. For a price of stg£12,500 (approximately €17,000) plus VAT, the company will give 'help and guidance' on navigating the conversion process. TUI argues that the money would be much better spent on students.

Autonomous or 'multi-academy'?

It is also interesting to note that while the DES seems to be looking favourably on devolving more power to schools in a similar way to what was done with 'academies' in the UK, those same 'academies' are being encouraged to come together in multi-academy trusts which appear to be similar to the Education and Training Boards already operating in Ireland. However, unlike ETBs in Ireland, some of the multi-academy trusts have been the source of considerable concern regarding outcomes. For example, the situation at the largest academy sponsor in the UK, which runs 68 schools throughout the UK, "has become so serious that representatives from the Department of Education now sit in on the trust's board meetings" (Times Education Supplement, December 4th, 2015).

Page thirteen of the DES document refers to the appointment of regional school commissioners (RSCs) in the UK. The paragraph does not cite the extensive use also of multi-academy trusts. In the context of the DES presenting a paper on 'school autonomy', it is hard to school how school autonomy is useful in the Irish context when we already have Education and Training Boards for example which function very well. If 'school autonomy' is such a good idea, TUI would ask why the UK model of 'school autonomy' has found it necessary, after experimenting with 'school autonomy', to bring in a structure of both RSCs and multi-academy trusts to replace the previous model of local authority control which existed prior to 'school autonomy'.

A need to borrow?

'Academies' in the UK are independent also in terms of their ability to run their own budget. This 'autonomy' has had some impact in terms of schools actually having to borrow money in order to function. This money must then be repaid somehow (with interest presumably). The Times Education Supplement (December 4th, 2015) has reported how "state school debt is on course to more than double in just two years" and how a survey of three quarters of local authorities in the UK has found that "the total amount they gave schools permission to borrow rose from stg£35.8m to stg£51.7m" in one year.

Outcomes of 'charter schools' and 'academies'

As stated above, the DES document appears to be considering the introduction of a model of school autonomy similar to 'academies' in the UK. The research into 'academies' has found them to be ineffective at best, despite the massive investment of additional funding in them. In the USA, a model similar to 'academies' is in operation under the title of 'charter schools'. Singer (2014) points out that

"In many American cities, the charter school movement is basically an alliance between national foundations antithetical to public education, local politicians who are building political machines, and business speculators. High quality education is at best an afterthought." Pg 115

"Less than 20% of charter schools offered a better education than comparable local schools and about half offered an equivalent education. However, in more than a third of charter schools, 37%, educational achievement was significantly worse than in public schools." Pg 119

"A New York Times article reported that students in high-tech schools did not perform better on standardised assessments than students in regular schools." Pg 177

Curriculum and returns to Ireland

Page nine of the DES document refers to "building a knowledge society" and "reviewing junior and senior cycle provision". TUI respectfully seeks clarification as to what is meant by both. The education system is a vital supply side factor in any economy and further investment in education is essential. However, education must be about building a society/community and not just an economy. Educating children is complex and the psychological well-being of our students is often overlooked. Developing self-confidence involves various aspects of their lives. Involving children in extra-curricular activities is also overlooked in the design of our education system. Whilst a focus on Science, Technology, Engineering and Maths is understandable from a purely economic viewpoint it is not sufficient for the building of a community that has been much diminished by an era of cutbacks to public service.

The aims of the education system, as suggested above, must also take account of our concept of community in the widest sense. Investment in early childhood care and education (ECCE) has repeatedly been shown by research to make sense in a societal and economic sense. Despite this,

Ireland spends 0.2% of GDP on ECCE compared to an OECD average of 0.4%. NESF (2005) calculated the net benefit per euro invested to be €4.60 to €7.10, whilst the High/Scope Perry Pre-School Study found a return of \$12.90 per dollar invested (Connolly, 2009). Smyth and McCoy (2009) found that the benefits of ECCE are particularly evident for disadvantaged and minority groups.

The issue of community and returns from education is also important in the context of long-term returns from education. For example, the Net Present Value to the individual (discounted at 5%) of a female obtaining ISCED 3/4 education was \$35,058 in 2005 whilst the OECD average was \$28,223. The Net Present Value to the individual (discounted at 5%) of a male obtaining ISCED 5/6 education was \$104,410 in 2005 and the OECD average was \$82,007 (OECD, 2009). International cost benefit analyses on keeping people in school suggest stg£200m per year in Britain, €578m in the Netherlands or \$209,100 per student in the United States (Barnardos, 2009). OECD (2010: 11) states that

“A large body of literature suggests that education is strongly associated with a variety of social outcomes, such as better health, stronger civic and social engagement, and reduced crime. A smaller number of studies further suggests that education has a positive effect on most of these social outcomes. More importantly, from a policy perspective, education has been shown to be a relatively cost-effective means of improving health and reducing crime. This report suggests that school-based interventions can be a cost-effective way to tackle obesity. Hence, education policy can be a viable health policy.”

The issue of crime reduction is also relevant in the context of the justice system. As cited in Labour Youth (2010: 18)

“Bacik (1998) found that if you're from a deprived area in Dublin you are twenty five times more likely to end up in front of a district judge than if you are from a wealthy area in Dublin (Bacik et al., 1998); the links between poverty, crime and educational disadvantage are abundantly clear.”

The report (pg 18) goes on to state that

“94% of the prison population in Mountjoy prison were either unskilled or semi-skilled manual workers, i.e. blue collar, and only 39% grew up in a home with a history of continuous, regular employment...50% of inmates in Mountjoy in 1996 had left school before the age of 15, 80% by the age of 16...20% of them could not even read or write”.

Furthermore, many “young people aged under 18 who pass through young offender institutions have difficulties with speech, language and communication” (Bercow Report, 2008 as cited in Labour Youth 2010: 5).

Accountability

Page ten of the DES refers to accountability and the need for five year development plans, self-evaluation and annual reports. Many of these proposals are already in operation so it is unclear whether

the DES document is seeking a change in the current system or is simply restating the original Government plans in 2011. Schools are already implementing self-evaluation, external inspection, improvement planning etc. so it is hard to see what benefit could be gained by adding further to the administrative burden, and detracting further from the core work of schools i.e. teaching and learning.

Page eleven of the DES document refers to “some USA and Australian states” having “considerable freedoms in relation to school staffing”. TUI asks whether these are the same states cited by the US Department of Education as having a teacher shortage crisis (Washington Post, August 24th 2015) or the crisis in some areas of Australia as cited in the Australian (Jan 4th 2014). It is interesting that the DES document, which uses the UK frequently as an example, does not cite the UK as an example in this context. TUI asks whether that is related to recent and extensive media coverage of a teacher shortage crisis in the UK (Irish Times October 27th, 2015, Times Education Supplement, November 13th, 2015 / October 16th, 2015 / October 9th, 2015). The crisis in the UK is now so serious that schools are advertising vacancies in 2015 for roles that won't begin until September 2016 as principal teachers are afraid that they won't be able to find teachers once 201 begins (Times Education Supplement, January 8th, 2016).

Page twenty-three of the DES document discusses mechanisms of accountability. There are already a range of processes in place through the Inspectorate to ensure the quality of the education system. Furthermore, schools are held accountable on a daily basis by line managers, boards of management, Education and Training Boards, the Department of Education and Skills, the local community, the media, parents, peers and students. It is hard to see what other accountability mechanisms would be available. Furthermore, greater ‘school autonomy’ must inevitably mean that schools would be less accountable to society and Government, not more accountable. ‘Academies’ and ‘free schools’ are not accountable for teaching the national curriculum for example.

Page thirty-nine of the DES document refers to the accountability of schools to parents. Of course schools are accountable to the parents of the children the school is teaching. As outlined above, many of the support agencies on which schools depend in a crisis are themselves suffering significantly from underfunding. For example, schools seeking to contact duty social workers, education welfare officers, CAMHS or speech and language therapists in order to provide support to students experiencing difficulties are often frustrated at the time it can take to access support. This is generally attributable to the pressure on the agencies to provide services that far exceed the resources available to them. Furthermore, it must also be said that parents have an element of accountability to the school. The vast majority of parents are very positive contributors to the school community. In fact, many spend their free time, much as the staff does, taking part in school fundraising which wouldn't be necessary if the education system was adequately funded in the first place. However, it must be said that a very small number of parents can be ‘hard to contact’ in situations where their child is consistently causing

difficulties for other students in the school. Furthermore, some parents withdraw their children from school during term-time for reasons such as taking family holidays. Whilst it is understandable that parents may wish to avail of cheaper holiday prices during term time, it creates a real difficulty for schools both in terms of educational progression and in terms of the school's responsibility to report unexplained or unsatisfactory child absences to the Education Welfare Section of TUSLA. The issue has become so grave in England, for example, that 63,837 fines were issued to parents in one year (Daily Telegraph, August 8th, 2014). Hence, accountability is not a one-way street.

The issue of accountability also features on page forty-one of the DES document. It states that "schools could be required to report publicly on a number of issues annually" such as compliance with "a number of key regulations". It could also include

"for example, total staffing resources available to the school...and financial income from the state. Consideration could also be given to making available certain information on the learning achievements of students".

This submission has already clearly set out the opposition of TUI to any move towards league tables and also sets out the problem of 'gaming the system' which has followed on from the introduction of such systems. Evidence has been shown of how educational provision to special needs students is often disadvantaged in such circumstances. Considerable information is already available through school newsletters, websites, open days and through the publication of school inspection reports. TUI does not see any benefit deriving from schools having to publish their staffing numbers for example. Such numbers are already published by the DES so there is no point in duplicating the data. Schools receive capitation funding from the state but that is already a publicly available number. Perhaps the DES would be more productively engaged by withdrawing state funding from fee paying schools which have access to considerable financial resources that state schools cannot access. An Irish Times report in 2012 (Jan 3rd) stated that 56 schools (out of approximately 730 second-level schools and 3200 primary schools in the country) received income of €227m annually, which included "over €121 million in gross fee income and €89 million in payment for teacher salaries".

Finnish model

Page fifteen of the DES document gives examples of how the Finnish education system works. It specifically cites the example of schools having "the right to provide educational services according to their own administrative arrangements and vision". TUI notes with interest that the section does not cite the fact that 'autonomy' in Finland seems very different to the existing system in Ireland. TUI would be interested in knowing the view of the DES and other stakeholders in the event that the DES sought to bring in the Finnish system which includes, as stated by the Guardian (July 1st, 2013):

"Imagine a country where children do nothing but play until they start compulsory schooling at age seven. Then, without exception, they attend comprehensives until the age of 16. Charging school fees is illegal, and so is sorting pupils into ability groups by streaming or setting. There are no inspectors, no exams until the age of 18, no school league tables, no private tuition industry, no school uniforms.

Children address teachers by their first names. Even 15-year-olds do no more than 30 minutes' homework a night."

Teaching Posts

Page nineteen of the DES document states that Irish "schools do not have discretion in relation to the number of teaching posts". TUI has long argued for an improvement in the student/teacher ratio particularly given that the Irish rate is higher than the OECD average (OECD, 2015). However, any move to devolved/autonomous determination of a number of posts would make a national ratio meaningless and enable some schools, which had access to other sources of funding, to appoint more staff than a school with the same number of students but which did not have access to outside sources of funding.

Special Educational Needs

Page twenty of the DES document also cites the issue of schools setting "their own staffing needs" particularly in this case referring to the piloting of a revised Resource Allocation Model for students with special educational needs. Sadly page twenty omits to mention that the DES had to provide extra resources to the 47 pilot schools in order to implement the model as proposed. TUI strongly welcomes the additional resources but regrets that the DES is unable to provide the resources necessary for full implementation of the EPSEN Act – resources which the DES estimated at a meeting in 2015 with TUI, to amount to approximately €700m at 2008 prices. Funding in the DES has been so limited in recent years that some curricular changes which were agreed with stakeholders had to be put on hold as funding wasn't available to implement the agreed changes. In this context it is hard to see how schools would ever have the resources to set "their own staffing needs" for the 25% of students who have special needs (Banks and McCoy, 2011) even if the school wanted to do so.

Boards of Management

In a similar context to the issue of equality of funding if budgets were to be devolved, issues of equality are also raised on page twenty-one of the DES document. The document suggests that "consideration could be given to increasing parental representation on boards of management". All representatives on boards of management serve an important function but it is one which is dependent on goodwill and on the expertise of the people available. Some schools have no difficulty filling the roles of parental representatives on the boards of management and are frequently able to choose between large numbers of highly experienced and educated candidates. Other schools however have difficulty even filling the posts at all. It would be highly regrettable if 'school autonomy' were to actually mean the creation of an even wider gulf between schools with access with high levels of social capital and those schools with access to less.

TUI seeks clarification of the statement on page twenty-one of the DES document that "giving parents the power to trigger ballots requiring boards of management to address their concerns is another option that could be explored". It is very unclear what these ballots would be about.

Budgets

Page twenty-two of the DES document considers “the possibility of granting a single pot of posts to DEIS schools, which would amalgamate the DEIS-specific and SEN-specific posts”. TUI has signalled above its absolute opposition to ‘devolved budgets’. It is the role of the DES to ensure that schools have the resources to carry out their work. Irish schools are already far too dependent on ‘fundraising’ – an activity which also detracts time and focus from the core work of schools. It is unacceptable for the DES to devolve budgetary responsibility to schools thereby almost certainly requiring schools to fundraise permanently to fill funding gaps. This also leads to the grave concerns on equality between schools set out above. Page twenty-two is worrying also in the context that it pinpoints disadvantaged schools and special needs students. Reviews of the Home School Community Liaison Scheme (Archer and Shortt, 2003) and of the School Completion Programme Smyth et al., 2015) have found both programmes to be very useful. It is difficult to see any benefit in amalgamating these schemes together and then also merging in special educational needs posts.

Experiences in the UK/USA/Chile of ‘school autonomy’

Page twenty-six of the DES document suggests that “failing schools can be improved more easily if schools have greater curricular flexibility”. This appears to echo an argument by successive British governments in favour of ‘academies’. It should be noted that the evidence emerging from the UK on ‘academies’ is far from a ‘ringing endorsement’ of the supposed success of ‘academies’ educationally. The Academies Commission (2013: 4) states that

“the recent report from the National Audit Office (2012) highlights that Ofsted has judged almost half of all sponsored academies as inadequate or satisfactory (the latter is now defined as ‘requiring improvement’). International evidence of the impact of similar systems continues to present a mixed picture.”

The same report went on to state that

“the Commission views social segregation in the school system as a problem for equality of opportunity and to system improvement. It heard, for example, of some academies willing to take a ‘low road’ approach to school improvement by manipulating admissions rather than by exercising strong leadership. It is vital, as academies begin to assert their independence more vigorously, that such practices are eradicated.” (pgs 7-8)

It is also interesting that the Academies Commission report (pg 31) stated that “too many witnesses provided evidence of some academies’ insufficient responsiveness to parents and the local community.” The Commission report also raises questions about the willingness of autonomous schools to be socially inclusive – an issue which TUI highlighted earlier in this submission. Page 65 of the report states that

“There is evidence that schools that control their own admissions are more likely to be socially selective than community schools (see West and Hind 2007; West et al. 2011; Allen and West, 2009; Allen and West 2011; Barnardo’s, 2010; Allen et al. 2011).”

Page 67 of the report goes on to state that

“According to the 2011 Report of the Schools Adjudicator, 17% of objections to admission arrangements relate to academies, despite the fact that they made up only 4% of all schools at that time.”

Furthermore, page 70 of the report states that

“various researchers have found that market competition in the education system provides incentives for schools to avoid particular, vulnerable pupils who might be seen as detrimental to the school’s attainment profile (MacBeath, 2006; Barnardo’s, 2010).”

Pages 88 and 89 and the Academies Commission report state that

“Energetic and technical debate takes place in American educational research literature about the effectiveness of charters. In what is a very controversial field, the most extensive study, conducted by the Center for Research on Education Outcomes (CREDO), explored outcomes in charter and public schools across 16 states (CREDO, 2009). The overwhelming conclusion of the CREDO study was that the performance of charters was broadly similar to the performance of conventional public schools.”

And that

“Chile has adopted perhaps the most radical diversification, allowing the rapid growth of privately provided public education from 1980. In 2010, over 60% of all pupils attended privately supplied schooling, which operates on a voucher basis; schools may charge additional fees above the voucher provided by the state. A study in 2000 exploring the impact of Chile’s reforms concluded that outcomes in the subsidised private schools – those entering the voucher system after 1980 – were generally similar to those of government-funded municipal schools (Mizala and Romaguera, 2000). Chile’s performance in PISA remains relatively poor: in PISA 2009, only Mexico performed worse in reading and mathematics.”

Admissions into ‘academies’ have also been an issue recently for the Office of the Schools Adjudicator (2015) which found that ‘academy’ admissions arrangements were often unpublished or difficult to find, and that increasing numbers of ‘academies’ were hiring lawyers to deal with admissions cases. Furthermore, Green et al., (2015: 910) state that

“The evidence suggests that free schools have contributed, along with other school system reforms, to rising social segregation (Wiborg, 2010; Allen, 2013; West, 2014). In the USA, the charter schools are found to be associated with rising segregation (Garcia, 2008; Jacobs, 2013).”

Green et al. (2015: 907) found in their own study that “there are substantive differences between the ethnic composition of free schools (in the UK) and other schools”.

Curtis et al., (2008: 5-6) sought

“to ascertain how successful the programme has been in fulfilling each of these objectives so far. Its conclusions can be summarised as:

1. With regard to the first objective, the picture is mixed and the evidence not easy to interpret. The average attainment of pupils in Academies has risen but in certain cases their intakes have changed. There are continuing concerns about achievement levels in a number of Academies. The impact of Academies on the attainment of their family of schools and on the wider community has been even more difficult to gauge. While this part of the objective was perhaps too ambitious, little action seems to have been taken to address the issue. The sharing of Academies’ facilities was hindered by VAT regulations prior to 2007.

2. Academies have increased diversity in education in the sense they are a distinctive type of state school, though arguably less distinctive now than when they were first launched. The scope for difference and innovation has potentially been curtailed by recent reforms, such as a clearer requirement to follow the core subjects of the National Curriculum.

3. Academies are “inclusive” in the sense that they currently have twice the national average of pupils eligible for Free School Meals (FSM). The picture varies between Academies, but overall the proportion of FSM pupils has fallen since the programme started by 16.3 percentage points. This suggests that Academies are becoming more inclusive in the sense that they are drawing pupils from a wider range of social backgrounds and, in some cases at least, a broader ability range. There has also been concern about the high number of exclusions in some Academies and how these might affect neighbouring schools.”

Curtis et al. also noted “a decline in the proportion of disadvantaged pupils in Academies and there are still considerable concerns about attainment in some Academies” and that “exclusions have been quite high in some Academies, and in certain cases this has been at greater levels than in their neighbouring schools” (pg 7). The report further notes that ‘academies’ often have one staff representative on the board of governors and possibly no staff representative. The ‘norm’ in the Irish system is for two staff representatives and two parent representatives on boards of management. Furthermore, “in terms of exclusions, it was reported in August 2007 that Academies have exclusion rates three times that of neighbouring schools” (pg 36).

The House of Commons Education Committee, (2015: 3), where both the Labour Party and the Conservative Party are in favour of ‘academies’, found that

“there is a complex relationship between attainment, autonomy, collaboration and accountability. Current evidence does not allow us to draw conclusions on whether academies in themselves are a positive force for change.”

Indeed the DES document itself (pg 27) cites the “inconsistent results in terms of improving education standards” that are emerging from ‘charter schools’. The report also notes that each multi-academy trust is run by a single “board of directors” and hence it is quite possible that no representative of parents or staff from an individual school may be on the board of directors. Page 56 of the report states that

“Research by the Institute of Education in 2014 showed that while free schools are opening in areas of high deprivation, as measured by the numbers of pupils eligible for free school meals, the schools themselves did not reflect this in their intakes, having a lower proportion of free school meals (FSM) pupils than the area average.”

In a worrying echo of the above, National College for Leadership of Schools and Children’s Services (2012: 21) found that

“More recently there has been a move towards a corporate model of governance in academies. The establishment of academies and trusts has moved the governance of schools away from a stakeholder model, where individuals, such as parents, have a key role to play on the governing body.”

Professional development

Page thirty-eight of the DES document also makes reference to the possibility of the Teaching Council considering “making mandatory minimum level of ongoing professional development”. TUI has already made its position clear on this matter to the Teaching Council. Many teachers already engage in continuous professional development despite that fact that it is often on their own time and at their own expense. Any move to make this system mandatory would be strongly resisted. In private sector organisations, staff training is provided in company time and paid for by the company. Indeed staff are often given a monetary incentive after taking the course. In teaching, staff are no longer entitled to qualification allowances even after taking part in extensive training – the cost of which the employer contributed nothing to in the first place.

Reviewing work

Page forty-two of the DES document makes reference to work being “required to trial and develop systems whereby principals could review the work and development needs of teachers in a structured, regular way”. TUI has addressed this matter with the DES in a different context recently. As the DES is aware, the middle management structures of schools have been largely dismantled and undermined by the moratorium on appointment to posts of responsibility. The impact on the capacity of schools to manage initiatives and to provide pastoral support to students has been devastating. Even if TUI were to disregard the fact that international management consultancy companies such as Accenture, which have made significant sums designing such programmes for private business, are dropping them as they are seen as a waste of time (Irish Times, July 27th, 2015 and August 21st, 2015), the fact still remains that the evaluation of teachers is the role of the Inspectorate. That role has not been devolved to principal teachers and TUI would strongly object to any move to do so. Principal teachers have not been trained to assess the multiple competencies required of subject specialist teachers. TUI sees no situation in which it would agree to such a devolution of power from the Inspectorate, and would find any such move absolutely unacceptable.

Conclusion

The above reports clearly set out the lack of any clear evidence of 'school autonomy' improving school standards despite the significant investment in 'academies' for example. The DES document itself (pg 31) clearly acknowledges research from New Zealand which "cannot point to any great system-wide gains in student performance or learning, new approaches to learning, or greater equality of educational opportunity that have clearly arisen from school autonomy". If greater 'school autonomy', in the form outlined by the DES, hasn't led to any improvement in educational standards in the six countries cited above, despite a massive investment of money, then it is far from clear to TUI what the DES hopes to achieve by introducing greater 'school autonomy' in Ireland when Ireland currently outperforms the other countries which have introduced costly and unsuccessful 'school autonomy'. TUI must make clear that it will not accept the DES using the currently successful Irish education system as an experiment in an ideology that hasn't worked in other countries. Any movement by the DES to introduce devolved budgets, devolved staffing decisions, changes to national pay schemes, changes to previously agreed terms and conditions of employment etc. will be forcefully resisted by TUI, including by industrial action if required.

Ends

David Duffy (Education/Research Officer, TUI), dduffy@tui.ie, 01 4922588

Acronyms

DEIS Delivering Equality of Opportunity in Schools

DES Department of Education and Skills

ECCE Early Childhood Care and Education

EPSEN Education for Persons with Special Educational Needs

GDP Gross Domestic Product

RSCs Regional Schools Commissioners

TUI Teachers' Union of Ireland

UK United Kingdom

References

- Academies Commission (2013), *Unleashing Greatness, Getting the best from an academised system*, Report of the Academies Commission
- Adonis, A. (2012), *Education, Education, Education: Reforming England's Schools*, London: Biteback Publishing
- Archer, P. & Shortt, F. (2003), *Review of the Home-School-Community Liaison Scheme*, Dublin: Educational Research Centre
- ASTI (2014), *Survey of Schools*, Dublin: Association of Secondary Teachers in Ireland
- Banks, J. and McCoy, S. (2011), *A Study on the Prevalence of Special Educational Needs*, Trim: NCSE/ESRI
- Bottery, M. (2009), "After the Market – have we ever really been in one?", *Education as a Commodity*, eds. Alexiadou, N. & Brock, C., 21-35, Suffolk, UK: John Catt Educational
- Barnardos (2008), *Tomorrow's Child*, Dublin: Barnardos
- Barnardos (2009), *Written Out, Written Off*, Dublin: Barnardos
- Barnardos (2015), *School Costs Survey 2015*, Dublin: Barnardos
- Children's Rights Alliance (2015), *Are We There Yet? Parallel Report to Ireland's Third and Fourth Combined Report under the UN Convention on the Rights of the Child*, Dublin: Children's Rights Alliance
- Connolly, P. (2009), *Benefits of Early Interventions for Children from Socially and Economically Deprived Backgrounds: the Research Evidence*, Presentation by Prof. Paul Connolly, Centre for Effective Education, May 2009
- Cooney Carey (1993), *School Books in Ireland: Costs to Parents*, Dublin: Cooney Carey
- CSO (2009), *Children and Young People in Ireland 2008*, Cork: Central Statistics Office
- Curtis, A., Exley, S., Sasia, A., Tough, S. & Whitty, G. (2008), *The Academies Programme: Progress, problems and possibilities*, London: Sutton Trust
- DES (2013), *Chief Inspector's Report 2010-2012*, Dublin: Department of Education and Skills Inspectorate
- Eurostat (2015), *Being Young in Europe Today*, Luxembourg: Eurostat
- Field, L. (2015), "Using Outperformance Pay to Motivate Academics", *Australian Universities Review* (57, 2)
- Figlio, D and Getzler, L. (2002), *Accountability, Ability and Disability: Gaming the System?*
- FLAC (2014), *Our Voice, Our Rights*, Dublin: Free Legal Advice Centres

- Fullan, M. (2001), *Leading in a Culture of Change*, San Francisco: Jossey-Bass
- Fullan, M. (2008), *What's Worth Fighting For in Headship?* London: McGraw Hill Higher Education
- Hayes, N. (2008), *The Role of Early Childhood Care and Education – An Anti-Poverty Perspective*, Dublin: Combat Poverty Agency
- Green, F., Allen, R., Jenkins, A. (2015), “Are English free schools socially selective? A quantitative analysis”, *British Educational Research Journal* (41, 6: 907-924)
- House of Commons Education Committee (2015), *Academies and Free Schools*, London: House of Commons Stationery Office
- Impact (2015), *The Way Forward, A school psychological service for all children and young people*, Dublin: Impact
- Jimerson, S. R., Stewart, K., Skokut, M., Cardenas, S & Malone, H. (2009), “How Many Psychologists are there in Each Country of the World? International estimates of school psychologists and schools psychologist to student ratios”, *School Psychology International*, 30, 555-567
- Labour Youth (2010), *Educational Disadvantage 2010*, Dublin: Labour Youth
- National College for Leadership of Schools and Children's Services (2012), *Academies: Research into the Leadership of Sponsored and Converting Academies*, Nottingham, UK: National College for Leadership of Schools and Children's Services
- NCCA (2010), *Curriculum Overload in Primary Schools*, Dublin: National Council for Curriculum and Assessment
- NCGE (2013), *Review of Guidance Counselling Provision in Second Level Schools 2012-2013*, Dublin: National Centre for Guidance Education
- NESF (2005), *Early Childhood Care and Education*, National Economic and Social Forum
- OECD (2009), *Education at a Glance 2009*, Paris: Organization for Economic Co-operation and Development
- OECD (2010), *Improving Health and Social Cohesion through Education*, OECD Publishing
- OECD (2013), *Education at a Glance 2013*, Paris: OECD Publishing
- OECD (2014), *PISA 2012 Results: What Students Know and Can Do*, Paris: OECD Publishing
- OECD (2015), *Education at a Glance 2015*, Paris: OECD Publishing
- Office of the Schools Adjudicator (2015), *Annual Report September 2014 to August 2015*, Darlington, UK: Office of the Schools Adjudicator
- Singer, A. (2014), *Education Flashpoints*, New York: Routledge
- Smyth, E., McCoy, S. (2009), *Investing in Education: Combating Educational Disadvantage*, Dublin: ESRI
- Smyth, E., Banks, J., Whelan, A., Darmody, M., McCoy, S. (2015), *Review of the School Completion Programme*, Dublin: ESRI

Teaching Council (2010), *Evaluation of Public Attitudes to the Teaching Profession*, Maynooth:
Teaching Council

TUI (2014), *Survey on Guidance Provision*, Dublin: Teachers' Union of Ireland

Appendix Five – TUI Submission on Apprenticeships (October 2013)



Teachers' Union of Ireland

Draft Submission to the Review Group

Reference the Public Consultation on
the Review of Apprentice in Ireland

October 2013

For further information contact either:

Aidan Kenny akenny@tui.ie

Tel. 01 492 2588

73 Orwell Road, Rathgar, Dublin 6.

Contents

Summary of main recommendations	54
(a) Introduction.....	55
(b) Review Group.....	55
(c) Consultation Process	56
(d) Terms of Reference	56
(e) TUI Engagement	57
(1) Effectiveness of Apprenticeship System	58
(2) Access and Registration	59
(3) Entry Numbers Per Year	60
(4) Assured Opportunity to Complete Apprenticeship	60
(5) Licensing and Regulated Employment	61
(6) Professional Standards Programmes (PSP).....	61
(7) Gender Participation	61
(8) Common Foundation Modules	62
(9) Mathematics and Science Key Modules	62
(10) Award Level.....	62
(11) Award Supplement.....	62
(12) Validation and Reviews	63
(13) Career Paths	63
(14) Governance.....	63
(15) Range of Designated Apprenticeship	64
(16) Funding	64
(17) Provision.....	64
(18) Workplacements	64
(19) Traineeships.....	65
Concluding Comments.....	65

Summary of main recommendations:

- (a) Formative evaluation of the governance, management and planning processes utilised by FAS.
- (b) The Review Group to establish a Sub-group comprising of representatives of trade unions who have a direct interest in apprenticeship.
- (c) Review Group recommendations that impinge on our members conditions will have to be negotiated with this union.
- (d) TUI will assist the Review Group with the organising, site visits, meeting expert groups and a national seminar.
- (1) Both the National Skills competition and the Worldskills competition should be adequately resourced and supported.
- (2) Introduce a centralised registration system for apprenticeship applications similar to the CAO. Pre-apprenticeship and workplacement programmes to be offered by the ETBs.
- (3) There should be an agreed enrollement floor and ceiling for the number of apprentices allowed into the system each year.
- (4) Apprentices need to have an assurance that they can complete their apprenticeship even in cases where redundancy is a factor.
- (5) Regulate the trade areas and introduce a licensing system for both apprenticeship and qualified trades people.
- (6) A Professional Standards Programme (PSP) should be introduced to maintain the quality, upskilling and professionalism of the trade areas.
- (7) A range of gender equality policies need to be developed and enforced in the trade areas.
- (8) Introduce a series of common foundation modules such as learning-to-learn, communications, problem solving, health and safety, dignity at work.
- (9) Introduce key modules in mathematics and science that provide the broad range of theory and applied concepts relevant to the new world of work.
- (10) QQI to review the NFQ level of apprenticeships based on the required learning outcomes for each trade area.
- (11) Introduce a five point marking scale for examinations and record all individual apprentices' results on an examination supplement document.
- (12) Utilise the IoT sector quality assurance and programme validation and programme review process.
- (13) Develop career paths for apprentices.
- (14) Establish a 13 person representative council to governing the apprenticeship system.
- (15) Review the range of designated trade areas and where appropriate introduce new trades.
- (16) Apprenticeship system should continue to be funded by the income generated from the training levy.
- (17) Provision of apprenticeship education and training should remain with the IoTs and the new ETBs.

- (18) The ETB's should provide workplace programmes for students who are interested in becoming apprentices.
- (19) Traineeship should not become part of the apprenticeship system.

(a) Introduction

This draft submission sets forth the Teachers' Union of Ireland (TUI) initial response to the Review Group's call for submissions on the Public Consultation on the Review of Apprenticeship in Ireland. This submission should not be considered as a definitive position but rather as a first stage contribution to the Review Group. The union will engage in more detailed discussions and submissions as the review process evolves.

TUI welcomes the announcement by the Minister for Education and Skills to commence a national review of apprenticeship. The union had repeatedly requested for a review of apprenticeship in light of the emergent economic crisis and the resultant dramatic collapse of the economy. TUI members in the Institutes of Technology (IoT) sector had questioned the sustainability of the system-wide over-capacity generated by the unregulated market and demand lead approach intrinsic to the Standard Based Apprenticeship System. The dramatic collapse in apprenticeship provision resulted in; apprentices being made redundant without qualifications, the non-renewal of employment contracts of both part-time and fixed-term staff in IoTs and Further Education Colleges (FEC), FÁS training centres and the under- utilisation of the advanced technological infrastructure developed to meet demand. TUI is extremely concerned about the tragic human suffering caused to workers and apprentices who lost their jobs and career opportunities. TUI considers that the contributing factors to the crisis in the apprenticeship system were; lack of employment regulation, unfettered market-lead demand approach, and lack of resources put into quality research, poor system management and light oversight which resulted in poor planning and lack of intervention. TUI considers there is a need to carry out a retrospective formative evaluation of the system of management, governance, decision making practices and planning processes inherent in the apprenticeship system; this would be done with a view to preventing similar occurrences in the future.

(b) Review Group

While TUI acknowledges the appointment by the Minister of the seven people Review Group and the diverse expertise of same. The union is concerned about the non-representation in the Review Group of actual practitioners such as academic staff, trainers and apprentices. In addition, TUI does not consider there is sufficient trade union representation in the review group. Trade unions such as TUI, TEEU, OPATSI, UNITE to name a few, have a significant interest as stakeholders representing lecturers, technicians, trainers, craft persons and apprentices. These trade unions have considerable expertise relating to the human capital and employment dynamics of the system, unique knowledge stock and insights into the operations and functionality of apprenticeship. Trade unions historically crafted, maintained and protected the apprenticeship approach. Not alone did trade unions shape and develop apprenticeship they became the custodians of the apprenticeship approach. TUI calls on the Minister and the Chair of the Review Group to establish a Review Sub-group comprising of representatives from trade unions who have a tradition and active interest in apprenticeship. This

Review Sub-group would provide the Review Group with significant intrinsic knowledge and expertise gained from the real world of work.

(c) Consultation Process

The material on the Department of Education and Skills (DoES) website does not afford sufficient information pertaining to the consultation process to be utilised for the review. The following questions need to be addressed:

- What type of consultation process does the Review Group intend to utilise?
- What are the different stages and deadlines of the consultation process?
- Who will be invited to engage in the consultation process?
- What methodology will the Review Group utilise for the consultation process?
- What method will the Review Group apply during the consultation process?
- What analysis framework will the Review Group use?
- Will a draft report be issued for comment before a final report is produced?

TUI is of the opinion that the consultation process utilised for the National Review of Undergraduate Nursing and Midwifery programmes (2011-12) serves a best practice model in terms of engagement, transparency, communication and analysis. The open consultation process utilised contributed to the validity of the outcomes of the review.

(d) Terms of Reference

TUI notes the terms of reference for the review are separated into two parts:

(1) Consultative phase which seeks to address three key areas;

- a) *Consideration of the strengths and weaknesses of the current model of Apprenticeship and what improvements can be made to its current structure.*
- b) *An examination of the alternative methods of work-based training in Ireland.*
- c) *Consideration of the structural mechanisms, and criteria, under which collaboration with industry/employers can be pursued into the future, either through improved, alternative or complementary models of work-based training.*

(2) Recommendations;

The Review Group shall recommend options to the Minister, recognising the broad spectrum of vocational training available, for the development of the apprentice formation system, and other work based education/training systems, including, as necessary:

- *Legislative changes;*
- *Model of delivery/curriculum/ range of crafts/ occupations ;*
- *Funding and finance mechanisms;*
- *Provision changes;*

- *Staffing and resource implications;*
- *Governance changes;*
- *Transition actions resulting from recommendations.*

TUI is concerned that the terms of references give an explicit significance to industry and employers while no mention is made of the social partners, the trade unions, or the main education and training providers the IoTs and training centres. It is TUI position that the current quality and effectiveness of the apprenticeship approach including work-based learning is based on sound pedagogy in the IoTs and the *praxis* of theory and practice in action. In addition, members of trade unions provide apprentices with support, advice and protection during their on-the-job training. It is regrettable that the terms of reference of the review fails to explicitly reference the social partners and the education and training providers. The terms of reference does not include matters relating to industrial relations. TUI and other trade unions have a significant interest in apprenticeship. Recommendations that have an impact on our members who work in the area will need to be negotiated with this union through the established industrial relations mechanisms.

(e) TUI Engagement

While TUI has expressed legitimate concerns relating to the terms of reference of the review, the lack of trade union representation on the review group and the consultation process, the union is not opposed to the review. The union welcomes the review and will actively engage with the review. The union invites the Review Group to meet with our Executive and the Apprenticeship Working Party to hear first-hand the opinions and concerns of practitioners engaged in the field of education and training apprentices.

TUI suggests that the Review Group should meet with other practitioners, apprentices and carry out site visits. To this effect TUI is willing to assist the Review Group in the co-ordination of arranging meetings with:

- Lecturers who are involved with the Worldskills competition
- Lecturers who are Subject Matter Experts
- Teachers in Further Education Colleges
- Groups of apprentices
- Site visits to observe apprentices in action

TUI is willing to assist the Review Group to organise a working seminar on the review of apprenticeship. Such a seminar could comprise of several short inputs from national and international expert speakers. This would be followed by facilitated round table discussions with a purpose of capturing a diverse range of opinions of key areas of the review. This type of working seminar would provide a broad range of valuable information to the Review Group.

(1) Effectiveness of Apprenticeship System

The Irish national apprenticeship system has an international reputation for the quality and excellence of apprenticeship education and training. The high standard of competency, skill and knowledge demonstrated by Irish apprenticeship students is evidenced in the awards achieved at the biannual Worldskills competition. Young Irish apprentices have gained results competing against apprenticeships from the largest and most developed countries in the world. These developed countries invest heavily in their apprenticeship system and provide specialised additional training programmes for the apprentices who qualify to take part in their national team. Irish apprentices with the expert support from lecturers from institutes of technology and assistance from FÁS have managed to punch above their weight and brought home gold, silver and bronze medals and have been awarded medallions for excellence in their respected trade areas. This success is underpinned by the work of the National Apprenticeship Competition Committee and the Annual National Skills competitions held in institutes of technology. Lecturers in institutes give their time on a voluntary basis to promote the work of both the National Skills competition and the Worldskills competition.

The success of the Irish Team demonstrates the excellent standard of the Irish apprenticeship system, even taking into account the fact that our teams do not have the same financial resources or infrastructural capacity as the larger developed countries. Notwithstanding this fact, the Irish team still manages to win based on the apprentice's skills, knowledge and competency. These achievements are outlined in table 1.

Worldskills		Medals				Ireland Country position	No.of Countries participating
		Gold	Silver	Bronze	Medallion for Excellence		
2013	Leipzig Germany	■	0	■	7	11th	47
2011	London UK	3	0	0	6	6th	48
2009	Calgary Canada	3	0	■	5	2nd	46
2007	Shizuoka Japan	■	0	4	9	17th	46
2005	Helsinki Finland	3	■	■	10	7th	37
2003	St Gallen Switzerland	■	■	0	10	13th	36

Table 1 Results Worldskills competitions 2003-2013

TUI recommends that the National Apprenticeship Competition and the Irish Worldskills Team should receive the necessary resources needed to enhance capacity, promote recognition and improve the status of these competitions.

The Irish apprenticeship system has a brand quality recognised in the real world of work by both small and large employers and multinational companies. Irish apprentices who successfully complete both their theoretical and practical examinations in the institutes of technology and achieve their required workbased learning standards gain a valuable award which can be considered as a passport to gain access to employment markets internationally. It is vital that the brand quality of the Irish apprenticeship system is protected. Any proposed changes to the system need to consider the consequences and evaluate the risks to international brand reputation and the quality and standards of the apprenticeship system.

(2) Access and Registration

The employer lead approach to gain access to apprenticeship needs to be reformed. Instead of requiring a young person to have a distinct employer as a requirement to registering with FÁS (SOLAS),

the young person should have access to a central registration system similar to the CAO. Registration would be based on the young person's knowledge skills, competency and aptitude. Employers would have to notify SOLAS of their apprenticeship needs and SOLAS would then allocate entrants to these positions based on objective assessment of knowledge, skills, competency, aptitude and region. Employers who participate in the centralised registration systems would be entitled to avail of the financial supports for their apprentice during the off-the-job training phase. Employers who do not utilise the central registration system would have to contribute towards some of the costs of the off-the-job training. The centralised registration system has a direct benefit for employers as it deals with the administrative work of registration, it acts as a screening process and employers will have a choice of suitable candidates. For young people a centralised registration system provides an open and transparent application process based on merit. The system would identify skills, competency and knowledge gaps and provide advice on how to gain the prerequisite requirements.

Where necessary a young person could be advised to undertake a pre-apprenticeship training programme to bring them up to the requirement level of knowledge, skills and competency. In order to allow a young person to consider whether or not they have an aptitude for a specific trade area, structured workplacements should be offered by Further Education Colleges in the Education and Training Boards (ETBs) to enable young people to gain experience of the work relating to the specific trade area.

(3) Entry Numbers Per Year

The current employer lead model of apprenticeship registrations has proven to be unsatisfactory as evident with the boom-bust cycle. The current approach is only responsive to the short term demands of the work environment; it cannot cope with the strategic future skills needs of the country. There is a need for a system that can maintain a minimum output and has flexibility to meet short term increases in demand which are confined to a ceiling based on long-term skills needs forecasts. The system would have a floor and a ceiling for the number of apprentices within each trade area registered each year. This approach would enable the maintenance of a minimum number of registrations during times of low demand while protecting capacity to meet increases in demand where the need arises. This type of registration system would offer some protection from the adverse effects of the boom-bust cycle.

(4) Assured Opportunity to Complete Apprenticeship

The issue of non-completion of apprenticeship due to redundancy or employer failure is of concern to the union. At present it is extremely difficult for an apprentice who experiences redundancy during their apprenticeship to gain access to facilities and resources to complete their apprenticeship. FÁS have introduced limited schemes to facilitate the redundant apprentices to complete their apprenticeship. However, there is need for a more centralised system in place which can intervene promptly in cases of employer failure to secure the continuation of the apprentice's on-the-job training and education. Employers would be required to sign a contract with the apprentice giving an undertaking to fulfil the on-the-job- training while the training and education providers would give a similar undertaking. In this way a young person registered and employed as an apprentice would have a certainty of continuity of training and education for the required duration of their apprentice.

(5) Licensing and Regulated Employment

A centralised registration system would support the introduction of a licencing system for apprentices and trades people to work in regulated trade areas. Employers would have to utilise apprentices and qualified trade people who have a licence based on their trade award. This would provide assurance to customers that the quality of the labour and work carried out is of a recognised standard which is fit-for-purpose. By introducing a licence system and a regulated employment environment the quality of the work output could be assured and costly work failures arising from low standards and unregulated employment would be reduced. The licence system would be linked to the achievement of the required learning outcomes as specified in each trade area as required by the QQI. Those seeking to work in the regulated trade environments would have to prove that they have a valid award and that their trade licence is up-to-date. Where there is an issue or a need to translate a qualification from another national framework of qualifications the QQI would advise of the placement level in consultation with SOLAS. Trade licence would only be given to people who fulfilled the standards required.

(6) Professional Standards Programmes (PSP)

As part of the trade licencing system trade people would be required to maintain the relevance of their qualification by engaging in regular Professional Standards Programmes (PSPs). The PSP requirement could be achieved by undertaking short flexible courses over a five year cycle. The content and provision of PSP would have to be relevant to the trade area, giving due regard to statutory codes or regulations and appropriateness to the target group. Some PSP would be mandatory such as health and safety while other PSPs would be open to choice. Each PSP would have a designated number of points associated with it, over a five year period a minimum number of points would have to be achieved in order to secure the renewal of the trade licence.

(7) Gender Participation

While there has been rise in female participation in the designated apprenticeship areas since the commencement of the New Standard Based Apprenticeship system in 1994, the increase however is marginal. Female participation in apprenticeship could be boosted by a combination of the following:

- Promote the status of female participation in apprenticeship
- Encourage female participation in workplacement during studying at ETBs
- Regulate employment to make it safer for females
- Introduce monitoring and inspection of apprentices in the workplace
- Enforce equality legislation in the workplace
- Consider widening the range of designate trade areas

There needs to be a change of attitude towards attracting and engaging female participation in the apprenticeship area. To assist in realising an increase in female participation in apprenticeships it will be necessary to develop educational material for schools, colleges and workplaces which advocate for dignity and respect in the workplace and the promotion of female participation.

(8) Common Foundation Modules

Within the standard based apprenticeship system there is scope to introduce common foundation modules in areas such as, learning-to-learning, communications, problem solving, health and safety in the workplace and dignity and respect in the workplace. These common foundation modules could be offered to all apprenticeship trade areas. The content of the modules would equip apprentices with the knowledge and competency to engage with the changing pace of working life and have sound coping strategies to deal with interpersonal communications and new technologies. The provision of a wide range of common foundation modules which focus on generic key skills for apprentices will enhance their employability skills. Apprentices will have the strategies to engage with the changing nature of the world of work.

(9) Mathematics and Science Key Modules

Within the national standards based apprenticeship system syllabus some subjects became too trade specific with a narrow focus such as mathematics and science. In other cases some important subjects were not incorporated into the syllabus for example ICT and mobile devices. There is a need to broaden the syllabus to incorporate a deeper understanding of the applied nature of general mathematics and science. It is vital that apprentices have a firm understanding of the importance of mathematics and science and the theories, concepts and their applications to the real world of work. In addition there is a need to introduce a new module focused on the utilisation of mobile devices in the workplace. This module would include how to access technical knowledge, how to manage technical knowledge and how to store, retrieve and share work based knowledge through the use of mobile devices.

(10) Award Level

The designation of apprenticeship awards as FETAC has become obsolete with the merger of FETAC, HETAC and NQAI to form the QQI. Apprenticeship awards should now be designated as QQI awards. At present all apprenticeship awards are placed at Level 6 of the National Framework of Qualification. This was done without any detailed analysis of the learning outcomes attributed to each trade area. There is a reasonable argument for a review of the designation of NFQ Level of each trade area. Any such review should focus on the learning outcomes associated with each trade area. In cases where the learning outcomes of a trade are more appropriate to a lesser or higher NQF level then a validation process should commence and the award level should be redesignated.

(11) Award Supplement

The current award parchment does not provide adequate information pertaining to the achievements of the apprentice, this is mainly due to the limited range of marking (Fail = under 70%, Pass = 70%, Distinction = 85%) and the lack of detailed description of the marks achieved in each subject. There needs to be a wider range of examination marks in order to demonstrate the normal distribution of achievements reached by apprentices. The examination scale range should be increased from the three point scale to either a 5 point or 7 point scale range. This would provide recognition for those apprentices who invest in their studies, motivate others to invest in their studies and provide employers with detailed assessment of the apprentice's achievement. In addition there is a need for an examinations transcript detailing all of the subjects and the results achieved for each subject. The

awards and the subjects need to be allocated credits. This would facilitate apprentices who seek to progress to higher education. It would also enable mobility of apprenticeships across Europe and internationally by providing information that could be translated onto other national frameworks of qualifications and inform employers of the range of achievement reached by the apprentice during their studies.

(12) Validation and Reviews

While the current national approach to syllabus development has merit in terms of creating a common standard for each trade area, there is a problem relating to the substantial amount of time needed to develop the syllabus. The approach leads to a rigid inflexible system that cannot respond quickly to changes that occur in the workplace. There is a need to reform the structure of the national standards into a modular format with core modules that are prerequisite and non-core modules that are intrinsically flexible. As new work practices and technologies are introduced to the workplace the national standards system is not flexible enough to reflect these changes in a timely fashion. However if a modular system is developed the non-core modules which are designed as flexible units could be revised to reflect the new realities of the workplace. This type of flexible validation process could be realised by utilising the academic validation processes which are in use in the institute of technology sector. The institute of technology sector could apply its quality assurance procedure to validate modules, produce the assessment criteria, set examinations and establish the marks and standards for the modules.

(13) Career Paths

The standard based apprenticeship system presents the achievement of the national award and the primary objective. However, in a changing world this is short sighted, there needs to be established progression opportunities for apprentice which are linked into career pathways. Apprentices should have the opportunity to progress in their careers by achieving advanced awards which have remuneration benefits in terms of salary scales.

(14) Governance

The governance of the apprenticeship system should rest with a National Apprenticeship Council (NAC) comprising of 13 people:

- a chairperson from SOLAS,
- one nomination from the Minister of Enterprise and Employment,
- one nomination from the Minister of Education and Skills,
- one nomination from the Higher Education Authority,
- one nomination from the ETBs,
- one nomination from the IoTs,
- one ICTU nomination,
- one IBEC nomination,
- two nominations from industry,
- one staff nomination from the ETBs,
- one staff nomination from the IoTs,

- one staff nomination from SOLAS.

SOLAS would provide the secretariat to the NAC and make available expert supports in finance, research and planning. The NAC would establish Technical Working Groups to advise on such matters as; quality assurance, marks and standards, registrations, licencing and regulated employment, forecasting, education and training and equality. The Council should organise a biannual national conference with a purpose of creating dialogue for the enhancement of apprenticeship in Ireland. The NAC would be accountable to the Government on all matters pertaining to expenditure. The NAC would provide an oversight function at system level. The NAC would have an ethical responsibility to act in a transparent manner and make decision based on evidence based practice.

(15) Range of Designated Apprenticeship

The NAC would commission research which would focus on the costs and impacts of extending the provision to new designated trade areas. Any new areas must adhere to the licencing and regulated employment criteria. The exploration of new apprenticeship areas should focus in the first instance on areas such as hospitality and tourism, health and beauty, agriculture and food and ICT services. The research should also include an exploration of the introduction of pre-apprenticeship programmes.

(16) Funding

The apprenticeship system should continue to be funded by means of the training levy. Decisions pertaining to the allocation of funds should be made by the NAC and administered through SOLAS. In cases where industry has costly specialised requirements for specific apprenticeship training areas relating to equipment and/or materials they should make a contribution to the costs. In order to maintain the feasibility of provide apprenticeship training and education, funding needs to be allocated to providers annually for the provision of three apprenticeship blocks. It would not be sustainable for providers to have apprenticeship funded on an individual student basis per block. Funding for apprenticeship needs to comprehend the cost accrued by providers in relation to updating equipment, health and safety measures and the expense of the different materials needed.

(17) Provision

The provision of apprenticeship programmes should remain with the IoTs and training centres in the ETBs. The IoTs and ETB training centres have the infrastructure and capacity to maintain provision. The IoTs should be given a bigger role in quality assurance and programme validation. The ETBs should be encouraged to offer pre-apprenticeship training programmes and organise workplacement for young people who are considering an apprenticeship. There is a need to develop online learning tools and supports for apprentice education. The examinations process should be moved to the IoTs who have the relevant experts in this complex area. The PSPs should be developed and delivered by the IoTs. Delivery of programmes by means of block release should remain.

(18) Workplacements

The IoTs have successfully incorporated workplacements into under graduate and postgraduate degree programmes. This model should be shared with the ETBs with a view to establishing pre-apprenticeship

workplacements. These workplacements would be monitored and have a career advice function. The workplacements would serve as an experiential learning method for young people. On successful completion of a workplacement a minor specific purpose award would be made. Other successful workplacement examples can be obtained from the SIF initiatives run by CIT, LIT and DIT.

(19) Traineeships

While traineeships are a valid form of short term training while on workplacement, they should not be confused with the long term on-the-job training associated with apprentices. Apprenticeship programmes require a long term investment in education and training by both employer and employee, the focus is on developing advanced knowledge skills and competencies. Traineeships focus on narrow work practices with a set company and do not have access to the complex and professional infrastructure of the modern apprenticeship system.

Concluding Comments

This draft submission contains preliminary considerations for the attention of the Review Group. The union is aware of the complex nature of the changing training and education environments relating to SOLAS, the ETBs, the IoTs and employers. The union is willing to engage in constructive dialogue on the emerging issues with a view to making a contribution that would add quality and value to the apprenticeship model.

**Appendix Six – TUI Submission on Technological Universities Bill
(April 2014)**



Teachers' Union of Ireland

Submission to the

Oireachtas Joint Committee on Education and Social Protection

Draft General Scheme Technological University Bill 2014

April 2014

<u>Executive summary</u>	69
<u>Introduction</u>	70
<u>General Observations Head of Bill</u>	72
<u>Commentary on concerns and issues</u>	75
<u>Amendments to Head of Bill</u>	80
<u>Head 1 - Amend</u>	80
<u>Head 2 - Amend</u>	80
<u>Head 3 - Note</u>	80
<u>Head 4 - Note</u>	81
<u>Head 5 - Note</u>	81
<u>Head 6 - Note</u>	81
<u>Head 7 - Amend</u>	81
<u>Head 8 - Amend</u>	81
<u>Head 9 - Amend</u>	82
<u>Head 10 - Note</u>	83
<u>Head 11 - Note</u>	83
<u>Head 12 – Amend</u>	83
<u>Head 13 - Note</u>	84
<u>Head 14 - Note</u>	84
<u>Head 15 - Amend</u>	84
<u>Head 16 - Note</u>	84
<u>Head 17 - Amend</u>	85
<u>Head 18 - Amend</u>	85
<u>Head 19 - Note</u>	85
<u>Head 20 - Note</u>	85
<u>Head 21 - Amend</u>	85
<u>Head 22 - Note</u>	86
<u>Head 23 - Note</u>	86
<u>Head 24 - Note</u>	86
<u>Head 25 - Note</u>	86
<u>Head 26 - Note</u>	86
<u>Head 27 - Amend</u>	86
<u>Head 28 – Amend</u>	87
<u>Head 29 - Amend</u>	87
<u>Head 30 - Note</u>	87
<u>Head 31 - Note</u>	87
<u>Head 32 - Amend</u>	87
<u>Head 33 - Amend</u>	88
<u>Head 34 - Amend</u>	88
<u>Head 35 - Note</u>	89
<u>Head 36 - Note</u>	89
<u>Head 37 - Note</u>	89
<u>Head 38 - Amend</u>	89
<u>Head 39 - Note</u>	89
<u>Head 40 - Amend</u>	89
<u>Head 41 - Note</u>	89
<u>Head 42 - Amend</u>	89
<u>Head 43 - Note</u>	89

<u>Head 44 - Amend</u>	90
<u>Head 45 - Note</u>	91
<u>Head 46 - Note</u>	91
<u>Head 47 - Note</u>	91
<u>Head 48 - Amend</u>	91
<u>Head 49 - Note</u>	91
<u>Head 50 - Amend</u>	91
<u>Head 51 - Amend</u>	91
<u>Head 52 - Note</u>	91
<u>Head 53 - Amend</u>	91
<u>Head 54 - Note</u>	92
<u>Head 55 - Note</u>	92
<u>Head 56 - Amend</u>	92
<u>Head 57 - Amend</u>	92
<u>Head 58 - Note</u>	92
<u>Head 59 - Amend</u>	92
<u>Head 60 - Amend</u>	93
<u>Head 61 - Amend</u>	93
<u>Head 62 - Note</u>	93
<u>Head 63 - Note</u>	93
<u>Head 64 - Note</u>	93
<u>Head 65 - Note</u>	93
<u>Head 66 - Note</u>	93
<u>Head 67 - Note</u>	94
<u>Head 68 - Note</u>	94
<u>Head 69 - Amend</u>	94
<u>Head 70 - Amend</u>	94
<u>Head 71 - Note</u>	95
<u>Head 72 - Note</u>	95
<u>Head 73 - Amend</u>	95
<u>Head 74 - Delete</u>	95
<u>Head 75 - Note</u>	95
<u>Head 76 - Note</u>	96
<u>Head 77 - Note</u>	96
<u>Head 78 - Note</u>	96
<u>Head 79 - Note</u>	96
<u>Head 80 - Delete</u>	96
<u>Head 81 - Delete</u>	96
<u>Head 82 - Note</u>	96
<u>Head 83 - Note</u>	96
<u>Head 84 - Note</u>	97
<u>Head 85 - Note</u>	97
<u>Head 86 - Delete</u>	97
<u>Head 87 - Note</u>	97
<u>Head 88 - Note</u>	97
<u>First schedule - Amend</u>	97
<u>Second schedule - Note</u>	98

Executive summary

The Teachers' Union of Ireland is the recognised trade union with registered negotiation rights for academic and research staff in the Institute of Technology sector. TUI represents all grades of academic and research staff from senior managers to new career-grade entrants. TUI has over 15,000 members consisting of teachers and lecturers, 4,000 of which are from the institutes of technology sector.

The following points summarise our preliminary observations and concerns:

- i. Title of Head of Bill should be changed to University of Technology, this would better reflect the origins and mission of the sector.
- ii. Applications for university status should be open to individual institutes of technology without a requirement to merge in the first instance.
- iii. Academic freedom needs to be protected and supported by means of secure tenured employment and maintaining the Ministerial enquiry in cases of dismissal.
- iv. The recognised trade union for academic staff and researchers is TUI; the reference in the Head of Bill to 'staff associations' should be removed as there is/are no such recognised associations.
- v. Transfer of undertakings: The terms of Statutory Instrument 131/2003, European Communities (Protection of Employee on Transfer of Undertakings) Regulation 2003 must be included in the Head of Bill.
- vi. Consultation; the terms of Employees (Provision of Information and Consultation) Act 2006 must be included in the Head of Bill.
- vii. Proven record: the Institutes of Technology sector has a proven track record of quality provision and excellence in programme content which needs to be acknowledged in the Head of Bill.
- viii. An institute wishing to remain as a stand-alone institute of technology should be allowed to do so without any fear of being forced to merge by the HEA.
- ix. Workload: The current academic workload of academic staff in the institutes of technology (reflected in their teaching and lecturing hours) is excessive and not consistent with European norms for higher education institutions.
- x. Research carried out by TUI suggests academic and research staff are not in favour of the aims of the Head of Bill and believe the information circulated and consultation process used by their institutes to be wholly inadequate.
- xi. Funding: Without additional funding for staffing being made available there is no reasonable chance of merged institutes meeting the preliminary criteria outlined for university status.
- xii. Governing Body: TUI considers this should be a representative model with more academic staff to include: (a) Internal; President, 5 elected academics, 2 elected researchers, 3 elected students and (b) External, 2 from ETBs, 2 from Local Councils, 2 from Senate, 2 from

enterprise, 2 from trade unions and 3 nominees with specialised skills, with the Chairperson to be appointed by the Minister. There should be a gender balance in the governing body which should comprise of a minimum of 40% female members.

- xiii. Governance: The principles of 'Open Government' should apply to the provision of information relating to the functions and operations of the institutes.
- xiv. Pensions: TUI asserts that staff have property rights associated with their pension and that these need to be acknowledged and protected in the Head of Bill.
- xv. Fees: TUI does not support the proposal to allow technological universities subject to review by the Higher Education Authority (An t-Udarás), to arbitrarily set their own fees for students and believes that this proposal conflicts with the interests of Irish citizens, existing public policy and the principles of equity that the public education system must uphold.

Introduction

- a) This is a preliminary submission from the Teachers' Union of Ireland to the Oireachtas Joint Committee on Education and Social Protection relating to the Head of Bill, General Scheme Technological University. The submission is provided in advance of an oral presentation to the Committee. The submission contains a brief profile of TUI and general observations and commentary on specific items in the Head of Bill which the TUI is seeking to have amended, deleted or noted.
- b) The Teachers' Union of Ireland is the registered trade union with negotiating rights for the of academic and research staff grades in the Institutes of Technology sector. TUI has over 4,000 academic members in the sector. TUI negotiates on behalf of these members with the Official¹ side and enters into collective agreements which establish the terms and conditions of

¹ The Official side here includes the Department of Education and Skills and managers from the institutes.

employment for the academic and research grades. The current academic grades are based on an agreement reached under the *Revised PCW Proposals on Pay and Conditions for Academic Staff in the Institutes of Technology* (1998). The agreed grades are:

- a. Assistant Lecturer
 - b. Lecturer
 - c. Lecturer (Structured)
 - d. Senior Lecturer I (Teaching)
 - e. Senior Lecturer II
 - f. Senior Lecturer III
- c) The PCW Agreement (1998) sought to regularise academic contracts of employment and academic terms and conditions of employment for academic and research staff within the institutes of technology sector. The agreement established the remuneration, employment terms and conditions.
- d) In 2007, TUI and the official side reviewed the terms and conditions of the academic grades expressed in the PCW agreement and agreed revised employment contracts for the academic grades. These contracts of employment apply to all academic staff.
- e) During 2009/10 the public sector unions met government with a view to protecting employment and contributing to the economic security of the state. TUI voted to accept the *Public Service Agreement 2010-2014*. Members of TUI agreed to substantial pay cuts and the introduction of additional working hours.
- f) In 2012 the government identified a further shortfall in the public finances and requested direct discussions with public sector unions. The government proposed what was known as the 'Croke Park II' deal, which, in April 2013, was rejected following ballots of the public sector unions.
- g) New sectoral discussions commenced in May 2013 and the Haddington Road Agreement 2013-2016 was accepted by the public sector unions. On behalf of its members, TUI registered the Haddington Road Agreement as a collective agreement with the Labour Relations Commission on the 23rd September 2013, following a ballot of members.
- h) In 2014 the Labour Relations Commission concluded discussions between the TUI and the Official side on the recognition rights for TUI to represent research staff in the institutes of technology sector. A final document has been agreed by both parties.
- i) TUI is not aware of any 'staff association' which is seeking representation rights in the sector. No such association has been referred to at meetings of the national IoT IR Forum, chaired by

the Labour Relations Commission. TUI does not understand the rationale for inclusion of 'staff associations' in the Head of Bill. TUI is concerned that the Head of Bill in mentioning 'staff association' could be construed as seeking to interfere with our legitimate business as a registered trade union.

General Observations Head of Bill

- 1) Title of Bill: TUI considers the name of the Head of Bill should be changed to the "University of Technology". This would better reflect the origins and mission of the new university.
- 2) Applications: TUI does not understand why there is a need for institutes of technology to merge in order to apply for University of Technology status. TUI recommends that the Head of Bill be changed to allow for single institutes to make an application.
- 3) Mergers: Under the Head of Bill both Blanchardstown IT and Tallaght IT are required to be dissolved prior to merger with Dublin IT. TUI does not consider this to be a merging of equals, it is a takeover by Dublin IT of the two smaller institutes. TUI consider that the same process that applies to the other institutes should apply in this case.
- 4) Academic Freedom: TUI fully supports the traditional principle of academic freedom. This is a fundamental principle for university status throughout the modern world. However, for academic freedom, there is a necessity to have security of tenure. The Head of Bill seeks to reduce this security of tenure by removing the need for a Ministerial enquiry in the case of the dismissal of academic staff. TUI is opposed to this and is concerned about the impact such a decision would have in terms of promoting the principle of academic freedom in a democratic country and within the European context.
- 5) Academic staff: The Head of Bill does not promote the establishment of a longer term strategic investment into the human capital of the academic and research staff. In order to create an academic 'knowledge stock', academic culture and academic collegiality appropriate to university status, security of tenured employment must be a priority. TUI insists that tenured employment must be set at an appropriate proportion compared to temporary, flexible employment which includes part-time and fixed-term work. It is the position of TUI that minimum target should be set at 95% tenured academic and research staff. The remaining 5% would come under the Protection of Employees (Part Time Work) Act 2001 and the Protection of Employees (Fixed Term Work) Act 2003. TUI is opposed to the casualisation of the academic workforce by means of employing staff on part-time, temporary flexible employment contracts.

- 6) Recognised trade union: TUI is the recognised trade union for academic and research staff in the institutes of technology sector. TUI is not aware of 'staff associations' in the sector. There are no such associations which are party to discussions at national or local level or involved in or subject to national agreements or collective agreements. TUI is seeking the deletion of the term 'staff association' from the Head of Bill and the retention of the term 'trade union'.
- 7) Transfer of Undertakings: TUI is very concerned about the absence from the Head of Bill of the terms of the Statutory Instrument 131/2003, European Communities (Protection of Employee on Transfer of Undertakings) Regulation 2003. The terms of this Statutory Instrument must apply to the different phases (mergers, application, and university designation). TUI does not agree with the facility in the Head of Bill to transfer staff (of either merged institutes or universities) to other institutes or to the public sector on establishment day. Transfer of staff should only occur within the terms of a negotiated collective agreement agreed with TUI as the recognised trade union. It would be unfair and unreasonable, and not in line with Statutory Instrument 131/2003, to do otherwise. TUI insists that there is a guarantee in the Head of Bill regarding the protection of terms and conditions of service of our members the academic staff and researchers in the institutes of technology sector.
- 8) Consultation: There is an unacceptable absence from the Head of Bill of robust provisions for (a) consultation with trade unions and (b) staff and the provision of information prior to any decision to either merge or apply for university designation. TUI considers the Head of Bill must reference the terms of the Employees (Provision of Information and Consultation) Act 2006. TUI has already raised serious concerns with institutes of technology that have not engaged in adequate consultation and have not provided the required information relating to plans to merge with other institutes.
- 9) Proven Record: TUI considers the institutes of technology to have a proven track record of quality provision and excellence in programme content as well as a significant commitment to regional equality and equity of access. The mission of the institute of technology sector is very distinct, with a strong focus on employment skills and meeting the local and regional needs of industry, enterprise and communities. The Head of Bill needs to acknowledge this fact. The work of the institutes needs to be acknowledged and celebrated. The Head of Bill goes beyond what is reasonably necessary to achieve its purpose relating to a framework for a technological university and tends towards unnecessary interference in the institute of technology sector, a sector that is meeting its mission targets. The Head of Bill should not be used as an opportunity to bring in unnecessary amendments to the provisions of the RTC Act 1992, as amended in the IoT Act 2006.
- 10) Stand-alone institutes: TUI considers that the Head of Bill gives the HEA (An t-Udarás) arbitrary power to force an institute of technology, against its wish, to merge with another institute or

technological university. This unilateral coercive exercise of power is fundamentally unacceptable. The Head of Bill should remain focused on its purpose of enabling the establishment of a technological university rather than be used opportunistically to amend other legislation retrospectively in a manner that does not serve the direct purpose of the Head of Bill.

- 11) Research: TUI has carried out two national surveys of members in the institute of technology sector, the first in May 2013 and the other in March 2014. The results from the March 2014 survey suggest that academic and research staff are not very supportive of applying for university status. Interestingly (from n=1167 respondents), 51% disagreed with their institute applying for university status, 20% indicated that they 'Don't know' and 29% agreed. In addition, 47% of respondents considered their institute should remain stand-alone, 20% indicated that they 'Don't know' and 33% indicated disagreement. Academic staff have stated they have not been adequately consulted and have not been provided with the necessary information to make informed decisions on this matter. In a survey carried out in May 2013 (n=1000) 68% of respondents indicated they are very dissatisfied with the information and consultation provided by their institute, 17% indicated a 'Don't know' and 15% indicated satisfaction.
- 12) Funding: TUI is concerned that no additional funding will be made available for institutes that have an interest in merging with a view to applying for university status. TUI considers additional funding is essential from the outset of the process to facilitate institutes to build capacity in research, quality, facilities and staff qualifications profile with a view to meeting the criteria well before an application to merge is considered. Without additional funding being made available, there is no reasonable possibility of merged institutes meeting the preliminary criteria outlined for university status. Particularly with regard to achieving the required academic staff qualification profile, this requires long term investment. The institute of technology sector has experienced an additional reduction in core grant budget over the last five years. This is further compounded by the reduction in staff as per the Employment Control Framework and the massive increase in student numbers. At present the sector is very hard pressed to maintain the quality and standards of its current operations. Without additional funding for staffing, the sector will not be able to finance the work needed to meet the criteria for university status.
- 13) Governing Body: TUI is concerned about the proposed composition of the Governing Body and the procedures for allowing participation at meetings. TUI does not accept that an academic institution should be governed by a body with a majority of non-academics. TUI considers that the academic staff representation on the Governing Body needs to be increased to 5 elected from the academic grades, 2 elected from the research grades and 3 elected from the student cohort. The external composition should be 2 from ETBs, 2 Councillors, 2 Seanad Eireann, 2 from trade unions, 2 from enterprise and the remaining 3 from special interests. The Governing

Body should set an initial gender balance target of not less than 40% female members and or 40% male members with a plan to move to equal proportions in two terms.

- 14) The proposed use of electronic participation in Governing Body meetings is unsafe and not appropriate to the functioning and work of Governing Body. Electronic participation at meetings can result in insecure communication, security risk, misinterpretation and flawed decision making. TUI is opposed to the introduction of a quorum which consists of participants who are not in attendance. TUI does not accept the notion that telephone or other electronic communication can be considered as attendance at a Governing Body meeting for the purpose of getting a quorum. TUI consider the appropriate quorum for a Governing Body meeting is at least 60% in attendance and present.
- 15) Governance: TUI considers that institutes and universities should operate in accordance with the principles of 'Open Government', providing information relating to the functions and operations of the institutes. This disclosure of information would assist transparency in the utilisation of public funds. TUI is concerned that the Head of Bill will be used to introduce restrictive measures in terms of the operations of Governing Bodies. The Head of Bill seems to provide excessive powers to censor members of a Governing Body pertaining to alleged breaches of confidentiality without any regard for due process. The Head of Bill must allow for members of Governing Bodies to provide information in the public interest and take account of the desirability of facilitation of whistle-blowers in Irish public institutions.
- 16) Fees: TUI does not support the proposed reintroduction of student fees (to attend third level courses). The Head of Bill proposes to give both new technological universities and the Higher Education Authority (HEA) excessive unilateral powers to set the student fees at whatever amount they deem appropriate. This will lead to the dismantling of the regulated and uniform setting of fees by government and to the introduction of individualised higher education institutes setting fees, competition and possible exploitative practices. This is a retrograde step, which will result in higher student fees and a decrease in regional access to higher education. It is TUI policy that corporate tax should be increased by 1%, this additional 1% to be subject to a levy and applied primarily to the public funding of higher education institutes.

Commentary on concerns and issues

Transfer of Staff (Head of Bill 12, 21, 34, 44)

- 17) The DIT Act 1992 and RTC 1992 Act provided explicit protection for staff who were officers of the Vocational Education Committees (VECs) prior to transfer to the new institutes. Staff were not subjected to less beneficial conditions than those they enjoyed prior to the transfer from the VEC to the new institutes. This provision has continued to apply to this cohort. Even the IoT Act 2006 retained this protection for the staff cohort. The Head of Bill as currently constituted takes this away. TUI consider this to be a draconian proposal. This cohort of staff have a

legitimate expectation that this protection will remain in place as a contractual component of their employment. TUI opposes the repeal of the protections expressed in the DIT Act 1992, the RTC Act 1992 and the IoT Act 2006.

- 18) The Head of Bill does not give due regard to the transfer of undertaking regulation (2003). TUI rejects the proposal that academic staff can be transferred to other institutes of technology or the public sector on 'establishment day' of a merger or to a Technological university. The imposition of this excessive power within the Head of Bill is a recipe for industrial action. TUI considers that the Head of Bill needs to explicitly state that any transfer will be subject to collective agreement with a recognised trade union and that the protections expressed in both the Transfer of Undertaking S.I. (2003) and the Information and Consultation Act (2006) apply.
- 19) An example of a working proposal that satisfied some of our concerns can be found in the agreement reached by trade unions with Irish Water (Uisce Eireann). During the transfer the protection of existing remuneration, terms and conditions of employment were guaranteed.

- 20) The relevant provision is as follows:

(b) was a member of the staff of the local authority to which that employment transfer day applies, on such terms and conditions of service, including terms and conditions relating to remuneration, as (save in accordance with a collective agreement negotiated with a recognised trade union or staff association) are not less favourable than the terms and conditions of service, including terms and conditions relating to remuneration, to which the person was subject immediately before that day.

- 21) TUI is seeking explicit protection of existing remuneration, terms and conditions of employment and the terms of collective agreements. TUI will actively resist any unilateral attempt which seek to undermine these protections.
- 22) Similarly, TUI is concerned that the current terms and conditions of the specific superannuation schemes of which staff are members are not protected under the provisions of this Head of Bill. Relating to any transfer, TUI is seeking the protection of the terms and condition of the superannuation schemes.
- 23) TUI is concerned that the provisions regarding reckonable previous service are not adequate and do not reflect the established industrial relations principle of 'last in first out' (LIFO). TUI want the Head of Bill to directly reference this very important industrial relations principle. The seniority of service of members must be recognised in the legislation. TUI will act to protect our members' interests in this regard.
- 24) TUI considers that this section of the Head of Bill does not provide sufficient protections for continuity of employment, conditions of employment and the terms existing collective agreements. TUI is seeking that the Head of Bill is amended so that it is absolutely clear that

the Transfer of Undertakings Regulations (2003) and the Information and Consultation Act (2006) apply.

Dismissal of staff (Head of Bill 59, 74, 81, 86)

25) Dismissal of staff is dealt in the Head of Bill under several Head 59, 74, 81 and 86. The Head of Bill proposes to give excessive power to the Chief Officer of a Technological University to suspend and dismiss staff. The Head of Bill facilitates this excessive power by direct reference in Head 74 and by indirect means by repealing section of the DIT act 1992, the RTC act 1992 and the ETB Act 2013. This matter is of grave concern to TUI. There is no expressed explanation provided within the Head of Bill as to the rationale for the introduction of such draconian measures. TUI has not being made aware by the official side of any evidence suggesting there is necessity for the repeal of these Acts and the introduction of new excessive executive powers. There is no reports which indicate the need for sanctions to be applied against academic staff arising for misconduct, gross misconduct or disciplinary in nature. Without the provision of clear evidence stating the need and rationale for the introduction of these oppressive measures, TUI will firmly oppose them. TUI is of the opinion that the Head of Bill is being unduly penal relating to the dismissal measure. TUI considers this matter is of a significant nature and could be the subject of a ballot for industrial action by the union. TUI is seeking the removal of the dismissal sections including the repeals of the DIT Act 1992, the RTC Act 1992, the IoT Act 2006 and the ETB Act 2013.

Superannuation (Head of Bill 13, 22, 35, 45)

26) TUI asserts that pensions schemes are part of a members property rights. As such the terms and conditions of pensions schemes need to be protected. TUI does not consider the Head of Bill provides for adequate protection of members' property rights relating to the superannuation pension schemes. Members have a legitimate expectation that terms and conditions of the scheme they are in will not worsen and but may improve, TUI is seeking express assurance that the Head of Bill will not either directly or indirectly adversely affect the terms and conditions of the superannuation schemes.

Head 40: Expansion of a Technological University

27) The Head of Bill provide the HEA (An tUdaras) with excessive power to force an educational institution, an IoT or part of an educational institute to form part of a Technological University. This unilateral power and authority to exercise such power is unacceptable. As previously stated there needs to be compliant with the legislation of the state in terms of consultation and transfer of undertakings (2003). TUI does not accept that the HEA should have the authority to exercise such power. The Government is the legitimate authority when it comes to exercising this type of power. TUI is opposed to this is measure and is seeking its deletion from this Head of Bill.

Head 28: Criteria

- 28) TUI is of the view that the current lecturing workload is an unsupportive impediment to the introduction of a technological university. The lecturing workload in institutes of technology is excessive, unsustainable and not appropriate to higher education institutes. Under the current workload model academic staff will not have the time, motive or intention to work towards meeting the criteria expressed in this Head of Bill. In reality, the criteria can only be met by means of substantial financial investment in the sector for extra staff and staff development.
- 29) TUI is of the opinion that academic staff who are working in the institutes of technology sector have been recruited following an interview. Their appointment deems them to have the required qualification to carry out their academic duties. Where there is a demonstrated need for academics to upskill or engage in further academic study resources must be made available. These resources will include funding for courses and time allocated to attend such courses.
- 30) TUI considers that it is of vital importance to maintain and protect the multi-level programmes provision approach. This means both institutes of technology and new Technological Universities offering a variety of types of programmes from level 6 up to 10 of the National Framework of Qualification. This multi-level provision offered on each campus, the range and diversity of programmes must include apprenticeship programmes, part-time programmes and industry based skills programmes.

Head 50: Objects of the Technological University

- 31) TUI submits, academic staff will not have the resources or facilities available to fulfil the objective of a Technological University, particularly with reference to the current excessive workload model. TUI considers there would need to be a fundamental reform of the academic workload model. This would include extensive and detailed negotiations on work allocation, with specific reference to teaching, research, academic administration and other duties. In addition, there would have to be a realisation by the institutes that the casualisation of the academic profession is not conducive to meeting the long-term academic requirements of higher education institutes. TUI is willing to engage in such discussions. TUI wants to develop a robust academic culture that is critical in nature and explorative in purpose. TUI considers higher education as a vital component of a democratic society. Higher education offers a pathway to employment, social and civic engagement for citizens.

Head 55: Directions of Minister

- 32) TUI recognises the Minister as the agent of Government which has legislative power to determine remuneration or numbers of public servants employed. Notwithstanding, TUI's complete opposition to the imposition of the draconian measures expressed in the Financial Emergence Measure in the Public Interest Act 2013, the union recognises that Government by its Departments and Officials engage in established industrial relations mechanisms and

procedures as the norm. TUI is concerned however, with the proposal to allow individual Technological Universities set their own terms of employment and remuneration. TUI is of the view that the normal industrial relations mechanisms and procedures must apply. TUI accepts that this means direct negotiations with the Minister's Office. TUI is of the strong view that collective bargaining for the sector has worked well and should remain so as the procedure used for the establishment of any new Technological University.

Head 69: Fees

33) TUI is opposed to the reintroduction of fees as enabled by:

“ (1) A technological university may determine and charge fees of such amounts for student registration, courses, lectures, examinations, exhibitions or any other event, service or publication held or provided at or by, or produced by, the technological university.”

34) Head 59, 73 and 80 supposedly provide for the freedom of the Technological University to appoint staff as necessary, and with fewer restrictions than is currently the case. The union is concerned however, about subsections 5, 6 and 8 of Head 59, which appear to give the Minister a carte blanche to order a Technological University to reduce salaries and/or numbers of staff.

The First Schedule Governing Body

35) TUI disagrees with the concept of a Governing Body appointing its own members. This tends to strengthen the control and power of those who already have a degree of control and power. In some circumstances this could lead to the Governing Body serving the ambitions of those already on the Governing Body in a manner that would be anti-democratic, or even tending towards exclusion of persons not already well known or well connected with the Governing Body. An open and transparent process of replacing members of the Governing Body where vacancies arise during a term of office would be more appropriate to comply with the ideals of a Technological University. TUI considers that for a Governing Body of an academic higher education institute to be effective in its decision making, a significant number of academic staff members must be members of that body.

36) The First Schedule Governing Body 5(3) states that:

“The quorum for a meeting of the Governing Body shall be set by the Governing Body at its first meeting.”

37) TUI requests that the quorum should be set at 65% of those elected to the Governing Body to be in attendance in person at each meeting.

The Second Schedule Chief Officer

38) The Union submits that it is necessary that this provision should be made more robust. There is a real and very important value to a Technological University in ensuring that the Chief Officer position rotates every ten years, irrespective of how capable, knowledgeable, eminent, and experienced or respected the outgoing Chief Officer. If the Chief Officer position was held by the same person for more than ten years this would impose an unfair loss of opportunity on other potential candidates, who could be extremely well suited to take on the leadership of the Technological University. TUI is of the view that further strengthening of paragraph 5 Schedule 2 is required with the insertion of, no exceptions to the maximum period of ten years will be permitted.

Amendments to Head of Bill

The following considerations are based on the union's present understanding of the Head of Bill. They are made without prejudice to our position which could be revised depending on information received and further of understandings. The observations on the specific items contended in the Head of Bill.

In the following section each Head of Bill is numbered with the reference made to the section and subsection. TUI offers its considerations in four forms:

- (1) A brief comment on the numbered Head
- (2) An amendment to the number Head
- (3) A deletion of items in the number Head
- (4) A note on points that may have consequence yet unknown

Head 1 - Amend

Change title of the Act to 'University of Technology Act 2014', this name change would more appropriately represent the origin and function of the new entity.

Head 2 - Amend

After (1) In this Act---, insert the following;

"Academics"	means tenured officers of the Institute;
"Researchers"	means tenured officers of the Institute;
"Department"	means academic unit within a school of the Institute;
"School"	means organised grouping of academic units within the Institute;
"Programme"	means recognised course of study;
"Trade Union"	means registered representative body with a negotiation licence;

Head 3 - Note

TUI notes this section; where there is implication for our members TUI shall be consulted as the recognised trade union for academic and research staff.

Head 4 - Note

Correction, Head 4 is missing from the table of contents in the Head of Bill

Head 5 - Note

TUI notes this section; where there is implication for our members TUI shall be consulted as the recognised trade union for academic and research staff.

Head 6 - Note

TUI notes this section; where there is implication for our members TUI shall be consulted as the recognised trade union for academic and research staff.

Head 7 - Amend

Delete sentence after 'Chapter 1' and insert; - Merger of Institute of Technology Blanchardstown, Institute of Technology Tallaght and the Dublin Institute of Technology.

After 'Head 7' insert at the end of the sentence; and Dublin Institute of Technology.

After 'Provides that' amend the following:

- (2) Insert in second line 'Dublin Institute of Technology'
- (3) Move this item to number (4) and insert; name of new entity.
- (4) Move this item to number (3) and insert; specify name of new entity.
- (5) Insert in last line; the DIT Act 1992 is similarly amended.

Head 8 - Amend

After 'Provides that' amend the following:

- (2) (1) Delete 'Dublin Institute of Technology' and insert; name of new entity
- (3) Last line delete 'Dublin Institute of Technology' and insert; name of new entity.
- (6) (b) Delete second line after 'Governing Body' and insert; shall be appointed by the Minister.
- (c) (i) after 'At least' delete 'one but not more than three' and insert; five.
- (c) (iii) after the term 'Students Union' delete the remaining word up to 'and'.
- New Insert; External representative should consist of; two elected Councillors, two Elected Senators, two from enterprise, two from trade unions and three with specialist skills. There should be a gender balance to commence at 40% female.
- (7) (a) After 'such as financial' insert; trade unions.
- (b) After 'maximum of' delete 'one' and insert two.
- (3) (3) after 'Governing Body' delete 'may at any time' and insert; after adequate notice and fair procedure may ...

(b) After 'the member' delete sentence and insert; has committed an offense or engaged in gross misbehaviour.

(c) Delete complete sentence and insert; where it can be demonstrated (in accordance with the amended (3) (3)) that a member is seeking to deliberately undermine and adversely effect the performance and functions of the Governing Body.

(4) (2) (b) After 'office' insert; subject to the agreed procedures for nomination and or election.

(5) (7) Delete

(8) Delete

(6) (4) After 'may' insert; with good reason, adequate notice and fair procedure seek to...

(9) After 'may' delete "at any time" and insert; with good reason, consultation and adequate notice seek to...

(8) (4) Delete 'whose decision shall be final' and insert; where this decision is challenged it should be put to a vote of the Governing Body...

(10) (2) After '(1)' delete 'commits an offense' and insert; will be afforded adequate notice of the allegation and a fair procedure to consider the matter, this does not preclude members from releasing information which is in the public interest or deemed as whistleblowing.

(4) (a) after 'confidential' insert; for stated good reasons...

After (b) insert a subsection (c) The Governing Body should operate an open governance policy similar to the 'Open Government' policy making as much information as reasonably practical available to staff, students and the public, in accordance with the Freedom of Information Acts and in compliance with Data Protection Acts.

General, in this section where reference is made to the merged institutes the name of the new entity should be specified and it replaces the Dublin Institute of Technology.

Head 9 - Amend

(1) After 'respect of' insert; employment, grievance procedures, industrial dispute or...

General, in this section where reference is made to the merged institutes the name of the new entity should be specified and it replaces the Dublin Institute of Technology.

Head 10 - Note

TUI notes this section; where there is implication for our members TUI shall be consulted as the recognised trade union for academic and research staff.

General, in this section where reference is made to the merged institutes the name of the new entity should be specified and it replaces the Dublin Institute of Technology.

Head 11 - Note

TUI notes this section; where there is implication for our members TUI shall be consulted as the recognised trade union for academic and research staff.

General, in this section where reference is made to the merged institutes the name of the new entity should be specified and it replaces the Dublin Institute of Technology.

Head 12 – Amend

General, in this section where reference is made to the merged institutes the name of the new entity should be specified and it replaces the Dublin Institute of Technology.

Amend

(1) (a) At the end of the paragraph insert; in accordance with the terms of
Statutory Instrument Transfer of Undertaking and Protection of
Employment 2003 and Consultation and information Act 2006.

(2) Delete

(3) Delete

(4) After 'trade union' delete 'or staff association'

(a) After each use of the word 'remuneration' insert; conditions of
employment and working conditions

(b) After each use of the word 'remuneration' insert; conditions of
employment and working conditions.

(5) Delete this item

(6) Insert; Employees (Provision of information and Consultation) Act 2006.

Statutory Instrument 131/2003 European communities (Protection of
Employee on Transfer of Undertakings) Regulation 2003.

Terms of collective agreements such as, The Public Service Agreement
2010-2014 and the Haddington Road Agreement 2013-2016.

(7) “Statutory Instrument 131/2003” means European Communities (Protection of Employee on Transfer of Undertakings) Regulation 2003

“Information Act 2006” means Employees (Provision of Information and Consultation) Act 2006

“Recognised trade union”, delete two references to ‘or staff association’

Head 13 - Note

TUI notes this section; where there is implication for our members TUI shall be consulted as the recognised trade union for academic and research staff.

General, in this section where reference is made to the merged institutes the name of the new entity should be specified and it replaces the Dublin Institute of Technology.

Head 14 - Note

TUI notes this section; where there is implication for our members TUI shall be consulted as the recognised trade union for academic and research staff.

General, in this section where reference is made to the merged institutes the name of the new entity should be specified and it replaces the Dublin Institute of Technology.

Head 15 - Amend

Insert after first paragraph; The (name of new entity) will operate an open records management policy subject to the terms of the Freedom of Information Acts and in compliance with the Data Protection Acts.

General, in this section where reference is made to the merged institutes the name of the new entity should be specified and it replaces the Dublin Institute of Technology.

Head 16 - Note

TUI notes this section; where there is implication for our members TUI shall be consulted as the recognised trade union for academic and research staff.

General, in this section where reference is made to the merged institutes the name of the new entity should be specified and it replaces the Dublin Institute of Technology.

Head 17 - Amend

TUI is not aware of any good reason why it is necessary for institutes of technology to merge in order to apply for university status. TUI is of the view that if an institute can meet the required criteria it should be allowed to apply for technological university without having to merge. TUI is recommending an amendment to

- (3) (a) after 'that' delete 'not less than two' and insert; one or more....

Head 18 - Amend

- (1) Delete 'Institutes' and insert; Institute(s)...

Head 19 - Note

TUI notes this section; where there is implication for our members TUI shall be consulted as the recognised trade union for academic and research staff.

Head 20 - Note

TUI notes this section; where there is implication for our members TUI shall be consulted as the recognised trade union for academic and research staff.

Head 21 - Amend

- (1) (a) At the end of the paragraph insert; in accordance with the terms of Statutory Instrument 131/2003 and Information Act 2006.
- (2) Delete
- (3) Delete
- (4) After 'trade union' delete 'or staff association'
- (a) After each use of the word 'remuneration' insert; conditions of employment and working conditions
- (b) After each use of the word 'remuneration' insert; conditions of employment and working conditions.
- (5) Delete this item
- (6) Insert; Employees (Provision of Information and Consultation) Act 2006.
Statutory Instrument 131/2003 European Communities (Protection of Employee on Transfer of Undertakings) Regulation 2003.
Terms of collective agreements such as The Public Service Agreement 2010-2014 and the Haddington Road Agreement 2013-2016.

(7) “Statutory Instrument 131/2003” means European communities (Protection of Employee on Transfer of Undertakings) Regulation 2003

“Information Act 2006” means Employees (Provision of Information and Consultation) Act 2006

“recognised trade union”, delete two references to ‘or staff association’

Head 22 - Note

TUI notes this section; where there is implication for our members TUI shall be consulted as the recognised trade union for academic and research staff.

Head 23 - Note

TUI notes this section; where there is implication for our members TUI shall be consulted as the recognised trade union for academic and research staff.

Head 24 - Note

TUI notes this section; where there is implication for our members TUI shall be consulted as the recognised trade union for academic and research staff.

Head 25 - Note

Amend

Insert after first paragraph; The (name of new entity) will operate an open records management policy subject to the terms of the Freedom of Information Acts and in compliance with the Data Protection Acts.

Head 26 - Note

TUI notes this section; where there is implication for our members TUI shall be consulted as the recognised trade union for academic and research staff.

Head 27 - Amend

General, in this section TUI is seeking to delete the term ‘Technological University’ and insert; University of Technology.

After (1) (ii) insert the following terms:

“Academics”	means tenured officers of the Institute;
“Researchers”	means tenured officers of the Institute;
“Department”	means academic unit within a school of the Institute;

“School”	means organised grouping of academic units within the Institute;
“Programme”	means recognised course of study;
“Trade Union”	means representative body with a negotiation licence;

Head 28 – Amend

TUI is seeking continuation of the current multi-level provision of programmes and short courses. These programmes and courses have served; the skills needs of industry, the employment skills needs of students and the greater public good.

(2) (b) (ii) After ‘flexible learning programmes’ delete remainder of sentence and insert; professional based programmes, industrial based programmes, Apprenticeship programmes and mature learners.

(e) Insert; academic before ‘staff’, after institute delete ‘with particular reference to the qualifications of teaching staff’...

(f) After ‘procedures’ insert; programme development informed by the needs of enterprise, community, culture and arts.

(g) After ‘enhance’ insert the European Higher Education Area and...

(h) after ‘overall’ insert; academic leadership,...

Head 29 - Amend

(3) After ‘appoint’ insert; an independent..., after ‘having’ insert; recognised...

(4) After ‘having’ insert; consulted with academic staff and students and...

(5) After ‘subsection (1)’ insert; and considered academic staff submissions...

Head 30 - Note

TUI notes this section; where there is implication for our members TUI shall be consulted as the recognised trade union for academic and research staff.

Head 31 - Note

TUI notes this section; where there is implication for our members TUI shall be consulted as the recognised trade union for academic and research staff.

Head 32 - Amend

(1) After ‘respect of’ insert; employment, grievance procedures, industrial dispute or...

Head 33 - Amend

TUI notes this section; where there is implication for our members TUI shall be consulted as the recognised trade union for academic and research staff.

Head 34 - Amend

- (1) (a) At the end of the paragraph insert; in accordance with the terms of Statutory Instrument 131/2003 and Information Act 2006.
- (2) After 'consultation' insert; and agreement... After 'trade unions' delete 'and staff associations'. After 'concerned' delete 'to any other institute of technology or public service body'.
- (3) (a) After 'member of staff of' delete the remaining words of the sentence and insert; name of new entity.
(b) After 'employee of the' delete remaining sentence and insert; name of new entity.
- (4) After 'trade union' delete 'or staff association'
 - (a) After each use of the word 'remuneration' insert; conditions of employment and working conditions
 - (b) After each use of the word 'remuneration' insert; conditions of employment and working conditions.
- (5) Delete this item
- (6) Insert; Employees (Provision of Information and Consultation) Act 2006.
Statutory Instrument 131/2003 European Communities (Protection of Employee on Transfer of Undertakings) Regulation 2003.
Terms of collective agreements such as The Public Service Agreement 2010-2014 and the Haddington Road Agreement 2013-2016.
- (7) "Statutory Instrument 131/2003" means European Communities (Protection of Employee on Transfer of Undertakings) Regulation 2003

"Information Act 2006" means Employees (Provision of Information and Consultation) Act 2006

"Recognised trade union", delete two references made to 'or staff association'

Head 35 - Note

TUI notes this section; where there is implication for our members TUI shall be consulted as the recognised trade union for academic and research staff.

Head 36 - Note

TUI notes this section; where there is implication for our members TUI shall be consulted as the recognised trade union for academic and research staff.

Head 37 - Note

TUI notes this section; where there is implication for our members TUI shall be consulted as the recognised trade union for academic and research staff.

Head 38 - Amend

Insert after first paragraph; The (name of new entity) will operate an open records management policy subject to the terms of the Freedom of Information Acts and in compliance with the Data Protection Acts.

Head 39 - Note

TUI notes this section; where there is implication for our members TUI shall be consulted as the recognised trade union for academic and research staff.

Head 40 - Amend

TUI consider the HEA (An tUdaras) should not have the arbitrary power and authority to act in this coercive fashion. The following amendment is sought.

(1) After 'If an' insert; Institute requests..., After 'tUdaras' insert; to...

Head 41 - Note

TUI notes this section; where there is implication for our members TUI shall be consulted as the recognised trade union for academic and research staff.

Head 42 - Amend

(1) After 'respect of' insert; employment, grievance procedures, industrial dispute or...

Head 43 - Note

TUI notes this section; where there is implication for our members TUI shall be consulted as the recognised trade union for academic and research staff

Head 44 - Amend

General, in this section TUI is seeking to delete the term 'Technological University' and insert; University of Technology.

- (1) (a) At the end of the paragraph insert; in accordance with the terms of Statutory Instrument 131/2003 and Information Act 2006.
- (2) After 'consultation' insert; and agreement... After 'trade unions' delete 'and staff associations'. After 'concerned' delete 'to any other institute of technology or public service body'.
- (3) (a) After 'member of staff of' delete the remaining words of the sentence and insert; name of new entity.
(b) After 'employee of the' delete remaining sentence and insert; name of new entity.
- (4) After 'trade union' delete 'or staff association'
 - (a) After each use of the word 'remuneration' insert; conditions of employment and working conditions
 - (b) After each use of the word 'remuneration' insert; conditions of employment and working conditions.
- (5) Delete this item
- (6) Insert; Employees (Provision of Information and Consultation) Act 2006.
Statutory Instrument 131/2003 European Communities (Protection of Employee on Transfer of Undertakings) Regulation 2003.
Terms of collective agreements such as The Public Service Agreement 2010-2014 and the Haddington Road Agreement 2013-2016.
- (7) "Statutory Instrument 131/2003" means European communities (Protection of Employee on Transfer of Undertakings) Regulation 2003

"Information Act 2006" means Employees (Provision of Information and Consultation) Act 2006

"recognised trade union", delete two references to 'or staff association'

Head 45 - Note

TUI notes this section; where there is implication for our members TUI shall be consulted as the recognised trade union for academic and research staff.

Head 46 - Note

TUI notes this section; where there is implication for our members TUI shall be consulted as the recognised trade union for academic and research staff.

Head 47 - Note

TUI notes this section; where there is implication for our members TUI shall be consulted as the recognised trade union for academic and research staff

Head 48 - Amend

Insert after first paragraph; The (name of new entity) will operate an open records management policy subject to the terms of the Freedom of Information Acts and in compliance with the Data Protection Acts.

Head 49 - Note

TUI notes this section; where there is implication for our members TUI shall be consulted as the recognised trade union for academic and research staff

Head 50 - Amend

- (1) (a) After 'education at an' insert; European Higher Education Area and...
- (b) After 'contribute' delete 'responsibly to' and insert; and critically engage in...

Head 51 - Amend

- (2) After 'shall' insert; be tenured and...

Head 52 - Note

TUI notes this section; where there is implication for our members TUI shall be consulted as the recognised trade union for academic and research staff

Head 53 - Amend

- (2) (b) Delete second line after 'Governing Body' and insert; shall be appointed by the Minister.
- (c) (i) after 'At least' delete 'one but not more than three' and insert; five...
- (c) (iii) after the term 'Students Union' delete the remaining words up to 'and'.
- New Insert; External representative should consist of; two elected Councillors, two Elected Senators, two from enterprise, two from trade unions and three with specialist skills.
- There should be a gender balance to commence at 40% female.

- (3) (a) After 'such as financial' insert; trade unions.
(c) After 'maximum of' delete 'one' and insert two.

Head 54 - Note

TUI notes this section; where there is implication for our members TUI shall be consulted as the recognised trade union for academic and research staff

Head 55 - Note

TUI notes this section; where there is implication for our members TUI shall be consulted as the recognised trade union for academic and research staff

Head 56 - Amend

TUI notes this section; where there is implication for our members TUI shall be consulted as the recognised trade union for academic and research staff

Delete 'college' and insert; institute

Head 57 - Amend

TUI notes this section; where there is implication for our members TUI shall be consulted as the recognised trade union for academic and research staff

Delete 'college' and insert; institute

Head 58 - Note

TUI notes this section; where there is implication for our members TUI shall be consulted as the recognised trade union for academic and research staff

Head 59 - Amend

General, in this section TUI is seeking to delete the term 'Technological University' and insert; University of Technology

- (1) (a) after 'Government' insert; or by a collective agreement,
(b) at end of sentence insert; maintaining a minimum of 95% tenured academic staff.

(3) after 'such terms and conditions' delete remainder of sentence and insert; as negotiated and agreed with a recognised trade union.

(6) after 'Department' insert; through collective agreement with a recognised trade union.

(7) delete 'staff associations', at end of paragraph insert; the protection of Ministerial enquiry expressed in the 1992 RTC Act and 1993 DIT Act shall remain in place for academic staff to secure academic freedom.

Head 60 - Amend

- (2) (a) delete 'staff association'
(b) at end of sentence insert; including the full range of dispute resolutions mechanisms of the state, Statutory Instruments and Codes of Practice developed by same.

Head 61 - Amend

TUI considers it is vital for an academic institute or university to have a Academic Council which is representative of the academic and research staff disciplines within the institute. An academic institute should have the facility within its academic mission to determine the Academic Council.

- (3) (a) after 'senior' insert; academic
(b) at start insert; academic staff...
(6) At end of paragraph insert; Academic Council meetings should be operated in a collegiate manner. Academic staff members should be facilitated to attend meetings.

Head 62 - Note

TUI notes this section; where there is implication for our members TUI shall be consulted as the recognised trade union for academic and research staff

Head 63 - Note

TUI notes this section; where there is implication for our members TUI shall be consulted as the recognised trade union for academic and research staff

Head 64 - Note

TUI notes this section; where there is implication for our members TUI shall be consulted as the recognised trade union for academic and research staff

Head 65 - Note

TUI notes this section; where there is implication for our members TUI shall be consulted as the recognised trade union for academic and research staff

Head 66 - Note

TUI notes this section; where there is implication for our members TUI shall be consulted as the recognised trade union for academic and research staff

Head 67 - Note

TUI notes this section; where there is implication for our members TUI shall be consulted as the recognised trade union for academic and research staff

Head 68 - Note

TUI notes this section; where there is implication for our members TUI shall be consulted as the recognised trade union for academic and research staff

Head 69 - Amend

TUI is opposed to the reintroduction of college fees.

(1) After 'A technological university' delete remaining paragraph and insert; may determine usage charges for the facilities, having regard to the commercial capabilities of users.

(2) Delete 'An tUdaras' (HEA) and insert the Government...

Head 70 - Amend

After 'Provides that' amend the following:

(2) (6) (b) Delete second line after 'Governing Body' and insert; shall be appointed by the Minister.

(c) (I) after 'At least' delete 'one but not more than three' and insert; five...

(c) (iii) after the term 'Students Union' delete the remaining words up to 'and'.

(7) (a) After 'such as financial' insert; trade unions.

(c) After 'maximum of' delete 'one' and insert two.

(3) (3) after 'Governing Body' delete 'may at any time' and insert; after adequate notice and fair procedure may ...

(b) After 'the member' delete sentence and insert; has committed an offense or engaged in gross misbehaviour.

(c) Delete complete sentence and insert; where it can be demonstrated (in accordance with the amended (3) (3)) that a member is seeking to deliberately undermine and adversely affect the performance and functions of the Governing Body.

(4) (2) (b) After 'office' insert; subject to the agreed procedures for nomination and or election.

(6) (4) After 'may' insert; with good reason, adequate notice and fair procedure seek to...

(9) After 'may' delete 'at any time' and insert; with good reason, consultation and adequate notice seek to...

(8) (4) Delete 'whose decision shall be final' and insert; where this decision is challenged it should be put to a vote of the Governing Body...

(10) (2) After '(1)' delete 'commits an offense' and insert; will be afforded adequate notice of the allegation and a fair procedure to consider the matter, this does not preclude members from releasing information which is in the public interest or deemed as whistleblowing.

(4) (a) after 'confidential' insert; for stated good reasons...

After (b) insert a subsection (c) The Governing Body should operate an open governance policy similar to the 'Open Government' policy making as much information as reasonably practical available to staff, students and the public, in accordance with the Freedom of Information Acts and in compliance with Data Protection Acts.

Head 71 - Note

TUI notes this section; where there is implication for our members TUI shall be consulted as the recognised trade union for academic and research staff

Head 72 - Note

TUI notes this section; where there is implication for our members TUI shall be consulted as the recognised trade union for academic and research staff

Head 73 - Amend

TUI favours the retention of a public advertisement procedure for vacancies, which is open and transparent, with full disclosure of the required competencies and skills for the position. There is major problems with the current recruitment procedures in the institutes of technology sector. TUI is opposed to the casualisation of the academic profession by means of flexible temporary contracts.
Delete Head 73

Head 74 - Delete

TUI is not aware of any issue relating to academic staff dismissals, TUI considers this section to be unnecessary. The RTC Act 1992, DIT Act 1992 and the IoT Act 2006 provide sufficient powers to engage in a dismissal process. TUI opposes Head 74, by introducing this Head there could be unforeseen consequences relating to academic freedom.

Delete Head 74

Head 75 - Note

TUI notes this section; where there is implication for our members TUI shall be consulted as the recognised trade union for academic and research staff

Head 76 - Note

TUI notes this section; where there is implication for our members TUI shall be consulted as the recognised trade union for academic and research staff

Head 77 - Note

TUI notes this section; where there is implication for our members TUI shall be consulted as the recognised trade union for academic and research staff

Head 78 - Note

TUI notes this section; where there is implication for our members TUI shall be consulted as the recognised trade union for academic and research staff

Head 79 - Note

TUI notes this section; where there is implication for our members TUI shall be consulted as the recognised trade union for academic and research staff

Head 80 - Delete

TUI is not aware of any problems with the recruitment procedures in the institutes of technology sector. TUI is opposed to the casualisation of the academic profession by means of flexible temporary contracts.

Delete Head 80

Head 81 - Delete

TUI seeks to retain the protection for academic staff relating to dismissal. TUI considers this section to be unnecessary and does not serve the purpose of the Head of Bill. The DIT Act 1992, RTC Act 1992 and the IoT Act 2006 provide sufficient powers to engage in a dismissal process. TUI opposes Head 74, by introducing this Head there could be unforeseen consequences relating to academic freedom.

Delete Head 81

Head 82 - Note

TUI notes this section; where there is implication for our members TUI shall be consulted as the recognised trade union for academic and research staff

Head 83 - Note

TUI notes this section; where there is implication for our members TUI shall be consulted as the recognised trade union for academic and research staff

Head 84 - Note

TUI notes this section; where there is implication for our members TUI shall be consulted as the recognised trade union for academic and research staff

Head 85 - Note

TUI notes this section; where there is implication for our members TUI shall be consulted as the recognised trade union for academic and research staff

Head 86 - Delete

TUI is opposed to this change of Section 69 of the Education and Training Boards Act 2013.

Delete Head 86

Head 87 - Note

TUI notes this section; where there is implication for our members TUI shall be consulted as the recognised trade union for academic and research staff

Head 88 - Note

TUI notes this section; where there is implication for our members TUI shall be consulted as the recognised trade union for academic and research staff

First schedule - Amend

(3)After 'may' insert; without good reason, adequate notice and fair procedure seek to...

(b) After 'the member' delete sentence and insert; has committed an offense or engaged in gross misbehaviour.

(c) Delete complete sentence and insert; where it can be demonstrated (in accordance with the amended (3) (3)) that a member is seeking to deliberately undermine and adversely affect the performance and functions of the Governing Body.

(4) (2) (b) After 'office' insert; subject to the agreed procedures for nomination and or election.

(5) (1) At end of paragraph insert; Academic staff representative on the Governing body should be facilitated to attend meetings.

(6) (4) After 'may' insert; without good reason, adequate notice and fair procedure seek to...

(9) After 'may' delete "at any time" and insert; with good reason, consultation and adequate notice seek to...

(8) (4) Delete 'whose decision shall be final' and insert; where this decision is challenged it should be put to a vote of the Governing Body...

(10) (2) After '(1)' delete 'commits an offense' and insert; will be afforded adequate notice of the allegation and a fair procedure to consider the matter, this does not preclude members from releasing information which is in the public interest or deemed as whistleblowing.

(4) (a) after 'confidential' insert; for stated good reasons...

After (b) insert a subsection (c) The Governing Body should operate an open governance policy similar to the 'Open Government' policy making as much information as reasonably practical available to staff, students and the public, in accordance with the Freedom of Information Acts and in compliance with Data Protection Acts.

Second schedule - Note

TUI notes this section; where there is implication for our members TUI shall be consulted as the recognised trade union for academic and research staff