
MCAULEY CONFERENCE SERIES

**CATHOLIC PRIMARY
EDUCATION IN
CONTEMPORARY
IRELAND:
FACING NEW HORIZONS**

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The Patron's Perspective

I thank the organisers of the McAuley Conference Series for the invitation to address your conference on Catholic Primary Education in Contemporary Ireland. It is a very timely opportunity for us in the Church to reflect more deeply on our vision for Catholic education from different perspectives, parents, teachers, management and patrons. It is especially appropriate, at a time when we are becoming more conscious of the responsibility of the entire people of God for the provision of Catholic education, to do so under the banner of Catherine McAuley who was a pioneer as a lay person in the provision of Catholic education for those who were vulnerable and could not otherwise afford it.

THE EDUCATION SYSTEM

a) Role of Patron Bodies

Our primary education system in Ireland is unique in that, up to now, the State has not generally been a direct provider of primary education. The Constitution, as is well known, puts an obligation on the State to provide for education, rather than to provide it directly. The State has fulfilled this role by providing funding to individuals or groups, known as Patrons, who take responsibility for the actual provision. The Catholic Church, as the representative of by far the largest religious denomination, is also the Patron of the vast majority of primary schools (2899 out of 3282 catering for 92% of primary school children). There are many other Patron bodies, the Church of Ireland, Foras Pátrúnachta, Educate Together, the Jewish Community, and more recently the Muslim Community and the VEC. The latter is the newly appointed Patron Body for Community National Schools, the Additional Model announced by Minister Hanafin a couple of years ago. In speaking about 'The Patron's Perspective', I would not presume to speak on behalf of the other Patrons or Patron bodies. What I have to say will be from the point of view of a Patron of Catholic primary schools.

b) Safeguarding Children

I welcome the publication, on Wednesday, of the Commission to Inquire into Child Abuse. The litany of abuse perpetrated on the most vulnerable of the vulnerable makes for appalling reading. Children are to be loved and cherished and the Church's failure to protect those in its care was a shameful betrayal of a sacred trust. Establishing the truth of what happened is crucial and the report contributes to that goal. Victims deserve justice and support to help bring about healing.

An issue that has been raised in the media a number of times in recent days is whether society should “look to change a system where so much of the educational and care provision for our children is farmed out to organizations who are unaccountable...” This is not true. School Patrons, whether Catholic or otherwise, are fully accountable to the law of the land. And that is as it should be. I want to state clearly that the safety and welfare of pupils in our schools is assured by State law and regulation. The standards that operate to safeguard children in our schools are those contained in the State’s own Children First: National Guidelines for the Protection and Welfare of Children, and in relevant legislation, and not those of an individual school patron (e.g. Church). So that there can be no ambiguity on this important issue, let me state again: the State’s child protection standards apply to all schools and they require that each school have its own Designated Person to receive and report complaints. That person must be a member of the school staff.

c) Responsibility and Resources

As a Patron Body we clearly have an enormous responsibility in the provision of primary education within the education system. We take that responsibility very seriously and have put huge resources into exercising it. The resources that are most easily quantifiable are financial. The most obvious of these are providing sites for schools and substantial local contributions to all capital projects, but there are lots of other less visible financial subsidies provided by the parishes for our schools. However, the greatest resources provided to education have been the clergy, religious and lay people who have managed schools for generations. Recently this is even more evident in the many committed people, recruited at parish level, who serve on boards of management without even receiving out of pocket expenses.

POSITIVE EXPERIENCE OF PATRONAGE

a) Catholic Ethos

Overall, the experience of providing primary education from the point of view of Catholic patrons has been, I would say very good. We have had the freedom to establish and run schools that have a Catholic ethos. Of course these schools are governed by the Education Act and must comply with all the requirements of the Act in relation to curriculum, standards, inspection, and management which are laid down there. Nevertheless, within those parameters, our schools have the freedom to provide religious education and formation for Catholic students in accordance with the teaching, practices and tradition of the Catholic Church. Their educational philosophy is rooted in the Catholic vision of education which is inspired by belief in God and modelled on the teaching and life of Jesus Christ. Each school aims at promoting the full and harmonious development of all aspects of the person of the

pupil: intellectual, physical, cultural, moral and spiritual, including a relationship with God and with other people.i[1]

b) State Support

Catholics in other countries look at our system and marvel at the fact that the State pays almost the entire cost of capital expenditure on new schools. It pays capitation and other grants towards the cost of day-to-day running of the schools, and also pays the teachers' salaries. Of course it does the same for schools of other patron bodies as well. Compared to a country like the U.S, where the State makes no contribution at all to Catholic schools, or schools of any other denomination, our system is very supportive.

c) Neutral Ethos?

There are some who would argue that the U.S. system should apply here. They say that it would be better for schools to keep a neutral stance in relation to religion. They say religion is a matter of personal choice and should be kept in the private sphere. However, it has been pointed out frequently that those who would exclude religion from the school also impart a worldview, a philosophy of life, just as much as the person of faith. Schools that exclude religious instruction are not neutral in their stance. Joseph Dunne has argued very persuasively *“that ‘ethos’ is not a rarefied ‘extra’ that some schools might seek to cultivate on a discretionary basis but rather an unavoidable characteristic of any school...”* ii[2]

The Catholic philosophy of education maintains that education is for life and religion is, for most people in Ireland, an important part of life. Others embrace a philosophy of life which excludes religion. We respect their freedom to do that, but we do not believe that they should be allowed to impose their worldview on everybody. There is need for pluralism of provision – within reasonable limits – so that parents have a choice as far as possible about what kind of school their children will attend. This is a right enshrined in the Constitution, in the Universal Declaration of Human Rights, in United Nations and European legal instruments. Besides, having a non-denominational State education system for everybody would mean that Catholics, and others who wanted a different kind of education for their children, would not only have to pay for the education of their own children through fees, but would also have to subsidise those in the State system through their taxes. That would be double taxation and would be unjust.

CHALLENGES OF PATRONAGE

a) Increasing Complexity of Management and Patronage Functions

We have moved fairly quickly from a situation where there was practically no legislation impinging on the area of primary education to a position where there are now several major pieces of legislation that affect the daily life of schools. The Education Act 1998 is of course the most important of these and it has helped bring definition and clarity to many areas which were unclear before. I list below a selection of the other Acts which have a direct impact on the running of schools:

Employment Equality Act 1998

Education (Welfare) Act 2000

Equal Status Act 2000

Teaching Council Act 2001

Education for Persons with Special Educational Needs Act 2004

Education (Miscellaneous Provisions) Act 2007

All of this has made the provision and running of schools a much more complex undertaking than it was previously. It makes extra demands on Patrons who have the considerable burden of appointing boards, approving the appointments of teachers, approving and providing oversight of capital projects, planning future provision, providing training and formation for trustee representatives on boards and assessors for selection boards and a host of other duties. It makes extra demands on boards of management and requires that they have very high levels of competence and training in order to discharge their responsibilities effectively.

b) Increasing Diversity in Society

A new emphasis in the vision of the Catholic school is the emphasis on inclusivity. The Pastoral Letter, Vision 08, captures this emphasis succinctly when it says:

Catholic education values tolerance and inclusiveness... [It] is open to generous dialogue with Christians of other traditions and those of other faiths and none... The presence of children from other denominations is seen as an enrichment of the educational experience offered by the school...The schools see such diversity as offering opportunities for deeper understanding among people holding diverse convictions.iii[3]

The increasing diversity of our society and the presence of children by many different faiths and backgrounds in our schools is seen as something which can contribute to the quality of education being offered to our children. However, coping with the practical demands that this makes in the day-to-day life of the school, does

provide challenges to our teachers and boards of management. As Patrons we must support our teachers and boards in providing assistance and guidance in how to teach the Catholic faith and maintain a Catholic ethos, while continuing to respect and make provision for people of different religions and none. The economic downturn in the past year has added to the mix, giving rise to economic constraints on provision and also questions being raised about the feasibility of making separate provision for different groups on religious, linguistic or other grounds.

a) Underfunding

The quality of our primary education system has been widely and rightly recognised and applauded. At the same time it has often been noted that as a country we spend a smaller percentage of GNP on education than almost any other country in the OECD. I have never seen any attempt to analyse the reasons why we have managed to achieve such high educational standards at such low cost. Up to fairly recently all sites for new schools were provided by the Patrons. I wonder could the main reason be that the costs to the State of management and patronage have until now been negligible in the case of primary schools? However, that situation is unsustainable in the long term. The increasing complexity of the legislation that impinges on schools and education, and the greater awareness among people generally of their rights and their children's rights make it imperative that the functions of Patronage and Management of primary schools are adequately resourced by people who are professionally trained to carry out these duties. The patronage and management functions of the state-run sector at second level – the VEC sector – are carried out by the offices of the Vocational Education Committees. They are appropriately staffed and funded to do this work. It is only right that similar funding and staffing were available to the other patron bodies.

CONCERNS FOR PATRONS

a) The Reason for Church Involvement

Ultimately, the reason for the Church's involvement in education is that we see it as a central part of the mission of the Church. It is part of the commission given by the Risen Christ to the apostles: "Go, make disciples of all nations, baptising them in the name of the Father and of the Son and of the Holy Spirit, and teaching them to obey everything that I have commanded you." (Mt 28:18) The Catholic vision of education sees it as consisting of much more than simply imparting knowledge to students, or equipping them for examinations, or even preparing them for future employment. It recognises the importance of these matters but does not consider them the most important elements of the educational process. In the Catholic vision of things, education is primarily a moral and spiritual enterprise. It is holistic in its approach and seeks to ensure the harmonious development of the whole person,

body, soul and mind. So it is concerned not only with the intellectual and physical development of the students, but of their moral, spiritual and social development as well. A central part of it is education and formation in the faith. I have already mentioned how much we value the freedom to do this in our schools, and how important it is for us that this freedom is protected and guaranteed in our education system.

b) Guarantee of Religious Ethos

This freedom was guaranteed in the past by the fact that the Patron appointed the Manager of the School, and the Manager of the school was accountable to the Patron for promoting and upholding the school's ethos. When Boards of Management were introduced in the mid-seventies this freedom was guaranteed by the provision that the Patron could nominate half the members of the board, giving him a voting majority should it be required in order to protect the Patron's interest. In 1997, the government of the day was anxious that there should be greater democratic representation on the boards and asked the Patrons to forego two of their places on the board to facilitate this. This left the Patron with two nominees on a board of eight members. In exchange for losing their voting majority on boards the Patrons were given a guarantee designed to copper-fasten the ethos of their schools. This was in the form of an amendment to the school lease. The original lease already included an undertaking that the school would be managed in accordance with the Rules for National Schools. The new document, which supplements the original lease, provides that the school will be managed in accordance with the rules laid down by the Minister for Education and in accordance with a Roman Catholic ethos. This was called a Deed of Variation.^{iv}[4]

c) Recent Developments Concerning Deed of Variation

The Minister was to be a signatory of the Deed of Variation. Not that the Minister was being asked to uphold the ethos of the school. That is not his responsibility. However, his signature would guarantee the Patron's right to uphold the ethos. This was accepted by all parties in good faith and Patrons set about the difficult task of having all the deeds of their schools so amended. However, somewhere around 2004 I think, the Minister stopped signing the deeds.

This decision seems to have resulted from the advice of Senior Counsel engaged by the Chief State Solicitor which indicated that there is no statutory basis for the Minister to sign such deeds and that provisions within them could be contrary to the Constitution, in particular Article 44.2.5 which provides that religious denominations have the right to manage their own affairs. The object of this article is to guarantee the autonomy of individual religious denominations and to make sure that they are kept free from State interference or entanglement. The Department

claims it is now willing to agree an alternative mechanism that will meet the same objectives.

However, this is clearly a cause of great concern to us as Patrons. The agreement entered into in good faith, and the guarantees that went with it have been unilaterally withdrawn. It does raise the question as to whether the freedoms we have enjoyed up to now in relation to the upholding of the ethos of our schools will continue to be guaranteed into the future. And it raises the further question: if such a formal agreement, made in good faith can be changed without consultation then what of other past agreements or of the prospects for future agreements?

d) European Directive

Another concern that we have as Catholic Patrons relates to what is referred to as the European Directive. In October 2000, at a meeting of the Employment and Social Policy Council chaired by France's Martine Aubry, the Council reached unanimous political agreement on the proposal for a Directive establishing a general framework for equal treatment in employment and occupation. However, two amendments were secured in the European legislative process: one by the British Government, which became article 15v[5] of the Directive, headed 'Northern Ireland', and dealing with the police, but also with Catholic schools; the other by the Irish Government, greatly extending what became article 4 ('occupational requirements'),vi[6] designed to exempt discrimination by religious bodies throughout the European Union.

Last summer the European Commission published a new draft directive intended to combat discrimination in the provision of goods and services. It is known as the 'Equal Treatment' directive. The original version of the directive gave rise to fears among religious organisations about its implications for religious freedom. For example, what would be the implications for faith-based schools? Education is a service. Would, for example, faith-based schools be forced to admit children not of the faith of the schools and refuse admission to children who are of the school's faith, in a situation where school places were limited?

The Commission of the Bishops' Conferences of the European Community (COMECE) is the official representation of the Catholic bishops of Europe in Brussels. It has proposed amendments to the Commission's draft of the directive. COMECE'S suggestions are intended to properly protect religious freedom against certain interpretations of equality and non-discrimination which pose a threat to religious freedom.

However, the European Parliament (EP) has passed amendments of its own which make religious freedom subject to the principle of non-discrimination. Its amendments weaken the protections for religious organisations and believers

contained in the Commission's draft, a draft which, according to COMECE, needed to be strengthened in any case. The EP's amendments have potentially very serious implications for religious organisations as well as member-state family law.

It is now up to the Council of Ministers whether to pass this directive at all, and in what form. It is urgent to ensure that the Directive, if passed, will properly protect religious freedom.

PATRONAGE: THE FUTURE

a) Need for Adequate Provision

Historically, the Catholic Church has been the provider of the great majority of primary schools in the State because of its position as the Church of the great majority of the people. However, that situation has changed and continues to change. We are now providing primary education for 92% of the population even though the proportion of those in the population who describe themselves as Catholics has fallen to 87%. If we take into account those who are simply nominal Catholics and who may not wish to have their children educated in a Catholic school, and those who, while continuing to be attached to the Church, would choose to send their children to schools under different patronage, it is clear that our stake in educational provision is disproportionate to our needs.

One of the concerns we have in this regard is outlined in our policy document of 2007:

It is sometimes the case that people choose a Catholic school simply because it is the only school available, and not because they wish their children to have a Catholic education. This can cause difficulties for parents who do not share the ethos of a Catholic school. It can also put an unfair financial and administrative burden on the parish. We feel that in such circumstances the Church should not be left with the task of providing for the educational needs of the whole community.vii[7]

The Church's historical stake in education is changing for many reasons. The question of new schooling arrangements arises and the place of religion within them. This is a question not only for the Church but also for parents and for the State.

b) New Models of Patronage

The practicalities of the Church adjusting its involvement in Primary Schools to a more realistic and manageable level are quite complex. The growth of other sectors helps to achieve a better balance but this growth should not take place in such a way that no provision is made for Catholic schools in newly developing areas, which I believe has happened in some cases. In other situations, where an existing Catholic

school is no longer viable as a Catholic school because the Catholic children are now a small minority in the school, the Patron may wish to relinquish ownership of the school. That would be very much a decision for the local Patron and clearly not one which would be taken lightly. It would necessarily involve consultation with the parents, the teachers and the local community all of whom have a stake in the school.

In general I would say that, faced with the prospect of relinquishing ownership of a Catholic school in favour of another model, Catholic Patrons would favour transferring to something modelled closely on the existing second-level Community School. This would involve the Patron entering into a joint patronage or trustee arrangement with the Department of Education and Science. Such a joint patronage might even include another religious patron of a different faith or denomination. The resulting school would be genuinely multi-denominational in that it would include all and try to cater for the religious instruction and worship of the different denominations represented in the school. It would also have the advantage from the Church's point of view, over the new Community National School model proposed recently, that the Church would, through the exercise of its joint trusteeship, have an input into the management of the school. This in turn would give it a voice in shaping the ethos of the school and in particular of the provision of religious education in the programme.

Having said that I think it is important that I reiterate our position as a Church of intending to maintain a vibrant Catholic primary schools sector in the future. This was stated clearly in our policy document of 2007 already quoted. Paragraph 2.1 of that document says: "*The Catholic Church is committed to providing Catholic schools to cater for the needs of parents who wish their children to have a Catholic education.*"viii[8]

KEEPING THE FLAME

The Church has a vital role to play in keeping alive, promoting and exemplifying commitment to education as a value in itself. Education in a secular, consumer society is always in danger of becoming a product, a commodity. In the era of the rise and fall of the Celtic Tiger it is difficult to resist the consumer model of education focused primarily on the service of the economy. The emphasis tends to be on competition and there is often a narrow focus on academic and easily measurable results.

The Catholic Church chooses to be a patron in education because of its commitment to the ethos/characteristic spirit that inspires our schools. When we reflect on the ethos that underpins our Catholic schools we are immediately aware that it aspires to provide education and formation that offers hope to the young, that aims to create a community where a sense of belonging is central and the dignity of each person is

recognised. While our schools respond to the needs of our modern secular society they “...believe that over-emphasis on competition, a too narrow preoccupation with examinations and specialising at too early an age on highly specific courses are inimical to true education.” ix[9]

Who could argue against the need for education thus inspired as a contribution to the good of young people and to the common good of society? I will conclude with a rather long quotation from the same paper by Joseph Dunne, which I quoted earlier, and which argues the case for the place of the denominational school in State education provision. He is speaking about the responsibility of politics in relation to the common good. He makes a distinction between two understandings of the common good. He speaks of a ‘thin’, or ‘procedural’ notion of the good, by which I think he means a minimalist conception of it, a lowest common denominator, as we say. He contrasts this with ‘thick’ or ‘substantive’ notions of the public good that are wide enough to embrace particular traditions in society, for example religious traditions:

“Although education is indeed an inescapably political matter, perhaps we should recognise an important difference between the imperatives that govern politics in the wider sense and those that govern education specifically. Must the school system be treated on all fours with the legal system - in the sense that, just as one set of laws binds indifferently all citizens, so one type of school must indifferently be available to all pupils? An upshot of pluralism at the legislative level is that it commits a society at this level to what has been called a ‘thin’ notion of the good. While this ‘thin’ or ‘procedural’ notion of the public good may be desirable as a constitutional/legal level, ought education be open to ‘thick’ or ‘substantive’ goods – substantive enough, in different cases, to embrace particular traditions? Is education as a humanizing activity weakened if engagement with such substantive goods is foreclosed – to the ultimate loss of civil society itself? To provide substantively rich versions of education in this way, it may be noted, would not entail setting aside procedural principles; for the latter would still be necessary in deciding on equitable and non-discriminatory ways of making such provision, and of course the State would still retain considerable regulative powers. The basic assumption, however, would not be that every school must be congenial to all citizens, but rather that, subject to regulations all citizens should have a congenial school convenient to them.”x[10]

I believe Dunne makes a compelling case for denominational education as a crucial contributor to the common good in a pluralist society. It is my fervent hope as a school Patron that his vision that “all citizens should have a congenial school convenient to them” will also be the vision that guides our policy makers into the future.

References

^{i[1]} Schedule to Deed of Variation for Catholic Primary Schools.

^{ii[2]} In *From Present to Future: Catholic Education in Ireland for the New Century*, p. 211

^{iii[3]} *Vision 08: A Vision for Catholic Education in Ireland*, Irish Catholic Bishops' Conference, 2008, p. 8.

^{iv[4]} Cf. *Management Board Members' Handbook*, Catholic Primary School Management Association, 2007, p. 14.

^{v[5]} Article 15

Northern Ireland

1. In order to tackle the under-representation of one of the major religious communities in the police service of Northern Ireland, differences in treatment regarding recruitment into that service, including its support staff, shall not constitute discrimination insofar as those differences in treatment are expressly authorised by national legislation.

2. In order to maintain a balance of opportunity in employment for teachers in Northern Ireland while furthering the reconciliation of historical divisions between the major religious communities there, the provisions on religion or belief in this Directive shall not apply to the recruitment of teachers in schools in Northern Ireland in so far as this is expressly authorised by national legislation.

^{vi[6]} Article 4

Occupational requirements

1. Notwithstanding Article 2(1) and (2), Member States may provide that a difference of treatment which is based on a characteristic related to any of the grounds referred to in Article 1 shall not constitute discrimination where, by reason of the nature of the particular occupational activities concerned or of the context in which they are carried out, such a characteristic constitutes a genuine and determining occupational requirement, provided that the objective is legitimate and the requirement is proportionate.

2. Member States may maintain national legislation in force at the date of adoption of this Directive or provide for future legislation incorporating national practices existing at the date of adoption of this Directive pursuant to which, in the case of occupational activities within churches and other public or private organisations the ethos of which is based on religion or belief, a difference of treatment based on a person's religion or belief shall not constitute discrimination where, by reason of the nature of these activities or of the context in which they are carried out, a person's religion or belief constitute a genuine, legitimate and justified occupational requirement, having regard to the organisation's ethos. This difference of treatment shall be implemented taking account of Member States' constitutional provisions and principles, as well as the general principles of Community law, and should not justify discrimination on another ground.

Provided that its provisions are otherwise complied with, this Directive shall thus not prejudice the right of churches and other public or private organisations, the ethos of which is based on religion or belief, acting in conformity with national constitutions and laws, to require individuals working for them to act in good faith and with loyalty to the organisation's ethos.

^{vii[7]} *Catholic Primary Schools: A Policy for Provision into the Future*, Irish Catholic Bishops' Conference, 2007, p. 6.

^{viii[8]} *Ibid.* p. 3.

^{ix[9]} *Vision 08: A Vision for Catholic Education in Ireland*, p.6

^{x[10]} *From Present to Future: Catholic Education in Ireland for the New Century*, pp. 220-221