



Northern Ireland  
Assembly

Committee for Education

# OFFICIAL REPORT (Hansard)

Education Bill: Irish-medium Sector Briefing

5 December 2012

# NORTHERN IRELAND ASSEMBLY

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**Members present for all or part of the proceedings:**

Mr Mervyn Storey (Chairperson)  
Mr Danny Kinahan (Deputy Chairperson)  
Ms Michaela Boyle  
Mrs Jo-Anne Dobson  
Mrs Brenda Hale  
Mr Chris Hazzard  
Miss Michelle McIlveen  
Mr Sean Rogers

**Witnesses:**

Mr Liam Mac Giolla Mheana	Comhairle na Gaelscolaíochta
Ms Nodlaig Ní Bhróllaigh	Comhairle na Gaelscolaíochta
Dr Micheál Ó Duibh	Comhairle na Gaelscolaíochta
Mr Caoimhín Ó Peatáin	Comhairle na Gaelscolaíochta

**The Chairperson:** I thank and welcome to the Committee the representatives of CnaG. Thank you for taking the time to come here and for your very detailed submission on the issues that you want to raise. I am entirely in your hands as to who will speak on behalf of the group, and members will then be able to ask questions.

**Mr Caoimhín Ó Peatáin (Comhairle na Gaelscolaíochta):** Mr Chairman, I am the chairperson of Comhairle na Gaelscolaíochta (CnaG). On behalf of the board of Comhairle na Gaelscolaíochta, I would like to thank you and your Committee for giving us the opportunity to present our concerns about the new Education Bill.

To introduce our group; on the far side is Dr Micheál Ó Duibh, who is our chief executive. With him are Ms Nodlaig Ní Bhróllaigh, who is our senior development officer, and Liam Mac Giolla Mheana, who is a senior education officer. Dr Ó Duibh will make our initial submission.

**Dr Micheál Ó Duibh (Comhairle na Gaelscolaíochta):** Go raibh maith agat, a Caoimhín. A Chathaoirligh, tá mé buíoch díot agus buíoch den Choiste as cuireadh a chur chugainne agus as deis éisteachta a thabhairt dúinn. I would very much like to thank the Committee and echo my chair's welcome to the opportunity for us to explain our submission in greater depth.

By way of introduction, Comhairle na Gaelscolaíochta is a council that is sponsored by the Department of Education (DE). It was established as a direct consequence of the Belfast Agreement under the statutory duty to encourage and facilitate Irish-medium education (IME). Article 89 of the Education Order 1998 allows DE to pay grants to a:

*"body appearing to the Department to have as an objective the encouragement or promotion of Irish-medium education."*

It is in that context that our body was established. Our functions are to provide assistance and advice in the establishment of Irish-medium provision, to promote the interests of Irish-medium education in promoting standards of good practice in schools and to represent the Irish-medium sector in broad terms.

To give you an understanding of the Irish-medium sector; in this part of Ireland, there are over 4,600 pupils in the sector, attending 46 preschools, 36 primary schools and four post-primary schools. We estimate that within the next 10 years, we will see a growth in the Irish-medium sector, bringing the number of pupils to between 8,000 and 10,000. Currently, 511 members of staff work in Irish-medium schools. There are Irish-medium schools in the controlled sector, in the Catholic maintained sector and in the other maintained sector. In conjunction with the Northern Ireland Council for Integrated Education, we have attempted to establish Irish-medium provision in integrated schools. We have not been successful as yet, but we will continue to try to encourage that provision and option within Irish-medium education.

On a North/South basis, over 50,000 pupils attend Irish-medium schools. If we look on an east-west basis, taking in here and Scotland, we are talking about 6,000 pupils in Irish-medium schools. Indeed, outside the UK, there is an Irish-medium school on the Isle of Man. That gives you an overall context.

The role of our organisation is to represent children, staff and schools in the sector and families and the wider Irish-medium community. We also advise the Department in all matters relating to Irish-medium education. It is envisaged that Comhairle na Gaelscolaíochta will become the sectoral support body for Irish-medium schools.

Considering the time constraints, with the permission of the Chair, we would like to focus on matters specific to Irish-medium education. I think that it would be helpful to inform the Committee that when it is considering the Bill, it should be viewed in the context of other legislation, policy, strategic reviews and strategies, namely: the European Charter for Regional or Minority Languages; the Good Friday/Belfast Agreement; article 89 of the Education Order 1998, with its duty to encourage and facilitate Irish-medium education; article 44 of the Education and Libraries Order 1986, which states that pupils shall be educated in accordance with the wishes of their parents; Part III of the Education Order 1997, which includes a right for parents to express a preference for the school to which they wish their child to be admitted, otherwise known as the open enrolment policy; 'Review of Irish-Medium Education Report', which was published by the Department of Education in 2009; and the most recent publication, 'Languages for the Future: Northern Ireland Languages Strategy', which was published in November 2012.

It is Comhairle na Gaelscolaíochta's opinion that the duty to encourage and facilitate Irish-medium education has not been fully considered in the Education Bill nor is it included in many of its parts, and that various amendments and additions will be required to ensure that the Bill is compliant with national and international legislation on this matter. The interpretation of DE's duty to encourage and facilitate Irish-medium education should also be considered in the context of the recent ruling of Mr Justice Treacy, who stated:

*"I do not accept the respondents contention that this duty is merely aspirational. The imposition of the statutory duty has and is intended to have practical consequences and legislative significance ... it may facilitate and encourage the IM [Irish-medium] post primary sector in ways that it need not for other sectors by taking positive steps or removing obstacles which inhibit the statutory objective. This does not appear to have been fully appreciated by the respondent. Accordingly, I consider that the respondent has failed to give proper weight and consideration to its obligation under Art 89 to encourage and facilitate the development of IM education."*

The respondent was the Department of Education. This ruling should guide the Committee when it is looking at and coming to its conclusions on the Education Bill. The Committee should have an appreciation of that legislation and the duty to encourage and facilitate Irish-medium education.

CnaG wishes to inform the Committee that the Education Bill does not adequately address the needs of the Irish-medium sector. Indeed, if, in the words of the Minister, we are to put all pupils first, including Irish-medium pupils, there is a requirement to realise the needs of the Irish-medium sector and view its needs in a different context to the needs of other sectors. In that context, CnaG would

like to present to the Committee its recommendations for amendments/additions to the Education Bill, and to do so in its role as the DE-sponsored council responsible for the provision of Irish-medium education and for developing matters in that area. In all of this, our focus is on children; to be precise, on those 4,691 children in Irish-medium schools. Our focus in all our recommendations is on ensuring that they are properly represented in the Education Bill and that their rights are respected.

You will have noticed that we have suggested a number of major and minor amendments in our submission. We would like to focus on five major areas. Those are the functions and general duty of the Education and Skills Authority (ESA), which is under suggested amendment 2; membership of the ESA board of directors, which is under suggested amendment 17; Irish-medium education ethos issues, which are under suggested amendments 4, 10, 11, 12 and 18; the definition of an Irish-medium school, which is under suggested amendments 20 and 5(b); and the role of Comhairle na Gaelscolaíochta as the sectoral support body, which is covered in suggested amendments 14, 16, 19 and 21.

CnaG believes that a duty to encourage and facilitate Irish-medium education should be included under the function and general duties of ESA. It is important that this duty is reflected in the duties of agencies of the Department of Education. If we look at the history of how Irish-medium education has been treated, we can see that it is very clear that the approach that one education and library board may have had has been, to put it nicely, different from that of another education and library board. One board's interpretation may be totally different from another board's interpretation. I think that this is a great opportunity to put that right and for everyone to be singing off the same hymn sheet when it comes to Irish-medium education.

The approach to Irish-medium education has been sporadic and has, at times, been based on earmarked funding through those agencies. It is not just education and library boards but other agencies of the Department of Education. There has been no obligation on these agencies to support Irish-medium education, and the people who suffer are the pupils in Irish-medium schools. If nothing else, Irish-medium pupils should at least be granted the same rights and opportunities as pupils who attend English-medium schools. Inclusion of this reference and of the duty to encourage and facilitate Irish-medium education would address a lot of those issues and would help to form a structure within ESA that would address the needs of Irish-medium education.

Turning to the most obvious stuff, we have had a review of Irish-medium education. A vast number of those recommendations have to be implemented by ESA. If ESA does not have a particular duty to encourage and facilitate Irish-medium education, it will be very problematic and difficult for ESA to focus on the recommendations of the review of Irish-medium education.

I want to focus on the membership of the ESA board, but before we talk about that, we need to have a realisation. I started my presentation by saying that Irish-medium education is available in all schools. Irish-medium education is not only a sector but a form of education. In Irish-medium schools, we have mainstream education and immersion education. So, there are Irish-medium controlled schools, Irish-medium Catholic maintained schools, Irish-medium other schools and, hopefully in the future, Irish-medium integrated schools. It is a different system of education, so we have to have an Education and Skills Authority that is fit for purpose and that can address all those needs. Everything that you require for mainstream education to make it fit for purpose, you require for immersion education, which is the type of education in Irish-medium schools.

We find it rather puzzling that appointments to the board of ESA have gone out to advertisement in the papers given that we are engaged in consultation. We find that rather baffling. Comhairle na Gaelscolaíochta would question the consultation process and the appointment process if we can progress with appointments before consultation and before everybody is happy with the Bill. That needs to be reflected, and that comment has to be made. I have mentioned that there is no representation for Irish-medium education on the board, yet we have 4,600-plus pupils and growing. Those pupils are entitled to a voice, as are the teachers and all parents who choose Irish-medium education. If we are to have a fit-for-purpose body to encourage and facilitate Irish-medium education, the sector needs to be represented at a very strategic level, indeed at board level. We need to have an expertise on the board; someone who understands immersion education. It not just a matter of right and equality but of an understanding, so that other sectors can be advised of the requirements of Irish-medium education. I also think that it is a matter of right and that it is an equality issue.

To put it as simply as possible: where is the voice for Irish-medium education on the board, and where is the expertise for immersion education on the board? Who will advise on the needs of Irish-medium education and Irish-medium controlled, Catholic maintained, other maintained and,

potentially, integrated schools? Are the 4,691 Irish-medium pupils and Irish-medium schools being represented here? We have to ask ourselves those questions. We should, by right, have representation on the board. It is a structural issue. If we have appropriate structures in place, we will have an education system that meets the needs of all pupils. If I am asked to — hopefully I will be — I can expand on the differences between immersion education and mainstream education.

The ethos issue is rather complex. It has been covered in our suggested amendments 4, 10, 11 and 12. This is something that the Irish-medium education sector is passionate about. No doubt other sectors are passionate about it as well. CnaG is concerned that the protection of the Irish-medium ethos, which is the defining characteristic of Irish-medium provision, is not being afforded the same protection as that of other sectors. Provision is made to allow the trustees of Catholic-maintained schools to be regarded as submitting authorities for the purpose of submitting schemes of employment. However, no provision is made for trustees of other schools, including Irish-medium schools. We have to address that issue.

The long-term maintenance and protection of the distinctive characteristics of Irish-medium schools should be vested in trustees. No one has consulted the trustees of Irish-medium schools — not as far as I am aware, anyway. I have written to the Department of Education to ask for a reply on that matter. The role of that ethos issue is entrusted to boards of governors but, ultimately, it lies with trustees of schools. We have to have an input. That constitutes the whole essence of Irish-medium education. It would be rather easy to just go to an English-medium school, but it is about an ethos. An ethos is important. I am sure that everybody on the Committee appreciates that.

I am conscious of time, so I will try to make my way through this as quickly as I can. These ethos issues are as relevant in controlled schools, Catholic-maintained schools and other maintained schools. It is about identifying characteristics of Irish-medium education that are relevant to all those schools. A substantial amount of work is required in that regard. That has to be reflected in the Bill. We have to respect the rights of those who choose Irish-medium education. Trustees are responsible for ethos issues. We do not think that that is reflected in the Bill in any way that would give any strength or assurance to the Irish-medium sector.

The current definition of "Irish-medium school" is:

*"a school is an Irish speaking school if more than one half of the teaching of—*

*(a) religious education; and*

*(b) the minimum content of the areas of learning other than that called Language and literacy,*

*is conducted (wholly or partly) in Irish, and 'school' includes part of a school."*

That is how we define an Irish-medium school. I think that we can be more simplistic about it. The review of Irish-medium education gives a very clear definition of Irish-medium schools. It defines an Irish-medium stand-alone primary school as a:

*"school teaching through the medium of Irish".*

It defines an Irish-medium stand-alone post-primary school as a post-primary school teaching through the medium of Irish. It defines an Irish-medium unit as a:

*"Setting attached to an English-medium school where the curriculum is delivered through the medium of Irish".*

It defines an Irish-medium stream as a:

*"Setting attached to an English-medium school, where the curriculum is delivered partly through Irish and partly through English".*

Those definitions are far more relevant. Indeed, there is no mention of Irish-medium schools in any part of the Bill; it is all about Irish-speaking schools. I wonder about that definition. I think that it is easily amended and that this is a good opportunity to do that.

Irish-medium schools are designated as other maintained schools. Consequently, they have no legal status as Irish-medium schools. Other schools have legal status, so why do Irish-medium schools not have a legal status? We seek to have that changed in the Bill so that we give Irish-medium schools legal status, as other schools have. Legal status is always provided for Catholic-maintained schools, controlled schools, voluntary grammars, and so on. Why not for Irish-medium schools as well?

Comhairle na Gaelscolaíochta has a role as a sectoral support body. It is reflected in our submission in suggested amendments 14, 16, 19 and 21. Currently, there is no legislation that states that Comhairle na Gaelscolaíochta has to be consulted in the establishment of Irish-medium provision. If we were established as the body to strategically develop Irish-medium education, surely we should have an input into where provision will be established in the future. If we have a legislative right to do that, it will certainly help and assist the development of schools in the context of area planning and the development of all schools in the sector and other sectors. In terms of amendments, under "Proposals as to primary and secondary education" we recommend the following addition:

*"... an Irish-medium school is submitted to ESA under paragraph (2), the person making the proposal shall consult with the Irish-medium sectoral body".*

I am sorry if that did not come across well. If this amendment is included in the Education Bill, it will ensure equality and assist in strategic development. Currently, anybody can establish a school, but there is no strategic sense behind it.

The Bill provides for the arrangements for the transfer of staff from DE to ESA. However, no similar arrangements have been made for the sectoral support bodies. If services are to transfer, it is only right that there is appropriate provision in the Bill to address this issue for the employees of the current sectoral support bodies. This is simply talking about people's rights as employees of current sectoral support bodies.

The Bill does not reflect the 1998 Education Order, in which Comhairle na Gaelscolaíochta was established and where article 89(2) states:

*"The Department may ... pay grants to any body appearing to the Department to have as an objective the encouragement or promotion of Irish-medium education."*

This is not reflected in the Bill. It should be in the Bill in order to meet the needs of Irish-medium education and have that interface between the sectoral support body, ESA, and DE, and, indeed, the Education and Training Inspectorate (ETI).

I thank the Committee for inviting us. I welcome questions and clarifications on any matter.

**The Chairperson:** Does anybody else want to make any other comments?

**Ms Nodlaig Ní Bhrólaigh (Comhairle na Gaelscolaíochta):** I would like to make a couple of points. I have a general point in relation to statutory duty, which needs to inform the entire process of the provisions of the Bill and the structure of ESA. I know that you are at the stage now when the third tier is being considered as regards appointments. So far, there are five directors in the second tier, none of whom have been identified as knowledgeable in relation to the Irish-medium sector.

With regard to the top tier, at board level, I refer to a comment that Mr Kinahan made in an interview, which is available on the website, in relation to checks and balances. Obviously, if there is a statutory duty on the education board to ensure that Irish-medium education is to be encouraged and facilitated, there would need to be a checks and balances provision at board level to ensure that that happens. It is simply to keep ESA right legally. It should inform the process, because if the statutory body is not designed or equipped to deal with the needs of the Irish-medium sector, I respectfully submit to members that you have a problem legally.

It should also inform all services across the board that ESA will provide. We had an instance in the Coláiste Feirste case that dealt with the transport service. This is one service that the authority will provide. In relation to that, we hear and see the problem where DE said that article 89 has absolutely no relevance to article 52 because that is a complete statutory scheme. In other words, this has been designed, it is there and you cannot tamper with it.

Therein lies the difficulty with what we have at the minute. We have statutory schemes that have not been equipped to deal with Irish-medium needs or that are designed or informed by the statutory duty, albeit it is a relatively new statutory duty. I came up against that problem, and the way it is defined in the review of Irish-medium education is that the Irish-medium sector, as a young sector, has come into the education scene here and is a bolt-on process. You have a policy, and you bolt something on to it to deal with our sector.

This is an opportunity now to get it right across the board. In relation to the Irish-medium education report, I refer you to recommendation 21, which is very strong. It states:

*"The Department of Education must ensure that appropriate support is provided for all existing and new schools, subject to their meeting agreed sustainability criteria, and that the needs of Irish-medium education are addressed in a fully integrated way by the Education and Skills Authority in the delivery of its services."*

Therefore, as regards service provision, this duty has to inform the process across the board.

I am glad to say that I am the chairperson of the first controlled Irish-medium school in the Western Board area. We have had the problem of rules designed for English-medium schools being applied to us. I will give you a practical example relating to the appointment of a principal. We said, "As regards the teaching appointments committee, we would need somebody who knows something about Irish-medium education to sit in and evaluate whether that principal is suitable for our school given its ethos and language element." The response we got was, "Well, our rules do not allow for that. They do not allow for you to bring an Irish-medium assessor into the board."

I think that this illustrates the difficulty that arises when you design a certain system or scheme without bearing in mind that there is very new sector for which there is a legal obligation on the Department to ensure that it is not only well catered for, but is actually facilitated, and that that form of education is encouraged.

That is my submission to members. Go raibh céad míle maith agaibh.

**The Chairperson:** Thank you very much. Are there any other comments before we go to questions?

**Dr Ó Duibh:** I would add to Nodlaig's point that we have an opportunity in this Bill to make the current rules and obligations that we have for education fit for purpose to meet the needs of the Irish-medium sector and others.

When Irish-medium education was first established in 1971 at Bunscoil Phobal Feirste in west Belfast, it came into a course that did not meet the needs of Irish-medium education or, indeed, of immersion education over mainstream education. We have an opportunity in the Education Bill. It is a great opportunity. There will be only one chance to do that. We have an obligation to do that.

**The Chairperson:** Thank you. Obviously, the situation in which you found yourselves in Dungiven was interesting. It threw up all sorts of queries and questions as to why and how an Irish-medium school found a home in the controlled sector and why it was unable, or there were not others who were willing, to make an accommodation. That has, obviously, raised some issues.

If I am listening correctly to what is being said, CnaG takes the view that the statutory requirement or duty placed on the Department to facilitate and promote Irish-medium education has not really delivered what you believed it was intended to deliver.

So, are the proposals set out in the paper that you gave us a means of trying to enhance or redress that? Last week, or the week before, we raised this issue with the Department. It tells us that although the Education (Northern Ireland) Order 1998 talks about Irish-medium education and not integrated education, the same order, as regards facilitation and promotion, applies to two sectors, the Irish-medium sector and the integrated sector. I do not want to pre-empt anything that Chris will say to us later. However, he will probably say that this is already in the 1998 Order, which is not being affected. So, how do you square that circle?

**Ms Ní Bhrólaigh:** I think that this is your opportunity to square that circle because if the process is informed by that duty, we will ensure that, across the board, as regards service provision, there is an understanding that this form of education has to be facilitated and encouraged.

If we decide to send children from Glenuillin to Maghera so that they can avail themselves of Irish-medium education, services would be informed that although it is not something that they might do ordinarily for the established sector, they have to go a step further for the Irish-medium sector. That is clearly how Mr Justice Treacy saw the obligation. There is no better man, if I may say so. On the statutory duty, he said:

*"The imposition of the statutory duty has and is intended to have practical consequences and legislative significance."*

However, with regard to the provision of bus services from Downpatrick to Coláiste Feirste, we did not see that statutory duty actually having the intended practical consequence.

**Dr Ó Duibh:** When we look at the duty to encourage and facilitate Irish-medium education, we have to put it in an overall international context. We have to look at the European Charter for Regional or Minority Languages. We have to realise that that is also apparent in Scottish Gaelic, which I mentioned earlier, and the Welsh language, and the progress that has been made in Wales and Scotland to encourage and facilitate Welsh-medium education and Scottish Gaelic-medium education. We should do likewise for Irish-medium education.

The language is a minority language and one that is in danger. We believe that we should encourage and facilitate it and have many languages. Multilingualism is a good thing in any part of any region, and all research reflects the advantages it has in giving some understanding of our culture, background and history. It is also very good health-wise and from an economic basis. Why not give all those opportunities to children through Irish-medium education?

What we have to do as part of our duty to encourage and facilitate Irish-medium language is to address the fact that there is now a choice of education in this jurisdiction. To provide for that, if parents choose Irish-medium education, we have to have a system that provides that choice.

Through no fault of the staff working in the education and library boards and DE, they are trying to fit a square into a circle in the current situation. We have an opportunity in this Bill to address the issue and — as you raised — to address the issue of what it is to encourage and facilitate Irish-medium education.

I imagine that the basis of your question was to ask when we will ever get to the stage when we do not have to do that any more, if I understand you right. If our proposed amendments are incorporated into the Bill, that will go a long way, and DE will be able to stand up proud and say that it is encouraging and facilitating Irish-medium education.

We have other issues regarding accommodation and Irish-medium schools. I could probably count on one hand the number of Irish-medium schools that have brick buildings. The rest are in prefabs. I think that this is unfair on parents and pupils when expecting them to make the choice with respect to Irish-medium schools.

If ESA has a duty to encourage and facilitate Irish-medium education as one of its main functions, everything else, in the structure of the organisation from board level to main functions, should come into place. If it does not, we will have a sectoral support body to ask various questions. It will have that questioning role. I think that is normal, day-in, day-out education.

If we have an ESA that can meet those needs, that will certainly go a long way. It will show that we are in a society that is equally open and welcoming to all pupils in all schools.

**Mr Hazzard:** Go raibh maith agaibh. You referred throughout — and rightly so — to article 89 of the 1998 Order, the Judge Treacy verdict, and how the Bill does not seem to take cognisance of the significance of those two things.

Will you outline the dangers for the future of Irish-medium education, and education in general, if the Bill is not amended properly? Also, in recommendation 11.2, you refer to the European Charter for Regional or Minority Languages and how, because it has been ratified by the UK, the Scottish Gaelic and Welsh perhaps do it a lot better than we do it here. What is needed to bridge the gap? What can the Bill do to bridge the gap so that the Irish language in the North is treated with the same respect as Scottish Gaelic or Welsh in the UK?



**Ms Ní Bhrólaigh:** There are some differences between the regions.

Scottish Gaelic schools have only, maybe, 1,000 pupils attending. It just does not have the same popularity, although they do have a language Act, which strengthens their position somewhat. It is surprising that they have a language Act and they actually have a very small number of speakers and a comparatively small number of children attending the schools.

Wales has a very strong Welsh Language Act and, therefore, has a very good structure. Welsh state schools provide bilingual education, which is actually the preferred choice of pupils. Obviously, they are getting the best services that the state can provide. They are state schools.

One reason why we decided to change status in Dungiven was because we felt that the structure and support that we would get from the controlled sector, as a controlled school, was something we felt would enhance the education that the children were getting.

The European charter has massive consequences for minority languages. There is no doubt that minority languages are threatened. Welsh has become very strong and is not under threat, but the Irish language would be. If we are trying to encourage this form of education, it is very difficult to do so if we do not have proper service provision. Ultimately, children are being sent to school to be educated. If we cannot ensure a good standard of education, we can forget about that. If there is to be genuine parental choice about whether people want their children to be educated in an Irish-medium or English-medium school, it is not so at the moment because parents do not think they will get as good a standard in the Irish-medium option.

We are committed to addressing standards but we cannot do so without proper service provision across the board in transport, curriculum support and educational resources that are of the same high calibre that you would get in the English-medium sector.

The Irish-medium report looks at all the areas in which improvement is needed. If you compare our sector to the integrated sector, the one thing that the Irish-medium report looks at is the amount of capital spend in the Irish-medium sector compared to that in the integrated sector. The gap is massive. In fact, the Irish-medium review recommended that the Department look at that gap and try to find a mechanism for addressing it. Obviously, we have the same legal status as integrated education.

**Dr Ó Duibh:** If the recommendations, or our amendments, are not included in the Bill, where will that leave Irish-medium education? There are two sides to this. First, it will probably put Irish-medium education back 40 years.

To the best of their ability, and with the best of the current legislation, the education and library boards are trying to meet needs. We are trying to deal with Irish-medium education in a system that is fit for purpose for mainstream education. Mainstream and immersion education are two different types, and we have to have an ESA that is prepared, equipped and funded appropriately to meet those needs. We can look at the sector, and at the bodies with responsibility for ensuring a high standard of education — DE, ESA, CCEA and ETI. It is challenging for all of them to address Irish-medium schools in a system that is not made for Irish-medium schools or immersion education, and we must be able to assist them in their approach.

One recommendation, probably, is that ETI should have a duty to encourage and facilitate Irish-medium education, because that, in itself, will open a lot of doors and make it a lot easier. It would do what the review of Irish-medium education has been requesting, which is to embed IME into the system; it would look at the system and make it fit for purpose.

This is about children and pupils. None of the children who go to Irish-medium schools has any concept of the other implications of choosing Irish-medium education, but it is a system that does well for them and provides them with a high standard of education. That is reflected in the recent inspectors' report for Bunscoil Phobal Feirste. It is an exceptional school in spite of all the obstacles. It just goes to show that we have Irish-medium schools that, even with all the obstacles and barriers, can still achieve excellence. Why not make it easier and have a system that encourages this, rather than one that makes it such a challenge? The review of Irish-medium education has tried to address that.

The review of Irish-medium education and its recommendations will not be implemented if ESA does not have a duty to do so. It is very easy to shelve the review and say that it was great and let us move on, or update it, review it, or do something else to it. When we have spent so much time and resources on a review of Irish-medium education, why not have an education and skills authority that is fit for purpose to implement those recommendations?

Again, to come back to your original question, Chair: when will we know when we have encouraged and facilitated Irish-medium education? If we can get ESA established and able to address those needs, that would take a lot of responsibility off the Department of Education. This is not about how we do it; it is about doing it, and we need ESA to be able to implement recommendations that are already there, rather than consulting again and again and working on it from a very local basis. Let us be strategic and look at this at the regional level, which is what our recommendations and amendments are trying to achieve.

**Ms Ní Bhrólaigh:** I suggest to members that this is an opportunity to get the Irish-medium sector into shape and bring it into line with departmental policy, which is to have equality between the sectors. To have equality between the sectors, when there is a very distinctive one with a language element, requires a sectorally sensitive approach, which we do not have.

**The Chairperson:** That phrase was used —

**Ms Ní Bhrólaigh:** It is an important phrase, which should be borne in mind. That is not to say, however, that the Bill does not try to address the duty — clause 2(5) relates to the duty to encourage and facilitate Irish-medium education — but it gives with one hand and takes away with the other. The clause says:

*"ESA shall ensure that its functions relating to grant-aided schools are (so far as they are capable of being so exercised) exercised with a view to encouraging and facilitating the development of education provided in an Irish speaking school."*

There again, the use of the phrase "Irish speaking school" does not really define the schools or the sector.

We suggest that the words in brackets are taken out, because it is saying on one hand that the functions have to be exercised with a view to encouraging and facilitating the development of Irish-medium education, but it takes them away by using the wording:

*"so far as they are capable of being so exercised".*

The statutory duty does not say that. It does not say that the Department of Education should exercise the statutory duty insofar as it is capable of being exercised, so why should it appear in the Bill?

**Mr Ó Peatáin:** Earlier, Chairperson, you felt a bit surprised that the new school in Dungiven wanted to be a controlled school. I would have thought that it was a no-brainer to be a controlled school with all the expertise of the board at its disposal.

There is a huge amount of expertise in our education and library boards across all education sectors. I worked for the Western Education and Library Board as an adviser teacher in the early 1990s when Irish-medium was in its infancy. With the best will in the world, the board found itself with the problem of how it was going to deal with the new boys on the block. There was no statutory regulation that it felt it had because it had no expertise in all the sectors, from transport to the curriculum advisory and support service to school meals and everything else, and nothing was written into law at that stage.

Now, there is a chance to Irish-medium-proof the Education Bill for all the services that ESA will have. All the expertise from the boards and from the other sectors that will transfer to ESA will be Irish-medium-proofed for the long-term benefit of our schools.

**Dr Ó Duibh:** What is our understanding of Irish-medium education? Is it a system or a sector? We will have to ponder those questions.

Let us imagine that it is a system of education. The Department of Education and the education and library boards deal with mainstream education. In the future, that will be dealt with by ESA. When you

are dealing with a system of education, that introduces a whole different context within which we approach Irish-medium education.

If there are Irish-medium schools in all sectors, surely there should be expertise at board level to give appropriate advice on what is required of those Irish-medium schools in those sectors. In considering structure levels and function levels, we should be able to address the needs of Irish-medium schools in all sectors, and do so in the context that it is an immersion system. This is a different system to mainstream education and it takes a different approach. We are not expecting anything better for Irish-medium education, but we are expecting a system of education that meets the needs of immersion and mainstream education in its approach. The needs may be equal, but they will also be different.

**Mr Hazzard:** It is alarming to hear that not getting this right could set Irish-medium education back half a century. I spent a morning with Naiscoil Chill Locha in Killough last week, and the positive difference that that preschool has made to the community in Killough has been unbelievable. Local people will tell you that, and I do not need to tell you that.

How important is it that we get the construction of the ESA board right? How would you like to see the board constructed? How important is it that Irish-medium education has a voice?

**Dr Ó Duibh:** Without having a voice at board level, Irish-medium education will be set back. In any board, you would expect there to be the expertise that is necessary to deliver education. If you do not have understanding and awareness of the needs of Irish-medium education or immersion education at the board level of an education and skills authority, those needs cannot be appreciated at the operational or strategic level.

There should be appropriate representation on the board to meet the needs of Irish-medium education. I would even go as far as saying that the representatives from the controlled sector, the Catholic maintained sector and the political sphere on the board should understand immersion education, because that is part of the education system and educational make-up here. If those people do not have the same appreciation of this type of education system as much as they do of mainstream education and English-medium schools in those sectors, they cannot deliver in the way that they would like to and meet the needs of all pupils, including the 4,691 pupils in Irish-medium schools — a number that is growing. We all have a responsibility to do the best we can.

One of the guiding principles of Comhairle na Gaelscolaíochta is the interest of the child, which should be in everybody's interest. We should have an interest in all pupils and be able to deliver an education system that is fit for purpose and will meet their needs. If we do not have that understanding or expertise at board level, we are going against that principle. It would be quite damning on us if we cannot get a system that will meet the needs of all children. By right, Irish-medium education should have a voice on the board, but that should not deter other sectors from appointing the appropriate representatives to be the voices of their Irish-medium schools.

**Ms Ní Bhrólaigh:** The Irish-medium sector is small, but it is a growth sector. So, although, at this stage, you are tailoring ESA for the schools that are under your regime, this is a growth sector.

One of the recommendations of the Irish-medium review was to increase access; so, we would like to see more Irish-medium schools in the controlled sector. We appreciate that this will not happen overnight, but we have programmes in place to try to increase that access.

In Dublin, a gaelscoil in Ranelagh just got a Better Ireland award because it has children from 17 nationalities. That is where we would like to be. We would like to be where they are in Wales, where everybody goes to the Welsh-speaking state school, regardless of religion or tradition. It will not happen overnight, and we appreciate that, but ESA has to be equipped to deal with it if it happens down the line.

**Dr Ó Duibh:** I also think that it is no excuse to say that this is a small sector. As it is a small sector and a growing sector, the challenge is greater. We have a lot of educationalists on various education boards and agencies, who are struggling with the challenge of Irish-medium education. We have to support those people in appreciating the needs of immersion education and Irish-medium education. If you do not have appreciation of those needs, you cannot deal with them.

For example, speech therapists may say to the parents of children who have difficulties with English: "Why burden yourself with a second language?", without appreciating that the second language could help the children rather than disadvantage them. It is being done not from any dislike for Irish-medium education but from a lack of knowledge.

We have to have educationalists who are properly skilled in order to meet the needs of various education systems here. If there is a core function in ESA to do that, then those things, within that structure, should happen automatically. The needs will certainly be addressed. Our system is far from fit-for-purpose at the moment, but if we have one that can address the needs and weaknesses in an education system, all the better for pupils.

This would be far more cost-effective than trying to ring-fence or apply for a grant here and there and submitting a business case here and there to meet a need. What you are doing, in fact, is patching up a system, rather than looking at it, finding its weaknesses and, if you like, taking it through an MOT and coming out good at the other side. This is the approach that we have to take with Irish-medium education. The Bill presents us with an opportunity to address these issues.

There are 24 recommendations in the review of Irish-medium education. I want to talk about accommodation, and I think that ESA could take responsibility for that. I would prefer it if ESA, rather than Comhairle na Gaelscolaíochta, identified appropriate sites and accommodation. It is not within our expertise to do this, but we have to do it because no one else is doing it. If you have an appropriate system, identifying a site is just that. There is no Irish-medium site or English-medium site: they are all the same. Bring this into area planning.

Let us look at the funding scheme for schools and how we can address that. If the expertise and understanding is in ESA, and there is a relationship between us, as the sectoral support body, ESA, as the education and skills authority, and DE, that relationship will address all those needs and will enhance collegiality and co-operation.

In the past, people were against the system, disagreed with it or were not knowledgeable about it. This will create an opportunity to address those issues. That is how it should be done in a society that is developing. Why not have a society that addresses all education systems and meets the needs of those people? That would be our approach.

**The Deputy Chairperson:** I apologise for the Chairperson having to leave. It was nothing to do with you. You were in full flow, and he wanted to let that carry on. Apologies from Mervyn.

**Mr Rogers:** Nodlaig, you mentioned assessors, and so on, with regard to appointing a principal. Leadership and management are equally important in every sector. How should ESA accommodate that?

**Ms N Ní Bhrólaigh:** It depends on who ESA foresees being in its structures. We are now at the third tier and, so far, there is nobody representing Irish-medium education or who is knowledgeable about Irish-medium education. If there is somebody there to inform that process, as a consequence, the rules can deal with an Irish-medium appointment. That is where the checks and balances would be. Therefore, if the situation arises again, and I imagine it will, that there is a controlled Irish-medium school, the appointments procedure will be designed and equipped to consider the ethos and linguistic element of an Irish-medium school. However, if you do not have somebody there to inform that process, the rules are going to be those for the English-medium sector, and we will have to try to work it in some way to suit our purposes as an Irish-medium school.

**Dr Ó Duibh:** There are umpteen examples of Irish-medium units within English-medium schools. There is an appointment system for principals of those schools. It is no disrespect to the English-medium school. In fact, there is a high level of education in the vast majority of, if not all, English-medium schools, regardless of what sector they are in. What happens in the classroom is of a high standard.

For the past number of years, the structure and how we address and facilitate it; how we have principals with an appreciation of immersion education, English-medium and Irish-medium; and the fact that we have models of Irish-medium and models of schooling, have created conflict rather than a spirit of collaboration and working together. We feel that ESA can address the issues with regard to appointments at board of governor level and at staff level. Those are issues that we are all aware of,

but we do not have systems to address them. We need to address those issues, and the opportunity to do so is in the Bill.

Comhairle na Gaelscolaíochta was established in 2000. We have a wide and in-depth knowledge of the needs of Irish-medium education. We can offer and bring those needs to the table. If they are incorporated into the Bill, we are addressing something so that, in the future, Comhairle na Gaelscolaíochta will not be addressing the same difficulties, time in, time out. This is an opportunity to address the issue; let us address it.

**The Deputy Chairperson:** Thank you. You have left us with a great deal to think about from a legal point of view and from the point of view of needing to get the Bill to sort everything out for every sector. We will take that on board. Please think about what the Chair said earlier: if there is more to come, please ensure that we get written evidence on other points, so that we can take it in before we get to the clause-by-clause scrutiny.

**Mr Hazzard:** As a Committee, we take the Department to task over various areas in which it fails to meet statutory requirements, etc. When it comes to Irish-medium education, the onus to encourage and facilitate has been set. It is not aspirational. Today, we have heard that it is going to be very important that the Committee takes the Department to task over this. There is a requirement to encourage and facilitate, not in an aspirational fashion but in a tangible and palpable way. It will be important for the Committee to consider that over the next few months.

**The Deputy Chairperson:** We will take that on board. We have a lot to sort out in the Bill in many different areas.