



**SUBMISSION FROM THE BOARD OF GOVERNORS OF BELFAST ROYAL
ACADEMY TO THE EDUCATION COMMITTEE AT STORMONT
RE: THE EDUCATION BILL**

EXECUTIVE SUMMARY

We welcome the opportunity to express our views and comments on the Bill during Committee Stage. While there are certain benefits in some of the changes proposed, including the amalgamation of the existing Education and Library Boards, there are many areas of concern, which directly threaten the future organisation and management of our school. As representatives of a Voluntary Grammar School, we are extremely concerned that the proposals contained in the Bill will dilute significantly the autonomy which has been enjoyed by schools such as this one for many years – in the case of this school for 225 years - and undermine the principle of academic selection.

In an article in the Irish News on 6th October 2012, Professor Patrick Murphy, a commentator on educational matters and former Chief Executive of the Belfast Institute of Further and Higher Education, stated the following:

“...Educationally, the big losers are the grammar schools which now enter the system’s mainstream administration for the first time. ESA will implement educational policy made by John O’Dowd”.

We note that issues raised by schools in other sectors have been addressed in this Bill and that these schools have been given representation on the ESA Board, through Sectoral Bodies. Despite educating one third of post-primary pupils, the Voluntary Grammar Sector has not been given any representation on the ESA Board, which appears to be discriminatory. In summary, our key concerns are as follows:

- Loss of employing authority rights
- Loss of autonomy
- Lack of representation of Voluntary Grammar Schools on the ESA Board
- The impact of Area Planning on the Education Sector and the ultimate aim to introduce uniformity of education provision by means of this initiative and to abolish academic selection and reduce parental choice.
- Reliability of financial estimates re savings from the establishment of the ESA

KEY ISSUES RE THE ESA

a. Employing Authority Rights

The Bill is unequivocal- stating that the ESA will be the Employing Authority for all staff in grant-aided schools. Information contained in the Heads of Agreement is contradictory to this, suggesting that Boards of Governors will continue to have the role of employer. However, it is understood that what is contained in Primary Legislation will be the overriding factor and it is impossible to have two Employing Authorities.

The implications of this are as follows:

- ESA will be the largest education authority in Europe, employing some 50,000 staff.
- All contracts of employment will be standardised. This will give flexibility to ESA and enable ESA as employer to transfer staff between educational institutions as the need arises. This is supported in a recent statement by the Minister of Education, in which he indicates that ESA, as Employing Authority, “*will focus on system-wide workforce planning and development*”. The effects of this could be that teachers would no longer have a loyalty to a particular school. This could impact negatively on the education of our young people.
- If staff do not have an affinity to a particular school, it is likely that staff will no longer be voluntarily involved in extra-curricular activities, such as sport, music, drama and school trips. An important aspect of school life and personal development, which is valued by employers, could therefore be lost.
- The contracts of all non-teaching staff will eventually be equalised at the highest level. For example, if a cleaner is paid an hourly rate of £9 in a particular school, all cleaning staff will be employed on a similar basis, otherwise there will be a raft of Equal Pay claims to ESA as Employer throughout the sector, making things extremely difficult for those involved in setting up systems and procedures for a large administrative body. The same will apply to all categories of staff. This clearly will have significant implications for school budgets, when applied across all categories of staff and result in a significant increase in costs across the sector.
- The fact that ESA will be the ‘employing authority’ dilutes significantly the powers of Boards of Governors, who have had this responsibility, as well as the responsibility for staff disciplinary issues. It is likely that the model proposed will be based on that of controlled schools, where the Education and Library Board has ultimate say, relative to appointments of staff, with ESA having a similar role for all schools. This particular model has caused significant problems in the past, resulting in an undue delay in the appointment of senior staff.

SUMMARY-We consider that it is imperative that an opt-out provision is included for schools which have always employed their own staff, otherwise the essential nature of these schools will be fundamentally changed. One possible option is for staff to be employed by ESA as the agent for the Board of Governors in schools which retain the Employing Authority role. The role of Boards of Governors as employer must be enshrined in Primary Legislation, as it is not sufficient to rely on the contradictory terms of the Heads of Agreement in this context.

b. Loss of Autonomy and the Erosion of the Voluntary Principle

It is important to note that the proposals, if implemented in their current form will result in a significant erosion in the autonomy of Boards of Governors of Voluntary Grammar Schools. This autonomy has been highly valued in the past and has proved to be very successful in the delivery of educational outcomes. The proposals in the Bill are in stark contrast to the initial proposals contained in the Policy Papers, which advocated 'maximised supported autonomy' for schools. The principles contained in these papers were in line with the developments in England, with the extension of the Academy model, offering greater autonomy for schools. It is interesting to note that in the Policy Papers, the administrative body to be set up was referred to as the "Education Support Body" rather than the "Education and Skills Authority". The terminology used shows how far proposals have moved from original intentions.

The principle of autonomy is also supported in the Strategic Review of Education undertaken by Sir George Bain, former Vice-Chancellor of Queen's University, Belfast. Reference is made in this report to the importance of "empowering" schools.

The Bill, if enacted in its current form will reduce the autonomy we currently enjoy for the following reasons:

- A current strength of the Voluntary Grammar Sector is the close link the Governors have with the school in which they serve on the Board, (with many being former pupils of the school) as they seek to see the ethos of the school perpetuated and academic results improved. Board members also reflect and act upon the concerns of the Staff, the Parents and the Pupils. In the proposed centralised model of accountability, the ethos and values of our school would be subordinate to and subsumed by the new controlling body of the Education and Skills Authority and its political masters.
- Members of the Board of Governors give voluntarily of their time to support the activities of the school and to provide advice on the strategic direction of the school. If ESA becomes responsible for key issues, such as appointments, disciplinary issues and financial management, it is likely that Board members will no longer wish to give of their expertise and skills, when they do not have ultimate decision making powers.
- At present we are able to take decisions quickly and efficiently without having to involve any additional bureaucratic layer. Our decisions reflect many important aspects of school life e.g. staffing, curriculum, estate management, relationships with other schools, and with the local community. This flexibility would end, with the formation of an all controlling body such as the ESA.
- In order to remain solvent, we have to be effective and prudent using sound financial management practices. Through the proposed new Bill the power to do so will be removed, as financial control will be effectively centralised. This model has not worked well for Education and Library Boards, which are centralised controlled centres on a much smaller scale than that proposed for the ESA. Many of these Boards have reported significant deficits. The Voluntary Grammar sector has in general been very effective in managing public funds, yet this level of autonomy is to be diluted.

- While schools can draw up their own Employment Schemes and Schemes of Management, ESA has the right to override these and substitute standard Schemes. Again, this is an example of the 'command and control' structure proposed and a reduction in autonomy for schools.
- While the Heads of Agreement states that there will be no change to the ownership arrangements which could negatively affect roles of Boards of Governors of a school, we note that "ESA may enter into contracts for, or in connection with, the provision or alteration of the premises of a grant-aided school". It is inappropriate that ESA would have the authority to do this, without the consent of the Board of Governors. The right to do this would further dilute the autonomy of Boards of Governors.
- In an article in the Irish News on 11th October 2012, the Minister of Education stated "*no school will be able to plan on its own in terms of its future*". The clear inference that voluntary schools will be unable to plan for the future is of extreme concern and undermines the basis of the voluntary principle.

Summary: It is imperative that there is no erosion of the autonomy currently enjoyed by many schools in the voluntary sector, and that the voluntary principle is extended, rather than being diluted.

c. Lack of representation on the ESA Board

- As noted above, great care has been taken in the Bill to ensure that the rights of all other school sectors, including the controlled sector and the maintained sector, are protected by having their own sectoral bodies and having ex officio positions on the ESA Board. The most noticeable omission in terms of the constitution of the ESA Board and the funding of sectoral bodies is the complete absence of any representation for the voluntary sector, even though this sector educates one third of pupils in the post primary sector.
If the alleged purpose of the legislation is to ensure administrative efficiency, increase educational standards and release a greater proportion of the education budget to schools, the deliberate attempt to weaken the voluntary principle appears to be part of a strategy to dismantle the influence of voluntary schools and to render that sector effectively redundant in future discussions about education in the Province. This appears to be directly discriminatory against the voluntary sector.

Summary: There must be the inclusion in the legislation for a sectoral body to represent the Voluntary Grammar Sector.

d. Area Planning and the introduction of a Comprehensive system of Education

In a recent report, a Minister has recognised Area Planning to be the "Trojan Horse" in this Bill and we concur with this view. We are extremely concerned that the ESA legislation will provide the legal and administrative basis for Area Planning for the following reasons:

- Commenting on the Education Bill, the Minister of Education stated in an article in the Irish News (Thursday Oct 11th 2012) **that ending academic selection remains THE goal during the coming years** “we will be in a different place. Area Planning will have kicked in. We will see the rationalisation of the schools’ estate.”

We note the intention to undermine our schools and end academic selection, by means of Area Planning. This is contrary to the principles established in the St Andrews Agreement and demonstrates that the proposed legislation can achieve the aim of the abolition of academic selection by a different means.

This is of extreme concern to the Board of Governors, as the core objective for a school such as ours, is to match academic aptitudes with specialist teaching provision and to promote social mobility. Over many years, we have achieved this important aim.

It is recognised that the starting point for this Bill was the rationalisation of the Education and Library Boards to achieve greater administrative efficiency. It is now evident that with the current political ideology, advantage has been taken of this initiative, to extend the principles to encompass the Voluntary Grammar Sector and indeed to dismantle the voluntary principle and academic selection. There is no doubt that the building blocks are now in place for the introduction of a system of comprehensive education.

We also note that area planning is to be the sole responsibility of ESA and that ESA has no obligation to consult Boards of Governors of grant-aided schools. This again is discriminatory. We feel that the legislation should be amended to ensure that Boards of Governors of grant-aided schools are involved in the consultation process.

Summary: In our view, it is imperative that academic selection is retained. The principle of parental choice in education is vital – to undermine this by abolishing academic selection could be in breach of Article 2 of the European Convention on Human Rights, which indicates that parents must have the right to choose education and teaching “in conformity with their own religious and philosophical convictions”.

e. Financial estimates re the establishment of the ESA

There does not appear to be any evidence to support the level of savings projected as a result of the establishment of the ESA. While the initial figures quoted were £20 million, current estimates suggest that the savings could be £40 million but there is nothing to support these optimistic projections.

The additional responsibilities to be taken on by ESA raise a serious question about the extent to which a single education authority will actually result in savings and the delegation of a higher proportion of funds to schools, which was one of the expressed aims. This aim was particularly welcome, given that just over 60% of funds are delegated directly to schools in Northern Ireland, compared to over 80% of funds delegated to schools in England.

As ESA will be the largest Employing Authority in Europe, a bureaucracy of that size will undoubtedly utilise a large slice of the education budget so that the percentage share of the budget which directly benefits children in the classroom in Northern Ireland is likely to remain significantly lower than that in England. The irony is that in seeking to act on an ideological basis, the initial aims and objectives of a reform of educational administration have been thwarted.

Summary: We would like to see how the projected savings following the establishment of ESA have been calculated and to have information on the costs to date relating to ESA.

We trust that our serious concerns with respect to this Bill will be taken into consideration as the Bill proceeds to Committee stage. We are convinced that the introduction of a 'Command and Control' model such as ESA, in conjunction with Area Planning and the Entitlement Framework will lead in the near future to the introduction of a comprehensive model for schools in the Province.

The Board of Governors endorses the amendments proposed by the Governing Bodies Association to the Education Bill, which address many but not all of the concerns which we have highlighted.