



**COMHAIRLE
NA GAELSCOLAÍOCHTA**

**View and Comments of Comhairle na Gaelscolaíochta
on the contents of Education Bill 2012**

16.11.12

Submission from Comhairle na Gaelscolaíochta

**(By Dr. Micheál Ó Duibh
Chief Executive Officer)**

Comhairle na Gaelscolaíochta (CnaG) welcomes the opportunity to make a submission to the Assembly Education Committee on the proposed Education Bill. This submission will consist of the following: an introduction to CnaG; our history; roles and responsibilities; and who we represent; our general comments on the Bill and our comments on the bill that pertain specifically to Irish-medium education (IME).

Introduction

CnaG is a Department of Education (DE) sponsored council responsible for the provision of advice pertaining to the development and provision of IME. CnaG was established as a direct consequence of the Belfast Agreement, which placed a statutory duty on DE *“to encourage and facilitate Irish medium education”*. Article 89 of the 1998 Education Order that followed the Belfast Agreement contained provision to allow DE to pay grants to any *“body appearing to the Department to have as an objective the encouragement or promotion of IME”*. In 2000 DE established CnaG to carry out this function.

There are currently over 4600 children attending IME provision in the north of Ireland, attending 46 preschools, 36 primary schools and 4 post-primary schools. We estimate that attendance figures will grow to between 8,000 and 10,000 over the next 10 years.

It is our role to represent the children, staff and schools in the IME sector and the wider IME community of families and communities. We advise the Department and others in relation to the specific needs of IM pupils, staff and schools. CnaG also lobbies on behalf of the sector and provide practical support and advice to parents wishing to establish IM provision in the areas, or who wish to access IM education. From a representative point of view CnaG participates on a wide variety of education workgroups and committees on behalf of the IM sector. It is envisaged that CnaG will become the sectoral support body for the IM sector.

Comments on the content of the Bill

CnaG welcomes the draft Education Bill. In particular we welcome the establishment of a single education authority to provide frontline services to schools and pupils. CnaG supports the aim of providing equitable provision across the whole of the north for all children irrespective of their school type or where they live. CnaG in particular welcomes the fact that ESA will have responsibility for youth provision as an integral part of educational provision.

We also welcome the fact that ESA will be the single employing authority for all staff in schools. We believe that this will facilitate ESA to make provision for Irish-speaking staff in IM schools and preschools.

Comments Specific to IME

CnaG welcomes this opportunity to highlight to the Committee for Education, that in CnaG's opinion, any consideration on matters pertaining to Irish-medium should be viewed alongside other legislative, policy, review and strategy contexts. The abovementioned contexts area as follows The European Charter for Regional and Minority Languages, The Good Friday/Belfast Agreement, Article 89 of the Education (Northern Ireland) Order 1998, Review of IME Report (2009), Languages for Future Northern Ireland Strategy (DE: November 2012).

Article 89 of the Education (Northern Ireland) Order 1998, as amended (the "1998 Order") arises from the Good Friday/Belfast Agreement and is also linked to the European Charter for Regional and Minority Languages. Article 89 clearly states the following in relation to IME.

"Irish-medium education

89.—(1) It shall be the duty of the Department to encourage and facilitate the development of IME education.

The Good Friday/Belfast Agreement from which this duty arises also outlines other duties incumbent on the DE as follows:

"Rights Safeguards and Equality of Opportunity

Economic, Social and Cultural Issues

4. In the context of active consideration currently being given to the UK signing the Council of Europe Charter for Regional or Minority Languages, the British Government will in particular in relation to the Irish language, where appropriate and where people so desire it:

- take resolute action to promote the language;
- facilitate and encourage the use of the language in speech and writing in public and private life where there is appropriate demand;
- seek to remove, where possible, restrictions which would discourage or work against the maintenance or development of the language;
- make provision for liaising with the Irish language community, representing their views to public authorities and investigating complaints;
- place a statutory duty on the DE to encourage and facilitate Irish medium education in line with current provision for integrated education;...(European Charter for Regional and Minority Languages)

CnaG wishes to advise the Committee for Education that in CnaG's opinion these duties have not been fully considered nor included in the wording of Education Bill 2012 in its current form and that various amendments and additions will be required in order to ensure that the Education Bill 2012 is compliant with European and international legislation. CnaG wishes to further advise the Committee for Education that any interpretation of DE's duties in relation to IME should be considered in the context of the 2011 ruling of Mr Justice Treacy, as outlined below:

"... [44] I do not accept the respondent's contention that this duty is merely aspirational. The imposition of the statutory duty has and is intended to have practical consequences and legislative significance. Thus it does not follow that the

proper discharge of this duty, for example in the field of transport, would set a precedent in respect of other education sectors to whom this statutory duty is *not* owed. As noted at para 7, the establishment of a (costly) precedent appears to have been decisive in the past in the respondent's negative response. However the respondent does *not* have a corresponding duty in relation to the traditional established educational sector. Accordingly it may facilitate and encourage the IM 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 Irish-medium education. Ground 1 is made out and the respondent will therefore need to give further consideration to the transport issue in the post-primary IME sector in light of the court's ruling" (Neutral Citation No. [2011] NIQB).

CnaG is of the opinion that the Committee for Education should not only take cognizance of the decision made by Mr Justice Treacy in its deliberations over Education Bill 2012, but also that this ruling should guide the Committee for Education in ensuring that the Education Bill is appropriately amended in such a fashion that realises Department of Education's duties as laid out in the Good Friday/Belfast Agreement.

CnaG would argue that Education Bill 2012 does not adequately address the needs of the IME sector. If we are to put all *pupils first* including Irish-medium pupils there is a requirement to realise the needs of the IME sector and view the needs of the IME sector in a different context to the needs of other sectors as explained in Mr Justice Treacy's ruling.

CnaG would in this context like to present to the Committee of Education our recommendations regarding amendments or additions to the Education Bill 2012 and do so as a DE sponsored council responsible for the provision of advice pertaining to the development and provision of IME.

Amendments/Additions to Education Bill 2012

There are several areas where CnaG believes that the Education Bill should be amended to meet the needs of IME pupils and the IME sector. Each of these areas is described below in a page by page of the Bill format.

Functions and general duty of ESA

CnaG believes that this section should include a reference to IME that would reflect DE's duty under the Belfast Agreement and under the 1998 Order that places a duty on DE "*to encourage and facilitate the development of IME*".

Specific reference is made in the Belfast Agreement to the role of DE in respect of IME. It is important that this duty is reflected in the duties of agencies of the Department including ESA.

Legislation for the establishment and functioning of previous agencies of DE has not included references to IME. As a consequence, support for IME from DE agencies (ELBs, CCEA, etc.) has been sporadic and dependent on specific earmarked funding from DE to these agencies. There has been no obligation on such agencies to support IM provision from their existing resources. Pupils in IM schools have not benefited from the same levels of services as EM schools as a consequence. Inclusion of the reference above will ensure that ESA will be required to carry out the duties of DE as an agency of DE in respect of IME from within its block grant. IM pupils and schools will receive the same service provision and support as those in the English-medium (EM) sectors.

Because of the wide ranging powers and all-encompassing roles envisaged for ESA it will be difficult for DE to give effect to its duties under Article 89 of the 1998 Order in respect of IME if this is not legislated for in this Bill.

CnaG further believes that ESA should have a role in contributing towards the linguistic development of children and young persons in Northern Ireland something which would complement *Languages for the Future: Northern Ireland Languages Strategy* (DE:

November 2012) and its recommendations and key objectives which was launched by The Minister of Education 15th November 2012:

Key objectives:

- To promote languages as a key skill for life
- To promote languages in education
- To broaden the range of appropriate language qualifications
- To encourage greater global awareness
- To improve language skills, particularly among children and young people
- To encourage communication and mutual understanding between members of different cultural backgrounds

Relevant Recommendations

Recommendation 8.1: That government and local government take the lead by carrying out audits of language and intercultural competence in all relevant departments and agencies, and that steps be taken to meet these needs through explicit inclusion in the recruitment process.

Recommendation 11.2: That the provisions of the European Charter for Regional or Minority Languages, ratified by the government of the United Kingdom, are fully applied and that, as an officially recognised indigenous language on an equal footing with Scottish Gaelic and Welsh, Irish should be afforded the full status and privileges that such standing entails.

CnaG, therefore, recommends under *Functions and general duty of ESA* the following amendments:

Amendment/Addition 1: Page 1: In Section 2 (a) and (b) the inclusion of the word *linguistic* to read as follows:

(2) It is the duty of ESA (so far as its powers extend)

(a) to contribute towards the spiritual, moral, cultural, social, intellectual, linguistic and physical development of children and young persons in Northern Ireland and thereby

of the community at large by ensuring that efficient and effective primary and secondary education and educational services are available to meet the needs of such children and young persons;

(b) to ensure the provision of efficient and effective youth services that contribute towards the spiritual, moral, cultural, social, intellectual, **linguistic** and physical development of those for whom those services are provided;

Amendment/Addition 2: Page 2: In relation to DE’s duty to encourage and facilitate IME CnaG recommends that an additional duty should be added to Section 2 which should read as follows “to encourage and facilitate the development of IME”.

Throughout the Education Bill there is wording that would appear to be ambiguous where clarification may assist in future interpretation. CnaG would like, therefore to suggest other forms of wording to provide clarity and avoid ambiguity or misinterpretation.

Amendment/Addition 3: Page 2: CnaG recommends that the wording of Section 5 should, therefore, be amended as such:

Current wording: *(5) 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.*

Amended wording: *(5) ESA shall ensure that its functions relating to grant-aided schools are exercised with a view to encouraging and facilitating the development of Irish-medium education.*

Page 2: Under the section *ESA to be single employing authority for grant-aided schools* CnaG is concerned that the protection of the IM ethos; the defining characteristics of IM provision is not being afforded the same protection as that of other sectors, in particular that of the Catholic-managed sector.

Under this section, provision is made to allow the trustees of Catholic Maintained Schools to be regarded as the “**submitting authority**” for the purposes of submitting **schemes of employment**; however, no such provision is made for trustees of other schools including IM schools. (Trustees are, however, afforded a role in the establishment of new schools).

The long term maintenance and protection of the distinctive characteristics of an IM school are vested in the trustees of the school. This duty is entrusted into the care of the Board of Governors. However, ultimately, the responsibility lies with the trustees to maintain and protect these characteristics, which constitute the essence of IM provision.

CnaG requires provision to be made in the Bill for trustees of IM schools to be the “**submitting authority**” for IM schools. CnaG is seeking that provision is also made to allow for the duties in respect of “**submitting authorities**” to be delegated to Board of Governors where trustees so decide. CnaG, therefore, recommends the following:

Amendment/Addition 4: (2) Sections 4 to 10 and Schedule 2 make further provision in connection with that made by subsection (1) and in those sections and that Schedule and in sections 12 and 13

(a) “the submitting authority”, in relation to a grant-aided school, means

(iii) in the case of a controlled or grant-maintained Irish-medium school, the trustees of the school or (if the trustees so determine) the Board of Governors of the school;

Amendment/Addition 5(a): *Page 7: Under the section Transfer to ESA of staff employed by Boards of Governors CnaG recommends the wording other maintained is added although our preference is explained in **Amendment/Addition 5(b)** as explained below. The vast majority of Irish-medium schools are categorised as other maintained and as such this categorisation appears to be absent from the Bill in its current form. CnaG would, therefore, recommend the following:*

Current wording: 10 (2) (a) voluntary schools, other than Catholic maintained schools; and

Amended wording: 10 (2) (a) voluntary schools, other than Catholic and other maintained schools; and

Amendment/Addition 5(b): Irish-medium Schools. Currently, IM schools are designated as other maintained schools, and consequently have no legal status as IM schools. CnaG seeks an addition to the Bill allowing for the designation of a school, for the purposes of the Education Orders, as an Irish-medium school. The Bill already contains provision for determining how a school should be designated as a particular type of school in relation to Catholic Maintained schools. This power also exists already for designation of Controlled status, Controlled Integrated and Voluntary Grammar schools as grammar schools.

CnaG proposes an addition to the Bill to provide for this in a section entitled Irish-medium schools.

Amendment/Addition 6: Page 7: Under *ESA to employ peripatetic teachers* additions and amendments area required under 11 (2) to meet educational requirements of IM pupils in accordance with good practice and should read as follows:

ESA to employ peripatetic teachers

11.(1) ESA may, in accordance with a scheme under this section, employ peripatetic teachers.

(2) In the Education Orders “peripatetic teacher” means a teacher employed—

(a) to teach a particular subject or group of subjects in a number of schools or otherwise than in a school; or

(b) for the purposes of making special educational provision whether in a school or otherwise.

(c) to teach through Irish in relation to 2(a) and 2 (b) where relevant.

Amendment/Addition 7: Amendment/Addition 7: Page 7-8: Under *Salaries, etc. of staff: administrative and financial arrangements* appropriate reference should be made to other maintained school. The vast majority of Irish-medium schools are categorised as

other maintained and as such the categorisation appears to be absent from the Bill in its current form *maintained* [See amendment/addition 5(b)].

Amendment/Addition 8: Pages 11-13: Under *Other functions of ESA* appropriate reference should be made to other maintained school considering that vast majority of Irish-medium schools are categorised as *other maintained* [See amendment/addition 5(b)].

Amendment/Addition 9: Page 15 under section *Involvement of relevant interests* the following addition is required in order to ensure and safe guard DE’s duty to encourage and facilitate the development of Irish-medium education. It is, therefore, recommended under 28 (3) that wording such as “... Any such decision will only be taken after appropriate consideration of DE statutory duties in consultation with the DE” is included.

Recommended wording under 28 (3): (3) But the duty in subsection (1) does not apply in relation to the preparation of a revised plan for an area if ESA determines that the changes to the plan for the area are not of sufficient importance to warrant the involvement and consultation mentioned in that subsection. *Any such decision will only be taken after appropriate consideration of DE statutory duties in consultation with the DE.*

Amendment/Addition 10: Page 17: under section *Schemes of Management* clause (5) CnaG would caution that the proposed legislation affords no protection for the characteristics of IM provision in a school. Therefore, practice may vary from time to time, and from school to school, resulting in the erosion of IM characteristics. For example, this may happen in response to the constraints on the school – e.g. school budget, staffing, accommodation, etc.

The distinctive characteristics of IME, that constitute the essence of IME, need to be maintained and protected in schools. This will ensure continued access to IM education in schools that have been established by parents for this purpose, and ensure that the IM status of the schools cannot be altered. It will also ensure high levels of educational attainment in respect of language acquisition and usage.

CnaG therefore, is proposing amendments to the legislation to protect and maintain the status of IM provision in the longer term, and to bring arrangements in relation to IM schools in line with that of other sectors. CnaG, therefore, recommends the following:

Page 17: under section Schemes of Management clause (6) CnaG recommends the following rewording:

Current wording: The scheme of management for a grant-aided school of which a part is Irish speaking shall require the Board of Governors to use its best endeavours to ensure that the management, control and ethos of the school are such as are likely to ensure the continuing viability of the Irish speaking part of the school:

Amended wording: The scheme of management for a grant-aided school of which a part is Irish speaking shall require the Board of Governors to ensure that the management, control and ethos of the school are such as to ensure the continuing viability of the Irish speaking part of the school.

Amendment/Addition 10: *Page 18: under section Schemes of Management (7) (b) CnaG recommends the following addition “...(c) in the case of a controlled or grant-maintained Irish-medium school, the trustees of the school or (if the trustees so determine) the Board of Governors of the school”. This is to recognize that there are IM schools in the controlled sector.*

(7) In this section and sections 35 to 37 “the submitting authority”, in relation to a grant-aided school, means—

(a) in the case of a controlled or grant-maintained integrated school, the Board of Governors of the school;

(b) in the case of a voluntary school, the trustees of the school or (if the trustees so determine) the Board of Governors of the school.

(c) in the case of a controlled or grant-maintained Irish-medium school, the trustees of the school or (if the trustees so determine) the Board of Governors of the school.

Amendment/Addition 11: *Page 21: under Appointment by ESA of governors for controlled, maintained, grant-maintained integrated and certain voluntary grammar schools (39) (1) (7b) CnaG recommends the following addition in order to provide clarification regarding ethos in IM schools and to provide appropriate safeguards;*
(b) in the case of a school which is an Irish speaking school or part of which is Irish speaking, to choose for appointment persons appearing to ESA to be committed to the continuing viability of the school including issues pertaining to ethos as an Irish speaking school or (as the case may be) to the continuing viability of the Irish speaking part of the school.”.

Amendment/Addition 12: *Page 22: As above under Appointment by ESA of governors for controlled, maintained, grant-maintained integrated and certain voluntary grammar schools (39) (2) (3a) CnaG recommends the following addition in order to provide clarification regarding ethos in IM schools and to provide appropriate safeguards.*
(b) in the case of a school which is an Irish speaking school or part of which is Irish speaking, to choose for appointment persons appearing to ESA to be committed to the continuing viability of the school including issues pertaining to ethos as an Irish speaking school or (as the case may be) to the continuing viability of the Irish speaking part of the school.”;

Amendment/Addition 13: *Page 24: under Inspections, Inspections on behalf of the Department (44) CnaG recommends the following to read as follows: “...It is the duty of inspectors, where possible, to take cognizance of and to comply with the DE duty to encourage and facilitate IME”. This is to enable ETI to come into line with international and European legislation in relation to IME. This would also assist ETI in implementing the recommendations within the Languages for the *Future Northern Ireland Languages Strategy*:*

Proposed wording: (4) It is the duty of inspectors to promote the highest standards of education and of professional practice among teachers in establishments mentioned in subsection (2) which provide education by—

(a) monitoring, inspecting and reporting on the standard of education being provided in those establishments and the standards of professional practice among teachers

on the staff of such establishments;

(b) advising the Department on any aspect of any of those establishments which the Department may refer to them or on which they think advice is appropriate.

(c) It is the duty of inspectors, where possible, to take cognizance of and to comply with the DE duty to encourage and facilitate Irish-medium education.

Amendment/Addition 14: Page 25: under *Reports and actions plans* (46) (1b) CnaG recommends the following addition “...the sectoral support body,” in order to avoid misinterpretation and ambiguity:

(b) send copies of the report to the Department, ESA, the sectoral support body, the responsible authority for the establishment and such other persons as that person thinks appropriate.

Amendment/Addition 15: Page 25: under *Part 6. Miscellaneous and Supplementary, General duty of the Department and DEL* (3) (1) CnaG recommends the following addition “...to encourage and facilitate the development of IME” to avoid ambiguity and provide clarification.

General duty of the Department and DEL

3(1) It is the duty of the Department...

(g) to encourage and facilitate the development of IME.

Amendment/Addition 16: Page 26: under *Part 6. Miscellaneous and Supplementary, Grants for educational and youth services, etc.* (61) (1) CnaG recommends the following addition “...(d) pay grants to any body appearing to the Department to have as an objective the encouragement or promotion of IME” as this is clearly stated in Article 89 of Education (Northern Ireland) Order 1998, as amended (the “1998 Order”), concerns Irish-medium education. It states:

“Irish-medium education

89. _

(2) 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.

Recommended wording:

Grants for educational and youth services, etc.

61. In Article 115 of the 1986 Order (grants for educational and other purposes) for paragraphs (1) to (3) substitute—

“(1) The Department may pay grants to persons in respect of expenditure incurred or to be incurred by them...

(d) pay grants to any body appearing to the Department to have as an objective the encouragement or promotion of IME

Amendment/Addition 17: Page 39: under *The Education and Skills Authority, membership Grants for educational and youth services, etc.*(2) (c iii) CnaG recommends the following addition “...2 shall be persons appearing to the Department, so far as practicable, to be representative of Irish-medium Schools”. CnaG believes that the IME sector, in accordance with DE’s duty, should be afforded appropriate representation by right on the ESA Board. CnaG further believes and this is an equality issue and that Mr Justice Treacy’s ruling would need to be considered in this context.

Further to this in order for ESA to carry out its roles and functions it needs to have an appropriate understanding at strategic level of immersion education which is separate and different to the educational system used in English-medium Schools. Without IME representation at ESA Board level there is a high likelihood that ESA could fail to carry out its duties and functions in relation to the IME sector and its pupils. Comhairle na Gaelscolaíochta would also recommend likewise representation is required for the Integrated Sector.

Comhairle na Gaelscolaíochta, therefore, would recommend the following wording:

Membership

2.—(1) *ESA shall consist of—*

(a) a Chair appointed by the Department,

(b) 8 persons nominated in accordance with paragraph 3 (“political members”), and

(c) 12 persons appointed by the Department (“appointed members”) of whom—

(i) 4 shall be persons appearing to the Department to represent the interests of transferors of controlled schools, appointed after consultation with persons or bodies appearing to the Department to represent such interests;

(ii) 4 shall be persons appearing to the Department to represent the interests of trustees of maintained schools, appointed after consultation with persons or bodies appearing to the Department to represent such interests; and

(iii) 2 shall be persons appearing to the Department, so far as practicable, to be representative of Irish-medium Schools.

(iv) 2 shall be persons appearing to the Department, so far as practicable, to be representative of Integrated Schools.

Amendment/Addition 18: Page 53: Under *Schedule 4, Transfer of Assets. Liabilities and staff dissolved Bodies* CnaG would like to advise that it is not aware of any consultation which has taken place with trustees within the IME sector and as such would recommend that such consultation should take place in order to afford trustees the IME sector the same opportunity as was afforded to other sectors and also to avoid any legal challenges.

Amendment/Addition 19: Page 55: Under *Schedule 6, Transfer of Certain Staff of the Department* CnaG recommends that likewise arrangements, as laid out for DE staff, should be made for staff for sectoral support bodies.

There is currently no arrangement in place to secure the effective transfer to ESA of CnaG staff involved at present in the provision of direct services to schools. Once ESA is established it is intended that the responsibility for direct services currently delivered by CnaG and NICIE will pass to ESA. The Bill only provides for the transfer of CCMS staff and certain staff of the DE to ESA.

CnaG believes that the Bill should also contain provision to include other bodies that have been designated as affected bodies for the purposes of the RPA, of which certain staff will transfer to ESA; namely CnaG and NICIE. A transfer schedule will allow for the transfer of staff to ESA from these affected organisations. Otherwise, staff in CnaG engaged in the delivery of direct services to schools will be required to transfer to ESA without the cover of legislation in relation to pensions and other rights.

Amendment/Addition 20: Page 57: CnaG recommends that the definite of Irish-medium provision as defined in Article 3(2) of the 2006 Order should be revised and brought into line with the definition of various types of Irish-medium provision as defined in the Review of IME considering that the current definition is out of date and non-sensical. IM providers should be defined as follows:

- IM stand-alone primary school: School teaching through the medium of Irish
- IM stand-alone post-primary : Post-primary school teaching through the medium of Irish
- IM Unit: Setting attached to an English-medium school where the curriculum is delivered through the medium of Irish
- IM Stream: Setting attached to an English-medium school, where the curriculum is delivered partly through Irish and partly through English

Amendment/Addition 21: Page 59: under *Proposals as to primary and secondary education* (14 (6), CnaG recommends 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”. This would ensure equality and assist in strategic development.

Proposed wording:

(6) Before a proposal to establish a new school which would be

(a) a Catholic maintained school is submitted to ESA under paragraph (2), the person making the proposal shall consult the Bishop of the Roman Catholic diocese in which the school is to be situated.

(b) an Irish-medium school is submitted to ESA under paragraph (2), the person making

the proposal shall consult with the Irish-medium sectoral body.

Amendments/Additions 22: Page 61: under Article 14: (6) CnaG recommends the following addition “...In determining under Article 14(10) whether to approve (with or without modifications) a proposal under Article 14(1), (2) or (3)(a), the Department shall take into consideration its statutory duties in relation to IME” to read as follows:

Current Wording: In determining under Article 14(10) whether to approve (with or without modifications) a proposal under Article 14(1), (2) or (3)(a), the Department shall act in conformity with the plan.”.

Proposed wording: In determining under Article 14(10) whether to approve (with or without modifications) a proposal under Article 14(1), (2) or (3)(a), the Department shall take into consideration its statutory duties in relation to IME.

Amendments/Additions 23: Trustees of Irish-medium schools and units: To secure the maintenance and protection of the IM ethos in IM schools and units, CnaG is seeking to have the role and authority of trustees of IM provision recognised in legislation. We also seek to have the status of an IM school recognised and strengthened in legislation.

The CnaG proposal in respect of trustees is based on that currently in place for the Catholic Maintained sector. The CnaG proposal in respect of recognition of the status of an IM school as such, is in line with that in place for all other types of school (Controlled, Controlled Integrated, Catholic Maintained and Voluntary).

CnaG is seeking that a proposal to establish an IM school or unit is identified as such, and that this is provided for in legislation. In this context, CnaG is seeking to ensure that trustees and those charged with supporting the development of future IM provision have a role in the decision-making processes and consultation relating to when and where new IM provision is established. This will ensure that a strategic approach to the development of new IM provision is maintained, and will minimise the potential for parent groups to establish new provision without reference to the impact of the proposed new provision on existing schools.

The proposed amendments will place IM schools on a par with Catholic Maintained schools, and schools in other sectors, and ensure that those charged with the strategic development of the IM sector are consulted in relation to development proposals.

CnaG is also proposing that official legislative recognition is given to the status of an IM school and unit, that trustees of IM schools are afforded the same roles as the Catholic Trustees, that those acting on behalf of IM trustees are consulted in relation to changes to existing IM provision and in relation to the establishment of new provision. As this issue has not been satisfactorily addressed in the Bill CnaG suggests the overall wording of the Bill is revised to address the definition of IM schools, the roles of IM trustees, representation of an IM voice of boards of governors of schools with Irish-medium units. CnaG also advises that IM trustees should have a consultative role in the establishment of any new IM provision in order to ensure a strategic approach meets the needs of the IME sector. This may be facilitated through the IM sectoral body, Comhairle na Gaelscolaíochta.

Review of Irish-medium Education Policy and its recommendations

The requirement of the Bill to define the duty to encourage and facilitate Irish-medium education as a function of ESA is even more crucial considering the crucial role that ESA will have in the implementation of recommendations in the Review of Irish-medium Education as listed below:

Support for Educators

- Recommendation 11: Boards of Governors
 - ii. In delivering common support services in a sectorally-sensitive way, ESA should ensure that the particular needs of Irish-medium schools are addressed in the training for Governors.

- Recommendation 14: Teachers' Continuing Professional Development

All principals and teachers, including those in Irish-medium, should make best use of the available opportunities for training, and should receive common support services from ESA in a sectorally-sensitive way, to help them prioritise their continuing professional development.

Educational Resources

- Recommendation 16: Curriculum and Teaching Resources
 - iv. Existing classroom resources, such as those developed by teachers in the sector, should be identified and shared by ESA in support of good practice and raising educational standards.

Issues facing Small Irish-medium Primary Schools

- Recommendation 6: Sustainable Irish-medium Primary Education – Developing New Provision through Federation

11.19) Providing for the capital needs of a site will ensure that learners are in a fit-for-purpose environment. This could be taken forward in a number of ways, for example by utilising existing vacant accommodation, or by providing new permanent or semi-permanent structures. ESA would deliver the policy framework set out here, and would be key to addressing such implementation issues on a case-by-case basis. The Department of Education should ensure federated schools are adequately resourced.

Existing Irish-medium Primary Schools: Accommodation Issues

- Recommendation 7: Sustainable Irish-medium Primary Education – Centrality of Federation to Developing New Provision

The Project Board is firmly of the view that children in state-funded education should have accommodation appropriate to their learning needs and social and personal development. The Project Board recognises that local Area Based Planning, developed under the auspices of ESA in future and taking account of parental demand, should mean that new Irish-medium and English-medium provision,

approved in the context of Area Based Plans, should be in suitable accommodation. This could be ensured by the provision of high-quality temporary accommodation in the first instance, followed by permanent buildings once long-term viability, as set out in the Sustainable Schools Policy, has been established. The recommendation on federation provides a flexible mechanism for meeting the needs of Irish-medium Education within this framework.

11.28) Iontaobhas na Gaelscolaíochta has provided a means for parents, front-line providers and representatives of the Irish-medium community to play a key part in the decision-making about the establishment of Irish-medium provision: in future this will continue to be available through local Area Based Planning, under ESA.

11.31) The Project Board is of the view that the core issues are:

That viable schools that have been recognised by the Department of Education for funding (recurrent or capital) should be in accommodation that is suitable for education in the twenty first century; and

The ultimate responsibility for ensuring mechanisms are in place to provide suitable accommodation should rest with the Department of Education (the current mechanisms involve Iontaobhas na Gaelscolaíochta in the early years of the school, and in future ESA will have a role in ensuring accommodation is suitable).

- **Geographical Challenge for Irish-medium Post-primary Provision**

12.10) The Project Board considers that development of Irish-medium post-primary education faces a distinct geographical challenge, of ensuring that future provision is sited at the optimum location for its catchment area. It is to be expected that parents look carefully at educational quality in choosing a school for their children. At post-primary level the government policy on raising standards will require all schools in all sectors to identify and avail of opportunities for collaboration to support access to the entitlement framework.

This will need to be taken forward in collaboration with ESA, which will be required to provide sectorally-sensitive support, and arrangements must optimise fit with existing support structures, such as school transport systems. It will be critical for

Irish-medium provision that is new or still growing towards sustainability, to utilise fully the assistance of the Education and Skills Authority in drawing on existing facilities and services.

Supporting children with Special Educational Needs

- 15.4) Irish-medium Education is an integral part of the education system, and the children in IME must have proper support for their needs. ESA will need to provide sectorally-sensitive support in response to the needs of the sector.

Conclusion

CnaG, as the Department of Education (DE) sponsored council responsible for the provision of advice pertaining to the development and provision of IME is appreciative of this opportunity to submit its views/comments on the contents of the Bill and hopes that they will be given due and careful consideration. CnaG would also like to offer the opportunity to provide clarification on any points, recommendations, suggestions, amendments or additions mentioned in this submission.