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Mr Peter McCallion,
Clerk of the Education Committee,
The Northern Ireland Assembly,
Room 243,
Parliament Buildings,
Stormont,
Belfast, BT4 3XX

**Re: Submission by the Northern Ireland Commission for Catholic Education
on the Education Bill (NI)**

Dear Mr McCallion,

Please find attached the observations of the Northern Ireland Commission for Catholic Education (NICCE) on the Education Bill currently under consideration by the Education Committee of the Northern Ireland Assembly.

The Commission represents the Trustees of the more than 500 Catholic schools in Northern Ireland. A delegation from NICCE will be happy to provide further elaboration on the points raised in the attached submission at their meeting with the Education Committee scheduled for Wednesday 12 December 2012.

In the meantime, should you require any further information please do not hesitate the Chair of the Commission, Bishop Donal McKeown or in his absence, Fr Timothy Bartlett.

Thank you on behalf of the Commission for your assistance with this matter.

With every good wish.

Yours sincerely,

+ Seán Card. Brady

Cardinal Seán Brady,
Archbishop of Armagh

Comment on Proposed Education Bill on Behalf of the Trustees of Catholic Voluntary and Voluntary Maintained School and the Council for Catholic Maintained Schools

The Northern Ireland Commission for Catholic Education represents the Trustees of all 500+ Catholic schools in Northern Ireland. These schools have been chosen by parents of nearly half of the school-going population as the preferred option for their children. Trustees, Governors, staff, parents and communities have a long tradition of working together so as to deliver educational and social outcomes that set the standard for other sectors.

Catholic schools offer a particular model of education that is open to – and increasingly chosen by – parents of all faith backgrounds and none. In our education sector we seek to emphasise the following key principles that arise from Catholic Social Teaching.

1. The promotion of human dignity. The focus has to remain of developing the self-respect and active participation of all parties in education – children, families, educators, administrators and communities.
2. Service of the Common Good. The community of schools is intended to serve the welfare of all individuals in society, and not just of part of it.
3. Promotion of solidarity. Partnership is a core part of the context and the content of education. Schools are not free-standing institutions answerable only to themselves.
4. Emphasis on subsidiarity. Decision-making should be promoted as close to the local school community as possible. Co-ordinated management structures have value only when they serve and support local decision-making.

As owners of schools, we do not merely wish to retain rights. Rather, we are committed to an on-going active role in the service of high quality outcomes, reconciliation, community cohesion and a vibrant and entrepreneurial economy.

The proposed ESA legislation presents an opportunity to promote improvement in the management of the entire state-funded education system. Our comments below are intended to support progress towards a system that takes the best of what we have already and improves those elements which have let down too many of our children in the past.

Clause 3 (4)

We do not believe that this is legislatively sound as the Heads of Agreement were a political device not intended for nor suited to a legislative purpose. We believe that the same standard should be applied to the Scheme of Employment submitted by the Trustees for Catholic schools as to that provided by any other submitting authority.

Clause 3 (5)

We do not consider this necessary as admission criteria are subject to other legislation and it is not a matter which has any relevance to a Scheme of Employment. This clause should be removed.

Clause 33 (5)

We understand that this clause refers specifically to ensuring that the Board of Governors of a school which has an Irish-medium unit has a capacity to ensure the continuing viability of the Irish-medium component of the school. It throws into relief the failure of the Bill to give a similar protection to Catholic (or other faith based) schools or controlled schools. We acknowledge that this might be done through the Scheme of Management but only if there is a definition of a Catholic school which is absent from the current draft of the Bill.

Clause 34 (9)

We do not believe that this is legislatively sound as the Heads of Agreement were a political device not intended for nor suited to a legislative purpose. We believe that the same standard should be applied to the Scheme of Employment submitted by the Trustees for Catholic schools as to that provided by any other submitting authority.

Clause 34 (10)

Our comments in relation to a similar statement in Clause 3 (5) apply here with respect to the Scheme of Management.

Clause 39 (2)

Where the relevant Sectoral Body is being consulted on appointment to a Board of Governors there does not appear to be a rationale to consult with the existing Board of Governors. Unless amended as proposed it would appear that some clarification is required to determine which interest has precedence. We believe that the duty to consult with the Sectoral Support Body should be strengthened to 'consult with and have due regard to the view of the sectoral support body'. There may be a need for guidance on the nature of such consultation and how it should be carried out.

Clause 44 (6)

We believe that effective governance, leadership and management are key components which can facilitate and promote high quality learning and teaching. We also recognise that where that capability exists outcomes are improved. Part of this is recognising the importance of self-improvement and self-evaluation. We believe that schools should be encouraged to take as much responsibility as possible for their improvement and its maintenance. We are concerned that the current drafting of this clause diminishes that encouragement. We propose the following amendment:

- (a) The governance, leadership and management of the school;
- (b) The arrangements to ensure effective learning and teaching activities carried on at the establishment.

These proposed changes reinforce the principle that responsibility lies with the school to ensure its continuous development and provides for the ETI to, where appropriate, quality assure that work. We would see this as consistent with the principles of Accountable Autonomy which we would like to see in either this Bill or a subsequent Bill.

Clause 46 (I) (B)

It would be in the interest of raising standards if Sectoral Support Bodies were specifically included here as a recipient of the report and of any related action plans prepared by the Board of Governors of the school.

Clauses 50/51

In light of the unilateral action by the Secretary of State in England in relation to GCSE and the subsequent review of qualifications in Northern Ireland announcement by the Minister there may be a case for inserting a reference to any examinations/qualifications developed to reflect the revised Northern Ireland Curriculum being comparable with other jurisdictions and be portable to such jurisdictions.

Clause 63

We believe that there is need of a definition of all schools, particularly to ensure clarity of representation through Sectoral Support Bodies.

The Sectoral Body which will represent Catholic schools will be a Trustee Support Body for Catholic Schools.

For the purposes of the Education Orders, which apply a definition to all relevant education legislation, a Catholic school is a maintained school or a voluntary grammar school which is governed by a Scheme of Management and utilises a Scheme of Employment that are in accordance with the principles of Catholic education as defined by the Bishop of the Roman Catholic diocese in which the Catholic school is situated.

We would also suggest that in determining which schools 'of a particular description' are represented by a 'relevant sectoral body', the Department and/ or the E.S.A. body should;

- (1) Consult with the Body that they are minded to deem 'relevant' and
- (2) Consider the Scheme of Management and the Scheme of Employment of the school

Schedule 1 Clause (ii)

We would suggest a change from '..... interest of Trustees of Maintained schools' to 'Trustees of Catholic schools'.

We would also suggest that the consultation should be with the Sectoral Support Body rather than 'with persons or bodies appearing to the Department to represent such interests.'

Schedule 7 – Minor and Consequential Amendments

There is a need for clarity as to the implications of the definition of a Catholic school proposed at Clause 63. We would prefer at 9(1)B to have reference to 'Catholic Voluntary school' rather than 'Catholic Maintained school' (as all Catholic schools are voluntary). A similar point applies at Clause 9(6) of the Schedule where the term Catholic voluntary school should replace Catholic maintained school