



Northern Ireland  
Assembly

Committee for Education

# OFFICIAL REPORT (Hansard)

Education Bill:  
Catholic Heads Association Briefing

16 January 2013

# NORTHERN IRELAND ASSEMBLY

## Committee for Education

Education Bill: Catholic Heads Association Briefing

16 January 2013

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

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

**Witnesses:**

Mr David Lambon	Catholic Heads Association
Mrs Carol McCann	Catholic Heads Association
Mr Dermot Mullan	Catholic Heads Association

**The Chairperson:** Good morning. You are very welcome. Thank you for taking the time to speak to us today and for being so patient while waiting to make your presentation. We are running on time, which is unusual for us. You are here to give evidence on the Education Bill. Please make your presentation, after which members will have an opportunity to ask questions.

**Mrs Carol McCann (Catholic Heads Association):** Good morning and a happy new year to everyone. We are grateful to have the opportunity to come before the Committee to represent the views of the Catholic Heads Association (CHA). As you are all aware, this is a once-in-a-lifetime opportunity to get an extremely important piece of legislation right for future generations of young people in Northern Ireland. As an association that represents the interests of a high proportion of post-primary children and the aspirations of their families, we are grateful for the opportunity to meet you this morning. Thank you for that.

The Catholic Heads Association is an association of principals of Catholic voluntary grammar schools. As such, we represent the views of the communities of 28 voluntary grammar schools, which amounts to 40.2% of Catholic second-level educated pupils — and their families — from the school-going population of Northern Ireland. I just want to clarify that I was previously here as a member of the Governing Bodies Association (GBA).

All the CHA schools are members of GBA as well. GBA, as you know, is an umbrella organisation that represents voluntary grammar schools in Northern Ireland, across both state and Catholic sectors. It

is a kind of cross-faith group, and, collectively, GBA represents one third of the post-primary sector. As the current chairperson of CHA, I am a member of the executive of GBA. I am one of two acting principals on the executive. CHA schools currently have representation on the GBA executive as governors of their schools. There are six governors in total. So, that is where CHA fits in.

The Catholic Heads Association strongly supports the voluntary principle, through which the management, leadership, financing and success of our schools have thrived thus far. We believe that the voluntary principle should be enshrined within the Education and Skills Authority (ESA) legislation. Voluntary schools have proven that this way of working is efficient and effective, and it has led to a culture of accountability and sound governance, which is reflected in the sound finances and excellent outcomes for the pupils in our schools. At the meeting in December, I spoke of the flexibility and efficiency of the way in which voluntary schools operate. I am pleased to hear that other groups have come before you. The Commission for Catholic Education and the Council for Catholic Maintained Schools (CCMS) were before you last week, and I noted that they recognise the value of the voluntary principle. They stated that we live within budget and are successful schools.

We are very concerned that Catholic voluntary schools, as they currently exist, may be negated as we go forward. We believe that it would be a retrograde step to remove the right of voluntary schools to be responsible for the recruitment, selection and retention of their staff, and we welcome the intention to support sectoral bodies as laid down in clause 63. It appears that it is envisaged that there will be support bodies for all of the sectors except the voluntary grammar sector, and we see that very much as an equality issue.

Those are my points for this morning; now I will introduce those with me. Mr David Lambon is principal of St Malachy's College in Belfast. He was appointed to the post in 2011 and formerly he was principal of St Mary's Grammar School, Magherafelt, between 2004 and 2011. Prior to that, he was principal of St Eugene's College, a Catholic maintained school in Rosslea, County Fermanagh. Consequently, he has tremendous experience in the area of school management and, more importantly, has knowledge and experience of working in two distinct systems. Today, he will provide you with the perspective of working in a Catholic voluntary grammar school versus working in a maintained context, and will discuss the differences between them.

Also with me is Mr Dermot Mullan, the principal of Our Lady and St Patrick's College, Knock, since 2009. Prior to that, he served as principal of St Patrick's Grammar School, Downpatrick, from 2003 to 2009, and prior to that, as an education officer and head of building at CCMS, between 1996 and 2003. Today, Dermot will address the employment function, heads of agreement and skills. From his experience within the Catholic voluntary grammar system and his former role in CCMS, he is very conversant with the various systems in education.

One of the big things that I talked about last time was the whole business of efficiency, and I think that I covered that quite well at that meeting. So, I will pass you over to these gentlemen. I do not know whether you want to fight as to who will go first.

**Mr David Lambon (Catholic Heads Association):** I have read the numerous Hansard records of the evidence presented to the Committee over the last couple of months. It will probably come as no surprise to you that we, as representatives of the Catholic grammar schools, have voiced concerns similar to those raised by CCMS and the Governing Bodies Association. My submission to you is to give you a practical insight into why the debate surrounding clause 3(1) and the apparent contradiction with the heads of agreement in clause 10 is of such importance to us all in order that we can work together to improve our education system.

As you are already aware, Catholic grammar schools are independently managed by a board of governors who directly employ every member of staff. We believe that a key feature of the success of our schools has been the link between employment and staff who are supportive of the Catholic ethos of the school. As employers, boards of governors in our schools have a very hands-on role in the changing priorities of their school, and they have the independence to respond quickly and effectively to any gaps in employment or any difficulties or issues that may arise with employment matters.

Each of our schools, as you are well aware, is subject to ongoing internal and external audits. We are highly accountable — as we should be — for every penny of public finance. Efficiency measures exist at every level, and the high level of autonomy that exists, underpinned by the essential need to live within budget, has been the envy of some of the other sectors for some time. We believe that that model, which allows a school community based on a strong Catholic ethos, enables us to provide

good value for money for the public purse and to serve the changing needs of our pupils and those in our learning communities very well.

My experience in the Catholic maintained sector, although very positive from the viewpoint of HR support, guidance and direction provided from CCMS, was much more complex. Teachers were employed by CCMS and teaching support staff were employed by the education and library boards. That was a system in which many of the functions that I previously mentioned were carried out by organisations remote to the school. Centralisation of employment meant that there was often a significant time lag in responding to gaps in employment. Centralised tendering would often mean that a simple maintenance task would take a very long time to be completed, and may not always have represented the best value for money for the public purse.

I do not want to labour some of those rather anecdotal points. I am very happy to answer any questions, but I believe that, if one of the key concepts of ESA was to increase the autonomy of schools, that key issue of the employing authority requires a resolution. When I was coming into Stormont this morning I felt that it was somewhat ironic that we are now involved in a devolved decision-making process but the Bill in front of us almost plans to centralise much of the organisation. Perhaps one of the central tenets of ESA was to increase the autonomy of schools, and, unless this issue is resolved, it may fly in contradiction to what it started off as.

**Mr Dermot Mullan (Catholic Heads Association):** Thank you, Chair, and thank you to your Committee colleagues for the invitation to be here today. We appreciate it very much, and we are very aware that, as you possibly come to near the end of your submissions, some of what we say may be repetitive to you. We apologise for that, but we get one chance at it and we want to take it. We also wish to put on record our admiration of your tenacity and perseverance, even if there is a sense of ennui sometimes among you. It is appreciated, and we wish you well with your work.

Following on from what David said regarding the employment function, the paper that we submitted to the Clerk and the Committee clearly laid out our difficulties and problems with the apparent contradiction between the heads of agreement, which are there to protect the role and status of boards of governors, and the way that the single employing authority and its role are laid down in the draft legislation. At the very least, we view that to be somewhat confusing. Moving forward on the basis of a new dawn brought about by ESA will be hampered if there is not clear legislation. I am sure that you and your Committee members are very aware of that. The ambiguities that there are must be ironed out and resolved so that school leaders, owners, governors, teachers, trustees, transferors and everyone else are very clear in their understanding of what ESA can and cannot do. We exhort and encourage you, through your good work of scrutiny, to try to ensure that the draft Bill that comes before the Assembly has that issue ironed out.

As regards the employment function of ESA, I, like my colleagues, have perused the Hansard record of your Committee meetings, and I will draw on a practical example that might help to illustrate the difficulties that may lie ahead. The employment function with regard to terms and conditions in voluntary grammar schools is, at present, the remit of the board of governors. Under the new scheme, as far as I understand it, when we come to discuss the terms and conditions of teachers, which are part of an employment contract, bearing in mind that everyone will be subject to the Transfer of Undertakings (Protection of Employment) Regulations (TUPE), who will take the lead role? At the moment, the teachers' negotiating committee deals with that. All sections and sectors are represented on that committee and, therefore, when a piece of guidance is handed down, it is generally accepted by the governors of the school. In the voluntary grammar school sector, where we act as our own employing authority at the moment, it is possible for us to put our own imprimatur on that piece of guidance and adopt it as a working policy of the board of governors. If we look through the lens of how terms and conditions of teachers and all staff are ultimately to be addressed, the question I would pose is this: will they be addressed by ESA? If they will be, then ESA would again be assuming a greater employing role. For all the fine words that we heard that the board of governors will be the employers, I think that that might counteract that. It is worth looking at that and at TUPE as well, because the schedule seems to give proof that ESA will be the employing authority. There is possibly another point: I think that the draft legislation needs better definitions. Perhaps it would be helpful if, among its definitions, the draft legislation had a definition of an employing authority to tidy that up and to help everybody in the new dawn to be clear on who can do what, when and where.

Our boards of governors are happy to see the heads of agreement in the Bill giving some protection to the boards of governors. We have looked closely at the clauses on the schemes of management and the schemes of employment. Once again, they appear to be rather cumbersome, and there is the possibility of divergence from that. For example, clause 62, which looks at the role of the Office of the

First Minister and deputy First Minister (OFMDFM) in the tribunal on employment and schemes of management, could cause even more confusion when a dispute arises between a board of governors and ESA.

Clause 38 refers to standards. Let us be very clear on this: we fully support the need to drive up standards, but driving up standards cannot be diverse across the board of governors, a sectoral body, ESA and the inspectorate. Again, there must be clear guidance and a clearer steer. All of those four bodies are going to lay claim to the right to drive up standards, and I certainly think that needs to be clarified. I feel that the sectoral bodies will be pitching for a claim to drive up standards, and they can make a very valid case. Obviously, the inspectorate is there as well to monitor and advise on the raising of standards, but where do the sectoral bodies fit in when it comes to improving standards?

There could be difficulties between the position of the board of governors, ESA and the submitting authorities, as referred to in clause 9.

I will finish and allow you to ask some questions. We argue in our paper that, internationally, our view is that the removal to the centre of a control-and-command type of organisation is not the way in which leading education systems are going. We, in Northern Ireland, are either lagging behind good practice internationally with regard to the administration and management of our education system or we are too far ahead in that we risk imposing somewhat of a draconian straitjacket on the role of governors, teachers and school leaders.

To conclude, there are a lot of lessons to be learned from what happened in the health service. I am sure that the Committee will take cognisance of the health service element of the review of public administration (RPA). There are practical examples of things that worry us. In our three schools, the boards of governors are the employing authorities at present. David may employ a member of staff on a contract at a different pay scale than I do. For example, he may pay his bursar more than I pay my bursar, and Carol may pay on a different scale again. When we converge under ESA and when TUPE occurs, I would imagine that the most expensively and best paid bursar will feel fine. However, the poorly paid bursar who finds that there is now a bursar in the system getting more than him for similar work will make a claim for a salary increase to be compatible and comparable with other officers, teachers or employees of the school under ESA. There may be lessons to be learned from the health service that we could take on board.

I may be asking more questions than giving answers, but this draft Education Bill begins with, and is heavily focused on, the Education and Skills Authority. As a head teacher, I have to ask where the skills are in this legislation. Where is the work on trying to improve Northern Ireland's skills base so that our economy can be best served by the young people whom we can retain in Northern Ireland and who can work to improve everyone's standard of living and economic well-being? I have dredged through the draft legislation, and I cannot find any mention of skills. I do not see it there. Why is it called an education and skills authority? It is an education authority, but the skills part is very important. As I saw on the plasma screens at the entrance to the Building, your colleagues on the Committee for Employment and Learning are having a presentation this morning about the skills shortages in Northern Ireland. There is a PowerPoint presentation in the coffee shop. I was very taken by it. I would have thought that this Committee, which is discussing the Education Bill that will lead to the Education and Skills Authority, would need to have a little bit of joined-up compatibility with some colleagues. Where are the skills in all this? They should be there, but they are not and there is no reference to them. How will this education authority improve the skills levels of 11- to 19-year-old young people in the schools that we serve and in all other schools across Northern Ireland? Thank you, Chair.

**The Chairperson:** Thank you, Dermot, David and Carol. You made a point about coming to the process late, or near the end of our consideration of the Bill. I assure you that we place no less importance on your organisation and the schools that you represent, or the views that you express. Those views are valued and the way in which they have been made will be taken seriously.

There are a number of things that you mentioned that I want to tease out. It may be useful to clarify things in our own minds. We have a variety of interests involved in education provision and a variety of organisations that, at different levels, want to have an influence, say, or opinion on education. As far as your schools are concerned, do you exercise your autonomy to the extent that, even within the Catholic system, you value the right to be able to, on occasion, differ from the trustees, CCMS and the bishops? I do not say this to try to open any of that up in the public domain, but you have autonomy for the purposes of the value of education, not for the value of some other view or opinion or whatever. I ask that because the bishops were here last week and, in their submission, they were keen to have the Bill's definition of Catholic school changed so that they would be responsible for Catholic schools,

as opposed to what the current arrangements are, where you have maintained schools, which are not all Catholic schools, voluntary schools, and so on. So, there are varying degrees of authority and autonomy in schools. Do you have a particular view that could inform us as to what is preferable in trying to ensure that we treat all of our sector in a fair and equitable way that does not give preference to one or other?

**Mr Mullan:** I will answer your question by saying that we believe very firmly from our experience that the greater the amount of autonomy you can give a school, the better it is going to be and the more flexible it is going to be in its approach. I hope that I do not sound trite, but it is the young people who are in the laboratories, classrooms, gyms and playing fields of our schools who we have to be concerned about here. As managers and leaders of our schools, we know that by giving us a high degree of flexibility, allied to the accountability that we must, as David said, all be ready to accept and wear as a mantle of public probity, we can manage to provide for the needs of our young people on the ground in a much more satisfactory fashion.

All of us would probably agree that there are times when bureaucracy gets in the way. However, there are times when bureaucracy and systems can protect you and help you to improve standards, but we really value our autonomy. The trustees are the owners of our schools, but in our schools, as voluntary Catholic grammar schools, it is mostly the boards of governors that we deal with on a day-to-day basis, and we manage on a daily basis. It is the boards of governors that get involved in the nitty-gritty of finance, the curriculum, staffing, recruitment, health and safety, etc. The trustees are there with regard to ethos and, indeed, ownership of the land. They have a very clear role to play as guardians of Catholic schools, and we refer to them, but autonomy is the thing that lets us do most and gets us our success.

**The Chairperson:** You would not argue that, as a result of you having more of that, or at least retaining the level that you currently have — and I know that this is the case, so I suppose that I have answered my own question — it has led to a perception or accusation that you are any less what you are; a sector that provides a very good education not only for children who are predominantly from the Catholic community but for children of other religions. The ethos and identity of the school has been in no way damaged as a result of that. I think that there seems to be some fear out there that, if you give or continue to have that autonomy, others will somehow be weakened as regards the influence they have in maintaining the ethos and identity of a particular school, whatever that school might be. In your case, it happens to be a Catholic grammar school.

**Mr Mullan:** I feel that the ethos of the school can be well protected, and, in the appointments process, particularly to headship, it can be almost safeguarded, but we feel our ethos no less than we have in the past. We cherish and protect it, and, as our bishops say to us quite publicly, we are a Catholic school, not for Catholic children; rather our vision and the precepts that we hold in our education system and which we inculcate into staff and pupils are based on a philosophy of Catholicism, which has gospel values and respect at its core. If we are not respectful to others, we are failing in our values. We, as principals, work to try to make sure that those values are disseminated across the staff and the school without infringing on anyone's personal view or rights. It would be very wrong to do that.

**The Chairperson:** You mentioned TUPE and the difference in what would be paid for one particular member of staff — that could probably apply across a range of members of staff — the variations and the concern that there would be in one organisation, because you would have challenges to that.

You also mentioned the appointment process and its importance. One of the issues that has been raised, and was raised at the previous meeting, was the Catholic certificate in religious studies (CCRS). The remit of the Bill will not change any of that; the certificate will remain as it is. If you are to have a single employer, do you have any concern about how that would still be implemented, protected or used, given that a single employer would have a larger range of teaching staff — a very crude estimation is anything between 45% and 50% of them — who would not have that certificate?

**Mrs C McCann:** The majority of our staff in the grammar schools do not have the Catholic certificate. Obviously, RE teachers would be trained in St Mary's University College. Some of our staff have a Catholic certificate, but the majority do not. In fact, people who are not of the Catholic faith teach in many of our schools. Sometimes that depends on the geography of the school. People are a bit surprised that we have in St Dominic's people who are non-Catholic on the staff of the school. You do not have to have a Catholic certificate to teach in a voluntary grammar.

**Mr Mullan:** CCMS requires the Catholic certificate for primary school education only. In secondary, be that grammar or non-grammar, it is not a requirement at all.

There are interesting developments in that area. Obviously, there has been a request that CCMS, on behalf of the Catholic trustees, review the use of the Catholic certificate. However, that is for another forum to discuss. We do not have in our requirements when we employ anyone the need for a Catholic certificate.

**Mr Lambon:** One thing that we are obviously very keen on is that the employees support the ethos of the school. We very much cherish diversity in our staff, but we want to have that link between ethos and employment.

**The Chairperson:** You have trawled through Hansard, so you are obviously well aware of the debate. When you come to look at a Bill such as this, nine time out of 10 it will coalesce and be condensed down to a number of very important or key issues. One of those remains the issue around the heads of agreement, particularly paragraph 10 of that document, and the employing authority in clause 3 of the Bill. I commend you, because sometimes when we get presentations all that we hear about are the problems. Very seldom are solutions brought to the table. You bring a solution to clause 33, which you were to have a view on and which, in your opinion, could resolve the contradiction and indicate that the board of governors is solely responsible for the selection, retention and dismissal of staff.

I picked up what you said, Dermot, although I cannot remember the exact words used. I think that you said that, if you were to believe all that you were being told by the Department, you would get that as a result of ESA but that the reality, as it would play out, is far from that. If clause 33 were to be implemented, changed or amended, you could, with a great degree of certainty and clarity, say that that now was the case. Therefore, what the Department is saying and what the practice will be are one and the same.

**Mr Mullan:** Clause 33(3)(b) could easily be amended to include that function for selection and retention in the scheme of management. That would perhaps get us out of the difficulty with the heads of agreement in clauses 5 and 10. We picked that up from our present schemes of management. In voluntary grammar schools, we have laid down the way in which you recruit governors and select the number of governors on the committee. It is very well laid down and works very well.

The question is this: do the Minister, the Department of Education and the Assembly wish to empower boards of governors, which are grounded in their local communities? Our schools serve local communities, and, therefore, to me, boards of governors are pivotal in many ways, not just through the employment function but in standards and advocacy in area planning. They have been proven in the Catholic and voluntary grammar sectors to be very capable at that. They are trained in that and are able to bring support and advocacy on behalf of the school in their community to the Department.

**The Chairperson:** I have one final point before we go to members. It is interesting that David has experience of working in both management roles. He did an excellent job in Magherafelt, and I had the opportunity to visit the school. Your previous role, David, was in a maintained school that had a different governance arrangement, and you have given us some examples of the practicalities around maintenance and other issues and told us how that allowed you to make a decision more quickly. It may be an unfair question because you were in the maintained sector first and then moved to a voluntary grammar setting, but do you believe that there is a desire in schools that do not have the voluntary principle to have that degree of autonomy and independence and to be unshackled from be it a board, ESA, CCMS or Tom Copley, rather than have to report to them before they make a decision on an issue on the practical day-to-day running of a school?

**Mr Lambon:** Very much so. Personally, I believe that an education system works well when you have the maximum amount of autonomy, and the system that I currently enjoy is the envy of the controlled and maintained sectors. It is about the speed of response, and the best person to do that is the person in charge. If you have a year group coming forward and want to look at a subject or area or there is a temporary person whom you need to replace, even in CCMS there could be a time lag of 10 days or two weeks, whereas I can have an ad in the paper the following day. We have that ability to respond but also then to go through the checks and balances with boards of governors, which have a very strong interest in the school. That is why it is so vital that, as Dermot said, the employing authority retain that role and be able to take decisions quickly and consistently.

**The Chairperson:** Would you be more content with any other services being with an organisation such as ESA or a board? There is the impression that, in the voluntary system, schools are able to stay so alone and isolated that they do everything, so they then have no recourse to help or assistance. At what stage would it be useful for the schools that operate a voluntary principle to have access to that?

**Mr Lambon:** As Dermot mentioned, through the TNC documentation, CCMS provides a good role for legal advice, employment advice and even some elements of staff development. I think that there is a role for a central body, but it needs to be very clearly defined what exactly that role is.

It is difficult when you have voluntary schools that all have autonomy to ensure an element of consistency across the sector. Therefore, perhaps a central point for legal advice on employment and terms and conditions, which provides a consistent approach, would be of benefit.

**Mr Mullan:** I stand to be corrected, but, over the past 20 years, I cannot recall any voluntary grammar school getting into difficulties over employment, selection, recruitment, health and safety, insurance or even building or maintenance. Sometimes we turn to other bodies and sometimes, yes, you will get a freebie from CCMS, but that is why you go to it. It is largely helpful, but now it will disappear. If you are autonomous, you can seek advice from your solicitor, a HR company or a consultant.

**Mrs C McCann:** We do that regularly. That is one of the reasons that the Catholic Heads Association exists. We are like a loose federation of principals and talk about things like that, seek one another's advice and ask whether someone has a paper on something, or whatever. Likewise, as we come under the umbrella of the Governing Bodies Association (GBA), we may seek advice from our colleagues in the state voluntary grammars. We have a very good relationship with the various principals. If we need specific legal advice, we pay for that independently. However, it is rare that we have to do that, as much of the expertise is among principals and is shared collegially among them.

**Mr Mullan:** The only thing that we may not be able to provide in the future — it will be catered for under area-based planning — is capital building. We can take care of maintenance ourselves and even minor works, but when you get into major capital building and the rebuilding and refurbishment of schools, you certainly need that central role. At the moment, that is taken on for us by the Department's building branch and the building advisory branch. There would probably be the need for that kind of tier of support and management.

**Mrs C McCann:** I would like to commend building branch. When we had the newbuild, it was always available, always very good with advice and more than helpful.

**The Chairperson:** I am sure that you have seen the Department's proposed changes for procurement. If you have not, we can certainly make them available to you.

**Mrs C McCann:** That is slightly different.

**The Chairperson:** I think that that raises all sorts of concerns. I am not being critical of the Department, as Central Procurement Directorate (CPD) is not in the Department of Education but in the Department of Finance and Personnel (DFP). In many respects, CPD needs to be overhauled. The procurement messes that we have had, the timelines and the disasters have been totally unacceptable.

**Mrs C McCann:** That was more recently, was it not?

**The Chairperson:** It was. It was only in the past couple of weeks that we saw that.

**Mr Mullan:** Following on from what David said, even when taking it at quite a leisurely pace, I can recruit and have a teacher or member of staff in post in six weeks. It takes six weeks to have that done and dusted and properly administered. That allows us to be flexible and responsive to parents' and pupils' needs. In the controlled or maintained sector, that may take six months. I am a member of the council of CCMS and know that, when posts have to be ratified, members are required to come in to ratify them. That alone can take a month.



**The Chairperson:** And you still might not get the person whom the school wanted in the first place. We are still waiting to see who the new chief executive of the Belfast Education and Library Board will be. Therefore, we go on. If they are so centrally controlled, processes here are very problematic.

**Mrs C McCann:** We can do it very efficiently, but we have to live within the law. We abide by the rules. It is not that we are doing it in an ad hoc way.

**The Chairperson:** It is not that you have done anything with an appointment that has disadvantaged candidates C or D. That is all subject to challenge, scrutiny, and so on.

**Mrs C McCann:** Absolutely.

**Mr Kinahan:** Thank you very much for your presentation. I want to explore one or two points that Mervyn touched on. We were talking about clause 33 and the word "agree", wherein lies a whole mass of hidden problems. With your ethos, how do you feel about that and how will that relate to the boards and the nominations that are made to boards from other bodies? It is very difficult to agree something if everyone is not on the same page.

**Mr Mullan:** If it is a true partnership, there will be agreement. Should we not put something in place that drives us towards agreement and underpin that with good legislation?

As I said earlier, this is about respect for one another, and, in many ways, the engine that principals rely on to drive up standards and have good schools is their boards of governors. Governors are not transient. Many of them have been on boards of governors for many years, and the term of office can easily be eight years. They get to know the school, and what they put back into the schools through their time, effort, energy, expertise, knowledge, help and assistance is phenomenal. They are all unpaid and voluntary, yet when they know the school, its ethos and how it is run as well as they do, I feel that they deserve a position that is adopted in agreement.

I do not think that "agreement" or "with reference to" are a million miles apart. In the true spirit of partnership and co-operation, trustees who depend on boards of governors for the management of schools should not have a difficulty with that. That would also apply to the transferors or any other ownership body.

**Mr Kinahan:** OK. I am aware that there are areas where governors have been put on to bodies that did not necessarily fit the ethos of the school. That adds to the difficulty in getting the agreement. However, I will move on.

Carol, you mentioned that you represent 40% of Catholic —

**Mrs C McCann:** Yes, 40·2%.

**Mr Kinahan:** Last week, CCMS mentioned 6·2%.

**Mrs C McCann:** That might have been a reference to the overall school population. I was trying to work that out myself. We represent 40·2% of Catholic second-level-education pupils and their parents.

**Mr Kinahan:** It is just that 6·2% does not seem to be much, but 40% —

**Mrs C McCann:** Yes, I picked that up. I assume that that 6·2% is throughout the whole population of Northern Ireland from nursery education. That is all that I could work out from the figure.

**Mr Kinahan:** When representatives of Association of School and College Leaders (ASCL) were before the Committee, I asked them about CCMS representing Catholic voluntary schools and got shot down fairly quickly. Then, when the heads of the boards and representatives of CCMS were before the Committee, Jim Clarke indicated that he was not keen on the grammar system. It did not appear at all in the presentation that we had last week, and we then had the move to rename "maintained" to include the whole Catholic system. Bubbling in my mind is the question of what

the relationship is between your schools and CCMS. You touched on it just now, but can you expand on that?

**Mr Mullan:** Currently, CCMS has no jurisdiction whatsoever, but that is not to say that we do not refer to it. As David said, it has a cadre of officers and a management structure that can produce very good policy documents. I would hold those up to anyone. It also has schemes of employment that I have adapted and used in my school, and principals who have a thorny issue and need a little bit of free advice will get that over the phone from a personnel officer in CCMS. However, CCMS is a very lean organisation with a budget of approximately under £3 million, and what you get for your money from the public purse for £3 million from CCMS is, in my opinion, superb.

**Mr Lambon:** In our schools, the board of governors is the independent employing authority that manages the school.

**Mrs C McCann:** Dermot might have a closer relationship with CCMS. I have no connection with it, but then I have never worked within the CCMS context. Our school is totally independent — there is no connection.

**Mr Lambon:** Equally, I make use of the documentation that I can find from the Belfast Education and Library Board on policies. I shop around to find best practice. That is what you look for.

**Mr Kinahan:** If I may move on to the next question, you mentioned the sectoral body and need to have sectoral bodies. Last week, as you know, it was suggested that we should have another sectoral body, whether that be GBA and others that represent the voluntary sector all the way through. However, that then throws the balance of the whole of ESA.

Alternatively, we could look at trying to get some change into the other bodies that represent your schools. However, I get the impression that you would prefer to be in a body that allows you to be autonomous.

**Mr Mullan:** I think that we run the risk of having a huge organisation that has all these layers right on top of everyone and running the whole way down through the system. We have to be confident in ourselves as a society and in the importance of being entrusted with the education of young people so that we have a flexible, light system that is responsive to need and can move when the landscape changes. The board of governors is, to me, fundamental in the life of a school, for reasons that I have outlined and will not go over again.

Let us also be very clear that the trustees mean a lot to us, and they have supported and maintained us in many ways over many years. They are the guardians of the Catholic ethos to which we subscribe.

**Mr Lunn:** Thank you for your presentation. If I were in your position, I would probably resent the loss of independence, which is your main concern. However, I am not in your position. Where I am coming from is that ESA is coming. We would not be sitting here having this kind of discussion if there were any doubt about the fact that ESA is going to be brought into play fairly shortly; for a start, there would not have been heads of agreement otherwise. You have actually raised some new points. I thought that we were going to have exactly the same sort of discussion that we had with GBA and various other bodies, but you have brought up the TUPE situation, which certainly requires examination.

However, I really want to ask about the main thrust of this, which is the scheme of employment. Your submission states that the Bill:

*"in Section 3, gives primacy to ESA in determining the contents of a Scheme of Employment".*

The Bill does not state that. Have you a copy of the Bill before you? Point it out to me where it says that.

**Mr Mullan:** Does the Bill not state in clause 3(1):

*"All teachers and other persons who are appointed to work under a contract of employment on the staff of a grant-aided school shall be employed by ESA." ?*

**Mr Lunn:** Yes. I accept that. It does not state that it:

*"gives primacy to ESA in determining the contents of a Scheme of Employment".*

**Mr Mullan:** Trevor, if there is a dispute regarding the scheme of employment, it goes back to ESA first. The scheme of employment will go back to ESA for adjudication. If that disagreement continues, the tribunal can be brought into play. To me, that is the primacy of ESA. ESA is above —

**Mr Lunn:** Clause 5(4) states:

*"ESA shall approve without modification a scheme submitted to it under subsection (1)(b)",*

which is the subsection that we are talking about. Fair enough, subsection (4) goes on to state:

*"unless ESA determines that the scheme does not comply with the statutory requirements."*

I am not being hostile here; I just want to get to the bottom of this. The scheme that you referred to a few moments ago, which you had some advice from CCMS about and with which you are satisfied now, does it breach statute in any way?

**Mr Mullan:** No, it had to be signed off by the permanent secretary.

**Mr Lunn:** Therefore, it complies with the necessary statutory requirements.

**Mr Mullan:** Yes.

**Mr Lunn:** If you offered that same scheme to ESA, it would have to accept it. It says so here.

**Mr Mullan:** I do not wish to appear negative, and I am happy to be enlightened —

**Mr Lunn:** I am not a lawyer —

**Mr Mullan:** But you have studied the legislation, I am sure, ad infinitum, Trevor. On how this will pan out, we have a feeling that ESA will be the primary reference point for those schemes. ESA will provide the model scheme. Therefore, the use of the words "primacy to ESA" —

**Mr Lunn:** You do not have to use the model scheme. You have your own scheme already, if it complies with statute.

**Mr Mullan:** I think that that has to be tested in law.

**Mr Lunn:** It says so here.

**Mr Mullan:** Perhaps my reading and interpretation is more pessimistic than yours.

**Mr Lunn:** The model scheme is there for schools that feel that they need to avail themselves of a model scheme, and it is the basis for the scheme that they may so submit. The legislation gives schools the right to use or not use a model scheme, use part of it, just draw on it, or draw up their own. It is pretty flexible. It is a change for you in your situation to have an authority that you must answer to in some circumstances.

**Mr Mullan:** That could be a good thing. We are very keen on accountability. It keeps us fresh and on our toes. Everybody has a boss at some stage. However, using the word "primacy" in our submission is indicating our thoughts that ESA will be controlling.

**Mr Lunn:** Yes, you do. A lovely phrase has come to light, and I am not sure that I have heard it since Patton was alive — General Patton rather than Chris Patten. "Command and control" is now the buzzword for all this. Again, I remain to be convinced that that is the point of this.

I want to ask you a couple more things. What is the effect of the Catholic certificate that people make so much of, given that all teachers in Catholic schools will not have it? What extra qualification does that certificate give your teachers?

**Mr Mullan:** In primary schools, it is about sacramental preparation. Therefore, a child between the ages of four and 11, who has Catholic parents and goes to a Catholic school, will be prepared for three sacraments.

**Mr Lunn:** Therefore, the certificate enables —

**Mr Mullan:** The grounding that that certificate gives you is very helpful. Many years ago, the sacrament of confirmation was moved to 11 from 12 years of age, and, as such, confirmation was back to being made in primary school. However, the three sacraments that children are prepared for by their teacher in a class group are very important to the Catholic faith.

**Mr Lunn:** That is fine. We have confirmation, too, you know. I am just curious as to what the effect —

**The Chairperson:** Some of us.

**Mr Mullan:** One of the effects —

**The Chairperson:** Some of us do not. *[Laughter.]*

**Mr Lunn:** I declare an interest as a baptised member of the Church of Ireland.

I want to move on to a couple of other things. You mentioned clause 38 and the duty of the board of governors to achieve high standards. What is it about that that worries you? Is that not already a duty of the board of governors?

**Mr Mullan:** We referred in our paper to the partnership between the trustees as the submitting authority and the board of governors to agree for the board of governors to hold the principal and senior leadership team accountable for standards. That is what we meant, Trevor.

**Mr Lunn:** All right. I am reading it again. I thought that you were worried about the second part — the co-operation with ESA.

**Mr Mullan:** No.

**Mr Lunn:** You are not worried about that?

**Mr Mullan:** No, no.

**Mrs C McCann:** You started your point by saying that ESA is coming. We know that it is coming, and we just want to make sure that it is as good and as helpful to everybody across the education sector. We believe that some of the things that we have currently work very well with the system, and others also believe that they work very well, and we do not want to lose what is very good. We know that the ESA is coming; there is no query about that.

**Mr Lunn:** I am happy to hear you say that.

**Mrs C McCann:** I clarified that the last time; it is a given.

**Mr Lunn:** I do not see any attack on any sector here. I do not see any attempt to remove in any way any aspect of the ethos of particular schools, and I would resist that. That applies particularly to Catholic schools, let us be honest. There is a small adjustment to your level of independence, but I am glad to hear you say that it may, in some aspects, be beneficial. I will not bang on, Chairman.

**Mr Rogers:** You are very welcome. Carol said that the commission recognises their very successful schools. When the issue came up of how voluntary grammar schools would be represented, a member of the commission said that if he were on the board, he would be representing primary schools that are non-selective and grammar schools. Carol, you said that you could see it being negated as we go forward. I want to tease out what sort of engagement you have had with the commission on this. Moreover, if this is about having the best deal for parents and children across the North, and taking the very good points that you made about the voluntary principle, do you see your interests being most effectively served by your being under an umbrella group, such as, as the commission indicated it would like, changing the word "maintained" to "Catholic"? Or, do you see your interests best served by a GBA-type group?

**Mrs C McCann:** The commission was set up with a particular purpose, which was to carry out the post-primary review (PPR). That has been our engagement with the commission heretofore, and that was where it saw a change in the Catholic school estate and planning for the future. That has been our only connection with the commission other than that we have trustees who are the owners of the schools, some of whom are represented on the commission. Heretofore, however, we have had no particular connection. I became principal of a grammar school only in 2007, and that was the time that the commission was being set up. It was specifically to plan forward for the PPR, which I presume you are all very familiar with already. Up until now, that has been my only connection with the commission.

**Mr Lambon:** Discussions with the commission are ongoing. Some of the project areas are still unfinished, so those discussions are yet to be determined. We are involved in those as much as any other school.

**Mr Rogers:** Do you firmly believe that maintenance of the voluntary principle and being part of the GBA, which wants representation as a sectoral body and representation on the board, delivers the best package for children?

**Mr Lambon:** We firmly believe in the voluntary principle. We are not necessarily as hung up on putting ourselves into umbrella group a, b, c or d; we can manage independently, and we can come together and share advice. We take advice and guidance and direction from the trustees.

**Mr Hazzard:** Thanks for your briefing. I take your point about accountability with the audits. To be fair, it is one thing to be accountable through audits and another to be accountable to the legislature. People might say that taxpayers are paying for this and that they should be able to have a say. That is especially the case if you consider employment matters, where you are the employing authority.

I am thinking in particular of the classroom assistants' dispute, where, perhaps it is fair to say, all political parties more or less supported the classroom assistants. However, it was very difficult to resolve those issues in the voluntary sector because it was felt that we had no control over and could not support the terms and conditions of employees in the voluntary sector. I wonder how we can strike the right balance in that regard. I know that there are people who are worried about that.

You spoke about the devolved Assembly, but surely that irony can be turned on its head when it comes to accountability. This Assembly should be able to hold people to account in order to protect workers' rights. What are your thoughts on that?

**Mr Mullan:** We have no problem with the legislature holding us to account; in fact, we would say that we would almost demand that. Chris used the example of the classroom assistants' difficulties of a few years ago, which may still linger in some places. That was not an issue in the Catholic grammar schools, although I am not trying to apportion blame elsewhere.

One of the things that we adhere to clearly in my school is that when we look at an NJC scale that an education and library boards pays, it would be better, in the interests of fairness, justice, truth, integrity, honesty and respect for people at least to pay the same. If you are not doing so, you are not being honest, truthful and respectful to those people.

That gets wrapped up a bit in the issue of ethos. Sometimes, ethos is totally intangible and you wrestle with it; is it an ambience or an atmosphere? No, it is not. There are times when you have to ask yourself whether you are acting honestly and truthfully and with integrity. The difficulty in some cases with the classroom assistants' dispute — who were on very low wages in some cases — is that when you look behind the scenes, you will find that in some grammar schools they were better paid

and had better terms and conditions than they had when the education and library boards and the Department decided to try to standardise everyone.

Earlier, I used the example of the bursar in my school and compared him to his counterpart in David and Carol's schools. That applies as well. Those people had to be protected by us because we had agreed with them, on an individual basis, that their employment and their hours with us were worth more than, perhaps, the standard payment.

**Mr Lambon:** I will reiterate a number of those points. In my previous school I spent three days on a job evaluation exercise through the education and library board. We engaged in that exercise and were very keen that people were paid the right money for the right job, because classroom assistants in particular are absolutely invaluable.

The point that I made about an auditing perspective was probably a little bit more subtle than, perhaps, it looked in the first instance. I wonder, on occasions, when I read the deficits that some schools have that I would not get away with that. There are no circumstances in which my governors would approve a deficit of 1%, 2% or 3%. I read that some schools are £300,000 or £400,000 in debt.

My financial accountability to my governors is looked at regularly, on a monthly basis, whereas in the non-voluntary sector that might be done quarterly or annually. As you well know, there are some quite significant deficits, but that is not the position in our schools.

**Mr Mullan:** I recall, Chris, a former permanent secretary using a rather crude phrase. He said that in bangs for your bucks there was nothing like a voluntary grammar school. That has to be borne in mind. There is a model there that can travel and can be transferred.

**Mrs C McCann:** The last time I was here, I said that rather than saying that we want to hold it all for ourselves, we want to be available to more people. That was said by the commission or CCMS last week as well. For those who can manage it, it is an enviable model.

I suppose that we would not be making such a fuss about it, or make it appear to you that we were doing so, if we did not believe that it was worthwhile. None of us wants to retain in our schools things that we felt were not valuable, because all of us want to do the best for the children. We just want clarity.

We want to ensure that we hold onto the best things in the system. I know that that is what everybody round this table wants; otherwise you would not be spending time on it. I want to put on record our great appreciation of the time that you have given to ensuring that everybody's points are heard. You hear conflicting points of view, and I am sure that it is sometimes hard to understand where the nuances lie. However, as I said the last time we were here, we come with quite a simple message.

**Mr Hazzard:** What is your response to those who say that voluntary grammars are not accountable to politicians?

**Mrs C McCann:** Of course we are; we have to be. We have to live within budget.

**Mr Mullan:** We want to be, and we must be. It is public money — it is not our money. That weighs heavily upon us in the day-to-day management of a school. We try to squeeze value out of every last penny, because we know that we can provide opportunities for young people.

**Mrs C McCann:** Staff might ask for things, or we might have an expectation of something that we can do. It is always very important for me to be able to say, "At the end of the day, this is not my money; it is public money." Every decision on every penny has to be based on the fact that the money belongs to the Department of Education; that is where it comes from. It is about ensuring that as much of that money as possible goes towards improving the day-to-day lives of the children in our school. As we all know, children get only one chance at education. The point was well made by the Minister some years ago that you must use whatever money you have in your school to improve children's lives. Then, if you have a bit extra, you can put in that bit extra to help particular areas. That is something that we all do.

**Mr Hazzard:** We often get bogged down in what will be the disasters and all the negative sides of the Bill. What do you feel will be the benefits?

**Mr Mullan:** The Bill could bring about a sea change; it could drive up standards and improve the lives of young people enormously. I go back, Chris, to the omission of skills, because that is what we need to be at. In drafting the Bill, a tremendous opportunity has been missed to put in place in schools a more rigorous approach to the development of skills, competencies and attributes. The CBI's recent report on education, which is fabulous, shows what schools are about.

Catholic grammar schools are not saying that schools are just about creating a workforce; they are about the development of young people, their values and character, and their knowing the difference between right and wrong. In my school, it is not about who comes out with a slew of grade As; it is about whether they can make a contribution to their community and society. The Bill could do some of that, although it would have had much more potential if it had a section on skills. Perhaps that will come through in the regulations. It is possible that the ESA will turn its attention to that once it has been established. However, it would be better if the primary legislation gave the ESA a helping hand with it.

The Bill is positive. However, I reiterate that the ESA must be light, flexible and avoid being the largest employer in western Europe.

**Mr Lunn:** What about that?

**Mr Mullan:** Trevor, you told me earlier that the ESA was not going to be the employer and that we would be the employer.

**Mr Lunn:** I did not say that. The ESA is to be the employer; that is stated clearly. For that reason, it may well be that you no longer need to carry employer's liability insurance. However, you will have day-to-day control of all decisions regarding employment, and unless you breach your own scheme of employment, the ESA cannot interfere.

**Mr Mullan:** We have to be careful that it does not become such a huge organisation — or a monolith, as we say in our paper — that it is an encumbrance or a hindrance.

We all know about bureaucracy; empires are built by bureaucrats, and that is what we have to avoid here. One philosophy or doctrine that the Bill should incorporate is the idea of subsidiarity, whereby decisions are taken at the lowest possible level and nearest to the point of delivery. To us, that is the board of governors, the school's senior management team, the parent-teacher association and the pupils.

The Bill certainly has potential, but the proof will be in its outworkings. We are aware of sectoral support bodies, and papers are being written about them. There is very little mention of sectoral support bodies apart from at clause 63. There will be a power play among sectoral support bodies to see what they can do and how far they can go inside the parameters of the legislation to exercise not just advocacy and influence but control. That is where we have to be careful in respect of sectoral support bodies.

**Mr Lambon:** Another aspect that might be very positive would be for a greater percentage of the resources to be delivered at the coalface. Fifty-six or fifty-seven per cent of our education budget is in schools whereas, in England and Wales, the figure is 80%. I would have hoped that that was the guiding principle. I do not need to tell you that schools are in a difficult enough financial position, so I hope that that will come through in the Bill.

**Mr Mullan:** On the issue of finance, I think that the clauses on CCEA would be enhanced by asking CCEA to be a non-profit-making body. Some of the biggest bills that our schools face are those to CCEA. My bill to CCEA might be running to £60,000. There is nothing in the common funding formula that takes account of how many children in my school do examinations. I want children to do more examinations, yet I am not being funded on that basis. If schools and pupils do fewer examinations, the CCEA bill is smaller. Therefore, resources are being diverted from our budget into CCEA and away from the classroom. CCEA has to make a profit, but I feel that it should be a non-profit-making body.

**Mr Kinahan:** Carol, you touched on what you do through area-learning communities to help other schools because you and others have a mass of skills. Can you expand on that?

**Mrs C McCann:** I am in the west Belfast area-learning community, which meets regularly. Indeed, there was a meeting this morning, which I missed because I am here. We work very closely with the post-primary school beside us. We deliver quite a lot of A levels to that school, and some of our girls take a small number of A levels there. When you are linked to a tight timetable, it is very difficult to work with other schools. I think that we all find that.

In the area-learning community, we often talk about the fact that many of the things happen because they work. We spend a great deal of time in the area-learning community on things that may be irrelevant to other schools. It is through school-to-school development and good relationships with one another that we work best and learn and benefit most. Engagement with other schools is always beneficial, and we also work closely with our local primary schools.

One of the big things that I mentioned last time I was here is specialist schools, which David has experience of. I know that specialist schools are not going to come back; however, they were a good vehicle for working with other schools. They provided extra finance and allowed us to work closely with a bigger number of primary schools. We have tried to continue that using our own resources. We may have levels of expertise where working with primary schools, particularly in areas of deprivation, would enhance them. We do not want it to be a case of our being there to serve the area-learning communities; they should be there to serve us. Perhaps the model is not always helpful.

**Mr Lambon:** I am a strong advocate of learning communities; they are a great way of beginning the journey towards a shared future. We work very closely with three or four schools in north Belfast. Pupils move between schools for A-level subjects. It is something that we hope to expand.

**Mr Mullan:** Similarly, we share courses with Lagan College, Grosvenor and other neighbouring schools. In our area-learning community, we have two special schools, Longstone and Tor Bank, with which we work very closely. Students are exchanged, and staff training and courses are delivered across the schools. The financial reductions of last year, which were necessary — the 5% cut — slowed things down a bit, but it is moving well and a great deal of good has come from area-learning communities. That will enhance area planning in the future.

**Mrs C McCann:** Chris and Trevor said that there is always a negative image. We sometimes forget how far we have travelled in education, because schools previously worked very much in silos and did not work at all or even have much discussion with other schools. Much more of that is happening, even in the past five or six years. We are not change-averse, and we realise that the world never stays the same. If you bring in change, you need to provide finance to help. That helps things to happen and to move on more quickly.

**The Chairperson:** I know that it is not in the confines of the Bill, but the removal of the entitlement framework funding will have a huge impact on the viability of area-learning partnerships, and schools will become more insular and will probably go back to where they were before they started the journey. We are very conscious of that and are very concerned about it. We want to protect but expand the model. However, if you remove the funding, schools will contract. It is a challenge to try to avoid that situation.

**Mr Lunn:** One of you mentioned clause 62, which is about tribunals. What was your reservation about that?

**Mr Mullan:** As I said in the introduction, it is a cumbersome mechanism for resolving a dispute. As other submissions to you have said, unless the outworkings of that — through the courts and so on — are tidied up and made simpler, clearer and more useful, it could lead to difficulties further down the line.

**Mr Lunn:** That is what I am asking. It says that the Office of the First Minister and deputy First Minister shall make provision for the establishment of a tribunal but that the regulations will provide for the members to be appointed by the Department. OFMDFM will not put a tribunal together — and, dare I say it, thank goodness — but the Department of Education will. If that tribunal was not there and the ESA had the final say, you would not be very happy about that. The original provision says that if the ESA does not agree with your scheme of employment, it can ask you to reconsider it. You can do that and send it back to it, and it will ask you to reconsider it. Eventually, it has to go somewhere. It goes to a tribunal that is established by the Department of Education, and I would have



thought that, in practice, that is not very different from what you do at present. It might not be that big a deal.

**Mr Mullan:** No. The devil is in the detail and the outworkings. That is what we are getting at.

**The Chairperson:** I have a final question. Who is the submitting authority for the scheme of management and employment schemes in your school?

**Mr Mullan:** A revised or new scheme of management must be submitted to the permanent secretary of the Department of Education by the trustees.

**The Chairperson:** So, the board of governors discusses that. Does it liaise with the trustees?

**Mr Mullan:** The board of governors and the principal, who is secretary to the board of governors, will write the scheme of management. In reality, the principal writes it and brings it to the board of governors, which scrutinises and amends it. The trustees will then stamp it, and it is sent to the Department for its perusal and stamp.

**The Chairperson:** Are you happy that that arrangement will continue?

**Mr Mullan:** The same arrangement continues. It has worked well in the past.

**The Chairperson:** Thank you very much, Dermot, David and Carol.

**Mrs C McCann:** Thank you very much. We appreciate your time, which we know is precious.

**The Chairperson:** We look forward to continuing to work with you.

**Mr Mullan:** We wish you well in your work.