



Submission by the Transferor Representatives' Council (TRC)

to the

NI Assembly Committee for Education

Committee stage consideration of the Education Bill

16th November 2012

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The TRC welcomes this opportunity to offer comment on the Education Bill currently before the Education Committee and submits this response on behalf of the Boards of Education of the Church of Ireland, Presbyterian Church in Ireland and the Methodist Church in Ireland.

INTRODUCTION

The TRC wishes to acknowledge the political progress which this Bill represents, in bringing forward the establishment of a single Education and Skills Authority for Northern Ireland. In particular Transferors welcome the proposed sectoral body for controlled schools and the setting up of a Working Group to bring such a body into being. This is the first time the controlled sector will have a representative voice to provide both advocacy on behalf of and cohesive support for controlled schools. Transferors are also heartened by the fact that their existing legal rights are both acknowledged and protected in the ESA Bill, enabling them to continue to play a constructive role in partnership with others in education in Northern Ireland.

Transferors believe that it is imperative that the Education and Skills Authority is delivered for Northern Ireland as soon as practicable and therefore would urge that the current Bill is scrutinised, amended as necessary and passed into legislation without undue delay.

The TRC wishes in this submission both to draw attention to some articles within the Bill which it believes require greater clarity and strengthening in order to safeguard the various advances made and also make some general points for consideration by the Committee.

Articles

2 - Functions and general duty of ESA – transferors welcome the holistic approach to education contained within this duty *‘to contribute to towards the spiritual, moral , cultural, social, intellectual and physical development of children and persons in Northern Ireland’*. With regard to the spiritual development of children and young people, transferors would urge that the statutory provision of religious education is recognised by an appropriate level of curriculum support within the services of ESA or possibly delivered through a function of a Sectoral Support Body. The practical outworking of

this duty of ESA, in each of its aspects, in this regard will be very important for building necessary confidence in the new educational structures.

5 - Preparation and approval of employment schemes

5.2 (a) Reference is made to *'model schemes regarded by the Department as suitable for particular descriptions of schools'*. TRC suggests such model schemes are drawn up in consultation with the appropriate sectoral support body. This is necessary to ensure that the distinctive ethos of each sector has adequate expression in the model scheme offered to all schools within it, thereby helping to develop necessary coherence.

63 Sectoral bodies

Transferors welcome the development of sectoral bodies and in particular the establishment of a sectoral body for controlled schools to offer support and advocacy. This is the first step towards correcting the inequality experienced by controlled schools due to the imbalance in support and advocacy for the controlled sector compared with other sectors. It must be recognised that a Controlled Schools Sectoral body will require extra capacity to enable it to adequately address this legacy issue and to 'catch up' with other sectors which have benefited from publicly funded support for many years. Transferors are pleased to have been invited to be members of the Ministerial Working Group to establish such a body and will play their full part in assisting the advancement of the Group's work. We believe that opportunities should be taken in this Bill to clarify and strengthen the functions of Sectoral bodies, ensuring that they have a guaranteed and significant role in the future, with that role underpinned by maximised legislative certainty.

A number of references are made within the Bill to roles of sectoral support bodies including:

Preparation and approval of employment schemes

5(3) Transferors suggest that the Sectoral Body should also have a guaranteed role in the preparation of model schemes of employment for Controlled schools. Also we see an important role for the Sectoral Body in the appointment of principals. Under new arrangements such appointments are made by the Board of Governors of the school in conjunction with human resources assistance from the ESA. In order to provide a level of consistency and to enable leadership development within the sector, it is essential for appointments of principal to have a panel of assessors available to assist school governors in their decision making. Such assessors would be in addition to the HR support provided by ESA to schools. The ESA should agree membership of such a panel of assessors in partnership with the Controlled Sector Support Body in order to develop coherence within the Controlled sector.

Area Education Plans

28 - Involvement of relevant interests

Transferors support the duty placed on the ESA to ensure that sectoral bodies are involved in and consulted on area planning. We suggest that the duty might also be extended to ensure sectoral bodies also work together to secure maximum cooperation and where possible the development of shared educational provision.

34 – Preparation and approval of schemes of management

Transferors suggest that at 34(2)(a) that sectoral bodies be consulted by ESA on drawing up model schemes. This could be achieved by inserting the phrase *‘ESA shall consult with the persons appearing to ESA to represent the interests of controlled schools’*.

39 – Appointment by ESA of governors for controlled, maintained etc schools

Transferors welcome insertion (e) that ‘before choosing any person for appointment to the Board of Governors of (Controlled primary, secondary, Grammar, Integrated etc) schools that ESA consult the relevant sectoral body and the Board of Governors of the school. This consultation with the sectoral body and the school Board will ensure that all new governors share the school’s vision, ethos and values and are committed to its future.

Schedule 7 – paragraph 4. Proposals as to primary and secondary education

Transferors welcome the substitute article where ESA proposes to establish a new school or make a change to a school that the relevant sectoral body is consulted. It would also be helpful at **Article 18 Establishment of Controlled schools**, if it were added that ‘ESA, in consultation with the relevant sectoral body, may - (a) establish controlled schools...’

Regarding the discharge of those functions derived from the ownership of Controlled Schools which the ESA as owner will not be able to deliver because of the need for ‘neutrality’ (e.g. with regard to estate management), could legislation guarantee a role for the Transferors / Controlled Sectoral Support Body? Such clear legislative underpinning, and link with ownership, would provide legitimacy. (e.g. a duty on ESA to put in place procedures, in consultation with the persons appearing to ESA to represent the interests of controlled schools, to ensure controlled schools are appropriately represented in wider discussions regarding overall estate management of schools.)

Transferors also believe that this legislation provides the opportunity to allow for the possibility of a jointly managed school. In thinking about the potential of such a school jointly managed by trustees and transferors we ask does the legislation before the committee provide the legislative framework

for such a management arrangement. If not then is this not an opportunity to insist that it must be provided for to enable the maximum creativity in shared education into the future.

Other concerns

Schedule 1 – ESA Membership

Paragraph 1, subparagraph c (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'*

Transferors are concerned that the Department during the consultation with them might in future require more than 4 nominations and potentially adversely affect the denominational balance of the final representation. Such balances are negotiated carefully by the Churches' Boards of Education to respect the three churches' nomination rights at a regional level.

14 ESA to provide or secure provision of training and advisory and support services for schools.

Transferors reiterate their point made earlier regarding support for the provision of support for teachers of religious education. We urge that the statutory provision of religious education is recognised by an appropriate level of curriculum support within the services of ESA or possibly we suggest delivered through a role of a Sectoral Support Body.

Transferors see within this article the potential for ESA to 'secure the provision of' advisory and support services from independent providers. We caution the committee on the potential within that for a large private support service developing and if this emerged from within a large group of schools or sector could be seen in opposition to the public services of ESA.

Inspection of RE (Section 42(7)) - the value and esteem of RE as a subject in the curriculum will be greatly enhanced if it is inspected by ETI. Therefore could paragraph (7) be amended to the following:

'inspectors shall not be exercisable in relation to any provision for religious education included in the curriculum of a grant-aided school under Article 5(1)(a) of the 2006 Order except with the agreement or at the request of the Board of Governors of the school.'

Should the department accede to this request the Transferors are willing to liaise with officials to find an appropriate amendment using the vehicle of the current Bill.

Important matter regarding appointment of transferor governors to controlled secondary schools

Representations have been made for a number of years to DE regarding an amendment to Schedule 4 paragraph 3 of the 1896 Order. This refers to Controlled Secondary schools:

Controlled secondary schools (other than controlled grammar or integrated schools or technical secondary schools)

3. — (1) There shall be 9, 16 or 24 voting members appointed to the Board of Governors of a controlled secondary school, other than a controlled grammar or integrated school [. . .]^{F005}.

(2) Subject to paragraph 6, where there are 9 voting members appointed to such a Board of Governors, then of those members—

[^{F011}(a) four shall be nominated by the relevant members of the Boards of Governors of contributory schools from amongst the relevant members of those Boards of Governors;]

(b) two shall be elected by parents of pupils attending the school from amongst parents of such pupils;

(c) two shall be chosen by the board responsible for the management of the school;

(d) one shall be elected by assistant teacher at the school from amongst such assistant teachers.

[^{F011}(2A) In sub-paragraph (2)(a) "relevant members", in relation to a Board of Governors, means the members nominated by transferors and superseded managers under paragraph 2(2)(a) or 5(1)(c).]

(3) Where there are 16 or 24 voting members appointed to such a Board of Governors, sub-paragraph (2) shall apply as if for the numbers mentioned in heads (a), (b), (c) and (d) of that sub-paragraph there were substituted the fractions three-eighths, one-quarter, one-quarter and one-eighth respectively.

And also paragraph 6 of Schedule 4 - *Provisions supplementary to paragraphs 2 to 5*

The Problem: Currently transferor governors for controlled secondary schools must be elected from amongst the transferor governors of contributory primary schools. This presents a huge burden to such governors given the increased responsibility of school governors – effectively transferor

governors on controlled secondary schools 'double job'. This often means that the election processes from the contributory primaries fail as insufficient members are willing to be nominated for the second job. As a result many controlled secondary schools have vacancies for transferor governors. This is very regrettable and highly significant at a time of great focus on school improvement when governance in such schools needs as much strength as possible. The change suggested below will go a long way towards ameliorate this problem.

A Proposal: Could the opportunity of the 2012 Education Bill be used to amend the relevant sections of legislation in Schedule 4 of the 1986 Order which would facilitate the nomination of governors from amongst the transferor nominating authorities of contributory schools.? This would allow the transferors centrally to co-ordinate appropriate nominations and ensure suitable and effective governors for controlled secondary schools.

Should the department accede to this request the Transferors are willing to liaise with officials to find an appropriate amendment using the vehicle of the current Bill.

Transferor Representatives' Council (TRC)

Chair: Rt Revd KR Good
Vice-Chair: Miss SR Rainey

Secretary: Revd IW Ellis
Contact address:
Church of Ireland House,
61-67 Donegall St
Belfast
BT1 "QH
Tel: 028 90828860