



WORKING PAPER

COUNTRY NOTE: IRELAND

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1. Historical overview and introduction to the primary (national) school system

1.1. Historical background

There is no state or local authority-owned primary school system in Ireland¹, despite the use of the term *national* to describe the primary school system. All primary schools are publicly funded² but privately owned (the majority by religious organisations) and under private (mostly religious) management (Hyland, 1996). The majority of primary schools are owned and managed by the Roman Catholic Church (92%)³. The denominational characteristic of the Irish primary school system can be traced to the early eighteenth century. In 1831 the British administration in Ireland established a state supported primary school system, under the control of a State Board of Commissioners. This was a significant attempt by the state to unite children of different denominations⁴.

The British administration intended the national system to be multi-denominational or mixed with local patronage/ management, and state aid was to be prioritised for schools comprising mixed denominational groups. The requirement that a proportion of both current and capital costs had to be provided from local sources meant that the churches were uniquely placed financially to avail of the state-aided system. However, church opposition to a state system of multi-denominational schooling, meant that very few schools established were actually jointly managed (Coolahan, 1981; CPSMA, 2004). The main Christian Churches negotiated with the government to modify the system and provide aid to schools under the management of individual churches (Akenson, 1970; Hyland, 1989; Coolahan, 1981). During the years of British administration, the rules for national (primary) schools upheld the principle that state aid would only be provided for schools which were open to

1 In the nineteenth century nine Model Schools were established, which are State owned and under the patronage of the Minister. These were originally conducted on a mixed or multi-denominational basis. No model schools have been established since.

2 The exemption being fee-paying schools at primary school level, which are attended by a very small proportion of the student population (approximately 1% of primary schools are fee-paying).

3 Statistics refer to 2006/2007 list of primary schools accessed from the Department of Education and Science Education Provider Search facility at <http://www.education.ie/home/home.jsp?pcategory=10917&ecategory=12016&language=EN>

4 This is also argued to have been advanced by the British administration as a way of anglicising Ireland as English was the medium of instruction in the national schools (Coolahan, 1981).

children of all religious persuasions and which operated under these principles (Hyland, 1996). In practice, however, each of the different denominations strove to shape the national system in the interests of its denominational requirements (Coolahan, 1981). In effect, throughout the nineteenth century, contrary to the underlying principle of providing a mixed school system, the state-aided school system developed into a state-aided denominational school system. The Irish State gained independence in 1921 and by that stage virtually all national schools were under the patronage and management of either Roman Catholic or Protestant churches. After independence, little change took place in the administration and financing of the national school system, despite control of the system being centralised within a Department of Education. The Irish constitution of 1937 consolidated the denominational nature of the primary level system (Hyland, 1996). It was not until 1975 that the first multi-denominational school was set up in Ireland (Hyland, 1989; 1996).

1.2. Legislative context

Under Article 42 of the 1937 Constitution the Irish State is obliged to give reasonable aid to private and corporate educational initiatives. This has allowed for the continued State support of religious run schools. Also, according to Article 42, the family is defined as *'the primary and natural educator of the child'* (Article 42.1) and it is the parent's right to provide for the religious education of his children. Article 42 goes on to state that parents shall be free to provide this education in their homes or in private schools or in schools recognised or established by the State. The responsibilities of the State are relatively limited (Hyland, 1996). A number of judicial rulings have interpreted Article 42 as offering implied protection for the denominational nature of schooling (Lodge and Lynch, 2004). Article 44 upholds the free practice of religion. Article 44 also refers to state aid to religious institutions and holds that the State can not discriminate between the different denominations, and that children have a right to attend state-aided schools without religious instruction.

All schools operate according to the Rules for National Schools which were drawn up by the Minister for Education (1965)⁵. It is argued that the state consolidated support for denominational schools in the preface to the revised Rules

⁵ Full text accessed via http://www.education.ie/servlet/blobServlet/rules_for_national_schools_1_7.pdf

for National Schools in 1965, which stated that *‘in pursuance of the provisions of these Articles [Articles 42 and 44.2.4°] the State provides for free primary education for children and gives explicit recognition to the denominational character of these schools’* (Hyland, 1989; Drudy and Lynch, 1993). Until the late 1990’s there was no substantive legislation underpinning the national school system (Constitutional Review Group, 1996: 317). The main pieces of legislation governing schools are the Education Act (1998)⁶ and the Education (Welfare) Act (2000)⁷. The 1998 Act places a statutory duty on the Minister to ensure that appropriate education and support services are available to everyone, including every person with a disability or other special educational needs. It also states that schools must use their resources to ensure that the educational needs of all students, including those with a disability or other special educational needs, are identified and provided for. Schools are expected to have respect and promote respect for the “diversity of values, beliefs, traditions, languages and ways of life in society” (1998 (15) 2e). The 1998 Education Act recognises the autonomy of each school, under the patron, and sets out the main responsibilities and rights of the patron, the board of management, and the principal, subject to regulations made by the Minister. The Act also establishes the functions of boards of management in primary schools on a statutory basis. Functions of the Board of Management include determining the moral and religious education of pupils. The Act states that a school management board is required to uphold the “characteristic spirit” of the school as determined by its “cultural, educational, moral, religious, social, linguistic and spiritual values and traditions” (1998 (15) 2b). Consultation for the drafting of the Education Act 1998 also involved agreement on other legal provisions on the governance of primary schools. The Deed of Variation, one such legal provision, provides for the establishment of representative boards of management in primary schools (CPSMA, 2004). All Catholic Primary schools established before 1997 were subject to a lease signed when the school was set up. This lease included an undertaking that the school would be managed in accordance with the rules for National Schools. In 1997, the Patrons and the Minister for Education agreed (following discussions with the education ‘partners’) to vary the terms of the existing leases (CPSMA, 2004). The new document (Deed of Variation),

⁶ Full text available via <http://www.irishstatutebook.ie/1998/en/act/pub/0051/index.html>

⁷ Full text available via <http://www.irishstatutebook.ie/2000/en/act/pub/0022/index.html>

which supplements the original lease, provides that the school will be managed in accordance with the rules laid down by the Minister for Education and in accordance with the ethos of a school, including religious ethos (CPSMA 2004; Department of Education and Science, 2007). According to their deed of variation, the board of management of a denominational primary school has an obligation to uphold and foster the school's ethos (CPSMA 2004).

Other legislation relevant to religion and schooling in Ireland includes the Employment Equality Act 1998 and the Equal Status Acts 2000 and 2004, which prohibit discrimination on nine grounds including religion (Lodge and Lynch, 2004). All Equality Acts apply to schools, which are, in turn, bound by a series of regulations relating to entry and enrolments that did not exist in the past. However, the equality legislation does contain exemptions in relation to maintaining the religious ethos of certain bodies. Section 7(c) of the Equal Status Act allows exemptions to denominational schools where the objective is to provide education in an environment that promotes certain religious values. A school that has this objective can admit a student of a particular religious denomination in preference to other students. Such a school can also refuse to admit a student who is not of that religion, provided it can prove that this refusal is essential to maintain the ethos of the school (The Equality Authority, 2005). The exemption with respect to the Employment Equality Act (Sections 12 and 37) means that a religious institution, such as a denominational school or denominational teaching training college, with the aim of providing services in an environment which promotes certain religious values shall not be taken to discriminate against a person if it gives more favorable treatment, on the religion ground, to an employee or a prospective employee over that person where it is reasonable to do so in order to maintain the religious ethos of the institution. In 2005, the UN Committee on the Elimination of Racial Discrimination (CERD) expressed concern that existing laws and practice favoured Roman Catholic pupils in the admission to Roman Catholic schools in case of shortage of places, particularly in the light of the limited alternatives available. It encouraged Ireland to promote the establishment of non-denominational or multi-denominational schools and to amend the existing legislative framework so that no discrimination may take place as far as the admission of pupils (of all religions) to schools is concerned (Kilkelly, 2007). The Committee on the Rights of the Child reiterated this recommendation in 2006 (Kilkelly, 2007).

Ireland signed the Convention on the Rights of the Child (UNCRC) on 30 September 1990, and ratified it, without reservation, on 21 September 1992. The Convention entered into force in Ireland on 21 October 1992. With ratification, Ireland has undertaken to respect the Convention as international law and to implement its provisions. Article 30 of the Convention on the Rights of the Child declares the '*right to children of minority groups to enjoy their own culture, language and practice their religion*'. This clearly represents a challenge to Irish laws that permit schools to maintain a religious ethos while educating children of other religious beliefs who have no choice but to attend religious-run schools. The Constitution Review Group, which reported in 1996, agreed that the current constitutional position with respect to children's rights was deficient in several significant respects. It recommended that the Constitution be amended to include the 'welfare of the child' principle and to provide an express guarantee of certain other children's rights deriving from the UN Convention on the Rights of the Child. In November 2006, the Government announced its intention to hold a Constitutional Referendum on children's rights with a view to putting these rights in a central place in the Constitution.

Additional pieces of international legislation that have a bearing on education and religion in Ireland, include the Universal Declaration of Human Rights, the UN Committee on the Elimination of Racism, the UN Convention on the Rights of the Child (Article 17 and 30), the European Convention on Human Rights (Articles 9 and 14), the Framework Convention for the Protection of National Minorities (Articles 5,7,8 and 12), UN International Covenant on Civil and Political Rights (Article 27), the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (Article 5), UN International Convention on the Elimination of All Forms of Racial Discrimination (Article 3), and the UN Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities (Articles 2 and 4).

The national and international legislative context, which shapes religion and schooling in Ireland is becoming more significant, and coming under more critical analysis, as Irish society becomes more secular and as minority religious groups become more common (Mawhinney, 2007). It is claimed that, whatever the historical or cultural background, the rights of individuals to religious freedom and the rights of

denominational schools to uphold their ethos are currently at odds (Lodge and Lynch, 2004: 51).

1.3. Description of the primary (national) school system

In Ireland, all educational institutions are subject to the control of the Department of Education and Science (DES). The Minister for Education and Science is the government elected state official responsible for Irish education, who is supported by the appointed civil servants in that Department. There are also a number of statutory agencies established to advise and support the work of the Department including the National Council for Curriculum and Assessment, the National Education Welfare Board and the New Schools Advisory Committee. Other bodies also play an important role in Irish education such as teachers (especially through the trade union structure), the churches, the vocational educational committees and parents' organisations (Drudy and Lynch, 1993). The primary level system consists of primary schools (including all-Irish Gaelscoileanna), special schools (which cater for particular types of physical and intellectual disability and students not catered for in the ordinary national school system) and a small number of non-aided primary schools.

Education in Ireland is compulsory from age 6 to 16 or until students have completed three years of second-level education (Department of Education and Science, 2004). In Ireland, all children whether they are nationals or foreign-nationals, are entitled to free primary and second level education (Reception & Integration Agency, 2001). However, the proposed Immigration Bill (2008) denies free primary education to undocumented children⁸. In addition, there have been a number of cases in which free primary and second-level schooling has been denied to the children of foreign students studying in Ireland⁹. Article 42 of the Constitution also permits parents to educate their children at home if they can show that they are capable of doing so. In practice, very few children are educated at home¹⁰. Section 14 of the Education (Welfare) Act, 2000 refers to children educated in places other than

⁸ The Irish Council for Civil Liberties (ICCL) (March 2008) Submission to the Joint Committee on Justice, Equality, Defence and Women's Rights on the Immigration, Residence and Protection Bill 2008 (as initiated).

⁹ Information accessed from the ICCL in their Additional Submission on access to primary education for migrant children to the Joint Committee on Justice, Equality, Defence and Women's Rights on the Immigration, Residence and Protection Bill 2008.

¹⁰ Correspondence received from the National Educational Welfare Board dated 17th April 2008 stated that there were 387 home educated children on its register. However, the register is new so the actual figure is higher. The Home Education Network claims that the figure is between 2000-15000 depending on the definition of home schooling used.

recognised schools, and under the Act parents or guardians of home educated children are obliged to provide details of the educational provision to their child(ren) to the National Education Welfare Board. While there is no state provision of pre-schooling in Ireland, primary level schools accept children on or after their fourth birthday. In this regard, part of what is considered pre-school education (from age 4 to 6) is provided, free of charge. Primary level pupils are generally aged between four and twelve. The primary level system is an eight-year cycle, and pupils are enrolled by age into eight year-groups or classes, ranging from junior infants to sixth class. The majority of primary schools (approximately 85%) are co-educational schools (mixed boys and girls). However, Roman Catholic schools at primary level have a number of single sex schools (15%).

1.3.1 Composition of student population

There are over 469,000 pupils attending primary level schools in Ireland. The overwhelming majority of primary school children are attending Roman Catholic schools (95%). However, this does not mean that 95% of the pupil population is Roman Catholic (Hyland, 1993, Lodge and Lynch, 2004). A further 3% of the pupil population attend Protestant schools. Effectively, 98%¹¹ of the pupil population attend either Roman Catholic or Protestant primary level schools. This is not reflective of the religious denomination of the student population (Educate Together, 2005). What is happening therefore is that young people of minority religious beliefs, and of no religious belief, are obliged to attend whatever local school grants them admission, regardless of its religious affiliations (Lodge and Lynch, 2004). This is because of the absence of an adequate network of alternative schools.

The 2006 Census found that 92 per cent of Irish nationals were Roman Catholics compared with 50.8 per cent of non-Irish nationals. After the Roman Catholic group, the next largest group in Ireland is those having “No religion” (186,000). Muslims represented the third largest religious category in 2006 – up 13,400 from 2002 to just over 32,500. Adherents of the Orthodox religion doubled in number to 20,800 between 2002 and 2006. Nearly 58,000 stated other religious affiliation. Other religions include Hindus, Sikhs, and Buddhists (Lodge and Lynch, 2004). Overall, there has been an increase in the number of people professing

¹¹ Statistics accessed via the Department of Education and Science Education Provider Service Facility at <http://www.education.ie/home/home.jsp?pcategory=10917&ecategory=12016&language=EN>

minority and secular beliefs. *Table 1* gives a breakdown of religion for people aged between 5 and 14, with 1% of this age group representing ‘other stated religion’ and 3% representing ‘no religion’. Although these figures do not generate specific statistical data on the religious denomination of primary level pupils (generally aged between 4 and 12), the census does give an indication of the changing religious demographics of Ireland.

Findings from a survey of 450 of its members by the Irish Primary Principals’ Network (IPPN), showed four out of five primary schools now cater for pupils from at least two religious backgrounds, with one-in-six catering for children of at least six different faiths. The Economic and Social Research Institute (ESRI), on behalf of the Department of Education and Science, carried out a survey of Irish primary schools to assess the level of diversity in schools (ESRI, 2007). The majority of principals of Roman Catholic schools (59%) reported that they had at least a few pupils of minority belief. An audit of school enrolment policies, carried out by the Department of Education and Science (2007), included an audit of 1572 primary schools. The audit covered school enrolments in relation to children of immigrants, Travellers and pupils with special educational needs. Based on the statistical information provided by the schools surveyed, over 7.5% of pupils at primary level are classified as Non English/Irish speaking.

Table 1: Persons classified by religion and age group, 2006

Religion	Total	Roman Catholic	Church of Ireland	Muslim	Other Christian	Presbyterian	Orthodox	Methodist	Other stated religion	No religion
Age group										
5-9	288,325	256,662	7,544	2,981	1,222	1,222	1,238	617	3,255	6,297
10-14	273,872	248,296	7,138	1,985	1,113	1,113	808	518	2,709	5,509

Source: Census 2006

1.3.2 Curriculum

The National Council for Curriculum and Assessment (NCCA) was established by the Department of Education and Science to improve the quality of education through continuous review of curriculum and assessment provision. The NCCA council

includes teachers, school managers, parents, business, trade unions and other educational interests, including church representation from the Church of Ireland Board of Education and the Catholic Primary Schools Managers Association¹². The NCCA revised the primary (national) school curriculum in 1999. Two of the specific aims in the revised curriculum refer to the importance of religious education in schools to firstly *'enable children to develop spiritual, moral and religious values'* and secondly to *'develop a knowledge and understanding of his or her own religious traditions and beliefs, with respect for the religious traditions and beliefs of others'* (1999, p. 34). There are no representatives of minority religious beliefs on the NCCA council.

The Primary School Curriculum (1999) is presented in seven curriculum areas, some of which are further subdivided into subjects. These are: language: Gaeilge and English; mathematics; social, environmental and scientific education (SESE): history, geography and science; arts education: visual arts, music and drama; physical education; and social, personal and health education (SPHE). The development of curriculum for Religious education remains the responsibility of the different church authorities¹³. Up to the 1990's the official position of the Catholic Church and the government was that religious education and civic education were inseparable, and indeed that religious education should permeate every sort of teaching (Finlay, 2007, p. 474). The blending of religious and civic education is now absent from the guidelines for teachers published by the Department of Education (Finlay, 2007). However, the Education Act 1998 (section 30 (2)) does state that the Minister must *'have regard to the characteristic spirit of a school or class of school in exercising his or her functions'*.

At present, the Rules for National Schools (1965) allow for two and a half hours per week for religious instruction, in accordance with the wishes of the patron. In denominational schools, this half hour per day is used for religious instruction in a particular faith. Pupils of minority persuasion can request to be absent from religious classes by constitutional right (Bunreacht na hÉireann 44.2.4; Williams, 1999: 321). Notwithstanding the constitutional commitment to non-discrimination regarding religion, there is no standard policy or practice in denominational schools for accommodating pupils of minority (or no) religious beliefs. The Economic and Social

¹² Membership of NCCA council in 2007 accessed via <http://www.ncca.ie/index.asp?locID=67&docID=-1>

¹³ Primary School Curriculum 1999 introduction accessed via http://www.ncca.ie/uploadedfiles/Curriculum/Intro_Eng.pdf

Research Institute Survey on Diversity in Primary Schools (2007) sought information on practices regarding religious education and pupils from minority (or no) religious beliefs. Principals of Roman Catholic schools with pupils from minority religious groups reported that the most common practice was for a pupil to stay in the religious education class but not participate (60.4%), whereas the second most common practice was for the pupil to stay in the class and participate (48%). Educate Together, a patron for multi-denominational schools, state that they place the responsibility for faith formation with the family and faith community, whilst obliging the school to provide a respectful and supportive environment for all¹⁴. Educate Together also state that their schools, at the same time, facilitate faith formation classes that are voluntary and outside the compulsory school day. Educate Together use a core ethical curriculum 'Learn Together', which minimises the likelihood of parents requesting her or his child to be absent from a part of the school programme.

It is claimed that the right not to participate in aspects of the life of the school that reflect a particular set of beliefs and practices is one of the key equality issues for those of minority or secular beliefs attending primary schools (Lodge and Lynch, 2004)(J. Deegan et al., 2004). This is further complicated by the fact that denominational schools also practice faith formation in addition to religious education (CPSMA, 2004). In Roman Catholic schools preparation for religious rites are a central part of the school year (J. Deegan et al., 2004). In this context, religious instruction is not confined to religious education classes as it permeates the school day. For example, the Catholic Primary School Managers Association (CPSMA, 2000; 2004) state that prayer is a feature of the school day. Teachers have expressed concern in having to reconcile the denominational characteristics of a school with the increase in number of children with minority beliefs (Devine, 2005).

¹⁴ Educate Together (2007) A State model for multi-denominational primary education. Unpublished document accessed at http://educatetogether.com/pdf_downloads/GMM%2020071110/VEC%20Diswellstown.doc

1.4. Funding of the primary (national) school system

The current and capital costs of primary schools, including teachers' salaries, are funded almost entirely by the State, supplemented by local contributions. Schools may receive additional funding according to their circumstances, for example, if they are serving areas of particular disadvantage or children with special needs. Capital and current expenditure for educational institutions, at primary level, aided by the Department of Education and Science in 2006 totalled at €2,920.7 million.

Capitation grants¹⁵, detailed in *Table 2*, are intended to be spent on the day-to-day running costs of the school. Primary schools also receive a grant for caretaking and secretarial services (called the Ancillary Services Grant Scheme). The payment is larger per pupil in the case of Gaelscoileanna operating outside of Gaeltacht (Irish speaking) geographic areas. Schools maintained by the office of public works have a low grant per pupil based on the fact that current expenditure for that school is subsidised by the activities of the office of public works (for example: general upkeep and maintenance of school building). There is also specific provision, usually a higher capitation grant per pupil, made for pupils attending special classes in mainstream schools or pupils attending special schools.

In October 2001, the State abolished the requirement on primary schools to raise a local contribution towards their current operating costs¹⁶. However, there is evidence that local contributions to running costs are still requested by schools in order to operate when the capitation grant is inadequate (The Labour Party Survey Findings, 2006; National Parents Council Survey Findings, 2008). This local contribution comes in the form of administration fees and voluntary contributions. The National Parents Council survey found that 35% of parents have difficulty paying the contribution. Primary School Management Organisations have highlighted the inadequacy of state-aid to primary schools and the need for increased capitation grants if they are to avoid asking for a local contribution (Primary Management Bodies, 2008). Educate Together schools and Foras Pátrúnachta do not have a diocese or parish support. Fund-raising is a medium used by primary schools to balance income and expenditure in the absence of an adequate capitation grant (Primary Management Bodies, 2008).

¹⁵ Grant paid per head for each pupil in the school .

¹⁶ DES Primary Circular 15/02: *Capitation Grants for 2001/2002 School Year*

Table 2: The Rates of Grant for 2007/2008 School Year are as Follows¹⁷

Schools in which a Board of Management has been established	€173.58 per pupil
National schools maintained by the Office of Public Works	€69.43 per pupil
Minimum grants to small schools (60 pupils or less)	€10,414.80
Minimum grant to small schools maintained by the Office of Public Works	€4,165.92
Scoileanna Lán Ghaeilge	€198.97 per pupil
Minimum Grant to Scoileanna Lán Ghaeilge	€1,938.20

Traditionally, the site for national schools was provided locally - either directly by the patron or as a result of local fundraising. However, since 1999, the State purchases sites for national schools. Nonetheless, the patron still has the choice of funding the site cost. If the patron pays, the patron owns the school. If the state pays, then the state owns the school building and leases it to the patron under a lease or a deed of trust. In most cases, the State requires a local or patron contribution to building costs, although it is capped. The capped figure varies for special schools and schools designated as disadvantaged¹⁸. Previously, in the case of Gaelscoileanna, the Department bought the site and paid the full building cost. More recently however, the funding for new Gaelscoileanna is on the same basis as other new schools. The previous arrangement does continue for Gaelscoileanna that have either permanent or provisional recognition from the Department of Education and Science. In practice, a significant number of Gaelscoileanna are in rented accommodation and the state pays the rent¹⁹. Private primary schools get no state funding.

¹⁷ Data taken from the Irish National Teachers Organisation at <http://www.into.ie/ROI/SchoolAdministration/SchoolFunding/CapitationGrants/>

¹⁸ Information sourced from the Irish eGovernment website provided by the Citizens Information Board at <http://www.citizensinformation.ie/categories/education/primary-and-post-primary-education/going-to-primary-school/ownership-of-primary-schools>

¹⁹ *ibid.*

2. Ownership and control of the primary (national) school system

2.1. Ownership of primary level schools

The Department of Education and Science listed 3290²⁰ publicly funded primary schools in Ireland for the 2006/2007 school year. There were 124²¹ special national schools in 2006, which cater for particular types of disability and students not catered for in the ordinary national school system. *Table 1* gives a breakdown of the percentage of primary schools under denomination of the various churches, and the number of pupils enrolled for the school year 2006/2007²². This list does not include fee paying schools, of which there are 40 in total (1%), as these schools do not receive state aid at primary level.

Table 3: Number and percentage of primary schools according to denomination 2006/2007 and respective enrolment numbers.

Denomination	N schools	% schools	N pupils enrolled	% of total pupil population
Roman Catholic Church of Ireland	3027	92	444692	95
Multi denominational	182	5.5	13911	3.0
Presbyterian	53	1.5	8569	1.8
Interdenominational	14	0.4	662	0.1
Other/ unknown	7	0.2	647	0.1
Muslim	3	0.2	87	0.0
Jewish	2	0.1	435	0.1
Methodist	1	0	94	0.0
Total	1	0	96	0.0
	3290	100	469193	100

Note: Enrolment Totals for School year 2006/2007²³

Source: Department of Education & Science

²⁰ Statistic accessed via the Department of Education and Science Education Provider Service Facility at <http://www.education.ie/home/home.jsp?pcategory=10917&ecategory=12016&language=EN>

²¹ Statistics accessed via Department of Education and Science Key Statistics 2005/2006 <http://www.education.ie/home/home.jsp?pcategory=17216&ecategory=17321&language=EN>

²² Statistic accessed via the Department of Education and Science Education Provider Service Facility at <http://www.education.ie/home/home.jsp?pcategory=10917&ecategory=12016&language=EN>

²³ Statistics accessed via the Department of Education and Science Education Provider Service Facility at <http://www.education.ie/home/home.jsp?pcategory=10917&ecategory=12016&language=EN>

Table 3 shows that the majority of primary schools are of Roman Catholic denomination (N=3027, 92%), and that 95% of all children attending primary school are educated in Roman Catholic owned and managed schools. There are 122 Gaelscoileanna listed as having a Roman Catholic denomination (34 of these are under patronage of Foras Pátrúnachta²⁴). The Church of Ireland is the diocesan trustee for 5.5% of all primary schools, while 0.4% of all primary schools are Presbyterian. There is a small percentage (1.5%) of Multi-denominational schools, of which 44²⁵ are under Educate Together patronage. Educate Together is the representative organisation of the Educate Together schools and associations throughout the Republic of Ireland. It developed out of the movement to establish new multi-denominational primary schools, which emerged in the late 1970s and early 1980s. The Jewish and Islamic communities in Ireland operate one and two schools, respectively, for children of their own belief, all of which are in Dublin (Lodge and Lynch, 2004). None of the other minority religions have state-aided schools (Lodge and Lynch, 2004). The special schools are owned by the Department of Education and Science, religious orders, Commissioners of Public Works or the Health Service Executive²⁶.

2.2. School management structure

The management structure of primary schools includes a patron and a board of management. The patron may manage the school personally or may nominate a suitable person or body of persons to act as manager. The Board of Management/Manager is the body of persons or the person appointed by the patron and recognised by the Minister as defined by Section 14 of the Education Act 1998. The principal is responsible for the day-to-day management of the school and is responsible to the patron and the board of management.

The 1998 Act gives a statutory basis to the role of the patron and sets out the rules for determining who the patron is. The Act states that the patron of a primary level school is *'the person who requested recognition of the school or a nominee of that person'* (section 8). In general, the patron of a school is a representative of the

²⁴ Correspondence received from Foras Pátrúnachta dated 01/05/08. Statistics refer to 2007.

²⁵ The Number of Educate Together Schools was taken from the Educate Together Website http://www.educatetogether.ie/1_educate_together/whatiseducatetogether.html

²⁶ Information from Government website. Accessed through http://www.oasis.gov.ie/education/primary_education/ownership_of_schools.html

owners. The Board of Management is responsible for managing the school, but is accountable to the patron for upholding the ethos of the school as defined by the patron (Education Act, 1998, section 15). Additionally, most references to the patron in the 1998 Act relate to a requirement that the patron be consulted together with the Board of Management, Parent Associations, students and staff in relation to various issues (Section 7 (4b)). According to the Education Act 1998 the authority of an individual Board of Management derives from its appointment by the patron (section 14 (1)). The patron, with the consent of the Minister, has the right to remove a member or to dissolve the board of management. Furthermore, the patron is to be supplied with information regarding the performance of the board's functions (section 19(4)).

A register of patrons is kept by the Department of Education and Science so it is possible for anyone to check exactly who the patron of any national school is. In the case of Roman Catholic and Protestant denominational schools, the Roman Catholic and Church of Ireland bishops are generally the patrons of the schools within the diocese, with the parish priest usually carrying out the functions on behalf of the bishop. However, in some cases, another relevant religious authority may be patron, such as a religious order. The multi-denominational schools' patron is usually the board of trustees or a limited company (Educate Together). Gaelscoileanna may be under the patronage of the church authorities but may opt to be under the patronage of Foras Pátrúnachta na Scoileanna Lán Ghaeilge, which is a limited company set up for schools not under church patronage²⁷. The Imam of the Islamic Foundation of Ireland is Patron of the Muslim national schools in Dublin.

The Board of Management consists of two members appointed by the patron, two parent's representatives elected by the parents, the Principal of the school and a teacher's representative²⁸. The six members then co-opt two more members from the wider community²⁹. There are particular rules for Boards of Management³⁰ for convent and monastery schools in relation to the teacher representatives. If the principal is a religious representative, the elected teacher-member must be a lay

²⁷ These are still denominational schools in ethos: in 2007, 34 schools were of Roman Catholic denomination; 14 were interdenominational and 7 were multi-denominational (Statistics taken from correspondence with Foras Pátrúnachta na Scoileanna Lán Ghaeilge).

²⁸ For schools with a recognised staff of one teacher the Board is made up of 1 direct nominee of the Patron; Principal Teacher of the School; 1 Parent Representative and 1 Community Representative.

²⁹ Department of Education and Science (2007) Boards of Management of National Schools: Constitution of Boards and Rules of Procedure.

³⁰ *ibid.*

person and, if the principal is a lay person, it is recommended that the elected teacher-member be a religious representative. The patron appoints the Chairperson of the board, who has traditionally been the local parish priest in the case of Roman Catholic schools (Lynch et al., 2006). All Boards of Management of Roman Catholic Primary Schools are members of the Catholic Primary School Management Association (CPSMA). The people appointed to the board must have a commitment to the ethos of the school³¹. In the case of Roman Catholic schools, they must have an understanding of and commitment to Roman Catholic education as outlined in the Deed of Trust (or Deed of Variation) for Roman Catholic Schools whereas for Church of Ireland schools, they must be members of that Church; in Presbyterian schools, they must also be church members and in Muslim schools they should be members of the Muslim community in Ireland (in all cases the patron of the school can decide otherwise). For Educate Together Schools they must have a commitment to the ethos of the school.

In 2006, Lynch et al., carried out research into the gendered nature of senior management appointments in Irish education. The findings from this research highlighted that senior management posts in education are disproportionately male. In essence, while teaching in Ireland is a predominantly female profession, it is largely administered and managed by men (Drudy et al. 2005; Drudy, 2006; Lynch et al., 2006).

2.3. Administration

Given the composition of the management structure of denominational primary schools, outlined above, the day-to-day administration of primary school is very much under church control (Drudy and Lynch, 1993: 77). The Education Act gives the patron considerable powers in the administration of schools and apart from powers over staff appointments and the appointment and operation of Boards of Management, the patron also provides the school's statement of ethos (characteristic spirit) and ensures that this ethos is upheld by the board. The ethos of a school is reflected in policy and practice directed by the Board of Management. The obligation for a board to uphold and foster the school ethos is also laid down in the school's Deed of Variation³². In the case of denominational schools, this means reflecting the religious

³¹ *ibid.*

³² The 'Deed of Variation' is the revised lease (since 1997) referring to the fact that the school will be managed in accordance with the rules for National Schools.

denomination of the school. For example, the Catholic Primary School Managers' Association outline, in their Board of Management Handbook, that the '*policies, practices and attitudes of the school are inspired by Gospel values*' (2004, p. 5). The Education Act 1998 defines the ethos of the school as:

The characteristic spirit of the school as determined by the cultural, educational, moral, religious, social, linguistic and spiritual values and traditions which inform and are characteristic of the objectives and conduct of the school.

2.3.1. Admission and enrolment policies

The procedures and practices governing the enrolment of pupils in national schools and the determination that an enrolment is valid are contained in the Rules for National Schools and in a number of Department of Education and Science Circulars. The policy context with respect to school admission policies is enshrined in two separate legal statutes, the Education Act, 1998, and the Equal Status Act, 2000.

The Education Act 1998 states that all schools must have an admissions policy. Under section 15 of the Act, the Board of Management, in consultation with the patron shall draw up:

The policy of the school concerning admission to and participation in the school, including the policy of the school relating to the expulsion and suspension of students and admission to and participation by students with disabilities or who have other special education needs, and ensure that as regards that policy principles of equality and the right of parents to send their children to a school of the parents' choice are respected and such directions as may be made from time to time by the Minister, having regard to the characteristic spirit of the school and the constitutional rights of all persons concerns, are complied with.

In accordance with the Education Act 1998, admission and enrolment policies are influenced by the ethos of the school and the obligation of the board to uphold and foster this ethos. Schools are required by the Education Act 1998 to publish their admission policy. Should a school refuse to enrol a young person as a pupil, section

29 of the Education Act 1998 allows for an appeal by the individual or his/her parent(s) or guardian(s) against any such decision³³ (Lodge and Lynch, 2004, p. 49). There have been some cases of appeal with a religious dimension regarding refusal to enrol³⁴, but specific numbers or details are not available for public reference.

The admissions policy must also be in line with section 7 (2a) of the Equal Status Act 2000, which states that an educational establishment shall not discriminate in relation to the admission or the terms or conditions of admission of a person as a student to the establishment³⁵. However, there are clearly competing interests between the provisions of the legislation guiding enrolment policies: between the Education Act 1998, which provides for upholding the ethos of an educational institution, and the Equal Status Act 2000, which provides for inclusive enrolment policies (McGorman and Sugrue, 2007).

2.3.2. Appointment of staff and teacher training

The appointment of teachers and ancillary staff and the appointment of teachers to deputy-principalship and other posts of responsibility is a function of the board of management. The patron must always be consulted on these issues. At primary level a patron has the right to consent or to withhold consent to the appointment of all members of the teaching staff. It is important that any selection board is advised of the patron's views in regard to any particular criteria for appointment³⁶. The Board of Management is the employer and teachers are employed under a contract of employment with the Board. While the Minister operates a payroll service in respect of teachers on behalf of Boards of Management and has statutory functions in the setting of terms and conditions for teachers, s/he is not their employer. A Selection Board is composed of the Chairperson of the Board of Management and at least two assessors independent of the Board of Management, to be appointed by the Patron

³³ According to correspondence received from the Department of Education and Science dated 8th May 2007, under section 29, 188 appeals were received in 2007, 35 of which were withdrawn.

³⁴ Although the number of appeals under section 29 with respect to refusal to enrol is available for reference, specific details regarding *reasons* for refusal to enrol are not available (correspondence from Department of Education and Science).

³⁵ However, educational institutions upholding a religious ethos are exempt under section 7 (3c) of the Equal Status Act 2000.

³⁶ Department of Education and Science (2007) Primary Boards of Management: Information Manual. Dublin: Department of Education and Science accessed via <http://www.into.ie/ROI/SchoolAdministration/BoardsOfManagement/BoardsOfManagementDownloads/filedownload,6339,en.pdf>

after consultation with the Chairperson³⁷. Qualifications for teachers are outlined by the Department of Education and Science³⁸. Irish law at present allows denominational schools to discriminate in employment matters (Section 12 and 37 of the Employment Equality Act 1998). It is argued that churches influence the social climate of a school given the administrative control the patron (the majority of whom are religious representatives) exercise over the Board of Management and the selection board for the appointment of teachers in their schools (Lynch et al., 2006).

There are five Colleges of Education for primary teachers which offer three year full-time courses leading to a B.Ed. degree which is the recognised qualification for primary teaching in Ireland. These include St.Patrick's College, Drumcondra, Dublin; Mary Immaculate College, Limerick; Church of Ireland College, Rathmines, Dublin; Froebel College, Blackrock, Co. Dublin; and Coláiste Mhuire, Marino, Dublin. These are denominational controlled Colleges of Education. The Roman Catholic Church or religious orders own four of the current five denominational colleges, while the fifth is owned by the Church of Ireland (Sugrue, 2003). However, in 2003, an on-line primary teacher-training course was approved by the Department of Education and accredited by HETAC, the Higher Education and Training Awards Council. The course is provided by a private institution, Hibernia College, which is an international, third level, online College.

Traditionally, the promotion of the Irish language and culture and the use of the Irish language as the spoken language within the training colleges was a particular feature of the educational experience of primary teachers (Killeavy, 1998). In recent years, applicants for B.Ed degrees are required to have a higher level grade C³⁹ in Irish, and a proficiency in oral Irish. In addition, the religious ethos of the college stemmed from an era when most, if not all, members of the teaching staff in the major institution were members of a religious order (Killeavy, 1998). Killeavy maintains that, while this trend had diminished considerably since the 1960's, the religious ethos of the college is still an important factor of college life. In this regard, the study of Religious Education in which all students are expected to attend a special diploma

³⁷ Department of Education and Science (2007) Boards of Management of National Schools: Constitution of Boards and Rules of Procedure accessed via

http://www.educatetogether.ie/5_schools/Bom%20recruitment%20training%20pack%20240307/AppD2004.doc

³⁸ <http://www.education.ie/robots/view.jsp?pcategory=10900&language=EN&ecategory=19312&link=link001&doc=16905>

³⁹ Entry to Colleges of Education leading to a B.Ed degree is administered through the Central Admissions Office (CAO), which is the central processing office for entry to higher education in Ireland based on grades attained through the Leaving Certificate Examination at the end of second-level.

course is a routine requirement for a teaching position in the vast majority of primary schools, though such a course of study is not required by the universities or the State Department of Education.

The role of the Department of Education and Science in relation to the Colleges of Education is to ensure that the supply of teachers for first level schools is in accordance with identified needs. The Department of Education and Science monitors quality and standards of existing students and has a place on the examination boards presiding over degree and graduate courses. The State established a Teaching Council on a statutory basis in March 2006 to promote teaching as a profession at primary and post-primary levels. The objectives of the Teaching Council include the establishment of procedures and criteria for probation and entry to the profession, the determination of the suitability of qualifications for accreditation, and the regular review of teacher education programmes.

3. Description of the second-level school system

The second-level sector comprises four distinct school types: secondary (54%), vocational schools and community colleges (34%), and community and comprehensive schools (12%). All schools in the second-level sector are governed by Department of Education and Science circular, rules and regulations and follow a centralised curricula and examination system. There are 732⁴⁰ second level schools in total of which 56⁴¹ (8%) are fee-paying schools. Fee-paying schools at second level receive staffing costs but do not have an entitlement to capitation grants from the Department of Education and Science.

Secondary Schools are privately owned and managed but receive full state funding for incremental salaries for staff and capitation grants. The majority are religiously owned and controlled, and educate approximately 54 per cent of second-level students⁴². The majority of the secondary schools are Roman Catholic (approx.

⁴⁰ Statistics accessed via the Department of Education and Science Education Provider Service Facility at <http://www.education.ie/home/home.jsp?pcategory=10917&ecategory=12016&language=EN>

⁴¹ Figure accessed from Department of Education and Science Website at http://www.education.ie/servlet/blobServlet/pp_fee_paying.htm?language=EN

⁴² Statistics published by the Post-Primary Administration Section (July 2007) and accessed via http://www.education.ie/servlet/blobServlet/ppschools_preface.doc?language=EN

94%⁴³) mostly owned and managed by male and female religious orders, while a small minority of schools are owned by Protestant and Jewish denominations, and independent bodies. Notably, all 56 of the fee-paying schools at second level are secondary schools. The school trustees (generally the bishop or religious order) are the owners of most secondary schools as well as the employer of those who work in the school (Lynch et al., 2006). Vocational schools and Community Colleges are State established and are administered by Vocational Education Committee's (VECs). They are non-denominational in character (Lynch et al., 2006) and educate 34 per cent of all second-level students⁴⁴. However, traditionally there have been clerical representatives on VECs as they are jointly managed by a religious order and the VEC (Drudy and Lynch, 1993). Community and comprehensive schools are state financed and managed by Boards of Management of differing compositions (Department of Education and Science, 2004). Community schools are multi-denominational but generally tend to be largely Roman Catholic in ethos (Lynch et al., 2006). Comprehensive schools are singular in denominational ethos being either Roman Catholic or Protestant in practice (Hyland, 1996).

Second-level schools comprise a three-year Junior Cycle followed by a two or three year Senior Cycle, depending on whether the optional Transition Year is taken after the Junior Certificate examination. Students usually commence the Junior cycle at age 12. A state examination, the Junior Certificate, is taken after three years. The Senior Cycle caters for students in the 15/16 to 18 year age group. There are three state examinations at the end of the senior cycle: the Leaving Certificate (which the majority of students undertake), the Leaving Certificate Vocational Programme (LCVP) introduced in 1989, and the Leaving Certificate Applied (LCA) introduced in 1995. The Leaving Certificate is the long established terminal examination of second-level education. The Leaving Certificate is the main basis upon which places in universities, institutes of technology and colleges of education are allocated. Religion is an optional subject for the State examinations. The way was cleared for the introduction of religion as a subject in State examinations after the 1998 Education

43 Statistics derived from 2006/2007 post-primary schools list accessed via the Department of Education and Science Education Provider Search facility at http://www.education.ie/servlet/blobervlet/ppschools_epl.xls

44 Statistics published by the Post-Primary Administration Section (July 2007) and accessed via http://www.education.ie/servlet/blobervlet/ppschools_preface.doc?language=EN

Act repealed legislation dating back to 1878. The 1878 Act had banned the teaching of religion in second-level schools for exam purposes (Flynn, 2005).

4. Conclusion

The establishment of a state-aided national school system by the British administration in Ireland, in the nineteenth century, led to the development of the highly denominational primary school system that currently exists. Since that time, Government legislation and continued state-aid, has served to consolidate the denominational character of the Irish primary (national) school system. Today, therefore, the churches, and in particular the Roman Catholic Church, exercise significant control over schools in terms of ownership, management and administration. This is exemplified in the power and control that a religious patron of a school exercises over the management structure of the school, the appointment of teaching staff in that school, religious curriculum in the school, and the religious ethos that both permeates the school day and informs admission and enrolment policies in a school.

Mounting evidence of a growing multicultural student population, and findings from the latest Census (2006) in Ireland, indicate changes in the religious demographics of Irish society. It is in this context, that the continued existence of a state-aided denominational primary school system raises serious contradictions in legislative terms and with respect to equality. In particular, internal contradictions arise between Constitutional law that protects the right to practice religion and educational policy that, in practice, preserves a majority religious ethos in educational institutions. Anomalies also surface between Irish Equality legislation which seeks to counter religious discrimination, and education policy that upholds a denominational education system. Finally, Ireland's obligations in terms of international law also expose the difficulties of reconciling religious freedom with a denominationally controlled education system.

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