



Submission to
Department of Education and Skills

INTO's Response to the Consultation Paper

on

“The role of denominational religion in the school admissions process and possible approaches for making changes”.

20 March 2017

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Introduction:

By way of background, INTO has a longstanding and solidly held position in favour of promoting inclusivity in primary schools including supporting a variety of measures to achieve this. INTO members continue to be to the forefront in accommodating pupils of diverse beliefs/faiths and none and in facilitating a range of religious/other events/sacraments. In this regard, the INTO's submission to the Forum on Pluralism and Patronage [7 June 2011] highlighted "*the length to which many teachers, particularly principals, had gone to provide a school place for every child, to be inclusive and to work to the limits of existing regulations*".

The INTO also stated in its submission to the Forum on Pluralism and Patronage [7 June 2011] that "*the state should engage in discussions with all the education partners to devise a common enrolment procedure for all schools and provide for a common enrolment form to be used in all schools*". In addition, the INTO's submission argued that "*There is a need to examine the provisions of the Equal Status Act (2000), specifically Section 7.3(c), which allows schools to discriminate on religious grounds in enrolling students.....*" and the Organisation called for "*....this provision [to].....be deleted from the legislation*".

These views were reiterated by the INTO in its submission in response to the report of the Forum on Pluralism and Patronage – titled "INTO Submission on Promoting Greater Inclusiveness in Primary Schools" (November, 2013). In this submission the INTO stated that "*modern Irish society is increasingly multi-cultural, multi-racial, multi-belief and multi-lingual. Exclusive focus on the provision of primary schooling on the grounds of adherence to a particular belief or faith alone risks ignoring the need to ensure that schools are both socially and culturally inclusive*".

Accordingly, consistent with these long held views, the INTO welcomes the opportunity in this further submission, to support the position outlined in the Consultation paper that:

- "*it is unfair that a non-religious family, or a family of a different religion, living close to their local publicly-funded school finds that preference is given to children of the same religion as the school living some distance away*" and also
- that "*it is unfair that parents, who might otherwise not do so, feel pressure to baptise their children in order to gain admission to the local school*".

INTO's General Response to the Consultation Paper:

The INTO continues to maintain that the repeal of section 7(3)(c) of the Equal Status Acts, [2000-2015] is central to any consideration of other legislative change in the matter of drafting admissions/enrolment policies. Section 7(3)(c) has two important aspects which have a direct bearing on how enrolment policies operate – the section states that "*An educational establishment does not discriminate.....where the establishment is a school and the objective of the school is to provide education in an environment which promotes certain religious values, it [1] admits persons of a particular religious denomination in preference to others or [2] it refuses to admit as a student a person who is not of that denomination and, in the case of a refusal, it is proved that the refusal is essential to maintain the ethos of the school*" (emphasis and numbers added).

The key concern for INTO is that section 7(3)(c) runs completely counter to the objective of promoting inclusion for children of diverse beliefs and none. Continuing to allow denominational schools to prefer pupils of their own denomination – whether within or outside the catchment area – or to retain the right to refuse children not of the school's denomination, is without doubt discriminatory and is unnecessarily perpetuating differences in the treatment of children on the basis of their beliefs and in terms of their entitlement to be admitted to a particular school. This is unacceptable to INTO.

Furthermore, the INTO does not accept that there should be differences in approach – in terms of the inclusion of children of diverse beliefs and none – between schools which have places and those schools which are deemed to be oversubscribed – the latter of which comprise in or around 20% of all primary schools. The statistic referred to is based on information obtained from the Economic and Social Research Institute (ESRI) report “Adapting to Diversity: Irish Schools and Newcomer Students” (2009). In this regard, the INTO notes the proposal in the consultation paper that any proposed changes in relation to admissions will “*only apply in respect of oversubscribed schools*” and that in respect of all other schools (ie schools which are not oversubscribed) “*following the enactment of the Admissions Bill – schools will be required to admit every child who applies*” (c/f consultation paper). Therefore schools which have places will be statutorily obliged to admit all pupils, irrespective of denomination and ethos considerations. At the same time, it is being proposed that the minority of primary schools which are deemed to be oversubscribed will be entitled, solely on that basis, to give prominence to denomination and ethos factors in their decision making regarding admissions. Surely this is inequitable and will only serve to perpetuate further differences in the treatment of children and unnecessary differences between schools themselves.

The INTO further notes the proposal in the consultation paper that changes will be made in the first instance to the primary school system and the INTO has no difficulty with this approach.

In light of the foregoing and in response to the 4 approaches now being proposed by Minister for Education & Skills, Mr Richard Bruton T.D, the following is the INTO’s position:

Option 4:

Consistent with our previously held position, the INTO favours option 4, and within 4, sub-option (i) - ie an outright prohibition on using religion as a factor in admissions and an outright repeal of section 7(3)(c) of the Equal Status Acts [2000-2015] in respect of publicly-funded primary schools. The INTO is opposed to a piecemeal approach to the matter of repealing section 7(3)(c) in terms of any proposal to retain either the first or second parts of the section. The INTO submits that both aspects of section 7(3)(c) – ie the preference and the refusal provisions, have an equally discriminatory impact. It is the INTO’s clear view that both aspects of section 7(3)(c) run counter to the principles of inclusion and both constitute legislative barriers to the equal treatment of children. We therefore urge the Minister to consider the negative and discriminatory impact of 7(3)(c) in its totality and to repeal it entirely and prior to the enactment of the proposed Admissions Bill.

However, the INTO continues to be fully supportive of Section 15(2) of the Education Act, 1998 which provides that Boards of Management must “*uphold, and be accountable to the patron for so upholding, 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.....*”. The statutory definition of characteristic spirit makes it explicitly clear that it is not determined by one factor alone – ie religion - and the INTO submits that this multiplicity of factors must be reflected in all relevant school policies, not least the admissions policy. In our response of November 2013 to the report of the Forum on Pluralism and Patronage, the INTO stated that “*Inclusion is not solely about religion, but also encompasses language diversity and the inclusion of children with special needs, among other things....[and that].....general principles such as respect for partnership, diversity and inclusion*” should apply.

In relation to sub-option (ii) and the matter of ethos, the INTO does not agree that parents/students should be required to “*sign a declaration stating that they support, respect, will cooperate with or won’t disrupt the ethos of the school*”. This is unnecessary in our view both from the perspective of parents and the entitlement of schools to determine and uphold their characteristic spirit. The issue is not about the school’s entitlement to determine and uphold its characteristic spirit – which is already enshrined in law - but rather that ethos must not be allowed to be used as an instrument of discrimination in admissions. The INTO submits that the achievement of these objectives are/should not be regarded as mutually exclusive.

Options 1 & 2 & 3:

For completeness, the INTO wishes to briefly comment on the other options 1, 2 and 3. The INTO is obviously not in favour of any of these options and we make the following brief points in this regard:

- Each of the options 1, 2 and 3 depend on the retention of section 7(3)(c) of the Equal Status Acts [2000-2015]. Each is predicated in some fashion on continuing to allow schools to prefer children of a particular denomination – for example in option 1 the focus is solely on prohibiting preference being given to children outside the catchment area with no change to admissions rankings inside catchment areas, in option 2 preference is given to the child whose religion is the same as the nearest school, and in option 3, a quota system enshrines the right of the school to give preference to a proportion of children of the school's own religion. The INTO submits that allowing the retention of the preference provision from section 7(3)(c) runs counter to the overall objective of promoting and achieving inclusivity across the spectrum.
- Each of the options 1, 2 and 3 depend on operational practicalities which most likely would prove problematic and bureaucratic. Furthermore, each will depend on further legislation to underpin how they would operate. Such operational issues would include for example, the challenge of determining how catchment areas could operate in an equal and fair manner across different local populations, measuring nearest school distances and determining quotas. INTO would be most concerned that these operational matters including the practicalities of managing mediation/adjudication processes related to boundary or distance disputes, would become the focus and this would inevitably deflect effort, time and resources from the main objective of promoting inclusivity.

Moving Forward:

In light of the above, in response to the possible impact of approach 4 and sub-option 1, the INTO reiterates its request for guidance to schools in the matter of admissions and the drafting of enrolment policies consistent with the promotion of inclusive schools. The INTO is confident that policies can be drafted to allow schools determine and uphold their ethos/characteristic spirit and at the same time preclude the unnecessary use of religion as a criterion for admissions. In the first instance, priorities must be agreed at national level, section 7(3)(c) must be repealed, meaningful consultation must take place in relation to the proposed Admissions Bill, and thereafter, schools must be fully supported with clear, realistic and non-discriminatory policy guidelines and procedures. This is urgently required.

Finally, the INTO submits that its views in relation to admissions generally are wholly consistent with the Irish Constitution including in particular articles 40, 42 and 44.