

# Education newsbrief

## ***Do you say sorry?***

*I'm sorry for your trouble* is a well meaning expression frequently used in Leitrim and Roscommon when conveying regret to a bereaved person. The individual who empathises with the grieving person is clearly not expressing responsibility for the death of an individual but sharing in a natural human emotion.

When an issue arises in a school which may be caused by a breakdown in communication between parents or an accident or even where a teacher or board made an unwise judgement, why is there such a reticence to express regret to sympathise or empathise with an individual who is upset? The fear of accepting liability would not arise where the words are chosen with care whereas silence may cause further aggravation and anger leading to even greater difficulty.

*Did you say sorry* is a question often put by the adult to the child as a reminder of what should be done? Chairpersons and principals should be quicker to express regret because saying sorry for someone's trouble is not an apology or an acceptance of responsibility: it is however the opportunity to resolve an issue at the earliest possible moment.

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## **Water Rates and other costs**

This Board was among the management bodies which made a presentation to the Oireachtas Committee on Education & Science in relation to water rates. The subsequent decision that charges were to be mitigated in the short term is

to be welcomed (see overleaf) but the reality is that this will eat into the small increase in capitation. Indeed that increase of €15 is already eroded, in many cases, by schools having to pay architect's or engineer's fees for the preparation of Summer Works Applications in advance of the grant being cancelled.

In some few cases schools may use the information from that application to seek a capital grant from the DE&S under the emergency works heading if the repairs are sufficiently urgent.



*(Extracts from the press release by the Department of the Taoiseach)*

## **New transitional arrangements for schools water charges provide certainty to all schools**

The Government today (4th January 2008) announced details of the transitional arrangements which will apply for schools water services as part of the implementation of the EU Water Framework Directive. Schools, like other non-domestic water services users, must pay water charges. The legal advice also confirms that they will be required to pay the full cost of water services used by them on a metered basis, with effect from 1 January 2010. The Directive also requires that measures are put in place up to 2010 to move towards full cost recovery.

For the transition period the Government agreed that non-fee paying recognised schools will pay a flat rate per pupil fee as follows:

2007 - €3.00 per year per pupil enrolled

2008 - €3.50 per year per pupil enrolled

2009 - €4.00 per year per pupil enrolled

For 2007, charges applied based on metering will be recalculated on the transitional flat rate with a credit given for any excess payment. In cases where arrears exist in relation to previous years schools should discuss a payment arrangement with their Local Authority.

If actual usage as recorded by a meter would produce a lower charge than the flat rate the lower bill will apply for the transition period.

The Department of Environment, Heritage and Local Government will advise local authorities of the detailed arrangements which will be put in to place to implement this decision.

The new arrangements afford schools the opportunity to put in place the necessary water conservation arrangements and practices and undertake necessary works to ensure that when full water charges are introduced in two years time schools will have significantly reduced their water usage and, by virtue of good water conservation, be in a much stronger position to meet their water charges.

An information package will be prepared for schools on the most appropriate measures to minimise excess consumption of water and to reduce wastage where it exists. As part of this exercise, technical guidance and specifications for the most common problems that are likely to arise in this area will be provided.

In addition, water conservation issues will continue to be addressed by the Department of Education and Science as a matter of routine where new schools are being built or where major renovations are being carried out to existing schools under the schools modernisation programme.

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## **Summer Works Grant**

Minister for Education and Science Mary Hanafin T.D has announced the payment of the Minor Works Grant for 2007/2008 to primary schools. This means that a 100 pupil school will receive a grant of €7,350 and a 300 pupil school will receive over €11,000.

Announcing the grant, Minister Hanafin said *"this investment in all primary schools with full recognition will facilitate minor works being carried out to school buildings throughout the country without the need to interact with the Department. The €27m is being distributed to primary schools throughout the country and schools can use the money to carry out minor maintenance or minor repairs."*

**It would greatly help the representations made by the Board of Education if schools advised the Secretary of significant financial difficulties arising from architects' or engineers' bills for advising on abortive Summer Works applications or from issues like water charges.**

## Enrolment Points

Any enrolment process must be transparent and objective and only the information needed to make a decision as to the availability of a place should be required.

Some schools are still confusing different aspects of the application process. It is generally operating as a three stage process.

1. Making a list of postal addresses of would be applicant families. No detail other than the name of child, proposed date of entry and postal address required.
2. The receipt of a completed application form which only contains the necessary details to make a decision. This would be name of child, date of birth, religious denomination, name(s) and address(es) of parent(s), proposed class and date of entry, acceptance of ethos statement, parental signature(s) and relevant documentation.
3. The information required by the school when the child is being admitted such as health data, contact numbers, acceptance of code of behaviour, relevant details of any learning difficulties, copies of any court orders regarding custody.

*A query was raised as to whether it would be appropriate to advise those families making enrolment applications to a primary school of the existence of a voluntary contribution scheme or if there could be an administrative charge for handling the application.*

The Constitution of our State says clearly that primary education is free Article 42.4. Your school is a state school not a private institution. It has, if you like taken "the king's shilling" by accepting funding for salaries, capitation, building etc.

To make a charge as a condition of accessing free education seems to be intrinsically wrong. One realises that this happens at second-level but there is no founding law which says second-level provision must be free. There is also a rule in the Rules for National Schools, published 1965 but still with a statutory basis and accepted by the courts, which states:

*Rule 10 No child may be refused admission to a national school on account of the social position of its parents, nor may any child be kept apart from the other pupils on the ground of social distinction.*

An administrative charge for a disadvantaged family is tantamount to refusing admission. Schools receive a grant for secretarial assistance.

The existence of such an administrative charge might be perceived as a reason to initiate a section 29 appeal since the BOM would refuse to process an application where a charge had not been paid.



## Who is a parent?

The Education Act defines a parent as:

*"parent" includes a foster parent, a guardian appointed under the Guardianship of Children Acts, 1964 to 1997, or other person acting in loco parentis who has a child in his or her care subject to any statutory power or order of a court and, in the case of a child who has been adopted under the Adoption Acts, 1952 to 1998, or, where the child has been adopted outside the State, means the adopter or adopters or the surviving adopter.*

Schools are bound by court orders made where there is disharmony between parents, a separation or divorce. The school must be provided with a copy of the order. A parent can't unilaterally alter a court order and even where both parents agree the school must insist on written authority from both parents and reasonable notice so that staff can be advised of any change. However it is not only preferable but advisable that the order of the court be changed if access rights are being altered, rather than merely accepting the provision of a signed letter of agreement by both parents.

"Children should be signed for...", may seem like an odd expression but schools might consider creating a book to be signed by a parent when collecting children early for medical or other appointments. This may be helpful in preventing those occasions when communications between parents break down and the school, unfairly, gets the blame.

**Circular 0107/2007**

Standardisation of the School Year in respect of Primary & Post-Primary Schools for the years 2008/9, 2009/10 and 2010/11

The agreement reached covers the arrangements that will apply in all schools from the start of the 2008/2009 school year and covers three school years. The parties will review the operation of the arrangements not later than spring of 2010 for the purpose of agreeing the arrangements that will apply subsequently and have agreed that in the event that any unforeseen difficulty arises in relation to the operation of the arrangements now agreed the matter can be raised at the Teachers Conciliation Council.



Schools are required to be open to receive all pupils on the weekday immediately preceding and immediately following each break period covered by this agreement.  
School Year 2008/09

**October 2008 mid-term break**

All schools will close from 27<sup>th</sup> to 31<sup>st</sup> October 2008 inclusive.

**Christmas 2008**

All schools will close on 23<sup>rd</sup> December 2008 which will be the final day of the school term. All schools will re-open on 7<sup>th</sup> January 2009.

**February 2009 mid-term break**

Post-Primary schools will close from 16<sup>th</sup> to 20<sup>th</sup> February 2009 inclusive. Primary schools will close from 16<sup>th</sup> to 17<sup>th</sup> February 2009 inclusive **or** 19<sup>th</sup> to 20<sup>th</sup> inclusive. (Primary schools may use 3 discretionary days to extend this break to an alternative option of a 5 day break).

**Easter 2009**

All schools will close on 3<sup>rd</sup> April 2009 which will be the final day of the school term. All schools will re-open on 20<sup>th</sup> April 2009.

**Religious Observance and standardisation**

The above arrangements are agreed without prejudice to closure on specific days, within the overall requirement of 167 days at post primary level and 183 days at primary level, dictated by religious observance that is required in schools under the patronage of different denominations or faiths.

In the absence of an adequate number of discretionary days a school authority may choose to utilize a religious observance day for non-tuition purposes when planning the school year.

**Extent of flexibility**

It was not a requirement of this agreement that the commencement or end of the school year either at primary or post primary level should be standardised. However while schools may use their discretionary days, where available, to determine the precise start and end of the school year, it is recognised the commencement of Certificate examinations will mean that post primary schools will not be open for tuition beyond the Friday preceding the June bank holiday in any year.

The expectation is that in order to meet the overall requirement of a minimum of 167 at post primary level or 183 days at primary level the school year will normally commence in the week that 1<sup>st</sup> September falls.

The arrangements may provide some limited flexibility to schools on certain other days outside of the defined periods. The scheduling of such days must not be used to extend or modify the periods set out above in respect of mid-term and Christmas and Easter breaks save where religious observance requirements of a school under a particular patronage make this necessary.

*Please refer to the circular for the dates for 2009-2011.*

**Circular 0111/2007**

Special Needs Assistants Payment Arrangements for July and August 2008 and subsequent years

**1. Introduction**

- 1.1 The Minister for Education and Science wishes to advise management authorities and Special Needs Assistants (SNAs) of the payment arrangements for SNAs for July and August 2008 **and subsequent years**.
- 1.2 This Circular replaces Circular 0011/2007 which issued in February, 2007.

**Arrangements which will apply in July and August 2008**

SNAs who are appointed on or before 07 January 2008, will be paid for the full duration of the 2008 summer holidays.

SNAs who commence employment on or after 08 January 2008, will be paid up to and including 12 July 2008 irrespective of the date the school closes.

They will only be retained on the Department's payroll for the full duration of the 2008 summer holidays if the school management authorities provide the Department's Non Teaching Staff (NTS) Payroll with the following:

Documentary evidence from the SENO for the relevant post for the 2008/09 school year, **and** confirmation that the SNA in question is returning to the post in September 2008.

**0003/2008** Combined Post-Graduate Diploma Programme of Continuous Professional Development for Teachers involved in Learning Support and Special Education – 2008/2009 - Primary, Post-Primary, Special Schools & Other Educational Services

**0002/2008** Graduate Certificate in the Education of Pupils with Autistic Spectrum Disorders (ASD) for teachers working with pupils with ASD in Special Schools, Special Classes or as Resource Teachers in mainstream Primary and Post-Primary Schools – 2008/ 2009

**0001/2008** Masters in Special Educational Needs (MSEN) – 2008/2009 - Primary, Post-Primary and Special Schools In-Career Course

**Notification Letter**

Schools have received details of the extension of the DE&S payroll to facilitate Part-Time teachers in primary schools commencing with resource teachers. Please make sure the appropriate forms are completed promptly and returned.

**Two National Educational Psychological Service Publications**

Special Education Needs – A Continuum of Support – Guidelines for Teachers NEPS 2007  
Special Education Needs – A Continuum of Support – a resource pack for teachers

**Career Break—a new circular is in the offing**

The Board of Management should have a policy for granting career breaks which should have due regard to the exigencies of the school and possible negative effects in permitting a number of career breaks from the same school at the one time. In formulating this policy, the welfare and educational needs of the pupils should take precedence over all other considerations. In considering applications for granting of career breaks, or extensions to career breaks in a particular year, Boards of Management should consider factors such as:

- the number of teachers in the school who are likely to be on approved leave of absence such as maternity, adoptive, parental leave.
- the number of teachers job-sharing, on secondment or on approved study leave under Rule 116 of the Rules for National Schools
- the number of teachers already on career break
- the certainty of the availability of a qualified teacher for the temporary post

Each Board should consider having an overall quota for career breaks taking cognisance of factors referred to above, and the overall number of teachers in the school.

A similar policy should be in place in regard to job sharing applications.

# Supervision

*The school bus drops children outside the school at 8.30 a.m. but the school has advised all parents in writing that the schools commences the reception of children at 8.40a.m. Who is responsible for the children in the intervening period and should they wait outside the school gate on the pavement?*

*The following response has been provided by Mr Graham Watchorn of Ecclesiastical Insurance. Schools should always check such issues with their own insurer.*

School management must deliver on its duty of care, by providing adequate supervision over children in their charge. The official hours for school are advised to parents in writing at the commencement of each school year.

Where pupils are delivered to, or collected from, school premises, by their parents, outside of officially agreed hours, the school must challenge those parents and not allow the practice to become established, whereby it might be deemed that the school has accepted the situation and is providing supervision.

Where the school becomes aware of such a practice they must immediately advise the relevant parents in writing that their children are arriving too early (or being collected too late), that the school does not accept charge of the children outside the agreed official hours, and that the school does not provide supervision during these periods.

Parents who continue to default should be written to in an increasingly formal tone, if necessary up to a point where school disciplinary regulations are brought to bear.

It is reasonable to argue that where parents are the parties at fault in this, the duty of care towards the child remains resident with the parent, and may not be unilaterally transferred to the school.

The remedy is not quite so clear where the early delivery/late collection is made by another party e.g. a school bus contractor but the principle of resistance by the school remains the same.

The contract with the bus service should state the agreed times of arrival and collection, and these should be compatible with the school official hours. A contractor delivering or collecting outside the agreed times, should be challenged in the same manner as parents.

However, recognising that some bus contractors choose to “double trip” or otherwise organise their rotas, or will not agree specific time brackets for delivery and collection, or may not accept any duties other than transport contracted for, the welfare of children deposited outside schools or collected late, remains at risk.

Where a school is aware of the presence of these children on or at school premises at unsupervised times, and allows the practice to become established, the school may well “inherit” an obligation to provide supervision.

Where a school is faced with this situation, and efforts to have the contractor meet specific time brackets have failed, the school should immediately advise the relevant parents that their bus service is failing to keep to the requisite times, and as a consequence the school has become aware of periods of unsupervised presence of their children in or around the school premises.

The intention of this would be to alert the parents, to clarify the school's position, to demonstrate the school's concern, and to engage the parents in finding a solution to the problem, either by lobbying the bus service, by using an alternative means of conveying their children to and from school, or by providing some supervisory mechanism of their own.

Forcing the relevant children to wait outside the school perimeter, may not improve the position of the school, and could be seen as detrimental to the welfare of the children concerned.



One further point needs to be made in relation to bus service. Where the child is accepted or delivered by the school at the school perimeter, the school's duty of care probably transfers to the collecting parent or transport service, at the school perimeter.

Most schools do not provide supervision for the albeit short journey from school perimeter to bus, or vice versa on delivery, and few if any will supervise the child from school perimeter to parents car.

This can leave a further grey area of responsibility for supervision of the pupils on this short journey. In practice, most schools cope with this by organising the standing points for the bus(es) as close as possible to the school exit gate, thereby shortening the journey to a minimum, and providing some practical level of observation if not supervision of the children from within the school perimeter.

It is essential however, that the school avoids giving the impression that they are providing supervision for this short journey, if they are not. To this end the parents should be advised that this part of the journey of bus-using pupils is not supervised by the school, and if the parents are concerned on the issue they, the parents should be invited to provide supervision.

We recommend that all schools write annually to all parents clearly

- Stating the official school hours
- Stating that no supervision is provided outside these hours
- Stating that no supervision is provided outside the school perimeter when pupils are being dropped off or collected.

Where breaches of the official times are identified, the school must challenge the breaching parties, whether parent or transport service.

An alternative remedy would be for the school to accept the situation and arrange supervision for the periods involved. The counter arguments from the schools perspective to this course of action are already well recorded.

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## Appointment of Teaching Staff

The INTO has indicated that it accepts that a principal has a professional relationship with staff and so the strictures regarding withdrawal from a selection panel would not apply e.g. in the event of a temporary teacher being an applicant for a teaching post. However, the DE&S has still to respond on this issue.

The following extract from the Teaching Council website in regard to vetting is of value.

### **“The Role of School Authorities**

*It is the responsibility of the relevant school authorities (Board of Management or VEC as appropriate) to ensure that any proposed new appointee who may have unsupervised access to children or vulnerable adults is vetted. However, this should only be sought in respect of a person to whom it proposes making a job offer. In the case of new teachers as defined above, schools must ensure that they request the prospective employee to present for inspection the Vetting Letter from the Teaching Council, before a formal offer of appointment is made.*

*The Teaching Council, in the context of registration when it is fully operational, will have to decide on the relevance of a conviction to the teacher's suitability for registration. The Council has established a Vetting Group to assess disclosures of convictions returned by the Garda Central Vetting Unit. The Committee is currently drafting guiding principles to assist in its consideration of convictions.”*

It should be noted that the Teaching Council have responsibility for the vetting of all teaching staff including part-time and resource teachers, and those with partial or restricted recognition.

### **Web Advertising**

Schools should note that there is as yet no circular in place in regard to web advertising for permanent and long-term temporary teaching posts other than principals. This means that the full advertisement must still be placed in a national newspaper (see Appendix D on appointment of teachers).

## Modern Languages in Primary Schools Initiative.



The Chairperson, Pdraig MacFlannchadha D.E.S. at a consultative group meeting in December welcomed all members of the committee with a special welcome for the new director of Kildare Education Centre, Ms. Dolores Hamill. Tributes were paid to Ms Anne Kelleher, past director, for her outstanding work in the Initiative since 1999.

The National Co-ordinator, Ms. Tanya Flanagan presented details of the outstanding work done by the Initiative Team. Since September, 85 new schools out of 135 have joined the project and the number is still growing. It was noted that all of these additional schools have in-staff teachers teaching the chosen language which is preferable to a visiting teacher. In this period, there have been induction days for new teachers and seminars for Principals in Dublin, Cork and Galway. All the new schools have been visited by the Project leaders and great success has been reported.

The language curriculum and teacher guidelines are now available on C.D. which is a great step forward for all concerned. 6500 E.L.P. (European Language Portfolios) have been sold to date and are proving invaluable for students in the Colleges of Education too. Cross-Curricular integration is proving very successful especially in the schools where an in-staff teacher is responsible for teaching the modern language.

There is a full compliment of Project Leaders and there are regular team development programmes in the Centre, to include 'sharing best practice' days, conferences, and training days with the various language associations. It is also intended to provide further I.C.T. training and access to database training in the new year.

The M.L.P.S.I. is grateful for the support of the Embassies and Cultural Institutions and positive responses continue to come from most of the Colleges of Education.

Looking forward, the M.L.P.S.I. hopes to continue expansion and to involve more schools and to continue to promote and disseminate the E.L.P.

It eagerly awaits the Evaluation Report and the N.C.C.A.'s feasibility report in 2008.

Further details may be found on the M.L.P.S.I.'s website [www.mlpsi.ie](http://www.mlpsi.ie)

P.S. It would be very helpful to know of any 'new' Church of Ireland schools that have been included in the Initiative this year. Please contact me with this information at the office at above address. Hopefully those schools still waiting, will be included shortly.

*Hazel Crawford (on behalf of the Church of Ireland Board of Education)*

### Sing and Pray – special offer

The RE Resource Centre have some hardback copies of Sing & Pray (the music edition) still in stock and is offering them to schools and parishes for €10 or €13.85 including postage. This offer will last until 29th February. If you would like to order a copy please email your order to [sssresourcecentre@eircom.net](mailto:sssresourcecentre@eircom.net) or call us on 01 497 2821. The pupil text is out of print.

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