

EDUCATION NEWSBRIEF

September/October 2009



*A slightly belated **Welcome Back!** Checklist for the new school year...*

Have you read the information on Pandemic (H1N1) 2009 (Swine Flu) and put in place the necessary precautions?

Have you set out the seniority lists for teachers and for SNAs and ensured they are agreed?
Circulars 02/04 (teachers) 0059 & 0058/2006 (SNAs).

Do parents have, in writing, details of the school day and of proposed closures during the year?

Have the parents of new pupils been asked to provide details of known health issues, learning difficulties, contact numbers in event of emergencies, etc?

Have you asked new parent volunteers to complete Garda Vetting Forms?

Is there pupil accident insurance in place for all pupils?

If a parental representative on the board of management has ceased to be eligible, see Appendix B options 1&2 (10) and note for replacement protocols.

If a teacher representative on the board is on career break, secondment or study leave for 6 months or more then Appendix A is followed.

Inside:

Pg 2 - Panels, BOM Training

Pg 3 - Disiplinary Procedures, EPSEN

Pg 4-5 - Circulars

Pg 6-7 - Section 29, Follow Me



The children of St Andrew's National School in Bray, Co Wicklow celebrate the opening of their new school buiding!

New beginnings for one school as another sadly closes its doors...

Fortview National School, Clones, has served the community of North Monaghan in various ways since 1871. Of recent times, maintaining numbers has proved to be a significant challenge with demographic trends changing in this part of Clogher Diocese. Our thanks, in particular, go to Mrs Edna Smyth and Mrs Anne McGee who in recent times have sustained the life of Fortview National School, keeping to the forefront, as always, the needs of the pupils. At the end of August, Fortview National School closed.

Existing pupils are now settled in other nearby National Schools in the locality. My thanks go to the Board of Management for all their hard work and commitment over the years.

Bishop Michael Jackson



Redeployment Panels

I think it would be fair to say that the new arrangements in relation to the operation of the panel have not worked as well as they might this year!

Difficulties arose in part due to the fact that, despite a request from this office, the wording in the DE&S circular referred to the Diocesan Education Secretary which, for our sector, should have stated the Church of Ireland Board of Education. We will seek some way in which this can be clarified next year.

Having said that we still experienced delays and it was evident that, for whatever reasons, schools were not declaring vacancies either to their diocese or to this Board.

So let's be clear, when a vacancy arises:

You must seek approval from the Patron to fill the vacancy.

You are required by the Department of Education and Science to declare a vacancy to the Church of Ireland Board of Education.

"This must be done within five working days of the vacancy becoming known to the Chairperson or the school Principal.

Where a Board of Management notifies a post(s) to the Diocesan Education Secretary [should read Church of Ireland Board of Education] outside the required timeframes then the Board of Management will be required to offer the post(s) immediately to teachers on the panel. Otherwise the Board of Management will be precluded from filling that post(s) and the school's authorised number of permanent posts will be frozen at a number that does not include the post(s) concerned."

Quote from DE&S Notification dated January 2009

In order to keep the Board fully up to speed, you should inform us of any teachers whose posts have been suppressed and who have been offered panel rights.

Please note that teachers employed in all schools under Protestant management come onto the Church of Ireland panel in the first instance. If teachers wish to transfer to the redeployment panel within another sector, they may request such a transfer by writing to the Patron of that panel.

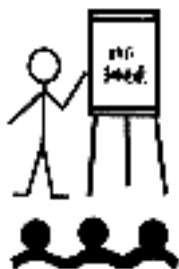
Remember there is a main panel and a supplementary panel and both must clear before a school can advertise a vacant post.

The Board is required to provide the details of the person on the Panel to schools with vacancies. The Board is also required to inform teachers on the panel the name/s of schools with vacancies. Panel teachers will therefore expect to hear from such schools. Failure by schools to contact the panel teacher may give rise to questions of discrimination and/or competence.

Currently there are two dioceses with operational panels. It's always best to check!

Board of Management Training

The national programme of training for boards of management of all primary schools, funded by the DE&S and



agreed with the management bodies and the partners in education was rolled out last school year.

The modules were in the following areas: The Board as a Corporate Entity, Appointment Procedures, Board Finances and the Role of the Treasurer, Legal issues and Child Protection.

Thank you to all who responded to the

questionnaire regarding this training. To date, we have received 80% of questionnaires and the attendance at the training evenings was promising with over half the boards of management having attended training in all five modules.

If there were any modules you missed out on the CPSMA or the trainers in your diocese may be running further events in areas where the survey showed gaps in attendance. It is very important that all Boards avail of this training. The presentation slides and participants handouts of all five modules are available for download from the CPSMA website. See www.cpsma.ie

Follow Me In-service Training

Response to our survey to ascertain the level of need for in-service training around the country indicated that take-up in many areas would be very low. Accordingly, it may only be viable for us to run training events in Cork and Dublin.

Further details will be posted to schools in the coming months.

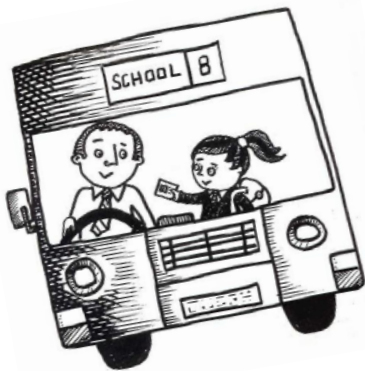
Some schools will be approached shortly to pilot lessons for the new Infant Teachers' Books.

A couple of reminders...

Transport Scheme D

Claim forms in respect of the school year 2008/2009 were posted to relevant schools in June 2009. Thanks to those who have already returned these with attendance completed. If you still have claim forms to be completed please do so as soon as possible so that there is no delay in the grants being paid out.

You should have now received application forms for distribution to new families in your school. Please enclose a copy of the rules with each application – families must be attending their nearest suitable school and must have to travel more than 3.2 kilometres to the school or to the pick-up point of a bus route which is deemed to serve the school. If there is a bus service which the DE&S deems a suitable service the family must avail of that service or make their own arrangements.



Please return new applications promptly as there is a considerable delay in getting new families sanctioned.

Finally, retrospective grants will not be paid by the DE&S and accompanying pleas fall on deaf ears!

Registration of Teachers

Boards should ensure that all teachers in their schools have completed the registration process with the Teaching Council. For teachers who missed their registration deadline of 28 March 2009, but who wish to remain on the register of teachers, the Teaching Council is continuing to facilitate retrospective renewal i.e. registration with effect from 28 March. It has issued reminders to all such teachers, asking them to return their renewal form and fee without delay or to renew on-line at www.teachingcouncil.ie

A final reminder is expected to issue shortly after the school year commences. Teachers who do not renew within one month of the reminder notice date will have their names removed from the Register.

Disciplinary/Grievance Procedures

Section 24(3) of the Education Act 1998 provides for suspension and dismissal of teachers by boards of management. Under the terms of Toward 2016 the parties undertook to review and revise existing procedures and agree new procedures.

These procedures have been agreed in respect of teachers but are awaiting final sign off in respect of principals at the Teachers Conciliation Council. It is expected that they will issue by way of a DE&S circular shortly, although issues surrounding supports and training are still under discussion.

Duty of Schools under Section 14 of the EPSEN Act 2004

The Education for People with Special Educational Needs (EPSEN) Act 2004 provides the statutory requirements for educational planning as they impact upon students, parents, schools, and the National Council for Special Education (the Council).

There is currently an appeals procedure in the final stages of drafting by the Council, with the agreement of the management bodies, whereby SENO decisions in relation to the allocation of teaching hours and SNAs to schools to support the education of children with special educational needs can be challenged.

It is proposed that the Chairperson of the board of management or principal on behalf of the school may appeal a decision. A parent may also make an appeal through the school, which will be forwarded to the SENO, if they feel aggrieved by a decision in so far as it impacts on the level of support available to meet the needs of his/her child.



Circulars published since last edition in April 2009

Please refer to the actual circular as the following may be necessarily abbreviated.

0029/2009

Prevention of Transmission of Micro Organisms

The Department wishes to advise school authorities of a series of recommendations produced by the Health Protection Surveillance Centre concerning the prevention of transmission of micro organisms.

The HSE has advised that all schools should be aware of the recommendations in the document and that schools should, if they have not already done so, put in place a policy that emphasises the importance of standard precautions and good levels of personal hygiene by all.

The HSE has informed the Department that it accepts that the use of alcohol gels may create challenges in a school setting and has advised that good hand hygiene facilities are more important along with general advice on standard infection control precautions.

0032/2009

2008 Teacher Fee Refund Scheme

The purpose of the Teacher Fee Refund Scheme is to provide funding towards the cost of course and examination fees on successful completion of in-career development courses approved by the Department and school authorities. Refer to this circular for qualifying course/teacher information and how to apply.

0035/2009

Extra Personal Vacation

The Department wishes to advise that with effect from 1 July 2009, all primary teachers participating in approved summer courses will on completion of the course be provided with a certificate confirming attendance and completion of the course.

A teacher claiming EPV days must present this certificate to the school principal at the beginning of the school year, as evidence of completion of an approved summer course

and entitlement to EPV leave. On receipt of this certificate, the principal may approve EPV leave for the teacher in accordance with the terms of circular 37/97. The principal must retain copies of the certificates within the school for future audit purposes.

EPV leave taken should be entered on the On-Line Claims System (OLCS) in line with current practice. Certificates issued in accordance with this circular should be retained carefully by teachers and schools as replacements cannot be made available.

0036/2009

New Arrangements for the payment of Part Time Learning Support/Resource, Resource and Language Support Teachers from 1 September 2009

The Minister for Education & Science wishes to inform Boards of Management and school staff of the new arrangements for the payment of Part Time Learning Support/Resource, Resource and Language Support teachers from 1 September 2009. See full circular for details.

0037/2009

Notification of Transitional Arrangements being put in place in relation to the outcome of the review of all Special Needs Assistant posts in primary, special and post-primary schools by the National Council for Special Education

0040/2009

Clarification regarding legitimate use of Capitation funding

In the context of the Budget in October 2008 the Minister for Education and Science indicated that it was his intention to streamline and rationalise the different grant schemes that provide funding to primary schools. The Minister made this statement having regard to representations and

suggestions made to his Department that the grant system should be simplified for ease of administration and that school management should have greater autonomy over the funding provided.

The purpose of this circular is to clarify that capitation funding provided this year for general running costs and funding provided for caretaking and secretarial services may be regarded as a common grant from which the Board of Management can allocate according to its own priorities. In due course both grant schemes will be merged. In the interim both grants will continue to be paid according to existing timelines and calculated separately as heretofore.

As you will be aware, a decision was made in the October 2008 budget that funding for school books would be targeted at schools within the DEIS (Delivering Equality of Opportunity in Schools) scheme. Approximately €7 million is being made available for this purpose this year. This will be provided to DEIS schools in the form of enhanced capitation payments rather than a continuation of the previous annual application process. It is intended to issue this additional funding to DEIS schools shortly.

Schools that are not in receipt of DEIS funding can utilise capitation or caretaker/secretarial funding to support book rental schemes or to otherwise help provide books for individual pupils where this is considered by a Board to be a priority for the school.

0045/2009

Substitute cover for registered teachers employed in Primary Schools - Arrangements for the 2009/2010 School Year

The review of supervision and substitution and related matters commenced following the October 2008 Budget announcement in relation to supervision and substitution and the subsequent circulars issuing in this regard.

The interim outcome of the review provides that the substitution cover arrangements introduced in January 2009 for primary schools will continue for the 2009/2010 school year.

Under these arrangements substitute cover is not provided for the first day of an absence of a teacher on uncertified sick leave in a school.

There are two exceptions to this general rule. The first is that substitute cover will be provided for the first day of an absence of a teacher on uncertified sick leave in schools with two or less classroom teachers.

The second is that in the event that two or more teachers in a school are absent from teaching duty on the first day of uncertified sick leave, substitute cover is provided for the second and subsequent teachers that are absent.

Substitution Cover for Other Absences - The existing arrangements for substitute cover for other absences of teachers from teaching duty will continue to apply.

0047/2009

Sourcing information on and responding to Pandemic (H1N1) 2009 within Primary and Post Primary Schools

The latest information and advice is available on www.hse.ie and www.education.ie

0048/2009

Clarification regarding legitimate use of Capitation funding (In relation to Boards of Management and Principal Teachers of Voluntary Secondary Schools)

0049/2009

Clarification regarding legitimate use of non pay funding (In relation to Boards of Management and Principal Teachers of Community and Comprehensive Schools)

ENROLMENT POLICIES

The Board of Education is in the final stages of drafting an enrolment policy for distribution to Patrons. It is based on an enrolment policy initially drawn up by the Cork, Cloyne and Ross Diocesan Education Committee for use in that diocese. Using this document as a template, the Board have sought legal advice in light of recent Section 29 appeals and hope to make available a policy which will provide clarity to some of the issues currently being faced in our schools in relation to enrolment. The policy will circulate initially to Patrons and it is hoped that it will be adopted and used across all Church of Ireland schools.



Section 29 Appeal Update (as promised in last edition!)

In February 2009, the Board of Management of Glenageary Killiney National School was challenged by a parent over its Admissions Policy. An Appeal under Section 29 of the Education Act 1998, was taken by the parent on behalf of her child. The Appeals Committee, on behalf of the Department of Education & Science, upheld the Appeal taken by the parent. Subsequently, the school appealed to the High Court and this appeal was settled by the Department of Education & Science with the result that the School's Admissions Policy remains intact.

Our Policy

The excellent brochure *Why Church of Ireland Schools*, produced by the Diocesan Board of Education, reminds us that "Church of Ireland primary schools serve the parish area. Preference is given to children belonging to the parish but all our schools welcome children of different faiths and none".

That is a good description of how we as a community see our role in primary education and enrolment policies are based on that position.

The Complaint

In our Admissions Policy, provision is made to give qualified preference to siblings category by category. However, a non Church of Ireland family, who had a child already enrolled in the school, believed their second child was entitled to enrolment as she was a sibling. The Board refused admission on the grounds [a] that the school was full and [b] that there were other eligible children ahead of this child on the waiting list who would be required under the school's Admissions Policy to be offered places prior to this child.

Section 29

The parent appealed the decision under Section 29 of the Education Act 1998 with

particular reference to the exceptional circumstance that, in this case, the parent had a physical disability.

The Tribunal ruled against the school on the grounds that the Board of Management failed to take into account the exceptional circumstances of the family notwithstanding the school's view that [a] other children were in a higher category than this child and [b] exceptional circumstances were a matter for the Board of Management to consider in its discretion. The Secretary General of the Department of Education & Science ordered the school to admit the child.

The school was informed that seven other families were taking Section 29 Appeals against the Board of Management. All seven of these Section 29 Appeals subsequently failed.

A Dilemma

Following consultation with the Diocesan Board of Education, the Board of Management decided that it was sufficiently significant in safeguarding the Ethos that High Court proceedings be taken, notwithstanding the very limited contribution the Diocesan Board of Education was in a position to make. Due to the limited resources available to the school in defending its Ethos, the Board of Management was only in a position to take High Court proceedings due to the very pragmatic approach taken by its legal team led by Liam Riordan, Mason Hayes & Curran.

Our Day in Court

The Judicial Review was due to take place on 16th July 2009 before Judge O'Neill. However, the proceedings were settled in advance of the hearing with a result that the school's Admissions Policy and the Board of Management's operation of the policy was fully vindicated. Our solicitors

commenting on the decision stated:

"This is an important decision. The Department took the position not to oppose the Board's application primarily because they judged the prospect of success to be too remote to warrant the risk of exposure to additional costs. It was very important that this case be brought. The decision of the Appeals Committee in the case constituted a direct challenge to the right of a denominational school to prioritise the enrolment of children from the community the school exists primarily to serve. Not only did the Appeals Committee trespass on the rights of the Board in this respect, it also implicitly favoured the prioritization of siblings in the criteria for enrolment. The Appeals Committee also erred in involving itself at the oral hearing in quasi theological speculation on the nature of Christian baptism and as to how parishioners of the three associated parishes should be defined. This was way beyond its terms of reference.

In summary, the rights of the Patron and the Board of Management pursuant to the Education Act 1998 have been vindicated".

Conclusion

This has been a very stressful year for the school. The Board of Management has always prided itself on its openness and fairness in its dealings. In this case it felt that the fundamental character of our school was under threat and even though the risk of contesting the ruling was made clear, when all factors were taken into consideration, the Board of Management felt it had no option but to seek the Judicial Review. Needless to say we are delighted with the outcome, not only for our own school, but for our colleagues in other Church of Ireland managed schools.

Muriel Rumball
Principal,
Glenageary Killiney National School

