



Education newsbrief

January 2011

Section 29 Appeals - Update

Where a school refuses to enrol a student, the parent of the child may appeal the refusal under Section 29 of the Education Act 1998. This procedure is commonly referred to as a Section 29 Appeal.

An Appeal to an Education Appeal Committee under this procedure must be lodged within a reasonable time of the receipt by the parent of the decision to refuse enrolment (generally within 42 days). The Appeal Committee may uphold the complaint or make a recommendation to the Secretary General as to the action to be taken.

In recent years, a number of Boards of Management brought judicial review proceedings to the High Court appealing a number of determinations of Appeal Committees under Section 29 of the Education Act 1998. The effect of the judgements of these High Court cases was to confine the scope of a Section 29 Appeal Committee to reviewing whether a Board of Management applied its policies correctly and lawfully and whether it did so in a reasonable and rational manner.

The Department of Education appealed one of the High Court decisions to the Supreme Court (The Board of Management of St. Mologa's National School v The Secretary General and the Dept of Education and Others). On the 23rd November 2010, the judgment of the Supreme Court was handed down and it determined that an Appeal Committee has the power to conduct a full hearing on a Section 29 Appeal. It held that the High Court was in error when it determined that the power of an Appeal Committee in hearing a Section 29 Appeal was limited to the review of the lawfulness and/or reasonableness of a decision of the Board of Management.

The Department of Education has advised that it has sought legal advice on the effect of this judgment of the Supreme Court and further guidelines in respect of Section 29 Appeals are awaited from the Department of Education.



Happy days! Pupils of Springdale National School show their delight as they celebrate the official opening of their new school building.

Secondary Education Committee

Principals and Chairpersons are asked to advise parents of pupils entering 1st year of any of the Protestant/Church of Ireland fee-charging Secondary Schools that applications for grant aid will be accepted no later than:

4pm on Monday 28th February 2011

Contact: Mr. David Wynne
Church House
Church Avenue
Rathmines
Dublin 6
01 4975034

Email: secgrant@iol.ie

INSIDE:

Page 2 - DE&S circulars

Page 3 - Snowy days

Page 4 - Medmark survey/

CICE Bicentenary

**Church of Ireland
Board of Education (RI)**



DE&S Circulars published since September edition of Newsbrief:

0058/2010 Probationary Requirements for Registration Purposes for Primary Teachers

0060/2010 Sick Leave Scheme for Registered Teachers in Recognised Primary and Post Primary Schools

0061/2010 Arrangements for the Payment of Part Time and Whole Time Fixed Term teachers employed in primary schools for the 2010/2011 School year and subsequent years

N.B. Where an end-date for a contract is not known, a Specified Purpose Contract should be issued.

0063/2010 Recruitment procedures: Requirements for Garda vetting

0064/2010 Travel Pass Scheme for 2011 (Tax Saver Commuter Tickets)

0066/2010 FÁS Work Placement Programme

0068/2010 Grant Scheme for Playground and PE Equipment in Primary Schools

0067/2010 Procedures for filling teaching vacancies that arise during the remainder of the 2010/11 school year

0070/2010 Revision of Salaries of all staff paid directly by a recognised school or VEC who have not already been affected by the pay reductions imposed in accordance with the Financial Emergency Measures in the Public Interest (No. 2) Act 2009. A FAQ sheet is also available.

0076/2010 Summer Works Scheme (SWS) 2011

0001/2011 Combined Post-Graduate Diploma Programme of Continuing Professional Development for Teachers involved in Learning Support and Special Education 2011/2012

0002/2011 Graduate Certificate in the Education of Students with Autistic Spectrum Disorders (ASDs) for teachers working with Students with ASDs in Special Schools, Special Classes or as Resource Teachers in mainstream Primary and Post-Primary Schools 2011/2012

0003/2011 Post-Graduate Certificate/Diploma Programme of Continuing Professional Development in Special Educational Needs (Autistic Spectrum Disorders)

New circular on vetting

Circular 63/2010 updates and clarifies the vetting requirements in respect of appointments to teaching and non-teaching positions in schools.

All persons being appointed by schools in either a paid or unpaid capacity who have, or may have, unsupervised access to children must be vetted.

Completed vetting application forms, or copies thereof, can only be handled by the Principal or Chairperson of the Board of Management.

The Teaching Council conducts the process in respect of teachers and the Church of Ireland Board of Education conducts the process in respect of non-teaching staff and volunteers working in Church of Ireland schools. Each sector has Authorised Signatories appointed to conduct the vetting process.

In addition to vetting, those being appointed to paid posts must also provide a Statutory Declaration (valid only for a maximum period of two years) and a Form of Undertaking.

In the case of those being appointed to unpaid/volunteer posts, vetting is valid for a maximum period of five years and must be conducted by the relevant organisation. Individuals that have been vetted through the Church of Ireland and subsequently wish to volunteer at another Church of Ireland school or parish, may request that a copy of their original vetting application be released to the new school or parish, provided the process was conducted within the five year period.

Vetting conducted through the Church of Ireland is in respect of those working within the Church of Ireland. Garda Vetting is conducted only on behalf of registered organisations and is not conducted for individuals on a personal basis.

Please read the circular in full. To obtain copies of the Church of Ireland vetting application form, please contact Jennifer Byrne (contact details on the back page).



Well done to St Patrick's National School, Trim, on taking second place in the Meath An Taisce 2010 Ellison Awards.

The award was presented to the Dean of Trim, Very Rev Robert Jones, for work carried out on the old mews building beside St Patrick's Cathedral hall which was renovated and now accommodates the National School.

In making the award An Taisce said the decision to integrate the older building "epitomised how the old can be fused to make something new whilst retaining an eloquent memory of the past and to create an environment with great character, a sense of history and a sustainable approach to renewal."

Snowy days...

The recent snowy weather has caused school closures across the country resulting in schools losing up to two weeks of school days.

Circular 11/95 states that the decision to close a school in exceptional circumstances rests with the school authorities at local level. It also states that such a closure should be compensated for later in the school year.

However, decisions to re-open a school early to make up for the exceptional closure is governed by Circular 107/2007 which outlines the requirements of the Standardised School Year. In practice it is not possible to re-open a school early (during a previously advised holiday period) unless sufficient notice has been given to all parents and staff and that consultation to reopen has taken place. Therefore, if reasonable notice has not been given and if a parent or staff member object the school cannot reopen. In any event school authorities cannot compel their staff to return to work where staff are already on leave in accordance with Circular 107/2007, unless they have the clear consent of the staff member.

So, if you closed during the snow and now need to make up the days how do you do it? With difficulty is the answer!

Firstly, be clear on when you were closed and when you were open. If only a handful of staff and/or pupils were in attendance, you were open.

Secondly, explore whether work which should have been undertaken on days when the school could not open can be made up during the remaining school time.



Duncan Holmes digs out the only car that manages to get into the Church House car park - his own!

Thirdly, are there any discretionary days built in to your school year that you could use? i.e. over bank holidays, etc.

Remember that any decision to open for a day already indicated as a closed day will have implications for school transport, cleaning and caretaking staff, milk delivery, heating, etc.

In summary, the Standardised School Year governs the opening and closing of the school. Deviation from this can only be for exceptional reasons. Any deviation must have the support and agreement of staff and parents in the school and will have implications for services to the school. This is the time to use those discretionary days!

Planning ahead:

The minimum number of days a school must open is 183. The maximum number of days a school may close for holidays is 56 and must include July and August. General Elections are considered part of the minimum number of days.

School authorities should make provision for the school being open for more than the minimum number of days to allow for exceptional closures such as snow or for other unforeseen events, e.g. a fault with the building or a death.

It would be prudent to allocate a number of days which could be regarded as “probable” open days rather than as holidays, to be advised nearer the time.

Communication is the key: all schools should have a system of text messaging in place so parents can be notified as soon as possible. Similarly the school website should also be kept updated.

In the event of a decision to close the school all staff members must be clear as to who makes that decision. In general terms the decision to close the school rests with the Board of Management. The Board should decide who in particular should take responsibility for the decision to close in a situation where time is short (such as with heavy snow). A protocol must be in place to communicate this with all staff members, parents and service providers.

If the closure is for bad weather, the Chair of the Board should take responsibility for the welfare of the school building (e.g. ensuring heating is set if cold weather, roof tiles and objects secured if stormy weather, etc.).

These and other issues should be discussed by the Board of Management and should form part of the School Plan.

Occupational Health Service for teachers

A positive experience



A recent survey carried out by Medmark Limited revealed high levels of satisfaction with

the service from both teachers and employers perspectives. Medmark surveyed the experience and satisfaction levels of both employers referring and teachers attending for an occupational health assessment.

The results of the survey were both positive and reassuring. 128 teachers were surveyed across the primary and post-primary sectors and while the majority of those surveyed admitted to feeling apprehensive prior to meeting with one of the Doctors, 97% felt that based on their experience of the service they would be less apprehensive if they were asked to re-attend. The survey also revealed that over 98% of teachers found the Doctor to be courteous, professional, understanding and helpful.

While the response rate to the survey from employers was lower the feedback was very similar to that of teachers. Reference was made by referring employers to the speed, efficiency and professionalism of the service as well as 100% satisfaction with the clarity of the information and advice provided.

Services provided

Those who appoint and employ teachers have responsibilities for ensuring the health, safety, well being and education progress of students. They also have a duty under Section 8 of the Safety, Health and Welfare at Work Act 2005 to "ensure, so far as is reasonably practicable the safety, health and welfare at work of his or her employees". The Occupational Health Service was put in place as a supportive resource for teachers and employers. The service encompasses health management and incorporates pre-employment health assessments, medical assessments of fitness for work and ill health retirement assessments and appeals.

Additional information may be found on www.medmark4teachers.ie or the DE&S website www.education.ie.

CICE Bicentenary

The Church of Ireland College of Education is celebrating in 2011 the bicentenary of the founding of the Kildare Place Society from which the college draws its historic roots. The KPS society, of which the full name was the Society for Promoting the Education of the Poor in Ireland, was a pioneer Protestant education society which supported schools, published textbooks and established model schools for teacher training in Kildare Place in Dublin.

The 2011 Calendar is based on visual material from the CICE archives, which illustrate the history of the college and teacher training through the years. For example, the January 2011 page shows the old buildings in Kildare Place, March shows a 'reading circle' from the KPS 'Schoolmaster's Manual' and May has illustrations from the KPS publications.. The later pages include the life of the college in Rathmines, the chapel, the students' project work and the Africa teaching programme. The calendar covers a period of eighteen months from January 2011 to June 2012 and it will be of particular interest to past students of CICE and primary schools.

The Calendar can be purchased from the Church of Ireland College of Education Upper Rathmines Road, Dublin, 6 – cost price €20 (including postage).

There are a number of events planned to celebrate the bicentenary. Of particular interest to all our graduates is the Reunion Day for past students on Saturday 28th May 2011 when the CICE Centenary Book edited by Valerie Coghlan, the librarian will be launched. That evening there will be an ecumenical service of thanksgiving in Christ Church Cathedral to which all students and graduates will be invited. We look forward to welcoming many of you on 28th May next.

CONTACT US . . .

Ken Fennelly
Direct dial 01 4125609
Email ken.fennelly@rcbdub.org

Jennifer Byrne
Direct dial 01 4125624
Email jennifer.byrne@rcbdub.org

Church of Ireland Board of Education
Church of Ireland
Church Avenue
Rathmines
Dublin 6

Main telephone 01 4978422, Fax 01 4978821

Education Newsbrief is published as a service to schools under Protestant management, by the Church of Ireland Board of Education, to whom enquiries may be addressed. The contents of *Education Newsbrief* do not necessarily reflect the views of the Church of Ireland and should not be construed as doing so.

