

Board meeting, 11 March 2009

**Review of Public Administration:
Policy Paper 20
Publicly Owned Schools – Ownership and Representation**

1. Board response to Questions at the conclusion of the paper:

The Board welcomes the opportunity to respond to the proposals contained in the paper but finds the greatest difficulty in responding positively to the questions given that they are based on a pre-emptive decision by the Minister that ESA should not own the Controlled Schools Estate and that the paper itself fails to provide the totality of a vision for the education sector and places disproportionate emphasis on ownership of buildings.

Rather than examine the detailed exposition of propositions, the Board wishes to respond to the questions and then explain its vision. However, it must first explain its position.

The role of the Board is two-fold : as custodian of schools in the controlled sector and as an educational body dedicated to the interests of all children in the community. It recognises the very complex legal advocacy issues facing the authors of the paper and would not wish to criticise those authors but rather to point to the shaping influences of history and the overwhelming need for the controlled sector to be reassured as to its future.

The Board has encouraged the involvement of Controlled Schools in its area. It appreciates the difficulties faced by Governors in responding to a paper which they find unclear but the significance of which they appreciate.

Question 1 : Assuming acceptance of the need to transfer ownership of Controlled Schools out of the ESA while still retaining public ownership and balancing the need to address the legitimate concerns of stakeholders against the added costs of new ownership arrangements and the contravention of a key RPA principle, is it appropriate to proceed with the establishment of a statutory ownership body?

The Board does not accept that there need be a second transferred ownership of Controlled Schools; it is sufficient for controlled schools to pass from the ownership of Education & Library Boards, the heirs of the former County Councils to ESA and to remain there with appropriate safeguards. The Board's rejection of other options reflects its understanding of the ethos and values of the Controlled sector as described later in this paper. It is not for reasons of cost or contravention of a key RPA principle although these considerations are not to be dismissed but issues of ethos, values and acceptance of responsibilities based on trust which persuade the Board that ESA should remain the guardian of the sector.

Question 2 : Would the proposals in this paper address the concerns of stakeholders on this issue?

The proposals in the paper do not address the concerns of the Board as a current significant stakeholder nor, being aware of the initial responses of a number of schools, will the Board be satisfied that schools are content with the proposition.

Question 3 : Is there a more appropriate ownership arrangement that would address the concerns of stakeholders while keeping costs and risks to a minimum and ensuring robust financial controls and accountability arrangements safeguarding this asset for future generations?

It is accepted that the advocacy body also having ownership responsibilities might upset the consistency of approach to the representation of sectoral interests which the Department appears to seek but this is an option which like ESA remaining the owner has not been included in the appraisal of options.

Question 4 : Should the legal owner simply hold the deeds of these schools or have a long-term transformational role?

A long-term transformational role is required as a minimum to encourage and facilitate new and innovative school structures transcending sectoral boundaries. With appropriate safeguards ESA could contribute as the legal owner. If a statutory ownership body were created, an additional tier would result since this body would have the role in progressing Development Proposals.

Question 5 : Do you agree that the ownership body should have a statutory obligation to take account of the views of the representative organisation?

A statutory obligation should be placed on ESA to take account of the representative organisation.

2. **What is the Controlled sector?**

This sector is distinguished by its ethos and values comprising:-

- community focus;
- encompassing characteristics;
- egalitarianism in its nature;
- shaped by liberal thinking.

It is necessary to trace the antecedents of the Controlled sector during the passage of over a century when Public Elementary Schools were established by a range of bodies and persons to meet the needs of local communities and to provide basic education for the poor and frequently neglected in educational terms whether living in the countryside, industrialised housing areas or in the newly emerging market towns. The Churches were prominent and included the Reformed Presbyterian and the Society of Friends, the Baptist Church as well as the Roman Catholic and major Protestant Churches. Schools were also founded by Charitable Trusts, Religious Orders, local leading families and through funding and legislation associated with the Government based in Dublin. In many cases the activity was prompted by the inadequacy of hedge schools and the recognition that free education transformed the quality of life and opened up opportunities for release from poverty and drudgery. The Controlled sector continues the tradition of being open to all in the community.

It is encompassing because it has over time translated into its management arrangements the intentions of original providers to exclude no-one seeking to benefit.

It brings a commitment of equality to its provision because it does not identify pupils on the basis of subscribing to a particular faith or to none or holding certain social attitudes or positions or none. It promotes equality among pupils and staff and attitudes resonant with that philosophy.

It is liberal because it has been informed by the experiences of former generations who suffered persecution or discrimination on religious or other grounds. It promotes the attitudes underlying a shared future and is well positioned to embark on new structural arrangements embodying its open approach. While it is essentially Christian in its religious tenets it is by nature and by legislation open to Ministers of Religion in respect of their children but does not offer Religious Education of a denominational nature.

3. **Representation/Advocacy:**

Paragraphs 8 and 9 are welcome as a proposal to fill a vacuum which the Board acknowledges has existed when comparisons are drawn with the voices of other sectors. The proposition that grant-aid should be available is also an acknowledgement of the significance of the sectors although it is to be regretted that the creation of representative bodies for other sectors is well advanced rather than all starting within a common timeframe.

4. **The role of the TRC:**

The proposals contained in Paragraphs 10 and 11 are also welcome.

5. **Legal ownership:**

The paper is preoccupied with ownership of buildings. The Controlled sector is the creation of those who in former times had vision and the energy to establish schools as educational institutions. When the schools transferred to the management of the former County Councils the transfer was of ideology and ethos as well as buildings. The commitment which had seen the maintenance of the individual schools was handed over in trust to public bodies comprising elected representatives and the successors who had founded the establishments. Those public bodies assumed responsibility for acting in the interests of the public at large and not of specific interests. The Education & Library Boards have kept faith with that understanding. Responsibility will pass to ESA and should be discharged by ESA and not a distinct body artificially created to hold ownership rights. To do otherwise begs the question as to why arrangements in other parts of the United Kingdom should not apply in Northern Ireland. Suggestions from any other education body that partiality might be shown by ESA towards the Controlled sector in the context of area planning is ill-judged and not borne out by the even-handedness shown by the Education & Library Boards over 36 years in their delivery of services to schools in all sectors.

6. **Conclusion:**

The paper should be discarded and a fresh attempt made to understand the ethos, values and history of the Controlled sector so that a proposal which does justice to it can be brought forward and its proper role in educational provision for all children can be recognised.

It is recommended that the paper should develop the responsibilities of ESA towards the Controlled sector undertaken in co-operation with the advisory body of the sector.