



Association of Trustees of  
Catholic Schools



# Association of Trustees of Catholic Schools

# Annual Report 2015

Emmaus Retreat Centre

12<sup>th</sup> October 2015

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**ANNUAL REPORT**  
**ANNUAL GENERAL MEETING**

**12 October 2015**

I am delighted to welcome you to our Annual General Meeting, the sixth since the founding of ATCS in 2009. One of the significant aspects of our AGM 2014 was the engagement by you as members in naming the priorities which you considered should be central to any strategic direction to be identified by the incoming Board of ATCS. In thanking you for your participation in that very valuable exercise, I acknowledge also the foundation laid so well by previous boards and the contribution of the ATCS membership in this regard over the years since its foundation. Míle buíochas!

Annual General Meetings provide, among other things, an opportunity to remember and to recall. Some of you will have lost valued members of your families, Trusts, Dioceses and Communities over the past year so we remember them all today as we gather here in Emmaus. ATCS joined with the Irish education communities in mourning the sad loss of the six Irish students who were killed in the balcony collapse in Berkeley, California in June. Our sympathy goes to the families and friends of those who died as we extend our heartfelt good wishes to those who were injured in the tragedy and who are very courageously undertaking the arduous journey towards recovery.

I am sure that you will join with me in extending good wishes to Ferdia Kelly who is due to retire from his role as General Secretary of AMCSS/JMB in December 2015. He will be remembered for his calm, good-humoured and very wise approach coupled with a high level of competence but, above all, a real passion for Catholic education.

**Appointment of Administrative and Research Assistant**

I am delighted to welcome David Kennedy today as the Administrative and Research Assistant who will be involved in developing key policy objectives for CSP and ATCS while also providing administrative support to both bodies, in this capacity replacing Imelda Ashe who served as administrative secretary so efficiently for over two years. David has very successfully completed his MA by research in Theology and Religious Studies at Mary Immaculate College having also worked as a Departmental Assistant within the Theology and Religious Studies Department. During that time he also occupied various administrative

positions and has the experience of presenting academic research both nationally and internationally. We are also delighted that David brings a competency relating to Website and Social Media Administration. We look forward to working with him and have already experienced the expertise and enthusiasm which he brings to the task.

### **Collaboration with Strategic Partners**

One of the highlights of the past year has been the growth in collaboration with our strategic partners. The Catholic Schools Partnership agenda is closely linked with that of ATCS and ATCS involvement has included not only regular attendance at CSP Council meetings by two ATCS board members but also representation on significant sub-committees. You have received a joint invitation from ATCS and CSP for later this morning to celebrate the 50<sup>th</sup> Anniversary of the Second Vatican Council's Declaration on Christian Education, *Gravissimum Educationis* and the Launch of the CSP Pilot Project *Understanding and living the ethos in a Catholic voluntary secondary school*. The latter will involve a video link with four pilot schools which is an appropriate way of launching a process which is centred on conversations.

At this stage you are all very familiar with the CSP publication *Catholic Education at Second-level in the Republic of Ireland: Looking to the Future*<sup>1</sup>. One of the six main goals identified in the booklet is: *CSP will participate with all relevant stakeholders in a strategic review of the structure of Catholic patronage/trusteeship/management at second level*. Having considered possible options it was the opinion of CSP that the Council of the Catholic Education Service (CES) was the body best placed to initiate such a review as it is representative of the Bishops' Conference and the Conference of Religious of Ireland. In February 2015 CESC agreed to initiate such a review. Representatives of ATCS, AMCSS and CES were invited to form a sub-committee to reflect on the possible structure and terms of reference of such a review. The sub-committee met on three occasions. It was agreed that greater unity of purpose in Catholic education is an urgent goal and that there is widespread support for this among all stakeholders. Your own views in this regard were expressed at last year's AGM and also at our Forum in April. With the intention of achieving this goal the subcommittee made a number of recommendations to CES Council. The sub-committee, having completed its task, now awaits the decisions of the Council.

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<sup>1</sup> Catholic Schools Partnership, *Catholic Education at Second-Level in the Republic of Ireland – Looking to the Future* (Dublin: Veritas, 2014)

## **Catholic Primary Schools in a Changing Ireland – Sharing Good practice on Inclusion of all Pupils**

ATCS welcomed the publication of this CSP booklet which is a resource for Catholic schools in developing good practice, policy and procedure. Its publication reflects a work of partnership involving all stakeholders and was a timely response to the *Forum on Patronage and Pluralism in the Primary Sector: Progress to Date and Future Directions* issued by DES. Catholic schools are shown to have adapted to demographic change resulting from significant migration into Ireland, something which is likely to continue in the context of the country's decision to welcome a significant number of those seeking refuge in Europe in the current crisis where so many people are fleeing from the ravages of war and persecution. Catholic schools have undoubtedly provided leadership in such areas as social inclusion, special needs and traveller education and we can have confidence that this will continue to be the case into the future.

### **Engagement with DES**

ATCS has been in communication with DES regarding a variety of issues in the course of the year. We were also represented at two significant meetings by Dr Eilis Humphreys and myself respectively, together with Monsignor Jim Cassin, Council for Education of the Irish Bishops' Conference, Dr Tom Deenihan (CPSMA), Anne McDonagh and Declan Lawlor (Archdiocese of Dublin). The first meeting held on 1 December 2014 concentrated on the "Charging lease" which DES is seeking on school properties which have received grant aid for building extensions and new builds on existing school sites. While it was recognised that the main purpose of the Charging lease is to protect the State's financial investment a total of eighteen concerns were raised by the joint delegation. DES agreed to prepare a document and to consult with the Council for Education of the Bishops' Conference and those present at the meeting re guidelines and clarifications. We can justifiably ask why should DES seek a vesting of an entire school property where it is only funding a small extension? Susan Bryson, Mason, Hayes & Curran re-echoed this question in her presentation at our ATCS Forum in May.

On 19 May 2015, a meeting attended by similar representation took place with DES in Marlborough St. The agenda included a number of items of current interest.

- **New School Lease – Insurance.** There have been ongoing discussions re insurance of school buildings owned by the State, albeit leased to the Patron/Trustees. In such circumstances insurance cover is provided by the State Claims Agency but outstanding issues were raised at this meeting and clarification sought accordingly. Some clarification was provided and Dr Alan Wall indicated that a letter would be sent from DES stating precisely what is covered in the context of the lease. We understand that there has been ongoing involvement of the Chief State Solicitor's Office and engagement with the State Claims Agency and an outcome is expected shortly.

ATCS raised a question at the May meeting in relation to new schools on DES land and under patronage other than that of the Bishops, for example, the new Le Cheile school in Tyrellstown. It was confirmed that while the general wording of the Lease would be likely to remain the same, it was also confirmed that there would be some aspects which would require DES consultation with other relevant Catholic Trustees.

- **Update on Charging Lease.** It was reiterated that the Charging lease will be reviewed with a view to including matters previously raised and that an amended version would be sent for consideration. In recognition of the fact that the terms were considered too onerous, DES agreed to revert back to the Chief State's Solicitor's Office while giving assurance that the new document would take on board our concerns. We await the outcome.
- **Update on Deed of Variation** As somebody attending ATCS Annual General Meetings for the past three years I am conscious of mentioning an issue which has been around for longer than even I can remember! At our meeting on 19 May, however, DES confirmed its commitment to achieving the objective of the Deed of Variation which is to provide ultimate security for the ethos of a denominational school.

In the course of the discussion with DES a form of wording was recommended which would require the Minister to accept and agree that the ethos of the school would be determined by the Patron and could only be changed with the agreement of the Patron. An update reveals that negotiations are now progressing well in relation to an agreed formula of words.

## **Capital Developments.**

- It has come to the attention of ATCS that DES had been liaising directly with Boards of Management regarding building projects with no recourse to Patrons/Trustees in spite of the onerous obligations on the latter under current building regulations. The question of the required signature of the Patron/Trustee on the application form indicating their agreement for requests for projected capital developments was emphasised by us and accepted by DES in relation to future projects.
- ATCS was not consulted initially regarding *an agreed Protocol on the engagement of Education and Training Boards with voluntary secondary schools in respect of the delivery of devolved building projects*. The new arrangement proposed that the ETB would be available to take on the role, previously carried out by DES, in relation to assisting schools in completing the building project. Since this was paramount to a proposed handover of function by DES it requires further examination in respect of liability and indemnities in case matters did not proceed as planned in the school building process. Thanks to the efforts of Dr Eilis Humphreys we subsequently became involved in suggesting significant amendments to the earlier drafts while also using the opportunity to write formally to DES respectfully suggesting that, in all matters pertaining to building projects, the legal responsibilities of the Patron/Trustees are honoured and respected such that we are consulted appropriately. It was clarified by us that ATCS is a body that can be contacted in relation to general terms and conditions applying in such matters, while recognising that individual projects will be a matter for the individual Patrons and relevant schools. Mr Jerome Kelly, DES responded, with assurances, and the offer to meet with representatives of ATCS. In the meantime, ATCS representatives met with JMB and agreement was reached to seek a joint meeting with DES to discuss issues which are still outstanding.

## **Funding of Trusteeship/Patronage**

Gerry Bennett provided a very succinct report on the work of ATCS in relation to the funding of trusteeship issue at the ATCS Forum in May in which he referred to the ESRI Report entitled '*Governance and Funding of Voluntary Secondary Schools in Ireland*'.<sup>2</sup> The section on delivery of services is particularly apt:

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<sup>2</sup> ESRI, *Governance and Funding of Second Level Schools in Ireland* (Dublin 2013)

*At least some elements of the trusteeship function of VECs (now ETBs) are funded through the block grant and the centralisation of specialist services and expertise at VEC level reduces the need for specialist legal advice and finance capacities at the school level. In contrast, the trusteeship function of voluntary secondary schools is paid for by Religious Orders or the Education Trust companies...<sup>3</sup>*

The ATCS Board has been actively engaged in considering the most appropriate way of addressing the apparent inequity in the funding of the trusteeship/patron function. This is not a simple issue. On the contrary, it is quite complex. It was for this reason that the ATCS Board decided to seek legal advice to ascertain our precise rights and entitlements as Patrons/Trustees in the voluntary sector in order to be in a position to make a well-informed submission to DES while seeking a formal meeting at which to do so.

A question arises as to how Education and Training Boards fund services associated with the exercise of patron function. Under the Education and Training Board Act 2013, it is a function of an Education and Training Board to establish and maintain recognised schools in their respective areas. An entitlement to Oireachtas funding, for the provision of patronage as well as management type services, is conferred in the context of the ETB Act 2013. Patrons/Trustees in the voluntary sector have chosen to establish and maintain their schools. They did not undertake to do so on foot of any statutory obligation imposed on them but rather because they wished to do so. The fact is, however, that they are now fulfilling a wide variety of statutory responsibilities without any funding from the State.

It is difficult to differentiate between the funding of a management body such as JMB and a body that performs similar functions while also performing patronage functions as do Educate Together and An Foras Pátrúnachta. We anticipate that it may be helpful to ascertain the basis on which funding is allocated to a body which provides not only management but also patronage services. A very active sub-committee is in the process of presenting proposals to the Board of ATCS in relation to the best way forward. From preliminary discussion, the matter is likely to be progressed by means of a written submission to DES outlining the issues to be considered, from both the moral and legal perspective, at a subsequent meeting.

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<sup>3</sup> Ibid, p.156



## **Community Schools**

There has been little or no progress in relation to the issue which arises from what DES describes as ministerial policy which states that only a single Catholic Patron Body can apply to be a constituent member of the joint patron of a new community school. This, as you know, dates back to what was part of a ministerial address delivered by Minister Cannon, Minister for State, at an ACCS Convention a few years ago.

In the knowledge that individual Congregations were engaging with DES in relation to transferring the Catholic element of joint patronage to other bodies, including one or other of the new Trusts, ATCS has awaited the outcome of this engagement before making direct intervention as an Association representing Catholic Patrons/Trustees. Some of the Congregations concerned had consulted us in advance of their submission to DES.

In what seems like a long delayed response to formal robust approaches of individual Congregations, however, it is a major concern for ATCS that DES has not accepted that Congregations have a right to transfer Catholic patronage of Community Schools to the new Trusts. Furthermore, in an amalgamation situation, DES has issued a “Consent of Trustees” document which requires existing Religious Trustees/Trusts to agree to a Community School being formed. How can we not note the irony here! Given that the new Trusts are not recognised by the DES as Catholic Patrons of Community schools, such documents are remaining unsigned in situations where it is the wish of the Congregation to transfer the Catholic patronage function to a Trust.

ATCS are currently engaged in seeking the best means of pursuing this outstanding and all-important issue. It seems reasonable again, perhaps, to explore some means by which it would be possible to provide a ‘unified voice’ representing Catholic patronage in Community schools while, at the same time, facilitating the transfer of patronage by a Congregation to a Trust where that is what the congregation wishes to do. ATCS believes that the current Deed of Trust confers such an entitlement on a Congregation and Mason, Hayes & Curran have provided advice which accords with our opinion.

In the meantime, a new model of Community School has been set up in two venues with ETB and Educate Together constituting the joint patron. A Deed of Trust very similar to the original was put in place to accommodate this new composition of joint patron following

consultation by DES with ACCS. A task group which included Catholic Trustee interests was set up and recommendations put forward to DES by this group were accepted.

## **National Trustee Forum**

Fr Tom Deenihan reported at last year's AGM that the National Trustee Forum, which was set up over ten years ago to represent joint patrons in Community schools, had not met in the previous year. One meeting was held in May 2015 and another is scheduled for 15 October. It is likely that a proposal for a more formal structure will emerge in due course bearing in mind the new model of Community school to which I referred above and the right of representation of those involved accordingly. This does not render superfluous, however, the possible need for a 'unified voice' of the Catholic patron constituency in Community schools to which mention has already been made.

## **Education (Admission to Schools) Bill 2015**

ATCS has repeatedly questioned the need to introduce the degree of State intervention found in the Admissions Bill, as published. A survey carried out in 2008 revealed that there is clear evidence of no significant admissions-related problems in 80% of schools. The policy context surrounding the reasons for introduction of the Bill states, at the outset, that there was no evidence of any system-wide enrolment practices that give rise to concern (*Discussion Paper on a Regulatory Framework for School Enrolment, 2011, DES*).

There are indications now that the decision-makers are belatedly recognising the unnecessary level of regulation in the Bill, as published, and there may not be an appetite at this time to enact the legislation. ATCS has, however, submitted a brief but comprehensive response to the Bill which has been forwarded to the Minister in recent weeks. The research involved will not go astray as this issue is unlikely to disappear entirely from the political 'radar' and the issues may well arise again albeit, perhaps, in a slightly different guise, in the context of any post-election government.

Apart altogether from draft legislation in relation to enrolment there can be issues of concern for patrons in relation to admissions policies and practice in a given local area. It is recognised by ATCS that a board of management in setting priority criteria, particularly in a situation where demand exceeds capacity, must always consider the impact on other applicants of prioritisation of certain categories of applicant. This can call for real

discernment. The expectations of society, sometimes marked by individualism and competition, can put huge pressure on schools to conform to those expectations. The curriculum, in its broadest sense, is often described as the expression of a school's identity. It can also be argued, I think, that the practices and procedures associated with admission to schools often speak much louder than words about the values underpinning Catholic schools operating in the social conditions of contemporary Irish society.

## Conclusion

October 2014 – October 2015 has been a busy year for ATCS and, in acknowledging with appreciation, the work of the Board of ATCS, I want to refer particularly to the sub-committees listed in an Appendix to this Report. They have been involved in leading a number of initiatives and developments, not least of which has been the Strategic Plan based, as I mentioned at the outset, on the priorities outlined by you, the membership, in October 2014. You will have the opportunity, in a few minutes, to engage with it and to give your views on proposed implementation plans associated with the goals and objectives as articulated. We look forward to hearing your views on the proposed strategic direction, as outlined, for 2015 – 2018.

Following the business of our AGM this morning we look forward to what promises to be a real live celebration of what we are about in Catholic education. The idea of linking with schools is significant, I think. It has the potential to ground us, as patrons/trustees, where the things to which we aspire for the students in our schools actually become a reality. The process to facilitate reflection on ethos through reimagining the founding intention will be launched today for secondary schools following a very successful process nationally at primary level. It is planned that the actual process will be done in the context of the Trust/Congregation/Diocese which oversees the school. What we are about to embark on has the potential to ignite a vision and a spirituality which will, hopefully, inspire all the partners in a search for where they must go and how to get there in a spirit of hope and enthusiasm built on faith.

We also look forward to the celebration of the 50<sup>th</sup> Anniversary of the promulgation of the Declaration, **Gravissimum Educationis**, on 28 October 1965. It is interesting to note the key themes which are found in the document and their relevance in 2015, for example, the

*statement that Catholic schools have a particular role in bearing witness to the Gospel and that while pursuing educational and cultural goals they are also a leaven in human society.*

Fr Michael Drumm has, in a recent publication, referred to how the ongoing interpretation of Vatican 11 now takes place in the context of the ministry of Pope Francis. The Pope has challenged all members of the Church to reach out again to the world, not least to those on the margins of society. He speaks of two temptations: that of seeking to return to a past which no longer exists; and that of embracing every secular trend. In contrast, he calls Christians to live out their faith in the world in which they find themselves.

It is in the context of modern Ireland that ATCS is collaboratively striving to support Patrons/Trustees who are continuing the mission of Christ ‘where they find themselves’ in the social, political and legal landscape in which their schools are located.

Beannacht De ar an obair atá rómhaibh...

***Marie Céline Clegg IBVM***

***Chairperson, ATCS***

***5 October 2015***

## **Appendix**

### **Sub-Committees and Task Groups**

#### **Funding of Patronage/Trusteeship**

Gerry Bennett

Anna Gethings

Marie Griffin

Paul Scanlan

#### **Community Schools**

Marie Griffin

Declan Lawlor

Eilis Humphreys

Sr Ena Quinlan

#### **AGM and Forum**

Sr Marie Carroll

Eilis Humphreys

Paul Scanlan

#### **Strategic Planning**

Sr Marie Carroll

Anna Gethings

Declan Lawlor

#### **Education (Admission to Schools) Bill 2015**

Marie Griffin

Eilis Humphreys

Declan Lawlor