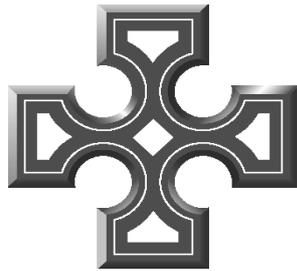


**THE CHURCH OF IRELAND GENERAL SYNOD
BOARD OF EDUCATION (RI)**



Submission to the Equality Authority on:

Proposed amendment to section 37 of the Employment Equality Acts 1998 –
2011

13th November 2013

Submission to the Equality Authority of Ireland in relation to its proposal to amend Section 37 of the Employment Equality Acts 1998-2011.

1) Introduction

The Church of Ireland ranks second in the State in terms of the numerical provision of primary schools with 174 schools under its patronage. There are over 500 teachers and over 13,500 pupils in Church of Ireland Primary schools. These schools are managed and served by voluntary boards of management, with each board comprising eight members, giving a total of nearly 1,400 people voluntarily serving the provision of primary schools in the Church of Ireland tradition across the Irish State. There are a further 24 primary schools under the Patronage of the Presbyterian Church, one under the Society of Friends and one under Patronage of the Methodist Church. We believe that the presence of all of these schools facilitates parental choice in Irish education and supports social pluralism and religious diversity within Irish society.

The Governing Body of the Church of Ireland is the General Synod which meets annually. The General Synod has a Board of Education and, as an all-island Church, covers both jurisdictions drawing its membership from all thirty two counties. However, there are two [further secular jurisdictional Boards] subsets of this Board which address the needs and concerns of the Church of Ireland in educational matters in each jurisdiction: the Board of Education (RI) and the Board of Education (NI). This submission is therefore made on behalf of the Church of Ireland Board of Education (RI) (hereinafter: COIBOE). In this submission we are confining our views to primary level on the basis that the majority of schools affiliated to the Church of Ireland are at primary level.

2) School Ethos: concept and reality

The COIBOE is of the view that when considering ethos, a Church of Ireland school needs to be mindful of two key realities: (a) that the school serves a specific faith community (bearing in mind that the school also serves pupils of other faith communities and none by virtue of the missional nature of the Gospels) and (b) the expectations and desires of parents for their children to live out their primary schooling experience within the particular ethos which is offered in Church of Ireland schools. The COIBOE considers the right of religious minority groups to prioritise enrolment to schools on religious grounds as essential to the maintaining of the ethos of those schools. The continued existence of any school is based on a level of demand from parents seeking the best possible teaching and learning experience for their child. All Church of Ireland schools seek to serve this expectation. Parents who seek access to Church of Ireland schools have a further and deeper expectation of a school ethos based on Christian principles of justice, honesty, goodwill and respectfulness. All Church of Ireland schools are clear that they offer a school ethos environment which is predicated on Christian religious principles in the Anglican tradition and through the Church of Ireland.

Such an ethos is perceived to be an enabler of inclusivity and a facilitator of the personal growth of the child in a generous and altruistic humanity. The Christian faith in the Anglican tradition on which the ethos of the school is based, is not imposed upon the school, but rather, is an organic expression of the interaction of the life of faith and witness in service on the part of every member of the school community, with the everyday life of learning, family and human living. Anglican ecclesiology strongly emphasises the nature of living the Christian life as a community with the Church at its heart.

It is this ethos, which the Church of Ireland seeks to protect, maintain and enhance as a living experience for all who wish to participate in it.

3) Specific Comments on Proposed Amendment

It is problematic to make specific comments on the proposal to amend Section 37 the Employment Equality Acts 1998-2011 when the proposed revised wording has not been provided. .

However, COIBOE wishes to make the following remarks:

The responsibility for the promotion, maintenance and cultivation of the ethos of the school rests with the Board of Management of the School which is accountable for that ethos to the school patron. This creates an assumption that all involved in the life of the school are clear on the ethos of the school, and how it should be promoted, maintained and enhanced., The patron must also be clear on how he/she wishes the ethos of the school to be conceptualised. In reality, such a conceptualisation can be quite fluid in terms of teaching and learning. However, for schools under Church of Ireland patronage, there is a clear common basis of understanding that the ethos of a Church of Ireland school will include and encourage the witness to God and faith in its daily life. For Protestant minority religious schools, the concept of the transmission of the faith tradition from one generation to another is especially relevant (Psalm 78, 1-7).

In the view of the COIBOE, it is vitally important that teachers in Church of Ireland schools work to maintain the Christian basis of the ethos in the schools. In recruiting teaching staff, a balance needs to be struck between the necessity of ensuring that the newly recruited teacher will seek to promote and maintain the religious ethos of the school and, secondly, the desire that teacher be comfortable in living out his/her professional life in such an ethos. This is especially important in schools which are smaller in number and is, in our view, vitally important in one and two teacher schools. This does not mean that the Church of Ireland insists on teachers being members of Church of Ireland (or Protestant), but rather that teachers would be comfortable and confident in teaching the religious education curriculum provided by the Patron and also fulfilling parental expectations in this regard. However, it does mean that schools, school patrons and parents can have a legitimate expectation that teaching in a Church of Ireland school encompasses more than simply fulfilling a requirement to teach a certain subject. The willingness to teach religious education is

essential but so too is openness on the part of the teacher to the general religious and spiritual ethos of the school.

The COIBOE re-iterates that the essential tool in the maintenance of the ethos of a Church of Ireland school is the ability to recruit teaching staff who are willing and open to teaching the religious education curriculum and are comfortable and confident in teaching in an environment which respects the Christian faith as a living witness to the person of Jesus Christ and the Divine, in the context of a community orientated by Gospel values.

In this connection, the COIBOE welcome the intention to retain section 16 of the Act which gives all employers the right to determine the duties of their employees, whether that be within the education sector or otherwise.

4) Concluding Remarks

In terms of the specific proposal to amend Section 37, the COIBOE is of the view that there is merit in retaining part (a) of Section 37 on the basis that it supports the rights of parents who have an expectation that in choosing a religious school for their child, that such school is enabled to ensure that the teaching staff of the school will give meaningful expression to those parental expectations.

In relation to Section 37 part (b), the COIBOE recognises that it has been suggested that there is a difficulty with this provision and in particular with the phrase “undermining.” The understanding of the COIBOE is that the intention of the clause is to safeguard schools from the actions of a person who would work to destabilise the role of religion (and the religiously informed ethos) in the school. The COIBOE affirms the importance of maintaining this form of safeguard. However, as previously outlined, in the absence of the specific wording of the proposed amendment, it is difficult to assess the merits of an alternative provision.

It is unclear if there are to be further interlocutory consultations on this matter. The COIBOE assumes that wider and deeper consultation is envisaged by the Equality Authority and would welcome the opportunity to discuss this matter further.

- Contact:
Dr Ken Fennelly
Secretary
General Synod Board of Education (RI)
Church of Ireland House
Church Avenue
Rathmines
Dublin 6
01 4125 609