

**ASTI Submission to Joint Oireachtas Committee on Education and Skills**

**on**

**Education (Amendment) Bill 2015**

**&**

**General Scheme of an Education (Parent and Student) Charter Bill 2016**

**Tuesday, 21<sup>st</sup> March 2017**

**Note:**

*This submission contains opening observations on the legislation followed by specific observations on the head of the content of the Bills.*

## **Opening observations of ASTI on proposed legislation**

### **Introduction**

The ASTI welcomes the opportunity to present a response to the Education (Amendment) Bill 2015 and General Scheme of an Education (Parents and Students) Charter Bill 2016. Education is a public good which touches on the lives of every citizen in our country. As stated in the recently published National Action Plan for Education, *“education is central to many of our ambitions as a nation”*. Good legislation is vital to sustaining the role of education as a public good. Good legislation is also central in sustaining trust and confidence in the education system.

### **Trust in our schools**

There is consistent evidence of the high degree of trust that exists in Irish society in our schools and teachers. This is evidenced not only at local level in the day-to-day interactions between parents, teachers and principal but also at system level in the reports from the Inspectorate. Each year, the Inspectorate conducts over 1,000 visits to schools and publishes the reports of these inspections on its website. The accountability framework for schools provided by the 8 inspection/evaluation models currently in operation is robust.

Trust in the teaching profession is also high. Research commissioned in by the profession’s regulatory body, the Teaching Council, found that Irish people have strongly positive attitudes to the teaching profession. In the Council’s own words, *“the majority of respondents are satisfied with the way teachers do their jobs and have a high level of trust in teachers. There is also a strong endorsement of the valuable role teachers play in our society and a good level of understanding of the complexity of the role and the skill level required.”*

### **Legislation must underpin the strengths in our system**

Good legislation underpins the strengths of any system. At the same time, it represents a balancing act in terms of sustaining what is working well and addressing areas for improvement. In the school context, in the absence of implementation of Section 28 of the Education Act 1998, and in the context of the commencement last July of Part 5 (Fitness to Teach) of the Teaching Council Acts 2001-2015, there is clearly a need to bring a cohesive, standardised approach to how best to regulate and strengthen relationships between teachers and schools on the one hand, and students and parents on the other. In this regard, the ASTI believes that the Education (Parents and Students) Charter Bill 2016 represents the most comprehensive way to address this issue.

The ASTI also appreciates that the 2016 Bill builds on the national policy framework for children and young people – *Better Outcomes: Brighter Futures*. Outcome 2 in this framework aims at *“achieving (children’s) full potential in learning and education”* while Goal 3 states that the Government recognises that children and young people have a voice in the decisions that affect them, both individually and collectively. The most recent report in 2013 from the UN Committee on the Rights of the Child on the Irish government’s progress towards implementing the Convention underlines the need to make progress on achieving Goal 3.

## **Context is important**

As noted in the National Action Plan for Education, education has been central to Ireland's transformation over recent decades. Teachers have been at the heart of that project and the teaching profession itself has undergone significant change in the process. However, what has not changed is the high level of professionalism which is the bedrock of the profession. This professionalism has been remarked upon internationally and is evidenced in the consistently high achievements of Irish children and young people in the international benchmarking studies – TIMSS, PIRLS and PISA. Supporting and embedding this professionalism in our system must remain a priority for government.

Education policy initiatives which are perceived by teachers to undermine their professionalism will not be successful. Education legislation must also be mindful of getting the balance right in terms of supporting what teachers do best and at the same time, enabling schools to respond to changes in society. Education legislation must also be mindful that the management structures in our schools are based on a voluntarist partnership model which works best when there is high degree of trust between all the partners. Proposed legislation on how best to regulate the relationships between these partners must get the balance right: one which sustains teachers' high professionalism and enables more effective communication, engagement and decision-making by all members of the school community.

## **Specific observations on General Scheme of an Education (Parents and Students) Charter Bill 2016**

### ***Head 3: Requirement that schools have a Parents and Students Charter based on statutory principles and that follow guidelines set by the Minister.***

The Parent and Student Charter should support the development of positive, inclusive, participatory and accountable communities in schools. These principles are central to the concept of education as a public good. The approach in the Charter should aim to create school cultures which realise these principles. The ASTI supports these democratic principles. As the trade union representing teachers, the ASTI's concerns focus on *how* schools will be supported to realise these principles. Even before cutbacks were implemented during what is now almost a decade of austerity, investment in education in Ireland was already consistently lagging behind that of our comparator OECD countries.

Changing the culture of a school is more often than not an incremental and slow process. Sustainable change, particularly in the context of new legislative frameworks, requires implementation support. The latter includes effective middle management structures; professional time for teachers to plan, collaborate and innovate; dedicated professional time to implement holistic well-being programmes, including student leadership practices and student councils; principals who can act as educational leaders rather than as school administrators; training for parents' associations and Boards of Management.

The development of statutory guidelines to give effect to the principles contained in Head 3 must reflect best employment practice, fairness and due process for all concerned. These guidelines should make explicit the principle established by the Teaching Council in its Fitness to Teach procedures whereby the school-based procedures should be exhausted or have come to an end before the Council will investigate a complaint. (The exception to this is where there are good and sufficient reasons. Good and sufficient reasons may include where children or vulnerable persons are, or may be, at risk of harm.) The ASTI believes that such a principle is necessary to give assurance to teachers, principals and Boards of Management that complaints can be dealt with in an effective, fair and transparent manner.

***Head 4: Power of Minister to direct the school Boards to comply with the Charter Guidelines***

The ASTI welcomes the provision of power to the Minister to direct a school Board of Management to comply with the requirement to prepare, publish and operate a Parents and Students Charter in accordance with the statutory guidelines. The ASTI recommends that a positive approach be adopted which seeks to enable schools to prepare, publish and operate a Parent and Student Charter.

***Head 6: Schools must consider recommendations, guidance or suggestions from the Office of the Ombudsman for Children.***

The ASTI strongly believes that the Office of the Ombudsman for Children must continue to hold its remit for education. The non-binding authority of the Office – as distinct from the model proposed in the Education (Amendment) Bill 2015 – is far more likely to lead to sustainable solutions at school level. Schools operate on the basis of trust: solutions to problems in schools must reflect, and build on, that trust. An adversarial model, as proposed in the Education (Amendment) Bill 2015 is not conducive to the building of trust or the fostering of a more open and democratic culture in schools. The provision in this Head to give power to the Minister to give direction to a Board of Management will give force to any recommendations, guidance or suggestions from the Office of the Ombudsman for Children while simultaneously enabling the rest of the school system to go about the business of developing and implementing their Charters. Finally, as the trade union representing second level teachers, the ASTI reiterates its concern that the statutory guidelines underpinning the Charter reflect best employment practice, fairness and due process for all concerned.