



An Bille Oideachais (Cairt Mac Léinn agus Tuismitheoirí), 2019
Education (Student and Parent Charter) Bill 2019

Mar a tionscnaíodh

As initiated



**AN BILLE OIDEACHAIS (CAIRT MAC LÉINN AGUS TUISMITHEOIRÍ), 2019
EDUCATION (STUDENT AND PARENT CHARTER) BILL 2019**

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ACTS REFERRED TO

Education Act 1998 (No. 51)

Education Acts 1878 to 2018

Local Government Act 2001 (No. 37)

Ombudsman for Children Act 2002 (No. 22)

Teaching Council Act 2001 (No. 8)



**AN BILLE OIDEACHAIS (CAIRT MAC LÉINN AGUS TUISMITHEOIRÍ), 2019
EDUCATION (STUDENT AND PARENT CHARTER) BILL 2019**

Bill

entitled

An Act to require the boards of management of schools to prepare, publish and implement charters for students and parents; to provide for the Minister for Education and Skills to make guidelines in accordance with which charters shall be prepared, published and implemented; to provide for the giving of directions, in relation to charters, by the Minister for Education and Skills to a board of management and for the publication of such directions; for those purposes to amend the Education Act 1998, the Teaching Council Act 2001 and the Ombudsman for Children Act 2002; and to provide for related matters. 5 10

Be it enacted by the Oireachtas as follows:

Definition

1. In this Act, “Act of 1998” means the Education Act 1998. 15

Student and parent charter

2. The Act of 1998 is amended by inserting the following sections after section 27:

“Student and parent charter

27A. (1) A board shall, in accordance with the charter guidelines, prepare, publish and implement a charter for students and parents (in this Act referred to as the ‘charter’). 20

(2) For the purposes of preparing the charter, the board shall, in accordance with the charter guidelines, consult with the persons referred to in section 27B(1)(a).

(3) The charter shall contain a statement by the board, in accordance with the charter guidelines, that the charter has been prepared by the board in accordance with, and complies with, the charter guidelines. 25

(4) The board shall not include in the charter any content that is not in accordance with, or as provided for by, the charter guidelines.

(5) The board shall, in accordance with such procedures as may be provided for in the charter guidelines, review the charter and make 30

such amendments to the charter as are necessary or appropriate following such review.

Charter guidelines

- 27B.** (1) The Minister shall, as soon as practicable after the coming into operation of *section 2* of the *Education (Student and Parent Charter) Act 2019* and subject to *section 27C*, make guidelines (in this Act referred to as ‘the charter guidelines’) in respect of— 5
- (a) the process by which, and the period within which, a charter shall be prepared by a board, including procedures for consultation by the board with— 10
 - (i) the patron,
 - (ii) the Principal,
 - (iii) staff,
 - (iv) students,
 - (v) the student council (where one has been established), 15
 - (vi) parents of students,
 - (vii) the parents’ association (where one has been established), and
 - (viii) such other persons as the Minister considers appropriate,
 - (b) the title and content of a charter,
 - (c) the form of the statement referred to in *section 27A(3)*, 20
 - (d) the implementation of a charter,
 - (e) the form and manner in which a charter and any amendments to a charter following a review shall be published,
 - (f) the procedures (including procedures for consultation by the board with all or any of the persons referred to in paragraph (a)) in accordance with which a charter shall be— 25
 - (i) reviewed by a board at specified intervals or following amendment of the charter guidelines, as the case may be, and
 - (ii) amended by the board, as necessary or appropriate, following such review, 30
- and
- (g) such other matters as the Minister considers necessary or appropriate for the purposes of the charter guidelines.
- (2) Before making the charter guidelines under subsection (1), the Minister shall consult with— 35
- (a) bodies representative of patrons,
 - (b) national associations of parents,

- (c) national bodies representative of student councils,
 - (d) recognised school management organisations,
 - (e) recognised trade unions and staff associations representing teachers,
 - (f) the Ombudsman for Children, 5
 - (g) the Ombudsman,
 - (h) such other Ministers of the Government as the Minister considers appropriate, and
 - (i) such other bodies (including public bodies) or other persons with a special interest in, or knowledge of, matters relating to education, including such bodies or other persons with a special interest in, or experience of, the education of students with special educational needs, as the Minister considers appropriate. 10
- (3) The charter guidelines in respect of the content of charters as referred to in subsection (1)(b) may relate to the following matters: 15
- (a) the procedures for consulting with students and their parents on such matters relating to the school as may be specified in the charter guidelines, including by inviting, and responding to, comments and suggestions from students and their parents on any such matter; 20
 - (b) information on school plans and policies of the school (other than the admission policy) and the activities of the school;
 - (c) the procedures (including consultation procedures) for—
 - (i) the preparation, review and updating of school plans and policies of the school (other than the admission policy), and 25
 - (ii) the development, review and updating of the activities of the school;
 - (d) the procedures to be established by a board under section 20 for the purposes of informing students and their parents of matters relating to the operation and performance of the school; 30
 - (e) the procedures to be established by a board under section 27 for the purposes of informing students and their parents of the activities of the school;
 - (f) information on the structures and systems for the management of the school; 35
 - (g) the information to be provided to students and their parents relating to monies that the school receives (including voluntary contributions made by parents) and the expenditure of those monies by the school, and the form and manner in which that information is to be provided; 40

- (h) the information to be provided to students and their parents relating to the school calendar, closures and timetables, and the form and manner in which that information is to be provided;
 - (i) the procedures for dealing with grievances of students or their parents relating to the school; 5
 - (j) the information, based on aggregated data that is anonymised and cannot be attributed to any individual, to be provided to students and their parents relating to grievances of students or their parents dealt with by the school, which may include the number or type of such grievances and related outcomes, and the form and manner in which that information is to be provided; 10
 - (k) such other information, procedures and matters relating to the school as the Minister considers necessary or appropriate for the purposes of the charter guidelines.
- (4) The charter guidelines may, where the Minister considers it necessary for the purposes of ensuring consistency in the content of charters, include model charters, including different model charters for different categories of schools, which boards shall follow in preparing their charters. 15
- (5) The charter guidelines may contain different provisions in relation to different categories of schools or different categories of students. 20
- (6) The Minister shall publish the charter guidelines in such manner (including on the internet) as he or she considers appropriate.
- (7) The Minister may, from time to time, as he or she considers appropriate, review the charter guidelines and may make such amendments to the charter guidelines as he or she considers necessary or appropriate following such review. 25
- (8) This section shall, with all necessary modifications, apply to amendments to the charter guidelines, following a review under subsection (7), as it applies to the charter guidelines. 30
- (9) In this section ‘public body’ means—
- (a) a Department of State,
 - (b) a local authority (within the meaning of section 2 of the Local Government Act 2001), or
 - (c) a body established by or under any enactment. 35
- Matters to which Minister shall have regard when preparing charter guidelines**
- 27C.** The Minister, in preparing the charter guidelines under section 27B, shall have regard to the need for a school to—
- (a) seek to achieve, as far as practicable and subject to the resources available, the best possible outcomes for students in relation to their education and personal development, 40

- (b) foster and promote the relationship and a spirit of partnership between the school and students and their parents,
- (c) foster and promote mutual respect in communications between the school and students and their parents,
- (d) ensure, as appropriate, confidentiality in communications between the school and students and their parents, 5
- (e) promote the role and participation of parents in the education and personal development of students,
- (f) consult with, and encourage the participation and engagement of, students (to the extent appropriate to their age and experience) and their parents, and respond, as appropriate, to comments and suggestions made by students and their parents, in respect of the development, review and updating of school plans and policies of the school (other than the admission policy) and the activities of the school, 10
15
- (g) monitor and review the provision of education by the school to students, including by consulting with, and responding, as appropriate, to comments and suggestions made by, students (to the extent appropriate to their age and experience) and their parents, for the purposes of assessing and improving such provision on an ongoing basis, 20
- (h) foster and promote equality of access for students to, and participation by students in, education by seeking, as far as practicable, to reduce the costs to parents and students of such participation, 25
- (i) address and resolve concerns of students or their parents relating to the school, as far as possible, at an early stage, and
- (j) ensure that grievances of students or their parents relating to the school are dealt with efficiently, effectively and fairly and, as far as possible, in an informal manner consistent with the principles of fair procedures. 30

Directions to board by Minister in relation to charters

27D. (1) Subject to this section, the Minister may give a direction to a board where the Minister—

- (a) is of the opinion that a board has failed, or is failing, in whole or in part, to comply with section 27A, and 35
- (b) is satisfied, having regard to the failure concerned, that in all the circumstances of the case—
 - (i) such other procedures as are available and appropriate to address the failure have been exhausted and it is necessary or appropriate to give a direction, or 40
 - (ii) it is otherwise necessary or appropriate to give a direction.

- (2) Before giving a direction under this section, the Minister shall, by notice in writing, inform the patron and the board that he or she proposes to give such a direction.
- (3) A notice under subsection (2) shall state—
- (a) that the Minister is of the opinion that the board has failed, or is failing, in whole or in part, to comply with section 27A, 5
 - (b) the reasons for that opinion,
 - (c) the proposed remedial action to be taken by the board, and
 - (d) that either the patron or the board (or both) may make representations, in writing, to the Minister in relation to the proposed direction not later than the period specified in the notice (which period shall not be less than 14 days from the date of the giving of the notice). 10
- (4) The Minister shall, in deciding whether or not to give a direction under this section, consider any representations made under subsection (3). 15
- (5) A direction given under this section shall—
- (a) be in writing,
 - (b) be addressed to the board concerned, and
 - (c) state—
 - (i) that the Minister is of the opinion that he or she should give a direction to the board, 20
 - (ii) the reasons for that opinion,
 - (iii) the remedial action to be taken by the board,
 - (iv) the period within which the remedial action shall be taken, and
 - (v) any other matter that the Minister considers necessary or appropriate for the purposes of the direction. 25
- (6) The Minister shall, as soon as practicable after the giving of a direction under this section, and in any case before the date of its publication under subsection (9), provide a copy of the direction to the patron. 30
- (7) A board shall comply with a direction given to it under this section.
- (8) The Minister may, where he or she considers it appropriate to do so, including where the patron or the board so request in writing, extend the period referred to in subsection (5)(c)(iv).
- (9) Whenever the Minister gives a direction to a board under this section, he or she shall publish or cause to be published the direction on the website of the Department of Education and Skills not later than 14 days from the date of the giving of the direction, together with the name of the school concerned. 35

- (10) A board to which a direction is given under this section shall confirm in writing to the Minister that the direction has been complied with, in accordance with its terms, as soon as practicable after so complying.
- (11) The Minister, on being satisfied that a direction given to a board under this section has been complied with by the board in accordance with its terms, shall as soon as practicable—
 - (a) give notice in writing to the patron and the board that the Minister is so satisfied, and
 - (b) publish or cause to be published, on the website of the Department of Education and Skills, a notice that the Minister is so satisfied.
- (12) For the purposes of the law of defamation, the publication of a direction under subsection (9) or of a notice under subsection (11), as the case may be, shall be absolutely privileged and immune from legal proceedings.”.

Amendment of section 2 of Act of 1998

3. Section 2 of the Act of 1998 is amended by inserting the following definitions:

“ ‘charter’, other than in section 7(4)(a)(v), 8(6) and 15(2)(b), has the meaning assigned to it by section 27A(1) (inserted by *section 2* of the *Education (Student and Parent Charter) Act 2019*);

‘charter guidelines’ has the meaning assigned to it by section 27B(1) (inserted by *section 2* of the *Education (Student and Parent Charter) Act 2019*);”.

Amendment of section 9 of Act of 1998

4. Section 9 of the Act of 1998 is amended—

- (a) in paragraph (l), by substituting “school,” for “school, and”,
- (b) in paragraph (m), by substituting “school,” for “school.”, and
- (c) by inserting the following paragraphs after paragraph (m):

“(n) promote the involvement of students and their parents in the provision of education to students, and

(o) subject to this Act, ensure the implementation of its charter.”.

Amendment of section 20 of Act of 1998

5. Section 20 of the Act of 1998 is amended by substituting “A board shall, in accordance with any applicable charter guidelines, establish procedures for the purposes of informing students in the school and their parents” for “A board shall establish procedures for informing the parents of students in the school”.

Amendment of section 21 of Act of 1998

6. Section 21 of the Act of 1998 is amended by inserting “, in accordance with any applicable charter guidelines,” after “make arrangements”.

Amendment of section 27 of Act of 1998

7. Section 27 of the Act of 1998 is amended— 5

(a) by substituting the following subsection for subsection (1):

“(1) A board shall, in accordance with any applicable charter guidelines, establish and maintain procedures for the purposes of informing students in a school and their parents of the activities of the school.”,

and 10

(b) by substituting the following for subsection (4):

“(4) A student council, in co-operation with the board, parents and teachers, shall promote—

(a) the interests of the students in the school, having regard to the characteristic spirit of the school, the policies of the school and the charter, and 15

(b) the involvement of students in the affairs of the school.”.

Amendment of section 28 of Act of 1998

8. The Act of 1998 is amended by substituting the following section for section 28:

“Grievances” 20

28. (1) Procedures referred to in section 27B(3)(i) for dealing with grievances of students or their parents shall provide for at least the following:

(a) the requirements to be complied with by the school and the student or parent concerned in relation to the grievance process;

(b) the investigation of grievances in a manner appropriate to the nature of the grievance concerned, whether by informal means (including mediation) or formal investigation, or by a combination of those means; 25

(c) the resolution of grievances, whether by formal or informal means (including mediation); 30

(d) the giving of reasons for decisions in relation to grievances;

(e) the implementation of decisions in relation to grievances, including the taking of any remedial action required thereby.

(2) A school may, in accordance with the charter guidelines, decide not to deal with a grievance where the grievance is, in the opinion of the school, vexatious or frivolous. 35

- (3) The procedures referred to in section 27B(3)(i) for dealing with grievances of students or their parents shall not apply to grievances relating to any decision by a board or a person acting on behalf of a board in respect of a matter referred to in section 29 which may be the subject of an appeal as provided for by that section.”

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Amendment of section 42 of Teaching Council Act 2001

9. Section 42 of the Teaching Council Act 2001 is amended in subsection (5)(b)(ii) by substituting “procedures established under section 24 of the Education Act 1998 and the procedures for dealing with grievances set out in a charter (within the meaning of section 2 of the Education Act 1998)” for “procedures established under sections 24 and 28 of the Education Act, 1998”.

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Amendment of section 9 of Ombudsman for Children Act 2002

10. Section 9 of the Ombudsman for Children Act 2002 is amended in subsection (2) by substituting “procedures for dealing with grievances set out in a charter (within the meaning of section 2 of the Education Act 1998)” for “the procedures prescribed pursuant to section 28 of the Act of 1998”.

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Short title, commencement and collective citation

11. (1) This Act may be cited as the Education (Student and Parent Charter) Act 2019.
- (2) This Act shall come into operation on such day or days as the Minister for Education and Skills may appoint by order or orders whether generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.
- (3) The Education Acts 1878 to 2018 and this Act, other than *sections 9 and 10*, may be cited together as the Education Acts 1878 to 2019.

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An Bille Oideachais (Cairt Mac Léinn agus
Tuismitheoirí), 2019

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do cheangal ar bhoird bhainistíochta scoileanna cairteacha do mhic léinn agus do thuismitheoirí a ullmhú, a fhoilsiú agus a chur i ngníomh; do dhéanamh socrú maidir leis an Aire Oideachais agus Scileanna do dhéanamh treoirlínte a ndéanfar cairteacha a ullmhú, a fhoilsiú agus a chur i ngníomh dá réir; do dhéanamh socrú maidir leis an Aire Oideachais agus Scileanna do thabhairt ordacháin i ndáil le cairteacha do bhord bainistíochta agus maidir le hordacháin den sórt sin a fhoilsiú; chun na gríoch sin, do leasú an Achta Oideachais, 1998, an Achta um Chomhairle Mhúinteoireachta, 2001 agus an Achta um Ombudsman do Leanaí, 2002; agus do dhéanamh socrú i dtaobh nithe gaolmhara.

*An Seanadóir Diarmuid Ó Buitiméir a thíolaic thar
ceann an Aire Oideachais agus Scileanna,*

6 Meán Fómhair, 2019

Education (Student and Parent Charter) Bill
2019

BILL

(as initiated)

entitled

An Act to require the boards of management of schools to prepare, publish and implement charters for students and parents; to provide for the Minister for Education and Skills to make guidelines in accordance with which charters shall be prepared, published and implemented; to provide for the giving of directions, in relation to charters, by the Minister for Education and Skills to a board of management and for the publication of such directions; for those purposes to amend the Education Act 1998, the Teaching Council Act 2001 and the Ombudsman for Children Act 2002; and to provide for related matters.

*Presented by Senator Jerry Buttimer on behalf of the
Minister for Education and Skills,*

6th September, 2019

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

Le ceannach díreach ó

FOILSEACHÁIN RIALTAIS,

52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2.

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