



## Information Note for the Joint Committee of Public Accounts

### Use of public funds in respect of religious instruction in the education system

25 March 2022

The Department wishes to set out the position in relation to children who attend state-funded schools without attending religious instruction. In the submission provided to the Committee, references are made throughout in relation to religious education and religious instruction. There has, at times, in public discourse been a conflation in references and the use of terminology in the past to religious education and religious instruction. The Department's response will set out the key differences between both, current curricular reforms, and the position for parents/children who wish to opt out of religious instruction.

The Department notes the legal opinion, and extracts thereof, submitted by Atheist Ireland as part of their submission to the Joint Committee. However it would not be appropriate for the Department to comment on the legal opinion of Atheist Ireland or third parties contained in the submission.

The Department would be happy to engage with any school where a difficulty arises regarding opting out of religious instruction in order to ensure that parental rights are protected.

The Department also notes the references to the National Council for Curriculum and Assessment (NCCA) in the submission to the Committee from Atheist Ireland. The Department understands that the Committee has written to the NCCA on the matter and understands that the NCCA intends to reply to the Committee directly.

#### 1. School Funding

Schools are funded through two primary grants mainly the Capitation Grant to cater for day to day running costs such as heating, lighting, cleaning, insurance, general up-keep etc. and the Ancillary Services grants to cater for the cost of employing ancillary services



staff. Schools are permitted to regard the capitation and ancillary grants as a combined grant and retain discretion as to how these are expended.

Funding for primary schools is dealt with on a per capita basis. The funding arrangements for post primary schools reflect the sectoral division of the second-level system. At the core of these arrangements is reliance upon capitation as a key determinant of funding for the normal operation of schools. The Department notes the legal view outlined in the submission in regards to funding of schools and linkages to the wider view submitted by Atheist Ireland in respect of opting out of Religious Education and Religious Instruction.

## **2. NCCA Religious Education**

In relation to the review and redevelopment of the primary curriculum, the NCCA published a Draft Primary Curriculum Framework in February 2020. Following extensive consultation (delayed due to Covid) the Framework is expected to be finalised in early 2023. The Framework aims to support the learning and development of children from different religious backgrounds and of non-religious backgrounds. The curriculum areas of Wellbeing and Social and Environmental Education present opportunities for incorporating this learning in the redeveloped curriculum.

The Advisory Group to the Forum on Patronage and Pluralism made clear that Education about Religious Beliefs (ERB) and Ethics programmes are intended to supplement existing Religious Education programmes and are not intended to replace patron programmes or faith formation in schools. The NCCA was asked to explore with the education partners and religious interests the development of ERB and Ethics programmes for primary school pupils.

As a curriculum in ERB and Ethics is a new development in the Irish context, some desk research was undertaken as a first step to inform and support the curriculum plans. The NCCA published an *Overview of Education about Religions and Beliefs and Ethics content in Patrons' Programmes* (2015). The ESRI also published a consultation paper, *Teachers', parents' and the general public's views and expectations of the proposed primary school curriculum in Education about Religions and Beliefs (ERB) and Ethics* in 2016.



Following a series of consultations, the final report on the *Consultation on the proposals for a curriculum in Education about Religions and Beliefs and Ethics* ([www.ncca.ie/en/resources/consultation\\_report\\_erbe\\_february2017](http://www.ncca.ie/en/resources/consultation_report_erbe_february2017)) was published by the NCCA in February 2017. What emerged from the consultation process was the need for a programme that recognises the current pressures on schools in meeting the needs of their communities while remaining compatible with the variety of school types. ERB and Ethics is being considered as part of the full primary curriculum review and redevelopment. The primary curriculum framework when finalised will determine the individual curriculum areas and how ERB and ethics will be included in the redeveloped primary curriculum.

At post-primary school level, the NCCA-developed Religious Education Junior and Senior Cycle syllabuses, and the Religious Education specification for Junior Cycle are intended for students of all faith backgrounds and none and were introduced to schools in September 2019 as part of the phased implementation of junior cycle reform. The new specification encourages respect and understanding of different beliefs, perspectives and ways of living, including both the religious and non-religious response to human experience. It is suitable for students of all faiths and none.

The NCCA senior cycle religious education programme promotes tolerance and mutual understanding. It is a broad course which seeks to develop the skills needed to engage in meaningful dialogue with those of other or of no religious traditions. A non-examination framework is also available for those students who do not wish to take Religious Education as a Leaving Certificate examination subject.

### **3. Religious Instruction**

There are a number of patrons' programmes within the primary school system reflecting the diversity of patronage. At primary level, religious instruction holds a unique position in that the responsibility for providing this programme rests with the patron bodies of individual schools and not the State. Some of these are denominational or religious in nature, emphasising the place of children's faith, spiritual and moral development in their lives. Other patrons' programmes are 'ethical' in nature and emphasise fostering children's understanding of ethics and values.





Post primary schools can provide religious instruction in line with the ethos of the schools if they so wish (For ETB and Community schools, circulars 13/2018 and 62/2018 set out the arrangements in situations where a school wishes to provide for religious instruction). In ETB and Community schools where a school decides to offer religious instruction in line with the requirements of any particular individual religious denomination, it must not be associated with or integrated to any degree with the NCCA-developed Religion Education syllabus being provided in timetabled class periods. Such religious instruction must be provided as a discrete separate subject which will be external to the Department-approved NCCA Religious Education syllabus.

Where the school is providing religious instruction having regard to the legal instruments created when the school was recognised, the school may provide the teaching resources from within the school's overall teacher allocation and the delivery must be in full class periods devoted exclusively to religious instruction.

The clear separation of religious instruction from the NCCA Religious Education specifications set out in CL62/2018 has the effect of ensuring that the requirement in CL13/2018 to establish the wishes of parents in relation to opting out (or the wishes of a student having reached the age of 18) does not arise for students studying the NCCA Religious Education syllabus/specification where the school provides the subject as part of its normal range of subjects.

NCCA Religious Education, where it is offered by a school, must be delivered in the timetabled class periods without any religious instruction or worship of any religion forming any part of class activity. This means that any practice or material that would introduce religious instruction or worship cannot be used.

#### **4. Education (Admissions to Schools) Act 2018**

The Education (Admissions to Schools) Act was signed into law in 2018. The act helps to support the admission processes in schools and provide greater transparency which will also help parents with their understanding of how they will work. The overall objective of the Act is to provide a new framework for school enrolment that is designed to ensure that every child is treated fairly and that the manner in which schools decide on applications for admission is structured, fair and transparent.



#### **4.1 FAQs and templates**

To assist schools with consistency with the application and implementation of the new provisions required by the Education (Admission to Schools) Act 2018, the Department developed FAQs and templates for the new admission policy, Admission Notice and Admission statement. They can be found at the following [Link](#).

#### **4.2 Consultation with parents**

Under the provisions of the Act, school admission policies are approved by the Patron, following consultation with staff and parents of children who are attending the school. The school's admissions policy is published on the school's website. The act provides an opportunity for parents with children attending the school to contribute to the development of the admission policy before it is approved by the Patron. This ensures that the important voice of the parent is included in the finalised policy. It is a key requirement of the act that all school admission policies are fair and transparent.

#### **4.3 Details of arrangements for students who do not wish to attend religious instruction**

Section 62(7)(n) of the Education (Admissions to Schools) Act 2018 includes a specific requirement that school enrolment policies must include details of the school's arrangements for any students who do not wish to attend religious instruction. This is an important measure which will help ensure transparency from the outset as to how a school will uphold the rights of parents in this regard.

It is important to note that the intake for September 2021 was the first year that the new requirements of the Admission Act took effect. In the implementation of any new legislation or policy it can take some time to assess how well any change in approach is working. The Department is also very conscious of the challenging environment that schools have had to navigate during the pandemic, during which the key focus was ensuring that schools could operate safely.

#### **4.4 Commencement of sections 69-70 of the Education (Admissions to School) act 2018**

The Department is planning to advance work during 2022 to commence the remaining sections of the Admission Act (Section 67 to 70). These sections are interrelated and will



require consultation, the drafting of procedures and establishment of an appeals mechanism.

#### **5. Education (Student and Parent Charter) Bill**

The Department is also continuing to progress the Education (Student and Parent Charter) Bill through the Houses of the Oireachtas. The Bill has been passed by the Seanad and last July passed second stage in the Dáil. The overall aim of the Bill is to improve the level of engagement between the school community by inviting feedback, comment and observation from students and parents and by further developing a listening culture in schools. One of the key concepts of the Bill is the need for a school to consult with students and their parents on individual school plans, policies and activities. This approach will help ensure that the various views of students and parents will be heard and responded to by schools on policies and other issues.

#### **6. Conclusion**

While at the outset of the Department's response to the Committee I set out the position that it would not be appropriate to comment on the legal opinion of Atheist Ireland, and or third parties quoted in their submission, the Department is arranging to meet with Atheist Ireland to discuss the concerns they may have in respect of the NCCA Religious Education programme or religious instruction in schools.

Yours sincerely

A handwritten signature in dark ink, appearing to be 'Bernie', written over a horizontal line.

Ms. Bernie McNally

Secretary General

Department of Education