



An Roinn Oideachais
Department of Education

Written Submission

Consideration of the Citizens' Assembly report on the Directly Elected Mayor of Dublin

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Prepared at the request of the Joint Committee on Housing, Local Government and Heritage

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1 Background to note

This note has been prepared by the Department of Education following correspondence received from the Joint Committee on Housing, Local Government and Heritage on 17 October 2023, seeking views on the Citizens' Assembly report on the Directly Elected Mayor of Dublin, in particular the proposals regarding delegation of matters within the remit of the Department of Education. (Ref: HLGH-i-712)

2. Introduction

The Dublin Citizens' Assembly was one of four Citizens' Assemblies committed to in the Programme for Government, Our Shared Future. The section of the Programme for Government entitled "Reforming and Reimagining our Public Life" sets out the Government commitment to "establishing a Citizens' Assembly to consider the type of directly-elected mayor and local government structures best suited for Dublin.

The Assembly was launched in April 2022, and met on five occasions between April and October. At its final meeting on 1st October 2022, the Assembly voted on a series of propositions. The report of the Assembly was published in December 2022.

The report includes recommendations of what powers be devolved to a Directly Elected Mayor (DEM) and local government structures for Dublin.

The first recommendation lists the powers to be devolved to a DEM and local government structures which includes education (both primary and post primary) and states that the powers should be transferred be within 5 years of the establishment of the office.

The proposal of which powers are to be devolved to the DEM are not defined in the report but it recognises that curriculum is set nationally, but suggests that there be a local element to funding and location of schools.

In the request to consider proposals on the devolution of powers to a DEM the Department has considered the areas of School Governance and the provision of school accommodation. The Department has also given consideration to the Local Government (Mayor of Limerick) Bill 2023 which is currently in the legislative process. The Department would recommend a similar consultative approach be adopted for Dublin as is included in this proposed legislation.

3. Legislation relevant to current governance arrangements

The Education Act, 1998 provides a statutory framework for the Irish education system at primary and post-primary level. The Act sets out the broad objectives and principles underpinning the education system and provides for the rights of children and others to education. It sets out the functions and responsibilities of all key partners in the education system and seeks the establishment of boards of management for all recognised schools and lays down accountability procedures. The Act also clarifies the roles and responsibilities of the Minister, school patrons, and boards of management, principals and teachers.

All recognised schools operate under provisions of the Education Act, 1998; other relevant legislation, circulars of the Department, legal instruments and articles of management.

ETB Schools operate under the provisions of the Education Act, 1998, the Education and Training Boards Act 2013 and the Code of Practice for the Governance of Education and Training Boards.

4 Current governance arrangements in primary and post primary schools

The composition of boards of management at primary and post primary level form part of an agreement with education partners as provided for by the education act. The current board of management structure of primary schools was established in 1975. In 1997, with the agreement of the various patron bodies, the composition of the Boards was expanded to provide for the inclusion of community representatives. The Governance Manual for Primary Schools 2019 – 2023 sets out the various rules regarding the composition and operation of Boards at primary level, including an eight member board for all primary schools of 2 teachers or more. A one teacher school has a board of 4 members.

The term of office for boards of management in primary schools is a four-year period. The current boards were formed in December 2019 and remain in place until 30 November 2023.

There are three different sectors at post primary level and there are some differences in the composition of boards of management between the three sectors.

- The boards of management of voluntary secondary schools are constituted and operate in accordance with Articles of Management.
- Boards of management of ETB schools are sub-committees of the ETB in accordance with the Education and Training Boards Act 2013.
- Community and Comprehensive schools are managed and operated by boards of management of differing compositions appointed in accordance with the relevant Deeds of Trust.

The members of the Board must be appointed by the patron (except where the articles of management in the school provide otherwise). The Board is accountable to the patron and must consult with the patron and keep them informed of Board decisions.

The term of office of boards of management of schools in the three sectors at post-primary level vary. In voluntary secondary schools and community schools, the term of office is a three year term. In Comprehensive Schools and ETB Schools and Community Colleges the term of office of a board of management is a five year term.

5 The devolution of powers to a Directly Elected Mayor

It is unclear if the proposal seeks to devolve executive powers only to an elected mayor for all schools within the city boundaries. This approach suggests the setting of educational policy at central level with delivery locally along the lines of an ETB type structure. Such an approach would require detailed consideration and legislative changes to the education and ETB acts in the first instance. However, other statutory provisions including child protection, health and safety, school admissions etc. would also have to be evaluated for any impact.

The majority of schools in the city limits are likely to be in private ownership, with legal responsibilities for setting characteristic spirit and admission policies of schools. It is difficult to envisage a legislative role in such areas for a Mayor given protections currently in law.

It is likely that any change in approach to local government may be extended to other larger urban areas in due course. Assuming that the Mayoral structure will not be involved in setting educational policy separately from that of the Department, any future executive function envisaged will have to be defined to take into account all of the current legal and agreed structures for schools. Such considerations will also have to avoid duplication in delivery and value for money concerns.

6 Consultative arrangements proposed in legislation for the Mayor of Limerick and how they may be applicable

The Department currently consults and engages with many different partners in education on the drafting of policy and its operation. A broad consultative based approach can add value to policy formulation and its effectiveness. The application of education policy is not fragmented in Ireland, and consistency in delivery of teaching and learning in schools is important. Any deviation from this approach introduces risk adding significant uncertainty for schools operating in this new administrative entity. Future potential changes to oversight and governance arrangements will have to be considered and may involve legislative changes.

The development of new consultative arrangements may not require extensive changes to existing department practices to ensure that education policy can be developed and delivered in all schools.

7 Overview of the Department's role in relation to school accommodation

The Department's Planning and Building Unit is based in Tullamore and consists of circa. 200 administrative and professional/technical staff, whose role is to support the planning and delivery of a modern and sustainable infrastructure for the school system, which involves a school estate of close to 4,000 schools. The Planning & Building Unit has done a lot of work over the last 5 years reviewing and streamlining systems, processes and procedures so that it is better positioned to deliver on the ambitions set out in the National Development Plan which is the key guide for its work and direction of travel. The strategic initiatives and reforms put in place are focused on enabling it to plan and deliver in a more strategic and coordinated manner.

Policy around school provision is determined at national level. The National Development Plan sets out the national priorities and funding levels for the school building programme. Key priorities under the National Development Plan 2021 to 2030 include:

- Continuing to cater for additional capacity requirements.
- Provision of accommodation for special classes with a particular emphasis on ramping up provision at post-primary level to facilitate a smooth transition from primary level.
- Delivering on Climate Action agenda and integrating, where possible, on modernisation of existing school infrastructure.
- Strengthening asset management and maintenance regime across schools.

The Planning & Building Unit has a strong track record of delivery. During the period 2018 to 2022, nearly 900 school building projects were completed. Through Project Ireland 2040, it is investing in excess of €5 billion over the period 2021 to 2025, to add capacity and develop and upgrade school facilities across the country for the almost one million students and over 100,000 staff that learn and work in our schools every day. There continues to be a strong pipeline of projects for delivery under the school building programme involving circa 300 projects at construction and in excess of 1,000 projects at the various stages of appraisal and design. The current status of all projects is listed on the Department's website and this is updated on a monthly basis as part of our overall communications.

In relation to how the Planning & Building Unit operates there are essentially two core aspects to the work – planning and delivery. This means that for most schools there are two main contact points when interacting with the Planning and Building Unit.

The first contact point is generally School Capital Appraisal Section and its role is to assess applications for additional accommodation. Assessing demographic requirements involves using a wide range of data sets and local information to determine what needs to be built where, when and how. The Department has significantly strengthened its planning function with the use of a wider range of data sets within its Geographic Information System (GIS). This better enables projections to be made on demographic requirements for individual school planning areas both for the short, medium and longer term. The GIS system, which has been recently shortlisted for a Civil Service Excellence and Innovation Award, enables all this information to be displayed on maps and importantly includes data on zonings, planned residential developments and residential completions. There is also a strengthened focus on engagement with School Patrons.

Key factors that are considered in determining additional accommodation requirements include:

- Overall demographics in the area – most school planning areas are on a downward trend at primary level with national demographics projected to reduce by over 100,000 over the next decade or so. National demographics at post-primary level are projected to peak in the next couple of years.
- Level of school accommodation availability in schools in the area.
- Requirements for special classes so that this can be integrated in to planned projects.
- Alignment with rollout of planned residential developments – while this is significant in terms of ramping of housing delivery the continued downward trend in demographics at primary level reduces this impact to some extent.

These factors help determine whether additional accommodation is required, and if so is the requirement short-term, medium term or long-term. This timeline then feeds in to the decision making on the most appropriate delivery mechanism to meet the accommodation requirement.

If additional accommodation is required the aim is to try and facilitate this, as much as possible, by way of expansion of existing schools rather than establishing new schools. The expansion of existing schools is consistent with wider Government objectives under Project Ireland 2040 for an increased emphasis on compact growth. Where a new school is required, the Department looks at opportunities for campus sites with other existing schools. This can consider opportunities for overall campus modernisation and improvements while at the same time creating efficiencies in terms of infrastructure requirements and reducing/avoiding site purchase costs.

The second main contact point for schools is the delivery team in the Planning & Building Unit that supports the delivery of an approved project from project brief stage through the various stages of architectural planning and ultimately to tender, construction and completion. These delivery teams include the Additional Accommodation Scheme Team, Major Devolved Projects Team, Design & Build Team, Modular

Accommodation Team etc. The bulk of projects are delivered on a devolved basis with professional support provided for schools through Design Teams. The larger and more complex programmes also involve Project Management companies to assist with coordination and delivery.

The National Development Plan 2021 to 2030 sets the framework for planning and delivery of all the State's infrastructure including schools. Two of the key issues that impact on project timelines for schools are (a) site availability (which is relevant in the context of new schools) and (b) timeline for obtaining planning permission.

A number of strategic initiatives undertaken by the Department to assist with project delivery include:

- Streamlining of processes and procedures for assessing and evaluating designs for school building projects.
- Strengthening of project management supports across various delivery mechanisms including ETB sector and various other delivery partners.
- Renewing, updating and broadening the range of procurement frameworks in place to support the delivery of the school building programme as part of overall procurement strategy.
- Expansion of existing provisions in the Planning and Development Regulations 2001 to exempt specified works for school buildings from planning permission requirements, thereby assisting the streamlining of project delivery (particularly for smaller projects).
- Setting up of a Modular Accommodation Framework to assist with the provision of additional capacity at schools. This has the added benefit from the climate perspective of utilising decarbonised heating solutions.
- Strong research and a Pathfinder programme focused on testing and evaluating different approaches to energy retrofit and carbon reduction in the school sector are part of planning and gearing up for decarbonising schools to meet Climate Action targets.

8 Key points to note in relation to forward planning to adequately account for future needs

The Department has to consider a number of factors when planning new school accommodation and has the systems in place to coordinate these nationally. The Department does recommend a consultative approach, however if functions were devolved to a DEM in this area, they would need to be complimentary to the resources and supports already provided for at a national level and at a minimum, avoid duplication.

1. Strategic Planning from a Climate Action perspective to meet 2030 and 2050 emissions targets.
2. Demographic Analysis forming enrolment demand projections out to 2040.
3. Historic Enrolment Trends
4. Future Demand Trends
5. Engagement with Local Authorities on Development Plan process
6. The Department has good information on existing capacity within school accommodation and works to maximise its use in the first instance. Additional provision is made where there is insufficient capacity to meet the projected need.
7. Engagement with patrons and schools is an important element of the planning for school accommodation needs.
8. Coordinated approach to strategic planning for mainstream, Special Educational Needs (SEN) and Ukrainian needs.
9. Department is working closely with the National Council for Special Education (NCSE) on SEN requirements over the next 3 year and carries out engagement with relevant stakeholders on delivery strategies.

9 Key points to note in relation to engagement with school communities and school management in the planning of new builds and extensions

Given Ireland's population of roughly 5 million, equivalent to a medium-sized city in many other jurisdictions, and the high number of schools relative to that population, a national approach to the provision of accommodation makes sense. The model of national planning, resourcing and support along with devolved delivery, linked clearly to central planning co-ordination, has advantages in terms of accountability, efficiency, sharing of professional expertise including lessons learned, and delivery for school communities. It further allows for the benefits of scale to be achieved for both the community consultation and delivery of projects throughout the country.

The benefits include:

- Single point of contact for schools at each of the planning and delivery phases of their projects.
- Strengthened and structured engagement with patron bodies.
- Network of building officers supporting schools and stakeholders across delivery partners.
- The current status of all projects are listed on a county by county basis on the Department's website which is updated on a monthly basis.
- Increased emphasis on technology to improve communications, including programme management delivery of capital programmes and platforms for keeping schools up to date on project progression.
- Regular engagement with Education partners.
- The Education Building Ireland Conference was hosted for the first time in 2022, to showcase how we plan and deliver school building projects, and to engage with the construction industry. Further information and useful tools from the conference are available to access on the Department's website.
- Information sessions, webinars and training sessions for various stakeholders to assist with governance and project delivery.

- Extensive guidance available and provided to schools and design teams in relation to planning and delivery of school building projects.

10 Proposals in relation to Mayor – School accommodation perspective

The Department's view is that any proposals in relation to the remit of a Mayor in regard to school accommodation need to take full account of the significant resources and supports already provided for at a national level, in particular in the area of school buildings, and the track record of same. In considering the proposals from the Citizens' Assembly regarding education for the DEM in Dublin, the Department has been mindful of the established importance of consultation in the formulation of education policy and of the current proposals for a DEM for Limerick city. In this context, it is arguable that any devolution of education functions for a Dublin DEM should also be focused on a consultative role. At a minimum, the matter will need to consider the legislative provisions for the management and resourcing of schools, in primary and secondary legislation, as well as relevant circulars.

In this context, the Department can see the value in consultation, for example, where information on developments across the city would be useful such as where there are areas experiencing pressure for school places while others have capacity or where planned housing development may lead to differing school needs. Consultation with the mayor would also be useful in relation to where the Department might best locate new schools/school buildings and in identifying potential synergies and collaborations. However, it is important to note that there are structures in place for consultation with Local Authorities. Under the Planning and Development legislation, a Local Authority is required to give notification to the Department of its intention to review its development plan (County or City Development Plans). The Minister for Education is defined as a prescribed authority for this purpose. This would need to be considered in the context of any consultative remit for a Mayor to avoid duplication.