

DÁIL ÉIREANN

AN COMHCHOISTE UM OIDEACHAS AGUS SCILEANNA

JOINT COMMITTEE ON EDUCATION AND SKILLS

Dé Máirt, 30 Bealtaine 2017

Tuesday, 30 May 2017

Tháinig an Comhchoiste le chéile ag 4 p.m.

The Joint Committee met at 4 p.m.

Comhaltaí a bhí i láthair / Members present:

Teachtaí Dála / Deputies	Seanadóirí / Senators
Joan Burton,	Maria Byrne,
Thomas Byrne,	Robbie Gallagher,
Ciarán Cannon,	Trevor Ó Clochartaigh,
Jim Daly,	Lynn Ruane.
Catherine Martin,	
Carol Nolan.	

I láthair / In attendance: Deputy Catherine Connolly.

Teachta / Deputy Fiona O'Loughlin sa Chathaoir / in the Chair.

Business of Joint Committee

Chairman: I wish to call the meeting to order and to remind all the members to please turn their mobile phones off. We will now go into private session.

The joint committee went into private session at 4.06 p.m., suspended at 4.26 p.m. and resumed in public session at 4.30 p.m.

Education (Amendment) Bill 2015 and Education (Parent and Student Charter) Bill 2016: Discussion (Resumed)

Chairman: We are now in public session. I remind members and witnesses to please turn off their mobile phones because they interfere with the sound system and make it difficult for the parliamentary reporters to report the meeting. They can also adversely affect the web streaming.

I welcome the witnesses to the meeting. We have had a number of them before us previously on other topics of interest to all of us. This is the third meeting that we have had on the Education (Amendment) Bill 2015 and the general scheme of an Education (Parent and Student Charter) Bill 2016. The purpose of our meeting today is to continue the scrutiny of these two pieces of legislation. On behalf of the committee, I welcome the following witnesses to today's meeting: Mr. Caoimhín Ó hEaghra from An Foras Pátrúnachta, who will be pleased to know that we have full translation services today; Ms Antoinette Nic Gearailt and Ms Eileen Salmon from the Association of Community and Comprehensive Schools; Ms Breda Corr from the National Association of Boards of Management in Special Education; Mr. John Curtis and Fr. Paul Connell from the Joint Managerial Body/Association of Management of Catholic Secondary Schools; Mr. Seamus Mulconry and Ms Sinéad Brett from the Catholic Primary Schools Management Association; Mr. Michael Moriarty and Ms Joan Russell from Education and Training Boards Ireland; Mr. Shaheen Ahmed and Ms Asiya Al-Tawash from the Muslim Primary Education Board; Mr. Paul Rowe from Educate Together; and Dr. Ken Fennelly from the General Synod Board of Education of the Church of Ireland.

I draw the attention of witnesses to the fact that by virtue of section 17(2)(l) of the Defamation Act 2009, witnesses are protected by absolute privilege in respect of their evidence to the committee. However, if they are directed by the Chair to cease giving evidence on a particular matter and they continue to so do, they are entitled thereafter only to a qualified privilege in respect of their evidence. They are directed that only evidence connected with the subject matter of these proceedings is to be given and they are asked to respect the parliamentary practice to the effect that, where possible, they should not criticise or make charges against any person, persons or entity by name or in such a way as to make him, her or it identifiable. I wish to advise the witnesses that their opening statements and submissions to the committee will be published on the committee's website after this meeting. I remind members of the same practice.

I thank all of the witnesses for the written submissions they have made, which have been circulated to all of the members. I would like to remind them that we only really want a short opening statement of between three and five minutes. We will take a statement from each organisation and then we will give the opportunity to the members to put any questions they have. I call first on Mr. Caoimhín Ó hEaghra.

Mr. Caoimhín Ó hEaghra: Táim buíoch as an gcuireadh teacht chun labhairt anseo inniu. Ba mhaith liom ar dtús mo bhuíochas a ghabháil leis an gCathaoirleach agus le na hoifigigh ar fad a rinne iarracht an t-aistriúchán comhuaineach a chur ar fáil inniu. Táimid sa bhForas Pátrúnachta an-bhuíoch as sin.

Ar son an Fhorais Pátrúnachta, ba mhaith liom ár mbuíochas a chur in iúl as an gcuireadh teacht anseo chun cur i láthair a dhéanamh mar gheall ar an mBille Oideachais (Leasú) 2015 agus an scéim ghinearálta den Bhille Oideachais (Cairt Tuismitheoirí agus Mac Léinn) 2016. Cuireann An Foras Pátrúnachta fáilte roimh an phlé seo atá dírithe ar chabhair a thabhairt dár scoileanna agus dá bpobail. Aithnímid an aidhm atá leis an mBille agus an méid a bhfuil sé ag iarraidh a bhaint amach. Tá An Foras Pátrúnachta den tuairim áfach, ag an am seo, go bhfuil cur chuige níos éifeachtúla ann ná eagraíocht eile a bhunú a mbeadh freagracht ag scoileanna dó.

Braitear go bhfuil an Bille dírithe ar achainí a dhéanamh tar éis do mhúinteoir, príomhoide nó bord bainistíochta cinneadh a dhéanamh. Feictear dúinn go bhfuil córais agus struchtúir ann cheana a d'fhéadfaí a úsáid nó a fhorbairt sula rachadh muid síos an bóthar oifig d'ombudsman eile a bhunú. Faoi láthair tá Ombudsman do Leanaí, "Feidhmiúlacht chun Múineadh" faoi stiúir na Comhairle Múinteoireachta, an chigireacht agus eile ag scoileanna le bheith freagrach dóibh. Braithimid gur féidir leo seo mianta an Bhille a bhaint amach gan oifig eile a chruthú do scoileanna le bheith freagrach dó.

Tá caidreamh fíor-mhaith ag scoileanna na tíre seo lena bpobail. É sin ráite, níl sé ach nádúrtha go dtarlódh mí-shástacht, easaontas nó eile idir baill de phobail na scoileanna ó am go chéile. Tríd is tríd, réitítear na ceisteanna seo go sásúil agus bíonn an scoil ábalta feidhmiú go háitiúil. Ó am go ham, éiríonn ceisteanna nach féidir le scoileanna a réiteach agus teastaíonn treoirlínte agus beartais uathu chun iad a réiteach. Faoi láthair tá scoileanna ag úsáid an cleachtais a aontaíodh in 1993, nósanna imeachta mar gheall ar ghearáin ó thuismitheoirí in aghaidh múinteoirí nó baill ó fhoireann na scoile.

Tá gá athbhreithniú a dhéanamh ar na nósanna seo, cleachtas uasdátaithe a aontú idir na páirtithe leasmhara ar fad agus ansin iad a chur ar bhonn reachtúil. Chinnteodh sé seo go mbeadh cur chuige aontaithe atá trédhearcach, rannpháirteach agus aontaithe ag na páirtithe ar fad ar fáil do thuismitheoirí.

Fáiltíonn An Foras Pátrúnachta roimh chairt tuismitheoirí agus mac léinn. Ceapaimid go gcabhródh a leithéid le pobal uile na scoile. Díríonn an scéim ar an gcaoi a chaitheann scoileanna le tuismitheoirí agus le daltaí. Cé go n-aontaíonn muid leis seo, ba mhaith linn arís a mheabhrú go bhfuil cearta, dualgais agus freagrachtaí ag baill uile de phobal na scoile, foireann agus bord bainistíochta ina measc. Feidhmíonn scoileanna ar bhonn comhpháirtíochta. Titeann freagrachtaí agus dualgais chomh maith le cearta ar chomhpháirtithe. Is ceart go bhfuil aitheantas á thabhairt do thuismitheoirí agus do mhic léinn ach is gá freisin aitheantas a thabhairt do chearta, do fhreagrachtaí agus do dhualgais na scoileanna. Leis an méid tionscadal, scéime agus togra atá á bhfeidhmiú ag scoileanna, is gá a thabhairt san áireamh cibé cruth a bheidh ar an gcairt go bhfeidhmeoidh sé ar leas na mball uile i bpobal na scoile agus ní chun ualach breise a chur ar an mbainistíocht.

Tá scoileanna na tíre ag feidhmiú ar bheagán acmhainní daonna agus airgid. Tá ciorruithe curtha i bhfeidhm le deich mbliana anuas a chiallaíonn gurb é ceann de na ceisteanna is mó a bhíonn á bplé ag scoileanna ná conas maireachtáil ó mhí go mí agus an t-oideachas is fearr a sholáthar dá bpáistí. Tharla na ciorruithe seo in am ar cuireadh ar bonn an líon athruithe ba mhó agus ba shuntasá in earnáil an oideachais le blianta fada anuas. Déanadh é seo ar fad trí

struchtúr atá á bhainistiú go deonach ar son an Stáit agus gan lár-bhainistíocht chun tacú leis an bpríomhoide. Caithfidh aon leasú a thugtar isteach na cúinsí seo a thabhairt san áireamh.

Is minic a bhreathnaítear ar scoileanna mar an áit chun fadhbanna an tsochaí a réiteach. Ciallaíonn sé seo go bhfuil scoileanna de shíor ag tabhairt faoi thionscnaimh nua, faoi chuir chuige múinteoireachta nó bainistíochta nua, ag cloí le treoirlínte nua i bhfoirm ciorcláin nó ag freastal ar éilimh nua. Ag an am céanna, bíonn scoileanna de shíor ag feidhmiú ar son a bpáistí agus ag iarraidh an t-oideachas is fearr gur féidir leo a chur ar fáil. Tá an t-éileamh ó thuismitheoirí méadaithe le blianta anuas. Is minic scoileanna faoi bhrú ag déileáil le fadhbanna sóisialta na sochaí. Bíonn plé rialta acu le Tusla, leis an nGarda Síochána agus leis an bhFeidhmeannas Sláinte. Is minic gurb iad an scoil atá fágtha ag streachailt leis na fadhbanna seo. Is minic bord bainistíochta deonach le príomhoide faoi bhrú oibre gan tacaíocht lár-bhainistíochta ag suí síos i scoileanna na tíre gach oíche den tseachtain chun leas ár bpáistí a chur chun cinn.

Dá bhrí sin, molann An Foras Pátrúnachta go dtiocfadh na rannpháirtithe uile le chéile chun plé a dhéanamh ar an gcairt agus chun cinntiú go bhfeidhmíonn sé ar leas uile na scoile ar bhonn comhpháirtíochta. Bíodh cumarsáid, trédhearcacht agus comhpháirtíocht mar chur chuige. Bíodh córais agus nósanna aontaithe chun easaontas nó gearáin a sheachaint agus chun iad a réiteach nuair a tharlaíonn siad ina lár. Cuireadh muid béim ar acmhainní a mhéadú sa chóras chun an freastal is fearr a dhéanamh ar ár bpobal.

Chairman: Go raibh maith agat. We will move on to our second contribution from Ms Eileen Salmon, general secretary of the Association of Community and Comprehensive Schools.

Ms Eileen Salmon: We welcome the parent and student charter, but schools are already providing all that is envisaged in the charter. It is a positive move to develop guidelines to ensure that all schools are taking their responsibilities on board. Schools had a very positive experience of developing a code of behaviour following guidelines produced by the National Educational Welfare Board after a lot of consultation with all our partners several years ago. We would hope that this is the format envisaged in developing guidelines around a parent and student charter. If, however, detailed procedures are being proposed for processing grievances and complaints, they need to be workable. The danger is that they could become very cumbersome. We strike a note of caution here. Schools already have procedures in place, as I mentioned in our previous submission, which are usually agreed, according to school type, with unions and parent bodies. We do not want schools taking on board a huge extra burden of time and costs for the development of a new, cumbersome policy.

We would like parental responsibilities to be mentioned in the charter. We suggested something along the lines of “Parents will co-operate with the Parent and Student Charter and recognise their responsibilities to be active and involved in their child’s education”. Boards listening to student voices is very important for all stakeholders, but it is important to get the context right. Student councils can be very active in a school and the officers of the council can have important input into policies and procedures. There are, however, governance issues that need to be kept separate from student input around the areas of employment, discipline and finance.

It is a positive move to bring the role of the Ombudsman for Children to everyone’s attention. We have had experience of the Ombudsman for Children intervening in board decisions in some of our schools and any investigations, findings and recommendations of the ombudsman are, to our knowledge, very seriously considered by our boards as it stands. That is why it is difficult to understand the need for another ombudsman, specifically an ombudsman for education. The purpose of the role as outlined would be to provide an appeal mechanism for

the decisions of boards and teachers and for grievances against schools, but there are already existing mechanisms to fulfil these functions. We outlined these in our advance submission and they include the Department inspectorate for section 29 appeals relating to refusal to enrol or exclusion of students. Special education needs issues can be appealed to the NCSE, while the Teaching Council handles appeals regarding fitness to teach and parental complaints, if they get to that stage. Tusla and An Garda Síochána deal with child protection, and, as I have already said, the existing Ombudsman for Children has a very wide remit in respect of children, parents and others in an education setting.

The proposed sections 65(1)(a) to 65(1)(h) set out a range of functions for the ombudsman including development of education policy, encouraging the development of school policies promoting rights and welfare of children, promoting awareness, exchanging information with its international counterparts, monitoring of legislation and the hearing and determination of appeals. All policies are developed in the context of existing legislation. There are consultative processes at all stages of development between school management bodies, the Department and relevant agencies at the initial stage of proposed new policies. School management bodies and boards of management disseminate information and advice. School boards, school management, parents and students collaboratively draw up, agree and ratify policies and all policies are publicly available.

The proposed section 65(2) speaks of establishing consultation structures with boards and school management organisations and of consultation with the student voice. There is constant ongoing consultation between school management organisations, the Department and a wide range of agencies involved in the welfare and education of children. An active student voice is a feature of almost all schools, and it should be in all schools, not alone on policy development, but on a wide range of issues relating to the education of students in any school, as it is with the parent voice.

The proposed sections 66(1) to 66(7) outline appeal processes but, as already stated, there are a wide range of existing appeal processes in operation. The fear is that having an ombudsman for education would mean that a school could be involved in multiple appeals on the same issue over a long period of time. The capacity to manage this does not exist in schools, either in terms of human or financial resources, especially as legal advice and representation is becoming more and more common. It would appear that the proposed ombudsman for education may be a duplication of the roles and functions of existing structures. It would also have a cost implication not only in terms of establishing the office, but also for schools. Extra resources and supports would be required as schools do not have the capacity to further expand the role of voluntary boards of management. A more appropriate way of dealing with any gaps in the system would be to set up a working group, a forum of all the relevant parties, to examine what already exists and to see where the perceived gaps may be. It could also establish if the expansion of existing services would suffice to bridge these gaps, rather than setting up a complete new entity, which would be costly and possibly unnecessary.

Ms Breda Corr: We would like to thank the members of the Joint Committee on Education and Skills for affording us the opportunity to give the views of our members, which are schools involved in the education of pupils with special educational needs. The National Association of Boards of Management in Special Education, NABMSE, is the management voice of special education in Ireland. We are a recognised school management organisation providing country-wide representation for boards of management of special schools and mainstream primary and post-primary schools providing education for pupils with special educational needs.

In making this submission, it is important that we acknowledge the voluntary nature of the service and contribution that members of boards of management undertake at no cost to the State. It is important to put that out there. Boards need to be resourced and supported to undertake this work. As I have said, the function of a board under section 15(1) of the Education Act 1998 is “to manage the school on behalf of the patron and for the benefit of the students and their parents and to provide or cause to be provided an appropriate education for each student at the school for which that board has responsibility”.

As has been stated previously at this committee, most boards of management are doing a very good job. It is important that the voice of school boards is respected and heard in any debate. The best interests of the pupils, their welfare and meeting their needs should be at the core of the work of the school and the board of management. We find with our membership it is generally. We encourage all boards to have robust and effective policies and procedures in place and we assist them in that regard.

While we welcome the spirit of the parent and student charter, which will foster and promote a culture of openness and transparency in the interaction of schools with students and parents, we feel more work is needed on the detail of the Bill and we have several observations and concerns. First, I welcome the definition of student which includes all persons enrolled in a school and thus students over 18 years. We find that quite difficult in special schools, because students often fall between two stools with regard to, for example, child protection. That is quite difficult.

Regarding head 3, on principles, I have outlined my concerns in the submission and I will not go into every single section. My concerns, however, are as follows. What is the definition of a quality school experience? That is quite subjective. Regarding information on school performance, I would be concerned that it might end up focusing only on exam performance and might not provide for schools that make provision for inclusion of pupils with special educational needs or those from social or economic disadvantage. I am unsure what is meant by “Operating quality assurance”. That is like a business term. One of the sections mentions mediation and remediation. Who will pay for this service and will extra resources be provided to schools if they are to pay, because that is quite expensive?

Section 12 of head 4 of the Bill states that:

In the preparation of guidelines or directions under this section the Minister will also have regard to:

- (i) how boards may respect student voice having regard to the age and experience of the students

Consideration needs to be given to how all students’ voices can be respected, including those with no voice at all and cannot speak.

Head 6 talks about the Ombudsman for Children. The areas for which the Ombudsman for Children can make suggestions, provide guidance or make recommendations are not clear from this head. A very pertinent question at the moment would be, for example, whether complaints regarding the deployment of teaching resources be included in this remit. That would be a very onerous task. If resources are required by schools to implement the recommendations of the ombudsman or comply with the directions of the Minister, will these be provided by the Department of Education and Skills?

Moving on to the Education (Amendment) Bill, we are concerned that the establishment of an ombudsman for education would result in an unnecessary layer to oversee the work of voluntary boards of management. There appears to be no clarification in the proposed Bill of the kinds of board decisions that could be appealed to the ombudsman. Having each board decision subject to appeal would leave boards unable to manage the schools, and the question arises as to who would be ultimately responsible for the management of the school.

I will offer some of my suggestions for a way forward, some of which, I think, have been suggested by others. A forum of all partners could be established to examine the parent and student charter in greater detail, the current grievance procedures and other related issues. The current parental complaints procedure at primary level has been in existence since 1993 and we suggest it should be updated without delay. The procedure was agreed between the INTO and the CPSMA and did not include any other education partners. A wider consultation on these procedures is provided for in section 28 of the Education Act. Remedial action for grievances is also provided for in the Act. The informal stage of these procedures could be strengthened and clarified to enable issues to be resolved at a very early stage and at a local level, thus obviating the need for an ombudsman.

NABMSE looks forward to working with all partners on these proposals for the improvement of the school experience for all students.

Chairman: We will move on. I now invite Mr. Curtis to make his opening statement.

Mr. John Curtis: The JMB has long argued for greater coherence in national education policy-making. We therefore welcome the bringing together of a clearly articulated set of principles underpinning the relationship between parents and students on the one hand and schools on the other. The principles, as framed in the draft Bill, represent an ethical framework for parents founded on democratic civic values and the setting out of their appropriate engagement in their children's schools. Furthermore, in essence, they place the student at the centre of school life and are predicated on a positive and forward-looking vision of school.

In being party to a process whereby all aspects of what the charter might entail are being considered, some issues will of course need to be borne in mind: the need to accommodate the fact that many of these provisions are already underpinned by legislation and regulation that are well established in schools in our sector; the possible erosion of autonomy and the potential for micro-management of voluntary sector institutions; a potential weakening of the principle of subsidiarity by which decisions are best made at the lowest appropriate level, that is, by the school community itself; the need to avoid the emergence of an adversarial culture in the partnership between schools and the families they serve; the need to recognise that while parents have a fully appreciated focus on their own children's situations, the education and safety of the whole cohort of students must remain the overarching focus of school authorities; the sense that there should be an identification of responsibilities associated with the charter's set of rights; and the potential for the emergence of additional layers of bureaucracy and financial cost in already overwhelmed schools. These issues readily emerge. We imagine their consideration is already under way and we look forward to engaging in the ongoing conversation.

We contend that existing procedures in schools have been fundamentally inclusive in engaging with parents and students through established mechanisms of representation that have evolved in an incremental manner and that much of what a charter might envisage as best practice may already be in place in our schools. This is especially true of the integral and still developing role of student councils and parent associations in our sector and the manifest im-

pact they have had, especially in recent years. The incremental change already occurring in the nature and level of engagement of our students and their parents in our schools should serve as a foundation for what might be envisaged for the charter.

We are conscious that Part 5, titled Fitness to Teach, of the Teaching Council Acts 2001 to 2005 commenced on 25 July 2016. This allows members of the public, other teachers, employers or the Teaching Council to make a complaint against a registered teacher. The implications of what this will entail for schools and how it might impact on current practice and procedures perhaps still needs to unfold. How this process will ultimately develop may have a relevance for what is envisaged for the charter, and it will be important that in this area there is a mapped strategy regarding engagement and function in place.

Likewise, the role of the ombudsman - for children or for education - will need to be incorporated in an appropriate way in what will emerge, and the nature of the interface between the ombudsman and the school will have to be carefully considered and defined. It is very important that the energy of school communities radiate towards the student and the teaching and learning process, and that accountability and appeal processes do not become overly invasive and suffocating. Furthermore, it is crucial that an appropriate balance is maintained between the rights of the individual student and parent and the school's charge to the well-being and health and safety of the entire student cohort.

Part of our remit at this juncture is of necessity to identify issues that might warrant particular attention, but we very much embrace the promise of what this process can lead to in improving efficacy, accountability and the education experience in our schools. The JMB has always valued the collaborative and fruitful nature of our work with officials in the Department of Education and Skills. We will work with the Oireachtas and the Minister to ensure that each of the 14 principles framed in the draft Bill will continue to be part of the lived experience of our schools and we look forward to engaging with the Minister in the development of the forthcoming guidelines.

The draft Bill to establish an ombudsman for education has significant alignment with proposals framed in the parent and student charter Bill. The charter Bill's extension of powers to the Ombudsman for Children are focused on the processes of appeal, investigation and direction, and appear, to the JMB, to be sufficient for the reinforcement of parents' rights in responding to decisions made by a school. Childhood, to age 18, and formal education are concurrent in our society. It would appear to represent an artificial segregation of experience and process if there were to be two separate ombudsman frameworks increasing the potential for incoherence of process and authority in the childhood space.

We note that in his Education in Focus report of November 2016, the Ombudsman for Children, Dr. Niall Muldoon, stated that 45% of the 1,649 complaints his office received related to education. Given this reality and that in many of these cases there can be attendant issues surrounding disability, health, children in care, housing or other issues, as outlined by Dr. Muldoon in his submission to this committee on 7 March last, it would seem appropriate that issues relating to education would continue to be addressed by means of the broad remit that currently pertains in the Ombudsman for Children's office. Regarding some specific issues, we would seek to explore what "appropriate remedial action" might be taken by the Ombudsman in the context of an appeal to his office. As we indicated earlier, the JMB seeks greater coherence in educational policy-making at a national level, and any progress towards the "coordination of policy relating to education" as mentioned here is most welcome. That due consideration is given by all parties to all that pertains to legislation in the area of education is very important

to us as an organisation. Again, we welcome the opportunity afforded to us by this engagement and we look forward to further discussion on these issues as matters unfold.

Chairman: It is much appreciated that witnesses are making their best efforts to stick to the time constraints we have. I call Mr. Seamus Mulconry, general secretary of the CPSMA.

Mr. Seamus Mulconry: Many of the points I wished to make have already been made more eloquently than I could by my colleagues so I will refrain from doing so again. However, I wish to make three points.

The CPSMA has more than 20,000 members and we support 2,800 schools. If one takes our boards of management and all the other voluntary boards of management represented here, it is the single greatest example of social capital in the country next to the GAA. It is quite an extraordinary contribution by ordinary citizens which deserves to be recognised and applauded. As well as being the general secretary of the CPSMA, I sit on the Teaching Council's investigations committee and evidence of character panel. As I am in the CPSMA, we receive approximately 7,500 queries from schools on a broad range of issues, from parental complaints to bullying etc. I therefore have a pretty good handle on the problems in the primary school education sector. However, what always strikes me is not the problems, which are minor in comparison with the contribution, but rather that the primary school system in Ireland is working very well and is delivering a high-quality education. It has very high levels of parental and student satisfaction.

I recently had the pleasure of attending a school prize-giving ceremony presided over by Mr. Marty Morrissey, who gave one the best definitions of a school I have ever come across. He said a school was a unique community where dedicated professionals helped pupils to discover and develop their talents. It is a great definition but it also has partnership at its core. We cannot outsource the teaching of our children or their education to schools; it is a partnership between parents, schools and students. We certainly welcome the students' charter as a codifying of existing best practice. Most schools are already doing this and it is good to have it set out on paper in clear black and white. However, we are concerned about some of the language. For example, it talks about the school being a service provider. Schools are not the educational equivalent of Tesco; they are partnerships. They only work when parents and teachers work together.

We are also concerned that schools in the primary school sector are suffering from initiative overload and the amount of administration in schools is increasing all the time. Much of this is necessary and valuable but it means that teachers and principals can sometimes be a little defensive, as they see more work arriving on top of them. I know it is not the intent of the student charter but we are concerned that the subtext of the student charter is that some schools are doing something wrong. We therefore urge that the Department in redrafting this would be cognisant of the language and celebrate schools rather than suggesting they are doing something wrong, which I do not believe is the intent.

With rights there are responsibilities. There is a very tiny minority of parents who are not always as grateful or respectful of the efforts of schools as they might be. It would be very useful to have the responsibilities of parents and students set out in the charter so all stakeholders have a clear idea of their rights and responsibilities.

Mr. Michael Moriarty: I thank the Chairman and members of the committee for inviting us here today. I will paraphrase our submission so as not to repeat much of what has been said.

Education and Training Boards Ireland, ETBI, certainly welcomes the charter itself. Sections of the Education Act provide rights to parents and children but it is good to have this clarity so they can be brought together in a precise way. We certainly welcome that for parents and schools as well. We have some concerns, as I will come to in a moment.

ETBI has a long tradition of partnership with parents and we have parents on our boards of management and education and training boards. As statutory bodies we are very compliance-aware anyway. It is important to have legal underpinning of the existing good practice spread throughout the education legislation in order to have it copperfastened and crystalised. That is what this charter does. In that light, we welcome this process. In 2009 at our own annual conference, we proposed a charter of rights just like this for schools, parents and children; it would have dealt with rights for the entire school community. It is not new to us and it is something we have looked forward to and mentioned before as a priority of the education and training boards. During the discussions we will seek to examine how the charter will interact with other legislation, such as the Teaching Council Act, the Education Act and the Children First Act etc. Like my colleagues who spoke before me, we welcome the proposal to have detailed guidelines for schools and it is important to have a standard approach across schools rather than variations. It is extremely important that the guidelines are strong and detailed enough to provide for that so parents expect the same from all schools, irrespective of where they are.

The effective implementation of this new legislation is dependent on two elements, which are strong leadership at a school level and appropriate resources for schools. We need greater clarity on that and we will certainly be seeking it as the Bill progresses. We want our schools to be charter-ready but have the appropriate capacity to do that. Rather than reacting or fire-fighting, it is very important that we can work proactively with it and our schools can do that. Effective change must be planned but it must also be resourced. The legislators and school management will fail if there are not sufficient resources at school level. As my colleagues have said before, we cannot continue to overburden school management that is already creaking in trying to address oversight, statutory and other provisions with which schools are now required to comply.

Those are our concerns about the capacity of schools. One of the high-level principles set out in this Bill refers to securing optimal outcomes for each student with regard to student learning and holistic development. That seems to be very absolute and unequivocal. Schools could be challenged very quickly by any parent who feels a child has not been given a level of education, training, or holistic development that is copperfastened as a statutory right for parents in this legislation. There is a very high bar for the principles, another one being the aforementioned quality assurance matter. They will be difficult for schools, and although there are rights for parents and teachers, schools also have rights to a reasonable expectation of meeting the provisions of this. The words “strive” or “endeavour” would be important but they are not mentioned. We need to set out procedures to avoid unreasonable challenges to schools by parents or vexatious complaints. The Education (Amendment) Bill has this when it comes to the Ombudsman for Children.

Since the Education Act 1998, there has been a very significant change in the education sector. A student-centred approach is now the norm and schools are committed to inclusive education. A curriculum is designed to meet the needs of students and the student voice is not in any way a tokenistic notion. Students are consulted on many issues of policy. The Department inspectorate see to that and school self-evaluation looks to this, as does junior cycle reform. It is important that there be a standard student-parent charter for all schools. It is welcome and

has the potential to inform the work of schools in terms of the needs of students, parents and families. ETBI welcomes the clarity of the charter, notwithstanding the very serious concerns I have expressed about resourcing schools to meet high-level expectation and the high-bar principles that are here.

I will move to the Education (Amendment) Bill, which seeks to establish an ombudsman for education, which would have powers to investigate decisions of teachers or grievances against schools and principals. ETBI is open to this proposal and we have no objection to the establishment of such a statutory position. Having said that, we have not completed our internal process as it was overtaken by today's hearing. So far, the education and training boards have expressed a positive disposition towards the Bill. The majority of boards function very well and discharge their duties appropriately. However, we have to be mindful of the very small minority of boards with which parents encounter difficulty in finding redress to problems relating to the educational welfare of their child. The office of the ombudsman for education could provide an accessible point for parents for such resolutions. There would be a dedicated agency to which parents could turn. Children's issues are spread across a number of Departments throughout the Education Act. They are hard to find. An ombudsman for education would provide ready access for parents.

One of the noteworthy proposed functions of the ombudsman for education would be particularly welcomed. It is proposed that the ombudsman would monitor and review generally the operation of legislation concerning matters relating to the education of children. The proposed function whereby the ombudsman for education could establish structures to consult regularly with boards and recognised school management agencies would also be a welcome development.

I note in section 66(7)(i) that this ombudsman has the right to refuse an appeal if it was considered vexatious. That is very important for the protection of schools. We like the focus on education, and the proposal for an ombudsman for education as a protector and promoter of the rights and welfare of children. However, we must be conscious of the rights and welfare of staff, students and boards also. There needs to be a balance in both items of proposed legislation, but the ombudsman for children brings considerable focus on the education sector itself.

Chairman: Ms Asiaya Al-Tawash will give the submission for the Muslim Primary Education Board.

Ms Asiya Al-Tawash: Many of the points have been covered, so my submission will be fairly brief. The Muslim Primary Education Board, MPEB, is a voluntary body which represents the two Muslim primary schools in Dublin and would also hope to give voice to the large number of Muslim children in the wider educational arena.

According to the 2016 census, there are over 63,000 Muslims living in Ireland. That growth of 30% is an indicator that the numbers of Muslim children entering the Irish school system is rapidly increasing.

The MPEB welcomes the draft Bill to introduce a student and parent charter into the primary and post-primary sector. We acknowledge that it is important for all stakeholders within the education system to work together to provide the best possible educational outcome for all students.

Open school policies made clear and available to parents and pupils clarify issues and avoid

misconceptions and misunderstanding. We would particularly welcome clear and open policies with regard to the admissions process in schools, which is often confusing, especially for those who have not had previous experience of the Irish educational system. As the numbers of parents who are new to the Irish system grows, it is imperative that policies and procedures for parents are clear.

Consultation with parents on school costs and other equipment will enable parents to become part of the decision making process and regular feedback from parents and students act as a useful indicator.

The provision of a financial statement will allow parents to see that the use of voluntary contributions has become vital to schools in the provision of basic services and equipment. There are often misconceptions with regard to the use of these payments and clarification will inform parents as to the under-resourcing of schools and the dependence on voluntary contributions.

An accessible complaints system with clear steps and procedures should be available and complaints mediated and resolved within these processes, except for the most serious complaints. Voluntary school boards of management working to mediate complaints must be provided with training and resources to facilitate this role.

It should be noted that most schools, including our own, already undertake many of the practices outlined in the charter. Parents are consulted and listened to through many avenues, including parent associations and online surveys. School policies are available to parents of a school.

Class representatives and the Student Council give voice to our pupils and help them to engage and contribute in the school community. Clear complaint policies are laid out with procedures and steps toward mediation.

While much of the draft legislation will enhance and clarify relationships between schools, parents and students, some points for discussion remain. The charter is centred upon the needs and requirements of parents and students and appears to give no indication of any requirements or needs of schools, or provide any reciprocal undertaking by parents or students. A number of terms within the draft Bill, which have been mentioned already, may require clarification. For example, section 28(1) states: "To ensure that a school provides a quality experience for its students,". That is a subjective term and gives no indication as to how or by whom these standards will be set.

The Education (Amendment) Bill 2015 proposes the appointment of an ombudsman for education to provide an appeal mechanism for the decisions of boards of education concerning decisions of teachers and grievances against schools. Although the MPEB welcomes the initiative to address grievances and provide a legislated appeal process, there are already a number of options open in such cases. Currently, grievances may be addressed through a number of avenues including boards of management, the Ombudsman for Children and the Teaching Council. It would be hoped that the introduction of the parent and student charter should further reduce the number of grievances through its clarification of school policies and consultation processes. It would appear, therefore, that the appointment of a dedicated ombudsman for education may not be needed and may not be the most efficient use of resources.

The establishment of a forum of educational partners to put together a clear, robust mechanism for dealing with grievances, after all others have been exhausted, may present a better op-

tion at this point in time. The establishment of the parent and student charter, and the initiatives to address grievances, can bring significant and positive changes to our school communities, but success will depend on the participation of all educational partners.

Chairman: I call Mr. Paul Rowe, who is the CEO of Educate Together.

Mr. Paul Rowe: I thank the Chairman for the invitation to address the committee on these two Bills. I will try to constrain my remarks to points not already made.

Educate Together welcomes publication of the Education (Parent and Student Charter) Bill. Educate Together has been operating according to its own charter since 1992 and we believe this is a very good way of establishing fundamental principles on which school operations can be managed.

It is very heartening to see that the parent and student charter will involve parents and students more decisively in the work of schools. We believe that the use of a well drafted charter can result in a service to support democracy in action in schools, more confident young people capable of and committed to creating positive change in their school and, by extension, in society. In our experience, this type of approach is critical to maximising participation of children in schools and families, especially in areas in which there is not a culture of such participation. This objective has been at the heart of Educate Together's ethos since its inception in the 1970s, which recognises the centrality of learners in school not just as subjects of transmission of information but as active agents in their own education.

We are particularly interested in the potential of the charter to reinforce the good practice of listening to [and hearing] the voices of children and young people in schools, which aligns with our ethos. We would encourage the community to reinforce, through this charter, the important role of parents, students and families engaged in the educational process. There is a huge opportunity for this particular piece of legislation to do so. At second level, Educate Together students are welcomed on boards of management of the new Educate Together second-level schools, to participate in shaping the policy of their schools where appropriate. We would like, in this legislation, a formal commitment to appropriate student participation on boards of management included in this Bill.

The Bill places additional requirements on boards of management, and this is a matter of very serious concern. As other speakers have said, boards of management are a huge example of social capital in our society. They are overburdened currently, and it is really important that the Oireachtas supports this level of voluntary participation. We analysed, some years ago, the total contribution of the voluntary membership of boards of management of schools and we analysed that the State contributes €1.47 per pupil per year to management of the primary education system. That is an extraordinary deliverable where social impact is concerned. The requirement to provide mediation, for example, is something which we thoroughly support, but that has to be associated with resources in order to be implemented.

Boards are made up of individuals who undertake their role on an entirely voluntary basis. Some of the issues they face in areas of complaints, grievance and complicated human resources issues are complex and deeply emotional for all involved. We would like to see the relationship between boards of management, parents and students being based on restorative practice, with proper resourcing and supports in place to support boards of management in their work, which we have to acknowledge can take a serious personal toll on board members. The language of the Bill is somewhat vague, as other representatives have highlighted, particularly

in some paragraphs. In paragraph 2, sub-sections (vii) to (xi), for instance, there is mention of “operating quality assurance”, without any specifics as to what is being quality assured or what is meant by quality. We welcome the expansion of the role of the Ombudsman for Children.

We welcome the intent of the Education (Amendment) Bill 2015, to provide an appeal mechanism for decisions of boards of management, but we are not in favour of the proposal to appoint an ombudsman for education. We feel that the aim of the Bill would be better served by putting in place a robust complaints procedure, with an appeal process that would be agreed by all stakeholders, including parent bodies, management bodies, trade unions of all staff in schools, student councils and the Department. This would be based on a partnership model, and would include a properly resourced appeal process. We would like to point out that the current complaints process was negotiated some time ago. That negotiation, though no fault of any party, did not include all parties currently in management in education.

In closing, I would like to reiterate and emphasise the voluntary nature of boards of management. I would like to draw a distinction between boards of management of national schools, of voluntary secondary schools and community schools - which are corporate entities in their own right, with full authority and responsibility for the legal running of schools and for the employment of staff - and boards of management in community colleges, which are subcommittees of an education and training board, ETB, and do not have the same legally heavy set of responsibilities. Our boards are made up of volunteers, who give up a considerable amount of their time to run schools at primary and post-primary level, at no cost to the Exchequer, other than the provision of training deemed essential for them to carry out their governance role. We feel that any Bill should recognise the voluntary nature of the role and the benefit of it, and should emphasise support provision for members of boards to carry out their work using good practice. We would conclude by asking the Oireachtas to take steps to positively affirm and support that huge voluntary resource in our society.

Chairman: I thank Mr. Rowe. Our final speaker is Dr. Ken Fennelly, who is the secretary of the General Synod Board of Education of the Church of Ireland.

Dr. Ken Fennelly: My remarks echo much of what people have already said today, so I will try to be quick and move on through them as quickly as I can. We are grateful for the opportunity to input into deliberations here.

As I have remarked before committees in the past, a significant part of my role involves liaising with both principals and boards of management chairpersons, especially in instances where they are dealing with a parental complaint. While the vast majority of these complaints are resolved and good relationships are restored, the reality of life is that this is not always the case. To date, school communities - parents, teachers and school boards of management - have relied on an agreed parental complaints procedure. As members will know, there is a provision under section 28 of the Education Act 1998 for the Minister to prescribe procedures in this regard. That has not been done.

However, this proposed Bill, referred to as the Education (Parent and Student Charter) Bill, is addressing this issue through primary legislation. We agree that the Bill has some laudable proposals. It would be our view that schools are currently living out these principles and such a culture has long been adopted in schools. Indeed, some of the principles outlined are required by existing legislation. As members will know from their work as public representatives, people are sensitive to language and perception. The language contained in this Bill seems to be binary in approach, rather than adopting a collegiate-partnership approach, which was the vision

of the Education Act 1998. I absolutely accept the view that the creation of a culture of positive relationships based on good communications and healthy and on-going interactions within the school community can make a key difference in fostering a culture that prevents grievances arising in the first instance. This is to benefit of all involved and is a model which we, as a church, are most comfortable with. We note that the Department of Education and Skills issued a circular in 1991 on the relationship between parents and schools. We suggest that it is timely to revisit and revise that circular as a practical and positive step towards re-articulating the understanding that we all share on this issue.

It is clear to all of us involved in school management that the current parental complaints procedures need to be reviewed. Recent developments relating to teachers' disciplinary procedures have made this a necessity. We have had a few instances where the taking forward of a parental complaint has caused a procedural difficulty when that process moves into the procedures for suspension and dismissal of teachers. Disciplinary procedures have their basis in section 24 of the 1998 Act, and I ask that the committee give serious consideration to allowing the same format for the parental complaints procedure, in other words, that there is a provision for such procedures in primary legislation, but that the procedures themselves are nationally agreed among the various education partners, which was suggested earlier today. The procedure itself needs to have the ability to adapt and be adaptable to further developments. We suggest to the committee that for practical purposes, this is the most appropriate model with the revised parental complaints procedure being agreed nationally, but having its grounding in primary legislation. Members will know that section 28 of the 1998 Act currently makes provision for this to be done.

Members will be aware that education matters are currently under the remit of both the Office of the Ombudsman and also the Office of the Ombudsman for Children. The Ombudsman has a remit for a number of third-level bodies, while the Ombudsman for Children has responsibility for complaints relating to school. On the scope of the Office of the Ombudsman for Children, it can review the procedure of matters determined by school boards of management, but not the decision. This is as it should be. The board of management is the corporate body charged with the responsibility of managing the school. The board is not an entity of the State. Rather, it is a voluntary body appointed by the patron of the school, albeit subject to the rules and regulations of the Department of Education and Skills, the State and law. As members will know, the Teaching Council has commenced its fitness to teach procedures, and we would hope and expect that the number of parental complaints regarding teachers would significantly reduce as a consequence.

The other piece of legislation under consideration here today aims to address the relationship between the school and parents, and indeed is seeking to amend the remit of the Ombudsman for Children. There seem to be two things going on at the same time. We suggest to the committee that this is a case of "sufficient unto the day is the worry thereof", and to give credence to the concept, the necessity of creating a new ombudsman for education is a matter that needs to be revisited when the various proposals made by the various national bodies to the committee regarding the handling of parental complaints have been fully considered. Obviously that is a matter for the committee. If one looks at the area of the handling of school complaints beyond that at school boards of management, one can point at the Office of the Ombudsman for Children - which currently has remit in this area, as has been said - the Teaching Council which now offers another avenue for complaints against teachers, the inspectorate under section 29, and also the willingness of education partners that have come before the committee today to revise the parental complaints procedures. There are many avenues there now. Given the progress

that has been made since this idea was first proposed two years ago, we are of the view that the case for the establishment of this new office of an ombudsman for education is weak and does not pass the test of necessity.

It is important for us to state that we view our schools as communities. They are not simply service providers to clients. The life of a school community is an enterprise in partnership. It should not be characterised as a conceptually one-dimensional interaction. Schools are communities within communities. The concept and language of a “charter” is based in the corporate world and is only a step away from a “service level agreement”. We question whether this is a positive development in terms of public policy and the common good. As a society, we seemed to have moved away from the concept of the school acting *in loco parentis*. This needs to be reflected on. Our schools seek to develop and nurture the whole person in a collaborative way. Why is this Bill being called the parent and student charter? Why can it not be a more general charter for our schools?

The INTO made the point at its Easter conference that teachers are not recognised in the conceptualisation of this Bill at all and we agree with the INTO on that. Teachers should be included. So too should everybody involved in the life of the school - students, parents, teachers, SNAs, administrative and care taking staff, local clergy and other volunteers. School life is a collaborative life with the child at its centre. We suggest to the committee that while we welcome the intention of the Bill, legislation from this Oireachtas that focuses on only two elements of those involved in school life does not send either an affirming or supportive signal to school communities in their entirety.

Again, I thank the committee for the opportunity to contribute to this discussion.

Chairman: Thank you very much, Dr. Fennelly. We have had nine excellent submissions. While they all varied in terms of their content and main points, there was a certain amount of commonality among them. Such commonalities included a deep appreciation for the boards of management of schools and the need for extra supports and resources for those boards, as well as for schools in general. The partnership approach was very much welcomed. The point was well made that there are times when it seems as if the school system is seen as the answer to all of society’s ills. The assumption is often made that general problems or challenges in society can be addressed through the school system. That obviously puts a lot of pressure and stress on teachers, students and boards of management and we must be mindful of that.

I will now invite members to comment or pose questions. Deputy Jim Daly is first.

Deputy Jim Daly: I thank all the witnesses who contributed. It is obvious that they put time and effort into responding to both Bills that have been presented. This is our third round of pre-legislative scrutiny on these two Bills.

What consultations did each of the contributors undertake in their own sectors in preparing their responses to the legislation? It is no surprise to me that most of the partners here are against the establishment of an ombudsman for education. Indeed, most of the partners involved in education are against the idea. The Department of Education and Skills is leading the charge against the establishment of an ombudsman’s office but that has only convinced me all the more that there is a need for such an office. The resistance, led by the Department in the first instance, to the establishment of an ombudsman for education suggests to me that there is a fear around that. In that context, I will make a couple of brief points on the fear factor surrounding the idea of an ombudsman for education.

An ombudsman for education is not just for complaints about teachers, as seems to be a common perception out there. An ombudsman for education is a support for teachers because teachers are often victims in the education system and can have complaints as much as anyone else. An ombudsman for education would be there for teachers, SNAs, principals and for the much mentioned board of management members. If I was sitting on a board of management and making a decision, I would be much happier doing so in the knowledge that there was an ombudsman in the sector and that people would have the right to appeal any decision made by the board. We have an ombudsman for the defence forces and for An Garda Síochána but many of us have gone through our lives without ever having dealt with those bodies. We also have an ombudsman for pensions. Nine out of ten people will interact with the education system. In fact, almost everyone in the country will interact with the education system at some level and in that context, the resistance to the establishment of an ombudsman for education is puzzling.

I wish to refer to the costs, which were mentioned today and during our last meeting. While I am deeply touched by so many people worrying about the costs of an ombudsman's office, I want to nail that point immediately. The establishment of an ombudsman's office that might cost €700,000 or €800,000 but in the context of a budget of €8 billion, that is a tiny percentage. It is a pittance in the greater scheme of things but it could improve the quality and experience of education for all of the partners in the system, not just the students and parents, but the teachers, SNAs, board members, principals and so on.

One contributor touched on the fact that an ombudsman's office could take on an advocacy role and that is what is behind the reluctance on the part of the Department. The Department is not just hesitant about this but has objected outright. I resent the fact that the Department has insisted on putting the two Bills side by side, as if they are competing with each other. It is clouding the judgment and the debate by insisting that the two Bills are given pre-legislative scrutiny together.

Chairman: To be fair, that was not the Department's decision. It was a decision of the committee that we would deal with the two Bills together-----

Deputy Jim Daly: It was sought by the Minister, through the Department. The Minister requested that we do that and I resent it.

On the question of advocacy, an ombudsman - who is an expert in education - could challenge and take on the Department. Many of the contributors made reference to the role of the Ombudsman for Children, who is very protective of his own patch and who does not want an ombudsman for education to be established, for a variety of reasons. He sees it as a threat to his role.

I would make the point that it is not a threat and is there to encompass all. It has been widely acknowledged, including by the Minister, the Department and the Ombudsman for Children himself, that his remit is very narrow when it comes to dealing with education complaints. Anybody who takes the time to look at his report and to peruse the various complaints will see that the percentage of education related complaints is huge, at more than 50%, but the amount of such complaints that he investigates and which are within his remit is minuscule. That is the issue that brought this Bill about. In the context of the legislation I am putting forward now, about four years ago I produced legislation to widen the remit of the Ombudsman for Children to incorporate education matters but that legislation was not accepted. The office still has a limited remit and this has been acknowledged. It is acknowledged in the student charter, which aims to broaden his remit to enable him to adequately address education matters.

It is no surprise to me that Education and Training Boards Ireland, ETBI, is showing a much more open welcome to this. I am interested in the level of consultation that took place within the ETBI. The ETBI is head and tail above every other sector in the education sphere when it comes to accountability, transparency and levels of governance. It is possible to appeal the decisions of the various management bodies of the ETBI. If an individual takes issue with a decision of the board of management of a local school, he or she can appeal that to the ETBI governing body. I have sat on enough of those appeal boards to understand that process. The ETBI also has section 29 appeals already in operation. In that context, I am not surprised that the ETBI has demonstrated an openness to this because its members are much further down the road.

In terms of decisions of the boards of management, there is no appeal mechanism for anybody who has an issue with those decisions, whether that be a teacher, an SNA or a parent. The only way to appeal a decision of the board of management is to go to court but the vast majority of people do not have the wherewithal to do that. In this country, one can appeal a parking ticket but one cannot appeal a decision that is taken about one's child or one's career as a teacher by a board of management. There is nowhere to go. If one writes to the Department in that regard, one will be told that it has no role or function in that area. If one writes to the patrons, they will absolve themselves of any responsibility too. I have seen cases where parents were feeling deeply frustrated but if they were to write to the Minister, he would tell them that he has no role or function in the governance of the boards of management and that they are independent entities. The only avenue is the courts. In that context, an ombudsman would be very helpful.

I would be one of the first to acknowledge that boards of management are voluntary in nature and the contribution made by their members is superb. However, that is not a reason for us, as a society, to shy away. We have seen problems in recent times with boards of management when everybody was not 100% open and transparent. I accept that people are giving of their time voluntarily but I know lots of parents who would love to get on to boards of management but cannot do so because of the membership structures. Most parents are happy to contribute to the well-being of their children and their educational welfare. There is a lot of generosity from parents who have many skill sets and are happy to sit on boards of management and offer their time and service. That is not a reason for us, as a society, to take a hands-off approach to how they function and are managed.

Deputy Catherine Martin: I thank all the witnesses for their presentations today. I agree with those who said that “service provider” is not a way to describe schools. It is a huge disservice to what happens in schools across the country. Is áthas liom go bhfuil áiseanna aistriúcháin againn inniu agus gur féidir le Mr. Ó hEagra a chur i láthair a dhéanamh i nGaeilge. Cinnte, aontaím leis nach bhfuil go leor acmhainní sna scoileanna agus go bhfuil a lán príomhoidí ag obair gan lár-bhainistíocht chun tacú leo. An greideann Mr. Ó hEagra gur chóir do dháltaí suí ar na boird bainistíochta sna scoileanna?

Ms Salmon of the Association of Community and Comprehensive Schools, ACCS, recommended inserting a new paragraph which would say that “Parents will co-operate with the Parent and Student Charter and recognise their responsibilities to be active and involved in their child’s education.” How does she envisage schools dealing with parents in scenarios where, unfortunately, parents are either unwilling or uninterested in getting involved? How can parents be made to co-operate without their lack of co-operation having an adverse effect on their child?

I note Ms Salmon is not in favour of having students on boards of management. Surely it is possible for student members to be recused from certain areas, such as issues of discipline and

so on, while at the same time having a valuable contribution. I am aware that there are student councils and active student voices within our schools but unfortunately, due to the squeeze on middle management, many schools do not have a student council staff liaison officer. It is a very important role. That essential staff member, who holds the hand of the student council at the very beginning, is absent. Indeed, even in some of Ms Salmon's own schools the principal is acting as that co-ordinator. Therefore the student councils are suffering and their voice might not be heard with the strength it could be.

Does Ms Salmon believe it is time to review how boards of management are formed? I am aware that in many schools after local elections, for example, there is a scramble for whatever political party that got the majority to get onto the boards of management. Does that necessarily put the right people on the boards of management, when they do not have experience in the field of education or in services for children? They are chairing interview panels for teachers when they have absolutely no educational experience. The student teacher who has just qualified sometimes has more experience than the person who is chairing the panel, who is sometimes just there because he or she is from the right political party at the right time. That same question applies to all witnesses across the board. Where that is happening, do we need to review our boards of management to make sure they are working properly for our students and for our schools? As Deputy Jim Daly said, some parents feel some schools in certain places are closed shops and parents who want to get on boards, cannot.

In respect of the boards of management again, I see that Educate Together has second level students on the boards. Will Mr. Rowe expand on how this works and what he feels is most effective about it?

Senator Maria Byrne: I have more of a comment than a question. It refers back to the students on the boards of management. I am chairperson of the board of management of an education and training board, ETB, school. We have students sitting on our board of management and their level of interest and interaction with the board of management is very good. They sit for the first half of the meeting and bring forward student issues. They have a huge role to play in terms of participation because there are certainly things which they bring up that we, as a board of management, would not be aware of had they not brought them to our attention. They are able to bring up issues that may have happened in the school or issues that they perceive as a problem. Their participation has certainly made our board of management very effective. I certainly believe they have a role to play on the board of management.

To go back to Deputy Jim Daly's comments, I have quite a bit of experience with boards of management under the Education and Training Board Ireland, ETBI, rules. I certainly think the ETBI is very forward thinking in respect of its policies and the different Acts that have been passed. Guidelines are set down which the schools adopt and run under the rules and regulations set down by their own policies. It is hugely important that there is an appeals process. That has worked very effectively. In the past there was a particular student who had issues with which the school might have had difficulties. The parents came to the board of management and objected to the rulings of the school or what it had been thinking about this particular student for something she had done. The board of management looked at it very carefully, as did the appeals board. Services were put in place to help that student. The right decision at the time was to overturn the decision of the school. There were certainly a lot of services put in place, including anger management for the student. The decision of the board of management and the small appeals committee of the board was the right decision for that student. That student went back into the mainstream school. She has left the school since but she did really well. Some-

times a board of management can find things to help the student and it does not always uphold the school's decision either.

Deputy Carol Nolan: I thank all of the stakeholders for coming in today. It was certainly very informative. The parent-student charter is positive overall but a number of members expressed concerns in terms of the administration overload on principals. That is a huge issue to which we need to face up. We need to look at reinstating middle management, because from what I hear from other teachers on the ground, that is the real issue. Education, as we know, should always be child-centred. We have to ensure that we are not moving away from a focus on the child and are reducing the impact of administration. We have to resolve this. The only way it can be done is through the reinstatement of middle management in our schools.

Senator Robbie Gallagher: I too enjoyed the contributions of all speakers. It is unique in this building to get so much consensus in a room and it is very welcome. The first thing I note is that a few phrases kept repeating themselves, things like resources in respect of overload, on which Deputy Nolan just touched. That is a key issue and a point worth making. When one talks to principals, they all complain of that particular issue. It is something of which we need to be very conscious. Taking Deputy Jim Daly's points on board, there does not seem to be a great deal between all sides in this particular debate. I feel there is potential for some form of forum, which some people spoke about and which is a good idea, at which everybody could get around a table. We are not that far away from consensus on this particular issue. To my mind, listening to the professionals in their contributions, there seems to be a solution within the machinery which already exists. All we need is a bit of tweaking in order to bring everybody's opinions on board.

Boards of management were discussed. I believe it was Mr. Mulconry who made the point about Marty Morrissey and the GAA. That is a well-made point. We are very fortunate to have people who would volunteer to go on boards of management. I would be interested to hear what the witnesses have to say about this, but in my experience I was always of the opinion that people were not queueing up to get on boards of management. That has always been my experience but maybe others have found differently. I understood that it was an onerous task for anybody, particularly somebody who is not qualified or trained in that particular area. I would be interested to hear any feedback from the witnesses in that regard, but my experience has been a case of having to cast a net and try to attract people, rather than parents volunteering. I would be interested in that. As I said, I do not think we are a million miles away from a solution. The mechanism and the machinery is there for us to do that, if all sides agree.

Deputy Thomas Byrne: I thank the education partners for coming before the committee, repeatedly at this point. I think there is too much of a focus in the education sector at a Government level on legislation and not enough of a focus on resources. Deputy Nolan mentioned the issue of administrative posts. There is a whole range of resources that are required by schools. I would certainly like to see the focus on that. At times, the legislation has been brought forward at undrafted stage almost to give the impression that something is being done about education. I believe that is unfortunate. What really needs to be is to fund education more and give it more resources. That is where the focus should be. It should be on getting good teachers into good schools and giving them the equipment they need to teach.

In terms of the contributions today, I have certainly taken on board a lot of what has been said here today. We do appreciate it. I am not sure if there is any need for me to question it because the documents speak for themselves.

Tá áthas orm go raibh Caoimhín Ó hEaghra in ann labhairt as Gaeilge inniu. B'fhéidir gur cheart go mbeadh an cruinniú don choiste seo bheith sa seomra seo, áit gur féidir linn an Ghaeilge a úsáid más mian linn, go háirithe os rud é gurb é seo an coiste oideachais.

Chairman: I will now return to the witnesses. We are running a little bit tight on time because we have another session after this one. I would appreciate it if the witnesses could make their answers brief. I can absolutely assure them that everything they have said and contributed in their written submissions will be taken on board by the committee in the report that we will be sending back to the Minister and the Department. I will go back to Mr. Caoimhín Ó hEaghra.

Mr. Caoimhín Ó hEaghra: Táim buíoch as na ceisteanna agus na pointí a d'ardaigh baill an choiste. Ba mhaith liom ar dtús freagra a thabhairt ar cheist maidir le mhic léinn na scoile a bheith ar an mbord bainistíochta. Ní bheadh aon deacracht ag an bhForas Pátrúnachta le sin ó aon phlé a bhí againne lenár mbaill. An pointe a bhí ann ná go mbeadh treoirlínte leagtha síos a mbeadh soiléir faoin méid ina mbeadh mic léinn páirteach. Tá ciall leis. Baineann sé le guth an phobail iomlán a chloisteáil.

Maidir le na pointí an rinne an Teachta Jim Ó Dálaigh ansin faoi na heagrais bhainistíochta, níl mé ag dul ag labhairt ar son na heagrais bhainistíochta eile, ach ba mhaith liom an pointe a dhéanamh ar son an Fhorais Phátrúnachta go gcuireann muide tacaíocht ar fáil dár mboird bhainistíochta agus táimid ag iarraidh go mbeadh na boird bhainistíochta ag feidhmiú agus ag cloí le na rialacha atá leagtha síos dóibh. Tá an pointe déanta go minic ag na heagrais bhainistíochta maidir leis an maoiniú atá curtha ar fáil do lucht na mboird oiliúna nach bhfuil curtha ar fáil do na scoileanna deonacha. Tá figiúirí curtha amach go bhfuil na scoileanna deonacha ag feidhmiú le 30% níos lú maoiniú ná mar atá scoileanna faoi na boird oiliúna. Mar sin, caithfear comparáid a dhéanamh ar na leibhéil éagsúla atá ann. Ní aontaím leis an bpointe a rinne an Teachta go bhfuil na boird oiliúna chun cinn ar na heagrais bhainistíochta eile atá ag obair agus ag iarraidh cabhrú lena gcuid scoileanna.

Maidir leis an gcomhairleoireacht a rinneamar, labhraíomar le baill dár mboird bhainistíochta agus le cathaoirligh agus stiúrthóirí an Fhorais Phátrúnachta a dhéanann ionadaíocht ar ár mbaill ar fad.

Maidir leis na pointí a rinne na baill, aontaím le cuid mhaith acu. Mar a dúirt an Seanadóir Ó Gallachóir, tá go leor pointí comónta eadrainn ar fad ar gach aon taobh den bhord seo. Ceann de na pointí a dhéantar go min minic ná nach bhfuil acmhainní ag scoileanna, is cuma cén réigiún ina bhfuil siad nó má tá siad faoi na boird oiliúna nó faoi na heagrais dheonacha. Ní an tacaíocht acu agus níl an maoiniú nó na hacmhainní curtha ar fáil dóibh maidir le lár-bhainistíocht nó eile faoi láthair. Teastaíonn é sin a réiteach sula gcuirtear leibhéal eile freagrachta ar scoileanna.

Nuair a mholann muide go mba chóir go mbeadh próiseas gearán aontaithe ar bhonn reachtúil ann, braitheann muid go gcabhródh sé go mór le réiteach na fadhbanna seo. Nuair a deirtear nach n-aontaíonn muide go mba cheart go mbeadh ombudsman do oideachas ann, an pointe atáimid ag déanamh ná cén fáth an gcuirfeadh muid ombudsman do oideachas ann nuair atá Ombudsman do Leanaí ann, An Comhairle Mhúinteoireachta ann agus nuair atá freagracht ag na scoileanna do Thusla, don chigireacht agus don mhéid eile seo agus, ag an am céanna, nuair atá na boird bhainistíochta ag feidhmiú go deonach. Trí fhóram comhpháirtnéireachta, má táimid in ann teacht ar aontú nó cur chuige a fhreagraíonn na mianta atá ag an mBille seo mar atá sé ar an talamh do bhoird bhainistíochta, cinnte bheadh dul chun cinn ann. An moladh atá againne ná gur féidir leathnú a dhéanamh ar obair an Ombudsman do Leanaí in éineacht le

tacaíocht eile a thabhairt do bhoird bhainistíochta. Is é sin a bhraitheann muide. Réiteodh sé sin an-chuid.

Ms Eileen Salmon: I just want to answer the comments Deputy Martin addressed to me. I am not against students being on boards of management. I have great time for student councils. In my own school, I was very involved with them. Sometimes, one has to hold them back from wanting to be too stringent about things. They can be very opinionated. However, I do think that there are certain areas that they should not be involved in, such as areas of employment, discipline and finance.

I think the Deputy implied that there may be people on boards of management who are unsuitable. Boards of management are very well structured. The members are the nominees of trustees. In our sector, we have joint trustees. The ETB is one of our trustees. It appoints people. The ETB in the area will appoint three members to boards of management in our schools. Our religious or non-religious trustees, be they Educate Together or a religious order, appoint another three members. There are then two parent nominees and two teacher nominees. The principal is a non-voting member of the board. A lot of thought goes into it. There is a three-year rotation for boards of management. I do not think any of us believe that there are people who are just chucked in there because they want to be. They are usually chosen because they are very suitable. Being on a selection committee is a different role altogether to being on a board of management. Trustees will decide who their representatives on selection committees are going to be. One does not mean the other. Just because someone is on a board of management does not mean he or she is on a selection committee. A lot of thought goes into that. An awful lot of us are confident in our boards. As an organisation, ACCS provides training and advice to boards of management. ACCS is always there to give that advice. As I said, I am not against students being on boards, but I would see them being involved in particular areas and not involved in others.

Disinterested parents can be the bane of a school's life. However, I believe that the charter would give very good information to parents. It would be a charter for them to read in order to understand what the role of the school is for them. However, the charter cannot be out there without parents in the reading of it realising that they have responsibilities as well. It is in the more socially-deprived areas that one finds less interested parents. It is usually not that they are not interested but it is that they do not actually have the confidence to be involved. Home-school community liaison officers in DEIS schools and things like that can help parents become more involved. Much of the charter could be used to bring parents on board and build confidence.

Mr. Michael Moriarty: Can I just come back in on that before my colleague speaks? Deputy Martin mentioned politicians or local authority members sitting on boards of management and selection boards. Whether they are politicians or not, many of these people are accountants, lawyers or doctors. Many have other skills. In respect of our own boards, or if we nominate for the community school board, the patron body that we represent will select from among its 21 members. They are not all politicians. Some are representatives of parents, staff and the business community.

Deputy Martin made a point about members coming from the political class. In fact, I find those from that class to be very insightful. They have a great understanding and are, in fact, quite enlightened. There is a very important point here. Local authority members represent the voice of the community as well, as does Deputy Martin and other members of the committee who have been elected to high office. They represent that community voice. It is very

important for any board of management to have that, because the school is rooted in the local community. Therefore, as a category of potential representatives, I would not exclude elected members of local authorities.

The second point I wish to make is that members of the boards are trained. We have a training course nationally for boards of management, a course for selection boards and there are also training courses implemented by the local ETB. Everybody is professionally trained, that is why we have such a good teaching class in our schools. I just wish to make that different point. I find I am speaking almost on Deputy Martin's side, on behalf of the political class.

Deputy Catherine Martin: I was playing devil's advocate.

Mr. Michael Moriarty: Am I doing okay? Ms Russell wanted to make a few points. I do not wish to hog the time. That is all I really wanted to say.

Ms Joan Russell: In addition to the selection process, it is very important to say that the ACCS and ETBI have come together to develop a competency-based interview for staff, which has a very open and transparent process in terms of marking and feedback. Candidates who are unsuccessful get open feedback in respect of why they were not selected on that occasion. We were delighted to work with the ACSS on that and it is working particularly well for us.

In response to Deputy Daly, I would like to address the issue of consultation. In terms of the ETB sector, ETBI mirrors the organisational structure of ETBs. Each ETB has a director of schools who is responsible for consulting with school management, teachers, boards of management etc. in order to advise and guide the schools in terms of policy, curriculum and procedure. That is mirrored at ETBI level, with myself being the director of schools. I meet with the 16 directors of schools monthly. At last month's meeting, one of the items on the agenda was the proposal for an ombudsman for education. That predated our invitation to attend here today, but it was on the agenda. There was a robust discussion at that meeting between the 16 directors and we were asked to defer the matter to the next meeting for further consideration. There is engagement with this. That robust discussion will continue at the next directors' meeting, before we make a recommendation as directors, which will go forward to the chief executive, CE, forum, which will discuss it further and make a recommendation. We have had discussion, and we will follow on with more. I hope that clarifies the matter for Deputy Daly.

There is one other thing I would like to point out in terms of the ETB sector. I thank Deputies Daly and Byrne for their comments on ETBs and the ETB sector in terms of the openness and transparency but I would also like to highlight the creativity, inclusiveness and openness to change which is very evident in our schools. A number of colleagues have already referred to the fact that much of what is proposed in the charter is already in place. Mr. Mulconry put it very eloquently this afternoon. I agree, it is happening. Some of our colleagues also called for a forum of partners to have an input into the development of the guidelines. I will go one step further. While I welcome that call and Senator Gallagher's comment on it, I ask that a mapping exercise be carried out to capture what is happening on the ground in terms of best practice, with regard to the excellent, creative and inclusive practices to engage parents and students.

Excellent things are happening on the ground in the schools. As management bodies, we are not always aware of it. Much of it evidenced at Féilte, which is the celebration of all that is good in teaching which the Teaching Council organises. There are numerous examples of best practice and I would like to highlight one or two from the ETB sector. One is a forum for parents, which has been established in one particular ETB - the Kerry ETB. It is currently being

mirrored and we are looking at it across all ETBs. There is a forum for parents across all of the schools under the Kerry ETB. It comes together and has robust discussions with the executive of the ETB and so on.

I want to highlight one or two of the achievements of that forum of 26 parents representing all of the students and parents in Kerry ETB. It has introduced Project Maths training for parents. It has provided applied maths across the scheme through webinar. That is innovative stuff from the parents and it is being facilitated through the ETB sector. It is something that can be mirrored, as I said, not just at post-primary level, but equally at primary level through our community and national school system. We look forward to continuing with that. One of the things we do at our forum director meeting every month is to share best practice across the sector.

Another thing that is happening in the schools is, in addition to the student council, we have what are called house systems, where students are grouped together in houses. They are then given merits. It is a competition between the houses, where they are given merits for things like being involved in the school community and the local community, engaging in their classrooms, achieving a holistic education and engaging broadly with education. They are given merits on that system and an award is given at the end of the year. My colleague, Mr. Rowe, referred to restorative justice earlier. Again, restorative justice is very evident in our schools. A number of our ETBs, Limerick, Clare, Donegal, Kerry and Cork, have engaged in the whole restorative justice training for staff, parents and students. A lot is happening and my message to the committee is to make sure that the schools on the ground have an opportunity to engage and to put forward what they are doing which could support the charter in its development through the different stages.

Deputy Jim Daly: I am sorry to interrupt. I just wish to apologise, I have to leave. I am meeting an ambassador upstairs and I do not want to leave her waiting. I will read back the comments of the remaining speakers, but I have to leave. I apologise for that.

Mr. Seamus Mulconry: I have two brief points and then I would like to hand over to my colleague for a further point. First, on the issue of resources, it is true that the overall budget for education is €8 billion but schools are expected to pay for insurance, heating, lighting, cleaning and so on on 92 cent per pupil per school day. I am always conscious, when I stop off and get a cup of coffee and a bun and spend €5 on it, that I have just blown the budget for a week for a school student. We need to be conscious of that. I would therefore strongly resent taking money from front-line resources and putting it into another layer of administration.

Second, I have a concern around the advocacy. The real strategic challenge facing the primary school sector is that the pace of change has contributed to a major administrative burden which is now unsustainable for teaching principals. In 1984, a person starting had a roll book and a receipt book. That was the level of administration. There is now a huge amount more than that. It has increased exponentially. It is not just that, however. There has been a period of almost unprecedented change in the Irish education system. A huge raft of legislation and of changing demographics is creating a situation which principals are starting to look at and say they cannot take any more. The reason we have a very good primary school system is the quality and calibre of the people who work in and lead our schools and the commitment of boards of management, members of which have to be arm wrestled onto them. It is their commitment. If we overburden them, we risk breaking the system. We have a plethora of advocates, who have loads of things they would like the primary school system to do. We would benefit greatly from a period of masterful inactivity, which would allow schools to absorb all of the changes and focus on what is most important, that is, teaching.

Ms Sinéad Brett: In reference to Deputy Daly's point that we are against an ombudsman for education because of a fear factor, that is simply not the case. If we felt that the office of an ombudsman for education would better the education experience for a single child in the country we would support it, but we feel - and the point has been made here - that there are plenty of fora for dealing with issues when they arise. The resources we have there now would be better for the system than setting up another office for dealing with issues in education. Deputy Daly referred to the cost. We are very sensitive to cost in the primary sector because schools are under-resourced. I am glad to hear the Deputies and Senators acknowledge the lack of resources in the system and that we need to pump more money in.

I am absolutely delighted by Deputy Nolan's point about middle management. It is a live issue. It would be fantastic if the committee could encourage the Minister to pump the resources into middle management because it is where the money is absolutely needed.

Deputy Daly mentioned people in his constituency who want to get on boards of management but cannot. Our experience is the same as Senator Gallagher's; it is very difficult to get people to give up their time to come onto boards of management. The suggestion that there is something underhand about the way people get on boards of management has to be corrected. A governance manual is published by the Department of Education and Skills which sets out clear procedures to be followed when members are elected to boards of management. Deputy Martin mentioned the interview processes and the suggestion only people with political contacts get onto boards of management. I agree with Mr. Michael Moriarty's point that boards of management have people from all walks of life on them. There are procedures in place. I am only speaking from a primary sector perspective. There are procedures set out which are based on best practice. Boards of management and selection panels on boards of management have to follow those procedures.

I am delighted with the points on middle management. If the committee has any sway with the Minister, I strongly urge it to encourage restoring resources and middle management to primary schools.

Chairman: I assure Ms Brett we take every opportunity to do so. Every time the Minister is here to deal with Estimates we emphasise the need for more resources in schools and for middle management to be restored.

Ms Breda Corr: I did not say all members of boards of management are politicians. Mr. Moriarty raised the issue of the ETB. It is out of his control but the facts are the political party who wins the local election is the party who gets the nomination onto the ETB. It is out of Mr. Moriarty's control but that is how it works at local authority level.

Chairman: It does not matter what party they are from.

Deputy Catherine Martin: Is that the recipe for the best person? Undoubtedly some great people make it onto the boards but it comes down to politics, which is what I was querying. The board of management has to deal with who it gets. Sometimes they are brilliant. I was wondering if that has to be reviewed.

Chairman: I thank Deputy Martin for the clarification. I will not go back to Mr. Moriarty because we are running out of time but if he wants to write to us on that point, we will circulate his response.

Ms Breda Corr: I will address some of the points Deputy Daly raised. It is always the prac-

tice of NABMSE to consult with its members but due to the short timeframe we had to prepare, we consulted with our committee which is made up of representatives of boards of management in different types of schools. That is important. The time of year is not conducive to trying to consult with our member schools. On the cost issue, I would much prefer to see €700,000, or whatever the cost of the Ombudsman for Children, going into training boards of management. Members of the committee are not aware the budget has been cut by the Department in previous years. The Department will not thank me for saying it but it is the reality.

Education for children with special educational needs can involve more than just education. If we are to have one ombudsman, it would be better if it was somebody who could deal with various aspects of special educational needs.

Senator Maria Byrne gave the example of an appeal to the board of management. It would require resources in any school if something was to be done. The Senator talked about behaviour. There are huge costs involved but it is something we would love to see.

Senator Gallagher talked about boards of management. It can be extremely difficult to get parents involved in boards of management in special schools where it is not their local area. The Senator is familiar with the special school in Cavan-Monaghan where students come from Leitrim, Cavan and Monaghan. If a parent has a child with severe and profound special educational needs, who will mind the child when the parent is at the board meeting? We value the parents we have. We need to get away from the phrase “parents’ representatives” because they are parents’ nominees. They are nominees to a board and they do not represent a particular sector. They need to act as a body corporate. It is really important.

If we put pupils on the boards of management, for example in the Holy Family School in Cootehill, which the Senator is familiar with, how will their voices be heard on the board of management?

Fr. Paul Connell: I am delighted by the consensus that has emerged here this evening. I welcome it. As a working principal, I have experienced a tsunami of initiatives over the past number of years. The energy in our schools, which should be student-centred and directed towards the student, is increasingly being diverted to deal with more and more bureaucracy. I appeal to the committee not to introduce more and to make things better, not worse for our schools.

Deputy Daly mentioned the small cost. There is a cost in the lives and energy of the people who work in our schools. There is a cost in the lives and energies of good working people who sit on our boards of management and who give seven, eight or nine nights a year to sitting on those boards. They can do without sitting for another nine nights dealing with grievance procedures and other things which will make things far worse. Whatever is done by the committee, I ask it to make sure it does not increase the burden on our schools.

I am disappointed that Deputy Daly put on the record of the committee that some of our bodies are not open and transparent. It is very unfortunate. I hope he will withdraw it. We have articles of management. We have systems in place for how our boards are brought together and elected. They are absolutely and completely open and transparent. I go along with all the comments of my colleagues here. It is very difficult to get parents involved in boards of management because of the huge and increasing level of responsibility being placed on them by rafts of new legislation.

Our schools could not survive without our parents. We depend on them. We cannot operate what we have without the support of our parents. I agree with Deputy Byrne we need more resources not more legislation.

Ms Antoinette Nic Gearailt: I am sorry Deputy Daly is gone because he asked about consultation. We have had an executive meeting. The executive is composed of school principals, members of boards of management who are not working directly in the schools, parents and teachers working on the ground. There is a relatively wide consultation base.

I agree with Fr. Paul Connell that the comment about certain management areas being more open than others is an unfortunate misrepresentation of the reality. Our structures may be different but huge work is put into the training of the boards. ACCS trains each board of management individually and collectively. They are as well informed as they possibly can be. As Deputy Martin said, some of them come in from an area outside of education. In terms of school management, huge investment is put into training. This year, 95 of the 96 schools are in regular contact with ACCS when making decisions. The schools that are not are heavily involved at ACCS level so the committee can take it as 100%. Many decisions that are taken at board level are taken on advice. When things go wrong most issues are resolved at school level, to be honest, but there are the same channels of appeal. Deputy Daly implied that there are no channels of appeal. I will not reiterate them again but there are structured avenues, whether it is about teacher employment, student enrolment or exclusion and so forth. It does not matter whether it is ETBI, JMB or ACCS schools because the structures are in place.

The fear factor was raised as well. As other people said, it is not a fear but a fear of duplication, a risk that we are duplicating what already exists. The point John Curtis made earlier is important. Why are we separating education from childhood? Children are children and what impacts on their education is very often other factors outside of school. That is probably one of the main reasons to keep it with the Ombudsman for Children. Fr. Paul Connell spoke about the level of bureaucracy. As regards the €700,000 or €800,000, many schools would take that. It would go a long way towards paying the clerical officers, caretakers and so forth, or to work on the fabric of school buildings. Money should go where it is needed. It needs to go to supporting children on the ground, not into a structure that already exists. As Senator Gallagher said earlier, perhaps we could tweak what we already have if there are perceived gaps rather than putting another layer of administration in place.

Finally, Eileen and Joan mentioned parents. An unknown amount of work goes into encouraging parents to be involved, to be honest. I worked in an area where lack of confidence was probably the main thing that kept parents out. There is phenomenal work done on the ground to try to give parents the sense that they can walk through the school door, particularly if their own experience in their past leaves them a little reluctant to do so. However, we should be cognisant that the hardest time to get parents involved was during the time of the so-called Celtic tiger economy. Parents' lives became so busy it was difficult to get them involved in the school.

Deputy Catherine Martin: I acknowledge that. The work that schools do to encourage parents is never acknowledged. It is under the radar but I am aware that it happens.

Dr. Ken Fennelly: Deputy Daly is gone but I wish to comment for the sake of the record. This is not our first time appearing before the committee to talk about the proposed ombudsman for education. It would have gone to our board of education. It would also have gone to the Church of Ireland Primary School Management Association executive. Recently, it came up in the informal discussion groups at our conference. I note the Deputy used the word "resistance".

It was not resistance. People just were not convinced of the necessity for it. It is important to say that. I support what Fr. Paul said. I skipped over my first paragraph for the sake of time and I spoke very quickly.

Chairman: We have it on the record.

Dr. Ken Fennelly: Yes, but I support what he said. I counted 15 legislative measures relating to schools, four legislative measures here and 675 circulars active on the Department's website.

Chairman: There are 1,500 boards of management.

Dr. Ken Fennelly: He is right to say that we are coming down with legislation and regulation.

Chairman: Thank you.

Mr. Paul Rowe: I was asked about consultation. Educate Together operates national schools, voluntary secondary schools, community schools and community colleges, so we have a very good viewpoint with which to address this. With regard to what consultation we carried out, we consulted with all the programme managers of Educate Together. They are responsible for the management of all of those schools.

I wish to respond to the accusation that there is a fear of an ombudsman. In concert with the other representatives here, what we are really concerned about is a duplication of roles and an increasing burden on boards of management in a way that would be counterproductive. In terms of the money, we all should reflect a certain indignation about this. As regards a sum of €800,000, I am under pressure to open 25 new Educate Together schools. I could open nine of them with that. This is not a small sum, so it should not be just tossed around. I note that in the previous hearing there was a reference to spending €1 million or €2 million of the education budget on this role. Almost all of us here were volunteers originally. None of us is working on a high salary. We are here because we are dedicated to education and we are all acutely aware of the enormous pressure schools have been under in financial matters. The capitation grant has been cut, our core grants have been cut and all our additional resourcing has been cut. For example, in our role as a signature for the Garda vetting process we are still operating on half the grant we need for that role. It is important that we represent that.

The argument we would put forward is, as Breda Corr has pointed out, that the types of things an ombudsman would be dealing with would frequently have an inter-sectionality between education, social services and the security services. If there is an effective role of ombudsman it should be the Ombudsman for Children addressing those issues. A majority of the most difficult complaints we have to deal with are usually because our system has put parents of children with special needs in such a situation that they have only been able to get resources for their children as a result of having to take a combative, confrontational role in order to get those resources. That is a shameful reflection on the way in which the system operates.

I strongly disagree with the view that the ETBs, which we work with and respect, are somehow way ahead of all the other providers in terms of transparency. We are all legally responsible for carrying out proper transparent services. They are statutory obligations. We all agree that there is a need to review the current complaints process and that a new, revised complaints process with an appeal mechanism is needed. We are very comfortable with that, but it does not require another raft of State ombudsman services.

Deputy Martin asked-----

Chairman: I need to conclude because we are running an hour late and we must go straight to another session.

Mr. Paul Rowe: Can I quickly answer the specific question?

Chairman: Yes, very quickly.

Mr. Paul Rowe: I was asked how student representatives on the boards of our second level schools work. I will explain how this operates. First, this is part of Educate Together's blue-print or guiding document for second level schools. It is to articulate the student voice as much as possible throughout every way the school operates and the way the curriculum is delivered. This is a question of articulating the discovery and exploratory learning. As part of that, the student councils are brought in to participate in selection processes for teachers, students have been involved in the selection process for the principals of our new schools and they are welcome and honoured participants in the boards of management. The difficulty we have is that there is no proper statutory basis for this participation. For example, young people can sign themselves into hospital at the age of 16, irrespective of their parents' wishes. However, the legal status of minor finishes at age 18. That is why we would like that issue to be addressed properly in the charter. There should be proper legislative backing for that. I will answer the other questions in writing if the committee wishes.

Chairman: I was about to suggest that. If there is anything anyone wants to add, we would be delighted to receive it in writing for circulation to the members. On behalf of the committee, I note that we are very conscious of the wealth of knowledge and experience represented by the witnesses. We are grateful not only that the witnesses attended today and provided us with their insights and thoughts but for the work they do on a day-to-day basis to support schools, boards of management and teachers and to ensure that every school runs as effectively as possible while remaining student-centred. It is a huge body of work and is very much appreciated by the committee.

We will adjourn for a few minutes to allow the witnesses to leave and the new witnesses to come in.

Sitting suspended at 6.30 p.m. and resumed at 6.45 p.m.

Engagement with Caranua

Chairman: I welcome Ms Mary Higgins and Mr. David O'Callaghan, CEO and chairman, respectively, of Caranua and acknowledge that we have some survivors with us in the Public Gallery. They are very welcome to attend this hearing. Members will recall the Private Members' motion on Caranua in the Dáil last week. The debate provided Members of the Dáil with an opportunity to highlight some concerns they wished to raise in respect of the operation of Caranua and the experiences of some victims of institutional abuse when dealing with it. As this took place in the Dáil, Caranua did not have the opportunity to respond directly to the matters raised. Members will know that I make every attempt to ensure that our engagements are balanced. In this regard, our engagement is timely as it will give Caranua an opportunity to respond to the matters raised in our letter of invitation, many of which were also raised in the debate in the Dáil, and allow members to seek further clarification on any other matters of

concern. While I will allow as much scope as possible, I remind everybody that this is a parliamentary committee and the witnesses are here for engagement.

Caranua operates under the Residential Institutions Statutory Fund Act 2012 and it is open to members as legislators to propose any necessary legislative amendments they deem appropriate should these arise from our engagement today. Pursuant to section 16 of the Act, Caranua is accountable to Oireachtas committees. In that regard, I record the fact that Caranua requested an opportunity to appear before the committee prior to this. Due to our other work commitments, however, it was not possible to schedule the meeting at that point. While the matter of cost is certainly an important one, members should take care not to stray into areas more appropriate to the Committee of Public Accounts, which had a hearing last week. At the end of the day, we must all remember that this topic affects people who have already suffered. This engagement is an opportunity, notwithstanding the conclusion of the review by the Minister, to ensure that any changes to practice or legislation, or both, can be highlighted here and implemented as quickly as possible.

Members may be aware of the existence of a document authored by an individual who is not a Member of the Oireachtas. I record that the committee did not request or commission this document and it has not been accepted by it. I do not intend to reopen consideration of that matter. However, if there are matters contained in the document which warrant a response from Caranua, I suggest the author sends it directly to that body for comment. I am sure the committee will agree to schedule another meeting if necessary. As I have already pointed out, this is an opportunity to have a productive engagement on a very serious matter. I hope we do not miss it. I understand Deputy Thomas Byrne wants to come in on a point of procedure.

Deputy Thomas Byrne: On a point of order, I am sorry I did not alert the Chair to this beforehand but can she clarify what we are allowed to ask about? The Committee of Public Accounts looks at the economy and efficiency of the board and the use of its resources. Any other committee is entitled to ask the chief executive to attend before it to account for the general administration of the board. Where do we draw the line? Clearly, there are a huge number of issues we will ask about which will certainly relate to the general administration of the board but which might also impinge on the economy and efficiency of Caranua. I hope the Chair will adopt a very broad approach in order that we can ask the questions we feel it necessary to ask regarding the accountability of the chief executive before the committee.

Chairman: I am searching for the letter we sent to Caranua, which sets out the specific issues the committee proposed to raise. Caranua has engaged with the Committee of Public Accounts on financial matters. Having discussed the matter with the Chairman of that committee, specifically with regard to the Private Members' motion tabled in the Dáil last week, I am aware that issues were raised regarding the expenditure of some of the €110,000 on administration. While I fully understand the reason that issue was raised, the legislation states that the normal costs of administering the funds will be included in the costs. This provision was an oversight by the then Government when it introduced the legislation. Although it is open to the Oireachtas to amend the Act, it would be incorrect to claim this expenditure was wrong as it is provided for in the legislation.

Deputy Thomas Byrne was with me in the Chamber when the issue of rent was raised during the debate on Deputy Connolly's Private Members' motion. While I understand how it came to be raised, having examined the matter further, it appears the Office of Public Works was covering the rent and it was not being paid from the moneys in question.

The letter sent to the chair and chief executive states that the committee identified a number of areas of particular interest, including but not limited to reports of dissatisfaction expressed by survivors in respect of the services provided by Caranua, the steps Caranua takes to ensure it operates in accordance with best practice, the rationale for limiting grants to €15,000, the reported erroneous closing of active cases and the introduction of new, complicated and confusing guidelines. This covers many of the areas that have come to the committee's attention. I hope the Deputy will be happy to focus on these areas, although to be fair to the chief executive, she indicated she would be happy to cover other areas.

Deputy Thomas Byrne: I hope members will not be prevented from raising legitimate questions.

Chairman: I will not stop Deputy Byrne or any other member from doing so.

Deputy Thomas Byrne: I have to go to the Dáil for a vote.

Chairman: We will suspend briefly. My apologies.

Sitting suspended at 6.53 p.m. and resumed at 7.07 p.m.

Chairman: I apologise for the interruption. I hope we will not have another one. The purpose of this part of the meeting is to have an engagement with Caranua on the matters I outlined. On behalf of the joint committee, I welcome again Ms Mary Higgins and Mr. David O'Callaghan, CEO and chairman, respectively, of Caranua.

I draw attention to the fact that by virtue of section 17(2)(I) of the Defamation Act 2009, witnesses are protected by absolute privilege in respect of their evidence to this committee. However, if they are directed by the committee to cease giving evidence in respect of a particular matter and they continue to do so, they are entitled thereafter only to a qualified privilege in respect of their evidence. They are directed that only evidence connected with the subject matter of these proceedings is to be given and are asked to respect the parliamentary practice to the effect that, where possible, they should not criticise or make charges against any person, persons or entity by name or in such a way as to make him, her or it identifiable. The opening statements of the witnesses, for which I thank them, and their oral presentations may be published on the committee website. Members are reminded of the long-standing parliamentary practice to the effect that they should not comment on, criticise or make charges against a person outside the Houses or an official by name or in such a way as to make him or her identifiable. I invite Ms Mary Higgins to make her opening statement.

Ms Mary Higgins: Members will have to excuse my voice, which may not last for the full meeting. I thank the Chairman and members for the invitation to discuss the work of Caranua and make an opening statement. I am joined by our chairman, Mr. David O'Callaghan. Unfortunately, our director of finance, who was due to attend, is unwell. We are delighted to have an opportunity to engage with the committee. As the Chairman noted, we have written to the committee and kept it informed through the submission of annual reports. We have done this because we work in a way that is open, transparent and accountable to all stakeholders and we want to be open and accountable. Caranua responds to queries from Members of the Oireachtas related to individual applications and our general operations and regularly publishes on its website information on board meetings and all other activities. As such, we practise what we preach in terms of transparency. Given its purpose of managing a fund for the benefit of some survivors of institutional abuse, Caranua may seem like an unusual fit with the committee and

indeed with the Department of Education and Skills. Its location here arises from the historical oversight role the Department has had in the funding, management and inspection of industrial schools and some other institutions for children and I will provide a brief background to our establishment by way of context.

The use of large institutions to take care of children and adults who were unwanted by their families, their communities and their churches was a well-established practice in Ireland until quite recent times. We now know that these institutions were very often not caring but downright abusive and damaging to those who were consigned into their care, children whose only crime was to have been orphaned, abandoned or poor. The idea that the institutions were reformatory schools for children who had committed offences is misleading because most of them had not committed offences at all.

Industrial schools were originally designed for a good purpose, which was to provide children with skills development that would enable them to transfer into employment when they left, thereby enabling them to move out of the cycle of unemployment and consequent poverty. We now know that some children did receive education in these institutions, as well as support into employment and that many have had successful lives, continued strong links with and affection for members of the religious congregations who ran the institutions. However, many more of them had horrendous experiences in environments that were of themselves brutalising and within which, according to the report of the Commission to Inquire into Child Abuse, neglect and psychological, physical and sexual abuse was both endemic and systematic. We also know the effects of such early childhood abuse are lifelong, multiple and have diminished the lives of many people in many ways.

As for the State's responses to this situation, there was a period of concerted campaigning for justice by survivors. The broadcast of the television documentary "States of Fear" in 1999 was seminal in provoking the then Taoiseach's apology on behalf of the State to survivors and the Commission to Inquire into Child Abuse was established. The commission went on to hear evidence from more than 1,000 survivors through its confidential and investigation committees. Counselling services were also set up at that time for survivors and their relatives, followed by a scheme of financial redress in 2002 and an education finance fund in 2006.

The Residential Institutions Statutory Fund Act was passed by the Houses of the Oireachtas in 2012. It provided for the establishment of a statutory fund, to be financed by religious congregations, to support the needs of those survivors who had received awards of compensation through the redress board, through settlements with religious congregations or through orders of the court. The board of the fund first met in March 2013 and began its work of designing and planning the services it would provide for survivors. I took up my role as chief executive in April 2013, bringing to it a strong commitment to ensuring that the fund would operate in a way that was effective in addressing the needs of a group of people that all evidence indicated were extremely disadvantaged as a direct result of their childhood experiences. My professional background, which spans over 40 years, includes significant experience campaigning for the rights of people who are socially excluded, particularly women, single parents, children and people who are homeless, as well as in the design, delivery, management and evaluation of services for them and in leading change across services and voluntary and statutory sectors.

The establishment of the statutory fund was controversial and the approach agreed by the Houses of the Oireachtas was opposed by some survivors, many of whom argued for the division of the fund equally among all those who were eligible to apply. Others were dissatisfied with the eligibility criteria and advocated for the inclusion of people who had not received

redress and the relatives of survivors. In response to this latter point, a commitment was given by the then Minister in the course of the adoption of the Bill to reviewing the eligibility criteria after two years of operation. This is the review that the Minister, Deputy Bruton, is about to begin.

In setting up and in respect of the design of the services we put in place, we were highly conscious of this challenging context and were deeply committed to ensuring that what we did was informed by the needs and expressed preferences of survivors. This approach was helped by having four survivors on the board and by carrying out an extensive consultation with potential applicants. The majority of potential applicants were ageing and many of them would clearly find it difficult to engage with a service that was in any way bureaucratic or rigid. It was with these survivors in mind that we designed our application process on the principle that if it worked for the most vulnerable, it would work for everyone. Our central aim was and continues to be to put survivors at the heart of everything we do.

Our application process is values-based, needs-led and person-centred. It is broken into different stages. There is an initial stage and a further stage and when people are ready to make applications to us, they are appointed a dedicated adviser to provide support, advice and information in making an application and in respect of referrals to and advocacy with other organisations and services, as necessary. We try to ensure there are no barriers for someone in applying to us and we pay particular attention to ensuring our application and other information materials are accessible. Plain English is used in all documents explaining how to make an application, we have easy-to-read versions of the application leaflets and there are videos with sign language and subtitles on our website. We are prohibited in the legislation from contacting people who can apply to us directly. We organise a number of outreach events every year at which applicants and potential applicants can come to meet advisers and other staff face to face. In Dublin, we hold a monthly clinic with interpreting services at the deaf village in Cabra for people who are deaf or hard of hearing and offer online face-to-face assessments to them through the Irish remote interpreting service.

We began to accept applications in January 2014. By the end of April 2017, 5,209 people were eligible to apply to us. Of those, 350 were waiting assignment, 2,483 were in process – there is a typographical error in the figure in the written submission given to members - and 2,376 had been completed. That is 7% waiting and roughly half in process and half who have been completed. Payments had been made to 4,504 individuals and spend on services to the end of March was €60 million. The average value of assistance provided through the application process is €13,000 and the average number of payments to each applicant is eight. Through the course of an application, there are, on average, 30 telephone calls in addition to whatever written correspondence there might be. We have had hundreds of thousands of contacts to and from applicants since we opened in 2014 and have received 192 complaints to the end of April. Relative to the number of transactions and interactions, that is a relatively small number. There is an independent appeals mechanism in place. Just 4% of our decisions which have gone to appeal have been overturned by the independent appeals officer. More information on our activities and outputs is available on our website and in the briefing document supplied to committee members.

Before finishing my statement I want to refer again to the Commission to Inquire into Child Abuse. Many of the people who testified to the commission did so to ensure that such abuse would be prevented in the future and this is reflected in the recommendations made by the commission, of which there were 20. In the coming couple of years, as Caranua prepares to wind

down its operations, it plans to make a contribution to prevention by learning from the past through an independent evaluation of its impact and by capturing the experiences of survivors, that is, of their abuse and early childhood experiences, of redress and their lives since then, as well as their views on how these experiences can be used to build the capacity of other services to recognise and respond to the effects of childhood trauma. This is not well understood as survivors do not go around with a label on their head reading “I am a survivor”. When they approach a GP, the mental health service or a local authority, they do not present as a survivor but as someone with a need. Often, the issues which underlie their needs stem directly from their time in institutions. It is important that all services recognise and deal with that point in order to deal effectively with the needs these people have and to prevent further traumatisation. We look forward to the support of the committee in our work.

Deputy Thomas Byrne: I welcome Ms Higgins and Mr. O’Callaghan. In my Dáil speech on the last Private Members’ motion I said that, generally speaking, State bodies can be assumed to be doing a good job and should generally be given the benefit of the doubt. However, I am disappointed with Ms Higgins’s statement today. It has substantial similarities to the statement given to the Committee of Public Accounts a few weeks ago, although it is not identical. Different committees have different functions so I was expecting something different. The statement completely fails to recognise statements of varying levels of dissatisfaction with Caranua in the Dáil, from the Minister and other Deputies, myself included. I also said I hoped Caranua was listening to what Deputies were saying. We may not all be right but I would have thought some of the charges would have been answered today as it was a perfect opportunity to do so. We did not need to know about the set-up of Caranua as the Oireachtas passed it but it is always important to remember the victims and to keep them central.

There have been a few issues of controversy in the past few weeks. First were the various expressions of dissatisfaction by Deputies. Can these be responded to? I assume the leadership of Caranua watched the Dáil debates. There was some confusion at the Committee of Public Accounts about the issue of rent. It is a matter for that committee, of course, but there is a chance to clarify matters today and we need that information too, so that we can ascertain what rent has been paid, what has to be paid and what efforts have been made to look for office accommodation at the lowest price. At what point did it appear necessary to the board and the witnesses to use the survivors’ fund to pay the rent? I accept that offices have to be paid for but these are important issues and there has been a lot of confusion.

I am also surprised that the €15,000 limit was not mentioned in the statement as it is a matter of some controversy, with some people alleging that this was an illegal decision. I am not saying they are correct but I would be very grateful for the witnesses’ view of the allegations. What is the position of Caranua on winding up the fund and spending the money? What is the objective? There have been suggestions that the €15,000 limit was not brought in for administrative reasons or reasons of fairness. I believe an auditor had recommended some kind of limit but there have been suggestions that it was brought in to keep the thing going for as long as possible, despite the fact that this particular State board does not have such a function.

The question of eligibility is a matter for the Oireachtas and not the witnesses but I wonder if they have any views on it. The other important issue, on which I have also put down parliamentary questions, relates to the legal requirement for contracts to be approved by the Minister for Education and Skills. There has been a suggestion that it was not done in the case of rent. Can the witnesses clarify that, and whether Caranua has entered into other contracts which were not put before the Minister for Education and Skills as they should have been?

Deputy Catherine Martin: I apologise for having to leave after I ask my questions but I will look at the answers later. It states in the submission that the processes for which Caranua has time standards are met at an average of 90% of the time. Can Ms Higgins give us an idea of which processes these are and how Caranua comes up with these time standards? It also states that the number of complaints received was small compared to the volume of interactions relating to applications. In an article in *The Irish Times* in March, Ms Higgins was quoted as saying that “some applicants will never be happy” and “You can’t control people’s experience of what we do for them”. She went on to say, “It’s never going to be enough to satisfy them and make them feel cared for, loved, honoured or whatever else”. Does she accept that the language she used is highly regrettable? These are survivors in their twilight years.

Ms Mary Higgins: Am I to answer questions as they arise?

Chairman: No. We will take questions from all members and we will then come back to the witnesses for answers.

Deputy Catherine Martin: The language is of huge concern, considering Ms Higgins’s role. The survivors are in their twilight years and have already been appallingly treated by the State. Such language does a huge disservice to them. I find it hard to believe the contention in the submission that Caranua is unaware of the reports of dissatisfaction on the part of many people in their dealings with the organisation, when these reports have been made available to the general public. Caranua means “new friend” but survivors feel there is no friendship in the organisation.

Why did the management implement the prioritisation policy and how did it believe it could be justified under the legislation? What was the rationale for a general policy which put all reapplicants, whether they have been awarded small or large sums, into the same deprioritisation category? Surely the board’s primary function is to accept process and to determine applications. Caranua sent out 2,500 letters on foot of this policy from November 2015. Do the people involved have a right to appeal? Did the organisation inform them of a right to appeal? In September 2016, Caranua accepted that this was an oversight on its part but it has done nothing to deal with the issues. How many of the 2,500 people involved has Caranua written to? Does it intend to contact all of them to clarify their rights? How exactly did Caranua come to the figure of €15,000 as a limit?

Senator Lynn Ruane: I will look at four key areas. Can the witnesses give some clarity on the prioritisation policy? What was the reasoning behind it and what was taken into consideration when adopting it? Do they think the policy, when applied to subsequent survivor applications, has the effect of ignoring the merits and the ongoing needs of the survivor? If they are kept in limbo and their applications parked because they are repeated applicants, it ignores the merits of their applications. Can the witnesses comment on that? Did the board receive legal advice as to whether the adoption of the policy would go beyond its statutory powers? This is important not only from the point of view of the remit of the board, but also the rights of the applicant.

In relation to the €15,000 limit, Caranua said in the Committee of Public Accounts that the figure of €15,000 as a cut-off point came from the survivors. Given that there was no consultation, I would like to get clarification on the point that it came from the survivors.

It was stated in the Caranua financial statement for 2015 that the reason for the €15,000 limit was based on the concerns of internal auditors. What were those concerns? Some have

reported that it was the fact that the money was reducing and some applicants had not yet applied. According to information I received following an FOI request, as of 30 April 2017, Caranua has just under €33 million still in its account. I question the setting of the cut-off point when there is still such a large amount to be spent, especially given that we are dealing with an ageing population. As Deputy Byrne said, it is really time to wrap up the fund and spend the money that is there. The limit of €15,000 undermines the principle underlying the setting up of Caranua, namely, to meet ongoing needs. Ongoing needs do not have caps but a cap of €15,000 has been introduced and that will not address the ongoing needs of the survivors. It was also stated in correspondence I received that a representative from Caranua said that the policy had been introduced because, to paraphrase her, she strongly believed some people just got too much.

In terms of section 23 of the Residential Institutions Statutory Fund Act 2012, I understand Caranua has now received legal advice on whether the board has the authority to disclose confidential information if it so decides under section 23(3)(a). I think it was Mr. O’Callaghan who recently responded to me but I might not be correct in that regard. I got a response to the effect that the legal advice had been received but Caranua had not disclosed what that legal advice was in response to the inquiry that came into its office during the week. The witnesses might be able to give an update on that.

One of the principles underlying the setting up of Caranua relates to advocacy. How do the witnesses feel Caranua has advocated on behalf of survivors? For four to five months I have received consistent weekly and sometimes daily phone calls and emails to my office from survivors and none of them has been positive. The only common denominator is Caranua and their experience of Caranua. Given the language that was used in the article in *The Irish Times*, to which Deputy Catherine Martin referred, I do not understand how a board continued to support a CEO that used such language in relation to the vulnerable people for whom they are there to advocate. I was disgusted.

I read another letter that was sent out by Caranua on the cut-off point stating:

“As you know, you have received significant support from Caranua since you first applied to us. We are delighted that we are able to respond to your needs and we hope that [this is the worrying bit] you will continue to enjoy the benefits of what you have received.”

I question the language, the wording and the communication used to communicate with survivors of institutional abuse, for example, the reference to “enjoying the benefits” as if it is a gift, something additional to their lives. If Caranua really sees itself as an advocacy body and it was concerned about the dwindling funds in its account, the two best pieces of advocacy that I would consider as the only option would be either for Caranua to advocate for the survivors so that the fund increased or that it would go back to the religious orders and say it is continuing to try to meet the ongoing needs and that more funds are needed. I would not want anybody who spoke of institutional survivors and who used language like that advocating for them. I believe Ms Higgins should step aside from her position so that somebody who is more compassionate-----

Chairman: I want to draw the line there.

Senator Lynn Ruane: I said it was my opinion.

Chairman: That does not matter.

Senator Lynn Ruane: At the end of the day we are dealing with an advocacy body.

Chairman: Senator Ruane is a member of the committee.

Senator Lynn Ruane: The common denominator is Caranua. I get it daily and sometimes three and four times a day. I can send you correspondence, Chairman. My office is filled with it. These are people who are struggling to deal with Caranua. In fact, I would say that Caranua is reinforcing some of the trauma that the State originally placed on them. Ms Higgins should really consider how Caranua does business.

Deputy Carol Nolan: I thank the representatives of Caranua for coming here today. It is extremely concerning that in too many instances complaints have been raised. We are talking about survivors of abuse. It would take a great deal for them to reach out to any organisation for support and it is unacceptable for them to be left as disillusioned as many of them are at present.

It is also of concern that many of the survivors were not consulted about the terms of the redress scheme in 2002. Many people feel that the consultation process that was undertaken should have been survivor-led and survivor-centred. In the Six Counties, we had a redress scheme that was based on a consultation process undertaken by Professor Lundy of Ulster University. A different approach was used in that instance. First, why was the redress scheme not survivor-led and survivor-centred?

Second, why was the decision relating to the prioritisation policy and the decision to close files not made available much sooner? It is my understanding that the decision was made on 29 July 2015 by the board, but it was not made available until months later. That rings alarm bells with me.

In terms of the rejection of applications from survivors, as I said at the outset, it takes a lot for any survivor to reach out and it caused distress when their applications were rejected. That is a fact. The way it was communicated caused anger and frustration. What will be done to address the situation? To be quite frank, all of us have received complaints from too many survivors. What will be done? I ask that my questions be answered.

Deputy Catherine Connolly: I am not a member of this committee so I thank you, Chairman, for allowing me to speak. I have a number of questions and I will make them very specific. Could Mr. O'Callaghan tell me whether he had any input into the re-appointment of some board members but not others? Likewise, did Ms Higgins have any input into that on any level whatsoever?

I will address my questions to Mr. O'Callaghan as the chairman. Someone said that when he came into Caranua in March 2014 that it was a shambles. I want to ask the questions. I have read the minutes - God help me, my life must be sad, but I have gone through all of the minutes on the bus to and from Galway.

We were told there was a memorandum of understanding, MOU, with Towards Healing. Mr. O'Callaghan told us the cut-off point was 80 sessions and above that, payment kicked in. Is that right?

Mr. David O'Callaghan: That is right.

Deputy Catherine Connolly: Is that still the position? I address my questions to Mr. O'Callaghan as somebody who has been re-appointed. Obviously the Minister has faith in

him and he has put him back in charge of this. I expect a response to my questions now. A total of 80 sessions was the cut-off point and Mr. O’Callaghan has said that is still the position. I understand that the cut-off point is 40 sessions and that is in the report published online by Towards Healing. The figure was changed to 40 sessions as far back as January 2016. Why does an organisation which was described as a shambles in March 2014 and presided over by the chairman, who was reappointed, still have a waiting list of eight to ten months? Can that be clarified? On the figures for January 2016 onwards, I understand that very few applicants have applied. It is in the hundreds. As such, how can there be a waiting list?

On the refurbishment of new premises, what premises were refurbished, what was the cost and did the Minister give permission? Talbot Street and other new premises were mentioned. On the breach of data protection legislation, I understand the board had in-house legal advice. How was this not pointed out? How did it come to the survivors to highlight the breach of legislation? On the money going to the children’s hospital, why was that being discussed at one of the board meetings? What was the concern around that? Am I completely wrong if I interpret that as the board worrying that there would be money left or not left? I hope I am wrong but can I be told?

On contracts, I understand the Minister for Education and Skills has not given permission for a lease. Has he or has he not? Has Caranua sought permission? Is there a list of all the other contracts? There seems to be an awful lot of them with Lazars, Capita and a whole lot more names I do not have. Having gone through the minutes, there was a new contract practically every month or every second month. Contracts were on client awareness, corporate branding, and a bonding exercise in Carlingford. Did the Minister give permission for those? On funeral expenses, I understand from the minutes that a very outspoken member, who I do not know, raised funeral expenses at a very early stage, but it took quite some time to say they would be allowed. Even when they were allowed, it has been applied in a most inconsistent way. Some people who apply get their funeral expenses while others do not. The witnesses might clarify that for me.

According to the minutes, concern was expressed continually about the level of expenditure, which was rising. What the chairman was referring to was the actual payout to clients. I do not think that was expenditure, it was what they were entitled to get. However, Caranua referred to it as expenditure rather than to use that term to refer to the expenditure on private contracts or rent, the refurbishment of new buildings or a bonding exercise up in Carlingford. There are a lot of questions there.

I turn to the matter of rent. The CEO has apologised since, in a written letter to the Committee of Public Accounts, and said that what was said in this regard was incorrect. He clearly said Caranua was not paying rent. The chair was there as well and heard the question “Are you paying rent?”. The answer was “No”. Subsequently, it transpired that Caranua was paying rent from May 2016 onwards. It is over €100,000 and Caranua has paid half of it. Can the witnesses clarify how they did not know they were paying rent and why Caranua was paying rent when it was there for three years without doing so? I have asked this of the Minister and the Office of Public Works and I am asking it of the witnesses now because there was a constant thing about premises. What was wrong with the premises where Caranua was? Did it ever get permission for any of the proposed moves? There was talk of going to Talbot Street and somewhere else. Why was there a need to move at all when there were free premises? What has the Office of Public Works said to Caranua or the Minister? Who is putting pressure on Caranua to leave?

Caranua brought in a priority system and a limit. I put it to Caranua that while both were

certainly worthy of discussion at board level, the manner in which they were introduced is flagrantly in breach of the Act. Caranua has built in an unjust, inconsistent and inequitable system.

Chairman: If Ms Higgins and Mr. O’Callaghan do not have the answers to all of the questions, they can feel free to write to us afterwards with any answers for which they do not have the information. We will be happy to circulate that to all of the members and to Deputy Connolly.

To say a few words myself, when I started to look at the remit of Caranua and listen to the stories, the first thing that struck me was the name, which means “new friend”. If one came from a very vulnerable situation where there were feelings of low self-esteem having experienced a lack of respect, one would feel this body should be offering friendship and support in a new way. From what I have listened to and heard from survivors, they certainly did not have that experience, which is very unfortunate. They came from a place where they felt that at least somebody had listened and there was going to be some element of support in terms of housing and education. They felt they would be able to apply for help and support which would in some small way mitigate the wrong which had been done to them. They have gone through what I perceive from my interactions with survivors has been a generally negative process. I am really sorry to say that because I would like to be here saying that this was established with the very best protocols and practices for the most vulnerable people we have. In my view, they have not been dealt with appropriately.

There appear to have been many communication problems. I have heard from survivors about phone calls going unanswered and not being responded to. Someone was waiting for a case worker for a long period of time, to which Ms Higgins referred in terms of the dedicated officer that would be in place. There may have been a dedicated officer in place in many instances, but that dedicated officer would change. There was a lack of continuity in terms of dealing with particular individuals. These are situations in which survivors had not opened up to family and friends about where they came from because they wanted to get on with their own lives. When they then opened up the world of hurt that came from childhood, they did not get the supports.

Ms Higgins was talking about the counsellor service, Towards Healing. I have had communication from some of those counsellors as well. They feel that, in many instances, the survivors who came to them for counselling about what they had gone through in their childhoods now needed counselling for the treatment they had received from Caranua. That is regrettable. Like other members, I have been contacted by a number of people, some of whom I had known since childhood without realising their background. It took a lot of courage to come and talk about their experiences in the past and the experiences they are having now.

I turn to some questions. The Act states that the board will pay former residents from the investment account and provide them with grants to avail of approved services. How does the board assess the selection criteria for such grants? We have heard of people who have been turned down and we need to know why. I appreciate that the witnesses cannot go into individual cases, but the selection criteria are hugely important. Having heard the average time for an application and understanding that the administration costs have risen significantly but that fewer applications have been made, I feel that having additional staff in place would not reduce the backlog of applicants significantly. The two sides of the same coin are telling a different story in that regard.

The issue of rent was raised before. I know of another organisation that got a premises

through the OPW. It had to leave it last year and seek another for which it would have to pay and from which it could operate. I do not know whether the OPW changed its policy. This is quite possibly what Caranua is facing.

I thank the delegates for their statement and the information they sent in. They say Caranua is values-based, needs-led and person-centred. That certainly sounds good, as does the statement that the board is open, transparent and accountable. It is commendable that there are four survivors on the board of nine. All of that tells a very good story but if the board does not serve the needs of the people for whom it was set up, it is not satisfactory. The experience of survivors tends to be negative. I have no doubt that there are many positive stories and that we are not getting to hear them. We are getting to hear the negative ones. We have a duty to all those people who have contacted us to raise these issues.

Language was highlighted by a number of members. I have read some of the language that has been used by the survivors describing how they feel they have been treated. They have felt they were not respected. They have felt upset, traumatised and very stressed. These are words they have all used. Having heard some of the anecdotal accounts of the language used by caseworkers at the end of the telephone, I believe it certainly leaves a lot to be desired. It is very concerning. In the letter, we asked the delegates to refer, in particular, to expressions of dissatisfaction. I accept the delegates' statement in their written submission that they could not respond on particular cases. There has been dissatisfaction at such a level, not just at this meeting but also in the media and the press, that I feel we have to get some response to it, making reference to the steps Caranua takes to ensure it operates in accordance with best practice, to the reported erroneous closing of active cases and to the new, complicated and confusing guidelines that have been introduced. These require a response.

Ultimately, we are here as legislators to try to assist the survivors, in the first instance, and also Caranua in the performance of its functions. In the delegates' opinion, is there anything we can do as legislators to assist them in the performance of their functions? I will now hand over to Ms Mary Higgins, and then to Mr. David O'Callaghan. I will then give the members an opportunity to contribute.

Ms Mary Higgins: I will start with the issue of dissatisfaction, which I did address in the document we sent. We can address only the issues that are brought to our attention. We do receive complaints in our office. I have recorded how many we received. We get feedback also. What we do when we receive complaints is examine them. We work out what has happened and what we have done. If we have done something wrong, we say we are very sorry and we put it right. If, however, the complaints are not being made to us, there is nothing I can do. Just as I said to the members of the Committee of Public Accounts, members of this committee should bring complaints about us to us if they receive any. Then we can consider them and do something about them. If we are contacted by Members of the Oireachtas, we always respond. We will always offer to sit down and talk and explain how we work, or do whatever else is required. I ask members now to come to us if they are receiving complaints and allow us to respond to them. If they do not come to us, we have no way of knowing what exactly is going on.

We are not happy to be sitting here with one person after another saying this is a rubbish service when that is not our experience. It is not what we are trying to do. We very deliberately set out to design a service that would not retraumatise people. We thought very carefully about it. We have staff who have been very carefully selected for their values, attitudes, skills and experiences. They are well managed. We do not get everything right all the time. We make mistakes, we get things wrong, and we have bad days the same as everybody else. When that

happens, we say we are sorry. When somebody says it would be better if we did such a thing, we examine the proposal and say it would or that it is not possible, for whatever reason. We are not a closed organisation; we are an open organisation. It is very difficult for us to hear all this negativity and not be able to understand to whom and to what specific incidents it refers. Not knowing makes us powerless to do anything about it. If people receive negative feedback about us, they should please come to us, and do so at the time they get it. Time is very important in resolving those issues.

A number of the issues that have been raised have been addressed. I am not saying anything bad about that. The rent issue is very considerable. I will start and Mr. O'Callaghan can finish on it. I will outline the history of our position in regard to premises and rent so everybody can be very clear. It might be a little detailed and I hope it will not be too boring for members but it is important to spell it out clearly. I started in April 2013. I was placed in an office, where we still are, and I was told by the Department that it was temporary and that we would need to find alternative accommodation. There was work done, through the OPW, to source alternative accommodation for us.

Deputy Catherine Connolly: Was that the Department of Education and Skills?

Ms Mary Higgins: The Office of Public Works sought to source alternative accommodation.

Deputy Catherine Connolly: Who said-----

Ms Mary Higgins: The Department of Education and Skills. It said the accommodation was temporary and that we would need to find alternative accommodation. We spoke to the OPW and reviewed a few places that might work. For one reason or another, they did not.

The Department then suggested that we did not need to go through the OPW and that we could go out and look commercially. We sourced a building. It is on Talbot Street, which is why it is referred to in the minutes. That was approved by the board. It was approved in principle by the Department. Fitting out needed to be done. I should not use the word "mess-up" but it took a long time, there was to'ing and fro'ing and we lost the architects we had to do the fit-out. In the end, the premises would have been too small for us considering our current size. We lost that premises.

The premises issue went away for a little while. The premises we are in is very shabby and is quite unpleasant. We continued looking for accommodation on and off and then the board - not being keen on the idea of having to spend money on rent, because we were rent free, presumably because there was a temporary arrangement, rather than anything else, that continued on - agreed that we would invest, together with the OPW, in the building we were in. Some painting and decorating took place. We also replaced some of the furniture, knowing that wherever we were going to go, it could come with us. It was, therefore, not going to be a waste of money.

Shortly after we had done that, we were informed by the OPW that the lease on the building had expired and that it was not going to renew it. That was last May. We were given notice to quit, effectively. What happened was that the lease was extended for a year, and then the OPW undertook to find us premises together with the other people in the building. It has done this. I refer to the premises now under consideration. We negotiate and work in very close contact with the Department of Education and Skills so we are not going off doing things that are not

known to it. In respect of the lease not being approved by the Department, there is no lease at the moment. We are in negotiations and know where the premises are and how much it will cost but because of some legal thing that is going on between the owner of the property and the OPW, we do not have a lease and in that context, the Department cannot sign a lease and we cannot present it to it. That is the issue. That is a potted history of our premises, if that makes sense to people.

Chairman: It does. I thank Ms Higgins for clarifying it.

Mr. David O'Callaghan: May I come in here?

Chairman: Of course.

Mr. David O'Callaghan: The situation is very similar to the Government agency mentioned earlier on. We were working in a rent-free premises and the board said this is fine. Any rent we pay has to come out of the fund. We are conscious of that so we said "No, we are rent free so we will hang on here". So it was not our idea to look for a new premises. We were told the lease was up. It is very similar to any Government agency as far as I know. This is not an initiative by the board to just up and move from rent-free premises to plush new accommodation. That is not what it is about.

Ms Mary Higgins: I know the rent is very high. It is a lot of money but it is not an extraordinarily high rent in light of current rent levels. I know the issue of car parking spaces has been raised as well. The three car parking spaces for an organisation would not be for staff but for visitors and board members. Obviously, some of our visitors would have disabilities as well so it would be important to have some place for people to park. It is not a huge amount of car parking space and it is not for staff. I do not even drive so I do not have a car so it is definitely not for me.

Senator Lynn Ruane: Does that mean that the new premises would be very accessible in terms of survivors being able to interact with Caranua and call in?

Ms Mary Higgins: That would be our hope.

Senator Lynn Ruane: Obviously, the communication issue regarding email and phone calls has been very difficult so a face-to-face service would probably solve some of that and give some sort of access.

Ms Mary Higgins: Yes.

Senator Lynn Ruane: Through the Chair.

Ms Mary Higgins: Sorry, I am not sure of the protocol. It is our intention to diversify our offering for survivors. We will not just say we might be able to do things in our office and that is as much as we will do. We will be doing different things and are looking at how we might do that, in particular, going into the areas where people live and working with the services there because it is really important to remember that we are not a permanent fixture in their lives. We are a temporary thing so we need to be sure that we are not engaging or developing a dependency and we then go away and they are left wondering what happened and are let down again. We are looking at diversifying the range of options that are available to applicants and this is in our strategic plan.

Chairman: That is fine. Does Ms Higgins want to answer some of the other questions?

Ms Mary Higgins: The next one I have up is the €15,000 limit. I think I did explain in the document how that came about. To give a potted history of it, the issue of expenditure referred to by Deputy Connolly was a matter of concern. It was not that we were spending the money but that we were spending so much money on so few people when there were so many more people who had yet to benefit from the fund or even apply to it. There was an issue for us in terms of the review we carried out in 2015 into the sustainability of the fund and ensuring that it would be there not just for the people who had already benefitted from it but those who had not yet applied to us. Another issue involved the fact that many applicants were telling us that they did not want education, which is fine because many survivors do not want it, but that the housing repairs, adaptations and improvements we could do were of no use to them because they were in rented accommodation and they wanted others. They wanted things like household goods such as fridges, settees, carpets, floor covering and decoration. That is what we were looking at when we carried out the review in 2016. The limit was introduced on the basis that we needed to introduce it otherwise all of it would be spent on a small number of people and we would not then be able to comply-----

Senator Lynn Ruane: Would that not be counterproductive in the sense that the longer Caranua continues to spend on administrative costs, the more it will eat into the fund anyway so it will take away from the people who are looking for a repeat application or above the €15,000? The longer it goes on where Caranua is waiting for new applicants, the more it is eating into the fund anyway be it through the rent or administration.

Ms Mary Higgins: It is not our intention to do that. As Mr. O’Callaghan said, we are very conscious of the fact it is survivors’ money. It is a fund for survivors. It was the Houses of the Oireachtas that decided that all the administrative costs should come out of the fund. I wish it was not the case but it is. It is our job to operate within the law and that is what we have to do. It is not our intention to keep going forever. It is not what we want to do. We have no staff on contracts. My contract will finish next year. The members will probably be glad to hear that. Everybody else is on specified purpose contracts so it is not as if we are permanent members of the Civil Service or Caranua. It is not our intention to keep going forever. When the new board gets down to its business, one of the first things it will look at is setting a closing date and announcing that so that people will begin to understand that it will not be there forever. That will help to mobilise people towards us. I know people apply and then do not come back to us.

Senator Lynn Ruane: Would that remove the limit?

Ms Mary Higgins: At the time we made the changes last year, we undertook to review it within 12 months and that is what we are preparing to do.

Mr. David O’Callaghan: This may answer a point that Deputy Byrne raised earlier about whether we are trying to prolong this thing *ad infinitum*. There was a presentation of the board last February. Based on certain assumptions that we would get the €14 million that is outstanding from the religious congregations - we will assume we will get the total figure of €110 million - we are making grants to survivors on the current average and will be closing this scheme by 31 December 2019. Before that, we will probably have a closing date of 31 December 2018 for new applications. The final grants will be paid around mid-2019. The end is in sight here. We are not trying to prolong this thing *ad infinitum*. We have a limited fund and current forecasts have final grants being paid in mid-2019 and staff being laid off thereafter.

Ms Mary Higgins: One of the questions related to winding up the fund and I think Mr. O’Callaghan probably answered it. That is what we are doing and we plan to do that in a con-

trolled and managed way. Deputy Byrne raised the issue of eligibility, which is a matter for the review. The issue of contracts not being approved was raised. All I can say is that we work very closely with the Department. We are not going away and doing things that are not approved. The thing with rent might illustrate that. I am trying to think of whether there are instances when we entered into contracts without approval but I am not conscious of any.

Senator Lynn Ruane: Through the Chair, it is just to stay on point with what was spoken about at the time. In respect of the Towards Healing contract, is it true that Towards Healing is a religious-run service? Is anything taken into account when we look at contracts? It relates to money taken out of a religious order for survivors being paid back in through a contract with a religious organisation.

Deputy Thomas Byrne: Ms Higgins was helpfully answering a question I asked about contracts in general and the statutory provision there. Did the Senator finish asking her question? That might be a specific point. Had Ms Higgins finished answering that question?

Ms Mary Higgins: I think I did answer it and then another question was asked.

Deputy Thomas Byrne: So there are no examples of contracts of which Ms Higgins is aware? I am only asking the question because this was thrown out in the Dáil last week.

Ms Mary Higgins: I am not aware. If that is not elaborated on, it is very difficult for me to say “Yes” or “No” with certainty.

Chairman: I will let Ms Higgins, as CEO, answer all the questions. I will not let anybody else in again. However, if the Deputy needs to ask a supplementary question when Ms Higgins and Mr. O’Callaghan are finished, he can do that.

Ms Mary Higgins: We were asked to clarify what the time standards relate to. This is a very interesting question. We have time standards for the beginning of the application process and the end of the application process, but we do not have any for the middle. I think this was what the Minister was referring to in the Dáil last week. The reason we do not have them is that it was completely unpredictable and there was no point having a time standard we would not be able to meet. For the time standards regarding response to the first stage of the applications and verification of eligibility, we undertake to turn those around within ten working days. In over 90% of cases we are compliant. At the other end after a decision has been made on a payment, we try to get the cheques out within 20 working days and we do that most of the time. It is not as high as 90%, but it is certainly over 80%.

Chairman: Okay. I thank Ms Higgins for that.

Ms Mary Higgins: There was an issue about “unaware of reports”, but I think I have dealt with that. They have not come to us and therefore I am not aware of the detail. Therefore it is very difficult for us to, first, comment on and then rectify any problems.

Senator Ruane asked about the policy of prioritisation. Again it was a question of trying to manage a difficult situation with people coming with applications, our considering those applications, our completing those applications and them coming back. With new people coming in we were just not able to get to them. Again it comes back to the point about trying to manage the fund in an equitable way. In 2015 the board decided it would prioritise new applications over the repeat ones. That does not mean we ignore repeat applications. We do deal with them and each of them is assessed when they come in. We also give priority in a different way. We

give priority to people aged over 70 and we give priority to people with urgent medical needs. That is where there is a repeat or an initial application.

Chairman: I ask Ms Higgins to outline the selection criteria for grants. I understand what she has said about the over 70s and people with medical needs.

Ms Mary Higgins: We are limited in what we can do by the legislation; it is health, education and housing. People will make applications to us and we will have a conversation about what they want and why. For some things we need professional recommendations. If somebody is looking for some kind of adaptation to the home because of a disability or something, obviously we will need to seek evidence of the disability through something like an occupational therapy or consultant's report. We need to get quotes and those kinds of things. People must have evidence in some way for those large-cost items. We need to ensure that service providers are registered, professional and tax-compliant. I believe I have also set them out in the document here. They are the basic ones we look for.

There was something about ignoring the merits of individual cases. I do not quite know where that comes from. We look at the individual.

Senator Lynn Ruane: I think what I was saying-----

Chairman: I am sorry. The Senator can come back afterwards.

Senator Lynn Ruane: It was directed at me.

Chairman: The Senator can come back afterwards.

Ms Mary Higgins: Somebody said something about the €15,000 limit coming from survivors. If I said that, I have no recollection of saying it. I do not know why I would have said it. We had a conversation with survivors about introducing a limit. Many people said it should have been there from the beginning and it would have been fairer. When we complete the review in the coming months we will be able to give feedback on what people think about that.

Deputy Thomas Byrne asked about section 23 and putting aside confidentiality and legal advice. I ask Mr. O'Callaghan to answer that.

Mr. David O'Callaghan: I believe Deputy Connolly is also interested in the question. We got some criticism from the Comptroller and Auditor General that we were not doing enough checking of applications and that we were not going out to suppliers to confirm that works had been done. Under the Data Protection Act and our own Act the feeling was that we had to preserve the confidentiality of our survivors at all costs. However, we had to develop some mechanism to check on whether works were done or else we would be in default with the Comptroller and Auditor General. We got legal advice on how we could do this and we now have a formula, which I will present to the first meeting of the new board, hopefully on 21 June. We have a formula for investigating whether works were done or not. That is the situation regarding confidentiality.

Ms Mary Higgins: Senator Ruane asked about-----

Mr. David O'Callaghan: Someone asked me about that and I replied by email with that very message yesterday.

Ms Mary Higgins: Our advocacy really relates to individuals, although I know at the very

beginning people said they wanted a voice for survivors again. We do not over-claim what we are able to do for people, but we have been able to intervene, improve and bring other services into a situation, which has improved people's lives and will improve their lives into the future. Any member, who is aware of specific cases where people are disappointed or whatever, should bring them to our attention for investigation. We want to be able to do things for people properly.

On the language in letters, we try earnestly to write in a way that conveys more compassion - although I do not want to use that word. We try not to write in a way that is bureaucratic and rigid. We try to write in a way that people will understand and get the message.

Somebody spoke about something additional to their lives. We were set up to give something additional. It is important to recognise that what we provide is not instead of everything else that citizens are entitled to receive by virtue of the fact that they are here and have needs. We are here to provide something in addition to that. If we have said we are providing something additional, it is because that is what we are trying to do. Sometimes there can be misunderstanding about what exactly we can do. We operate under legislation. There are restrictions on what we can do. We cannot pay for a mortgage, rent or debt. We cannot pay for a number of things and this gives rise to disappointment and anger among people. It is not something we can do. It is not within our control to change that because of the legislation.

There was a suggestion that we go back to religious orders for more money. It is not our role. It is the role of the Minister to do that, were he to decide to do that. If we had more money, we would need to be very clear about what is needed and what it would do. We may need to look at the service needs and how services might be developed and improved to meet the needs of survivors who have suffered and continue to suffer. In my observation, their ageing process escalates and their medical needs are very real and severe. I think they need service interventions. We have been in contact with the HSE, for instance, on an enhanced medical card. Things such as physiotherapy, alternative therapies and chiropody services make a difference to people. They are not necessarily readily available in the quantities needed. We need to look at those kinds of things and the committee might be able to help in that regard.

Somebody said it was disturbing that complaints had been made. It is disturbing. It is more disturbing to me than anybody else that complaints have been made. It is about bringing them to us.

Deputy Nolan discussed the redress scheme and the lack of consultation in that regard. I was not involved at that time and am not sure exactly what took place. However, some consultation was carried out, albeit possibly very limited. I cannot comment any further on that issue.

In regard to Caranua not being survivor-led, we are person-centred rather than survivor-led. We do our best to work with survivors and their support groups and to listen to what survivors have to say. We will do more in terms of deepening our engagement with them. The strategic plan provides for that.

There was a question regarding the appointment of a new board and the involvement-----

Mr. David O'Callaghan: That was Deputy Connolly's first question. I must inform the Chair that this is tricky ground because the appointment of board members is a matter for the Public Appointments Service and, ultimately, the Minister. I was party to appointments to the board. I advised on criteria to be used in the selection process, I briefed the selection committee

on those criteria and I was part of the team that selected people whose names were sent forward to the Minister. There are outstanding appeals to the Minister and the Public Appointments Service in regard to the process. Until those appeals are dealt with in the normal way under the code of practice of the Public Appointments Service I can go no further on the issue.

Ms Mary Higgins: A question was asked regarding the children's hospital. That issue has caused confusion. It was discussed at board meetings because board members and I were confused about it. Our fund is capped by legislation at €110 million. If more money comes from the religious congregations, it will be put into a separate fund and will be put towards the children's hospital. That is a matter decided by the Oireachtas rather than an action we took.

There was a question about complicated materials. We have worked very hard to make our materials simple and straightforward. They are in plain English and are stamped by the National Adult Literacy Agency. There are easy-to-read versions of documents. There are films with subtitles and sign language on our website. We are always open to listening to criticism or suggestions on how our materials might be improved and then making improvements if we can.

In terms of funeral expenses being inconsistently applied, I do not know what the issue in that regard might be. There is a limit to funeral costs that will be covered. We might go over the limit if required in a specific circumstance. It should be borne in mind that we are person-centred and therefore prioritise dealing with the person over rigidly applying the rules. If people with concerns about inconsistencies relate them to us, we can consider those concerns.

There was an issue about Towards Healing and the Catholic organisation. To explain, we pay Towards Healing rather than the applicant having to get receipts, quotes or whatever it may be from the counsellor. However, people who come to us are already engaged in counselling with Towards Healing counsellors. The counsellors are not Catholic or anything else. Towards Healing has contractor rather than in-house counsellors. We pay for counselling, which is one of the things we can do. That is the arrangement with Towards Healing. However, I take on board the Deputy's point.

Mr. David O'Callaghan: Perhaps I may answer Dr. Connolly, or should I say Deputy Connolly's question.

Deputy Catherine Connolly: I think I require a doctor at this point.

Mr. David O'Callaghan: As for the question of 40 sessions, my information, from the chairperson of Towards Healing, is that it is 80 sessions.

Chairman: Have the witnesses finished their responses?

Ms Mary Higgins: I have responded to everything I had on my list. I hope I have not missed anything.

Chairman: I thank the witnesses for their frank answers. I will give each Deputy and Senator one opportunity to readdress any issue they need.

Deputy Catherine Connolly: I am not a member of the committee. Would the Chairman rather that I wait to ask a question?

Chairman: I will let Deputy Connolly ask her question because I have let Senator Ruane ask several already.

Deputy Catherine Connolly: I asked Mr. O'Callaghan several questions. I asked him if he was involved in the appointment of board members and he answered that query. I asked him if the CEO was involved.

Mr. David O'Callaghan: I will answer those questions now. If I missed any questions, I apologise.

Deputy Catherine Connolly: I asked if he specifically was involved and he said he was. I understand he does not want to go into it because there is an appeal in process but he has confirmed that he was involved in the selection procedure.

Mr. David O'Callaghan: Yes, I was.

Deputy Catherine Connolly: I asked if the CEO was involved in that procedure.

Mr. David O'Callaghan: She was not.

Deputy Catherine Connolly: It is recorded in the minutes that the Minister for Education and Skills did not give permission for the refurbishment of the premises. Deputy Thomas Byrne, who raised this issue, has left the meeting but I want it clarified that permission was not given. The Department of Education and Skills did not give permission for the refurbishment of the premises. That is recorded in the minutes. What was the list of contracts, other than suppliers, that Caranua got, such as those of Mazars and Capita? I address these issues to Mr. O'Callaghan as he is in charge of governance. I am very conscious of roles. He is the chair of Caranua and governance is an issue for him, together with the board, rather than the CEO. The CEO's role is to serve the board and it is there to serve the survivors. Governance is an issue for the chairman. I asked specifically whether the cut-off is 40 or 80. He clarified that the cut-off in regard to Towards Healing is 80.

Mr. David O'Callaghan: Yes.

Deputy Catherine Connolly: I again put it to the witness that a report on the Towards Healing website states that the cut-off point has changed to 40 from January 2016. The witness is not aware of that----

Mr. David O'Callaghan: I am aware that there has been a change and I am aware of the cut-off point of 40 but as regards where we come in, it is the 80. We will pay over 80. We are not paying anything extra over 40.

Deputy Catherine Connolly: I thank the witness for clarifying that. I also asked about a waiting list. The organisation in March 2014 was described as a shambles. We are now in 2017 and, by the witnesses' own admission, there is an eight-month waiting list. Survivors say the list is longer but I will use the witnesses' figure of eight months. The length of the waiting list has not been addressed, notwithstanding that Caranua has its full complement of staff and that the number of survivors coming forward for the first time is at an all-time low. I do not think the Chairman wants me to interact with the witness. I would love to interact.

Chairman: I would rather if the Deputy put her question and allowed the witness answer it.

Deputy Catherine Connolly: How can Mr. O'Callaghan stand over that delay of eight months? Did the Minister give permission for all the contracts signed up to by Caranua? Again, I am addressing all of these questions to Mr. O'Callaghan. The breach of legislation was very serious. It was not just in regard to suppliers; it was in respect of the information received from

the redress board. That information was misused. Was there a private company involved in that when it made its presentation in regard to the details that were received? A presentation was given in regard to the information from the redress board-----

Mr. David O'Callaghan: That was before my time in Caranua. The Deputy is going way back to-----

Chairman: The question of whether there was a breach of legislation is not a matter for this committee.

Deputy Catherine Connolly: Mr. O'Callaghan has been re-appointed as chairman of Caranua. I would appreciate if the Chairman allowed me finish. We have heard from the CEO and Mr. O'Callaghan that Caranua is survivor-centred and so on. I do not see evidence of that. I am here to ask questions and I am, therefore, asking questions. If nothing was learned from a breach of legislation and the witnesses are not even aware-----

Chairman: I ask the Deputy to refrain from referring to a breach of legislation because-----

Deputy Catherine Connolly: I am not saying that. I beg the Chairman's pardon. I am extremely-----

Chairman: Is the Deputy going to withdraw the comment?

Deputy Catherine Connolly: I will tell the Chairman exactly where it was recorded. It was recorded in the minutes. The majority of the board apologised for the breach of legislation. The Minister was very concerned by the breach of legislation, as were the survivors, but the board was not aware of it until it was brought to its attention, notwithstanding that legal advice had been given on it. Mr. O'Callaghan has clarified the issue in regard to Towards Healing. It has been confirmed that there was no permission for the refurbishment of the new premises. What about the other contracts? Senator Ruane mentioned a figure of €33 million. I understand that the amount left in the fund is much bigger than that. I thought there was a different figure of €60 million still left in the fund.

Mr. David O'Callaghan: No.

Senator Lynn Ruane: This is the National Treasury Management Agency, NTMA, investment fund, so if there are other accounts-----

Deputy Catherine Connolly: I want the figure for the full amount that is left. Where do the decisions the chairman referred to about a cut-off date figure in the minutes? The only minutes I have not seen are those of the last March meeting. I would like an answer to those questions.

Chairman: I would just make the point that if somebody outside this committee indicates that there is a breach of legislation, it is not necessarily up to us to make a point on it.

Deputy Catherine Connolly: I am sorry. The board accepted it, not me. The board apologised for the breach of legislation brought to its attention.

Chairman: Yes, but the Deputy is introducing it into this-----

Mr. David O'Callaghan: In fairness, the Deputy is going back to the very first months, before my time.

Deputy Catherine Connolly: There were subsequent breaches but the Chairman does not

want me to go into those.

Chairman: I would rather the Deputy did not. Senator Ruane wants to ask a question.

Senator Lynn Ruane: Has Deputy Connolly finished?

Chairman: She told me she was.

Deputy Catherine Connolly: I did not say anything at all because the Chairman interrupted me. I realise that I am extra to the committee, so to speak. It was the clarification-----

Senator Lynn Ruane: They are very important questions and I am willing to forgo my opportunity to speak. I have only one question.

Deputy Catherine Connolly: I am finished. I am sorry; it was the decisions. When the chairman sends out a letter, he knows well that it has to be clear, according to the legislation. It has to be a decision, so the survivor can appeal that decision. Is he aware at this precise time how many survivors have received letters that are not clear and therefore they cannot appeal? Some were sorted out by the appeals officer, but other survivors have been left with a letter with which they could not appeal. For example, they were told their case was complete or given some other reason, and when they went to the appeals officer it was not a decision. The ones that went to the appeals officer were corrected, but the other ones have never been corrected. Is the chairman aware of how many survivors have got such letters that have now allowed them to appeal?

Chairman: I thank the Deputy for raising that.

Senator Lynn Ruane: I have one question, and it relates to the last question asked by Deputy Connolly. My concern is about the letters regarding their right to appeal and the number of people that received them. As the witnesses know the names of the survivors to whom those letters were sent, can they give a commitment to write to all of them informing them of their right to appeal and the process due to them? Will they contact the survivors who received those letters?

Chairman: I will hand back to Ms Higgins, and this will be the last response.

Ms Mary Higgins: The completion is not a decision, as such. It is part of the administrative process. We do not write a decision letter stating that the person's case or application is open or that we will do this or that. We have not seen it as a decision to refuse something, in which case somebody could appeal it. That is the reason for that.

Senator Lynn Ruane: Effectively, however, if someone is being left in limbo-----

Ms Mary Higgins: No. Somebody can apply again. We have got 5,000 applications. We have 12 advisers. We cannot have all of those open and active all of the time because it would not be physically possible to do that. To have some shape and order on the way we process applications, we assess people, get whatever it is that we need, make decisions, make payments and complete them on the basis that we have had the conversation with the applicant and they are satisfied that their needs have been met, and that they have not got anything pressing at the moment. If we complete, they can come back and repeat the application.

Senator Lynn Ruane: I refer to the live applications and the prioritisation. People are being prioritised based on new applicants.

Ms Mary Higgins: Yes.

Senator Lynn Ruane: The applications from the older applications are not being assessed. They are being left in limbo because of the prioritisation.

Ms Mary Higgins: Not entirely. They are not given the same priority-----

Senator Lynn Ruane: In a sense, it is an indirect decision because the ongoing needs of that person are not being met and the fund was set up to meet their ongoing needs. If their application is being put on the long finger, their needs might be immediate, which means they are not being assessed on the merits of their application. They are being assessed on prioritisation.

Ms Mary Higgins: They are. Every single application that comes in is assessed. If it is a repeat application, there would be an initial assessment to see if there is an urgent need or if this person is over 70 years of age.

Senator Lynn Ruane: I have a case of a 75 year old woman who I will not name. She sought help for a hip replacement and dental care and she is still trying to communicate with Caranua to get it to do that.

Ms Mary Higgins: Bring it-----

Chairman: The Senator has to raise it. I have done that with survivors and I have contacted the organisation directly. Senator Ruane needs to do that. She may have done so already.

Senator Lynn Ruane: I should not have to do that. It should work.

Ms Mary Higgins: Everything does not work.

Senator Lynn Ruane: If it has not worked-----

Ms Mary Higgins: Things go wrong.

Chairman: If something has been brought to Senator Ruane's attention, she should go directly to Caranua. Does Mr. O'Callaghan want to respond on anything else?

Mr. David O'Callaghan: Are we finished? Can I make a closing remark?

Chairman: Yes, when we are finished. Deputy Connolly put some questions to Mr. O'Callaghan in the last round.

Deputy Catherine Connolly: The waiting list.

Chairman: This is about refurbishment.

Senator Lynn Ruane: No, the waiting list.

Deputy Catherine Connolly: It is about the waiting list.

Mr. David O'Callaghan: The point about the waiting list is that there are some cases that are eight months old. As Ms Higgins said, all cases are assessed when they come in and the priority ones are dealt with urgently, the over-70s in particular, although we had an exception to that as mentioned by Senator Ruane. The current target is that by the end of June, those arrears will be reduced. The eight months will become six months and we will be making improvements as we go along.

We have a limited resource. We could double our staff but those salaries would come out of the fund, so it is self-defeating.

Chairman: Yes. I take that point.

Mr. David O’Callaghan: We can only use the resources as best we can.

Chairman: Does Mr. O’Callaghan want to make a closing statement?

Mr. David O’Callaghan: I just want to thank the committee and say that I will bring all of the points made to the attention of the board. It pains me if even one survivor is being given the run-around and there is a delay. We have 12 very dedicated executive officers who are dealing with these cases. They are conscientious and all of them have a background in dealing with underprivileged and vulnerable people. They know what they are doing. We hear of the cases where we fall down but they get “thank you” letters and cards every day of the week. I was there today and one adviser got a huge box of chocolates from a survivor who is living in the United States. I would like to get the message across that there are good stories as well as bad stories. It is not just words when we say that the survivors are at the heart of what we do. We have no other *raison d’être* except to look after the survivors. We are not trying to save money or prolong this process. I am doing this purely *pro bono*, and I am happy to do it because it is well worth doing. That is all I can say. I will report everything the members said to the board.

Chairman: I thank Mr. O’Callaghan for that. I thank both witnesses for coming in and engaging with the committee. I appreciate that it is difficult when they are only hearing negative stories but they were the stories we had come across. We wish them well in the work they do, which is hugely important. We look forward to continued engagement and we will take up the witnesses’ offer to contact them with particular cases, which I have done in the past. Senator Ruane said we should not have to do that, and I accept that, but there are cases where the survivors need that extra help and who better to give that or to be an advocate than their public representative, be that a Senator, a Deputy or a councillor.

We had an engaging meeting. I learned a lot, and I appreciate the answers the witnesses gave to the many difficult questions.

The joint committee adjourned at 8.40 p.m. until 4 p.m. on Tuesday, 27 June 2016.