



**CITIZENS TO SEPARATE
CHURCH & STATE**



Citizens to Separate Church & State

Irish National School Trust

and Equality in Education Alliance

“Every National School is for Every Child”

Memorandum to those drafting Programme for Government 2016

Introduction

CSCS and INST present **The National Schools Solution** as the only workable solution to the difficulties with **Access and Religious Instruction in state funded National Schools**. The difficulties have been caused by the discontinuation of separate religious instruction in 1971, and the introduction of so-called “Catholics First” (and other religious denominations) admissions policies since 2000. We call on the Minister to give meaningful effect to Rules 54 and 69, and to Article 44.2.4 of the Constitution

The National Schools Solution

The Minister for Education and Skills should send a Circular to all primary schools recognised under Section 10 of the 1998 Education Act. The Circular, under Section 33 of the 1998 Act, should instruct all such schools as follows:

1. National Schools

All primary schools recognised under Section 10 of the 1998 Education Act must be designated as National Schools. For all such schools, the inscription “National School” or “Scoil Náisiúnta” shall be put up conspicuously on the school building, and in view of the public road.

2. Admissions

No National School shall make any enquiry as to the religious beliefs of any child or of his/her parents/guardians' religious beliefs prior to the admission of the child to the school. There shall be no priority given to children seeking entry to a National School on the basis of the child's or his/her parents/guardians' religious beliefs (an end to religion tests for admissions)

3. Religious Instruction

The Patron may appoint such religious instruction as they may think proper to be given in a National School under their patronage, provided that each School be open with equality to children of all religious beliefs and none – that no child shall be compelled to receive, or be present at, any religious instruction to which the parents or guardians object – that the time for religious instruction be so fixed that no child shall be thereby excluded directly or indirectly from all of the advantages that the School affords. Subject to this, religious instruction may be given either during the fixed school hours or otherwise. (Article 44.2.4 and Rules 54 and 69)

Notes on the “National Schools Solution” above:

- ⤴ The National Schools Solution is a return to the National School system as it was originally designed, and to the situation which was in place from 1831 to 1971 (when religious instruction was integrated into the secular curriculum).
- ⤴ The National Schools Solution would allow, in the vast majority of schools for a “local children first” admissions policy. But it would also allow for special National Schools which might prioritise, for instance, children with different disabilities.
- ⤴ Ireland was before the UN Committee on the Human Rights of the Child in early January last accounting for its treatment of children in our National Schools in relation to discrimination on the religion ground.

The UN Report (published 1 March 2016) under the heading Freedom of Thought, Conscience and Religion states:

The Committee is concerned that children are not ensured the right to effectively opt-out of religious classes and access appropriate alternatives to such classes.

The Committee recommends that the State party ensure accessible options for children to opt-out of religious classes and access appropriate alternatives to such classes, in accordance with the needs of children of minority faith or non-faith backgrounds.

- ⤴ The National Schools Solution allows for National Schools to return to abiding by the Constitution (see 1996 Constitutional Review Group Report which details breaches).
- ⤴ The National Schools Solution allows for the continuance for separate boys' schools and girls' schools, as is tradition in some parts of the country.
- ⤴ The National Schools Solution allows for privately funded denominational primary schools (not National Schools), such as Willow Park in Blackrock, Dublin or C.U.S, Leeson Street, Dublin. Such schools are allowed under Section 42.1 and 42.2 of the Constitution, and are catered for specifically in Section 7,3(c) of the Equal Status Act 2000 (which allows for religious discrimination in admissions in very limited circumstances). There are approximately 55 “independent” primary schools in Ireland which receive no state funding – no teachers' salaries etc. These schools are not subject to the Rules for National Schools. Article 44.2.4 does not apply to these exclusively privately funded schools.
- ⤴ The National Schools Solution allows for the continuation, for instance in National Schools under Catholic patronage, of religious instruction being provided in such National Schools – within the parameters of SOLUTION 3 above. Such separate religious instruction worked perfectly well for more than one hundred years well into the mid 20th century – during a period when the Catholic Church thrived in Ireland. A Catholic child should notice very little change from the situation as exists at present.
- ⤴ The National Schools Solution addresses the failure of many schools to give meaningful effect to Rules 54 and 69 of the Rules for National Schools, and the provisions of Article 44.2.4 of the Constitution, relating to the right of a child to attend any National School without receiving religious instruction at that school.
- ⤴ It should no longer be a practice to build new schools to cater for children of different religious beliefs and none - as all National Schools, regardless of the patronage, will be schools that are suitable to all children. Creating new National Schools merely to have a different Patron is a waste of scarce state funds.
- ⤴ New schools should only be built where the existing National Schools cannot be expanded to cater for larger numbers of local children seeking admission. No matter which patron may be appointed to such a new school, the school should be perfectly suited to all local children, regardless of their or the Patron's religious beliefs.
- ⤴ All parents should be able to vindicate their right to state funded education in their local National School.
- ⤴ All children growing up together should be able to attend their local National School together (even though the patronage of the school may be of a different religious belief).
- ⤴ Parents will continue to have the right to bypass their local National School – in an effort to gain state-funded religious instruction in a more distant National School. They will, however, not receive any priority in entry to such school on the basis of their religious beliefs.

- ⤴ The National Schools Solution recognises (as did the Joint Oireachtas Committee for Education and Social Protection) that “divestment” to a variety of patronages when combined with so-called “Catholics First” admissions policies etc., would lead to segregation, rather than to integration which should be the aim of all schools in receipt of state funding.
- ⤴ The Rules for National Schools were not issued as a Statutory Instrument as required by the Statutory Instrument Act, 1947. For clarity, it would be desirable to have the Rules made compliant with the Constitution, codified, and reissued.
- ⤴ Both CSCS and INST bodies have long experience of the National School system with members who have been Elected Parents’ Representatives on numerous School Boards of Management, members who have been promoting people’s freedom to make informed choices about religious, spiritual and philosophical beliefs, as well as protagonists against the State (as Campaign to Separate Church & State) in a constitutional challenge in the Superior Courts (1997-98).

Roman Catholic Bishop of Kildare and Leighlin, James Doyle (JKL) spoke on the issue of state support for education of the poor in Ireland before a Parliamentary Committee in Westminster in 1830:

"I do not see how any man, wishing well to the public peace, and who looks to Ireland as his country, can think that peace can ever be permanently established, or the prosperity of the country ever well secured, if children are separated at the commencement of life on account of their religious opinions. I do not know any measure which would prepare the way for a better feeling in Ireland than uniting children at an early age, and bringing them up in the same schools, leading them to commune with one another, and to form those little intimacies and friendships which often subsist through life. Children thus united, know and love each other, as children brought up together always will; and to separate them is, I think, to destroy some of the finest feelings in the hearts of men."

This short speech captures the essential guiding characteristic spirit of the National School system which was initiated the following year – in 1831. It is possible that the time has now come, in 2016, to bring Bishop Doyle's vision to fruition.

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