



IPPN Submission to the Department of Education and Skills

**Education (Admission to School) Act 2018 -
Revisions to Section 29 of Education Act 1998**

4th June 2020

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1 INTRODUCTION

This submission captures IPPN's issues, concerns and recommendations in relation to the proposed Revisions to Section 29 of Education Act 1998 and the Education (Admission to School) Act 2018.

Given the tight deadline, consultation with IPPN members (primary principals and deputy principals) was not possible and consultation was necessarily limited to key IPPN Support Office staff and our legal advisor. For any future consultation process to be effective, we request that significantly more time be afforded to stakeholders to properly consult those most affected by legislation – school leaders and Boards of Management in this case.

We would appreciate further opportunities to engage in relation to the details of the proposed amendments, to ensure they are fair, clear, and sufficiently detailed so as to minimise confusion and problems in implementation.

2 IPPN RECOMMENDATIONS

We will begin by highlighting our key recommendations:

1. Retain the facilitation process as a more informal step which can avoid the need for formal hearings
2. The Principal should receive training and detailed guidelines in relation to the administration of the Admission Policy
3. Boards of Management should receive training and detailed guidelines in relation to the review of a decision regarding the admission policy
4. Time limits for a review by the Board of Management need to be clarified and published
5. A directive prohibiting the direct naming of a school principal in relation to any statement issued by the Board of Management is required
6. A maximum timeline of three weeks should be afforded to an applicant seeking a Board of Management review. This timeframe gives sufficient notice to a board without extending the process unnecessarily, accords with the minimum time period for applicants to apply to for a place in the school, and is also in accordance with the required timeframe for a Board of Management to reply to an applicant.

3 KEY ISSUES AND CONCERNS

We identified a number of issues and concerns with the proposed amendments:

3.1 SPECIFIC AMENDMENTS

1. In a situation where there was a direct failure on the part of the Board that had 'a material effect on the application and the school is full', is the only remedy to place the applicant on the waiting list?
2. *"The existing provisions for a facilitation process to take place prior to the hearing of an appeal is removed."* Why has this facilitation process to be removed? Is the withdrawal a cost saving exercise? In IPPN's view, facilitation should be retained, as it can be less adversarial and is also less formal than a Section 29 Appeal. It is worth considering the percentage of cases that have been settled by facilitation and which did not proceed to a full hearing. These figures must be available and would be very telling.
3. *"The procedures may set out different periods within which appeals will be heard and determined for each type of appeal"* - There should not be different time limits as this will lead to confusion and will make the process cumbersome.

3.2 GENERAL POINTS

1. In relation to the role of the facilitator and the informal process being removed, what supports will be given to the majority of principals who teach full-time, to make the process manageable? The reality is that the burden of administration in relation to all school policies falls on the principal, regardless of whether they teach in addition to their leadership and management role. Adding additional layers of bureaucracy in an already heavily prescribed process will not help the process, and will add to the burden on school leaders.